

**Report of the Economic Development and Zoning (ED&Z) Committee of
Advisory Neighborhood Commission (ANC) 6A
Sherwood Recreation Center
640 Tenth (10th) Street NE
April 20, 2016**

The meeting convened at 7:00 pm.

Present

Members: Brad Greenfield, Michael Hoenig, Matt Turkstra
Commissioners: Stephanie Zimny, J. Omar Mahmud
Brad Greenfield chaired the meeting.

Community Comment

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

Update

Chairman Greenfield provided an update on items from the previous month's meeting.

Old Business

920 - 922 H Street NE (BZA 19250): Application of 920 H LLC, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 1324.4, the off-street parking requirements under § 2101.1, and the parking space size requirements under § 2115.1, to allow the construction of a mixed-use building with a restaurant and nine residential units in the HS-R/C-2-A District at premises 920-922 H Street NE (Square 933, Lots 57 and 803).

At the previous EDZ meeting, the Committee voted to recommend the ANC support the applicant's requested relief. The ANC, however, requested the Committee to revisit the application with regard to the applicant's use of the facade preservation bonus. The ANC felt that the preservation does not meet the intent of this bonus through their preservation activities and that we should take another look at this issue.

Meredith Moldenhauer spoke on behalf of the applicant and noted that there was a question regarding a communication from Matt Legrand as to whether glass is part of the façade for purposes of preservation that counts toward meeting the requirements of the bonus. Ms. Moldenhauer noted that the previous plans were sufficient to qualify for the bonus, but after hearing the ANC's concerns, increased the amount being preserved. Under the previous plans, 50% of the façade was to be removed, under the new plans, only 21% will be removed. The project's architect reviewed the plans to demonstrate the changes that make this possible.

Commissioner Mahmud asked for clarification as to which parts of the façade would be removed. The project architect compared the old plans to the new to clarify the changes.

Chairman Greenfield asked if the 78% to be maintained includes the sign on the building. He was informed that it does not, but that the sign will be moved inside and preserved.

Commissioner Mahmud asked why we are not considering the whole front of the building as the façade and where does the interpretation of the regulation come from that glass does not count toward the façade? Chairman Greenfield clarified that this is an interpretation by Matt Legrand.

Chairman Greenfield then noted that the glass portion of the façade does look different from the existing glass. The project architect noted that the doors had been moved, but otherwise the design was the same.

Chairman Greenfield noted that in the past, other developers had assured the Committee and the ANC that they would “repair” the façade, but instead demolished and re-built, while still qualifying for the bonus. The project architect assured the Committee that they want to keep the existing façade to the extent possible and that the existing structure is in good enough condition that it can be repaired.

Commissioner Zimny noted that with the removal of columns in the new design, the building looks very different. The project architect clarified that the columns on the design were representations of shadows, and the only change is to move the doors.

Chairman Greenfield asked what the effect of the FAR bonus is. He was informed that with the bonus, the units can be 530 square feet, whereas without the bonus, they will be 400 square feet. Ms. Moldenhauer also clarified that under the new regulations about to take effect, the FAR bonus will only be applied to non-residential units, so it is unlikely this issue will be before the Committee again.

Commissioner Mahmud noted that it does not appear that the façade is being preserved. He is concerned that other project may take advantage of Mr. Legrand’s interpretation to obtain the FAR bonus, yet completely destroy the façade. He asked if there is another way to get the FAR bonus without requesting the bonus for preserving the façade? He was informed that there is not, and that the bonus is not part of the relief the project is requesting. He was informed that the ANC can opine to the Bureau of Zoning Adjustment (BZA), but ultimately, Mr. Legrand decides.

Commissioner Mahmud compared the project to buildings downtown, where the existing structure and façade is kept, and new construction is built around it. The H Street Overlay was designed to incentivize new construction yet keep the look of the existing building. Commissioner Mahmud again expressed concern that the principal here can be applied to other projects where significant changes can be made to existing buildings using the exception laid out by Mr. Legrand.

Chairman Greenfield summarized the conditions discussed during the previous meeting. In reviewing the conditions, Chairman Greenfield affirmed that all previous conditions had been satisfactorily met. Commissioner Zimny asked how many bikes the in-building bike room will hold. She was informed it will hold nine (9). Commissioner Mahmud asked for a letter from the developers describing mitigating factors for the parking variance and was informed it will be provided.

Committee member Turkstra commented that the look of the building façade should be maintained. Commissioner Zimny noted that it makes sense to swap out old glass and outdated materials, but the look should be maintained, or else it can set a bad precedent.

Commissioner Mahmud stated that he is sympathetic to the situation, but the standard should be that if you want the FAR bonus, you should have to maintain the façade. You get the benefit of the bonus, so you should maintain the look and character of the building.

Chairman Greenfield moved the Committee reaffirm the support for the relief requested with the previous conditions in place, based on the revised design. The motion was seconded, and passed (4-0-1) (Commissioner Mahmoud abstaining).

New Business

1234 Duncan Place NE (BZA 19276): Application pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, and the nonconforming structure requirements under § 2001.3, and special exceptions from the height requirements under §§ 400.23 and 400.24, to construct a third floor addition to an existing two-story, one-family dwelling in the R-4 District.

The project architect described the existing structure and the third-floor addition the owner wishes to add to the home. The existing structure is two stories and is situated in the middle of a row of similarly designed two-story homes.

Committee Member Turkstra asked why the project only needs a special exception, and not a variance. The project architect responded the lot occupancy will stay below 70%. The project architect also clarified that they are not asking for height relief, because the project will stay below 35 feet. The special exception is needed because of changes being made to the existing mansard.

The project architect noted that they could do a less attractive addition by right, but that the design they are proposing requires the relief.

Chairman Greenfield asked about the materials to be used. He was informed that the project will use historic materials and the project will have the same architectural vocabulary. When asked about the sides of the addition, he was informed it will be siding.

Chairman Greenfield noted that because the third floor will rise above all of the surrounding homes, siding will stick out like a sore thumb and the materials should be uniform for all areas visible from the street.

The homeowner noted that the project had received support from other homes on the block and claimed that the project will have no effect on the homes behind his. The project architect and homeowner again noted that what they can do by right is less in character with the neighborhood.

Commissioner Zimny asked if they had done site-line studies for the project, and was informed that they had not.

The project architect asserted that the neighborhood is not in a historic district and the design should not be under such scrutiny. Chairman Greenfield acknowledged that the project is not in a historic district, but pointed to the language of the regulation with regard to third story additions, and noted that the ANC frequently puts conditions on requests for relief. The Architect again pointed out that they can do the project by right, but it will not look as nice.

Committee Member Hoenig stated that he did not appreciate the Architect and Homeowner's repeated claims that if they were not given the relief they sought, they would simply build a less aesthetically pleasing addition as a matter of right. He stated that the argument felt like a threat.

Committee Member Turkstra asked if there is a chimney on the project, and was informed that the existing chimney will not change.

Commissioner Zimny again expressed the importance that the addition look uniform in the front and on the sides. She stated it should all be brick, rather than siding.

Committee Member Turkstra asked if there was any plan to make this a multi-unit building. He was informed that was not in the home-owner's plans. Committee member Turkstra also expressed his concern that the addition use the same materials on the front and the side.

Chairman Greenfield moved that the Committee recommend the ANC support the relief requested on the conditions that the design be changed to extend brick to the sides of the addition for all areas visible from the street, and that a site line report be given to the Committee before it goes to the full ANC. The motion was seconded and passed (4-1) (Committee Member Hoenig against).

1018 9th Street NE (BZA 19265): Application, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, and special exceptions from the rooftop structure requirements under § 400.24, the rooftop mechanical equipment requirements under § 411.5, and the penthouse screening

requirements under § 411.18, to construct a rear addition to an existing two-story, one-family dwelling in the R-4 District.

The project architect noted that additional relief is being requested to that listed on the agenda. The project architect described the project, noting that although it is a third story addition, there are mitigating factors that demonstrate the project meets the requirements of the regulations. The lot on which the property sits is at the corner, rather than in the middle of a row of houses. And the lot itself is unique. The project architect described the existing structure: the home has a brick front with stucco sides and rear. Other homes on the block have already been built up, so this addition will not disrupt an otherwise uniform row of houses. There are also precedents for taller structures at the end-of-a-row houses, creating a book-end effect. Neighbors have also expressed support for the project and the homeowner has letters of support to be provided to the ANC.

The owner noted that he is willing to change the design so that there is consistency in the design. Rather than siding, the sides and back of the addition will be stucco (or stucco paneling) to match the design of the existing structure.

Committee member Hoenig moved to support the requested relief on the condition that the design use stucco or stucco paneling on all visible sides to match the design of the existing structure. The motion was seconded and passed unanimously.

401 11th Street NE (HPA 16-303): Concept/curb cut. No one representing the project was present at the meeting.

Meeting was adjourned.