

**Quynh Vu Bain  
213 Third Street, SE  
Washington, DC 20003**

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July 13, 2020

District of Columbia  
Board of Zoning and Planning

**Re: Proposed Amendment 19-13**

Dear Commission Members:

As a long-time DC resident, I am writing to oppose proposed Amendment 19-13, which, among other things, rewrites the zoning regulations to permit new constructions on alley tax lots. I wholeheartedly agree with the reasons set forth in my neighbor Lauren Friedman's letter of opposition to the same proposed amendment, filed with the Commission on July 10, 2020.

I am particularly concerned about the City's decision not to place any restrictions on the development of alley tax lots less than 1,800 square feet in size. If the goal is to ensure uniformity and consistency in all new constructions on alley tax lots, then that goal would be defeated by the City's decision not to impose similar development restrictions on lots less than 1,800 square feet. Under the proposed amendment, the construction of tax lots less than 1,800 square feet would not be limited by any proportionality requirement, such as a 70 percent lot usage limitation or a 5-foot side yard and rear yard. These are long-standing requirements that reflect the City's historic commitment to ensure the health, safety and well-being of all of its residents.

The proposed amendment would write such limitations out of the existing regulations for alley tax lots less than 1,800 square feet in size, while maintaining similar limitations for alley tax lots greater than 1,800 square feet. The logic of this proposal is not apparent, but its potential for unfairness is. The result will be construction of otherwise non-conforming lots that will greatly impair neighboring property owners' use and enjoyment of their own properties.

An example of this disparity can be found in the proposed construction of Lot 828 in Square 762 about three years ago. In 2017, that lot owner sought to build a new 3,600-square-foot building on a lot only 1,100 square feet in size. Had he received permission from the City, he would have achieved a 300 percent lot usage rate. Under the proposed amendment, that lot owner could conceivably move forward with his plan, unimpeded by any existing restrictions

that are placed on abutting property owners or on owners of tax lots having a greater than 1,800 square foot footprint. In effect, the owner of very small lots such as Lot 828 would be rewarded for their extravagance and greed, while owners of larger lots (e.g., those grandfathered into the pre-existing regulations or lots more than 1,800 square feet in size) would be penalized for following the rules. As a result, homeowners who have lived in the neighborhood for many years will have to forfeit their right to use and enjoyment of their properties to the smaller newcomers. Moreover, the proposed amendment will very likely lead to encroachment on public and private space; increases in crime, traffic congestion, pollution, noise, and rat and mosquito infestation; damage to existing sewer systems and utility lines; and detract from the historical character of historic neighborhoods. All of these likely scenarios threaten the health, safety, and welfare of neighboring property owners, leading to an unconstitutional taking situation.

For these reasons, I urge you to reconsider enacting proposed amendment 19-13. Alternatively, the City should adopt proportionality requirements for the development of new alley tax lots.

Thank you for reading my letter and for your consideration.

Sincerely,

Quynh Vu Bain  
Homeowner  
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