

Susan & Richard Seutter
65 V St. NW
Washington, DC 20001

June 1, 2015

Via Email

Zoning Commission
441 4th St. NW, Suite 200-S
Washington, DC 20001

Re: Case No. ZC 14-11

Dear Zoning Commissioners:

My husband and I write to you as concerned, invested, and immediately affected residents who hereby submit our comments to the proposed amendments in the above-referenced case concerning pop-up development. Although we commend the Zoning Commission's (hereinafter "ZC") intent to address the concerns of DC residents with this proposed rulemaking, we note further below its opposite effect in key areas.

We know firsthand and all too well the negative effect of pop-up developments in R-4 districts as we are currently watching one go up across the alley from us at 42 W St. NW, in addition to dealing with a current proposed pop-up for the home adjacent to us at 67 V St. NW. We purchased our Bloomingdale home in the summer of 2013. In the fall of 2014, our immediate neighbors at 67 V St. NW sold to a developer. The investor with whom we have been dealing is Richard W. Wang of Samson Properties in Chantilly, Virginia, however, "WS HOMES 67 V ST LLC" holds title to the property. Meanwhile, 67 V St. NW has remained vacant and in a state of neglect since early December 2014. Mr. Wang, a resident and citizen of Herndon, Virginia, submitted a comment letter to you on May 12, 2015 - Exhibit 199 to Case No. ZC 14-11 - with the misleading DC address of 67 V St. NW.

We did not imagine spending our newlywed days learning DC Code, exploring the vague confines of our very few rights, battling DCRA, spending thousands on a structural engineer and an architect to review the developer's plans, losing sleep, and shouldering the stress and emotional distress of navigating an incredibly developer-friendly system simply in an effort to defend our home, yet here we are living our own "nightmare in our dream home" much like the title of a recent WAMU news story covering the other end of this pop-up issue - that of the buyer left holding the bag of the shoddily-constructed home purchased from a bad developer. Since the construction of the massive pop-up at 42 W St. NW, which we have dubbed "the Titanic" (pictures enclosed), caused partial collapse of the party wall in 40 W St. NW, we are reminded yet again just how much is at stake as we are literally facing the

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CASE NO. 14-11
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EXHIBIT NO. 320

EXHIBIT NO.320

possibility of our own home falling down on us. While Maryland and Virginia developers profit at our expense, DC residents like my husband and I face a lonely and taxing uphill battle that not every resident is able to take on.

Matter-of-Right Conversion

We support § 330.7(c) reducing the current matter-of-right height limit of residential buildings and any additions thereto from 40 feet to 35 feet. As evidenced by the record in this case alone, the many documented instances of serious structural damage resulting from conversion construction underscores the fact that our 80 to 100-year old walls are not made to withstand the loads that conversions bring, thus any height reductions are helpful in this area as well as other areas including, but not limited to, loss of light, snow melt, and “retain[ing] the row house pattern” per Comprehensive Plan Policy MC-1.1.5.

We also support § 330.7(h) limiting a “pop-back” from extending further than 10 feet beyond the furthest rear wall of any adjoining house. In our case, and similar to the pop-up at 42 W St. NW, the proposed pop-up at 67 V St. NW will subject us to a four-story wall rising over 30 FT that extends more than 40 FT (including rear decks and stairwells) or the majority of the length of our property line enshrouding our already-shady north facing backyard in further darkness. The proposed three decks off the back in addition to the roof-deck will subject us to multiplied levels of noise and loss of light, air, and privacy that will significantly detract from our quiet enjoyment of our backyard as well as our ability to maintain our backyard landscaping and gardening, not to mention the loss in our property value.

However, we do not support § 400.1 allowing a maximum height of 40 feet for new construction of three (3) or more immediately adjoining residential row houses. This promotes faster and more severe destruction of our neighborhood on a much larger scale. By way of example, the developer of 42 W St. NW has purchased at least three additional properties on that one unit block alone in the span of just a few months and is inquiring for more. Although only two of these are adjoining (42 W St. NW and 40 W St. NW – the latter of which the developer purchased *after* the construction in 42 W caused partial collapse of the party wall in 40 W), this “3-in-a-row” provision encourages an escalation of the already-predatory practices of realtors, investors, and developers currently targeting the homes in our neighborhood, and ultimately the razing of row houses en masse.

We urge ZC to reconsider § 330.7(e) allowing matter-of-right conversions of up to four units, which hit the District's already low stock of family housing of 3 bedrooms or more in direct contravention of the Comprehensive Plan. The Home Rule Charter requires that zoning “shall not be inconsistent with the Comprehensive Plan.” The Comprehensive Plan provides:

Provide a larger number of housing units for families with children by . . retaining existing single family homes .. [and] row houses.
Policy H-1.3.1

During the revision of the city's zoning regulations, review the residential zoning regulations, particularly the R-4 (row house) zone. Make necessary changes to preserve row houses as single-family units to conserve the city's inventory of housing for larger households. As noted in the Land Use Element, this should include creating an R-4-A zone for one and two-family row houses, and another zone for multi-family row house flats. **Action H-1.3.A.**

The Comprehensive Plan's Land Use Element also provides:

Develop a new row house zoning district or divide the existing R-4 district into R-4-A and R-4-B to better recognize the unique nature of row house neighborhoods and conserve their architectural form (including height, mass, setbacks, and design). **Action LU-2.1-A.**

When the Office of Planning ("OP") initiated Case No. 14-11 in June of 2014 to curb destructive pop-up developments in R-4-zoned neighborhoods, the core component of OP's original proposal was to eliminate the provision in the Zoning Regulations that allows matter-of-right conversion of one and two-family row houses into apartment buildings. This would have resulted in allowing no more than two-units as a matter-of-right. We respectfully request ZC to reconsider OP's original proposal in this regard.

Inclusionary Zoning

We do not support § 330.7(f), 2603.8, and 2603.9 proposing to attach Inclusionary Zoning requirements to conversions of single-family houses. The Comprehensive Plan calls for the protection of single and two-family houses in R-4 zones, and ZC is duty bound to follow that instruction. It therefore does not follow that ZC may override that mandate and substitute its own discretion to encourage the continued conversion of houses in order to create affordable housing units. That said, ZC may wish to consider the possibility of adding Inclusionary Zoning incentives to the renovations of the larger institutional and non-residential structures within R-4 zones. These larger structures would seem to offer more realistic possibilities for creating affordable units in a manner consistent with the Comprehensive Plan.

Affordable Housing and the Housing Shortage

Furthermore, while realtors and developers alike defend pop-ups with arguments that they're providing affordable housing and addressing housing shortages, the luxury condos that result from these conversions are anything but affordable. For example, 42 W St. NW, which was purchased for \$450,000 in January of

2014, just listed its units for \$649,000 (unit # 1), \$669,000 (unit # 2), and \$759,000 (unit # 3). In another nearby conversion at 2026 North Capitol St. NW, which was purchased for \$650,000 in November of 2013, the units sold for \$745,000 (unit #1) and \$825,000 (unit # 2) in March and April of 2015 respectively.

We should remember the need for affordable rental units as well. Comprehensive Plan **Policy MC-1.1.5** provides that "[l]and use controls should discourage the subdivision of single family row houses into multi-unit apartment buildings but should encourage the use of English basements as separate dwelling units, in order to retain and increase the rental housing supply " When the 3-person family (parents with one child) who owned 67 V St. NW sold their home to a developer, that sale also displaced a renter of nine years who lived in their English basement.

R-4 neighborhoods need families to sustain and improve schools and other community necessities and amenities that ultimately prove beneficial for all, yet depleting the already-dwindling stock of family housing and carving it up into luxury condos will result in unbalanced, homogenous neighborhoods unable to meet the needs of any families that remain. Moreover, as family housing becomes more and more scarce, the price of family housing will only skyrocket at an artificial pace that far exceeds the regular real estate trends, pricing more and more families out of our neighborhoods.

Mezzanine

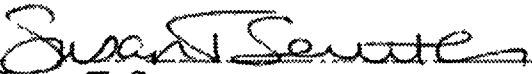
We support the amended definition of "Mezzanine" in § 199.1 providing that a mezzanine counts as a story in determining the maximum number of permitted stories in an R-4 District.

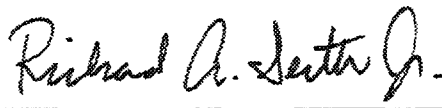
Implementation

Finally, we implore you to please provide the following: (1) **immediate implementation of these amendments**; (2) **application of the amendments to pending permit applications**; and (3) **a moratorium on the current regulations until the new rules are effective**. OP's original proposal is almost one year old. We have waited too long for relief, and in the meantime, the proliferation of pop-ups has caused irreversible damage that has forever changed our neighborhoods.

Thank you for your time and consideration of this matter.

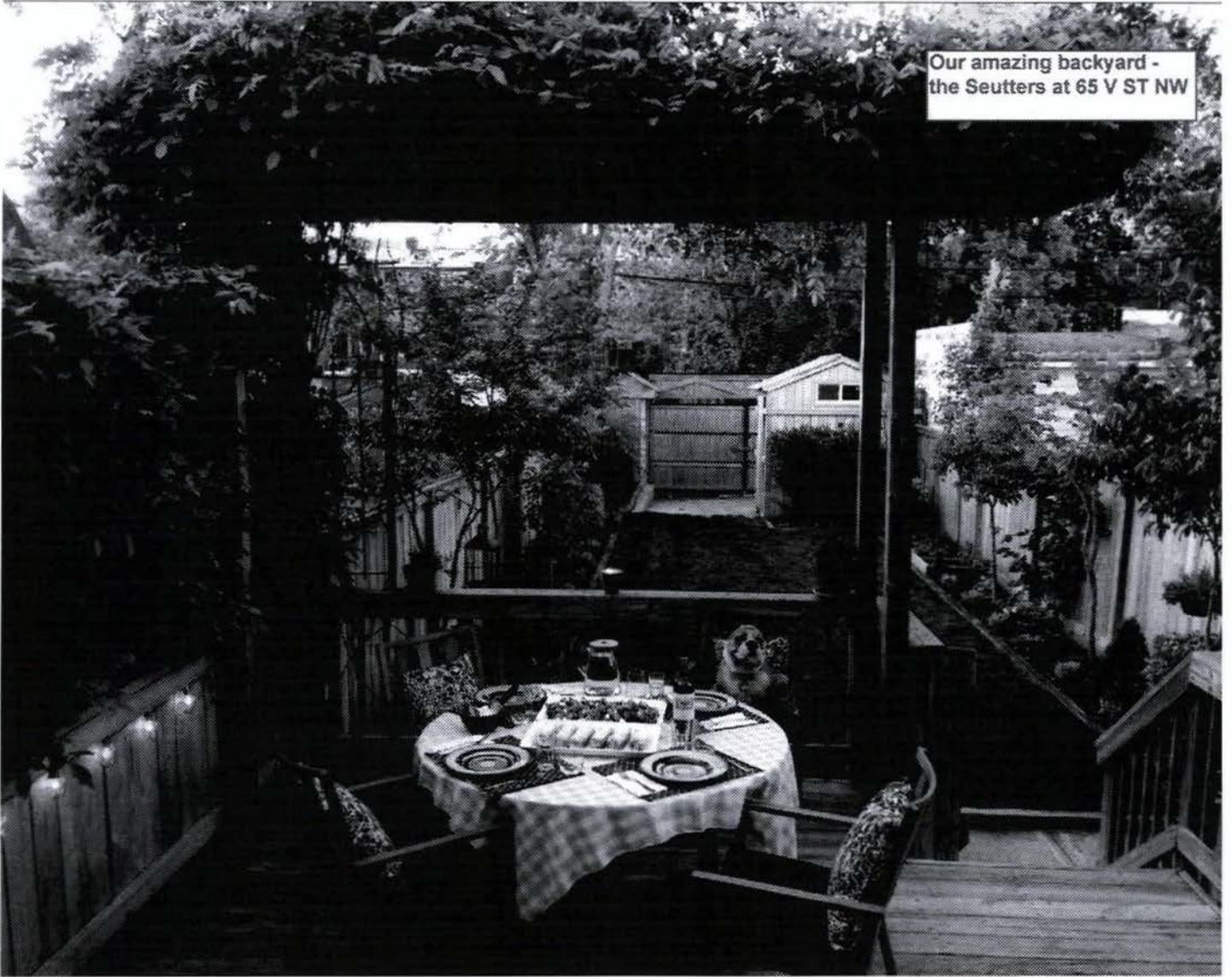
Sincerely,


Susan T. Seutter


Richard A. Seutter Jr.

Encls.

Our amazing backyard -
the Seutters at 65 V ST NW



Scale of proposed
conversion - 67 V St NW
Application ID - B1505056

- 1 METAL STAIR & LANDING
- 2 STAIR RAIL MET. PANEL

ELEVATION KEYNOTES:

- 1 EX-TENSION GABLE PT BRICK-CLIFF
- 2 REMOVE EXIST. FINISH
- 3 67" V CLADDING MET. PANEL
- 4 REPAIR/REPLACE MET. CLADDING
- 5 MET. CLADDING (ON BRICK & MET. CLIFF)

EXTERIOR FINISHES:

- 1000000 EXIST. BRICK
- 1000001 HARBOR PANEL, 1 COLOR: 100
- 1000002 HARBOR PANEL, 2 COLOR: 100
- 1000003 CONC. LAMPPOST



DONG ARCHITECTS
8013 Frost Way
Arlington VA 22203
Tel: 703.606.6888

No. _____ Date _____
Project No. _____

SCALE: As Shown

67 V Street
67 V Street NW, Washington, DC 20001

Developer

WS Homes
67 V St LLC

Professional Seal

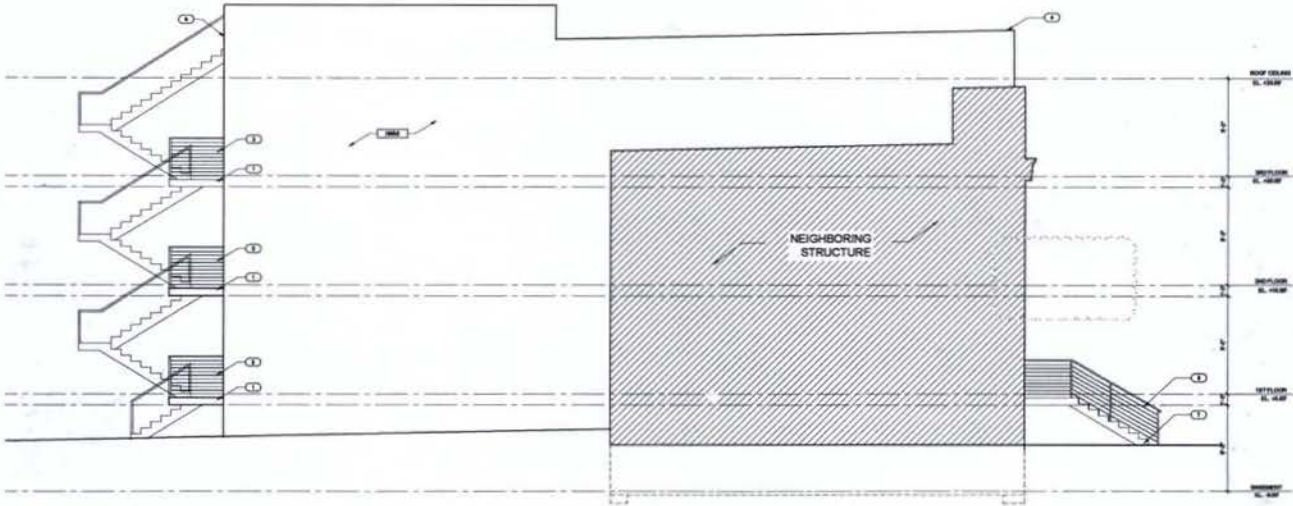


Sheet Title

SIDE ELEVATION

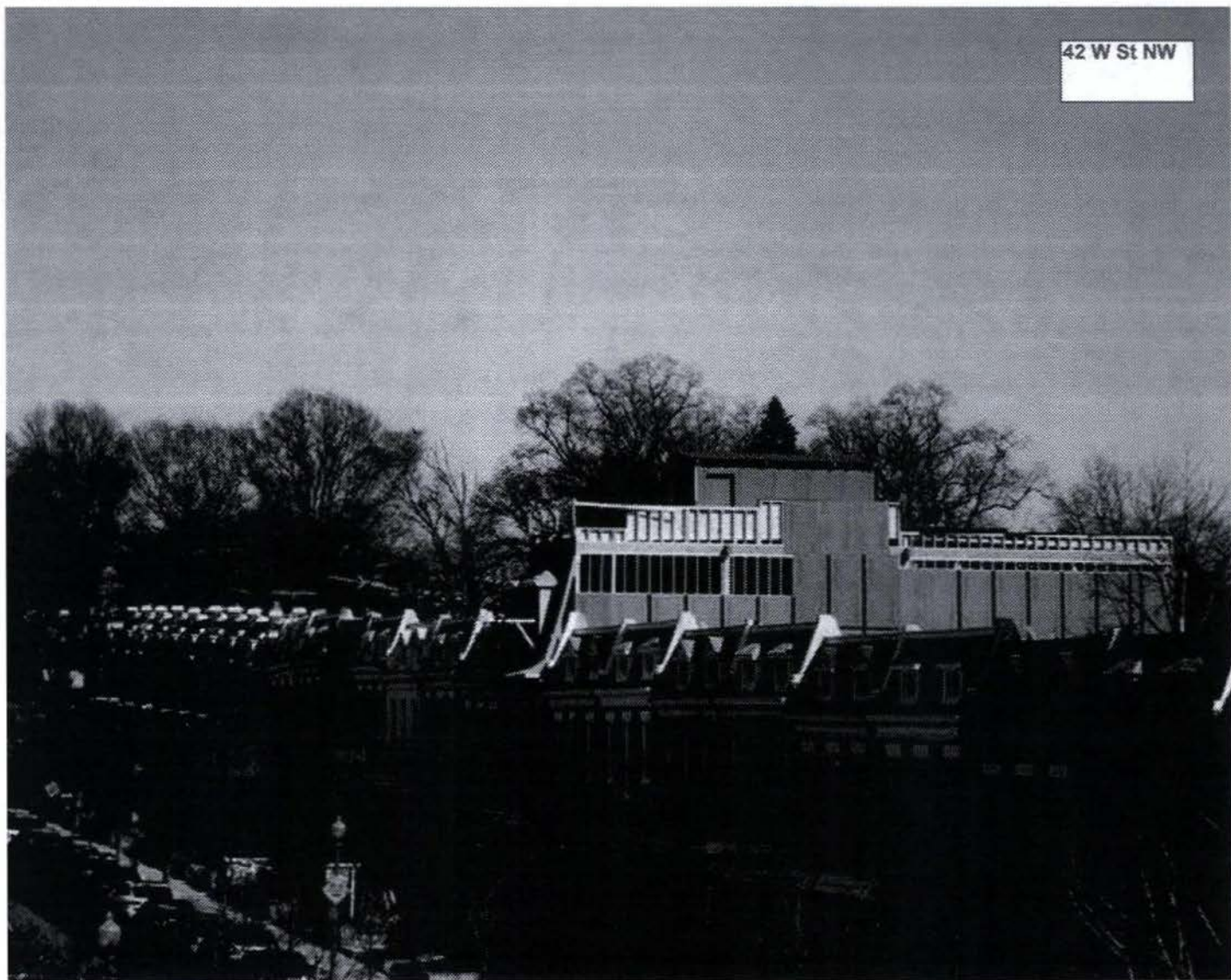
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A3.02



1 SIDE ELEVATION
Scale: 1/4" = 1'-0"

42 W St NW



42 W St NW



42 W St NW

