



Government of the District of Columbia  
**Advisory Neighborhood  
Commission 6C**

October 16, 2017

Board of Zoning Adjustment  
of the District of Columbia  
441 4th Street, NW  
Suite 210-S  
Washington, DC 20001

Re: BZA 13991A (522½ K St. NE)

Dear Members of the Board,

On October 11, 2017, at a duly noticed and regularly scheduled monthly meeting, with a quorum of six out of six commissioners and the public present, this case came before ANC 6C. The commissioners voted 6-0 to support the application subject to the conditions set forth below.

ANC 6C commends the applicant for bringing new vitality to this neighborhood-serving location. We agree that revisiting and modifying the Board's controlling order—issued 34 years ago—serves the public interest. However, we believe the appropriate approach is to relax certain limits in Order 13991 instead of eliminating them altogether:

- **Seating and table service:** The 1983 order prohibits customer seating and limits food consumption to carry-out only. The written application seeks a minimum of 18 indoor seats.<sup>1</sup> At the meeting of ANC 6C's zoning committee, the applicant expressed a desire to also have 18 outdoor seats authorized by the new zoning order. (Such seats would still need to be approved by DDOT/Public Space for use as a sidewalk café.) The applicant stated that he does not intend to provide table service, but that patrons could consume food onsite if they choose—thus the need for authorization for an accessory fast-food use.

ANC 6C supports the request for 18 indoor seats so long as they are not served by wait staff. However, we have substantial concerns that adding an equal number of outdoor seats would cause the fast-food use to be so significant an operation that it would no longer be secondary to the principal grocery use. Accordingly, we support zoning authorization to have up to six additional seats outdoors, subject to DDOT/Public Space approval.

- **Hours:** The 1983 order restricts store hours to 8am-8pm Monday-Saturday and 8am-6pm Sunday. We support expanding the hours of store operation to 7am-9pm

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<sup>1</sup> We note that the submitted drawings depict only 15 or 16 total indoor seats. See Case Exhibit 7.

Monday-Saturday and 7am-6pm Sunday. Such hours allow for increased service to local residents while avoiding activity at hours that might disturb nighttime peace and quiet. These hours are consistent with the maximum grocery corner-store hours set out in the new regulations at 11 DCMR subtitle U, § 254.13(b).

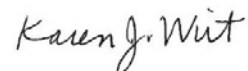
- **Delivery service:** The applicant also seeks to provide a delivery service. ANC 6C supports allowing this during the full hours of operation, subject to the limitation (as recommended by Office of Planning) that all deliveries be made by bicycle or on foot (i.e., not via motor vehicle). As with the expansion of hours of operation, this change will allow for better service to local residents without creating objectionable traffic conditions or other adverse impacts.
- **Other areas of relief:** The applicant seeks to expand the retail use to the premises basement, as well as to increase the number of employees. We support the expansion into this additional space and an increase in the maximum number of employees from two (under the 1983 order) to seven as proposed by the applicant.

To reiterate the point made above, we welcome the applicant's new, attractively designed store and the contributions it has already made to the local area. Our chief concern is to ensure that this business—whether under the ownership of the applicant or any successor—retains its principal use as a grocery store, with the proposed fast-food use remaining clearly “incidental and subordinate to” that principal use. 11 DCMR subtitle B, § 100.2 (defining “accessory use”).

Finally, the Commission's vote authorized Commissioners Heather Edelman (6C06) and Mark Eckenwiler (6C04) to provide testimony before the Board in this matter.

Thank you for giving great weight to the views of ANC 6C.

Sincerely,



Karen Wirt  
Chair, ANC 6C