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APPLICATION OF:	)	
	)	
Starbucks Corporation on behalf of	)	BZA Case No. 19058
Cathedral Commons Partners, LLC	)	
for a Special Exception Under 11 DCMR §	)	Hearing Date: July 28, 2015
721.3(t) to Increase the Number of Seats in an	)	
Existing Prepared Food Shop from 18 to 28 in	)	ANC 3C06
the C-2-A District at 3416 Wisconsin Ave.,	)	
N.W. (Square 1920N, Lot 800)	)	
	)	

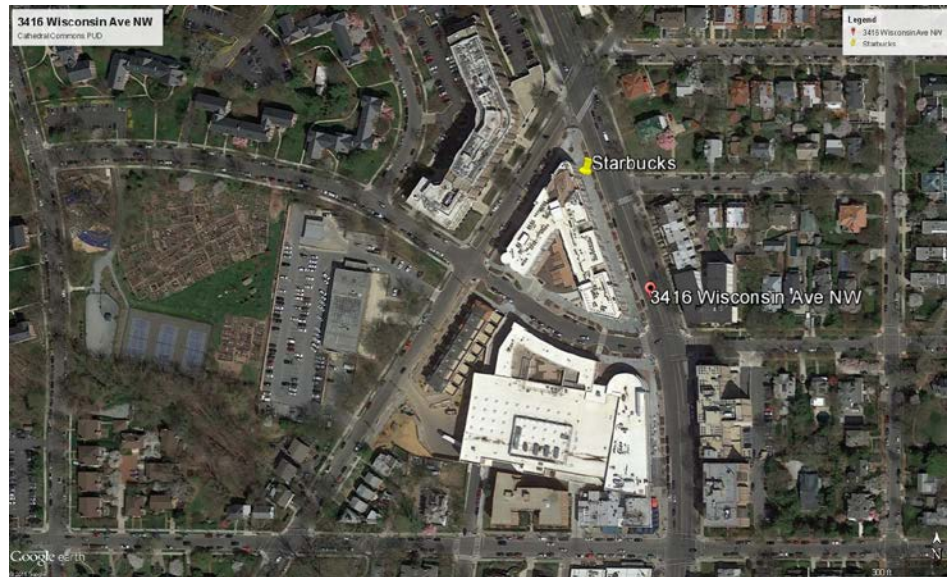
I. Introduction

II. Jurisdiction of the Board

Board of Zoning Adjustment
District of Columbia
CASE NO.19058
EXHIBIT NO.30

III. **Background and Description of Proposal**

The existing Starbucks coffee shop is located in the C-2-A District, as shown on an excerpt of the Zoning Map attached as Exhibit A. The retail space is part of the recently completed Cathedral Commons planned unit development (“PUD”) at Wisconsin and Idaho Avenues, N.W., Washington, D.C., shown in the photographs below.



A Starbucks coffee shop was located in approximately the same location in the previous building on the site. Starbucks moved back into the newly constructed PUD in March 2015 pursuant to temporary Certificate of Occupancy No. CO1501539, which allows the coffee shop to operate with 18 seats until September 21, 2015.

The five-story PUD approved in Z.C. Order No. 08-15 includes several retail spaces on the ground floor and approximately 124 residential units above. The PUD specifically amended the Zoning Map to remove the site from the Macomb-Woodley Overlay so that ground floor commercial space could be devoted to additional restaurants, prepared food shops (including ice cream shops, coffee shops, and sandwich shops), and fast food establishments. See Z.C. Order No. 08-15 at 9. The Zoning Commission granted flexibility to the developer to locate a limited number of restaurants, prepared food shops, and fast food establishments on the property, which was considered necessary to permit a mix of eating establishments typically found in a neighborhood shopping center. The number of eating establishments and financial institutions were limited to 20 percent of the PUD's linear commercial frontage, reserving over half of the PUD's frontage for other neighborhood-serving uses.

Starbucks is one of several retail establishments that now occupy (or will occupy) the north building of the PUD. Other retailers include Wylie Wagg, Parks Fabricare, the Grilled Oyster Company, Allure Spa, and SunTrust Bank. The south building of the Cathedral Commons PUD includes (or will include) Giant Food Store, CVS Pharmacy, Raku restaurant, Barcelona restaurant, Core72 fitness center, Wells Fargo Bank, and a home furnishes store.

Starbucks now proposes to increase the number of seats from 18 to 28, as shown on the drawing attached as Exhibit B. A separate application for a sidewalk café has been filed with the

Public Space Committee of the District's Department of Transportation requesting six seats at three tables outside the retail space.

IV.

The Applicant Meets the Standard for Special Exception Relief

A. Standard of Review

Section 721.3(t) of the Zoning Regulations allows prepared food shops with 18 seat or fewer as a matter-of-right in the C-2 Districts. In the C-2-A District, however, prepared food shops with more than 18 seats require special exception approval, as set forth below:

721.3(t) Prepared food shop, except that in a C-2-A District, a prepared food shop with greater than eighteen (18) seats for patrons shall only be permitted by special exception pursuant to 11 DCMR § 712.

712.1 A Prepared Food Shop with more than eighteen seats for patrons shall be permitted in a C-1 District as a special exception if approved by the Board of Zoning Adjustment under § 3104 provided that no drive-through shall be permitted.

B. Compliance with Special Exception Standards under Section 3104

1. The Special Exception Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Maps.

Prepared food shops with 18 or fewer seats are permitted as a matter of right in the C-2-A District; those with more than 18 seats are permitted by special exception. This property has historically included a coffee shop in this location, and a Starbucks, in particular. The special exception request to provide an additional ten seats at this location will be in harmony with the general purpose and intent of the Zoning Regulations and Map to promote the public health, safety, morals, convenience, order, prosperity and general welfare. The special exception will not interfere with light and air; will not allow undue concentration of population and the

overcrowding of land, and will not result in an uneven distribution of population, business and industry and use of land. 11 DCMR § 101.1. It is consistent with the rezoning of the property to the C-2-A District in Z.C. Case No. 08-15.

2. The Special Exception Will Not Tend to Adversely Affect the Use of Neighboring Property in accordance with the Zoning Regulations and Maps.

As described above, the expanded coffee/prepared food shop will be one of several retail spaces located in the recently completed Commons PUD. In approving the PUD, the Commission found

that the limited number of eating establishments permitted as part of the PUD will not impose unacceptable impacts due to traffic, parking, and loading, because these establishments will represent a small percentage of the overall uses within the PUD. The parking demand generated by the eating establishments on the PUD Site will be accommodated within the South Parcel Parking garage, particularly given that the peak demand for restaurants is likely to occur during the evening hours.

Z.C. Order No. 08-15 at 15-16.

The existing Starbucks has been successfully operating at the site since March 2015, without incident. The increase in the number of seats will not affect operations or create any adverse impacts. Trash will continue to be removed via the rear of the store, through a passageway to the building's loading and trash area. All loading and deliveries will continue to occur at the rear loading area. Starbucks will operate from 5:30 AM to 9:00 PM Monday through Saturday, and 5:30 AM to 8:00 PM on Sunday.

V.
Community Outreach

The Applicant met with the Planning and Zoning Committee of Advisory Neighborhood Commission ("ANC") 3C on July 6, 2015. The committee did not raise any concerns or issues.

The full ANC will consider and vote on the application at its July 20, 2015, which is after the filing deadline for this prehearing statement.

VI.
Exhibits in Support of Application

Exhibit A: A portion of the Zoning Map showing the site

Exhibit B: Drawings showing layout of Starbucks seating

Exhibit C: Witness list and outline of testimony

VII.
Conclusion

For the reasons stated above, the proposed application meets the standards for special exception relief under the Zoning Regulations. The Applicant therefore respectfully requests that the Board grant the application.

Respectfully submitted,

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