

**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
May 17, 2017**

The meeting convened at 7:00 pm.

Members: Brad Greenfield, Michael Hoenig, Jake Joyce
Commissioners: Mike Soderman; Stephanie Zimny
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.

New Business

453 Tennessee Ave NE: Complaint of a neighbor about a resident who is running a marijuana-related business out of their apartment.

Dan Wolf, immediate neighbor of business gave a brief description of the business called "Puff, Pass and Paint" being operated in the row-house immediately adjacent to his residence. His property and the business share an adjoining wall. The business does not sell marijuana, but sponsors events during which participants are encouraged to bring their own marijuana and alcohol to consume during the event. The owner of the business, Stacey Mulvey, met with Mr. Greenfield prior to the meeting, but was unable to attend the EDZ meeting itself.

Mr. Wolf raised three concerns with the business: 1) Personal nuisance; 2) license issues, and; 3) Initiative 71 issue.

Regarding the first issue of personal nuisance: Mr. Wolf noted that during the events, marijuana smoke permeates the adjoining wall and fills his residence, exposing his family, including children, to marijuana smoke.

As to the second concern, license issues: Although the business has permits to run the business as an ancillary use, only up to 250 square feet may be used for the business and there can be no escape of noxious fumes. The events utilize significantly more than 250 square feet and the smoke migration violates the restriction on the escape of noxious fumes. The regulations also state that there may only be eight (8) customers per event, but her past events have included up to twenty (20) people.

For the third concern, Initiative 71 does not include the ability to open a marijuana-based business in a public space. That does not mean that the businesses should be able to move to private residences to skirt the requirement. Because the public is invited to these parties, they are "public space" and, therefore, the business should not be permitted.

This also presents a community problem by driving up rent through the commercialization of private residences. The business is located within 500 feet of Miner Elementary School and

close to the Kingman Academy (formerly Options) Charter School. There was discussion among community members and the ANC of the various business license requirements and restrictions.

Mr. Greenfield noted that he is disturbed this business is operating so close to a school and agreed it is a community issue. He also noted, however, that the ANC is not an enforcement group.

Mr. Greenfield reported that he had met with Ms. Mulvey the previous week. She had shown him her business license, and home use permit, which had just been issued by DCRA. Mr. Greenfield had asked about the event size, and Ms. Mulvey had reported that the maximum size was eight people.

Committee member Michael Hoenig asked if the nature of the business was revealed in the application process. No one knew the answer, to which he suggested the ANC request the applications. It was also suggested that the ANC check with other ANC's across the city to see if this issue has come up anywhere else and how it was dealt with.

Mr. Greenfield noted that part of the problem was that no DC city agency seemed to have regulatory authority over marijuana-related businesses like Puff, Pass and Paint. ABRA has no jurisdiction, since alcohol is not being sold. DCRA has no direct information or guidelines on the operation of marijuana-related businesses. MPD does have a clear FAQ page on what marijuana activities are legal, but does not address marijuana-related businesses. Mr. Wolf stated that he felt that the regulations were "red letter" and that Puff, Pass and Paint was outside the bounds of what should be allowed. Mr. Greenfield stated that he felt the lack of a clear authority created a significant amount of gray area.

Mr. Greenfield moved that ANC6A send a letter to the Mayor asking her to designate authority and regulations on marijuana businesses operating in residential areas. This motion was seconded by Commissioner Stephanie Zimny and passed 4 in favor, 0 against.

Mr. Greenfield made a second motion that the ANC appeal the permits and licenses issued to Puff, Pass, and Paint. This motion was seconded by Mr. Hoenig and passed 4 in favor, 0 against.

520 Twelfth (12th) Street NE (BZA #19513): Application for variances from the nonconforming structure requirements of Subtitle C § 202.2 and the lot occupancy requirements of Subtitle E § 304.1, to construct a rear addition on the first floor of a one-family dwelling in the RF-1 zone.

The Project Architect described the proposed project. The lot occupancy of the home will increase from 67.8% to 75.3%

The homeowner produced letters of support from the adjacent neighbors. Mr. Greenfield asked if they had letters of support from the rear neighbor at 1127 Maryland Avenue NE. The owners did not, but pointed out that it is unlikely they would in any way be affected by the project. The Homeowners noted that a similar addition was done to another house on the street.

The Hardship standard for a variance was represented to be financial and that a number of

factors prevent them from putting the stairs to reconnect the basement to the rest of the home where they were originally. Essentially, the owners cannot replace the stairs without making other significant changes to the inside of the home.

Mr. Greenfield moved that ANC6A support the requested relief on the condition that the homeowners make their best efforts to obtain letters of support from the owner of 1127 Maryland Ave. The motion was seconded by Commissioner Zimny, and passed 4 in favor, 0 against.

1362 East Capitol Street NE (HP#17-403): Support for an interior renovation and two (2) story rear addition with a cellar in a historic district. The project architect and homeowner discussed the project; a new addition to replace sleeping porch and bump back.

The owner of 1360 East Capitol Street has already enclosed their dog-leg and expanded back a few feet and is supportive of the project. The owner of 1362 has concerns and, though they will not oppose the project, they will not support. Their concerns are related to light, air, and privacy, and the filling in of the dog-leg on the house.

The materials on the addition will be hard plank. Other homes in the area have plank siding. Commissioner Soderman noted that when this does go before zoning, the depth of the project will be a sticking point and asked if reducing the project by three (3) feet will meet the homeowners needs, the answer to which was “no.”

Commissioner Zimny asked for clarification as to what was presently before the Committee, the answer to which was a letter of support to the Historic Preservation Review Board (HPRB). The owner reported that the Capitol Hill Restoration Society (CHRS) wrote a letter that they are fine with the addition.

Mr. Greenfield moved ANC6A send a letter of support to HPRB on the condition that the homeowners use best efforts to obtain a letter of support from 1364 and 1362 East Capitol Street. The motion was seconded by Mr. Jake Joyce and passed 5 in favor, 0 against.

Meeting was adjourned at 8:30 pm.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, June 21, 2017
7:00 -9:00 pm
640 Tenth (10th) Street NE
Sherwood Recreation Center, Second (2nd) Floor**