

**REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING
COMMITTEE OF ANC 6A
June 26, 2007**

Present: Citizen Members: Drew Ronneberg, Jeff Fletcher, Annie Swingen, Heather Scott
Commissioners: David Holmes, Raphael Marshall

****Meeting was conducted without a quorum of voting members****

Drew Ronneberg chaired the meeting.

7:00 Call to Order

Community Comments

None

Status Reports

200H (Dreyfus Development). Drew Ronneberg reported that representatives from ANC 6A, ANC 6C, SPNA, CHRS and the residents of Square 752 held its first meeting with the mediator Lee Quill. The groups outlined their common position on the Dreyfus' upzoning proposal, the need for a more contextual design and better community amenities.

H Street Upzoning Moratorium. Drew Ronneberg reported the ANC 6A's request for an upzoning moratorium was rejected by the Zoning Commission at their June 11th setdown hearing. The Commissioners were concerned that rejecting applications for upzonings at the Office of Planning would raise due process issues. Dr. Ronneberg reported that the ANC could refile the application in a way that addressed these concerns.

Vacant Properties. Heather Scott and Drew Ronneberg reported on efforts to move the vacant properties list to a Google map with photographs of each property and links to the tax records.

Historic District Expansion/Creation. Annie Swingen reported on the 3rd and final joint meeting with ANC 6C on the historic district expansion/creation. Ms. Swingen will be ANC 6A's point person leading the survey effort.

Comstock PUD. Drew Ronneberg reported that agreement was reached with Comstock on design issues, a traffic management plan and community amenities. Stephanie Nixon represented ANC 6A at the Zoning Commission hearing.

Old Business

None

BZA 17620 (1383-85 H St NE)

Mr. Leon Robbins, the owner of 1383-85 presented plans to develop a 3 story mixed-use commercial/residential property on the site. The committee expressed its appreciation that the

building's design complied with the design requirements and standards of the H Street NE Zoning Overlay and thought that the building would be a welcome addition to the H Street Corridor.

The site is unusual because it lacks alley access due to a building directly behind the property. As a result Mr. Robbins is seeking a variance from the on-site parking requirements. The committee agreed that this was a reasonable request and agreed to support the variance for on-site parking.

There was also discussion concerning the building's lot occupancy. Since the lot is completely enclosed on both sides and rear by other buildings, allowing it to have 100% lot occupancy would not impact the light and air of the neighbors. Mr. Robbins mentioned that Derrick Woody of the Mayor's Office was concerned that not having 100% lot occupancy would create a back yard that was like a "well" and he thought the property should have maximum lot occupancy. The community asked Mr. Robbins where he would store his trash. Mr. Robbins thought that this was a legitimate concern but that he could also build a ventilated trash room in the building. The committee thought that this was an acceptable compromise and agreed to support the variance for lot occupancy and special exception to wave rear yard requirements contingent on Mr. Robbins building a ventilated trash room.

The last issue concerned the use of the building. Mr. Robbins plans to have retail on the first floor and live on the third floor. The H Street NE zoning overlay only permits 1.0 FAR as a matter-of-right for non-residential uses in the Arts and Entertainment District. Mr. Robbins would like to use the second floor for commercial space and said that he has received a letter of interest from a group that would like to have a Comedy club at the site. The committee thought that it was reasonable to support a special exception if the second floor was used for an Arts and Entertainment function.

Dr. Ronneberg said that he was looking forward to Mr. Robbins' building because it would show that high quality architecture could be built on small lots and that land consolidation would not be necessary for the revitalization of the Corridor. He also agreed to serve as the ANC-designated representative for the case.

Recommendation: The ED&Z committee unanimously recommends that the ANC conditionally support BZA application 17620 (1383-1385 H ST NE) provided that the applicant 1) builds a structure with the facade and massing presented to the committee; 2) provides the ANC with the statement of burden of proof; 3) adheres to all the requirements in the H Street NE Zoning Overlay including the design requirements and design guidelines; 4) creates a second floor use consistent with the goals of the Arts and Entertainment District and; 5) agrees to build a ventilated trash room. The conditional support applies to the following zoning relief: 1) variance from the off-street parking requirements 2) special exemption to allow up to 100% lot occupancy 3) special exception from rear yard requirements and 4) special exception to allow 2nd floor commercial use. Drew Ronneberg is recommended to be the designated representative.

Historic District Expansion/Creation

The committee discussed whether ANC 6A should support conducting a survey of existing properties within the boundaries of the ANC that could be used for a Historic District nomination. The committee agreed that it was premature to discuss whether it should support a historic district, and agreed that that decision would require greater community outreach and should wait for completion of the survey. Marta Wagner asked how resources would be allocated for the survey. Dr. Ronneberg thought that much of the survey could be done with volunteer efforts that would minimize the cost of the survey. He also said that he didn't want to limit the scope of the survey due to financial resources because some parts of the ANC might be neglected even if there was strong volunteer interest. Dr. Ronneberg

thought that the limiting factor should be volunteer interest in surveying their portion of the ANC. Ms. Wagner thought that having a professional coordinator would be important in ensuring that the survey met the required standards and that it might be possible to have a hybrid system of volunteers and professional coordination. The committee agreed that this would be a good system.

Recommendation: The ED&Z committee unanimously recommends that the ANC support the survey of existing properties anywhere in the borders of ANC 6A for the potential creation of a new historic district or expansion of an existing historic district. Annie Swingen is recommended to be the coordinator of the survey.

Vacant Properties

Dr. Ronneberg said that when he was going through DCRA's and OTR's lists of vacant properties, he noticed a number of technical errors on the list, mainly related to incorrect square and lot numbers. He asked the ED&Z committee to recommend to the full ANC that a letter be written to DCRA and OTR pointing out these errors so the lists could be corrected.

Recommendation: The ED&Z committee unanimously recommends that the ANC write a letter to DCRA and OTR pointing out technical errors (e.g. wrong square lot numbers) in their vacant property lists.

1016 H St NE – Building Permit for a Fast Food Restaurant

The property received building permit #105469 from DCRA to “renovate an existing building to accommodate a fast food restaurant”. However, a fast food restaurant is only permitted in the H Street NE Zoning Overlay as a special exception. Given the problems our ANC has had with fast food restaurants opening without obtaining a necessary special exception, Dr. Ronneberg thought that the ANC should appeal the Zoning Administrator's decision to issue a building permit. Mr. Tchaka Sapp, the owner of Tropicana Eateries and the lessee of the building, was at the meeting and claimed that he did not request that the building permit for a fast food restaurant and that he was going to be operating a restaurant on the premises. Mr. Sapp said that the permit was a result of DCRA's error. He claimed that he would be operating a restaurant with the following characteristics:

1. The restaurant will primarily be an eat-in restaurant where patrons will be provided tables and chairs.
2. Patrons will place orders and be served at their tables by wait staff .
3. Patrons will be provided with individual menus.
4. Meals will be served on non-disposable plates and silverware.
5. There will be no trash receptacles in eating areas
6. Tables will be bussed by the wait staff
7. The restaurant will have a on-premise dishwasher.

Mr. Sapp said that he would be willing to write a letter to DCRA asking that the permit be reissued as a restaurant. The committee thought that this was acceptable because if the certificate of occupancy was issued for a fast food restaurant, it could be appealed within the 60 day window.

Recommendation: The ED&Z committee unanimously recommends that the ANC appeal the building permit for 1016 H St NE to renovate the property for a fast food restaurant unless the owner of the property writes a letter to the Zoning Administrator asking that the permit be reissued to renovate the property as a restaurant.

Bill Crew's Dismissal as Zoning Administrator

Mr. Crews, the City's zoning administrator, was put on administrative leave from his job. Mr. Crews has a very important but relatively unknown position whose ruling on zoning matters affects ANC 6A directly. Dr. Ronneberg said that he thought that Mr. Crews had made an honest attempt at interpreting zoning regulations and was the best zoning administrator the city has had in years. The committee agreed to write a letter of support to DCRA and Mayor Fenty in support of Mr. Crews.

Recommendation: The ED&Z committee unanimously recommends that the ANC write a letter to the Director of DCRA, Mayor Fenty and the City Council expressing its support for the former Zoning Administrator Bill Crews.

701 10th St NE

ANC 6A voted unanimously against a curb-cut request for this property but the permit was still issued by DDOT. The ANC is still appealing this ruling. In the meantime, the property owner has not built the curb-cut and driveway to code and has been ordered by DDOT to replace the curb-cut and driveway with appropriate materials. So far, the owner has failed to do so. Dr. Ronneberg said he was worried that DCRA would issue a C of O for the property without the curb-cut being corrected and asked that the committee recommend that the full ANC send a letter to Zoning Administrator asking that the C of O not be granted until the curb-cut was replaced.

Recommendation: The ED&Z committee unanimously recommends that the ANC write a letter to the Zoning Administrator asking that the property at 701 10th St NE not receive a C of O until it complies with the order from the Public Space Administration to bring its curb-cut up to city specifications.

Trader Joe's on the 300 block of H St NE

After Harris Teeter pulled out of the Steuart Development on the 300 block of H Street, H Street Main Street and members of the community started an effort to attract Trader Joe's or Yes! Organic market to the site. Anwar Saleem said that he thought Trader Joe's would be a better match for the site and asked that the community support writing a letter to Trader Joe's asking that they locate to the site. The committee agreed to recommend this to the full ANC.

Recommendation: The ED&Z committee unanimously recommends that the ANC write a letter to Trader Joe's urging them to locate in the new Stuart Development on the 300 block of H ST NE.

H Street Upzoning Moratorium

After the Zoning Commission rejected ANC 6A's first request for an upzoning moratorium primarily based on the due process considerations, Dr. Ronneberg thought that the ANC could submit a narrower petition that wouldn't trigger these due process concerns. He suggested that the ANC could submit a text amendment that would prevent PUDs from requesting a map amendment as part of the PUD application.

Recommendation: The ED&Z committee unanimously recommends that the ANC submit a new petition to the Zoning Commission to pass a text amendment to the H Street Overlay forbidding map amendments as part of PUD applications. Drew Ronneberg is recommended to be the designated representative.

Community Comments

None

Next Scheduled ED&Z Committee Meeting:

Tuesday, July 24, 2007

7-9 PM

Venue: Capitol Hill Towers