



**Testimony before the DC Zoning Commission
Submitted in Case No. 14-11
Proposed R-4 Text Amendments
January 15, 2015**

Good evening, Mr. Chairman and Members of the Commission. My name is Fay Armstrong. I am President of Historic Mount Pleasant, a local nonprofit organization formed in 1985 to obtain historic designation for our neighborhood, which was achieved the following year. One of our principal functions is to review proposed alterations to existing buildings and new construction to ensure that such changes are compatible with the character of the historic district. As I testified a year ago, some of the R-4 rules enacted in 1958 are now clearly seen as being in conflict with the 1979 historic preservation law.

In November 2013, we asked that the rule allowing the conversion of pre-1958 houses to “apartment houses” of three or more units based on lot size NOT be carried over into the new zoning code. We are here this evening to reiterate that request – and to express our strong support for OP’s proposal of June 2014 that of-right conversions be limited in the future to nonresidential structures and that any further conversions of houses to multi-unit dwellings be subject to review as variances. OP’s June proposal – without any of the alternatives added later at the request of Zoning Commission – would achieve the result we seek, which is to limit of-right conversions of houses to two units. We were disappointed when you failed to approve the Mount Pleasant amendment to the ZRR this past October and urge you now to approve OP’s proposed text amendments of June 2014.

Most of the Mount Pleasant neighborhood is zoned R-4. However, there are also apartment zones (R-5-B and -D) along 16th Street, and a mixed use commercial zone along Mount Pleasant Street. Within the R-4 area, there are three institutional structures – Bancroft School, Rosemount Center and Stoddard Baptist Nursing Home, all of which are longstanding, dynamic institutions which we have every expectation will continue to function as such for years to come. We have no objection to the proposed conditions for conversion by special exception for non-residential structures but note that two of the institutional structures in Mount Pleasant (Rosemount and Stoddard) were actually built as residences and thus do not appear to meet the first condition. If that is the intended outcome, conversion would be still be possible as a variance, and the higher test would seem appropriate for the extraordinary change that conversion to apartment use of either of these properties would entail.

Our primary concern thus remains the houses zoned R-4. Because of our topography and phases in our development, we have an unusually large number of lots well over the minimum of 1800

square feet specified for R-4. More than 200 lots in Mount Pleasant are over the 2700 square feet required for conversion to 3 or more units, but another 600 are over 2000 square feet. We call this larger number to your attention because, over the years, the 900 square foot per unit limitation seems to have been honored largely in the breach. We have houses throughout the neighborhood that have been converted to more units than allowed under the 1958 code. In my own block, there is a house with 8 units where no more than 4 should have been allowed, and several with 4 units where two should have been the maximum – and none of these addresses has ever received a variance. In addition, actual apartment buildings have been constructed in the R-4 area of Mount Pleasant since 1958 even though such structures were not permitted under the zoning code. As a result, the single family residential character of our neighborhood and historic district has already been compromised by the introduction of apartment dwellings on each and every block.

Consequently, we do not favor allowing continued conversions of houses to 3 or more units as a “special exception.” There are already too many exceptions, if not outright violations, to the established rules in Mount Pleasant. We need to protect all remaining single family dwellings and discourage further conversions. Many of our houses were built with basement apartments and/or in-law suites, and such accessory dwellings have been incorporated into many more of our houses over the years. We are comfortable with two units per dwelling, but we wish to ensure that any further conversions of houses to more than that are scrutinized under the variance test that has been and remains in place for other medium density residence zones.

Similarly, we do not support allowing conversions of single-family dwellings to apartment houses if such conversions are made subject to the requirements of inclusionary zoning (IZ). This proposal is simply an excuse to retain the conversion authority – without offering any real possibility of significantly increasing the availability of affordable housing. The Inclusionary Zoning Implementation Amendment Act of 2006 provides “bonus” densities for new construction of 10 or more units and expansions of existing buildings by more than 50%. Mount Pleasant has no open land that would accommodate any new construction of 10 or more units, and we have objected strenuously to such expansive additions.

Alternative 1 proposes to treat any units beyond four (or beyond two if the conversion is enabled by zoning relief to the 900-square-foot requirement) as the “bonus” for IZ purposes. For this proposal to result in additional affordable housing units, a developer would have to be able to cover the cost of the “bonus” units in the price of the market-based ones. As a group of developers (Pro DC’s Future) has indicated in its statement in this case, “[t]his proposal requires that R-4 conversion projects of four units will be required to provide a minimum of 25% IZ units, but could include a percentage of IZ units that is significantly higher than what is required for other multi-family units. This amount of IZ will make R-4 conversion projects financially infeasible.”

Higher density in Mount Pleasant is available in the R-5 and C-2-A zones, which currently offer more than 200 units of affordable housing in apartment buildings. The reopening just two months ago of 3145 Mount Pleasant Street, now known as the Monseñor Romero, brought 63 affordable rental units onto the market. Historic Mount Pleasant worked with the developer to recreate important features of the façade that had been destroyed years ago. The entire

neighborhood is very pleased to see this building occupied again, with many of its former tenants returning to the rehabilitated building.

With regard to the text amendments related to “pop-ups,” we would note that, as a historic district, Mount Pleasant – fortunately – has been spared this recent indignity. However, the rules proposed -- specifically lowering the by-right height to 35 feet and providing that mezzanines count toward the number of stories – are equally appropriate for Mount Pleasant, and we support those changes. They illustrate how the overly generous development standards enacted in 1958 have always been inconsistent with the underlying housing stock. It should not be necessary for all R-4 neighborhoods to become historic districts to be protected against overly tall additions or new construction that looms over the existing housing stock. We agree with Commissioner Turnbull when he called the proposed changes “right-sizing” at your July 17 meeting.

Since testifying before you last year, Historic Mount Pleasant has consulted with the Office of Planning about alternatives for addressing the problems we raised at that time, which included the lot coverage bonus for conversions as well as the conversion authority itself. We decided that the best approach was to limit by-right conversions to two by text amendment and to set aside our objections to the proposed increase in lot coverage for conversions. We had no other issues with the general development standards as applied to our neighborhood. We supported the text amendment OP proposed to the ZRR for the Mount Pleasant Historic District. However, when OP issued its proposal for citywide amendments for R-4 zones in June, we were pleased to see our problems addressed as part of that package. OP’s proposal to end by-right conversions of residential structures to 3 or more units is another way of achieving the relief we seek for our neighborhood.

We have taken OP’s June proposal out to the community – with a Dear Neighbor letter, information flyer and petition that were hand-carried from house to house – and can state unequivocally that it enjoys widespread support throughout Mount Pleasant. We present this evening the original petitions, with 555 signatures. The canvassing effort was necessarily uneven. However, while some blocks show more signatures than others, the vast majority of residents whom we were able to contact in person signed immediately. In addition, ANC1D adopted a unanimous resolution in support of the proposal to end of-right conversions of nonresidential structures to more than 2 units.

Historic Mount Pleasant comes before you this evening to ask once again – this time with the documented support of the neighborhood at large – that you recognize Mount Pleasant’s need for immediate relief from the conversion provision in effect since 1958. The historic fabric of Mount Pleasant has been irreparably damaged by conversions of houses to apartment buildings.

As if further proof were needed of the unusual development pressure we are under currently, Mount Pleasant has just been named the “hottest housing market in DC for 2014” by Urban Turf. Every house purchased today by a developer as opposed to an intending resident is divided into the maximum number of units allowed by the 900 square foot rule and quickly resold as luxury condos. Please help us protect our remaining single family homes by approving the R-4 text amendments as proposed by the Office of Planning in June 2014.

Thank you for your attention.

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