

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare, on an emergency basis, the sense of the Council on establishing a moratorium on the issuance of any building permit that would allow additional stories to be constructed on top of existing single-unit or 2-unit houses, including row houses, or the conversion of a single-unit or 2-unit house to more than 2 units until the health, safety, and environmental issues that arise from such construction are addressed on a comprehensive District-wide basis in law and in revised regulations promulgated by the District of Columbia Zoning Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of a Moratorium on Pop-ups Emergency Approval Resolution of 2015”.

Sec. 2. The Council finds that:

(1) On March 30, 2015, the District of Columbia Zoning Commission (“Zoning Commission”) voted to reduce the allowable height of conversions (“pop-ups”) in R-4 districts from 40 feet to 35 feet, but that comprehensive regulations are needed to address the issues that ensue from pop-ups, and often the increased number of units in a dwelling, on a District-wide basis.

(2) Many residents who testified before the Zoning Commission on January 15, 2015, opposed pop-ups and were in favor of the height restrictions.

(3) Advisory Neighborhood Commissions 1A and 1C support a moratorium on

30 pop-ups.

31 (4) Many residents, including Harriet Tregoning, the former Director of the  
32 Office of Planning, testified that there are pop-ups that are aesthetically incompatible, for  
33 example, in size, scale, architecture, and setback with the neighborhood character in which they  
34 are constructed.

35 (5) Pop-ups have caused property rights disputes; such as by blocking the sun  
36 they reduce the efficacy of rooftop solar panels, reduce already limited off-street parking,  
37 obstruct neighboring chimneys, a potential carbon monoxide and fire hazard, and cause damage  
38 to the foundations of neighboring homes.

39 (6) Every option in law and rule should be studied so that the law and rules that are  
40 established will promote the health and safety of our current residents and those to come,  
41 safeguard the value and character of District neighborhoods, including our historic row house  
42 neighborhoods, attract new residents as a result, and respect the property rights of property  
43 owners, both homeowners and developers.

44 (7) It is the policy of the District to promote access to and the integrity of safe and  
45 quality housing and neighborhoods for all District residents.

46 (8) A moratorium on the issuance of building permits for pop-ups and  
47 conversions from a one-unit or 2-unit house to a multi-unit dwelling will be beneficial to the  
48 residents of the District for it will maintain the status quo and for builders and others by allowing  
49 time for comprehensive regulations to be developed that address the issues concerning pop-ups  
50 and protect property rights and the goal of creating opportunities for more affordable housing.

51           Sec. 3. It is the sense of the Council that the Executive should place an immediate  
52 moratorium on issuing building permits until statutory and regulatory requirements are finalized  
53 by the Zoning Commission that address the pending issues set forth in this resolution.

54           Sec. 4. Transmittal.

55           The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to  
56 the Mayor.

57           Sec. 5. This resolution shall take place immediately upon the first day of publication in  
58 the District of Columbia Register.

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