

**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
September 21, 2016**

The meeting convened at 7:00 pm.

Present

Members: Brad Greenfield (Chair), Michael Hoenig, Matt Turkstra; Missy Boyette, 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

1511 A Street, NE: Request of neighbors of 1500 Block A NE and Unit Blocks of 15th and 16th NE for ANC sponsorship of a Bureau of Zoning Authority (BZA) appeal. This case was brought because the Department of Consumer & Regulatory Affairs (DCRA) issued permits to the developer of 1511 A Street based on their zoning as C2A instead of R4. Mr. Brian Elkhorn and other neighbors thought the zoning issue was resolved last year. In September 2016, a permit was issued by DCRA. The neighbors feel that the permits were issued in error, and the DCRA has encouraged them to appeal. The neighbors are appealing to the Zoning Administrator, and are requesting that ANC 6A sponsor their appeal. ANC sponsorship alleviates a hefty filing fee, and the neighbors themselves anticipate taking the lead in the appeal, even if the ANC sponsors it.

Mr. John Patrick Brown appeared representing the developer said that the permits were warranted and described the history of the case. His argument was that the change in zoning only occurred after the initial request from the developer, and therefore the C2A zoning was applicable. The developer wants to build a fifteen (15) unit condo building on the property. Mr. Brown noted that a judge had ordered that DCRA had acted in a "completely arbitrary and capricious" in not issuing the permits.

Mr. Greenfield noted that the EDZ was not a judge and was not supposed to vote based on the legal cases, but rather represent the voice of the community. In this case, the ANC and the community have had long-standing opposition to this development.

Mr. Greenfield made a motion to support the ANC being the lead appellant on the case. Committee member Missy Boyette seconded the motion; the vote was unanimous.

313 11th Street, NE (BZA #19339): Application pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story garage with accessory apartment in the RF-1 Zone. Jennifer Fowler represented the applicant. Relief is requested for lot coverage; the

height is a matter of right. The applicant is seeking to tear down an existing car port and add a garage with living space and roof deck.

The EDZ and the ANC have already considered a request for this addition because it was in a historic district. At that time, the request was only for support for the Historic Preservation Office (HPO), not BZA. The applicant is now requesting support for zoning relief for the work. Based on feedback from HPO, the applicant has lowered the parapet and reduced the three (3) foot wall.

Mr. Greenfield made a motion to support the requested relief for lot coverage. Committee member Mike Hoenig seconded the motion, and it was supported unanimously.

543 Tennessee Avenue, NE (BZA #19338): Application for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to construct a two (2) story rear addition to an existing one (1) family dwelling in the RF-1 Zone. Jennifer Fowler represented the applicant in this case. The applicant is seeking relief from lot coverage requirements to go from 59% to 61% lot coverage.

The applicant seeks a second (2nd) story rear addition and to build a sunroom in the back, replacing an existing addition that will be torn down. The addition will line up with the adjacent house.

The Committee found that some of the addition is going to project into public space. This includes a door that opens outward into the public space. The Committee was unsure if this was allowed, and there was a general consensus that this should be added to the agenda for the TPS committee.

The property is located on a corner lot, across from Miner Elementary. Currently, no neighbors have been notified; the owners also own the house next door. The committee felt that it was appropriate for the applicant to seek support and input from other neighbors, even though they are not directly adjacent to the property.

Mr. Greenfield made a motion to support the requested relief on condition that best effort is made to get letters of support from neighbors. ANC Commissioner Stephanie Zimny seconded the motion and the vote was unanimous

1341 H Street, NE (BZA #19358): Application pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the enlargement and design requirements of Subtitle H § 910.1 and § 1202.1, to construct a mixed-use building in the NC-14 Zone. The applicant is going to add two floors to the existing building and extend the back of the existing building to expand the retail, commercial and residential space. The developer anticipates adding fourteen (14) parking spaces in a basement, accessed through the Linden Court alley. Current zoning regulations only require five (5) parking spots to be included. The Committee asked if the developer would be willing to accept residential permit parking (RPP) restrictions to be included in lease/sale agreements, and they replied that would be fine. There will be nine (9) units in total with three (3) inclusionary.

Most of the changes being requested are by right, but since the property is part of the H Street Overlay and is of significant size, a special exception is required. There will be a courtyard in the middle of the building.

Ms. Boyette noted that she did not believe that the existing design was in line with the H Street Design Guidelines and recommended that the architect address the differentiation between the top, middle and base of the building. The Committee had issues with current design and requested that an updated plan be presented at the ANC meeting. The developer is requesting a FAR bonus for facade preservation. Mr. Greenfield noted that in this case, there are no significant changes to the facade of the building (doors and windows will be changed), so that seemed warranted. There will be roof decks accessible to the building residents. Mr. Greenfield noted that the Committee would require that no amplified sound be allowed on the roof deck. Ms. Boyette noted that the design included balconies on H Street, and there would need to be conditions to ensure that nothing be placed on those balconies. The developer noted that the balconies would be quite small, too small to have anything left on them, but agreed to accept restrictions in the sales documents on anything being placed on the balconies.

The developer had only begun to reach out to neighbors of the property. They had scheduled meetings with Maketto and Dangerously Delicious Pies, since they would be most directly impacted by the development. Mr. Greenfield noted that there are other residents in the alley, and they should reach out to them and attempt to get letters of support from them prior to the ANC meeting.

Mr. Greenfield made a motion to support the applicant based on the following conditions:

- The design to be updated to bring it into conformance with the H Street overlay.
- Best effort to get letters of support from neighbors
- Restrictions be included in sales documents prohibiting placing anything on the H Street balconies, including hanging or displaying anything.
- RPP restrictions are written into the sales documents,
- Restrictions on amplified music on the roof deck to be included in sales documents.

ANC Commissioner Mike Soderman seconded the motion, and the vote was unanimous.

H Street Overlay Amendment: The proposed amendment to the H Street Overlay regulations originated from ANC 6C. The amendment seeks to clarify preservation requirements and remove other ambiguities. The goal is to protect buildings from being razed while still claiming preservation and to result in more consistent application of regulations. The Office of Planning will receive the draft from ANC 6C and then there will be a public hearing on the issue.

ANC Commissioner Mark Eckenwiler of ANC 6C presented the proposed changes to the H Street Overlay. The concept for these changes were previously presented to the EDZ Committee and the ANC, which voted in January 2016 to support the changes in principal. This presentation was on the detailed changes. The only change in the amendment was the removal of language regarding fast food restaurants. Commissioner Eckenwiler stated that ANC 6C and 6A were the two ANCs that are impacted by the H Street Overlay, so it is important that ANC6A voice their opinion on these changes. Commissioner Eckenwiler is asking for a letter from ANC 6A saying this should go forward: the due date is October 17, 2016.

Mr. Greenfield made a motion to support the H Street Overlay changes as they have been submitted by ANC 6C. Ms. Boyette seconded the motion, and it was approved unanimously.

Emerald Street NE Historic District: Beth Hague and Barbara Anderson appeared representing the community which seeks designation of Emerald Street NE by the Historic Preservation Review Board (HPRB) as a historic district. They reported that there have been numerous outreach efforts for the residents of Emerald Street to discuss this issue, with two public meetings and all doors knocked on at least twice, with information distributed both times. There was also a historic walk conducted. The applicants also had a National Public Radio (NPR) story that had been produced on Emerald Street and its historic character.

The applicants have circulated a petition supporting historic designation. There are approximately 70 residents on Emerald Street. To date, 43 have signed the petition supporting historic designation, while 11 oppose it. The applicants are seeking that ANC 6A sponsor their application to HPRB for historic designation.

Matt Turkstra, who lives on Emerald Street, spoke in opposition to the historic designation. He felt that the historic designation would be an overreaction to the problem of pop-ups; almost all of the properties are non-conforming and would require ANC and BZA review. He felt that there would be an excessive burden placed on residents who will need to make repairs to go through historic review. Mr. Turkstra also noted that he had spoken to several of the residents that had signed the petition, and that they now regretted supporting it.

Brad Greenfield made a motion that ANC 6A sponsor the request for the designation of Emerald Street NE as a historic district by HPRB. Mr. Hoenig seconded the motion. The motion passed with a vote of 6-1.

Meeting was adjourned at 8:30 pm.