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Board of Zoning Adjustment
Government of the District of Columbia
One Judiciary Square, Suite 210-South
441 Fourth Street, NW
Washington, D.C. 20001

Re: **BZA 17226 Application of John R. Klein by tenant ZIPS Dry Cleaners**, pursuant to 11 DCMR § 3104.1, for a special exception to expand an existing dry cleaning establishment by 1,159 square feet under subsection 729.1 and 743.2(c), in the C-3-A District at premises 4418-4420 Connecticut Avenue, N.W. (Square 1971, Lot 815).

Honorable Members of the Board:

I appear today to recommend your approval of the above-captioned application for special exception relief. I appear independent from the applicant, not in a representational capacity.

My reasons for appearing and recommending approval are as follows:

- I am a satisfied customer of the establishment, and I a aware of its needs for additional space.
- I am familiar with the land where the establishment is located and its zoning history and its status in the District of Columbia Generalized Land Use Map within the overall Comprehensive Plan.
- I am also familiar with the "conditions" adopted by the relevant Advisory Neighborhood Commission 3-F, some of which I find a combination of well-intentioned and ill-advised.

The lot on which the building sits contains 7,000 square feet. It is 50 feet wide and 140 feet deep. The building has two stories and occupies 100 percent of its lot. With only two stories, its total FAR falls below the limit of 2.5 that applies in its C-3-A zone district. The site rises from Connecticut Avenue to the west, where there is a public alley. The building's height at the rear is less than twenty feet (20.0 ft.), so its occupancy of the area otherwise required for a rear yard is not at issue pursuant to § 774.9(a).

The existing dry cleaner occupies somewhat less than 5,000 square feet, the balance being a beauty parlor, a stairway to offices that fill the only other story of the building, and possibly an area used for the building's utilities.

Applicant seeks your approval to expand to occupy more than 5,000 square feet, the threshold at which your approval is needed under the Zoning Regulations (§ 743.2(c)) pursuant to the specific standards of § 729 and the general standards of § 3104.1.

As a professional planner and one who is familiar with the applicable zoning standards, and having reviewed the application as filed, I conclude the application can be granted without conditions given that the planned expansion will not, ***in an of itself***, cause "dangerous or otherwise objectionable" traffic conditions. Moreover, since the building in which the cleaner is located already occupies 100 percent of the lot, there is no opportunity to alter the location of the building. The cleaner's equipment is fully contained within the building, so there would be no need to move that around to "protect adjacent or nearby property" pursuant to § 729.5.

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I attended the meeting of the Advisory Neighborhood Commission 3-F when it took up the question of this application and spoke briefly when allowed to do so. The heard from others and then discussed the case among themselves, eventually adopting a resolution that would, as I understand it, "not oppose" the expansion but ask the Board to consider four conditions:

- Provide a traffic attendant Monday and Friday mornings, along with Saturdays. (The ANC discussed this individual as trying to prevent "illegal parking," with "double parking" along Connecticut Avenue being mentioned several times that evening by others in the audience and members of the Commission.)
- Post signs at the counter stating that the business will not serve those who park illegally.
- Eliminate all neon signs hung within the Connecticut Avenue windows of the establishment (presently three in number) except the one stating that "free parking" exists to the rear.
- Provide plantings across the front of the entire building

From my perspective, all but the last of these issues reflect conditions that lack nexus to the application to approve minor expansion of a successful neighborhood-serving enterprise that is located within an area the Comprehensive Plan's land use map identifies as being intended for "moderate density" to provide, among other things, a range of "personal services" as this use does to a significant part of Ward Three and others.

- While I am familiar with existing parking and traffic issues, these relate as much to nearby businesses including a Burger King and carwash, as to the cleaner itself. The applicant-owner, Klein et al, also own the lot directly behind the subject property. This lot is also 50 feet wide but is only 100 feet deep. It is zoned Residential and operates under this Board's approval, last granted in 2002 (BZA Case No. 16659), granted May 1, 2001 for five years (with various other conditions). Lessee utilizes more than half of these spaces and would enjoy others now set aside for customers of the beauty parlor. The parking lot's configuration is not ideal, but is also not presently before the Board for consideration.
- The cleaner's hours of operation are 7 am to 8 pm Monday-Friday, 8 am to 7 pm Saturday. They are not now open on Sundays, but they should not be restricted from doing so (at least for pick-up or drop-off, as distinct from carrying out cleaning operations).
- The cleaner commits to provide same day service provided clothes are in by 9 am. This leads to a crush of business prior to that cut-off, and the ANC feels this is most acute on the weekdays at the start and end of each week (Monday and Friday), along with Saturday. Note that Connecticut Avenue is a major arterial and no parking is allowed along it weekdays from 7 am to 9:30 am, so neither "double parking" nor any parking is an issue. If the applicant could extend the hours at which it would accept "same day" business, that could reduce morning "rush" hour impact, even if this were only to 9:30 or 10:00, possibly with a pickup guarantee that would also be an hour later.
- The cleaner's enjoys a large base of repeat customers and I cannot imagine that they do not know of the parking available in the rear of the property.
- As to posting signs and limiting business to persons that park legally, this could lead to the absurd violation of a BZA-imposed condition of anyone monitoring the situation found that the cleaner actually provided services to someone who parked illegally. Accordingly, the Board should consider establishing conditions that, if violated, would be a reasonable and proper basis for zoning authorities to act to cure the deficiency; surely this lies outside of drawing lines in the sand about whom the cleaner can serve.
- **Although the Board has clear authority to limit signs placed on the exterior of a building, the Board's authority to regulate signs placed within a building is certainly not explicit and it has no authority to regulate signs placed within public space**. Thus, the Board may want to

establish a "Fact" about this topic from the Applicant, but should only establish a limit if the Board is convinced there is both a need and the authority to do so. Applicant may be willing to declare its intent sufficient to establish a "Fact" about this question that the Board could include in an eventual Order. (This was the issue underlying my request to speak a second time at the ANC meeting, but the Chair ruled my request "out of order.")

- Nevertheless, if the Board accepts the idea of requiring a person to monitor traffic and illegal parking or having interior signs at the counter relating to illegal parking, these conditions should only run until the expiration of BZA Order 16659 and not indefinitely "with the land" on which the dry cleaner operates. A subsequent BZA case concerning the parking lot can property determine whether that person, an attendant, or other measures are needed to make the traffic operations work as well as possible.
- I have no professional objection to the condition of the plantings but feel that the Board could reasonably rely on Applicant's declarations in that regard.
- As to the degree of expansion, I would recommend that the Board allow the expansion to the full extent of the first floor or ground floor area rather than the square footage specifically sought, just over 6,000 square feet for a building that cover's 7,000 square feet. The existing building's frontage provides a doorway to a stairwell to its second floor. The bay next to that is now used by the beauty parlor and would be added to the space for the dry cleaners. I cannot imagine that the stairwell occupies nearly 1,000 square feet and thus recommend the more flexible "first floor" or "ground floor" formulation so that the business operator and owner do not face any uncertainties about the degree to which the building's main floor can be used for the dry cleaning business.

Thank you for your consideration of the above.

Lindsley Williams

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