

**REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING
COMMITTEE OF ANC 6A
April 24, 2007**

Present: Citizen Members: Drew Ronneberg, Vanessa Ruffin, Rich Luna, Jeff Fletcher, Heather Scott,
Linda Whitted
Commissioners: David Holmes, Stephanie Nixon, Bill Schultheiss

Drew Ronneberg chaired the meeting.

Discussion about Historic District Expansion/Creation

The first hour was devoted to a joint meeting with ANC 6C's Planning, Zoning and the Environment Committee where the expansion of the existing Capitol Hill Historic District or the creation of a new historic district was discussed. The speakers included Nancy Metzger of CHRS, Pat Lally of the National Trust for Historic Preservation and Kim Williams of the Historic Preservation Office. Special thanks go to Donna Hanousek who developed the agenda and invited the speakers. Topics covered in the presentations included:

Nancy Metzger:

1. What a homeowner can and cannot do in a historic district.
2. The process of obtaining a permit from the Historic Preservation Office
3. Examples of rows and streetscapes that are intended to be preserved in a Historic District
4. Examples of construction that is incompatible with the surrounding architecture and that could not to be built in a historic district.

Highlights: While all building permits require HPO signoff, they are most interested in preserving the building's front façade. Interior work is only of interest to HPO when it alters the front façade (*e.g.* when a floor is raised which makes the door shorter). Most permits can be issued by HPO staff in the same day. HPO does not regulate paint color. Larger changes require a 5 day administrative review and the most extensive changes require a hearing in front of the full Historic Preservation Review Board. Several people commented that the HPO is a model of efficiency when compared to other DC agencies. Several photographs from the neighborhood were shown of intact rows of rowhouse and examples of 3rd floor additions where building materials and styles are incongruous with historic facades. If a homeowner has vinyl windows when the building enters a historic district, the owner does not need to replace them with wood windows.

Pat Lally:

1. How zoning differs from historic preservation in neighborhood protection
2. Downtown is marching East into our neighborhood
3. Historic preservation is neighborhood stabilization

Highlights: Mr. Lally stated that he believes zoning will not save our neighborhood from downtown expansion because when development pressures occur, properties are upzoned and existing rowhouses are razed (*e.g.* the proposed 200H development). Mr. Lally showed a map of our neighborhood and the location of existing and proposed PUDs which allow heights and densities significantly greater than those allowed as matter-of-right. Mr. Lally talked about the Cohen development PUD that was approved on 3rd and K NE more than 10 years ago, but which hasn't yet been built. The existing houses were purchased and allowed to sit vacant, which contributed to problems in the neighborhood. Recently, the vacant

rowhouses on the Cohen site were razed and the land currently is an empty lot. Still, the PUD has not been built, and when it is built, it will greatly change the character of the neighborhood. Mr. Lally also said that downtown is looking to grow and that it is expanding eastwards into our neighborhood. Historic Preservation laws which protect 2-3 story rowhouses from being razed are the only thing which stands in the way of the piecemeal destruction of the neighborhood.

Kim Williams

1. Process of Creating a Historic District/Expanding a Historic District
2. The need to survey properties, get records of building permits, and census records to understand the context in which the neighborhood developed.
3. The Existence of a Grant Program to help people with modest incomes to pay the incremental cost of more expensive materials.

Highlights: Several things have to occur before a neighborhood can become part of a historic district. A survey of all buildings must be conducted with photographs. Each property must also be classified according to building style and other information like the year of construction acquired from old building permit records. This is a labor intensive process, but grants to help conduct the survey are available from HPO. In addition, historic maps must be analyzed to help understand the architectural evolution of the area. Census work, researching old business directories and biographical research also must be conducted to understand the social context in which the neighborhood developed. Ms. Williams said that the boundaries of the historic district and whether there should be a new historic district designation or an expansion of an existing historic district naturally emerges from this research. She thought the neighborhood should concentrate on the survey before trying to define the boundaries of the district. Once the survey has been completed, an application is filed with HPRB. HPRB must be satisfied that there is strong support within the community for expansion or creation of a historic district. It does not require a referendum, but support of the ANCs and community groups helps. Ms. Williams also talked about the possibility of preparing a document which describes the social and architectural context of the whole neighborhood and then nominating smaller groups of properties to join a historic district in a multiple property nomination. The value of this approach is that large areas would not need to join the historic district all at once, but if and when an area decided to, most of the necessary work would already be prepared. This strategy has worked very well in other portions of the city. The whole process of creating/expanding a historic district takes at least 2 years from start to finish. Ms. Williams also said that there was a Grant program for the existing historic districts to help moderate income homeowners pay the incremental cost of materials required to meet the requirements of a historic district.

Community Comments

David Holmes said that there had been at a condemnation hearing for the property at 251 8th St. NE. The building had collapsed several years ago and was partially rebuilt. Mr. Holmes was worried that the building would collapse again when alley work started and wanted it to be sold to another owner who would finish the restoration.

Status Reports

H Street Upzoning Moratorium. Drew Ronneberg reported that ANC 6A's petition for an upzoning moratorium for H Street NE was rejected by the Zoning Commission because it felt that every property owner had a right to request an upzoning and that the community should contest upzoning requests on a case-by-case basis.

200H (Dreyfus Development). Drew Ronneberg reported than ANC 6A, 6C, SPNA and CHRS had all voted to oppose the PUD request and associated upzoning. The Capitol Place PUD hearing was

scheduled in front of the Zoning Commission for May 7th. (After the meeting it was learned that Dreyfus asked that the ZC postpone the case until September and seek mediation with the community groups.)

Vacant Properties. Heather Scott reported that a group tentatively called the “H Street NE Nuisance Property Taskforce” was recently formed and that one of the objectives of the group was to get vacant properties taxed at the Class III rate to incentivize the owner to sell the property or reoccupy it. The group has cataloged over 70 properties in ANC 6A and ANC 6C. Ms. Scott said that many properties on the ANC 6A list were not on the Nuisance Property Taskforce list. She also said that she photographed all vacant properties reported to ANC 6A and found that some of them were indeed occupied. Ms. Scott thought it was important for the ANC to verify that no one lived at the property to maintain ANC 6A’s credibility with DCRA. Vacant properties in ANC 6A can be reported to vacantproperty6a@comcast.com.

ZC 05-37 (200H Station Holdings LLC)

Sean Cahill and Bob Braunohler from Station Holdings LLC (Dreyfus) presented plans to build a 403,000 sq. ft. building on the square bounded by 2nd and 3rd and F St. and H St. NE. The developer can build a 226,000 sq. ft. building as a matter-of-right and is requesting an additional 103,000 sq. ft. from the planned unit development (PUD) process and 69,000 sq. ft. by upzoning a portion of the lot from C-2-A (max. height in a PUD 65 feet, max FAR in a PUD 3.0) and C-2-B (max. height in a PUD 90 feet, max FAR in a PUD 6.0) to C-3-C (max. height in a PUD 130 feet, max FAR in a PUD 10.0). The proposed building will have a maximum height of 110 feet at the corner of 2nd and H Streets, NE, stepping down to the south and east sides of the project. As this PUD application will serve as precedent for future development in ANC 6A’s portion of the Overlay, the committee asked Dreyfus to discuss the rationale for the upzoning request, the design of the H Street façade and the community amenities.

Upzoning: The applicant told the committee that the C-3-C upzoning in the NW corner was proposed after the community expressed concerns about the initial plan to upzone the C-2-A portion of the property to C-2-B in the first PUD proposal. The community felt that having 90 ft. buildings on the 2nd Street side would overwhelm the rowhouses on the square. Dreyfus was asked why they were proposing a second upzoning for the property (to C-3-C) after the northern portion of the property was upzoned from C-2-A to C-2-B just over 1 year ago as part of the H Street NE NC Zoning Overlay. The developer stated that the additional height and FAR was justified because the proximity to overpass, the Abdo development and the SEC building. Dr. Ronneberg expressed concerns that granting the upzoning request would set the precedent for future upzoning in the ANC 6A portion of H Street NE and asked the developer if they would build a smaller building on the site if the upzoning request was denied. Mr. Bronholder said that Dreyfus was optimistic that the upzoning request would be granted. Mr. Rich Luna expressed concerns that the upzoning would incentivize other land owners on H Street to wait for their vacant and unimproved properties to be upzoned so that it would be more profitable to tear down the existing buildings rather than to invest money in fixing them up and reoccupying them.

Design of the H Street Façade: Mr. Cahill and Mr. Braunohler claimed that the 36 Section 67 of the Code of Federal Regulations required that new construction be of a style reflective of the current time and place (*i.e.* they felt that the Secretary’s Standards required a modernist design). Mr. Luna pointed out that 36 CFR Section 67 is the Secretary’s Standards for Rehabilitation (of existing structures) and does not apply to new construction. Several people at the meeting thought that the design did not fit into the architectural context of H Street where brick is the dominant building material. Mr. Cahill thought that the Abdo development at Senate Square (just north of the proposed development), which uses extensive brick was “ugly.” Dr. Ronneberg said that the Comprehensive Plan and the H Street Strategic Development Plan directed new development to be built within the architectural context of H Street and the surrounding neighborhood and thought that the proposed building was more appropriate for downtown. Mr. Cahill and Mr. Braunohler thought that architecture was just a matter of taste and didn’t

share the community's view that their building needed to fit into the architectural context of the surrounding buildings.

Community Amenities: Mr. Braunohler felt that Dr. Ronneberg's calculations which showed the dollar value of the community amenities being less than 1% of the value of the additional density from the PUD and upzoning (\$53 million in benefits for the developer with less than \$250,000 in benefits to the community) was inaccurate (these calculations were included in the agenda package) and claimed that the dollar value of the additional density was \$16 million while that of the community amenities was \$12 million. However, no calculations were provided by Dreyfus to substantiate this claim. Many questions were asked about the LEED certification. Ms. Ruffin asked about the additional water runoff into the sewer system and was told that runoff from the building would not flow into the sewer system. Other people thought that some of the offered amenities, such as fixing sidewalks, were the city's responsibility and should not be done by Dreyfus.

BZA 17620 (1383-85 H St NE)

No one representing the applicant was in attendance. Dr. Ronneberg told the committee that he had talked with Mr. Ed Nunley twice about the hearing and requested that Mr. Nunley provide the Statement of Burden of Proof and enlarged renderings of the façade. Dr. Ronneberg said that he also had informed Mr. Nunley of the hearing by email.

The applicant requested 3 variances to construct a 3 story infill building at 1383-85 H Street NE. The first variance was to increase the lot occupancy from 75% permitted in a C-3-A zone to 99.5%. The second variance was to waive the rear yard requirement of 12.5 feet. The third variance was to wave the on-site parking requirement of 5 spaces (1 residential; 4 other).

The committee has strong reservations about supporting the variances and felt that the ANC should oppose them until the applicant answers questions from the community.

Recommendation: The committee unanimously recommends that the ANC oppose the 3 variances requested in BZA Case No. 17620.

**Next Scheduled ED&Z Committee Meeting:
Tuesday, May 22, 2007
7-9 PM
900 G Street, NE
Community Room of the Capitol Hill Towers**