

MINUTES
ANC 6A Economic Development & Zoning Space Committee Meeting
Virtual Meeting via WebEx
Wednesday, October 21, 2020 at 7:00 pm

Present:

Members: Brad Greenfield (Chair), Missy Boyette, Nick Alberti, Mike Cushman, Tim Drake
Commissioners: Brian Alcorn, Amber Gove, Sondra Phillips-Gilbert, Mike Soderman, Marie-Claire Brown

Brad Greenfield chaired the meeting.

Community Comment

None.

Previously Heard Cases

None.

Old Business

1. 909-911 I Street, NE (BZA Case #20369): Application for special exceptions under Subtitle C § 1500.4 from the penthouse requirements of Subtitle C § 1500, and under Subtitle E §§ 205.5 and 5201, from the rear addition requirements of Subtitle C § 205.4, to construct two new, attached, three-story flats with a penthouse.

This project was previous presented to the Committee. The project was presented by Ricardo Hendi (architect) and the owners, Mr. and Mrs. Raynor. Mr. Hendi reported that they have converted the rear of the roof deck to solar panels, as requested the last time the project came before the EDZ. There were other small changes, but most of the drawings and plans remained the same from the last presentation.

Mr. Hendi reported that the apartments in the buildings will be three (3) bedrooms. The owners felt that this is more sought after in DC.

Mr. Greenfield asked if the trellises had been removed from the penthouse and the sides; this was requested in the last presentation in May 2020. Mr. Hendi showed that the current plans do not have the trellises.

Mr. Greenfield asked about the treatments for the buildings, and noted that it was likely to be radically different from the rest of the neighborhood. Mr. Hendi stated that the plans were that the buildings would have a flat face facade, which was in keeping with the neighborhood. Mrs. Raynor noted that there a redevelopment of a church across the street that had more modern features, and this was in line with that structure.

Commissioner Mike Soderman asked how many units would be in the development, and if these were to be apartments or a condominium. Mrs. Raynor reported that these were two (2) single-family homes, with each converted to have two (2) units. Mr. Hendi reported that they had not decided if they were to be apartments or condominiums.

Committee member Nick Alberti expressed concerns about the length of the buildings, and the impact of shadows on the neighbors. He also stated that the existing shadow study did not provide enough information to judge the impact on neighbors. The shadow study that had been submitted only showed the existing structure, not the proposed structure, and only showed two days of shadows. Mrs. Raynor stated that all neighbors had been informed of the proposed development, and none had expressed concerns about the shadows. Mr. Hendi said that he would need at least a few days to a week to create a new shadow study.

Mr. Greenfield asked what neighbors have signed letters of support. Mrs. Raynor stated that they have gotten letters of support from all of the neighbors on I Street. Additionally, they have letters from 827 9th Street and 829 9th Street NE.

Committee member Missy Boyette asked about the proportions of the windows on the front, and asked if the owners would reconsider the tall skinny windows that are in the current plans. Wider windows would relate more to the neighborhood. Mr. Hendi said that they could work on that.

Commissioner Marie-Claire Brown asked where the mechanical systems would be housed. Mr. Hendi said that they would be housed within the penthouse, and would not be on the roof, and so would not be visible.

Mr. Greenfield asked if there were going to be any dedicated parking spaces. Mr. Hendi said that they do not have any dedicated parking spots. Zoning requirements do not require them, and the property has no access to the back, so there would be no way to put them in.

Mr. Greenfield also asked where trash would be stored and picked up. Mrs. Raynor reported that trash would be stored on the property and picked up in front.

Mr. Greenfield stated that, in his opinion, the EDZ should ask the owners to develop a shadow study. A shadow study is a normal requirement for a development where the building envelope was being increased. Also, because the BZA hearing is scheduled for January 2021, it could be produced without impacting their overall schedule. Commissioner Soderman asked if this could be done informally, but Mr. Greenfield stated that this would put an additional burden on the ANC, since the full EDZ could not formally review the shadow study. It also would not reduce the cost of the producing the shadow study.

Mr. Greenfield tabled the consideration of this project, providing the opportunity for the owners to produce the shadow study. The project will be considered at the November 2020 EDZ meeting. The Raynors asked if they should circulate the shadow study to neighbors; Mr. Greenfield expressed that this would be a good idea. Commissioner Brown asked if it would be possible to expedite the process. Commissioner Sondra Phillips-Gilbert asked if the Raynors could simply go to their neighbors and get statements saying that they do not have concerns about the shadows, negating the need for a shadow study. Mrs. Raynor stated that this would be acceptable and preferable from their perspective. Commissioner Soderman noted that the precedent had always been that the shadow study show the end state of the project. Mr. Hendi noted that this was the first time that shadow studies were being discussed.

New Business

2. 722 19th Street, NE (BZA Case #20295): Application for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to construct a second-story rear deck addition to an existing semi-detached principal dwelling unit in the RF-1 Zone.

Mr. John Fisher is the owner, and presented the project. He said that the project was to add a small, elevated deck. He stated that he has already had the BZA hearing on the project, and they did not have any objections, but were waiting on ANC recommendations. Mr. Fisher said that there were several other houses in the neighborhood with similar decks.

Mr. Fisher said that the project does include a privacy fence to address issues of privacy for neighbors. That fence is only on one side, since there is an empty lot to the south.

Mr. Greenfield asked which neighbors have signed letters of support. Mr. Fisher replied that he has signed letters of support from 718 19th Street NE (the house to the south). He also has a letter of support from the owner of the empty lot, who is planning to do their own development.

Mr. Greenfield noted that this project was supposed to be on the agenda for the EDZ the previous month. Mr. Fisher had requested to be heard in plenty of time, and Mr. Greenfield had simply inadvertently left it off the agenda. This is why the BZA had already held its hearing.

Mr. Greenfield moved that the ANC support the request for support with no caveats. The motion was seconded by Commissioner Soderman. The motion passed unanimously, ten votes to none.

3. 1250 Constitution Avenue, NE (BZA Case #20323): Application of The District of Columbia Department of General Services, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the off-site parking spaces requirements of Subtitle C § 701.8 (f), to relocate 8 of the required parking spaces to the adjacent street to enlarge the outdoor play area at Maury Elementary School in the RF-1 Zone.

The project was presented by Sarah Woodhead from DGS. Ms. Woodhead said that currently Maury Elementary School has twenty-one (21) parking spaces, and that this was done as part of their major renovation that was finished this year. To make room from the required parking, DGS and DCPS had to sacrifice outdoor play space.

The District of Columbia Public Schools (DCPS) and the District Department of Transportation (DDOT) have been working on an agreement to designate parking spaces on 12th Place NE so that the parking area can be shrunk to thirteen (13) spaces, using that space to create outdoor play space. The plan is to install a track in this area to facilitate DCPS biking program. The eight (8) spaces that would be moved to 12th Place NE are not currently available for parking.

Nick Williams of DCPS discussed the origin of this solution. DCPS had tried other parking solutions with limited success, including hanging tags at Stuart Hobson. This plan would

work through ParkMobile, creating a “hidden zone”. These spots are currently no parking during school days. The plan would be to keep them in a similar configuration. They would be teacher parking from 7:30 am to 4:00 pm on school days. During off hours, these would become Residential Parking Permit (RPP) spaces. The goal of this program is to maximize play space at schools.

Mr. Webster reported that this parking program will only be implemented with safeguards. It will only be implemented at schools where, as part of modernization, they would end up with less than sixty (60) feet of outdoor play space per child. It will also only be used to provide the zoning minimum number of parking spaces.

Mr. Greenfield asked if this plan had been brought up with Maury teachers. Mr. Webster said that he would have to get back with the answer to that question. He said that at the end of the day, they do not lose any space. Mr. Webster said that there was not a specific number of parking spaces that had to be provided to teachers per their contract.

Mr. Greenfield asked what the timeframe for implementing the project was. Mr. Webster said that they would like to do the construction over the winter school break. The rest of the parking lot would not be impacted by the change. The change is to move a fence and the trash bins to make room for the additional play space. DDOT would make the changes to the parking zoning as soon as the demolition started.

Mr. Greenfield and Commissioner Soderman asked if DDOT will be going before ANC 6A’s Transportation and Public Space Committee (TPS) to get input from the parking side. Commissioner Brown also noted that DDOT would need to revise their RPP scheme to accommodate this change.

Mr. Alberti asked if this would impact drop off and pick up at Maury. Ms. Woodhead said that drop off and pick up should not be impacted, since the entrances are on the other side of the building.

Mr. Greenfield asked what will happen to the spaces during non-school periods, such as summer and winter breaks. Mr. Webster said that he did not have the answer to that, and DDOT would need to address that. Commissioner Brown recommended that during this non-school period, these spaces be available to RPP residents.

Mr. Cushman asked if there had been a parking and traffic study done for Maury as it is currently configured and how that addresses teacher needs. Mr. Webster noted that contractually there is not a set number of spaces required. Because of that, DGS guideline is to provide the zoning minimum number of spaces. Mr. Williams said that there was some outreach to teachers in the planning for the modernization project. The community had gotten involved in supporting the teachers, by providing Visitor Permits so that teachers could park in the neighborhood.

Mr. Cushman noted that the controversial part of this request was on the parking question, not on the zoning. Mr. Greenfield recommended that TPS also voice an opinion on this project before it moves forward.

Mr. Greenfield made a motion that the EDZ recommend the ANC support the request for relief, on the condition that TPS hear the case and make a recommendation as well. Commissioner Brian Alcorn seconded. The motion passed unanimously, ten votes to zero.

4. 1447 Maryland Avenue, NE (BZA Case #20336): Application for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to construct a two-story addition to permit a mixed-use building with 9 residential units in the NC-14 Zone.

Adam Crain presented the project, representing the owner. The project will have retail space on the ground level, with nine (9) residential units above. The relief being sought is that, because there are nine (9) units, there is one (1) parking space required, and they cannot provide that. There is currently a paved space with a curb cut, but DDOT has said that it cannot be retained, which is why they cannot provide a parking space.

Commissioner Soderman asked how many Inclusionary zoning (IZ) units were planned. Mr. Crain replied that none of the units will be IZ, as none are required by zoning requirements.

Mr. Alberti asked if the plan was below the maximum FAR requirements. Mr. Crain replied that the project had 2.5 FAR, which was below the required. Mr. Greenfield asked if the property was covered by the H Street Overlay. Mr. Crain replied that the H Street Overlay did not apply to this property. However, later checks of DC resources revealed that the property may be covered by the H Street Overlay.

Mr. Greenfield noted that with no parking provided, nine (9) vehicles could be added to the parking burden in the area. Mr. Greenfield asked if there was anything in their plans to encourage residents to not have cars. Commissioner Soderman asked if they would consider a bike share. Mr. Greenfield noted that there was a bike share very close to this property already.

Mr. Alberti noted that if one of the units in the building was designated affordable, that benefit would offset the burden caused by parking. Mr. Crain said that he would bring up the idea with the owner.

Mr. Greenfield asked if this property was intended to be apartments or condominiums. Mr. Crain reported that he did not know what the owner's intention was in terms of condominiums or apartments.

There was a question from the community about where the property line was in relation to the Amazing Love Health Center. Mr. Crain said that their property line extended slightly past the building, and then there was a small five (5) foot alley and then Amazing Love Health.

There was also a question about how trash would be managed for the building. Mr. Crain said there were a couple of options that would have the trash inside the building, including inside the bike room and the oversized sprinkler room. He said that DDOT would not allow the trash to be stored on public space.

Mr. Greenfield tabled the request, and recommended Mr. Crain discuss options with the owner before bringing it back to the ANC.

5. Zoning Amendment (ZC #20-02): Text Amendment for Concept to Expand IZ Requirements for Certain Map Amendments.

The case was to provide recommendations on a zoning amendment. The amendment was designed to add a Floor Area Ratio (FAR) bonus for adding IZ units to buildings. Since this was an amendment, there was no one presenting the amendment to the EDZ. In essence, the city is offering additional density to buildings in exchange for additional affordable housing.

Mr. Greenfield noted that in the H Street Overlay, developers already get a FAR bonus for preserving facades. He recommended that the facade preservation FAR bonus be combined with the IZ bonus. Mr. Alberti noted that we would not want to see the ability to add one bonus to another; piggy-backing a facade bonus to an IZ bonus, and that a developer should get one or the other. Commissioner Soderman noted that this would pit preservation against affordability.

Mr. Greenfield noted that the amendment did not cover PUDs, saying that additional affordable units were up to negotiations between the developer and the ANC as part of the community benefits package. Mr. Greenfield said that this would lead to inconsistent application of the IZ FAR bonus, with some ANCs being able to negotiate a better deal than others.

The question came up as to when comments had to be submitted. Mr. Greenfield thought that there was a fair amount of time. However, it was discovered that comments had to be submitted on November 16, 2020.

Mr. Greenfield found that there was a table in the amendment outlining how the FAR bonus would be for different levels of IZ units. That table is included below:

Increase in FAR	0.25 - 0.50	0.51 - 1.00	1.01 - 1.50	1.51 to 2.0	2.01 or above
Set Aside Requirement for 85 feet or less	14%	16%	18%	20%	20%

Mr. Greenfield noted that the facade bonus on H Street allows a FAR bonus to 2.5. Mr. Alberti recommended that the FAR bonus be capped at 1.5 (18%).

Mr. Greenfield asked if the FAR bonus for IZ units would be by right, or would require a special exception. Commissioner Brown noted that there were two standards, one for type 1 construction and another for type 2 construction. The question was raised what the two types of construction are. Mr. Cushman noted that the difference was between wooden studs versus steel studs. Mr. Greenfield stated that he felt that the FAR bonus be subject to special exception relief, so that the community could review and voice an opinion on it.

There was an extended discussion on if the FAR bonus would impact building height. The language was ambiguous, but the determination was made that the FAR bonus would not inherently allow increased building height, or if the height was increased above what

was allowed by matter of right, that would be subject to variance and zoning amendment processes.

Mr. Greenfield and Mr. Alberti did not that the way the bonus was written, there was no additional bonus to the community for a FAR bonus above 2.0. Mr. Alberti recommended a cap of the FAR of 2.0.

A member of the community noted that the IZ units may also want to include a discussion about the Area Median Income (AMI) levels, and that they should be increased.

Mr. Greenfield made a motion that the ANC submit comments to the full Zoning Commission making recommendations that facade preservation be included in any IZ FAR bonus, that the FAR bonus for IZ be subject to special exception relief, that guidance for FAR bonuses for PUD developments be included, and that the FAR bonus be capped at 2.0 for buildings under 85 feet. The motion was seconded by Commissioner Brown. The motion passed unanimously, ten votes to none.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, November 18, 2020
7:00-9:00 pm**

WebEx information to be posted on ANC6A Website