

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: July 05, 2016
SUBJECT: BZA Case 19299, 3299 M Street, N.W.

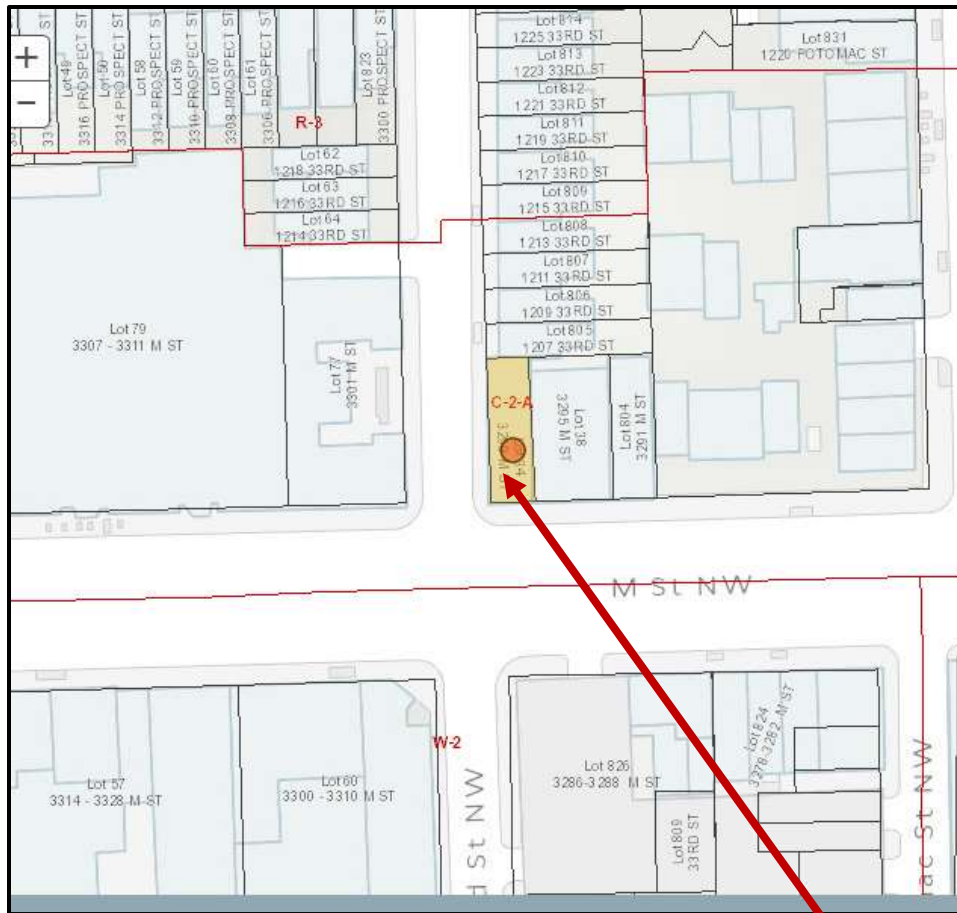
I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- § 721.3(t), Prepared Food Shop in a C-2-A District (18 seats maximum, 55 seats proposed), subject to the conditions agreed to between the applicant and the ANC 2E outlined at the end of this report.

II. LOCATION AND SITE DESCRIPTION

Address	3299 M Street N.W.
Legal Description	Square 1206, Lot 0034
Ward/ANC	2, 2E
Lot Characteristics	The lot is a narrow rectangular-shaped corner lot, with no alley access.
Zoning	C-2-A – designed to provide facilities for shopping and business needs, housing, and mixed uses, including office employment centers, shopping centers and medium-bulk mixed use centers.
Existing Development	Two-story, brick, commercial building. Former use as a restaurant.
Historic District	The property is located in the Georgetown Historic District.
Adjacent Properties	The property abuts another commercial property to the east and a residence at the rear.
Surrounding Neighborhood Character	Across M Street to the south are properties in the W-2 District and adjacent to the C&O Canal. Along the north side of M Street, there are small to mid-size commercial properties within the C-2-A commercial district of the Georgetown Historic District. The Square is split-zoned with residential row homes in the R-3 District north of the abutting C-2-A District.



Zoning and Location Maps



Proposed Location

III. APPLICATION IN BRIEF

The applicant, Peet's Coffee & Tea, has requested special exception relief to allow the prepared food establishment with 55 seats, where 18 are permitted by-right. The proposed prepared food shop would occupy the building located at the northeast corner of 33rd and M Street, N.W. The plan submitted to the record, Exhibit 8, shows seats being accommodated on two levels and a mezzanine. No seating is proposed within public space.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

§§ 712.1 and 721.3(t) of the Zoning Regulations requires a prepared food shop in the C-2-A District with more than 18 seats to obtain a special exception. The proposed coffee shop is requesting relief to allow 55 interior seats.

V. OFFICE OF PLANNING ANALYSIS

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.*

The proposal is for a prepared food shop (coffee shop) with seating for 55 patrons that would not have a drive-through.

Special Exception Relief - §3104

a. Special Exception Relief pursuant to § 712 and § 721.3(t), Prepared Food Shop with more than 18 seats in the C-2-A District

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed coffee shop would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The C-2-A District is a mixed-use zone that permits both residential and commercial uses. Coffee shops are typically gathering spots in neighborhood commercial districts and offer goods and services that are often desired by the community.

While the proposed prepared food shop would have 55 seats rather than the 18 permitted by-right, the size of the space, (including the two floors and mezzanine) is conducive to the number of seats that would be provided, as illustrated in the site plan. In addition, the proposed use would add to the variety of ground floor uses, along this portion of M Street in the commercial portion of the Georgetown Historic District. OP is therefore supportive of the increase in the number of seats.

ii. Would the proposal appear or tend to affect adversely, the use of neighboring property?

The proposed use will be along a street with a variety of small and mid-size commercial uses. The property is located on a corner at 33rd Street and would abut a residential property (within the C-2 A District) at the rear, fronting on 33rd Street and another commercial property to the east. However, the proposed use would be less intense than the former restaurant use which had 105 seats.

The coffee shop would operate Friday 5:30 AM to 12:00 PM, Saturday 6:00 AM to 12:00AM, Sunday 6:00 AM to 10:00 PM, and Monday through Thursday 5:30 AM to 10 PM. Trash removal would be via the sidewalk area on 33rd Street to be collected daily by commercial trash haulers. Trash receptacles would not remain on the sidewalk.

Therefore, approval of the requested special exception is not anticipated to have an adverse effect on neighboring property, due to nuisance of trash and noise.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The application is being reviewed by District Department of Transportation. Their report will be filed under separate cover.

VII. COMMUNITY COMMENTS

The ANC 2E voted unanimously to support the application at its regularly scheduled meeting on May 31, 2016, with the following conditions:

- i. There will be no deep fryer;
- ii. Any meats cooked shall be grilled only, with vent hoods that exhaust through the roof only;
- iii. Food shall be prepared primarily for on-site consumption and take-out orders will be secondary
- iv. Pest control will be monthly, or more often if necessary;
- v. Refuse shall not be stored on the sidewalk or within public view. Refuse shall be stored securely on site so that odors do not reach a residence district.

The ANC's report will be submitted to the record under separate cover.