

TESTIMONY OF JOHN ADAM, #15 15th ST SE
in opposition to
Sayre case 18462 on #13 15th Street SE
DC BZA meeting 07NOV2012

Let me first thank the BZA for rescheduling this hearing, especially when your demanding schedule has been made even busier by Hurricane Sandy. I'll try to be concise, but you'll probably see why my career has been in print, not radio or TV.

I've lived in my house since 1989. Suffice it to say, most of the neighborhood changes over these 23 years I'd call improvements. Some, such as the back addition two doors down of #17 15th St SE diminished the privacy of my backyard, but its positive factors outweighed the negatives, and I lodged no protest. The same could be said for the rear addition going up in the alley from East Capitol Street right now. In general, investment in the neighborhood has always pleased me. So when Ms. Sayre and I first met at an Eastern Market coffeeshop on Aug. 1, I not only enthusiastically welcomed a new potential neighbor, I was excited about what I saw of her plans.

She asked me to write a letter of endorsement to get the process rolling. I did so three days later. I was excited for her. But I was put off by two things: the fact that the plans never left her grip and the speed that she wanted my letter. (She selectively showed me highlights of the plans, instead of letting me flip through pages.) I quickly wrote a positive letter so the official process could be initiated. But I hedged it in a few places so

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

EXHIBIT NO.

18462
Board of Zoning Adjustment
District of Columbia
CASE NO. 18462
EXHIBIT NO. 30

it would be known that this early show of support was contingent, rather than an unalloyed approval of the project.

1. My August 4th letter, which Ms. Sayre used to get things rolling at DCRA, was conditional, employing phrases such as *"raises some concerns"* and *"at this moment."* It was not an unalloyed letter of support. In contrast to the "green light" letter from the other adjacent neighbor in #11, my letter was a "yellow light." My temporal words *"at this moment, from what I can discern, nothing prevents me..."* assumed there would be future movement, based upon continued interaction, which could go to either green light or red light. It also made clear that it was written in haste yet with the optimism inherent upon first meeting a potential new neighbor and wishing to help them. But it became misrepresented to the ANC (e.g. see 08OCT2012 "BZA Case 18462 Supplement," by Tektonics at the ANC) as simply a "green light."

And instead of openly cooperating with me, Ms. Sayre apparently lied to me and in my view deceived others. For instance, her email of 10SEPT2012 said: "Hi John

Thanks for your email. I don't think we're up for an accelerated approval as far as I know just trucking along at the speed expected of DC government. It's not a time schedule of my choosing for sure." But an official document seems to contradict her. It is titled "Expedited Review Request," this accelerated motion was filed with the BZA with her signature on 10AUG2012.

There is other less strong evidence to suggest the Sayre party did not wish me to hear about a key ANC meeting.

2. I was not informed of the ANC meeting by Ms. Sayre, even though we were corresponding by emails and it was a key step in a process in which I'd indicated

a very strong interest. I found out days after their vote. ANC Commissioner Neil Glick told me of the surprise of my objection, and that the ANC likely would not have approved it had they known an adjacent neighbor had filed in opposition.

3. Glick was also puzzled why a project so large had been put on waiver for public review. The architect Will Teass eventually told me, if I summarize his email from memory correctly, that it was because the zoning was relatively easy. I find it strange that a project where there were not unconditional letters of support, i.e., not two “green lights” from both adjacent neighbors, was put on this accelerated schedule. But, who knows, in retrospect, it could be useful in that it forced the issue to its point sooner rather than later.

This project is also complicated technically, as I’ve sketched in prior submissions to DCOZ. A third story on a party wall of questionable stability also raises a host of liability issues yet to be addressed by legal documents.

What follows shows part of my evolution to fully oppose the #13 Sayre project.

As a next-door neighbor to #13, I gave one of the two letters required to launch the process. But my letter, unlike that of #11, did NOT give unconditional support. Knowing it was a quick review at a coffee shop and Ms. Sayre anxious to do it fast, I hedged. I was, however, optimistic for the potential of improvement, as I’ve been with other additions in the neighborhood the past 23 years.

Recently I copied various files on #13 at the ANC (including BZA Supplement of 08OCT). Among the things I learned was that the Sayre team, with whom I’d been exchanging emails, was less than forthcoming with me, perhaps because of my protracted interest. Her omissions continued with the ANC Commissioners at their October meetings on the 2d and the 9th. Not only was I not told of either of these ANC meetings, my letter was misrepresented to the ANC as a “green light,” as no different than the go-

ahead by other adjacent neighbor. Much of this can be documented.

Due to an incidental cc to adjacent neighbors, I learned of the ANC involvement in the process, just after the key meeting. More important, those plans and views I saw from the ANC Office at Hill Center had many views of the proposal I'd never seen. They showed me more clearly how the #13 addition would adversely impact my home enjoyment and office use, and perhaps threaten my library and research materials, many of them rare, unique, or invaluable. Here it is in brief.

DAILY ADVERSE IMPACT

INCREASED NOISE: To do my profession, writing by synthesizing countless sources and ideas, requires much quiet solitude. This #13 addition, expanding a duplex to three stories, would raise the noise level in multiple ways:

1. the top unit's new porch—its sole outdoor space— would be just above my main office window;
2. While its current bathroom quietly abuts the dogleg, the two bathrooms proposed both would be raised high and put against the party wall of my office, with the gurgle of two toilets, water pipes, full bath, and deluxe shower;
3. Adding another large bedroom to Unit 2 of the duplex, along with these two bathrooms, would at least double the comfortable occupancy of the upper unit to four people;
4. Adding an additional floor of walking traffic, near my head at my attic level, raises the specter of something perhaps not dissimilar to an echo chamber in my office.
5. The spiral staircase would create a new way in and out, whose foot traffic or balcony entertainment would resound in the dogleg.

(Ms. Sayre says eventually she intends to reside there, which may be true for a time. But the design seems to favor athletic young renters: both bathrooms in Unit 2 are on the third floor; groceries and bottles would need to be taken down steps from a carport and up flights of a circular staircase.)

INTRUSIONS ON PRIVACY AND LIGHT. It would reduce my privacy, allowing occupants in #13 to peer over my shutters into the toilet and shower of my master bathroom in the dogleg. It would likely block the sky view from that window too. I can't tell how it would affect my office window view, but a third-story would reduce morning light entering our dogleg. Both of my back rooms would be affected in various ways: On my upper floor, those north blinds are usually drawn. But on my lower floor, my set of double-hung windows would now look out on metal stairs, allowing intrusive angles from strangers outside over my lower shutters and into my dining table. The stairs would also intrude visually into my media room and living room. Other vistas proposed from No. 13's roof-top porch and French doors and the new second-story French doors, opening to the circular staircase, would make my backyard more like a fishbowl than a sanctuary.

Moreover, as you can see from the architect's plans (p.10 of the BZA Application, 10AUG2012), the circular staircase would swerve into the dogleg, making its presence known from at least four different rooms of mine.

Let's keep in mind that this duplex, as is, already exceeds its maximum lot percentage, which is 60 percent, as of right. In our dogleg, on #13's side, is a utility shack and chimney that obstructs views from my living room, sunlight, and ventilation. Was this shack absorbed in the new proposed design, with all its additional interior space? No. Instead, the new design, including the circular stair, raises the lot occupancy ratio to 70%. And it is in a relatively cramped interior corner of the block. [See BZA Case 18462 Supplement, 08OCT2012.] Because I am the sole neighbor directly impacted by this, in this way on the dogleg and backrooms, maybe it is not surprising I was not told this was coming before the ANC.

MID AND LONG-TERM RISK

My party wall shared with #13 already indicates minor stress, unlike my other party wall shared with #17, which has been stable except for the earthquake. Now and then certain human activities in #13 will make wall hangings in my bookcase vibrate for as long as

those human activities continue. What happens when you add two full bathrooms, a full tub of water, much of the load of a new floor, a roof, etc. directly above this? (Open stairways of both #13 and #15 houses are on the opposite side, on the longer party wall.)

What happens when there is a party, or an open house, for 10, 20, 30, 40 fifty people, walking upon the added third floor?

What happens to my books and rare materials when a bathtub overflows or pipes leak?

That this house could not be built under today's code (without steel reinforced concrete footings for one thing) is still of course an acceptable risk. But add the poor condition of the mortar evident on the exterior extension of this wall. Add the existence of vibrations of the interior party wall. Add my side of the load to the equation: office equipment, a full wood file cabinets, a full steel file cabinet, too many books and bookcases, great stacks of dense paper, two desks...with the aforementioned.

And please consider what might be lost:

Out of my little office, in the course of reporting that has won the highest award in the magazine industry, I've amassed a treasure of material. It includes the founding of the Internet, notably Vint Cerf and Robert E. Kahn, and their families and peers, exceeding 100 hours with the principals. (After use in a book of mine, this material will probably be donated to the Library of Congress, along with interviews with the top Air Force generals of the first Gulf War— LTG Chuck Horner and BG Buster Glosson) who gave me the first details of the stealthy surprise attack. Many other Americans of the same caliber in technology are in my private files as well.

My first book is nearing completion after more than ten years of labor. It will tell the story of America through Benjamin Franklin in a vivid nonfiction narrative, utilizing new digital powers and the best scholarship. It makes my magazine work seem like kid's play. Much of this Franklin material is hard won from visits to archives in the U.S. and in Europe since 1998. Likewise, the many notes I've made on printed material are priceless to me right now. (It's not just a matter of backing up computer files of chapters, since

there is much fact-checking and rewriting let to do.)

If you believe that the US founding is one of history's greatest events, if Franklin is one of its most fascinating figures, it is hard to imagine why there is as yet really no epic founding story. Much of my effort goes into striving for that, to make a list of someone's 100 top books, which a Franklin biography has never done. (Originally I set out to do a book spanning from Franklin to the Internet, but then began to turn up so many significant new things on Franklin I never would have believed possible.)

THE ANC VOTE

How do I view the ANC6B Commissioner's October 9th vote, as sent to the attention of Clifford Moy at BZA on Oct 11? Because I didn't know it was on the agenda (or even knew ANC did non-commercial residential matters), it passed unanimously, partly on the strength of a vugraph, near a google earth image, that showed the two neighbors houses "letters of approval." Not only was that a simplistic summary of my Aug. 4th letter, but Sayre and Teass failed to let the ANC know that I was still interacting with them and had voiced concerns as an adjacent neighbor. (The team did present a copy of my actual letter as part of a large package to the ANC in August; but that no one at ANC in October inquired about the status of my "yellow light" letter suggests it was disregarded.)

Days after their unanimous vote of approval, on Oct. 11, the ANC Commissioners were shocked to hear that a next-door neighbor had filed as an opposed party. I had been out of town due to my elderly mother's fall in South Carolina; perhaps that's why I missed the notices in newspaper and the library, criteria that allow the BZA to traditionally give "great weight" to an ANC vote.

Afterward, hearing my concern in an email, ANC 6B Chairman Jared Critchfield replied on Oct. 15th that it would be "a good idea" to notify adjacent neighbors directly in the future of ANC zoning meetings so an embarrassment like this would not be repeated.

[Commissioner Brian Pate unwittingly voiced one concern I had expressed to the DCRA in my filing of 09OCT2012. Like me, he objected to the boxy look from the street with an awning overhang. He got them to sacrifice some interior space and slope it in a semi- mansard style. The frontage now looks better. I'd probably vote for it too if I

was a Commissioner—and if it wasn't next door and directly impacted me.]

THE BZA

It puzzles me that given the ANC is such an important neighborhood step in the BZA process, that the BZA letter of 16AUG2012, under the name of Richard S. Nero, to all nearby neighbors, did not tell interested neighbors to keep watch for an upcoming ANC meeting. If that omission is standard practice, it may be something to consider changing in the future.

On August 20, 2012, Ms. Sayre's architect Will Teass wrote a memo to the ANC, in part:

"We have received notice that our BZA Hearing date is Tuesday, 23 October. As we are seeking a special exception, *and we have the support of both adjacent neighbors*, we have requested an expedited hearing date."

(Emphasis added.) This is a refrain that was used repeatedly that I would argue misleads one to think it is unalloyed support, rather than conditional support. And as I became more educated about the project, my support began to erode.

This house is my home, my office, my livelihood. I bought the property in 1989 due to its location near the Library of Congress— not too close, not too far— knowing I'd want to write books. It's an invaluable spot for me. If I'd planned to move out, as many neighbors do in transition, I might not be as adamant against this proposal.

Let me close with a quote from the DCOZ's own website document, titled "Zoning 101," on the types of BZA cases, relating to special exception, like this case:

"An addition or accessory structure to a one-family dwelling or flat is allowed by special exception in the Residential Districts, if the addition or accessory structure does not have

a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property. Example: An application to the BZA seeking to add on to your home that otherwise does not conform to the Zoning Regulations may be granted, provided it does not adversely affect your neighbors and does not exceed lot occupancy rules.”

You now have the testimony of an adjacent neighbor who opposes the project because of substantial adverse use and enjoyment issues. At 70 percent the proposal has grown so it now exceeds lot occupancy rules by 10 percentage points. My expressed concern started in August with a “yellow light” and is concluding within an expedited timeframe, despite family emergency and scant familiarity with a partly obscure process.

I’ve owned my land and house in DC for nearly a quarter century. I urge you to uphold my rights to protect it.

Thank you for your attention.

Sincerely,

JOHN A. ADAM
OWNER/OCCUPANT
15 15th STREET SE
WASHINGTON, D.C. 20003

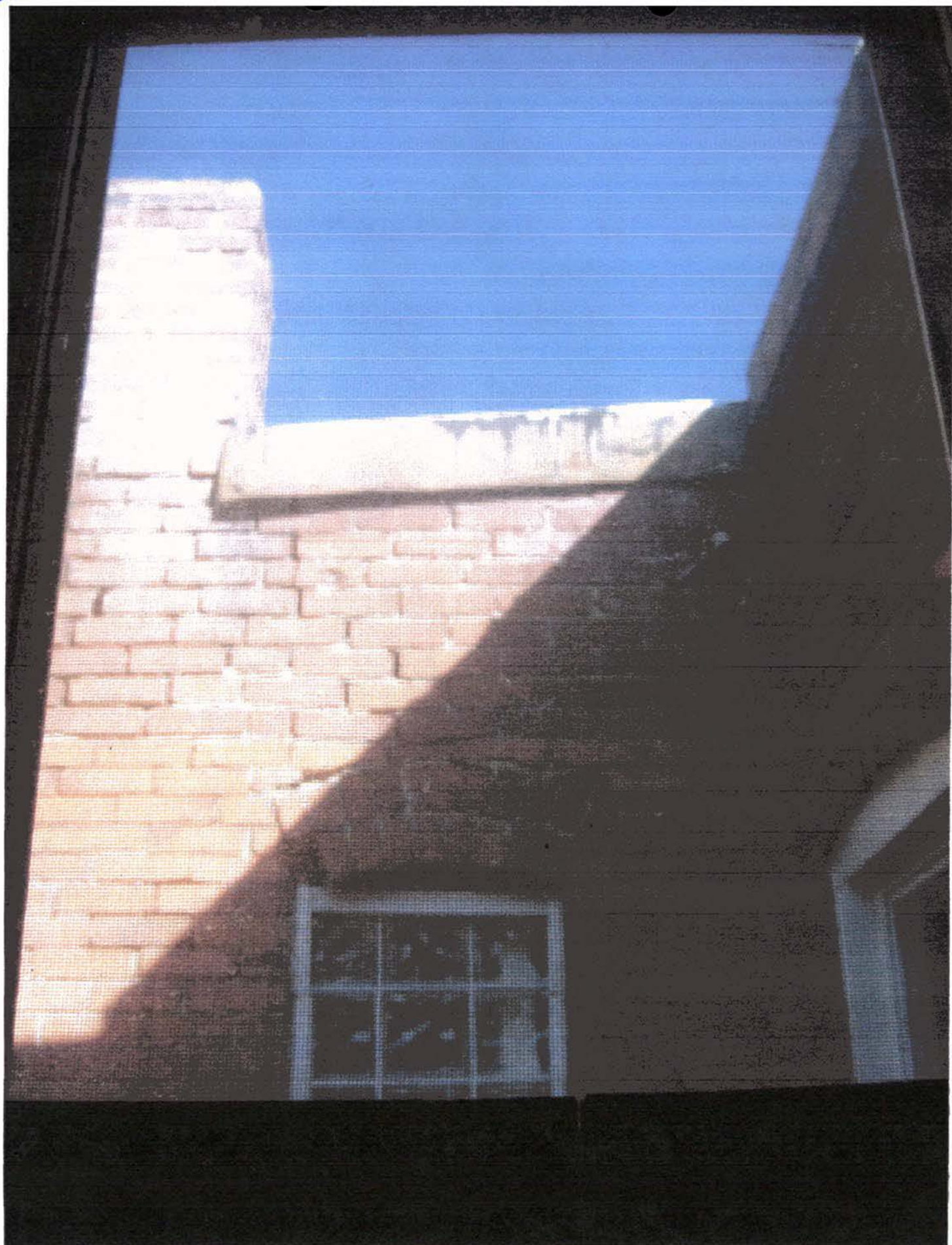
①

SAYRE PROPOSED
BERWAM SWIRVES INTO DOGLEG



ADAM VIEW FROM 1ST STORY MEDIA/LIVING ROOM OF DOGLEG

(2)



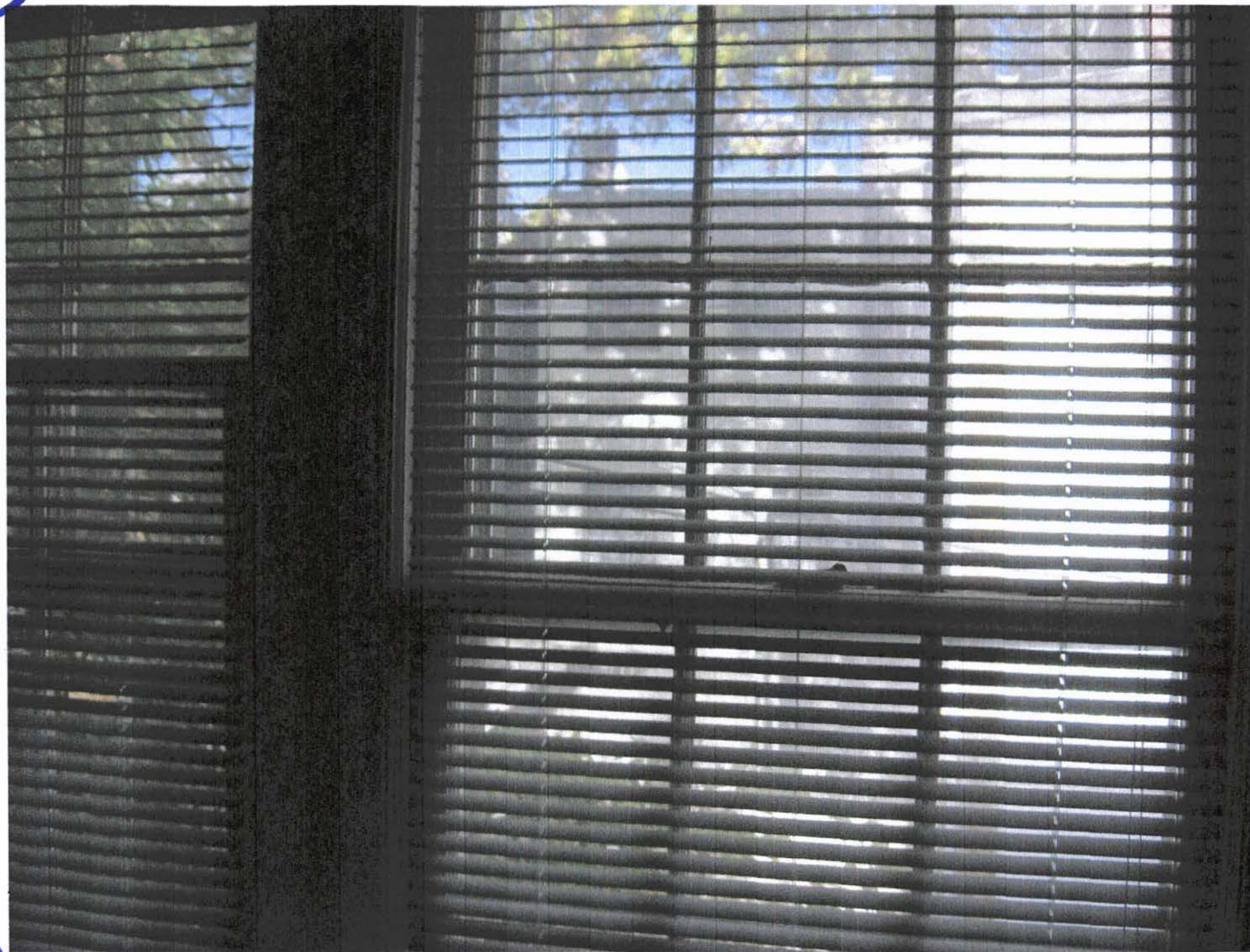
ADAM VIEW FROM 2^d STORY MASTER BATHROOM, OVER SHUTTERS

3A



Adam 2nd story view: where circular stairway would intrude

3B



3B

ADAM 2nd STORY VIEW : WHERE CIRCULAR STAIRS WOULD INTRUDE, ETC,

4A



ADAM DINING ROOM VIEW: WHERE CIRCULAR STAIRS WOULD INTRUDE

46



ADAM DINING ROOM VIEW: WHERE CIRCULAR STAIRS WOULD INTRUDE