

District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for January 8, 2015



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

- 7:00 pm **Call to order, Organizational actions**
1. Call of the roll and announce the presence of a quorum
 2. Motion to adopt the Commission Rules
 3. The Commission will consider the nomination and election of its officers in the following order:
 - a. Chair
 - b. Vice Chair
 - c. Secretary
 - d. Treasurer
 4. Motion/s to elect Committee Chairs for 2015
 5. Motion to nominate members of the permanent Committees for 2015
Economic Development and Zoning Committee - Dan Golden (Co-Chair), Andrew Hysell (Co-Chair), Laura Gentile, Missy Boyette, Brian Carlson, Justin Thornton, Michael Hoenig, Stephanie Zimny
Transportation and Public Safety - Todd Sloves (co-chair), Omar Mahmud (co-chair), Jeff Fletcher, Andrea Adleman, DeLania Hardy, Lara Levison, Christine Ennis, Hassan Christian, Elizabeth Nelson
Alcohol Beverage Licensing - Jay Williams (Co-chair), Christopher Seagle (Co-Chair), David Oberting, Michael Herman, Roger Caruth, Adam Healy
Community Outreach - Pat Joseph, Roni Hollmon, Dana Wyckoff, Raphael Marshall, Shirley Worthy, Gladys Mack, Jean Kohanek
 6. Motion to authorize the Chair to write the required notifications to the various appropriate offices of the City Government of the newly elected Commission Officers, Committee Chairs, and Membership
 7. Motion to adopt a schedule of monthly ANC meetings for 2015
 8. Motion to authorize the Treasurer to write a check to participate in the ANC Security Fund - \$25.00
- 7:20 pm **Approve Previous Meeting's Minutes, Adopt Agenda**
- 7:25 pm **Community Comments (2 minutes each)**
- 7:30 pm **Officer Reports**
- Chair (2 minutes)
 - Vice-Chair (2 minutes)
 - Secretary (2 minutes)
 - Treasurer (2 minutes)
1. Approve Treasurer's Report pg. 15
- 7:40 pm **Standing Committee Reports:**
- Community Outreach** pg. 17
1. No report - Committee did not meet after the December 2014 ANC meeting.
 2. Next meeting - 7:00 pm, January 26, 2015 (rescheduled from the 3rd Monday due to the holiday)

District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for January 8, 2015



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

7:45 pm **Alcohol Beverage Licensing pg. 18**

1. Approve committee report
2. **Recommendation:** The ANC protest the Class C Tavern License renewal of Lattice Partners LLC t/a Copycat Co. at 1110 H Street NE (ABRA # 096474) unless a signed settlement agreement is submitted prior to the date of the protest hearing.
3. **Recommendation:** The ANC oppose the request by 1101 Convenience Mart at 1101 H Street NE (ABRA # 086305) for an exemption from the Ward 6 singles ban.
4. **Recommendation:** The ANC approve an amendment to its Settlement Agreement with Cusbah at 1128 H Street NE (ABRA # 088779) stating that (1) the establishment's sidewalk cafe close at 11:00 pm on weeknights and 1:30 am on weekends and (2) no noise from the sidewalk cafe will be heard from any nearby residence, and that the ANC withdraw its protest of Cusbah's license renewal.
5. Next meeting - 7:00 pm, January 20, 2015 (3rd Tuesday)

8:00 pm **Transportation and Public Space Committee pg. 21**

1. Approve committee report
2. **Recommendation:** The ANC write a letter to DDOT requesting additional pedestrian crossing signage at the intersections where Sixteenth (16th) Street NE crosses C Street NE and North Carolina Avenue NE, with an additional request that DDOT also consider installation of crosswalk lighting if available.
3. Next meeting - 7:00 pm, January 12, 2015 (rescheduled from the 3rd Monday due to the holiday)

8:10 pm **Economic Development and Zoning pg. 24**

1. Approve committee report
2. **Recommendation:** ANC write a letter of support to BZA regarding the requested zoning relief for 240 9th Street NE (BZA 18914), supporting the applicant's requests for variances from the alley setback requirements under §2300.4, and the accessory building height requirements under §2500.4 and for a special exception from the lot occupancy requirements under §403.2, to permit the construction of a second story on an existing garage in the R-4 district.
3. **Recommendation:** ANC write a letter of support to HPRB regarding the design of the proposed second story on the existing garage at 240 9th Street NE.
4. **Recommendation:** ANC write a letter to BZA taking no position on the requested zoning relief for 815 8th Street NE (BZA 18927), specifically, the applicant's request for special exceptions under §223, for the construction of a two-story rear addition to an existing single-family dwelling not meeting the lot occupancy requirements under §403.2, the rear yard requirements under §404.1, the open court requirements under §406.1, and the nonconforming structure requirements under §2001.3, in view of the fact that, in the ANC's view, additional zoning relief from the accessory building height requirements under §2500.4, should be required for the proposed structure.
5. **Recommendation:** ANC write a letter to the Zoning Administrator requesting that

District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for January 8, 2015



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

the pending application for zoning relief for 815 8th Street NE (BZA 18927) be reviewed to determine whether additional zoning relief from the accessory building height requirements under §2500.4 is required for the proposed structure and stating that, in the ANC's view, such relief should be required.

6. **Recommendation:** ANC write a letter of support to BZA regarding the requested zoning relief for 915 C Street NE (BZA 18939), supporting the applicant's requests for special exceptions under §223, for the construction of a two-story rear porch addition to an existing single-family dwelling not meeting the lot occupancy requirements under §403.2, the minimum lot size requirements under §401.3, the open court requirements under §406.1, and the nonconforming structure requirements under §2001.3 in the R-4 District.
7. **Recommendation:** ANC write a letter of support to HPRB regarding the design of the proposed two-story rear porch addition at 915 C Street NE, on the condition that the downspout not be visible from the facing porch.
8. **Recommendation:** ANC write a letter of support to BZA regarding the requested zoning relief for 1020 F Street NE (BZA 18933), supporting the applicant's request for special exceptions under §223, for the construction of a third-floor addition to an existing single-family dwelling not meeting the lot occupancy requirements under §403.2, the rear yard requirements under §404.1, and the nonconforming structure requirements under §2001.3 in the R-4 District.
9. Next meeting - 7:00 pm, January 21, 2015 (3rd Wednesday)

- 8:30 pm **New Business**
- 8:40 pm **Single Member District reports (2 minutes each)**
- 8:55 pm **Community Comments Round II, time permitting (2 minutes each)**
- 9:00 pm **Adjourn**



Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
December 11 2014

Present: Commissioners Nick Alberti, Andrew Hysell, J. Omar Mahmud, Sondra Phillips-Gilbert, Calvin Ward, Chris Ward

Absent: Commissioners Gloria Nauden, Jay Williams

The meeting was convened at 7:00 pm.

1. Minutes

The November 2014 minutes were accepted without objection.

2. Agenda

The agenda for the December 2014 was accepted without additions or changes, and with no objections.

3. Community Presentation

Pepco Merger with Exelon

Rob Robinson, a representative of the Grid 2.0 Working Group, made a detailed presentation on why the proposed merger of Pepco and Exelon Energy would not benefit the people of the District of Columbia. The proposal will come before the Public Service Commission in February 2015. Citing examples such as Exelon's takeover of the Baltimore electric system and the ways it has not benefited that city, Robinson offered a sample resolution to the PSC for possible consideration by the ANC. The Commission decided by consensus to take no action at the present time.

4. Officers Reports

Chair

Mr. Alberti congratulated ANC resident John Hill, who often attends Commission meetings, for receiving a "brickie" Good Neighbor Award from Councilmember Tommy Wells.

Vice Chair

Mr. Mahmud thanked Mr. Alberti and Ms. Elizabeth Nelson for their major contributions to the ANC.

Treasurer's Report

Mr. Alberti presented the Treasurer's Report at the request of Mr. Mahmud. He reported that the opening balance in the checking account was \$22,315.77 and the savings account balance was \$13,719.87. There was an interest deposit of \$.23 to the savings account. There were disbursements of \$565.86 to FedEx Office for the Nov. 1, 2014 invoice (Check #1675); \$200.00 to Irene Dworakowski for the November 2014 agenda package (Check #1676); \$200.00 to Roberta Weiner for transcription of the November 2014 minutes (Check #1677); \$3,828.00 to Capitol Community News for advertising (Check #1678); \$1,760.00 to Keifer Swim Shop for sporting equipment for a grant for Serve Your City (Check #1679); and \$299.46 to Gopher for a grant for Miner School PTO (Check #1680), leaving a balance of \$15,461.45 in the checking account, and \$13,720.10 in the savings account.

Motion: Mr. Alberti moved/Mr. Mahmud seconded a motion to accept the disbursements. The motion passed 5-1-0, with Ms. Phillips-Gilbert in opposition.



Motion: Mr. Alberti moved/Mr. Mahmud seconded a motion to accept the Treasurer's Report as presented. The motion passed 5-0-1, with Mrs. Phillips-Gilbert abstaining.

5. Committee Reports

Community Outreach (COC)

The report of the committee was accepted without objection.

Motion: The Committee moved/Mr. Hysell seconded a motion that the ANC accept the COC's recommendation to approve the following changes to the Grants Program:

- a. Keep the current grant application cycle, with smaller grants considered monthly and larger grants considered two (2) times a year.
- b. Publicizing grant opportunities: Commissioners will be asked to reach out to eligible organizations operating within their Single Member Districts (SMD). A reference to the availability of grants will be added to the ANC's regular advertising.
- c. A cover sheet to the grant application with additional instructions would be helpful to potential applicants and will be developed if approved by the commission.
- d. Future grant applicants will be asked to provide a brief "statement of compliance" upon completion of the project.
- e. The ANC will continue to require a representative of the organization requesting a grant to attend both the ANC and the COC meetings. If the applicant fails to appear at two (2) consecutive ANC meetings, they will be expected to re-apply.
- f. The ANC will require that any applicants be locally-based organizations.

The motion passed 5-0-1, with Ms. Phillips-Gilbert abstaining.

Motion: The Committee moved/Mr. Calvin Ward seconded a motion that the full ANC approve the Committee's recommendation that it accept the best proposal (as evaluated by the Committee) submitted in response to the RFP for website conversion. The proposal selected was submitted by Max Kukoy.

Mrs. Phillips-Gilbert reiterated that she wanted to advertise the opening for a longer period of time, and she was concerned about spending government dollars. Mr. Alberti thanked Ms. Jean Kohanek for her efforts in reviewing the proposals. He commented that Mr. Kukoy discusses building a new platform, recognizes the large number of files the ANC has, and plans a robust management scheme, including training. Mr. Mahmud added that it is important to move forward now. Finding additional candidates would take time, which the Commission does not have. The incoming commissioners present at the meeting (Dr. Matthew Levy, Ms. Stephanie Zimny, Mr. Phil Toomajian) expressed their support for engaging Mr. Kukoy's services. The motion passed by a vote of 5-1-0, with Mrs. Phillips-Gilbert opposed.

Motion: Mr. Alberti moved/Mr. Mahmud seconded a motion to confirm the appointment of Dana Wyckoff and Raphael Marshall as members of the Community Outreach Committee. The motion passed unanimously, 6-0-0.

Transportation and Public Space

The report of the committee was accepted without objection.



Motion: The Committee moved/Mr. Mahmud seconded a motion that the Commission send letter of support for the Capitol Hill Classic Race, pending receipt of information regarding engagement with churches on the course and race logistics. The motion passed unanimously, 6-0-0.

Economic Development and Zoning (EDZ)

The report of the committee was accepted without objection.

Motion: The Committee moved/Mr. Alberti seconded a motion that the ANC approve the Committee's recommendation and write a letter to the Bureau of Zoning Authority (BZA) regarding the requested zoning relief for 1401 H Street NE: 1) in support of the requested variances from lot occupancy and on-site parking, provided that there be covenants recorded in the District land records for each unit stating that it is not eligible for Residential Parking Permits (RPP), that the by-laws for the homeowner's association provide for enforcement mechanism should any homeowner obtain RPP, and that a separate covenant be recorded in the District land records providing that this by-law provision may not be amended or removed; 2) in support of the requested special exception necessary because of the size of the lot in the H Street overlay; and 3) in opposition to the requested variance from the floor-to-area ratio (FAR) requirements. The motion passed unanimously, 6-0-0.

Motion: The Committee moved/Mr. Alberti seconded a motion that the ANC approve the Committee's recommendation and write a letter of support to the BZA regarding the requested relief from the on-site parking requirements for 1251 F Street NE. The motion passed unanimously, 6-0-0.

Motion: The ANC continue to support its pending application before the Zoning Commission (ZC) for the rezoning of the northwest portion of Square 1070 (bounded by East Capitol Street, Fifteenth (15th) Street, A Street and Sixteenth (16th) Street NE) from commercial to residential (R-4).

The ANC took no action on this motion, announcing that the Zoning Commission is still seeking comments on the issue.

Motion: The Committee moved/Mr. Alberti seconded a motion that the ANC approve the Committee's recommendation and write a letter to the Zoning Commission in connection with its upcoming hearing of a ZC 14-11 to consider amendments to the Zoning Code: 1) in support of the proposal to reduce maximum building height in the R-4 district from 40' to 35', with 40' permitted by special exception; 2) in support of the proposal to amend the definition of "mezzanine" to state that a mezzanine shall be counted as a "story;" 3) in support of the proposal to reduce the permitted height of a roof structure from 18' to 10'; and 4) to no longer permit by right and to require a special exception for the conversion of an R-4 structure to an apartment house (provided there is at least 900 square feet of lot size for each unit in the apartment house). The motion passed unanimously, 6-0-0.

Motion: The Committee moved/Mr. Alberti seconded a motion that the ANC approve the Committee's recommendation and take no action on the request for an extension of the variance from the lot size and lot width requirements previously granted for 257 Warren Street NE. The motion passed unanimously, 6-0-0.

Overview and Update of ZC 14-20 – The application for the rezoning of Square 1070. The ANC will take public input on the application.

Motion: The Committee moved/Mr. Calvin Ward seconded a motion that they designate Commissioner Calvin Ward, Commissioner Alberti and Todd Sperry, as well as the ANC Chair and Vice Chair, as

Advisory Neighborhood Commission 6A Meeting Minutes of December 11, 2015



representatives of the ANC in this matter. The motion passed unanimously, 5-0-1, with Ms. Phillips-Gilbert abstaining.

Motion: The Committee moved/Mr. Calvin Ward seconded a motion that the ANC approve the Committee's recommendation and write a letter to DCRA asking that they suspend, until the ZC rules, the processing of any permit applications for properties affected by the rezoning application other than those for construction that complies with R-4 matter of right uses. The motion passed unanimously, 6-0-0.

6. Single Member District Reports

Mr. Calvin Ward told Mr. Alberti how much his services will be missed, and that there will be no replacement for him.

Ms. Phillips-Gilbert congratulated John Hill, who is her constituent, on receiving the Good Neighbor Award from Councilmember Tommy Wells. She also reported that the coat drive in her community was very successful.

Mr. Andrew Hysell said that "it has been great" serving as a Commissioner for four years, and congratulated his successor. He also wished the new Commissioners good luck, and thanked the Chair for inspiring him to work.

The meeting was adjourned at 9:10 pm.

Commission Letters of December 11, 2014 Meeting



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



December 15, 2014

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18883 (1251 F Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on December 11, 2014, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support the Applicant's request for a variance from the off-street parking requirements set forth at § 2101.1. The Applicant seeks the variance in connection with planned new residential construction on the property.

The Commission supports granting the requested variance because strict application of the above-referenced zoning requirement would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. Specifically, the rear of the property is blocked by garages owned by other property owners and therefore has no access to the alley, making compliance with the off-street parking requirements impossible.

Please be advised that Andrew Hysell as well as the ANC 6A Chair and Vice-Chair are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at 6A04@anc.dc.gov.

On Behalf of the Commission,

A handwritten signature in cursive script that reads "Nicholas Alberti".

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

¹ANC 6A meetings are advertised electronically on the listserves anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.

Commission Letters of December 11, 2014 Meeting



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



December 17, 2014

Ms. Sharon Schellin
Secretary to the Zoning Commission
DC Office of Zoning
One Judiciary Square
441 4th St. NW, Suite 210S
Washington, DC 20001

Re: ZC Case No. 14-11 (Proposed Zoning Amendments)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting¹ on December 11, 2014, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to submit the following comments in support of the pending proposal to amend Chapters 1, 3 and 4 of the zoning regulations in the above-referenced matter, currently scheduled for public hearing on January 15, 2015.

ANC6A is predominantly zoned R-4 and it would therefore be impacted in significant measure by the proposed regulations. Although a significant portion of ANC6A is included within an historic district, much of the ANC is not. For that reason, many blocks of well-preserved and historic two-story row homes are uniquely threatened by the regime of unregulated “pop-up” construction in place under the current by-right height limit of 40 feet and other provisions of the zoning code addressed by the Zoning Commission’s pending proposal.

In view of the foregoing, ANC6A wishes to express its support for the amendments being proposed by the Zoning Commission. Specifically, ANC6A supports amending the zoning code to: 1) reduce the permitted height of by-right construction in the R-4 district to 35 feet, with 40 feet permitted by special exception; 2) amending the definition of “mezzanine” so that a “mezzanine” is counted as a “story”; 3) reducing the permitted height of by-right construction of a roof structure located on one-family detached, semi-detached, or row dwelling or flat from 18.5 feet to 10 feet; and 4) requiring special exception relief for the conversion of a building or other structure existing before May 12, 1958 in the R-4 district to an apartment house.

The Commission believes that the proposed amendments strike the correct balance by permitting the above-referenced construction in appropriate cases, but only after an opportunity for oversight by the Board of Zoning Adjustment with community input from the ANC.

¹ ANC 6A meetings are advertised electronically on the listserves anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.

Commission Letters of December 11, 2014 Meeting



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



Please be advised that the ANC Chair and Vice-Chair, and Andrew Hysell are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at 6A04@anc.dc.gov.

On Behalf of the Commission,

A handwritten signature in black ink that reads "Nicholas Alberti".

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

Commission Letters of December 11, 2014 Meeting



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



December 22, 2014

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18891 (1401 H Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on December 11, 2014, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support the Applicant's request for a variance from the lot occupancy requirements set forth at § 772, the off-street parking requirements (under certain conditions discussed below) set forth at § 2101.1, and for a special exception for new construction on a lot greater than 6,000 square feet in the H Street overlay under §1320.4, and to support the Applicant's request for a variance from the floor-to-area-ratio (FAR) requirements set forth at § 771 under the condition that the FAR does not exceed 5.2. The applicant seeks the requested relief to permit the construction of a multi-family residential building with ground floor retail in the C-3-A/HS-A Zone District.

The Commission supports granting the requested variances from the lot occupancy and off-street parking requirements because strict application of the above-referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. The Commission recognizes that a variance from the lot occupancy requirements is appropriate in view of the unusual shape of the lot and the fact that the lot itself occupies a relatively small portion of the square in which it is located. The Commission supports granting of the off-street parking variance only on the condition that: 1) covenants be recorded in the land records for each unit prohibiting the owner or resident of the unit from obtaining a residential parking permit; 2) the bylaws for the building prohibit any owner or resident of a unit from obtaining a residential parking permit, require a regular review as to whether this bylaw provision has been violated, and provide an enforcement mechanism in the event that it has been violated; and 3) a covenant be recorded in the land records that provides that this by-law provision may not be amended or removed.

¹ ANC 6A meetings are advertised electronically on the listserves anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.

Commission Letters of December 11, 2014 Meeting



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



The Commission supports granting the variance from the FAR requirements up to a limit of a 5.2 FAR. The request for a variance from the FAR requirements was of concern to the Commission. Presuming a grant of a variance from the lot-occupancy requirements, any “floor” of the structure already will be significantly larger than otherwise would be permitted by right. Accordingly, even an incremental increase in FAR over the permitted limit of 4.8 will result in a disproportionately large increase in the total square footage of the structure. With that said, the Commission believes that some upward departure from the by-right FAR of 4.8 can be justified in this case in view of the limited size of the lot relative to the square in which it is located, as well as the lot's unusual triangular shape. Having discussed this issue with the Commission, the developer in this case has agreed not to exceed a FAR of 5.2 and the Commission conditions its support for the requested FAR variance on this agreement. The BZA should be aware, however, that permitting a FAR in excess of 5.2 would be of grave concern to the Commission and would set an unfortunate precedent for future zoning relief requests in ANC6A.

Finally, the Commission supports granting the special exception permitting new construction on a lot greater than 6,000 square feet in the H Street overlay because, in the view of the Commission, it meets the enumerated criteria for such relief. Specifically, the Commission concludes that the project is consistent with the intent of the design requirements of § 1324 and the H Street, N.E. Strategic Development Plan, that the architectural design of the project enhances the urban design features of the immediate vicinity in which it is located, that vehicular access and egress promote safe and efficient pedestrian movement, that parking and traffic conditions associated with the operation of the project will not adversely affect adjacent or nearby residences, that noise associated with the operation of the project will not adversely affect adjacent or nearby residences, and that the size, type, scale, and location of signs will be compatible with the surrounding corridor and consistent with the design guidelines of the H Street, N.E. Strategic Development Plan.

Please be advised that Andrew Hysell, and the ANC 6A Chair and Vice-Chair are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at 6A04@anc.dc.gov.

On Behalf of the Commission,

A handwritten signature in black ink that reads "Nicholas Alberti".

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

Commission Letters of December 11, 2014 Meeting



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



December 29, 2014

Mr. Rabbiah Sabbakhan
Director, Department of Consumer and Regulatory Affairs
100 4th Street, SW,
Washington, DC 20024

Re: Request to Suspend Processing of Construction Permit Applications on Square 1070

Dear Director Sabbakhan,

On December 18, 2014, the Zoning Commission voted to hold a public hearing on ANC 6A's application for a Map Amendment for Square 1070; Z.C. Case No. 14-20 (ANC 6A Map Amendment @ Square 1070). ANC 6A has requested that fourteen (14) lots (Lots 38, 39, 73-76, 80-86 and 94) within Square 1070 be rezoned from the current C-2-A District to the R-4 District. The properties that are the subject of our request are 15-31 15th St NE, 1505-1511 A St NE and Alley lot 73.

At a regularly scheduled and properly noticed meeting¹ on December 11, 2014, our Commission voted 6-0-0 to request that the Department of Consumer and Regulatory Affairs (DCRA) suspend the processing of all construction permit applications for lots 38, 39, 73-76, 80-86 in Square 1070, except for applications relating to matter of right construction in an R-4 District, until the Zoning Commission has made a final decision on our Commission's request for a Map Amendment (Z.C. Case No. 14-20).

¹ ANC 6A meetings are advertised electronically on the listserves anc6a-announce@yahoogroups.com, anc6a@yahoogroups.com and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.

Commission Letters of December 11, 2014 Meeting



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



Our Commission wishes to preserve the integrity and quality of the residential nature of the neighborhood, and to preserve the historic architecture of the square and the surrounding neighborhood. In the event that the Zoning Commission grants our request to rezone the fourteen lots to the R-4 District, any construction undertaken from this point forward, that does not conform with R-4 zoning, would be incongruent with the goals of the Zoning Commission and of ANC 6A. It is for this reason that our Commission requests that DCRA suspend the processing of all construction permit applications that do not conform to R-4 zoning for those lots that are the subject to our Map Amendment request.

On behalf of the Commission,

A handwritten signature in black ink that reads "Nicholas Alberti".

Nicholas Alberti

Officer Reports - Treasurer



ANC 6A Treasurer's Report December 2014

PETTY CASH SUMMARY

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

Prepared Dec. 31, 2104

Committee Reports
Alcohol Beverage and Licensing (ABL)
[Redacted]



No report. Committee did not meet since the December 2014 ANC 6A meeting.



Minutes

**Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A**

December 16, 2014

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:00 pm on December 16, 2014 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Co-Chair), Christopher Seagle (Co-Chair), Adam Healy, David Oberting, and Michael Herman.

Committee Members Absent: Roger Caruth.

Commissioners Present: None.

Community Members Present: David Holmes, Steve Chung (1101 Convenience Mart), Brittany Urse (Copycat Co), Devin Gong (Copycat Co), Mark Busby, and June Wilson.

I. Call to Order

Mr. Williams called the meeting to order at 7:05. The meeting having been duly convened was ready to proceed with business with a quorum. There were no additions or edits to the agenda as published.

II. Community Comment

None.

III. Old Business

Mr. Williams announced that the ANC had recently approved Mr. Seagle to serve as Co-Chair for the Committee, and that he was looking forward to working with Mr. Seagle moving forward. Mr. Williams also provided updates on negotiations with Cusbah and Rock and Roll Hotel. The ANC reached an agreement with Rock and Roll Hotel that was identical to the agreement it reached with H Street Country Club, so Rock and Roll Hotel is no longer requesting termination of its Settlement Agreement. The ANC was also close to an agreement with Cusbah with respect to the ANC’s protest of its license due to its late sidewalk café hours. Mr. Williams noted that a compromise was unlikely to be perfect, but that it was an acceptable agreement considering the circumstances.

IV. New Business

A. Discussion of Class C Tavern license renewal for Lattice Partners LLC t/a Copycat Co. at 1110 H Street NE (ABRA # 096474).

- Mr. Williams introduced Mr. Gong, who is an owner of Copycat Co. Before turning the floor over to Mr. Gong, Mr. Williams noted that the ABRA placard contained an error for this establishment, because it omitted an existing summer garden endorsement.
- Mr. Gong stated that he has experience in the area, including from working at Napa 1015 (now Atlas Room), and has also worked at Ping Pong Dim Sum, Founding Farmers, and Barmini.
- The concept for the establishment is Chinese street food, including potstickers, skewers, and other foods, and a cocktail bar upstairs.



- Mr. Gong stated that there are plans for a summer garden in the back of the establishment. There is currently a half-enclosed garage, which he will completely enclose with a retractable roof, with the goal of completely sealing in noise. All seating will be underneath the garage. Mr. Gong noted that he lives in the neighborhood and is sensitive to noise concerns.
- Mr. Seagle asked what backs up to the property. Mr. Gong responded that there is an H-shaped alleyway in the back, so the rear does not directly face residences. He estimated that the closest house was about thirty (30) feet away.
- Mr. Williams asked if Mr. Gong had any plans for a rooftop deck or sidewalk café, and Mr. Gong said he did not.
- Mr. Seagle inquired about the time frame for enclosing the back patio and opening it for business, and Mr. Gong stated that he hoped to begin work in March and open the patio in late June or early July.
- Mr. Herman asked what the occupancy was for the interior. Mr. Gong responded that it is seventy-eight (78).
- Mr. Oberting asked if the summer garden would be heated, and Mr. Gong said that it would.
- Mr. Busby asked what the expected occupancy was for the summer garden, and Mr. Gong stated that it would be twenty-five (25).
- Mr. Gong stated that he had no plans for entertainment on the patio, and Mr. Williams noted that the ANC typically requires that no entertainment or pre-recorded music be allowed on the patio.
- Ms. Wilson asked about whether the ANC made efforts to restrict noise coming from televisions on patios, and Mr. Williams noted that was something the ANC should consider.

Mr. Williams moved/Mr. Seagle seconded that the ANC protest the Class C Tavern license renewal for Lattice Partners LLC t/a Copycat Co. at 1110 H Street NE (ABRA # 096474) unless a signed settlement agreement is submitted prior to the protest date. Motion carried 5-0.

B. Discussion of request by 1101 Convenience Mart for an exemption from the Ward 6 Singles Ban.

- Mr. Chung presented on behalf of 1101 Convenience Mart, stating that he was making the request because his clientele had changed and he wanted to sell large-format single craft beers. He also noted that nearby establishments were selling single beers and that he was losing business to them.
- Mr. Oberting stated he was not familiar with the other establishment, and Mr. Williams noted that if another establishment was selling singles, they were likely in violation of the Ward 6 singles ban.
- Mr. Oberting asked the other Committee members what locations in the District had a singles ban. Mr. Healy and Mr. Seagle stated the ban existed in Ward 4, Ward 6, and certain Ward 2 ANCs.
- Mr. Healy stated that the only exemption ANC 6A has ever supported was a store on Benning Road, which was located directly across the street from Ward 5 (which does not have a ban).

Committee Reports

Alcohol Beverage and Licensing (ABL)



- Mr. Williams stated that a competitor selling singles was an issue for the ABC Board and ABRA to investigate.
- Mr. Oberting asked whether there was still a case for a singles ban in Ward 6. Mr. Busby stated that there are regularly individuals loitering outside of 1101 Convenience Mart, and there are regular issues with public drinking and intoxication. Mr. Oberting asked if these were regular disturbances, and Mr. Busby said that they were.
- Mr. Williams noted that he had heard from the incoming Commissioner for the SMD covering 1101 Convenience Mart, and he was opposed to an exemption from single sales.
- Mr. Williams stated he understood concerns about losing potential business, but that there were still serious problems with public intoxication and disorderly conduct.
- Mr. Holmes stated that setting a price point for single sales, rather than an outright ban, could be discriminatory.
- Mr. Oberting stated that he took a “libertarian” position that single sales should be allowed.
- Mr. Williams noted that the ANC has three options: 1) Do nothing and let the ABC Board decide on its own; 2) Oppose the request and participate in the ABC Board’s hearing on the request; 3) Support the request before the ABC Board, which would likely mean the ABC Board would approve it.
- Mr. Oberting stated he supported option 1.
- Mr. Healy stated he supported option 2, because the ANC has a long track record of opposing these requests, and the one exemption it supported was a specific case. Given the public drinking and urination that regularly takes place in that area, Mr. Healy stated it would be dangerous to allow for more single sales.
- Mr. Seagle stated that he did not think the area was at the point where singles sales should be allowed.
- Mr. Holmes agreed with Mr. Seagle and stated that he believed the singles sales ban was the biggest factor in the revitalization of the H Street corridor. According to Mr. Holmes, prior to the ban the conditions were “horrific.” Mr. Holmes stated that he believed the day would come when the ban was no longer necessary, but the neighborhood is not there yet.

Mr. Healy moved/Mr. Seagle seconded that the ANC oppose the request by 1101 Convenience Mart for an exemption from the Ward 6 singles ban. Motion carried 3-2.

V. Adjourn

The Committee adjourned at 7:41 pm.



ANC 6A Transportation & Public Space Committee Meeting Minutes
Capitol Hill Towers (900 G Street NE)
December 15, 2014

- I. Meeting called to order at 7:05 pm.
- II. Introductions - Committee members in attendance were J. Omar Mahmud (Co-Chair), Todd Sloves (Co-Chair), Jeff Fletcher and Andrea Adleman,). Also in attendance was ANC6A Commissioner Calvin Ward.
- III. Community Comment
 - A. Mr. Sloves announced that he attended a meeting with stakeholders on historic preservation issues concerning the Maryland Avenue redesign and streetscape project.
 - B. January and February 2015 committee meetings are being moved to the second Monday of the month because the MLK and Presidents' Day holidays fall on the third Monday of those month.
- IV. New Business
 - A. Update from DC Streetcar officials regarding the final stages of the project and commencement of revenue service - Mr. Sloves introduced Thomas Perry from the District Department of Transportation (DDOT) streetcar team and thanked him for attending. Mr. Perry provided the committee the following information:
 - i. The temporary maintenance facility along Benning Road (on the Springarn site) has been completed. DDOT continues to obtain approvals and move forward with construction of the permanent facility on this same site.
 - ii. The streetcars and operators are still undergoing testing. Vehicle certification has been ongoing and the DDOT safety certification package is being reviewed now, but Mr. Perry believes there is still an opportunity to have service begin by end of the year.
 - iii. A firm date for passenger service has yet to be established.
 1. Mr. Mahmud asked about plans for expansion east and west of H Street/Benning Road given his belief that future success for the streetcar will depend on it being a viable east/west transit option across the city. Mr. Perry responded that DDOT is moving forward with plans to extend west to Georgetown and east to Benning Road or to the Minnesota Avenue Metro. DDOT is currently in the federal environmental impact study phase (begun in December 2013), which is necessary before DDOT can become eligible for federal funding for the project. DDOT is hoping to get a FONSI (Finding of No Substantial Impact) for the east and west extensions by end of 2015 or early 2016. DDOT still needs to hire a design/builder for the east/west extension projects, for which DDOT will advertise a Request for Proposals (RFP) once the FONSI is obtained for both lines.
 - iv. A resident asked about the cost to ride the streetcar and the planned headways. Mr. Perry responded that cost has not been determined yet, but that he anticipates it being comparable to current Metro fares. Mr. Perry also anticipates there being a ten (10) minute headway per car based on the current number of streetcars available for this line.
 - v. A resident asked about how the streetcars are interacting with parking and traffic now. Mr. Perry responded that there have been some minor vehicle incidents, but thankfully none involving injuries. DDOT is happy with where things are concerning incidents, but



it continues to pursue a public education effort to ensure the public is aware of how to safely interact with streetcars (motorists, bicyclists, pedestrians).

- vi. A resident asked whether the streetcar will augment or replace existing bus lines like the X2 which run along the same route. Mr. Perry responded that there is no current plan to remove any bus lines which run along the same route as the streetcar, especially considering the line opening now is only 2.2 miles long, but that DDOT will continue to evaluate service needs in the future and make a determination about changing service as needed.
- vii. A resident asked about hours of operation for the streetcar line. Mr. Perry indicated he believed the hours to be 6:00 am to 12:00 midnight Monday to Thursday, 6:00 am to 2:00 am Friday and Saturday, and 8:00 am to 10:00 pm on Sunday. Mr. Sloves pointed out that the hours are set in the current streetcar regulations, which he believes indicate service ends at 1:00 am on the weekends.

B. Request from residents for traffic calming on Fifteenth (15th) Street NE near Miner Elementary School. Mr. Sloves introduced resident Ben Cain, a resident of Fifteenth (15th) Street NE and a member of the Miner Elementary School (ES) Parent Teacher Organization (PTO). Mr. Cain provided the following information:

- i. Traffic on Fifteenth (15th) Street NE in our ANC is a serious concern, particularly right by Miner ES since many children and families frequent the area. Traffic regularly speeds and runs the stop sign at Tennessee Avenue NE, which makes it difficult for pedestrians to cross Fifteenth (15th) Street NE when visiting the school.
- ii. A traffic calming petition is currently being circulated to impacted residents, which is about 60% completed. Mr. Mahmud advised Mr. Cain to go ahead and submit the petition once it is complete and to send a copy to Mr. Sloves and himself so that the ANC can weigh in with support as well. Mr. Cain indicated he has also reached out to Councilmember elect Charles Allen, which Mr. Mahmud agreed was a good idea. Mr. Cain agreed to send the ANC the petition once it is completed.
- iii. A resident on Fifteenth (15th) Street reported that he has also witnessed speeding along Fifteenth (15th) Street.
- iv. Commissioner Ward indicated he believes there is also a stop sign concern at Fifteenth (15th) Street NE and F Street NE, right near the intersection with Tennessee Avenue NE. Three parked cars have been totaled near this intersection in the last couple of years, which he believes is because of speeding due to the width of the street.
- v. Mr. Cain also thanked the ANC for a grant given to the Miner Parent-Teacher Organization (PTO). Mr. Mahmud told Mr. Cain that this Committee was not involved in approval of that grant, but that he would pass on Mr. Cain's thanks to the ANC and specifically the ANC 6A Community Outreach Committee.

C. Request for pedestrian safety measures at Sixteenth (16th) Street NE and North Carolina Ave NE. Mr. Sloves introduced resident Genevieve Fugere, a resident of Sixteenth (16th) Street NE. Ms. Fugere provided the following information:

- i. Ms. Fugere described the location and passed around photographs showing the intersection, which is the point where C Street NE meets North Carolina Avenue NE.
- ii. The crossing conditions for pedestrians are quite dangerous because there are several lanes of traffic that need to be navigated (as many as six lanes on North Carolina and C Street). There are no signs indicating motorists should slow down for pedestrians (similar to the signs that pop up from the roadway that are typically seen in other



dangerous intersections). Ms. Fugere reports excessive speeding and that motorists are not slowing down for pedestrians. She believes at a minimum there should be pedestrian crossing signs in the middle point of the crosswalk.

- iii. Ms. Fugere believes that, in the long term, it would be helpful to get better lighting installed and possibly lights that flash in the crosswalk to warn motorists to slow down for pedestrians. Mr. Mahmud commented that he has not seen something like that in the District before, but that we can always ask that DDOT consider the safety measure.
- iv. ***Mr. Sloves made a motion, seconded by Mr. Fletcher, that the ANC write a letter to DDOT requesting additional pedestrian crossing signage at the intersections where Sixteenth (16th) Street NE crosses C Street NE and North Carolina Avenue NE. Mr. Mahmud made a friendly amendment that the letter also request that DDOT consider the crosswalk lighting Ms. Fugere requested. The motion, as amended, passed unanimously.***

V. Additional Community Comment

- A. A resident asked about getting DDOT to also look at the 1400 block of G Street NE since the street is extremely narrow and difficult for two-way traffic to navigate. A petition was submitted to DDOT last year to switch this street to one way, which DDOT denied. Mr. Mahmud indicated he was not surprised given that DDOT was not open to this idea back in 2006 when he engaged DDOT on this issue. Mr. Sloves pointed out that DDOT is hesitant to make any changes along the streets near Maryland Avenue NE until the redesign project is finished. DDOT may be worried about changing the way the street interacts with Maryland Avenue now.

VI. Meeting adjourned at 8:00 pm.

Committee Reports

Economic Development and Zoning Committee



Report of the Economic Development and Zoning (ED&Z) Committee of the Advisory Neighborhood Commission (ANC) 6A
Sherwood Recreation Center, 640 Tenth (10th) Street NE
December 17, 2014

The meeting convened at 7:00 pm.

Present:

Members: Missy Boyette, Dan Golden, Brian Carlson
Commissioners: Chris Ward, Commissioner-Elect Stephanie Zimny
Dan Golden chaired the meeting.

Community Comment

There were no community comments at the beginning of the meeting.

Status Reports

Resolution of Previously Heard BZA/HPA Cases:

The ANC voted to write to the Bureau of Zoning Adjustment (BZA) in support the requested variances and special exceptions for 1401 Florida Avenue NE, provided that the FAR for the building does not exceed 5.2 and provided that the restrictions on RPP availability agreed to by the developer are included as a condition of the requested relief.

The ANC voted to write to BZA in support of the requested variance from the on-site parking requirements for 1251 F Street NE.

The ANC voted to write to the Zoning Commission (ZC) to provide the EDZ committee's comments on the proposed zoning code amendments addressing pop-ups and other building height and density issues.

The ANC voted to take no action on the requested extension of the variance previously granted for 257 Warren Street NE.

The ANC voted, on its own motion, to write to the Department of Consumer and Regulatory Affairs (DCRA) to request that DCRA postpone taking action on any applications for building permits that would be affected by the proposed rezoning of the northwest portion of square 1070.

New Business

BZA 18914 (240 Ninth (9th) Street NE): Applicant is seeking variances from the from the alley setback requirements under §2300.4, and the accessory building height requirements under § 2500.4, and a special exception from the lot occupancy requirements under §403.2 to construct a second story on an existing garage in the R-4 district. In addition, the applicant is seeking Historic Preservation Review Bureau (HPRB) approval for the design of the project.

The applicant indicated that the proposed addition would be used as an artist's studio space, while the lower floor would be used as a garage. The applicant argued that there were two unique circumstances with respect to the property that justified the grant of the requested variances: 1) There is a utility pole located behind the garage that necessitates vehicles being parked in the garage on an angle, thereby compromising the applicant's ability to use the lower floor of the garage for any purpose but parking; and 2) There is an existing upper story to the garage on one of two neighboring lots and it would be more economically feasible for the addition to be constructed to a height that matches the height of the



adjoining garage. The proposed height of the garage structure would be eighteen (18) feet. The garage would also align with the neighboring garage in terms of height and depth.

With respect to the special exception from the lot occupancy requirement of 60%, the applicant indicated that the proposed lot occupancy would be 64.8%. The applicant indicated that both adjoining properties supported the requested relief and that he was in the process of obtaining letters of support.

Mr. Golden made a motion to recommend that the ANC write a letter to the BZA in support of the requested variances and the requested special exception, provided that the applicant have obtained written letters of support from the two adjoining neighbors by the time of the full ANC meeting. Motion was seconded. Motion was approved in vote 5:0.

After discussion with the applicant regarding the proposed design and materials, Mr. Golden made a motion to recommend that the ANC write a letter to the HPRB in support of the proposed design of the structure. Motion was seconded. Motion was approved in vote 5:0.

BZA 18927 (815 Eighth (8th) Street NE): Applicant is seeking special exceptions under §223, for the construction of a two-story “rear addition” to an existing single-family dwelling not meeting the lot occupancy requirements under §403.2, the rear yard requirements under § 404.1, the open court requirements under §406.1, and the nonconforming structure requirements under §2001.3 in the R-4 District.

The applicant proposes to remove the existing garage and replace it with a two (2) story structure measuring 21 feet in height. The applicant indicated that there were other two-story garages in the same alley. The proposed new structure would consist of a garage partially occupying the first floor (and opening onto a pathway to the main residence covered by a trellis) and a two (2) bedroom unit occupying the second floor and the remainder of the first floor. The two (2) bedroom unit would be accessible through a second entrance and would be inaccessible through the garage. The applicant indicated that the unit would have a separate address. The applicant indicated that the neighboring property owners were in support of the requested relief.

The Committee inquired as to why additional zoning relief was not required based on the height of the proposed garage. By right, an accessory building may only be one story and no more than fifteen (15) feet in height. The applicant’s architect indicated that the BZA had ruled in previous cases that the existence of a trellis connecting one building to another on a single parcel of property resulted in the two buildings being considered a single “building” for purposes of the zoning code and, in those circumstances, the BZA had deemed the height limits on accessory buildings not to apply.

Mr. Golden made a motion to recommend that the ANC take no action on the requested zoning relief, in view of the Committee’s opinion that additional zoning relief from the accessory-building height requirements should be required. Motion was seconded. Motion was approved in vote 5:0.

Mr. Golden made a motion to write to the Zoning Administrator to take the position that additional zoning relief was necessary from the accessory-building height requirements. Motion was seconded. Motion was approved in vote 5:0.

BZA 18939 (915 C Street NE): Applicant seeks a special exception under §223, for the construction of a two (2) story rear porch addition to an existing single-family dwelling not meeting the lot occupancy requirements under §403.2, the minimum lot size requirements under §401.3, the open court

Committee Reports

Economic Development and Zoning Committee



requirements under §406.1, and the nonconforming structure requirements under §2001.3 in the R-4 District. In addition, the applicant is seeking HPRB approval for the design of the project.

The applicant provided signed letters from the two (2) neighboring property owners indicating support for the requested relief. The applicant also indicated that several other properties on the block have similar structures at their rear.

Mr. Golden made a motion to recommend that the ANC write a letter to the BZA in support of the requested special exceptions. Motion was seconded. Motion was approved in vote 5:0.

After discussion with the applicant regarding the proposed design and materials, Mr. Golden made a motion to recommend that the ANC write a letter to the HPRB in support of the proposed design of the structure, provided that the applicant take action to see that the downspout at the rear of the property not be visible from the facing rear porch. Motion was seconded. Motion was approved in vote 5:0.

BZA 18933 (1020 F Street NE): Applicant seeks a special exception under §223, for the construction of a third (3rd) floor addition to an existing single-family dwelling not meeting the minimum lot size requirements under §401.3, the lot occupancy requirements under §403.2, the rear yard requirements under §404.1, and the nonconforming structure requirements under §2001.3 in the R-4 District.

The existing lot occupancy is 74% and the rear-yard setback is fifteen (15) feet. The applicant indicated that, following the proposed addition, the lot occupancy will actually decrease to 69.6% because the rear deck size will be reduced. The front of the addition will be brick, but the cost of making the entire addition brick would be prohibitive, in the range of \$40,000.00. The applicant did agree to make efforts to keep the proposed addition as unobtrusive as possible. The applicant provided signed letters from the owners of the property across from their alley and on either side of their property in support of the proposed addition.

Mr. Golden made a motion to recommend that the ANC write a letter to the BZA in support of the requested special exceptions. Motion was seconded. Motion was approved in vote 5:0.

The meeting adjourned at 9:00 pm.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, January 21, 2014
7:00-9:00 pm
Sherwood Recreation Center
640 Tenth (10th Street) NE, Second (2nd) Floor**

Committee Reports
Economic Development and Zoning Committee



January XX, 2015

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18914 (240 9th Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on January 8, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request variances from the alley setback requirements (§ 2300.4), and the accessory building height requirements (§ 2500.4), and a special exception from the lot occupancy requirements (§ 403.2), in the above-referenced application. The applicant seeks the foregoing relief to permit the addition of a second story to an existing accessory structure currently serving as a garage.

The Commission supports granting the requested variances because, in view of the fact that a utility pole is located immediately behind the garage, strict application of the above-referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant. Specifically, the location of the utility pole limits the applicant's ability to use the existing garage for any purpose other than storage of a vehicle because it necessitates parking within the garage at an angle. The applicant is thereby deprived of the full use of the space within the existing garage structure. Furthermore, the applicant proposes to build up to a height no greater than that of the neighboring garage party wall, which will result in more cost-effective construction for the applicant.

The Commission also supports granting the requested special exception because the proposed addition of a second story to the garage will not unduly affect the light and air available to the neighboring properties, nor unduly compromise their privacy of use and enjoyment. Letters of support were provided by owners of the adjoining properties.

Please be advised that XXXXXXXX and Andrew Hysell are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at XXXXXXXX@XXXXX.XXX.

On Behalf of the Commission,

XXXXXXXXXX
Chair, Advisory Neighborhood Commission 6A

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.

Committee Reports
Economic Development and Zoning Committee



January XX, 2015

Ms. Gretchen Pfaehler, Chair
Historic Preservation Review Board
Office of Planning
1100 Fourth Street, SW, Suite E650
Washington, DC 20024

Re: HPA # XX-XXX (240 9th Street, NE)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting² on January 8, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the design of the proposed second-story addition to the garage located at 240 9th Street, NE.

The applicant proposes to add a second story to the existing garage at the rear of the property to create a two-story carriage house consistent with what the applicant believes was present originally at the site. The ANC supports the proposal and believes it will provide an aesthetically pleasing fit with the remainder of the block.

Please be advised that XXXXXXXX and Andrew Hysell are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at XXXXXXXX@XXXXX.XXX.

On Behalf of the Commission,

XXXXXXXXXXXXX
Chair, Advisory Neighborhood Commission 6A

²ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.

Committee Reports
Economic Development and Zoning Committee



January XX, 2015

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18927 (815 8th Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting³ on January 8, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to take no position on the Applicant's request for special exceptions from the lot occupancy requirement (§ 403.2), the rear yard requirement (§ 404.1), and the open court requirements (§ 406.1), and for additions to a nonconforming structure (§ 2001.3), given its view that additional zoning relief is required in this case including, at minimum, a variance from the accessory building height limit set forth at § 2500.4.

The applicant proposes to raze an existing one-story garage at the rear of the property and to construct a two-story replacement structure measuring 21 feet in height. The applicant proposes to use a portion of the first floor of the new structure as a garage, and to use the remainder of the first floor and the entirety of the new second floor as a two-bedroom residential unit. The applicant further proposes to include a footpath running from an entrance at the rear of the primary residence to the entrance to the garage and to cover that footpath with a wooden trellis. The portion of the new structure comprising the residential unit will be inaccessible from the portion of the new structure comprising the garage.

The applicant has indicated that, in his view, BZA precedent supports the conclusion that the accessory structure and the primary residence constructed on the lot comprise a single building because the footpath between the accessory building and the primary structure is covered by a wooden trellis. As articulated below, it is the considered view of the ANC that, notwithstanding the presence of the trellis, the proposed construction does not represent a "rear addition" to an existing structure, but rather the construction of an entirely new accessory structure that requires, at minimum, a variance from the height requirements of § 2500.4.

The ANC recognizes that prior BZA decisions have concluded that, in some circumstances, a footpath, covered by a trellis, may establish a "meaningful connection" between two separate buildings such that they can be considered a single "building" for zoning purposes. However, the Office of Planning's most recent proposed revisions to the District's zoning code evidence its intention that the BZA no longer adopt this interpretation of the zoning regulations. Moreover, even if the reasoning of BZA's prior decisions on this issue could be considered persuasive, those decisions are distinguishable from this case.

As part of the Zoning Commission's ongoing review of the District's zoning regulations, it directed the Office of Planning at its July 10, 2014 public meeting to provide comments to assist the Zoning Commission in addressing the issue of what may constitute a "meaningful connection" between two structures such that they should be considered a single "building" for zoning purposes. As Commissioner

³ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.

Committee Reports
Economic Development and Zoning Committee



May recognized in raising this issue, there was considerable confusion regarding BZA’s approach to this question.

In its most recent revised draft of the District’s revised zoning regulations, dated November 2014, the Office of Planning responded to the Zoning Commission’s request by including a proposed definition of “Building, Separate” that states the following: “Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.” The Zoning Commission did not raise any issue with this proposed definition and voted to approve the zoning regulation review for proposed action at its most recent meeting in December. Under this most recent guidance from the Office of Planning, a wooden trellis covering a walkway would not create a “meaningful connection” such that it could create a single “building” out of two separate structures as it is neither “enclosed” nor “heated and artificially lit.”

Moreover, even absent the Office of Planning’s recent guidance, the relief sought here cannot be justified under BZA’s prior precedent. In this case the garage portion of the new structure (to which the trellis is attached) is entirely separate from the two-bedroom residential unit portion of the new structure. Thus there exists no “meaningful connection” between the primary residence on the lot and nearly three-quarters of the secondary building. This case therefore presents an even more attenuated “connection” between the two structures than existed in prior BZA cases, e.g. BZA 18263-B, in which a trellis connected the primary structure directly to the residential unit in the second structure.

The practical implications of treating the new accessory structure as part of a single “building” are significant in this case, as they permit the applicant to evade review under the more demanding standard of an area variance and simply to seek more lenient special-exception review. Simply by including a structure as ephemeral as a wooden trellis, which could be removed with little cost and effort once construction is completed, an applicant may evade entirely, among other zoning code provisions, the restrictions on accessory building height set forth at § 2500.4. As the Office of Planning correctly recognized, this is a perverse result and should not be permitted. We therefore urge you to recognize the new structure as an accessory building, and require that the applicant demonstrate entitlement to, at a minimum, a variance from the accessory-building height requirements set forth at § 2500.4.

Please be advised that XXXXXXXX and Andrew Hysell are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at XXXXXXXX@XXXXX.XXX.

On Behalf of the Commission,

XXXXXXXXXX
Chair, Advisory Neighborhood Commission 6A

Committee Reports
Economic Development and Zoning Committee



January XX, 2015

Mr. Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW, Room 3102
Washington, DC 20024

Re: Notice to ZA of Additional Required Zoning Relief (815 8th Street, NE)

Dear Mr. LeGrant,

At a regularly scheduled and properly noticed meeting⁴ on January 8, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to request that you review the plans submitted in connection with BZA Case No. 18927, which seeks zoning relief in connection with the razing of an existing accessory building and the construction of a replacement structure that would front on the alley at the rear of the property and measure two stories (21 feet) in height. The applicant proposes to use a portion of the first floor of the new structure as a garage, and to use the remainder of the first floor and the entirety of the new second floor as a two-bedroom residential unit. The applicant further proposes to include a footpath running from an entrance at the rear of the primary residence to the entrance to the garage and to cover that footpath with a wooden trellis. The portion of the new structure comprising the residential unit will be inaccessible from the portion of the new structure comprising the garage.

Notwithstanding the requirement that an accessory building be no greater than one story or fifteen feet in height under § 2500.4, the applicant's current request for zoning relief simply seeks special exceptions for the construction of a two-story "rear addition" to an existing single-family dwelling not meeting the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, the open court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3 in the R-4 District. The applicant has indicated that, in his view, BZA precedent supports the conclusion that the accessory structure and the primary residence constructed on the lot comprise a single building because the footpath between the accessory building and the primary structure is covered by a wooden trellis. As articulated below, it is the considered view of the ANC that, notwithstanding the presence of the trellis, the proposed construction does not represent a "rear addition" to an existing structure, but rather the construction of an entirely new accessory structure that requires, at minimum, a variance from the height requirements of § 2500.4.

The ANC recognizes that prior BZA decisions have concluded that, in some circumstances, a footpath, covered by a trellis, may establish a "meaningful connection" between two separate buildings such that they can be considered a single "building" for zoning purposes. However, the Office of Planning's most recent proposed revisions to the District's zoning code evidence its intention that the BZA no longer adopt this interpretation of the zoning regulations. Moreover, even if the reasoning of BZA's prior decisions on this issue could be considered persuasive, those decisions are distinguishable from this case.

As part of the Zoning Commission's ongoing review of the District's zoning regulations, it directed the Office of Planning at its July 10, 2014 public meeting to provide comments to assist the Zoning Commission in addressing the issue of what may constitute a "meaningful connection" between two structures such that they should be considered a single "building" for zoning purposes. As Commissioner

⁴ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



May recognized in raising this issue, there was considerable confusion regarding BZA’s approach to this question.

In its most recent revised draft of the District’s revised zoning regulations, dated November 2014, the Office of Planning responded to the Zoning Commission’s request by including a proposed definition of “Building, Separate” that states the following: “Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.” The Zoning Commission did not raise any issue with this proposed definition and voted to approve the zoning regulation review for proposed action at its most recent meeting in December. Under this most recent guidance from the Office of Planning, a wooden trellis covering a walkway would not create a “meaningful connection” such that it could create a single “building” out of two separate structures as it is neither “enclosed” nor “heated and artificially lit.”

Moreover, even absent the Office of Planning’s recent guidance, the relief sought here cannot be justified under BZA’s prior precedent. In this case the garage portion of the new structure (to which the trellis is attached) is entirely separate from the two-bedroom residential unit portion of the new structure. Thus there exists no “meaningful connection” between the primary residence on the lot and nearly three-quarters of the secondary building. This case therefore presents an even more attenuated “connection” between the two structures than existed in prior BZA cases, e.g. BZA 18263-B, in which a trellis connected the primary structure directly to the residential unit in the second structure.

The practical implications of treating the new accessory structure as part of a single “building” are significant in this case, as they permit the applicant to evade review under the more demanding standard of an area variance and simply to seek more lenient special-exception review. Simply by including a structure as ephemeral as a wooden trellis, which could be removed with little cost and effort once construction is completed, an applicant may evade entirely, among other zoning code provisions, the restrictions on accessory building height set forth at § 2500.4. As the Office of Planning correctly recognized, this is a perverse result and should not be permitted. We therefore urge you to evaluate the proposed construction in this case, recognize the new structure as an accessory building, and require that the applicant demonstrate entitlement to, at a minimum, a variance from the accessory-building height requirements set forth at § 2500.4.

I would appreciate a response regarding this issue at your earliest convenience. I can be contacted at XXXXXXX@XXXXX.XXX.

On Behalf of the Commission,

XXXXXXXXXXXXX
Chair, Advisory Neighborhood Commission 6A

Committee Reports
Economic Development and Zoning Committee



January XX, 2015

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18939 (915 C Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting⁵ on January 8, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request for special exceptions from the lot occupancy requirement (§ 403.2), the minimum lot size requirement (§ 401.3), the open court requirement (§ 406.1), and for additions to a nonconforming structure (§ 2001.3), in the above-referenced application. The applicant seeks the foregoing relief to permit the construction of a two-story rear porch addition to an existing rowhouse structure.

The Commission supports granting the requested special exception because the proposed porch will not unduly affect the light and air available to neighboring properties nor unduly compromise their privacy of use and enjoyment. Letters of support were provided by owners of the adjoining properties.

Please be advised that XXXXXXXX and Andrew Hysell are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at XXXXXXXX@XXXXX.XXX.

On Behalf of the Commission,

XXXXXXXXXX
Chair, Advisory Neighborhood Commission 6A

⁵ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.

Committee Reports
Economic Development and Zoning Committee



January XX, 2015

Ms. Gretchen Pfaehler, Chair
Historic Preservation Review Board
Office of Planning
1100 Fourth Street, SW, Suite E650
Washington, DC 20024

Re: HPA # XX-XXX (915 C Street, NE)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting⁶ on January 8, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the design of the proposed two-story rear porch addition to the existing single-family dwelling located at 240 9th Street, NE.

The applicant proposes to construct a two-story rear porch addition at the rear of the property. The ANC has reviewed the proposed plans and, provided that steps are taken by the applicant to conceal the downspout so that it is not visible from the porch opposite, the ANC supports the proposal and believes it will provide an aesthetically pleasing fit with the remainder of the block.

Please be advised that XXXXXXXX and Andrew Hysell are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at XXXXXXXX@XXXXX.XXX.

On Behalf of the Commission,

XXXXXXXXXXXXX
Chair, Advisory Neighborhood Commission 6A

⁶ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.

Committee Reports
Economic Development and Zoning Committee



January XX, 2015

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18933 (1020 F Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting⁷ on January 8, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request for special exceptions from the lot occupancy requirement (§ 403.2), the minimum lot size requirement (§ 401.3), the rear yard requirement (§ 404.1), and for additions to a nonconforming structure (§ 2001.3), in the above-referenced application. The applicant seeks the foregoing relief to permit the construction of a third-floor addition to an existing rowhouse structure.

The Commission supports granting the requested special exception because the proposed addition will not unduly affect the light and air available to neighboring properties nor unduly compromise their privacy of use and enjoyment. Letters of support were provided by owners of the adjoining properties.

Please be advised that XXXXXXXX and Andrew Hysell are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at XXXXXXXX@XXXXX.XXX.

On Behalf of the Commission,

XXXXXXXXXX
Chair, Advisory Neighborhood Commission 6A

⁷ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.

New Business

