



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS
McLEAN GARDENS • WOODLEY PARK

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October 6, 2015

Board of Zoning Adjustment
DC Office of Zoning
441 4th Street, N.W.
Suite 200S
Washington, D.C. 20001

Re: BZA Case No. 18881 – Nando's of Woodley Park LLC

Dear Members of the Board:

We are writing to inform the Board of Zoning Adjustment (BZA) of recent developments in connection with the Board's decision in June to re-affirm the five-year limit on the special exception for Nando's PeriPeri fast food establishment at 2631 Connecticut Avenue, N.W within the Woodley Park community.

As reported in the Washington Business Journal on July 24, 2015 (*copy attached*), Nando's Restaurant Group, Inc. cancelled its plans to locate in Woodley Park due to the five-year limit. As shared by the CEO, Burton Heiss, the company had a deal to sign a 10 year lease and was expected to invest approximately \$1.7 million to turn the former Bank of America space into a restaurant – which would not have made sense if the restaurant could potentially be denied re-approval five years from now. This is a crushing loss for the entire Advisory Neighborhood Commission 3C community, and in particular, Single Member Districts, 3C01 and 3C02, in which Nando's was to be located.

We note that the justification for the five-year limitation was to address community concerns regarding trash and rodents. However, opponents objected to Nando's on philosophical grounds because they believed raising the restaurant cap would crowd out other retail and service establishments – but, they specifically did not object to the special exceptions governing operations of the restaurant, including trash and brick enclosure walls.

We are concerned that the five-year limit has resulted in a de facto denial of the application and disregards the overwhelming community-wide support for Nando's at this location, as demonstrated by the ANC-3C vote as well as the community-wide signed petitions.

Significantly, we have learned that Nando's Restaurant Group and the landlord of the building would be willing to locate in the space if the BZA approves a ten year time limit on the special exception.

In light of the above facts and tremendous community-wide support, we urge the Board of Zoning Adjustment to revisit this matter. If you have any questions, we can be reached at 3C01@anc.dc.gov and 3C02@anc.dc.gov.

Respectfully submitted,

Lee Brian Reba

Lee Brian Reba, ANC-3C01

Gwendolyn F Bole

Gwendolyn Bole, ANC-3C02

Cc: Shawn R. Baxter - Real Estate Manager, Nando's Restaurant Group, Inc.
Carolyn Brown – CastroHaase+Brown, PLLC

Board of Zoning Adjustment
District of Columbia
CASE NO.18881A
EXHIBIT NO.4

From the Washington Business Journal

<http://www.bizjournals.com/washington/blog/top-shelf/2015/07/after-neighborhood-fightnandos-cancels-plans-for.html>

After zoning fight, Nando's cancels plans for new D.C. restaurant

Jul 24, 2015, 3:01pm EDT Updated: Jul 24, 2015, 4:14pm EDT



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Staff Reporter- Washington Business Journal

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Nando's Peri-Peri, the South African Portuguese-style chicken chain with a growing presence in the D.C. area, has officially bagged its plan to open in the Woodley Park neighborhood of Northwest D.C.

Nando's [had planned to open](#) at 2631 Connecticut Ave. NW, just across from the Woodley Park/Zoo Metro station on the Red Line, but it would have needed the D.C. Board of Zoning Appeals to grant permission, given that "fast food restaurants" are only allowed in Woodley Park through a special exception in the zoning code.

The BZA did grant that exception in February, but only for a period of five years. At that point, the board would "have the opportunity to determine whether the impact of Nando's operations matched the Board's predictions," according to the ruling.

See Also

- [Fast food vs. fast Casual: D.C. tries to sort out the difference](#)

The problem? Nando's had a deal to sign a 10 year lease. The restaurant company was expected to invest approximately \$1.7 million to turn the former Bank of America branch into a restaurant. That effort wouldn't have made sense if the restaurant could be shut down less than five years from now, according Nando's CEO [Burton Heiss](#).

Nando's has spent the past several months asking the board to reconsider the five-year term of its special exception, but the appeal was denied last month.

"Nando's can't move forward under those restrictive terms," Heiss said in a statement. "We couldn't risk a seven-figure investment if, in just a few years, we might be told we no longer could operate in Woodley Park."

There's no word on what might go into 2631 Connecticut Ave. NW instead. There has been interest from "operations like a mattress store," said [Perry Reith](#), a senior asset manager with the landlord, Grovesnor Americas. There has also been a lot of interest from convenience stores, though Reith said he's not comfortable leasing to that kind of operation.

The case may have implications for other restaurants in the fast-growing fast-casual space. D.C. law prohibits or limits "fast food" restaurants in several neighborhoods, and defines "fast food" very specifically. Nando's falls under the definition, though CEO [Burton Heiss](#) doesn't believe they really fit that category — something [we explored in depth back in 2014](#).

"We're obviously really disappointed about Nando's not moving forward," Reith said. "It will be a shame if other restaurants don't open in the city because of that fast food definition."

Nando's still has a store coming soon to H Street NE and will continue to look for more opportunities in the region, according to a spokesman.

Rebecca Cooper covers retail, restaurants, tourism and the arts.