

**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  
October 21, 2015**

The meeting convened at 7:00 pm.

**Present**

Members: Missy Boyette, Dan Golden (Co-Chair), Michael Hoenig, Justin Thornton.  
Commissioners: Stephanie Zimny.  
Dan Golden chaired the meeting.

**Community Comment**

There were no community comments at the beginning of the meeting.

**Update**

Chairman Golden provided an update on items from the previous month's meeting.

**Old Business**

There was no old business to discuss

**New Business**

**Committee Membership/Chair**

Chairman Dan Golden announced that the October 2015 ED&Z meeting would be his last as Co-Chairman. The Committee Members thanked Chairman Golden for his service as Co-Chair of the Committee, as did several community members present at the meeting. Chairman Golden moved to recommend that the ANC accept his resignation as Co-Chair of the Board. The motion was seconded and passed unanimously.

Chairman Golden moved to recommend that the ANC appoint Brad Greenfield as a member of the Committee. The motion was seconded and passed unanimously.

Chairman Golden moved to recommend that the ANC appoint Brad Greenfield as the Chairman of the ED&Z Committee. The motion was seconded and passed unanimously.

**1140 Florida Avenue NE (BZA 19061):** Chairman Golden clarified that the project to be discussed is located in ANC 5D, but a community member from ANC 6A had requested that the developer come to the ANC 6A ED&Z Committee meeting to discuss the project with the Committee and interested community members. The developer is not seeking action by the Committee or the ANC. The developer, Thornton Development, represented by Committee Member Justin Thornton, gave a brief description of the project, a mixed-use development with retail to be located on the ground floor, with living space above. The developer informed the committee that it will be seeking relief from the lot occupancy requirements, the FAR requirements, and the on-site parking requirements. The Board of Zoning Authority

(BZA) hearing on the developer's application was to occur the week following the ED&Z meeting. The developer also noted that there is a bus stop located directly in front of the building, and that the company hopes to work with DDOT to improve and maintain the stop. The developer left contact information for the community should there be further questions: Justin Thornton, Thornton Development: (301) 943-4501; [Justin.thornton@gmail.com](mailto:Justin.thornton@gmail.com).

**134 11th Street NE (BZA 19108)/(HPA 15-633):** Applicant seeks a special exception under § 223, not meeting the lot occupancy requirements under § 403, and the Historic Preservation Review Board (HPRB) design approval, to construct a garage with a rooftop deck in the R-4 District. The homeowner plans to demolish the existing deck in the home's back yard and construct a garage with a roof top deck. The Capitol Hill Restoration Society (CHRS) and several neighbors have written letters opposing the roof deck, but otherwise supporting the project. The homeowners have obtained letters of support from the adjacent neighbor, and another neighbor on the street.

The homeowner's architect gave a thorough description of the project. The new garage structure will include a roof deck with lounge seating surrounded by a parapet wall. The architect stated that the majority of objections have been concerned with privacy and that the homeowners would agree to raise the parapet wall if that would alleviate the concerns. He also noted that when originally designing the project, they had considered having part of the garage roof include a green roof, which would set the deck space back from the alley.

Upon conclusion of the homeowner's presentation, Chairman Golden noted that this case is similar to a case the ED&Z previously heard regarding a project at 1102 Park Street NE. The Committee resolved that matter by recommending the ANC object to the requested relief unless the requestor and the objecting homeowners could reach an agreeable compromise. Chairman Golden suggested that the outcome in that matter should guide the Committee's action in this matter.

The community members present at the meeting were next offered the opportunity to speak. Jeff Fletcher, of 113 Tenth (10<sup>th</sup>) Street NE spoke in objection to the project. Mr. Fletcher stated that he and several other neighbors had submitted letters in opposition. He noted that there are no rooftop decks on any other structures in the alley and that this would set a precedent in the alley and the Capitol Hill Historic District. He noted there is a carriage house in the alley that has a second story, but that story cannot be used as a residence. He stated that garages in historic districts are designed to serve as functional spaces, not extensions of recreational space. He also noted that the design would contrast the adjacent garages in the alley. He stated that privacy and noise were the primary concerns with the project. The project will give anyone on the roof deck a clear site line into the backyards and bedrooms of neighbors. He also said that while he does not believe it would be an issue with the current owners, the potential for noise is serious and that other neighborhoods with roof top decks have had problems with noise and this project could pose a similar

problem. He also stated that the height of the parapet wall and the possibility of a green space would not alleviate the concerns.

In response, the homeowner's architect noted that there are precedents within the historic district, identifying at least two (2) existing roof decks on alley structures. He also stated that the potential ability to see into backyards is not a problem because of the nature of the Capitol Hill area, because of the proximity of homes to one another, houses can see into one another's yards. He also noted that the homeowners had not seen the letters in opposition to the project.

Mr. Fletcher clarified that the objection is not to a garage, but to the roof top deck.

Committee Member Missy Boyette asked if the removal of the rear deck was a trade-off for the lot occupancy. She was informed that with the garage, the deck is no longer feasible. She also inquired as to the materials that will be used in the construction and noted that the extension of the solid brick was a hard sell and that the design of the parapet wall would set a bad precedent.

Chairman Golden stated that this project could be approved by HPRB, but that there likely would be a strong preference not to include a rooftop deck.

The Committee further explored the possibility of having a green roof. The designer clarified that the green space would set the roof deck back seven (7) feet from the front of the garage and would be impassable.

Mr. Fletcher stated that the green roof would help with the privacy concern, but would do nothing to alleviate noise.

The Committee briefly discussed whether to move to object unless the neighbors can reach a compromise, but the majority of the Committee felt that it would be preferable to vote on whether to support the project with certain conditions placed on the design.

Committee Member Boyette moved that the Committee recommend the ANC write a letter to BZA in support of the requested relief on the condition that the parapet wall height is raised to fifteen (15) feet and that a green roof is included in the design that sets the roof deck back seven (7) feet from the alley and is impassable. The motion was seconded and passed (3-2).

Committee Member Boyette next moved the ANC write a letter to HPRB in support of the project design on the condition that the brick façade have some additional detail above the garage door. The motion was seconded and passed unanimously.

**1313 to 1323 Linden Court NE (BZA 19145):** Applicant seeks variances from the FAR requirements under § 771, the lot occupancy requirements under § 772, the rear yard requirements under § 774, the nonconforming structure requirements under § 2003,

and the height requirements under § 2507.4, to allow the construction of five one-family dwellings and a neighborhood-servicing retail establishment in the C-2-A District.

This project had been preliminarily discussed at the September 2015 ED&Z Committee meeting. Meredith Moldenhauer presented on behalf of the project developer and noted that after the previous meeting, the project team and members of the ED&Z Committee met to discuss some potential changes to the project. The Committee had requested that developer consider removing garages from the design to create a more pedestrian-friendly space. Ms. Moldenhauer stated that the developer had decided against doing that, citing an analysis from a real estate professional who had conducted an analysis of the property. The developer is concerned about the use of the alley for traffic, especially with the Marylander bringing forty-three (43) new parking spaces accessible only through the alley.

To address the concerns of the Committee regarding the presence of the garages running counter to a design that activated the alley, the project architect proposed that, rather than removing the garages from the project, planters would be placed on the public space in front of the entrances to the structures and that District Department of Transportation (DDOT) approval would be sought to change the brick pattern in front of the structure. However, because these remedies will encroach on public space, DDOT will need to be consulted before they can be implemented. The developer already has reached out to DDOT to arrange a meeting.

Committee Member Thornton noted that due to the two-way traffic that must traverse the alley, he would prefer the planters not be placed to limit the amount of drivable space. The project architect stated that they would not interfere with traffic.

Committee Nominee Brad Greenfield asked about the addition above the existing structure and whether it could be designed to better match the existing structure. The project architect stated that there are two ways to look at additions to existing structures, try to make it blend in, or try to make it stand out so that you know what is the historic structure and what is new. The project architect preferred the latter approach.

The Committee noted that the structures are not Resident Parking Permit (RPP) eligible, but asked if the developer had considered including RPP restrictions. Ms. Moldenhauer stated that they would have to give particular consideration to whether to limit the studio apartment's access to parking, since it would not have a built-in garage like the other units. Ms. Moldenhauer also noted that the project has received letters of support from the adjacent property owners. Chairman Golden requested that the applicant be prepared to address restricting RPP availability at the November 2015 ED&Z Committee meeting.

A member of the community stated concerns about the project making the alley impassible. The Committee and Ms. Moldenhauer corrected her misunderstanding and clarified that the project will not block alley access. Ms. Moldenhauer explained the scope of the project for the concerned member of the community and offered to speak at greater length with her following the meeting.

The Committee also asked to see a plan for deliveries and trash pick-up at November 2015 meeting.

Committee Nominee Greenfield asked if there will be windows at the back of the homes, to which Ms. Moldenhauer answered yes, but that line of site studies show there will be no impact on privacy.

The Committee closed discussion by requesting the project development team to be prepared to discuss RPP restrictions, trash pickup and delivery plans, and possible restrictions on the specific type of commercial use of the property.

**1114 F Street NE (HLA 15-19):** Applicant seeks historic landmark designation for the Lexington Apartments building. After brief discussion clarifying that the owner of the building is requesting the designation, there was a motion to recommend the ANC write a letter in support of designating the building a landmark. The motion was seconded and passed unanimously.

The meeting was adjourned at 8:30 pm.

**Next Scheduled ED&Z Committee Meeting**  
**Wednesday, November 18, 2015**  
**7:00 - 9:00 pm**  
**640 Tenth (10th) Street, N.E.**  
**Sherwood Recreation Center, Second (2nd) Floor**