

June 1, 2015

Zoning Commission for the District of Columbia  
441 4<sup>th</sup> St. NW, Suite 200-S  
Washington, DC 20001

RE: Z.C. Case No. 14-11

Dear Zoning Commissioners:

Thank you for this opportunity to strongly support the Zoning Commission's swift adoption and implementation of 14-11 to address what I believe to be a zoning crisis in the District. I am a resident and homeowner in the unit block of W St. NW. As you should be aware, my neighborhood has been the target over the past few months of condominium developers in aggressive pursuit of the narrow, but long lots along the unit blocks of V and W Street. The current permitted construction of three condominiums at 42 W St. NW is the first of several conversions pending or underway on my block. My neighbors at 40 W St., the Lavoie Family, have suffered a great loss in the enjoyment of their home by this permitted construction along their party wall and lot line, all apparently "by right" under current zoning regulations.

As you can imagine, the prospect of yet additional developments, the size and scale of 42 W St., has created enormous anxiety for me and my neighbors. As I write this letter, the property next to mine is currently under contract and likely slated for a conversion on the scale of 42 W St. I understand, and am now facing, the difficult decision some of my neighbors have made to sell their homes instead of deal with the adversity of this type of development. In a matter of a few months, the development at 42 W St., and the very real fear of more developments of this scale on our block, have shaken and destabilized our neighborhood. We have said good bye to many long time neighbors, either displaced by landlord sales to developers or pressured to sell to avoid loss in property value or loss in quality of life in their homes. We look to our District government to address this crisis, now.

The District of Columbia is widely recognized for the unique, historic character of its diverse neighborhoods and picturesque streetscapes, many lined by row houses. As you consider the many comments you will receive in response to this proposal, I urge you to keep in mind the special consideration that local governments must impart in regulating new construction in row house communities. A heightened level of scrutiny and care must prevail where neighbors share walls and property lines. A seemingly insignificant alteration to one property can substantially diminish the enjoyment, quality of life, and safety of those living in adjacent properties. By their very nature, row house communities must be extended special care and consideration under local zoning laws.

The District's current zoning regulations clearly do not adequately protect the interests of current residents in this respect. While many residents have pleaded with District officials

COMMISSION  
District of Columbia  
CASE NO. 14-11  
EXHIBIT NO. 333

EXHIBIT NO.

for years to protect the architectural and aesthetic characteristics of row house neighborhoods from “pop-ups”, I believe the stakes are now much higher. The District’s current zoning regulations are permitting property conversions of a scale and density that permanently compromise the quality of life and enjoyment District residents. This harm outweighs even the most offensive aesthetic and architectural disregard these “pop-ups” have cast on DC’s iconic row house neighborhoods.

I commend the Zoning Commission for taking this important step in proposing rules to address concerns raised by District residents. I offer the following comments related to the proposed rulemaking:

1) Swift promulgation and Immediate Implementation

Most importantly, I urge the District to swiftly adopt and implement these restrictions, without delay and effective immediately for all conversions and additions addressed by this proposal, unless previously and fully permitted. It seems that some developers have hastily filed for conversion permits over the past several months in anticipation of these proposed changes. Recent permit filings on 64 W St. NW, filed only a couple weeks after the sale of the purchase of the property, contained numerous errors and inconsistencies. For example, the permit application on this property proposed a conversion from a single family to two-unit development, but the attached plans revealed three units. I believe such “oversights” are, at best, the result of rushed, hastily assembled plans to beat the clock of 14-11. I also believe many developers have responded to the prospect of tougher regulations and imminent limited profit potential by pushing faster, paying higher, and moving quickly at all costs while they can...residents of the District should not suffer the consequences of their expedited efforts to avoid new regulations.

2) Clarify 10 foot Extension Limit and Consider Less for Narrow Lots

I strongly support the proposed rule’s limits on “pop-back” additions, but believe the proposed language is unclear and not as effective as it needs to be. I recommend deleting the term “furthest” to make it clear that an addition shall not extend more than ten feet past the rear wall of any adjacent row house. The language as currently written can be interpreted to mean that an addition could extend no more than 10 feet past the rear wall of the longest adjacent row house, but this condition could permit an extension significantly more than 10 feet beyond the other neighboring property. I also emphatically oppose any increase in this 10 ft limit under any circumstances in a final rule, and instead encourage the Zoning Commission to consider a limit that relates to the width of adjacent property lots. I believe a 10 ft extension would be a substantial obstruction on a narrow, 18 ft lot, for example. I would recommend and support a rule that limited an extension to no more than 33% of the adjacent lot’s width, in no instance to exceed 10 ft in an R-4 zone.

3) Require Notification and Consent where Shade Impacts Solar Energy POTENTIAL & Light

I recommend that the final rule require any owner of a proposed property conversion to



submit to the City and to neighboring properties a "Solar Shadow Analysis", and require consent from neighbors impacted by sunlight obstruction, to preserve both quality of life issues for residents, but also to protect future solar energy benefits.

Solar Shadow Analyses are required in other communities during the new construction permitting process to assess the impact of sunlight obstruction on neighboring properties. Requiring a Solar Shadow Analysis for row house conversions would allow full disclosure to neighboring residents of the impact of the proposed construction.

While I support the proposed restrictions on interference with solar energy systems, I believe the proposed provision falls short, considering the District's commitment to the promotion of solar and other renewable energy utilization by District residents. In order to stimulate the increase of solar and renewable energy in the District, property owners should be notified of the solar impact of new construction on their properties. It is not sufficient to prohibit only the interference with the operation of an EXISTING solar system on an adjacent property. Property owners should have the opportunity to understand and protect their POTENTIAL solar energy benefits, even if not realized by the installation of a solar energy system. The imposition of a Solar Shade Analysis and consent process would achieve this outcome.

See the link for an example of how a Solar Shadow Analysis is used in Boulder:  
[https://www-static.bouldercolorado.gov/docs/PDS/forms/815\\_Solar\\_Access\\_Brochure.pdf](https://www-static.bouldercolorado.gov/docs/PDS/forms/815_Solar_Access_Brochure.pdf)

- 4) I do not support the proposal that permits a maximum height of 40 feet for the construction of three or more adjoining row houses, however I believe such a proposal is acceptable when the adjoining row houses are a complete row, with only public right of ways at both ends.
- 5) Matter-of-right conversions in R-4 zones should be limited to two-units **within the principle structure** in order to alleviate market pressures to build obstructive additions onto existing principle structures. I strongly support a rule that permits an additional dwelling in an accessory building if the lot contains at least 900 sq. feet for each dwelling.

I continue to encourage ongoing efforts by the District to consider how the expanded use of accessory building dwellings can alleviate the pressure to "pop up" and "pop back", while still accommodating the increased development of quality affordable housing. Current zoning regulations force all dwellings on an R-4 lot, including a large lot, to be packed onto the principle structure, which is typically at the front of the lot along an existing row of houses. The results of this antiquated zoning policy are evident

and before you now in your consideration of 14-11. In lots that are large enough to accommodate more than two units, those units must be developed onto the front of the lot by adding upper floors or large rear bump-outs, regardless of the size of the neighboring homes or the size of the lot. I have testified previously before the Office of Zoning on the value of accessory buildings in addressing the "pop up" crisis in the District and believe it should be part of the Commission's consideration here.

Please also consider that matter-of-right conversions of single-family row houses to three- and four-unit apartment buildings in R-4 zones goes against the Comprehensive Plan's goal of retaining single-family homes for families with children. The Comprehensive Plan guides the District's development and provides overall guidance about the city's planning. The Comprehensive Plan states:

Policy H-1.3.1, Housing for Families: Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.

Action H-1.3.A, Review Residential Zoning Regulations: 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.

6) There are a number of items in the proposed rule that I support and would like to specifically highlight:

- The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.);
- No more than thirty percent (30%) of the gross floor area of the residential building shall be demolished as part of the conversion;
- Any addition, including roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;

I urge the Zoning Commission to act quickly on the changes to the zoning rules and to make the final rule effective immediately to protect our residents. The first proposal from the Office of Planning is almost one year old. D.C. residents have been waiting a long time for these

changes and should not have to wait any longer. The builders of our city made a beautiful, architectural gem, and we should take great care to carry on this legacy into the 21<sup>st</sup> century.

Respectfully submitted,



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**\*\*\*Please redact all personally identifiable information if released or posted publicly\*\*\***

PLEASE STOP THESE FROM HAPPENING IN BLOOMINGDALE AND IN R-4 DISTRICTS!!

