

**REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING  
COMMITTEE OF ANC 6A  
October 24, 2006**

Present: Commissioners Nick Alberti, Raphael Marshall;  
Resident Members Drew Ronneberg, Jeff Fletcher, Linda Whitted, Rich Luna, Virginia Gaddis.

Drew Ronneberg chaired the meeting.

**Community Comments**

Rich Luna reported that 1121 H St NE was putting trash receptacles on the H Street sidewalk in violation of public space regulations. He also reported that the construction of 1015 H St NE was reducing the passable sidewalk to less than 4 feet and that public space regulations required the owner obtain a sidewalk closure permit. Monte Edwards asked ANC 6A to compile a 1-2 page list of ANC 6A's worst problems with DCRA.

**804 H St NE**

John Formant presented plans for the renovation of 804 H St. NE. The renovation preserves the existing facade, which under Section 1324.3 of the H Street NC Zoning Overlay permits an additional 0.5 FAR of new construction. The plans call for a 600 sq. foot mezzanine floor above the third floor. The first floor of 804 H St NE will be retail, the second floor will be office space and the third floor will be residential. No leases have been signed and Mr. Formant asked for suggestions from the community about potential tenants. Mr. Marshall asked how the trash would be stored because the current building occupied 100% of the lot. Mr. Formant thought that the trash would be stored on the interior of the building.

Mr. Formant was also questioned about plans for his other H Street properties. He said that he would renovate some of his properties on the Western end of H Street after the Abdo and Steuart developments were completed. Dr. Ronneberg reported that several community members expressed concerns that the condition of some of Mr. Formant's vacant properties (specifically 406 H St NE) was hurting the business of surrounding properties. Mr. Formant said he plans to renovate 406 H St NE in the next couple of years. Dr. Ronneberg asked if there was low cost maintenance and upkeep that could be performed to improve the look of the building until it was renovated. In an follow-up email after the meeting, Mr. Formant informed the chair that the 406 H St property would be painted and cleaned up.

**BZA 17521 (601-645 H Street NE)**

The architect of the proposed 601-645 H Street NE development presented revised plans for the project. Rendering are available to the ANC 6A website. The developer proposed keeping the 6<sup>th</sup> and H and 7<sup>th</sup> and H towers and demolishing the old Mega Foods building. After the demolition of the Mega Foods building, the developer would construct roughly 270,000 square feet (240 units) of residential space, 30,000 square feet of office space and 5000 square feet of retail space. The developer claimed that the building needed to look "edgy" in order to attract the targeted demographic. The new design has bay windows and large 1960s style balconies. The construction materials include brick and limestone on the H Street facade.

The developer claimed that they are asking for a special exception to the 14 foot ceiling height because the connection of 2<sup>nd</sup> floor office to the towers would not allow for 14 foot ceilings. The special exception to Subsection 1324.4 and 2514.2 and variance to Section 772 were requested to increase the floor area of the building. The special exception to Section 1032.3 was requested to allow a H Street curb cut.

Most people from the community spoke in opposition to the design and scale of the building, with the most common complaint being that the new building didn't fit with the size or architecture of existing historic buildings.

Dr. Ronneberg noted that, based on his calculations, 150 residential units could be built as matter of right and that the requested relief equated to 90 units. By comparison, there are only 57 rowhouses on the square.

Dr. Ronneberg asked the developer to clarify how they claimed compliance with the Design Guidelines when the proposed building was 9 stories and the guidelines called for a 4-8 story building. The response was that Section 1325.1a only required that they comply with the “intent of the design guidelines.”

Dr. Ronneberg also asked why the developer did not seek a variance to Section 1321.2 when they planned to build new non-residential uses even though the existing non-residential FAR exceeds the allowed 0.5. The developer responded that they were transferring non-residential FAR from the planned demolition of the Mega Foods structure. Dr. Ronneberg thought that this transfer of non-residential FAR was not allowed under Section 2002 of the DC Zoning Code.

Dr. Ronneberg made 4 suggestions about the design of the building to the developer. The first suggestion was to stagger the height of the H Street façade, in order to provide a “sawtooth” roofline that is more consistent with the rest of the buildings on H Street. The second suggestion was to use grey stone or concrete sills and lintels to frame the windows in a manner that avoids the “hollow eye” effect of the current design and is consistent with H Street fenestration. The third suggestion was to make the bay windows consistent with bay windows typical of H Street and not model them after Meridian Place on Mass Ave NW. The last suggestion was to model the balconies after more traditional designs rather than after the balconies of the 1960s internationalist period.

Dr. Ronneberg moved that committee recommend the ANC continue to oppose the development because the developer should use the PUD process to request zoning relief to build in excess of the matter of right floor area. In addition, Dr. Ronneberg thought that the development should be opposed because the developer was not complying with the requirements of the Design Guidelines.

**Recommendation:** The committee voted unanimously to recommend that the ANC continue to oppose BZA 17521 and continue Drew Ronneberg's appointment as the ANC representative for the case.

### **Building Permit #97726 (819 7<sup>th</sup> St NE)**

Pilgrim Baptist Church was granted building permit #97726 to build a parking lot on what is currently a vacant lot at 819 7<sup>th</sup> St NE on August 31, 2006. Some residents thought that a parking lot was not permitted as a matter of right in a R-4 district and that the Zoning Administrator erred in issuing the building permit. Section 2116.1 of the zoning code states that all parking needs to be located on the same lot as the building they are intended to serve. Churches are partially exempted from this requirement

because Section 2116.3 allows the church to have up to 50% of its parking anywhere within 400 feet of the church. However Pilgrim Baptist Church currently doesn't have any parking spots on the lot associated with the church and thus do not meet the requirements for the exception in Section 2116.3.

Mr. Grevious, the Church's architect, presented plans for the proposed parking lot in which the number of parking spots was reduced from 18 to 14 and a buffer of shrubs was planted between the sidewalk and the parking lot. The parking spots appears to be behind the building line in accordance with section 2116.4, and the screening with shrubbery appear to conform to Section 2117.11 and 2117.12.

The Church said that DCRA told them that they were grandfathered into the zoning regulations and that this grandfathering allowed the church to construct off-site parking without the on-site parking requirements of Sections 2116.1 and 2116.3. Dr. Ronneberg thought that grandfathering only allowed the church to have no on-site parking and that subsequent construction of parking spaces had to comply with zoning regulations. Dr. Ronneberg said he would investigate the “grandfathering” issue and would consult zoning experts and the DC government before any recommendation was made to the full ANC.

**Recommendation:** The committee voted unanimously to recommend that upon completing an investigation of the “grandfathering” issue, if Dr. Ronneberg finds that the church is not permitted to build off-site parking as a matter of right, the ANC 6A should appeal the Zoning Administrator's issuance of the building permit #97726 and designate Dr. Ronneberg the ANC 6A representative.

**Next Scheduled ED&Z Committee Meeting:  
Tuesday, November 28, 2006  
7-9 PM  
900 G Street, NE  
Community Room of the Capitol Hill Towers**