



ANC 6B
Capitol Hill / Southeast

April 14, 2021

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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 8th 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 April 14, 2021, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 9-0-0 for conditional support of the above-referenced request for 12 years, modifying our previous letter in support. Briefly, we have made the following changes:

- 1) Simplified language in condition 8
- 2) Incorporated references to BZA Exhibit Numbers
- 3) Simplified and revised language regarding the Applicant's request, presented at page 3 of BZA Exhibit 25, for an "option" to "extend[]" whatever term may be ordered for an additional ten (10) years without having to file another request for a special exception" or otherwise provide a forum for ANC and neighbor involvement.

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 for any fast food special exception is conditioned on incorporating the conditions agreed to by the neighbors and applicant, as outlined in Exhibit 2 to BZA Exhibits 25 and 36 to the extent that such conditions are consistent with other regulatory requirements identified by the Office of Planning or other city agencies.

Those conditions are:

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 (BZA Exhibit 41B) 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 BZA Exhibit 41B and will soundproof those mechanicals as indicated on BZA Exhibit 41B

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.

Regarding the length of approval, in light of the Tenant's significant capital investment in indoor trash and recycling storage, as well as sound mitigation, ANC 6B further recommends approval of either the 10 or 12-year extension requested by the Applicant, but does not take a position on the additional 10-year "option" which would permit the Applicant to obtain a second extension without an opportunity for the neighbors or the ANC to be heard. This option is described at page 3 of BZA Exhibit 25. However, if the Board is inclined to grant this option, ANC 6B requests the following language be incorporated into the Board's final order:

(1) any BZA order extending the Applicant's fast food exception beyond the term of this order will include the conditions contained in this order; (2) the option will be exercised only for the current tenant (Chipotle Mexican Grill); and (3) there is no evidence of (a) the Applicant or Tenant's failure to comply with the conditions contained in this order for any significant period of time or (b) the Applicant or Tenant's creation of and failure to resolve for any significant period of time nuisance issues (as defined by the District of Columbia Municipal Code) for the neighbors. Applicant and Tenant agree that a record of failure to comply for a significant period of time or nuisance issues that are unresolved for a significant period of time 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 4th 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.

District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 200-S, Washington, D.C. 20001

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