



District of Columbia Government  
Advisory Neighborhood Commission 6A  
**Agenda for October 14, 2010**



**2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE**  
**Public Meeting – All Are Welcome to Attend**

7:00 pm **Call to order, Adopt Agenda and Approve previous meeting's minutes. pg. 3**

7:02 **Community Presentations:**

1. Scott Magnuson of the Argonaut regarding patio expansion
2. Kenneth Brewer, Director of the H Street CDC.
3. Jared Kahn and Stan Wall regarding a new building at 1113-1117 H Street.

7:25 **Community Comments (2 minutes each)**

7:30 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 22*

1. Approve treasurer's report and previous month's disbursements.
2. Approve monthly photocopying expenses.
3. Allocation of funds for the preparation of ANC meeting minutes and the preparation of ANC agenda packages.

7:40 **Single Member District reports (2 minutes each)**

**Standing Committee Reports:**

7:50 **Community Outreach *pg. 25***

1. Approve committee report.
2. Next meeting - 7:30 pm, Oct. 18, 2010 (3<sup>rd</sup> Monday)

7:55 **Alcohol Beverage Licensing *pg. 26***

1. Approve committee report.
2. **Recommendation:** ANC 6A submit comments on the most recent ABRA hearing (September 20) regarding Voluntary Agreements and the role of the ANCs in crafting Voluntary Agreements, and authorize that Mary Beatty or her designee represent the ANC in any hearings on this matter.
3. Next meeting - 7pm, Oct. 19, 2010 (3<sup>rd</sup> Tuesday)



District of Columbia Government  
Advisory Neighborhood Commission 6A  
**Agenda for October 14, 2010**



**2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE**  
**Public Meeting – All Are Welcome to Attend**

**8:00     Transportation and Public Space Committee pg. 29**

1. Next meeting - 7pm, Oct. 18, 2010 (3<sup>rd</sup> Monday)

**8:05     Economic Development and Zoning pg. 30**

1. Approve committee report.
2. **Recommendation:** ANC 6A provide a letter in support of the garage at 322 11<sup>th</sup> Street.
3. **Recommendation:** ANC 6A support granting the requested variance at 815-817 A Street.
4. **Recommendation:** ANC 6A submit the following for Planned Unit Development regulations: support regularization of density bonus across zones, ask for more information about community benefits, object to Type 3 PUDs in commercial overlays, and suggest that Type 3 PUDs should be considered in two phases— where the first phase would consider the need for a map amendment.
5. Next meeting - 7pm, Oct. 20, 2010 (3<sup>rd</sup> Wednesday)

**8:10     Unfinished Business**

**8:15     New Business pg. 39**

1. Application for use of public space to expand the Argonaut patio. (Schultheiss)
2. Consider a protest of XII's license. (Beatty)
3. Use of ANC logo by non-authorized persons. (Robinson and Mack)
4. Consideration of the ANC FY11 budget. (Alberti)

**8:20     Community Comments Round II, time permitting (2 minutes each)**

**8:25     Adjourn**



## Advisory Neighborhood Commission 6A Meeting Minutes of September 9, 2010



### Advisory Neighborhood Commission 6A Minutes Miner Elementary School September 9, 2010

**Present:** Commissioners Alberti, Beatty, Holmes, Marshall, and Ronneberg

**Absent:** Commissioner Mack, Robinson, Schultheiss

In the absence of Chair Kelvin Robinson, the meeting was chaired by Vice Chair Mary Beatty.

#### 1. Community Comment

The meeting began without a quorum so that Ms. Beatty called for Community Comments.

##### Community Empowerment Project

Andrea Sledd of Greater DC Cares introduced the Community Empowerment Project being sponsored by her organization in Wards 6 and 5, which will partner with various non-profits, schools, churches and individual residents in a variety of projects ranging from reading circles and tax preparation assistance to cleaning up schools and grocery delivery to elderly people. She announced the first community meeting of the project which will be held on September 21<sup>st</sup> at 6:30 p.m. She can be reached at [asledd@greaterdccaes.org](mailto:asledd@greaterdccaes.org) or by phone at (202) 777-4453.

##### Maury Day at the Nationals

Heather Schoell announced Maury Day at Nationals Park on Sunday, September 12<sup>th</sup>.

##### Rainbows Program

Michelle Gamble of the 7<sup>th</sup> Day Adventist Church announced their Rainbows program to help children deal with loss, talking with them about things like hospice care, divorce, assault and death. The program is free to participants.

##### Candidates

Ms. Beatty invited candidates in the audience to introduce themselves: Michele Gamble, candidate for 6A03; Sharee Lawler, ANC candidate for 6A05; Andrew Hysell, candidate for 6A06; Lia Veenendaal-Selck, candidate for 6A08; Adam Healy, candidate for 6A01; and Lawrence Russell, candidate for 6A01 were present. Jim deMartino, Republican candidate for City Council was also present.

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#### 2. Approval of Agenda

Ms. Beatty announced that because there would only be a quorum at the meeting for a short period of time because of the absence of several commissioners and the fact that Commissioner Marshall only had a half hour to participate in the meeting, she had redone the agenda so that items that required a vote would be presented at the beginning of the meeting. **Motion:** Mr. Holmes



## Advisory Neighborhood Commission 6A Meeting Minutes of September 9, 2010



moved/Mr. Alberti seconded a motion to approve the revised agenda as presented. The motion passed without objection.

### 3. Approval of Minutes

**Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to approve the minutes as presented. The motion passed without objection.

### 4. Approval of Committee Reports

**Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to approve Committee reports for the Economic Development, ABL, Community Outreach, and Transportation Committees as presented. Dr. Ronneberg said that there are Economic Development Committee reports for both July and August. The motion passed without objection.

### 5. Officers' Reports

#### Treasurer's Report

Mr. Alberti presented the Treasurer's Report. It shows that the opening checking account balance was \$21,453.85 and the savings account balance was \$4,201.42. There was an allotment from the District of Columbia of \$5,555.40, a refund of \$1,444 from Voice of the Hill for newspaper advertising that didn't run, and interest payments to the savings account of \$.35, and \$.36. There were disbursements of \$200 to Heather Schoell for the July Agenda package (Check #1469); \$135 to Roberta Weiner for the July 2010 minutes (Check #1470), \$145.40 to FedEx Office (June 10) (Check #1471); \$350 to Game Wear for the Rosedale Youth Institute grant (Check #1472); \$813 to Game Wear for the Rosedale Youth Institute grant (Check #1473); \$200.50 to Marlo Sports for the Rosedale Youth Institute grant (Check #1474); \$2000 to Anaconda Sports for the Rosedale Youth Institute grant (Check #1475); \$500 to Marlo Sports for the Rosedale Youth Institute grant (Check #1476); and \$25 to FedEx Office (July 10) (Check #1477), leaving a balance of \$24,083;38 in the checking account and \$4202.13 in the savings account. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to approve the disbursements. It passed without objection. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to accept the Treasurer's Report. It passed without objection.

**Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion that \$600 be approved for copying for ANC materials, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for the next month. The motion was accepted without objection.

### 6. Economic Development and Zoning Committee

Because of the time constraints of the voting portion of the meeting, the Commissioners read the details of the items prior to the meeting. The portion of each item in italics is taken from the Committee report in the Agenda, so that the official minutes have descriptions of the items.

#### 243 8<sup>th</sup> Street NE

*This is a request for support for a BZA application for a special exception to construct a third floor addition with a roof deck at 243 8<sup>th</sup> Street NE. The existing structure exceeds 60% of the lot*



## Advisory Neighborhood Commission 6A Meeting Minutes of September 9, 2010



*occupancy and requires the special exception to expand the building's envelope. There is also a historic preservation application at HPRB.*

**Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion to accept the Committee's recommendation to send a letter of support to the BZA for a special exception for 243 8<sup>th</sup> Street NE, and to HPRB in support of the project, with the proviso that it passes the "flag" test. The motion passed 5-0-0.

### Atlas Theatre

*The HPRB will consider the nomination of the Atlas Theatre for listing on the National Register of Historic Places at its September 23<sup>rd</sup> meeting. The Atlas Performing Center supports the nomination.*

**Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion to approve the Committee's recommendation to support the nomination of the Atlas Theatre for listing on the National Register of Historic Places. The motion passed 5-0-0.

### Comprehensive Zoning Rewrite Recommendations Regarding Use and Height

*The Zoning Commission is starting to adopt new regulations promulgated from the zoning rewrite process. The committee considered the proposed regulations regarding uses and heights and was in favor of the change with the exception of Subsection 402.4 which establishes how the zero height measuring point should be measured. The committee also identified a few typos in the regulation that should be brought to the attention of the Zoning Commission.*

**Motion:** Dr. Ronneberg moved/Mr. Holmes seconded a motion that ANC 6A support the proposed height and use zoning regulations (ZCC#08-06) and recommended that the Zoning Commission strike language from the proposed regulations that allow building heights to be determined from arbitrary measuring points. The motion passed 5-0-0.

### 203 12<sup>th</sup> Street NE

*This is a request for support of an HPRB application for modification to a building at 203 13<sup>th</sup> Street NE, including cutting a flat path into the basement from the street. The current stairs will remain. In addition, the applicant, who is making the changes to accommodate his parents, who will be living in an in-law suite in the basement of the building, want to "sink" part of the front yard in order to allow access to the windows and allow more light into the in-law suite.*

**Motion:** Dr. Ronneberg moved/Mr. Holmes seconded a motion to accept the Committee's recommendation to support an HPRB application for adapting the property at 203 12<sup>th</sup> Street NE. The motion passed 5-0-0.

### Rezoning of Portions of Squares 1027, 1049, 1050 and 4509

*In response to a request by ANC6A to rezone Squares 1027, 1049, 1050 and 4509, the Office of Planning proposed a less aggressive rezoning to extend the boundaries of the H Street overlay to include these squares. According to Dr. Ronneberg, including these commercial lots in the Overlay*



## Advisory Neighborhood Commission 6A Meeting Minutes of September 9, 2010



*would make them subject to the design requirements and design guidelines and prohibit uses such as gas stations and drive-through restaurants. (The area includes 1400 Maryland Avenue NE.)*

**Motion:** Dr. Ronneberg moves/Mr. Holmes seconded a motion to support the Committee's recommendation to support OP's rezoning proposal for case 10-19 and that it should also ask the Zoning Commission to extend the H Street Overlay to designate commercially zoned lots in Square 1026 (Florida Ave. and 14<sup>th</sup> Street NE) as well as an alley-facing lot in Square 1027 (Linden Place). The motion passed 5-0-0.

### 7. Community Outreach Committee

*This is a request from a volunteer gardening group that is developing gardens at the Sherwood Recreation Center. The request is for \$1,000 to purchase plants and gardening equipment.*

**Motion:** Mr. Marshall moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation to approve a grant of \$1,000 for gardening equipment and plants for Sherwood Recreation Center. The motion passed without objection.

### 8. New Business

#### H Street Connection PUD

Dr. Ronneberg reported that in response to requests from DDOT and the Zoning Commission, changes have been made in the PUD for the H Street Connection, including two possible options for vehicular access to the site. The letter of support would also include Dr. Ronneberg as the representative of the ANC in this matter.

**Motion:** Dr. Ronneberg moved/Mr. Holmes seconded a motion to support the Committee's recommendation to support the proposed changes to the H Street Connection PUD proposal and support either option for vehicular ingress to the site. The motion passed 5-0-0.

#### 957 H Street NE (7-11)

**Motion:** Dr. Ronneberg moved/Mr. Holmes seconded a motion to approve an MOU agreement between Rapaport developers and the ANC on the 7-11 at 957 H Street NE. The motion passed 5-0-0.

**Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion to approve the appeal of the Certificate of Occupancy for the 7-11, on the grounds that it should be categorized as a fast food restaurant. According to Dr. Ronneberg, the 7-11 meets the DCRA criteria of a fast food establishment, and DCRA should re-categorize its C of O. Mr. Alberti said that the ANC is treading on new ground, challenging the C of O on the grounds of the amount of fast food that is being sold. While the 7-11 has some of the same characteristics as a fast food restaurant, it doesn't look like McDonalds, and it's very important that DCRA take a position. The motion passed 5-0-0.



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### Visitor Parking Permit Pilot Program

Omar Mahmud reported that DDOT has launched visitor parking permit pilot program in parts of the District that allows residents to give visitors a temporary parking permit without having to obtain one from MPD each time a guest is expected, and would like ANC 6A included in that pilot program. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to accept the Committee's recommendation to write DDOT requesting that ANC 6A be included in its Visitor Parking Permit Parking Program. The motion passed 5-0-0.

### Transportation Committee Resignation

**Motion:** Ms. Beatty moved/Mr. Alberti seconded a motion to accept the resignation of Lance Brown as a member of the Transportation Committee. The motion was passed 5-0-0.

## 9. Community Presentation

### National Guard Race

Captain Paul Martin of the DC National Guard presented information on a DC National Guard Race to be held on Saturday, September 11. Five hundred members of the National Guard will run from the ellipse outside the DC Armory down East Capitol Street, around Lincoln Park and around Lincoln Park and back to the Armory. They will not block any roads, and the police will slow traffic. He said it's more like a parade than a race. They will start at 7:30 am and will be done by 8:30 am. Mr. Alberti asked whether there will be military people at intersections and was told that traffic will only be stopped as the soldiers go by. Mr. Alberti said that he is pleased that this was done in ways that's very accommodating to the community and lessening the impact on people who live around the route.

## 10. SMD Reports

**Mr. Marshall** (gave his report before he left at 7:30 pm) announced that he is not seeking re-election, and introduced Lawrence Russell who he endorses as his successor. He also announced that Damon Harvey has said the long-awaited parking signs will be changed by October 1<sup>st</sup>.

**Mr. Holmes** reported that the alley between 8<sup>th</sup> and 9<sup>th</sup> Streets and C and Constitution Ave. has finally been repaved.

**Ms. Beatty** reported that the stop signs at 12<sup>th</sup> and C were originally not approved, but she worked with Councilmember Wells, and has gotten notice that they will be installed.

**Dr. Ronneberg** reported that a women's health studio will be opening on 10<sup>th</sup> Street, and that the hearing on the H Street Connection PUD will be held on September 20<sup>th</sup>.

**Mr. Alberti** reported that he had finally gotten 518 Constitution to be listed as a blighted property, which will increase its taxes greatly. He reported that a building on 16<sup>th</sup> and Constitution is near completion, with one and two bedroom units.





## Advisory Neighborhood Commission 6A Meeting Minutes of September 9, 2010



### 12. ABL Committee

Ms. Beatty reported that while there had been no committee meeting; she had gotten a letter from the ABC Board about Kahn's VA. ABRA asked for only two changes after we wrote a letter to the counsel. One change would permit VAs to be modified by ABRA without consent of the other parties. Mr. Alberti said that changes cannot be made during the first four years, and after that, only with the approval of one of the parties.

ABRA also raised the issue of Part 2C that prohibits taking liquor in or out of restaurants unless there is a specific agreement to allow it. Currently there are corkage laws that allow you to bring in wine. Ms. Beatty stated that ABRA just wanted us to confirm that we did not want to allow Kahn's to bring wine into the restaurant as allowed by DC statute. Ms. Beatty stated that she thought we should confirm this. However, Ms. Beatty feels that we should modify our standard VA to allow this in the future. Mr. Alberti and Dr. Ronneberg agree with harmonizing VAs with the current law. Mr. Alberti said that while there is no quorum there seems to be a consensus. Ms. Beatty said she would convey that there is a sense of the Commission that their changes are accepted.

### 13. Community Comment

Mr. Holmes announced that the H Street Festival is on September 28<sup>th</sup>, and that candidates are welcome to put out literature.

Mr. Bigelow, a constituent who said he has lived in the neighborhood since 1970, said that four years ago he put in an application for speed bumps on Emerald Street. He said he had dealt with Marc Borbely and with Bill Schultheiss and still nothing has happened. He was told it would be looked into.

Melissa Rohan, a candidate for Ward 6 school board member, introduced herself.

A resident of Rosedale spoke about problems with neighborhood kids, and it was suggested that the place to go was the next PSA meeting.

Andrew Hysell, who said he lives on Emerald Street, introduced himself as a candidate running for Bill Schultheiss' seat.

The meeting was adjourned at 8:00 p.m.





## Commission Letters from Sept. 9, 2010 Meeting



Government of the District of Columbia  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



September 9, 2010

Ms. Sharon S. Schellin  
Secretary of the Zoning Commission  
Office of Zoning  
One Judiciary Square  
441 4<sup>th</sup> Street NW, Suite 210S  
Washington, DC 20001

RE: ZC Case 10-03 - ANC 6A Support for Changes to Proposed PUD (901 H Street NE - H Street Connection Redevelopment)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on September 9th, 2010, our ANC voted 5-0-0 (with 5 Commissioners required for a quorum) to support either option for the proposed changes to PUD application in response to concerns raised by DDOT, the adjoining property owner on 8<sup>th</sup> Street and the Zoning Commission at its July 19<sup>th</sup> public hearing. These changes include:

1. Providing a 5' wide green buffer protected by a 6" curb and 4 3'6" bollards adjacent to the residence at 719 8<sup>th</sup> St NE to protect it from traffic in the development's private alley.
2. Reconfiguring access off 8th Street to be one way in on the western ramp and building a new ramp east of the loading berths for one way out circulation. This change will reduce the amount of traffic adjacent to 719 8<sup>th</sup> St NE.
3. Moving the south wall of the proposed development nearest the adjacent neighbor on 8<sup>th</sup> Street 3' north to provide a 25' wide separation as shown on either option of the revised plans.
4. Redesigning the trellis at the corner of 10<sup>th</sup> and H Street NE to be more architecturally consistent with the rest of the building.

In addition, our ANC reiterates its support for:

1. The proposed design for penthouse structures, which minimizes their size and visual impact.
2. The proposed community amenities package which our ANC views as substantial. This package was the result of many months of negotiations between the developer and the community.

We believe this development will accelerate the development of H Street as a vibrant retail corridor and strongly urge the Zoning Commission to approve the project at its September 27<sup>th</sup>, 2010 meeting.



## Commission Letters from Sept. 9, 2010 Meeting



Sincerely,

Drew Ronneberg  
Advisory Neighborhood Commission 6A Representative and  
Single Member District Commissioner for ZC #10-03.

cc: Harriet Tregoning, Office of Planning Director  
Jennifer Steingasser, Office of Planning  
Karina Ricks, DDOT  
Chip Glasgow, Holland and Knight  
Gary Rappaport, Rappaport Companies



## Commission Letters from Sept. 9, 2010 Meeting



Government of the District of Columbia  
Advisory Neighborhood Commission  
Box 75115  
Washington, DC 20013



September 15, 2010

Ms. Sharon S. Schellin  
Secretary of the Zoning Commission  
Office of Zoning  
One Judiciary Square  
441 4<sup>th</sup> Street NW, Suite 210S  
Washington, DC 20001

RE: ZA Case 08-06 –ANC 6A Comments on Proposed Zoning Chapters B-2 and B-4.

Dear Ms. Schellin:

At a regularly scheduled and properly noticed meeting on September 9th, 2010, our ANC voted 5-0 (with 5 Commissioners required for a quorum) to support the adoption of Chapters B-2 and B-4 of the Zoning Regulations Rewrite with recommended changes to Subsection 402.4.

Our ANC believes that the new zoning code will make the Zoning Regulations more accessible by consolidating regulations applicable to a single zone in a single chapter and eliminating the need to read all the regulations for a less dense zone to understand the rules for a denser zone. This simplification should also result in less confusion by applicants for zoning relief and fewer errors by the Office of the Zoning Administrator.

While the Zoning Regulations Rewrite accomplished many of the goals of simplification and standardization, our ANC does have significant concerns that Subsection 402.4 of Subtitle B is far too permissive in allowing the determination of the zero point for measuring height. While Paragraphs 402.4(a) and 402.4(b) provide objective standards for uniformly measuring height, Paragraphs 402.4(c) and 402.4(d) allow the designation of arbitrary and capricious zero height measuring points. For example, Paragraph 402.4(c) permits 20-year-old zero height measuring point determinations by the Zoning Administrator developed under obsolete zoning regulations to be used in place of the uniform standards contained in Paragraphs (a) and (b). In addition, Paragraph 402.4(d) allows each zone to arbitrarily set its own zero height measuring point.

Our ANC strongly believes that fundamental concepts like building height measurement should be determined by a uniform objective standard rather than balkanized by dozens of incompatible standards allowed by Paragraphs 402.4(c) and 402.4(d). Moreover, the proposed regulations do not state which Paragraph would take precedence when the provisions conflict. For example, if a 20-year-old zero height measuring point determination of the Zoning Administrator is 60 feet higher than what is obtained from applying Paragraph 402.4(a), which standard should be used? The current regulations offer no guidance as to the order of precedence of these Paragraphs.

It is our ANC's belief that the City would be much better served by striking 402.4(c) and 402.4(d), which would leave a single uniform standard for setting the zero height measuring point and thereby promote OP's stated objectives of "removing conflicts between policy objectives which do not necessarily work in conjunction with one another" and "avoiding regulatory contradiction."

Finally, there are two technical errors in the proposed regulations. First, Subsection 406.2 currently states, "A *structure* listed under § 403.1..." but should state "A *structure* listed under § 406.1..." In addition, Subsection 406.2 currently states, "*Structures* listed under § 403.1..." but should state "*Structures* listed under § 406.1..."



## Commission Letters from Sept. 9, 2010 Meeting



Letter to Ms Schellin

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Please be advised that Commissioner Drew Ronneberg, Commissioner David Holmes or any member of the ANC 6A Economic Development and Zoning Committee are authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202 431-4305 or [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com).

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director  
Jennifer Steingasser, Office of Planning  
Karen Wirt, ANC 6C Chair



## Commission Letters from Sept. 9, 2010 Meeting



Government of the District of Columbia  
Advisory Neighborhood Commission  
Box 75115  
Washington, DC 20013



September 21, 2010

Ms. Sharon S. Schellin  
Secretary of the Zoning Commission  
Office of Zoning  
One Judiciary Square  
441 4<sup>th</sup> Street NW, Suite 210S  
Washington, DC 20001

RE: ZA Case 10-19 - ANC 6A Support for Rezoning Square 1050 and Portions of Square 1027, 1049 and 4509.

Dear Ms. Schellin:

At a regularly scheduled and properly noticed meeting on September 9th, 2010, our ANC voted 5-0-0 (with 5 Commissioners required for a quorum) to support the rezoning of Square 1050 and portions of Square 1027, 1049 and 4509. In addition, we ask the Zoning Commission to modestly expand the rezoned area to incorporate other commercially zoned property at the Eastern end of H St Corridor within the H Street NE Zoning Overlay.

Our ANC believes that the proposed rezoning accomplishes three goals:

1. Downzoning the commercial lots south of H Street from C-3-A to C-2-A will make future commercial development more compatible in height and massing with surrounding R-4 zoned residential neighborhood.
2. Expanding the boundaries of the H Street Overlay will extend the Overlay's protections to properties that currently not subject to the Overlay. In particular, our ANC is pleased that the Overlay's design requirements and guidelines will guide any future development of these commercial properties. The Overlay's design standards have improved the quality of buildings proposals on H Street and will insure that new construction in the proposed rezoned area will follow good urban design principles (e.g. 14 foot ground floor ceiling height for retail, street frontage requirements) and be architecturally compatible with the existing building stock.





## Commission Letters from Sept. 9, 2010 Meeting



Letter to Ms. Schellin

Page 2

3. Rezoning portions of Square 2409 from commercial to residential zoning better reflects current development and the intent of the Comprehensive Plan.

In addition to rezoning the Squares proposed by the Office of Planning, our ANC asks that the map amendment and associated text amendment be modestly expanded to also rezone C-3-A lots on Square 1026 to C-2-A and extend the boundaries of Overlay to all commercially zoned lots in this Square. This change would only affect 11 lots in Square 1026 (including interior lots which do not front a street) and would be consistent with the rezoning proposed for Squares 1027 and 1049. In addition, we request that C-2-A zoned alley-facing lots in Square 1027 be incorporated into the H Street Overlay. We believe that these two changes are consistent with intent of OP's rezoning proposal and will insure that future development of the lots currently outside of the Overlay's boundaries will be consistent with the rest of the H Street Corridor.

Please be advised that Commissioner Drew Ronneberg, Commissioner Bill Schultheiss and Andrew Hysell are authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202 431-4305 or [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com).

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director  
Karen Wirt, ANC 6C Chair



## Commission Letters from Sept. 9, 2010 Meeting



Government of the District of Columbia  
Advisory Neighborhood Commission  
Box 75115  
Washington, DC 20013



September 21, 2010

Ms. Catherine Buell, Chair  
District of Columbia Historic Preservation Review Board  
801 North Capitol Street, NE, 3rd Floor  
Washington, DC 20002

RE: HPA #10-354 (203 12<sup>th</sup> St NE)

Dear Chairperson Buell:

At our regularly scheduled and properly noticed meeting on June 10, 2010, our Commission voted 5-0-0 to support the above referenced application.

The applicant presented plans to construct a sidewalk level entrance to the ground floor apartment and lower a portion of the front yard to allow emergency egress through the ground floor windows at the July 21<sup>st</sup>, 2010 meeting of ANC 6A's Economic Development and Zoning Committee. In addition, both adjacent neighbors wrote letters of support for the project.

Given the fact that the building is a non-contributing structure, the modifications are modest and necessary to accommodate Mr. Bonome's elderly parents, and the project is supported by the adjacent landowners, the Commission support this application.

If you have any questions, please contact Dr. Drew Ronneberg at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A





## Commission Letters from Sept. 9, 2010 Meeting



Government of the District of Columbia  
Advisory Neighborhood Commission  
Box 75115  
Washington, DC 20013



September 21, 2010

Ms. Catherine Buell, Chair  
District of Columbia Historic Preservation Review Board  
801 North Capitol Street, NE, 3rd Floor  
Washington, DC 20002

RE: HPA #10-358 (243 8<sup>th</sup> St NE)

Dear Chairperson Buell:

At our regularly scheduled and properly noticed meeting on June 10, 2010, our Commission voted 5-0-0 to support the above referenced application.

The applicant's architect, Mr. Mike Fowler, presented plans to the ANC 6A Economic Development and Zoning Committee on July 21<sup>st</sup> regarding the rooftop addition and alterations to the rear of the structure. Mr. Flower stated that the third floor addition would not be visible from the street (*i.e.* passes the "flag test").

Given that the project will not adversely affect the air light of the neighboring properties, is supported by the adjacent landowners, and abides by the historic guidelines set forth by HPRB, the Commission supports the application.

If you have any questions, please contact Dr. Drew Ronneberg at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

Cc: Mrs. Nancy Metzger, CHRS  
Mr. David Maloney, HPO



## Commission Letters from Sept. 9, 2010 Meeting



Government of the District of Columbia  
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Box 75115  
Washington, DC 20013



September 21, 2010

Ms. Catherine Buell, Chair  
District of Columbia Historic Preservation Review Board  
801 North Capitol Street, NE, 3rd Floor  
Washington, DC 20002

RE: National Register of Historic Places Application #00-02 (Atlas Theater and Shops)

Dear Chairperson Buell:

At our regularly scheduled and properly noticed meeting on September 9th, 2010, our Commission voted 5-0-0 to support listing the Atlas Theater, located at 1313-1333 H St NE, on the National Register of Historic Places.

The Springer-Lang Foundation has beautifully restored the Atlas Theater, which hosts a Performing Arts Center for dance, cinema and theater. In addition, the restored Atlas Theater has helped catalyze the economic redevelopment of the Eastern End of the H Street Corridor (*i.e.* the "Atlas District").

Our ANC recognizes the Springer-Lang Foundation's significant investment in our community at a time when H Street NE was a city-wide symbol of economic disinvestment and wholeheartedly supports listing the Atlas Theater on the National Register of Historic Places.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Patrick Stewart, Director, Atlas Theater



## Commission Letters from Sept. 9, 2010 Meeting



Government of the District of Columbia  
Advisory Neighborhood Commission  
Box 75115  
Washington, DC 20013



September 21, 2010

Mr. Clifford Moy  
Secretary of the Board of Zoning Adjustments  
Office of Zoning  
441 4<sup>th</sup> St NW, Suite 210S  
Washington, DC 20001

RE: BZA Case 18106 (243 8<sup>th</sup> St NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on September, 2010, our Commission voted 5-0-0 (with 5 Commissioners required for a quorum) to support the request for special exception from Section 223 (lot occupancy requirements in an R-4 zone) in the above referenced application.

The Commission supports the request for a special exception because the proposed addition will not have a substantial adverse impact on use and enjoyment of the abutting properties, and recognizes that the two abutting neighbors have written letters of support for the project.

Please be advised that Commissioners Drew Ronneberg and David Holmes are authorized to act on behalf of ANC 6A for the purposed of this case. Dr. Ronneberg can be reached at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A



## Commission Letters from Sept. 9, 2010 Meeting



Government of the District of Columbia  
Advisory Neighborhood Commission  
Box 75115  
Washington, DC 20013



September 17, 2010

Mr. Clifford Moy  
Secretary of the Board of Zoning Adjustments  
Office of Zoning  
441 4<sup>th</sup> St NW, Suite 210S  
Washington, DC 20001

RE: Authorization for BZA Appeal for C of O at 801 H St NE

Dear Mr. Moy:

At a regularly scheduled and properly noticed meeting on September 9<sup>th</sup>, 2010, our Commission voted 5-0-0 (with 5 Commissioners required for a quorum) to appeal the administrative decision of the Department of Consumer and Regulatory Affairs Zoning Administrator to approve Certificate of Occupancy #CO1002994 for a “market” at 801 H St NE.

Please be advised that Commissioner Drew Ronneberg and Phil Toomajian are authorized to act on behalf of ANC 6A for the purposes of this appeal. Dr. Ronneberg can be reached at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A



## Commission Letters from Sept. 9, 2010 Meeting



*Before the*

DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

APPEAL OF: )  
Advisory Neighborhood Commission 6A for the )  
Administrative Decision of DCRA on )  
Certificate of Occupancy #CO1002994

### Statement of the Applicant

Advisory Neighborhood Commission 6A (ANC 6A) hereby requests that the Board of Zoning Adjustment GRANT the Appeal from the administrative decision of the Department of Consumer and Regulatory Affairs Building and Land Use Regulation Administration approval of the Certificate of Occupancy (C of O) #CO1002994 for 801 H St NE on August 13th 2010 and in support of its appeal states:

### SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (DCRA) erred in its decision to grant 7-Eleven a C of O for use as a “market”. The property which is subject to this appeal is located at 801 H St. NE, zoned C-2-B and located within the boundaries of the H Street NE Neighborhood Commercial Overlay District and ANC 6A. The requested reasons are because a “market” use is not defined in the zoning regulations and the establishment has a non-ancillary use which meets the definition of a “fast-food establishment.” Fast-food establishments are only permitted by special exception within the H Street NE NC Overlay (11 DCMR Section 1320.4(a)).

### DISCUSSION

Certificate of Occupancy #CO1002994, a copy which is attached to this appeal, states that the applicant is permitted to operate a “market.” However, a “market” is a use that is neither defined in nor permitted by the zoning regulations. ANC 6A asserts that the current C of O should be revoked and a new C of O issued which permits uses defined in the zoning regulations.

Our ANC proffers that a C of O for a grocery store and a fast-food establishment must be issued for the store to legally operate. While the ANC agrees that one of the establishment’s uses is for a grocery store, it has a second non-ancillary use as a fast-food establishment. The store sells fast-food items including chicken wings, pizza, burritos and hot dogs for immediate off-premise consumption. This use cannot be classified as a “prepared food shop” because these item are cooked with roller grills, heat lamps by means other than “microwaves” or “toasters” (11 DCMR 199).





## Commission Letters from Sept. 9, 2010 Meeting



In addition, the establishment satisfies two of the conditions for designation as a fast-food establishment. First, the layout of the store has a service counter with no seating and customers must pay for their food before it is consumed. Second, the place does not possess an on-premise dishwasher and uses disposable tableware.

The last issue is whether the use of as a fast-food establishment is “clearly subordinate to its principal use.” In a BZA case #18027, the Zoning Administrator used the standard that an accessory use must be 15% or less of the primary use in order for it to be subordinate. Based on the ANC’s observations of items sold by the establishment and in-store advertisements, it is clear that the sale of fast food items is not less than 15% of its overall use. As such, the establishment meets the definition as a fast-food establishment and should be required to seek a Certificate of Occupancy for this use.

### REQUEST FOR RELIEF

The appellant requests that the Board ORDER the Department of Consumer and Regulatory Affairs to revoke Certificate of Occupancy #CO1002994, because the establishment was issued a C of O for a use that is not permitted by zoning regulations and because it has a non-ancillary use that meets the definition of a fast-food establishment.



## Officer Reports - Treasurer



### ANC 6A Treasurer's Report September 2010

District Allotments: A1 09/01/10 - 09/30/10

#### Checking Account:

Balance Forwarded \$ 24,083.39

#### Receipts:

District Allotments: 2nd Quarter FY10	\$	-
Transfers from Saving Account	\$	-

Total Receipts \$ -

Total Funds Available \$ 24,083.39

#### Disbursements:

Roberta Weiner (July '10 Minutes)	Ck #1478	\$	180.00
Heather Schoell (Sept. '10 Agenda Package)	Ck #1479	\$	200.00
John Cotton (RYI Grant)	Ck #1480	\$	906.64
FedEx Office ( Aug. '10 Statement)	Ck #1481	\$	45.70

Total Disbursements \$ 1,332.34

Ending Balance \$ 22,751.05

#### Savings Account:

Balance Forwarded \$ 4,202.13

#### Receipts:

Interest (08/31/10)	\$	0.36
Transfers from Checking Account		

Total Receipts \$ 0.36

Total Funds Available \$ 4,202.49

Disbursements \$ -

Ending Balance \$ 4,202.49





## Officer Reports - Treasurer



### ANC 6A Treasurer's Report September 2010

#### PETTY CASH SUMMARY

Balance Forwarded	\$	25.00
Deposit to Petty Cash	\$	-
Total Funds Available	\$	25.00
Disbursements:		
Total Disbursements	\$	-
Ending Balance	\$	25.00



## **Committee Reports**

### Public Safety



No report.



## Committee Reports

### Community Outreach Committee (COC)



ANC6A Community Outreach Committee  
September 20, 2010 Minutes  
Church of the Lord Jesus Christ of the Apostolic Faith annex, 1235 C St. NE

Meeting called to order at 7:40 p.m.

Committee members present: Elizabeth Nelson (Chair), Mark Roy, Necothia Bowens (no quorum)  
Committee members absent: Rose Williams, Louis Barbash, Jean Kohanek  
Community members present: Adam Healy

- I. Agenda
  1. Adopted.
- II. Status report on ANC/COC activities:
  1. Ms. Nelson reported that the grant application from the Sherwood Recreation Center Garden was approved in full and that she is working with the grant recipients on a plan for disbursement of funds.
  2. The North Lincoln Park Neighborhood Association (NLPNA) is hosting a “meet and greet” for all candidates for seats in ANC 6A. All have accepted the invitation (although one will probably send a representative instead). The meeting will take place on at 7:30 pm on October 5 at Lane Memorial CME Church at the corner of 14<sup>th</sup> & C Sts. NE.
- III. Discussion of possible grant application:
  1. Ms. Bowens brought a rough draft of a grant proposal from Stephon Stark with Rosedale Boxing. Ms. Nelson made several suggestions and comments which Ms. Bowens will pass back to Mr. Stark.
  2. To be considered at a COC meeting, an application must be received at least a week in advance. Applicants are encouraged to submit electronically (as noted on the grant application) so that COC members can assist with the application process. It is anticipated that an application from this group will be presented in time for the October COC meeting.
- IV. Discussion of revised ANC 6A flyer:
  1. Ms. Nelson noted that the flyer will need to be redone subsequent to the November election to reflect the contact information of new commissioners.
  2. Committee members also discussed other aspects of the flyer, including agenda posting locations. There have been problems with the current plan.
- V. Discussion print advertising:
  1. Ms. Nelson has contacted the Capitol Community News to get a bid on advertising for the coming year in the Hill Rag and Fagon Guide. The topic will most likely be on the COC agenda in either October or November.
  2. Ms. Bowens is going to contact the Informer to ask for their rates and publication schedule. Both she and Mr. Roy are familiar with the publication and say that it is reliably available in several locations convenient to ANC 6A residents. This will also likely be on the agenda in either October or November.
- VI. The meeting was adjourned at 8:25 p.m.
- VII. The next meeting of the COC will take place Monday, Oct. 18, at 7:30 p.m. at 1235 C St. NE



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



ANC 6A ABL Committee  
September 21, 2010, 7-9 PM  
Minutes

Committee members present: Commissioner Mary Beatty (ANC 6A05); Adam Healy; Michael Herman; Anne Marie Koshuta; Tish Olshefski  
Committee members absent: Jaki Downs  
Commissioners: Kelvin Robinson (ANC6A08)  
Community: Coralie Farlee (ANC6D Chair of ABC Committee); Margaret Holwill

#### I. AGENDA/MINUTES

- 1) **Meeting called to order at 7:03 pm.** Quorum present.
- 2) **Introductions made.** Mary Beatty announced she is not running again for ANC 6A05 SMD commissioner and would be looking for a replacement chairman.
- 3) **Agenda** - Motion to accept agenda as amended. Added 2) under new business. Standard VA Modifications. No objections.
- 4) **Minutes** - Motion to accept minutes presented at last ANC meeting (June 2010). No objections.

#### II. COMMUNITY COMMENT

- a. Coralie Farlee went to City Council committee hearing on proposed changes to Title 25 at which substantive proposals for various changes to alcohol licensing law were discussed - including definition of miniatures, redefine wine, stipulated license, proposed increase in fees, adding requirement for security plan for CT licensees. However, most emphasis was placed on the comments regarding VA's and the ABRA process. Mary summed up that Graham seems sympathetic to the position ABC Chair Brodsky has taken about ABRA's right to rewrite ANC's VAs.

**RECOMMENDATION:** Mary Beatty moves that the ANC submit comments on the most recent ABRA hearing (September 20) regarding Voluntary Agreements and the role of the ANCs in crafting Voluntary Agreements; and authorize that Mary Beatty or her designee represent the ANC in any hearings on this matter. Seconded. Amendment made (underlined). Seconded. Amendment and final motion both approved unanimously.

- b. Question from Margaret Holwill: What is the status of the establishments that have licenses and VAs and have never been developed? Do we have anything in our VA that requires the purchaser of an existing license to come back with any change of plans for the establishment? Mary Beatty responds that there is no requirement for the owners to come back to the ABL Committee, unless there is a substantial change to the license as approved by ABRA.
- c. H Street Festival - 30 to 35,000 people. Second year in the row of no violations on the one-day permits for patio service during the festival. Suggestion to send a thank you letter to these businesses.
- d. Some bars forget what is in the VA. Suggests that the committee do a letter to all the establishment with a reminder of certain aspects of the VA.



## **Committee Reports**

### **Alcohol Beverage and Licensing (ABL)**



#### **III. REVIEW OF ANC6A JUNE-SEPT MEETING RE: ABL RECOMMENDATIONS**

- 1) The Atlas Room (1016 H Street)**  
Submitted and approved a VA.
- 2) Desperado Pizza CT Application (1387 H Street)**  
Submitted and approved a VA.
- 3) Sticky Rice Substantial Change to CR License (1224 H Street)**  
Submitted and approved the Substantial Change.
- 4) Pug Substantial Change**  
Submitted and approved a Substantial Change.
- 5) Kahn's VA ABRA Changes**  
Submitted a VA about 3 or 4 months ago. Came back to us in May. ABRA rejected and said we had to take it back to the ANC for all the changes. ANC sent a letter back with our concerns on the changes. Response is that they are not asking us to change all of it, just two things. They want unilateral control over the ability to change the language in our VA. Other is regarding open containers. Page 2, section 2, C - Applicant agrees to ensure that no patron bring alcohol into the establishment from outside sources, and at no time exits the establishment with alcoholic beverages. Pointed out that corkage procedures make this problematic. We pointed out that this is referencing open containers. ABRA will put this in our order if we agree. We are going to leave the language as is in Kahn's VA. Except that by ABRA order are making it clear that they can change the language whenever they want. But they aren't consistent which is problematic for us.

#### **IV. NEW BUSINESS**

- 1) XII - ABRA Enforcement Action**  
Invited owner of XII and an ABRA Investigator to the meeting but neither has appeared. XII's license is about to expire and it is coming up for renewal. We need to know about the latest action. Have had several complaints and violations of their VA. ABRA Report - Sunday, August 15, felony assault inside establishment. Two females assaulted another female patron. Employees broke it up. The victim went into the restroom and the employees moved the two other women out of the establishment. Two other people then went into the restroom and assaulted her again. She was sent by ambulance to the hospital.

We want to ask questions about the security detail and whether the security plan was in place at the time of the incident.

There have been 10 investigations/complaints.

The license is up for renewal so we need to get the community comment. We will publicize it through our normal means (ANC listserv, flyers) and we need to get owner to the meeting. We will hold this until October.



## **Committee Reports**

### **Alcohol Beverage and Licensing (ABL)**



#### **2) Standard VA Modifications**

Want to discuss and bring proposed language back to the next meeting.

##### **a. Security Plan**

Committee reviewed security language of VAs of other ANC's and made recommendations of concepts we should consider for our proposed language, including a MPD reimbursable detail.

##### **b. Open Container**

ANC made suggestion that we are prohibiting legal action on the corkage of wine bottles. Mary will bring back proposed language to our next meeting.

Mary asked for committee comments re: ABRA push on two issues: 1) our VA doesn't need language that is already DC law; and 2) can't have language that is unenforceable in their view. Mention made of need to amend some additional language about outdoor seating areas (should reference 3 month review after opening of the outdoor seating area, rather than opening of the establishment).

#### **V. Adjourn**

Meeting adjourned at 8:45 pm. Next meeting October 19, 2010.



## **Committee Reports**

Transportation and Public Space (TPS)



No report.





## Committee Reports

Economic Development and Zoning (EDZ)



### ANC 6A Economic Development and Zoning Committee MINUTES

Wednesday September 15, 2010, 7 - 9pm  
Sherwood Recreation Center (640 10<sup>th</sup> St. NE)  
2<sup>nd</sup> floor Community Room

**Commissioners:** Drew Ronneberg (6A02)—Committee Chairperson; Kelvin Robinson (6A08), David Holmes (6A03)

**Committee Members:** Barbara Halleck, Jeff Baker, Phil Toomajian, Dan Golden, Arkan Haile, Charmaine Josiah, Sharee Lawler

**Call to order:** 7:00pm by Chairperson Drew Ronneberg

**Community Comments:** None

#### Ongoing Status Reports

##### 1. H Street Connection Redevelopment

ANC 6A sent a supplemental letter supporting changes that occurred due to the Zoning Commission hearing, related to the ingress on the 8<sup>th</sup> street side. The ANC supported both options presented by the developer for ingress off of 8<sup>th</sup> St or from the private alley. The building will be set back from the alley to give more privacy/buffer to residents on 8<sup>th</sup> street. There will also be a 4' buffer with plantings to provide additional buffer. The letter of support can be found at <http://anc6a.org/901HpudChangesSprt.pdf>.

##### 2. ANC6A will appeal the certificate of occupancy of the 7-11 located at the H Street Connection. We have to prove that 1. The 7-11 is a fast food establishment under the zoning regulations—they sell many kinds of readily consumable fast food items and that more than 15% of their sales are related to them. If we can prove that the 7-11 is operating as a fast food establishment their C of O can be revoked - as fast food establishments are required to apply for special exceptions to obtain C of Os on H Street under the Overlay.

##### 3. Vacant Properties

Dan Golden reported on the new law regarding vacant and blighted properties:

Previously the definition of blighted building was in the tax section of the code but it has been moved into the real property section of the code. The mayor's office will now be solely responsible for designating a building as blighted, although the mayor's office must "consider" when making its designation whether a pending condemnation by the Board of Condemnation is underway.



## Committee Reports

### Economic Development and Zoning (EDZ)



The statute now says that the mayor “shall” consider various enumerated factors to determine whether a building is blighted, whereas the prior version of the statute stated that the mayor “may” consider those factors. However, the effect of that change remains to be seen, particularly since there is no discussion of what it means for the mayor’s office to “consider” those factors.

Going forward, the mayor must now keep two lists, one of vacant buildings and one of blighted buildings, and it must update these lists and forward them to the Office of Tax and Revenue semi-annually. As with the vacant property list, the blighted property list is to include only those properties for which a notice of final determination has been issued and administrative appeals have been exhausted or expired. We will need to keep track of the two lists to see whether they reflect the lists of vacant and blighted properties maintained by our committee. In the event they do not, we should consider proposing further changes to remedy the situation.

The new statute exempts from classification as vacant those properties “for which an intent to return and occupy the building can be shown.” There is no further articulation of how this standard can be met. This is something that should be monitored closely, as the committee believes this significant loophole could be exploited.

One change has been made to the factors that the mayor’s office shall consider when determining whether a building is vacant - now “low usage” on an electrical, gas, or water meter shall be considered evidence of vacancy, not simply the fact that a meter is no longer running.

Changes have also been made to the exemptions from classification as vacant property. The new construction exemption has been eliminated. The revised statute also adds a “in good faith” requirement for owners trying to rent or sell their property. In addition, owners now have up to a year to rent a vacant property; this is an increase from the former 90 days. In another change, there is no longer a separate exemption for properties that are rendered vacant by fire, flood, or other casualty.

The mayor’s office continues to be able to exempt properties from being considered vacant in “extraordinary circumstances and upon a showing of substantial undue economic hardship.” Previously, the statute required the mayor’s office to notify the ANC and the DC Council whenever an applicant sought such an exemption. Now, however, the mayor’s office simply must put a notice in the DC register when such an exemption is granted. There is no longer any requirement of notice to the ANC or the DC Council. It was noted that, as far as we know, the ANC has only been notified once by the mayor’s office of a grant of a vacant property exemption based on extraordinary circumstances. In another change, whereas previously the mayor’s office could grant an exemption of two years for extraordinary circumstances, such an exemption is now limited to one year.



## Committee Reports

### Economic Development and Zoning (EDZ)



There was some discussion with respect to the fact that we need to look further at whether owners can use the same exemption more than once—that is, if they try to rent for a year but cannot, can they then try to sell and thereby avoid having their property classified as vacant?

The mayor now can set a schedule of fines for violations. The old statute provided for up to 90 days imprisonment for certain violations, but that provision has been removed.

The registration fee requirement has been streamlined under the revised statute. Anyone registering a vacant building has to pay the same \$250 and must pay an additional \$250 each year to renew the registration. The size of a building has no effect on these fees.

The new law now recognizes four classes of property. Class 1, which would include occupied residential property; Class 2, which is a catch-all classification that would include occupied commercial property; Class 3, which consists of vacant property; and Class 4 which consists of blighted property. Notably, unimproved vacant lots in residential zones are now considered to be Class 1 property. Class 3 property now would appear to include all vacant properties, regardless of whether residential or commercial. Property taxes are now to be calculated on the basis of \$5/\$100 of assessed value for Class 3 (vacant) property and \$10/\$100 of assessed value for Class 4 (blighted) property.

Finally, it appears that the process of appealing a vacant or blighted determination has been streamlined under the new regime.

Phil Toomaijian provided the following update regarding the update to the ANC's vacant property map:

6 of the 8 SMDs have been surveyed, and the map updated for vacant/blighted. Only 6A01 and 6A08 have not been surveyed, so we will seek volunteers for them.

#### New Business

1. HPA #10-433 (312 9th St NE). The applicant is proposing to add a 2 story-rear addition to the property at 312 9th St NE. (30 min)

We will reconsider this issue at a later meeting, as it appears that there are some zoning issues (lot occupancy) that we would like to address at the same time as the request to do the addition. Even though the addition is part of an existing structure, the structure is non-conforming, there will be a zoning issue to review.

2. HPA #10-XXX (322 11<sup>th</sup> Street NE). Owner wants to build an alley-facing garage in keeping with the other garages already there. The garage is hardy plank siding. There is no problem with exceeding lot occupancy requirements. Zoning has reviewed and sent over to historic preservation (Mr. Truitt). The garage will need to be set back 6' from the edge of the alley—



## Committee Reports

### Economic Development and Zoning (EDZ)



adjacent . The owner is out of the country so has not requested any letters of support from neighbors.

**Motion:** Mr. Ronneberg moved that we request that ANC6A provide a letter in support of the garage. Passes unanimously.

3. BZA #18122 (815-817 A Street NE). The applicant is seeking a variance from the lot area requirements under subsection 401.3, to allow the conversion of a flat (two-family dwelling) to a three unit apartment building in the R-4 District at premises 815 A Street, NE (Square 919, Lot 31) (45 min)

Built as a grocery store in 1913. The first floor is 11' high and 60' deep and is one large space. There is no bathroom or kitchen in the space. There is also a full size, full height basement w/half bath and kitchen plumbing (there used to be a kitchen). This adds up to approximately 2500 sq' of space. The owner had received a variance in 1991 but did not finalize the construction. Variances expire after two years if they are not used.

When he bought the property, it was a church on the first floor with apartments on 2<sup>nd</sup> and 3<sup>rd</sup> floor. He applied with the church for a variance. It was approved at that point but he didn't have the funding to complete the construction. Right now, the building has an apartment on floors 2 and 3; the owner would like to turn the 1<sup>st</sup> floor and basement into a separate apartment (817 A St. NE). There is 2 car garage already on the property.

Only requires 1 parking space for a 3-unit apartment but he will have 2.

If the lot has 2700 square feet then the owner could build a 3-unit apartment building as matter of right. Because the lot is 2400 square feet, he needs to receive a use variance. The requirement to support a variance is much stronger than a special exception, requiring demonstration of economic hardship, etc.

A neighbor had asked that conditions be placed on the variance to prevent a roof-top deck on the garage closer than 8 feet to his property. The Committee felt that this was redundant because the building was also a non-conforming structure that would require another variance to expand the building envelope.

**Motion:** Mr. Holmes moves that ANC6A support granting the requested variance. Passes unanimously.

4. ZC Case #08-06-12 (Comprehensive Zoning Regulations Review: Planned Unit Development). The committee will consider the Office of Planning's proposal to rewrite the Planned Unit Development regulations. (20 min)



## Committee Reports

### Economic Development and Zoning (EDZ)



Most recent Zoning regulations were put into place in 1958 and are currently going through an extensive review and re-write. In the agenda package is a framework for the new regulations regarding Planned Unit Developments (PUDs) was published.

ANC 6A has had three substantial experiences with PUDs - the proposed PUD for the H Street Connection Redevelopment, the Dryefus PUD on the 200 block of H St NE and the Comstock PUD across from Eastern High School.

The committee thought that the standardization of the density bonus as a percentage of the underlying zone's FAR was a positive step forward, In addition. Drew Ronneberg thought that the addition of the Type 1 PUD was a good idea but wouldn't be extensively used because no bonus density would be granted.

Jeff Fletcher and other members of the committee that that it was potentially a positive change to have the community amenities evaluated by a point system but that there were too few details to provide a recommendation.

Drew Ronneberg thought that the Type 3 PUDs that have an associated map amendment are the most common forms of PUDs and should be restricted under the new regulations. He suggested that based on ANC 6A's experience in the Dreyfus case, they should not be allowed in Neighborhood Commercial Overlays and should be subject to a 2-stage process in other zones.

**Motion:** Mr. Ronneberg moves that we request ANC 6A

1. Support regularization of density bonus across zones.
2. Ask for more information about community benefits.
3. Object to type 3 PUDs in commercial overlays.
4. Type 3 PUDs should be considered in two phases— where the first phase would consider the need for a map amendment.

Passed unanimously.



## Committee Reports

Economic Development and Zoning (EDZ)



October \_\_, 2010

Ms. Catherine Buell, Chair  
District of Columbia Historic Preservation Review Board  
801 North Capitol Street, NE, 3<sup>rd</sup> Floor  
Washington, DC 20002

RE: Case 10-XXX (322 11<sup>th</sup> Street, NE)

Dear Ms. Buell,

At a regularly scheduled and properly noticed meeting on October 14, 2010, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the above referenced application.

The applicant seeks to construct a garage at the rear of the property. The Commission supports the request because the modification is modest, and the structure will be constructed in a manner consistent in location, height, materials and design with two abutting garages.

Sharee Lawler, Economic Development & Zoning committee member, can address any questions you have about this case. Mrs. Lawler can be reached at [sharee.lawler@gmail.com](mailto:sharee.lawler@gmail.com) or (202) 714-8422.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Amanda Molson, HPO



## Committee Reports

Economic Development and Zoning (EDZ)



October \_\_, 2010

Mr. Clifford Moy  
Secretary of the Board of Zoning Adjustments  
Office of Zoning  
441 4<sup>th</sup> St NW, Suite 210S  
Washington, DC 20001

RE: BZA Case 18122 (815 - 817 A St NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on October 14, 2010, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the request for variance from the lot area requirements under subsection 401.3 to allow the conversion of a flat (two-family dwelling) to a three-unit apartment building in the R-4 District in the above referenced application.

The property at issue is a three-story structure with a total lot area of 2,312 square feet. The owner plans to convert the first floor and basement into an apartment for his family and to maintain separate apartments for rent on the second and third floors. The first floor of the structure has an entrance separate and apart from the entrance to the second and third floor apartments. On October 23, 1991, the Board of Zoning Adjustment approved the relief sought here, but the variance expired before the work could be undertaken. The Commission supports the request for a variance because, given the unique structure of the building, the strict application of the lot area requirements would result in peculiar and exceptional practical difficulties to and undue hardship upon the property owner.

Please be advised that Commissioner David Holmes and Dan Golden, member of the Economic Development and Zoning Committee are authorized to act on behalf of ANC 6A for the purposed of this case. Commissioner Holmes can be reached at [holmes6a3@gmail.com](mailto:holmes6a3@gmail.com) or (202) 251-7079.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A





## Committee Reports

### Economic Development and Zoning (EDZ)



October XX, 2010

Ms. Sharon S. Schellin  
Secretary of the Zoning Commission  
Office of Zoning  
One Judiciary Square  
441 4<sup>th</sup> Street NW, Suite 210S  
Washington, DC 20001

RE: ZC Case 08-06-12 -ANC 6A Comments on Comprehensive Zoning Regulations Review for Planned Unit Developments (PUDs)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on October 14th, 2010, our ANC voted X-X-X (with 5 Commissioners required for a quorum) to provide the following comments on the framework for the Comprehensive Zoning Regulations Review for Planned Unit Developments (PUDs).

First, our Commission supports the OP proposal to make the bonus density a fixed percentage of the underlying zone. The current system, in which the PUD standards allow for a 20% density bonus in a C-2-A zone but a 71% density bonus in a C-2-B zone, appears arbitrary and lacks rational justification. In contrast, the proposed system eliminates this wide disparity in bonus density between zones.

Second, we appreciate OP's effort to quantify community amenities with a point system to better insure that there is greater equanimity of community amenities between PUDs. However, there are currently insufficient details about how this proposal might work to insure that there is still enough flexibility in PUD amenities to tailor community amenities to specific communities. We ask the ZC to require OP to provide more details of this system before it approves the proposed framework.

Finally, our ANC believes that Type 3 PUDs should be eliminated or severely restricted in the revised regulations. Under the current system, most proposed PUDs have an associated map amendment, resulting in bonus density above what is allowed under the basic PUD regulations. This bonus density "double dipping" circumvents the intent of Council approved planning documents and encourages land speculation that retards the redevelopment of commercial Corridors. In 2007, ANC 6A proposed two text amendments that prevented map amendments as part of a PUD application in the H Street NE Neighborhood Commercial Overlay (ZC #07-10 and #07-22) to address these concerns. ANC 6A's text amendment request in ZC case #07-22 is attached to this letter and details how the map amendment in Capitol Place PUD (ZC #05-37) was both the product of and the catalyst for land speculation on the H Street Corridor and how the map amendment in this case undermined the goals and policies outlined in the H Street NE Strategic Plan.

If the new PUD regulations are implemented within the framework proposed by the Office of Planning, it is likely that Type 3 PUDs will continue to dominate the PUD applications because developers will not be required to justify the need for a second bonus density before proposing the PUD. We believe that the Zoning Commission should implement policies and procedures to encourage the vast majority of PUD applications to be Type 1 or Type 2 by either eliminating Type 3 PUDs or by:



## Committee Reports

Economic Development and Zoning (EDZ)



1. Eliminating Type 3 PUDs in Neighborhood Commercial Overlays and residential zones and;
2. Eliminating the ability Type 3 PUDs in other zoning districts to be approved in a consolidated PUD process. ANC 6A instead urges the Zoning Commission to require Type 3 PUDs to go through a 2-stage process where the first stage requires the applicant to justify why a map amendment is necessary and doesn't undermine the Comprehensive Plan or other Council approved plan.

We look forward to a full discussion of these issues regarding PUDs at future Zoning Commission hearings.

Please be advised that Commissioner Drew Ronneberg, Commissioner David Holmes or any member of the ANC 6A Economic Development and Zoning Committee are authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202 431-4305 or [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com).

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director  
Jennifer Steingasser, Office of Planning  
Karen Wirt, ANC 6C Chair



## New Business



### ANC 6A Budget for FY11 DRAFT

#### A. Funds Available

FY10 Year End Savings Balance (08/31/10))	\$ 4,202.49
FY10 Year End Checking Balance (09/30/10)	\$ 22,751.05
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Total FY10 Balance	\$ 26,953.54
FY10 District Allotments Outstanding <sup>1</sup>	11,110.80
Projected FY11 District Allotments <sup>2</sup>	\$ 22,221.60
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Projected Total Funds Available For FY10	\$ 60,285.94

#### B. FY11 BUDGET

Expenditures	Amount
Photocopies	\$ 3,000.00
Advertising	\$ 4,500.00
Minutes & Agenda Services	\$ 4,800.00
Other Contracted Services	\$ 2,000.00
Post Office Box & Postage	\$ 350.00
Grants	\$ 10,000.00
Office Supplies	\$ 100.00
ANC Security Fund	\$ 25.00
Amer. Sign Language Interpreter	\$ 1,200.00
ANC Flyer	\$ 700.00
Petty Cash	\$ 100.00
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Total	\$ 26,775.00
Projected Surplus	\$ 33,510.94

<sup>1</sup> This represents payments for approved allotment disbursement that have not yet been received.

<sup>2</sup> Estimate based FY10 level of funding



## New Business



### SUMMARY of FY10 EXPENDITURES

Expenditures (010/01/10 - 09/30/10)	Amount
Photocopies	\$ 1,604.27
Advertising	\$ 5,855.00
Minutes & Agenda Services	\$ 3,668.50
Post Office Box & Postage	\$ 250.00
Grants	\$ 12,497.66
Office Supplies	\$ 0.00
ANC Security Fund	\$ 25.00
Amer. Sign Language Interpreter	\$ 0.0
ANC Flyer	\$ 0.0
Petty Cash	\$ 0.0
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Total Expenditures	\$ 23,900.43