

**REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING
COMMITTEE OF ANC 6A
April 21st, 2010**

Present: Members: Dan Golden, Phil Toomajian, Raphael Marshall, Drew Ronneberg
Commissioners: David Holmes, Nick Alberti

Drew Ronneberg chaired the meeting.

Community Comments

None.

Status Reports

H Street Connection Redevelopment: Drew Ronneberg reported that the case was set down at the April 12th Zoning Commission meeting and the full hearing will likely be in June.

Zoning Code Rewrite: None

Vacant Properties: Phil Toomajian reported that he and Drew Ronneberg were arranging to meet with Councilmember Bowser to advocate for the ANC 6A proposal for a graduated and near exemption-less vacant property tax system. 1000 C St NE was designated by DCRA as blighted. DCRA is asking for ANC help in determining other blighted properties, which we have begun working to identify as part of our vacant property map update.

1019 Florida Ave NE: Drew Ronneberg reported that the ANC voted 4-3 to support the variances for 1019 Florida Ave NE and that Raphael Marshall would be the ANC representative before the BZA.

HPA 10-247 (1310 East Capitol St NE)

Pastor Thornton and members of the House of God Church presented plans to raze an alley structure whose roof had collapsed due to the heavy February snows. Because the property is located in a historic district, raze permits require the approval of the Historic Preservation Office.

Pastor Thornton said that the alley structure had been built between 1904 and 1925. The church had owned the property since 1977 and used the structure for storage and parking. She said that the church had replaced the garage doors and windows several times but that the bricks were in bad condition and the mortar was deteriorated, so the church had difficulty keeping the structure in good condition. The Church also did not have the funds to renovate it. The structure currently presents a safety hazard and the Church wants to raze it before someone is hurt. They would like to use the space for parking, and want to build a ramp at the back of the sanctuary for elderly and physically-challenged members of the congregation.

The United Methodist Church and the Sasha Bruce House are the adjacent neighbors. The Sasha Bruce House also has an alley structure that shares a party wall with the structure under discussion. A representative from the Sasha Bruce house was in attendance and supported the raze application. She also said that Sasha Bruce would also like to raze the alley structure on their property because of the

high costs to rehabilitate it.

Commissioner Alberti said that most of the structures in the alley were still intact and asked what upkeep had been performed on the Church of God's alley structure over the years. He also asked if this was not a case of demolition by neglect. Phil Toomajian asked if the Church had received an estimate to fix the structure. The church said that they had not gotten an estimate but that it would be very expensive and would exceed the Church's ability to pay for renovations.

Nick Alberti moved the following recommendation, which passed unanimously.

Recommendation: The committee recommends that the ANC take no position before HPRB for the raze permit for the alley structure at 1310 E. Capitol St NE.

H St. Connection Future Tenants

Mark Bradshaw of the Rappaport Companies was on hand to address community concerns about the planned 7-11 and America's Best Wings stores that were planned to occupy vacant space in the current H Street Connection shopping center. Mr. Bradshaw stated that the 7-Eleven planned to operate 24 hours, but that it would not sell alcohol. It would be a corporate-owned store rather than a franchise. He also stated that the police department does not provide cell phones to its officers, and the store would have a police community network phone and also provide an area for the police to fill out paperwork. The 7-Eleven would also have in-store cameras and that the Rappaport Companies was willing to put in more cameras in the alley and parking area for monitoring the shopping center. He also stated that these two businesses were meant to keep the shopping center profitable until Rappaport could begin construction of the H Street Connection redevelopment project, but that they did not fit into the long term vision for the businesses that would eventually occupy the new building.

Several nearby residents expressed concerns about increased trash, and the effects of 24 hour operation on loitering, panhandling, and potentially increasing crime in the area. Mr. Bradshaw said two years ago, the Rappaport Companies gave MPD blanket authority to come on the H Street Connection property to enforce the law, including barring loitering on private property. He also stated that they had issued barring notices to 3 people who could be arrested for trespassing if they returned to the property. The Rappaport Companies were open to participating in a police reimbursable detail and Phil Toomajian said he would provide more information on the detail. As for increased trash, Mr. Bradshaw said that he would be willing to send the Center's porter to pick up trash for a limited area surrounding the center. The residents thought that the 700 and 600 block of 10th Street would be most affected because of Sherwood Recreation Center on the corner of 10th and G St. He also said that the H Street Connection would provide more trash receptacles on its property.

There were also zoning issues raised concerning the two businesses. Drew Ronneberg stated that he thought that the America's Best Wings operation would meet the definition of a fast-food establishment, and therefore would require special exception zoning relief due to the H Street Overlay. Mr. Bradshaw said that there would be tables in the Wings shop, but thought that the Rappaport Companies was unaware that the Zoning Overlay required special exceptions for fast food establishments even in C-2-B zones. He also thought that the owner of America's Best Wings was unaware of this requirement.

There was also discussion as to whether the 7-Eleven would be classified as a fast-food establishment

or a grocery store. Mr. Bradshaw stated that he thought that places that sold milk, eggs, meats and cheeses were considered to be grocery stores, and that the proposed 7-Eleven met this requirement. The community had several questions about the operation of the 7-Eleven that Mr. Bradshaw was not able to answer at the meeting. Because the 7-Eleven would not open until approximately October, it was suggested that the Committee invite a representative from 7-Eleven operations to address questions related to 24 hour operation, the sale of fast food and tobacco, and security issues. Mr. Bradshaw said that he would help invite representatives from 7-Eleven to the next meeting.

The committee felt that it should alert the Zoning Administrator to the fact that America's Best Wings would likely meet the definition of a fast-food establishment and that it should be flagged during zoning review for this issue and its treatment under the H Street Overlay.

Phil Toomajian moved the following recommendation, which passed unanimously.

Recommendation: The committee recommends that the ANC send a letter to the Zoning Administrator, alerting DCRA that America's Best Wings, a future tenant of 941 H St NE appears to meet the definition of a fast-food establishment, which requires a special exception within the boundaries of the H Street Zoning Overlay.

Vacant Property Legislative Proposal Update: Improve definition of "blighted"

The committee discussed "blighted" property, which is the only type of vacant property that is currently subjected to Class Three tax rates under DCRA's enforcement of current law. The committee had previously expressed its concern about how the codified definition of "blighted" was overly restrictive and that its application was permissive, which was partially responsible for why only a handful of properties within Ward 6 had been so-designated. The committee again reviewed the text of the current definition of "blighted" and suggested that a property which has been deemed "uninhabitable" should also qualify as "blighted." Furthermore, the committee felt that the permissive "may" language in the statute was problematic and instead suggested that "shall" be substituted to require such properties to be deemed blighted. It also recommended adding an additional catch-all type provision to provide DCRA with some discretion to recognize a property that was otherwise "blighted" to be so-categorized even if it did not fall precisely within the letter of the other specified categories. The committee's recommendations are similar to ones already proposed by Councilmember Bowser and others.

Phil Toomajian moved the following recommendation, which passed unanimously.

Recommendation: The Commission recommends that it update its vacant property legislative proposal and notify the Council of the modification, which would specify that the definition of "blighted" should be improved to include "uninhabitable" as an element, to use mandatory rather than permissive language, and to correspondingly provide a catch-all provision to allow for other otherwise blighted properties to be so categorized.

Transparency in DCRA treatment of Vacant Property

The committee discussed problems that the ANC and other citizens have encountered in trying to engage with DCRA regarding vacant property. In particular, many citizens have found it challenging to track when DCRA identifies a property as vacant, when DCRA applies an exemption to a property that has been identified as vacant, and when a property has been removed from DCRA's vacant

property list. DCRA seems to only sporadically publish a list of vacant properties and another one of vacant properties that are receiving exemptions. These lists and OTR records do not identify what exemptions are granted. Concerned neighbors do not receive any notification, nor does the ANC. The lack of transparency in the process undermines the work of the ANC and neighbors who have worked to assist DCRA in identifying vacant properties. The committee expressed its desire to see a more transparent process from DCRA. In particular, it recommended that DCRA keep their vacant property lists available online with real time updates and that it identify what, if any, exemptions have been granted to vacant properties. The committee also suggested that DCRA should provide notification to the ANC or the SMD Commissioner when a property's status as vacant, vacant with exemption, blighted, or removed from the vacant list is changed because the ANC can help provide the community with the opportunity to address any concerns about inaccurate changes that have been made.

Phil Toomajian moved the following recommendation, which passed unanimously.

Recommendation: The committee recommends that the ANC send a letter to DCRA and the Chief Information/Technology Officer for the District to recommend new procedures to enhance the transparency of the administrative system for identifying and managing DC's vacant properties, so as to make real-time updates to the lists available online, to identify what, if any, exemptions have been granted to vacant properties, to identify which vacant properties have been deemed "blighted," and to encourage DCRA to provide notification to the local ANCs when a property within its bounds has its vacant/blighted status changed.

Historic Nomination of Two Banks on corner of 8th & H Streets NE

The committee discussed the proposed nomination of the two banks at the corner of 8th and H Streets NE for historic designation: 720-722 H St. NE (Northeast Branch of the Home Savings Bank) – a 1912 neoclassical building designed by notable architect Appleton P. Clark Jr., which currently houses Bank of America and 800 H St. NE (National Bank of Washington) – a 1921 Beaux Arts Style by prominent architect Stanley Simmons, which currently houses PNC Bank.

Commissioner Holmes referenced a historical review of the banks of Washington, which contains much of the necessary information to nominate these two banks. Both banks were highlighted as among the very most important buildings for individual landmark status as part of the recent H Street commercial district survey and were recommended for individual designation as a part of the study. Commissioner Holmes estimated that the application would take many hours to prepare and volunteered to do the research if someone else would prepare the application. Commissioner Ronneberg volunteered to prepare the application if the ANC approved.

Phil Toomajian moved the following recommendation, which passed unanimously.

Recommendation: That the ANC Support the nomination of the Bank of America and PNC Bank buildings on the NW and NE corner of 8th and H St., NE, for designation as historic.

Next Scheduled ED&Z Committee Meeting:

~~Wednes~~Wendsday, May 19th, 2010

7-9 PM

640 10th St NE

Sherwood Recreation Center, 2nd Floor