



BC-637442

Dear Council Member Noecker and council colleagues;

Appreciate your sincere interest and time to listen to our concerns in regards to our three-unit townhouse project at 540 Portland Avenue. I'm going to try to be brief as time is of the essence, although there is much to be said regarding lack of due-process.

Our project proposal has been praised by city staff as well as members of the community for its sensitive approach to a difficult site and its considerations for the 2040 Comprehensive Plan. As you are aware, both the BZA and HPC approved the project unanimously on meetings held on October 5, 2020. After the neighbors submitted appeal applications for both unanimous decisions, we were informed that in addition to the appeals a second re-hearing of the HPC meeting was going to be held (Monday) because of "technical difficulties" by the neighbors to attend the first meeting. This is highly unusual.

Unfortunately, on Monday, the Heritage Preservation Commission failed to adhere to its own guidelines and voted to deny the project application, on a second HPC meeting that should have never taken place. In a meeting filled with "technical difficulties" and irregularities, the commission voted twice (first time approving the project), **finally denying the application, requesting via amendment that the applicant meets with the neighbors and re-submit.**

The Commission failed to recognize the applicant had already fulfilled this requirement, and had given the neighbors the opportunity to provide feedback by meeting with the neighbors on meeting facilitated by the HPC itself, on September 22, 2020. Not only that, the Commission also failed to vote on the project by its merits, which was full compliance with HPC guidelines, as denoted on the staff report, and commissioners' recommendations. **All along, as it is recorded, the project has been highly praised by the commissioners, which shows on the unanimous original vote.**

In summary, we find ourselves with a project that had been approved unanimously by both the HPC and BZA following all proper procedures, but the due-process has been corrupted because of the loud voices of a few neighbors in Portland Avenue. We feel this is not a good path forward to meet the 2040 Comprehensive Plan and in good conscience we are concerned about the prospect of setting a bad sample and precedent. It is saddening.

An appeal vote is scheduled for today's City Council meeting, at 3:30pm, regarding the Board of Zoning Appeals approved variances and we are left with no time to be able to respond properly. We strongly encourage the City Council members to vote denial for the appeal, so we can fulfill the request by the HPC to continue working with the neighbors and re-submit a drawing package.

Should you have any questions or comments, please do not hesitate to contact me.
Sincerely and with most genuine concern.

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