

**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
February 21, 2018**

Present:

Members: Brad Greenfield, Jake Joyce, Tim Drake

Commissioners: None

Brad Greenfield chaired the meeting.

Community Comment

None.

Previously Heard Cases

Chair Brad Greenfield reported that the ANC supported the EDZ's recommended concerns about the redesign of Maury Elementary.

Old Business

1226 North Carolina Avenue, NE (BZA #19593): Applicant seeks a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and from the nonconforming structure requirements of Subtitle C § 202.2, to enclose a rear, third floor deck in an existing one-family dwelling in the RF-1 Zone. This is a continuation of a matter considered several months ago for a rear addition and enclosure of a porch. At that time, the EDZ had requested the applicant develop a shade study to show the light and air impact on neighbors. There is one neighbor who is in opposition to the request, Ms. Patton.

The applicant had submitted their shade study prior to the meeting. Ms. Patton's attorney cited several deficiencies that they found in the shade study; the shade study shows one window, there are actually four (4) windows affected on her property with two more windows on another side. In addition, the study shows that 1228 is flush with 1230, but there is an eight (8) foot space between the two. The shade study also shows that 1228 is the same width as 1226, when in fact 1228 is wider. Ms. Patton's attorney (Ms. Pitts) requested the data used to develop the shade study be provided, so that an independent assessment can be made.

The applicant, Mr. Griffin, replied that the study was produced by a registered architect using a Google sketch product. The interface for that product has users enter the address for the study and uses Google maps and Street View information to produce the shade study. That makes it very difficult to produce the core data that was used. He also reported that both 1226 and 1228 are both seventeen (17) feet wide.

The shade study shows that maximum shading impact is between 2:30 pm and 7:30 pm in winter, with little impact at other times of the year. Ms. Patton is also reportedly concerned about the potential impact on future solar panels on her roof; however, at this time she does not have a permit for a solar system to be installed. Ms. Pitts asserted that 1226 is 12' 2" and 1228 is 11' 10", and that there is an 8' 8" gap between the two buildings which is used for a garden. She believes that this could affect the massing, which would have an impact on the shade study.

Mr. Greenfield stated that zoning regulations require that the applicant produce a shade study, which they have done. Mr. Greenfield stated that the EDZ and ANC are not equipped

to judge the accuracy of the shade study, and that we rely on architectural standards and professional ethics in the production of shade studies. He stated that if Ms. Patton was concerned about the accuracy of the shade study, she could produce her own.

Mr. Greenfield stated that the shade study did show a very modest impact of the proposed addition on neighboring buildings, with the primary impact in the middle of winter.

Ms. Pitts also raised concerns about the accuracy of Mr. Griffin's assertions. She stated that Mr. Griffin has represented the home as a one-family dwelling, when in fact there are two electric meters and there is a renter. Ms. Patton reported that there is no Certificate of Occupancy for the home. Mr. Greenfield stated that the ANC and the EDZ are not there to consider Certificates of Occupancy and that unfortunately, there is a tremendous amount of Capitol Hill housing stock that is rented out without Certificates of Occupancy.

Mr. Greenfield made a motion that ANC6A support the applicant's request for relief, with the caveat that he make best efforts to obtain the core data for the shade study and provide it to Ms. Patton. Mr. Jake Joyce seconded the motion and it passed 3-0.

New Business

Loaf Coffee: Loaf Coffee is a new coffee shop that has moved into the old Mia's Coffee at 101 15th Street, NE. Mr. Greenfield reported that there had been several complaints from neighbors who were concerned about the marketing material for the coffee shop, that it seemed to indicate that it potentially would be selling marijuana-related products. The owners of Loaf Coffee were present and reported that they have never sold or been engaged in the buying or selling of marijuana or its products and do not plan to; they are not a dispensary and we have no plans to become one.

Mr. Greenfield asked if patrons would be allowed to consume marijuana on the premises, and the owners responded that no consumption on the premises would be allowed. Mr. Greenfield asked about the tone of the marketing material, and its apparent references to marijuana. The owners replied that the marketing was a satirical tongue-in-cheek reference to coffee being a drug and following a similar life cycle between coffee beans and drugs; the slogan "let us take you higher" is also satirical in nature.

A member of the public expressed concerns about the entrances and exits to the building, and the use of outdoor space without licensing. Mia Coffee initially asked for a public space permit but found out that it likely was not going to receive approval because the trash was being stored in public space. They withdrew their permit application but still used the outside space.

The Loaf owners reported that they have submitted an application for a sidewalk café; until that is approved they do not plan on having people sit out and eat in that space. They did have an incident where a barista allowed three people to sit outside, but the situation was inadvertent and quickly corrected. All employees have been informed that no one is allowed to sit outside.

Mr. Greenfield asked if Loaf was planning on serving hot food. Loaf replied that they do intend to serve hot food and pre-packaged pastries. There will be a hot breakfast service, limited to weekends. If there is support for this, it could be expanded into other times. Mr. Greenfield asked if there were any plans to have live entertainment. The Loaf owners

reported that entertainment was something they were feeling out with the community, and that if there were to be live music it would be acoustic. The Loaf ownership reported that they would have discussions with neighbors to ensure that any entertainment was not opposed.

Mr. Joyce asked if there were any plans for metal silverware. The Loaf owners reported that all silverware would be plastic.

Mr. Greenfield noted that some individuals had taken offense at the marketing material that Loaf had used. The Loaf ownership replied that the material in question was from a podcast that they had done in the past, and that there was no plan to resume that in the future. The owners apologized if anyone was offended, that the podcast was based in humor and it was never their intention to offend anyone.

Mr. Greenfield stated that the public space request would be considered by ANC6A's Transportation and Public Space Committee. Since the owners of Loaf Coffee were not requesting any relief, and they had addressed all concerns, no further action was required.

Comprehensive Plan: The Mayor, through the Office of Planning, has submitted changes to the DC Comprehensive Plan. The changes are voluminous. Several community members and groups have voiced concerns. The gist of one of the big issues is the changes include several instances where a different zoning standard could be used.

Ms. Elizabeth Nelson, of the Capitol Hill Restoration Society (CHRS) reported that CHRS is concerned that loosening of the proposed Framework Element language (the "definitions" section) is being used to create intentional ambiguity in the Comprehensive Plan. This is designed to protect the Zoning Commission (ZC) from appeals in the future based on claims that the ZC is not following the Comprehensive Plan, by making the Comprehensive Plan so vague that appeals will be impossible.

Ms. Nelson complained that the Office of Planning had committed to produce the entire Comprehensive Plan and submit it, in its entirety, for public comment for sixty (60) days, but instead they removed the framework element and submitted it directly to the DC City Council. ANCs have just recently been given the opportunity to review this portion of the plan but are not being provided with any mechanism to comment on the draft.

Mr. Greenfield reported that, in his reading of the Comprehensive Plan language, the zoning standards would remain the same, but applicants could argue that other zoning standards may apply. Mr. Greenfield stated that the ambiguity of the language would appear to be problematic for all concerned, since it would cause tremendous ambiguity in determining which zoning standards would apply and would put the Bureau of Zoning Adjustment (BZA) and the ZC in a difficult position of making arbitrary decisions.

Mr. Tim Drake and Mr. Greenfield reported that they would like to get more information about the proposed changes to determine the exact nature of their concerns. A member of the audience (Mr. Alcorn) asked if the Office of ANCs was active on this issue. Ms. Nelson replied that she did not believe so; the Office of ANCs was more concerned with operational aspects of ANC activities.

Mr. Greenfield made a motion that ANC6A oppose the current draft of the proposed Framework Element of the DC Comprehensive Plan and that the members of the EDZ confer offline in honing the exact nature of those concerns. Mr. Drake seconded the motion and it carried 3-0

Closing

As no other issues were brought forward for discussion, Mr. Greenfield closed the meeting.

Next Scheduled ED&Z Committee Meeting:

Wednesday, March 21, 2018

7:00 -9:00 pm

640 10th Street NE Sherwood Recreation Center, Second (2nd) Floor