

ANC 5D Zoning and Development Committee Co-Chair Skip Keats' ANC
Testimony on Case No. 21361, of Moshood Olayinka, at 1253 Morse Street NE.

Second BZA hearing, 10 December 2025

Good morning members of the board. My name is Skip Keats, and I am the Co-Chair of the ANC 5D zoning and development committee. This case represents competing interests and goals within the District of Columbia. I shall set forth concerns of the neighbors, the committee, and the ANC.

As noted in the ANC report, the Applicant did not officially submit the most recent materials until the day of the ANC meeting on Tuesday, **18 November 2025**. In fact, the full set of new exhibits were not submitted until **25 November**. The ANC had requested the new exhibits by or before Wednesday, **12 November** so that the ANC could review them. The Applicant requested more time and was allowed a little leeway, but I emailed the Applicant's team several times asking where they were. Some materials were sent to Commissioner Anna Roblin and myself on 14 November unofficially. Unfortunately, the file sizes of the exhibits were too large for them to be shared with the commissioners by e-mail. The Applicant's team shared the sun studies via WeTransfer. The transfer account expired on 17 November. This is why I requested that the documents be uploaded to the BZA website with enough time for commissioners to review them. Consequently, none of the commissioners except Ms. Roblin were able to review the pertinent documents before the public meeting. I read through the burden of proof in the week following the meeting.

Per the filings, the exhibits of most interest to the ANC referenced above are Exhibits 41, 42, 43, and 44, submitted on 18 November 2025 during the afternoon (from the best I have been able to determine), and exhibit 49, submitted on 25 November 2025.

The ANC Report in Opposition notes that the prior burdens of proof submitted to the BZA contained grammatical errors, mislocation of the property within the District, misalignment of said property in reference to neighboring properties, and misstatements of fact. I am happy to note that the most recent burden of proof, exhibit 44, seems to have fixed those errors, although as noted above, I was only able to review it **after the ANC public meeting**.

In the Applicant's response to the ANC's letter of opposition, the Applicant cited the ANC's bullet point "Architectural drawings that do not reflect existing conditions These deficiencies significantly undermine the validity of the application." The bullet point cited referred to the second findings report of 27 October 2025, which reviewed exhibit 18A and its related burden of proof, **not** the plans that were officially submitted on 18 November to the BZA. The reason for such is that the commissioners had not been able to review the most recent architectural plans or burden of proof for the reasons stated above before the

meeting. The current architectural plans, exhibit 43, accurately reflect current conditions to the best of my knowledge.

While we appreciate and commend Mr. Olayinka and his team on integrating some of the concerns of his neighbors regarding this property, the neighbors remain concerned about the building massing and shadows that it will cast. The ANC remains concerned about the precedence that this structure will create and the overbearing nature it will present to the street. ANC does not view this project as compatible with block character and family-focused housing of Morse Street. The current RF-1 zoning allows two-unit buildings of three stories, no more, and to that developers should adhere.

The ANC recognizes that the bump-out in the side yard as now proposed conforms to the currently allowed zoning and is by-right. Again, we thank Mr. Olayinka for listening to his neighbors and bringing it within compliance. Likewise, we thank the Applicant for addressing the ANC's concerns related to fire escape egress from the light well of 1251 and unexpected human behavior by installing a fixed ladder for emergency use. And we thank him for addressing privacy concerns with proposed plantings of evergreen to obstruct viewing activities of potentially nosy neighbors.

However, these concessions have not assuaged the concerns per lighting and air for his neighbors in 1251 Morse Street or the concerns regarding shadows cast by building massing per the neighbors at 1257. The ZDC and Commissioner Roblin requested in the sun studies that a study be done that would focus on the light that would enter the light well of 1251 from above and from the south. The resident in 1251 Morse, Liza Offreda, does not believe that the completed study shows such view. The ZDC notes that exhibit 41, which is the existing condition sun study, shows 1251 and 1253 next to each other without the side yard visible and requests clarification on whether that was an oversight in the study. The ZDC understands that it could be the result of the observant position of the study and the current building height of 1251 in relationship to 1253, but is uncertain. The Applicant in his response to the ANC's opposition letter stated that the study "demonstrate[ed] that the requested special exception 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.". The neighbors respectfully disagree.

If the Applicant could address Ms. Offreda's concern in this meeting via his sun study of the proposed structure and explain the impacts related to the light well, the ANC would appreciate it. The residents of 1257, Natalie Martinez and Andrew Karay, will discuss their concerns separately. Per the sun study findings, I think it may help to explain in laymen's terms at this hearing what the various whites and grays mean and point out where shadows begin and end. It is sometimes hard to understand when everything is in shades of gray.

Please also address the sun study height issues and other concerns discussed in exhibit 61, Natalie Martinez's response to the ANC report.

For the record, I have carefully reviewed exhibit 43, the current architectural drawings and elevations, as have the neighbors, particularly Ms. Martinez. I understand why the special exception for the twenty-foot extension is requested, because without it, the primary bedrooms in each unit would be untenable at roughly ten feet wide. However, the concerns of the neighbors are valid, as are the concerns of the ANC per neighborhood block character and family-friendly housing patterns. The RF-1 zoning category exists for a reason. We understand that the mayor and council may have goals for additional housing opportunities. However, that does not mean individual neighborhoods that want to preserve their own character will agree with those goals.

Speaking on behalf of ANC 5D as its designated representative, the ANC respectfully requests that the Board **deny** the requested special exceptions in BZA Case 21361. Thank you.