March 17, 2021

RE: Neighborhood Statement Opposing the Proposed Scope and Impact of 308 11th Street, NE Development.

Dear ANC EDZ,

We are writing to voice our concern over the scope and the potentially significantly adverse impacts of the project at 308 11th Street, NE ("the Property") as currently proposed.

The owners of the Property shared their proposed plans nine months ago and participated in the ANC EDZ meeting on July 15, 2020. Since then, the Applicant has not been in contact regarding the Project. There is a Board of Zoning Adjustment (BZA) case #20382 scheduled for April 14, 2021, in which we will also express our concerns regarding the Project, as proposed.

Based on the Applicant's BZA submissions, the Project seeks every possible means of relief allowed under a Special Exception because of lot features and lot occupancy that are already non-conforming due to the small scale of the Property. Moreover, the lot directly abuts and is nearby lots that, as originally built, are now non-conforming under the current Zoning Regulations, and by their very nature as non-conforming, already suffer from a lack of air, light, privacy, and space.

We intentionally chose to live in the Capitol Hill Historic District because of the unique architectural features the homes and neighborhoods have. We knew about restrictions on restoring and renovating properties in a historic district. Allowing for these first-of-their-kind changes on the west side of the 300 block of 11th Street, NE will be the first step in losing forever the unique character of our block.

We object to the Project as proposed because, if granted, the Applicant's special exception request, which requires an increase to a 69.8% lot occupancy (which is 3.2 sq. ft. shy of 70% (the area of 5 sheets of paper)), will result in:

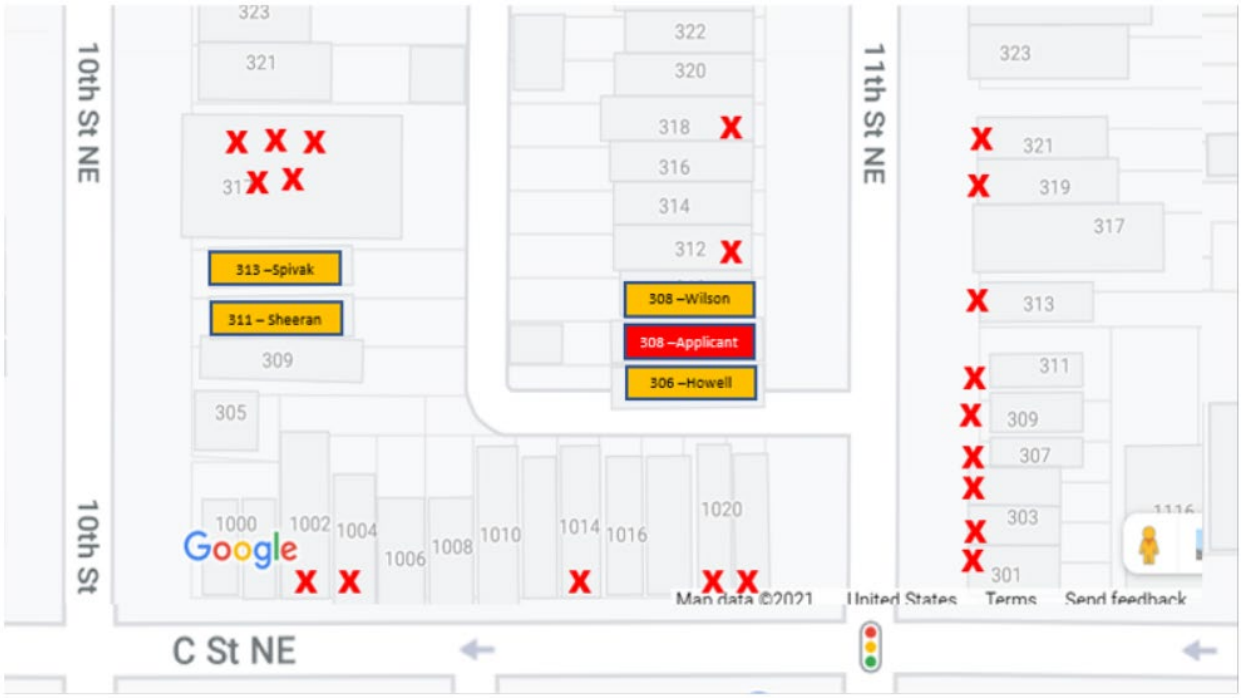
- **A 2-level garage addition:**
    - Which will raze a non-conforming garage,
    - To build a towering, even more non-conforming 2-level garage addition,
    - Nearly 3x's the height and more than 3x's the volume of the existing garage,
    - On a 10 ft. -wide alley on which it will have only a 3 ft. 4 in. setback,
    - Which will be the first of its kind on the side of the alley on which it will be built,
    - And which will permanently and massively intrude on the nearly uniform, uninterrupted, and unaltered low-profile garage roofline along the entire length of the alley, as it has stood for over 100 years.
    - For a modest 374.6 sq. ft.

Board of Zoning Adjustment
District of Columbia
CASE NO.20382
EXHIBIT NO.60

- **A potentially impermissible 4th level:**

  - That will be viewable for more than 70 feet along C Street, NE,
  - Within the Capitol Hill Historic District,
  - (Which may exceed the 35 ft. height limit),
  - That would be the first of its kind on our block,
  - And therefore, would permanently significantly intrude on the nearly uniform, uninterrupted, and unaltered roofline,
  - For a room with a wet bar that is merely 173 sq. ft., in which 40% (70.5 sq. ft.) of the space will be occupied by a stairwell and wet bar, leaving about 100 sq. ft. of other useable space.

Given the magnitude of the Special Exception request and its significantly detrimental impact on the neighbors and neighborhood in relation to the modest 547.6 sq. ft. increase, we respectfully object and urge the ANC EDZ not to support the Application as proposed.



Veena Srinivasa and Winfield Wilson
310 11th Street NE

MaryJoy Ballantyne and Darrin Howell
306 11th Street NE

Theresa Harrison and Thomas Sheeran
311 10th Street NE

Randi Spivak and Andy Kerr
313 10th Street NE

Suzanne Salgado
312 11th Street NE

Vanessa Cieslak and Kevin Holloway
318 11th Street NE

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301 11th Street NE

Jen Kemp and Dan Glucksman
319 11th Street NE

Kelly Steele and Christopher Caldwell
313 11th Street NE

Lynn Labieniec
320 11th Street NE

Craig Haas and Jeff Watson
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Michael Weiss
307 11th Street NE

Dominique and Kay Vobis
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Jennifer Flather
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Stephanie Stapleton
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Paul Beckett
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Josephine Green
1025 D Street NE

Cynthia Jones Donovan
1004 C Street NE

James Gregory
1014 C Street NE

Steve Zakar and LaFleur Paysour
305 11th Street NE

Mary Cousins
317 10th Street NE, Unit 5

Diana Allen
317 10th Street NE, Unit 2

Emilie Ting
317 10th Street NE, Unit 11

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cc:

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Advisory Neighborhood Commission 6A
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Advisory Neighborhood Commission 6A
Economic Development & Zoning Committee
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April 7, 2021

Dear ANC Commissioners:

Prior to the March 17, 2021 ANC EDZ meeting, during which a majority of the Commissioners were present, we provided a letter expressing our concerns about, and our opposition to, the new development at 308 11th Street (BZA #20382). We were highly disappointed that the Committee did not appear to address our concerns in the same manner as it did similar projects during the same meeting.

"The ANC's main job is to be their neighborhood's official voice in advising the District government . . . on things that affect their neighborhoods." To us, the Committee's discussion of the 308 11th Street Project did not represent the voice of our neighborhood. Instead, the Committee's approach to the 308 11th Street project raises two significant issues that are particularly concerning for future projects in our neighborhood.

Fairness

During the meeting, the Committee seemed to apply different standards for similar the projects on the same agenda. In all the cases discussed that evening, except for 308 11th Street, the Committee requested that the applicants engage with the impacted neighbors. For two residential projects similar to 308 11th Street, the Committee conditioned their support on the applicants making a good faith effort to engage with and obtain support from the impacted neighbors. Additionally, in all the Committee's discussions of privacy that evening on other projects, the Committee expressed concern and accepted modifications to retain privacy of nearby neighbors.

Yet, during the deliberations on 308 11th Street, it did not seem to us that the Committee applied the same standards. For example, the Committee did not address our significant neighborhood opposition (28 families) and the fact that **not one neighbor supports the project**. Nor did the Committee fully discuss the significant privacy concerns raised by our neighbors who are representing our opposition. This apparent inconsistent standard of consideration during deliberations on projects with similar issues during the same meeting is *highly concerning.* This appears to be unequal and unfair treatment of our neighborhood and should be explained during the full ANC meeting on April 8.

Inconsistent Application of Precedent

During its discussion of 308 11th Street, the Committee's support was based in part on its earlier support of a 2-level garage on the opposite side of the same alley at 325 10th Street NE (BZA Case 19836). Putting aside that at least several of us within 200 feet of the 10th Street 2-level garage were *not* notified of the 10th Street project, the Committee did not discuss or give any consideration to the substantive differences in impacts on adjacent properties between the existing 10th Street 2-level garage and the proposed 2-level garage at 308 11th Street.

The rear yard of the 10th Street property is 50% longer than the rear yard of 308 11th Street. As a proportion of lot size, the proposed 2-level garage of 308 11th Street has a 22.4% larger footprint than the existing 2-level garage. Our neighbor at 10th Street was required (but was also willing) to ensure the privacy of neighbors by reducing the size of the windows, raising the sills, and frosting the windows in response to a neighbor's objection.

As a result of the differences in lot configurations including the distance between the dwellings and the garages, the impact on privacy, light, and air, to the dwellings adjacent to the 308 11th Street 2-level garage are *more significant* than the dwellings adjacent to the 10th Street property. Despite even more significant privacy concerns with the 308 11th Street project and despite the fact that the 10th Street 2-level garage was required to include privacy modifications, the Committee did not suggest or support any similar privacy modifications for the 308 11th Street project, even though the Committee relied on the 10th Street project as precedent.

It appears to us that this type of decision-making is inconsistent with the Committee's own precedent and the requirement that the effects of each request for request for a special exception from the zoning regulations be examined independently. In its review of the 308 11th Street Project, the Committee's apparent application of different standards and lack of deliberation on the specific differences between projects is very troubling to us.

As a neighborhood, we are also concerned that the way in which the ANC EDZ supported the 308 11th Street development will mean the Committee will automatically support future requests for special exception relief in our neighborhood, even if the impacts on light, air, privacy may be very different from one project to another.

Request

As a neighborhood within the ANC, we count on the ANC to be fair, even-handed, and to adequately deliberate on our concerns. Yet, this is not what we witnessed at the ANC EDZ meeting on March 17, 2021. Based on the Committee's apparent inconsistent application of its own precedent and failure to address the significant level of our neighborhood opposition and the absence of any neighborhood support, we believe it would be premature for the ANC to support the project. We request that the ANC address these issues during meeting on April 8, 2021 and consider abstaining from voting on this project until it resolves them.

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