



## MEMORANDUM

**TO:** District Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** July 5, 2011

**SUBJECT:** BZA Application #18231 –Special Exception relief to permit a fast food establishment at 3420 Connecticut Avenue N.W.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **recommends approval** to permit a fast food establishment requiring special exception relief pursuant to the provisions of Sections 733 and 3104.

OP recommends inclusion of the following conditions as agreed to between the applicant and the ANC3C:

- Installation of a gate at the private alley entrance to screen trash receptacles.
- Installation of security lighting in the private alley.

### **II. AREA AND SITE DESCRIPTION**

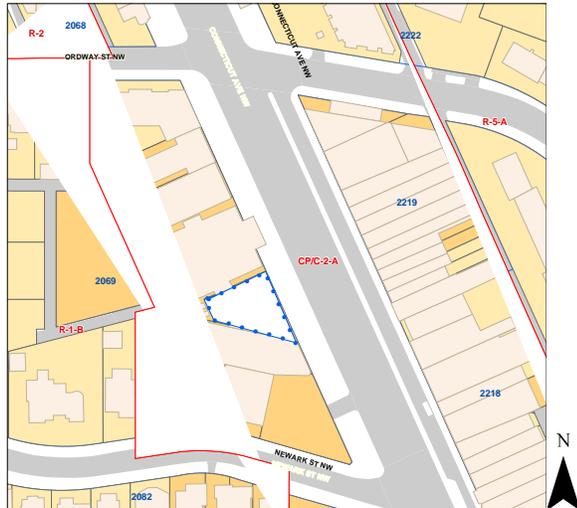
Address	3420 Connecticut Avenue N.W.
Legal Description	Square 2609, Lot 161 (hereinafter, the "Property")
Ward/ANC	3/3C
Lot Characteristics	The lot is an irregularly shaped (trapezoid) lot measuring 5,512.15square feet in lot area and abuts Connecticut Avenue to the west and the lot of the Uptown Theatre building at the north and east.
Existing Development	The Property is developed with a single-story strip commercial building which accommodates multiple tenants. The building spans the full width of the lot and has a 15' wide rear yard. On-site parking is not provided.
Zoning	<b>C-2-A:</b> This district is designed to provide facilities for shopping and business needs, housing and mixed uses for large segments of the District of Columbia outside of the central core. They are also located in low and medium density residential areas... (§720.2, 720.3). The property is also located in the Cleveland Park Commercial Overlay. The Cleveland Park Neighborhood Commercial (CP) Overlay District was established to provide for safe and efficient pedestrian movement ... and to provide for retention of existing housing ... and to enhance pedestrian activity, safety, and support for businesses. The maximum permitted height for any building or structure in the CP Overlay District shall be forty feet (40 ft.). The matter-of-right density in the CP Overlay District shall be 2.0 FAR, not more than 1.0 of which may be occupied by nonresidential uses. <i>The proposed use is not impacted by the provisions of the overlay.</i>
Historic District	Cleveland Park Historic District.
Adjacent Properties	To the Property's north is the Art Deco Uptown Theatre building and to the south is a single-story commercial building. To the east, across the theatre lot and a 15-foot wide alley, is an alley lot which is developed as a surface parking lot in the R-1-B District.
Surrounding Neighborhood Character	West: Across Connecticut Avenue – Similar commercial businesses within the C-2-A District. North and South: Commercial properties also within the C-2-A District. East: Single-family residential homes in the R-1-B District.



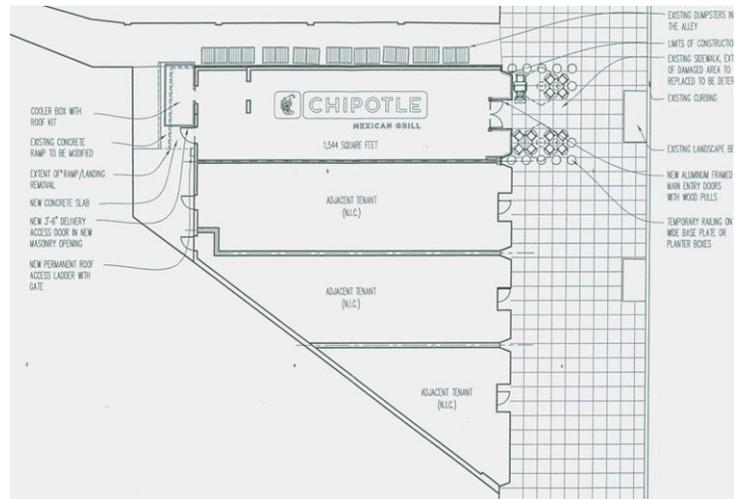
**III. PROJECT DESCRIPTION IN BRIEF**

Applicant:	George Pedas, owner of the subject commercial property.
Proposal:	The application proposes that the fast food establishment, Chipotle, (the tenant) would occupy an existing 1,544 sf retail space in the commercial building owned by the applicant. The location previously housed another fast food establishment. The policy of customers buying their meals prior to consuming their food constitutes a fast food establishment under the zoning regulations and necessitates special exception relief. Customers would use disposable dishware, including utensils, and cups, and there is no deep frying of food. The tenant would employ up to 30 employees, with approximately 8 to 13 employees at the location during any one shift. The building does not provide on-site parking. Loading for the building currently occurs from the front of the building off Connecticut Avenue. No drive-through use is proposed.
Relief Sought:	Special exception relief pursuant to § 733 to permit a fast food establishment in the C-2-A District.

**IV. IMAGES AND MAPS**



**Zoning Map of the Property (highlighted)**



**Site Plan**



**View of the commercial center looking east across Connecticut Avenue**



**Private alley next to storefront which fronts Connecticut Avenue**

## V. RELIEF REQUESTED

The application requests special exception relief to permit the operation of the fast food restaurant- Chipotle- in the C-2-A District subject to the provisions of Section § 733 as follows:

*733.2 No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.*

No part of the lot is within 25 feet of a Residence District.

*733.3 If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.*

No portion of the lot lines abuts the alley containing the zone district line which separates the R-1-B and C-2-A Districts.

*733.4 Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District.*

The subject business's refuse dumpster would be located within an existing private alley<sup>1</sup> abutting the north property line. It is not possible to enclose the dumpster in this location with a 3-sided brick enclosure as the private alley is owned by the adjacent property owner, which is not the subject of this application. However, the ANC requested, and the applicant agreed to install a suitable gate to screen the dumpsters' visibility from the Connecticut Avenue frontage, as shown in the photo above. See the ANC's comments below.

*733.5 The use shall not include a drive-through.*

The use does not include a drive-through, as it is part of an existing established commercial center.

*733.6 There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.*

No customer entrance is proposed at the rear of the building as the rear of the building abuts a portion of the irregularly shaped lot of the Uptown Theatre to the north, as can be observed in the map above.

*733.7 The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.*

The proposed use is not anticipated to become objectionable to neighboring properties. Its hours of operation would be from 10 am to 10 pm daily and the tenant is expected to employ about 30 part-time employees, with 3-4 full-time managers. One manager at a time, working an eight-hour shift would be present. The majority of employees would arrive via public transportation, as the available short-term on-street parking would not accommodate workers who would work for extended periods. Approximately 28 seats would be provided, including multiple two-and four-top tables in the main dining room with bar-like seating at the front windows. The hours of operation are in keeping with other food establishments on the commercial corridor and should not become objectionable as to noise or sounds. Trash would be picked up six days a week to mitigate odors or related health hazards to abutting properties and neighbors along Connecticut

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<sup>1</sup> OP has no further information regarding agreements to use this private alley. OP anticipates that the applicant may provide this information at the hearing.

Avenue. The applicant has agreed to install a gate at the front of the private alley where trash is stored to screen the trash receptacles from view along the public space on Connecticut Avenue.

*733.8 The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.*

No off-street parking is required for fast-food establishments in the C-2-A District.

*733.9 The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.*

This use is consistent with the pattern of uses of the surrounding commercial uses and would target pedestrian traffic of the surrounding residential community rather than customers arriving by car. The fast food tenant is a national chain, which has locations in other District neighborhoods and nearby surrounding jurisdictions. Therefore, OP does not anticipate any objectionable vehicle traffic to the neighborhood due to the attraction of the fast-food offerings of this tenant.

*733.10 There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.*

The subject property is located between the lot lines of the adjacent property to the north, which wraps around the subject property's rear and the property at the south, allowing no access to the existing alley which exists onto Ordway Street to the north (as shown in the map on page 2 of this report). The applicant has no control over this situation. Thus loading and trash pick-up is not provided on-site, as required by the existing regulations. Deliveries and trash collection for all existing tenants of the commercial property occur off of the existing parking lanes on Connecticut Avenue during morning time prior to opening. Parking and loading restriction signage are posted along the public right-of-way on Connecticut Avenue in the vicinity of the subject property. The District Department of Transportation (DDOT) has not provided any comments regarding loading and trash pick-up off Connecticut Avenue.

*733.11 The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.*

The property is located within the Cleveland Park Historic District. Any design-related concerns would ultimately be resolved at permitting by HP staff. OP does not suggest any other conditions pertaining to design, screening or lighting, to protect adjacent property beyond the agreement made between the ANC and the applicant/owner to screen the private alley where trash receptacles are currently located, as could be seen from the image in page 2 of this report. As previously stated, there is no on-site parking requirement and none is provided.

*733.12 The applicant for special exception under this section may request the Board modify the conditions enumerated in 733.2 through 733.4; provided that the general purposes and intent of this section are complied with.*

The applicant has requested a modification of provision §733.4 which requires a three-sided brick enclosure to house the dumpster. Due to the lot's circumstance, there is no other location on the property where the applicant could reasonably locate tenant dumpsters for trash pick-up. Therefore, trash receptacles have historically been placed within this private alley. Both sides of the private alley are bounded by the walls of the applicant's building and the south side wall of the Uptown Theatre building. A brick wall also a part of the theatre is also located at the rear end of the private alley. The proposed screening of the private alley at the Connecticut Avenue frontage, is in conformance with the intent of provisions §§ 733.4 and 733.7.

## **VI. COMMUNITY COMMENTS**

At its June 20, 2011 meeting, ANC 3C voted unanimously to support the application subject to the adoption of the following conditions:

- Installation of a gate at the private alley entrance to screen trash receptacles.
- Installation of security lighting in the private alley.

The applicant has agreed to both conditions and a design was presented and agreed to by the ANC. The Historic Preservation Review staff will review the gate's design at, or prior to the permitting stage.

## **VII. CONCLUSION**

The application satisfies the provisions set forth in § 733 for special exception relief to permit a fast food establishment in the C-2-A District in the Cleveland Park neighborhood. The use at this location is consistent with other neighborhood establishments and would not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map as outlined in the report above.