

STARBUCKS CORPORATION
BZA APPLICATION
3416 WISCONSIN AVENUE, N.W. (Sq. 1920N, Lot 800)

Preliminary Statement of Compliance with Burden of Proof

I. Introduction

Starbucks Corporation (“Starbucks”) requests a special exception, pursuant to 11 DCMR §§ 721.3(t) and 3104.1, to expand its existing coffee shop/prepare food shop at 3416 Wisconsin Avenue, N.W., (Square 1920N, Lot 800) located in the C-2-A District to seat more than 18 customers. Starbucks proposes to provide 28 seats in its coffee shop. No drive-through is proposed.

The expanded coffee shop is located in a portion of the recently completed Cathedral Commons development at Wisconsin and Idaho Avenues, N.W., in roughly the same spot as it was in the previous building on the site. On March 24, 2015, the Department of Consumer and Regulatory Affairs (“DCRA”) issued a temporary certificate of occupancy (“C of O”) for Starbucks to operate a prepared food shop with 18 seats. The C of O will expire on September 21, 2015.

II. 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.

III. Compliance with the Standards of Section 3104

A. 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.

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

The expanded coffee/prepared food shop will be one of several retail spaces located in the recently completed planned unit development (“PUD”) known as Cathedral Commons. The five-story building includes several retail spaces on the ground floor and approximately 124 residential units above. The rezoning of the property to eliminate the Macomb-Woodley Overlay was specifically designed to allow additional restaurants, prepared food shops and fast food establishments.¹ 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.”²

III. Conclusion

Based on the foregoing, the applicant meets the test for a special exception to increase the seating at an existing prepared food shop from 18 to 28 and the application should be granted.

¹ See Z.C. Order No. 08-15, August 14, 2009, at 9, Finding of Fact No. 34 (“Absent the map amendment, the PUD would not be permitted to devote ground-floor commercial space to additional restaurants, prepared food shops (including ice cream shops, coffee shops, and sandwich shops), and fast food establishments.”).

² *Id.* at 15 (Finding of Fact No. 57)(“The Applicant requested flexibility to locate a limited number of restaurants, prepared food shops, and fast food establishments on the Property, which the Applicant stated was necessary to permit a mix of eating establishments typically found in a neighborhood shopping center. The number of eating establishments and financial institutions will each be limited to 20% of the PUD’s linear commercial frontage, reserving over half of the PUD’s frontage for other neighborhood-serving uses.” (citations omitted)).