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Zoning Commission of the District of Columbia
441 4th Street NW Suite 200S
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Re: Case 14-11 (Text Amendment--11 DCMR)

Members of the Commission:

I am writing to oppose the new § 330.7 set forth in the May 1, 2015 Notice of Proposed Rulemaking in this case

Section 330.7 would permit, in R-4 zones, matter-of-right conversion of a residential building existing prior to May 12, 1958, to an apartment house (a building in which there are three or more dwelling units). By permitting such conversions, the Commission violates not only the primary purpose of the R-4 zone but also the District's Comprehensive Plan, which unambiguously demands policies and actions intended to preserve row houses as single-family homes

Section 330 7 would allow such conversions only if they meet certain conditions, including limits on height and rear extensions and, for some units, pricing. The conditions represent a commendable attempt by the Commission to preclude egregious "pop-ups" among row houses of traditionally uniform size and to meet other goals. But a conversion under any conditions is still a conversion--yet another unacceptable loss of a single-family house

Conversions Negate the Primary Purpose of the R-4 Zone

While matter-of-right conversion of R-4 houses into apartments was an original feature of the zoning regulations adopted in 1958, so was the stated purpose of the R-4 zone: "the stabilization of remaining one-family dwellings." In the heyday of urban renewal, permitting conversion of single-family structures to apartments was perhaps viewed as a logical, or even preferred, alternative to simply tearing them down (the original regulations for the R-4 zone, subsequently changed during the 1960s, actually encouraged "the demolition of substandard structures [and their] replacement with low density apartment houses"). Conversions to rental apartments could be reversed, since property ownership remained in the hands of one owner.

In the context of the District's housing market in the 21st century, however, the conversion authority unambiguously contravenes the purpose of R-4 zones. It does not "stabilize remaining single-family homes" so much as ensure that fewer such homes will in fact remain, because it encourages their conversion to condominiums.

- As the Office of Planning (OP) stated in its Memorandum to the Zoning Commission (for ZC 14-11) on June 24, 2014 "OP is seeing a trend across the city in the conversions of buildings in the R-4 [zone] both by right, and through variance requests.... The conversion provision has been applied in a variety of ways .. This has had the effect of putting strong upward price pressures on single family housing stock with 3 or more bedrooms, pricing them out of the range of many families in many R-4 zoned areas "
- In its March 25, 2015 Memorandum to the Zoning Commission, OP reported that at a meeting of developers held at the Commission's request, "The main concerns expressed were *maintaining a matter of right level of development* and establishing an extended effective date " (emphasis added). Obviously, developers want to be able to purchase single-family row houses with certainty that they can be converted to apartment houses or condominiums.
- As the owner of a single-family home that, under existing provisions, as a matter of right could be converted to 3 units, I personally can attest to vigorous efforts by developers who seek out such properties for the express purpose of converting them To quote just one such solicitation I received (the full letter is attached):

"Congratulations! You just hit the jackpot! WSD Homes is a homebuilder in the DC area and we do extensive market research on houses that we would like to make offers on. One of our searches looks at the size of the lot and the underlying zoning. In some cases, a house that is currently used for one single-family residence can support additional density to build a larger building--supporting multiple units. ... What does that mean for you? It means that your house is worth a lot more money than you might think It's certainly worth more than the value as a single-family residence."

It is clear that as long as the market for small apartments and condominiums remains vibrant, developers will gladly supply it by converting every eligible single-family row house that they can obtain The only realistic means of achieving the purpose of the R-4 zone is to eliminate the matter-of-right conversion authority Once a single-family house is converted to condominiums, there is virtually no likelihood it would ever be converted back, it is gone for good, and that is not "stabilization "

Comprehensive Plan Requires Protecting Single-Family Row Houses

Recognizing that market forces were leading to the creation of ever-smaller dwelling units, the 2006 Comprehensive Plan and its 2011 amendments quite soundly call for preserving single-family houses that can accommodate larger households. Noting that only 40 percent of the city's housing stock are single-family units, the Plan concluded that "One of the critical issues facing the city is how to retain and create more housing units that are large enough for families with children.... Family households with children need larger housing units with more bedrooms. Of the city's existing housing stock, only one-third of the units have three bedrooms or more..... The availability of single-family housing and housing with more rooms are two factors that are positively correlated with retaining family households." (Comprehensive Plan, pp. 5-3 through 5-6)

The Plan's Land Use Element spells out a number of policies and actions intended to preserve single-family row houses (underlining added for emphasis).

- ***Policy LU-2.1.1: Variety of Neighborhood Types*** Maintain a variety of residential neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future.
- ***Policy LU-2.1.5: Conservation of Single Family Neighborhoods*** Protect and conserve the District's stable, low density neighborhoods and ensure that their zoning reflects their established low density character Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale.

The Land Use Element is particularly important because it is intended to prevail over other parts of the Plan in the event that goals conflict. "More than any other part of the Comprehensive Plan, this Element lays out the policies through which the city will accommodate growth and change while conserving and enhancing its neighborhoods, commercial districts, and other areas. Because the Land Use Element integrates the policies and objectives of all the other District Elements, it should be given greater weight than the other elements as competing policies in different elements are balanced."

The Plan's Housing Element also mandates preservation of single-family row houses. In fact, it would be difficult to find more explicit guidance for the Zoning Commission than that contained in Action H-1.3.A (underlining and bold added for emphasis):

- ***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

If that is not clear enough, directives for preserving single-family row houses are found elsewhere in the Housing Element [underlining added for emphasis]

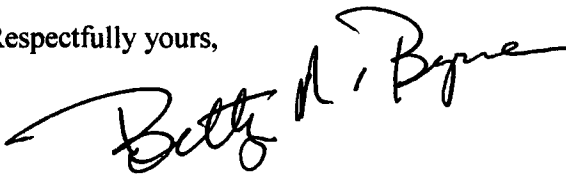
- ***Policy H-1.1.3: Balanced Growth*** Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.
- ***Policy H-1.1.6: Housing in the Central City*** Absorb a substantial component of the demand for new high-density housing in Central Washington and along the Anacostia River. Absorbing the demand for higher density units within these areas is an effective way to meet housing

demands, create mixed-use areas, and conserve single-family residential neighborhoods throughout the city

- ***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.

In its June 2014 report to the Commission, the Office of Planning's recommendation No. 5--to remove the matter-of-right conversion authority for the R-4 zone, found in § 330.5(e) of the current regulations--was clearly in accord with the purpose of the R-4 zone and the Comprehensive Plan. By now proposing to retain this conversion authority in § 330.7, the Commission is clearly in conflict with both. Accordingly, I strongly urge you to repeal § 330 5(e) and to reject the proposed § 330.7

Respectfully yours,



David C. Wood

Attachment