

**BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

**APPLICATION OF
PERSEUS 1827 ADAMS MILL
INVESTMENTS LLC**

**BZA APPLICATION NO. 19025
HEARING DATE: JUNE 30, 2015
ANC 1C07**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of Perseus 1827 Adams Mill Investments LLC (the "Applicant") in support of its application to the Board of Zoning Adjustment for special exception relief under 11 DCMR §§ 712 and 721.3(t) to permit a prepared food shop with greater than 18 seats for patrons in the C-2-A District at 1827 Adams Mill Road, N.W. (Square 2580, Lot 521) (the "Site"). The proposed use is appropriate for the Site, fully compatible with surrounding uses in the neighborhood, and not inconsistent with the Comprehensive Plan or the District of Columbia Municipal Regulations (the "Zoning Regulations").

**II.
JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the special exception relief requested herein pursuant to Section 3104 of Zoning Regulations.

**III.
BACKGROUND**

A. Description of the Site

As shown on the Zoning Map, attached hereto as Exhibit A, the Site is zoned C-2-A and is identified as Lot 521 in Square 2580. The Site fronts on the east side of Adams Mill Road, N.W., between Columbia Road and Lanier Place, and is located one half-block north of the intersection

of 18th Street and Columbia Road in Adams Morgan. The Site is surrounded by R-5-B zoning to the northeast, northwest, and southwest, and C-2-B zoning to the southeast. The Site is irregularly shaped and contains approximately 14,695 square feet of land area. A ten foot wide public alley abuts the southeast side of the Site, with direct access from Adams Mill Road.

Pursuant to BZA Order No. 18533, dated May 17, 2013, and effective on May 24, 2013, the Board approved an application for parking and rear yard variances and roof structure special exception relief to allow the construction of a mixed-use retail, service, and residential building at the Site. The approved project is a four-story building with ground floor retail/service uses and three floors of residential units above. The residential entrance is located on Lanier Place; the retail entrances are located on Lanier Place and Adams Mill Road. Pursuant to Building Permit No. B1307925, and as shown in the photographs included with the application materials (Exhibit 9 of the case record), construction of the approved building is currently underway at the Site.

B. Description of Surrounding Area

The Site is located in the heart of the Adams Morgan neighborhood, a vibrant, mixed-used area that boasts commercial storefronts, diverse dining establishments, and quieter residential streets. “Turn of the century homes and new residential condo developments are magnets for the steady stream of young families and professionals [choosing to live in Adams Morgan's] multi-cultural, urban lifestyle.” *See* Washington, DC, Economic Partnership, "DC Neighborhood Profiles," (2014 ed.), 2-3 (available at www.dcep.com). The primary crossroad in Adams Morgan is at the intersection of Columbia Road, N.W. and 18th Street, N.W., which is less than 300 feet from the Site and has become the epicenter for independently owned shops and some of the District's liveliest nightspots. *Id.*

Adams Morgan is well served by multiple public transportation options, including Metrorail, Metrobus, on- and off-street car-share spaces, and Capital Bikeshare docks. The Site is located in a highly walkable and desirable neighborhood, with community retail and service establishments, grocery stores, restaurants, parks and recreation centers, and schools within walking distance. Based on these attributes, the Site has been deemed a "walker's paradise" by walkscore.com.

C. Description of Relief Requested

The Applicant seeks special exception relief under 11 DCMR §§ 712 and 721.3(t), which together permit a prepared food shop¹ with greater than 18 seats for patrons as a special exception, provided that no drive-through is permitted. The proposed coffee shop is exactly the kind of neighborhood-serving retail use contemplated by the Applicant when discussing the prior BZA application for the building with the neighbors and the ANC. However, because the coffee shop will have more than 18 seats, special exception relief is required.

The Applicant recently contracted with Philz Coffee ("Philz") to operate a prepared food shop in a portion of the ground floor retail space of the approved building at the Site (approximately 2,350 square feet). Philz is a coffee retailer based in San Francisco that specializes in customized coffee blends and individually hand-crafted cups made to order. The company was founded in 2003 and now has 21 locations throughout California. Philz proposes to open its first east coast location at the Site. As shown on the ground floor plan attached as Exhibit B, Philz proposes to provide 29 seats for patrons in a portion of the ground floor retail space at the Site,

¹ A prepared food shop is defined in 11 DCMR § 199.1 as "a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor." A "restaurant" is a place of business that does not meet the definition of a "fast food establishment" or "prepared food shop," where food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises. *Id.* A restaurant use is a matter-of-right use that does not have a similar limitation on the number of seats.

thus requiring special exception relief under 11 DCMR §§ 712 and 721.3(t). No drive-through is proposed.

IV.
THE APPLICANT MEETS THE TEST FOR
SPECIAL EXCEPTION RELIEF

Pursuant to 11 DCMR § 3104.1, the Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions where, in the judgement of the Board, the special exceptions 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. Special exception relief is deemed compatible with other uses permitted in a particular zoning district provided that the specific regulatory requirements are met. If the Applicant meets its burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695 (1981).

In this case, the requested special exception is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia (11 DCMR § 720.2) and is intended to accommodate a major portion of existing commercial strip developments (11 DCMR § 720.5). The Site is located in a mixed-use neighborhood with numerous ground floor retail establishments in the surrounding blocks. The majority of the properties on the north side of Columbia Road, between Adams Mill Road and Ontario Road, are also zoned C-2-A and have a variety of ground floor retail uses. Properties on the east and west sides of 18th Street, and properties on the west side of the intersection of Columbia and Adams Mill Roads, are zoned C-2-B and also have a variety of ground floor retail uses. The

proposed prepared food shop use will therefore be in harmony with the surrounding uses, as dictated by the Zoning Regulations and Zoning Map.

In addition, the project will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The prepared food shop use will be located on a street and in a neighborhood that has a variety of retail uses. The proposed use is oriented toward the commercial section of Adams Mill Road, with the main entrance on Adams Mill Road and a secondary entrance/emergency exit on Lanier Place. As a neighborhood-serving use, the prepared food shop will primarily serve residents of the surrounding community who would walk, bike, or take public transportation to the Site.

Based on the foregoing, approval of the requested special exception relief to permit 29 seats in the prepared food shop, instead of the 18 seats permitted as a matter-of-right, will not have an adverse effect on the use of neighboring property.

V. COMMUNITY SUPPORT

The Applicant has worked with the community and is pleased to have support for the application. On June 3, 2015, at the regularly scheduled, duly noticed public meeting of Advisory Neighborhood Commission (“ANC”) 1C, with a quorum of commissioners present, ANC 1C voted 6-0 to support the application. This vote was taken after the Planning, Zoning, and Transportation Committee of ANC 1C voted unanimously on May 20, 2015, to recommend support of the application by the full ANC. A copy of the ANC’s letter of support is attached as Exhibit D.

VI.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

- Exhibit A: A portion of the Zoning Map showing the Site
- Exhibit B: Proposed Floor Plan of the Prepared Food Shop
- Exhibit C: Outline of Testimony of Steven Schwendinger, on behalf of the Applicant
- Exhibit D: ANC 1C Letter of Support

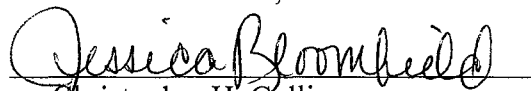
VII. CONCLUSION

For the reasons stated above, the application meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

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