Testimony of Mark Phillips
BZA Application No. 17079
December 2, 2003

Good afternoon Chairman Griffis and Members of the Board,

My name is Mark Lee Phillips and I am the applicant in the instant matter and the owner of the property at 417 A Street, S.E.

I purchased the Property in May 1990 and I am only the fourth owner of the property. Despite having only four owners since its construction in the 1890s, the property has had many occupants. As set forth in my prehearing statement, the property has a long history of use as a rooming house dating back to its first occupants. This use was readily apparent when I purchased the Property, as it had four (4) kitchens. The house is very large, containing a total of five sleeping rooms on three floors and an English basement. After purchasing the property, I renovated it and used it as my residence for my children and me.

In 2002, my children having grown and gone on to college, I was faced with maintaining this large property. I decided to operate a bed and breakfast from the property, as there were four (4) sleeping rooms not in use. Renovations to the property have included reducing the kitchens to one fully functional kitchen. On the main level, there is also a small kitchenette, which includes a coffee maker, dishwasher, sink, oven and refrigerator. Two bathrooms have been added, so that there is one bathroom per sleeping room. These renovations were done irrespective of my intent to operate a bed and breakfast – that is, even if I had continued to use the property as only my residence, I would have made these renovations. The addition of the kitchenette on the main level was made with the thought that it would facilitate serving meals in the Dining Room which is on the main level, where as the kitchen is on the basement level.

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I have operated a bed and breakfast with two (2) sleeping rooms since November 2002. During the first year, I had a sixty percent (60%) vacancy rate. In preparing for this hearing and the meetings with the ANC, I reviewed my guests logs and discovered that fifty-five (55%) of my guests stayed with me while visiting friends or relatives on Capitol Hill. As an illustration of this fact, I recently received a letter of support from the Kuhns at 653 A Street, S.E., whose both sets of parents stayed at my bed and breakfast after the birth of their son in January 2003.

Included in my prehearing statement is a detailed itemization of how I comply with section 203.8 of the zoning regulations. Rather than repeat that testimony, I would like to highlight a few crucial points as to my operations.

First, my home is a single-family home and is currently the primary residence for my partner, Keith Wilkinson and me. To date, although there are four (4) sleeping rooms available for use with the B&B, only two (2) are occupied at any given time. Breakfast is the only meal served, and is served only to overnight guests. As illustrated by the photos submitted with the prehearing statement, the property maintains its residential character. In fact, that is part of the charm of a bed and breakfast and any commercialization of the property would detract from its charm. As I mentioned earlier, I have returned the Property back to a single family residence, as opposed to its prior use as a rooming house. There are no signs on the Property and, as such, there is no outside evidence that the Property is used as a bed and breakfast. The home occupancy permit for the bed and breakfast is the only home occupancy permit for the property.

Second, with regard to parking, during the first year of operation, I only obtained temporary parking passes from the police department on three (3) occasions. When I checked with the police department, they only had (2) of these passes on record. My neighbors have accused me of obtaining a significantly higher number of passes, but that simply is not the case. I am sensitive to the parking restrictions in our neighborhood. Unlike many of our neighbors, who have two and three (2-3) vehicles per dwelling, my partner and I have only one vehicle. Because of the concerns raised by the community and because the majority of my guests are visiting people who reside on the Hill, I am

willing to agree that I will not obtain parking passes for any such guests. Instead, I will require that those guests make arrangements for parking, if any, through the people they are visiting. I have also agreed to limit my request for an increase in sleeping rooms to four (4), rather than the six (6) advertised. The fact is that the use of the property as a bed and breakfast does not generate much traffic and, any traffic generated is significantly less than would if the property were to revert back to a rooming house, or even a flat. Most guests arrive at Union Station, either by train or metro, and take a cab to the property. We do not advertise as having parking available. To our knowledge, no guests have parked illegally in the neighborhood.

Third, the use of the property for a bed and breakfast does not produce any odors or noises that rise to the level of adverse impact on the surrounding community. There are no materials or products produced at the Property, there are no sales at the property and there is no outside storage. The amount of trash generated by the bed and breakfast use is less than that which would be expected from a family of four (4). At the present time, there are no outside employees at the Property. There is no special equipment used in the operation of a bed and breakfast that would not ordinarily be used in a residence. The bed and breakfast use does not produce any noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the property.

With regard to noise, our immediate neighbor has complained of several factors. First, he complains that taxicabs frequently pick up guests in the early morning hours, honking their horns to announce their arrival. However, this is an infrequent event and is not necessarily tied to our guests. Rather, my job requires me to travel at least once a month and I often leave by cab. Whether called for myself or my guests, I request that cabs do not honk their horn and I find that most do not. Unfortunately, I cannot control the actions of other drivers. Second, my neighbor has complained of hearing noises through the walls. Such noise is to be expected with older row houses such as ours. Just as they hear plumbing sounds from our residence, we can hear noises from theirs. In his application for party status, my neighbor complains of the noise of four (4) bathrooms being used simultaneously. This is simply not true, as we have only rented two (2) rooms at any given time. Again, the noise generated by the B&B use tends to be minimal and

less than that which would be generated by either a large family or a rooming house. Our guests tend to stay with us as they are seeking a more intimate and private accomodation than that which is provided by a hotel and, as such, they are quiet and respectful. We provide keys to each of our guests so that they do not have to use the doorbell during their stay.

With regard to noise and the comings and goings of guests, given the high vacancy rate, there is less pedestrian traffic – clearly less regular traffic - than that which would be associated with a family, flat or rooming house. My neighbor has complained that he can no longer sit on his front porch, as he has been asked for directions or recommendations for local restaurants or attractions. We provide our guests with this information and, even if the people stopping to talk to our neighbor were guests at our B&B, such friendly conversation does not create an adverse impact on the quality of life in the neighborhood.

In short, the operation of the B&B has not adversely affected the neighborhood and the increase from two (2) to four (4) rooms will not create any adverse impact.

In conclusion, I respectfully request that the Board grant my application to increase the number of sleeping rooms from two (2) to four (4).

I appreciate this opportunity to address the Board