

**REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING  
COMMITTEE OF ANC 6A  
November 28, 2006**

Present: Commissioners: Gladys Mack

Resident Members: Drew Ronneberg, Jeff Fletcher, Linda Whitted, Rich Luna, Vanessa Ruffin, David Holmes, Queen Laney, Virginia Gaddis.

Drew Ronneberg chaired the meeting.

**Community Comments**

None

**1015 H St NE**

George Velazquez, the proprietor of the 1015 H St NE, was unable to attend the ED&Z meeting and was invited to return to the December meeting. Anwar Saleem said that Mr. Velazquez was the owner of Napa Valley Caterers and was planning to have a sit-down restaurant at 1015 H St. NE that served "American cuisine with a French Twist" on the 1st two floors and have condos on the 3rd floor. The construction is expected to be completed in Spring 2007.

**Home Again Properties on Wylie St.**

Home Again is a program of nuisance property abatement in which a developer applies to redevelop a bundle of properties. The properties are supposed to be redeveloped and sold within a year of the issuance of the award. Currently 1215, 1216 and 1217 Wylie St. are a part of a bundle of properties that was awarded to the Allegre group. Home Again and the Allegre group were invited to present their plans to the ED&Z committee by Ms. Ruffin, but neither organization responded to her inquires. Ms. Ruffin expressed concern that the Allegre Group seems to have no prior experience in redeveloping small infill sites like those on Wylie St. In addition, because building permits have not been issued, it is likely that the 1 year timeline will not be met. Ms. Ruffin also said that a previous bundle of properties on Wylie St. wasn't redeveloped and that the residents thought that Home Again projects on Wylie St. were a hindrance to the development of houses that reflected the residential character of the street. Ms. Ruffin emphasized that a experienced developer will be needed to redevelop these properties because of the small size of the lots and the designs of the extant buildings.

**631 10th St. NE**

Residents of 600 block of 10th Street expressed concern that the property is being used as a Community Based Residential Facility for people with mental illnesses without a valid Certificate of Occupancy (C of O). The house currently has a Certificate of Occupancy for a single family home. The property was occupied by a family up until 6 months ago but was sold to a new owner. It has recently been occupied by 4-6 people who appeared to have mental health issues. DCRA fined the owner for operating a rooming house without a valid C of O, and the owner is currently in the process of applying for a Certificate of Occupancy for a rooming house. Michael Kuiken, who lives on the 600 block of 10th St, testified that residents thought mental health services were being provided to the residents on a regular basis and that a person worked part time at the home and managing the facility. He also said that DC and Federal Government vehicles came to the house on a regular basis to provide mental health services. Neighbors had numerous complaints against residents in the house including:

public drinking, accosting neighbors to demand money and cigarettes, domestic violence, an incident where a bottle was thrown through the front window of the house, and residents banging on the door at 3am claiming that they would be in trouble for violated an 11 pm curfew. The neighbors asked that the ANC write a letter to DCRA to inform them that the home was being used as a community based residential facility and should not be issued a Certificate of Occupancy for a boarding house.

**Recommendation:** The committee voted unanimously to recommend that the ANC write a letter to DCRA to inform the Agency of resident's concerns that 631 11th St NE was being used as a Community Based Residential Facility for the mentally ill and ask DCRA to investigate the property's proper classification under DC Zoning Code. In the meantime, the ANC should urge DCRA not to issue a Certificate of Occupancy for a rooming house.

### **BZA 17521 (601-645 H Street NE)**

Drew Ronneberg gave the community an update about the current status of the proposed development at 601-645 H St. NE. The following is a abbreviated summary of the results of the negotiations that was posted to the ANC 6A listserv.

We had final negotiations on Thursday (Nov 16) with the 600H developer and have reached agreement with the applicant. ANC 6A's interest in this case has always been to set a strong precedent for the design guidelines because we believe their application will bring better and more architecturally consistent development to the Corridor. Design guidelines were never been part of the Zoning Regulations until the H Street Zoning Overlay and this case is the first time the guidelines were tested. The developer's initial position was that they only had to comply with the intent of the guidelines, which was interpreted as "maximum architectural freedom". This interpretation basically meant that the guidelines did not need to be followed, an attitude which was very evident in the first 2 generations of the renderings. But because we fought so hard, they finally acceded on this issue, and the design guidelines will be a real force in this development and future developments on H Street.

The elements of the agreement, which included ANC 6A, ANC 6C, SPNA, CHRS, H Street Main Street and the 6<sup>th</sup> and H Neighborhood Association include:

- 1) The new building will be 9 stories instead of 8
- 2) The 9th floor of the 35 foot extension into the C-2-A lot will be removed
- 3) The developer will address how they comply with each point of the design guidelines. It is our understanding that they now fully comply with the architectural standards and all development guidelines except the 8 story height and the 0 foot side setbacks in the C-2-A lot.
- 4) The 6000 foot lot size which triggers a design guideline special exception will not be decided by the BZA until late January.

The building IS more massive that we believe is appropriate for H Street, but because of the C-2-C zone, we had almost no hope of reducing the height of the building below 8 stories.

The reasons we essentially traded massing for design comes down to strategy. We were pretty sure that BZA would have granted much of the requested relief (special exception and variances to the lot occupancy) to the developer so the final massing would have been close to the requested massing. In addition, the OP report came out in

favor of the 9 stories, so we were unsure how the BZA would have ruled on the issue of height. We could have chosen to spend all our capital trying to remove the 9th floor, but instead we decided to spend out capital a different way -- establishing a strong precedent for the application of the Design Guidelines to future large lot developments on H Street. Because the developer has agreed to comply with all but 2 of the guidelines, it will give the guidelines REAL teeth in future large lot redevelopments on H Street and specifically those in ANC 6A. We are also confident that the 2 exceptions (9 stories and 10 foot side setbacks in the C-2-A portion of the lot) are unique for the lot in question (C-2-C zoning and a strange lot shape where it is better to apply rear setback standards to the side setbacks of the C-2-A lot) so that they cannot be used by developers to justify why the design guidelines shouldn't be applied in future cases.

We also got something else. The developer will make a motion to the BZA to rule on all the zoning relief except the special exception to the 6000 foot lot size (this special exception triggers the design guidelines) which it will ask the ruling to be postponed until after the January 2007 ANC meetings. In the meantime, we will have 2 months to work with the developers to make further refinements to the design to the building. This will be unprecedented community involvement in the design, which will hopefully result in a building worth looking at (even though it is bigger than we like).

Ongoing negotiations are being conducted between the developer and representatives of each community group in improve the design of the facade.

#### **Next meeting**

The next meeting of the ED&Z committee is scheduled for December 26th, which is the day after Christmas. It was recommended that the meeting be held on December 28th.

**Recommendation:** The committee unanimously recommends holding the next Economic Development and Zoning Committee Meeting on Thursday, December 28<sup>th</sup>.

**Next Scheduled ED&Z Committee Meeting:  
Thursday, December 28, 2006  
7-9 PM  
900 G Street, NE  
Community Room of the Capitol Hill**