ANC 6C Planning, Zoning, and Economic Development Committee Report

ANC 6C Commission Meeting: February 15, 2018

PZE Meeting Date: February 7, 2018 6:30 pm

Meeting Location: Northeast Library
7th & D Streets NE

Committee Attendees: Mark Eckenwiler (Chair)
Joel Kelty
Bobbi Krengel
Lauren Oswalt
Bill Sisolak

Other Commissioners Present: Christine Healey (6C01)

Agenda Items

1. **214 A St. NE (HPA 18-209)** – Application of Jonathan D. Schmidt for concept approval for side and rear additions, to raze garages, and to construct new garage. Representative: Ryan Amons, Connell & Schmidt. Hearing on February 22, 2018. [6C01]


3. **1139 6th St. NE (BZA 19674)** – Application of Kimberly Ziegler, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201

   a. from the upper-floor addition requirements of Subtitle E § 206.1, and

   b. from the lot occupancy requirements of Subtitle E § 304.1

   to construct a rear and third-story addition to an existing one-family dwelling in the RF-1 Zone at premises 1139 6th Street N.E. (Square 855, Lot 236). Representative: TBD. Hearing on February 21, 2018 (postponed from original date of February 14). [6C06] (Application file; hearing notice at Exhibit 31)

4. Discussion of upcoming DCRA oversight hearing (March 8)

5. Discussion of B22-669 - Department of Buildings Establishment Act of 2018
**Agenda Item #1: Discussion and Recommendations**

214 A St. NE (HPA 18-209) – Application of Jonathan D. Schmidt for concept approval for side and rear additions, to raze garages, and to construct new garage. Representative: Ryan Amons, Connell & Schmidt. Hearing on February 22, 2018. [6C01]

Motion  **To recommend support with conditions (see below)**
*(carried 3-1-1)*

**Key Discussion Points:**

1. Applicant seeks permission to construct side and rear additions on a two-story frame row house, as well as raze existing garage structures to build a new two-story carriage house. Applicant provided letters of support from the owners of 215 A St. directly across the street. No members of the public spoke on the application.

2. The majority of the PZE felt comfortable with the overall concept—including the addition visible on the east side adjacent to the alley—but noted several areas of concern:
   
   a. **Roofline.** The PZE favored the alternative proposal for the roof line on the east elevation, as this more clearly demarcates the line of the new addition.
   
   b. **Electric meter.** The PZE inquired about plans for relocating the electric meter box currently on the front of the house. The applicant suggested that the meter might be placed in the proposed front areaway.
   
   c. **Paving in public space.** The PZE suggested that the area of brick paving in the front yard be reduced to the minimum necessary for a walkway to the new side/basement entrance.
   
   d. **Front areaway.** The PZE expressed concern about the size of the new front areaway and the potential requirement for a railing surrounding it. (There was extensive discussion about placing a large areaway at the rear instead and eliminating or reducing the size of the front areaway.) The applicant suggested placing an at-grade grate on top of the areaway, a proposal to which the PZE was receptive.
   
   e. **Exterior stairway to basement.** The PZE raised questions about the steps on the east elevation leading to the basement entrance and the lack of railing or other enclosure shown.
   
   f. **Carriage house pedestrian access.** The PZE noted the lack of any gate or other barrier to the proposed stairs leading from the alley to the carriage house 2nd story.

3. The PZE vote incorporated all of these concerns.

4. After the PZE met, the applicant submitted new drawings to HPO responding to the PZE comments. (For example, the new carriage house plan shows a new staircase inside the
full-lot-width structure instead of the former exterior staircase.) In the PZE Chair’s opinion, the new drawings adequately address the PZE’s concerns.
Agenda Item #2: Discussion and Recommendations


Motion  To recommend support with conditions
(carried 3-2)

Key Discussion Points:

1. Applicant seeks to rehabilitate this rowhouse and add a 10'-deep rear addition.

2. PZE members noted support for certain changes to remove inappropriate materials (such as the new iron stoop and replacing the sliding glass door at the balcony of the top story in front with French doors). Areas of question or concern included the following:
   a. Electric meter. The current meter box is mounted high on the front façade; PZE members suggested that it be lowered (and ideally relocated to the basement stairwell). The PZE did not support the applicant’s suggestion that the meter be placed on the side of the front bay facing 313 F.
   b. Brick paving in public space. PZE members asked the applicant to reduce the extent of the proposed brick paving in the walkway leading to the basement stairwell.
   c. AC units. Plans were inconsistent as to the planned placement of air conditions units. Applicant stated an intent to place both units on the roof.
   d. Rear elevation. Members suggested that the door and window placement on the first floor of the new rear elevation be better aligned with the upper stories’ fenestration.

3. Rodney Morehead Sr. (313 F) and his son Rodney Jr. spoke in opposition, expressing the view that these types of additions have never been allowed in the Historic District. (This is not correct; rear additions not visible from the street have been routinely approved by HPRB for at least the past 10-15 years.)

4. Cynthia Sparrow (309 F) noted that there is an existing shared gutter system running from her roof in front to the drainpipe on 311. PZE members thanked her for this important observation; the applicant promised to maintain the current arrangement & stated an opinion that the materials are intact and need not be replaced or disturbed.

5. The PZE voted to incorporate all of the concerns noted in paragraph 2 above, as well as the point re the gutter shared with 309 F.

6. After the PZE met, the applicant submitted new drawings to HPO responding to the PZE comments. In the PZE Chair’s opinion, the new drawings adequately address the PZE’s concerns.
7. Later, Victor Sparrow (also 309 F) provided written comments

   a. expressing concern about 311 F being divided into 4 units. (The plans show two units in both the current and proposed configuration.)

   b. repeating the concern about the front gutter.

   c. expressing concern about having windows on the west side of the new addition overlooking the 309 F yard. (The plans show no such windows.)

   d. inquiring about the materials planned for the façade of the addition. (The plans show brick facing on the rear façade, and the applicant advised the PZE chair that the sides would be the same, but the plans do not state this clearly.)
Agenda Item #3: Discussion and Recommendations

1139 6th St. NE (BZA 19674) – Application of Kimberly Ziegler, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201

    a. from the upper-floor addition requirements of Subtitle E § 206.1, and
    b. from the lot occupancy requirements of Subtitle E § 304.1

to construct a rear and third-story addition to an existing one-family dwelling in the RF-1 Zone at premises 1139 6th Street N.E. (Square 855, Lot 236). Representative: TBD. Hearing on February 21, 2018 (postponed from original date of February 14). [6C06]

Motion  To recommend opposition
          (carried 5-0)

Key Discussion Points:

1. Applicant seeks to construct a rear and third-story (roof) addition to this rowhouse. Neighbors on either side provided letters of support.

2. The proposal includes moving the existing pyramidal turret atop the bay to a new height, capping the new third-story built in line with the existing façade. Such changes are forbidden under section E 206 of the zoning regulations absent special-exception relief.

3. The criteria for special-exception relief (both for altering roof elements such as turrets and for lot occupancy above 60%) require that any addition not substantially alter the "character, scale and pattern" of the street frontage. PZE members agreed that the houses in this row show significant uniformity; most retain their original turrets, and none have visible third-story additions. All PZE members felt that the proposed addition would substantially and adversely impact character/scale/pattern.

4. The PZE Chair also noted that the sightline study map does not correspond to the perspectives drawn.

5. After the PZE meeting, applicant requested in writing that BZA postpone the hearing again, this time until April 25, in order to allow time for revisions to the application.
**Agenda Item #4: Discussion and Recommendations**

*Discussion of upcoming DCRA oversight hearing (March 8)*

**Motion**  To recommend Council testimony  
(carried 5-0)

**Key Discussion Points:**

1. This year’s DCRA performance oversight hearing before the DC Council is scheduled for March 8.

2. In its Feb. 21, 2017 written testimony for the Council’s roundtable on DCRA issues to pursue in 2017, ANC 6C identified seven specific areas in need of attention:
   
   a. Public access to construction permit documents  
   b. Construction permit application review  
   c. Issuance of after-hours permits  
   d. Office of the Zoning Administrator  
   e. Vacant building enforcement  
   f. Stop-work orders and collection of associated fines  
   g. Need for additional construction inspectors, especially on Sundays and holidays

3. The PZE recommends that 2018 testimony survey this list and report on the progress, or lack of progress, in each area:

   a. **Access to documents.** Two years have passed since the Office of Open Government issued its opinion letter detailing DCRA’s failure to make construction permit application drawings and other supporting documents available to the public online at no cost, as required by DC statute. In 2016, the Council appropriated $3 million dollars for DCRA to implement a system for such access, but the documents remain inaccessible.

   DCRA has introduced several new websites purporting to provide more information to the public. By and large, these sites—such as the widely publicized “dashboard”—are merely window dressing for the same databases as before. They do not materially improve the quantity or quality of records available.

   b. **Permit review.** DCRA continues to issue permits for projects that involve the construction or substantial alteration of habitable space without requiring the plans to be stamped by a DC-licensed architect.

   c. **After-hours permits.** On Sept. 26, 2017, ANC 6C cited two further examples (in 6C04 and adjacent to 6C05) of improper after-hours permits and called upon the Council to enact legislation narrowing and clarifying the vague and unenforced standards in current law. The need to do so continues.

   d. **Office of the Zoning Administrator.** We continue to see the ZA approving projects that fail in obvious ways to comply with the zoning regulations. On May 30, ANC 6C filed BZA appeal No. 19550 concerning multiple zoning violations in the permit for 1125 7th St. NE. That appeal remains pending, and DCRA has advised informally that it concedes the invalidity of the permit on one or more grounds identified by the ANC.
e. **Vacant building enforcement.** In its Nov. 14, 2017 testimony at the Council roundtable, ANC 6C commented and expanded upon the findings in the DC Auditor’s Sept. 2017 highly critical report of the VBEU program. We remain concerned.

f. **Stop-work orders/fines.** As stated in ANC 6C’s Aug. 2, 2017 letter to the Council Chairman, we remain concerned that DCRA is not applying the escalating fine schedules provided for by law against repeat violators.

We also remain concerned about DCRA’s failure to follow through after issuance of a SWO (and payment of any fine) to also require abatement or removal of any illegally built structure. In addition to the case cited in our Oct. 24, 2017 roundtable testimony, we continue to see DCRA fail to pursue followup action absent persistent reminders/urging from citizens.

g. **Construction inspection.** The PZE did note measurable improvement in DCRA’s responsiveness to reports of illegal construction after hours and on weekends, but cautioned that performance remains inconsistent and below the levels required.

4. The PZE also identified two other areas for comment:

   a. **311 reporting.** One PZE member noted the ongoing inability of residents to report illegal construction through the 311 application. (But see below.)

   b. **Administrative issuances.** One bright spot for DCRA was the Jan. 26, 2018 issuance of Bulletin CC2018-01, which seeks to curb permitholder abuses by requiring the listed master tradesperson for plumbing, electrical, or similar work to be physically present for inspections of work performed in that discipline.

5. After the PZE met, DCRA and OUC announced the ability to report illegal construction through the 311 app, arguably mooting item 4(a) above.

6. In addition, the 6C Chair and the PZE Chair have since discussed the shortcomings of the Office of the Zoning Administrator in enforcing the zoning regulations after the fact (e.g., against illegal commercial uses in residential zones) and agree that this issue merits the Council’s attention.
Agenda Item #5: Discussion and Recommendations

Discussion of B22-669 - Department of Buildings Establishment Act of 2018

Motion n/a
(n/a)

Key Discussion Points:

1. Other business consumed the available meeting time and the PZE did not reach this item. We will take it up in March or another future PZE meeting.