

**Report of the Economic Development and Zoning (EDZ) Committee of  
the Advisory Neighborhood Commission (ANC) 6A  
Sherwood Recreation Center, 640 Tenth (10th) Street NE  
January 21, 2015**

The meeting convened at 7:00 pm.

**Present**

Members: Missy Boyette, Dan Golden (Co-Chair), Michael Hoenig, Andrew Hysell (Co-Chair), Justin Thornton

Commissioners: Phil Toomajian, Stephanie Zimny, Matt Levy, Sondra Phillips-Gilbert  
Dan Golden chaired the meeting.

**Community Comment**

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

**Status Reports**

**Resolution of Previously Heard Zoning Cases:** The ANC voted to adopt all of the recommendations made by the EDZ Committee at its December 2014 meeting.

**New Business**

**1600 Block of Kramer Street NE:** The Department of Housing and Community Development (DHCD) has solicited offers for the development of multiple adjoining vacant lots located on this block, including with mixed-income housing. Three organizations submitting offers to develop the property provided separate informational presentations regarding their proposals.

1. The first company to present was Mi Casa, Incorporated. The Company's representatives presented a history of the company, explaining that the company focuses on single-family houses and has owned and developed other properties on Kramer Street. It proposes to build net-zero homes, meaning homes that will produce more energy than they consume through the use of photovoltaic cells. Each home will have three (3) bedrooms and 1.5 baths. The materials used and the size and scale of the homes will be consistent with the existing homes in the neighborhood. The target price will be 65% to 80% of the median income for DC housing. Every unit will have off-street parking. The developer plans to do everything as a matter of right, within the zoning regulations.

One attendee asked whether all of the houses will look the same. Mi Casa clarified that one house will be handicap accessible and the remaining homes will be identical.

Chairman Golden asked if the energy produced by the photovoltaic cells will be used to offset the individual homeowners' energy bills. Mi Casa confirmed that would be the case.

A resident expressed that parking in the neighborhood is a concern and requested clarification that parking will not occur in the alley behind the homes. Mi Casa confirmed that the parking spaces will be located on the individual lots themselves, rather than in the alley.

Another resident expressed concern that it is difficult to maneuver in the alley behind the lots and questioned how the development will affect garbage pick up in the alley. Mi Casa stated that they did not have an answer, but that they hoped that the city will cooperate in finding a solution. Mi Casa stated that they would be willing to participate with the ANC to develop a plan.

Another resident noted that part of the vacant property is presently used as a community garden and asked whether Mi Casa would be willing to maintain part of the property for that use. Mi Casa and Chairman Golden explained that the city set the parameters of the development, and suggested the residents raise the idea with DHCD.

2. The second company to present to the Committee was Manna, Incorporated. Company representatives began by giving a brief history of the company. It has been in business for 32 years and focuses on low- to moderate-income housing. Manna proposes to build ten (10) homes, four (4) of which will be income-restricted. Two (2) will be priced at 50% of market, two (2) at 80% of market, and the remaining six (6) at market prices. Each home will have one parking space on the lot. The home will be a mix of two (2) and three (3) bedroom houses. All of the homes will be two (2) stories. Manna asserted that the homes will be slightly wider than existing homes on the street, but will fit in with the scale of the street.

Committee Member Missy Boyette asked what the width of the houses will be and was told nineteen (19) and twenty (20) feet.

Commissioner Stephanie Zimny asked if the company will request any zoning relief, to which Manna asserted it will not. However, they do plan to subdivide the existing lots into ten (10) larger lots.

A resident asked how long the company expected construction to take and was informed approximately eight (8) months.

A resident asked whether the company was aware of drainage problems on the lot and whether the homes will continue to maintain their affordable character if resold by low-income purchasers. Manna stated that any drainage issues will be dealt with as the lots are developed. As for the homes maintaining their affordable status, there will be a covenant on the property.

Commissioner Sondra Phillips-Gilbert asked whether a preference would be given for buyers that qualify for the Home Purchase Assistance Program (HPAP). Manna's representative responded that there will.

3. Neighborhood Development Company was the final company to present to the Committee. The company representatives gave a brief history of the company and reminded the committee and attendees that the development process is still in very early stages. The company described its design philosophy and that it focuses on affordability and sustainability. Company representatives stated that most of their work is modern, yet incorporates the spirit of the place where the building will be located. The company showed other projects it has designed as examples of what it proposes for Kramer Street. Those projects, and the project it proposes on Kramer, utilize sea containers for modular

apartments. The company plans to build twenty-six (26) units on the vacant lots. The company asserted that the finished unit uses 90% less energy than a typical home.

A resident expressed that the modular, sea-container design is out of place with the style of the neighborhood. The company responded that the designs are modern, but the company typically works in historic places and, though modern, work within the spirit of the place.

Another resident asked about parking and was informed that there will be no parking offered on the lots. The Company claimed this is in keeping with the character of the existing neighborhood. Several residents in attendance expressed concern that the Company plans to build twenty-six (26) units, but offers no plan to off-set parking issues.

Another resident expressed concern that twenty-six (26) units on the vacant lots would double the existing units on the block, creating a density problem. Several residents echoed that concern. The Company asserted that it would consider limiting the number of units, but if it does so, it will not be able to build as many affordable units.

At the end of the presentations, Chairman Golden moved that the Committee recommend that the ANC write a letter to DHCD expressing appreciation for the three (3) applicants who gave presentations and stating that, during the course of the presentations, the community expressed its preference for the proposed redevelopment of the block to provide on-site parking, emphasize affordability, be of moderate density, furnish green space, and retain the architectural integrity of the neighborhood. The motion was seconded by Commissioner Phillips-Gilbert and passed unanimously.

**1371-1375 H Street NE (BZA 18940):** The applicant, New Legacy Partners, seeks a variance from the off-street parking requirements under § 2101.1, and a special exception from the roof structure setback requirements under §§ 411.11 and 770.6, to construct a six (6) story multifamily residential building with ground floor retail in the HS-A/C-3-A District. The Company's representative briefly described the company's history and other work it has done in Washington, DC. It plans to build a mixed-use development with twenty-seven (27) condos above retail space. The ground floor will contain 2,400 square feet of retail and will be fourteen (14) feet high. The upper five (5) stories will be condominiums. The top floor will be set back to deemphasize the building's height and will contain a green roof. The design will incorporate concrete and glazing and, according to the company, be modern but in keeping with the neighborhood.

The company seeks relief for the roof structure set-back. Under the design, the upper floor is not set back enough. But, according to the company, the design does not infringe on the spirit of the regulation. It does not infringe the light and the air, and the overall set-back of the building mitigates any negative effects the design may have had. The company noted that the only building that would be affected by the design is the Maryland (1350 Maryland Avenue NE), which has stated it does not object to the design.

The company also seeks relief from the parking requirements. The site is land locked with no alley access, and no curb-cut existing or possible on H Street NE. Under the regulation, the building is required to provide fourteen (14) spaces. The company will provide none. The company asserted that it will take steps to mitigate the need for parking and that its target market for the units is carless. It will build a large bicycle storage room, will have screens in

the lobby with real-time Metro information, and buyers will receive introductory memberships to car and bike share services. The company is also willing to do whatever they need to restrict resident access to Residential Parking Permits (RPP).

Chairman Golden clarified that he spoke with the District Department of Transportation (DDOT) and was informed that the building will not be eligible for RPP and the residents will be ineligible to obtain permits for street parking.

A resident asked the Committee to explain how the ANC has attempted to restrict parking in the past. Chairman Golden informed her that a covenant is placed on the deed stating that the unit will not be eligible for RPP. Additionally, the condominium association passes a bylaw that no one is allowed to obtain RPP, and places monetary fines on doing so. The building then also has a covenant that the by-law restricting RPP can never be changed.

The Resident asked if the ANC can restrict condo owners from owning a car, and was informed that it cannot.

Several residents in attendance expressed concern that the building's design does not retain the character of the neighborhood. One attendee stated that he moved to that part of H Street in particular due to character of the street. He noted that everything else is three (3) stories or less and the design as presented takes away from the aesthetics of the neighborhood. Another stated that the design does not reflect the character of the H Street corridor and pushed back on the idea that this will work with the design of the neighborhood. The Developer responded by stating that H Street is changing and the street is becoming a commercial corridor with a more modern look.

Former Commissioner and EDZ Committee Chair Drew Ronneberg informed the developer that the H Street Corridor has certain design guidelines with which developers must adhere and document how they went about doing so. The developer responded that he was unaware of such guidelines, but would review them in connection with the project.

Committee Member Boyette inquired about the rear yard property line and was informed that the developer could not obtain a piece of property from the existing owner and, as a result, the rear yard has an unusual property line.

Committee Member Andrew Hysell asked about the plan for a bio-retention garden and was informed that it is a way to collect and filter storm water.

A resident asked about trash storage and disposal and was informed that the building would have a trash room and that all trash would be collected from the front of the building. When asked where trash trucks would park, since there is no loading or unloading on H Street due to the street car, the Company informed the Committee that the city set aside the corners of adjoining streets as loading and unloading zones. Committee member Hoenig expressed concern that the Company planned to cart garbage for 2,400 square feet of retail and twenty-seven (27) residences down the sidewalk on H Street multiple times a week.

A resident requested that the Committee get written confirmation from DDOT that the building will be ineligible for parking. He was informed that Chairman Golden had received such written confirmation by email.

Committee Member Boyette asked about the architectural details of the building contained in the renderings presented by the developer. The developer's architect discussed several of the design details. Committee Member Boyette offered to work with the developer with respect to the design of the building.

Commissioner Zimny inquired as to what the retail space will be used for. The company declined to get into specifics, but stated that a letter of intent had been signed and the use would not be a restaurant or a bar.

Mr. Ronneberg suggested that the company sponsor a bikeshare station to further mitigate the parking concerns.

Committee Member Justin Thornton asked what the general pricing for the units will be and was informed "Expensive. North of \$500 per square feet."

Chairman Golden moved that the Committee recommend that the ANC support the project with the following conditions:

1. That the developer record covenants in the District land records for each unit stating that it is not eligible for RPP; that the by-laws for the homeowner's association provide for an enforcement mechanism including fines should any homeowner obtain RPP; and that a separate covenant be recorded in the District land records providing that this by-law provision may not be amended or removed;
2. That the applicant furnish a suitable plan for deliveries and pick-ups from the site;
3. That the applicant obtain the written support of the property owner at 1350 Maryland Avenue NE for the roof structure setback;
4. That the applicant revise the design of the proposed building to comply with the H Street Design Guidelines; and
5. That the applicant consider supporting a Capital Bikeshare station.

The motion passed unanimously.

**1102 Park Street NE (BZA 18930):** Chairman Golden recused himself from this matter, and Co-Chairman Hysell sat as Chair.

Applicant seeks a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, the open and closed court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3, to expand an existing garage and construct a two (2) story rear addition to an existing single-family dwelling in the R-4 District. Jennifer Fowler, on behalf of the applicant, explained that the project, stating that the applicant seeks to tear down the existing garage, which stands at just under eleven (11) feet tall, and replace it with a new garage that includes a second story for storage and a roof deck. It will not contain living space and will be twenty (21) feet high. The owner has received letters of support from some of the surrounding neighbors, including the neighbors on both sides of the lot on which the garage will be built.

Committee Member Boyette asked whether the alley on which the garage sits has been developed, to which Ms. Fowler informed her that the west end of the alley has not seen much development, but some of the structures on the east end have been renovated.

Committee Member Boyette also asked the reason for the height. The applicant explained that health issues require more easily accessible storage space.

Upon seeking public comment on the project, the neighbor immediately across the alley expressed an objection to the project on the grounds that the roof deck and second story windows will interfere with the privacy of the surrounding neighbors. She also noted that the height of the structure will interfere with the light and air of the surrounding properties. In addition to her objections, she also read a letter of objection submitted by the neighbor located at 245 Eleventh (11<sup>th</sup>) Street. The neighbor noted that although she initially approved of the project, she did not understand that the design included a roof deck and second story windows. Through the letter, the neighbor requested that the design not include windows on the second story or a roof deck.

In response, Ms. Fowler noted that the windows are there to break up the façade, and no one will reside in the second story.

Committee Member Michael Hoenig asked whether the building is located within the historic district, and Ms. Fowler confirmed it is, but the owner is not seeking historic review from the ANC at this time. Committee member Hoenig also expressed concern with the design in light of the neighbors' objections. He suggested that the owner work with the neighbors to find a compromise on the design.

Committee Member Boyette asked about drainage from the roof and suggested that setting the roof deck further back may alleviate some of the privacy concerns.

Chairman Hysell made a motion to recommend the ANC support the special exception related to closing the dogleg (the court-width exception). The motion was seconded and passed unanimously.

Chairman Hysell also moved that the Committee recommend that the ANC not support the remaining relief related to the rebuilding of the garage unless the neighbors and the owner can reach an agreement on the design. The motion was seconded and passed unanimously.

**721 11th Street NE (BZA 18931):** Applicant seeks a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, the rear yard setback requirements under § 404.1, and the nonconforming structure requirements under § 2001.3, to convert an existing two-story garage into a second (2<sup>nd</sup>) story apartment and construct a covered walkway in the R-4 District.

A neighbor in attendance located several lots away expressed concern regarding the height of the proposed structure. The applicant's architect, Jennifer Fowler, indicated that the zoning regulations do not protect views, but rather light, air, and privacy.

Chairman Golden discussed the fact that this case presented nearly the same issues that had been raised in BZA 18927 (815 Eighth (8<sup>th</sup>) Street NE), specifically the use of a trellis to establish that the two buildings actually constituted a single "building" within the meaning of the zoning code, thereby allowing the owner to avoid the accessory building height and story-limit requirements, among other possible restrictions.

Ms. Fowler noted that this case was somewhat different from BZA 18927 in that no portion of the garage structure was partitioned off. Chairman Golden agreed that the argument in favor of there being no meaningful connection with the entirety of the structure that was raised in BZA 18927 was not as applicable in this case. However, the use of the trellis to establish a single building was, in Chairman Golden's opinion, still problematic. Ms. Fowler also claimed that the Office of Planning's new proposed definition for a "separate building," under which a trellis would not establish a single building had not yet gone into effect and that therefore the ANC should follow the Bureau of Zoning Adjustment's (BZA) current precedents. Chairman Golden disagreed, stating that the issue was an ambiguity in the existing regulations and that the Office of Planning was indicating that, in its view, the BZA had been misinterpreting the zoning regulations.

Chairman Golden moved that the Committee recommend the ANC take no action with respect to the requested relief because, in its' view, additional zoning relief is required, including, at minimum, a variance from the accessory building height requirements. The motion was seconded and passed unanimously.

Chairman Golden also moved that the Committee recommend that the ANC write to the Zoning Administrator to express its view that additional zoning relief is required, including, at minimum, a variance from the accessory building height requirements. The motion was seconded and passed unanimously.

The meeting adjourned at 9:00 pm.

**Next Scheduled ED&Z Committee Meeting:  
Wednesday, February 18, 2015  
7:00-9:00 PM  
640 Tenth (10<sup>th</sup>) St NE  
Sherwood Recreation Center, Second (2nd) Floor**