

**Report of the Economic Development and Zoning Committee of ANC 6A  
December 19, 2012**

Present: Members: Missy Boyette, Jeff Fletcher, Charmaine Josiah  
Commissioners: David Holmes, Drew Ronneberg

Drew Ronneberg chaired the meeting.

**Call to Order**

**Community Comment**

There were no community comments.

**Status Reports**

**Resolution of Previously Heard BZA/HPRB Cases:** Commissioner Holmes provided an update on 901 D St. NE. The project went through the BZA, and OP suggested a maximum of 27 units. The neighbors had wanted a maximum of 23 units, so an agreement was reached for a maximum of 25 units. The developer will provide zipcar rental space for 5 years and will purchase a bike rental station. BZA's final vote occurred yesterday.

Commissioner Holmes also provided an update on the BZA case related to the gas station at 1400 Maryland Avenue, NE. The case is coming back in January.

**Vacant Properties:** No report.

**Zoning Regulations Rewrite:** Drew Ronneberg mentioned that the zoning regulations rewrite is in full swing. Meetings are currently being held ward-by-ward to educate the community on the proposed changes. Commissioner Ronneberg stated that the most dramatic zoning changes that would affect ANC 6A relate to parking, matter-of-right corner stores, alley dwellings, and minimum lot size. Charmaine Josiah stated that she attended one of these meetings. Jeff Fletcher also attended a meeting. Mr. Fletcher stated that the presentation was good, and that the issues of parking, corner stores and accessory use would be of most interest to Capitol Hill residents. Everyone is encouraged to attend one of these meetings.

**H Street Business Liaison Report:** No report.

**Other:** Charmaine Josiah provided an update on panel discussions that are being formed in order to address zoning issue education. She will meet with AIA DC soon in order to set these meetings up and will update the ANC when they have been set.

**Old Business**

None.

**New Business**

**ZC #10-19 (901 H St. NE):** Commissioner Ronneberg provided background for the committee on this case. The ANC previously spent approximately 3 years on this project. The Zoning Commission issued

an order, and the developer recently requested a 2-year extension so that the order does not expire, as the project has not yet commenced.

Sam Rank from Rappaport and Kyrus Freeman from Holland and Knight presented the case. The project is intended to be ground floor retail with residential above. The order was issued in January 2011, which would require filing for a building permit by 1/13 and starting construction by 1/14. The developer is asking to extend this 2 years such that they are required to file for a building permit by 1/15 and starting construction by 1/16.

Drew Ronneberg explained that the standard for an extension requires no changes to plan and demonstration of good cause. Mr. Rank explained that the plans have not changed at all, and that the demonstration of good cause is related to the complex existing leases that are held by the retailers. The project timeline has also been delayed since the financing market has not improved over the past 23 months. Mr. Freeman explained that the lenders want to see absorption, to ensure that units are being rented out. Regarding the implementation of the project, Rappaport has been in communication with residential developers who they would partner with in a joint venture.

Committee members asked questions. Commissioner Ronneberg asked whether there had been any progress with 7-11's lease. Mr. Rank stated that they are looking for an opportunity to reclaim the space, but that the Zoning Commission order allows for the project to be built in phases. Mr. Freeman stated that properties under review for absorption include Ava (K Street), Clark's Arboretum, and the Steuart Building on H St. Mr. Rank explained that Rappaport has owned this shopping center since its original opening.

Community members asked questions. One community member inquired as to how the streetcar project affects this development. Mr. Rank explained that the streetcar project will be key and will drive excitement.

**Recommendation:** The Committee voted 4-0 to recommend that the ANC write a letter of support for a 2-year extension. This will go before the full ANC in January.

**BZA #18491 (1425 N. Carolina Ave. NE):** The owner seeks a variance to build a deck. Bernie Gay, the architect, and Janet Gotowitz, the owner, were present to describe the case.

Mr. Gay explained the geometry of the site at the subject property. He stated that the property on the opposite side of the alley has an imposing high fence and takes up 100% of its lot occupancy. Ms. Gotowitz moved into 1423 N. Carolina Ave. and later purchased 1425 N. Carolina Ave. as well. She has lived in the subject property for ten years. Mr. Gay stated that neighbors have been contacted, and that the owner has received letters of support from two of her neighbors.

Committee members asked questions. Jeff Fletcher inquired as to whether the proposed deck would occupy 100% of the site. Mr. Gay responded that the proposed deck is held back slightly from the rear property line and that the proposed deck would take up approximately 94% of the site. Commissioner Ronneberg asked whether the owner will be able to park under the deck. Mr. Gay responded that the deck is approximately seven feet off of grade and that zoning requires that a parking space be provided. Commissioner Ronneberg asked for burden of proof for the variance. Mr. Gay responded by stating that the current lot occupancy is 64%. Jeff Fletcher stated that the proposal is for 94% lot occupancy, but that the application for the variance says that there will be an increase in lot occupancy of 34%.

Commissioner Ronneberg asked that the owner and architect describe the hardship. Mr. Gay stated that the owner does not currently have full use of her property, as it is overshadowed by the property across the alley. Ms. Gotowitz added that she has a desire for privacy. Commissioner Ronneberg stated that the lot occupancy being requested is in excess of the standard. In addition, Commissioner Ronneberg stated that illegal construction does not serve as justification. He added that the ED&Z Committee and the ANC almost always support special exception for 70% lot occupancy, but that this does not come close to the variance standard. Jeff Fletcher stated that the owner would be allowed to have a full deck at 4' or less above grade, but that the proposal for a 7' high deck is too high. Commissioner Ronneberg stated that if the scheme was at 70% lot occupancy and if the deck was 4' or lower to grade, the Committee would be supportive.

Community members asked questions. One member inquired as to whether approval of this proposal would affect future similar cases. Commissioner Ronneberg responded that this is the case, as the ANC must be consistent.

**Recommendation:** The Committee voted 4-0 to recommend that the ANC oppose this application for a proposed rear deck extension.

#### **Additional Community Comment**

None.

**Next Scheduled ED&Z Committee Meeting:  
Wednesday, January 16, 2013  
7-9 PM**