

ANC 2E Meeting Minutes February 29, 2016

Minutes for the Meeting of Advisory Neighborhood Commission 2E
February 29, 2016
Georgetown Visitation School, 35th and Volta Place, NW. Cafeteria

The meeting was called to order at 6:33 p.m. by Commissioner Lewis, Chair. Commissioners Lewis, Solomon, Jones, Starrels, Birch, Clausen, Roaché and Howard were present, constituting a quorum.

Administrative

Approval of February 29, 2016 ANC 2E Public Meeting Agenda

Commissioner Lewis moved to approve the agenda of the February 29, 2016 ANC 2E public meeting. The motion was seconded and carried 8-0.

Financial Report

Commissioner Jones moved to approve the first quarter fiscal year 2016 financial report. The motion was seconded and carried 8-0.

Public Safety Report

Lt. Hoyle of MPD presented District 2 crime figures for the previous period. There were nine robberies (including three with guns) down from seventeen (four with guns) at the same time last year and theft from auto incidents were up this period over the same period last year.

Environmental Report

A special presentation was made by DC Water to address water main line replacement and combined sewer relining led by Diedre Saunders, Manager of Construction Management and Emmanuel Briggs, Manager, Community Outreach.

Ms. Saunders reported that the plan is to go through the manholes and spray the pipes in Georgetown with new technology so there will be no excavation except on O street between 33rd and 34th streets because there a sewer pipe is collapsing. DC WASA is coordinating with CFA and HPA on that particular area.

Additionally:

- the small water main replacement is expected to be completed by March 30, 2016.
- DDOT is responsible for coordinating street work with other utilities and holds regularly scheduled meetings.

Commissioner Jones requested that Ms. Saunders ask DDOT to coordinate with DGS on the Hyde-Addison construction project as well as DOH for the potential rodent problems resulting from both projects.

Community Comment

Ruth Werner reported that the DC budget is being presented and the schedule of hearings in April is on the DC Council website.

New Business

Commissioner Starrels made the following motion:

ANC 2E endorses the Lawyers Have Heart 10K & 5K on June 11, 2016 as proposed.

The motion was seconded and carried 8-0.

Commissioner Starrels made the following motion:

ANC 2E endorses the Sprint Four the Cure 5K on September 17, 2016 as proposed.

The motion was seconded and carried 8-0.

Commissioner Starrels made the following motion:

ANC 2E endorses the Nations Tri event scheduled for September 11, 2016.

the motion was seconded and carried 8-0.

Commissioner Starrels made the following motion:

ANC 2E endorses BikeRideDC on May 22, 2016 with the following stipulations:

- 1. The organization needs to find ways to coordinate with Georgetown University to minimally impact their commencement ceremonies and (2.) give ANC 2E the event budget numbers and charitable donation information by the end of the month.**

The motion was seconded and carried 8-0.

Zoning:

Commissioner Jones made the following resolution:

With regard to BZA APPLICATION NO. 17535A, 3254 O St., NW:

ANC 2E requests that the Board of Zoning Adjustment defer consideration of Application No. 17535A until a pending dispute between the District of Columbia and Mr. Kebreab Zere concerning, among others things, whether homeowners whose properties abut the alley behind 3254 O Street have the right to access and traverse that alley. Alternatively, for the reasons set out in this resolution, ANC 2E asks the BZA to deny the applicant's request that BZA waive the requirements of section 202.10(d) of the Zoning Regulations to allow the issuance of a special exception that would allow the applicant to construct a "trellised walkway" to connect her existing single-family dwelling to her existing free-standing garage and to expand the garage to include an accessory apartment.

1. Background. As a preliminary matter, ANC 2E notes that the BZA has been asked to grant similar relief with respect the applicant's property at least four times since 2001. In 2006, the applicant applied for a special exception that would have allowed her to construct a covered walkway to connect her dwelling to the accessory garage located at the rear of her lot. The Applicant did not at that time apply for a special exception that would allow her to expand her garage. After citing the applicant's statement that she had no intent to pursue other construction, the BZA approved the special exception she requested. However, it appears the applicant did not go forward with the plans to construct the covered walkway, and she is now requested approval

of a special exception that allows both the construction of the covered walkway and expansion of the garage.

ANC 2E also notes that in 2010 and 2011, the applicant asked the Old Georgetown Board (“OGB”) to review concept designs for alterations to her garage. After the OGB provided comments, the applicant apparently abandoned the project. The applicant has not asked the OGB to review the design that is the subject of her pending application to the BZA.

2. Request That Consideration Of Application Be Deferred. The garage that is the subject of Application No. 17535A abuts an alley that runs east to west between Potomac Street and 33rd Street, paralleling N Street to the south and O Street to the north. The project for which the applicant is seeking a special exception contemplates that the proposed accessory apartment could be accessed through a door to be added to the existing garage that would open on the alley. Mr. Kebreab Zere is the owner of five of the six tax lots that comprise the alley, including lots 804 and 820, the lots that abut the applicant’s property. Mr. Zere has taken the position that neighbors such as the applicant (or her tenants) do not have the right to traverse the alley without his permission. The District of Columbia disagrees, and recently sued Mr. Zere, requesting, among other things, a declaration that the general public, including neighbors such as the applicant, have a right to traverse the alley by foot or by vehicle. ANC 2E submits that the question of whether occupants of the proposed accessory apartment would have the right to access that apartment through the alley is relevant to the BZA’s consideration of the applicant’s request for a special exception. Therefore, ANC 2E requests that the BZA defer its consideration of Application No. 17535A until the issue of the applicant’s right of access to the alley has been resolved.

3. Alternative Request That The Application Be Denied. If the BZA determines that hearing on Application No. 17535A, currently scheduled for April 5, 2016, should go forward, ANC 2E submits that the application should be denied. Section 202.10(d) of the Regulations provides that a special exception may be approved to permit the addition of an accessory apartment to an existing one-family detached dwelling only if the new apartment is to be “created only through internal conversion of the house, without any additional lot occupancy or gross floor area...” The expansion of the garage footprint as described in the plans and addition of a second story would clearly not be an “internal conversion” of the garage, much less of the house to which it is not currently connected. Moreover, even if the garage were considered to be part of the house because of the addition of a covered walkway connecting the two structures, the proposed project would not only increase lot occupancy, but would also increase the gross floor area of the combined structures by approximately 25%.

Recognizing that her proposal does not comply with the requirements of Section 202.10(d), the applicant has asked the BZA to waive those requirements. Section 202.10(i) of the Zoning Code permits the BZA to waive requirements such as those set out in Section 202.10(d) only if the modification resulting from the waiver does not “conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1, R-2, and R-3 Districts...” The applicant argues that because the proposed accessory apartment would not be visible from O Street the single-family appearance and character of the neighborhood would not be affected by the project, but fails to acknowledge that an expanded garage with an accessory apartment on a new second floor and a door accessing the alley would be visible from both Potomac Street and 33rd Street. If constructed, the expanded garage would appear to be a stand-alone structure comprised of a first-floor garage and a second-story apartment. Such a

structure would clearly conflict with the intent of Section 202.10 “to maintain a single-family residential appearance and character...” in the neighborhood.

ANC 2E also notes that the application submitted to the BZA contains no discussion whatsoever of how construction of the proposed walkway would comply with the Regulations. The application states that the “Principal Structure” created by connecting the two structures currently on the property with a covered walkway “would be under the maximum 60% lot occupancy for the Property.” Given that section 403.2 of the Regulations allows for up to 60% lot coverage by a dwelling in the R-3 District only if the structure is classified as a “row dwelling” it appears the applicant assumes the project will change the house and its connected structures from its current classification as a detached dwelling to a row dwelling. However, this change is not discussed in the application. Furthermore, the application does not address the question of whether the addition of the walkway and the expansion of the garage would result in non-compliance with sections 404 and 406 of the Regulations, which govern Rear Yards and Courts, respectively.

For the reasons stated in the resolution, ANC 2E respectfully submits that BZA Application No. 17353A should be denied.

The motion was seconded and carried 8-0.

Old Georgetown Board

Commissioner Starrels made the following motion:

With regard to OG 16-127 (HPA 16-212) 1065 31st St., NW:

ANC 2E has no objection but does not endorse the flagpoles at 1065 31st St., NW.

Commissioner Starrels made the following motion:

With regard to OG 16-124 (HPA 16-197) 3000 K St., NW:

ANC 2E has no objection to the project as proposed.

Commissioner Starrels made the following motion:

With regard to OG 16-136 (HPA 16-228) 3124 M St., NW:

ANC 2E objects to the plan as presented. The ground floor windows have no relationship to the floors above. Furthermore, the windows on the ground floor including the stark white surround have no relationship to the historic buildings around it.

Commissioner Starrels made the following motion:

With regard to OG 16-129 (HPA 16-215) 3222 M St., NW:

ANC 2E has no objection to the repositioning of the awning as presented.

The motion was seconded and carried 8-0.

Commissioner Starrels made the following motion:

With regard OG 16-1333 (HPA 16-224) 3348 Prospect St., NW:

ANC 2E does not endorse the plans as presented and has the following concerns:

1. The cornice on the 34th street side of the building bears no relationship to the rest of the building or the surrounding buildings.
2. We urge the board to consider the treatment of windows on that same side.
3. We are not in favor of the terrace which could be used as an outdoor party area and we object to the proposed above-grade trellis as not being in keeping with the historic character of the neighborhood and the building in particular.
4. We have a concern about the disposal of trash. Presently there are photos on the internet of this house with nine trash containers outside. The owners need to ensure the trash is properly contained.
5. There is concern from a fire and safety standpoint about egress which seems to be possibly inadequate.
6. We have no objection to adding to the front steps.

The motion was seconded and carried 8-0.

Commissioner Roaché made the following motion:

With regard to OG 16-101 (HPA 16-173) 2512 Q St., NW:

ANC 2E believes that the intensity of use proposed by the new program and renovations at 2512 Q Street NW puts burdens on the historic fabric of the neighborhood.

We greatly encourage the applicant to continue working with the adjacent neighbors, to resolve their following concerns:

1. Due to the narrow alley entrance they will provide some protection to the end house to manage potential damage from trucks entering and exiting the alley.
2. the management of trash pick up to a limited number of days a week
3. the size of trash trucks entering the alley
4. the restriction of large moving trucks to Q Street Only
5. reducing the number of units by increasing the size of the units
6. examining how they will address parking since there will be 96 units and only 11 parking spaces
7. Increase the lease requirements to a minimum of a 12 month lease

The motion was seconded and carried 8-0.

At 9:32 with no further business on the agenda Commissioner Lewis moved to adjourn. The motion was seconded and carried 8-0.

Respectfully Submitted,

Leslie Maysak
ANC 2E