



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director for Development Review & Historical Preservation

DATE: November 9, 2010

SUBJECT: BZA Case 18137 - Request for special exception relief at 2338 Wisconsin Avenue NW

I. SUMMARY RECOMMENDATION

Although this proposal generally addresses the relevant review criteria for the special exception relief requested under § 733 of the Zoning Regulations, the Office of Planning (OP) is **unable to make a recommendation** at this time pending the receipt of additional information about the proposed relocation of the existing trash dumpster enclosure.

II. AREA AND SITE DESCRIPTION

Address:	2338 Wisconsin Avenue NW
Legal Description:	Square 1300 Lot 0815
Ward:	3B02
Lot Characteristics:	A generally rectangular lot of 0.64 acre (27,930 square feet) with frontages along Wisconsin Avenue and 37 th Street NW.
Existing Development:	2232-2238 Wisconsin Avenue is developed with “The Calvert Center” building and an accessory 29-space parking lot. The building is divided into four lease spaces occupied by the Consulate of El Salvador, Brueggers’s Bagel Bakery, a small US Post Office and the subject vacant lease space formerly occupied by a Pizza Hut. Vehicles access the on-site parking area from a driveway along 37 th Street. Curbside parking is also available on Wisconsin Avenue but there is no vehicular access because the Calvert Center building occupies the entire lot frontage.
Zoning:	<i>R-3 and NOPD/C-2-A</i> – accessory parking lots are allowed in both districts, and fast food restaurants are allowed in the latter district, with special exception approval
Historic District:	None
Adjacent Properties:	Properties to the north are developed with a variety of commercial uses; a five-story residential building abuts the property to the south; to the east across Wisconsin Avenue is a Whole Foods Market and the Guy Mason Recreation Center; and to the west across 37 th Street are two-story row dwellings.



Surrounding Neighborhood Character:	A mixture of moderate-density commercial and medium-density residential development (refer to Exhibit 1).
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III. APPLICATION IN BRIEF

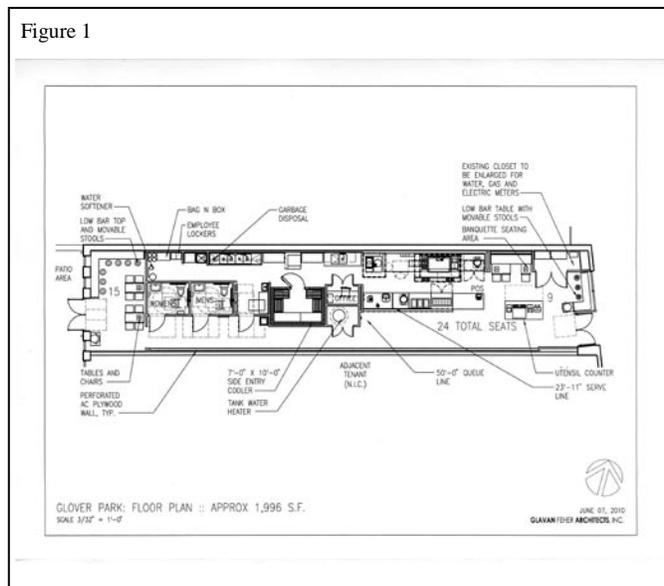
Applicant: Richard S. Isen, property owner

Proposal: To establish a Chipotle Mexican Grill fast food establishment in the subject 1,995 square-foot lease space at 2238 Wisconsin Avenue NW. No expansion of the current building footprint would result under this proposal. Daily hours of operation would be 11:00 AM to 10:00 PM.

An interior layout provided by the applicant indicated that customers would enter from the Wisconsin Street frontage or from the accessory parking lot on the rear of the property. Interior seating would be provided for 24 persons. The applicant indicated that additional seating would be provided on a planned patio area located immediately outside the rear door (refer to Figure 1 below). This arrangement would mirror that behind the neighboring Brueggers’ Bagel Bakery.

The existing parking lot is shared by the building tenants. Two parking spaces in the lot would also be reserved for customers who come to picking up food orders faxed in advance. Other customers, employees and vendors of the proposed use would also be able to utilize this lot and on-street parking along Wisconsin Avenue.

Management also provides a trash collection area that is shared by all tenants. Two existing commercial dumpsters in the parking lot are surrounded by a gated wooden picket fence that is approximately six feet in height. The applicant indicated that management plans to relocate this dumpster enclosure within the parking area.



Relief and Zoning: The Zoning

Administrator referred this request for Board of Zoning Adjustment (BZA) review in a letter dated August 24, 2010, noting that a fast food use in the NOPD/C-2-A district requires special exception approval in accordance with the provisions of § 733.1. The applicant submitted this application for BZA consideration in response.

BZA Application No. 16480 was previously approved to allow continued operation of the existing accessory parking for up to 48 vehicles on the portion of the subject property in the R-3 district. The approval term was for 15 years (until October 6, 2014).

IV. OFFICE OF PLANNING ANALYSIS

Consistency with § 733

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.*

The subject property is split-zoned: the western quarter is in a NOPD/C-2-A district and occupied by The Calvert Center; and the eastern three-quarters is occupied by the accessory parking lot in an R-3 district. Although the proposed new use would be within the NOPD/C-2-A district, it would abut the R-3 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.*

There is no alley but the existing building does extend the length of the adjacent R-3 district.

- 733.4 *Any refuse dumpster 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.*

Dumpsters in the parking lot are surrounded by a gated wooden fence. The applicant was informed that dumpsters for the proposed use would join the existing trash receptacles within the enclosure. Since the parking lot is entirely within the R-3 district, there does not appear to be a way for the enclosure gate not to face the surrounding residence zone, although it would be beneficial for the gate to face away from the apartment building abutting the property the south. More information was requested about the planned enclosure and dumpster relocation, particularly since there would be two fast food establishments on the property. It was also encouraged that the new enclosure be more consistent with the standards of this provision. However, since this will be a shared facility, the applicant does not control the final orientation and design.

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

No drive-through is proposed.

- 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.*

Customers would be able to enter the building from Wisconsin Avenue and the accessory parking lot within the R-3 district.

- 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.*

Neighboring lease space is occupied by other office, retail and service uses. No residential use is adjacent to the subject lease space. The application indicated that the tenant would install additional mechanical equipment on the roof to minimize the grease-laden vapors escaping from the kitchen, and would limit any exterior lighting scheme to the referenced hours of operation.

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

Although some spaces are reserved, the balance of the on-site parking is shared by all tenants per the lease agreement.

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

Customers would arrive on foot, drive and park in the accessory parking lot on-site or park along Wisconsin Avenue. Delivery vehicles would do the same. The use therefore would not contribute to any dangerous traffic conditions.

- 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.*

Servicing the existing parking lot trash collection area does not obstruct public right-of-way.

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.

See below.

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

OP requested more information about the proposed relocation of a trash enclosure before making a final recommendation. Another question relates to the proposed additional equipment to minimize vapors escaping from the kitchen.

If this rooftop mechanical equipment exceeded a height of four feet about the roof, then the relief may be needed from zoning provisions under §§ 400.7 and 411 that pertain to roof structures. The applicant confirmed that the proposed equipment would not exceed a height of 37 inches above the roof.

Accordingly, OP cannot make a recommendation pending the receipt of information about the trash enclosure relocation.

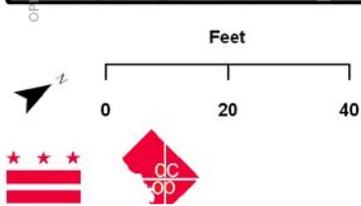
V. COMMUNITY COMMENTS

Melissa Lane, Chair of Advisory Neighborhood Commission (ANC) 3B, indicated that the ANC voted unanimously to recommend approval of this application at its public meeting on October 14, 2010.

Attachment: Exhibit 1 Aerial with Zoning and Previous Building Façade

Arthur Jackson, Case Manager

JS/afj



BZA Application No. 18137
2338 Wisconsin Ave NW

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Office of Planning ~ October 13, 2010
This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery © Pictometry International

LEGEND

-  Street Centerlines
-  Water
-  Parks