

ANC6A Economic Development and Zoning (ED&Z) Committee

7-9 PM, Wednesday, January 15, 2014

Sherwood Recreation Center (640 10th St NE), 2nd Floor Community Room

Committee Members Present: Dan Golden (Chair), Charmaine Josiah, Michael Hoenig, Missy Boyette, Brian Carlson, and Stephanie Frang

Commissioners Present: David Holmes, Sondra Phillips-Gilbert

Community Comment

None

Status Reports

1102 H St. NE (Bank of America): Bank of America had appeared before the committee at the May and June 2013 meetings seeking support for a special exception to add a proposed ATM facility to the ground floor of the building. The Committee recommended the Advisory Neighborhood Commission (ANC) oppose the relief, and the ANC agreed. The Board of Zoning Adjustment (BZA), however, disagreed and granted the special exception.

238 11th St. NE: The applicant sought Historic Preservation Review Board (HPRB) approval for a planned rear and third floor addition to the existing row house. The Committee recommended the ANC write a letter to HPRB supporting the design. The ANC agreed, conditioned on HPRB not having an issue with the design.

704 19th St. NE: Applicant sought a special exemption from lot occupancy requirement to add a second floor to the existing one (1) story rear extension of his row house. The Committee recommended that the ANC write a letter to the BZA supporting the exemption. ANC agreed and voted to send a letter of support.

Old Business

1362 H St. NE (BZA 18694): Chairman Golden explained that this is the second time the applicant, Mr. Dan Young, is appearing before the Committee. Mr. Young seeks to renovate the existing building into a sports bar. During the December 2013 meeting, the Committee voted to recommend support Mr. Young's application for a variance from the Floor Area Ratio (FAR) requirement. In addition to that variance, however, Mr. Young's application form to BZA indicates he will need a variance from the lot occupancy requirements. Mr. Young clarified that he was not seeking a variance for lot occupancy. Because he proposes to use the structure for a non-residential use, he is entitled to 100% lot occupancy.

With respect to his request for FAR relief, Mr. Young explained that without the requested relief, the project will face practical difficulties related the requirements of the Americans with Disabilities Act (ADA) and the District of Columbia (DC) fire code. The Committee asked why the project does not also require a rear yard variance or parking variance. He explained that the project is exempt. Mr. Young also explained that refuse will be stored indoors and the roof deck will have no amplified music and

will abide by the voluntary agreement restriction on hours (11:00 pm Sunday - Thursday and 12:00 am on Fridays and Saturdays). Chairman Golden gave some context to the requested relief and explained that it is within the parameters of past grants of relief. Specifically, the requested FAR was less than what had been approved for 1309-1311 H Street NE.

Committee members inquired as to signage for the business. The members and the applicant discussed the various regulatory requirements for signage, and the applicant assured the Committee that he plans to stay within the required limits. Mr. Young informed the Committee that the previous sign on the building was lighted, extended six inches from the building, and was twelve (12) inches by seven (7) feet tall between the first and second windows on the alley side of the building. Mr. Young currently plans to have painted signage on the windows. Committee member Brian Carlson suggested that any signage be in keeping with the rest of H Street. Discussion was had as to whether there were any restrictions in the regulations as to design of sign. Commissioner David Holmes stated that there is nothing in the H Street Overlay. Committee member Charmaine Josiah pointed out that any requirement on the sign should not be too restrictive, though, as the City encourages unique signage. Mr. Young stated that he has no problems with restrictions on size of the sign, but that he does want to have a lit sign on the building. Committee member Missy Boyette suggested that any sign should be thoughtful and related to the architecture of the building. Chairman Golden suggested that the Committee should give some thought to standards for signs so that there is consistency going forward.

Committee member Michael Hoenig reiterated the importance of limiting the hours for the roof deck to those in the voluntary agreement.

The Committee voted 6-0 in favor recommending support for the variance request on the conditions that all trash is stored indoors, loading will be done in the back of the building, no amplified music on the roof deck or public space, the roof deck hours will be limited to 11:00 pm Sunday - Thursday and 12:00 am on Fridays and Saturdays, and signage for the building will be in keeping with the character of H Street and the architectural context of the building.

New Business

821 I St. NE (BZA 18712): The applicant, Craig Marina, seeks an area variance from lot occupancy and setback requirement for the construction of a multilevel rear deck with a stair case extending from the second story of the deck. Mr. Marina explained that he has lived at 817 I Street NE for 20 years and wants to convert the subject property into a two unit building that he can rent. He explained that the deck will benefit the community by preventing crime and drugs in the alley that the deck will overlook. He has support for the construction from neighboring renters and property owners and pointed out that none of the surrounding properties, which also have multi-story decks, are in compliance. He believes that the entire block should be exempt from the zoning requirements.

Committee member Hoenig asked Mr. Marina if he had applied for the relief with the BZA and had a hearing date. Mr. Marina said that he did, and his hearing date is on February 25, 2014. Chairman Golden asked Mr. Marina to explain the staircase

extending from the second story of the deck. Mr. Marina informed the Committee that it was his understanding it was necessary for egress. The Committee asked if that would be the only access to the second story apartment, and Mr. Marina stated that another entrance and exit would be located at the front of the building. The Committee questioned whether the second staircase in the back of the building was, in fact, required. Mr. Marina stated that he would check with the Fire Inspector, as he would prefer removing the staircase from the designs. The Committee inquired as to whether the stairs go all the way to the property line, and Mr. Marina said that they do. It was the sense of the Committee that, if the stairs to the deck are in fact required, that they be reoriented so that they project laterally, across the back of the property, rather than out into the rear yard. Mr. Marina indicated he would be amenable to making this change, if the stairs are in fact required. Upon review of the submitted designs, the Committee inquired as to whether the lot occupancy calculations were accurate. The Committee asked if Mr. Marina had a copy of the Form 120 he submitted to the BZA. He did not have it with him, but suggested he could go home and find it before the end of the meeting. The Committee tabled the matter while Mr. Marina acquired the form. Upon return at the end of the meeting, Mr. Marina informed the Committee that he could not find the form, but wanted to postpone his BZA hearing date so that he could review his plans. Specifically, he wanted to do further research as to whether the staircase off of the second floor is required. The Committee agreed and no vote was taken.

819 D St. NE (BZA 18724): Developer, 819 D LLC, plans to convert the church located at 819 D Street NE into a condominium development with 26 residential units and to redevelop the two row houses adjoining the church (one on D Street and one on Ninth Street) to include two residential units each. The Developer appeared before the Committee at the December 2013 ED&Z meeting and stated that it expected to apply for a variance from the requirement that there be a minimum lot area of 900 square feet per dwelling. It has since applied for relief and, in addition to the variance identified at the December meeting, is applying for a variance to change the use of the building to a residential use, and a variance allowing the closed court size to be less than the minimum required 350 square feet.

The Developer's representatives gave a brief overview of the project and explained the necessity for the additional relief. The project will have six (6) parking spaces for residents. Jamie Milanovich, on behalf of the developer, informed the Committee that her firm is conducting a parking and traffic study of the area surrounding the project. Although the study was not complete at the time of the Committee meeting, the study will include an evaluation of the neighborhood parking and demand with the building. The assessment study area includes the area between Maryland Avenue and C Street NE, to the north and south, and Eleventh Street NE and Seventh Street NE to the east and west. The study was conducted from 5:00 to 11:00 pm. Committee member Hoenig asked if the study included weekends, and Ms. Milanovich informed the Committee that it did not. The study was conducted on a Tuesday. Commissioner Holmes stated that it is a mistake not to include weekends in the study due to the high parking demand created by H Street.

The study shows 90% occupancy of parking spaces in the study area. The Developer plans to limit the number of Residential Parking Permits (RPPs) granted to residents to prevent a major impact on the area's parking. The Developer has also requested that

ten to twelve (10-12) non-RPP spaces located on D and Ninth Streets NE be restored. The Developer reasoned that by converting the Church to residential use, it was restoring those ten to twelve (10-12) spaces, which should offset the project's effect on parking. Commissioner Holmes pointed out that the ANC had already made that request to the District Department of Transportation (DDOT), and it was pending. Chairman Golden also inquired as to how restoring these spaces would alleviate the parking congestion. Although the spaces are currently non-RPP, anyone, including the neighbors, can use them. They are not unavailable because of the church. Committee member Josiah asked what the current time restriction on the RPP signs in the neighborhood is and was told 7:00 am to 8:30 pm.

Chairman Golden suggested that because there are six (6) parking spaces on site, the project should be eligible for six (6) parking permits. The Committee asked how the developer planned to enforce the RPP limits, and was told that the seller would ask for a covenant to be included in the land records.

Community members present at the meeting also expressed concern over the parking impact. It was once again pointed out that the parking situation in the area is already very bad. Moreover, with the new changes to the zoning regulations, as well as another residential development on the block nearing completion, the situation may become even worse.

Committee member Hoenig reiterated the growing congestion in the area and stated that, in his view, six (6) RPPs for the development was a compromise.

The Committee voted 7-0, with Commissioner Holmes voting, to recommend support for the variance requests on the condition that the project is only allowed the same number of residential parking permits as there are on-site parking spaces (in this case, six (6)) and that the restriction on RPP be included in any contracts for sale or lease of the residential units and recorded as covenants in the land records.

1717 E St. NE (BZA 18692): Applicant seeks a use variance to permit the construction of a new 8-unit apartment house on the subject property. The development team had appeared before the Committee at the December 2013 meeting but agreed to postpone its hearing before the BZA so as to reach an agreement with Commissioner Sondra Phillips-Gilbert and her constituents. Mr. Toye Bello once again presented on behalf of the applicant. The property consists of three (3) adjoining vacant lots across which the District of Columbia Water and Sewer Authority (WASA) presently has an easement necessitating the request for the variance. The design envisions a 9,400 square foot structure with 8 residential apartments.

At the previous meeting, Commissioner Phillips-Gilbert and the community expressed concerns about the parking demand created by the project and the building height compared to surrounding structures. Mr. Bello stated that the applicant has listened to the neighbor concerns and was meeting with Commissioner Phillips-Gilbert and her constituents the following day to discuss their concerns. Mr. Bello also explained that the applicant had already tentatively redesigned the project to include more parking spaces, going from four (4) to seven (7) on-site spaces. Additionally, removing the curb cut currently located in front of the property will create an additional two (2) spaces of street parking. The project architect explained that there are concerns

related to the new parking design, but the applicant is continuing to work with the neighbors to reach an agreeable parking situation. Chairman Golden asked if the applicant would be willing to exclude the building from RPP eligibility. The applicant said that it is willing to do that.

The project architect also had prepared and presented a study showing that the height of the new building would be in keeping with other buildings on the street. A community member asked for clarification of where the trash will be stored and was shown on the designs. Committee member Boyette asked about the 28 foot setback and where the façade will be located in relation to neighboring property. The architect explained that the building façade will be flush with neighboring property.

The Committee voted 6-0 to recommend the ANC support the variance application on the condition that the curb cut be closed and that the residential units not be eligible for residential parking permits (and this restriction included in any agreements for sale or lease of the units and recorded as a covenant in the land records), but that the Committee's recommendation be subject to change and incorporate whatever agreement is reached with the community at the following night's meeting.

723 13th St. NE (BZA 18720): Applicant seeks a special exemption from the lot occupancy requirements for construction of a one-story garage with a mezzanine. Architect Jennifer Fowler presented on behalf of the applicant. The planned garage will be 27 feet deep and 15 feet tall. The mezzanine level will be used for storage and, with the use of a car lift, allow the garage to accommodate three (3) cars. The applicant has received letters of support from surrounding neighbors, but has not been able to contact the two (2) properties directly next door. Committee member Hoenig stated that it is important that the neighbors do not object to the project due to its height of 15 feet. Chairman Golden agreed, saying that his reservations regarding the plans are related to the height. He stated that he wants to be sure that the neighbors supporting the project understand that it will be 15 feet tall. Committee member Missy Boyette asked about the drainage from the roof and was informed that water will drain toward Linden Court.

The Committee voted 6-0 to recommend the ANC support the request for a special exemption on the condition that the applicant furnish the ANC with letters from the next-door neighbors that specifically reference the structure's proposed 15 foot height and indicate that the neighbors have no objection to the structure. Chairman Golden also asked that the applicant copy him on the letters to the neighbors. The applicant agreed to do so.

Additional Community Comment

None

Next Scheduled ED&Z Committee Meeting:
Wednesday, February 19 2014
7-9 PM
640 10th St NE
Sherwood Recreation Center, 2nd Floor