

Holland & Knight

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January 15, 2015

VIA EMAIL AND HAND DELIVERY

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: Comments to Text Amendments
Zoning Commission Case No. 14-11

Dear Members of the Commission:

This letter is submitted to provide comments regarding Zoning Commission Case No. 14-11 which proposes text amendments relating to R-4 residential districts. The stated purpose of the proposed regulations was to address the intrusion of "pop ups" in R-4 zones. However, the proposed amendments impact a variety of other types of developments.

Specifically, the proposed regulations prohibit the matter-of-right conversion of pre-1958 buildings to apartment house use in the R-4 District, and we oppose the elimination of this matter-of-right option. This provision has allowed numerous non-residential facilities to be used for residential purposes and many residential buildings to be enhanced and upgraded. In our experience, we have found that the non-residential buildings in the R-4 zone that are converted or returned to apartment house use could not otherwise be used for residential use because they would be too large for use as either single family dwellings or flats. This is especially true for historic structures. The conversion of non-residential buildings to residential multi-family use also brings them into better conformity with the surrounding uses and adds to overall housing stock, a key aspect of the Comprehensive Plan. Furthermore, the current limitation on the number of units (i.e., no more than one unit per 900 square feet of land area) results in appropriate densities on these sites.

If the Commission eliminates the matter-of-right provisions, we believe that Alternative 4 as set forth in the Notice of Hearing is most consistent with our position. Accordingly, if an amendment is adopted, we support Alternative 4 and request that the Commission adopt Alternative 4 in place of the originally proposed text or the three other identified Alternatives.

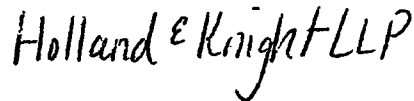
ZONING COMMISSION
District of Columbia
CASE NO. 14-11
ZONING COMMISSION
District of Columbia
CASE NO. 14-11
EXHIBIT NO. 57
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If amendments are adopted that limit or condition the matter-of-right conversion as currently exists, we request that the Zoning Commission consider vesting provisions for those projects that are already in process. Vesting provisions are critical given the time it takes to design a project. Conversion projects that are currently in design or have building permit applications pending will be adversely impacted without the incorporation of vesting language. Accordingly, we recommend that the Commission vest the following types of projects under the current regulations:

- Projects for which a building permit application has been officially accepted by DCRA prior to the effective date of the amendments.
- Projects for which an application for a PUD or BZA case has been filed prior to the effective date of the amendments.
- Projects that have received concept approval from the Historic Preservation Review Board or the Commission of Fine Arts prior to the effective date of the amendments.

We appreciate your consideration of these comments and recommendations.

Sincerely,

A handwritten signature in black ink that reads "Holland & Knight LLP". The signature is written in a cursive, flowing style.

HOLLAND & KNIGHT LLP

cc: Jennifer Steingasser, Office of Planning
Joel Lawson, Office of Planning