

Chairperson and Secretary of the Board of Zoning Adjustments (the "Board"):

My wife and I are the resident owners of 406 U Street NW, which is behind and two properties over from 421 T Street NW -- we both back onto the same courtyard / alley behind our houses.

The size of the addition the developer seeks to build concerns us. It is far too large for the space it would be built in (mid-block, dead-end alley), and for what zoning allows, as evidenced by the density variance and the height special exception the developer is requesting. We would like to point out that the developer is assembling three different A&T lots for his project, and yet his project is so big he still needs to request zoning relief for density / size. It is our sincere hope that the Board reviews the requested relief critically, as what is being asked for here is a stark departure from the matter-of-right entitlements that the zoning code permits in RF-1 zones.

In particular, the developer has not presented any justification for his requested relief other than he simply wants to build more than what is allowed by code. There is nothing peculiar about the size or location of the property that would create the need for a particularly dense or particularly tall structure -- in fact RF-1 zones are known for smaller structures relative to larger lot sizes.

Instead, the only justification the developer has offered is that if the relief is granted, he will construct the number of inclusionary zoning units required by law. That is of course not a justification, but rather a banal factual statement that the developer must follow the law. By that logic, any size building should be permitted by the Board so long as the developer constructs the correct number of inclusionary zoning units. Of course, that is not what the legislature intended when they imbued the Board with the power to grant or deny requests for this type of relief. In particular, the requested density variance is recognized under the code as an area variance, for which the threshold for approval is "the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property". The developer here hasn't offered anything that even approaches this standard. And for good reason: such "peculiar and exceptional practical difficulties" simply do not exist in this instance. The developer merely wants to construct more units than allowed by the code.

For brevity, we will not go into the practical, day-to-day problems that a development of this size poses for a location like this -- our neighbors have stated their concerns in their own letters to the Board, and we generally share those concerns. I would also like to point out that in the nine months this process has unfolded over, not once has the developer sought our or, to our knowledge, our neighbors' input on the design of the project or how it might be improved to address our concerns. Nothing about this has felt collaborative or neighborly.

Lastly, we want to recognize what we are unfortunately certain will be the downside of rejecting the developer's requests for relief: the elimination of two inclusionary zoning units from the development plan. This is a bad outcome. The City can and should have more affordable housing in it, particularly units like these which would be intermingled with market-rate units. The City Council and Mayor should change the zoning code to promote more affordable housing throughout the City. Unfortunately, until they do that, we all remain bound by the existing code, which, for the reasons we've stated above, do not in our opinion warrant granting the zoning relief requested by the developer here.

Sincerely,

David Reina

406 U Street NW

Submitted on 10/6/2020 by:

David Reina

406 U Street NW