

7/13/2020

Dear Commission Members,

We are writing to express our significant concerns about the latest proposal to alter Alley Tax Lots as they are proposed in the hearing Case No: 19-13.

While the hearing notification says it is a "Proposed Text Amendment to Clarify Regulations Governing Alley Lots," it appears that it is actually an attempt to allow more development of alley lots - such as exists behind our property at 411 G Street, NE.

We are aware that other neighbors share our concerns about the proposed amendments, more generally, but we thought it would be helpful to provide an illustrative example of the potential impact of this proposal as it pertains to our alley system in particular.

1. From what we can surmise, the overarching goal of this effort is to convert small Alley Tax Lots into Alley Record Lots. Apparently, it seems that obtaining a building permit for an Alley Tax Lot is very difficult, but for an Alley Record Lot, it is much easier. These modifications would allow developers to construct buildings on lots which are currently not available for such an expansion.
2. Following on point 2, above, you can see that in the document for alterations to the zoning regulations it says the following: "306.3 An Alley Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, may be converted into an Alley Record Lot without meeting the requirements of Subtitle C 306.1"

This seems like a concerted attempt to convert Alley Tax Lots into Alley Record Lots. This change is simply based on when a lot was originally recorded and does not take into account all the developments that have occurred since then. Again, the only reason we can see for this "adjustment" is to allow more development on alley lots where development is now not possible.

3. From what we can see, it appears that in the event that a Lot of Record is subdivided it would no longer be grandfathered in for zoning purposes. The reduced Record Lot would now be assigned a new recordation date of 2020 or later. It is uncertain how this could impact our property.

4. In Section 5100.1, the proposed new Minimum Alley Setback has been reduced to 7.5 feet - whereas the current regulations are for a 12-foot setback (as referenced in Section 5106). Once again, there is no stated explanation for this change, but it appears to be to yet another attempt to increase the amount of land upon which that developers can build. In effect these new alley lots would have less restrictions on the amount of the lot area that they can develop one while street facing lots are subject to much more restrictive development regulations.

To help paint the picture further, we have personal considerations (which may apply to other residents):

A. Economic:

When we purchased the house in July 2000, one of the great selling points was the view. Don't mistake us, we don't have a view of the Capital, but our modest view down the alley makes us happy. We don't plan on selling anytime soon, but when we retire, we will likely want to move closer to our families. At that time, if there is a building that obstructs the view of the alley, it will most assuredly negatively affect property values and consequently the selling price.

B. Refuse and Waste Management:

As it stands now, garbage truck access to the alley is occasionally impeded by *temporarily-parked* construction/service vehicles. Building *permanent* structures on the current Alley Tax Lots behind 411 and 409 G Streets, NE will restrict garbage and recycling servicing to the entire block.

Additionally, the space behind our house is our only access to the alley where refuse is picked up. From what we can see, the "setback" for an alley property is 5 feet, which would make it very difficult for garbage and recycling to be serviced.

C. Maintenance:

As you know, owning an old Capitol Hill house brings many joys, but it also conveys significant responsibilities upon the owners to ensure that the property is well-maintained. Restricting the alley access space would hinder the access of delivery, construction, maintenance, and other service vehicles to the block, writ large.

D. Safety:

Similar to point B, we see a major safety concern with a building constructed behind our lot - creating a 5-foot wide dark space. There have been a number of instances where neighbors have been assaulted in the alley and the creation of a darkened/hidden space will only provide an additional area for criminals to prey upon our neighbors.

E. Environment:

According to the proposed regulations, a structure on a building lot can be 20 feet tall. We live on a north-facing lot which means that the majority of the sun we receive comes from the south - where the alley is located. An edifice of 20 feet in height would have a major negative impact on our property. Among other things, such a construction would eliminate our ability to maintain the organic vegetation behind our house.

F. Quality of Life:

Due to COVID-19 restrictions, we have spent much more time at home. During this time, we have seen how much the neighborhood children have enjoyed playing in the alley. They have even set up a communal basketball net which families use as a release while they are quarantining at home. The construction of a building in the alley would remove this community-driven improvement to the quality of life in the neighborhood. It would certainly impinge upon the enjoyment of light and air.

G. Parking:

We all understand the challenges surrounding parking on Capitol Hill. Many of our neighbors have invested time and significant resources into creating personal parking spaces on their properties. As I look out the window, I can see that at least four households would lose the ability to enjoy safe and convenient parking access for their families, if the lots behind 411 and 409 G Streets, NE were developed.

As we mentioned, several of our neighbors share our concerns and oppose these text amendments. We encourage you to oppose this proposal.

Thank you for your consideration of these concerns.

Respectfully,

Michelle Bazie and Peter van Rossum
411 G Street, NE
Washington, DC 20002