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

ANC 6C Commission Meeting: April 10, 2019

PZE Meeting Date: April 3, 2019 6:30 pm

Meeting Location: Northeast Library
7th & D Streets NE

Committee Attendees: Mark Eckenwiler (Chair), 6C04
Mary Albert
Joel Kelty, 6C05
Bobbi Krengel
Chris Mitchell
Drury Tallant

Other Commissioners Present: Jay Adelstein, 6C03
Christine Healey, 6C01

Agenda Items

1. Logan School, 215 G St. NE (non-voting) – Informational presentation on current design concept for school modernization and expansion. Representative: Ron McGhee (licensed architect). [6C04]

2. 414 Constitution Ave. NE (HPA 19-235) – Application of Nadia Shash for concept approval for three-story rear addition with cellar, rooftop addition, rear deck, balcony, and conversion to two-family dwelling. Representative: Jennifer Fowler (licensed architect). Hearing date: Apr. 25, 2019. [6C03] (Case file)

3. 414 Constitution Ave. NE (BZA 19979) – Application of Nadia Shash, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1, to construct a three-story rear addition to an existing, attached principal dwelling unit in the RF-1 Zone at premises 414 Constitution Avenue NE (Square 814, Lot 803). Representative: Jennifer Fowler (licensed architect). Hearing date: Apr. 24, 2019. [6C03] (Case file)

4. 639 Lexington Pl. NE (BZA 19995) – Application of Carl Holden and Amanda Parks, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions
   a. under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and
   b. under Subtitle E §§ 205.5 and 5201 from the rear yard requirements of Subtitle E § 205.4
to construct a rear addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 639 Lexington Place, NE (Square 862, Lot 126). Representative: Carl Holden (licensed architect). Hearing date: Apr. 24, 2019. [6C03] (Case file)

5. **1120 Abbey Place NE (BZA 20000)** – Application of Shannon Richter, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from
   a. the lot occupancy requirements of Subtitle E § 304.1,
   b. the rear yard requirements of Subtitle E § 306.1, and
   c. the nonconforming structure requirements of Subtitle C § 202.2

to construct a two-story, rear addition to an existing, attached principal dwelling unit in the RF-1 Zone at premises 1120 Abbey Place N.E. (Square 773, Lot 237). Representative: Paula C. Morris (licensed architect). **Set for expedited review at May 8, 2019 BZA meeting.** [6C06] (Case file)


7. **120 7th St. NE** – Discussion of potential BZA appeal from the February 28 issuance of permit B1903533 in violation of the penthouse regulations in 11-C DCMR chapter 15. [6C01]

8. **DCRA Director confirmation hearing** – Discussion of potential topics for ANC 6C testimony on April 23. (Hearing notice)
Agenda Item #1: Discussion and Recommendations

Logan School, 215 G St. NE (non-voting) – Informational presentation on current design concept for school modernization and expansion. Representative: Ron McGhee (licensed architect). [6C04]

Motion n/a

Key Discussion Points:

1. DCPS plans to modernize the Capitol Hill Montessori at Logan facility, expanding the physical plant to accommodate ~495 students. Because the project entails significant exterior work on/near the existing historic school building, including a sizable annex along 2nd St., HPRB review and approval will be necessary.

2. Ron McGhee provided a brief overview of the motivations behind the project; the Montessori principles guiding design decisions for the interior and exterior alterations; and the layout of the design team’s preferred option. He also presented one notional rendering of the proposed complex, including annex, as viewed from 2nd & G Sts. However, McGhee provided relatively little information on the proposed materials, and other renderings of elevations were not available.

3. PZE members offered a number of comments, especially concerning the planned arrangement of structures and its implications for transportation impacts (e.g., for loading, student pickup/dropoff, etc.).

4. The design team has submitted an HPRB application and plans to return to the PZE in May with more detailed drawings and information.
Agenda Item #2: Discussion and Recommendations

414 Constitution Ave. NE (HPA 19-235) — Application of Nadia Shash for concept approval for three-story rear addition with cellar, rooftop addition, rear deck, balcony, and conversion to two-family dwelling. Representative: Jennifer Fowler (licensed architect). Hearing date: Apr. 25, 2019. [6C03]

Motion  
To recommend support with conditions (see below)  
(carried 6-0)

Key Discussion Points:

1. The applicant proposes to construct a rear addition, as well as a roof deck set back from the front of the property and separated by a 4’ parapet wall running midway across the roof.

2. PZE members were unconcerned by the impacts of the rear addition, which at this mid-block location will not be visible except from a narrow area to the northwest along 4th St.

3. However, PZE members had several concerns about the plans for the roof and front, including:

   a. the lack of any drawings showing the existing/proposed front elevation and public space;

   b. the proposal to eliminate the front vestibule—currently visible from the street and identical to the one at the mirror-image rowhouse at 412—which the PZE opposed; and

   c. concerns about the visibility of the new 4’ parapet. Members suggested that, at a minimum, a lumber mockup be constructed, as the sight-line drawing shows the view only from straight across the street (with almost no room for error) and not from positions further up or down the block. Members also supported the idea of having the parapet reduced in height, as there is no requirement for it to be 4’ tall.

4. The motion passed by the PZE incorporated all of the concerns and conditions stated above.
Agenda Item #3: Discussion and Recommendations

414 Constitution Ave. NE (BZA 19979) – Application of Nadia Shash, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1, to construct a three-story rear addition to an existing, attached principal dwelling unit in the RF-1 Zone at premises 414 Constitution Avenue NE (Square 814, Lot 803). Representative: Jennifer Fowler (licensed architect). Hearing date: Apr. 24, 2019. [6C03]

Motion To recommend support with one caveat (see below)
(carried 6-0)

Key Discussion Points:

1. This is the same project as in item 2 above.

2. PZE members felt that the expansion to 69.7% lot occupancy would not unduly affect the properties to either side. The applicant also provided a letter of support from the owner of 416 Constitution.

3. Although the PZE had concerns regarding historic-preservation-related aspects of the project, none of those concerns (except for the lack of front elevation drawing) go to the merits of the zoning application.
Agenda Item #4: Discussion and Recommendations

639 Lexington Pl. NE (BZA 19995) – Application of Carl Holden and Amanda Parks, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions
   a. under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1,
   and
   b. under Subtitle E §§ 205.5 and 5201 from the rear yard requirements of Subtitle E § 205.4
to construct a rear addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 639 Lexington Place, NE (Square 862, Lot 126). Representative: Carl Holden (licensed architect). Hearing date: Apr. 24, 2019. [6C03]

Motion  To recommend support
         (carried 6-0)

Key Discussion Points:

1. The applicant proposes to construct a rear addition (covered sleeping porch) as described above. The neighbor at 641 submitted a letter of support.

2. Although the addition would extend more than 10’ past the rear wall of 637, the PZE did not feel that there would be significant air/light/privacy impacts. First, the applicant proposes to enclose the side of the porch adjacent to 637, limiting the privacy impacts. Second, the applicant seeks to set back the second story of the addition, with the result that light impacts (as shown on a detailed sun study) would be minimal.
Agenda Item #5: Discussion and Recommendations

1120 Abbey Place NE (BZA 20000) – Application of Shannon Richter, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from
  a. the lot occupancy requirements of Subtitle E § 304.1,
  b. the rear yard requirements of Subtitle E § 306.1, and
  c. the nonconforming structure requirements of Subtitle C § 202.2
to construct a two-story, rear addition to an existing, attached principal dwelling unit in the RF-1 Zone at premises 1120 Abbey Place N.E. (Square 773, Lot 237). Representative: Paula C. Morris (licensed architect). Set for expedited review at May 8, 2019 BZA meeting. [6C06]

Motion  To recommend that the ANC oppose the application and seek to have the application removed from expedited review  
(carried 6-0)

Key Discussion Points:

1. Applicant seeks to replace an existing, small one-story rear addition with a slightly deeper two-story addition. Both adjacent owners provided letters of support.

2. The PZE did not object in principle to the areas of relief requested. (The third area, under C-202.2, is triggered by the fact that the property already covers more than 60% of the lot.) However, PZE members were very concerned about the lack of roof plan drawings, especially in light of the fact that an existing roof deck—possibly constructed with no permit—covers essentially the entire roof area and is prominently visible from the front of the property.

3. The applicant’s architect acknowledged that the Zoning Administrator’s Office has also posed questions about the legality of this structure, which would be altered in part at the rear as a result of the relocation of the staircase leading up to it.

4. PZE members felt strongly that the project could not be fully understood and assessed without more information, including but not limited to clear drawings of the existing & proposed roof plan.
Agenda Item #6: Discussion and Recommendations

429 5th St. NE (HPA 19-214) – Revised application of Jorge Euceda for concept approval for three-story rear addition and one-story rooftop addition. Representative: Carlos Lay. Hearing date: Apr. 25, 2019. [6C03]

Motion  To recommend that the ANC oppose the application
(carried 6-0)

Key Discussion Points:

1. The applicant’s representative returned with slightly revised drawings for this project, which was postponed from HPRB consideration last month at the ANC’s request.

2. Some improvements were made, including a) showing the roof drains necessary to prevent damage to this & neighboring structures from water pooling and b) adding windows at the front of the rooftop addition to provide access to the HVAC unit toward the front.

3. However, PZE members noted several remaining deficiencies, including

   a. sight-line drawings that continue to use the front of the bay (and not the primary roof line);

   b. retention of the odd window/half-door at the front of the bay, accessible via a set of concrete steps, and the lack of any depicted railing or other code-mandated guard;

   c. the omission of the railings adjacent to the main entrance and steps;

   d. the lack of proper drawings showing the existing & proposed public-space plan; and

   e. the inappropriate material (Hardiboard) proposed for the addition’s front elevation.
Agenda Item #7: Discussion and Recommendations

120 7th St. NE – Discussion of potential BZA appeal from the February 28 issuance of permit B1903533 in violation of the penthouse regulations in 11-C DCMR chapter 15. [6C01]

Motion  To recommend that the ANC authorize an appeal to BZA  
(carried 6-0)

Key Discussion Points:

1. As discussed in the February and March reports, Verizon performed illegal, unpermitted construction work at 120 7th St. NE in January.

2. Although Verizon later obtained a permit purporting to authorize the work, review of that permit indicates that it fails to comply with the zoning regulations’ requirements for enclosure and setback of rooftop mechanical equipment. In fact, DCRA did not even refer the application for zoning review. In a March 28 email, the Office of the Zoning Administrator conceded that the permit violates the regulations and that DCRA should not have issued it.

3. In order to keep pressure on Verizon to cure this error—and to further press DCRA to improve its highly deficient permit-review process—the PZE recommends filing an appeal to BZA. The deadline for filing is 60 days from Feb. 28, the date of permit issuance.
**Agenda Item #8: Discussion and Recommendations**

*DCRA Director confirmation hearing – Discussion of potential topics for ANC 6C testimony on April 23.*

**Motion**  
To recommend that the ANC authorize testimony on three specific issues (described below)  
(carried 6-0)

**Key Discussion Points:**

1. The Council will hold a confirmation hearing on the nomination of Ernest Chrappah—the current Interim Director of DCRA—to serve as Director. The PZE regards this as an opportunity to identify issues the nominee should address.

2. The PZE settled on three topics for testimony:

   a. **Achieving better outcomes in permit review.** As evidenced by numerous recent experiences, DCRA’s permit application review process remains a source of numerous inexcusable errors (such as issuing the C of O for 707 H St. NE that duplicated an illegal one rescinded six weeks earlier, as discussed in the March 2019 PZE report). Although individual personnel actions cannot be made public, the PZE believes that Mr. Chrappah needs to a) acknowledge the scope of the ongoing problems and b) explain what steps he plans to take to introduce better quality control and achieve better, more appropriate outcomes with respect to code (construction and zoning) compliance.

   b. **Need to make permit application documents available online in a timely manner.** ANC 6C has raised this issue repeatedly in recent years, and should ask the Council to press Mr. Chrappah on his plans to correct this longstanding failure to follow District law.

   c. **Compilations of in-house code interpretations.** As discussed in last month’s report (and raised at the DCRA oversight hearing), DCRA has numerous internal interpretations of the zoning regulations and construction codes. Even where portions of these rules are made public, as through zoning determination letters, the source materials are not coherently organized, are not text searchable, and may even be contradictory over time. The Council should ask Mr. Chrappah to direct the creation and publication of organized compendia of these rules to improve DCRA’s transparency and accountability.