

**PEET’S COFFEE & TEA
BZA APPLICATION
3299 M ST, N.W. (Sq. 1206, Lot 34)**

Preliminary Statement of Compliance with Burden of Proof

I. Introduction

Peet’s Coffee & Tea (“Peet’s”) requests a special exception, pursuant to 11 DCMR §§ 721.3(t) and 712.1, to expand its existing coffee shop/prepare food shop at 3299 M St. N.W., (Square 1206, Lot 34) located in the C-2-A District to seat more than 18 customers. Peet’s proposes to provide 55 seats on two levels in its coffee shop. No drive-through is proposed.

II. Standard of Review

Section 721.3(t) of the Zoning Regulations allows prepared food shops with 18 seats 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.

An applicant for a prepared food shop with more than 18 seats must demonstrate to the Board of Zoning Adjustment that it meets the standards set forth in section 3104 of the Zoning Regulations. Pursuant to that section, the requested relief is deemed appropriate if it will be in harmony with the general purpose and intent of the Zoning Regulations and Map.

Here, the requested special exception is consistent with the general purposes and intent of the Zoning Regulations because it 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. The prepared food shop will be located within an existing historic building, without any additions, and any exterior alterations will be controlled by the Old Georgetown Board, due to its location within the Georgetown Historic District. The re-use of an existing building without any expansion will protect against any adverse effects, consistent with the Zoning Regulations. 11 DCMR § 101.1.

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

The coffee/prepared food shop will likewise not tend to adversely affect the use of neighboring property. It will be one of several retail spaces located at the intersection of M Street, N.W., and 33rd Street, N.W., in Georgetown. The C-2-A District in which it is located is designed for shopping and business needs, housing, and mixed uses for large segments of the District. 11 DCMR § 720.2. It is intended to accommodate a major portion of existing commercial strip developments. 11 DCMR § 720.5. The proposed coffee shop will be located on M Street, which is the main thoroughfare of the Georgetown commercial shopping district. It will be designed to serve primarily the residents of the surrounding community but also visitors to historic Georgetown.

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 55 and the application should be granted.