

**Report of the Economic Development and Zoning Committee of ANC 6A
September 18, 2013**

Present: Members: Missy Boyette, Dan Golden, Laura Gentile, Justin Thornton, Michael Hoenig, Cody Rice, Stephanie Frang-Zimny, Brian Carlson

Commissioners: David Holmes

Dan Golden chaired the meeting.

Community Comment There were no community comments.

Status Reports

Resolution of Previously Heard BZA/HPA Cases: At this month's full ANC meeting, the ANC voted to:

- Agree with ED&Z's recommendation that the variance for the 920 9th St NE deck addition be granted.
- Agree with ED&Z's recommendation that the ANC oppose the variances and special exception for 1120 Park St NE that are needed to construct a proposed garage and deck, due to applicant's not being present to provide letters of support from the adjacent neighbors specifically acknowledging that a deck will be placed atop the garage. The ANC's letter to BZA will make clear that the only reason ANC is opposing the requested relief is the absence of these letters.
- Adopt its previous recommendation opposing to the special exception sought by Bank of America for 1102 H St NE, in view of the applicant filing a new application.
- Clarify that the owner at 901 9th St NE, need contribute only \$25,000 for a Capitol Bike Share station, not the full cost of the station.

Vacant Properties: No report.

Zoning Regulations Rewrite: Cody Rice provided update. Stated that the Zoning Commission is holding input meetings on the zoning rewrite in its final form. He also mentioned that the ED&Z Committee will see new types of cases based on the zoning changes. David Holmes suggested having a subcommittee report to the full ANC; Laura Gentile volunteered to assist.

H Street Business Liaison Report / AIA Training Session: Dan Golden did remind the committee that AIA training session will be held from 9:30am - 3:30pm on Saturday, October 26.

Other: Dan Golden announced October 1 deadline for historic homeowner grant program for exterior work and repairs. Dan also mentioned that a raze has been proposed for "1217 K St NE," however, as David Holmes pointed out there is no such address and the notice likely refers to a property at 1217 Florida Ave. NE. David Holmes will contact owner to let them know they need to refile.

Missy Boyette requested assistance in pointing out illegal construction at 1316 Corbin Place, NE. The owner appears to be constructing an addition that exceeds the footprint allowed by zoning without the required variance/special exception. ED&Z voted to request that the ANC write a letter to the zoning office; Missy Boyette thanked David Holmes and others for

assistance with this matter, as the construction, in addition to being non-compliant in terms of zoning, is also questionable in its structural integrity.

Old Business None.

New Business

BZA #18657 (903-907 Florida Avenue, NE): Applicant seeks a variance from minimum lot area requirement for one lot and for parking relief for all lots in order to subdivide these three lots into two record lots, and to construct two-unit flats on each of the two new record lots. Applicant circulated a set of the previously-submitted documents and explained that the lot is privately owned and that the current owner had homes on these lots in 1958. (Ms. Harris, the applicant, has not yet purchased the lots; she will close on Oct. 14.) The current owner had approached BZA in 2010 with a plan to construct two 2-unit buildings without minimum lot area relief and at that time a determination letter was issued that authorized the construction of two structures with a total square footage of over 1400 square feet. The Applicant's current proposal is to subdivide 3 lots into 2 and to construct a 3-story dwelling on each lot. The total square footage of the proposed structures would be over 1800 square feet.

The Applicant acknowledged that: 1) there was a discrepancy in its application with regard to the total square footage of the three lots taken together; and that 2) it had incorrectly averaged the lot occupancy of both lots to arrive at a figure would not have necessitated special exception relief from the lot occupancy requirement for the smaller of the two subdivided lots. The Applicant indicated that it would determine the basis for the discrepancy in the total square footage of the lots and that it would modify its design so that a special exception from the lot occupancy requirement would no longer be necessary for the smaller of the two lots.

The applicant presented plans for a modern building, with gray stucco and brick materials on the exterior facade, as well as either punched windows or storefront (owner desires flexibility in fenestration at this time). The previous buildings on these lots were demolished in 2000; they faced Florida Avenue and were two stories high. Regarding the design, David Holmes suggested that Gallaudet University should be contacted and made aware of the proposal (project is within Gallaudet's view shed) and that the applicant needs to talk to HPRB.

The Committee then asked questions. Regarding the units, the applicant explained that they would be sold individually as condos and that the proposal provides no on-site parking. Missy Boyette suggested that the brick portion of the facade appears flat and would benefit from some banding. Dan Golden stated that the three stories of the elevation appear overbearing in terms of the total massing of the building in its setting.

Applicant stated that the BZA hearing is scheduled for November 18 and that they will bring in Gallaudet as stakeholders. David Holmes reiterated that they should speak with HPO first. In addition, David shared with the applicant that the ANC adjacent to Florida Avenue has asked for redesign of Florida Avenue, specifically related to a proposal to expand width of sidewalks.

In summary, committee would like to have applicant proceed with consideration of the following: 1. Consider taking the buildings down to 2-stories; 2. Consider architectural details (i.e. relief, punched v. storefront windows); 3. Committee would like to see more information

about a proposal for where parking will occur; and 4. Consider retaining the existing public trees.

In closing, Cody Rice emphasized importance of feedback from HPO. Missy Boyette asked for consideration of integration of metal panel / solid material in elevation so that corner does not act as a "beacon" of light at night. Brian Carlson stated that it would be helpful to see the adjacent properties in an elevation drawing in order to compare heights. Justin Thornton stated that he would not support deleting the 3rd floor, as the adjacent properties are able to have three stories.

Applicant will come back to the ED&Z committee next month and will correspond with the committee in the meantime.

BZA #18662 (800 11th Street, NE): Applicant and representatives presented case for seeking a variance from off-street parking requirement to allow Toddlers on the Hill, LLC to use a portion of the premises as a Child Development Center. Applicant explained that the variance is a variance from 2 required parking spaces. In order to obtain a license as a CDC, the applicant needs to obtain a C of O as well as zoning approval.

Applicant explained that the group currently has a maximum of 9 students, 1 certified teacher and 2 volunteer parents. All of the parents are required to stay on the premises at all times. The obligation for an additional teacher and 2 additional parent volunteers would lead to, with 1 space required per 4 employees, 2 (rounded up to a whole number) parking spaces required. The group currently uses space in Douglas Memorial Church, which is a non-complying building that is grandfathered to not require parking spaces, as there is no place for the spaces (church occupies 100% of the lot). The applicant has 26 letters of support for the variance.

Applicant explained that most of the parents live close by to the church, with 16 of the 24 arriving to the site via stroller and the other 8 of these driving. The program runs from 9am - noon.

Committee members asked questions. Question was raised about the nature of the affiliation with the church. Applicant responded that there is no affiliation, just a partnership. Community member stated concern, as the church tends to not be a good neighbor when it comes to parking. Meredith, the zoning counsel for the applicant, explained that the church has to be the applicant as the church owns the building. Community member stated that there is a user of the building in the summer who tends to double-park. Cody Rice asked for a description of how drop-off occurs now. Applicant responded that most users park on 11th Street.

Community members asked questions. One community member reiterated that parking is challenging in this neighborhood and suggested that an arrangement with the Catholic church could be a solution. A community member stated that he supports the program but is concerned with safety issues of double-parking or parking in the alley; he inquired as to whether there is a way to get a loading or drop-off zone. Meredith responded that the applicant is willing to provide a drop-off and pick-up plan. David Holmes inquired as to the number of students in the CDC. Applicant responded that they are limited by the ratio of students to teachers and explained that 2 parking spots yields a maximum of 18 students in 2

classrooms. Community member also stated that metered parking was recently added to 11th St NE, which makes for a challenging situation for the church, too.

Missy Boyette suggested that the variance might have conditions, for example to limit the number of spaces to 1.5 so that this, in turn, limits the number of people in the program. Justin Thornton suggested that DDOT might provide a loading sign (community member stated that DDOT does provide 15-minute drop-off spots). Cody Rice stated that he would support the parking space variance if there were a plan to monitor drop-off, perhaps with a condition of time slots, such as 8:30-9:30am and 11:30am-12:30pm.

The committee voted to recommend that the ANC approve the parking variance on the condition that a drop-off pick-up mitigation plan is developed and circulated within 3 weeks. Motion was approved 8:0.

HPA #13-545 (1301 North Carolina Ave NE): Will Stone described that AT & T is proposing installation of a wireless facility at the rooftop of the historic church on this site and is requesting HPRB approval of construction of proposed antenna and screening atop the existing church.

The intent of this installation is to provide wireless coverage to the park. Applicant explained that T-Mobile already has an installation of antennae on top of this church. Installation would include sled-mount with 4 antennas on each of three sides and a generator on the 13th St side. The proposed screening would be a brick wall which would be 8' high on top of the existing roof.

Committee members asked questions / provided comments. Cody Rice stated that the generator both with and without the proposed screening is jarring. David Holmes stated that the ED&Z has not seen anything like this before, as T-Mobile's antennas "just showed up" without having been approved by ED&Z and the ANC. Several committee members inquired as to whether the generator could be located somewhere else. Applicant conceded that the generator would not have to be part of this design. David Holmes pointed out that Lincoln Park is a Federal Landmark, subject to Section 106. Committee members inquired as to how many of these cell sites there are in this area. Applicant stated that there are others. Dan Golden inquired as to the case for need for this installation, particularly by one cell phone company.

HPRB hearing is scheduled for October 24.

The Committee voted 6:2 to recommend that the ANC write a letter in opposition of the HPRB application, but that the applicant be encouraged to assemble a letter outlining the necessity of the installation (demonstration of need and proof of study of alternate sites). Applicant will make this case to the ANC on the 2nd Thursday of October.

Additional Community Comment None.

Next Scheduled ED&Z Committee Meeting:

**Wednesday, October 16, 2013
7-9 PM
640 10th St NE
Sherwood Recreation Center, 2nd Floor**