

**ANC2F Community Development Committee
February 28, 2007 – 7PM
Washington Plaza Hotel**

In Attendance:

Mike Bernardo, 2F06
Chris Dyer, Chairman
Kara McCabe, 2F01
Helen Kramer, 2F04
Jim Loucks, 2F06
Jim Richardson, 2F02
Samuel Robfogel, 2F01
Jennifer Trock 2F04
Brian Vargas 2F03

Absent:

Jim Cook, 2F02

Mike Sheaffer, 2F04

Chairman Dyer called the meeting to order and noted that a quorum was present.

Approval of Agenda

The agenda was adopted by a **VOTE** of 9-0.

1307-1311 L Street, BZA Variance

Carloyn Brown, Holland & Knight LLP made a presentation to ask that the CDC recommend to the ANC that a letter be sent to the Board of Zoning and Adjustment for variance relief from the parking space size requirement set forth in §2115.1, the minimum vertical clearance requirement set forth in §2115.5, and the parking accessibility requirement set forth in §2117.4.

Thalia L Street LLC proposes to demolish the existing structure at 1307-11 L Street, N.W. and replace it with a new office building. At 58 feet wide, the site is too narrow to construct ramps within an underground parking garage. Instead, the applicant proposes to install an automated parking system comprised of vehicle elevators and platforms to deliver and retrieve cars from parking spaces. This innovative system does not require the vehicle's driver or an attendant to actually enter the garage.

The platform, also known as a palette, is approximately seven feet, two inches in width by eighteen feet, three inches in length, as opposed to the nine-foot width and nineteen-foot length required by the Zoning Regulations. The actual space that the palette sits in is generally nine feet wide or wider but is nine inches shorter than the minimum required length. Similarly, the minimum vertical clearance of the parking spaces will range from five feet, seven inches to six feet, ten inches, creating some spaces that have a lower vertical clearance than the minimum of six feet, six inches provided for in the Zoning Regulations.

The request meets the Exceptional Condition or Situation requirement for a variance because of the small lot consisting of only 6,960 sf of land area; lot is exceptionally narrow at only 58 feet wide and 120 feet deep. The Practical Difficulty is the turning radius and grade required to

provide a ramp leading to lower levels would require the aisles and ramp to be located along the interior perimeter of the lower floors, leaving only a very small space in the middle for parking spaces. The required 29 spaces could not be accommodated on the site without extensive, multi-level excavation of the site. There will be No Harm to the Public Good or Zone plan because The innovative automated parking alternative allows the applicant to provide the necessary number of parking spaces, but at a size slightly less than the standard dimensions of 9 x 19 feet. Instead, the space will be 9 x 18'-4"; the vertical clearance height will be approximately 10" less than the required 6'-6". Because the system is fully automated and no actual driving or human interaction is required for parking the cars, the reduced parking space size will not adversely affect the public good or zone plan.

Trock moved for that the CDC recommend that the full ANC send a letter to the BZA in support of a variance because the applicant successfully demonstrated that an exceptional condition existed, and that there was a practical difficulty or special circumstance and that there would be no harm to the public good or zone plan if this variance would be granted. **Kramer** seconded the motion and the motion carried unanimously.

Vote: Approved 9-0

1438 R Street NW, BZA Variance for Parking

Mr. Bill Bonstra presented plans for 32 mixed use residential units with underground parking. Under the zoning regulations, the project is required to provide up to 16 parking spaces. Due to the small size of the parcel of land that the project is being developed, there is only space for 3 spaces under the private property that exists. However, there is plenty of space in the public vault that is immediately adjacent to the development and the developer has made arrangements to lease that space and build a connecting underground parking structure that will hold enough room for thirteen spaces. These spaces don't count towards meeting the requirement and a variance is needed.

Kramer moved that the CDC and ANC write a letter to BZA in support of the variance to the parking requirements because support of a variance because the applicant successfully demonstrated that an exceptional condition existed, there was a practical difficulty or special circumstance and that there would be no harm to the public good or zone plan if this variance would be granted. **Kramer** seconded the motion and the motion carried unanimously. **Richardson** seconded and the motion carried unanimously.

Vote: Approved 9-0

1312 13th Street, NW, BZA Appeal to Allow Commercial Use

The BZA will be holding a hearing pursuant to 11 DCMR §§ 3112, from the administrative decision of the Zoning Administrator (ZA), Department of Consumer and Regulatory Affairs (DCRA) to revoke Certificate of Occupancy. The owners of the property at 1312 13th Street, NW are appealing a decision that the BZA made to deny a certificate of occupancy for commercial use of a property within a area that has been

zoned residential. **Sandra Maddox** and **Jeanette Henry** represented the owners and made a presentation. The owners came to the CDC for support of their appeal.

Ms. Maddox began a presentation about the property and stated that the location was to be used as a dry cleaning pick up and delivery service with little or no impact on community, traffic; or fire hazard. Chairman Dyer reminded Ms. Maddox that the basis of their appeal was that there had been previous commercial activity on the location which would “grandfather” the use of commercial property. It didn’t matter what the commercial property was, the fact is that the community would not commercial use in an area zoned residential. He asked the presenters to attempt to prove that the property had commercial use in the past.

Jeanette Henry stated that the owners of 1312 13th Street had received a Certificate of Occupancy from the DCRA and that a previous business had existed on the property.

Helen Kramer listed several past examples of illegal commercial use of this property and how this tradition has carried forward with this property. **Bob Maffin**, a community members, stated that he has lived in the neighborhood for twenty five years and that he never knew of any commercial use at this location. **Ralph Muller** of the Solo Piazza at the corner of 13th and N stated to the committee that they would like to keep block residential.

Trock moved that the CDC recommend to the ANC that a letter be sent to the BZA requesting that they uphold their decision to revoke the certificate of occupancy because the presenters failed to prove that a prior commercial establishment existed on the property and that there were no grounds for a variance to be issued for commercial use in a residential area. **Richardson** seconded.

VOTE: Opposed 9-0

Arts Overlay Update

There has been a request from the community that the CDC investigate the compliance to the percentages set in the Arts Overlay District. Jim Kane, Al Collins and Commissioner Dyer will work together to draft a letter to the Office of Planning with specific questions about measurements and properties in the Arts Overlay.

Meeting adjourned at 8:08 pm.