

Chairman Anthony Hood

May 29th, 2015

District of Columbia Zoning Commission

441 4th Street NW, Suite 210S

Washington, DC 20001

RE ZC Case No 14-11

Dear Chairman Hood and Members of the Commission

Please see below my comments concerning the Notice of Proposed Rulemaking for Z C Case No 14-11

The Office of Planning proposed drastically new regulations for conversions to the Zoning Commission on March 25th 2015 to be voted on March 30th 2015, just five days later. Given the hours of verbal testimony that were given on January 15th 2015 I do not understand how the Zoning Commission can vote on these major new regulations without an additional public hearing. I would like the opportunity to speak in front of the Commission

~~These new regulations are the equivalent to a conversion ban. They are out of character with the current zoning regulations. They seemed to be specifically designed to make it hard or impossible for a residential property to be converted to three units.~~

- No more than thirty percent (30%) of the gross floor area of the residential building shall be demolished as part of the conversion

Comment – This is type of rule does not seem to be consistent with the current zoning regulations

Most properties that are renovated or converted are in need of substantial restoration. I have attached some sample pictures (attachment 1) of a property that is in the R-4 zone, over 2700 sqft and was vacant for 2 years. Roof leaks substantially ruined this house. How can this house be made safe under this rule?

How can you replace rotten floor joist, old roofs, plaster walls, asbestos floor tiles, old radiator systems, unsafe interior stairs, unsafe exterior stairs, walls and old electrical wiring under this rule?

Suggestion - This was not well thought out and will create confusion and complications. Please remove it from the regulations. The Zoning Administrator and his staff already review projects to determine if a conversion is allowed or if the level of demolition constitutes a raze.

ZONING COMMISSION
District of Columbia

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EXHIBIT NO. 338

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- An addition shall not extend further than ten feet (10 ft) past the furthest rear wall of any principal residential building on an adjacent property

Comment - The zoning regulations use lot occupancy measurements along with side yard and rear yard setbacks. These measurements have allowed residents to enjoy the light and air for 56 years. To limit an addition to 10 feet does not seem consistent with the rest of the zoning regulations. It is not even consistent with the other uses of the R-4 zone.

This rule is essentially a conversion ban. Adding a 10 foot addition to a row home will not allow enough square footage per floor to create a proper livable floorplan with egress requirements for 3 units. If it is possible, the units will be studios or very small one bedroom units.

A rear egress stair for 3 units is 6 feet wide. This would allow for a rear addition of living space of 4 feet? So an 18 foot wide house would be able to add a 72 square foot addition of living space per floor.

Fairness and lot occupancy are the issue here. There is no consistency for the zone as a whole. A good portion of the R-4 properties have 20-30% lot occupancy currently. Those property owners have the by right ability to add an addition to 60% lot occupancy. However, under this rule they might be capped at 25% or 30% lot occupancy based on their neighbor's property. While other property owners may be able to build on the full lot occupancy.

Suggestion #1 Remove this requirement and let the existing zoning code work as intended.

#2 A lot occupancy solution allows the same light and air for all properties no matter the size of the lot as it is based upon a percentage of lot area. A concern that was brought up is that converting to multiple units will create pressure on property owners to use the full by right 60% lot occupancy. A compromise could be for the lot occupancy of a conversion to be reduced to 40% or 50% instead of 60%. A 2700 sqft lot can have a lot occupancy of 1,080 square feet. 20 feet by 54 feet footprint for a 20 foot by 135 foot lot does not seem unreasonable. This solution will make the requirement in line with the rest of the zoning regulations which will make it easier to review and regulate.

- Solar Panels, Chimneys & Vents

Comment - These are not zoning issues. No other zone, even other R-4 uses have these regulations.

These regulations are too broad with no guidelines. They can be interpreted in many different ways and can cause conflicts between neighbors.

Suggestion These issues should be dealt with at DCRA under the correct review discipline.

- Vesting

Comment - Given the drastic changes that have been made multiple times by the Office of Planning to their recommendation of 14-11, the text amendment should have a vesting period before it goes into effect. The most recent and drastic change was made 3 business days before the last vote and months after the final public hearing.

The recommendation of the Office of Planning at the January 15th public hearing was a three unit by right with none of these other regulations. Their recommendation can be seen highlighted in their slideshow. To say that everyone has known about this change for well over a year is False. The Office of Planning didn't even know what the rules would be until March 25th 2015.

These changes will impact 37,000+ properties. How can this significant change not have the equal time of vesting as the GAR regulations? The GAR regulations had similar announcement to voting timeframes (1 year+-) and was granted a vesting period.

Suggestion Give equal vesting to this text amendment as was made for GAR. Wholesale changes were just made to the proposal.

- Home Builder / Real Estate Professional / Developer Support

Comment - I do not believe that the Office of Planning has support from the Real Estate community for these changes to conversions in the R-4 zone. Some of the items about height, mezzanines & penthouses seem reasonable and have support. However, the Conversion regulations do not.

Suggestion It seems like the Office of Planning has never liked the interpretation of the code that led to conversions in the R-4 zone. They seem to be too close to the issue to provide fair direction for the Zoning Commission. Hopefully the Zoning Commission does not approve these regulations as is and gives thought to why these specific properties are being regulated so stringently.

Sincerely,

Matt Scorzafava

Attachment 1

How could this house be restore with only 30% demolition?









Attachment 2
Conversions are good

