

Updated Response in Opposition to Applicant's Supplemental Filing of 8 MAR 2024

Pursuant to the Board's order granting Party Status and a Limited Continuance issued on February 28, 2024, the following update is submitted for the Board's consideration at the continued limited hearing scheduled for 20 March 2024.

A meeting was held with the Applicant to discuss her proposal on the afternoon of 03 March. Following this discussion, Applicant consulted with her architect regarding updates to the proposal. These updates were shared with us at approximately 5 PM the day Applicant's updates were due to the Board (08 MAR), leaving no time for any further discussion. At our 03 March meeting, the following concerns about the proposed 23' addition (15'x18' 3-story structure plus 8' deck) were discussed:

1. **IMPACT TO LIGHT AND AIR:** As noted in the 28 FEB hearing, the proposed 25' structures directly to the East of our property will severely diminish both the natural cool summer breezes flowing up from Rock Creek Park and the accessible light in our key living areas—the windowed family dining room and sleeping porch, and eliminate all direct natural light to our ground floor. Key points worthy of the Board's consideration:
 - a. **Misleading Solar Study:** At the hearing on 28 FEB, Applicant's project designer admitted that the shadow study reflected a late-morning scenario of 10:30 AM and was not reflective of the full impacts of the proposed addition on our property. This flaw remains in the most recent submissions. Morning light between sunrise and 10:30 remains severely impacted.
 - b. **Project Dimensions:** This was discussed with the Applicant on 03 MAR, and while the discussion was cordial, there was no consideration of material changes because of Applicant's concern they would make the project either financially unfeasible or produce a less than ideal floor plan. As an example, the suggestion of softening the projecting corner by angling it to 45 degrees for 4' (a roughly 6 ft² reduction per 270 ft² floor) to increase airflow and light to our property was dismissed out of hand. This suggestion was misrepresented in Applicant's most recent filing as pertaining to view rather than light and air.
 - c. **Project Elevation:** Also discussed was the prospect of reducing the rear-facing massing of the original proposal by reversing the slope of the roof. The reason for this request was to minimize impact on the air and light accessible to our sleeping porch (our primary 3-season bedroom) because the height of the proposal's addition would cut off the natural airflow and morning light to this

room as noted and depicted in our initial filing. Applicant was cordial and generally receptive of this request and clearly in communication with her architect to account for this design consideration. At this point, it is unclear whether the updated plan fully addresses this issue as there is no elevation comparison between the two properties.

2. **IMPACT TO PRIVACY**: Also discussed at the 28 FEB hearing was the significant impact to privacy the proposed project will have on our property. In addition to the issue raised by the board of window alignment a key concern remains with respect to the 'look-angle' of the proposed deck back into our rear windows. Key points for the Board's consideration:
 - a. **Window Alignment**: During our 03 March discussion, Applicant acknowledged the concern about adjacent windows and raised that a key design feature for them was having windows on that Western side for the increased light. Applicant was not interested in transom windows or otherwise changing the window placement and suggested an alternative of a privacy glass or a similarly permanent mitigation (not a removable film or similar).
 - b. **'Look-Angle:'** If the window alignment issue is addressed, the remaining privacy concern stems from the depth and look-angle of the proposed 8' second-story deck. This was discussed at our 03 MAR meeting and Applicant expressed a willingness to consider alternative designs on this front and has proposed an updated deck depth of 8' (from 10') and inset the deck 1'. We appreciate this token concession and would propose an additional inset of 2-3' or similar to align with proposed access door and suggest that the western corner be angled 45 degrees to reduce the impacts on the privacy of our back rooms.

While at this point we remain in opposition to this project, there has been limited progress in discussions between parties. We proposed a conversation between architects to dispassionately consider options among professionals, but this was dismissed as infeasible due to the time constraints of filings for this limited continuance. Our position remains that there is a viable way forward for both parties, but one week to sort out differences was not sufficient. Both parties have agreed to continue discussions regardless of the Board's final decision, but acknowledge that the results of that decision will largely dictate how much the Applicant will be willing to negotiate.

As such, if the Board is inclined to approve Applicant's request for special exception over our objection to the project, **we respectfully request the Board consider imposing the below constraints on the project:**

1. Require a reduced rearward dimension of the 3-story structure or other mitigating design features such as an angled south-west corner to minimize the severe impacts to light and air on our property.
2. Require that the roof of the 3-story structure be designed to minimize impacts to the cross breeze and light to our 3-season bedroom/sleeping porch while acknowledging the Applicant's need for adequate insulation.
3. Require that west-facing windows of the addition either be transom windows above eye-height or be constructed from translucent privacy glass (not a removable film) such that any future owners are similarly constrained from future replacement.
4. Require that the proposed rear deck either match the adjoining property's (2916 Upton) approved 4-foot dimension or be inset eastward by 4' (vice the 12 inches proposed).
5. Admonish all Parties to be good neighbors, strive for more transparent communication and endeavor to find common ground beyond the decisions of the Board, in this and any future matters.