

Zoning Commission Testimony on ZC19-13  
July 13, 2020  
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Members of the Zoning Commission,

I'm testifying today in support of the proposed changes to alley lots in case 19-13.

I want to first acknowledge that I am the owner of an alley tax lot in Capitol Hill. I am also someone who has advocated for many years—including during my time as an ANC commissioner—for expanded housing, expanded affordable housing, and more alley lot development, issues I feel strongly about without regard to the alley lot I own.

I want to highlight four arguments in favor of the proposed changes.

1. **There is no meaningful distinction between preexisting tax and record lots.** If you look at data—which OP has collected—on alley lots in Capitol Hill, there are roughly the same number of tax and record lots. As you break down those lots by lot size, historic district location, alley size, etc., there are no meaningful patterns. It is almost as if tax and record lot status were assigned at random.
2. **Street facing tax lots are treated differently than alley tax lots.** A street facing tax lot can be converted to a record lot even if it does not meet the requirements for creating a record lot in that zone. For example, in the RF-1, in Capitol Hill, a street facing lot less than 1800 square feet can be converted to a record lot through an administrative process. Many street facing lots have rear structures on 15-foot alleys that conform to a 7.5 centerline setback. Alley lots are disadvantaged.
3. **In ZR16, the District clearly intended to support building homes on alley lots.** The current zoning regulations are holding back alley lot development due to what amounts to a technicality. The proposed amendments are consistent with the intent of ZR-16.
4. **Most alley lots will require some zoning relief.** Much of the opposition to the proposed amendments manifests as concerns that there will be too much alley lot development. Leaving aside the ZR-16 intent, even with the proposed zoning changes many alley lots will still need relief from side yards, for example. The public will have the opportunity to weigh in on proposed development where appropriate.

It's important to neither overstate nor understate the importance of alley lots when it comes to the District's housing and affordable housing needs. Alley lots are *not* going to solve the District's affordable housing crisis. However, they can be part of the solution by increasing the total supply of housing in the District and by bringing online supply that is relatively lower cost, which less-desirable alley lots tend to produce.

In all, the proposed changes will reduce artificial distinctions between alley record and tax lots and between alley and street-facing tax lots, barriers that are not aligned with the District's housing or zoning goals. Thank you.

Nick Burger