

**MINUTES**  
**ANC 6A Economic Development & Zoning Space Committee Meeting**  
**Virtual Meeting via WebEx**  
**Wednesday, February 17, 2021 at 7:00 pm**

Present:

Members: Brad Greenfield (Chair), Sam DeLuca, Michael Cushman, Tim Drake, Dan McPheeters, Jake Joyce

Commissioners: Mike Soderman, Phil Toomajian, Amber Gove

Brad Greenfield chaired the meeting.

**Community Comment**

None.

**Previously Heard Cases**

None.

**Old Business**

1. 1637 D Street, NE (BZA Case #20414): Application for a special exception pursuant to subtitles E § 205.5, 5201 and Subtitle X § 901.2 from the rear addition requirements of Subtitle E § 205.4, to construct a two-story with basement addition to an existing, nonconforming, two-story with basement, principal dwelling unit in the RF-1 Zone. BZA Hearing Date: April 7, 2021.

This project was considered at the January 2021 EDZ meeting, with opposition being voiced for a neighbor. The EDZ tabled the matter for a month to give the neighbors the opportunity to discuss the project and try to reach a compromise. Thurston Fisher presented the project, as the owner of the property. Mr. Fisher reported that he and the neighbor had not been able to reach agreement on the project. Mr. Fisher reported that the neighbor was opposed to any addition, including a by-right 10-foot addition. Mr. Fisher said that they looked at doing a by-right development, but found that it would not produce enough usable space to meet the needs of his family.

Mr. Fisher stated that he believes that the project as it is currently envisioned does not impinge on the neighbor's light and air. He presented the shadow study, comparing the planned 18-foot addition with the 10-foot addition (by rights), and that this would only produce a slight difference in the shadows. Mr. Fisher noted that his neighbor also raised an objection based on security, and he felt that the addition would improve her security, since it would result in windows and cameras closer to the alley, which would improve security conditions. He also noted that he now has three letters of support from neighbors.

Commissioner Soderman noted that by the typical definition of "best efforts" to get letters of support from neighbors, the project has reached that threshold.

Mr. Cushman noted that the applicant is seeking relief both for the 10-foot rule (extending more than 10 feet past an adjacent neighbor), but also for lot occupancy, which is at 62%.

Mr. Greenfield expressed the concern that the standard that needed to be applied was not comparing the impact on light and shadow between the 18-foot extension and the 10-foot extension. The zoning standard forces the comparison between the proposed project and the current environment, and by that standard there is a significant negative impact on the light and air of the neighbor. Mr. Greenfield noted that a by-right development would make this moot, since there would not be public input on the project. Mr. DeLuca agreed with the assessment that by the normal light and air standard, the project as proposed would have a negative impact on the neighbor.

Mr. Fisher asked if he went back ten feet, would that not allow his neighbor to extend back beyond their existing building envelope even farther. Mr. Greenfield responded that this was true, and was a slightly unfortunate side effect of the rule.

The neighbor, Nathalie Lewis, called in and expressed her opposition to the project, based on the impact on the light and air for her home, as well as to express security concerns about the project. Ms. Lewis suggested that Mr. Fisher expand the house on the other side, where there is currently open space. Mr. Greenfield noted that this was not possible since that was public space and not part of Mr. Fisher's property.

Commissioner Soderman asked if Mr. Fisher could pop the property up, rather than do a bump back. Mr. Fisher said that he would need to talk to his architect. Mr. Greenfield noted that popping up would not have been likely to worsen the shadows on the neighbor, and said that might be an option worth exploring. Mr. Greenfield asked Ms. Lewis if the Fishers did a design where they popped up, and could show a shadow study where it does not impact her light and air, would she be willing to sign a letter of support. Ms. Lewis said that she would.

There was an extended discussion about how there would be no public input period if Mr. Fisher does a by-right development.

Mr. Greenfield made a motion that the ANC oppose the request for relief. Mr. Cushman seconded the motion. The motion passed 7-1-1.

2. 135 13<sup>th</sup> Street, NE (BZA Case #20471): Application for a Special Exception for constructing a second dwelling unit in the RF-1 Zone. BZA Hearing Date May 26, 2021.

Merrill St. Leger and her husband represented the project as the owners. Ms. St. Leger reported that they are long-time residents of Capitol Hill. Their plans are to have this unit as a rental at first, but eventually they would like to occupy the second dwelling and rent out their main home, or have their kids move into it. Mr. Ziad Demian, the architect, presented the plans for the project.

Mr. Demian noted that there is currently a two-car garage in the back, and that this structure would be converted into the new dwelling. The structure would be 20 feet, and they would be maximizing the lot coverage. They have a very large lot, so this is possible. Mr. Demian noted that the building will be 295 feet from a 50-foot alley, which meets the standard.

Mr. Cushman asked why this project was not considered a matter of right. Mr. Demian replied that the second building requires a special exception.

Ms. St. Leger noted that the existing garage is on the north side of the property, and does not have much impact on shadows.

Mr. Demian noted that there are already several two-story garages in the alley. Mr. Greenfield asked if the existing garage was one or two stories. Mr. Demian said that it was one story. Mr. Greenfield asked if the existing garage will be demolished. Mr. Demian replied that it will be demolished, since it is not in good condition.

Mr. Demian noted that the immediate neighbors all support the project, and there is no opposition. Mr. Greenfield asked if there had been discussions with the neighbors across the alley. Mr. Demian said that there had been discussions, and they had signed letters of support. Mr. Cushman asked if any neighbors on North Carolina Avenue NE had signed letters of support. Mr. Demian said that they do not have letters of support from neighbors on North Carolina Avenue NE. Mr. Cushman noted that the neighbors on North Carolina Avenue NE might be looking at the back of the dwelling and that they might have an opinion of the development.

Mr. Greenfield asked if the treatment on the new building will be brick. Mr. Demian said that it will be metal paneling. Mr. Greenfield asked how this treatment would fit within the fabric and style of the neighborhood. Mr. Demian said that it is a common material for alley buildings, particularly warehouses in ANC 6B. Mr. Demian said that they are going to use core tense steel, and that this is a rustic material, so it will fit into the neighborhood. The metal panels are going to be weathered, so it is going to look like brick.

Commissioner Gove also noted that Maury Elementary is across the street, and it has a more modern look, and this development would be comparable to the look and feel of Maury. Commissioner Soderman noted that there are other developments in this area that had a more modern look, and this was a good design approach. Mr. DeLuca also agreed that it was a good design approach.

Mr. Cushman asked if this property was in the historic district. Mr. Demian replied that they were.

Mr. Cushman asked if there is an existing basement was used as a rental. Ms. St. Leger replied that it was not. Mr. Greenfield noted that this development would preclude ever using the basement as a rental. Ms. St. Leger confirmed that she understood this.

Mr. Greenfield made a motion that ANC 6A support the request for relief, with the caveat that the owners make best efforts to get a letter of support from 1326 North Carolina Avenue. Commissioner Gove seconded the motion. The motion passed unanimously, 9-0.

3. 1101 H Street, NE (BZA Case #20455): application for special exception under the new building development requirements of Subtitle H § 910.1; and Area Variance from the loading berth requirements of Subtitle C § 901.1 to permit the construction of a new mixed-use residential building in the NC-17 zone. BZA Hearing Date April 28, 2021.

Jessie Sterchi, Jessica Bloomfield, Eric Colbert, Rod Sellers, and Katie Wagner presented the project. They commenced with a summary of the project from previous meetings.

The property is currently two vacant commercial properties, and will become a mixed-use development with 53 units. It will consist of 24 1-bedroom units, 17 1-bedroom and den units, and 12 2-bedroom units. There will be over 66,000 square feet of retail space. There is an underground parking garage with 17 spaces. They hope to begin construction before the end of the year, and deliver the project in the fall of 2023.

Since the last meeting, there is a significant increase in the long-term bike parking in the garage to 39 spaces. Additionally, the 8 short-term bike racks outside the building will be replaced. Ms. Sterchi also said that they are working on a transportation demand management plan to encourage resident use of non-car transit.

Mr. Greenfield said that one of the neighbors (Ms. Robinson) had expressed concerns with him about the trash management plan. Ms. Sterchi said that currently, both of the neighboring buildings, 1111 and 1115 H, have a private hauler that comes and picks up their trash through the building. Their plan is to mirror that plan, and work to minimize trash trips in the alley. Mr. Greenfield noted that 1115 had 16 units, so it was significantly smaller than the proposed development at 1101. Mr. Greenfield expressed concern that 1101 was seeking to match the pickup schedule of much smaller buildings. Mr. Sellers noted that there will be two trash chutes in the building leading to the dumpsters, one for recycling and the other for waste. At the base of the chute will be a trash compactor, along with spare containers. Mr. DeLuca asked if this plan would apply to the commercial space as well. Mr. Sellers said that there would be a cardboard compactor and separate dumpster for the commercial space.

Mr. DeLuca asked how the developers had come up with their trash plan. Mr. Sellers reported that they had consulted with trash companies to develop the plan. Ms. Wagner stated that the developer would be working with the neighbors to determine the frequency of trash pickups and make sure it matches expected demand.

Mr. McPheeters asked if it would be possible to pick up the trash other than from the alley. Mr. Colbert said that it would be possible for the commercial tenants to load trash from the street, but that the residential trash would need to be collected through the alley.

Ms. Robinson, a neighbor to the building, noted that the alley was one way, and the dumpsters will have to be dragged a long way for pickup. She would have liked to see a more definite trash plan at this point. Mr. Colbert noted that the narrowness of the alley (8 feet at one point) prevent bringing a truck into the alley, which necessitates dragging the dumpsters down the alley for pickup. Mr. Greenfield noted that the worst-case scenario for trash management was that there would need to be additional pickups, so the number of trash trips down the alley would be larger than it is currently. Mr. Greenfield asked Ms. Robinson if there was a lot of usage of this alley. She replied that there is a lot of use by the current residents, who use the alley to access their back yards and parking. Ms. Wagner said that they are developing a loading management plan, and suggested that this could be provided to the ANC.

Mr. Greenfield noted that the address for the building was on H Street NE, so residents would not be entitled to RPPs. Mr. Greenfield said that ANC6A's standard procedure was to ask that additional language be added to sales documents stating that owners would not be entitled to a RPP, to make sure that prospective owners are informed of the

restriction. Ms. Sterchi said that they prepared to do that, but thought that the restriction should be in the condominium association documents. Commissioner Toomajian suggested that both the condominium bylaws and the sales documents have the RPP restriction written into them.

Mr. DeLuca asked how many IZ units were going to be in the building, at what percentage of the median income. Ms. Sterchi said that there will be four IZ units at 80% median income, and 1 unit at 50%. Ms. Bloomfield said that this fully meets the IZ requirements in the zoning laws. Mr. DeLuca expressed disappointment that the development was only meeting the minimum IZ requirements, and not doing more to have inclusionary units in the building, and asked the developer to reconsider this. Mr. Greenfield asked if it would be possible to increase the units or change it so that they were available at a lower percentage of median income. Ms. Sterchi said that these changes would not be possible. If they lowered the AMI, there would be fewer units. Mr. Cushman asked if these units would permanently be IZ units. Ms. Bloomfield replied that they would be IZ units for the life of the project.

Mr. Greenfield made a motion that the ANC support the request for relief, with the caveat that the trash management and traffic management plan be provided before the ANC meeting, and that there be RPP restrictions added to the condo bylaws and sales documents. Mr. Toomajian seconded the motion, and added a friendly amendment that the ANC support was conditional on the project providing 39 private bike parking spaces, and update the 8 outdoor bike parking spaces. Mr. Greenfield accepted the friendly amendment. Mr. Cushman made a friendly amendment that the trash management plan must be responsive to the neighborhood's concerns. Mr. Greenfield accepted the friendly amendment. The motion passed 8-1.

**Next Scheduled ED&Z Committee Meeting:  
Wednesday, March 17, 2021  
7:00-9:00 pm  
WebEx information to be posted on ANC6A Website**