

My name is Pat Bryant. I live at 1888 Ontario Place, NW since 2008. Ours is the middle home in a set of five. My husband and I purchased our home as one that had already been through major renovations, not wanting to take on major construction ourselves. Since our purchase, however, we have had to:

- 1) install a French drain and sump pump to remove our neighbor's roof water from our basement kitchenette which he sent under his back extension to a non-working drain, requiring us to remove and replace the cabinets and appliances due to water damage;
- 2) remove and re-build a rat-infested wall adjacent to the same neighbor's back extension, adding a missing fire wall up through the second floor; and
- 3) most seriously, remediate cracked and failing joists throughout the main floor as a direct result of illegal 3-inch joist notches from previous work done for plumbing lines, forcing us to move out for 8 months as our home was gutted and re-built.

I tell you this to give you some sense as to why I might have sensitivities to the action and judgment of others and to remind you that many residents face challenges by the nature of living in attached homes, especially ones that are more than 100 years old, and it can be costly.

This takes me to the specific topic at hand, Basements and Attics. Lanier Heights, as you know, was rezoned to RF-1. Thank you for that. While I was not directly involved with the rezoning effort, I understood it to be motivated in part to keep some integrity as to the size of homes for overall neighborhood density and attractiveness to families, as well for the character and aesthetics of the buildings themselves. The documentation submitted to you included the desire for the elimination, or at least control, of pop-ups and pop-backs. Now, 1892 Ontario Place NW, the end unit of the same set of five to which my home is attached, is just that: a pop-up and a pop-back. And the basement/attic topic is at the heart of the problem.

I will not detail events during the months of effort and angst (and ultimate defeat) by a few of us to control the excessiveness and what is still believed to be illegal re-development of 1892. But it is what brought me here tonight. And from what I can understand from Mr. Le Grant's presentation, 1892 could be the case that brought these changes to the table.

While I am a lay person and cannot speak to the technical aspects of changes to the regulations being considered to the basement/cellar/attic rule, I am here because your decisions and their subsequent follow-through have direct and lasting impact on residents, some of which may be unintended.



Figure 1 From the front: Which one is not like the others?

1892 Ontario Place NW is now four full floors, technically not allowable in RF-1, and it has everything to do with whether the top floor is an attic or the bottom floor is a basement or a cellar.

After the new owner/developer of 1892 hired zoning attorneys to work with DCRA, 1892 got four full floors, extending the full depth of the rear property, less a so-called "rear yard" aka, parking pad. And I, along with the others who have observed and tried to influence the overbuilding of

1892, am disappointed and sorry to say, untrusting of the desire/capacity of DCRA to act on our behalf. 1892 was permitted to dig even deeper so as to be allowable under someone's interpretation of the regulations: It's not a basement, but a cellar, so it doesn't count as a floor.



Figure 2 From the rear: Which one is not like the others?

The impact of this all-too-common-in-DC type of redevelopment goes beyond what it looks like from the front. Back yards matter! Alley open space matters! Light matters! The code should take into consideration the whole of a residence as well as its impact beyond the immediately attached homes.



Figure 3 "Attic or 3rd floor extension" or new floor?



Figure 4 One, two, three, four.

It is obvious the City is under siege by development, most if not all, is needed. And DCRA is working beyond its current capacity. Clear codes, with simple rules and regulations, help everyone get their jobs done better, faster, cheaper. But whatever changes you consider/adopt, please continue to have the residents, not the developers, as the primary beneficiaries.

Perhaps what is important it is not just the height, the depth, whether it's a basement or a cellar, etc. but rather, what is the impact of the development on the block, the neighborhood, the adjoining properties? How will their character be improved?

Final comments/suggestions/wishes:

- 1) Please **take the necessary time to engage with and listen to those long-term residents who have expertise, perspective, and demonstrated public interest to provide the technical and practical response to these proposed changes**. Any changes will likely create unintended consequences, so please don't resist another final review or two prior to adoption to ensure the best outcome.
- 2) It is not possible for the regulations to address each and every situation perfectly. Interpretations and debates will happen. But **the guidance to reaching the resulting decisions must come from the intent of the rule or regulation**. Please build into DCRA decision-making, the question, "what is the intent of this regulation and is my decision meeting the intent?"
- 3) If any resident makes the effort to share their concerns, please respond. Your work, good, bad, or indifferent, likely has a lasting impact on their quality of life. **Residents deserve timely and helpful information and at least as much assistance as the developers and their attorneys receive.**
- 4) Consider **establishing a fund and possibly a list of experts to assist residents** with the financial burden of protecting their homes from illegal construction. The current system with DCRA responsible for enforcement yet being out-gunned by zoning attorneys is stacked against residents who are forced to spend thousands of dollars to protect their properties or just give up.
- 5) Consider the **surrounding properties and the total picture**, not only the front of a property, when revising and interpreting code.
- 6) Ensure **penalties for incorrect data on architectural plans** are effective.

Thank you for your continued efforts on behalf of DC residents.

Pat Bryant