

**Minutes**  
**ANC 6A Economic Development & Zoning Committee**  
**Wednesday May 21, 2025, 7:00 - 9:00 pm**  
**Virtual Meeting via Zoom**

Attending:

Committee members: Mike Cushman, Ziad Demian, Russ Greenfield, Scott Kilbourn, Becca Buthe, Ayisha Lockett

Commissioners: Dave Wethington (6A05, also acting co-chair), Paul Spires (6A01), Roberta Shapiro (6A03), Amber Gove (6A04), Steve Kolb (6A07)

**7:00 pm Welcome/Introductions**

**7:01 pm Resolution of previously heard cases**

**7:05 pm Old Business**

**7:12 pm New Business**

**Resolution of previously heard cases, reviewed by Commissioner Wethington:**

1. 901 H Street NE (ZC [10-03E](#)): Hearing of May 8, 2025: Request for a Modification Without Hearing to the planned unit development ("PUD") approved pursuant to Z.C. Order No. 10-03, as extended and modified by Z.C. Order Nos. 10-03A, 10-03B, and 10-03D, along with the Applicant's associated request for special exception relief to permit fast food restaurant use at the Property. Zoning Commission approved the following modifications to the conditions of the approval, as noted by the underlined and italicized text:

The PUD shall have a maximum density of 5.0 FAR and a gross floor area of 435,265 square feet. Of that, the PUD shall have approximately 51,420 square feet of retail and/or eating and drinking establishment uses, including fast food restaurant use, of which approximately 5,365 square feet may also be devoted to veterinary hospital use.

*If any new uses are adopted under the eating and drinking establishment use category as defined under Subtitle B §§ 100.2 and 200.2(i) by an amendment to the Zoning Regulations after the effective date of this Order, such newly adopted uses shall be considered matter-of-right uses within the PUD, except that following such amendment, the establishment of a new fast food restaurant or a new fast food drive-through shall require review and approval by the Zoning Commission.*

2. 1355-1359 H Street, NE ([BZA 21254](#)): Hearing of April 30, 2025: The BZA concluded that the applicant has satisfied the burden of proof for the requested relief to include:
  - Special Exception from the rear yard requirements of Subtitle G § 207.1,

pursuant to Subtitle G § 207.14, Subtitle G § 5200.1, and Subtitle X § 901.2 (15 feet minimum, 0 feet existing, 0 feet proposed)

- Special Exception under the eating and drinking establishment use requirements of Subtitle H § 6007.1(e)(2), pursuant to Subtitle X § 901.2
- Special Exception under the fast-food establishment use requirements of Subtitle U § 513.1(e), pursuant to Subtitle X § 901.2

The Board approved the application consistent with plans submitted (Exhibit 33B of the record), subject to the following conditions:

All trash for tenants that have obtained a Certificate of Occupancy for fast food shall be stored in indoor trash rooms within the main building envelope, such as those shown on Sheet A103 of Exhibit 33B, until such time as the trash is removed from the premises by a garbage contractor. No dumpsters or other trash or recycling containers serving the fast-food uses shall be kept in public space. Exterior doors to any trash rooms shall be kept closed except when in use by tenants depositing trash or by the contractor removing trash.

#### **Old Business:**

1. 917 Constitution Avenue, NE ([BZA 21282](#)): To construct a second story addition to a detached garage, in the rear of an existing, attached, two-story plus cellar, principal dwelling unit in the RF-1 zone.

Notes: The architect made some minor changes after EDZ feedback during the March 19, 2025 meeting.

- The originally proposed windows facing the public alley originally had a sill height of 1' 6". Privacy concerns were addressed by increasing the sill height almost two feet to 3' 4".
- The second comment was concerning the stairs to the roof. The owners expressed that they would like to age in place and therefore opted to keep the stairs as proposed because it ensures that roof access remains feasible for them as time progresses.
- Mike Cushman: During the zoning committee hearing it was confirmed that the stairway to the roof was not allowed by the zoning.

#### **New Business**

1. **1000-1014 H Street NE (BZA Case # Pending):** The potential applicant is pursuing a zoning map amendment for the property at 1000-1014 H Street NE to rezone the property from the current NMU-4/H-R zone to the NMU-5/H-R zone. The zoning map amendment would allow for an additional story in building height. The proposed NMU-5/H-R zone is similar to the current NMU-4/H-R zone, only it allows for a floor-area-ratio of 4.2 (vs. 3.0 in current zone), a height of 70 feet (vs. 50 in the current zone) and a lot occupancy of 80% (vs. 75% in the current zone).

#### **Presentation:**

- If the zoning map amendment is successful, the potential applicant envisions a similar mixed-use project to what was approved by the BZA ([20880](#)) in 2023, with

- the primary change being the one additional story allowed in the NMU-5/H-R zone.
- **Presented by Meredith Moldenhauer (Cozen O'Connor) on behalf of the applicant:** Preliminary presentation seeking ANC input and support before filing a **map amendment**; NOI (Notice of Intent) already submitted.
    - Originally part of a larger BZA-approved project (case 20880) with 76 units and retail, approved in May 2023. Market challenges (costs, labor, financing) forced division into two separate projects. There would be an easement to ensure the project can provide off -street parking and they want to add a floor to the proposed structure. Proposed **map amendment** would rezone from MU-4 to MU-5A. Project would increase from 48 units (not financially viable) to **59 units, 2 retail spaces, 8 parking spaces** (plus 1 car share space).
    - The map amendment process requires that they show it is consistent with the FLU, Generalized Policy Map, and Comprehensive Plan.
    - Going from NMU-4 to NMU-5A. It allows for greater FAR, they are not going to maximize that they simply want the increased height. It would remain almost identical with just another story.
    - They are requesting flexibility for IZ Plus - but they are asking for a map amendment for the financial challenges that currently exist. Instead of providing 4-5 units they would provide 5-6 units which is greater than the 10% of the original project but less than the 18% required from the map amendment.
    - Community outreach and support: Meetings held with ANC commissioners, neighbors, and local church. Letters of support received from local businesses.
    - Key concerns addressed in the project: **Truck access/loading:** On-site turning radius and loading bay provided. **Parking for both lots:** Easement and access plan shown for both properties. **Sun/shadow impacts:** Minor and not affecting residential homes. **Parking provisions:** 8 parking spaces + 1 car share; not RPP-eligible, but applicant willing to propose bylaw restrictions.

#### Comments/Discussion:

- Mike Formant: with Formant property group who were the previous owners and sold it three years ago. Mentioned that there are no current tenants or businesses on the property and he is here to provide support for this project.
- Dave Wethington: Question on what the biggest differences between 48 units versus 59 units for the new proposal.
- Jenay Dogenay (Works for the developer): Selling 48 condominiums does not break even on the project. They will still have commercial units on the ground floor. They are all condominium units not apartments.
- Dave Wethington: What are the implications of the zoning change on the IZ requirements?
  - Meredith: Three pathways: - By-right: Requires a standard 10% Inclusionary Zoning (IZ) set-aside if over 9 units. BZA (Board of Zoning Adjustment): Still only requires 10% IZ, even with flexibility.  
Map Amendment: Triggers IZ Plus, with 12%-20% IZ required.
- By-right development could benefit from H Street façade bonus, but under IZ Plus, this bonus does not count. Instead, the project must use IZ Plus density first, which pushes the requirement to 18% IZ—more than a typical Planned Unit Development (PUD). PUDs often only require 10-12% IZ, even when receiving greater density bonuses. This project is not maxing out height or FAR (e.g., FAR is about 4.0 vs.

4.2+ allowed), so Mike Cushman: Remembers some of the history of the project. It initially came in with no retail on the first floor which got a lot of push back and then came in with 40% on the first floor. The city has a goal to increase affordable housing, so he wants to caution against trading public benefit for private gain especially given the site's history of displacement and blight.

- Mike Formant: The tenants were paid out, they were not pushed out. Some were given payment which helped them with down payment for other properties, one of them did not pay rent for 18 months. Right now, no one is interested in buying close to what they paid for it. The retail spaces are not able to be infilled anymore. The current owners are trying to make it possible with a bit of relief so some support from the ANC could help get the project moving and benefit the neighborhood.
- Scott Kilbourn: Buildings to the north are residents, have they been informed? And are they in support of additional height?
- Jenay: Everyone is aware of what is going on. Some are supportive, others have questions and they answered but they did not say they were opposed.
- Scott Kilbourn: How tall is the Avec and how does it compare?
- Jenay: They are the same height.
- Commissioner Shapiro: She was here when the first applications came. What happened on the block is a sore spot. We are open to the commissioners and neighbors, but we need more than verbal promises. She has verified with DDOT that because of the zoning the residents do not qualify for PP parking. This is a concern for the residents on the surrounding streets. There is also a risk that this gets converted to rental. They want to make sure that future residents do not qualify for RPP stickers per DDOT rules. There is confusion about this. We also need to be sensitive to the impacts of gentrification and would like to see some compromise for the IZ especially if they end up going to rental housing. She does really want to see them activate the space. She wants to find somewhere in the middle to meet.
- Meredith: Has worked out agreements like this with other ANC Commissioners.
- Utku Aslanturk: They are asking for change to have the additional units make sense.
- Becca Buthe: Why not maximize the FAR?
- Meredith: Might be able to get more FAR but not a more efficient units or design, additional construction costs more money. They wanted to maximize the design without completely redoing the project design.
- Resident: Jeff Augello - Owns a residence on 11th off H street and directly abuts these properties. He has been a resident here for 20 years and knows the history of the area. It has been turned over a lot in these years and is not just a blighted property. He does not think we need to rush into this. That is because no one can use it for anything else. The rear properties do not have an alley and they depend on their backyards. The shadow cast would be a problem and the parking would also be a problem. Douglas Memorial Church is a significant historical property and the taller you go the more it will take away from these historical buildings. The church's complaint is always about parking as well. The properties that Meredith showed that support the development are all commercial properties not residential.
- Meredith: They have the ability to file the map amendment tomorrow, but they would prefer to have something to go to the full ANC by June 10, 2025. Something to say they are working with the applicant and have reached some preliminary

terms to seek a resolution or a letter. It does not have a zoning case number yet, but then it could go to the full ANC committee. Then they would file with the zoning commission and come back. Send a recommendation for the full ANC saying we withhold support of the project unless prior to that day there are letters of support from residential neighbors and a draft Memorandum of Understanding (MOU).

- Emily Pappas (neighbor): They have done a good job reaching out to neighbors, doing leave behinds, and doing open houses. But they have not been getting letters of support because they are not comfortable with the project, but putting some of this in writing would make them more comfortable with the project. Without that they feel nervous about how this project could go - they want to respect the historic nature and the promising future of this block.
- Roberta Shapiro: Suggests a “wish list”, directed at Emily Pappas, from the neighbors to help understand the exact concerns and desires.
  - It is not gaining much density in return for the higher IZ requirement.
  - The applicant is seeking flexibility from the 18% IZ requirement. Proposes to provide 10% IZ (5-6 affordable units)—more than the 4-5 units from the smaller project. Argues that full 18% IZ would consume almost all added density and make the project financially unfeasible.
  - Jenay Doganay - they have four IZ units but have not been sold for over a year now. IZ participants at this time cannot buy units (they also need to qualify and there is a lottery process). After the second lottery they can go on the market but they need to find qualifying people. Carrying costs are really high.

#### **Motion:**

- Motion to withhold support subject to letters of support and coming to a draft agreement/acceptable MOU with the residential neighbors.
  - Passed unanimously.

2. **1382 East Capitol Street, NE; Square 1035 at Lot 0814 ([BZA 21334](#)):** Della Barba Pizza, LLC requests a use variance and special exception to expand its existing, nonconforming, pizza restaurant use beyond the first floor, with cellar, in order to provide for additional seasonal outdoor patio seating within public space.

#### **Presentation:**

- Anthony: Application just scheduled. It is pending before the BZA. They are seeking a use variance and special exception. It has been in business for a number of years just as a carry out.
- Tracey Wingate: One of the owners of Della Barba Pizza. Presented how the seating and tables would be completed in the public space also showing how space needs for handicapped movements are being accommodated.
- Ziad Demian (architect for the project): Proposed area of sidewalk is 2,332 square feet. They are not intending to overly pack this space (going with less than half of what they could), they created three pods to also accommodate ADA requirements. They wanted to maintain the urban feel of the space. They are all removable tables and chairs.
- Anthony: Complete plans are on file. The hours will not change for the restaurant. There will not be outdoor music or other recorded sounds. Supports the spirit of families being able to come together. They are seeking a special exception to waive

the parking requirement.

**Discussion:**

- Mike Cushman: What they are asking for is a change in use from takeout operation to turn it into a restaurant. This committee is only doing the use of the space not how many seats they get. The description of where the property is wrong. The change in use can be given as BZA, but use of public space is not given by them. The use change is permanent. Concerns raised about parking and delivery vehicles. Thinks it should go through even though 74 seats is a large number of seats. The number does not concern him, but a block away there is a restaurant that has been problematic to the city.
- Scott Kilbourn: Can the buffer between the house and the restaurant be clarified. Where will the tables and chairs be stored in any off season?
  - They have a basement for storage.
- Scott Kilbourn: Seconding concern about garbage and bike facilities.
  - There is a buffer in space and wall between these things, the trash bins will be screened off.
- Roberta Shapiro: Asked for clarity on the hours of operation and if letters of support from neighbors to the west and north have been received?
  - Hours are 12-10 and they would stay the same, perhaps opening at 11AM, and until 11PM on weekends. They tried to contact the neighbors, they are renters and they have had passing conversations and did not have success with the owners of those units. They do not seem to care but they do not have anything in writing. They do have many letters from other neighbors who are very supportive which are in the exhibits (#11).
- Commissioner Amber Gove: Owner Joey is a great neighbor and excited to see this being expanded. Two longer term issues to raise - one is asking for one pick up drop off 15 minutes spot - she has tried to have conversations with DDOT on this. There are issues with scooter/door dash people on this. Giving them a space to stop and pause to do pickups - they could give one RPP space for a pickup drop-off spot. The bike rack in public space was installed based on popular demand, perhaps the space adjacent to the trash cans be made available for installation for their own bike rack.

**Motion:**

- Support use variance to convert current use to restaurant use on first floor and basement and to grant the special exception on parking requirements.
- Passed unanimously minus Ziad Demian who recused himself from this case due to serving as the architect for the project.

The meeting was adjourned at 9:00 pm.

Next scheduled EDZ meeting is June 18, 2025.