

**REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING
COMMITTEE OF ANC 6A
February 16, 2011**

Present: Members: Dan Golden, Charmaine Josiah, Phil Toomajian, Jeff Fletcher
Commissioners: Drew Ronneberg, David Holmes, Nick Alberti

Drew Ronneberg chaired the meeting.

Status Reports

Resolution of Previously Heard BZA/HPA Cases: Commissioner Holmes reported that the owner of 809 D St received BZA approval for the second floor addition to expand a nonconforming court and sent an email thanking the ANC for its support.

Vacant Properties: Phil Toomajian reported he met with the H Street Taskforce regarding vacant properties and that the Taskforce was interested in partnering with ANC 6A to address and properly categorize properties along H Street. He also reported that 1340 G St NE had its unpaid back taxes sold at the Fall 2010 tax sale and that he had alerted the concerned owner adjacent to the property of the situation in hopes that she might work with the potential new owner to address her concerns.

Rezoning of the Eastern End of H St NE: Drew Ronneberg reported that the Zoning Commission approved ANC 6A's and OP's rezoning request to downzone commercial properties south of H St NE between 13th and 15th St to C-2-A and include them in the H Street NE Zoning Overlay. The Commission also granted ANC 6A's request to include 11 commercial properties north of H St (on the 700 block of 13th St NE, 700 block of 14th St NE and 1300 Block of Florida Ave. NE) within the H Street NE Overlay. However, it did not grant ANC 6A's request to bring alley properties on Linden Place and in Square 1026 into the Overlay.

H Street Business Liaison Report: Charmaine Josiah reported that she was reaching out to AIA and to Urban Land Institute.

Autozone Parcel Redevelopment

Ben and Dan Miller of Westmill Capital Group introduced themselves to the Committee as the new owners of the parcel at 1207 H Street NE. Ben Miller previously served as President of Western Development Corp. The Millers expressed their great enthusiasm for the H Street Corridor and said it was the best neighborhood in the city because of its great energy, authenticity, and vibe. They purchased the parcel from the H Street CDC a few weeks ago and look forward to developing it, but reported that the expiration of Autozone's lease is not imminent. They were particularly excited about this parcel because it is in the heart of the H Street corridor's entertainment district and hope to bring the parcel into better alignment with its neighboring properties.

The property is zoned C-2-A and Westmill is interested in redeveloping it for ground level retail with residential above. Westmill appreciates H Street's many independent small businesses and hopes to fill their spaces with the same. They have expressed their willingness to play host to the streetcar power substation below grade as part of their redevelopment.

The Committee and present commissioners shared their enthusiasm for the project and expressed a desire to work together citing the successful partnership with Gary Rappaport on the redevelopment of the H Street Connection property. In particular, the well-designed plans on that building which appears as 8 separate façades so as to avoid the monolithic appearance was commended to Westmill. Westmill agreed to return to the Committee to discuss its development plans in greater detail once it had a better sense of its time frame.

DCRA process for FHA ‘reasonable accommodation’ requests

Mr. O’Donnell, who lives within ANC6B on Massachusetts Ave SE, shared his concerns and those of ANC6B regarding abuse of reasonable accommodation requests made to DCRA and BZAs unwillingness to exercise jurisdiction in such instances. It appears that such requests are being abused by people who do not have disabilities and there is little recourse for appeal or transparency in the process. DCRA does not appear to have guidelines and is not making available the rationale for its decisions to grant these requests. The Committee was concerned by what it had heard about the lack of standards and transparency, especially in light of the reports that these requests were being used by developers to circumvent the zoning process.

Motion (passed unanimously): The ANC send a letter to Acting DCRA Director Majett requesting DCRA publish guidelines for assessing “reasonable accommodation” requests by homeowners, that the guidelines provide relief which is tailored to demonstrate a nexus with the need for the accommodation, that ANCs be provided notice of such request and that a public comment period be held prior to granting and that any accommodation be allowed to persist only so long as the need exists (i.e., removed if sold to a new owner who does not demonstrate similar need, etc.).

H Street NE Zoning Overlay Questionnaire

The H Street NE Zoning Overlay requires that new construction have 14’ ground floor ceiling heights, entrances fronting on H Street, translucent windows, and has a number of other requirement that enhance the quality of retail space. These requirements can be difficult for DCRA to enforce, especially because non-compliance of some items (e.g. non-tinted windows) often cannot be determined from the building plans. DCRA currently uses a questionnaire for eating establishments to distinguish between fast-food establishments, prepared food shops, and restaurants. A similar H Street NE Overlay questionnaire would help DCRA enforce the Overlay requirements before issuing building permits.

Motion (passed unanimously): The ANC send a letter to Matt LeGrant requesting that a building permit application within H Street Zoning Overlay be required to fill out a questionnaire to determine compliance with the Overlay’s requirements.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, March 16, 2011
7-9 PM
640 10th St., NE
Sherwood Recreation Center, 2nd Floor**