

# ANC 2F | Community Development Committee Meeting

**MINUTES** WEDNESDAY  
SEPTEMBER 25, 2013

7:00 P.M.

WASHINGTON PLAZA HOTEL  
10 THOMAS CIRCLE, NW

## Attendance

### PRESENT

Commissioner Walt Cain (2F02)  
Louis Cipro  
Joyce Cowan  
Lisa Freling-Huysen  
Joel Heisey  
Jim Loucks  
Howard Marks  
Commissioner Matt Connolly (2F08)  
Commissioner John Fanning (2F04)

### GUESTS AND PRESENTERS

Carolyn Brown, Holland & Knight  
Cyrus Freeman, Holland & Knight  
Kevin Riegler, CAS Riegler

Committee meeting **called to order** by Commissioner Cain at **7:02 p.m.**

## Business Meeting

### Approval of Agenda

Commissioner Cain moved to adopt the draft agenda; the motion was seconded and approved unanimously by the Committee.

**Vote: 9-0 (unanimous)**

### 1601 14th St, NW (Le Diplomate)

Carolyn Brown, Holland & Knight

*DDOT Public Space Committee request for temporary/seasonal enclosure*

Carolyn Brown, Attorney with Holland & Knight representing Le Diplomate Restaurant, presented Le Diplomate's request for the seasonal enclosure of the restaurant's already approved sidewalk café along Q Street, NW. Brown explained that the restaurant would enclose the space with a fabric canvas containing clear vinyl windows. Le Diplomate plans to enclose the space from mid-October through mid-May each year. Brown requested that the Committee recommend approval of the seasonal enclosure request to both DDOT and HPRB.

Commissioner Cain moved that the Committee recommend full ANC support for the approval of Le Diplomate's seasonal enclosure request to both the DDOT Public Space Committee and HPRB, including language in the recommendation letter that the request should go through both DDOT Public Space's and HPRB's administrative approval processes. The motion was seconded and unanimously approved.

**Vote: 9-0 (unanimous)**

*BZA request for parking variance, area variance, and special exception for roof structure*

Cyrus Freeman, Attorney with Holland & Knight representing the applicant in question, presented the applicant's request for support of the aforementioned variances. The applicant is planning the redevelopment of an existing two-story office building into a 33 unit residential building. Freeman detailed the applicant's requested variances, including:

- variance from compact space parking requirements, in order to allow the applicant to provide five additional parking spaces over the required seventeen, several of which would be more compact than regulation size;
- relief from requirement that parking spaces be directly accessible, in order to allow the applicant to construct a car elevator instead of a parking ramp;
- relief from side yard requirements, to permit continued existence of the current non-conforming 1.5 foot yard on the northern portion of the property;
- special exception from roof structure requirements, in order to allow construction of a roof structure of an uneven height to cover an elevator shaft; and
- setback relief, in order to allow a proposed roof structure to be only 13 feet from the edge of the building instead of the required 18 feet.

During the question period, the Committee inquired about numerous building features and processes, including that of trash removal. Freeman assured that the developers would commit to appropriate trash storage for building residents inside the building.

Cain moved that the Committee recommend full ANC support for the listed zoning variances; the motion was seconded and approved unanimously by the Committee.

**Vote: 9-0 (unanimous)**

**1101 Rhode Island Ave, NW**

Kevin Riegler, CAS Riegler

*BZA request for area variance and special exception*

Kevin Riegler, co-owner of CAS Riegler and developer for the project in question, presented his requests for area variance and special exception. The proposal is a matter-of-right, mixed used project of up to 40 condo units with up to 2,900 sq. ft. of retail space in the ground level.

Riegler detailed the requested variances, including:

- parking variance, in order to allow developer to build fourteen instead of the required twenty parking spaces;
- parking size variance, in order to allow developer to designate eight of the fourteen spaces as compact;
- parking setback variance to allow developer to locate parking spaces within 20 feet of lot lines that abut public streets;
- lot occupancy variance, of 90% instead of the allowed 75%, in order to allow developer to construct a green roof over the parking area, which would not be usable surface/area by building residents (however, zoning regulations count the area toward lot occupancy variance);
- FAR variance, of 3.15 instead of the allowed 3.0, in order to allow the developer to construct a green roof over the parking shaft which would not be usable surface/area by building residents (however, zoning regulations count the area toward FAR); and
- special exception, in order to allow the developer to build portions of the roof structure facing the interior courtyard of the building with less than a 1:1 setback, and to allow portions of the roof

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structure to be shorter than others.

There was extensive Committee member and community discussion following Riegler's presentation, primarily related to resident concerns about the limited number of parking spaces included in the project; parking congestion on nearby streets; potential congestion in the one-way alley adjacent to the property; confusion over the developer's reasons for requesting additional FAR and lot occupancy (as detailed above); soil and contamination remediation to address the site's former use as a gas station; rodent issues that could arise from a café occupying the proposed retail space; and construction-related noise and congestion concerns.

Community presenters in opposition to the project included Eve Pelonis (1519 12th St, NW); Veronique Fine (1518 12th St, NW); Chris Sondreal (Q St, NW); Michelle Roy (1108 Q St, NW); Keith Kaye (1107 Rhode Island Ave, NW); Joe Cantor (1109 Rhode Island Ave, NW); and Ken Adams (1109 Rhode Island Ave, NW).

Commissioner Connolly requested that Riegler draft a letter that addresses the issues raised at tonight's meeting and provides a written rationale to clarify the requests for FAR and lot occupancy variances. Commissioner Fanning, whose single member district includes the project in question, agreed to be the ongoing intermediary between the developer and the community for the project.

No vote was called or motion made on the question.

Commissioner Cain moved to adjourn the meeting; the motion was seconded and approved by the Committee. Meeting adjourned at **9:29 p.m.**