

## MINUTES

ANC 6A Economic Development & Zoning Committee  
Wednesday November 18, 2009 7-9:00 p.m.  
Sherwood Recreation Center (640 10<sup>th</sup> St. NE)  
2<sup>nd</sup> floor Community Room

Committee members: Drew Ronneberg, Cody Rice, Dan Golden, Barbara Halleck  
Commissioners: David Holmes (6A03), Kelvin Robinson (6A08)

7:00 Call to order

### Ongoing Status Reports

#### 1. H Street Survey (Drew Ronneberg)

Results of the H Street survey were announced on November 10 to approximately 100 folks, standing room only, at the Atlas Theater. Attendees expressed lots of interest, and the presentation showed different architecture from different eras. It also showed how the buildings were altered through the years.

The recommendation from the survey is that if H Street was designated part of a historic district, it should be its own commercial historic district, and not part of the Capitol Hill Historic District. The historic commercial district designation will give a lot more latitude to change façade and build upwards.

Is the presentation available for residents? Drew will try to have it posted on ANC web site.

Deliverables include records and data regarding the various buildings, this will be hosted on ANC web site.

#### 2. Zoning code rewrite (Cody Rice)

According to the DC Office of Planning web site, the PUD group is supposed to start up this autumn. The city has about twenty different work groups discussing different aspects of zoning and they make recommendations to the zoning commission. They did commercial overlays mostly early this summer. What's left is PUD, design review, BZA procedures, administration/enforcement. Cody is signed up for emails and will keep the committee informed. Drew expressed interested in the design group.

#### 3. Vacant properties (Dan Golden)

Spoke with Rubin Pemberton, new head of handling vacant/blighted properties for DCRA. They had a brief conversation to explain what we'd one previously regarding validating vacant properties. He seemed interested in working with us and getting our input. He also indicated that he'd be interested in attending and make a presentation. The also discussed the new vacant/blighted property legislation and what it means from DCRA's perspective. He was aware there's a problem/loophole that shunts all the vacant properties to Class 2 (commercial), so there's no incremental extra tax for commercial vacant properties. The legislation came out in October and the next day DCRA fired off a 20-page re-write to the legislation, explaining the unintended impact of the legislation. Dan will request that Rubin Pemberton attend our December meeting.

DCRA doesn't revise the list again until February or late March. They have an initial blighted property list--condemned buildings--that will be the initial list designated as blighted. They seem to still be struggling to define "blighted"--who's going to make the determination, what are the criteria? Rubin thinks it will be the DC Building

Inspector making the final determination on each building. Dan will ask for the current list of blighted properties and vacant properties to validate.

One overall big point is that the statute will be amended by February/March time frame; they are expecting that the list will have to be revised due to problems with the legislation.

Dan will also ask for updated list of vacant properties. There's a PDF with the October 2009 list; we will run it against what we recorded online already.

## **New Business**

### 1. H Street Connection Redevelopment—Sarah Alexander, architect

We had asked the developer for more information about the building materials used on the 8<sup>th</sup> Street corner as several of the committee members and residents had expressed concern that the 8<sup>th</sup> Street corner looked very modern; the materials would have a big impact on how that corner fit into the overall look of the development and the rest of the buildings at that intersection.

The development will be mixed use residential w/50,000 sq ft retail, below ground parking. They have been working for the past 2 years to go from original design, one large monolithic building, into one that is more in keeping with the character of the surrounding buildings and historic nature of the neighborhood.

Sarah noted that concern has been raised about the 8<sup>th</sup> Street corner, they chose to celebrate the corner through a “more modern language” that is textured and layered with different elements so it's not one large massive area. There are small bays on the 8<sup>th</sup> Street side, and the set back along H Street at the 8<sup>th</sup> Street corner helps transition from the café zone up to the higher portion of the building. This area created by curving the façade will be a restaurant zone, in keeping with expressed interest for restaurants in the development. The setback allows for outdoor seating at this main and most prominent seating area of the building. The main question was the regarding the material for this portion of the building. They looked at different metals with a concern for the reflectivity of the materials, staying away from reflective or shiny materials.

Sarah Alexander showed samples they had selected—three different shades of brushed anodized aluminum, not reflective but with more of a matte finish. The variety of colors provides visual interest and more variety to the area. The brick they are suggesting is white buff (kind of cream color).

The materials went though office of planning; they agreed that if you were going to have one modern section this would be the best location for it. It's a prominent intersection—they want to celebrate that corner. Curve was considered positive as it creates space for the restaurants.

Next showing of the drawings will be at the full ANC meeting.

Another potential community amenity: something that was mentioned at the Transportation & Public Space meeting. The building will be done in two phases, 8<sup>th</sup> Street first and then 10<sup>th</sup> Street. The paragraph below was drafted by Chip Glasgow, the attorney for the project in consultation with Omar Mahmud:

The following applies to our agreement to landscape the open areas of the site not improved with buildings, hardscape or structures and their access with grass, shrubs, flowers and any other attractive plants or foliage recommended by our landscape engineer, and to maintain

such area in an attractive condition: 1) If the bank pad and existing structures are removed from the east end of the site, we will landscape that area other than the private alley and any structure that may be needed for the project such as the 10th street curb cut and garage access in the event they are constructed as a part of phase one construction; 2) If the bank pad and other existing structures are not removed then we will landscape the areas other than the retained improvements and the private alley.

**The ED&Z committee passed a motion to have the above agreement included as a community amenity for the H Street Connection Redevelopment project.**

2. HPA #09-XXX (1020 Massachusetts Ave). The owner will be presenting plans for enclosing a balcony in a historic district.

Present: Mr. Ali Safaya, Owner and Mr. David Gillenson, friend of Mr. Safaya

The owner, Ali Safayan, read a statement (attached to the minutes) explaining that his house had developed severe leaks and mold due to water coming into his house from the open porch on the 3<sup>rd</sup> floor of his house. He made two different earnest attempts to stop the leakage by having drains installed; neither repair was effective in stopping the leaks. He has made substantial repairs to the house to eliminate the mold. The mold had also caused him to become ill to the extent that he could not live in the house. Based on the two previous failed attempts to build drains to carry away the water, Mr. Safayan determined that it would be necessary to enclose the porch to keep the water completely out.

Mr. Safayan provided photos of the enclosure; the work appears to be nearly complete.

Mr. Safayan also provided letters from two neighbors expressing support for the enclosure. Neighbors who wrote said that they feel that the enclosure is attractive and in keeping with the historic look of the neighborhood.

**ED&Z reactions**

Drew Ronneberg: We've dealt with proposed enclosures, 816 East Capitol and we did not support it because it was not in keeping with the historic character of the neighborhood. Historic preservation, per the committee, includes maintaining the building itself without historically incorrect changes, especially the front.

Cody Rice: More important than the maintenance of the look 100% static in time, the historic district provides for a design review in advance of the work, particularly for those on the façade of the building, its most important aspect. He finds it hard to express support retroactively that did not go through the design review and did not have the benefit of CHRS input or ANC input.

If it did come to us new, based on historic standards, our norm is to not support enclosures.

Dan Golden: Is there anything materially different between this and 816 East Capitol? They tried to make it look like there weren't windows. They came before changes to the back as a package; we supported changes to the rear but not the front.

Drew Ronneberg: He started the work without permits or review. It doesn't look historic; it doesn't look like other buildings from that time period. Drew expressed concern that it looks like a modern addition to the

structure. Work done on the back has a much lower bar of scrutiny; work on the front has a higher standard. The fact that the modifications are done on the front is quite an issue. As far as process goes, we are worried about precedent. If we say we support this, then what's the next thing to come along? If this came to us as a proposal, how would we respond? We would not support the enclosure as it is currently designed.

Barbara Halleck: Because we normally do not support enclosures on the front, and because the work hasn't undergone review by CHRS or HPRB, I don't think we *can* support it. Possibly if he had a different design, or if it had a blessing from one of the historic review groups, we might be able to support it. Unfortunately, without those reviews or agreement that the design meets historic district requirements, we cannot support the enclosure. The windows do not match the look of the rest of the house and definitely stand out.

David Holmes: Our standards reflect the same standards as HPRB. HPRB has had specific cases where they allowed certain changes due to medical necessity; however, this isn't predictive of what they would say regarding this issue.

Mr. Safayan's testimony will be provided to the ANC and they will attempt to act in the best interest of the community, the health affects, protecting design review process, architectural concerns. All those things go into the design process.

**The committee unanimously passed a motion to asking ANC 6A to oppose the enclosure.**

(letter and photo below)

Statement from Mr. Safayan presented during the meeting:

11/18/09

Thank you for allowing me to address this committee regarding my home. I have lived on Capitol Hill since May 1990, and although ample opportunities have presented themselves to move, I have remained loyal to the Hill. In early 2009 I started suffering ill health for the first time in my life. Being a physician, and having turned 51, it was easy to shrug it off to "getting old." Doing my best not to self diagnose, I was evaluated by 3 different specialists and had numerous laboratory and diagnostic studies. Thankfully very few abnormalities were found, but unfortunately my health did not improve. My condition worsened with the arrival of our spring rains and further specialist's visits were unrevealing.

Then in May a musty smell started to overwhelm the second and then third floors of my home. Finally after a series of hard rains, a sizable leak presented itself in the ceiling and windows of the second floor front bay below the third floor front deck. I travel a great deal for work and this leak presented itself as I was leaving for a trip. I requested my friend David Gillinson assess the damage and find a contractor to make repairs. Although very inconvenient, I had to move out of my home in order for the repairs to be done. When damaged drywall and trim were removed from the area below the deck, a significant amount of mold was found and appropriately eradicated. It was clear that two previous, costly attempts at repairing and sealing the 3<sup>rd</sup> floor front deck had failed. Two options presented themselves: Try to repair the 3<sup>rd</sup> floor deck yet again, or install windows in the existing openings to prevent any further rain from entering the space. The decision to enclose the area was made only after the removal of the tile floor, drywall, and 2nd floor window trim revealed the extent of the problem. There seemed to be no reasonable option other than to enclose the space. A tarp was draped over the front window bays of the house solely to prevent any further water damage while repairs were being made. I can assure you that we were not attempting to hide any work that was being done. Frankly I was without a home, I had a great deal of work responsibility and I needed to repair my home as quickly as possible.

I then surveyed the neighborhood for windows that were consistent with the look and feel of the Hill. I consulted an architect friend to be absolutely certain that what I picked was in keeping with our neighborhood. High quality windows were then custom made to fit the existing openings. No structural modifications were made. Hardwood flooring that matches the existing third floor was installed to replace the old, damaged ceramic tile. The entire front of the home was painted while the interior of the home was only spot painted. The only thing that was left to complete was the interior trim when the stop work sign was placed on my home.

Since my departure from my home my health has significantly improved, and it is now clear to me that in spite of the previous costly repairs to my 3<sup>rd</sup> floor deck, there continued to be hidden problems (leak/mold) that only recently surfaced. I am not here to argue my case for not getting city permits. Frankly I did not realize that removing and replacing water damaged drywall and window trim required a permit. As for changing the façade of my home, I clearly appreciate the need for maintaining the look and feel of our historic neighborhood. Although my decision to place windows without appropriate review and permit was incorrect, it was done out of sheer frustration and the need to expedite the process for my health and safety.

A. Safayan MD PC  
Cell 301-509-6660

"As Is" photo of enclosed balcony at 1020 Massachusetts Avenue



The photo below was provided by committee member Cody Rice after the meeting and added has a reference; it shows what 1022 Massachusetts Ave. looked like before the construction.



0965 0054 08/26/2004

3. S.O. 09-10850. Proposed closing of streets and alleys in Square 4533, 4534, 4535: City is proposing to close “paper” streets and alleys that cut across the site of the Rosedale Recreation Center.

This issue will be heard before the ANC meets. For consistency, the committee is requesting that the ANC send a letter in support.

**The committee unanimously passed a motion that the ANC send a letter of support regarding the “Proposed closing of streets and alleys in Square 4533, 4534, 4535: City is proposing to close ‘paper’ streets and alleys that cut across the site of the Rosedale Recreation Center.”**

#### **Next Meeting**

Wednesday December 16, 2009 7-9:00 p.m.  
Sherwood Recreation Center (640 10<sup>th</sup> St. NE)  
2<sup>nd</sup> floor Community Room