

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning

Case No. 14-11 (Office of Planning - Text  
Amendments to Chapters 1, 3, and 4, Definitions,  
Maximum Height and Minimum Lot Dimension  
Requirements in Residence Zones, and R-4 Zone Use  
Permissions)

6:30 p.m. to 10:52 p.m.

Thursday, January 15, 2015

441 4th Street, N.W.

Jerrily R. Kress Memorial Room

Second Floor Hearing Room, Suite 220 South

Washington, D.C. 20001

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3 MARCIE COHEN, Commissioner

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7 SHARON SCHELLIN, Secretary

8 DEONTE LEACH, Staff Assistant

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 JOEL LAWSON

13 ART ROGERS

14

15 Also Present:

16 RASHIDA BROWN

17 LARRY HARGROVE

18 ALAN GAMBRELL

19 KENT BAESE

20 CECELIA WALDECK

21 ANN SELLIN

22 FAY ARMSTRONG

23 TOM CONWAY

24 DAVE WOOD

25 JACQUELINE REED

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1 Also Present: (Cont'd)  
2 JUDI JONES  
3 KINLEY BRAY  
4 BRIAN CRAWFORD  
5 SANDRA LeSESNE  
6 MARK ECKENWILER  
7 EDWARD FLOYD  
8 RICKEY WILLIAMS  
9 MICHAEL HALPIN  
10 LATISHA ALLEN  
11 DENNIS SUSKI  
12 JOHN STOKES  
13 JANE BUSH  
14 RONALD BAKER  
15 GREGORY MORGAN  
16 PHIL DiRUGGIERO  
17 BETSY McDANIEL  
18 DALE MATTISON  
19 ALMA GATES  
20 BETH PURCELL  
21 ELIZABETH NELSON  
22 STEFAN RAHIMIAN  
23 TOM KAVANAGH  
24 BRIAN ATHEY  
25 SIYAMAK SADEGHI

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1 Also Present: (Cont'd)

2 MATT SCORZAFAVA

3 SUNIL CHHABRA

4 PAM LLOYD

5 CHRISTIAN ROJAS

6 MARTY SULLIVAN

7 ERIC SCHWERS

8 KIRBY VINING

9 GERARD DiRUGGIERO

10 PHIL SIMON

11 LYN ABRAMS

12 TRACY HART

13 MICHAEL WELCH

14 KATELYN VANDENBERG

15 ANDREA ROSEN

16 ANDREW RUBEN

17 MARK SCHUMAN

18 LEE SIMON

19 MAKEVA GAINES-KELLY

20 TANYA HARRIS

21 LAURA RICHARDS

22 GREGORY GARDNER

23 JENNA JACOBSON

24 MATTHEW GRACE

25 KRISTIAN HOFFLAND

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1 P R O C E E D I N G S

2 CHAIRPERSON HOOD: Good evening,  
3 everyone. We're going to be starting momentarily,  
4 so I'd ask you to come in and take a seat. Okay.  
5 Let's please come to order.

6 Good evening, ladies and gentlemen. This  
7 is the Public Hearing of the Zoning Commission for  
8 the District of Columbia for Thursday, January the  
9 15th, 2015.

10 And my name is Anthony Hood. And I think  
11 for the sake of those who may be their first time  
12 down here, I'm going to ask the dias to introduce  
13 themselves. And we're going to start with Mr.  
14 Leach, all the way to my left. And this is first  
15 time, I think, on the dias joining us so he can  
16 introduce himself.

17 MR. LEACH: I'm Deonte Leach, Staff  
18 Assistant for the Zoning Commission.

19 MS. SCHELLIN: Sharon Schellin, Secretary  
20 to the Zoning Commission, with the Office of  
21 Zoning.

22 MR. TURNBULL: Michael Turnbull,  
23 representing the Architect of the Capitol.

24 MR. MILLER: Robert Miller, Mayoral  
25 Appointee.

1 MS. COHEN: Marcie Cohen, Vice Chair and  
2 Mayoral Appointee.

3 MR. MAY: Peter May, representing the  
4 Director of the National Park Service.

5 MS. STEINGASSER: Jennifer Steingasser,  
6 with the D.C. Office of Planning.

7 MR. LAWSON: Joel Lawson, with the Office  
8 of Planning.

9 MR. ROGERS: Art Rogers, with the Office  
10 of Planning.

11 CHAIRPERSON HOOD: Okay. Office of  
12 Planning, are we expecting anyone else tonight or  
13 just you three?

14 MS. STEINGASSER: Just us three.

15 CHAIRPERSON HOOD: Okay.

16 This proceeding is being recorded by a  
17 court reporter; it is also webcast live.  
18 Accordingly, we must ask you to refrain from any  
19 disruptive noises or actions in the hearing room,  
20 including the display of any signs or objects.

21 Notice of today's hearing was published  
22 in the D.C. Register, and copies of that  
23 announcement are available to my left on the wall  
24 near the door.

25 (Pause.)

1           CHAIRPERSON HOOD: The following time --  
2 the hearing will be conducted in accordance with  
3 the provisions of 11 DCMR 30.21, as follows:  
4 preliminary matters; presentation by the  
5 Petitioner, in this case the Office of Planning;  
6 reports of other government agencies; reports of  
7 the ANC, in this case it's citywide; organizations  
8 and persons in support; organizations and persons  
9 in opposition.

10           The following time constraints will be  
11 maintained in this meeting: The Office of  
12 Planning will have up to 60 minutes;  
13 organizations, 5 minutes; individuals, 3 minutes.  
14 The commission intends to adhere to the time  
15 limits as strictly as possible in order to hear  
16 the case in a reasonable period of time. The  
17 commission reserves the right to change the time  
18 limits for presentations if necessary, and notes  
19 that no time shall be ceded.

20           All persons appearing before the  
21 commission are to fill out two witness cards. And  
22 we ask that you do that in advance. These cards  
23 are located to my left, on the table near the  
24 door. Upon coming forward to speak to the  
25 commission, please give both cards to the

1 reporter, sitting to my right, before taking a  
2 seat at the table.

3           When presenting information to the  
4 commission, please turn on and speak into the  
5 microphone, first stating your name and home  
6 address. When you are finished speaking, please  
7 turn your microphone off so that your microphone  
8 is no longer picking up sound or background noise.

9           The decision of the commission in this  
10 case must be based exclusively on the public  
11 record. We ask, to avoid any appearance to the  
12 contrary, the commission requests that persons  
13 present not engage members of the commission in  
14 conversation during any recess or at any time.

15           Please turn off all beepers and cell  
16 phones at this time so as not to disrupt these  
17 proceedings. At this time, the commission will  
18 consider any preliminary matter. Does the staff  
19 have any preliminary matters?

20           MS. SCHELLIN: No, sir.

21           CHAIRPERSON HOOD: Okay. We will go to  
22 the Office of Planning's presentation.

23           But before we do that, I see there are a  
24 number of people here who would like to testify.  
25 The goal is really to hear from the public. So



1 I'm going to really be on the clock. You know,  
2 I'm going to be on the clock or we're going to  
3 have to come back down here maybe next week. So  
4 the goal is for me to really be on the clock.

5 And if you look around, you'll see a lot  
6 of people want to testify. So, are we all on the  
7 same page? We want to hear from everybody. I see  
8 some heads nodding, so I've got a few people on  
9 the same page with me.

10 And "on the same page" means when you  
11 hear the buzzer sounds, we ask you to stop. Okay?  
12 And we'd probably better do a minute warning.  
13 Let's do a minute warning. So the first time you  
14 hear it, don't stop right then. Know that you  
15 have one more minute left. And I'm doing that  
16 because I'm looking at the crowd, and we want to  
17 hear from everybody.

18 How many people are here to testify  
19 tonight?

20 (Show of hands.)

21 CHAIRPERSON HOOD: Okay. So everybody is  
22 not here to testify. So we might be able to do  
23 that. Okay. Okay. But we're going to work it.  
24 We're going to work together to make it happen.

25 Okay. Do we have -- Ms. Schellin, I

1 would like to get the sign-in sheet a little early  
2 so I can kind of maneuver that, too.

3 So let's turn it over to the Office of  
4 Planning. Ms. Steingasser.

5 MS. STEINGASSER: Yes, sir.

6 Commissioners, I would also like to point out that  
7 joining us this evening is Art Rogers. He's our  
8 Senior Housing Planner with the Agency. And he'll  
9 be able to answer a lot of questions about housing  
10 on a broader scale than just the issues before us.

11 So, this case is 14-11. It has to deal  
12 with the R-4 zones only. And I've broken the  
13 discussion into two basic themes: building form,  
14 which gets to some of the physical changes that  
15 we're proposing to the zone; and the issue of  
16 conversions, which is probably the more  
17 controversial of the two, and how they work  
18 together.

19 So, let's go to the next one.

20 We started by asking, you know, what is  
21 the R-4? And there's a lot of confusion about the  
22 R-4. This is straight from the zoning  
23 regulations. And what's important is that the R-4  
24 is not an apartment zone. It is not a zone that  
25 is intended for multifamily development.

1           So we started by looking at the intent  
2 purposes out of the zoning reg. And as you can  
3 see, it talks about its having very little vacant  
4 land. Its primary purpose shall be the  
5 stabilization of the remaining one-family  
6 dwellings. And we took that very seriously.

7           And then the next purpose statement talks  
8 about that it shall not be an apartment house  
9 district, as contemplated in the general residence  
10 zones, which are the R-5, which are intended for  
11 multifamily and apartment zones.

12           Go to the next one.

13           So then we looked at, you know, where is  
14 the R-4? And most of the R-4 is in the center of  
15 town. It buffers a lot of the outlying single-  
16 family lower-density semi-detached, and also  
17 attached dwellings that don't have more than one  
18 dwelling unit. So we see them primarily in the R-  
19 1, R-4, R-5, and R-6 zones.

20           Some of them, about 40 percent, are  
21 covered by historic districts. And those are the  
22 Mount Pleasant Historic District, U Street, Shaw,  
23 and Capitol Hill Historic Districts. The historic  
24 districts give a certain level of review that the  
25 properties that are not in the historic districts

1 don't have. So that's why it's important to kind  
2 of understand that piece of context.

3           So we also started looking at, what are  
4 the land percentages? And I'm not going to spend  
5 a lot of time on this one. But this talks about  
6 the R-4 relative to the other residential zones  
7 only. So, R-1 is a single-family detached. It  
8 has one principal unit and one accessory apartment  
9 that's allowed.

10           And what's important here is that,  
11 through the zoning revisions, the comprehensive  
12 zoning revisions, the case 08-06A, the commission  
13 has expanded the opportunity for accessory  
14 apartments into the R-2 and the R-3 zones as a  
15 matter of right. And so, we see -- I've  
16 identified those.

17           In the R-4 zone, the R-4 is intended to  
18 be flat. It allows two units as a matter of  
19 right, both as principal dwellings. And you can  
20 see through the distribution that the R-5 takes up  
21 about 30 percent of the residentially zoned land.  
22 The low-density single-family detached takes up  
23 about 33 percent. And then there's that center  
24 third that has some kind of either attached or  
25 row-house dwelling.

1           And the R-4 also represents, in terms of  
2 the total District, and that's the District land  
3 that's zoned, that excludes the federal lands and  
4 the water, 11 percent of all of the zone. And  
5 that includes the commercial, the mixed-use, the  
6 waterfronts, the downtown, the special-purpose.  
7 That's 11 percent of all the zoned land in the  
8 District.

9           So, in addition to these residential  
10 zones, there's also 3,500 acres of zoned land in  
11 the District that can accommodate multifamily  
12 residential units as a matter of right. So we  
13 found that to be a very important issue to think  
14 about in terms of the R-4 and its purpose as being  
15 a residential row-house zone.

16           So, going now to the proposals, we've  
17 started with building form. And we started to  
18 look at height. So, for the detached, the semi-  
19 detached, the row houses, and the flats, which are  
20 a row house with two units, the matter of right  
21 currently is 40 feet.

22           We surveyed over 10,300 lots zoned R-4  
23 with residential structures on them. And our  
24 recommendation was to address that height to 35  
25 feet, and to still allow 40 feet, but have that be

1 by special exception. That gets to some of the  
2 issues of character and appropriate additions that  
3 we're seeing that people call pop-ups, but it's  
4 really just an expansion of their entitled zoning.

5           Then we also looked at the issue of  
6 mezzanines. And we proposed to include those  
7 mezzanines in the number of story counts. So you  
8 can have three stories as a matter of right. The  
9 mezzanine is in addition to that, which is -- it  
10 is, in essence, its own story, but it's only one-  
11 third of a floor. But it still counts as a fourth  
12 floor; it doesn't count as one, but it still  
13 appears as one and can create that appearance of  
14 inappropriate character.

15           And then we looked at roof structure  
16 heights. And we proposed to limit those to 10  
17 feet. The commission concurred with that. And  
18 that was really addressed in the case with the  
19 comprehensive zoning rewrite of 08-06A.

20           So then we also went straight to the  
21 Comprehensive Plan. And we found this to be  
22 almost the most instructive element in the whole  
23 plan relative to this issue. And this is the  
24 policy statement out of the land use section, and  
25 it says, "Conservation of row house

1 neighborhoods."

2           And this is really important, and I draw  
3 all of our attention, including the audience, to  
4 this one section, because it talks about  
5 protecting these row house neighborhoods.

6           And it doesn't just talk about it in  
7 general terms, but it's pretty specific about the  
8 elements and the issues that are instructed to be  
9 reviewed: heights and scale of structures,  
10 consistent with existing pattern, considering  
11 additional row-house neighborhoods for historic  
12 district designation, regulating the subdivision  
13 of row houses in the multiple dwellings.

14           And then it completes its statement  
15 saying, "Upward and outward extension of row  
16 houses which compromise their design and scale  
17 should be discouraged." So we found this to be  
18 just downright instructive. It told us what to  
19 look at. It told us how to look at it, and it  
20 told us the purpose of the policy and what we were  
21 to look at.

22           So, the next element we looked at in the  
23 Comprehensive Plan is the addition of floors and  
24 roof structures to row houses and apartments. And  
25 I'm not going to read this out loud, but basically

1 it reinforces the previous statement and talks  
2 about how those increases should be discouraged.  
3 And we found that to be also reinforcing that  
4 previous statement.

5           So then, this represents the study we  
6 did. We looked at, like I said, 10,360-some-odd  
7 row houses. We either physically went out on  
8 site, we did a Google check, we did building-  
9 permit checks. We also looked at the historic  
10 Sanborn maps. All of those gave us a really good  
11 understanding of these blocks of existing row  
12 houses.

13           And again, these are existing, the older  
14 neighborhoods, whether they're historic or not.  
15 And we found a pretty wide range, pretty large  
16 distribution of heights. But the overwhelming  
17 majority, 94.4 percent, were 35 feet or less.  
18 Those, again, are the existing row house  
19 structures.

20           So our recommendation was to lower the  
21 matter-of-right height from 40 feet to 35 feet, to  
22 represent the existing character of the  
23 neighborhoods. Now, it did come to our attention  
24 in the last couple of weeks that new construction  
25 is considered quite differently.



1           And through several of the PUD's that  
2 we've seen over the last -- planned unit  
3 developments, excuse me -- over the last couple of  
4 years, some of the newer construction for row  
5 houses do tend to push that 40-foot limit, and it  
6 allows them to accommodate parking. It allows  
7 them to have bonus rooms and use their top floor  
8 differently.

9           So we're proposing this evening that new  
10 construction -- and we would have to define "new  
11 construction." That would not be an in-fill. It  
12 would not be a new addition. It would be truly a  
13 new residential row house like we see, for  
14 instance, Arthur Capper Carrollsburg, where  
15 there's new construction of row house blocks, that  
16 that be allowed to maintain its matter of right of  
17 40 feet.

18           But the existing neighborhoods that are  
19 pretty well established, that those would have  
20 their height lowered to 35 feet, again still  
21 allowing a height of 40 feet by special exception.

22           And then we got to the issue of  
23 mezzanines. As I said earlier, this picture just  
24 shows that a mezzanine, although it's only one-  
25 third of the width of the floor below, one-third

1 of the length of the floor below, it is a full  
2 story for habitable space. It counts under  
3 building code. It's got to be a certain height.

4           And from the outside, it definitely  
5 appears as a fourth floor. And there have been  
6 cases where people have come in after permitting  
7 and filled them in. And it's created several --  
8 it's created one very contentious case that I know  
9 of that ended up in court. And so this was a way  
10 to kind of address that issue and look at that and  
11 include it as a number of stories.

12           This is just a quick definition how it is  
13 in the book. The recommended change is just to  
14 take out that word "not be."

15           So, the roof structure height is an issue  
16 that the commission has already considered through  
17 the Comprehensive Revisions to the zoning  
18 regulations. And again, this is relative only to  
19 residential homes. And that would be to limit the  
20 roof structures to 10 feet.

21           And this also reinforces that second comp  
22 plan element that we saw earlier that talked about  
23 inappropriate rooftop additions and discouraging  
24 their use. This still allows for access to the  
25 roof. It still allows for roof decks as a matter

1 of right. But it does reduce that height from  
2 18.5, which is currently allowed, to 10 feet.

3           However, it maintains the 18.5 for all  
4 other buildings. So, churches, schools, other  
5 type of buildings that you might see in the R-4,  
6 including existing apartment buildings, would  
7 still maintain their 18.5.

8           This item actually needs no action  
9 because the Zoning Commission already took action  
10 as part of 08-06A. And if it needs to be  
11 revisited, we could revisit it as part of the  
12 comprehensive rooftop structure case. But it  
13 needs no action as part of this case tonight.

14           So then we come to conversions, which is  
15 probably the most controversial element. And  
16 there's two types of conversions. There's the  
17 conversion of the residential row houses and the  
18 conversion of nonresidential structures.

19           And by "nonresidential structures," we're  
20 talking about churches, firehouses, schools, civic  
21 buildings that are typically in residential  
22 neighborhoods that have been converted, no longer  
23 have their intended use, but are converted, often  
24 for residential. We see a lot of them on Capitol  
25 Hill, where it's -- the church on the bottom is on

1 D Street, Northeast. It was converted.

2           So we distinguish between those two. And  
3 the original advertised -- the original OP  
4 recommendation was to remove the provision that  
5 allows the conversion of residential row houses  
6 that's been on the books since 1958. It allowed  
7 for the conversion of row houses that predated  
8 1958, but had 900 square feet of land per unit.

9           And over the years, we've been seeing  
10 that encroach more and more into established row-  
11 house blocks. And so we had recommendation  
12 through our setdown report that that no longer be  
13 permitted, but that the nonresidential structures  
14 continue to be permitted and that there be more  
15 flexibility. That was where we were seeing real  
16 problems. It's where we wanted to actually  
17 incentivize the adaptive reuse of these buildings,  
18 whether they were historic or not.

19           And yet, developers were telling us they  
20 were having a hard time making the case. They  
21 were having a hard time filling in old playgrounds  
22 or parking yards where they wanted to maintain  
23 that street wall. So we proposed more flexibility  
24 in that area and removal of the residential  
25 conversion.

1           So we started looking at, okay -- and  
2 anticipating questions. What is the lot history  
3 in the R-4?

4           So, in R-4, there are approximately  
5 37,600 record lots. These are not lots. These  
6 are record lots on the books. Of that, 94.6  
7 percent are detached, semi-detached, or attached  
8 residential buildings. And about 38,000 units,  
9 not necessarily just the structure, but the units,  
10 of these one- and two-unit buildings are in the R-  
11 4 zone.

12           So that's very significant. It is a  
13 strong, vibrant, robust residential zone that has  
14 a very established pattern.

15           So then we looked at, okay, well, what is  
16 the potential for conversion? What are the lots -  
17 - what are the numbers of lots that can come out?

18           And that's what this chart shows us.  
19 Using the existing 900 square feet per dwelling  
20 unit, obviously that third unit wouldn't kick in  
21 until you had 2,700 square feet of land. There  
22 are a total of 2,471 lots. And of those, almost  
23 1,700 are residential.

24           So we found that significant. That means  
25 about 1,800 are nonresidential. They could be

1 converted still under our proposal.

2 And then we did the same for the 3,500,  
3 and then 4,500 and above. And as you can see, the  
4 residential lots get smaller and the  
5 nonresidential lots get larger in number.

6 So again, we went to the Comprehensive  
7 Plan. And the reason the Comprehensive Plan is  
8 important, and this is a little bit of education  
9 for the audience, I guess, is that in D.C., the  
10 zoning cannot be inconsistent with the  
11 Comprehensive Plan. The Comprehensive Plan is  
12 adopted by council, and it really is the guiding  
13 document.

14 And all of the zoning that the Office of  
15 Planning brings forward has to have a reference to  
16 the Comprehensive Plan. It has to be not  
17 inconsistent. And there is a lot of play in that.  
18 But we look at that as an embodiment of the  
19 guiding policies and documents that the City has  
20 set forward as its way to guide growths and guide  
21 the future of the City.

22 So it talks here about the variety of  
23 neighborhood types. It talks about protecting the  
24 row house zones, talks about maintaining the low-  
25 density single-family neighborhoods. And so we

1 also looked at the identity of character of each  
2 neighborhood should be preserved and enhanced.  
3 And so, we felt these were also recommendations we  
4 proposed were consistent with this.

5 And then we also looked at the issue of  
6 housing for families. And this is a really large  
7 issue in the District. It's a very big deal. Our  
8 families are growing. And we have to think about  
9 how we provide housing for the long term. We've  
10 planned for the future, and the zoning should  
11 implement that plan for the future. It should not  
12 be for how many children are there today, but how  
13 are we going to accommodate the growth and the  
14 children that we want to come into the District?

15 And we've worked with both DCPS and the  
16 U.S. Census to think about how, what is that trend  
17 and what are we seeing?

18 So, we started -- and this is where Art  
19 and me will be available to answer questions,  
20 looking at the housing. We've read a lot, we've  
21 heard a lot of the complaints that if we don't  
22 allow the row house zones to be eligible for  
23 conversion to apartments, that somehow we're  
24 stymieing the growth of housing in the District  
25 and that there's going to be an adverse impact on

1 housing overall.

2           And we don't agree with that. There is a  
3 supply of single-family homes that's relatively  
4 fixed. And this kind of goes through and shows  
5 that, you know, only of the 43,000 housing units  
6 that OP is tracking, and we track in our housing  
7 database both predevelopment, development, and  
8 permitting -- of that, only 5 percent are for new  
9 single-family units.

10           And we take that very seriously. I mean,  
11 a small family is great. But when those kids hit  
12 a certain age, there is an expectation that there  
13 be a little bit more than a one-bedroom.

14           And of the remaining, 41,000 units are  
15 for multifamily. So there is an opportunity for  
16 the units that would result from the conversion in  
17 R-4 to be absorbed in other parts of the City.

18           And so, we also looked at this issue of  
19 children and family forecast. And we've been  
20 working with DCPS over the last couple of years as  
21 they've done their facility master planning. And  
22 the estimates that they've done between 2012 and  
23 2022 that D.C. could add upwards of 50,000  
24 children and at least 25,000 more families into  
25 the City.



1           And we want those families. We want  
2 those children. They're important both for the  
3 economic health of the District, as well as the  
4 educational reform that's going on. The recent  
5 census figures from the U.S. Census has also  
6 suggested that D.C. is on track to meet that  
7 forecast.

8           But then we also looked at, again  
9 addressing some of the concerns we've heard about  
10 if the R-4 can't absorb these affordable -- these  
11 housing units, then the housing crisis will  
12 result. Well, what is the land capacity of the  
13 areas that are identified for multifamily? And  
14 those are both in terms of apartments, high-  
15 density to low-density apartments, as well as  
16 commercial.

17           Every commercial zone in this district  
18 either permits -- most of them actually  
19 incentivize residential. So in order to get your  
20 maximum density, you know, in most of your  
21 commercial zones or most of your waterfront or  
22 special-purpose zones, you have to do residential.  
23 And the City has had that in place for many years.  
24 It has been very long-sighted with that.

25           So we looked at that capacity. And under

1 the current zoning, it would be 2040 before we  
2 would be pushing the edge of that. And that's not  
3 maximizing the zoning under the comp plan; that's  
4 maximizing the zoning that we have in place.

5 So we don't think that these efforts to  
6 protect the R-4 zone are going to have a  
7 significant impact on the overall growth of the  
8 City to absorb the multifamily units that would  
9 result from that.

10 So, this you can't see, which is  
11 unfortunate.

12 So, this is a summary of the public  
13 hearing notice. And it goes through the various  
14 options on conversion. And even I can't read that  
15 one. Let me get my bigger page.

16 (Pause.)

17 MS. STEINGASSER: So, the number one,  
18 which is what was in our OP report and got  
19 advertised, was that conversion of row houses, the  
20 residential structures, no longer be permitted.

21 The option number two -- again, this is  
22 focusing on residential row houses only -- that  
23 there still be the matter of right, that it  
24 maintain its 900-square-foot per unit conversion  
25 ratio, but that if the issue really is about

1 affordability, then let's tie it to affordability.

2           So whence you get to that fourth unit,  
3 that fourth unit and every unit beyond has to be  
4 part of the IZ program. It has to have an  
5 affordability covenant. If we're arguing that  
6 taking these row houses and making smaller units  
7 is the same thing as affordable housing, then our  
8 proposal was to put it in writing and put the  
9 covenant on it.

10           If they can't make the -- if a proposal  
11 can't make the 900-square-feet-per-unit, and  
12 that's important -- again, this is an esoteric  
13 nuance of D.C. zoning. The 900-square-feet is  
14 important because it gets to the density ratio.  
15 In the R-4, you're allowed two units as a matter  
16 of right, but your minimum land area has to be  
17 1,800 square feet. So that ratio of 1 to 900  
18 springs from that.

19           If you can't have that then, have minimum  
20 land area, and you have to get some kind of  
21 variance, which means your density is  
22 disproportionately high compared to the  
23 neighborhood, then we're saying that everything  
24 beyond two units would be subject to the  
25 affordability requirements of IZ.

1           And that's basically saying if you're  
2 asking a neighborhood to absorb these units and  
3 absorb a density that's disproportionate, then  
4 let's make it really, really move forward that  
5 public policy.

6           So that's recommendation two.

7           Recommendation three gets to the  
8 nonresidential structures. And this is the  
9 churches, the schools, the firehouses. And the  
10 top part talks about special exception, which  
11 means it goes through a public review. It  
12 establishes no adverse impact. It looks to the  
13 issue of light and air, transportation, how a  
14 project would fit in with its neighborhood. And  
15 it would not require the 900-square-feet per  
16 dwelling unit.

17           And that's important because this is  
18 where we're seeing developers have the hardest  
19 time trying to get a variance to get that density.  
20 So we propose there be no limit on that and that  
21 it be subject to the IZ limits. These are  
22 typically larger lots. The IZ doesn't kick in  
23 until 10 units. And that's another reason that  
24 the lower threshold is important. Very, very few  
25 of these row house conversions meet the IZ level.

1           So there's an argument that they're  
2 providing affordable housing, but in reality the  
3 IZ doesn't come into effect until they hit 10  
4 units. The 10 units is typically not seen until  
5 they get into a conversion of a church or these  
6 larger civic-type buildings.

7           Also advertized were two more  
8 alternatives. And they addressed both residential  
9 row house and the nonresidential buildings. And  
10 again, based on whether you met the 900-square-  
11 feet or didn't meet the 900-square-feet, there  
12 would be a limit on four units maximum if you  
13 couldn't meet 900-square-feet.

14           The final option advertized had to do  
15 with no limit on the number of units regardless of  
16 the land size and that there be no -- and that IZ  
17 would just kick in at its normal rate, which is at  
18 10 units, which we, like I said, seldom see in the  
19 residential row house.

20           OP's recommendation, based on the overall  
21 public policies, are that if we continue with the  
22 residential row house conversion, that it would be  
23 option number two, that it be tied to a true  
24 public policy of affordability, that that  
25 affordability be at 60 percent of an average

1 median income, and that it would trigger at the  
2 fourth unit, which means that the third unit would  
3 be matter of right without an IZ covenant, and  
4 that if it has to get zoning relief to go forward  
5 that it would tie to the third unit and above.

6 And that basically sums up what our  
7 recommendations are. And we're available to  
8 answer any questions.

9 CHAIRPERSON HOOD: Okay. Thank you very  
10 much, Ms. Steingasser, for that recap and review  
11 and the recommendations that are being proposed.

12 Colleagues, again, I'm going to ask --  
13 we're going to have plenty of time to have a  
14 discussion with the Office of Planning, and the  
15 community will have plenty of time to hear us  
16 deliberate. I really would like to hear from the  
17 community this evening, because they are here.  
18 But I will tell you that, let's open it up and see  
19 if we have any burning questions that we need to  
20 ask on the front end.

21 I'm not saying we can't ask questions.  
22 But I want us to be cognizant, because when I  
23 look, I see a lot of people that want to come up  
24 and testify and give us their point of view also.  
25 So we want to make sure that we're courteous to

1 the public. Because we can ask two and three  
2 hours' worth of questions; we usually do. But  
3 tonight, if you're got something burning, let's  
4 ask that, and then we'll go to the public.

5 I didn't shame anybody. I mean, I'm sure  
6 you've got one question.

7 (Laughter.)

8 CHAIRPERSON HOOD: Mr. Turnbull.

9 MR. TURNBULL: Yes. Well, thank you, Mr.  
10 Chairman.

11 I want to thank the Office of Planning  
12 for their brief and, I think, a very concise  
13 explanation of the R-4.

14 When you talk about the R-4 as being not  
15 an apartment-house area, but here we get into  
16 apartment-house conversions, I just think for the  
17 public it might -- further explanation about what  
18 kind of impact it is. We're talking about it  
19 being not an apartment area, but at the same time  
20 we're talking about the ability to be able to  
21 convert to apartments.

22 MS. STEINGASSER: Right. Most of our row  
23 house zones in the District predate 1958, which is  
24 when the zoning regulations were adopted. Many of  
25 them go back to the 1800s. And there are many

1 areas where there are existing small walk-ups,  
2 little four-squares, or really larger lots,  
3 really. Especially some of the outer rings you'll  
4 see over in parts of the park where large mansions  
5 came in, and lots were larger.

6 And the zoning regulations recognized  
7 that in 1958 that some of these could be  
8 appropriately converted if they had the land area  
9 to equalize that density.

10 And the reason it's important now is that  
11 we're seeing it not only on the end with the 900-  
12 square-feet, but we're seeing it push its way into  
13 mid-blocks and start to put properties together.  
14 We subdivide them. And it starts to gut the  
15 traditional row houses.

16 And in those areas that are historic,  
17 there is some review. But in the other areas, the  
18 other 60 percent, there is no review. And it  
19 really does start to change the character. And  
20 the single-family row house now becomes part of a  
21 multifamily development.

22 MR. TURNBULL: Okay. My other question  
23 is, you talked about IZ applying for your  
24 recommendation as to the third unit, the fourth  
25 unit. But am I looking at -- but on a



1 nonresidential, it's the 10th? You have to have  
2 10 units?

3 MS. STEINGASSER: That's the current  
4 zoning regulations, yes.

5 MR. TURNBULL: Shouldn't that be lower?

6 MS. STEINGASSER: We could look at  
7 lowering that. The reason we didn't is that's  
8 where we want to incentivize. That's where we  
9 want people to go. We want them to look at  
10 adaptive reuse of these nonresidential buildings  
11 in this area. That's where it's appropriate. And  
12 so, keeping with the standard inclusionary zoning  
13 language that that 10th unit would trigger, we  
14 thought we'd stay with that.

15 MR. TURNBULL: Well, it just seems that  
16 there would be more opportunity on a larger  
17 building like that to get, you know, IZ. Just  
18 rather than the adding onto a second or third  
19 unit, making that have the IZ unit -- it seems  
20 like the multifamily might be more of an  
21 opportunity to get --

22 MS. STEINGASSER: We could certainly look  
23 at that. But again, it's looking at trying to  
24 discourage the conversion of the residential homes  
25 and encourage the conversion of the nonresidential

1 structures.

2 MR. TURNBULL: Okay. All right. Thank  
3 you.

4 CHAIRPERSON HOOD: Do we have any other  
5 quick questions up here?

6 Vice Chair Cohen.

7 MS. COHEN: Thank you, Mr. Chairman.

8 You provided quite a bit of data to us in  
9 this report that you went through. However, I  
10 have a question for Mr. Rogers.

11 Mr. Rogers, why is the Housing Authority  
12 having such difficulty placing 70,000 people,  
13 households, from their waiting list? And why do  
14 we have over 7,000 households living on the  
15 streets of Washington, D.C.? Isn't that an  
16 affordability issue that we're not meeting?

17 MR. ROGERS: Well, I mean, I think they  
18 have 70,000 people on their wait list, but they  
19 only have 8,000 units that they have themselves.  
20 And then, they only have funding for vouchers for,  
21 you know, a couple thousand more. So I think  
22 that's part of the problem they have with their  
23 wait list.

24 MS. COHEN: But Economics 101 always told  
25 us that supply and demand are issues that if you

1 have more supply, then you can also reach more  
2 people and make housing more affordable.

3 MR. ROGERS: That's true. But in most of  
4 our poor neighborhoods, the rents are such that --  
5 because they are the close-in neighborhoods that  
6 are in high demand. The rents that you could  
7 charge are probably beyond the fair market rents  
8 that the Housing Authority vouchers will  
9 subsidize. So the Housing Authority would have to  
10 come up with additional funds to do Section 8  
11 vouchers for those households.

12 MS. COHEN: And you're saying "probably"  
13 as opposed to scientifically? Like, do we have  
14 the right data? Because I think everybody that is  
15 in the housing field believes that we have a  
16 shortage of housing, and the R-4 is an opportunity  
17 to increase that. I mean, we're actually down-  
18 zoning R-4.

19 And that makes me very uncomfortable when  
20 I think there are other ways of addressing the  
21 issues that are pop-ups, like design review,  
22 requiring design review for adding units.

23 MR. ROGERS: Well, I mean, I think the  
24 reason why those neighborhoods are so expensive is  
25 because they're close-in and they're getting a lot

1 of demand from higher-income households.

2 And again, I think the point of our  
3 presentation tonight was there is an enormous  
4 supply of multifamily development that is trying  
5 to meet the demand for higher-income households  
6 and trying to maintain -- and that expansion of  
7 units is far greater than what we might achieve  
8 within the R-4. And at the same time, we would be  
9 sacrificing affordability for families.

10 So, I entirely agree with you that  
11 certainly the lowest-income households in the  
12 District are most at risk. But I think the  
13 opportunity to house them within the R-4 is  
14 extremely limited. And so I wouldn't go there to  
15 meet the demand from those low-income households.

16 Again, the primary focus is maintaining a  
17 level of affordability for the families who want  
18 to stay and live in the District.

19 MS. STEINGASSER: I just want to add also  
20 that, number one, we're not down-zoning the R-4.  
21 The R-4 allows two units as a matter of right per  
22 building, and we're proposing to maintain that.

23 And as the commission has wrestled  
24 recently in cases where we are trying to recognize  
25 the areas for multifamily, the struggle to have

1 family-sized units with more than one bedroom,  
2 more than two bedrooms, and upwards of three  
3 bedrooms, that's something we're seeing.

4           You know, we've recently seen a case  
5 where we've been pushing back and forth to try to  
6 get the developer to commit to having three-  
7 bedroom units. And they have been very resistant.  
8 This is putting pressure on those areas where  
9 those three-bedrooms already exist and converting  
10 them into one-bedrooms or two-bedrooms.

11           But, you know, if they want to make the  
12 case that these are true affordable units, then we  
13 need to put them into the affordable housing  
14 programs.

15           MS. COHEN: Well, I won't continue to  
16 argue with you with regard to if this is a down-  
17 zoning, since we are reducing height. And I think  
18 a lot of planners would argue with you, including,  
19 you know, people who are just in the housing  
20 field.

21           I'd like to hear from, I guess, the  
22 people who have come. And I'll just withhold any  
23 further discussion.

24           CHAIRPERSON HOOD: Any other questions up  
25 here?

1           I will say I do have a question. But I  
2 will do mine on the back end, Ms. Steingasser,  
3 because I am concerned, or I'm trying to -- I want  
4 you to walk me through the third unit. And when  
5 it triggers into 60 percent of the AMI, I'd like  
6 to know how we got 60 percent. But you know I'm a  
7 30-percent guy because I always look at,  
8 affordable to who?

9           That's always been an issue. I've been  
10 asking that question since I've been down here  
11 since 1998. Affordable to who? And are we really  
12 achieving what we want to achieve?

13           But on that note, I want to thank you and  
14 the Office of Planning for at least doing this.  
15 Because I think we've come a long way. In 1998,  
16 Ms. Hargrove mentioned to me about pop-ups. And  
17 we've been grappling with it. I've heard from the  
18 City Council. I've been hearing about all this  
19 since I've been here. And now, this is a step  
20 forward. Whether you're pro or con or agree with  
21 something, we're doing something, as I stated  
22 before.

23           So, any other comments?

24           (No audible response.)

25           CHAIRPERSON HOOD: Okay. Let's go right

1 into the list. We'll go with proponents first.  
2 Now, if I mispronounce your name and it sounds  
3 like your name, just come forward. And I  
4 apologize in advance.

5 Cecilia Waldeck.

6 Larry Hargrove.

7 Kent Baese.

8 I think this is Rashida Brown.

9 Alan Gambrell.

10 Ann Sellin.

11 Now, I think I've called -- I think we  
12 have seats for six. Okay. Ms. Schellin, help me.  
13 You and Mr. Leach, ya'll can help me with this.  
14 Okay.

15 Number 10, Fay Armstrong.

16 And Tom Conway.

17 (Pause.)

18 CHAIRPERSON HOOD: And again, we do have  
19 an overflow room for those who -- I don't think  
20 the overflow room is filled, is it? If you want  
21 to sit down, you get tired of standing, we do have  
22 an overflow room.

23 (Pause.)

24 MR. MILLER: Mr. Chairman, we have people  
25 signed up. Some have indicated whether they're

1 proponents or opponents. And I noticed that you  
2 skipped over some of the opponents. Are you going  
3 to go back and forth between proponents and  
4 opponents?

5 (No audible response.)

6 MR. MILLER: We can't do that? I think  
7 that would be unfair.

8 CHAIRPERSON HOOD: Our regulations -- we  
9 can always waive any rule that we have. But our  
10 regulations say that we do proponents first and  
11 opponents. But if we want to do it like we did  
12 the ZRR, I don't have any problem just going  
13 straight down the list.

14 MR. MILLER: I think that would be  
15 fairer, more balanced.

16 CHAIRPERSON HOOD: What do other  
17 colleagues believe?

18 (No audible response.)

19 CHAIRPERSON HOOD: But we're not going to  
20 spend 20 minutes on this.

21 (Laughter.)

22 MR. MAY: Yeah. I don't feel strongly  
23 either way. I don't know that it's an issue of  
24 fairness; it's just an issue of, you know,  
25 efficiently working through the list. So, with a



1 list this long, it's fine. I'm fine going down  
2 the list.

3 CHAIRPERSON HOOD: Okay. The vote is --

4 MR. MILLER: For the order that they  
5 signed up, like the ZRR.

6 CHAIRPERSON HOOD: Okay. Well, the list  
7 that I have in front of me is in order. I'm just  
8 going to go down the list, pro or con. I will ask  
9 you to identify yourself, whether you are for or  
10 against. Well, I'm sure when we hear your  
11 testimony, we'll know where you are.

12 (Laughter.)

13 CHAIRPERSON HOOD: Okay. Where did I  
14 stop, Ms. Schellin?

15 (Inaudible response.)

16 CHAIRPERSON HOOD: Yeah, I know. but I  
17 just need to know where I stopped, because I need  
18 to go back and get some of the people that I  
19 didn't get.

20 MS. SCHELLIN: Number 11.

21 CHAIRPERSON HOOD: Number 11. Okay. So  
22 I'll go back.

23 Okay. We're going to start to my right.  
24 You may begin.

25 MS. BROWN: Good evening, Chairman Hood,

1 and members of the Zoning Commission. Thank you  
2 for allowing me this opportunity to share my  
3 testimony regarding Case No. 14-11. My name is  
4 Rashida Brown, and I am Advisory Neighborhood  
5 Commissioner for the 1A10 Single Member District.

6 As you're aware, ANC 1A is located in an  
7 R-4 zone district. Throughout the years, I have  
8 been engaged in ongoing conversations with members  
9 of my community about the types of development in  
10 our neighborhood. We recognize the quality  
11 development that brings meaning to our community  
12 and can identify those that are detrimental.

13 My neighbors have been very vocal about  
14 the rapid growth of single-family row homes'  
15 conversions into multi-unit buildings. And  
16 residential --

17 (Pause.)

18 MS. BROWN: And the residential  
19 development involving poorly constructed pop-ups  
20 and pop-outs. Their major concerns mostly involve  
21 issues related to the height and density and  
22 particular projects that add to the existing  
23 family structures throughout the ward and abutting  
24 their properties.

25 We agree that there are projects that

1 provide quality enhancements and add value to  
2 properties. But there are others that are  
3 designed in a way that pulls away from the natural  
4 character and unique features of the traditional  
5 neighborhood row homes. This inconsistency  
6 jeopardizes the integrity of our neighborhoods.

7 I have provided pictures, attached to my  
8 testimony for record, share an example of these  
9 developments. Two in particular are built on my  
10 block. The developers of these projects live  
11 outside of the District and have no consideration  
12 for the potential impact on residents. These  
13 developments include massive additions and poses a  
14 negative impact on residents' air, light, and  
15 quality of life.

16 Once the existing structure of a  
17 neighborhood row home has been gutted out and  
18 converted into a multi-unit building, it is  
19 impossible to gain it back. What was once a  
20 three-bedroom row house with a basement is now a  
21 four-level building with a penthouse.

22 Some would argue that creating multiple  
23 units within these structures would create  
24 opportunities for affordable housing in the  
25 District. These units are typically priced at a

1 rate that is comparable with today's market and  
2 unaffordable for the average individual with  
3 modest income.

4           Housing prices are rising much faster  
5 than households and individuals with household  
6 incomes, and Millennials are clustering in less-  
7 affordable markets, where their home-buying is  
8 further out of their reach.

9           As young people grow older and seek to  
10 start a family, they would also be forced to move  
11 outside the District to obtain greater space in an  
12 area that they can afford. I'm concerned that  
13 such development would limit affordable single-  
14 family dwellings.

15           Park View is a neighborhood that I've  
16 lived in for seven years and is known for its  
17 affordability and attracts many families who seek  
18 housing. I would like to see this be preserved.  
19 Family investment is critical to our neighborhoods  
20 and ensures the long-term sustainability,  
21 maximizes our chance for long-term residents, and  
22 minimizes transition and constant turnover.

23           We must have better policies in place to  
24 support families to afford to live here. I  
25 support the Office of Planning's text amendments

1 to the R-4 zoning regulations and believe these  
2 changes would restore the original intent of the  
3 R-4 language and help control reductions in our  
4 number of family-sized dwellings. It provides a  
5 necessary --

6 CHAIRPERSON HOOD: Ms. Brown. Ms. Brown.  
7 I have to interrupt you. But were you here when I  
8 made my statement? Were you here when I made my  
9 statement? The first bell -- and I'm going to say  
10 this for those who may have come in late. The  
11 first bell means you need to wind it up. The  
12 second bell, we're going to ask you to stop.

13 Because -- unless everybody wants to -- I  
14 don't mind coming back down because I want to hear  
15 from the public. Does everybody want to come back  
16 next week?

17 (No audible response.)

18 CHAIRPERSON HOOD: Okay. I heard enough.  
19 So we have your testimony.

20 MS. BROWN: Okay. Thank you.

21 CHAIRPERSON HOOD: We're going to try to  
22 hear from everybody tonight. That's the goal.

23 MS. BROWN: Okay. Thank you for the  
24 opportunity.

25 CHAIRPERSON HOOD: Thank you. Keep up

1 the good work.

2 Next. Mr. Hargrove.

3 MR. HARGROVE: Chairman Hood, members of  
4 the Commission, I'm Larry Hargrove testifying for  
5 Kalorama Citizens Association, which commends the  
6 Office of Planning for its proposal and generally  
7 supports it.

8 Last year, I heard the commission give to  
9 OP what seemed to be a fairly clear mandate to do  
10 something about the damaging effects of  
11 overdevelopment of row houses and other  
12 residential structures that the current  
13 regulations enable.

14 OP responded pretty well, in our view.  
15 So we were dismayed to see the proposal as it  
16 emerged from the commission's discussion of it  
17 last year corrupted, in our term, by alternative  
18 texts that would not only nullify the major  
19 protections against such development that OP had  
20 proposed, but in fact would make such development  
21 easier.

22 I hope that these alternatives do not  
23 emanate from a view that there is actually no  
24 problem and that R-4 areas would be better off  
25 with more, rather than less, conversion of their

1 row houses into apartment buildings, without  
2 meaningful restriction as to lot size or number of  
3 units, and as the commission's alternative four  
4 would provide.

5           If so, I would exhort the commission to  
6 look again at the data and the analysis in OP's  
7 preliminary report, which articulate rather fairly  
8 the concerns of many people who actually live in  
9 R-4 areas in the City, concerns about development  
10 activities that are destructive as to aesthetic  
11 and historic values and corrosive of the areas'  
12 ability to sustain, over time, as a successful  
13 broad-based neighborhood with a viable young-  
14 family demographic.

15           The view that public policy should regard  
16 some of our row house neighborhoods as, to some  
17 extent, grist for the development mill is a  
18 persistent one and goes back a long way.

19           It is reflected in various ways in the  
20 1958 zoning regulations themselves, which as to R-  
21 4, for example, characterized R-4 as an urban  
22 development area in which so-called substandard  
23 structures were to be demolished. That provision  
24 lasted until 1970, along with some in a similar  
25 vein. OP's proposal then has historically seen a

1 move toward completing a long-delayed process of  
2 correction.

3           Our views on specific proposals are as  
4 follows: As to the definition of "mezzanine," we  
5 support that as obviously needed reform. As to  
6 the maximum height of buildings, we believe that  
7 the 35-foot limit is essential to securing the  
8 needed protections against incompatible  
9 development. And for the same reasons, we oppose  
10 making an additional five feet available by  
11 special exception.

12           The figures in OP's report as to row  
13 house height indicate clearly that is over a 90  
14 percent probability that, in practice, this  
15 special exception would need an additional 15, not  
16 5, feet of height, in excess of that of  
17 neighboring row houses, over 94 percent of which  
18 are 35 feet or less in height, and many others  
19 are, in fact, less than 35 feet.

20           This is because every pop-up developer  
21 can be relied on to include a roof deck  
22 accompanied by a roof structure in the project.  
23 In most cases, that roof structure, under  
24 currently pending proposals, can be quite massive.

25           And with such extremely high



1 probabilities of such severe incompatibility with  
2 the scale and character of neighborhood homes,  
3 making the additional height available by special  
4 exception is unwarranted. An area variance should  
5 be required.

6           As to roof structure height, it appears  
7 to be the intention of the proposed amendments to  
8 limit the roof structure height to 10 feet on all  
9 detached dwellings, semi-detached dwellings, and  
10 row dwellings. If so, we commend OP for this  
11 proposal and we strongly support it.

12           We would note that it is not completely  
13 consistent with pending provisions in the ZRR text  
14 and in the penthouse proposal, and we would urge  
15 the commission to reconcile these three provisions  
16 in due course by limiting roof structure height to  
17 10 feet, at least on all detached dwellings, semi-  
18 detached dwellings, and row houses.

19           As to roof structure setback, we believe  
20 the proposed setback formula should be tightened  
21 by assuring the setback is required for the side  
22 walls of attached or semi-detached structures, as  
23 clearly mandated by the Comprehensive Plan in a  
24 provision that, I might say, has thus far  
25 apparently been officially ignored.

1           As it stands, the proposal would allow  
2 massive visual intrusion by roof structures on  
3 most row houses. Again, as with roof structure  
4 height, I would note that the provisions are not  
5 consistent in this proposal in the ZRR text and in  
6 the --

7           CHAIRPERSON HOOD: Thank you, Mr.  
8 Hargrove.

9           MR. HARGROVE: -- penthouse proposal.

10          CHAIRPERSON HOOD: We have your  
11 testimony. Thank you.

12          Next.

13          MR. GAMBRELL: Hi. I'm Alan Gambrell.  
14 I'm a 30-year D.C. resident and a brand-new ANC  
15 Commissioner from Adams Morgan, my address 1648  
16 Argonne Place, Northwest.

17          I'm here with two messages. The first is  
18 to share our community's solid endorsement of the  
19 Office of Planning's R-4 recommendations. The  
20 second is to tell you how we got there, how we  
21 took our concerns over our neighborhood's  
22 overdevelopment and educated ourselves and showed  
23 up tonight.

24          As for my first message, last year was a  
25 long debate for our neighborhood in terms of

1 rezoning Lanier Heights and Adams Morgan from R-5-  
2 B to R-4. That all came together over the past  
3 three months. First was a November ANC community  
4 discussion. There was overwhelming consensus to  
5 pursue a change in our zoning to R-4.

6           At that meeting, I want to point out,  
7 many of the community members did not know the  
8 details in the proposed R-4 changes. However, all  
9 of the ANC members did at that time, and still do.  
10 And so, they took two subsequent votes. One was  
11 in December. There was a unanimous endorsement to  
12 pursue R-4 status.

13           The second vote was just last week, one  
14 of my first votes as a new ANC commissioner. And  
15 that was another unanimous vote to support Office  
16 of Planning R-4 recommendations. The community  
17 has spoken.

18           As for my second and closing message, I  
19 want to share with you how our community arrived  
20 at this consensus over the need for change and the  
21 need for these new R-4 recommendations. It is a  
22 story that is happening all over this City, places  
23 like Buchanan Street, Euclid, Lanier Place, and my  
24 own block of Argonne Place. I mean, my God, the  
25 things that are happening to this City.

1           We are not against change. But we are  
2 against having our property rights taken away,  
3 which we are seeing happen as we witness  
4 overdevelopment that is wearing away of history  
5 and architecture, adding entire new floors that  
6 compromise structural integrity of our common  
7 walls, build-outs that take away light and air  
8 owned by whatever pops up first.

9           It's a battle on my block of Argonne of  
10 17 historically intact structures, where four pop-  
11 ups in a row are racing to rob each of what we  
12 should all share.

13           A quadrupling of the noise next door, as  
14 single-family homes become four-unit condos  
15 against 100-year-old walls that place no sound  
16 abatement rules on this new space. Exponential  
17 growth in the number of garbage cans crammed into  
18 our tiny back alleys, with no apparent plan as to  
19 where to put them -- new banquet halls for the  
20 rats.

21           And again on my block, a neighbor who has  
22 lived there since 1959. He can't take it any  
23 longer. He sold to the developer. He's fleeing  
24 the City.

25           We have taken these concerns, our fears,

1 and entered into the world of zoning regulations  
2 and webpages and rulings that seem full of  
3 uncertainties, seemingly open to ever-changing  
4 interpretation by overworked and sometimes  
5 unresponsive zoning staff, a world of loopholes  
6 and pitfalls.

7           It's in that context that we see new  
8 clarity in the Office of Planning's R-4  
9 recommendations. Zoning commissioners, ANC 1C  
10 supports these changes. Row house property owners  
11 all over the City are crying out for help. Vote  
12 yes on the Office of Planning's R-4  
13 recommendations. Thank you.

14           CHAIRPERSON HOOD: Thank you.

15           Next.

16           (Applause.)

17           CHAIRPERSON HOOD: At the beginning, I  
18 mentioned -- I don't know, I think I said no  
19 applause. But if you feel good about it, just  
20 keep it to yourself.

21           (Laughter.)

22           CHAIRPERSON HOOD: All right? Let's not  
23 have any demonstrations, so we can keep moving.  
24 Thanks, everybody.

25           Next.

1           MR. BAESE: Good evening, Chairman Hood  
2 and members of the Zoning Commission. I thank you  
3 for this opportunity to speak in favor of the text  
4 amendments. My name is Kent Baese. I live at 608  
5 Rock Creek Church Road, Northwest. And I also  
6 happen to be Chair of ANC 1-A. But tonight I'm  
7 speaking on behalf of myself.

8           The issue before us is of critical  
9 importance to our City. It is growing. We have a  
10 real need for housing. Yet we do not have the  
11 tools, oversight, process, or design review we  
12 need to manage new development in a balanced  
13 manner that is respectful of the architectural  
14 character of our historic row house neighborhoods  
15 and the people that live in them.

16           I have seen beautiful, architecturally  
17 sensitive pop-ups from time to time. There's one  
18 in particular I'm thinking of in Columbia Heights.  
19 So it tells me that if this is something that we  
20 want to do, it can be done and it can be done  
21 profitably.

22           Unfortunately, that is not the rule; that  
23 is the exception. And when the aesthetics, when  
24 the pop-up goes up, then you have to question the  
25 permits and you can't get DCRA to inspect it, it

1 also brings into question the quality of the  
2 construction and the safety of the unit when it's  
3 completed.

4           Many of us who live in row house  
5 neighborhoods chose to live there because they are  
6 attractive, because they are large enough for  
7 families, and because the density in a row house  
8 neighborhood allows us to get to know our  
9 neighbors and supports strong communities so that  
10 we can talk to each other and make decisions by  
11 consensus for what's best for the community as we  
12 see it.

13           Amending the R-4 text to bring it into  
14 compliance with the intent of the zone is both  
15 good and necessary. In densely populated row  
16 house communities, it is our duty as public  
17 servants to ensure that we have everyone's best  
18 interests before us and balance the needs of all  
19 residents.

20           Washington must continue to be inclusive  
21 and accessible to all who want to live there and  
22 find a path forward that is beneficial to all.

23           One thing I'd like to point out kind of  
24 as a side note is I find it interesting that when  
25 one thinks about, what is the character of this

1 City, it is the row house that shows up in movies,  
2 in television shows, and media. It is the logo  
3 for DCRA. It was used as the inspiration for the  
4 D.C. Christmas tree this year. It shows up on  
5 postage stamps. This is what the world sees when  
6 they think of where real Washington is, and not  
7 where official Washington goes to work.

8 Our zoning code must be logical,  
9 predictable, and provide a stable environment for  
10 developers and residents alike. A necessity of  
11 amending the R-4 text to conform to the intent of  
12 the zone should be obvious. But to be fair, we  
13 should revisit the R-4 zone. I know in my  
14 experience using the zoning map from time to time,  
15 I find empty R-4 lots surrounded by R-5 or C-2-A,  
16 and we should revisit that.

17 CHAIRPERSON HOOD: Okay. Thank you.

18 Next.

19 MS. WALDECK: My name is Cecelia Waldeck,  
20 and thank you for giving me an opportunity to  
21 speak to the commission tonight. I'm speaking on  
22 behalf of a neighborhood association, the 16th  
23 Street Neighborhood Association, which is in ANC  
24 4C, which is a 4-R regulated area of District of  
25 Columbia.



1           I own a row home at 4517 15th Street,  
2 Northwest, which is two lots away from a pop-up  
3 development at 1424 Buchanan Street, Northwest.  
4 This new development dwarfs the nearby row homes,  
5 invades my backyard privacy, and lowers the  
6 desirability and value of my home. It also  
7 creates a fire hazard in the neighborhood, because  
8 it does not comply with the building codes.

9           If this three-unit condominium  
10 development existed at the time that I decided to  
11 buy my home, I would not have done so.

12           Many neighbors and I support the proposed  
13 amendments relating to residential buildings,  
14 namely, lowering the matter-of-right height  
15 maximum to 35 feet, absent a special exception  
16 from the commission, and also lowering the height  
17 maximum for roof structures.

18           In the last week, I obtained over 70  
19 signatures from neighbors in ANC 4 on a petition  
20 supporting the proposed amendments and am  
21 submitting these petitions for inclusion in the  
22 public record for this hearing.

23           It is my impression from talking to  
24 neighbors that there is very broad support for the  
25 proposed amendments. If the commission needs

1 additional evidence of public support for the  
2 proposed amendments, the 16th Street Neighborhood  
3 Association will be quite happy to submit more  
4 petitions and more signatures.

5           We would like to see these proposed  
6 amendments approved as soon as possible. However,  
7 additionally, we would like to work with the  
8 commission to develop further amendments that add  
9 two additional criteria for assessing the  
10 neighborhood impacts of a condominium development  
11 with a 40-foot height.

12           First, the commission should consider the  
13 impact on neighborhood parking. In my  
14 neighborhood, there is already a lot of demand for  
15 on-street parking that routinely creates congested  
16 parking conditions late in the evening when  
17 everyone is home, on street-cleaning days, and  
18 Sundays. Demand from nonresidents in my  
19 neighborhood comes from the presence of 14  
20 churches, four schools, and restaurants, the metro  
21 bus barn, and the existence of group homes.

22           Additionally, ANC 4-C has a dense  
23 population of residents due to the presence of  
24 nearby apartment buildings on 14th Street,  
25 Northwest, and single-family R-4 homes that do

1 rent out their basement units, and also the  
2 existence of homes that are single-family which  
3 have shared roommate living situations.

4 Because of this, parking on our  
5 neighborhood is really very tight and very  
6 congested. And this is something that I think  
7 should be considered for certain for our  
8 neighborhoods when special exemptions are given  
9 for three-unit condominiums.

10 Second, when granting an exception for a  
11 40-foot-height development, the commission should  
12 consider whether the proposed development complies  
13 with building codes that relate to neighboring  
14 structures, including but not limited to  
15 neighboring chimneys, solar panels, nearby roof  
16 load strengths, back porches, and garages.

17 Attached to my testimony I have copies of  
18 it. It's a picture of the construction site at  
19 1424 Buchanan. In front of this picture you will  
20 see that the chimney of the neighbor's row house  
21 is within one foot of the exterior wall of the  
22 third floor of the condominium. Anyway, this  
23 violates the building codes, which requires 10-  
24 foot clearance. And despite this, this developer  
25 got all the permits necessary to build this new

1 development.

2           Anyway, several neighbors and I spent  
3 much time engaged with Department of Consumer  
4 Regulatory Affairs over the code violations at  
5 1424 Street, Buchanan Northwest. What I learned  
6 was that DCR routinely issues building permits for  
7 condominium developments without first obtaining  
8 information about the structures on nearby lots.

9           There are at least three such  
10 developments, conversion developments in the City  
11 today with stop-work orders because the upper-  
12 level floor of the new development is too close to  
13 a neighboring chimney, which creates a fire hazard  
14 for the entire neighborhood.

15           DCRA appears reluctant to resolve these  
16 situations because it has already issued the  
17 building permits. We do not know the specific  
18 reasons for the current weak enforcement of these  
19 important building codes. Perhaps it's due to  
20 insufficient staffing at DCRA or incompetence or  
21 the use of third-party inspectors.

22           However, the Zoning Commission can take  
23 any actions to strengthen the enforcement of  
24 building codes. You have the support of the 16th  
25 Street Neighborhood Association and the support of

1 --

2 CHAIRPERSON HOOD: Thank you.

3 MS. WALDECK: -- developers today who  
4 find themselves with stop-work orders.

5 CHAIRPERSON HOOD: Thank you. Thank you.

6 MS. WALDECK: Thank you very much.

7 CHAIRPERSON HOOD: Okay. Thank you.

8 Again, I'm just going to repeat. The  
9 first buzzer that you hear means if you can wrap  
10 up by the next buzzer. If you all would do me a  
11 favor, because my parents didn't raise me to be  
12 impolite. Just cut off. Just cut off at the  
13 second buzzer, because we're going to try to get  
14 through this. I'm trying not to bring everybody  
15 back down here next week or the week after. So we  
16 want to be considerate of your time, but we also  
17 want to hear from you.

18 Ms. Sellin.

19 MS. SELLIN: Hello. My name is Ann  
20 Sellin, and I'm talking -- speaking to the  
21 Residential Action Code --

22 CHAIRPERSON HOOD: Is your mic on?

23 MS. SELLIN: I live in Dupont Circle.  
24 Six years ago, the Zoning Commission rezoned 10  
25 blocks of row houses in the north part of Dupont

1 Circle, lowering the zoning from R-5-B to R-4 in  
2 response to neighborhood petitions. You were  
3 Chairman at that time, Mr. Hood.

4 A house survey, house-by-house, for the  
5 rezoning showed that a majority of the row houses  
6 are two-story, no higher than 25 feet, and with  
7 one to two residential units, mostly one unit.  
8 Three-story houses, most lacking a livable  
9 basement, are about 35 feet high or a little bit  
10 lower.

11 This proposal is on the right track. A  
12 35-foot, however, matter-of-right height for the  
13 many two-story buildings would still be too high  
14 for the R-4 blocks in question, because it would  
15 permit an additional full story on a 25-foot row  
16 house. That would be almost a-third addition to  
17 almost a-half addition with roof structures, which  
18 would create a pop-up that would be quite visible.

19 The gauge for row houses should be geared  
20 to the permissible height of the prevailing height  
21 of the majority of buildings in the row, as is  
22 specified in the Comprehensive Plan. In this  
23 case, it should not be over five feet. Thus, the  
24 unified character of the row would be preserved.  
25 This idea is proposed in the staff sessions with

1 citizens that took place over three years ago,  
2 prior to the zoning rewrite.

3           There needs to be an additional section  
4 which addresses additions to row house rows that  
5 are predominantly two-story, the situation with  
6 most R-4 blocks in Dupont Circle. The addition  
7 should be no more than five feet in those areas,  
8 which would permit additional attic space high  
9 enough to stand up in or permit loftier second-  
10 floor ceilings.

11           Conversions of nonresidential buildings  
12 or structures to apartment houses is good in that  
13 it excludes houses in the row area, thus  
14 permitting a single residential unit replacement.  
15 Inclusionary zoning -- this is not acceptable  
16 because it would encourage further subdivision in  
17 what are relatively small buildings.

18           14th Street is the eastern boundary, and  
19 there are a number of high-rise apartments that  
20 have gone up. Most of the units are 700 feet or  
21 less. These new apartments and condos really do  
22 not accommodate families at all. What's needed is  
23 the preservation of family housing.

24           In the last eight years, prams are seen  
25 on every row house sidewalk in Dupont Circle, and

1 many toddlers are growing to school age. This is  
2 new. We very much need to preserve family housing  
3 and not permit every row house to be subdivided  
4 into tiny apartments with pop-ups.

5 This proposal --

6 CHAIRPERSON HOOD: Thank you, Ms. Sellin.  
7 You're a veteran down here. You did exactly  
8 what's supposed to happen. Thank you very much.

9 (Laughter.)

10 MS. SELLIN: Well, thank you for the  
11 down-zoning six years ago. We need to do some  
12 more.

13 (Inaudible interjection.)

14 CHAIRPERSON HOOD: I'm sorry?

15 (Inaudible interjection.)

16 CHAIRPERSON HOOD: Can you do me a favor?  
17 Because we do try to be organized. If there's an  
18 issue, could you talk to staff? Even though I  
19 wanted to hear what you had to say. But work it  
20 out with staff for me, and we'll correct anything  
21 we're not doing right -- staff to my left.

22 Ms. Schellin, could you help this  
23 gentleman? Okay.

24 Thank you, Ms. Sellin.

25 Next.



1 MS. ARMSTRONG: Good evening, Chairman  
2 Hood and other members of the commission. My name  
3 is Fay Armstrong. I'm President of Historic Mount  
4 Pleasant, and I appeared before you in this room  
5 in November of 2013, and we're going to go back to  
6 those same issues this evening.

7 You have my prepared statement, as well  
8 as a petition signed by more than 550 residents of  
9 Mount Pleasant in support of the position we're  
10 advocating this evening. There are other  
11 witnesses from Mount Pleasant here, as well as  
12 members of the audience, to demonstrate our strong  
13 interest in this issue.

14 I'd like to highlight just a few issues  
15 from my longer statement. When I was here in  
16 November of 2013, I raised the issue of the  
17 conversions. That was the big issue that I raised  
18 at that time, and asked that the of-right  
19 conversions be eliminated, not be carried over  
20 into the new -- into the ZRR, the new zoning code.

21 And, Chairman Hood, you suggested that OP  
22 work with us to find a solution, and we discussed  
23 whether historic preservation -- we are an  
24 historic district, how HPRB helped or didn't help  
25 with some of the issues we had. And you asked

1 Jennifer to discuss with us, and we came in with a  
2 proposal last spring.

3 We decided after we discussed with OP  
4 different approaches that the best approach would  
5 be a text amendment that limited the of-right  
6 conversions to two units per house. And we were  
7 disappointed when that was not adopted in the  
8 hearing in the context of the ZRR in October.

9 However, we recognize that there are lots  
10 of different ways of drafting around this issue.  
11 And so, when OP came out with this proposal in  
12 June, I was thrilled. I was just delighted. And  
13 I sent it out to everyone immediately and showed  
14 the analysis that OP has done.

15 We commend them for the work and the  
16 survey. They really did what I could not do and  
17 what we could not do in Mount Pleasant, which was  
18 to bring these -- go into your databases and to  
19 bring up the information about all of these, the  
20 properties throughout the R-4 districts.

21 I know we had other allies, if you will,  
22 within R-4 districts, but talking with historic  
23 districts -- for example, Dupont Circle, which has  
24 a different take on it -- I wasn't finding them.  
25 But the OP proposal shows the broader interest in

1 the issue that we raised with you more than a year  
2 ago.

3           So, we urge you to approve now the text  
4 amendment as proposed in June 2014 for all R-4  
5 zones, repealing the longstanding authority for  
6 converting pre-1958 residential buildings to  
7 apartment houses, and permitting any such future  
8 conversions by variance only. This position has  
9 also been endorsed by our ANC via unanimous  
10 resolution.

11           We strongly oppose the suggestion that  
12 conversions should be made easier by reducing 900  
13 to 700, or the conversions to more than two units  
14 should be allowed to continue by special exception  
15 or subject to inclusionary zoning.

16           The 900-square-foot rule has never  
17 provided any real protection for our houses in  
18 Mount Pleasant. As a result of the very loose  
19 interpretation that has been given to that rule  
20 since 1958, there are houses throughout our  
21 neighborhood, I would say on every block, that  
22 have more apartments than are permitted under that  
23 provision.

24           On my own block, there's a house with  
25 eight units where four should have been the

1 maximum, and several with four where two should  
2 have been the maximum. In brief, there are too  
3 many exceptions to the rule in Mount Pleasant for  
4 us to agree that there be any more conversions of  
5 houses by special exception.

6 Almost every month, Historic Mount  
7 Pleasant reviews projects going to the Historic  
8 Preservation Review Board that involve significant  
9 changes to the exterior. There's kind of a --  
10 some of these are developer projects, and some of  
11 them are homeowner projects. But there is a real  
12 pattern there.

13 When it's a developer coming in,  
14 invariably  
15 -- and often, they involve changes to the  
16 exterior, enclosing porches or, you know,  
17 different kinds of things. But when it's a  
18 developer that's purchased the property, it's  
19 pushing to the max. It's pushing up, it's pushing  
20 out. And it's dividing to the maximum number of  
21 units allowed by law.

22 We've now been asking developers in this  
23 last, I think, uniformly this past year  
24 specifically to limit the number of units, to  
25 maintain a smaller footprint than zoning might

1 allow so that they can respect the rhythm of the  
2 block and the rows that they are building within,  
3 and to have larger units that families or groups  
4 might occupy over the long term.

5 Our pleas are uniformly dismissed. The  
6 apartments, generally, the condos are small and  
7 expensive.

8 CHAIRPERSON HOOD: Thank you very much.  
9 Next.

10 MR. CONWAY: My name is Tom Conway, and I  
11 live in Mount Pleasant.

12 Last year I testified at the Ward 1  
13 zoning hearing to protect the historic character,  
14 social institutions, and economic diversity of  
15 Mount Pleasant. The subsequent OP proposal for  
16 Mount Pleasant would have achieved that end.  
17 Alas, despite our neighborhood-wide petition and  
18 ANC resolution, it did not pass.

19 So I'm back again, pleading for the same  
20 neighborhood relief from developers, this time in  
21 the form of OP's R-4 citywide proposals limiting  
22 height to 35 feet, the number of units to two as a  
23 matter of right, and to maintain the variance  
24 requirement rather than the pass-go collect permit  
25 special exception process.

1           We oppose -- and I say "we" because I  
2 think I can speak on behalf of the 550-plus  
3 residents of Mount Pleasant who signed our  
4 petition, which I believe is front of you. We  
5 oppose reducing unit size and lot formulas that  
6 would simply put condo conversions on steroids.

7           We support OP's R-4 proposal because it  
8 would achieve the same results as the earlier  
9 Mount Pleasant proposal. While treating all R-4  
10 the same, the proposal still lets neighborhoods  
11 maintain their own unique residential character.  
12 That is a worthy zoning objective.

13           What is not worthy is encouraging a  
14 citywide, homogenized, developer-crafted R-4 condo  
15 community. The developer version of R-4 is to  
16 convert affordable English-basement rentals, group  
17 houses, and single-family residences into high-  
18 priced condos. In Mount Pleasant, we are losing  
19 affordable housing. Let's be clear: Condo  
20 conversions are destroying affordable housing in  
21 Mount Pleasant.

22           Restoring R-4 to the original single-  
23 family intent in no way inhibits the dynamic  
24 development of new housing in the City, where  
25 density is desirable and where new neighborhoods

1 are being built from the ground up.

2 So, getting to the heart of the matter,  
3 what is your vision for the City? Ours is to keep  
4 our neighborhood. Thank you.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 Commissioners, any quick questions we  
7 might ask for this panel?

8 (No audible response.)

9 CHAIRPERSON HOOD: Okay. All right. We  
10 appreciate your testimony.

11 And let me just say that some of you may  
12 leave. If you want to hear us deliberate when we  
13 get a date, check with the office because we will  
14 be talking about some of the things that are being  
15 said tonight. We may not ask a lot of questions,  
16 because we want to hear from the public. But we  
17 will be deliberating on everything we hear  
18 tonight, at a later date. So you want to stay in  
19 touch with the office.

20 Okay. David Alpert.

21 Jackie Reed.

22 Meredith Moldenhauer.

23 (Inaudible interjection.)

24 Oh, okay. Well, I saw Ms. Moldenhauer.

25 Kinley Bray. I don't see Ms. Bray.

1 Kinley Bray?  
2 Judi Jones, Commissioner Jones.  
3 Dave Wood.  
4 Let me see how many I have at this point.  
5 (Pause.)  
6 CHAIRPERSON HOOD: Sandra LeSesne.  
7 Brian Crawford.  
8 (Pause.)  
9 CHAIRPERSON HOOD: Okay. I should have  
10 at least eight by now.  
11 (Pause.)  
12 CHAIRPERSON HOOD: Right. Okay. Mark  
13 Eckenwiler.  
14 And I think we've got one more. Edward  
15 Floyd.  
16 (Pause.)  
17 CHAIRPERSON HOOD: I'm sorry.  
18 Commissioner Eckenwiler.  
19 All right. Let's get started. To my  
20 right, your left, you may begin.  
21 MR. WOOD: My name is Dave Wood. I'm at  
22 -- live at 1624 Hobart Street, Northwest. Thank  
23 you for the opportunity to be here. I'm a long-  
24 time member of Historic Mount Pleasant, but I'm  
25 speaking this evening as a private citizen.



1           In short, I urge the commission to adopt  
2 the changes in the zoning regulations as  
3 originally proposed by the Office of Planning in  
4 June 2014. Of particular importance are OP's  
5 recommendations 5 and 6, which would limit  
6 conversions of single-family houses to apartment  
7 buildings or condominiums.

8           Ms. Armstrong noted the petition from  
9 Mount Pleasant in favor of those limits. What the  
10 petition will not convey to you is the depth of  
11 feeling of the people who signed. I first brought  
12 up the subject with my neighbors last June at the  
13 annual block party on Hobart Street.

14           Zoning is complex. I don't need to tell  
15 you all that. But when I briefly explained that  
16 the petition was intended to limit the conversion  
17 of single-family houses into condominiums or  
18 apartments, many people immediately said, "Where  
19 do I sign?" That's if they even let me finish the  
20 sentence. By the end of the afternoon, over 35  
21 people had done so.

22           In short, not only do a lot of my  
23 neighbors care about the issue, they care about it  
24 a lot.

25           The other point I wish to address is the

1 proposed alternative one, which would permit  
2 further conversions if the additional units are  
3 subject to inclusionary zoning. While I certainly  
4 do not question the goal of the IZ program, I do  
5 question using the proposed alternative to help  
6 achieve it.

7           Most fundamentally, the proposal would  
8 continue to permit the loss of single-family  
9 houses. Further, it would depend on developers'  
10 ability to capture a density bonus, which in this  
11 case would mean creating at least four units when  
12 converting single-family houses.

13           In Mount Pleasant, as elsewhere in R-4  
14 zones, relatively few row houses would accommodate  
15 four or more units without some expansion.  
16 However, especially in historic districts,  
17 expansions are often incompatible with maintaining  
18 neighborhood character. Ideally, zoning  
19 regulations and historic preservation should be  
20 mutually supportive, not in conflict.

21           The original purpose of the R-4 zone was  
22 to preserve single-family houses. Achieving that  
23 goal was the purpose of the Office of Planning's  
24 June 2014 proposals. I strongly urge you to adopt  
25 them. Thank you.

1 CHAIRPERSON HOOD: Great. Thank you.

2 Next.

3 MS. REED: My name is Jacqueline Reed,  
4 and I'm a 40-year resident of Logan Circle. I was  
5 very much involved in the development there, and I  
6 have a lot of knowledge that I think that could  
7 help you in this decision about the renovation of  
8 that area.

9 So I'd like to request a little extra  
10 time. I think I can read this in under four  
11 minutes.

12 CHAIRPERSON HOOD: If I was to say --

13 MS. REED: I'm sorry to ask for that.  
14 But really, I can --

15 CHAIRPERSON HOOD: Well, you know what?  
16 I'm going to have to turn you down.

17 MS. REED: Okay. I'll do the best I can.

18 CHAIRPERSON HOOD: Okay? Because I've  
19 been fair with everybody else. I think everybody  
20 thinks I've been fair, and I'm going to continue  
21 to be that way.

22 CHAIRPERSON HOOD: You can submit it. We  
23 have your submission.

24 MS. REED: Okay. The proposed R-4 zoning  
25 changes will not achieve their asserted

1 objections. What is the purpose here? Is it to  
2 limit pop-ups? If so, why not just amend the  
3 regulations to allow them only by variance or  
4 special exception?

5 How do the proposed changes in any way  
6 relate to the historic districts, where pop-ups  
7 could never occur in any case?

8 Another consequence, as you must know, is  
9 to devalue a large number of homes which  
10 constitute the largest single asset of their  
11 owners. I've lived at 1310 Q Street for 40 years  
12 on a block of largely intact Victorian row houses  
13 located in the Greater 14th Street Historic  
14 District.

15 My family moved in when the neighborhood  
16 was filled with derelict buildings and empty  
17 historic fronts, prostitutes, and drug dealers.  
18 Before us, our house was a rooming house for 55  
19 years. It took 10 years for us to renovate, and  
20 then we made it into a bed-and-breakfast because  
21 it was too large and otherwise unaffordable.

22 Over time, we acquired the lot next door  
23 and a small parking area in the alley. Even  
24 though our house has either been a rooming house  
25 or a bed-and-breakfast for most of the last 95

1 years, it is still considered a single-family  
2 residence and would not be allowed to change to an  
3 apartment building under some of the proposed  
4 changes.

5 Change at Logan Circle didn't happen by  
6 accident. It came from the efforts of concerned  
7 citizens who sought to protect the historic  
8 character of the area and to provide a residential  
9 community where children could be raised. Change  
10 came from the -- thank you -- effort of working  
11 with the police, city council, and courts to  
12 eradicate prostitution from our neighborhood. It  
13 came from starting the house tour and expanding  
14 the historic district.

15 I don't have time to tell you all that  
16 was done. But what I can tell you is that, as  
17 individuals, we could not do what was necessary to  
18 accomplish our goal. It was only when the  
19 developers came and bought and renovated  
20 properties did real change come to Logan Circle.

21 The renovation of 1 and 2 Logan Circle  
22 into eight condominiums was a really big deal.  
23 The success of that project caused other projects  
24 and other developers to come to Logan Circle.

25 Today, 14th Street is a vibrant and

1 inviting area of the City. Condominiums are  
2 everywhere, making Logan Circle a place where  
3 people want to live, which has enormously  
4 increased housing and real estate tax revenue for  
5 the City. Without developers, Logan Circle would  
6 not be thriving today, and this is the way every  
7 neighborhood in the City has evolved.

8           Why prevent developers from creating  
9 apartments in R-4 districts by requiring  
10 inclusionary zoning? This proposal is far more  
11 restrictive than the existing provision for  
12 inclusionary zoning that would apply to only  
13 buildings with at least 10 units, and its adoption  
14 would have the effect of reducing the number of  
15 units in R-4 districts because a nonprofit  
16 developer could not afford to comply with the  
17 inclusionary zoning requirements or the existing  
18 land acquisition costs.

19           I think pop-ups look awful. I think a  
20 harmonious roofline is worth preserving. The way  
21 you preserve the rooflines is to limit pop-ups.  
22 It's not to lower the rooflines everywhere; it's  
23 to limit conversion of housing in nonresidential  
24 to apartments. It's not to prevent development of  
25 market-rate housing.

1           You craft a limited and narrow solution  
2   that enables development and does not damage the  
3   community by limiting higher rooflines to the  
4   adjoining residences. I oppose the changes and  
5   request the Zoning Commission not adopt any  
6   proposals.

7           CHAIRPERSON HOOD: Thank you. Thank you.  
8   Thank you very much. We do have your testimony.

9           Next, Commissioner.

10          MS. JONES: Good evening, Commissioners.  
11   My name is Judi Jones, and I'm an ANC Commissioner  
12   of 4B07. And I'm testifying on behalf of my SMD,  
13   neighbors for neighbors.org and Lamond CDC.

14          And I initially signed up as an opponent  
15   of the changes, but I hadn't had the case. So  
16   after I got the case, I am a proponent, I would  
17   like to say.

18          I read the case 14-11 regarding pop-ups  
19   for R-4 designation. I agree with designating  
20   special exceptions or variances for any pop-up.  
21   And I know there should be a matter-of-right for  
22   two units. But I think, in the changing of the  
23   zoning, there should be special exception for any  
24   changes in character of a neighborhood.

25          I wholly agree with vetting the process

1 of the owner-contractor through the community. If  
2 we were to encourage getting to know our  
3 neighbors, turning a single-family dwelling into a  
4 condo community next door is unusual. There are  
5 entirely too many predator owner-contractors  
6 taking advantage of loopholes like matter-of-right  
7 renovations to single-family dwellings.

8           If the developer is changing the  
9 character of the community, the process needs to  
10 be properly vetted. I am in favor of all the new  
11 changes going through special exception for the  
12 first two years of operations so situations like  
13 pop-ups can be vetted out of the zoning  
14 regulations. This language and process should  
15 extend to R-5 zoning as well, especially where  
16 single-family dwellings are prominent.

17           D.C. residents and communities deserve  
18 the opportunity to decide the character of their  
19 neighborhood. A five-story building should not  
20 pop up next to single-family dwellings as a matter  
21 of right without the neighbors having a say.

22           And I did not receive case 14-13 in a  
23 timely way and will submit comments later. But  
24 I'd like to thank you for allowing me to testify  
25 before you this evening. I support the



1 transparency of the Zoning Commission, and I will  
2 continue to urge residents to input at these  
3 hearings before it gets to their front door.

4 And I want to thank the Office of  
5 Planning for clarifications at any moment -- last  
6 moments, most of the time. Thank you.

7 CHAIRPERSON HOOD: Thank you.

8 Next.

9 MS. BRAY: Good evening, Chairman Hood  
10 and Zoning Commissioners. My name is Kinley Bray,  
11 now with the law firm of Griffin, Murphy,  
12 Moldenhauer and Wiggins. And I'm here to oppose  
13 this case.

14 The vast majority of our clients are  
15 individual homeowners, individual investors, and  
16 small to moderate developers specializing in  
17 single-family and small multifamily condo  
18 renovations. These property owners, many of them  
19 own property in the R-4 zone, and many of those  
20 properties are currently under renovation.

21 The limitation of construction in low-  
22 density neighborhoods to 35 feet in height  
23 significantly limits the ability for families to  
24 expand and adapt in their homes. Often,  
25 homeowners are pressed for space, and they look to

1 build up or out in order to adapt their existing  
2 dwelling for their current family needs.

3           And similarly, the elimination of their  
4 right to convert any structure in the R-4 that  
5 meets existing standard of 900 square feet of land  
6 area per dwelling unit is tantamount to a down-  
7 zoning. There are a plethora of large attached  
8 dwellings throughout the City that are appropriate  
9 for conversion. And often, such conversion can be  
10 done without any impact to the structure as  
11 perceived from the street. The issue seems to be  
12 how do we encourage that?

13           In other cases, attached dwellings have  
14 been previously converted to uses like single-room  
15 occupancies, rooming houses, boarding houses, and  
16 group homes and have been so significantly altered  
17 as to make conversion back to single-family homes  
18 a very expensive and unlikely proposition.

19           Conversion of these types of residential  
20 structures, which would be prohibited under the  
21 proposal before you, has the benefit of restoring  
22 residential neighborhoods to true residential  
23 rather than institutional uses, and significantly  
24 improving the tax base.

25           It is these conversions that have led to

1 the infusion of capital into neighborhoods such as  
2 Shaw, Logan Circle, Columbia Heights,  
3 Bloomingdale, Mount Pleasant, and Hill East, and  
4 Near Southeast, which are characterized not only  
5 by their pedestrian scale and family-friendly  
6 nature, but also by a vibrant mix of types of  
7 housing -- apartment houses, professional offices,  
8 community service center users, and single-family  
9 housing.

10           It's this mix of housing types and land  
11 uses that make living in these neighborhoods  
12 desirable for so many people.

13           Removal of the option for property owners  
14 to convert existing residential structures to  
15 multi-unit buildings as a matter of right is  
16 inconsistent with the goals of the District's  
17 Historic Preservation law, as well, which  
18 encourages the adaptive reuse of historic  
19 structures.

20           And to limit the ability to do so may  
21 encourage the degradation of residential  
22 neighborhoods by making conversion to other  
23 permitted uses, like child development centers,  
24 group homes, medical clinics, and transient  
25 housing, more attractive.

1           As the map provided with OP's report in  
2 this case shows, there's an enormous amount of R-4  
3 zoned property in historic neighborhoods like  
4 Capitol Hill and Mount Pleasant, and property  
5 owners in those neighborhoods are already limited  
6 in what alterations they may legally make to their  
7 properties due to historic preservation  
8 regulations.

9           Further limiting the height, density, and  
10 ability to convert vacant and underutilized  
11 properties to active, multifamily units will  
12 result in substantial hardship to both property  
13 owners and investors in those neighborhoods.

14           Our greatest concern, however, is with  
15 the timeline for implementation and enforcement of  
16 the proposed amendment. We ask that if you accept  
17 the proposed text amendment, regardless of which  
18 alternative you support, you consider very  
19 seriously the delay of implementation of the  
20 change to allow for projects that are currently  
21 being designed and those that are already under  
22 review at DCRA to proceed under the current  
23 regulations.

24           To do otherwise would create extreme  
25 hardship on homeowners and developers who have

1 already exhausted significant resources and  
2 expense to conduct due diligence and create  
3 designs for projects that are already effectively  
4 underway.

5 Not providing a delay of at least 90 days  
6 for implementation of the proposed changes would  
7 waste a great deal of time at DCRA as well, by  
8 requiring projects to go back through another  
9 review after substantial government resources have  
10 been expended.

11 Implementation of such a radical change  
12 without such notice to the public at large would  
13 really create chaos in the development community  
14 and confusion for homeowners. And we urge you to  
15 very carefully consider the vesting provisions as  
16 you move forward. Thank you.

17 CHAIRPERSON HOOD: Thank you.

18 Next.

19 MR. CRAWFORD: Members of the Zoning  
20 Commission, my name is Brian Crawford, and I have  
21 been a permanent resident in Washington, D.C.,  
22 since 1998. I've owned my house at 1513 Varnum  
23 Street since August of 2010. That's in the 16th  
24 Street Heights neighborhood.

25 This is the first time I've ever attended

1 a commission meeting, let alone speak at one. But  
2 recently unveiled and approved and permanent plans  
3 that involve a single-family residential dwelling  
4 on my family-friendly street into a hideous seven-  
5 unit two-bedroom condo building has forced me to  
6 take action.

7           Let me begin by acknowledging the  
8 difficult balance the Zoning Commission and the  
9 Zoning Administrator must find between addressing  
10 the growing housing needs in the District and the  
11 rights of property owners. Unfortunately, the  
12 zoning regulations as currently written provide a  
13 loophole for nonresident developers to take  
14 advantage of the D.C. housing boom, make a quick  
15 profit, and move on to the next project, all with  
16 tacit approval from the Zoning Commission and  
17 Zoning Administrator.

18           In doing so, they pay no regard to the  
19 neighborhoods and the neighbors that they're  
20 greatly impacting.

21           Let me provide you an example. In his  
22 letter dated August 11, 2014, addressed to the  
23 real estate attorney of the developer of 1521  
24 Varum Street, Zoning Administrator Matthew Le  
25 Grant states, quote, "The primary purpose of the

1 R-4 district shall be the stabilization of  
2 remaining one-family dwellings." While these are  
3 his words, the actions he's taken run completely  
4 contrary to protecting single-family dwellings.

5 Later in the same letter, Mr. Le Grant  
6 goes on to grant, quote-unquote, "minor  
7 flexibility pursuant to some regulations from the  
8 minimum lot area requirements," thus allowing them  
9 to go ahead and develop a seven-unit condo  
10 building.

11 Therein lies the problem. We need a  
12 better system of checks and balances to ensure  
13 that these types of shortsighted decisions that  
14 will drastically impact an entire neighborhood are  
15 viewed with a critical eye, not with a  
16 rubberstamp. While the proposed development may  
17 seem minor to Mr. Le Grant and to the Potomac,  
18 Maryland, based developer of this project,  
19 building a new seven-unit condo building on our  
20 street is not minor to me or to my neighbors.

21 This proposed development will  
22 significantly negatively impact parking,  
23 transportation, the shared alley between Varnum  
24 and Webster, housing values, schools -- the list  
25 goes on and on.

1           I ask the commission, what's the purpose  
2 of having a minimum lot requirement if they can be  
3 disregarded so easily? How is this type of  
4 project, where you're building an entirely new  
5 building in back of an existing structure, not  
6 deemed "new construction"? How does a property  
7 currently zoned as a single-family residential  
8 dwelling get approved to become a seven-unit condo  
9 building without any public notice?

10           Further, how is it that the zoning  
11 authority can change the dynamics of an entire  
12 neighborhood, yet the owners and taxpayers of that  
13 neighborhood have no say and no recourse  
14 whatsoever?

15           In summary, I strongly urge the board to  
16 support the proposed changes submitted by the  
17 Planning Office, which would repeal section  
18 330.5(e) and prevent residential structures. It's  
19 critical that the ZB, ZA, and PO work together to  
20 stop the exploitation of our neighborhoods. Thank  
21 you.

22           CHAIRPERSON HOOD: Thank you.

23           Next.

24           MS. LeSESNE: Good evening, Zoning  
25 Commissioners. My name is Sandra LeSesne, and my



1 address is 1422 Buchanan Street, Northwest. This  
2 is a home that is 100 years old, and I have  
3 occupied this home for 50 years. And I would like  
4 to give you a personal experience with developers  
5 that is next door to my home.

6 On the morning of August 4th, 2014, I was  
7 awakened by loud noise and the sound of heavy  
8 equipment. This was the beginning of the demise  
9 of the sanctity of my home. There was constant  
10 noise, dust, and actual shaking of my house. I  
11 had to dust inside and outside daily.

12 A few days later, I found out that they  
13 were building a three-unit condominium. A stop-  
14 work order was issued after my complaints, because  
15 the contractor did not have the proper permits for  
16 all the construction they were doing and they gave  
17 us no prior notification.

18 The adjoining property owners and I felt  
19 totally, totally left out of the process.

20 After construction was resumed, I again  
21 contacted DCRA because of the close proximity of  
22 the construction to my property. I was advised by  
23 DCRA's Chief Inspector and the developer that I  
24 should protect my property from the inherent  
25 dangers due to the construction site, or the

1 construction of this condominium.

2           This recommendation has caused me the  
3 loss of sun and the windows on the west side of my  
4 home and has currently blocked me totally from the  
5 sun on that west side, and at a cost of \$2,200 to  
6 me.

7           As construction progressed, I called DCRA  
8 on several occasions because I was concerned about  
9 the height of the building and how close it was to  
10 my chimney. I received no response until I sent  
11 an email to the Director of DCRA. He responded  
12 immediately, but by that time the building was  
13 obviously in zoning code violation 3307.6.

14           And I will skip the rest and go to the  
15 last paragraph. There's currently a stop-work  
16 order because of the zoning violation now. And I  
17 thought this would be the end of my statement, but  
18 the story does not end here. On January 12th,  
19 2015, a pipe burst from the construction site. It  
20 flooded my basement, and my homeowners insurance  
21 is now taking care of that.

22           And I would like to say that I support  
23 the proposed zoning changes that are under  
24 consideration, because the more -- and I also  
25 suggest a moratorium on any new construction or

1 pop-ups or development on row homes, because my  
2 home of over 50 years has been affected, from the  
3 foundation to the roof, due to the conversion from  
4 single-family homes to multifamily units as a  
5 matter of right by developers.

6 CHAIRPERSON HOOD: Great. Thank you.

7 Next.

8 MR. ECKENWILER: Mr. Chairman, members of  
9 the commission, my name is Mark Eckenwiler. I am  
10 an ANC Commissioner for Single Member District  
11 6C04. I chair the Planning, Zoning, and Economic  
12 Development Committee for that ANC. And I'm here  
13 to present the official views of ANC 6C pursuant  
14 to our unanimous vote at our publicly noticed  
15 December 8th meeting.

16 This really impacts us as much as it  
17 impacts any ANC in the District. The majority of  
18 the land in ANC 6C -- we're north of East Capitol,  
19 east of Union Station, basically everything south  
20 of New York Ave and Florida Ave, all the way out  
21 to 8th Street -- the majority of our land is zoned  
22 R-4.

23 So with that in mind, I want to express  
24 our emphatic support for OP's proposal to impose a  
25 30-foot-height matter-of-right limit on

1 construction in the R-4.

2           We have seen numerous and, I think, with  
3 increasing speed, numbers of pop-ups. As  
4 Commissioner Baese mentioned earlier, sometimes  
5 these are fairly agreeable. But those are rather  
6 the exception. More often, we see shoddy work  
7 that materially detracts.

8           And when I say "detracts," I'm referring  
9 not just to aesthetics, but also damage,  
10 significant damage to adjacent structures. Of  
11 course, our old row houses, many of them were  
12 built in the nineteenth century. They have  
13 foundations of questionable depth and strength.  
14 And we have party walls that, I think in many  
15 cases, are not adequate to support the additional  
16 burden from these significant pop-ups.

17           Unfortunately, if DCRA were on the ball  
18 in terms of enforcing both the building code and  
19 the zoning regulations, I think this would be less  
20 of an issue. But we could spend hours on that, so  
21 I'll not belabor the point except to say that they  
22 are not competent, in my view, in our view, to  
23 enforce against these problems.

24           The poster child for this is 507 K  
25 Street, Northeast. We could talk about that, as

1 well, for hours.

2 We think that the criteria laid out in  
3 the OP proposal for special exceptions going up to  
4 40 feet very much strike the right balance. And I  
5 do want to emphasize something here. Because I've  
6 heard from a couple of voices this evening this  
7 notion that there's going to be extraordinarily  
8 burdensome to get 40-foot relief.

9 The truth is, if we look at these  
10 criteria, you can see exactly where OP got them.  
11 I think they come from section 223. These are the  
12 same criteria the BZA considers all the time in R-  
13 4 to allow lot occupancy to go up from 60 percent  
14 matter-of-right to 70 percent. And those are  
15 granted routinely by BZA, routinely supported by  
16 all the Capitol Hill ANC, A, B, and C.

17 So, you know, it may take a few extra  
18 months to get that relief. But I think these are  
19 not unreasonable or unduly burdensome criteria.  
20 And so, we strongly support that 35-foot limit,  
21 with the proposed criteria for going up under  
22 special exception to 40 feet.

23 Another word here about density and the  
24 challenges that the District faces. At the same  
25 time that we have supported OP's proposal for

1 reducing the matter-of-right height in R-4, we  
2 think it is truly crucial to expand the supply of  
3 housing. And that's why, in the appropriate  
4 locations in our ANC, so, along the commercial  
5 corridor or H Street, up in NoMa, and indeed  
6 across Florida Ave, and then Union Market area, we  
7 have seen numerous PUD's where we have supported  
8 increased density. We've got another one up on M  
9 Street, one at 501 H, another coming online at the  
10 300 block of H Street.

11           So we've got literally thousands of units  
12 coming on. I don't think that we need to put that  
13 burden on R-4 and historic row houses.

14           So, I just -- I want the commission to  
15 keep in mind that this is not some impossible-to-  
16 meet requirement, the idea of going up to 40 feet.  
17 It just means there will be community input and  
18 there will be some sort of criteria I think that  
19 materially match what we see today in other  
20 contexts under the zoning regs.

21           Second, I just want to speak briefly to  
22 the proposal to change the definition of  
23 "mezzanines." We agree that under the zoning regs  
24 today, if you look at the definition of "building  
25 height," it says that you can measure to the top

1 of the ceiling of the top story, and of course a  
2 mezzanine level is not a story. But if you change  
3 the height limit in R-4 to the 35 feet, that no  
4 longer obtains.

5 And as a result, we oppose the change to  
6 the definition of "mezzanines." We think in other  
7 contexts, specifically section 2500.4 respecting  
8 accessory buildings, that's such a useful  
9 exception. We agree that the current definition  
10 of "mezzanines" is useful, it's beneficial in  
11 other contexts. And we don't think that it's  
12 necessary if you make the change to the 35-foot  
13 height to, in addition, modify the definition for  
14 what a mezzanine is.

15 You have our letter on the other points.  
16 So I think I'll terminate my testimony here.

17 CHAIRPERSON HOOD: Thank you.

18 Next.

19 MR. FLOYD: Hello. My name is Edward  
20 Floyd. I live at 1426 Buchanan Street, Northwest.  
21 I live next door to a pop-up at 1424. I've been  
22 in D.C. for my whole 75 years. And I've been in  
23 my home for 40.

24 The problem I have with the pop-up, we  
25 were served no notice. When I went out to put my

1 puppy out, all I saw coming down was a whole bunch  
2 of heavy-duty equipment. When they tore the house  
3 down, with me being in a row house -- I live on  
4 the corner of the alley. When they tore the house  
5 down, the crossbeams from my house runs from my  
6 house to Ms. LeSesne's house on the other side.

7           When they took them crossbeams out, they  
8 left all them holes in the wall on my side. I  
9 don't know exactly how hers was on her side. But  
10 they left all them holes in the wall. And when I  
11 asked the gentleman, were he going to lock this  
12 building into our building?, he said, no, he's  
13 going to leave at least four inches of gap in it.  
14 That left an air shaft.

15           Now, last week, I had my great-great-  
16 grandkids over at the house. And one of my -- the  
17 head of my bed faces the house that was torn down.  
18 And he dropped his water bottle, and my wife told  
19 me -- when I went to -- it was there for at least  
20 a half-an-hour. When I went to get that water  
21 bottle, that bottle was almost like it had been  
22 outside. It was just that cold.

23           Now, when they took them crossbeams out,  
24 they left all that -- I got all that air coming  
25 through my baseboard on account of that. Now,



1 when they built this, looks like they should have  
2 put a firewall up to counteract that, all them  
3 holes. In the 40 years I've been there, a couple  
4 of weeks ago I caught eight mice. I never had  
5 that many mice in one week's time in the whole 40  
6 years I've been in my residence.

7 And now I have to turn my heat up much  
8 higher, and I notice that the walls on that side  
9 are very, very cold. And I know that with me  
10 being on the corner of the alley, the other wall  
11 is not that cold on account of the double, the way  
12 they doubled it, being that this was the last  
13 house in the block.

14 And that's why I came here to make my  
15 point personally. Thank you.

16 CHAIRPERSON HOOD: Thank you.

17 Commissioners, are there any questions of  
18 this panel?

19 (No audible response.)

20 CHAIRPERSON HOOD: Okay. We want to make  
21 sure we have everybody's testimony. We try to  
22 follow.

23 Commissioner Miller.

24 MR. MILLER: Sorry. I do have one quick  
25 question for Mr. Eckenwiler.

1           Can you just, in 10 seconds or less, just  
2   say what the ANC's position is on the conversions?

3           MR. ECKENWILER: Yes. We actually didn't  
4   like any of the OP proposals. So, to summarize,  
5   we'd thought that there should continue to be  
6   allowed conversions of both residential and  
7   nonresidential. We like the idea of adding these  
8   special exception requirements for air, light,  
9   privacy, and characteristic scale and pattern.

10          We did not think that it made sense to  
11   impose inclusionary zoning requirements. We think  
12   that the economies of scale are much better for  
13   larger projects like PUD's, not for 3Z's and 4Z.  
14   And we adamantly oppose the idea of special  
15   exception relief below 900 square feet per unit.

16          MR. MILLER: Okay. Thank you.

17          CHAIRPERSON HOOD: Okay. Mr. Floyd, is  
18   there any way you can get us a picture of the pop-  
19   up that's in relationship to your home? Any way  
20   you can get it? Or do we have it already?  
21   Because I've seen a number of them. But I'm  
22   interested in what you said. So anyway we can  
23   work on it? If you can, that would be great. If  
24   not, I understand.

25          MR. FLOYD: No problem.

1 CHAIRPERSON HOOD: You have it? Okay.

2 Could you turn it in to -- do we already have it  
3 in the file? Okay. Okay. All right. Thank you.

4 Any other questions up here?

5 (No audible response.)

6 CHAIRPERSON HOOD: Okay. Thank you all  
7 very much. And if you could just turn that in to  
8 Ms. Schellin, I'd appreciate it.

9 (Pause.)

10 MS. COHEN: Okay. I'm going to call  
11 Rickey Williams.

12 Michael Halpin.

13 Louis Capannelli.

14 Ron Baker.

15 Jane Bush.

16 Denis Suski.

17 Alex Prozorki.

18 That's it. I got the easier names,  
19 although I think I screwed up the last one.

20 (Pause.)

21 MS. COHEN: Oh, one more? Then it would  
22 be Latisha Allen.

23 (Pause.)

24 MS. COHEN: All right. So we can  
25 actually -- we need to move ahead so we can get

1 everybody in tonight. So as long as you're  
2 sitting, let's start with my left.

3 MR. WILLIAMS: Hello. My name is Rickey  
4 Williams, and I am the official representative for  
5 ANC 4C. Basically, I just wanted to take you and  
6 let you know ANC 4C's actions on the matter of  
7 pop-ups. But before then, I live at 3900 14th  
8 Street in a large-scale condominium building. And  
9 I would like to thank Jennifer Steingasser. She's  
10 been very responsive to my many, many, many, many,  
11 many inquiries on this issue.

12 ANC 4C basically took four -- excuse me,  
13 basically took a few actions on the pop-ups in the  
14 last term. We passed a resolution that would not  
15 necessarily take away matter-of-right, but we do  
16 want to ask -- we believe that OP's suggestions  
17 should be adopted in full. But we even, we went  
18 further than that.

19 What we would like to do is to have a  
20 variance request for any conversion of a single-  
21 family home unto a multifamily unit, anything  
22 above two units. We did that because there was  
23 significant disruption in our neighborhoods with  
24 these conversions.

25 We also passed a resolution for solar

1    easement. One block in particular in my SMD,  
2    Shepherd Street, they have a lot of solar panels  
3    on their home. And because of the two pop-ups  
4    that are occurring, the pop-up that is occurring  
5    on one side, it's actually shading the solar  
6    panels of actually the gentleman sitting to my  
7    left here. And it's basically a lot of  
8    disruption.

9           Basically, we support OP's proposals.  
10   There was significant disagreement within the ANC  
11   because we didn't necessarily want to take away  
12   the matter-of-right development. However, this  
13   issue is just basically getting out of control.  
14   We have significant pop-ups. The lady referred to  
15   it, 1424 Buchanan Street, 1422 Shepherd Street,  
16   1419 Shepherd Street, 1444 Taylor Street. We have  
17   five in 4C10, and 1424 Buchanan Street, which was  
18   referred to in previous testimony.

19           The problem with the conversions'  
20   appearance, again, density. As we're bringing  
21   more people into the neighborhood, there's a  
22   shortage of parking and trash.

23           To speak to a few issues that were  
24   raised, the pop-up developments are not  
25   contributing to affordable units in our City.

1 These pop-ups, these conversions are going -- the  
2 units that are, the houses that are, the units  
3 that are being converted, they are literally going  
4 to \$400,000 and up. That's not "affordable."

5 Also, there was a mention of, is that  
6 family expansions. I don't believe that that's  
7 necessarily the case here in terms of the  
8 conversions. The ANC approved two cases even  
9 after we adopted these restrictions on pop-ups and  
10 communicated them to zoning, for families to  
11 expand onto public space with their homes.

12 This is not necessarily about families  
13 expanding in single-family households. This is  
14 about literal conversions from single-family homes  
15 to multi-dwelling units.

16 We do -- again, we ask that the Zoning  
17 Commission really listens to the residents here in  
18 their complaints. These are complaints that we  
19 are hearing every single day. All  
20 representatives, from Mayor Bowser, she's very  
21 aware of the issues on Shepherd Street, Taylor  
22 Street, and many other areas throughout our ANC,  
23 being the former council member from Ward 4 and  
24 myself. Literally, there is not a week that goes  
25 by that I'm not dealing with an issue of a pop-up

1 in my Single Member District.

2 It is very frustrating when these are  
3 matter-of-rights, because there's nothing that  
4 really can be done about them, as they are  
5 perfectly legal. And again, it's not necessarily  
6 that we want, the ANC wants, to make them illegal.  
7 But we want to bring them under some sort of  
8 community review.

9 I think there would be a lot less  
10 consternation among neighbors if neighbors  
11 actually had input in terms of, okay, how is this  
12 pop-up going to look? How is it going to affect  
13 our block? Again, many people purchase homes on  
14 these -- many people purchase single-family homes  
15 because they want that type of character. They  
16 want to raise their children there.

17 On a particular block, Taylor Street,  
18 approximately 10 years ago there were no children  
19 on that block. Now there are 11 children. Six  
20 were born on the block, and six have moved there.  
21 And every single time that we are talking about  
22 the 1444 development, the 1444 Taylor Street  
23 development, it's about, "Okay, this is not what I  
24 signed up for when I purchased my home."

25 And again, I understand that the zoning

1 rules are what they are. But they need to be  
2 changed, and they need to be changed quickly.  
3 Thank you very much.

4 CHAIRPERSON HOOD: Okay. Thank you very  
5 much.

6 MS. COHEN: Next.

7 MR. HALPIN: Good evening. I'm Michael  
8 Halpin. I live on the 1400 block of Shepherd  
9 Street. I've lived there for about 10 years.

10 I want to thank Rickey for his leadership  
11 in working on these issues, and as he has been  
12 harangued for the past many months about this  
13 issue by neighbors who have had challenges dealing  
14 with pop-ups.

15 I've been in the neighborhood 10 years.  
16 There's not a prayer that I'd be able to buy in my  
17 neighborhood and on my block today, partially  
18 because of the artificial inflation of prices  
19 that's come from developers coming in, paying  
20 cash, and raising up prices. They can pay \$550,  
21 \$600, \$650,000 for a property, if they're feeling  
22 like they're going to be able to make several  
23 hundred thousand dollars in profit when all is  
24 said and done.

25 As you've heard from others, the



1 neighbors are often largely unaware of what's  
2 going to be happening until the wrecking ball  
3 comes. Two doors down from me, they actually --  
4 the developer didn't tell -- told us the incorrect  
5 information about what they were doing. They said  
6 they were doing two stories. They ended up  
7 getting permits for and doing three.

8           That particular property, that's been a  
9 nuisance for many, many months. There's been a  
10 stop-work order on 1422 Shepherd Street, owned by  
11 the Hofgard family, since August. For many  
12 months, we had loiterers and squatters living in  
13 the property, doing drugs, engaging in  
14 prostitution.

15           This takes away significant amounts of  
16 money from the City, just from the police  
17 department to have to come out and deal with this  
18 kind of nuisance.

19           The wealth for that property and for many  
20 of these properties is being transferred out of  
21 D.C. Two doors down from me, the family lives in  
22 Great Falls. Those hundreds of thousands of  
23 dollars will not be given to the property owners;  
24 they will be given to, you know, this group that's  
25 investing in, you know, these 25 to 30 properties

1 across the City.

2 I and many of my neighbors have invested  
3 in solar panels. D.C. wants to be green. It  
4 subsidizes and encourages the investment and  
5 installation of solar panels. And at the same  
6 time, the Zoning Commission encourages pop-ups to  
7 block those solar panels and render that 20- to  
8 30-year investment moot.

9 And so, you know, you can -- you'll hear  
10 a lot about property rights and freedom and that  
11 kind of thing from the people that oppose these  
12 changes. But if you moved to Washington, D.C.,  
13 you moved into a community. This is not Texas.  
14 This is not a place where there is no zoning. So,  
15 we need to recognize the fact that people know  
16 what they're getting into. These are not  
17 unreasonable changes.

18 We need to make sure that single families  
19 are able to continue to buy into neighborhoods.  
20 That is questionable in my neighborhood at this  
21 point. And I think that will continue to spread  
22 throughout the City.

23 I think we also need to point out that  
24 you can get a variance if you make a compelling  
25 case to the community that this is in the best

1 interest of your community. And so, there's no  
2 moratorium. It's just a variance. We should not  
3 delay. We should approve these now. Thank you.

4 CHAIRPERSON HOOD: Thank you.

5 I'm going to call two people. Where did  
6 we stop? I'm going to ask John Stokes to come up.  
7 And we have one more seat here. I'd like to fill  
8 the whole seat.

9 Number 25, we stopped at 25. John Stokes  
10 and -- 24. Latisha Allen. If you all can come up  
11 and fill these two empty seats.

12 MS. SCHELLIN: 24 was the last one.

13 CHAIRPERSON HOOD: Oh, 24? Gregory --

14 MS. SCHELLIN: Rose Knox.

15 CHAIRPERSON HOOD: Rose Knox. Is Rose  
16 Knox here?

17 (Pause.)

18 CHAIRPERSON HOOD: Gregory Morgan? Is  
19 Gregory Morgan here? Okay. Let's fill our seats  
20 up.

21 Sorry. You may begin.

22 MS. ALLEN: Good evening. My name is  
23 Latisha Allen. I'm here on behalf of the D.C.  
24 Preservation League, a citywide nonprofit advocacy  
25 organization dedicated to preservation and

1 protection of the historic resources of our  
2 nation's capital.

3           For our 44 years, DCPL has invested  
4 significant time, effort, and funds to work with  
5 local agencies, residents, and stakeholders on  
6 preservation-related issues across the District of  
7 Columbia.

8           DCPL would like to express support of the  
9 Office of Planning's text amendments to the zoning  
10 regulations, as proposed in their June 2014  
11 report. Zoning codes and other forms of land-use  
12 regulation are powerful tools that shape the  
13 quality of life, look, and productivity of a city.

14           More specific controls are provided  
15 through the historic preservation ordinance,  
16 building on the zoning codes that protect the  
17 integrity of irreplaceable resources, as  
18 individual landmarks in historic districts across  
19 the City.

20           These historic resources of Washington  
21 are generally the focus of the D.C. Preservation  
22 League, but we would like to highlight here the  
23 value we see in the proposed amendments to all of  
24 the City's neighborhoods, whether historic  
25 districts or not.

1           Neighborhoods need not be determined  
2 historic to contribute to the character of our  
3 city and support the quality of life here. All of  
4 our neighborhoods are valued by those who call  
5 them home, and zoning is the most basic tool for  
6 reinforcing their desirable qualities by managing  
7 the scale and use of the buildings.

8           For neighborhoods without the controls of  
9 historic preservation ordinance, zoning is the  
10 only available tool to prevent incompatible  
11 alterations and new construction, and it is  
12 critical that it be consistent with the current  
13 building stock.

14           While neighborhoods that are designated  
15 as historic benefit from additional review to  
16 protect historic character, the added review is  
17 not an effective substitute for appropriate  
18 zoning. A variety of land-use regulations must  
19 work in tandem to ensure continuity with measured  
20 variety in Washington's neighborhoods.

21           The text amendments as originally  
22 proposed by OP seek to maintain and improve the  
23 quality of the built environment in the City's  
24 neighborhoods. In historic districts, the  
25 proposed amendments will move some of the burden

1 of maintaining consistency of building stock from  
2 historic review process to more appropriate realm  
3 of zoning.

4 In addition, these amendments help to  
5 alleviate negative reactions from residents  
6 frustrated and discouraged by the frequency of  
7 pop-up constructions that diminish the integrity  
8 of streetscapes through out the City.

9 Historic preservation has proven to be an  
10 effective tool in Washington's designated  
11 neighborhoods for a variety of public good,  
12 including sustainable and economic development.  
13 This amendment will further encourage the  
14 preservation of our neighborhoods.

15 As our organization continues to advocate  
16 for the City's historic resources, we urge the  
17 Zoning Commission to retain the text amendments as  
18 originally proposed by the Office of Planning.  
19 Thank you for your attention to these matters.

20 CHAIRPERSON HOOD: Thank you.

21 Next.

22 MR. SUSKI: Good evening, and thank you  
23 for the opportunity to speak tonight. My name is  
24 Dennis Suski. I live at 1706 Lanier Place.

25 I'm here to speak in support of Office of

1 Planning's submission to the Zoning Commission for  
2 the amendments to the R-4 zone. I've lived in  
3 Adams Morgan for 15 years and in Lanier Heights  
4 for 8 of those 15. Lanier Heights is currently an  
5 R-4-B neighborhood that is experiencing an  
6 alarming amount of row-home-to-condo conversions.  
7 We once saw one or two homes a year get converted  
8 to condos. We have recently seen six in the past  
9 few months.

10           At this rate, the possibility exists that  
11 our entire neighborhood could be nothing but condo  
12 conversions in the next 10 years.

13           While I hope this is not the case, many  
14 residents are beginning to feel the pressure of  
15 being forced out. We are being harassed by  
16 developers' phone calls and mailings, and we are  
17 starting to see a domino effect where, as one  
18 conversion happens, several other neighboring  
19 homes are as well.

20           While it stands true that many of these  
21 conversions are legally allowed by matter of  
22 right, far too many homeowners are wondering where  
23 their rights are to the property and neighborhood  
24 that they live in.

25           The reason for the domino effect that I

1 previously mentioned can be directly linked to the  
2 fact that we are being walled into our homes. The  
3 light and air in most of the backyards of these  
4 homes that border on a pop-up have been diminished  
5 and virtually eliminated. And now we are seeing  
6 that the backyards are not enough, and developers  
7 are beginning to build out in the front of many  
8 homes, thereby walling people in at both the front  
9 and rear of their houses.

10           This is not the way to keep long-term  
11 residents in the District or sustain a diverse  
12 community full of different people and housing  
13 options. While some will argue that these condos  
14 provide some sort of affordable housing, at \$500  
15 to \$950,000, many of them are going beyond the  
16 cost of an entire home.

17           While all signs are pointing to the fact  
18 that the District is in dire need of housing, the  
19 reality is that the City needs a better plan for  
20 smart growth in the right areas. What will future  
21 generations think as they walk through what were  
22 once our neighborhoods and see the hodgepodge of  
23 condos haphazardly mixed in with row homes?

24           No one wants to live next to a  
25 cinderblock wall, and that is what we are being



1 given, after so many of us have put our lives and  
2 our savings into our homes -- a place where we  
3 should find solitude, relaxation, and enjoyment.

4           Most of these developers are not here to  
5 better our communities. If they were, it would  
6 show in their workmanship and their concern for  
7 neighbors. Unfortunately, this is not happening.  
8 Every conversion is done simply to squeeze out  
9 every penny of every inch of square footage.

10           These are the things that are sparking  
11 the outrage and cries for help across the City.  
12 This is why over 100 different properties in my  
13 neighborhood, including row homes, condos, and  
14 apartments, are seeking the protection of an R-4  
15 zone. This is of importance, as it shows that  
16 residents in the row homes are not the only ones  
17 affected here. Any resident in any building has  
18 the potential to be impacted by this type of  
19 overbuilding.

20           I feel as though the Office of Planning  
21 hit the mark when they submitted their proposal to  
22 the Zoning Commission. They heard residents of  
23 the City loud and clear and realized that some  
24 type of action needed to be taken. I fully  
25 support all of the proposed changes submitted by

1 Office of Planning. Particularly the amendments to  
2 section 401.3 are precisely the type of change  
3 that is needed to save the homes and neighborhoods  
4 of the City.

5           Without these changes, what is happening  
6 in the R-4 zones is not consistent with the Mid-  
7 City Comprehensive Plan. By implementing the  
8 changes that OP has proposed, the Zoning  
9 Commission will help to further the consistency  
10 with the Comprehensive Plan and -- thanks.

11           CHAIRPERSON HOOD: Thank you.

12           Next.

13           MR. STOKES: Good evening. My name is  
14 John Stokes, and I am the owner of 1519 Varnum  
15 Street, Northwest. I share a wall and property  
16 line with 1521 Varnum Street. I would like to  
17 state tonight, to express my ardent support for  
18 the proposed changing to D.C.'s zoning regulations  
19 to limit pop-up and pop-up developments in my  
20 neighborhood.

21           I ask for your patience to bear with me  
22 because I only found out about the approved  
23 building two evenings ago from my neighbor. I'm  
24 not a lawyer. I'm not a developer. And I do not  
25 know what my rights are here, but I want somehow

1 to get my concerns about what can be done and what  
2 should be done into the record so that I can  
3 protect my home, so that I can protect our  
4 neighborhood, so I can protect the kids, so I can  
5 protect the environment.

6 We have two huge trees, 100-year-old  
7 trees, that are in my yard and my neighbor's yard.  
8 I'm stunned that I'm actually here. For the  
9 record, I'm the Chief of Staff of the D.C.  
10 Department of Parks and Recreation. I'm usually  
11 on the other side of this thing.

12 (Laughter.)

13 MR. STOKES: But tonight I find myself in  
14 the hot seat for a different reason. I'm just  
15 really -- again, I'm stunned and I'm shocked that  
16 I'm actually here before you this evening, that I  
17 have to even address this issue.

18 Something about "rights of"? Well, where  
19 are my rights? Where are the rights of my  
20 neighbors? We didn't get any. I hope that this,  
21 you know, the approval for the proposed changes  
22 will help us get our voice that we need.

23 I would hope that DCRA can, you know, not  
24 allow an oversized building like this. So they're  
25 looking to take a structure that's next door to a

1 single-family home and put a seven-unit two-  
2 bedroom monstrosity right next door to me. So let  
3 alone the fact that I lose my view. I lose my  
4 privacy. I lose the wellness of my wellness and  
5 the wellness of my home.

6           Forget all that, because that might not  
7 amount to a hill of beans. But really? The time  
8 is up already? No. No. I need just a couple of  
9 more seconds.

10           I'm not sure what can be done. But this  
11 is simply not fair. Because of the large size of  
12 the building, I'm guessing there will be  
13 demolition and cement trucks, delivery of  
14 construction materials, and noise, and workers --  
15 for a large building, not for a single-family  
16 home.

17           How will they get back there without  
18 coming onto my property? Will this work cause  
19 cracks in my walls and basement, or compromise my  
20 structure? Will the large wall alongside my whole  
21 property create rainwater runoff onto my property?  
22 It looks like a permit was issued for seven  
23 separate air-conditioning compressors. Where will  
24 they go? There has been no -- the document that  
25 we have seen has not really given any indication

1 of that.

2 I am asking that this commission, you  
3 know, make sure that this permit does not stand  
4 for this building in this residential  
5 neighborhood. Because this is not fair. This is  
6 not fair to any of us. Thank you.

7 CHAIRPERSON HOOD: Thank you.

8 MR. STOKES: I have more to say, but I'll  
9 just hold off.

10 CHAIRPERSON HOOD: Thanks.

11 MS. BUSH: My name is Jane Bush. I used  
12 to live in Mount Pleasant for 28 years. I was  
13 squeezed out of the housing market. I looked for  
14 years to find a house. I have lived at 1516  
15 Webster Street for two years, and I actually face  
16 Mr. Stokes's house.

17 And we learned by accident, actually just  
18 yesterday in the neighborhood, that a developer  
19 had purchased a house as a quote-unquote "matter  
20 of right," no information given to any of the  
21 neighbors.

22 Now, I have written testimony, which I've  
23 given to you. I fully support the amendments.  
24 But I want to let you know what's happening and  
25 unfolding as we speak.

1           Despite the Zoning Commission's  
2 recommendations, which we fully support, DCRA is  
3 overwriting these rules or proposed  
4 recommendations, and we have a single-family home  
5 in an old neighborhood, a neighborhood that I love  
6 because it's a neighborhood, it's quiet, it's  
7 residential homes, extremely old trees.

8           And a building that's going to exceed  
9 both the allowable height, because it's got a roof  
10 deck, and it will be a building that is seven  
11 units in an R-4 zoned residential property. It's  
12 going to take the entire lot.

13           It's going to have -- his house is going  
14 to be damaged because they're going to be  
15 demolishing all the way down to the cellar. He's  
16 going to have cracks and major, major problems.  
17 The builder is not going to be covering that  
18 damage.

19           And none of us knew about this. He  
20 didn't know. I actually notified his tenant, and  
21 other people notified him as well. This is a  
22 neighborhood. That's what a neighborhood does.

23           This building is going to be higher than  
24 any building in the neighborhood. It's going to  
25 be seen from 16th Street in the neighborhood that

1 has no apartment buildings from Shepherd all the  
2 way past Military Road. And it's going to look  
3 really bad from 16th Street.

4           We have a parking lot that's going to be  
5 built in a service alley. That's got to be wrong  
6 right there. Trash? Not enough allowance. We  
7 don't have the infrastructure, with sewage,  
8 electrical, telecommunications lines -- nothing  
9 right now. And yet, all of those permits have  
10 been approved. We are going to be appealing those  
11 permits.

12           But why is it that no one has ever been  
13 notified that this was going to happen, literally,  
14 to us? This is wrong. This should not happen.  
15 People need to be notified.

16           We've got major problems happening in  
17 this neighborhood by this enormous building that  
18 shouldn't be built in the first place. This is a  
19 single-family home being torn down, and a seven-  
20 unit quote-unquote "condo building" going up,  
21 which could very well turn into a rental. Thank  
22 you.

23           CHAIRPERSON HOOD: All right. Thank you.  
24           Next.

25           MR. BAKER: Hello. Good evening. My

1 name is Ronald Baker. In 2002, I was lucky enough  
2 to buy the row house which I had rented since  
3 1990. In 2014, I was one of the founders of a  
4 group called Neighbors Against Down-Zoning, an  
5 all-volunteer group of friends, neighbors, and  
6 homeowners in Washington, D.C., formed to defend  
7 homeowner zoning rights.

8 Our group was established in response to  
9 efforts by another group to have the Lanier  
10 Heights neighborhood and Adams Morgan rezoned  
11 downward from an R-5B zone to an R-4 zone. We  
12 opposed such residential down-zoning due to the  
13 severe loss of property rights and property value  
14 that it will inflict on homeowners.

15 Our petition in opposition to residential  
16 down-zoning currently has more than 50 signatures,  
17 primarily from Lanier Heights row house owners.

18 Although the application for a Lanier  
19 Heights map amendment has not been filed yet, we  
20 anticipate this will happen in the near future.  
21 I'm here tonight to speak against the changes  
22 proposed in Case 14-11, both as a concerned  
23 citizen of the District of Columbia and as a row  
24 house owner who will suffer a double blow to my  
25 property rights and economic security if the



1 proposed R-4 down-zoning is enacted and then  
2 followed by a map amendment to reclassify Lanier  
3 Heights from R-5B to R-4.

4           While it's understandable that homeowners  
5 are concerned about what they see as under-  
6 regulated overdevelopment in row house  
7 neighborhoods, particularly when it comes to pop-  
8 up developments in R-4 zones, the proposed  
9 remedies put forth in Case 14-11 are an extreme  
10 overreaction to a relatively minor problem.

11           The few instances of so-called ugly pop-  
12 ups that have captured the attention of the local  
13 media and spawned a near-hysterical reaction among  
14 some homeowners must be weighed against the more  
15 numerous instances of pop-up developments that  
16 range from the frequently unremarkable to the  
17 occasionally well received.

18           The social and economic value of the  
19 majority of these developments, both to  
20 homeowners, their neighborhoods, and the City at  
21 large, is significant and should not be sacrificed  
22 lately.

23           I urge the Zoning Commissioners to reject  
24 any new restrictions proposed under case 14-11.  
25 Thank you.

1 CHAIRPERSON HOOD: Thank you.

2 Next.

3 MR. MORGAN: Hello. Thank you. My name  
4 is Gregory Morgan. I'm a D.C. resident of over 40  
5 years. I live over in Dupont Circle, and I'm  
6 actually opposed to this.

7 I'm opposed to it because it's more of a  
8 broad sword instead of a scalpel. I do share the  
9 concerns of some of my fellow D.C. citizens here  
10 that some pop-ups are indeed ugly. Some  
11 contractors, they don't do the right things.

12 I've done many projects. I believe in  
13 being a good neighbor. I always notify my  
14 neighbors next door to me, also across the street,  
15 and the entire neighborhood. I try to take into  
16 consideration their feelings and their concerns.

17 This amendment goes too far. Again, it's  
18 a broad sword instead of using a scalpel. As the  
19 other person came up before who lived in Dupont  
20 Circle, live in a two-story area, it makes sense  
21 there. You know, maybe six, seven feet high --  
22 definitely, it makes sense. But to broadly put  
23 that across the entire City, that's a bit much.

24 It's also causing economic harm to  
25 people, from real estate professionals, such as

1 myself, to contractors to people who work for the  
2 contractors. They have also families they need to  
3 feed and take care of, too. So we need to weigh  
4 that in the totality of this versus homeowners'  
5 rights and also enjoyment of property.

6 I believe there should be better  
7 regulation under DCRA. I believe there should be  
8 better enforcement of the rules that we already  
9 have on the books that we do not use right now. I  
10 sympathize with my neighbors over here. I  
11 sympathize with my fellow citizens. But I don't  
12 believe that this amendment is what's going to  
13 help us.

14 I believe that if we do proper  
15 enforcements of the rules we already have on the  
16 books, that we will solve this problem. Thank  
17 you.

18 CHAIRPERSON HOOD: Okay. Thank you.  
19 Any questions up here?

20 (No audible response.)

21 CHAIRPERSON HOOD: I do want to go back  
22 to Mr. Stokes and the neighbor. I'm just curious,  
23 Mr. Stokes. You gave us your address?

24 MR. STOKES: 1519 Varnum Street.

25 CHAIRPERSON HOOD: Varnum. And that was

1 not a BZA case? I'm just asking. I don't know,  
2 but I'm going to find out what happened and  
3 whether it was a matter of right or whatever.

4 1519 --

5 (Inaudible interjection.)

6 CHAIRPERSON HOOD: It was a matter of  
7 right?

8 (Pause.)

9 CHAIRPERSON HOOD: Mr. Stokes, you had  
10 testimony?

11 MS. BUSH: That's what we were told, it  
12 was matter of right.

13 MR. STOKES: I have some sketchy notes.  
14 The BZA -- I'm not sure.

15 CHAIRPERSON HOOD: Okay. I'll find out.  
16 1519 Varnum.

17 MR. STOKES: That's correct.

18 (Pause.)

19 CHAIRPERSON HOOD: Any other questions up  
20 here?

21 (No audible response.)

22 CHAIRPERSON HOOD: Okay. Okay. Thank  
23 you all very much for your testimony.

24 Ms. Steingasser, if we could -- I'd like  
25 to know what 1519 was.

1 MS. STEINGASSER: It's not up right now.

2 (Inaudible interjections.)

3 CHAIRPERSON HOOD: Okay. No, no. I got  
4 it. I got it.

5 (Inaudible interjection.)

6 CHAIRPERSON HOOD: Oh, 1521. Oh, I had  
7 the wrong address. I'm sorry. Right.

8 (Inaudible interjection.)

9 CHAIRPERSON HOOD: Oh, okay. 1521.  
10 1521. We have to give that to -- okay.

11 (Pause.)

12 CHAIRPERSON HOOD: Okay. Let's call the  
13 next panel. DiRuggiero. Ruggiero? Ruggiero?

14 (Inaudible interjection.)

15 CHAIRPERSON HOOD: I'm close enough?  
16 Come forward. Thank you.

17 Norman Jenkins.

18 Andrew Riguzzi.

19 Tom Kavanagh.

20 Justin McNair.

21 Dale Mattison.

22 (Pause.)

23 CHAIRPERSON HOOD: Lisa Wright.

24 Larry Garrison.

25 Michael Jazul.

1 Sarah Milsom.  
2 Jeff Milsom.  
3 Richard Wang.  
4 Stefan Rahimian. Stefan? Okay.  
5 Rose Alexander.  
6 Marlina McWilliams.  
7 Mohammed Kamal.  
8 Mark Harris.  
9 Julie Visperas.  
10 (Inaudible interjection.)  
11 CHAIRPERSON HOOD: This is early. I  
12 thought all those didn't leave.  
13 Sanjay Bajaj. Sanjay Bajaj? Or am I  
14 messing names? I must be really messing some  
15 names if nobody is coming forward.  
16 Beth Percell.  
17 Elizabeth Nelson.  
18 Betsy McDaniel.  
19 Tim Hampton. Okay. Then let's see. See  
20 how far we got.  
21 (Pause.)  
22 CHAIRPERSON HOOD: I think we have room  
23 for  
24 -- Alma Gates.  
25 (Pause.)

1 CHAIRPERSON HOOD: As they're getting  
2 ready, we're going to start to my right. To my  
3 right, you may begin.

4 MR. DiRUGGIERO: Hello, everybody. My  
5 name is Phil DiRuggiero. I'm a real estate agent  
6 for the last 11 years in D.C. I live in Petworth,  
7 and I co-own GreenLine Real Estate. Thanks for  
8 the chance to come and share some of my thoughts  
9 and opinions on this issue.

10 I represent buyers looking to buy an  
11 increasing unaffordable D.C. And in R-4 zones, I  
12 represent homeowners in R-4 zones looking to sell  
13 their homes for the most that the market will  
14 bear, and I often represent developers who  
15 renovate, and in some instances convert single-  
16 family homes into two- to four-unit condominiums.

17 On the issue of affordability, these  
18 changes do nothing to address the creation of low-  
19 to moderate-income dwellings. It was mentioned as  
20 much in the description of the proposed changes  
21 prior to the feedback. Many of the units that  
22 I've seen recently constructed in R-4 zones --  
23 condominiums, that is -- are three-bedroom condos,  
24 two-bedroom dens, and offer similar finished space  
25 to the former two-level homes that they'd

1 replaced.

2           With cost per square foot rising  
3 steadily, close-in metro and R-4 zones, these  
4 highly efficient floor plans that some developers  
5 are putting together are what many buyers are  
6 seeking in comparison to the more expensive  
7 single-family updated homes.

8           These days, unless you can afford  
9 \$750,000, you can pretty much forget buying a  
10 single-family home in updated neighborhoods like  
11 Park View, Petworth and the H Street corridor.  
12 Maybe two condominiums priced at \$500,000 and \$625  
13 don't sound like a significant reduction in price,  
14 but it amounts to about \$600 to \$1,200 per month  
15 less in monthly payments for those families. It  
16 means the world to families and households who are  
17 trying to afford in some of D.C.'s growing  
18 neighborhoods.

19           Buyers want these options for starting  
20 their families. I think it's outrageous for those  
21 to contend that families cannot live in dwellings  
22 smaller than 1,600-1,800 square feet. There's no  
23 kings and queens. These are families that are  
24 looking for a place that they can afford, and  
25 households as well, not just families.



1           Property values would be hurt by reducing  
2 what a homeowner or a developer can do by right,  
3 rights that are existent today and that were in  
4 existence when most of the current homeowners and  
5 owners bought their properties.

6           The amount that a homeowner can sell  
7 their home for on net is more if the current  
8 zoning is maintained. It will broadly decrease if  
9 the proposed changes are enacted. And that's  
10 going to affect every homeowner who owns a home in  
11 these zones.

12           One of my buyer clients recently in  
13 Northeast, who bought a home there, was feeling  
14 the squeeze from their growing family and decided  
15 they were going to move to Montgomery County.  
16 These zoning rules that would be changed with this  
17 proposed changes would force them to move and not  
18 be able to make the additions that they actually  
19 did maintain.

20           They love their neighborhood. They  
21 wanted to stay in it. They wanted to stay in  
22 their home. And they were able to increase the  
23 size up and back of their home and stay.

24           So, I'm in opposition to the changes that  
25 issue. I appreciate the comments and concerns

1 from homeowners who feel the character of their  
2 neighborhoods in some instances is eroding. I  
3 have seen unattractive additions, both up and  
4 back. And as someone who appreciates the City's  
5 architecture, I'm sympathetic to opposition of  
6 some of the worst of these Mr. Potato Head-type of  
7 projects.

8 But a lot of these projects that we're  
9 talking about, and has been indicated by many of  
10 the homeowners here, were not done in maintenance  
11 of the requirements of zoning, the building  
12 permits and best practices for construction.  
13 Those are the outliers. But when responsibly  
14 done, these additions can enhance the look of the  
15 home and do much to head off some of the housing  
16 shortages around our metros and in the center of  
17 Washington, D.C., in these R-4 zones.

18 I oppose the proposed changes, and thank  
19 you all for taking the time to hear my points of  
20 view.

21 CHAIRPERSON HOOD: Thank you.

22 Next.

23 MS. McDANIEL: Good evening. My name is  
24 Betsy McDaniel. I'm a resident of Bloomingdale.  
25 I don't know if you have my testimony, but I'm not

1 going to read from my testimony. I want to  
2 comment just on some of the things that have been  
3 said this evening.

4 I appreciate so much the Office of  
5 Planning emphasizing the Comprehensive Plan. The  
6 Comprehensive Plan, once, is telling you to keep  
7 R-4 zones to single-family residential. And  
8 they've recommending that you -- that homeowners  
9 convert their basements to rental properties,  
10 which has been done a lot in my neighborhood.

11 But almost every pop-up, no matter what  
12 people say, I can only think of one or two pop-ups  
13 in my neighborhood that are acceptable. And I  
14 included a picture of one heinous one in my  
15 testimony. But there are so many, I could have  
16 spent a fortune at Kinko's, you know, printing up  
17 copies of all the horrible pictures for you.

18 But I want to back up everything people  
19 have said this evening who have supported this. I  
20 think you've heard some excellent testimony, and I  
21 hope you listen to it. And since I have a little  
22 bit of time, I think I would like to read one of  
23 my blog posts. I have a blog on Bloomingdale's  
24 history.

25 And there's a house on the corner by Big

1 Bear Cafe, which many of you are probably familiar  
2 with, and I was sitting outside on a snowy day  
3 last year and noticed that the house on the  
4 corner, catty-corner, has three turrets. It's a  
5 Wardman home, not what many people think of as a  
6 Wardman home, because it has the turrets. It's a  
7 Victorian row house. It's not the front-porch-  
8 type Wardman home. And it has three turrets.

9           And I just can't imagine how it would  
10 have grossly affected our neighborhood to have  
11 that house popped up and have all three of those  
12 turrets removed. Unfortunately, some of the  
13 original turrets are disappearing from Wardman  
14 homes, as well as from row houses by other  
15 builders. One day, will a house that has lost its  
16 turret regret that loss? Do all the other houses  
17 feel the loss of one of their own?

18           These homes were here for a long time  
19 before we were. We are merely temporary guardians  
20 of these architectural gems. The Comprehensive  
21 Plan refers to "the row house fabric of  
22 Bloomingdale." It is sad to think what our  
23 beautiful fabric will look like when more and more  
24 pieces are cut away.

25           What happened to those snippets of the

1 Star-Spangled Banner when they were cut off and  
2 given away as souvenirs? Wouldn't it be nice if  
3 the flag that they spent millions trying to  
4 restore at the American History Museum -- wouldn't  
5 it be nice if our Star-Spangled Banner was intact  
6 and not just snip-ship-snipped away like all these  
7 developers, most of whom who work in our  
8 neighborhood live in Maryland and Virginia, coming  
9 in and chopping off the turrets of our houses to  
10 bump it up so you can turn it into two condos that  
11 have three bedrooms that are too small? Thank  
12 you.

13 CHAIRPERSON HOOD: Thank you.

14 Next.

15 MR. MATTISON: Zoning Commission members,  
16 staff, and guests. My name is Dale Mattison. I'm  
17 a native Washingtonian and 40-year practitioner in  
18 the real estate industry in our area, dealing  
19 mostly with residential real estate. I am a past  
20 President of the D.C. Association of Realtors,  
21 past President of the Greater Capital Area  
22 Association of Realtors, a past D.C. Real Estate  
23 Commissioner, and have served actively in  
24 leadership roles in the National Association of  
25 Realtors.

1           I am not the official spokesperson for  
2 the realtor community tonight, but here to speak  
3 as a concerned citizen and a real estate  
4 professional living and working in this community.  
5 I'm here to ask you to reconsider the proposed  
6 changes, as they do more harm than good.

7           Let me share some interesting statistics  
8 and information with you. Recent surveys show  
9 that baby boomers make up approximately 1.5  
10 million of our region's residents, or  
11 approximately 26 percent. Millennials make up 1.4  
12 percent (sic) of our regional residents, or  
13 approximately 25 percent. D.C. population is  
14 growing at the rate of between 800 and 1,300 new  
15 residents monthly, with many of them coming from  
16 within our region.

17           Urbanization is a trend that is very  
18 real, and most of the MSA's around the country,  
19 approximately 75 markets. The mini-sizing of  
20 property is also a prevalent trend. It creates a  
21 lower-cost housing option, it embodies smart  
22 growth, and it helps to supply the demand of  
23 single-person households that, in D.C., make up 40  
24 percent of the population.

25           This growth and shift in demographics and

1 trends can only be satisfied by being creative in  
2 how we approach housing stock. Residents today  
3 want communities where they can live, work,  
4 socialize, and are willing to give up size for  
5 convenience. Smart growth dictates that we  
6 provide ample housing, retail and life necessities  
7 near our work centers, and transportation hubs.

8           Unfortunately, building and zoning codes  
9 have not kept pace with the radical demographic  
10 shifts. The proposal being considered is  
11 definitely taking a step backwards and does not  
12 sufficiently address the needs of our community.  
13 We must increase attention to efficient  
14 functionality.

15           The proposal before us will reduce D.C.'s  
16 already limited housing stock. It will limit the  
17 supply of affordable housing for our working-class  
18 residents. The proposed changes negatively impact  
19 diversity and affordability, key components to a  
20 thriving city.

21           Our opposition say that this change is  
22 good and will keep single-family houses available.  
23 That is a myth. With this change, those single-  
24 family houses will be so expensive that it will  
25 totally exclude the diversity that makes all of

1 our communities thrive.

2           You do have my printed comments, and you  
3 can review the rest of them. Thank you for your  
4 time.

5           CHAIRPERSON HOOD: Thank you.

6           Next.

7           MS. GATES: Good evening, members of the  
8 Zoning Commission, and Happy New Year. I am Alma  
9 Gates, testifying on behalf of the Committee of  
10 100 on the Federal City.

11           The committee supports the Zoning  
12 Commission's interest in stopping the practice of  
13 vertical additions on row houses known as pop-ups.  
14 This scheme to capture profit by building to the  
15 maximum height allowance has resulted in stark  
16 interruptions of the most notable features of row  
17 house blocks -- symmetry and rhythm.

18           While we support the intent, we do not  
19 think the text amendment will prevent future pop-  
20 ups and would like to mention several specific  
21 issues we think deserve your attention.

22           One, row houses exist outside R-4 zones.  
23 The Comprehensive Plan includes an action that  
24 calls for rezoning of row houses in R-4 zones.  
25 But the land-use element policy is clear, that the



1 intention is to protect all row house  
2 neighborhoods throughout the City.

3           There is context for the Comprehensive  
4 Plan policy and action item. The late Ann  
5 Hargrove, a long-time Committee of 100 member and  
6 former Chair, was a member of the Comprehensive  
7 Plan Task Force. She repeatedly advocated for  
8 better protection of the District's row house  
9 stock with policies in the Comprehensive Plan.

10           Her assessment, discussed often in our  
11 zoning subcommittee, was that the most effective  
12 protection would be to create a new zone for row  
13 houses. And she felt that it would be easier to  
14 prevail in R-4 zones where many of the row houses  
15 were located.

16           It was a tactical decision on their part  
17 to push the Office of Planning to include the  
18 action item related to rezoning R-4 row house  
19 neighborhoods. That tactic should not be  
20 interrupted -- excuse me. That tactic should not  
21 be interpreted to mean that Ann or anyone on the  
22 task force intended to protect some, but not all,  
23 row houses.

24           The policy on row house protection speaks  
25 for itself and represents the intention to protect

1 all row house blocks, even if these blocks were  
2 not included in the new row house zone. This is a  
3 very important distinction. A responsive new  
4 zoning regulation should recognize that pop-ups  
5 affect all row houses, not just R-4 row houses.

6 Two, the reduction of maximum allowable  
7 height to 35 feet seems arbitrary. The Office of  
8 Planning reported that 90 percent of row houses in  
9 R-4 zones are 35 feet or less. The Zoning  
10 Commission should have more refined information.  
11 How many row houses are 25 feet or less? When you  
12 examine the pictures of pop-up examples, it does  
13 not appear that a reduction of five feet in  
14 maximum height allowance would negate the scale  
15 problem.

16 The Committee of 100 urges the Zoning  
17 Commission to incorporate prevailing height into a  
18 new text amendment.

19 Three, roof structure allowances will  
20 contribute to the pop-up effect. It's important  
21 that the Zoning Commission consider all the zoning  
22 regulations that affect vertical additions on row  
23 houses. The Comprehensive Plan land-use element  
24 recognizes a potential adverse impact of roof  
25 structures and recommends that these structures

1 not be matter of right.

2           The roof structure text amendments  
3 recently approved by the Zoning Commission would  
4 allow a 10-foot vertical structure above the  
5 maximum height in R-4 zones, now known as RF  
6 zones. The roof structure footprint would be  
7 limited to one-third of the roof area. But no  
8 site setbacks would be required. Visually, these  
9 structures could create a disconcerting mass and  
10 scale that is similar to pop-ups.

11           In R-5 zones, now known as A zones, the  
12 roof structure could rise 18 feet, six inches,  
13 with no area limitation other than a small front  
14 and rear setback. These roof structures have the  
15 potential to create pop-ups, even if the Zoning  
16 Commission decreases maximum allowable heights for  
17 row houses.

18           The Committee of 100 finds that the  
19 intention to protect the District's row housing  
20 type is right on target. But we believe the  
21 proposed text amendments are inadequate to solve  
22 the problem. This isn't a fatal flaw, but we urge  
23 a more comprehensive approach that builds on a  
24 block's prevailing row house heights.

25           CHAIRPERSON HOOD: Okay. Thank you.

1           Next.

2           MS. PURCELL: Good evening. My name is  
3 Beth Purcell. I'm the Chair of the -- Elizabeth  
4 Nelson will testify after me. We're together. If  
5 that's okay with the commission. Okay. Thank  
6 you, sirs.

7           My name is Beth Purcell. I'm Chair of  
8 the Beyond the Boundaries Committee of the Capitol  
9 Hill Restoration Society, and thank you for the  
10 opportunity to testify.

11           I support the proposed text amendment  
12 because it would discourage pop-ups, thereby  
13 addressing several issues that are of particular  
14 concern on Capitol Hill, especially the areas  
15 outside the Capitol Hill Historic District.

16           In this part of Capitol Hill, pop-ups are  
17 not creating affordable family housing; they are  
18 destroying it. Existing row houses are modest,  
19 and they may be a tight fit, but it is possible to  
20 raise a family in them. They may not be cheap,  
21 but they are relatively affordable.

22           When they are expanded to include  
23 additional stories, their price increases  
24 dramatically, putting them out of the reach of  
25 most families. In many cases, the additional

1 stories are leveraged to create multiple-housing  
2 units, none of which is large enough to  
3 accommodate a family, and yet each of which is  
4 priced similarly to the original house. They are  
5 suited for the needs of well-to-do singles or  
6 couples, but not for families with children.

7           An example in our neighborhood is 1701  
8 Independence Avenue, Southeast, a row house  
9 sharing a hip roof with an adjacent roof. And  
10 there is a photograph in my testimony.

11           Last year, it was assessed for tax  
12 purposes at \$487,000. After that, it was  
13 purchased and greatly enlarged. The hip roof was  
14 split, and the now oversized house is for sale for  
15 \$1.5 million, listed by Berkshire Hathaway  
16 HomeServices. The after photographs included in  
17 my testimony speak for themselves.

18           Second, in many areas of the City,  
19 irregular rooflines are not unusual. However,  
20 this is not the case on much of Capitol Hill just  
21 outside the boundaries of the historic district.  
22 In Hill East, for example, blocks of modest homes  
23 were constructed as a single, continuous row, with  
24 well-considered variations among them and  
25 individual units creating a harmonious whole.

1           The charm of the streetscape is dependent  
2 on this uniformity. Pop-ups on these blocks are  
3 jarring, and they detract from the sense of scale.  
4 They also adversely affect the light and air of  
5 their neighbors. Where yards and homes are  
6 typically small, it's discomfiting to have a large  
7 structure looming next door, as others have  
8 pointed out. Thank you.

9           MS. NELSON: My name is Elizabeth Nelson,  
10 and I support the proposed text amendments because  
11 it would discourage pop-ups. And I endorse the  
12 testimony just given by Ms. Purcell, of CHRS.

13           But I would like to add the following:  
14 I'm the Chair of the North Lincoln Neighborhood  
15 Association, and I have lived in my present home  
16 for 30 years, just off Lincoln Park in the last  
17 block of the Capitol Hill Historic District.

18           When I first moved there, rampant drug  
19 trafficking was the biggest threat to the  
20 livability and family-friendly feel of the  
21 neighborhood. Now it's the loss of suitable  
22 family housing and the visual blight of the pop-  
23 ups.

24           My neighbors fought hard to reduce crime  
25 and improve the schools, and have been very

1 gratified to see the influx of young families.  
2 The homes may be smallish and not as inexpensive  
3 as they once were, but they are still manageable  
4 for many.

5 But now developers are moving in and  
6 popping up the modest family homes, turning them  
7 into either much larger and extremely expensive  
8 homes, out of the reach of even well-to-do  
9 families, or into a series of very small units  
10 unsuitable for families, and often as expensive as  
11 the original house.

12 I am especially concerned that the  
13 foundations won't support the increased height and  
14 will fail, dragging their neighbors' homes down  
15 with them. I'm not satisfied that enough  
16 attention is paid to this during the permitting  
17 process and believe that if the permits were for  
18 new constructions, the foundations would be deemed  
19 inadequate for the larger structures.

20 I fondly and sadly remember the way the  
21 neighborhood looked when I first moved in -- a bit  
22 dilapidated, perhaps, but full of charm and a  
23 delight to the eye, built on a human scale  
24 reflecting the pride and craftsmanship of the  
25 original builders, and radiating the warmth of the

1 generations who have lived in them.

2           Now the visual landscape is interrupted  
3 by outrageously ugly pop-ups that reflect only the  
4 love of money and a complete disdain for design  
5 and responsible construction techniques. Smaller  
6 yards and solar panels are shaded by towering  
7 additions whose message is clear: "My wishes are  
8 more important than the comfort of my neighbors."

9           I thank my lucky stars every day that my  
10 home is within the Historic District, but others  
11 are not so fortunate. This text amendment would  
12 go a long way toward offering my friends and  
13 neighbors some of the protections my block  
14 currently enjoys. Thank you very much.

15           CHAIRPERSON HOOD: Thank you.

16           Next.

17           MR. RAHIMIAN: My name is Stefan. And  
18 D.C. is my home. You guys have one of the hardest  
19 government jobs. You're here at eight o'clock on  
20 a Thursday. I just wanted to come weigh in  
21 because I have a business in D.C. I live in D.C.  
22 I have family. I have employees. And I think  
23 this amendment is going to negatively affect all  
24 of them.

25           I'm here representing dozens of people



1 that own houses. I've purchased houses from  
2 people. I live in Trinidad. I can tell you right  
3 now that there's -- if this goes through, it's  
4 going to affect somebody.

5 I purchased a house from a nice woman  
6 named Viola Peterson a couple of years ago. And  
7 that house was her retirement. Without her equity  
8 in that house, she would not be able to go retire  
9 and live with her daughter. She would have been -  
10 - I don't know what would have happened to her.

11 This amendment would change the value of  
12 some of those people's houses by \$100,000. I have  
13 a house under contract right now that I'm thinking  
14 about canceling, because this will affect the  
15 value. I'm not talking -- there's some very valid  
16 concerns that I've heard from people here, and I  
17 think there are some solutions that need to be  
18 taken into consideration.

19 I think that this does not do that. What  
20 I'm hearing a lot is that there's people who have  
21 bad contractors that come out there and do stuff.  
22 They need to take those people to court. If they  
23 damage your house, take them to court. There's  
24 methods for that.

25 As far as affordable housing, I don't

1 think the solution is that we put three condos  
2 into a house and that's going to solve everything.  
3 But it does help. Economics 101, if you add more  
4 housing, prices will go down. If we were to  
5 double the housing in D.C., it would affect the  
6 pricing. I think this is a step towards that.

7           Now, can there be some community  
8 involvement that helps? And there are ugly pop-  
9 ups. We have a solution for that, too. It's  
10 called capitalism. I can't tell you how many  
11 people go out there and try their hand at real  
12 estate development, do a bad job, and then the  
13 market doesn't buy it. They have less money.  
14 They cannot continue the business. While the ones  
15 that are doing a good job, and the market rewards,  
16 can go buy more.

17           I think we need a better solution. We  
18 need to revisit this. I look at the sample here,  
19 and like I said, they have valid concerns. It's  
20 not a sample of what I'm seeing of people that are  
21 out there buying houses. It's not an adequate  
22 sample; it's a small minority. And they have  
23 valid concerns that need to be addressed, but we  
24 cannot -- we're talking about aesthetics versus  
25 jobs, somebody's retirement account, their live

1 savings.

2 When I look at it like that, I'm saying,  
3 "Yes, I would like to have beautiful stuff," and  
4 let's work towards that. But how can we take  
5 someone's retirement, their house, and say, "Well,  
6 you have \$100,000 less now," because we've changed  
7 the zoning and a developer is going to pay less?

8 That's all I have to say.

9 CHAIRPERSON HOOD: Thank you.

10 Next.

11 MR. KAVANAGH: Good evening. My name is  
12 Tom Kavanagh. I'm a long-time resident of the  
13 City. And I own Fulcrum Properties Group, a small  
14 real estate team on Capitol Hill. My entire team  
15 lives in the District, and we sell between 120 and  
16 140 homes a year. The vast majority of our  
17 clients are owner-occupants that buy and sell  
18 their primary residences.

19 I'm here today to voice my concern and  
20 the concern of my neighbors and clients about  
21 these proposed zoning changes.

22 The proposed zoning changes will do very  
23 little to address the pop-up and conversion  
24 problems we are experiencing here in the City. As  
25 we see it, the concern is not the number of units

1 allowed or the size of the project, but the design  
2 and the quality of the construction. And this  
3 legislation does little to address our concerns.

4 As a resident and a person who helps  
5 people find homes, I feel this spot-zoning process  
6 does not get to the meat of the issue it claims to  
7 address. None of us want to live next to a 45-  
8 foot-high purple monstrosity that's covered in  
9 vinyl siding. But I don't think we want to live  
10 next to a 35-foot-high property covered in vinyl  
11 siding, either. The changes as written do not  
12 address these issues.

13 In reality, the larger units I see are  
14 typically better built than the smaller ones.  
15 It's the small two-units that quite often are  
16 built on a limited budget and with limited  
17 concerns for the community and the community it's  
18 in.

19 It seems to me that a more detailed plan  
20 that includes a 35-foot height limit, setback  
21 requirements, some basic design detail, and  
22 approved materials would be much more  
23 significantly more effective.

24 I encourage you to table this vote,  
25 reassess the real problems we are having, and come

1 back to the table with proposed changes that will  
2 appropriately guide zoning in a way that will  
3 protect our historic community and address the  
4 real concerns of its residences.

5           For whatever it's worth, 1701  
6 Independence is 35 feet high. It's really ugly.  
7 It would fit in the current zoning changes, no  
8 problem. He bought it, turned it into two  
9 \$700,000 condominiums, didn't do the paperwork  
10 right, and he can't sell it. So Stefan's opinion  
11 is it is correct that it's not pretty, and it's  
12 not going to sell. Your opinion is correct in  
13 that it's really ugly and it's not really perfect  
14 for the neighborhood. I live two blocks from it.

15           But it would be -- if it was done right,  
16 it would be two 1,800-square-feet, very nice  
17 three-bedroom residences worth about \$700,000,  
18 which I could sell to a nice family. So, I don't  
19 think this addresses that. And I see both of  
20 their concerns. Thank you.

21           CHAIRPERSON HOOD: Okay.

22           Do we have everybody's testimony? We try  
23 to catch -- I know we have some. But we try to  
24 catch up with it as we go through.

25           The gentleman down here to my right, Mr.

1 DiRuggiero. How do you pronounce your last name?

2 I don't want to mess it up.

3 MR. DiRUGGIERO: DiRuggiero.

4 CHAIRPERSON HOOD: DiRuggiero.

5 MR. DiRUGGIERO: Um-hm.

6 CHAIRPERSON HOOD: I would like for you -  
7 - do we have your testimony?

8 MR. DiRUGGIERO: I haven't submitted it,  
9 no.

10 CHAIRPERSON HOOD: Okay. Here's where I  
11 am. I'm hearing one way, the other way. And then  
12 I've heard from this panel, especially with the  
13 real estate guys -- I'm going to call you "real  
14 estate guys," hoping you don't mind.

15 MALE SPEAKER: Please.

16 CHAIRPERSON HOOD: Or "mini-developers."  
17 I'm not going to say "small," because it's mini.  
18 You don't do the large-scale.

19 Submit some resolution. You know, I'd  
20 like to see that so I'm getting from some of the  
21 smaller developers. So submit some resolutions.  
22 You know what's on the table. Submit some  
23 resolution. You heard what some of the -- you  
24 believe you've heard what some of the issues are  
25 and some of the concerns. So, as opposed to

1 knocking what we have up here that's being  
2 proposed, give us something else to chew on and  
3 look at. Okay?

4 MALE SPEAKER: I appreciate that.

5 CHAIRPERSON HOOD: Is that a deal?

6 MALE SPEAKER: Thank you.

7 CHAIRPERSON HOOD: Yes. Oh, that's  
8 right. Let me include you, too. I'm sorry. I  
9 didn't mean to leave you out.

10 MR. MATTISON: Mr. Chair, I think that's  
11 a great idea. I think it's a lot larger than  
12 that. As you listen to the concerns of a number  
13 of the neighbors, it's the quality, the air shaft  
14 where the guy has cold air coming in his house now  
15 -- those kind of things won't be resolved by  
16 zoning. And so, we've got zoning issues. We've  
17 got building codes issues that need to be looked  
18 at, and together, to come up with an effective  
19 solution.

20 CHAIRPERSON HOOD: Okay. Okay.

21 MR. MATTISON: To make everybody end up  
22 in a win-win situation.

23 CHAIRPERSON HOOD: Okay. So submit. I  
24 think you already have. But submit what you  
25 have, and let us chew on that, too.

1           Okay. Now, any questions up here?

2           (No audible response.)

3           CHAIRPERSON HOOD: Okay. Thank you all  
4 very much. Appreciate it.

5           (Pause.)

6           CHAIRPERSON HOOD: Does the Court  
7 Reporter need to take a break?

8           (No audible response.)

9           CHAIRPERSON HOOD: Okay. Just let me  
10 know when you do. Okay.

11           Brian Athey.

12           Matt Scorzafava. Excuse me for messing  
13 that up. Matt.

14           Threvia West.

15           Eric Schwers.

16           Pam Lloyd.

17           And this next one I can't make out.

18 Siyamak Sadeghi. I'm close? Come on up. Okay.

19           Sunil Chhabra.

20           Christian Rojas. Christian Rojas. Okay.

21           Lawrence Skoak. GYFV, the organization  
22 name. Lawrence? Is Lawrence here? Okay. I'll  
23 just keep calling.

24           Norman -- I thought we already called  
25 Norman Jenkins. Or maybe I didn't. Norman



1 Jenkins.

2 Marty Sullivan.

3 One more.

4 (Inaudible interjection.)

5 CHAIRPERSON HOOD: Do we have everyone?

6 (Inaudible interjections.)

7 CHAIRPERSON HOOD: Okay. Good. Thank  
8 you.

9 All right. Let's start to my right. You  
10 may begin.

11 MR. ATHEY: Good evening, members of the  
12 board. We appreciate your time this evening. My  
13 name is Brian Athey. I'm the President of  
14 Congressional Capital, which is a real estate  
15 lending company. We loan funds to largely small  
16 developers who do single-family homes, small  
17 condominium projects. I also develop small  
18 condominium projects throughout the City myself.  
19 And so, I've lived this issue firsthand.

20 I'd like to, you know, first start off  
21 and say that I too recognize some of the concerns  
22 that citizens have. But I don't believe that this  
23 regulation is an appropriate mechanism to address  
24 pop-up concerns.

25 What we have here is a proposed reduction

1 in building height by, you know, five feet, which  
2 to me is a de minimis reduction in that really all  
3 that's going to do is impact homeowners who desire  
4 to maximize the footprint of their house.

5 Further, the fact that this legislation  
6 seeks to stop individuals who live in R-4 lots  
7 from by-right being able to develop them into  
8 condominium units would cause a massive diminution  
9 in value of the property owners for people who own  
10 2,700-square-foot R-4 lots or more.

11 Frankly, I'm concerned that those  
12 property owners don't either know about this or  
13 understand the implications of these changes upon  
14 the value of their properties. I've had the  
15 pleasure, actually, of buying properties from  
16 large-lot, R-4 property owners, where I paid them  
17 amounts of money that, frankly, if this regulation  
18 were to pass, I couldn't afford to pay them.

19 And those individuals have sat across  
20 from me at the closing table and said, "Thank you.  
21 I've owned this property for decades. And I've  
22 just made a lot of money, and now I can live  
23 comfortably, you know, for the rest of my life  
24 with this money." That story goes away with these  
25 changes.

1           And so, while I recognize the pop-up  
2 concerns -- you know, the Washington Post uses the  
3 V Street C2A property as an example of the pop-up  
4 issues -- I think that by making these changes  
5 where you just have blanket prohibitions against  
6 development of projects and reducing property  
7 owners' values, that's a huge mistake.

8           In my view, as a developer, you know, I  
9 think most of the development community in here  
10 would welcome an additional level of architectural  
11 purview, as long as it's processed swiftly, to  
12 ensure that, you know, when developers are going  
13 up and going back, that it is consistent with the  
14 neighborhood.

15           I really don't think that developers are  
16 in here seeking to create projects that are  
17 inconsistent with the neighborhood or that people  
18 view as ugly. I mean, one man's beauty is another  
19 man's, you know, ugly.

20           So, some further guidance by another  
21 layer of architectural review, I think would be  
22 just fine. And to Mr. Hood's point, I think that  
23 developers in the room are more than happy to  
24 submit proposed regulation that's consistent with  
25 that.

1           Finally, I'd like to talk about the  
2   inclusionary zoning issue. The economics of these  
3   small projects, frankly, are so fragile that --  
4   but by requiring inclusionary dwelling units,  
5   you're just going to render these projects  
6   economically incapable of occurring. I mean, all  
7   you're really doing is creating another way to  
8   say, "No conversion of R-4 properties."

9           You're not going to solve affordable  
10   housing issues, because you're just going to quell  
11   the development of properties like this.

12           So, in sum, I think that this is a gross  
13   overreaction to a significant problem, and it can  
14   be addressed in a more meaningful way with more  
15   proper oversight, architecturally. Thank you for  
16   your time.

17           CHAIRPERSON HOOD: Thank you.

18           Next.

19           MR. SADEGHI: My name is Siyamak Sadeghi.  
20   I'm resident in D.C. more than 29 years, and I'm a  
21   developer. I'm talking from Dashlar, LLC.

22           We started since '87 doing these pop-ups.  
23   And I'm one of them. I'm building them. And D.C.  
24   Government now making \$250,000 a year extra money  
25   from other developing in last 10 years. Every

1 year, they using this money because we developed  
2 it. Now as a \$5,000 each apartment, they get  
3 almost \$250,000 a year. Last 10 years, \$2.5  
4 million, I think we paid all the people in this  
5 City.

6           Anyway, what I hear here, I saw people  
7 complaining, and they have a right. They complain  
8 about the ugliness. They complain about the bad  
9 construction. That's not zoning's problem.  
10 That's DCRA problems.

11           The second of all is, we have to just  
12 check the plans and make it nice, the  
13 neighborhood. It goes with the neighborhood, and  
14 always we did. We never had a complaint in last  
15 10 years from anybody in our jobs.

16           And the second -- third I see, all the  
17 people are complaining here are, they have a  
18 house. They are comfortable in it. And they are  
19 just complaining because they are uncomfortable.  
20 They don't see more view or what was before.

21           Things change. Since 1950, this zoning  
22 passed 1950, seventy years ago. Closets were two-  
23 by-two. Now nobody in this room has a closet by  
24 two-by-two. People want walk-in closets. People  
25 want bigger house. They want nicer. They want

1   bathrooms. They want -- and the single-family  
2   homes people are crying about it, they want to  
3   have that perfect picture and movies.

4               And no, it's not going to lasting. It's  
5   impossible. Because population of D.C. is racing.  
6   When I moved to this City, was 515,000. Now it's  
7   over 720,000 people are living here.

8               In send-up reviews in the zoning after  
9   raise the zoning, make it C2-A. Make it R-5B.  
10   Prices are going to reduce. That's only way it is  
11   if you're talking about this.

12              (Applause.)

13              MR. SADEGHI: Enough is enough.

14              CHAIRPERSON HOOD: Now, I know ya'll  
15   didn't just get in here. Earlier, I asked you not  
16   to demonstrate. If you feel happy, just feel good  
17   about it. But don't applaud.

18              Now, I know ya'll were here, because I've  
19   been looking out there, I've seen the hat on.  
20   I've seen all ya'll sitting back there together.  
21   So we don't need to applaud. If you like his  
22   statement, feel good. The rule hasn't changed;  
23   it's only been an hour. It's the same rule.

24              You may continue.

25              MR. SADEGHI: That's not about the

1 clapping. It's sad.

2 CHAIRPERSON HOOD: No, no. It is in  
3 here.

4 MR. SADEGHI: Oh, I know.

5 CHAIRPERSON HOOD: Because we don't  
6 demonstrate.

7 (Cross-talk.)

8 CHAIRPERSON HOOD: Let me just say this.  
9 I'm taking care of that. You just give your  
10 testimony.

11 MR. SADEGHI: The point is, this is not  
12 the way we create the low-income housing. There  
13 is no way. Raise the R-5B, believe me, prices  
14 going to go down. People can afford it.

15 My house right now, the one I'm living,  
16 917 T Street, is priced \$1.8 million. It's not  
17 affordable. If I move out, I cannot buy. I can't  
18 buy another one, not now at this time. I couldn't  
19 buy. There is no way.

20 Single-family home on 14th Street and  
21 13th Street is over \$1.6, \$1.7 million. A  
22 \$600,000 house is affordable at this moment.  
23 People can afford it because rent in D.C. is over  
24 \$3,000 for two-bedroom apartment.

25 Nobody cries about the 14th Street. All

1 over building, you know, the huge high-rises. And  
2 I don't see any representative from big companies.  
3 And you all know their names, all of them. It  
4 doesn't bother them. Because they buy it, right?  
5 It's a new construction. They can build 10-story,  
6 8-story. On 14th, it's the corner of 14th Street,  
7 9th Street. And they build it. It was R-4  
8 before, the next block. And now they are building  
9 it.

10 We are having somebody crying for Adams  
11 Morgan. But nobody cries for the corner gas  
12 station, was there for years, and now we don't  
13 have even a gas station. There is a condo, the  
14 big company building it. But you have to go after  
15 the small people.

16 I think it's a class war. It's nothing  
17 else. You have to look at it differently. People  
18 are suffering in D.C. Thank you very much.

19 CHAIRPERSON HOOD: Thank you.

20 Next.

21 MR. SCORZAFAVA: Hi. My name is Matt  
22 Scorzafava. And I'm a licensed real estate agent  
23 in the District of Columbia. Chairman Hood and  
24 members of the commission, thank you for giving me  
25 the opportunity to speak. I'm here on behalf of



1 myself and my clients, who are owners in the R-4  
2 zone.

3 I oppose the text amendment, and I do not  
4 agree with many aspects of the report submitted by  
5 the Office of Planning, specifically dealing with  
6 the conversions. My testimony is mainly going to  
7 be about conversions.

8 Pop-ups are a design issue that should be  
9 discussed, as there needs to be a balance between  
10 a growing city and maintaining the character of  
11 existing neighborhoods. Pop-ups potentially could  
12 happen on 100 percent of the lots in the R-4 zone,  
13 as well as many other zones.

14 Conversions to apartments are only  
15 possible on 3.9 percent of the low-density lots in  
16 the City, based on the OP report.

17 Grouping these two issues together is  
18 inappropriate. OP argues that conversions cause  
19 price pressure on three-bedroom-plus housing stock  
20 and price homeowners out of single-family  
21 properties. There are 96.1 percent of low-density  
22 residential lots that cannot be converted.  
23 There's just not enough convertible lots,  
24 convertible properties to make OP's arguments  
25 valid.

1           The main benefit of R-4 conversions is  
2   that they do provide for large units for families,  
3   because there's a limit on the amount of units  
4   that you can build, unlike the R-5B zone and C-2A  
5   zone. Most of the units that are delivered are  
6   two-, three-, and four-bedroom units.

7           The properties that are being converted  
8   are typically older homes that are in need of  
9   renovation. A good example of this is 1619  
10   Constitution Avenue, Northeast. This property was  
11   vacant, falling apart inside, with major leaks and  
12   structural damage. The property is currently  
13   being converted to three 1,800-square-foot three-  
14   bedroom, three-baths, each with a parking space.

15           There's also no reason to have a special  
16   exception for a conversion of three or more units  
17   if the property adheres to the 900-square-foot  
18   requirement.

19           From the exterior, all types of R-4  
20   properties, including single-family homes, flats,  
21   and conversions, have the same height, story,  
22   parking, and lot occupancy requirement. There's  
23   no reason to single out conversions.

24           We should be making it easier to develop  
25   and deliver new residential units. Increasing the

1 barriers -- excuse me. A special exception would  
2 increase the barrier and hurt the value of homes  
3 of some of my clients. R-4 conversions should not  
4 be eliminated, and the conversion should stay as a  
5 matter of right.

6 Pop-ups are not contained at three or  
7 more unit conversions or limited to the R-4 zone.  
8 It does not make sense to be overly reactive and  
9 take away my clients' property rights and  
10 significantly devalue their properties, especially  
11 when conversions achieve the goal of increasing  
12 the housing production, specifically large three-  
13 bedroom apartments and flats. Thank you.

14 CHAIRPERSON HOOD: Thank you.

15 Next.

16 MR. CHHABRA. Good evening, Mr. Chairman,  
17 and members of the Zoning Commission. My name is  
18 Sunil Chhabra. I'm a born-and-raised D.C.  
19 resident, and I'm also a developer. The  
20 revitalization of dilapidated row homes has served  
21 as a catalyst for the advancement and  
22 modernization of neighborhoods, creating safer  
23 streets and improved quality of life.

24 Changing the R-4 zone would deter  
25 developers from continuing to improve

1 neighborhoods, as they have been vital in the  
2 growth this City has gone through over the past  
3 decade.

4           And Brian over here touched on some of  
5 these points, but I'll just add to it. Stripping  
6 the R-4 zoning conversion rights will reduce  
7 property values, especially those that are 2,700  
8 square feet or more, as they would suffer huge  
9 losses due to these changes. Developers won't be  
10 able, like myself, won't be able to pay a premium  
11 of up to \$200,000, as we will not be able to  
12 develop three-units-plus by right.

13           The Office of Planning and the ANC's have  
14 failed to inform these homeowners of the  
15 implications of the property value loss. This is  
16 the taking of property rights, and the OP and all  
17 ANC's need to properly educate all R-4 owners that  
18 they would suffer significant losses in value.

19           Many of these owners are counting on  
20 these premium prices to fund their retirement, pay  
21 off debt, and send their kids to college, and so  
22 on. And I can say this from actual experience.

23           In regards to the height reduction from  
24 40 feet to 35 feet, we feel that more analysis  
25 needs to be conducted to address the question of

1 whether or not this height reduction will actually  
2 have a measurable visual impact. If pop-ups are  
3 truly the problem, then we as a community need to  
4 come up with a solution that doesn't hinder vital  
5 development and take away homeowners' property  
6 values, but rather a well-studied plan that will  
7 tackle all the issues presented.

8 In closing, I would urge that we, with us  
9 the community and developers, work together to  
10 come up with a formidable solution to actually  
11 tackle this issue while promoting development and  
12 advancing the City. Thank you.

13 CHAIRPERSON HOOD: Okay. Thank you.

14 Next.

15 MS. LLOYD: Hi. My name is Pam Lloyd. I  
16 live at 413 Randolph Street. I lived in Petworth  
17 for 14 years before it was the hot spot that it  
18 seems to have become. My house is 100-year-old  
19 pride and joy and a tangible reflection of my  
20 accomplishments.

21 On my one block, the 400 block of  
22 Randolph has four new constructions. Three are  
23 pop-ups. The pop-ups don't fit into the look and  
24 feel of my neighborhood. My home is a semi-  
25 detached next to 413 Randolph Street, which was

1 purchased by Brian, who is sitting four seats down  
2 from me, his development company.

3           They intend on building a four-unit  
4 condominium as a matter of right. They currently  
5 are under their second stop order. The first one  
6 was issued because the company was demolishing 413  
7 without the proper tenting. It took many calls on  
8 my behalf to have the site evaluated and stop-  
9 order issued from proper lead contamination.

10           As a recent cancer survivor, it was a big  
11 concern to me that there was dust all over my  
12 home, my porch front and back, yard, tomato  
13 plants, rosemary plants, and other edible plants.

14           The second work (sic) order has now been  
15 issued because of scope creep. They  
16 misrepresented the landscape of my home and on  
17 their architectural plans. My home is a semi-  
18 detached; their plans said it was an attached.  
19 The construction company, at their own admission,  
20 intends on bringing their building within an inch  
21 of my home, infringing on the property line  
22 without a firewall.

23           And without notice, the company began  
24 work. They performed underpinning to my home  
25 without a permit or my permission. The deadlocked

1 back door no longer aligned. And because of that,  
2 they had to urgently send a contractor over to fix  
3 it so that I could lock my back door, because the  
4 home has shifted because of the underpinning.

5           There are now cracks on the back exterior  
6 of my wall that have crept into my kitchen. My  
7 quaint neighborhood has turned into the Wild Wild  
8 West, and I am now tasked with finding an attorney  
9 and paying for a structural engineering to  
10 evaluate my home and spending potentially  
11 thousands of dollars. My homeowners insurance has  
12 already made it clear that it does not cover poor  
13 workmanship or foundation movement.

14           I'd like to voice my support in the  
15 proposed option number two. These developers are  
16 not constructing pop-ups to provide affordable  
17 housing.

18           CHAIRPERSON HOOD: Thank you.

19           Next.

20           MR. ROJAS: Good evening, Commissioner.  
21 May name is Christian Rojas. I'm a small business  
22 owner. I own a construction company here in D.C.  
23 I work for a handful of developers who do condo  
24 conversions in R-4 neighborhoods. If this  
25 proposal passes, then myself and hundreds of

1 minority contractors and subcontractors will be  
2 out of business.

3           Also, most of my employees live in D.C.  
4 I probably would say 90 percent of my employees  
5 and my subcontractors live in D.C. And if this  
6 goes, if this proposal passes, then I'll be pretty  
7 much out of business. Same thing with my  
8 employees; they will lose their jobs.

9           Also, about the -- I know most of these  
10 houses are hundreds of years old. And by us doing  
11 the new construction, obviously, we always do as  
12 perfect of a job as we can to -- so the house can  
13 be standing there for another 100 years.

14           I remember like a couple of years ago  
15 when we had the earthquake here in D.C. I know it  
16 didn't last too long, but it caused a lot of  
17 damage, especially in the older houses. And some  
18 of my neighbors where we were living, where we  
19 were working, I went there because I also live in  
20 the community, and I helped them with their  
21 houses.

22           And then again, I mean, as a business  
23 owner, I'm not a developer. But as a business  
24 owner, you know, pretty much I'm going to be out  
25 of business if this -- and hopefully, some of my



1 employees in the future, they are trying to buy  
2 houses. I mean, it will be pretty much gone.  
3 Thank you.

4 CHAIRPERSON HOOD: Thank you.  
5 Next.

6 MR. SULLIVAN: Thank you, Mr. Chairman.  
7 My name is Marty Sullivan of the law firm of  
8 Sullivan and Barros. We represent many R-4  
9 developers and property owners. And these small  
10 developers that we represent go where many others  
11 will not go. And they go -- yes, they do make a  
12 profit. But in the process, they revitalize  
13 dilapidated homes and neighborhoods, sometimes one  
14 building at a time.

15 And they meet the demand for more  
16 affordable entry into city living.

17 The passion here tonight seems to be  
18 focused on the mass of the buildings and in  
19 particular a lot on the construction issues of the  
20 building. And to the extent there's opposition to  
21 the conversions and the 900-foot rule, it's almost  
22 as if they're only opposing that because they  
23 think it encourages that greater mass and those  
24 construction problems.

25 So I noticed that most of the opposition

1 is coming from, not from conversions. So I think  
2 killing the R-4 conversions in order to address  
3 the so-called pop-up issue is throwing the baby  
4 out with the bathwater.

5 I would urge addressing the issues of  
6 mass and height in construction and design only,  
7 and not end the successful 57-year practice of the  
8 900-foot rule. Thank you.

9 CHAIRPERSON HOOD: Thank you.

10 Next.

11 MR. SCHWERS: Good evening,  
12 Commissioners. My name is Eric Schwers. I've  
13 owned a home at 1511 Varnum Street, Northwest, for  
14 about 12 years now. When I first moved here in  
15 2000, the City was changing a lot. And there's  
16 definitely been a lot of progress. You're seeing  
17 those single-family homes in my neighborhood that  
18 have been redeveloped. They're great single-  
19 family homes now.

20 But I think a lot of the things that  
21 we're talking about tonight are past progress, and  
22 they're all the way to excess. Let's -- I mean,  
23 basic facts here. The R-4 zone is 15 percent of  
24 the City's livable area, okay? Fifteen percent of  
25 the zone, or fifteen percent of the area is

1 licensed for single-family homes. Okay?

2           So, what's really happening here? These  
3 developers that are standing before us tonight and  
4 talking about how this is going to bring down --  
5 or, you know, make the City more affordable, that  
6 can't possibly be true. Okay?

7           They're not doing this out of the  
8 goodness of their hearts. They're not here to try  
9 to maintain property values. They're here to try  
10 to use the loopholes in the R-4 zone to see if  
11 they can maximize the profit margins that they're  
12 going to make on the properties that they're  
13 undertaking renovations on.

14           If they didn't have those things, they  
15 wouldn't be financially viable, and they wouldn't  
16 be doing them otherwise. It just wouldn't be  
17 happening.

18           I've heard people tonight say that, "You  
19 know, I'm a real estate agent. I'm a developer.  
20 And when we do this to homes, it increases their  
21 value."

22           Mr. Stokes's home at 1519 Varnum Street -  
23 - at 1521, he's going to have a four-story seven-  
24 unit two-bedroom complex -- seven two-bedroom  
25 units -- next door to him. It's 140 feet long and

1 46 feet high. It looks more or less like the  
2 Delta River Queen.

3 How is that possibly going to increase  
4 his property value when someone goes to buy that?  
5 No one who is looking on Varnum Street is looking  
6 to live next to an apartment building. They're  
7 just not. All right?

8 And this discussion of this value that's  
9 going to be eroded if we do away with -- or  
10 support the planning commission's zoning, this is  
11 blue sky, folks. None of this stuff exists. It  
12 only exists on paper because you're saying, "These  
13 are potentially, you know, comp values for people  
14 who could sell their homes." Well, there's a ton  
15 of us who aren't going to sell out. We're not  
16 trying to fund our retirement with our homes.  
17 We've lived here for 10 and 15 years, and we're  
18 going to keep living here.

19 I realize that this City needs more  
20 housing, but this is not the way to do it. There  
21 are plenty of other areas in town where that can  
22 happen. All right?

23 I'm here tonight to show my support for  
24 the planning commission. I do believe we need to  
25 look at the 35-foot limit. I think it's not

1 potentially the best answer, but it's the right  
2 answer for right now. We have to do something to  
3 stop this before the Delta River Boat Queen ends  
4 up on Varnum Street or all the other things that  
5 are happening. All right?

6           Again, I'm here to support the 35-foot  
7 limit. I'm here to talk about -- pardon me --  
8 changing the definition of "mezzanine." It needs  
9 to be included as a floor. It's just yet another  
10 loophole that developers can use to try to get  
11 away with it. And the limit of conversions from  
12 single-family homes to multifamily homes.

13           How in God's name you could build this  
14 house in a single-family property is beyond me.

15           CHAIRPERSON HOOD: Okay. Thank you.

16           I think that's everybody. Let see if we  
17 -- and I want to thank those who appreciated your  
18 comments. They didn't clap. I really appreciate  
19 that.

20           (Laughter.)

21           CHAIRPERSON HOOD: Hold on. Let's see if  
22 we have any questions up here. Any questions?

23           (Inaudible interjection.)

24           CHAIRPERSON HOOD: Again, we want to make  
25 sure we have everyone's testimonies. We try to

1 make sure we do. Make sure we have copies of your  
2 testimony. Okay. Thank you very much. We  
3 appreciate it.

4 Kirby Vining.

5 Jason Parque. Jason?

6 Brian -- he testified. I got it.

7 Joseph -- I can't make out the last part.

8 Joseph V. Is anybody here named Joseph?

9 (No audible response.)

10 CHAIRPERSON HOOD: Okay. Phil Simon.

11 John Peterson.

12 Carl Smith.

13 Sermina Kermel. Simea Kermel?

14 (Pause.)

15 I think Gerard DiRuggiero, I think he's  
16 already testified.

17 (Inaudible interjection.)

18 CHAIRPERSON HOOD: Oh, that's you?

19 MR. DiRUGGIERO: Yes.

20 CHAIRPERSON HOOD: Okay. I'm sorry.

21 Okay.

22 Jose Abotts. Jose Abbots? And let me  
23 just say this. It's not that I can't read. Ya'll  
24 just have some great handwriting.

25 (Laughter.)

1 CHAIRPERSON HOOD: And I'm doing the best  
2 I can.

3 The next one, Adrienne --

4 FEMALE SPEAKER: She already testified.

5 CHAIRPERSON HOOD: She already testified?  
6 Okay.

7 Amanda Chappell.

8 Amanda Clark. Anyone named Amanda?

9 Okay.

10 (Inaudible interjection.)

11 CHAIRPERSON HOOD: Okay. It may not be  
12 Amanda. It looks like Amanda.

13 (Inaudible interjection.)

14 CHAIRPERSON HOOD: Okay. The problem up  
15 here is, I'm calling names and everybody is  
16 calling a different name. And everybody -- it  
17 looks like this to me, it looks like that. So if  
18 it sounds -- if you hear any one of us say it and  
19 it sounds right, just come forward.

20 I cannot make out the last one. Tranny?  
21 Trani? Tiani? Quarter Red, LLC. Red LLC is what  
22 we can make out.

23 Angel -- Angel, Angel.

24 Okay. Matthew Scorzafava.

25 MS. SCHELLIN: He's already testified.

1 CHAIRPERSON HOOD: Okay. He did? Okay.  
2 Katlin Peter, DCAR.  
3 J. Pauls Peyton?  
4 MS. SCHELLIN: He left. He was here  
5 before.  
6 CHAIRPERSON HOOD: Okay. He left? Thank  
7 you.  
8 Lyn Abrams.  
9 Shane Crowley.  
10 Krista Fisher.  
11 Greg Phillips.  
12 And Tracy Hart.  
13 Okay. I'm going to keep calling them. I  
14 think Dennis Suski has already -- Dennis Suski.  
15 MS. SCHELLIN: Yes.  
16 CHAIRPERSON HOOD: Okay. I think he  
17 already testified.  
18 Kerry Mastiko. Okay.  
19 The next one is -- okay, that's Judi  
20 Jones. I'm going to tell Judi to print next time.  
21 Judi, if you're watching at home, print.  
22 It says "Please print" at the top.  
23 I can do that because I know her.  
24 Okay.  
25 (Pause.)



1 CHAIRPERSON HOOD: This next one is  
2 Schellin. Sharon, did you sign?

3 MS. SCHELLIN: No, that's Sellin.

4 CHAIRPERSON HOOD: And Sellin?

5 MS. SCHELLIN: She already testified.  
6 (Laughter.)

7 CHAIRPERSON HOOD: Tonya Harris.  
8 Carla Lee.

9 Okay. Mr. Hargrove has already  
10 testified.

11 Sheila Harrison.

12 Okay. Ms. Nelson has already testified.  
13 Paul Kochs.

14 Aberdele -- Abdella? Abdalla?  
15 (Pause.)

16 CHAIRPERSON HOOD: Okay. Looking down to  
17 -- Rashida Brown, she's already testified.

18 Michael Welch.

19 Kalid. Kalid is the first part. I can't  
20 make out the last name at all.

21 Jay Roshen.

22 How many more people are here to testify?

23 Okay. Why don't I do this? Instead of  
24 me messing up names, the two of ya'll come forward  
25 and let me get -- okay. Two come forward, and

1 then I'll work on this side of the room. Okay.

2 (Pause.)

3 FEMALE SPEAKER: Good to meet you here.

4 CHAIRPERSON HOOD: Okay. Let's start to  
5 my right. Since you were at the table, you have  
6 more time. So you can start.

7 MR. VINING: My name is Kirby Vining, a  
8 resident of the R-3 Stronghold community in North  
9 Capitol Street, Northeast, a neighbor across North  
10 Capitol Street of the Bloomingdale neighborhood,  
11 which is entirely R-4 and directly affected by the  
12 proposed amendments and suffering from a rash of  
13 some rather hideous pop-ups, with a few rather  
14 elegantly done exceptions.

15 Bloomingdale is not an historic district,  
16 and it is more and more seeing pop-up additions to  
17 its stately turn-of-the-century row houses, some  
18 of which I find ugly and infuriating. Such  
19 conversion is now a matter of right. The question  
20 I think the neighborhood and the Office of  
21 Planning has is, shouldn't a house buyer be able  
22 to do whatever he wants with this house within  
23 existing zoning and Comprehensive Plan guidelines?

24 Yes, he should.

25 However, I don't think that either of

1 these guidelines envisioned some of the more  
2 monstrous varieties of pop-up structures we're  
3 seeing now, and probably because economic  
4 conditions didn't require or support that kind of  
5 thinking previously.

6           And a second question is a matter of  
7 taste and design principles that cannot be part of  
8 the zoning solution short of declaring  
9 Bloomingdale a historic district. That part, we  
10 cannot touch. It's none of my business if my  
11 neighbor likes a stockade of aluminum siding atop  
12 his brick row house. And the fact that I find it  
13 grating must not legally deter such construction.

14           I support the proposed Office of Planning  
15 proposals as considered of the neighborhoods' wish  
16 to rein in extreme pop-up structure height so as  
17 to avoid destroying the character of our homes  
18 while reasonably accommodating owners' desired  
19 modifications to their houses, short of the kinds  
20 of protection granted by historic district status.

21           Historic district status would indeed  
22 curtail some of the most outrageous abuses of  
23 aesthetics involved in these pop-ups, but the  
24 neighborhood has not been supportive of such  
25 designation at this time. There's an identifiable

1 charm to the character of our neighborhood of row  
2 houses that was among the reasons so many of us,  
3 including myself, purchased our homes. But there  
4 are severe limits on what can be the given force  
5 of law in this matter short of historic  
6 designation.

7           This is what the Office of Planning's  
8 consideration hinges on, and I think it offers the  
9 most that can be done under the circumstances to  
10 accommodate both sides of this issue. Variations  
11 within a certain degree are to be expected. But I  
12 don't think that any of us expected to see  
13 additional stories erected on top of so many  
14 houses and the character of the neighborhood so  
15 changed that, on some blocks, we don't see the  
16 houses for the pop-ups.

17           The argument that the City needs more  
18 residential space is, I think, inappropriate to  
19 introduce in the context of the R-4 zoning  
20 argument.

21           The reason I'm mentioning the historic  
22 district argument was I was present when Phil  
23 Mendelson and Jim Graham explicitly asked Harriet  
24 Tregoning, "What can we do about these pop-ups?"  
25 And Harriet Tregoning's answer was, "Is it a

1 historic district?" So the problem that you've  
2 got is to try to say, "Well, if it's not a  
3 historic district, there's very little that can be  
4 done here."

5           Granted, there's DCRA, but we're trying  
6 to attempt a solution or a compromise at the  
7 zoning level. Thank you.

8           CHAIRPERSON HOOD: Thank you.

9           Next.

10           MR. DiRUGGIERO: Good evening, Chairman  
11 and council members. Thank you for seeking our  
12 input. My name is Gerard DiRuggiero. I'm a  
13 broker at Urban Land Company and a real estate  
14 professional for 30 years. I've testified as an  
15 expert in front of some of you in the past.

16           And I want to today speak to the concerns  
17 of a group of folks that I don't think -- I think  
18 maybe one person just touched on. I do represent  
19 developers, but tonight I'm actually more  
20 concerned about seniors, people that have lived in  
21 this City for their whole life. And respectfully,  
22 we've had many people say that they've lived in  
23 D.C. proudly for 10 years and 15 years.

24           I think the fabric of this City are  
25 people who have lived here for much longer. And I

1 believe that those people to come out on a cold  
2 night or to find out about these changes that  
3 affect their houses dramatically and their rights  
4 -- I don't believe that they know that this is  
5 happening.

6           So I think tabling this and reaching out  
7 further to the community, to that particular  
8 community, and how it might affect them and how it  
9 does affect their retirements, some things that  
10 are important to them or their children, you know,  
11 their legacy, I think that's very important.

12           Many of those homeowners, I will say, you  
13 know, might be in the position where their homes  
14 are not in the best repair. And to change the  
15 zoning rules that I think almost all real estate  
16 professionals would say would absolutely affect  
17 their property values in a negative way is just  
18 not appropriate.

19           I don't know that it's legal. I'm not  
20 going to weigh in on that type of topic. I don't  
21 know if it's un-American. But it certainly does  
22 not pass the sniff test for most anyone. We have  
23 heard some thoughtful concerns. I think most of  
24 those are aesthetic. And many of those were  
25 construction items. I think that can be handled,

1 certainly, through different, not zoning changes,  
2 but certainly building codes, it would seem, would  
3 be most appropriate for that.

4           So that group of folks I don't think are  
5 represented, and I would really, really urge you  
6 to consider them as you've heard the other folks.

7           I mean, I've heard a bit of an elitist  
8 argument. But I don't know about the economic  
9 argument that has been put forth.

10           As far as the IZ component, you put IZ  
11 units in a very small unit, what you're going to  
12 find, two or three of them -- IZ units are  
13 virtually impossible to finance. And certainly  
14 the process for the IZ units, I believe we all  
15 know, is not functioning currently, would need  
16 adjustment. I'm not saying it's a bad thing. But  
17 it's certainly not functioning well.

18           You would damage the value of all of the  
19 other units in that building, because one of them  
20 can never be sold, never be occupied, very  
21 difficult to resell. A person reaps no benefit on  
22 the resale. I think it's going to damage property  
23 values significantly, and some folks that are not  
24 being represented. Thank you very much.

25           CHAIRPERSON HOOD: All right. Thank you.

1           Next.

2           MR. SIMON: Hello. Good evening. My  
3 name is Phil Simon. I live in the District of  
4 Columbia. I'm a real estate developer.

5           I think a lot of the points that I came  
6 here to make have been made by other developers.  
7 But the recurring theme of what I'm hearing from  
8 the people that are proponents of this, that they  
9 don't like the aesthetic look of what's being  
10 built. They don't like the four stories. They  
11 don't like vinyl siding.

12           What I'm hearing is that people don't  
13 understand the building codes. "My foundation is  
14 not strong enough." We put a new building in, we  
15 build a new foundation.

16           The review process at DCRA, enhancing  
17 that to make new buildings consistent with the  
18 existing architecture of a street would actually  
19 solve some of it. I can build a three-story and  
20 basement, which is allowed in R-4, in 35 feet. I  
21 can build it in 40 feet. That doesn't affect  
22 anything. It changes nothing except lower ceiling  
23 heights. For me, it doesn't make a difference.

24           The big thing here that makes really  
25 little sense is the IZ component. If it's



1 adopted, the options that have inclusionary zoning  
2 in them are adopted, it will ruin all development  
3 of anything other than two-unit buildings in the  
4 R-4 zone.

5 I don't think people understand the cost  
6 of construction in the District of Columbia. You  
7 can't build a condo that you have to sell for 60  
8 percent AMI. You're building at a loss. Now, if  
9 you're spreading that over 20 units, then maybe  
10 you can do it. But you're taking a loss on all  
11 those units.

12 Not only are you taking a loss on the  
13 units, you can't sell them. The whole system is  
14 broken. I'm doing a nine-unit property. The  
15 property, by rights, should probably be 18  
16 smaller, more affordable units. But it makes no  
17 sense, because I have to go through inclusionary  
18 zoning. Instead, I'm building nine huge,  
19 expensive units.

20 I have another problem that no one else  
21 has brought up, and I think this is really a big  
22 issue, and it's going to create a lot of problems.  
23 It takes DCRA now six to eight months to review a  
24 permit for a six- or seven-unit building. I've  
25 had a building in the R-4 zone under review for

1 four months. It's been seen by five disciplines.

2 I've owned that property a year and  
3 planning before I even submitted my plans. You  
4 guys have no leeway in your adoption of these  
5 rules for someone like me that has owned, has been  
6 diligent. But I can't get through the DCRA  
7 system, and I'm going to be stuck in litigation.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 Next.

10 MS. ABRAMS: Good evening, Mr. Chairman,  
11 members of the commission, and the Office of  
12 Planning. My name is Lyn Abrams, and thank you  
13 for the opportunity to speak.

14 I've been a resident and homeowner in  
15 D.C. for over 11 years. I am one of the new  
16 residents. I chose my neighborhood because of the  
17 low density, charm, and single-family nature of  
18 the community. I'm a proponent of the proposal.

19 Developers are proposing to build a pop-  
20 up next door to my house. They want to add a  
21 third level and build a massive rear addition.  
22 The rear addition would extend from my fence to  
23 cover the entire width of the yard. The adjoining  
24 neighbor on the other side would lose access to  
25 the side of her house if the developer is allowed

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1 to build this rear addition and this pop-up.

2 I'm worried that this construction will  
3 cause structural damage to my property and to the  
4 property of my other neighbors. My other neighbor  
5 on the other side has lived in her house for 63  
6 years. She is a long-time resident. She is  
7 worried that this pop-up will cause damage to her  
8 house. She is on a fixed income, with her  
9 husband. And in order to determine whether or not  
10 there will be structural damage, they're going to  
11 have to come out of pocket to hire professionals  
12 to determine whether or not this proposed pop-up  
13 will damage their house.

14 The gentleman a couple of seats down from  
15 me did mention seniors and whether anyone has  
16 consulted them. I can tell you now that I've  
17 spoken to seniors, many seniors in my community.  
18 And they do not support these pop-ups. They don't  
19 want them.

20 I do support the proposal overall. I  
21 support the inclusion of the new section 336,  
22 which would prohibit converting a row house to an  
23 apartment house. The conversion of a row house to  
24 an apartment house is out of character with the  
25 row houses on the block.

1           These pop-up constructions, as you've  
2   heard here, some of them have caused damage to  
3   adjoining properties, and many of the District's  
4   row houses, which are close to 100 years old and  
5   older than that, cannot withstand the stress of  
6   additional load and changes to the foundation.

7           The current zoning regulations I do not  
8   believe are strong enough. And developers have  
9   had an opportunity to take advantage of a loophole  
10  that will allow them to build these pop-ups.

11           In July of 2014, then-council member of  
12  Ward 4, Muriel Bowser, now our mayor, asked DCRA  
13  for a moratorium on pop-up permits. That request  
14  was denied. I urge you to reconsider this and  
15  institute an immediate moratorium on further pop-  
16  up developments until you have completed your  
17  deliberation and the zoning regulations are  
18  revised.

19           Without a moratorium, homeowners and  
20  communities will continue to suffer permanent and  
21  irreparable harm to our properties. Thank you.

22           CHAIRPERSON HOOD: Okay. Thank you.

23           Next.

24           MS. HART: Good evening. My name is  
25  Tracy Hart. I live at 4213 16th Street, between

1 Upshur and Varnum. I'm a 30-year resident of the  
2 District. I've owned three houses. The first was  
3 at 12th and T. The second was in Mount Pleasant  
4 at 1823 Lamont. This is my third house.

5 I have a nine-year-old daughter at home  
6 who didn't get to see me this evening. I'm not  
7 hysterical, but I am very concerned. I don't have  
8 a pop-up within my block. But I do have three  
9 within three blocks now -- 1444 Taylor Street;  
10 1424 Buchanan Street, of which you heard the owner  
11 speak; and 1521 Varnum Street, Northwest, now to  
12 be always known as the Delta River Queen.

13 I have a couple of questions to ask you.  
14 One is, why are there only law firms, real estate  
15 firms, and developers here representing property  
16 rights of homeowners and investors? Where are  
17 those investors? Let me tell you. Most of my  
18 house is my investment, my whole investment. It's  
19 my investment for me and for my daughter and for  
20 us to live for the rest of our life. The mortgage  
21 is much more than a third of my income, as for  
22 many D.C. residents.

23 And, you know, what I'm asking for is a  
24 moratorium. As Lyn said next to me -- we don't  
25 know each other, but I'm happy to know her now --

1 to have no special exceptions. Because all of  
2 these special exceptions are the problem. And no  
3 matter-of-rights for units that are plus more than  
4 two units.

5           You know, it's just -- I had a  
6 conversation before I came here. My next-door  
7 neighbor is 93 years old, Mr. Joppe (phonetic).  
8 He's lived in his house for 60 years. And he  
9 asked me to represent him tonight because he is  
10 not allowed by his sons to leave the house at  
11 night because he's 93. He does not intend to sell  
12 his house for a conversion.

13           Let me just -- one more -- a few more  
14 things to say. Why have homeowners and proponents  
15 stated clearly their first and last names and  
16 their addresses, where the opponents have mumbled  
17 their names, and when they said they lived in the  
18 District, didn't give their addresses at all? I  
19 ask that.

20           And I also want to let you know that  
21 we're in the process of collecting 10,000  
22 signatures to ask for a moratorium. So when we  
23 come back, we will have not hundreds of  
24 signatures, but thousands. Thank you.

25           CHAIRPERSON HOOD: Thank you.

1           Next.

2           MR. WELCH: Hi. My name is Michael  
3 Welch. I'm a resident of Washington, D.C., since  
4 1997, and I can actually address some of your  
5 questions.

6           I bought my first home in 2008. And I  
7 renovated it into three units because I couldn't  
8 afford the whole home myself. I live in the  
9 house. I live on 15th Street. Frankly, I'm not  
10 going to give my address because I know how upset  
11 people can be about conversions, and I don't want  
12 people to know exactly where I live and that I  
13 oppose this.

14          But I want to -- I'm here to say that  
15 this can be done well. I renovated a row house, a  
16 single-family row house, into three units. They  
17 have my DCRA proactive inspection of two of -- of  
18 the two rental units. And he walked in and say,  
19 "Whoa. These are really nice." I know. I did it  
20 well.

21          And I'm here to also say that it doesn't  
22 degrade property values around me. My neighbor  
23 tried to sell his house right before I did my  
24 renovation. He couldn't get his number and didn't  
25 end up selling it. After I finished, he sold for

1   \$200,000 over what he was asking before and  
2   couldn't get. I know that was in large part to my  
3   renovation and making my house really nice next to  
4   his house.

5               So, I'm also here because I've decided to  
6   buy a second home in the City, and I'd like to  
7   renovate it. And I'm scared to death that I'm  
8   about to lose a ton of money that I've already  
9   sunk into it in plans and drawings and in due  
10  diligence and all that kind of stuff, because I'm  
11  renovating it into two units, and the design calls  
12  for a third story.

13              I can tell you that -- and I can echo  
14  what some of the other people have said. People  
15  don't know about the drop in value that's going to  
16  happen if this goes through. I can tell you the  
17  person I'm buying from doesn't know that I may  
18  have to call and say, "I can't do this project  
19  anymore because it doesn't work anymore, like I  
20  can't afford it. Because if I can't add the third  
21  story, I lose money on it."

22              So I'm here to say that people don't know  
23  how much their property values are going to drop.  
24  And it's really irresponsible of us as a City to  
25  make a change that really takes away one of those



1 sticks in that bundle of rights -- your right to  
2 develop the property as you thought you could when  
3 you bought it, without really making sure  
4 everybody knows.

5 Last, I want to talk about the coffers of  
6 the City. The property taxes of the City will go  
7 down from this. My property taxes doubled from  
8 what my property was worth when I first bought it  
9 -- doubled because of the renovation I did,  
10 because of the improvements I did.

11 And I can tell you that land is not worth  
12 as much when you can't develop it the way you  
13 thought you could. So immediately, property taxes  
14 are going to have to go down because that land  
15 assessment is going to have to be less because you  
16 can't do one of the things you thought you could  
17 do with it. And that's a big deal for the City --  
18 less money in your pockets.

19 I oppose this measure. I hope you don't  
20 go through with it.

21 CHAIRPERSON HOOD: Thank you.

22 Next.

23 MS. VANDENBERG: Hi. My name is Katelyn  
24 Vandenberg. I live in Bloomingdale. I am here to  
25 support the proposal for the change in zoning

1 regulations. I want to address -- you have my  
2 testimony, but I want to address a number of  
3 things that were said here today.

4           This is not only about statics. This is  
5 not only about sloppy construction that are not  
6 done up to building codes. R-4 zones are really  
7 not suitable for these apartments, including all  
8 the additional stories. The sewage infrastructure  
9 is not suitable to add all these different  
10 apartments. You know about the problems of  
11 flooding in Bloomingdale. The sewage  
12 infrastructure is not built for these multiple  
13 increases of units.

14           The transport structures are not suitable  
15 for all these increases in units. A pop-up takes  
16 away the light. It takes away the privacy that  
17 you have in your home that you put into it. It  
18 takes away the possibility to put solar panels,  
19 which is an area that the District is very much  
20 supporting. It's something that we should all be  
21 concerned about.

22           You have the problems of snow melting,  
23 that is snow that will -- later on you have the  
24 problems of the foundation that is not suitable to  
25 add all these stories.

1           This is not just the matter of  
2 aesthetics. It's a really fundamental issue of  
3 zoning, and we are extremely happy that this  
4 proposal has been made.

5           I also want to address all the developers  
6 here and their concerns about the retirements of  
7 the people they claim to represent. I need not  
8 point out there's not a single person here,  
9 themselves, an elderly people that share that  
10 concerns. So this is something that seems to be  
11 very recognizable by the developers, but every  
12 single individual person who was here had  
13 completely opposite concerns.

14           We talked a lot about the damage that it  
15 can do to your property. And if you have this  
16 pop-up next door, then what it does to the value  
17 of the house next door. And that can -- a lot of  
18 elderly people can be leaving their retirements  
19 packages and will have a harder time selling their  
20 homes because nobody wants to live next door to  
21 one of these pop-ups with all the problems that  
22 they cause.

23           I also need to very much support an  
24 immediate moratorium and really ask you to do this  
25 very quickly, particularly if it is going to be a

1 very long review, to at least stop it now until  
2 the Zoning Commission makes their decision. Thank  
3 you.

4 CHAIRPERSON HOOD: Thank you.

5 Next.

6 MS. ROSEN: My name is Andrea Rosen. I'm  
7 a 30-year resident of Chevy Chase, D.C. 3266  
8 Worthington Street, Northwest. Thank you for  
9 letting me testify. I am testifying in support of  
10 the proposed text amendments.

11 The proposed text amendments to the  
12 zoning regulations for residential structures in  
13 the R-4 zone go to the heart of the zoning  
14 function. The purpose of zoning is to impose  
15 order and predictability on the Wild West of real  
16 estate speculation in order to achieve a stable,  
17 salubrious, harmonious built environment.

18 Zoning should help ensure that people may  
19 enjoy their homes and neighborhoods without fear  
20 of losing quality of life, their investment, or  
21 worse, their homes. The proposed text amendments  
22 offer some protection.

23 Speculative builders are exploiting a  
24 back door in the present zoning code to deface and  
25 rezone row house neighborhoods as their business

1 model. Like weeds popping up in a garden after  
2 the hot season sets in, these disfiguring multi-  
3 unit eyesores inevitably are absurdly out of scale  
4 with their neighbors and even out of proportion  
5 with themselves.

6 By undermining the R-4 zoning  
7 designation, the intent of which is to maintain a  
8 neighborhood of single-family and duplex  
9 residences, multifamily pop-ups at once express  
10 disregard for their neighbors and subvert the  
11 character of Washington's beloved row house  
12 neighborhoods.

13 But the pop-up creates hardships beyond  
14 ugliness. It casts shadows on adjoining  
15 properties, reducing light, air, and privacy. An  
16 unanticipated side effect of pop-ups is the loss  
17 of potential to install climate-saving solar  
18 panels on neighboring roofs. And where solar  
19 panels have already been installed, pop-ups  
20 interfere with residents' ability to utilize their  
21 investments.

22 Furthermore, the proliferation of many  
23 apartment buildings in R-4 neighborhoods reduces  
24 the availability of housing suitable for families.  
25 A zoning code that allows unregulated growth in

1 small units at the expense of family dwellings  
2 runs counter to the City's goal of retaining  
3 residents into their childbearing years.

4 In addition, no consideration has been  
5 given by planning and zoning to the stress exerted  
6 on the already-overtaxed infrastructure. Along  
7 with the proliferation of apartments in what were  
8 originally single-family-home neighborhoods comes  
9 a proliferation of toilets, sinks, garbage  
10 disposals, dumpsters, traffic, and higher demand  
11 for utilities and parking spaces.

12 With regard to Ms. Steingasser's  
13 reference to an amendment, new tonight, that new  
14 row house construction would be allowed to go to  
15 the height of 40 feet as a matter of right, I  
16 wonder whether this would lead to demolition of  
17 existing row houses for the very specific reason  
18 to build taller? Unless there is language to  
19 protect against this development, I'd be wary of  
20 such a regulation.

21 CHAIRPERSON HOOD: Okay. Thank you very  
22 much.

23 Any questions up here?

24 (No audible response.)

25 CHAIRPERSON HOOD: Okay. Again we'll

1 make sure that we have your testimony. We  
2 appreciate your presentation to us tonight. Thank  
3 you very much. And thank you for staying late.  
4 Thank you.

5           Okay. I'm going to -- I've actually  
6 given up on the list. So, I think I've  
7 mispronounced enough names for tonight. So I'm  
8 going to ask eight people if you could just raise  
9 your hand and come forward. Eight people, just  
10 come forward. We'll fill up the eight seats.

11           While you all are coming forward, we're  
12 going to take a three-minute break. Okay?  
13 Because we want to hear your testimony. Now, how  
14 many more people I have left that want to testify?

15           So this may be it. Can ya'll give us a  
16 three-minute break?

17           (Whereupon, at 10:15 p.m., a recess was  
18 taken, to resume at 10:18 p.m.)

19           CHAIRPERSON HOOD: Everyone who wants to  
20 come up and testify, come up. Okay. I think  
21 we've got eight. Okay. Great.

22           So who would like to testify tonight?  
23 Okay. So this looks like this will be our last  
24 panel.

25           Okay. One more person. Okay.

1 (Inaudible interjections.)

2 CHAIRPERSON HOOD: Yeah. Pull a chair.

3 We're going to try to get everybody on this round.

4 But if not, we'll do a second round, because we're  
5 here to hear from the residents. Especially if  
6 you waited this late, we're definitely going to  
7 hear from you, for sure.

8 Okay. Let's start from my left, your  
9 right, this time.

10 MR. RUBEN: Thank ya'll for hearing me  
11 this evening. My name is Andrew Ruben. I'm a  
12 lifelong resident in D.C. And I want to start off  
13 by talking about a piece that hasn't really been  
14 touched on.

15 My background is in affordable housing  
16 development, and specifically affordable housing  
17 preservation. And while in theory the IZ unit is  
18 a commendable idea, it just, unfortunately, it's  
19 been shown affordable housing ownership is not a  
20 good model and not a good way to address the very  
21 important affordable housing issue in this City.

22 And I think it goes to kind of a larger  
23 point that the commission should address, which is  
24 the whole idea of IZ and the whole idea of putting  
25 -- unfortunately, putting low-income people in



1 very expensive housing.

2           What would be a much better solution  
3 would be finding a way to have contributions from  
4 developers. Because the cheapest way to create  
5 affordable housing is to preserve affordable  
6 housing in the City. And, unfortunately, there is  
7 not the opportunity, and there is not the  
8 dedicated revenue stream. You know, the past two  
9 years have been good, but there's not a dedicated  
10 revenue stream to address affordable housing  
11 preservation.

12           And I think this portion of the proposal  
13 is just, unfortunately, ill conceived and should  
14 not be passed by the commission.

15           Furthermore, you know, speaking as  
16 someone who has had a house next door renovated to  
17 them, had the headache of construction on my home,  
18 you know, there's a problem that's addressed. But  
19 there's a problem without a distinction. And the  
20 fact is that this proposal doesn't really address  
21 the problems of enforcement, the problems of poor  
22 construction in the City. It addresses what  
23 people consider to be the root cause.

24           But I just think, in general, you know,  
25 there are issues with aesthetics. You know, there

1 are issues with construction. And, unfortunately,  
2 this proposal doesn't address any of those. And I  
3 just think, in general, it's an ill-conceived  
4 proposal. And I really think that what a good  
5 solution would be is a working group of the  
6 community, of the industry, and of planners to  
7 craft a more reasoned response. Thank you.

8 CHAIRPERSON HOOD: Thank you.

9 Next.

10 MR. SCHUMAN: Good evening. My name is  
11 Mark Schuman. I'm a recovering lawyer. And I own  
12 a lending company based in the District. Many of  
13 our borrowers are in R-4.

14 Commission members, I think the  
15 regulation that's proposed tonight is not the  
16 appropriate mechanism to solve the problem. And  
17 the problems that are raised tonight are problems.  
18 But I'm not sure that they're the problems that  
19 this commission referees.

20 Look. I sympathize with homeowners who  
21 have had issues with neighboring contractors. And  
22 like anything, I mean, there's always bad apples.

23 But, Chairman Hood, I believe the board  
24 has an opportunity to effect change and address  
25 affordable housing as a public policy, vis a vis

1 Ms. Steingasser's proposal.

2 But what I'd like to see and what I'd  
3 like to come out of this meeting is a working  
4 group of architects, of lawyers, of engineers, of  
5 community members, predominantly community  
6 members, and let's talk about all the aspects of  
7 what's going on in R-4. And let's all sit in a  
8 room together, and let's come back to this board  
9 in some period of time and have a reasoned  
10 proposal.

11 Something that you guys can chew on and  
12 then tell us why it works or why it doesn't work -  
13 - have it be a collaborative process. That's the  
14 best form of governing when there's all this  
15 conflict.

16 While I don't have a formal resolution  
17 tonight, let me take a minute and just plant the  
18 seed. Maybe it's something we work from.

19 Commissioner Cohen, you alluded earlier  
20 tonight about down-zoning. But let's flip it on  
21 its head. Let's open up R-4, and let's -- under  
22 2,700 square feet, let's let developers have four  
23 units as a matter of right. But let's mandate  
24 that they allow one of those units to be  
25 affordable.

1           And let's talk about affordable to who?  
2   Let's figure out that group. And I can promise  
3   you that you could take back to the mayor hundreds  
4   of new affordable units in lots under 2,700 square  
5   feet. Then the board should come back to the  
6   developers and say, "Well, what are you willing to  
7   give up for this?" And let's talk about that.

8           Let's talk about the height restriction.  
9   Let's talk about, you know, the things that are  
10   pestering homeowners. And let's come to a real  
11   resolution. So while this proposal is a start,  
12   it's not perfect, I don't believe it's correct.  
13   But it's a start. And it might be the step  
14   forward that you talked about, Mr. Chairman. But  
15   I think the working group is the best way to go.

16           I look forward to hearing from you on a  
17   time frame. I look forward to being part of that  
18   working group. I look forward to putting input,  
19   and I look forward to increasing affordable  
20   housing at no cost to the District. I really do.  
21   Thank you very much.

22           CHAIRPERSON HOOD: Okay. Thank you.  
23           Next.

24           MR. SIMON: Hi. My name is Lee Simon  
25   from S2 Development. I've lived in D.C. since

1 1999. I live at 419 15th Street, Southeast. I  
2 live in an R-4 zone. I'm raising a family in an  
3 R-4 zone. My kids go to D.C. public schools. And  
4 I strongly oppose OP's proposal.

5           People have brought up objections to  
6 vinyl siding, to purple houses, to poor  
7 construction. But this problem doesn't solve any  
8 of those problems. You can just as easily build  
9 an ugly 20-foot-tall single-family house as you  
10 can build a 40-foot-tall three-unit building.

11           On my block on 15th Street, it's the  
12 developed houses that are adding value to the  
13 neighborhood, not the unrenovated vacant run-down  
14 properties that people seem to want to be  
15 nostalgic about. The majority of the development  
16 in the City is done well, so you don't see it and  
17 you don't hear about it in these meetings. It's  
18 the minority of poorly designed developments that  
19 is all you hear about, and you hear the same  
20 addresses over and over and over again. They're  
21 the minority; I don't think they're the majority.

22           And this proposal does nothing to address  
23 it anyways. All it does is lower property value,  
24 down-zone 15 percent of the City, and lessen  
25 affordable housing. OP did not include a single

1 statistic about what this change would do to the  
2 value of people's houses. Obviously, a property  
3 that could previously be developed into three or  
4 four units that overnight can only be developed  
5 into two units is going to be worth substantially  
6 less.

7           My number-one concern is that it didn't  
8 include anything about transition periods. If the  
9 commission decides to, unfortunately, accept any  
10 of these rules, I think it's crucial that there be  
11 a transition period so people that already  
12 purchased, you know, already planned, already  
13 applied for a permit in an R-4 zone and did so  
14 based on one set of rules aren't punished by the  
15 passage of this, unfortunately, bad law. Thank you  
16 for your time.

17           CHAIRPERSON HOOD: Thank you.

18           Next.

19           MR. GAINES-KELLY: Okay. I want to thank  
20 you for having me here. My name is Makeva Gaines-  
21 Kelly. I am a native of the District, and I've  
22 lived and out of the City my entire life. Studied  
23 architecture my entire life and attended the  
24 University of D.C. School of Architecture.

25           My firm, my small studio, does some of

1 these designs around town that probably are being  
2 brought up in the meeting. And I can understand  
3 both sides. So anyway, what I did is I just made  
4 a list of bullet points that I think should be  
5 considered, and I might be rehashing some of the  
6 things that were said already. But, you know,  
7 we've heard repeat things, so we need to hear  
8 these things again to make sure that they are  
9 understood.

10           Number one. In the beginning, a lot of  
11 families with children were saying things like  
12 they had moved into a neighborhood because it had  
13 a certain aesthetic and a certain look and they  
14 wanted to raise their kids there, and they didn't  
15 like the changes.

16           But people who have children are not the  
17 only people that are going to find your  
18 neighborhood appealing. You're going to have  
19 older people whose children have already moved on.  
20 And you're going to have younger people who have  
21 yet to start a family, and they're going to find  
22 the same neighborhood appealing as well.

23           So, it's kind of selfish for some parents  
24 to believe that only their type can be in their  
25 particular neighborhood. That's really

1 unrealistic.

2 A lot of emotions in the beginning.

3 Certain terms like "unsafe" and "fire hazard" and  
4 "being unstable" were used. These are coming from  
5 -- and with all due respect, they're coming from  
6 people that are not necessarily in the field. You  
7 cannot stand on a sidewalk and look at a building  
8 and tell me that that's overbuilt or it's higher  
9 than it should be or it's above the FAR. And  
10 these are some of the phone calls that I get. And  
11 they're completely in a different field, so I  
12 respect their opinions.

13 But sometimes, again, these emotions will  
14 cause someone to jump to a conclusion. And when  
15 they pick up the phone and call, of course, DCRA  
16 and others, they will treat every call fairly and  
17 attend to it. But sometimes, they're not really  
18 warranted.

19 I think really, I'm always pushing my  
20 clients to design things that look better. I  
21 overdesign, and they pull back because of budget  
22 constraints, and I understand that. But I think  
23 that, aside from historic -- and historic does a  
24 great job of keeping things looking the way they  
25 should be. But I think, honestly, a block-for-

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1 block character analysis could be considered. Not  
2 a long drawn-out process, but each block has its  
3 own character.

4           And I think that if a person wants to  
5 build, understand that when you buy a property,  
6 you're given certain rights that other people  
7 can't encroach on. So everybody's here like  
8 saying, "I bought property. What about my  
9 rights?" Well, it goes both ways. It can't just  
10 go your way. If I buy a property and I want to  
11 paint my door pink, I'm allowed to. And you may  
12 not like it, but I can. So, please.

13           But I think that if you're going to build  
14 on the block, the neighbors' opinions should be  
15 included. At the end of the day, the owner has  
16 the right to do what -- to carry out his plans as  
17 he sees fit.

18           But I think that if you go block for  
19 block and try to make the addition fit in with the  
20 character of the building, as opposed to creating  
21 this tall tower in the middle of lower row homes,  
22 I think that would be appealing to the developer  
23 from a financial standpoint, because it's his  
24 business, and also appealing to the neighbors, who  
25 really don't have a say in what you can do with

1 the property that you purchased.

2 Also, a lot of people are mentioning that  
3 developers are not living in the City and they  
4 take their money elsewhere when they finish.

5 Well, if anybody that lives in this City has  
6 either worked or shopped outside of the City, it's  
7 kind of the same thing. So, you know, don't  
8 complain. If you shopped at Wal-Mart in Virginia,  
9 or you went somewhere in Maryland and spent your  
10 money, or you earn money somewhere else, it's the  
11 same thing.

12 A lot of the commercial buildings that  
13 are built up and down K Street, you're not  
14 complaining about where these people are taking  
15 their money back to. So, you know.

16 Also, when you refer to things that are  
17 not being affordable, okay. Let's look at our  
18 City and look at where we are. We have the  
19 government. We have a high level of educated  
20 people. And these condos that my clients are  
21 building are not sitting. They're gone. They're  
22 sold. So when you say "not affordable," not  
23 affordable to who?

24 You might not spend the \$800,000. But  
25 there are some people who are 28, 29, 31 years

1 old, they can do it. So that increases the tax  
2 base for the City, which is extremely important.  
3 The City can't grow without having the tax base.  
4 The government cannot receive raises and get your  
5 salaries without the tax base. So all those  
6 things are actually working for us, not against  
7 us.

8 All right. The word "loophole" sometimes  
9 is used like a malicious intent. You know, I  
10 mean, everybody uses loopholes. When you prepare  
11 your taxes, you write things off. That's a  
12 loophole. So don't throw it at developers,  
13 saying, "You guys are using loopholes," like we're  
14 doing something illegal or underhanded, in-the-  
15 alley type of deal.

16 Everybody uses loopholes. That's what  
17 they're there for, you know. It's not malicious.  
18 It's not bad. I don't really see anything  
19 negative about it.

20 Is that it for me?

21 CHAIRPERSON HOOD: That's it.

22 MR. GAINES-KELLY: Okay. Thank you.

23 CHAIRPERSON HOOD: You're welcome.

24 MR. GAINES-KELLY: I have some more, but  
25 that's about all.

1 CHAIRPERSON HOOD: Thank you.

2 Next.

3 MS. HARRIS: Hi. Good evening. My name  
4 is Tanya Harris. Thank you for hearing our  
5 concerns tonight.

6 My name is Tanya Harris. I grew up in --  
7 I'm a native Washingtonian, but I've been here all  
8 my life. I started developing in July of 1996,  
9 particularly over by where the new Union Market  
10 is. I've watched that area grow tremendously.  
11 And most of it started with developers like myself  
12 doing single-family homes and fixing them up and  
13 making them better, and people consistently moved  
14 into the neighborhood.

15 By changing the R-4 zoning, what I found  
16 is that a lot of developers now won't have the  
17 opportunity to go into those neighborhoods and  
18 bring them back to life the way that they have  
19 over the years.

20 A lot of these neighborhoods that like  
21 Mount Pleasant, Columbia Heights, Dupont Circle,  
22 those neighborhoods have a different tax base, a  
23 different type of people than versus an area like  
24 Union Market that's been developed, and Trinidad,  
25 those areas that are growing, that can bring

1 affordable housing to the people who can still  
2 live in the District.

3           So, basically, as a small developer, I  
4 think -- and primarily most of my development is  
5 done in the R-4 -- I think that it would hurt  
6 those kind of neighborhoods that still need to be  
7 developed. So I urge the commission to adopt  
8 those proposals -- not to adopt those proposed  
9 regulations, which in my opinion would do great  
10 damage to the opportunities available in the R-4  
11 zone. Thank you.

12           CHAIRPERSON HOOD: Thank you.

13           Next.

14           MS. RICHARDS: Good evening, ladies and  
15 gentlemen. My name is Laura Richards. I'm here  
16 on behalf of the Penn Branch Citizens Civic  
17 Association in Ward 7. We support the proposed  
18 amendments to these zoning regulations to  
19 forestall pop-ups by reducing the maximum height  
20 to 35 feet, reducing the height of roof structures  
21 to 10 feet, and eliminating the right of  
22 conversion of pre-'58 residential buildings to  
23 apartment housing.

24           We strongly urge the ZC to bar the  
25 conversion; i.e., to repeal regulation 330.5(e)

1 outright. The notice of hearing suggests that the  
2 use permission might be retained with proviso that  
3 one or more units will be set aside for inclusion  
4 in rezoning units at 60 percent of AMI.

5           If conversions are allowed freely, they  
6 will be undertaken aggressively, and the District  
7 will lose some of its lowest-density housing stock  
8 while barely denting the citywide affordable  
9 housing shortage.

10           While there is limited amount of R-4 zone  
11 land in Penn Branch and surrounding neighborhoods,  
12 we have some in Fort Davis and in Fairlawn. The  
13 proposed rules aimed at halting pop-ups merit  
14 citywide support. We all have a vested interest  
15 in maintaining the charm and integrity of  
16 Washington's distinctive row house neighborhoods.

17           Second, we all have an interest in  
18 keeping at bay eyesores of any sort, whatever  
19 regulatory scheme or the absence of regulation  
20 spawns them. As an example, within the past  
21 decade, Penn Branch was faced with a small area  
22 plan proposal to allow an 80-foot mixed-used  
23 building in a C-1 zone. We were able to beat that  
24 back.

25           Finally, Penn Branch appears tonight to

1 recognize that the Zoning Commission and the  
2 Office of Planning have acted responsibly to  
3 citizen pleas for relief of the pop-ups issues,  
4 and we applaud this responsiveness, which we  
5 sometimes find lacking. We are pleased to support  
6 the proposal.

7           The proposed amendments protect row house  
8 neighborhoods in R-4 zones. OP and this  
9 commission have been at pains to identify row  
10 house districts in R-5 zones and to rezone them  
11 appropriately. Penn Branch does not know whether  
12 all of row house neighborhoods zoned less  
13 restrictively than R-4 have been rezoned to match  
14 their character. If this process has not been  
15 completed citywide, we urge its speedy conclusion.

16           And since people are citing their bona  
17 fides, I'm in an R-1B district, and I formerly  
18 lived in an historic district that was actually  
19 zoned R-5B and was protected by its historic  
20 designation. Thank you.

21           CHAIRPERSON HOOD: Thank you.

22           Next.

23           MR. GARDNER: My name is Gregory Gardner.  
24 I'm a resident of the District. I'm also a  
25 licensed architect in the District. But I also

1 function as a developer.

2 I find it interesting what brought most  
3 people out tonight was some of this unattractive  
4 add-story additions and some unconscionable  
5 developers and they way they act. But this  
6 amendment does very little to address those  
7 issues.

8 Should we have a form base code or design  
9 review in the way of a historic district?  
10 Possibly, they would. But I don't believe that  
11 BZA functions that way. They address matters of  
12 law. I don't think we need to route more cases  
13 for a special exception or variance to the BZA to  
14 review the design merits.

15 I also question the Office of Planning's  
16 interpretation of R-4 district as the single-  
17 family district, because they seem to truncate the  
18 text that says the code will specifically limit  
19 that by limiting conversions to one unit per 900  
20 square feet. It seems that R-4 functions as the  
21 transition from R-1, R-2, R-3, which are all  
22 single-family districts, to R-5, which is a  
23 whatever-goes apartment count.

24 R-4 kind of is that interstitial. It's  
25 right in between. And taking away the 900-square-



1 foot allowance puts it just to a two-family  
2 district and nothing else. So we go from two-  
3 family to infinite units, based on parking  
4 requirements, which is, you know, an issue that  
5 has been contested.

6 I also question just some specific  
7 changes to what is being worded in the "mezzanine"  
8 accounting as a full level. I understand the  
9 problem of an upper-level mezzanine and ceiling-  
10 height count in a 40-foot district.

11 However, a mezzanine on a mid-level  
12 functioning as a loft isn't really affecting the  
13 appearance from the outside or the overall height  
14 of the building or how it affects the public  
15 space. So, an interstitial mezzanine level  
16 doesn't seem to be functioning as an actual story.  
17 And if that could be revised in some way.

18 Last is a plead for -- well, I'm sorry.  
19 One issue.

20 Someone mentioned previously the  
21 inclusionary zoning. Costs to build these units  
22 are typically more than they sell for. That's why  
23 I believe there is a 10-unit threshold because of  
24 the economy of scale in the larger buildings helps  
25 pay for those.

1           But if the inclusionary zoning helps add  
2 to the developable square footage, which seems to  
3 be expanding the amount of units we put in the R-4  
4 district, I possibly could see some benefit there,  
5 like was mentioned by one of the previous panel  
6 people. But I don't think that's what we're  
7 trying to do here is expand units in R-4 district.

8           But I do plead, if there is an  
9 implementation of some of these things for a  
10 delay, having filed multiple drawings with DCRA,  
11 four to six months on a condo conversion for a row  
12 house is typical. And this is in addition to the  
13 time it takes to put these drawings together, to  
14 negotiate and get a property under contract, and  
15 having money on the line.

16           So, some sort of timeline to limit what  
17 is implemented and when it is enforced can be  
18 beneficial and prevent financial loss. Thank you.

19           CHAIRPERSON HOOD: Okay. Thank you.

20           Next.

21           MS. JACOBSON: Good evening, Chairman  
22 Hood and commissioners. I thank you for taking  
23 your night and hearing all of our concerns. My  
24 name is Jenna Jacobson. I work for a small  
25 developer here in D.C. I'm also an attorney and a

1 member of the Bar of the District of Columbia.

2 I first want to address one of the  
3 concerns I've heard of other citizens here in  
4 Washington and say that I am truly sorry for some  
5 of the experiences they have had with developers.  
6 It sounds like there's been some nightmare  
7 situations.

8 The issue, though, is it's not a matter  
9 of zoning that's created these nightmares for  
10 them. It's an issue of violations of the building  
11 code and purely illegal practices where they  
12 should -- I absolutely encourage them to be using  
13 the legal system to try and, you know, get some  
14 sort of compensation for the types of situations  
15 they've been through.

16 But, unfortunately, I don't believe that  
17 tonight's proposed amendment would actually solve  
18 these issues. I think that the issue of zoning  
19 isn't going to fix a poorly laid foundation for  
20 someone's building. That's going to be in DCRA's  
21 wheelhouse.

22 I also just wanted to briefly go over the  
23 economics of the deal so you could understand how  
24 the impact of this would have on the economic  
25 situation for people who live in the District.

1           When we look at buying a property, if we  
2   can build one or two fewer units, that means we,  
3   A, have to pay less for the property in question,  
4   which oftentimes is an unrenovated home which  
5   other single-family buyers wouldn't want to buy in  
6   the first place. So we're paying less for that.  
7   And we'd have to sell the condos for more.

8           If we can build one or two more units  
9   like we can now under R-4, we can purchase these  
10  homes for more money -- say, \$700,000 versus  
11  \$500,000 -- and we can sell the condos for less  
12  money, which I think benefits people on both sides  
13  of the transactions.

14          I also just want to echo some of the  
15  comments that have been made earlier tonight about  
16  the potential for a working group. I think having  
17  community members and architects and developers  
18  and realtors and members of the entire community  
19  coming together to address these issues -- because  
20  I'm nervous that people don't understand the  
21  unbelievable impact this will have on the  
22  reduction of their home values. And it makes me  
23  nervous for them.

24          Because we won't be looking at -- I know,  
25  personally, we've already talked about that we

1 just aren't going to look at R-4 properties  
2 anymore once this passes.

3 My last comment would just be to please  
4 beg for some sort of transition period, because if  
5 we don't have one, this is a life-altering  
6 business-ending job-losing situation for people  
7 who are currently owning R-4 properties and in the  
8 long permitting process, like we are right now.  
9 And I thank you so much for hearing our concerns  
10 tonight.

11 CHAIRPERSON HOOD: Okay. Thank you.  
12 Next.

13 MR. GRACE: I'm Matthew Grace. I'm a  
14 D.C. resident, and I live at 1449 Lawrence Street.  
15 I will admit my address. I've lived in Northeast  
16 D.C. ever since I've been in D.C. Went to Gonzaga  
17 Catholic U, been here for years. My father,  
18 uncles used to deliver oil back on F Street, right  
19 on 4th and F Northeast, all around the District.  
20 So my family has been around for a very long time.

21 What I would like to point out is, I'm a  
22 young person. I'm 32 years old. My wife is now  
23 30 years old and she is, you know, having a lot of  
24 friends that just graduated, like us, and cannot  
25 afford to live in our neighborhood.

1           We live in Brookland, which has been an  
2 up-and-coming neighborhood. And, you know, when  
3 we bought it, it's now -- my neighbors are selling  
4 some of their houses for double the price. You  
5 know, people have come in, and they've flipped  
6 these houses. That's not "affordable." Right?

7           And none of our friends are able to buy  
8 houses, and they're going through all this, you  
9 know, turmoil trying to find a place to live. And  
10 they can't afford it on their jobs as nurses, you  
11 know, police officers, and all over the place.  
12 They've got jobs in a lot of different fields.  
13 Even young attorneys that I've heard that can't  
14 afford to live in the City.

15           So, you know, what I'd like to point out  
16 is that if we do this, we're essentially making R-  
17 4 districts like an historic district. And if you  
18 look at Georgetown, it's not been affordable. It  
19 hasn't been in a very long time. If you make it  
20 historic, it adds a lot more administration, a lot  
21 more timeline. Anytime you want to do  
22 renovations, "Oh, well, you can't do this window.  
23 You've got to do that window. You've got to have  
24 to Pella, you've got to have this."

25           It makes it so you can't build a house

1 affordably, and it restricts people. And I think  
2 a lot of the people who have been claiming that  
3 here have been comfortably in their house for 10  
4 to 20 years and haven't quite gotten to the point  
5 where they're at 80 and looking to retire and  
6 downsize yet. So that whole demographic is  
7 completely unrepresented in this.

8           And I think it's kind of selfish when  
9 you're living in a house you probably couldn't  
10 afford to buy right now if you were shopping. And  
11 so that's what these houses, doing conversions,  
12 allows is people to come in and be able to make  
13 affordable houses.

14           We have a high demand. And yes,  
15 economics, like you pointed out, if you have a  
16 limited supply and you limit the ability to build  
17 more, and demand is pushing it up, then price is  
18 going to get driven up as well. That's basics of  
19 economics. And that's what's going on in the  
20 City. And we are looking at restricting the  
21 ability to do that.

22           And I will tell you. You know, we've  
23 done two developments in my neighborhood that have  
24 all been R-4. And we've had more than three  
25 bedrooms or four bedrooms each. And it's allowed

1 young people to be able to move into the City and  
2 get their start, get the job, get their feet wet.  
3 And then they move out, and they end up, you know,  
4 doing something else.

5 But there are a lot of people like  
6 myself, too. We own one now that I bought prior  
7 to the bubble in 2008. We've been holding it and  
8 just renovating it enough to be able to keep it,  
9 you know, rent it, hold onto it until we can do a  
10 conversion.

11 And to me, that's going to mean an  
12 economic loss of potentially one to two units that  
13 I would rent or sell in the future that I've been  
14 holding onto rather than dumping like a lot of  
15 other people did.

16 And so I think this is, personally, it's  
17 a theft to the property owners to come in and  
18 change the rules and act like it's no big deal.  
19 It's taking money out of my pocket. It's taking  
20 money out of my neighbor's pockets just because a  
21 bunch of people want to sign a petition that they  
22 don't like what it looks like.

23 CHAIRPERSON HOOD: All right. Thanks.

24 Next.

25 MR. HOFFLAND: Good evening. My name is



1 Kristian Hoffland. I'm an environmental designer  
2 with a degree from Syracuse University. I've  
3 worked in a D.C. architecture firm for the past  
4 four years, and I've seen about 20 or 30 condo  
5 conversions, some of which are pop-ups, in our  
6 office.

7           Also, me and my wife bought a house in R-  
8 4 district a year-and-a-half ago which today we  
9 probably couldn't afford because they've increased  
10 that much.

11           I come up to testify because I didn't  
12 hear anybody talk about urban density, urban  
13 sprawl, or really, city planning overall. And I  
14 think these are major issues that zoning really  
15 needs to take up. D.C. is what, now 800,000 --  
16 was 500,000 fifteen years ago, 5 million in the  
17 D.C. metro area. You drive 25 miles in any  
18 direction, you're going to see McMansions on huge  
19 lots and apartment farms.

20           A lot of those people living in apartment  
21 farms can't afford to live in the City. There are  
22 many houses in R-4 which are large -- large enough  
23 for a huge family with five servants or 15 kids.  
24 These are unusually large lots.

25           What you're effectively doing with the IZ

1 portion of this proposal is saying to developers,  
2 "You can't do that because they won't be able to  
3 afford making these large houses into six 900-  
4 square-foot units each."

5           This is what urban in-fill should look  
6 like. And you're not going to be allowing it with  
7 this proposal. Urban in-fill needs to happen in  
8 D.C., despite whether people like their  
9 neighborhoods looking quaint. If they want their  
10 neighborhood looking quaint or they don't like the  
11 looks of a pop-up, move to one of the many  
12 historic districts in D.C., which have specific  
13 rules on aesthetics and views from public right-  
14 of-ways.

15           I am speaking as a personal citizen and  
16 not on behalf of my architectural firm. But I  
17 would just like you to take into consideration the  
18 overall zoning of D.C. as a city, including the  
19 suburbs. Of how that affects parking, how that  
20 affects commuter times, environment, with driving  
21 -- the whole atmosphere of living within a city,  
22 where every single urban planner has said urban  
23 density is a good thing for city growth.

24           So please take that into consideration.  
25 Thank you.

1 CHAIRPERSON HOOD: All right. I want to  
2 thank this panel.

3 Commissioners, is there any questions of  
4 this panel up here?

5 MS. SCHELLIN: We just want their  
6 testimony.

7 CHAIRPERSON HOOD: Again, as the Vice  
8 Chair has mentioned on a number of occasions  
9 tonight, make sure we all have your testimony.

10 But I do want the gentleman to my second  
11 to my left here -- what's your name again, Eric?

12 MR. SCHUMAN: Mark.

13 CHAIRPERSON HOOD: Could you speak into  
14 the mic, Mark?

15 (Pause.)

16 CHAIRPERSON HOOD: You mentioned about a  
17 working group.

18 MR. SCHUMAN: Yeah.

19 CHAIRPERSON HOOD: And you are a  
20 developer? What are you? Architect?

21 MR. SCHUMAN: I said I'm a recovering  
22 lawyer. But I --

23 CHAIRPERSON HOOD: Recovering lawyer.  
24 Okay. I know you're recovering from something.  
25 Okay.

1           MR. SCHUMAN: I am a lending company  
2 based in the District.

3           CHAIRPERSON HOOD: Okay. And you live in  
4 the District?

5           MR. SCHUMAN: I do not live in the  
6 District.

7           CHAIRPERSON HOOD: You do not live in the  
8 District. Okay.

9           I've heard a lot tonight. At least I  
10 know I heard it from you, especially about the  
11 working group. Okay. Let me think about that, as  
12 we deliberate.

13           Any other questions up here?

14           (No audible response.)

15           CHAIRPERSON HOOD: All right. I want to  
16 thank you all for your testimony. I appreciate  
17 ya'll coming down.

18           All right. We asked for some things.  
19 Ms. Schellin, do we need to go over anything?

20           (No audible response.)

21           CHAIRPERSON HOOD: Okay. I guess next  
22 steps, colleagues, we need to deal with this as  
23 soon as possible, I think. And we probably -- I  
24 don't know if our next meeting, is there a spot  
25 for this to be on our next meeting, Ms. Schellin?

1 MS. SCHELLIN: We are leaving the record  
2 open for everyone, because --

3 CHAIRPERSON HOOD: Oh, that's right.  
4 That's right. We do have a request --

5 MS. SCHELLIN: Yes. Right.

6 CHAIRPERSON HOOD: -- from one of the  
7 ANC's, and a couple of people have asked us to  
8 leave the record open.

9 MS. SCHELLIN: And there were several  
10 people you said they could submit their testimony.  
11 So.

12 CHAIRPERSON HOOD: Do we want to leave  
13 the record open for two weeks?

14 MS. SCHELLIN: That's fine. Two weeks?

15 CHAIRPERSON HOOD: Two weeks. I want to  
16 make sure that we accommodate ANC 4, I think it  
17 was 4B, who asked us to leave the record open for  
18 two weeks, or whatever that date was they gave us.  
19 I think it was January -- hold on. Hold on. I  
20 can tell you.

21 (Pause.)

22 CHAIRPERSON HOOD: We had a request from  
23 ANC 4B. I don't know if it was ANC 4B.  
24 Colleagues, let's look for that right quick and  
25 see, kind of gauge it after that.

1 (Pause.)

2 CHAIRPERSON HOOD: It was in the first 30  
3 submissions.

4 MS. SCHELLIN: Yes, it was early on.

5 CHAIRPERSON HOOD: I think it was -- I  
6 thought it was 4B. Was it 4C? 4B, here it is. I  
7 don't know. Maybe a hard copy is quicker.

8 (Laughter.)

9 CHAIRPERSON HOOD: Okay. Anyway, the  
10 next public meeting is scheduled for January 26.  
11 We respectfully request the Zoning Commission hold  
12 open the record and permit the commission to  
13 submit its comments no later than close of  
14 business on Wednesday, January 28th.

15 When is our next meeting after the 28th?

16 MS. SCHELLIN: February 9th.

17 CHAIRPERSON HOOD: Why don't we take this  
18 up -- do we have a lot on the agenda? Because  
19 this is going --

20 MS. SCHELLIN: A few things, yes.

21 CHAIRPERSON HOOD: Do my colleagues think  
22 February 9th is too far?

23 MR. MILLER: Too soon.

24 CHAIRPERSON HOOD: Too soon?

25 MR. MILLER: Too soon.

1 CHAIRPERSON HOOD: Oh, okay.

2 MS. SCHELLIN: And also, I think, are you  
3 going to want OP to provide a supplemental report?  
4 So I think that they're going to need an  
5 opportunity to do that, or not. Do you want  
6 anything from them?

7 CHAIRPERSON HOOD: Here's my issue. We  
8 have not deliberated. Tonight we wanted to hear  
9 from the public.

10 MS. SCHELLIN: Right.

11 CHAIRPERSON HOOD: We have not even  
12 discussed it among ourselves. That's what I kind  
13 of wanted us to do while it's still fresh on our  
14 mind, before we get bogged down with everything  
15 else.

16 MS. SCHELLIN: Right.

17 CHAIRPERSON HOOD: All the comments we  
18 heard tonight. Some of it I do carry around, and  
19 I've got a big head. Some of I do carry around  
20 with me. So I wanted us to deliberate and have  
21 our conversations. We may have some follow-up  
22 with OP. So I don't know if we're ready.

23 I think February 9th is actually a good  
24 time.

25 MS. SCHELLIN: So, just have your

1 discussion and not deliberation?

2 CHAIRPERSON HOOD: Right.

3 MS. SCHELLIN: Actually, I agree with  
4 that.

5 CHAIRPERSON HOOD: Well, not a vote. I'm  
6 talking about --

7 MS. SCHELLIN: No.

8 CHAIRPERSON HOOD: I'm talking about what  
9 we're going to have is, I think we've got some  
10 things we want to toss around.

11 MS. SCHELLIN: Just discussion. Okay.

12 CHAIRPERSON HOOD: I think some things we  
13 need to throw up in the air. And we've heard a  
14 lot of good comments.

15 MR. MILLER: As long as it's not a vote,  
16 Mr. Chairman, I could support that.

17 CHAIRPERSON HOOD: Okay.

18 MR. MILLER: Because there are several  
19 things I would like from OP as a result of what  
20 I've heard tonight. I'm sure others -- there's  
21 things that other people want. And so, as long as  
22 we're not voting and we can make further requests  
23 to OP for certain information that will help  
24 deliberate, I could go over what I want, what I  
25 think I want right now, but it's kind of late.



1 CHAIRPERSON HOOD: So let's put this on  
2 for deliberation purposes for February 9th. We're  
3 not going to take a vote; we're just going to have  
4 a discussion. Let's do it after we do everything  
5 else.

6 MS. SCHELLIN: Right. So we'll leave the  
7 record open for anyone who wants to submit,  
8 further submit, since we heard that there were  
9 other people who wanted to also submit testimony.  
10 And while sitting up here, we had some more  
11 submissions that were received by email that we  
12 need to put in the record.

13 So we'll say three o'clock p.m., that  
14 will be the cutoff, January 29th. That's two  
15 weeks. And then we'll put this on for discussion  
16 only at the February 9th public meeting.

17 CHAIRPERSON HOOD: And also, the  
18 gentleman who mentioned about the working group,  
19 make sure that the office has your email. Just in  
20 case we do that, you said you would volunteer.  
21 So I want to make sure -- I like to follow up with  
22 people, especially when people step up and commit  
23 and want to volunteer.

24 So that's something that we're going to  
25 throw around on February 9th. So you want to stay

1 tuned, follow what the commission is going to do.

2 You can watch us webcast live on February 9th.

3 Ms. Schellin, do we have anything else?

4 MS. SCHELLIN: No, sir.

5 CHAIRPERSON HOOD: Okay. So, with that,  
6 this hearing is adjourned.

7 (Whereupon, at 10:52 p.m., the hearing  
8 was adjourned.)

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