



ADVISORY NEIGHBORHOOD
COMMISSION 6B
PLANNING AND ZONING REPORT

April 5, 2022 at 7:00 p.m.

Virtual Meeting via WebEx

ANC 6B April Planning and Zoning Committee

Commissioners Present: Sroufe, Ready, Holtzman, Holman (Chair), Ryder, Horn

Resident Members Present: Friedman, Jarboe, Danks, Garry, Campbell

1. 2022 Capitol Hill Classic 10K, 3K, and Fun Run support letter to DC Mayor's Special Events Task Force. Sunday May 15.

Roberta Stewart of the Capitol Hill Cluster Schools presented plans for the return of the Capitol Hill Classic. Ms. Stewart shared plans for 10k, which usually has roads opened by 11:00. The major road closure is along East Capitol Street. The race is required to remove all vehicles from the race route Sunday morning by 5:00 AM. The 10k starts at 8:30 and the fun run from Stanton to Lincoln Park starts at 10:00. Ms. Stewart confirmed signs would be posted and confirmed with DDOT. The committee had no real questions after years of experience with the race.

Motion [Holman/Horn]. Unanimous on Consent

2. BZA 20701: 912 G St SE; Special Exception to construct a roof deck on an accessory garage to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 zone (Square 949, Lot 56); Owner(s): Jennisey Basart and Paul Beckman, jenniseyterp@gmail.com; Applicant: Joel Hesiey, dchome@hotmail.com; Hearing Date: 05/04/22 [6B04]

Architect Joel Heisey is back for BZA support for a roof deck on the garage. Rather than a standard roof deck the design, the applicant is proposing a trellis like six-foot wall on three sides and no roof with 3- or 4-inch board with a one-inch gap. Along the rear, the design will have opened that mimics windows. The committee continued to like the design and noted support from both neighbors given the added privacy instead of a 3 foot parapet wall.

Motion [Holtzman/Ryder]. Unanimous on Consent

3. HPA 22-243: 745 10th St SE; New accessory building in rear yard with roof deck; Owner(s): Jennifer May; Applicant: CAS Engineering-DC, LLC / David Landsman, dcpermits@casengineering.com; Hearing Date: 04/28/22 or 05/05/22 [6B04]

Architect Stephen Santos presented plans that 6B had reviewed already before for BZA relief. The project is unchanged from then. The applicant presented context shots in the alley to show the garage is in character with the alley. Resident Member Jarboe also noted that as a property owner on the alley he also views the design as consistent with the alley. The committee continued to like the design as well from the BZA portion.

Motion [Holtzman/Horn]. Unanimous on consent

4. BZA 20684: 428 11th Street SE; Special Exception to construct a rear, two-story addition to an existing, attached, two-story with basement, principal dwelling unit in the RF-1 zone (Square 992, Lot 805); Owner(s): Terry Carr; Applicant: Ileana Schinder, ile@ileanaschinder.com; Hearing Date: 04/27/22 [6B04]

Owner Terry Carr presented plans to add a two story rear addition. The committee noted there would be no light/air impacts to the north property due to the depth of the project and not light/air impacts on the south property due to orientation. The property owner said she had discussions with neighbors and has no opposition. The committee has asked for her to provide a form letter confirming this.

Motion [Holtzman/Ready]. Support on consent contingent on letters of support this week. Unanimous.

5. BZA 20713: 135 Kentucky Ave SE; Special Exception to construct a two-story rear addition, and a second story garage addition to an existing, attached, two-story with basement, principal dwelling unit in the RF-1 zone (Square 1014, Lot 26); Owner(s): Jeffery and Jill Miller, nightraven127@gmail.com; Applicant: Jobi Jones, jobi@jobijonesllc.com; Hearig Date: 05/11/22 [6B05]

Architect Jobi Jones presented plans to add a two-story rear addition and a second story addition to an existing garage. The project only needs relief for lot occupancy and is more or less in line with the neighbors. The committee noted the potential impacts on the trees and the need for HPRB review in coming months. Both neighbors in support.

Motion [Holtzman/Ready]. Unanimous on consent

6. BZA 20700: 1415 Potomac Avenue SE; Special Exception to construct a rear, two-story addition with deck, to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 zone (Square 1065NE, Lot 21); Owner(s): Dr. Alice Bellis, aobellis@gmail.com; Applicant: Johnathan Campbell, campbell.johnathan@gmail.com; Hearing Date: 04/27/22 [6B06]

Architect Jonathan Campbell presented plans that are largely similar to a BZA-approved plans from 2017, needing lot occupancy relief. The architect showed how the building would make efforts through trellis and open walls on the roof deck adjoining 1413 Potomac to mitigate the impact on light and air. The neighbor is in support. The house at 1417 is vacant but the owner did not oppose the previous BZA approval.

Motion [Holman/Campbell]. Unanimous on consent

7. BZA 20705: 1350 E Street SE; Special Exception to construct an animal boarding establishment in an existing, detached, mixed use building in the MU-4 zone (Square 1042, Lot 7006); Owner(s): FP Capitol Holdings LLC; Applicant: Christopher Cohen, christopher.cohen@hklaw.com; Hearing Date: 05/04/22 [6B06]

Danny from Atlas Doghouse presented plans to opened a high end dog day care and boarding facility in the new Safeway building on E Street SE at 1350 E Street SE. Animal boarding facilities have strict criteria to meet a special exception and the application meets all of those. So the general criteria are all that it needs to meet. The owner discussed the plans for the facility which would have up to 120 dogs during the day, but in a normal week there are only 10ish dog that are boarded on the weekends, fewer during the week. Around holidays, that number can go up to 40. The owner mentioned he had lots of support from residents of the Safeway building and that his lease with the developer was more strict than the zoning requirements and would ensure the operation is without noise or odor. The neighbor across the alley is in support of the application. There is a pickup/dropoff area in front of the facility to help mitigate traffic impacts before and after work.

Motion [Holman/Horn]. Unanimous on consent.

8A. Resolution requesting increased regulation of last mile delivery services (DashMart, GoPuff)

8B. Request to Office of Planning to add last mile delivery services as a zoning use

Commissioner Holman presented two letters (attached). One asking the council to increase regulations on last mile delivery services. The other asking the Office of Planning for a text amendment to define last mile delivery services and to decide which zone they're appropriate in. Both letters present options for regulation and zoning but are meant to serve as jumping off point. ANC 2B and 2E both have last mile delivery services in their ANCs and have passed similar resolutions.

Motion [Holman/Jarboe] Unanimous on consent

9. Letter asking Office of Planning to continue exploring roadblocks to development of housing units in alley properties and in accessory building

The committee had a long discussion on this letter and raised multiple points to make clear the intent of the letter and to address the potential unforeseen impacts and to ensure OP is also aware. The committee felt clear, however, that another month of review and revision will make this letter better and agreed to defer to May.

No motion, deferred until May

Last Mile Delivery Service Council Resolution

(Resolution to Charles Allen, At Large Councilmembers, Chairperson Mendelson, Kenyan McDuffie as chair of Business and Economic Development Committee)

WHEREAS, last mile delivery services (LMDS), including GoPuff and DoorDash DashMart, are warehouse or distribution centers that customers order grocery and household items from and are brought to them by contractors in a car, on bike, or on foot,

WHEREAS, LMDS are increasingly popular and offer a useful service to District residents

WHEREAS, warehouses and distribution facilities storing the inventory for LMDS have opened in residential and mixed-use neighborhoods of the District of Columbia,

WHEREAS, the District of Columbia currently does not have a business classification, zoning, regulation, or enforcement for LMDS,

WHEREAS, residents of the District of Columbia in residential or mixed-use zones are not consulted in advance regarding the location or operation of such businesses opening near them,

WHEREAS, contracted drivers queued and awaiting assignment routinely disrupt the peace, order, and quiet of the neighborhood with litter; noise, including loud conversation or music; and obstructing traffic at all hours of the day and night,

WHEREAS, LMDS demand a number of commercial deliveries per week, mostly from large distributors using 55-foot multi-unit trucks in facilities that often do not require loading or DDOT review of Certificates of Occupancy

WHEREAS, the operators of the facilities claim no responsibility for disruptions of peace, order, and quiet or conduct by their operation or their drivers,

WHEREAS, neighborhoods in ANC 2E, ANC 2B, ANC 5E, and ANC 6B have been experiencing disruption to peace, order, and quiet from existing LMDS, and

WHEREAS, ANC 2B and 2E has passed similar resolutions calling for increased regulation of LMDS

THEREFORE, BE IT RESOLVED that ANC 6B requests to work with Councilmembers and the Council Committee on Business and Economic Development and affected communities to develop and introduce legislation to the DC Council that provides meaningful regulation and enforcement for LMDS in residential and mixed-use zones, including:

- Establishing a specific business classification for LMDS,
- Directing the Department of Consumer and Regulatory Affairs (DCRA) to establish an approval process for applicants similar to that of the Alcoholic Beverage Control (ABC) Board that requires public notice to residents and ANCs and provides an opportunity for communities to enter into agreements similar to settlement agreements that address neighborhood concerns and govern an operation's responsibilities and conduct,
- Directing DCRA to establish clear and timely enforcement, adjudication, and penalty imposition policies to resolve complaints from neighbors or other DC Government agencies without complicated or time-consuming complaint processes,
- Holding LMDS operators fully responsible and accountable for the conduct of their drivers and suppliers, whether direct employees, temporary workers, or contract workers, including for

blocking traffic, sidewalks, parking, driveways, and alleys and the creation of untenable noise and litter on our community's streets and sidewalks,

- Requiring LMDS operators to maintain current records of drivers engaged by them, whether employees or contractors, and readily accessible logs of reported complaints or incidents involving their drivers, including of property damage or untoward conduct,
- Requiring that LMDS facilities:
 - Have adequate private loading and parking for employees and staging for drivers awaiting dispatch per zoning regulations,
 - Apply for and obtain zoning relief for a location if it does not satisfy zoning requirements,
 - Establish a traffic control plan satisfactory to residents, ANCs, and the District Department of Transportation (DDOT) and incorporate such plan into a jointly negotiated settlement agreement between the local ANC and the applicant,
 - Apply for and obtain permits from DDOT and/or the Public Space Committee to use designated on-street space for commercial pick-up and drop-off and driver queueing, subject to DDOT's regular processes,
 - Prohibit their employees and contractors from parking or standing in travel lanes, alleys, driveways, neighboring building entrances, or parking facilities, with the understanding that the city will issue penalties for engaging in prohibited behavior, and
- Specifying that zoning and public space accommodations and settlement agreements made for LMDS automatically sunset upon cessation of occupancy by the operator or an immediate successor maintaining the same type and scope of business. Any agreements related to operations of such business shall not automatically convey to a different business category.

Commissioner Corey Holman (6B06@anc.dc.gov, 301-664-4132) is authorized to represent ANC 6B in this matter.



Letter to OP Asking for Zoning Text Amendment to Define Last Mile Delivery Services

Deputy Director Steingasser,

ANC 6B is writing today to request a zoning text amendment for the creation of a new zoning use, last mile delivery services (LMDS). And to further restrict by-right LMDS use to PDR zones, to create a separate use classification of LMDS in the zoning regulations and to requires a special exception for LMDS use in Mixed Use zones.

Over the past two years, GoPuff has opened three LMDS in Dupont Circle, Georgetown, and Eckington and DoorDash has opened a LMDS concept in Capitol Hill. All four communities have consistent issues with these operators and ANC 2B, 2E, and 6B has passed resolutions asking the council to increase regulation of LMDS on the business side. While ANC 6B believes the proposed regulations in that resolution are a good first step to ensure LMDS are good neighbors from a regulatory perspective, we also recognize the value in zoning restrictions on LMDS.

ANC 6B has a pending appeal for a LMDS on very narrow grounds related to past use and misrepresentations on historic Certificates of Occupancy. However, we recognize that in a different set of circumstances, there is nothing that would stop the operation of the LMDS with insufficient parking and loading in most parts of the city. In our ANC, this has led to continuous blocked sidewalks and nearly 24-hour activity next door to residences.

Further, the Zoning Administrator has a spotty record with LMDS. He has classified the Georgetown GoPuff as office use in a MU-13 zone. He originally classified 6B's DoorDash as a warehouse use but switched to retail at the behest of the operator in a PDR-1 zone. He has classified the Dupont GoPuff as general service in the MU-17 zone. And he has classified the Eckington GoPuff as Warehouse use in the PDR-2. The point of this is that there is no general category for LMDS and the ZA so far has made four different determinations for the four establishments in business. These are almost all identical businesses.

That every community that has a LMDS operating nearby has ongoing issues with these businesses speaks volumes that there is substantial impact on surrounding communities inherent to LMDS. The DC zoning regulations clearly envision protection from noxious nearby uses. To that end, we respectfully request that OP offer a text amendment to address the inherent impacts of these uses in MU zones that could be addressed through the special exception process and adds LMDS as a specific use in the zoning regulations. We would love to discuss this matter with your and the team at OP and to share the experiences from neighbors around the city.

Commissioner Corey Holman (6B06@anc.dc.gov, 301-664-4132) is authorized to represent ANC 6B in this matter.