

ANC 6A Economic Development & Zoning Committee
Wednesday August 19, 2009, 7-9:00 PM
Sherwood Recreation Center (640 10th St, NE)
2nd Floor Community Room

Committee Members: Drew Ronneberg, Chair; Cody Rice; Dan Golden; Barbara Halleck; Jeff Fletcher
Commissioners present: Raphael Marshall (6A01), Kelvin Robinson (6A08), David Holmes (6A03)

7:00 pm Call to order

Ongoing Status Reports:

1. 1400 Maryland Ave. BZA Case #17825 (Drew Ronneberg)

ANC 6A lost the case in front of the DC BZA. The gas station will be built. We will try to document illegal turns across Maryland Avenue and request that the median be closed.

2. H Street Survey (Drew Ronneberg)

Drew Ronneberg saw the survey being conducted.

3. Zoning Code Rewrite (Cody Rice)

No update.

4. Vacant Properties (Dan Golden)

Welcome back to Dan Golden! He will resume maintenance of the vacant properties web site.

New Business

1245 H Street

- ANC 6A's Alcohol Beverage Licensing Committee (ABL) met to discuss 1245 H Street. The location is under renovation; the owner is a business partner of Gary Rappaport (H Street Connection). They are planning to put in a restaurant. No meeting has been scheduled with ED&Z committee but it probably isn't needed.
- 1. 1242 H St. NE – BZA #17968. (Area Variance) pursuant to 11 DCMR §3103.2, for a variance from the non-residential floor area ratio requirements under subsection 1321.2, and a variance from ground floor level ceiling height requirements under subsection 1324.12, to allow the construction of a new commercial (retail/office) building in the HS (H Street Housing Sub-District Overlay)/C-2-A District, at premises 1242 H Street, N.E. (Square 1003, Lot 22). Hearing is October 6, 2009.

The owner claims that the small lot size (17' 6" x 72') causes an undue hardship if the owner is required to follow the zoning code in place for this location.

- Drawings for the project are found at <http://www.anc6a.org/agendas/EDZA0809.pdf>

Representing I. S. Enterprises, Inc. (the owner):

- Italo Rodriguez – General Contractor for the job
- Hossain Guerrero – Attorney
- Gabriel Nathaniel – Architect

The owner wishes to build a 4 story building at 1242 H Street NE and is looking for a variance due to the small size of the lot – 17' 6" x 72':

1. The requirement for 14' ceiling on the first floor puts the project requires that they also put a landing on each floor. The landing would use up to about 30% of the first floor. Owner would like to get as much usable space out of the first floor so is asking for a ceiling height of less than 14'. Requesting 10' 6" ceiling height on 1st floor.
2. The owner wishes to configure the building for more than one tenant. A corridor would separate the stairs from the rest of the first floor.
3. The ground level is likely to be professional services offices. 2nd through 4th floor would be professional offices for the owner's development company and his general counsel.
4. No residential use.
5. The plan for the building incorporates some environmentally friendly aspects such as solar panels, green roof, and use of local/recycled bricks, energy efficient windows. The plan calls for high quality construction to allow the building to last for a 100-year lifespan. The building would not be LEED certified.

Discussion regarding this variance revolved around different arrangements that could be made to increase the usable floor space.

1. Elevator would require stairs anyway
2. Can't move stairs closer to the front of the building due to fire control room. The fire control room must be accessible from a common area.

Design Issues

1. Front is brick to maintain the look from the neighborhood. Design breaks the monotony and massing with windows. There is a roof deck at the top floor of the building.
2. Rear is hardy plank siding.
3. Uniform casement windows.

In general, the committee commented that the design was not in keeping with the rest of H Street. The

1. All the other structures on the block are 2 stories
2. The design of the front does not reflect any of the architectural elements found on H Street. No historical elements, windows are modern looking instead of having the shape/style of other windows seen along H Street.

Zoning Issues

1. Current zoning for the location calls for ground floor retail with residential above.
2. H Street Overlay/arts district modifies underlying C-2-A zoning. Meant to create an incentive for better retail space.
3. C-2-A zoning—base zoning
 - a. 1.5 FAR for non residential
 - b. maximum of 2.5 FAR
 - c. 50' height restriction
 - d. 60% lot occupancy for residential
 - e. 15' rear yard
4. H Street Overlay modifications –supersedes base zoning
 - a. Residential – 70% lot occupancy
 - b. Non-residential FAR 1.0
5. They are asking for
 - a. 3.0 FAR
 - b. Not provide 14' ceilings on ground floor for retail
6. Procedural issues
 - a. Need zoning relief to base zoning in addition to variance to overlay
 - b. Application doesn't request the relief needed.
 - c. In addition, we have see DCOZ allow zoning variances on FAR

Comments

Raphael Marshall (ANC 6A01 Commissioner): Stated his support for the building saying that it would be great to have something other than restaurants on H Street. However, height may obstruct houses from the rear. Also asked questions regarding trash and parking. Trash would be handled by normal city services; Commissioner Marshall cautioned about food in trash receptacles due to the problem of rats in the alleys. Also there is 1 parking space; the architect believes that only 1 is required based on the square footage of the ground floor. (We are not sure this is correct).

Kelvin Robinson (ANC6A08) expressed that the height is an issue of concern to him.

Barbara Halleck stated that the design of the building does not in any way reflect the “look and feel” of H Street; the design is more like a suburban apartment building than a 100-year old building.

Dan Golden noted that the degree to which this goes outside the scope of other buildings such as zoning, FAR, first floor, height, makes it difficult for him to support the design as it is.

Cody Rice discussed some of the goals of the H Street Overlay by saying that the Overlay was established to retain the best elements of H Street, including high quality retail on the corridor. 14' ceilings are required for good retail space. If the project called for a 2-story building it would be more like the rest of the block. This particular design doesn't provide any benefit to the community—no good retail, no residential.

Drew Ronneberg agreed with Cody Rice. Zoning codes were tailored to what the residents want on H Street. This project asks for a lot of relief with no return to the neighborhood. If we support this project, it goes completely against the purpose of the overlay. He expressed that he does not believe this project is appropriate for H Street. Drew also noted that the ED&Z committee has supported lot occupancy relief if other issues (design, FAR, height, etc.) were addressed in the design.

Motion by Cody Rice: Move that we recommend that ANC 6A oppose this application.

The motion was passed unanimously.

Motion by Cody Rice: Move that we recommend that ANC 6A oppose any application for variance to 1.5 FAR for commercial space at this specific site.

The motion passed 4-1.