

Interviewer: Rebecca Summer [RS] (University of Wisconsin-Madison)

Interviewee: Nick Burger [NB]. Elected ANC 6B Commissioner [Advisory Neighborhood Commission] in the Capitol Hill neighborhood

Date: January 12, 2018

Location: Peets Coffee, 13th St and G St, NW Washington, D.C.

Summary: This interview was conducted as part of Rebecca Summer's research for the dissertation "The Urban Alley: A Hidden Landscape of Social Change in Washington, D.C." Burger is an elected commissioner for the ANC 6B (Advisory Neighborhood Commission) in the Capitol Hill neighborhood in Washington, D.C. He has been involved with helping neighbors navigate the 2016 zoning rules and how they apply to alley lots. In particular, he has been helping people get alleys named, so that they then can have addresses and apply for building permits. The interview covers the new (2016) zoning code, alley lots, the process for applying to build on them, which includes getting alleys named, and reasons people build on them. There is also discussion of whether alley lots and accessory dwelling units (ADUs) contribute to affordable housing in the city.

Keywords: urban planning; alleys; zoning; accessory dwelling units; Washington, D.C.; affordable housing

Transcript:

NB: Before I forget, have you reached out to Office of Planning? You know about their historic alley survey?

RS: Yeah. I've met with Kim Williams who's heading that up, and then I also met with—I'm totally blanking on his name on the moment—but he's running their sustainability programs, which is not directly related to alleys. Is that who you've mostly talked to? Kim?

NB: So I've talked to Kim maybe once. I talk to people from there a lot through the ANC. And we've touched on alleys a lot because the projects come up from time to time.

RS: So you've been ANC commissioner for—

NB: Three years.

RS: And is this a relatively new issue that's come up, or has it been—?

NB: Yes, in general yes. I actually had—my first exposure to an alley lot development was prior to my term as a commissioner starting, but when I was still—. I'd gotten involved with ANC 6B in Capitol Hill, before I became a commissioner, as what's called a resident member. Our

committees have the commissioners, and then each commissioner can appoint a resident member. So I was the resident member for our zoning committee. And it happened that the alley case that we saw—this was probably 5 years ago—was the lot essentially right behind my house.

There are actually a series of lots behind my house. I own one of them, so I'm an alley lot owner. The lot sort of at the end of our half-block along the alley was vacant for a long time, it got purchased by a builder in Capitol Hill. And then they went through a fairly tortuous zoning process to get permission to build. Because at that stage the zoning laws were really restrictive about alley lot development and sort of the core was the alley—if you went to my house you would see the alley running alongside my house and it's about 16-feet wide. So it was too narrow to allow really any kind of development, even with zoning release. But, that alley has a 30-foot-wide alley that if you went there you would have thought it was just a driveway for a larger building behind our house, but it was technically an alley. So because that lot fronted that 30-foot alley, they could get zoning release. They did, and so they went through the process, got the zoning release, and then ultimately built a house on the alley. Fast forward two years they built this house, the house is assigned an address of—I live between D and E streets, so their house was assigned "13something or other D Street Rear." So they came to me as ANC commissioner and said, "you know, is there any way we can get an actual name, rather than this confusing "rear" address?" And I was like, oh, let's look into it. So we started the process of naming those two alleys, which is how I learned a lot about the alley naming process. It then became much more important once the zoning rewrite went into place in 2016 because the zoning rewrite made it so you could do lots of things in alleys, but not until they were named, because you can't build on an alley lot until you have a permit, and you can't get a permit until you have an address, and you can't get an address until the alley has a name.

So we went through the process of naming the alleys primarily so that this house could have a more legitimate address, under the rationale that it was clear for emergency vehicles. So that they're not figuring out where this rear address is. They just know they go down this alley and there's the house.

RS: So these are all alley lots? These were all separate lots.

NB: Before my house there were four separate lots. One now has a house on it. One's the one I own, and those two are pretty good sized. Then there are two that are funky. One is like 8 feet wide, and has this weird L-shaped leg that runs behind the house a three-foot stretch. And then there's like a 12-foot wide lot. If you went back 100 years, all these lots, I believe, had buildings on them. At least from the old Baist maps. But as of four and a half years ago, there was nothing. Just dirt.

RS: Were they owned by people in the area?

NB: The one that we bought was owned by the person who owned our house two owners before us, who had bought it with the intent of joining them.

RS: Did they know they still owned it?

They did. And they bought it with the intent of joining them. But it took them a long time to get the title clear for the alley lot. By then, they had sold our house and moved away. So they had this lot and they kind of were just sitting on it. Because it had really almost no use. The only people it had value to was us because at that point, we just thought, we'll get it. This was before the zoning rewrite, or at least before I was aware of anything. We thought we'll get it so that we kind of control what happens behind our house. Because it was like dirt and trees.

RS: It was connected to your back yard.

NB: Exactly. Might be able to expand our yard or whatever. But the two funky lots in the middle, they changed hands at least once or twice in the last five or six years. It's kind of unclear who has owned them at different points in time. They've had addresses of someone out in Virginia, and so I've talked to the person that says they own one of them now, but the whole process is odd because—I don't want to overgeneralize—but my sense is that because these alley lots were mostly worthless, people weren't paying much attention, so people owned them and just, like, maybe they didn't forget that they owned it but they just kind of let it go. And if they moved away—I mean the property taxes are like \$100. The ownership structure is strange and unusual in many cases.

[6:54]

RS: Do the neighbors just kind of take of it or is there illegal dumping?

NB: All of the above. So I would go back there even before it was our lot, I would go back there once or twice a year, do some clean up, and then once the builder purchased the back lot he put a fence around and was using it just for storage of their construction materials for a couple years. But he would also help cleanup the other half of the empty lot, and we would exchange emails, and he would say, oh yeah I saw there was some [inaudible]—because he had a crew and trucks so sometimes when big things would show up, like a couch, he would come and get them and take them away, but it was really haphazard and they weren't in great shape.

RS: And it sounds like you were probably more involved with your alley lot than a lot of people.

NB: I think that's probably true. Yeah. Like at one point it was clear that somebody, probably a homeless person, had sort of set up a little tent, there were blankets. They left, I don't know where they went, but at one point I went out there and there were a bunch of sleeping bags. Anyway.

RS: Like I said, I'm not as familiar with Capitol Hill, although its alley dwelling longer history is pretty well known in the DC context, but I know that the zoning rewrite is making it easier for

alley-facing ADUs not on alley lots, but on regular lots that abut alleys. Is that happening in Capitol Hill in your area too or is it mostly the alley lots?

NB: For now it's a mix of both. It's probably still more like a carriage house modification. That's been happening. So, the zoning rewrite made accessory dwellings units, which—. So, I'm involved with a group with Cheryl Cort. She runs, or helps run, the Coalition for Sustainable Growth, kind of an advocacy group in DC, kind of affiliated with Greater Greater Washington and that whole community. She has put together a kind of working group around accessory dwelling units and pulled in alley lots and carriage houses underneath that. So I'm part of her group, it's sort of an informal group. But she's starting up a Google Groups that might be useful to you. She's trying to promote accessory dwellings units and in general, just increased housing density generally for the purposes of urban growth and affordable housing. If you remind me I can connect you with her and that group. It's going to be a public group as far as I know. Anyway, so I got pulled in through that and learned some of the nuances. So an accessory dwelling unit in DC code is a specific term that applies not to the residential flat zones. RF zones. Which is what Capitol Hill is. It applies more to the R zones up [in Upper Northwest DC]. And it allows them to build a separate unit in their garage or in their basement or whatever, which was much harder to do before. In Capitol Hill, in our zones, you have been able to have two units basically forever, or at least for a very long time. So the idea of having a carriage house unit or more common, a basement unit—that didn't change as much in the zoning rewrite, and some of that got a little bit easier. Like expanding a carriage house was something that was hard to do before and now is a little bit easier to do. But we've seen people building those kinds of units on alleys not in large volumes but slowly over time, even before the zoning rewrite, because it was permissible, at least with some restrictions.

RS: And now the restrictions are fewer.

NB: Whereas the alley lots, you really couldn't do anything. The exceptions are the ones I talked about behind my house. It was very restrictive. With the zoning rewrite now we're slowly starting to see interest. But it's taken people a while to even be aware about what's changed.

RS: That they can make a change.

NB: Exactly.

RS: So what's your role? Just get involved with the ones where people have questions and then come to you because you're the ANC commissioner?

NB: Yeah. I've kind of had two roles. That's the main one. Something in ANC-6B. I chair our zoning committee so I see all the cases.

RS: So you see them anyway.

NB: Not every alley lot or carriage house case is going to require zoning, but in our area most will because the rules are structured in such a way that most things you're gonna want to do will trigger some kind of zoning release. So we see most of those cases.

RS: Even under the new zoning?

NB: Even under the new zoning. For example—if I go too in detail just tell me to stop. So imagine you have an alley lot let's say 15-foot wide, and let's say it abuts an alley lot on one side but a regular lot on the other side. On the alley lot side you can build straight up to the lot line, but on the regular lot side you have to have a 5 foot setback. Now, if you're in a 15-foot wide lot, no one's going to build a 10-foot wide structure. You're going to go through zoning process, which is not that hard, get permission to build to the lot line, and that's what you're going to do. And there's those kind of small rules, which aren't, I think, meant to be barriers but they are certainly pause points. You're going to have to think, do I want to go through the zoning process, what is it going to take, and so on and so forth.

So we do see a lot of those cases. But what we've seen most of so far are alley namings. For the reason I mentioned a minute ago., which is someone will buy a lot, or like me, they own a lot prior to the zoning change. They realize that now they have something that has building potential, development potential. They go to DCRA to get a permit. DCRA says, oh you don't have an address. And by the way your alley doesn't have a name so we can't give you an address. Go get it named.

RS: This is really interesting. This is the first I've heard of that.

NB: That's the thing I really wanted to emphasize to Mary [Hui, from the *Washington Post*]. Because from a policy perspective. Again, the really quick version, to get an alley named in DC requires a legislation by the DC City Council. The typical process has been an ANC would send a formal letter or resolution to the relevant City Council person requesting that they introduce legislation to formally and officially—not ceremonially—to officially name an alley whatever they want it to be named. And then the City Council person will introduce legislation and it will go through the whole hearing process, second hearing process, get voted on. If it's approved, which it probably will be, if it's approved then it gets through the DC legislative machinery, it becomes a DC law, and then it goes to Congress for the mandatory 90-day review by Congress. And once it's passed that, then you can go to DCRA and ask them to formally name the alley.

So when I did this for that house that I keep talking about, it took about a year from start to finish. So you can imagine you're a homeowner who thinks you have this valuable asset or you God forbid bought an alley lot, and you think you're going to build a house and have it up and running in six months, and you find out you've got to go through a process that might not take a year, it might take 3 or 5 months if we really expedite it, but it's going to take a while. And until you do that you can't do anything else. These are kind of the administrative issues that I don't think the relevant players—the Office of Planning, the zoning administrator, the zoning commission—sort of were aware of. I think they were trying to make the zoning rules

permissive for alley lots, and they did. But people, I don't think, realized the administrative hurdle. Then the challenge is—I'll sort of betray my sensibility here—once neighbors find out that the alley naming is a required step, and that step goes through the City Council, they now have another avenue to put the brakes on potential development. To prevent the alley from getting named, you prevent all development on the alley.

RS: They have to get—I assume that adjacent property owners are given notice that a naming is happening.

NB: That's a good question. When I got the two alleys named, that I mentioned earlier, all I had to do was get our ANC to send a letter. It was pretty easy because I was on the ANC. Since then—I believe it was through Chairman Mendelson's office—they tweaked the rules around alley naming to require a petition requirement. According to the rules now, to get an alley named, you have to have the signatures of 50 percent of the owners of lots on the square of the alley in question. In a modestly dense residential neighborhood where there's mostly owners, owner-occupied buildings, that's not so hard. It's not easy, but it's not so hard. We had a case where the alley was sitting in the middle of a mostly commercial zone, and then a bunch of rental. So those homeowners had to go around and get a bunch of commercial buildings, none of the people with the sign on their door owned the buildings. So that was really challenging. So there is—and I think they put that requirement in place to try to get neighborhood buy in, which I'm sympathetic too, but I also think the risk is it creates a barrier that really goes against the intention of the zoning change. The zoning change was designed to encourage this thing.

RS: So theoretically getting approval to name the alley makes people aware to stop it.

NB: And here's where it gets even more complicated or problematic. So imagine we have two alley lots. And we have one really nice homeowner, who's lived in the neighborhood for thirty years, who wants to build a totally pleasant, pretty, small alley structure. And then we have some, you know, jackass developer who lives out in Virginia, wants to build some ugly monstrosity, and so if we imagine that the awful developer goes first to get the alley named, the neighbors come out and thwart it. This homeowner isn't going to get to build their thing either because the alley naming controls both of what they do. And the lots stay vacant. So, you know, we can discuss how we want to manage property developers we don't like that are doing things that are, we think, incompatible with our neighborhood. But alley naming is a really blunt instrument. Right?

RS: I'm really curious just about the names. How do you pick the names? Are you going back to historic names? There were so many informal alley names, you know, in the late nineteenth century.

NB: Good question. I can tell you what we've done in the cases I'm aware of. So the two alleys next to my house, this was the first time I'd gone through it and I admittedly wasn't being—I was being thoughtful, I wasn't being super thoughtful. I live on a square where there's now a

Safeway. The Capitol Hill Safeway is next to my house. That used to be the brewing company, what was it called. I don't think it was Capitol City brewing, but it was something. It used to be a massive brewery a hundred years ago, so the person who owned it was this guy Guther. If you look in the old records for our square, you can see—like you said, some of the alley names were informal, some were replaced—but at one point one of the alleys was named Guther's Court. So I was like, OK, let's use that. In Prohibition they shut down the brewery and they turned it so the owner at that point was Alabert Cary, and he changed it into the Cary Ice Cream Company. So we named the other alley Cary Way. So that was—I mean I was trying to be sensitive to the history, so I wasn't choosing random names, but I wasn't digging deep let's say.

In other cases in ANC-6B, we've encouraged—unfortunately my view—that the task of naming the alley, getting that process moving, falls on whatever homeowner first wants to build. So we've encouraged those homeowners to reach out to the Capitol Hill Restoration Society and they'll often do some research, maybe using some of the OP [Office of Planning] stuff, and kind of come up with some historical precedents. So we've named one Ebenezer Court, which was I think the same genesis as the same Ebenezer Church which has been in Capitol Hill forever, and maybe the guy who it's named after lived—I don't know, anyway—on that square. We named another one. The one that I was saying a minute ago that was kind of complicated because it was in a commercial block? We ended up naming that one Lincoln Court, which was actually the most controversial naming because the homeowners had kind of decided that's what they wanted it to be, but without going through any sort of historical assessment. We ultimately decided that Lincoln Court was fine. There wasn't a Lincoln Court elsewhere in DC and Lincoln is like—and there was a Lincoln School a few blocks away some time ago. So we kind of justified it. The Office of Planning does have a database just of alley names, historical alley names, and so if a new case came before us my first suggestion to the applicant would be to just look at this list and if there's a name and it's not offensive, because some of them are. Office of Planning said there's like Pig's Way or something like that. Pig Alley. So if it's not offensive let's just use that.

RS: If it was that alley?

NB: Yeah, if that alley had a name, let's use whatever it was. That's easiest and least controversial process. If I wrote DC's zoning rules and policy, what I would love to see is for the City Council to introduce a bill that grants the Office of Planning the authority to submit a whole slate of names, like take that entire list, go through, find out which ones are offensive, replace those, but then name all of the alleys in one swoop. Because we have a list that's pretty complete. We could name these alleys, or rename them if you will, pretty easily. Anyway.

RS: It's interesting because—I mean now I'm aware of it because I'm obviously studying this but—there are way more named alleys. I was just walking today across from the Portrait Gallery, there's an alley name, I forget what it is, do you know what I'm talking about? There was a street side and I hadn't seen it before, and it said something alley. And it thought maybe it was going to be like Palmer Alley, like shops. But it was just a service alley.

NB: You're right. Probably the most famous DC alley, at least these days, is Blagden Alley. But in Capitol Hill near my house, there's Adolf Klus court, named after the architect—I think architect—Klus. There's another one that is Gessford Court, there's Brown's Court, these are alleys that have been named for as long as I've been there which isn't that long. Ten years. I don't know the history of all those, why they were named. Some of those have and had houses on them. Brown's Court has fifteen houses along it. Probably that's the name and has houses for the same reason right.

But you do see some cases where there's an alley that's named and the only thing along the alley are garages. It's obviously someone took the time to—and again they're not ceremonial, it's not just an honorific.

[23:30]

RS: It's really interesting to me that people have to get names for building because one of the aspects that I'm interested in is this cultural excitement about alleys. And in DC and elsewhere there's a lot of places like Blagden Alley where there's commercial development or it's becoming very edgy and cool and there's the DC Alley Museum in Blagden with the murals. So seeing things like Palmer Alley which isn't really an alley but it's called Palmer Alley because it has a certain cache to it. I'm trying to figure out what that is. I had been assuming that the increase in named alleys was because of that. Those cultural—oh, we're going to build something on our alley and let's name it so that it's a real place, a destination. But this a different reason for that, so that's really interesting.

NB: The nice thing about this, to me, sort of absurd legislative process for naming alleys, is you can easily find. Any records that the Council has online, which goes back at least a little while, you could look up the alley. If you look up Alley Naming Act, you'll find a million of them. And that may not always tell you exactly the motives. My guess is that if a developer wants to turn something into a destination they're not going to suggest that to the Council person that they write a law that says "because we want this to make more money for this development" so they'll come up with some other reason. But you can probably infer a little bit. The bills typically describe why it's being named and who it's for, and what the history is. At least a little bit.

RS: There are some cases of that. I don't know how much you're familiar with this so maybe you already know this but in Georgetown some of the residential alleys still have the historic alley dwellings. Those names were changed in the fifties.

NB: Oh really?

RS: So Pomander Walk, if you've ever been there? It used to be called Bell's Court. And it was changed by, essentially the developers who bought all of the houses around 1950 and then kind of flipped them.

NB: Oh really? Yeah.

RS: It's kind of like an early gentrification process.

NB: Oh that's interesting.

RS: So I've kind of been trying to see if this is a similar kind of thing that's happening where the changes in alley names coincide with who's using the alleys. It sounds like in in this case it's homeowners who've been there a long time and it's the zoning that's initiating it, not newcomers who are trying to brand their neighborhood.

NB: Right. Right. To be clear, it could be new homeowners, but not from a branding perspective. The ones that I'm familiar with in Capitol Hill, all the ones I know of, are just about functional requirements.

RS: It's interesting about the "rear" too because I know in other cities it was a convention for historic alley dwellings to have "E Street Rear" and even in Blagden I think some of the addresses do have the "Rear."

NB: I'm sure it happens all over. And you know, I mean, the fire department, they're not idiots. They'll find it. But our thought was just, especially for something like Blagden, where probably everyone knows that it's an alley and that there's things on it, it's probably a little easier. The fire station for that area is probably aware. The concern here was, no one even maybe knew there was an alley back there.

RS: It makes sense. So are most of the new proposals from homeowners or the alley lot owners, are they mostly for residential use? Is it all residential?

NB: It has to be. It's all residential. The restrictions, despite that they've been relaxed a lot, they're still pretty restrictive. Alley lots can have one dwelling unit, they can only have residential use. I mean you could try to get a variance for some commercial use, or you could do a home business. But you can't put like a bar.

RS: But you could have an art studio.

NB: Yes, so that was actually—you could have a garage or an artist studio before. Neither of which was particularly valuable. When we bought our lot that's all we thought we could do with it. But yeah, so under the zoning rules you can put a single dwelling unit, even if you're in a zone that allows multiple. So in Capitol Hill where [it's] zoned to allow two units, you can only put one unit on an alley. And they can only be twenty feet high, two stories. Interestingly they can cover 100% of the lot. Now if your lot is sufficiently large that percentage drops a bit, like to 90 or 80%. But we're talking huge, like 2000 feet. There are very few alley lots that are that big. Our alley lot is like 1600 square feet. And the lot that our house sits on is about 2000 square feet and that's a pretty good-sized lot. I could build a house that was 1600 square feet [on the alley lot]. I'd have to comply with pervious surface and the green building codes around

stormwater management. But if I put a green roof on, I could do that. I wouldn't do that, but you can build to the full extent of the alley lot. Which makes sense because if you had like a 600-square foot alley lot, and you could only build up to 60%, which is the standard for the rest of the lots in Capitol Hill, it's infeasible. You'd never build a tiny little box. For that perspective it's a little permissive, but from the height and you know, the stories, and you can't have a basement. There's a lot of restrictions.

RS: So are people building second homes, or homes on their lots to then sell? Or are they using them as like—

NB: We don't know. Because literally none of them have been built.

RS: Okay.

NB: The one that I keep referring to behind my house, which was built before the zoning rewrite, was originally, according to the builder who I know a little bit, was originally going to be his house. Now, he bought this lot, I think it was for \$15,000, which is pretty good for an urban piece of land. It's not small. Then he went through the zoning process and got approved to build a house. And not literally, but more or less the next day, got a call from the lawyer of the previous owner who then filed a lawsuit against him to try to basically recoup the land. Because by getting that zoning permission his lot probably went up in value by like four or five times. So it took him two years or three years to get through that process. He then did build the house but decided not to occupy it. So he sold that house just recently and that whole house sold for like, I don't know exactly, but like \$1.1 million.

RS: And it's the only house on the alley.

NB: It's the only house in the alley for the moment. I mean my house is on the alley, because the edge of it runs up against the alley, but right. It's the only house on the alley. Now it's a big house. It's like 3500 square feet. But we don't know. Because no one else has built anything yet.

RS: So your alleys are now named. Do you anticipate —you don't have to talk about your specific neighbors—conflict among neighbors about these specific kinds of things?

NB: Yes, absolutely. I don't know about my neighbors. It will be interesting to see. Because I think at some point we will build something on our alley lot. But yes. When other neighbors have applied—it's sort of too bad you weren't here last week because we actually had the Lincoln Court case that I mentioned. They were back to get zoning approval for their alley lot development, and that case has been pretty contentious for a lot of reasons that aren't worth going into. But we had them back at our meeting last week. So you could have seen the process. But anyway. I think they will be controversial and people will site the fact that they're alley lots and that makes them different somehow and talk about the history and that will get sort of vaguely racist, pardon the phrase. But really what it comes down to is neighbors will

make those same arguments regardless of whether it's an alley lot or a regular lot they're expanding on. I mean, that's just the nature of trying to build, at least in Capitol Hill and most of the city. Not always, some of the neighbors are perfectly supportive, but a lot of times they're not. But yes, I'm sure they'll be controversial. And we're starting to see cases where neighbors are understanding the naming process, starting to come out at that stage. The first few alley naming we had just sailed through, because no one was really aware, they weren't thinking about it. For Lincoln Court, it got to be a little more of an issue.

RS: If you don't mind, when you said people will talk about the history and that will get vaguely racist, do you mean because they'll talk about who used to live in the alley or because of actions among current neighbors.

NB: No, the people who used to live in the alley. The types of people. The fact that we had problems with—and you know this better than I do—with disease and sanitary conditions.

RS: So they'll use that language now.

NB: Now they won't use the racist language obviously, because people are pretty good about that. And obviously, you know, anyway. You can quote whatever you want. I think it's a really important issue because we see through the ANC, we see all sorts of cases around essentially one neighbor wanting permission from the city to do something and other neighbors weighing in on it. And you have all these arguments about the "character" of the neighborhood. Or a developer wants to build a building or rehab the building, and it will change the "character" of the neighborhood. And sometimes people will literally mean that they like having 2000-square foot single-family homes, they don't want an apartment building. And other times it's, you know, probably coded language for other things.

RS: The blocks you're talking about are predominantly white I assume?

NB: I mean, the neighbors that show up are predominantly white. Some of the blocks in Capitol Hill are pretty diverse. Especially in the kind of—I live more on the eastern side of Capitol Hill and if you go even further east than I live you still have—now it's changing pretty quickly—but there's a fair bit racial diversity. But yeah.

RS: But not necessarily who's at the meetings and who's involved.

NB: That's right.

RS: That's what I was trying to talk to Mary [from the *Washington Post*] about actually when she was asking about the history of DC alleys. It's interesting that you say that people would use that language to talk about alleys now as kind of a defense of why people shouldn't be living in alleys because they would "breed immorality." But then you also see this shift with places like Blagden or like the new Watkins Alley which is Capitol Hill.

NB: Across the street from my house.

RS: Where they're like, "alley living!" It's the new big thing, and no one's saying but you're going to create crime!

NB: I mean, they totally did.

RS: They did say that?

NB: So Watkins Alley is a planned unit development. Do you know the term?

RS: A little bit

NB: Basically it's a process that's mainly for relatively large developments. Watkins Alley is on the very small—it's small enough that part of their zoning process was to get permission to apply a planned unit development to such small area. So it's small. It's like 42 condos, which of course by many of my neighbors' standpoints is mammoth. But it's not. We went through a very lengthy process for that project. Months and months and months of meetings and discussions. During that process, a lot of people brought up: "This is an alley. It's already dark, it's already a place where crime can happen. Do we really want to put more people there? What if it's not going to be well-lit enough. Do we want random people walking through?" The project really nicely had designed sort of an open arched walkthrough from the street I live on, E Street, back into the alley system, which would be a way for some of the rear homeowners to get into their properties. It was awesome. But people were concerned that they would have—you know, and I'm not quoting them—but "undesirables" in their alley system and that would make it less safe. So it's not really about alley dwellers per say, but there's still this view that alleys are kind of unsavory places. So yeah, we definitely see that.

RS: Okay, interesting. Has that come up in any of the—when people are posing alley naming? That kind of defense?

NB: I've definitely had at least one case. I don't remember if it was the naming or the project that triggered the naming, but those things at this point are indistinguishable because right now we're mostly only considering the naming. Anyway. Definitely people have cited the historical condition of the alleys as one reason we might not want to support this kind of thing. Now it's been pretty minimal, because again, I just think, most people aren't really aware. Not of the history, though they're probably not really aware of that either, but definitely not aware of these projects. A project like Watkins Alley where deliberately the developer and the ANC Commissioner are like actively soliciting input, we get a lot of people out and some are supportive and most aren't. Or at least most need convincing. The alley lot developments, I don't think we've gone to the same effort to raise awareness. But, you know, in the process of now collecting those signatures, people at least have the opportunity to become aware. I think we'll see more input. I don't want to speculate whether we'll see more historically based opposition. It's definitely a feature. But to be honest, it's a feature I think mostly because when

people—again, this is my speculation—when people want to oppose something, they’ll just figure out whatever argument they have that they can make, and include it in their arsenal. And that’s one of them. I don’t know how much people actually think that we would go back to a time of unsanitary alleys. Which, let’s be clear, some of them were, because they weren’t plumbed and they didn’t have septic systems or sewage connections. So I don’t think anyone thinks we’re going back to that, but people will raise, “do we really want more density in our alleys? Is that the right thing to be doing?”

[38:57]

RS: Well and there certainly is a way more recent history and an ongoing perception of alleys as dark and crime—

NB: Totally. Which is why for these larger projects we’ve definitely pushed the developers to light the alleys because that makes sense. That’s a good thing.

RS: So did they change their design or did they just add more lighting and signage?

NB: Just add more lighting.

RS: So then it becomes more street-like.

NB: Yeah. And I don’t think it’s really worth your time, but if you want you could come out to our block and you could walk. So our block on E Street, it’s one of the long blocks in DC, it would normally be two. But the alley kind of cuts it, but it’s only one block. When I moved into my house there was a little block of houses, an auto repair shop, , a trash company, and a Safeway. And then a little block of houses (drawing a map). So it was a very mixed use block, but it was zoned industrial. So if you come to our house in two years, you will have no trash company, no auto repair shops, you’ll have Watkins Alley abutting the alley on the south side, you’ll have another four, five story because there’s a penthouse, five-story apartment building across the other side of the alley, Safeway will be removed and rebuilt with four stories of apartments above it. And then on this side over here they just are finishing a whole project where they converted an old school to condos and built forty new row houses. So our block’s going from, I don’t know, maybe like eighty of us to what will be probably be like 1,000 people, in three years. Which I think is cool. And one of the things when these alley projects came in, the apartment building I mentioned, they pulled their building back five feet, because that alley was kind of narrow, it was like 16 feet like the alley next to me, so they pulled it back to make it twenty feet to match the rest of the alley and then that will allow—and then they’re gonna stripe it, it will be flat but it will striped so that pedestrians have sort of a designated way. So we’re figuring out ways to manage more people in these spaces. I’m pretty confident it’s gonna work just fine. They are going to start to feel a little more like streets.

RS: I was just in Naylor Court today because the DC Records office is there. I was doing some research. Just walking around you forget almost that it's for vehicles too, because there are so many people, until a car almost hits you.

NB: Yeah! I mean, now we're kind of getting off alleys, but it's so fascinating because that was another line of argument that came up for neighbors. Well how is it going to be safe for pedestrians with all these cars. The Office of Planning and DDOT will be the first to tell you, the safest configuration is to have lots of people and lots of bikes going about because the cars aren't going 35 down the alley when there's a bunch of people. They're gonna go slow because they get nervous. A lot of the residents wanted to direct people to other entrances, and we said no, better to have them all share because it actually makes the system safer.

RS: Cool. Have there been any (something about zoning to have commercial in the alleys)?

NB: Not that I've seen. And I think it'd be a tough sell. Given that we just did—again, this is my speculation—given that we just did a pretty sizable relaxation in the rules on alleys and given that these alleys—most of them—are square in residential neighborhoods, and given the torture process of getting the corner store regulations updated, sort of—

RS: To allow more of them.

NB: In theory to allow more of them, but we have so many restrictions that my guess is we won't see very many more of them. So given all of that, I think to get a variance to do a commercial project on an alley would be a heavy lift. Not to say that you couldn't. I think it would depend entirely on the specific context. So if you wanted to build a commercial spot on, like, that alley that I mentioned with all the industrial development, maybe? But on a normal residential alley in Capitol Hill?

RS: There's not gonna be like a coffee shop.

NB: I doubt it. Maybe in time, but not any time soon.

RS: What are the alleys like now? Is it mostly garages or are they—

NB: Mostly garages. They're all over the place. Most of them are garages. The conditions are highly varied. We've got some alleys—and I'm not sure they're officially alleys—but they're like 8 feet wide. They're super narrow. They're almost like a cat track or something. Then you've got a bunch of 16-foot alleys, or 15-foot alleys, then you've got some 20-foot, then the bigger ones, like 30-foot alleys. Which is mostly what's in the Office of Planning survey. And they vary a lot. The conditions vary. So DC's had a big, they call it AlleyPalooza. We had a few of them in our alley, and they're awesome. They come in, they just redo the alley in like three days, and it looks great. I mean all they're doing is reworking it, but a lot of the alleys were in terrible shape. Like a mishmash of materials. But yeah, I would say they're mostly the sides of houses when you enter them. Usually there's a house up next to them, like my house. And then as you get in

it's like either back yards or if there are garages, garages. And then you get the rare alley that's got something interesting or different, like Brown's Court or Klus Court, where you've got mostly through historical accident, you've got some other development that's happened.

RS: And those have homes on them.

NB: Some of them do. Yeah.

RS: Do you think it will change—the new zoning—will change social life? Do you think more people would spend time—?

NB: That's a good question. I don't know. We're gonna have to see. One of the things when we did the process for Watkins Alley, we identified that the alley, you'll enter off E Street, and then you'll turn at the corner of the new houses, you'll go back in, and then there'll be the entrance to their garage, and then there's gonna be like a big brick area, which will get almost no use, so one of the things we talked about was, could the developer put benches there or maybe a place where you could put a grill. It could be more like a community gathering spot. Kids could play. I mean, who knows, we'll have to see. I'm not sure. I think it's possible because alleys do get less traffic. I just saw today Charles Allen is introducing a bill that would allow homeowners to close off their streets, kind of like for a block party, but for kids' playtime. So if a homeowner could potentially say we're going to close this street for four hours on Saturday, just so kids can go play in the street. You could imagine that kind of a model that alleys could be used similarly. There's not as much disruption and cars.

RS: I met with [employee] at DDOT. She runs the Green Alleys program. We were talking about this too because they get requests from people to do green alleys, which is really just paving, but she said every now and then they'll get a request that's really to do something more social. Which really isn't under their purview. So I was wondering if that had come up in terms of—maybe it's just too early to know—if it's triggering people to think differently about what alleys are and what they could do in the alley.

NB: I've been to one neighborhood party in an alley system, kind of near my house. They didn't close the alley off, they just said everyone come over and they put a bunch of toys in the alley and kids hung out there. So I think there's some incidental use of that. You absolutely could imagine that as more—I think people view alleys as pretty utilitarian. They're a place for you to walk or drive through, or there a place where you go to your garage. But for places like Watkins Alley, that will probably change, because you will have people actually using the alley as more of a daily part of their life.

RS: And if more houses get built on the alley then that's going to be the front door. I'll be interested to check back in 10 years.

NB: Again, I don't know if it would be worth your time, but you could try to go to Brown's Court where there's a reasonable density of houses. And just see what the neighbors there—what

their experience is. They're kind of living what we—I will say, and I don't know how many houses there are on Brown's Court, but there's quite a few and they kind of line both sides, and that's an unusual set up. We're not gonna see too many alleys, in at last Capitol Hill, that will have that feel because the number of alley lots is not that large.

RS: And it's not consistent across?

NB: Exactly. It's not usually. It's like pockets or tucked into a thing. There's the one we named Ebenezer Court—I think it was that one—had seven lots in a row. So you might see that at some point. But that's pretty rare. Most of them—like ours has four. But you couldn't build on the 8-foot lot, unless you got the twelve-foot lot and merged it. So I think at most you're ever gonna see is like three houses on our alley.

RS: It's been fun doing this project because I didn't know a lot about a lot of these. There's a couple in Foggy Bottom too like Snow's Court. I'm blanking on the name of the one across the street, where it's like a row across from a parking garage or something now.

NB: I mean, our alley will be interesting because right now if you walk down our alley you have one house in the middle, a bunch of vacant land, and then the wall of the Safeway, which is awful. So when they rebuild the Safeway, that'll be four floors—well three floors—of people's balconies and windows. So you'll have—they still won't walk out onto the alley—but they'll be on the alley. So we'll see. That may change things.

RS: Before the zoning rewrite that allowed all this stuff, I guess I'm wondering if the proposal you're starting to see if there are people who have been wanting to— I guess to back up, I was talking to someone at the planning office, and she was talking about the ADUs part of it. She was saying part of the reason they were doing that is to provide more affordable housing in the city. Either for people to make more income to subsidize their own housing or to allow people to rent smaller units. So is that part of this too, or do you think the alley lots is kind of a different situation?

NB: That's a good question. The short answer is I really am not sure. The main reason is I don't know the nature of most of the alley lots. A couple of cases we've seen from the alley namings, which are motivated by this desire to build, are definitely: we own a house and we also own the lot nearby. Not always right behind or next to, like ours. But nearby. But at least in one case, I'm not sure if the owner of the alley lot actually lives in that square.

Certainly for Watkins Alley, the reason they needed that alley. The development project is called Watkins Alley, and the alley is going to be called Watkins Alley, and that's fortunate for the developer. But it's fine because it's a block from Watkins Elementary, so there's a history that sort of supports it. The reason they did that is because their land that they bought is this kind of weird parcel and then a little house over here. And to be able to build that house and sell it, they had to have the alley named to get an address, so it's the same story. In that case it's definitely not a homeowner. It's like legitimately a developer. And Sean Ruffer, who's in the

article, who also built the two houses that they took photos of, which are on Klus Court, which are near my house also, those were ones where he just bought the alley lot. It's hard to say how much of it will be people mimicking the ADU model, which is like, I own a house but I want this to supplement my income or to let my parents move in to, or whatever. It's certainly possible but it's hard to generalize because I don't think we have enough data points.

I think that the temptation—this is a guess—I think the temptation to sell will be strong because, full disclosure, the alley lot that we bought at the time had almost no value except sort of like personal value to us and our house. If you built a 1500 square foot house on that lot, you could probably sell it for, I don't know, \$700,000? So anyone who has that kind of a set up at least will have a strong impulse to sell it, right?

I think the argument around affordable housing is totally legitimate but we have to be careful I think in how we make that argument. That \$700,000 house is not affordable for sale and it's not affordable if you rent it. Now, it's relatively more affordable than other houses on my street, and if I rented it out it would be a relatively lower price, because it's a little smaller, and it's on an alley, which may or may not detract from the value for some people, and it's improving the stock of housing, which has indirect but important benefits in terms of housing supply and the price of housing, but we're not getting low-income housing out of alley lots. Full stop. I'm always careful because I think we can make a good argument around housing affordability with ADUs and alley lots, but it's not the clean argument. The other one is you have a family or maybe it's a man or a woman who's lived in their house for forty years, and they have an ADU now, or they have an alley lot, and they move in there because it's relatively more mobility accommodating. And then they rent out their house. And maybe they're low-income. And that is a way for them to stay in the neighborhood. I don't think that's a crazy story, but it's a little bit more indirect.

RS: I don't know the numbers well enough to say, but I do hear that language that Oh, well because in alleys the property value of the land isn't as high it's a place where you can do affordable housing and smaller units. Do the numbers really match up? Is it actually affordable housing or is it just slightly less than what's on the front?

NB: So yeah, affordable housing, at least in DC—well. I think affordable housing has a sort of rigid definition. We have an inclusionary zoning program to produce affordable housing but that has some specific technical definitions. There's no—I think I can say—there's no world in which the inclusionary zoning program, at least now, is ever going to apply to an alley lot. It's only for 10-unit buildings or larger, and you're never going to have that on an alley lot. Strictly speaking no. Alley lots are not contributing to any technical definition of affordable housing. But that doesn't mean they're not important for housing affordability. For a lot of people that's really semantic. But I think it's important to get right because it think there's a story there and a benefit. But no, we're not gonna see low-income families moving into alley lots unless you have some bizarrely altruistic homeowner.

RS: I know they're building, and I don't know actually, I need to find out more about it, a building will be on Blagden Alley—I don't know if the entrance will be on Blagden Alley—that's microunits. That idea but it doesn't sound affordable. Just really tiny.

NB: Right. And again, not affordable in the low-income affordability definition, but cheaper.

RS: To live in that area.

NB: Yeah. I don't know that they're renting those for, it might be \$1200 instead of \$1800, or \$1500 instead of \$2200, which is to be clear, not affordable to anyone making \$35,000 a year. But it might be affordable to a teacher making \$80,000 a year that the more expensive alternative wouldn't be. I think that people at our meetings, and I think in general, want to treat affordable housing as a very binary construct. And I don't think that's the right way to think about it. It's a continuum and we don't only want housing for wealthy people but we're not only talking about housing for people at the poverty line. There's a large swatch of people in between, and we probably want some of all of them. That's what makes for a really diverse neighborhood. Frankly it's probably [not?] sustainable or feasible to have a neighborhood that's entirely one or the other.

RS: This is really really helpful. I [have been] finding cases as I've been looking through—I know in Georgetown over the years there's been some alley renaming cases. And I know one was just a girl who lived on an alley and it was like a public interest story of she went to the City Council and got the alley named. But now this makes me want to look back at those and see was there actually a zoning reason behind that.

NB: Yeah. I think there's probably some cases where somebody lives on the alley and they think that the alley has some character of some kind that would be enhanced by it having a name that might make someone see the sign and decide to walk down it instead of walking past it. I think that's good. My guess is that's the motivation for most of the alleys that are named that don't have houses on them already. Otherwise it's kind of a process to get a name. But then again there are lots of people with, somehow, time on their hands. And they can come out to zoning meetings and oppose projects for hours and hours. Or they can come out and propose alley namings. I could imagine either. I would venture that you walk through Capitol Hill, let's say two years ago before we did the latest alley naming, and you look at the alleys that were named, you'll tell a qualitative difference between the ones that have names and the ones that don't. I don't think many people [are] getting trashy alleys, frankly, named.

RS: I guess one last question, as you've been paying attention and been more and more aware of alleys in your neighborhood, have you noticed other trends related to alleys in the city? I started working on this project I guess like three years ago. And there were a few things, and then the more I've been working on it, the more I see. I was in town in September and there was the DC Alley Museum was having a block party in Blagden Alley. And kind of those kinds of things. And then I'm hearing about—you should talk to this person, they live in

an alley. And then Watkins Alley is starting. So I keep seeing that language being used more and more. And maybe because I'm hyper aware of it.

NB: Yes and no. I can't say that—like the block party. I wasn't aware of that. I'd be totally excited or happy if someone were to forward me random emails about things like that. And I could imagine that happening but that hasn't. And the other thing I haven't done, which I will do at some point maybe when it's a little warmer, so there's only a few neighborhoods in DC—and I'm using neighborhoods loosely like Capitol Hill, Georgetown, that have many alleys. Northeast has some, the area just north of here has a few like Blagden Alley, and then there's Georgetown and Capitol Hill mostly. And I haven't gone around and just walked around those alleys. I think I would like to do that at some point.

I have done that in my neighborhood. When I'm out running or when I'm walking the dog, I will make more of an effort to go down an alley as opposed to another street. Just to sort of see the condition and look at the garages, or something new. Where are there empty lots? And that kind of thing. I will say, and this is gonna sound a little bit immodest, most of the experiences I've had when I start talking to people about alley lots, is sort of blank stares. Because it just seems like very few people are thinking about them. There's these little pockets, the Alley Museum which I will now go and seek out, but by and large most people, not in bad way, it's not a thing. When we started this whole discussion around accessory dwelling units and I started chiming in about alleys because I had been obsessing over them, even that for a really well-connected set of people who think about urban planning and urban growth, it was still like, "wait, alley what?" So I'll be really interested to see if and when and how that changes over time.

RS: I'm really interested to see if it changes things up [in Upper Northwest, DC] where it's a really different density level. Pretty much all homeowners. If people are going to pay attention more to their alleys and I've just started also walking down alleys. One of the angles I'm taking with this project which I think is interesting is that alleys are kind of both public and private space. They're legally public but they're kind of considered private space. You feel really strange walking in someone's alley if it's not your own alley.

NB: That's a really good observation. Because you would never feel weird walking past someone's front yard and pausing. I mean if you stand there for 30 minutes, but you do feel that way in an alley. Like stopping behind someone's garage, looking in the back of their house, it does feel a little more invasive, right? On both sides I think. I think that's a good observation. It will be interesting to see if and how that changes. Some of these alleys become very different. Again, I don't think we're gonna see many alleys in DC that go from nothing to a bunch of houses, but the alleys near me will go from nothing to a couple houses and then apartment buildings.

RS: Or you might start to see strangers in your alley, if they're visiting friends living in the alley.

NB: Totally.

RS: Even just in the neighborhood [where my parents live], to my mom I was like let's go on a walk and let's walk in the alleys. And we felt so weird, and we were like a block from [their house]. They've lived there for thirty years.

NB: I think that's a great observation.

RS: My strategy usually is I do it when it when I'm on a run also. Because people aren't as weirded out if you're on the move. And then sometimes I'll have my camera with me, but it looks like I'm changing the song or something.

NB: The other thing I haven't really checked is which alleys are on google maps and which aren't. Because I bet most aren't. You probably have checked.

RS: Yeah, and it actually it varies from city to city, which I think is interesting. I don't know if that has to do with where Google gets their mapping data. And if it's from the cities or elsewhere. A lot of them are, but they're not all named. But some of the names are showing up now.

NB: I've seen that. If you go to some map, I don't know Google versus Apple maps or whatever, the alleys near my house look different. Some of them are incomplete, like they just aren't drawn. And the interesting thing about streetview show? Almost never. And I wonder if that would change once an alley was named.

RS: I think it would.

NB: I'll have to check for the couple in our alley that have been named for ten years. To see if those are streetview or not.

RS: I think the ones that are are on there. I know there's a little alley in Georgetown called Cherry Hill Lane, and that is. It must have to do if it's a formal address. I've tried to look. It's a nice way to be able to do research remotely, to be able to kind of walk around a neighborhood when I'm in Madison.

NB: Speaking of kind of quirky issues. The other one I hadn't thought of until just the other day, is that the house behind us that was built and then sold, the new people have moved into it. It just sold a month ago. The people moved into it like two weeks ago. I ran into the guy who had bought it and he asked me a question I think is interesting. Their front door is a little bit like some houses in New York City where you walk out their front door, you go down a step, and then you are in the alley. And so he was like, what do you think the neighbors would think if I put some flower pots out. It's an interesting question because I wouldn't think twice about that in my house because even though technically when I walk out my front door I'm in public space because all the front yards in DC are technically public space, for all intents and purposes they

are private space and I can put whatever I want in my front yard. When he walks out his front door he's literally on a street. Can he put a flower pot there? Strictly speaking I'm sure he can not. But what would the neighbors think and would someone call him on it?

There's a fascinating case, have you seen this treehouse case in Archibald Court? You should google Archibald Court treehouse. I think that'll bring up most articles and interviews and websites and cases. Archibald Court is kind of a quirky historic alley kind of by Eastern Market. There are a bunch of houses that front on to it. It's one of these 8-foot wide, there's not cars on it. It's like a walking court. So a family built a treehouse in their sort of front yard, sort of their back yard. So they build a tree house on a tree and the three house overhung the alley up in the air by like a foot. And it just created this *massive* controversy with neighbors getting angry and letter writing and multiple ANC meetings and lawsuits. Basically the neighbors didn't like them building this treehouse. And then they took it as an affront. And then the neighbors got offended. It's not worth going through the whole story, but it was amazing.

RS: So it was the neighbors who brought it up?

NB: it was the neighbors who brought it up. But anyway, we could have a half-hour conversation about that. But it was an interesting case because it's this weird—like it was mostly in their yard but it did overhang this alley. It's not clear it really affected anything, but it was a treehouse people found really offputting. I don't know.

RS: That made me think, does garbage collection happen in your alley?

NB: Not in our alley. And I doubt it will change. Yeah, I don't think that will change. But there are many alleys where it does happen.

RS: Because I was going to say, if your new neighbor wanted to put a garbage can out people would probably complain. But if it was flowers that they maintain?

NB: Yes. Though you'd be surprised what people complain about.

RS: OK.

NB: There were flower pots in that Archibald Court, I think unrelated to the treehouse nonsense, that somebody called the city on the neighbors and they had to have them removed. People are incredible. I should probably go. If you ever want to do any follow up or anything, let me know.

RS: Thank you so much.