

ANC2F Community Development Committee  
November 30, 2005 – 7 PM  
Washington Plaza Hotel

In Attendance:

Mike Benardo, 2F06  
Chris Dyer, Chairman  
Kevin Ivers, 2F04  
Jim Loucks, 2F06  
Ryan McGuinness, 2F03  
Jim Cook, 2F02  
Samuel Robfogel, 2F01  
Mike Sheaffer, 2F05  
Hank Thomlinson 2F05

Absent:

Jim Richardson, 2F02  
Bob Ellison, 2F04  
Helen Kramer, At-large  
Kara McCabe, 2F01

The Chairman called the meeting to order and noted that a quorum was present. He stated that ANC2F will meet on December 7, 2005, and will make decisions based on the recommendations of this committee.

**Approval of Agenda**

Dyer said that 1123 11<sup>th</sup> Street would be added to the agenda. As amended, the agenda was unanimously adopted.

**917 M Street**

Steve Dickens from Walnut Street Development was present on behalf of this project. This project came before the CDC previously and received recommendation. It is a 1920 structure, with a short end on M Street and a long alley elevation and historic garage in the rear alley. The project received approval for its historic concept, massing, and design, and tonight Dickens is ready to present his case for a variance in three measures:

1. Special exception for the two different roof heights. There are two different heights for the penthouse, one level for the stairs, and one for the penthouse. Dickens stated this is being fulfilled by being in a historic district.
2. A variance in residential and recreation space. Strict application would result in practical difficulty to the owner – Dickens said this is fulfilled by the HPRB design review process, and HPRB wants to reduce roof structure sizes.
3. Variance in lot occupancy. No substantial detriment to the public good. Most zoning revolves around restricting bulk to provide light and air; this is a rare case where the effect of the regulation is the reverse.

20% is required for the C2A zone, which would translate to 7,987 sq. ft. for this project. The proposed percentage is 10%.

The lot occupancy maximum allowed in this zone is 60%. The first floor of this plan calls for 88%. Dickens said that in this area, this is an unusual historic district because the alleys are deemed of equal importance to the streets. The site has public ways on 3 ½ sides, making it an unusual stance.

Strict application would result in practical difficulty to the owner. Due to HPRB rooftop addition restrictions, it is not possible to attain anywhere near the full FAR without exceeding lot occupancy at the ground floor.

C2A allows 100% lot occupancy for commercial uses, so the issue is not the density; it's whether the resulting building is appropriate for residential use. Dickens stated that due to the 3 ½ sides of public way, and the elongated shape of the site, even at 88% occupancy there is sufficient light, air, and views for the units. HPRB approval indicates lack of detriment to the public good.

Ivers asked if the garage was not present or if it weren't there to begin with, would the developer meet the requirement. Dickens answered yes, (if the garage was not there) and reminded the committee that with regards to the garage, the fact that it's so large, and contributes to the historic district, it must be worked around.

Robfogel moved for recommendation to ANC2F a recommendation that the ANC recommends to the BZA that they approve the variance applications for Sect. 411.11, Sect. 773.3 and Sect 772 of the DC Code because the developer has satisfactorily demonstrated that the property has a unique shape or characteristic that the strict application of the zoning would create hardship and that that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. Loucks seconded.

VOTE: unanimous.

### **1110 Vermont Avenue**

Nathan Mensche, Michael Terwilliger, and David Horner appeared to present this project.

Horner stated that the public space permit was needed for a crane to place panels, on the structure, and remove existing ones. The 120 ton crane would be needed for the duration of 3 months, starting the second week of December, 2005.

Loucks asked about the footprint of the crane. Horner answered that the majority of the sidewalk would be taken, and temporary fencing along with a covered walkway would be placed. Jersey barriers, still under review with DDOT, will also be used.

Loucks asked for clarification on pedestrian traffic. Horner answered that pedestrian traffic will be routed around the crane into the street. Ivers asked for further clarification. Horner answered that he was using an old picture, but then indicated the location of the

dumpster. He stated that he could not demonstrate the full pedestrian traffic way without approval from DDOT.

Robfogel asked if pedestrian traffic would be exchanged for parking spaces. He was answered yes. Robfogel then asked about existing trees. Mensche answered that they were all being protected and should not be an issue.

Robfogel stated that 3 months seemed more than substantial time to remove and place panels. Horner answered that with weather permitting, it could be as short as six weeks.

Robfogel moved for recommendation to ANC2F a recommendation to DDOT for a public space permit for this project. Loucks seconded.

VOTE: unanimous.

### **Steve Calcott – HPRB Presentation**

Calcott said that the HPRB reviews all permit and concept applications including demolition and sub-divisions. The purpose of HPRB is to ensure that development projects are in compliance with existing historic preservation laws. In addition, they provide guidance and preparation to developers and homeowners. HPRB often seeks input from the community, and therefore, publicly posts notices on upcoming hearings.

HPRB does not take into land-use matters such as traffic and planning issues, but they do consider aesthetics. They are, however, part of the Office of Planning, and often weigh in on zoning matters and variance cases.

Robfogel asked if HPRB considers meter-boxes and shut-off boxes. Calcott answered yes, but working with PEPCO has been strenuous. PEPCO does not like to place meter-boxes indoors, and often, HPRB also has to recognize trash and storage locations. HPRB does not always catch these items every time, but they are attempting to. Calcott said it would be germane for the CDC to ask such questions of developers that come before them.

Approximately 4,400 permits were reviewed at the staff-level of HPRB. Calcott said that most home permit applications can be signed over the counter. New construction projects need to be filed for review, and can take about one to two months for community and Board review.

Loucks asked what the CDC could do to assist the HPRB on the enforcement process. Calcott answered that there are two inspectors assigned to historic preservation in all historic districts. Almost all of their work is complaint driven. HPRB does not do a lot of inspection during construction phase. However, the inspectors confer with the Board and can issue stop-work orders for non-compliance. Administrative judges who used to review cases through DCRA no longer do it, as the District government has setup a new agency for reviewing tickets and cases. It can take six to seven months before a ticket is

adjudicated. The requirements for submission now entails several hours of administrative work for the inspectors.

Calcott said that HPRB values the input of both the LCCA and ANC. He stated that specific motions, that are direct and concise, will always be appreciated.

### **1123 11<sup>th</sup> Street**

Kendall Dorman appeared to represent this project.

He would like to ask for two zoning variances; he presented this previously at 8 stories, and has revised plans that call for 5 stories. They have moved the addition from the front of the structure more towards the rear.

The lot is now sandwiched between two other lots. Because HPRB requested that the addition be pulled back, they are asking for relief in the rear yard setback for the fifth floor (13 feet). The other variance is for lot coverage of 88%, only 77% is allowed by right. He does not feel that there is any light and air entrapment. There are larger buildings to the north and south of this structure.

This project has been under review with HPRB, as the CDC, ANC, and LCCA have already recommended approval for the concept, massing, and design of the project. With the variance, the project would be good to go.

A trash room is located in the basement, and would be taken out at a proper time for removal.

McGuinness moved for a recommendation that the ANC recommends to the BZA that they approve the variance applications for Sect. 3103.2 and Sect 403.2 of the DC Code because the developer has satisfactorily demonstrated that the property has a unique shape or characteristic that the strict application of the zoning would create hardship and that that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. Loucks seconded.

VOTE: unanimous.

There being no further business, the meeting adjourned at 8:19 PM.