

ANC6A Economic Development and Zoning Committee

7:00-9:00 PM, Wednesday, March 19, 2014

Sherwood Recreation Center (640 10th Street, NE), Second (2nd) Floor Community Room

Present:

Members: Dan Golden (Chairman), Missy Boyette, Michael Hoenig, Stephanie Frang, Brian Carlson, Charmaine Josiah.

Commissioners: David Holmes

Community Comment

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

Status Reports

Resolution of Previously Heard BZA/HPA Cases: ANC 6A voted to recommend Historic Preservation Review Board (HPRB) approval of 819 D Street NE, contingent on the incorporation into the design of the comments by the Historic Preservation Office (HPO). The owner of 819 D Street NE received comments from one reviewer at the Office of Planning. Comments included: request for no new window cuts on D or Ninth (9th) Streets; requirement for all stained glass to be preserved; request for HVAC units and porches on the third (3rd) floor of townhomes to not be visible from the street, as well as the interior of the church tower to not be visible from the street.

ANC voted to recommend BZA approval for 504 12th Street NE. Owner does need a variance for court width, which ED&Z committee had noted in the February meeting.

Vacant Properties: Chairman Golden provided an update on 1737 F Street NE, which a resident had complained about. Chairman Golden contacted the Department of Consumer and Regulatory Affairs (DCRA) and determined that the property is presently classified as blighted.

Zoning Regulations Rewrite: No update

H Street Business Liaison Report/AIA Training Session: No update

Other: No additional items

Old Business

Murry's Redevelopment (616 H Street, N.E.): Trent Smith of Insight Property Group gave a brief presentation on the current status. The Developer is closing on the Self Storage building within a week and will ideally vacate Murry's late summer 2014 and start construction in fall 2014. The best case scenario looks to be the delivery of the new building at the end of 2016. Mr. Smith provided an update of the building elevation for the Whole Foods Market. He also stated that they are making some tweaks with the Zoning Administrator related to setbacks and to the finalization of the penthouse sizes and locations. To date, the Planned Unit Development (PUD) has been approved and the alley closure has been approved.

1300 H Street, NE (R.L. Christian Library Site): Ben from Rise Development presented an update on the parking issue. Last month he presented a proposal to the ED&Z Committee for developing off-site parking locations, including a proposal to pave and utilize the vacant lot across 13th Street (where a community garden is now located) for parking that was not well-

received by the community members present. The developer and City are now looking into limiting Residential Parking Permits (RPPs) and contemplating that RPPs would be withheld from 18 to 20 units. Chairman Golden stated that the developer agrees that the goal would be a net neutral impact on neighborhood parking relative to what Rise had originally proposed when their project was recommended to the Mayor's office by the ANC. Thus, RPPs would be withheld from a number of units that would account both for the reduction in on-site parking resulting from the decision not to go forward with the underground parking garage and for the additional units resulting from the developer's new plan to go up to five stories.

New Business

313 9th Street, NE (HPA #14-224): Applicant is seeking HPRB approval for a rear addition. Owner purchased the 1840's home 7 years ago. The proposal is for a 2-story addition which would bring the size of the house from 700 sq ft to about 1400 sq ft. The existing porch off the back of the house is not heated. The proposed design would remove the porch and add to the back of the home in a similar configuration to the neighbor, with a standing seam tin roof and hardi-board parti wall. The home is 6 1/2 feet from the side property line. Owner stated that she is not seeking any variances and that the neighbors have seen the proposed plans.

Committee member Missy Boyette asked whether the height of the proposed addition is to be the same as the neighbor. Owner responded affirmatively. Owner also clarified that the existing house is clad in stucco and that there is a grade change from front to back. Committee member Boyette asked whether there is a full basement. Owner responded that there is a full basement and that there will be no additional excavation at the addition.

The Committee made a motion to recommend that the ANC write a letter to HPRB expressing support for the design of the proposed two (2) story addition. Motion was seconded. Motion was approved in vote 6:0.

1511 A Street NE: Chairman Golden explained that neighbors of this property have found records online at DCRA's website indicating that building plans have been filed at DCRA for a conversion of this building into an 18-unit apartment building which would appear to exceed the minimum 900 square feet per residential unit requirement for apartment conversions in an R-4 zone. However, the western half of the subject block is zoned C-2-A, so it is not an R-4 zoned property and therefore the 900 square feet per unit requirement does not apply. A search online for this address indicates two lots. The first lot features an existing row house and fronts on the street. The second lot is located immediately behind it and has a large garage structure. There does not appear to be a pending zoning application for the project on file, and Chairman Golden has left phone messages for the property agent. The owner listed is "57th Street Mews, Inc.". Chairman Golden stated that the zoning requirements for commercial use do dictate a maximum floor area ratio (FAR) of 2.5 for residential uses. Chairman Golden stated that the FAR requirement as well as the parking space requirement (one (1) space per two (2) units, which in this case would be a requirement for nine (9) parking spaces) could come into play. Chairman Golden suggested that a letter to the Zoning Administrator could be helpful in bringing this to the zoning office's attention.

Community comments were heard. One community member asked whether, if one lot is zoned as a garage, the owner is allowed to combine the lots. Chairman Golden responded that this could be included in the letter. Community member expanded on this issue by asking about the process for combining two lots and, specifically, whether that review goes

before the BZA. Chairman Golden stated that the process for combining lots is a subdivision and that, yes, BZA review would occur. Chairman Golden suggested that the Zoning Administrator be asked to confirm that this is by-right.

Chairman Golden received an email from a neighbor requesting that ANC6A take a look at how this block is zoned. Chairman Golden stated that this may be a long term goal for this block, to look at blocks throughout residential areas of the ANC zoned C-2-A that should be zoned R-4. Community member asked about this process. Commissioner David Holmes stated that ANC6A has been through the rezoning process before and can look into it. Chairman Golden suggested that those portions of the block not fronting East Capitol Street could be moved out of C-2-A to R-4 (upzoned) and that the properties fronting East Capitol Street could remain as C-2-A. Commissioner Holmes pointed out that rezoning from C-2-A to R-4 can cause properties to lose value.

Additional questions were asked by Committee/Community members. One community member asked whether the owner would be allowed to demolish the house. Chairman Golden responded that they could and that the structure was not within the Historic District, but that the owner would not be able to leverage the existing structure if it is razed (i.e., preventing the existing features of the structure from being grandfathered). Committee member Boyette inquired as to whether there was a raze permit application. Commissioner Holmes responded that there is no raze permit for the property. Committee member Boyette asked whether the lot is interior to the block. Neighbor responded that the subject property is along an alley at the side and is wider than typical lot at the side.

Regarding the lot, a neighbor explained that DC records have a distinction between tax lot and record lot. This will likely need to be rectified at the level of the Office of the Surveyor. Chairman Golden stated that the DC property search website references lots 0802 and 0803 as well as a reference to lot 0011 (both parcels), but that the tax records website only shows lots 0802 and 0803.

Commissioner Holmes explained that the existing permit on the property is for demolition and was a postcard permit. He asked what is going on in terms of work on the property right now; neighbor responded that scope of work that has been observed has been limited to interior demolition.

Regarding sending a letter, Commissioner Holmes stated that the Zoning Administrator has to respond. Neighbor inquired as to whether the developer has to tell anyone about what they intend to do. Chairman Golden responded by saying that they are not required to if it is by-right development, but that if the owner/developer needs zoning relief, they would have to go through the BZA and that the BZA would give great weight to an ANC recommendation. The BZA application process also involves notification of neighbors.

Neighbors inquired as to the best way to know the status of tracking this project. Commissioner Holmes stated that if the property goes through BZA, a neighborhood group should attend the hearing. Committee member Boyette suggested calling 311 to report any activity that is illegal or suspicious. Margaret Holwill suggested that neighbors keep diaries of activities that go on related to this property. Commissioner Holmes suggested the Property Information Verification System (PIVS) of DC (www.pivs.dcr.dc.gov) as a website that provides up-to-date records and photos of permits on DC properties.

The committee made two motions:

1. Motion to recommend that the ANC write a letter to the Office of Planning to recommend that the properties on the western half of the block not fronting on East Capitol Street be upzoned to R-4 from C-2-A. Motion was seconded. Motion was approved in vote 6-0.
2. Motion to recommend that the ANC write a letter to the Zoning Administrator calling to his attention that the proposed development at 1511 A Street NE contemplates eighteen (18) residential units, expressing concern as to how the developer plans to achieve that level of density without zoning relief with respect to FAR and on-site parking, and requesting that the Zoning Administrator investigate. Motion was seconded. Motion was approved in vote 6-0.

H Street Signage Guidelines: Chairman Golden explained that Commissioner Omar Mahmud recommended that the ED&Z Committee take on the issue of signage guidelines for H Street while the application for zoning relief for 1362 H Street was before the ANC. Committee member Boyette presented some draft ideas related to how to set up guidelines that encourage creativity for business owners but that define a certain set of criteria that can help the Committee to review and either approve or reject signage that is proposed. Committee member Boyette provided some examples of signage from the Chinatown area, specifically different types of signage (building-mounted, painted, 3-D "standing" letters, lighted, etc.) for consideration. The Committee discussed taking a survey of good examples of signage that exists to date on H Street and expanding on the draft that was presented as a guideline document.

Additional Community Comment

At the end of the meeting, Dana Wyckoff inquired about the recent application for a use variance by the developer at 1717 E Street NE. Specifically, she was concerned about the conditions the ANC attached to its recommendation of approval by BZA, that the property owner would hire local residents for construction and grounds maintenance and make a donation to a youth organization. The woman felt that the term "youth organization" is amorphous and that there is no way to be sure that local residents will be hired. Chairman Golden stated that he attended the meeting between the developer and the community and that the residents were willing to give some RPPs back but wanted local employment opportunities and support for their youth group in return. The EDZ draft letter to the ANC for this application identified these conditions for the ANC's recommendation of its approval. The question was raised as to whether this is a precedent that can be set. Chairman Golden stated that when the issue got to the level of the BZA hearing, the BZA stated that these were not zoning-related conditions. Committee member Michael Hoenig stated that the Committee can encourage the community to work things out "on the side" with the developer in a manner that does not implicate ANC approval based on non-zoning-related conditions. For example, this occurred with the Valor project, where a local community group formed and dealt directly with the developer. Ms. Wyckoff stated that she wants to see a legal and logical way that a community group can require hiring local workers and providing donations to a 503(c)(3). Chairman Golden stated that there probably needs to be some reasonable relationship between zoning concerns and the condition imposed. Commissioner Holmes said that there is precedent for the labor agreement.

At the end of the meeting, community member inquired as to whether, in the case of 1300 H Street NE, the ability to enforce RPPs exists. Chairman Golden stated that the BZA has started approving these cases where limits on RPPs are set. Commissioner Holmes pointed out that we have no direct experience with this issue in ANC 6A yet, and that the ED&Z Committee just heard the first case recently where this was proposed (819 D St NE). Dan said he will look into the enforceability of limiting RPPs.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, April 23, 2013
7:00-9:00 PM
640 10th St NE
Sherwood Recreation Center, 2nd Floor**