

Minutes
ANC 6A Economic Development & Zoning Committee
7:00 - 9:00 PM, Wednesday January 15, 2025
Virtual Meeting via Zoom

Attending:

Committee members: Joal Mendonsa, Becca Buthe, Mike Cushman, Ziad Demian, Russ Greenfield

Stephen Kolb - Commissioner 6A07

Dave Wethington - Commissioner 6A05

Roberta Shapiro - Commissioner 6A03

Paul Spires - Commissioner 6A01

7:00 pm Welcome/Introductions

7:01 pm Resolution of previously heard cases (None)

7:01 pm Old Business (None)

7:01 pm New Business

1. 1355-1359 H Street, NE (BZA #[21254](#)): To combine five lots (2 facing H Street NE, 3 facing alley) and convert to a retail and eating and drinking establishment use an existing, semi-detached, mixed use building in the NMU-4/HA and MU-4 zones.

- **Alexandra Wilson, Land Use Attorney, gave a project presentation:** The vision is to combine the five lots to redevelop them into a food and retail market. The main reason for the Special Exceptions is the lot combination. The actual square footage is not changing but combining the lots forces a “fresh look” at all non-conforming features and does not extend the non-conforming (existing) situations. The buildings go all the way to the alley where there’s not an existing rear yard requirement. When they get combined, the entire lot becomes a street facing lot with different requirements, including a 4 spaces for parking. The new use will be seen as fast food even though it is market stalls similar to Union Market. The Office of Planning may be addressing the “fast food” definition to distinguish fast food operations of McDonalds from food stall operations.
- **Development team project explanation (Jonathan Askarinam and Ian Ruel):** They have been in real estate in DC for the last 10 years. This project will not have any FAR differences: they will just be utilizing the footprints. They presented the conceptual renderings and explained that some stalls will be restaurants while others will be incubator spaces - for chefs who don’t have established restaurants yet, or for other entrepreneurs/neighborhood-serving-tenants (like a barbershop) who need spaces. They also discussed a vision to activate the alley. Applicants stressed a desire to activate the space 7am to 10-11 pm daily. They are thinking about having a coffee shop in the former

Biergarten streetfront space, a rum focused bar in the Brine storefront, and a gym in the upstairs alley-facing location.

- The architectural plans show 13 spaces (two large ground-floor storefronts on H St, one large 2nd story space on the alley, two 2nd story H Street fronting tenants, as well as an event space on a rooftop deck above the old Biergarten. There are seven smaller tenant spaces on the first floor beyond (north of) the H Street storefronts.

Comments/Discussion:

- Commissioner Shapiro: Do they envision cannabis shops among the tenants?
 - Response: They have no interest in pursuing that. They want this to be a family-friendly space that families can walk to and enjoy. Cannabis sales are not aligned with “family friendly.”
- Mike Cushman: H Street zoning overlay (arts and entertainment district zoning) is the zoning on the two lots on H St. How does this affect the new “combined lot” zoning?
 - Response: Split zoning can exist on a lot and that is what is expected after the lots are combined)
- Ziad Demian: Expressed support for adaptive reuse. Recommended looking at the number of spaces and how much seating they think they are going to have and make sure they have enough open space due to circulation and clearances which could affect the massing. Are they looking to design with flexibility so they could grow to combine multiple stalls?
 - Response: Yes - they want to design so that people can stay. There will also be seating in T4 - 7 and upstairs on the event deck so there will be more seating.
- Paul Spires: Excited about the support for small businesses. Asked about the fine arts support.
 - Response - yes they want to include this as a part of the vision and have more than just food.
- Joal Mendonsa: Asked about the split zoning. Does the split zoning stay as is?
 - They don't have to ask for any relief for the split zone itself.
- Commissioner Wethington: Viewed the site with the team and expressed support.
- On the Rocks (Community member/H St business owner): inquired about the location and hours.
 - Response: 7AM - 10PM ish. Depends on the spaces.
- Brad Greenfield (community member): Asked about entrance/exit on Linden Court (alley). Expressed concern about patrons coming into the alley late at night, especially if there are a lot of people it could be a public safety issue and nuisance for neighbors.
 - Response: There is already commercial zoning in the alley and people coming out in the existing alley-lot businesses. They are not planning to create a late night establishment, and don't envision having a lot of people at that time. Main business hours will be from 6 - 10PM. T15 space is a fitness studio so that is not a late night use.
 - Brad follow-up question: How will they prevent people from coming and smoking outside?

- Response: They don't see people coming out back to do that. They want the venue to be non-smoking (including the rooftop deck / event space)
- Mike Cushman: Brought up trash storage and noise.
 - Response: There will be trash pickup every day. They don't have details from DDOT yet about what is permissible (e.g. alley pickup).
 - Mike thinks that more time and information would allow for these to be answered. He is concerned that the ability to influence more desirable outcomes disappears once ANC has made their recommendation.
 - Response: Maketto and other restaurants already store trash in the alley. Applicants expect to have daily trash pick-up. They are willing to have trash picked up as often as needed. If necessary, twice a day.
- Commissioner Shapiro: Will each tenant need to obtain their own alcohol license or will there be a master license for all the properties?
 - Response: they expect that the tenants would get their own individual licenses.
- Commissioner Shapiro: This means they can have settlement agreements with each of the potential tenants so they can address issues like noise, garbage removal, and other neighborhood issues at that time.

Motion:

- Joal Mendonsa makes a motion to send a letter of support in reference to this case. Commissioner Shapiro seconds.
- Passed unanimously. It will go on the consent agenda.

2. 1232 Maryland Avenue, NE (BZA #21253): To construct a two-story plus cellar rear addition, to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 zone.

Presentation:

- Homeowners who introduced themselves and their hope for the addition.
- Jennifer Fowler (architect for the project): shared pictures to explain the rear two story restriction, requested relief for lot occupancy and extension beyond the matter-of-right 10 feet beyond neighbor's conditioned space. The architectural plans have been slightly modified from the uploaded docs on IZIS. The difference is due to stairs to the garage deck which are included in the lot area calculation. (The extension will be 13 inches smaller than shown on the plans uploaded to IZIS.) The project will move to 70 percent occupancy (from 51.9%) and the addition will extend 20 feet beyond the neighbor's rear wall at 1234 Maryland Ave, 10 feet beyond what is allowed as a matter of right. She also presented the letters of support from the adjacent neighbors as well as a solar study.

Comments/Discussion:

- Mike Cushman: Happy to see the letters of support from adjacent neighbors on both sides. Also very happy to see that the homeowners plans are respectful of the neighbor's privacy by placing the window on the second floor above eye height so 1232 is not looking into the neighbor's yard from the bedroom window.

Motion:

- Commissioner Shapiro made a motion to send a letter of support. Commissioner Kolb seconded.
- Passed unanimously to go on the consent agenda.

3. 1022 Maryland Avenue, NE (BZA #20554A): To extend for an additional six months, Board of Zoning Adjustment Order Number 20554, to permit a youth residential care home for up to 15 persons in an existing, three-story, detached building in the RF-1 zone.**Presentation:**

- Debby Shore and Jill Nelson presented: The Sasha Bruce house has operated for more than 40 years. They thought they had an appropriate certificate of occupancy until 2022 when they discovered that the 2016 zoning rewrite had removed the category under which they had a Certificate of Occupancy (C of O). The Maryland Ave shelter is the only shelter for under 18 minors requiring emergency housing away from their families. Sasha Bruce provides safety, case management, and other services for these short-stay juveniles – who overwhelmingly return home or find other safe housing situations.
- They applied for a zoning Special Exception in 2022 because they learned that they needed to have a different kind of C of O. They received ANC support for their request to make the update, but they needed to replace the fire escape. When that wasn't done in a short period of time they reverted to the earlier C of O. They have struggled to work with the Department of Buildings (DOB) to get the C of O. They now have asked for political assistance and additional time so they don't need to go through the process again.

Comments/Discussion:

- Commissioner Shapiro: Clarified - when the zoning rewrite was done they eliminated residential youth homes. So at that time they asked for an exception so they could operate under the newly amended text. Are they coming because they no longer have a C of O, or to change the number of youth?
 - Response: Coming to ask that we provide support for application to the BZA to extend approval so they can actually get the C of O under the correct zoning provision. There are old records that the DOB has not been properly cleared from years ago. The DOB cannot figure out how to clear out the old record.
- Scott Kilbourn: Was a member of the liaison committee with Sasha Bruce House. His involvement was technical in nature. They made a wish list of remedies starting with roof waterproofing and window restoration. Believes it is an issue of paperwork and bureaucracy.
- Commissioner Shapiro: Wants the liaison committee to be re-engaged for other structural remedies.
- Mike Cushman: Expressed disappointment that we are here again two years later without the C of O having been granted. Everyone wants to see this resolved. Re-stated

some of the issues with zoning rewrite of 2016 as a cause why they needed a new BZA review, but also noted that the 2022 change of status also included an increase in the number of clients that could be housed overnight. The DC government wanted Sasha Bruce to increase the number of emergency overnight clients, but the C of O they had been grandfathered in 2022 did not allow the increased number. That was the genesis of the original request.

- Paul Spires: Expressed thanks to the Sasha Bruce house.

Motion:

- Commissioner Shapiro makes a motion to request an expedited resolution to address the barrier to reauthorize or regularize the status and use of the Sasha Bruce House under the current zoning provisions and to extend the BZA time period.
- Included in the resolution is (1) the need to get the Sasha Bruce Community Liaison Committee re-engaged with any plans to renovate the building and (2) the recommendation to write a letter to the head of DOB and the BZA asking them to identify and resolve the issues that are keeping the C of O from being issued.
- Second from Commissioner Wethington.
- Passed unanimously to go on the consent agenda.

The meeting was adjourned at 8:30 PM.