

BZA Case 19173

I'm Keisha Shropshire, ANC Commissioner Single Member District 5D02 on behalf of ANC 5D Commission.

Over the past four months, I have worked collaboratively with the ANC 5D02 constituents, the Applicant, General Counsel of BZA, and the Office of Planning to facilitate approximately seven meetings to accommodate various schedules regarding the proposed project, zoning regulations, and the entire BZA process. This has been a very complex process, requiring many conversations to get us to this point. I really appreciate all the time invested by all community residents of Holbrook Terrace NE and the Applicant & her team.

Evolution of conversations: My first ANC SMD community meeting took place on Jan 7 with Board of Zoning Adjustment to educate community about the overall BZA Zoning process and to understand the community's role. I invited the Applicant to present her proposed project and discuss proposed plans with community residents on Jan 9. On Feb 3, residents met with the Applicant to discuss their initial reactions and concerns regarding the project. On Feb 29, community residents met with the Applicant again to share specific concerns regarding the project and requested targeted revisions (see Table). The Applicant and the community residents (which consisted of approximately six residents who are in close proximity to the proposed property and most directly affected) agreed to meet again after revisions were made. I invited the Applicant back to review revised plans but she only provided a draft mockup with limited details. The Applicant failed to present her revisions in accordance with the agreed upon deadline. We received revisions 48 hours prior to the ANC 5D Commission meeting. The Applicant presented the revisions to the public during the ANC Commission meeting on March 8.

Consequently, on March 8, 2016, ANC 5D unanimously voted to oppose the variance /special relief request for several reasons, including but not limited to the following:

- Insufficient time to review, assess, and discuss revised plans and hear from constituents regarding the perspectives of the revisions.
- Adverse impacts of the following:
 - Building density, design, height and size;
 - Inconsistencies with character and streetscape of current residential street (e.g., roof type)
 - Impact of light/shade of abutting neighbor at 1262 Holbrook Terrace NE
 - Potential structural damages posed by development on adjoining neighboring property
 - Insufficient parking spaces

Since then, we have had sufficient time to review and provide feedback on the newly revised plans, ascertain constituent and community perspectives, and make suggestions to the project. Today, ANC 5D still stands in opposition to this variance due to the complexity of this project, apparent need to continue working with community residents to further refine details of the design/project plan, and the sustained dissent displayed by the adjacent and abutting residents of the property.

The Applicant has agreed to modify various aspects of her project based on the numerous community concerns and requests. These changes indicate that she is working and listening to community feedback. For example, (review Table)

Community Concern	Adverse Impact	Relevant Regulation	Action Requested	Action Taken
<i>Building Density, Design & Size</i> of the proposed project structure is inconsistent with the row house character, streetscape, and landscape structure of current single family dwellings on Holbrook Terrace Update:	Adverse building density and increased footprint; too many units proposed (proposed number of units from 2-level single family home to 8 units) Substantial adverse impact of proposed structure on light, space, air, and privacy of adjacent and neighboring residents. Proposed drawings and building materials substantially, visually intrude upon the character, scale and pattern of houses along the street and alley. It does not maintain general character of the block. The currently attached dwelling is comprised of wood structure. Footprint of building exceeds alignment of	DCMR § 336.9 DCMR § 336.11	Reduce size of proposed project. Develop alternate design, smaller structure and fewer number of units to limit density of project to 3-4 units; remove additional floor level Develop a plan than does not conflict with the character of the Row Houses. Entrance should face street Request to pull back rear of proposed building by # feet	<u>Response:</u> Density : The proposed 8 unit building reduced to a 7 unit building Design: Full Building design revised to reflect row dwelling units with pitched roofs to visually reduce building height Building Main Entrance facing Holbrook terrace was revised to be incorporated with front elevation Exterior materials revised to propose only the brick exterior eliminating the originally proposed stucco. Building reduced by one level facing public alley

	existing row house dwellings.		and reduce percent lot occupancy	
<i>Proposed additions</i> block attached dwelling chimney	Additions block or impede the functioning chimney of adjacent property	DCMR § 336.6	Amend architectural design- ■	<u>Response:</u> Access to neighboring property requested to allow accurate location of neighboring to adjust our project design accordingly. A building permit will not be issued to our Project in case any addition blocks a neighboring property. Our project design will be revised to meet such requirement. Awaiting confirmation from neighbor on when we can access the property for accurate measurements.
<i>Number of parking spaces</i> insufficient to number of proposed units/families/residence	By adding more units, it adversely affects current street parking. Decreases number of potential parking spaces and increases traffic on Holbrook Terrace	DCMR § 336.9	Propose restrictions for residential parking permits- ■	Added 7 parking spaces Response : Per the R4 regulation, parking required is 1 space for each 3 dwelling units. Our current proposal is 7 units in total and with the credit for 1 space due to existing structures our minimum parking requirement is 2 parking spaces. Our current design proposes 7 parking spaces. Ratio of 1 space for

				each dwelling unit and 350 % of the minimum requirement.
The proposed <i>property height, elevation, and size</i> is significantly higher than attached dwelling a. The drawing of attached dwelling appears to be inaccurate (e.g., height, walkway space) Update	Proposed project will cast shade/shadow on neighboring residents. Adverse impact of shadows on light, air, and privacy for the adjacent neighbors/homes. The attached dwelling will be sandwiched between two large structures. Adverse impact of light/shade on abutting neighbor at 1262 Holbrook Terrace NE. Egregious extension of the back of property which does not align and conform with neighboring properties.	Exceeds the limitation on the height restriction under DCMR § 336.2 of 35 ft DCMR § 336.8	Limit height of proposed structure and make consistent with character of attached dwelling and neighboring single family homes Sun/Shadow Study in advance of project pull back rear of proposed building by # feet and reduce percent lot occupancy	Reduced height from 35 feet to 32 feet
Infrastructure due to construction and partial demolition. Concerns regarding impact on <i>sewage, water, utilities, and infrastructure</i>	Increases amount of trash/sewer/water on neighborhood	DCMR § 336.9	Infrastructure study to assess impact of future construction on streets, sewer/gas/water pipes, and homes infrastructure_	No plan suggested <u>Response :</u> Noted. Applicant will reach out to general contractors, DCWasa and the city for more info on how such work is coordinated and how we

				can help to make sure that neighbors are not affected.
<i>Proposed property side entrance faces 1272 Holbrook Terrace and is not consistent with current streetscape character</i> Update: <i>Inconsistencies with Character and streetscape of current residential street (e.g., mansard roof type).</i>	Adverse effect on the use and enjoyment of the abutting or adjacent dwelling/property: light & air, privacy of use Adverse impact of increased <i>noise</i> due to entrance breezeway; increased and constant pedestrian traffic between neighboring residence and in alley; impinges on adjacent neighbors' privacy Non-street entrance does not fit into current row house character and street scape of neighborhood; poses a security/safety risk Height of Mansard roofing does not align with current residential character and streetscape.	DCMR § 336.9 DCMR § 336.11	Make proposed project consistent with existing character of single family homes with entrance on Holbrook Terrace NE Incorporate security and safety measures (security cameras, entrances, exterior lighting, etc.)- Requesting that mansard roofing be lowered in height to confirm with height of neighboring row homes	Created three separate row homes Response : Building main entrance is facing Holbrook terrace with a secured access and cameras. Building Tenants will be using fobs to enter main building entrance facing Holbrook terrace through an enclosed breezeway leading to building courtyard.
<i>Proposed Rooftop</i>	Adverse effects of proposed roof top on neighbors' privacy and ability to use	DCMR § 336.7	Propose removing roof top as an option	Now in center of building; its recessed

	solar energy system on adjacent properties Increased noise and adverse impact on neighbors Reduced privacy due to proposed rooftop/balcony	Exceeds the limitation on the height restriction under DCMR § 336.2 of 35 ft.		<u>Response :</u> Roof top Facing Holbrook terrace completely eliminated. Roof top deck facing alley reduced in footprint to setback from exterior walls in response to privacy concerns. Roof top railing setback to eliminate any sight lines into neighboring back yards. All 6 balconies eliminated from project to design to respond to privacy concern. Full height windows facing neighboring backyard eliminated and smaller windows got replaced with high sills at 6' above finished floor just to allow light to get in the building and helps the exterior design from not ending up with a solid blank wall.
<i>Lack Community Benefit Package (green space, accommodations for potential damages and temporary displacement)</i>	Lack accommodations offered to abutting senior resident whose home will be sandwiched in between two large buildings and to account for unintended damages and disturbances during construction Potential loss of property value due to multi-unit	DCMR N/A	Discuss potential benefits that can be provided to community- [REDACTED] Guarantee in writing that potential damages and temporary displacement/relocation expenses will be covered if necessary- [REDACTED]	Nothing proposed

	structure adjacent to single-family home		Construct a permanent noise barrier/wall to abutting neighbor of 1262 Holbrook Terrace NE- [REDACTED]	
<i>Update:</i> <i>Matter of Right is of high concern:</i> Persistent concerns regarding proposed matter of right buildings with proposed boundaries up to property line of adjacent neighbor at 1266 Holbrook Terrace NE.	Substantial adverse effect on the use and enjoyment of any abutting or adjacent dwelling or property. On both sides, currently abutting and adjacent neighbors have fences and they do not want them removed, disturbed, or damaged as a result of proposed construction.	DCMR § 336.9	Current residents request that the buildings not be built right up to property line so as to obstruct window view of adjacent neighbor's side of house and disturb already existing fencing structures.	
<i>Update:</i> Concerns regarding the disturbance of Mrs. Purnell <i>quality of life and potential structural damages posed by development on the adjoining neighboring property.</i>	Adversely impact abutting neighbor's quality of life	DCMR 336.11 and 336.9	Request development of a Construction Management Plan for potential structural damages posed by development on adjoining neighboring property: items for consideration include, 1) install sound barrier/proofing material along the wall of the abutting neighbor for noise reduction; 2) pre/during/post	

			construction agreements; 3) Specific construction start/end times; 4) Barriers to prevent dust, debris, and noise; 5) Written agreement stating liability and/or responsibility for unexpected damages and willingness to compensate homeowner should damages occur while constructing abutting structure.	
<i>Update:</i> <i>Water Leak from roof neighboring property into her home from previous work done by Applicant</i>	Abutting neighbor has water currently flowing into her house from roof top of 1264 Holbrook Terrace		Request replacement/repair of roof	

While the Applicant has addressed many of the community concerns, a number remain and are of great concern. Residents have concerns with the following (also highlighted in yellow above):

- Building Density, Design, Height and Size:* Footprint of building exceeds alignment of existing row house dwellings.
Action Requested: pull back rear of proposed building by # feet and reduce percent lot occupancy
- Inconsistencies with Character and Streetscape of current residential street* (e.g., mansard roof type).

Action Requested: mansard roofing be lowered in height to confirm with height of neighboring row homes (Applicant willing to construct a brick only front without mansard but apparently it will make building look taller)

- *Adverse impact of light/shade on abutting neighbor at 1262 Holbrook Terrace NE.* Egregious extension of the back of property which does not align and conform with neighboring properties.

Action Requested: pull back rear of proposed building by # feet and reduce percent lot occupancy

- *Matter of Right Concerns:* Persistent concerns regarding proposed matter of right buildings with proposed boundaries up to property line of adjacent neighbor at 1266 Holbrook Terrace NE.

Action Requested: Current residents request that the buildings not be built right up to property line so as to obstruct window view of adjacent neighbor's side of house and disturb already existing fence structures.

- *Concerns regarding the disturbance of Mrs. Purnell quality of life and potential structural damages posed by development on the adjoining neighboring property.*

Action Requested: Develop a Construction Management Plan for potential structural damages posed by development on adjoining neighboring property: items for consideration include, 1) install sound barrier/proofing material along the wall of the abutting neighbor for noise reduction; 2) pre/during/post construction agreements; 3) Specific construction start/end times; 4) Barriers to prevent dust, debris, and noise; 5) Written agreement stating liability and/or responsibility for unexpected damages and willingness to compensate homeowner should damages occur while constructing abutting structure. (Applicant willing)

- *Water Leak from roof neighboring property into her home:* Abutting neighbor has water currently flowing into her house from roof top.

Action Requested: assessment from roof repair completed by applicant for abutting neighbor last year (Applicant willing)

- On both sides, currently abutting and adjacent neighbors have fences and they do not want them removed, disturbed, or damaged as a result of proposed construction. (Applicant indicated that she would not remove, disturb, or damage to fences)
- The abutting and adjacent property owners stand in opposition to the development of a 3-unit apartment building being proposed for special exception.

On April 12, 2016, the applicant reappeared before the ANC Commission to present revisions and request a vote in support of the special exception. A motion was placed on the floor to support the special exception with conditions, but failed to be seconded and therefore no vote was taken. During the meeting, opposition was expressed verbally by the adjacent and abutting neighbor.

Although much opposition has been shared, there are several other residents of Holbrook Terrace NE who have expressed support of the project and look forward to seeing the project move forward.

In closing, I really appreciate having this opportunity to attend and present on behalf of ANC 5D Commission and community concerns. We appreciate the Applicant's willingness and due diligence to work with community to resolve initial concerns and incorporate suggestions. She has been responsive to ongoing communication, engagement, and requests. We are requesting that the Applicant continue to work with community to creatively resolve these remaining concerns. We are requesting that BZA weigh heavily and consider for this case: 1) DCMR 336.9, to ensure that there is no substantial adverse effect on the use and enjoyment of any abutting or adjacent dwelling or property, and 2) DCMR 336.11, for the protection of adjacent and nearby properties and to ensure that proposed design is a reflection of neighborhood character. The community is excited about the opportunity to have something constructive done with this long-standing vacant property. However, the community residents desire to have a project that maintains the general character of the block and poses the least amount of stress and changes to disrupt the abutting and adjacent residents' quality of life.

As ANC Commissioner, I am committed to working collaboratively with the Applicant to ensure mutually beneficial outcomes for her, her immediate neighbors, and the community.