

**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  
June 20, 2018**

**Present:**

Members: Missy Boyette, Jake Joyce, Tim Drake, Ruth Ann Hudson, Nick Alberti

Commissioners: None

Jake Joyce chaired the meeting.

**Community Comment**

None.

**Previously Heard Cases**

1) None.

**New Business**

2) **518 9th Street, NE and 816 E Street, NE (BZA Case #19799):** Request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 305.1 from the subdivision regulations of Subtitle C § 302.2, to permit two (2) existing primary buildings on a single record lot in the RF-1 Zone.

The developers of this project shared that their request for a special exemption is due to the need to address some water issues related to the design of their penthouse unit at the top of their buildings. As shown on their diagrams, the positioning of the water run off at the top of the building, given their current designs, requires this exemption.

A neighbor from the community was in attendance and had several questions for the developer related to this construction, specifically in terms of the quality and price level of the renovated units. The developer was unable to provide specific rental rates once the building is renovated but did share that the legacy tenants were being moved to another building around the corner from this building during the renovation and would be moved back into their renovated units at their same rental rates once the renovations are complete. The neighbor asked for more detail related to the layout of the units as well as the commitment to provide affordable-rate units and expressed concern that this renovation may be displacing renters who have been part of the community for a long time. The developer shared that the footprint of each unit was not changing materially. Mr. Alberti recommended to the developer that he sharpen his answers to these type of questions prior to presenting to the ANC.

Mr. Joyce made a motion to recommend ANC6A send a letter of support to the Board of Zoning Adjustment (BZA) for a special exception under Subtitle C § 305.1 from the subdivision regulations of Subtitle C § 302.2, to permit two existing primary buildings on a single record lot in the RF-1 Zone at 518 9th Street NE and 816 E Street NE (BZA Case #19799). Mr. Alberti seconded the motion. The motion was approved 5-0.

3) **1016 Massachusetts Avenue NE (BZA Case #19786 & HPA#18-436):** Request pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions 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 construct a third-story rear addition to an existing principal dwelling unit in the RF-1 Zone.

The owner of 1016 Massachusetts Avenue NE is requesting a special exemption permission to construct a third-(3<sup>rd</sup>) story rear addition to an existing principal dwelling unit. This addition will replace an existing roof deck. The current deck is a non-conforming structure which was built by the previous owners. Both adjacent houses have the same height profile and no neighbor concerns have been expressed. The owner provided two signatures of neighbor support and shared that the neighbor at 1014 Massachusetts Avenue NE is reviewing the letter of support. This neighbor has expressed support for the project as the current deck has caused water issues for them in the past and they would like to see this issue resolved.

Mr. Joyce made a motion to recommend that ANC6A send letters of support to BZA and the Historic Preservation Review Board (HPRB) for special exceptions 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 construct a third-story rear addition to an existing principal dwelling unit at 1016 Massachusetts Avenue NE (BZA Case #19786 & HPA #18-436) on condition that the applicant makes their best effort to get letters of support from the neighbors. Ms. Hudson seconded the motion, and it passed 5-0.

- 4) **1318 Constitution Ave, NE (BZA Case #19802):** Request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a rear roof deck and access stairwell in the RF-1 Zone.

The owner of 1318 Constitution Avenue NE is requesting a special exemption to construct a rear roof deck and access stairwell. They shared photos of the current profile of the house as well as the view from the alley between the house and the neighbors. The proposed construction will not be visible from the street. The owner has completed extensive outreach to their neighbors for letters of support, and shared signed letters of support from the following neighbors: 217 Tennessee Avenue NE, 1334 Constitution Avenue NE, 1316 Constitution Avenue NE, 1320 Constitution Avenue NE, 1322 Constitution Avenue NE and 1327 Constitution Ave NE.

Mr. Joyce made a motion to recommend that ANC6A send a letter of support to BZA for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a rear roof deck and access stairwell at 1318 Constitution Avenue NE (BZA Case #19802) in the RF-1 Zone. Mr. Drake seconded the motion. The motion was approved 5-0.

- 5) **121 Tennessee Avenue NE:** HPRB review of a request to construct a rear addition to an existing nonconforming structure in the Capitol Hill Historic District.

Missy Boyette recused herself from this discussion since her firm is the architect for the project. The owner was asked by the Board of Zoning Adjustment (BZA) to develop a construction management plan, which they have completed and will submit for review tomorrow. The owner offered to meet with the neighbor who opposes this plan, but they

declined. The BZA will respond to the construction management plan on July 11, 2018 and the ANC will respond next week.

The neighbor who opposes this construction shared that they have concerns with the alley view that will be lost once this is built. The alley is very tight as is and the neighbor is concerned it will feel smaller if this construction is built.

The owner is open to consider changing any of the materials that are currently proposed for the construction, or to discuss anything with the neighbors related to the current proposed materials. The opposing neighbor lives two doors down and has lived there a long time. He expressed concern that this construction will destroy the existing alley-scape. The neighbor shared pictures of the current alley view as well as his estimate of how his alley view will change with this construction.

When asked to clarify if he had concerns with the materials, the neighbor indicated his concern was with the footprint of the overall project itself, not the materials.

Mr. Joyce recommended that the owners continue to make their best attempts to meet with the neighbors and get their support.

Mr. Joyce made a motion to recommend that ANC6A send a letter of support to HPRB for a request to construct a rear addition to an existing nonconforming structure at 121 Tennessee Avenue NE in the Capitol Hill Historic District on the condition that the owners continue to make their best efforts to meet with the neighbors and get their support. Mr. Drake seconded the motion. The motion was approved 5-0.

- 6) **1511 A Street NE (BZA Case Number Pending):** Request for width relief for new construction of two (2) adjoining lots (two (2) units each). Request for lot occupancy relief for new construction of two (2) adjoining lots (two (2) units each).

This was an informational presentation where the developer outlined initial plans. The current property owner (57th Street Mews Inc., principal Taiwo Demuren) is aggressively trying to sell 1511 A Street NE in its current form, and that someone else would design, permit and build the new homes or whatever gets approved. Mr. Ali said he was at Wednesday's meeting representing one or two potential buyers, with current owner Demuren's blessing. Demuren/Mews has owned 1511 A Street NE since July 2013. The property has been vacant since that time.

The architect (Ram Design) discussed the request for width relief for two (3) lots that will be subdivided into three (3) lots with two (2) units per lot. Each of the three (3) lots would be sixteen feet (16') wide. The architect explained the design, including the brick, windows and railing that would be used on the project and said the seven (7) parking spaces in the rear. The architect noted his efforts to contact nearby neighbors at 1509 and 1507 A Street NE. The architect also noted they may need relief from alley setback requirements on the side of one of the lots.

There was significant public comment regarding the property, previous development proposals from the property owner and public concerns regarding the property owner. One public commenter noted the property owner had previously proposed eighteen (18) apartment units and a forty (40) unit rooming house, both of which were denied. The

commenter noted that ANC 6A was an appellant in an Office of Administrative Hearings case related to the property. The public commenter noted that there were two (2) tax lots, but currently there is only one (1) lot. The commenter noted the community has spent significant time and effort related to this property over a number of years and called for increased dialogue. The commenter said there are currently active matters before the Department of Consumer Regulatory Affairs (DCRA) related to the property and that the ANC should require dismissal of those cases before deciding on this issue. The commenter asked the architect if he was licensed; the architect said he has licensed architects at the firm. The commenter asked the architect if the engineers will be licensed, the architect replied that they would be. The commenter suggested that the ANC should require a full list of the licensed architects and engineers on the project. The architect said they would be happy to provide a full list of team members and license numbers.

A second public commenter noted that his building at 1704 E Street NE was developed by the same property owner, cited issues with his property, and said the property owner is a danger to the community.

Mr. Alberti commented that distrust is warranted due to the history with the property owner. He suggested that the neighbors might be amenable to the project as proposed, but that it would likely be scrutinized at every step. The architect suggested that he would be willing to provide a more specific design package to the BZA.

Mr. Ali requested one or two meetings with neighbors and community members to receive community concerns and feedback on the designs he is working on for potential developer/buyers. The renderings appear much more consistent with the property's - and the neighborhood's - zoning, unlike the eighteen (18) unit condo plans.

- 7) **325 Tenth (10<sup>th</sup>) Street NE:** Request to expand garage by adding an additional level (not listed on original agenda) (HPA 18-509): Request for a Special Exception to the alley setback requirements of Subtitle E § 5000.3 and HPRB support.

The requestor (kdwyer4@gmail.com) noted he would like to expand his current garage by adding a second (2<sup>nd</sup>) floor. The second (2<sup>nd</sup>) floor would not be significantly higher than the uppermost portion of the current roof (which is highest in the middle of the roof). The requestor explained the project and what materials would be used. Mr. Joyce also requested that the property owner provide BZA and HPRB numbers. The requestor noted that 200-foot notification letters have gone out.

Mr. Joyce made a motion to recommend that ANC6A send letters of support to BZA and HPRB for a special exception to the alley setback requirements of Subtitle E § 5000.3 to expand garage by adding an additional level at 325 10th Street NE (HPA 18-509) on condition that the applicant makes their best effort to get letters of support from the neighbors. The motion was seconded and approved by a 3-0 vote.

### Closing

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

**Next Scheduled ED&Z Committee Meeting:**  
**Wednesday, July 18, 2018**  
**7:00 -9:00 pm**  
**Sherwood Recreation Center, 640 Tenth (10th) Street NE, Second (2nd) Floor**