

MINUTES

ANC 6A Economic Development & Zoning Committee
Wednesday February 17, 2010 7-9:00 p.m.
Sherwood Recreation Center (640 10th St. NE)
2nd floor Community Room

Committee members: Drew Ronneberg, Jeff Fletcher, Dan Golden, Barbara Halleck, Phil Toomajian

Commissioners: David Holmes (6A03), Kelvin Robinson (6A08), Raphael Marshall (6A01)

7:00 Call to order

Ongoing Status Reports

1. H Street Connection Redevelopment (Drew Ronneberg): The ED&Z committee will consider the referred ANC recommendations during New Business
2. Zoning Code Rewrite (Cody Rice): None
3. Vacant Properties (Dan Golden): Proposed Changes to the vacant property tax will be discussed during New Business

New Business

1. H Street Connection Recommendations.

The ED&Z recommendations have been referred back to committee by the ANC with guidance on what they would like the ED&Z committee to reconsider (shown below). The changes are minor and address the following issues: 1) fully supporting the massing and design now that the developer has presented detailed drawing and materials for the 8th and H façade; 2) eliminating recommendations related to parking and car sharing that will be considered by the T&PS committee; and 3) specifically recognizing the participation in a BID community amenity rather than just limiting the amenity to the current Clean and Safe program.

Drew Ronneberg moved and Barbara Halleck seconded the following recommendation:

Recommendation: The ED&Z Committee unanimously recommends that ANC 6A support the massing and design of the proposed building at 900 H St. NE (H Street Connection Redevelopment), including the façade materials proposed for the modern design for 8th and H. In addition, the Committee recommends that the ANC support the community amenities package as listed below.

Proposed Amenity
1. Developer support for the H Street Historic District.
2. Support for a BID or Clean and Safe Program
3. Bollards to protect the nearest house on 8 th Street.
4. Re-engineer the drainage system in the alley to prevent flooding during heavy rains
5. Security camera to monitor alley traffic
6. LEED Certification/meet LEED certification requirements
7. Transportation Demand Management measures recommended by T&PS Committee
8. Landscaping of Phase II area before Phase II building is erected ^[1]

^[1] The exact text should read:

The following applies to the open areas of the site not improved with buildings, hardscape or structures and their access with grass, shrubs, flowers and any other attractive plants or foliage to maintain such area in an attractive condition:

- 1) If the bank pad and existing structures are removed from the east end of the site, developer agrees to landscape that area other than the private alley and any structure that may be needed for the project such as the 10th street curb cut and garage access in the event they are constructed as a part of phase one construction; and
- 2) If the bank pad and other existing structures are not removed the developer agrees to landscape the areas other than the retained improvements and the private alley

2. ZC 09-21 (Union Station North Zoning District).

The Office of Planning has proposed a text and map amendment to create a special zone for the air rights over the tracks behind Union Station. Among other issues, the zone proposes to make the measuring point for the development at the top of the H Street Bridge rather than from the grade at 1st or 2nd St NE. The ED&Z committee is considering this case because of its impact on the H Street Strategic Development Plan and Zoning Overlay that was meant to create a “Western Gateway”.

Drew Ronneberg stated that the proposed measuring point was in direct contradiction of 2006 Comprehensive Plan, the 2002 Zoning Case (ZC 02-35) which changed the definition of building height to exclude bridges and viaducts and recommendations made by Office of Planning through the Zoning Regulations Rewrite process to measure height from grade rather than from man-made structures like bridges.

Drew Ronneberg said that the rezoning of the air rights would allow a building that was over 5 stories taller than Senate Square and would remove much of the community’s input into the

massing and design of the building that would take place under a Planned Unit Development process.

Summary text from the rulemaking is below; the complete document is attached to the ED&Z agenda package and is available at <http://www.anc6a.org/agendas/EDZA0210.pdf>.

SUMMARY

The Office of Planning proposes to create a new stand-alone zone called Union Station North, or USN. USN would consist of bulk and design provisions, including height, density, parking and street frontage requirements, as well as provisions necessary for the unique conditions associated with developing 14 acres over an active rail yard. USN would also establish a Zoning Commission design review and approval process, similar to that used in the Capitol Gateway Overlay, with a set of review criteria to evaluate development applications. The Office of Planning also proposes related text amendments to achieve the purposes of the USN zone and to properly administer applications submitted pursuant to the new zone. The proposed zone would only be applicable from the elevation of the air-rights lots and above. Most of the area of the airrights lots begins at an elevation of 80 feet above sea level and a smaller percentage begins at 70 feet above sea level. The land below the air-rights lots would retain its C-M-3 and M zoning. The following summarizes some of the specific points of the new zone. The following paragraphs have been provided by the Office of Planning. Purposes of the New Zone In addition to achieving the goals of the Comprehensive Plan, the main objective of guiding the USN zone is to reconnect the city from east to west. Development on the air-rights lots should take whatever steps possible to reconnect this part of the city. This sentiment is further recognized by other purposes of the zone that call for an active streetscape, a mix of uses and a walkable environment. Another important purpose of the USN zone is to ensure that new development relates positively to its surroundings. Development on the subject site should minimize impacts to other properties, including light, air, noise and odor impacts.

Union Station Platform

Two platforms will be built over the railroad tracks to support the buildings to be built above the tracks. One platform will be built south of H Street and one north of H Street. Collectively they are known as the Union Station Platform or platform.

Single Buildings for Zoning Purposes

Over a 14-acre site with only one public street - H Street - crossing it, there are likely to be building pads that do not front on a public street, although the platform that connects them would. The USN zone, therefore, would recognize all interconnected structures south of H Street as one building, and all interconnected structures north of H Street as one building, regardless of whether there is communication between the structures above the level of the platform. This would allow all "building units" to be considered to front on H Street.

Height

The USN zone proposes to measure height from the level of the H Street sidewalk in front of the buildings, in conformance with the Height Act. The maximum proposed height is 130 feet.

FAR and Mix of Uses

The USN zone provides for a maximum density of 6.5 FAR for any single building. The zone also puts a strong emphasis on a mix of uses, including residential. The Office of Planning proposes Zoning Commission review criteria that would promote a mix of uses, and a specific requirement for the phasing of residential uses during build out of properties in the USN zone.

Design Review

The proposed text amendment calls for Zoning Commission design review of any buildings, structures, parks or plazas in the USN zone. Design review applications could be a Stage 1, Stage 2, or Consolidated application, with the scope of those applications similar to their PUD counterparts, and with specific review criteria to guide evaluations. A Stage 1 application would examine the arrangement of building units on the site, the massing of building units, the mix of uses, the size and layout of streets and other transportation ways, and the functioning of parking and loading. A Stage 2 application would examine the outward appearance of building units, the design of landscape and hardscape areas, the functionality of transportation ways and the internal layout of uses. A Consolidated application would examine all aspects of design using all the evaluative criteria. Applications could be for either a portion of the site or the entire subject property.

Drew Ronneberg moved and Jeff Fletcher seconded the motion.

Recommendation: The ED&Z Committee unanimously recommends that ANC6A oppose the rulemaking in CASE NO. 09-21 (Text and Map Amendment to Create and Implement the Union Station North (USN) District) and appoint Drew Ronneberg and Dan Golden as ANC6A representatives for the case.

3. Policy Recommendations for Mitigating Vacant Properties.

This is a continuation of January discussion on recommendations for developing a vacant property fee structure that encourages the sale or reoccupation of vacant properties without unfairly punishing homeowners who have been misidentified as vacant or are actively working to reoccupy their property.

Phil Toomajian: The current system of vacant property exemptions is overly broad and should be eliminated or severely restricted. Under the current system, very few vacant or blighted properties are charged at the higher tax rate. The Bowser bill (B18-546), which replaces the higher property tax rate with a flat fee not to exceed \$5,000 per year is an insufficient remedy to the problem.

The agenda package found at <http://www.anc6a.org/agendas/EDZA0210.pdf> provides some explanation of two bills that are under consideration—B18-546 and B18-448.

B18-546 (Bowser) calls for a registration system for vacant properties and only applies penalties to blighted properties; currently in ANC6A only 7 of the 200+ vacant properties are considered blighted. We do not feel that this bill provides any incentive for owners of vacant properties to reoccupy their properties.

B18-48 (Evans) focuses only on blighted properties with no registration or penalties for vacant properties.

Drew Ronneberg suggested that the committee start by developing a framework of basic guidelines for how vacant properties should be addressed city-wide.

After discussion on the above topics, the committee came to agreement on the following principles below and the following motion as a starting point for further discussion in upcoming meetings.

1. The current vacant property system is untenable and doesn't create sufficient financial incentives for owners of vacant properties to occupy or sell these properties. The complexity of the system and exemption allowances leads to many vacant properties not being taxed at the vacant property rate. This is a problem—we have a serious vacant property problem in our ANC.
2. A system of penalties should be designed that is easy enough to administer but that is sufficiently strict that it encourages reoccupation of vacant properties.
3. Overall goal of the vacant property and blighted property penalties is to encourage occupation of vacant properties and renovation of blighted properties for eventual occupation.
4. There should be a distinction between vacant and blighted properties.
5. The definition of blighted should be examined; the current narrow definition of “blighted” may not be strong enough.
6. Only a strictly limited number of exemptions should be allowed—military service being one specific exemption.

Discussion covered several different aspects or ideas for inclusion. The committee will continue its discussion at future meetings.

1. Vacant vs blighted should be treated differently
2. Possibly 1st year of vacancy, not taxed more than if it were occupied. Tax would increase 1% per year up to 5% of assessed value. Doesn't apply to blighted.
3. Blighted 10% flat.
4. Definition of “blighted” is very narrow; lists criteria that may be considered but not criteria that must be criteria.
5. No exemptions, simplify the process for DCRA.
6. Commercial vs residential rates would be different. Possibly 2%, 4%, 6%, 8%.

7. Fines should be tied to tax rate, no exemptions, graduated penalties OR fines should be tied to tax rate, some exemptions (narrow list, objectively verifiable, for example, military service), graduated penalties. Penalties to start in after year 1 vacant - residential
8. Require owners to register vacant properties w/DCRA, pay a nominal fee
9. Do not allow previously allowed exemptions (renovation work, house for sale, etc.)
10. Should be easy to remove the property from vacant property list after reoccupied
11. Blighted
 - a. No gradual increase, no permissive criteria
 - b. Easy to get off the blighted list after repairs are completed
 - c. Possibly eliminate blighted property category altogether (suggested)

Phil Toomajian moved and Drew Ronneberg seconded the following motion.

Recommendation: The ED&Z committee unanimously recommends that ANC6A write a letter to Councilmember Wells identifying the principles above and asking him to oppose vacant properties bills (B18-546 or B18-448) or any other bill not tying vacant properties fees to the value of the building.

Next meeting is March 17, 2010, 7pm.