

**MINUTES**  
**ANC 6A Economic Development & Zoning Space Committee Meeting**  
**Virtual Meeting via Zoom**  
**Wednesday, December 15, 2021 at 7:00 pm**

**Present:**

Members: Brad Greenfield (Chair), Mike Cushman, Sam DeLuca, Jake Joyce, Roberta Shapiro,  
Commissioners: Laura Gentile (6A05), Sondra Phillips-Gilbert (6A07), Michael Soderman (6A03)

Brad Greenfield chaired the meeting.

**Community Comment**

None

**Previously Heard Cases**

Mr. Greenfield summarized previously heard cases.

- 820 Constitution Avenue NE -- Historic review of the proposed construction of a two-story accessory building at the rear of the property. Committee recommended approval with no conditions and Advisory Neighborhood Commission (ANC) subsequently approved.
- 628 9<sup>th</sup> Street NE—Committee recommended and ANC affirmed request for lot occupancy variance and exception to rear yard set aside.
- 248 Street NE-Previously heard case recommended by this Committee and by ANC. Subsequently project did receive BZA approval.

**Announcements**

Office of the DC Attorney General previously acted as in-house counsel for Board of Zoning Adjustment (BZA) and Zoning Commission. The BZA and Zoning Commission have elected to take over these roles internally. Attorney General's Land Use Office will be redeployed to assist ANCs with land use issues, especially affordable housing. ANC 6A, 6B, 6C will collaborate on a session to advise and learn about this change. The session is scheduled for January 26, 2022.

**Committee Procedures**

Chairman Brad Greenfield noted that the formal notice of this meeting had gone out one day late and that therefore this meeting would be treated as an informal meeting and any recommendations would have to be proposed as actual motions for consideration by the full ANC.

Mr. Greenfield also noted that, due to poster supply constraints, posters announcing this meeting had only gone up on Monday prior to the meeting. He emphasized that the applicants were cooperative and compliant in posting. Therefore, Mr. Greenfield moved to suspend the EDZ Committee's poster requirement for this meeting only and to proceed with the informal EDZ meeting. Commissioner Mike Soderman seconded the motion.

Committee Member Mike Cushman opposed the motion and expressed concerns that the community should consistently receive adequate notice and have opportunities to respond to proposed project. He expressed concerns that community input could be disadvantaged by inconsistencies in the notice process.

Mr. Greenfield responded that because the EDZ recommendations would be informal, community members would have approximately two months to respond prior to the ANC meeting at which the recommendations would be considered and additional time before the BZA meeting. A discussion

followed in which several Committee Members/Commissioners affirmed their support for moving forward with informal consideration of the properties on the agenda, noting the significant amount of time available for additional community comment.

**The motion to suspend the poster requirement for this meeting and to proceed with an informal EDZ meeting was called and passed 7-1.**

Mr. Cushman then asked to make a motion that someone other than Mr. Greenfield take the notes for the meeting. Committee Member Roberta Shapiro noted that she had already been asked to assume the minute-taking task. **Mr. Greenfield accordingly tabled the proposed motion.**

### Old Business

1. **647 16<sup>th</sup> Street NE (BZA Case #20612):** Request for special exception zoning relief under Subtitle E § 5201 and Subtitle X § 902.1 from the lot occupancy requirements of Subtitle E § 304.1, and special exception zoning relief under Subtitle E § 5201, Subtitle E § 205.5, and Subtitle X § 902.1 from the rear addition requirements of Subtitle E § 205.4 to construct a third story and rear addition, and convert to a flat, an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 zone. BZA Case scheduled for 02/09/2022.

The request was tabled in November 2021 because neither the owner nor any representative of the project was present to represent the request for relief. It appeared that no one was available to represent the project at this meeting as well. An effort was made to ensure that a “call in” participant in the meeting was not a representative of 647 16<sup>th</sup> Street.

Once assured that no representative was present, Mr. Greenfield put forth a motion for the Committee to oppose the relief request. Commissioner Sondra Phillips-Gilbert seconded. It was noted that the owner would have the opportunity to ask the ANC and BZA for a delay of the request for relief and could come back to the Committee for future consideration.

A discussion ensued in which several Committee Members, the relevant Commissioner and neighbors expressed concerns about the project based on the current status of the property, including trash, rodents, dumping, lack of fencing, etc. It was reported that there were prior citations by the City for these issues. Accordingly, questions were raised about the ability of the applicant to manage the project in a manner that was respectful of the neighbors and the community given the ongoing maintenance issues and the lack of engagement with the Committee. Mr. Greenfield noted that the applicant had failed to participate in two EDZ meetings and still had a BZA case pending; as a matter of precedent the EDZ should oppose relief requests in that situation. Questions were also raised as to how a property, which is now a symmetrical duplex, could accommodate the proposed modifications on one side, given the differences in scope and scale on the two sides of the current structure that would result.

**Mr. Greenfield moved and Commissioner Phillips-Gilbert seconded the motion that the ANC oppose the request for relief.. The motion to recommend opposing the request for relief for 647 16<sup>th</sup> Street was called and was approved unanimously by a vote of 8-0.**

Committee Member Jake Joyce requested that the letter summarizing the Committee’s recommendation document the major concerns expressed and rationale for the recommendation.

### New Business

Mr. Greenfield requested permission to swap the order of consideration of the requests, allowing 909 Kent Street NE to be considered first, leaving the final, open block of time for 308 11<sup>th</sup> Street NE.

1. **909 Kent Place, NE (BZA Case #20652):** Request for special exception zoning relief pursuant to Subtitle E § 5201 and Subtitle X § 901.2 from the lot occupancy requirements of Subtitle E § 304.1 to construct a one-story, rear addition to an existing, attached, two-story with basement, principal dwelling unit in the RF-1 zone. BZA Case scheduled for 03/23/2022 and 03/16/2022.

Mr. Shawn Buehler, the architect, represented the project on behalf of the owners, Chelsea and Kevin Blake. He provided a brief PowerPoint overview of the project which consists of a modest first floor only extension to the rear of the existing single-family house and which would bring lot occupancy to 67.5%.

Mr. Buehler noted that both adjacent neighbors had signed notification letters re: the proposed project. He noted that the house to the west extends beyond the proposed addition and the neighbor to the east has signed a letter of support. Mr. Buehler noted that there were no known neighbor issues and that there would be no deleterious impacts on adjacent properties in terms of lighting, privacy, or overall use and enjoyment. He noted that neighbor privacy might even be improved due to exclusive use of rear facing windows and as a result of removal of the deck with conversion of the yard to being at grade.

Committee questions focused on the type of facing materials proposed for the addition (hardie board) and also the materials used on adjacent properties (aluminum and hardie siding). Questions also focused on whether there were letters of support from the neighbors to the west and to the rear.

There were no community members with questions or comments.

Mr. Greenfield put forth a motion to recommend approval of the project with a best effort to obtain letters of support from the neighbor to the west and from at least one neighbor to the rear. He clarified that the “best effort” standard required only a reasonable attempt but not actually securing these letters as a condition for the recommendation. Ms. Shapiro seconded the motion.

**The motion to recommend the relief sought for 909 Kent Place NE, on the condition that best efforts to acquire neighbor letters of support, was approved unanimously 8-0.**

2. **308 11<sup>th</sup> Street NE (HPRB Case #20-390):** Historic review of the construction of an existing one-story garage to be rebuilt and expanded into a two-story carriage house, and the third-floor addition and roof deck at main house. The case is likely to appear on the agenda for January 27, 2022 Historic Preservation Office (HPO) meeting.

This case is a request for historic review approval of a property which previously came before the EDZ for a recommendation to the ANC and BZA. Despite some community concerns, the EDZ had recommended approval of the relief sought, which was approved by the ANC and BZA.

Jennifer Fowler, the architect, was present to represent the homeowners and made a presentation on behalf of the project. It was also noted that there were community members present who had asked to address the project.

Ms. Fowler noted that the project had received BZA approval but that they were waiting for the formal written order which frequently takes some time to be issued. She indicated that tonight's presentation focused on the pending Historic Preservation Review Board (HPRB) review of the project, which consists of replacement of the current one-story garage with a two-story garage/carriage house and, also, a partial third floor addition to the main house. Ms. Fowler noted that the plans for the third-floor addition had recently been revised, narrowing the addition on the south side. She also noted that the addition plans had been modified so that the addition does not begin until the "dogleg," which is located more towards the rear of the house. The planned addition would extend over the existing sunroom space (which would be reconstructed). Also, the addition would be narrowed, allowing space between the wall of the addition on the south and the neighboring building (306 11<sup>th</sup> Street). She noted that there is no change in the footprint of the main house. The third-floor addition, reached by a spiral staircase is intended as a small bedroom or flex space with a half bath, and with a 16-foot deep roof deck recessed from the front of the house. The rebuilt sunroom and addition would be sided with hardie board and have new windows. She also noted that she believed recent changes in requirements would allow a more open deck railing design, versus parapet walls.

Ms. Fowler noted that the project currently was under a "stop-work order" and that she had been brought on to help get the project through the process, including permitting the previously excavated cellar space. She noted that the main house is currently gutted.

Ms. Fowler stated that there were no changes to the garage/carriage house design as previously presented. She noted that the alley façade was brick faced and included two frosted glass windows as previously requested by neighbors.

In response to a question re: the view from the east side of 11<sup>th</sup> Street, Ms. Fowler indicated that there would be a partial view of the addition from an upper floor window across the street, but that the flag study indicated no visibility from street level, except possibly some limited visibility from C Street over the alley [located to the south of 306 11<sup>th</sup> Street]. In response to a question re: the visibility of the deck railing, Ms. Fowler noted that the railing should not be visible as it is only approximately three feet tall and would be recessed into the attic space, further lowering the profile. She also indicated that she did not believe a person standing at the railing would be visible.

Ms. Fowler provided examples of other third story/deck additions in the neighborhood, including two in 200 block of 11<sup>th</sup> Street, as well as several two story carriage houses, including one, further to the north, on the west side of the same alley as 308 11<sup>th</sup> Street. She clarified that the remainder of the garages were probably originals on the alley. She noted that the planned brick façade is designed to fit with the current nature of the alley. And that the north and south party walls of the garages will not be demolished.

Questions re: possible tree removal were raised. However, it was pointed out that tree preservation was not part of the HPRB process. The owner of 308 11<sup>th</sup> Street joined the discussion and indicated that the tree is shared and that there that not been any discussion of removal.

Mary Joy Ballantyne (neighbor at 306<sup>th</sup> 11<sup>th</sup> Street) indicated that the tree is a protected “Heritage Tree.”

Ms. Ballantyne presented on behalf of a group of approximately 40 neighbors who have concerns about the proposed project. These neighbors average 20 years of residency in community and stressed their enjoyment of their largely unaltered historic block. Ms. Ballantyne stressed that the neighbors do not oppose development in general as long as it supports historic nature of the block. She cited the unique historic continuity of the 300 block of 11<sup>th</sup> Street, including the seven identical, contiguous Federal Front Porch homes with no pop-ups and no additions to original garages on east side of alley. She noted the one two story garage is on the west side of alley, replaced an existing 13-foot garage and is not a true full accessory dwelling unit. She stressed the differences between the 200 and 300 blocks of 11<sup>th</sup> Street and stressed the unaltered nature of the houses and garages on the west side on the 300 block of 11<sup>th</sup> Street.

Also, Ms. Ballantyne showed a mockup which neighbors constructed and which she indicated demonstrates that the walls of the proposed addition will be visible from C Street. Ms. Ballantyne showed computer simulations that she asserted demonstrated “scale issues,” specifically the doubling of the height and tripling of volume of the proposed carriage house relative to the historic garages.

Ms. Ballantyne also suggested that no other house in the group of seven would be allowed to have a pop-up addition because 308 11<sup>th</sup> Street is classified as having a “cellar,” while the other six are classified as having “basements.”

Finally, she asserted that the project will do nothing to address affordable housing supply because the project is now being considered as a one-unit single family home. Finally, she noted that the Capitol Hill Restoration Society had recently changed its opinion on this project.

Ms. Ballantyne closed by indicating “we do represent the overwhelming voice of our neighborhood, and we urge the Committee to preserve our unique historical integrity of this block, by not recommending support the project as proposed.”

Questions and discussion followed including questions about the precedent set by existing two-story carriage house on the west side of the alley. Ms. Ballantyne responded that there were differences in the east and west sides of the alley and that the existing two-story garage was also further north on the alley compared to the seven historic garages on the east side.

A related question was raised why there was no opposition when the two-story carriage house on the west side of the alley when it was approved in 2018. Ms. Ballantyne suggested that they may not have received notification re: the project on the west side of the alley. Mr. Cushman reinforced his concerns about how important the notice provisions are. Mr. Greenfield noted that this case was heard before the EDZ and the ANC at the time, and they would also have gotten mailed notices that are part of the BZA process.

A concern was raised about several changes in the project, e.g., from two units to now one, and whether the plans would change again.

A question was raised requesting clarification re: the assertion that of the seven contiguous homes only 308 11<sup>th</sup> Street could add an additional floor because of the cellar vs. basement distinction. Ms. Ballantyne confirmed this was her understanding. Ms. Fowler emphasized that the measurements leading to this distinction for 308 11<sup>th</sup> Street were certified by a licensed surveyor and that there was a determination letter from the Zoning Office.

A question was raised re proximity of other homes with third floors cited by Ms Fowler.. Ms. Fowler noted several homes were nearby, on the 200 block of 11<sup>th</sup> Street. Ms. Fowler also added that it was her understanding that CHRS had found the project compatible and noted that the Computer Simulation offered by Ms. Ballantyne was inaccurate.

Neighbors to the north echoed opposition based on historic perspective and stressed that this is the last chance to preserve the historic symmetry and character of the group of seven homes.

Two neighbors emphasized that they believed that the addition would be visible from their homes and that people bought in the historic district with the understanding that they would have to abide by limitations.

Several committee members and commissioners praised the design of the project, and the attempt to fit the design to the current homes on the block, with the obvious exception of the height.

In further discussion, some committee members indicated that they were more comfortable with the garage than with the addition to the main house, especially given the precedent of the carriage house further down the block. However, some members felt that the setback mitigated concerns about the main house addition and indicated that there were precedents of for such additions in adjacent blocks. It was also noted that the structure was not higher than allowed and was not visible from the sidewalk.

Commissioner Laura Gentile, the Single Member District (SMD) Commissioner for this district, added that there had also been individuals who had contacted her in support of the project.

Mr. Cushman urged that garages be deemed eligible for historic review and designation. A general discussion of how alleys are viewed currently versus historically ensued.

Ms. Shapiro requested clarification re: voting on the project as a whole versus voting on the garage and main house addition separately. Mr. Greenfield said that it would need to be voted on as one issue but that theoretically there could be recommended alternations to one part of the project or the other. Mr. Cushman clarified that the EDZ also could vote to offer no opinion.

**Mr. Greenfield offered a motion that the ANC support the request for HPRB relief. The motion was seconded by Commissioner Soderman. The motion was approved 5-2.**

**Next Scheduled ED&Z Committee Meeting:  
Wednesday, January 19, 2022  
7:00-9:00 pm  
Zoom information to be posted on ANC 6A Website**