

**Report of the Economic Development and Zoning (ED&Z) Committee of the Advisory
Neighborhood Commission (ANC) 6A
Sherwood Recreation Center, 640 Tenth (10th) Street NE
October 19, 2016**

The meeting convened at 7:00 pm.

Members: Brad Greenfield (Chair), Michael Hoenig, Matt Turkstra; Missy Boyette; Jake Joyce
Commissioners: Mike Soderman; Stephanie Zimny.

Stephanie Zimny chaired the meeting for the first hour, after which Brad Greenfield arrived and continued the meeting as Chair.

Community Comment: There were no community comments at the beginning of the meeting.

Update: Commissioner Zimny provided an update on items from the September 2016 meeting.

Old Business:

1341 H Street NE (BZA #19358): Application pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the enlargement and design requirements of Subtitle H § 910.1 and § 1202.1, to construct a mixed-use building in the NC-14 Zone. The applicant gave some background of when they purchased the building and its uses since and a brief description of the Company. The developer previously appeared before the Committee to discuss the re-design of the façade and provided five (5) letters of support for the project.

Since last appearing before the Committee, the developer has reconfigured the cornice line and adjusted colors to match the brick and other changes in response to Committee comments. The developer has also added green walls to the roof for privacy and changed the color of clutching walls to darken them.

Committee Member Missy Boyette commented that the organization seems better; the vertical alignments are an improvement. She noted her opinion that the cornice line is too heavy and asked if there is a way to break up the cornice so that it is not one big heavy line. Ms. Boyette also inquired about the organization of the doors and windows on the fifth (5th) floor.

The developer responded that the windows are not double hung due to regulation; the lower part of window must be fixed. The developer also noted that they changed the balcony to a glass-fronted balcony so that it blends in.

The developer noted that the balcony will be very shallow and will not project beyond the cornice line. They are not in favor of the windows stepping up. The building architect agreed to drop the line of the windows, but reiterated that the bottom must be fixed. They also agreed to make balconies the same width as windows.

Ms. Boyette suggested that the developer look to the existing building to guide the design.

The addition to the existing structure will use aluminum composite. The front will have a smooth texture, not shiny. The penthouse will be set back 25 -30 feet, and will also be behind

the green walls. The material used on side walls will be determined later, depending on cost and budget. The cornice and steel lintels around the glass doors will be the same color.

Commissioner Zimny requested to see the updated design before the ANC meeting.

The developer had letters of support from a few businesses and residences surrounding the project. The immediately adjacent neighbors, Dangerously Delicious Pies and Maketto, object to the project. Dangerously Delicious Pies appeared before the Committee and noted that they are also doing construction for a new bar and roof-deck and questions have arisen as to the status of the party wall with the proposed project.

Commissioner Zimny noted that she received an e-mail from the owners of Maketto, who are objecting to the project. Commissioner Zimny read the letter into the record. It noted that the owner of Maketto have not received the plans for the new building.

Based on the objection from the adjacent business owners, the matter was tabled until Maketto, Dangerously Delicious Pies, and the developer at 1341 H Street NE can talk further and see if the issues can be resolved.

New Business

600 Ninth (9th) Street (BZA #19355): Application pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the non-conforming structure requirements of Subtitle C § 202.2, the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to permit the location of multiple decks over an existing rear-attached garage in the RF-1 Zone.

The attorney representing the owners appeared before the Committee and explained that the home had been purchased from a bank after foreclosure and the bank failed to disclose that the decks had never been approved. While renovating the interior, the city inspector informed the owners that the deck was not permitted and the owners needed to seek a variance from the BZA.

The Committee inquired as the current lot occupancy. After discussion, it was determined to be roughly 68%. The Committee asked if a variance is granted, will future owners be able to change the deck. The answer is that it is unlikely they would be able to do so.

The applicant affirmed that he has spoken to the property's neighbors and none have objected to the relief. Although he did not have any at the meeting, the owner will obtain letters of support.

There was discussion as to why there is a need for variances rather than permission for an existing non-conforming structure. The applicant did not know the answer to that. He just noted that the city is requiring the requested relief.

Committee Member Jake Joyce asked if there is any proof that the decks were there before. There is not, but the owner can look to see if any photos exist.

Commissioner Zimny made a motion to support the request for relief on the condition that owner receives letters of support before next ANC meeting. The motion was seconded by Mr. Greenfield and unanimously approved.

Kingman Park Historic District: Request by residents to make Kingman Park NE a historic district.

The Kingman Park Civic Association appeared before the Committee. Although they did not bring the application packet with them to the meeting, the Civic Association noted that all of the documents are with the Office of Planning (OP) and can be viewed on OP's website.

The presenter noted at the outset that, due to a procedural problem and after discussion with OP, the applicants drew back on the boundary line to Nineteenth (19th) Street NE, so the proposed district is no longer in Ward 6. Commissioner Soderman noted that with that boundary, there would still be a few blocks within ANC 6A that fall within the proposed new historic district. It was determined that this falls within the Single Member District (SMD) of ANC 6A Commissioner Calvin Ward. The Committee recommended that there be outreach between the Kingman Park Civic Association and Commissioner Ward.

The President of the Civic Association gave history of the Kingman Park area and the need for the historic district. He noted that the purpose of the district is to protect the architecture, culture, and people of Kingman Park. He stated that this is not a new project, and that the Civic Association has been conducting community outreach for ten (10) years and the application is well known in the community.

He noted that there are 55 historic districts in DC, and not one is an African American Historic District.

The Civic Association is seeking ANC 6A's support for the project.

The Committee asked the reason for moving the line and was told that there was a risk the application would meet commercial opposition from Hechinger mall and other developments that are coming.

In response to a question as to whether the Civic Association would consider adding a section of the residential portion of ANC 6A to the application, the presenter stated that they would love to.

Committee Member Matt Turkstra asked if there is any organized opposition to this. The presenter stated that there is none that he knows of, but there probably is some out there. As of now, they have 242 signatures in favor, including signatures from Maryland residents and others from the area.

Bob Cumber, a Commissioner from ANC 7D, addressed the Committee and stated that the ANC 7D is working to set up a meeting, but has not been able to do that. When he stated that the ANC 7D would love for the Association to come and address the Commission, the Civic Association noted that they would like for the ANC to join them at a Civic Association meeting.

Two homeowners from the proposed Historic District addressed the Committee and noted that most homeowners are unaware of the plan and have concerns.

Due to the last-minute notice that the historic district would appear before the Committee, and so that Committee Members would have ample time to review the application, a decision on whether to support the Historic District was tabled until the November 2016 meeting.

1336 H Street NE (BZA #19344): Applicant is requesting lot occupancy relief for the residential levels, as well as court width relief for the residential levels. The Applicant is also requesting rear yard relief to provide for an external stairway that will extend into the otherwise open rear yard. This request for special exception relief from these development standards is provided pursuant to Subtitle H § 1200.1 of the 2016 Zoning Regulations.

The developer gave a brief presentation on the design changes since last appearing before the Committee.

Chairman Greenfield noted that, aside from the design changes, there are two outstanding questions that have not been addressed: the FAR Bonus for maintain the façade and trash storage.

As to the FAR bonus for preserving the façade, the developer noted that they are planning to continue with their application for the bonus. Although they do not have a determination letter, Zoning Administrator Matt LeGrant is inclined to believe the developer qualifies for the FAR bonus. Although the original façade fell apart before the developer purchased the building, they believe the failure is due to earthquake damage and fulfills the spirit and intent of the Bonus.

Although the Committee raised concerns about trash storage being located on the roof, the developer informed the Committee that the plans have not changed in that regard. The Committee reiterated its concerns noting that this is a problem and will likely lead to a trash management issue. The developer disagreed, stating his belief that the Committee's concerns are unfounded.

Chairman Greenfield reiterated his concern that the project should not qualify for the FAR bonus. The bonus applied to pre-1958 facades. The façade the developer will be preserving was constructed in 2013 after the previously existing façade collapsed. By the standard the developer is seeking to set here, anything short of a full building raze will qualify for FAR bonus.

Even if the FAR issue was not there, the trash issue remains. When asked why a trash chute cannot be added, no answer was given.

Mr. Greenfield made a motion to recommend that ANC 6A oppose the relief requested. The motion was seconded by Commissioner Soderman and passed by unanimous vote.

The meeting adjourned at 9:00 pm.