



May 19, 2014

921 Pennsylvania Avenue SE  
Suite 305  
Washington, DC 20003-2141  
202-543-3344 (office)  
202-543-3507 (fax)  
office@anc6b.org

Executive Director  
*Susan Eads Role*

## OFFICERS

Chair  
*Brian Flahaven*

Vice-Chair  
*Ivan Frishberg*

Secretary  
*Nichole Opkins*

Treasurer  
*Brian Pate*

Parliamentarian  
*Philip Peisch*

## COMMISSIONERS

SMD 1 *David Garrison*  
SMD 2 *Ivan Frishberg*  
SMD 3 *Philip Peisch*  
SMD 4 *Kirsten Oldenburg*  
SMD 5 *Brian Pate*  
SMD 6 *Nichole Opkins*  
SMD 7 *Sara Loveland*  
SMD 8 *Chander Jayaraman*  
SMD 9 *Brian Flahaven*  
SMD 10 *Francis Campbell*

Mr. Clifford Moy  
Board of Zoning Adjustment  
District of Columbia Office of Zoning  
441 4<sup>th</sup> Street NW, Suite 200/210-S  
Washington, DC 20001

VIA E-MAIL: [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)

RE: BZA #18770, &pizza, 405 8<sup>th</sup> Street SE, pursuant to 11 DCMR § 3104.1, special exception for fast food establishment (first floor) under § 733 in the CHC/C-2-A District

Dear Mr. Moy:

At its regularly scheduled, properly noticed meeting on May 13, 2014, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0-2 to send this letter regarding the applicant's above-referenced request.

We understand the applicant has recently requested a variance to construct an addition to store garbage for his operations, as well as an extension for his hearing on the above-reference special exception. We support and urge the Board to grant the extension request, which will allow ANC 6B to consider the variance request and the fast food special exception request together and give the nearby neighbors and ANC 6B more time to work with the applicant and consider his application.

If the extension request is denied, ANC 6B opposes the application for a special exception to operate a fast food establishment for the reasons explained below.

### I. Background

Over the last few years, the Eastern Market-Barracks Row neighborhood has witnessed an explosion in its rodent population. As the restaurant business has boomed on 8<sup>th</sup> Street SE ("Barracks Row"), so has the number of rodents in the nearby alleys and properties (including residential properties). Eastern Market Metro Plaza, which welcomes visitors to Barracks Row and Eastern Market, is infested with rodents. On spring and summer nights, dozens of rodents scurry (in plain view) in and out of the numerous rat burrows throughout the plaza. ANC 6B believes that the rodent situation now presents a public health issue for our community.

Page 2

May 19, 2014

ANC 6B Letter to Clifford Moy

RE: BZA #18770, &pizza, 405 8<sup>th</sup> Street SE, pursuant to 11 DCMR § 3104.1, special exception for fast food establishment (first floor) under § 733 in the CHC/C-2-A District

ANC 6B has worked with District officials, neighbors, and local businesses to address this problem. The District Department of Health's (DOH) Vector Control unit regularly baits the area and, in April, hosted a "rat summit" for Ward 6 to address rodent issues. At ANC 6B's urging, the DOH also developed a comprehensive landscaping and trash maintenance plan to address the rodent infestation on the Eastern Market Metro Plaza, which the District Department of General Services recently committed to implementing. In addition, the District Department of Transportation has committed to reconstructing the alley behind the 500 block of 8<sup>th</sup> Street SE, which attracts scores of rats and insects in part because it is riddled with potholes that collect rainwater and grease from neighboring restaurants. The District's efforts to mitigate the rat issue require a significant commitment of taxpayer dollars.

The block on which the applicant, &pizza, proposes to add a fast food establishment is at the epicenter of the rodent problem in the neighborhood. Today, four fast food establishments operate on that single block, despite the fact that fast food is only permitted in a C-2-A by "special exception." In addition, over 20 restaurants and bars currently operate on the 400, 500, and 700 blocks of 8<sup>th</sup> Street SE. This high volume food business creates a high volume of grease, food waste, and trash, all of which attract rodents when the trash is not handled properly, which is often.

In 2011, the newest of these fast food establishments, Chipotle Mexican Grill, applied for a special exception. ANC 6B and nearby residential neighbors worked with Chipotle to establish trash collection and storage procedures and facilities that they believed would allow Chipotle to operate without exacerbating the rodent problem. Most notably, Chipotle built a rodent-proof shed in its back patio to store all garbage. Unfortunately, despite significant infrastructure investment, Chipotle's high volume food business still contributes to the rodent problem. Although the rodent-proof shed is an improvement on a traditional dumpster or compacter, human error in loading and removing trash results in significant food waste, trash, and trash "dribble" on the ground in the back yard of Chipotle or otherwise available to rodents. A nearby residential neighbor has presented ANC 6B with photographs documenting rodent activity on Chipotle's property. The lesson learned from the Chipotle experience is that a high volume fast food restaurant can attract rodents even if it has a fully enclosed outdoor trash storage shed.

### **I. The Applicant Has Not Met That Standard For A Fast Food Special Exception**

ANC 6B opposes this application for a special exception because the applicant has failed to demonstrate that its operations will "be designed and operated so as not to become objectionable to neighboring properties because of noise, sound, odors, lights, hours of operation, or other conditions." *See* § 733.7. Specifically, ANC 6B believes the applicant's operations will exacerbate the serious rodent problem that already afflicts the 400 block of 8<sup>th</sup> Street SE and the greater Barracks Row area.

Page 3

May 19, 2014

ANC 6B Letter to Clifford Moy

RE: BZA #18770, &pizza, 405 8<sup>th</sup> Street SE, pursuant to 11 DCMR § 3104.1, special exception for fast food establishment (first floor) under § 733 in the CHC/C-2-A District

The applicant plans a high volume, carry-out and dine-in fast food pizza operation. As with most fast food establishments, the high volume of business means a high volume of food waste, grease, and other trash, all of which attract rats. This burden that fast food restaurants create in communities is presumably part of the reason why fast food establishments are not by-right in a C-2-A district.

In light of the significant rodent population that plagues the neighborhood, and the concentration of fast food and other restaurants on Barracks Row-8<sup>th</sup> Street SE, ANC 6B believes that this establishment could only “be designed and operated so as not to become objectionable to neighboring properties” if it took special measures to store and maintain the high volume of trash and food waste it will generate. Specifically, ANC 6B believes that the applicant would need to store trash in an indoor trash storage room, within the four walls of the existing building, as we understand is done at many restaurants throughout the city. This would minimize the extent to which trash and trash “dribble” end up outside and accessible to rodents.

In addition to on-site trash storage, we also believe that the high volume of carry out will contribute to the rodent problems. This location is the nexus for many transportation points and a significant amount of the fast food purchased in this area is consumed on the street and not transported to a home or office for consumption. As such, the waste generated would contribute to an already over-capacity public waste situation. Frequently the trash cans on this block of 8<sup>th</sup> Street are at or beyond capacity, waste from the existing establishments can be found on the street and near by. Unquestionably this contributes to the rodent infestation problems in this neighborhood.

ANC 6B appreciates the applicant’s efforts to work to develop trash maintenance procedures to address neighborhood concerns. However, the applicant has informed ANC 6B that it cannot accommodate trash storage inside its building, because of space and financial constraints. The applicant has stated it would be amenable to inside trash storage if it could build a rear addition to the property, but that plan would require a zoning variance from the BZA and ANC 6B does not have any assurance such a variance would be granted.

Finally, ANC 6B is concerned about the applicant’s record with respect to trash collection and storage. It is our understanding that the &pizza location on H Street NE has been cited a number of times for failing to comply with District regulations governing trash storage and collection. As a result, we have serious concerns about the applicant’s ability to properly collect and store the high volume of trash its operations will generate.

Page 4

May 19, 2014

ANC 6B Letter to Clifford Moy

RE: BZA #18770, & pizza, 405 8<sup>th</sup> Street SE, pursuant to 11 DCMR § 3104.1, special exception for fast food establishment (first floor) under § 733 in the CHC/C-2-A District

## **II. Conclusion**

For the foregoing reasons, ANC 6B opposes this application for a fast food exception.

Please contact ANC 6B's Executive Director Susan Eads Role if you have questions or need further information. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Flahaven", with a large, sweeping flourish at the end.

Brian Flahaven  
Chair

Enclosure



**BEFORE THE ZONING COMMISSION AND  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



**FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT**

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

**IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:**

Case No.:	18770	Case Name:	Epizza
Address or Square/Lot(s) of Property:	405 8th Street SE, Sq 902, Lot 825		
Relief Requested:	Special exception		

**ANC MEETING INFORMATION**

Date of ANC Public Meeting:	05 / 13 / 14	Was proper notice given?:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Description of how notice was given:	website; e-mail distribution; newspaper					
Number of members that constitutes a quorum:	6	Number of members present at the meeting:	10			

**MATERIAL SUBSTANCE**

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

Please see attached letter.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

Please see attached letter.

**AUTHORIZATION**

ANC	6 B	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	8-0-2
Name of the person authorized by the ANC to present the report:	Brian Flahaven		
Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Chair or designee		
Signature of Chairperson/ Vice-Chairperson:		Date:	05/20/14

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO  
11 DCMR §§ 3012 AND 3115.