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Outline of Testimony before the Board of Zoning Adjustment

BZA Application No. 18402
2805 M Street, N.W.

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I Site location and description

A Location

1. North side of M Street between 28th and 29th Streets, N W
2. Project site consists of lot 802 in Square 1212
3. Site located in the Georgetown area

B Size

1. Site area is approximately 1,905 square feet
2. Rectangular site with approximately 20.05 feet of frontage on M Street with a depth of 95 feet
3. Interior lot which backs up to a 5 foot wide private alley providing foot traffic access out to 28th Street

C Existing site condition

1. Improved with a 2 story plus cellar building
2. First floor currently vacant formerly used as a restaurant
3. Second floor used for offices

II Description of surrounding area

A Georgetown M Street commercial corridor

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18402

EXHIBIT NO. 32

Board of Zoning Adjustment
District of Columbia
CASE NO. 18402
EXHIBIT NO. 32

SEP 18

B. Area contains predominantly small scale low-rise structures

C Remainder of Square 1212

1 To the east 2 story plus basement commercial building

2 To the north 2 story and 2 story plus basement residential buildings

3 To the west 2 and 3 story commercial buildings fronting on Pennsylvania Avenue

D Uses to the south

1 M Street/Pennsylvania Avenue intersection

2 Four Seasons Hotel

E. Uses to the east

1 Former Corcoran School now used as offices

2 Additional restaurant and retail uses

3 Gas station

4 Rock Creek Park

F Uses to the west. additional commercial uses along M Street

G Uses to the north predominantly rowhouses

III. Existing zoning C-2-A

A. Uses (§§721 – 734)

1 Commercial use permitted as a matter-of-right, including retail and service uses

2 Residential use permitted as carry-over from Special Purpose and Residential Districts

3. Fast food restaurant use permitted as a special exception

B Height - maximum of 50 feet (§770.1)

- C Density - maximum of 2.5 FAR, with nonresidential uses limited to 1.5 FAR (§771.2)
- D Lot occupancy - residential uses limited to 60% (§772.1)
- E Rear yard - 15 feet (§774.1)
- F. Side yard - not required (§775.5)
- G Parking (§2101.1)
 - 1 For residential use 1 space for each 2 dwelling units
 - 2 For retail use 1 space for each 300 square feet of gross floor area and cellar floor area in excess of 3,000 square feet
- H Inclusionary zoning
 - 1 20% bonus of FAR = 0.5 additional
 - 2 Maximum lot occupancy increased to 75%

IV. Proposed development

- A Use
 - 1 First floor and cellar fast food restaurant (approximately 2,630 square feet)
 - 2 Second floor office (currently approved; no BZA action necessary)
- B Total gross floor area of approximately 3,347 square feet (1.75 FAR)
- C Height 30 feet (existing, unchanged)
- D Parking none

V. Relief required

- A Special exception for fast food restaurant in C-2-A District
- B Variance from the rear yard requirements (§774 and 2001.3)
 - 1. Minimum required 15 feet

- 2 Proposed 1 foot
 - 3 Variance. 14 feet
- C Variance from the non-residential floor area ratio requirements (§771.2)
 - 1. Maximum permitted. 1.5 (1.67 existing)
 - 2 Proposed 1.75
 - 3 Relief required 0.08 FAR (262 square feet of gross floor area)
- VI. Standards for the special exception for a fast food restaurant (§733)
 - A No part of the lot on which the use is located shall be within 25 feet of a Residence District unless separated therefrom by a street or alley
 - B If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall is required
 - C. Any refuse dumpsters shall be housed in a 3 sided brick enclosure equal in height to the dumpster or 6 feet high, whichever is greater
 - D. Use shall not include a drive-through
 - E 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
 - F Use shall not become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions
 - G. Use shall provide sufficient off-street parking, but not less than that required by §2101.1, to accommodate the needs of patrons and employees
 - H Use shall be located and designed so as to create no dangerous or other objectionable traffic conditions
 - I 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
 - J 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

K Applicant may request the Board to modify conditions, provided that the general purposes and intent of this section are complied with

L General standard for all special exceptions (§3104 1).

Board may approve where the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps

VII. Compliance with the special exception standards

A No part of the lot is within 25 feet of a Residence District (closest R District is more than 40 feet to the north)

B All trash will be contained within a trash room in the cellar and will not be stored in a dumpster

C Will be no drive-through

D Only customer entrance is on M Street

E Use will be entirely contained within a row structure which has previously been devoted to restaurant use

F Hours of operation would not exceed 11 AM to 10 PM daily

G Trash will be removed daily from the site through the 5 foot private alley at the rear

H No off-street parking is required or provided

I Will be no impact on traffic

J No screening is otherwise required

K Design is subject to approval by the Old Georgetown Board and the Commission of Fine Arts

L. Commercial use in a commercial district, substantially similar to other uses existing in the area

VIII Standards for a variance (§3103 2)

- A Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,
- B. the strict application of any regulation adopted under D C Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship,
- C Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

IX Compliance with the variance standards

- A Exceptional situation
 - 1. Existing improvements on a lot already nonconforming as to FAR
 - 2 Property does not meet current code requirements for accessibility and other issues
- B Practical difficulty/undue hardship
 - 1 Second means of egress required
 - 2 ADA requires accessible bathroom facilities, which are currently located in the cellar accessible only by a stair
 - 3 Current kitchen does not provide adequate space for refrigeration equipment
 - 4 Combination of code deficiencies makes it hardship to renovate the building for the proposed restaurant use within the current building footprint
 - 5 The added space, only 262 square feet, is in a location not suitable for residential use

- C No substantial detriment
 - 1 Amount of variance is minimal (only 262 square feet)
 - 2 Building does not create any greater impacts than the existing condition

X Conclusions

- A. Application meets the specific tests for approval of the special exception
- B Exceptional conditions result from failure of the current building to meet significant aspects of current codes
- C Footprint of current building is not large enough to create a suitable dining space meeting current codes
- D Building will be substantially similar to other buildings in the commercial area and will contain a use substantially the same as other nearby existing uses
- E The application should be granted