



**ANC 6B**  
*Capitol Hill / Southeast*

March 9, 2021

921 Pennsylvania Avenue SE  
Washington, DC 20003  
6B@anc.dc.gov

**OFFICERS**

Chairperson  
*Brian Ready*

Vice-Chair  
*Steve Holtzman*

Secretary  
*Jerry Sroufe*

Treasurer  
*Corey Holman*

Parliamentarian  
*Kirsten Oldenburg*

**COMMISSIONERS**

SMD 01 Jennifer Samolyk  
SMD 02 Jerry Sroufe  
SMD 03 Brian Ready  
SMD 04 Kirsten Oldenburg  
SMD 05 Steve Holtzman  
SMD 06 Corey Holman  
SMD 07 Edward Ryder  
SMD 08 Peter Wright  
SMD 09 Alison Horn  
SMD 10 Denise Krepp

Fred Hill, Chair  
Board of Zoning Adjustment  
411 4th Street NW, Suite 200/210-S  
Washington, DC 20001

VIA Interactive Zoning Information System

Re: BZA 18238A – 413 8<sup>th</sup> Street SE; Modification of Significance to extended Special Exception approval of a fast-food restaurant.

Dear Chairperson Hill,

At a regularly scheduled, properly noticed, meeting on February 9, 2021, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 10-0-0 for conditional support of the above-referenced request for 12 years.

ANC 6B applauds the applicant and neighbors for a thorough and transparent discussion on the challenges posed by a fast-food operation at this property. These conditions directly address the existing and future impacts of this operation and outline the needed mitigations.

ANC 6B's support is conditioned on incorporating as many conditions as possible agreed to by the neighbors and applicant, as outlined in Exhibit One to the extent that such conditions are allowed. Further, ANC 6B does not take a position on a further conditional 10-year approval; however, if the board agrees to a conditional further 10 years, the ANC requests language protecting the rights of current and future residents, as outlined at the end of this letter.

For ease, we include the following conditions here.

1. Deliveries to the site shall be restricted to Monday through Friday, between 10:00 a.m. to 4:00 p.m.
2. All trash pick-ups from the site shall be from the street curb.
3. Applicant (or the Applicant through its Tenant) shall replace the outdoor trash/recycling shed with a dedicated trash/recycling walk-in cooler and shall reconfigure the space currently dedicated to the outdoor trash/recycling shed, mechanicals, and the Tenant's walk-in food cooler to allow the new trash/recycling walk-in cooler to be connected to the building by a code-compliant, enclosed hallway as specified in the drawings and design notes (Exhibit Two) attached and incorporated herein.
4. Applicant (or the Applicant through its Tenant) will relocate the existing HVAC compressors for the Tenant's space and install new mechanicals necessary to the

operation of the two walk-in coolers as indicated on attached Exhibit Two and will soundproof those mechanicals as indicated on Exhibit Two.

5. Applicant and Tenant will not store food, trash, recycling, furniture, or equipment of any type in the outdoor area in the rear of the building or within the constructed sound barrier, except as may be necessary, on a temporary basis, for periodic maintenance of the building or mechanical equipment.

6. Applicant shall remove from the rear yard of 413 8th Street, SE the existing HVAC units servicing the second floors of 413 8th Street, SE and 415 8th St., SE (415 is also owned by the Applicant) and install new HVAC units (one on the roof of 413 8th St., SE and one on the roof of 415 8th, St., SE) as close to 8th Street as practicable, but not to the west of where the HVAC units on the roof of 411 8th St., SE are installed.

7. Applicant (or the Applicant through its Tenants) shall maintain the outdoor spaces in the rear of 413 8th St., SE and 415 8th St., SE, including by ensuring that: (1) they are kept free of rodent burrows and all rodent harborage, including weeds and leaves; (2) the trees behind 413 8th Street, SE are watered, trimmed, and treated for mold or insects as needed; and (3) the leaves are cleared from the yards, trench drains, and gutters on a regular and established schedule.

8. Applicant will remove the boards from the 413 8th St., SE side of the existing fence on the west side of the rear yard of 413 8th St., SE (The existing fence is double sided—there are vertical boards attached to both sides of the horizontal braces running between the fence posts. The resulting enclosed space between the two sides of the fence is an established “rat run” by which rats travel from the yard of 413 to yards further south on the block. Removal of the described boards on the 413 8th St., SE side of the fence will result in a single-sided fence that is less enticing to rodents.

Regarding the length of approval, ANC 6B further recommends approval of the 12-year extension but does not take a position on the conditional 10-year further approval. However, if the Board entertains this, we request the following language be incorporated into the final order related to the conditional extension:

: (1) the BZA ordering the conditions sought by the Applicant and Tenant and documented Exhibit One and C; (2) the option being exercised for the current tenant (Chipotle Mexican Grill); and (3) there being no evidence that the Applicant or Tenant failed to comply with the conditions detailed in Exhibit One or Two that have been unresolved or otherwise created and failed to resolve any nuisance issues (as defined by the District of Columbia Municipal Code) for the neighbors. Applicant agrees that a record of unresolved problems can be evidenced by email correspondence between the neighbors and Applicant or Tenant or violation warnings or notices issued by the city.

Corey Holman, Chair of ANC 6B’s Planning and Zoning Committee, is authorized to represent ANC 6B in front of the Board on this matter. Please contact Commissioner Holman, ANC 6B’s Planning and Zoning (P&Z) Committee Chair, at 301-664-4132 or 6b06@anc.dc.gov if you have questions or need further information.

Sincerely,



Brian Ready  
Chair, ANC 6B

cc: Sam Porter, Ice Miller  
Linda Elliot, Neighbor Representative



**BEFORE THE ZONING COMMISSION AND  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



**FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT**

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

**IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:**

Case No.:		Case Name:	
Address or Square/Lot(s) of Property:			
Relief Requested:			

**ANC MEETING INFORMATION**


Date of ANC Public Meeting:	D	D	/	M	M	/	Y	Y	Was proper notice given?:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
Description of how notice was given:														
Number of members that constitutes a quorum:		Number of members present at the meeting:												

**MATERIAL SUBSTANCE**

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):


The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):


**AUTHORIZATION**

ANC		Recorded vote on the motion to adopt the report (i.e. 4-1-1):	
Name of the person authorized by the ANC to present the report:			
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			
Signature of Chairperson/ Vice-Chairperson:		Date:	

**ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO  
11 DCMR §§ 3012 AND 3115.**

**INSTRUCTIONS**

Pursuant to 11 DCMR §§ 3012.6 and 3115.2, the Zoning Commission and Board of Zoning Adjustment shall give “*great weight*” to the written report of the affected Advisory Neighborhood Commission (ANC), as required by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000.

1. All ANC reports shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Present this form and supporting documents to the Office of Zoning at 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001.
3. Submission deadlines are as follows:

**For Zoning Commission:**

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing, if they wish to participate in a contested case under § 3022.
- b. ANCs may file this form as long as the case record is open, if they wish to participate in a rulemaking case under § 3021.

**For Board of Zoning Adjustment:**

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.