



December 5, 2025

Applicant's Response to ANC Comments Included in the Opposition Letter Filed on December 4, 2025

NOTE: After the BZA hearing on October 29, 2025, Ms. Roblin and Mr. Keats met with the development team to discuss issues and request submittal of their revised plans. The agreed date for submittal was Wednesday, 12 November 2025, to allow the commissioners to review the revised documents (burden of proof, architectural drawings, and shadow study) before the ANC public meeting. Unfortunately, the developer's team submitted the requested items to the BZA on the afternoon of the ANC meeting, November 18, 2025, which meant the commissioners had no time to review them. The findings reports were based on their prior submittals before November 18.

Applicant's response: This statement is misleading. Following the BZA hearing on October 29, 2025, we contacted the ANC the same day to inform them that we were exploring potential design adjustments to address concerns raised during the hearing. We also scheduled a follow-up meeting with them for November 11, 2025.

The ANC initially requested that we submit our updated documents by November 12, 2025. However, because they asked for an extensive sun-shade study, our team requested a few additional days to prepare the materials, which the ANC agreed to. We then submitted the updated plans, elevations, and a comprehensive 26-page shadow study on November 14th. The ANC confirmed receipt and asked that we also upload these documents to the case record along with an updated burden of proof prior to the November 18th hearing so they could be considered official, which we did.

- I. Core ANC 5D Objections ANC 5D's opposition is based on long-standing community concerns, extensive review of the case file, and the severe impacts this project would have on the character, scale, and livability of the Morse Street corridor. Our key objections include:

1. Incompatibility with Morse Street's block character and family-focused housing pattern. Morse Street—especially the 1200 block—is historically composed of

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Board of Zoning Adjustment
District of Columbia
CASE NO. 21361
EXHIBIT NO. 57

smaller family-scale rowhomes and semi-detached homes. This proposal significantly increases density and massing on a small semidetached lot, conflicting with the established pattern of modest residential structures and the community's clearly stated desire to maintain housing appropriate for families and long-term residents.

Applicant's response: The subject lot is 3,633 square feet and meets the requirement of Subtitle U § 320.2, which calls for a minimum of 900 square feet of land area per dwelling unit. Mr. Olayinka has owned and maintained this property for approximately 20 years. He has saved for many years with the goal of improving his property and providing additional housing opportunities, which aligns with the goals of the Mayor and Council of the District of Columbia.

Multi-unit buildings near the subject property are not without precedent. The adjoining property at 1251 Morse St NE was redeveloped within the past year and converted from a single-family home into a three-unit multifamily building. 1266 Morse St NE, located across the street, is an existing apartment building. 1233 and 1237 Morse St NE are also multi-unit buildings—one appears to be used as either a women's shelter or apartments (to be confirmed), and the other is an apartment building.

This proposal includes a 30-inch side addition, positioned approximately 48 feet back from the front façade of the existing building and 60 feet from the sidewalk, and it complies with the required 5-foot side yard setback. The proposal also includes a third-floor addition, bringing the building height to 35 feet, which is permitted by right. This addition is set roughly 5 feet behind the existing architectural cornice.

The rear addition, which is the portion subject to the special exception request, will only be visible from the rear alley. It is 5'-2" shorter than the recently constructed rear addition at 1251 Morse St NE, and only 3 feet longer than the rear addition at 1257 Morse St NE, while maintaining a 64-foot rear setback from the property line.

2. Continued introduction of high-density conversions on this block is not supported.

The ANC has consistently opposed over-densification on Morse Street because it threatens the integrity of remaining family-sized homes, accelerates displacement pressure, and erodes architectural cohesion. The proposed side addition, rear extension, and unit count further intensify this pattern.

Applicant's response:

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additional housing opportunities, which aligns with the goals of the Mayor and Council of the District of Columbia.

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The rear addition, which is the portion subject to the special exception request, will only be visible from the rear alley. It is 5'-2" shorter than the recently constructed rear addition at 1251 Morse St NE, and only 3 feet longer than the rear addition at 1257 Morse St NE, while maintaining a 64-foot rear setback from the property line.

The findings included:

- Misstatements about adjacent property height and configuration

Applicant's response: When the design team first began working on the project, construction at 1251 Morse St NE had not yet started. As a result, our initial presentation shared at the September 18, 2025 ANC meeting did not reflect the newly constructed height or side addition at 1251 Morse St NE. When this issue was brought up during that meeting, we immediately updated the adjoining neighbor's height and configuration and provided the ANC with a revised presentation file on September 23rd.

At the October 29, 2025 BZA hearing, the ANC requested a more extensive sun study. In our initial study, the rear wall of 1251 Morse St NE was shown aligned with the proposed addition, and the rear wall of 1257 Morse St NE was shown aligned with 1255 Morse St NE. After revisiting the site to take additional measurements and photos, we confirmed that the recently completed rear addition at 1251 Morse St NE extends 5'-2" beyond our proposed addition and includes a three-tier balcony projecting an additional 8'-2". We also confirmed that 1257 Morse St NE already extends 17 feet beyond the rear wall of 1255 Morse St NE—making it only 3 feet shorter than the building at 1253 Morse St NE with the proposed addition—while the proposed addition would remain 28 feet away from 1257.

This updated information further demonstrates that the requested special exception relief would result in no substantially adverse effect on the adjoining properties. We presented these findings during our November 11th meeting with the ANC and submitted updated plans and a revised sun study on November 14th.

- Incorrect references to non-existent alleys and streets

Applicant's response: There was a single typo in the initial version of our Burden of Proof, where Morse St NE was mistakenly referred to as Warder St. The ANC pointed this out at the October 29th hearing, and we corrected the error in the revised Burden of Proof. While we appreciate the ANC bringing this to our attention, we do not believe that one typo in an eight-page document—where the correct address, square number, and lot number are repeatedly and clearly stated—should have influenced their opposition letter submitted on December 4, 2025. This is especially true given that the ANC had the corrected version of the document both at the time of their vote and when drafting their decision letter.

- Omission of the critical light-well and egress conditions at 1251 Morse

Applicant's response: The existing lightwell at 1251 Morse St NE was recently constructed on the property line with no setback through special exception relief (the required side-yard setback is 5 ft). The lightwell measures approximately 10 ft wide, 6 ft long, and 35 ft tall. During our Nov. 11 meeting with the ANC and the owner of the first-floor condo at 1251 Morse St—and again at the ANC hearing on Nov. 18—we shared photos showing that, due to its narrow and tall configuration, the three walls of the lightwell cast shadows on one another throughout the day. We also explained that the portions of the project they are concerned about—the third-story addition and the side addition—are fully compliant with by-right height and side-yard setback requirements. The only part of the project requiring special exception relief is located at the rear and will not affect light, air, or views from their lightwell. They additionally expressed concern that the proposed areaway might block their ability to exit through the lightwell. We clarified that, under code, the lightwell is not a legal means of egress, as it opens onto another person's property rather than a public space, and there is already a 5-ft-tall railing at the property line. Even so, Mr. Olayinka offered, as a courtesy, to install a fixed ladder connecting the lightwell to the proposed areaway.

- Inconsistencies with unit sizes and RF-1 requirements

Applicant's response: This issue was never raised during any of our four meetings with the ANC, nor was it mentioned in our extensive email correspondence with them since July 1, 2025. Even now, it is unclear what specific concern the ANC intends to highlight with this comment. Nevertheless, the proposed unit sizes are as follows:

- Cellar unit: 998 SF
- 1st-floor unit (IZ): 908 SF
- 2nd-floor unit: 1,080 SF
- 3rd-floor unit: 977 SF

- Failure to submit an adequate, professional-level shadow study

Applicant's response: An extensive 26-page sun study was provided to the ANC. The study was conducted using professional software, Revit, which allows for precise modeling based on the project's geographical location using GPS data and the building's orientation. Simulations were performed at three times of day—8:00 a.m., 2:00 p.m., and 6:00 p.m.—on January 1, April 1, July 1, and October 1. When the ANC was asked what format of sun study they would consider acceptable, no response was provided. Additionally, two large existing trees stand between 1255 and 1257 Morse St NE. These trees naturally cast shadows in all

directions, which would favorably impact the shade analysis for our project. However, we deliberately excluded them from the study to present a worst-case scenario, assuming they might be removed. The results of the study demonstrated that there would be no substantial impact, yet the ANC declined to accept the findings. A copy of the sun study is available on the case record (Exhibits #41 and #42).

- Architectural drawings that do not reflect existing conditions These deficiencies significantly undermine the validity of the application.

Applicant's response: The drawings shared with the ANC on November 14th accurately reflect the existing conditions. We respectfully request that, during the December 10th hearing, the ANC specify which portions of the drawings they believe do not represent existing conditions and how those concerns informed their decision to oppose the project.

4. Adverse impact on light, air, and privacy for neighboring properties. As described in both Commissioner Roblin's testimony and the Findings memoranda, the proposed massing would likely materially reduce available light and air for adjacent residences—including 1251, 1255, 1257, and 1259 Morse Street—and may introduce life-safety concerns regarding the 1251 light-well and potential egress blockages. The sun studies that were shown at the commission meeting of the existing building (exhibit 41) do not show the current separation between 1251 and 1253 Morse, although the sun study (exhibit 42) for the redeveloped 1253 does. What cannot be determined is if the reduced bump-out on the northwest side of 1253 Morse will decrease or maintain the current light for 1251 Morse. The applicant's presentation to the ANC (exhibits 41 to 43) showed some adjustments and concessions that might improve the light, but the studies were insufficient to ease the commission's concerns in this regard.

Applicant's response: An extensive 26-page sun study was shared with the ANC on November 14, 2025, demonstrating that the requested special exception relief will have no substantially adverse effect on 1255 and 1257 Morse St NE. The study also shows that there will be no impact on 1251 and 1259 Morse St NE. Specifically, 1251 extends 5'-2" beyond the proposed addition and includes a three-tier deck projecting an additional 8'-2". The property at 1257 is only 3 feet shorter than the proposed addition and is located 28 feet away from it. Two large trees exist between 1255 and 1257, and 1259 is over 40 feet away from the proposed addition. An 8-foot-tall fence currently exists between 1255 and 1257 Morse St NE, and an 8-foot-tall fence is proposed between 1253 and 1255. Additionally, we have offered to install a landscape buffer to further enhance privacy for the adjoining neighbors.

The neighbors at 1255 and 1259 did not raise any concerns regarding the impact of the proposed addition on light or air or privacy. Concerns were raised by the neighbors at 1251 and 1257, which we addressed during our meeting with them on November 11th and again at the ANC hearing on November 18th. It should also be noted that none of these neighbors attended the first two ANC meetings.

- II. ANC 5D Expectation for Corrections and Accountability ANC 5D cannot support a project that advances with such extensive factual inaccuracies, inadequate documentation, or inconsistent community engagement. We emphasize the need for the applicant to correct the record, update architectural documents to reflect existing conditions, provide an accurate and complete shadow study, and meaningfully address the community concerns raised over multiple meetings. Unless and until the applicant demonstrates a willingness to significantly revise the project to align with the zoning code, neighborhood context, and community expectations, ANC 5D stands firmly in opposition.

Applicant's response: The updated plans, elevations, and sun study shared with the ANC on November 14, 2025 are accurate. We have been in continuous communication with the ANC since July 1, 2025. At the end of this document, we respectfully request the BZA review the summary of our communication timeline with the ANC. A full copy of the email correspondence can also be provided to the Board upon request. Since the BZA hearing on October 29, 2025, we have made significant design revisions to address the ANC's concerns, including removing the side yard relief from our application and reducing the number of bedrooms and bathrooms in the two upper units. We also submitted an extensive sun study demonstrating that light and air available to adjoining properties will not be substantially adversely affected. We also note that the two neighbors in opposition did not attend the first two ANC meetings, which contributed to delays in the review process.

- III. Conclusion For the reasons stated above, and supported by the attached testimony and findings, ANC 5D respectfully requests that the Board deny the requested special exceptions in BZA Case 21361. Thank you for your consideration and for allowing ANC 5D to present the community's concerns.

Applicant's response: Carballo Architecture has made every attempt to work with the ANC since July to seek common ground and incorporate constructive feedback received. We have made substantial changes to the design that has reduced the scale of the project and reduced the program of the project. We have also offered to provide a landscape buffer to further shield the adjoining neighbors due to concerns of privacy.

Through this communication, the ANC Chair has provided false information regarding procedure. They have continually missed deadlines for submitting information. The current opposing neighbors failed to attend two of the ANC meetings, and neither the opposing neighbors or ANC Chair has provided any attempt at meeting our design 'half-way' in an effort to negotiate. Lastly, even when provided with overwhelming evidence that demonstrates that the proposed addition does not "sustainably adversely effect" their light and air enjoyment, they have still stated that they will oppose any redevelopment at the property.

We strongly believe that the reasons for their opposition are unfounded and without evidence or sound logic.



**Carballo
Architecture**

December 4, 2025

BEFORE THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Application for Square 4069, Lot 0058

Introduction:

Carballo Architecture, which serves as Architect of Record for the proposed redevelopment of 1253 Morse Street-NE has listed below our correspondence with the ANC and immediate neighbors over the past 6 months. This ongoing correspondence was conducted in good-faith to present the proposed renovation and addition scope to hear feedback and incorporate where constructive. The synopsis below documents these discussions.

Synopsis:

The Board of Zoning Adjustment gave the ANC until November 28, 2025 to submit their report and gave us until December 5 to respond. However, the ANC did not file their report until December 4, 2025. We have not had sufficient time to prepare a complete response, but we are providing a summary of our communications with the ANC in the meantime. We will work to prepare our full response to the ANC's filing and will make every effort to submit it by December 5 despite the short timeframe.

Summary of Communications With the ANC

July 1: We contacted the ANC requesting feedback before scheduling a BZA hearing. The ANC informed us they would not meet with us until a hearing date was assigned.

Early August: After a BZA hearing date was assigned, the ANC stated we could begin meeting with them in September, following this schedule:

1. September 18, 2025 – Initial presentation
2. September 23, 2025 – Committee of the Whole presentation
3. October 14, 2025 – APM presentation and vote

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4. October 29, 2025 – BZA hearing

September 18: We presented the project to the ANC and were asked to provide additional information. The opposing neighbors did not attend.

September 23: Before our second ANC meeting, we submitted all requested materials, including a structural engineering report, signed neighbor support letters, and an updated presentation. At the meeting, the ANC confirmed receipt of all items except anticipated rent amounts. They confirmed they would vote on October 14. The opposing neighbors again did not attend.

September 29: The neighbor at 1257 Morse St NE, who did not attend the two hearings on Sep 18th and Sep 23rd, contacted us and the ANC with concerns regarding the existing trees at 1253 Morse ST NE and the existing trees on the property line shared between 1257 and 1255 Morse St NE, and the proposed rear addition. They asked whether the proposed addition will be at 10ft beyond the existing footprint of the building or 20ft beyond it. We confirmed it will go 10ft beyond the existing footprint and clarified it will reduce the exiting setback by 10ft, and that the trees are non-heritage trees and will be removed.

September 30: We sent the requested rent information to the ANC.

October 1: We emailed the ANC presentation file to Mr. Andrew Karay.

October 8: The ANC informed us that our case was moved to their November meeting and that we would need to reschedule our BZA hearing.

October 9: We contacted Mr. Reid, who informed us that the next available BZA dates were late January/early February, which would create significant financial hardship for the owner. We reached out to the ANC seeking the reason for the postponement.

October 10: We followed up again and received a list of new requests at 2:47 p.m. (Friday)., including a geotechnical report. With a weekend and federal holiday before the October 14 meeting, there was not enough time to prepare this information. The ANC stated they would not vote until all items were provided and moved their vote to November 18. This list is included as Exhibit 38A.

October 22: Two neighbors (1253 & 1247 Morse St NE) were granted party status. Neither attended the first two ANC meetings. The BZA denied their request to postpone the hearing.

Oct 22: Commissioner Salvador contacted us and advised that our case would be denied without ANC support in an attempt to pursue our team to withdraw our appeal. This was later confirmed by the Office of Zoning to be incorrect information.

Oct 29: At our first BZA hearing, we presented the same plans submitted to the ANC on July 1st, 2025. The Office of Planning recommended approval. The ANC requested a continued hearing, which was granted for December 10th, 2025. That same day, we informed the ANC that we were preparing design adjustments based on the hearing discussion. The ANC then told us that if they opposed the project, construction would be delayed for one year—information the Office of Zoning later confirmed was also incorrect. Mr. Reid communicated this to the ANC directly.

Nov 11th: We met with the ANC, the owner of 1257 Morse St NE, and the first-floor condo owner at 1251 Morse St NE, who just purchased the condo unit within the previous month. We presented updated plans which included in the case record, explaining the following revisions:

- We eliminated the side yard relief request by revising the design to comply with the required 5 ft setback.
- We reduced the number of bedrooms and bathrooms on the second-floor and third-floor units.
- We removed the previously proposed rear spiral stair to further reduce the scale of the project.
- We proposed planting a row of evergreen trees along the property line shared with 1255 Morse St NE to further address the privacy concerns raised by the neighbors at 1257 Morse St NE.
- At the initial BZA hearing, there were also concerns about the proposed side overhang, which we have addressed in the revised design.

The neighbor at 1257 Morse St NE requested that we reduce the proposed rear addition by 3 feet to align with their rear wall. We explained that our addition extends only 3 feet beyond their rear wall and is 28 feet away (and two addresses away), resulting in no substantially adverse effect on their light and air. This has been confirmed by an extensive sun-shade study that we conducted that provided a detailed 26-page report depicting shade at various times of day and times of the year that shows no sustainably adverse effects to 1257 Morse St NE. The lack of impact from the proposed addition at 1253 Morse St NW is further underscored by the newer addition located at 1251 Morse St NE, which extends 5'-2" beyond our current property and is further extended by an additional 8'-0" by a three-tiered deck. This existing structure also does not provide "sustainably adverse effect" to adjoining properties, which is why it was approved by the BZA and constructed. Lastly, there exist two large trees between 1255 Morse St NE and 1257 Mose St NE that provide substantial shade to the rear yards of 1253, 1255 and 1257 Morse St NW. The neighbor at 1257

stated they would withdraw their opposition if we reduced our addition by 3 ft to align with their existing home, however we have proven that the proposed addition will not “sustainably adversely” effect their enjoyment to light and air. Our extensive sun-shade modeling which proves this was largely ignored by the opposing neighbor and the ANC chair despite overwhelming evidence.

It was also explained to the neighbor at 1257 Morse St NE that the property at 1255 Morse St NE—currently an unimproved building—could construct a 20-foot rear addition by right, without a special exception, since 1257 Morse St NE already extends 17 feet beyond it and 1253 Morse St NE extends 10 feet beyond it. In that scenario, the by-right addition at 1255 would align with our proposed addition.

The owner of the first-floor condo at 1251 also asked to understand how the proposed addition might affect the light and view from their three-story lightwell, which is approximately 10 ft wide × 6 ft long × 35 ft tall and was built directly on the property line with no setback under a special exception (the required setback is 5 ft). We shared photos showing that, due to its narrow and tall configuration, the three walls of the lightwell cast shadows on one another throughout the day. We further explained that the portions of the project they are concerned about—the third-story addition and the side addition—are fully compliant with the by-right height and side setback requirements. The part of the project requiring special exception relief is located at the rear and will not impact the light or view from their lightwell. They also raised a concern that the proposed areaway might block their ability to exit through the lightwell. We clarified that, per code, the lightwell is not a legal means of egress because it leads onto another person’s property rather than a public open space, and there is already a 5-ft-tall railing at the property line. Nonetheless, Mr. Olayinka offered, as a courtesy, to install a fixed ladder connecting the lightwell to the proposed areaway.

Toward the end of the meeting, we agreed to further develop the plans, elevations, site plan, and shade study and share them with the ANC.

Nov 14th: We submitted the updated drawings and sun study to the ANC. The study showed no substantially adverse effect on 1257 Morse St NE.

Nov 18th: The ANC voted to oppose the project. Their concerns and our responses were:

- **Concern:** We did not cut back the building by 3 ft.

Response: Our understanding from the November 11 meeting was that a sun study showing no substantial adverse effect would resolve this concern.

- **Concern:** We did not remove the side addition.

Response: The side addition has been reduced in size and now complies with the side yard setback, and is therefore no longer included in our special exception request. There was never an agreement to remove the addition entirely

- **Concern:** A sun study for the lightwell at 1251 Morse St NE was not provided.

Response: The portions of the project potentially affecting the lightwell are by-right, and the lightwell itself was built by special exception at the property line. It measures approximately 10 ft by 6 ft and stands 35 ft tall, with its walls casting shadows internally in all directions.

- **Concern:** The sun study was not done professionally.

Response: An extensive 26-page sun study was provided to the ANC. The study was conducted using professional software, Revit, which allows for precise modeling based on the project's geographical location using GPS data and the building's orientation.

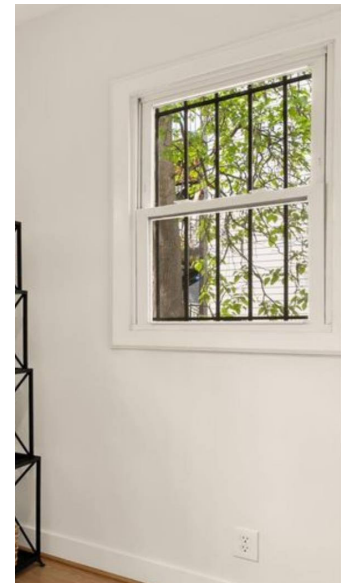
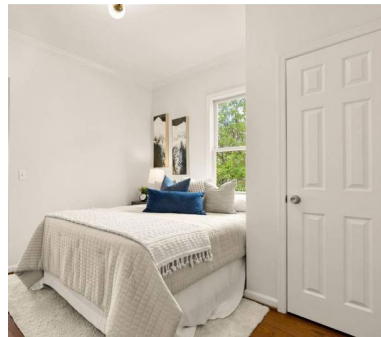
Simulations were performed at three times of day—8:00 a.m., 2:00 p.m., and 6:00 p.m.—on January 1, April 1, July 1, and October 1. When the ANC was asked what format of sun study they would consider acceptable, no response was provided. Additionally, two large existing trees stand between 1255 and 1257 Morse St NE. These trees naturally cast shadows in all directions, which would favorably impact the shade analysis for our project. However, we deliberately excluded them from the study to present a worst-case scenario, assuming they might be removed. The results of the study demonstrated that there would be no substantial impact, yet the ANC declined to accept the findings.

- **Concern:** The views from 1257 Morse St NE side windows would be impacted.

Response: The addition will be set 28 feet away and will extend only 3 feet beyond the rear wall of 1257 Morse St NE. As a result, it will not have an undue impact on the view from the side windows of 1257 Morse St NE. Furthermore, the proposed addition will be 5'-2" shorter than the addition at 1251 Morse St NE plus an additional 8'-0" three-tiered deck that extends beyond this line. There are also two large existing trees between 1255 and 1257 Morse St NE, which currently dominate the views from these windows. Below are photos of the windows in question, illustrating that the existing views are already largely limited to adjoining structures or the trees mentioned above:

Photos from the interior of 1257 Morse Street-NE depicting the "views" the opposing homeowners are concerned will be impacted by the addition of 1253 Morse Street-NE which will be 28-feet away from their building line and extend 3'-0" beyond their current end-of-home. The "views" shown

largely face the side of the existing building located at 1255 Morse Street-NE as well as the large existing trees located along their property line shared with 1255 Morse Street-NE.



In Conclusion:

Carballo Architecture has made every attempt to work with the ANC since July to seek common ground and incorporate constructive feedback received. We have made substantial changes to the design that has reduced the scale of the project and reduced the program of the project. We have also offered to provide a landscape buffer to further shield the adjoining neighbors due to concerns of privacy.

Through this communication, the ANC Chair has provided false information regarding procedure. They have continually missed deadlines for submitting information. The current opposing neighbors failed to attend two of the ANC meetings, and neither the opposing neighbors or ANC Chair has provided any attempt at meeting our design 'half-way' in an effort to negotiate. Lastly, even when provided with overwhelming evidence that demonstrates that the proposed addition does not "sustainably adversely effect" their light and air enjoyment, they have still stated that they will oppose any redevelopment at the property.

We strongly believe that the reasons for their opposition are unfounded and without evidence or sound logic.