

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: December 1, 2017

SUBJECT: BZA Case 19650 (2601 Sherman Avenue NW) Special Exception to permit a corner store in the RF-1 zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval of a special exception** pursuant to Subtitle U § 254, to permit a corner store as a retail grocery store in the RF-1 zone, subject to the following:

- The hours of operation are from Sunday through Thursday - 9:30 am to 9:30 pm and Friday and Saturday - 9:30 am to 10:00 pm; and
- No more than 15% of the gross floor area of the ground floor of the store would be devoted to the sale of alcoholic beverages (including beer and wine) to be consumed off-premises.

II. LOCATION AND SITE DESCRIPTION

Address	2601 Sherman Avenue NW
Applicant:	City Corner Market, Inc., (“Applicant”)
Legal Description	Square 2886, Lot 0061
Ward / ANC	Ward 1; ANC 1B
Zone	RF-1
Historic District or Resource	None
Lot Characteristics	The lot is a rectangular corner lot at the northeast corner of Sherman Avenue and Euclid Street NW. It abuts a 10-foot wide north/south alley at the rear.
Existing Development	The lot is currently developed with a 3-story concrete structure with ground floor retail use.
Adjacent Properties	The abutting property is a two-story residential structure, which is part of a row of other residential homes within the square and RF-1 zone.
Surrounding Neighborhood Character	As shown in the attached map , the surrounding character is primarily row dwellings with some small apartment buildings and some retail corner stores.

Proposed Development	Application of City Corner Market, Inc., pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 254, to permit a corner store with sale of alcoholic beverages to be consumed off-site, in the RF-1 Zone.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

City Corner Market is requesting special exception review and approval of its existing retail grocery establishment to include sale of beer and wine sales for off-premises consumption with hours of operation from 9:30am to 9:30pm Sundays through Thursday and up to 10:00 pm, on Friday and Saturday.

IV. OFFICE OF PLANNING ANALYSIS

U § 320.1 (c) provides that *A corner store use in a RF-1, RF-2, or RF-3 zone not meeting the matter-of-right conditions of Subtitle U § 254, is subject to the special exception conditions of Subtitle U § 254.14.*

In addition, § U 254: *A corner store use that is not permitted as a matter of right pursuant to Subtitle U § 254.13, shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9,*

i. Subject to the following conditions

(a) A corner store use shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, deliveries, or other objectionable conditions;

The subject corner store has operated at this location for approximately 20 years and the property was recently renovated. The business is neighborhood-focused, and serves customers who primarily reside in the immediate vicinity and arrive by foot or bicycle. Adverse impacts due to traffic are not now anticipated at this location. In addition, deliveries are made primarily from Sherman Avenue, where 2-hour parking is permitted, unlike residential zone parking on Euclid Street.

(b) The applicant shall demonstrate that the proposed corner store use will not detract from the overall residential character of the area and will enhance the pedestrian experience by providing within the application the following information:

(1) A demonstration of conformity to the provisions of Subtitle U §§ 254.5 through 254.12;

The applicant has demonstrated compliance with U §§ 254.5 through 254.12 including:

- The location provisions of §§§ 254.5, 254.6 and 254.7 such that the existing City Corner Market is located on the ground floor of the principal building only and it is 612.92 square feet. It is located at the intersection of two perpendicular streets and is not within 500 feet of more than one other lot with a drinking establishment or within 500 feet of more than 3 lots with another corner store use, within the RF-1 zone.
- The operational provisions of §§§ 254.8, 254.9 254.10, 254.11 and 254.12 -- whereby there is no on-site cooking of food or installation of grease traps, or sale of

alcoholic beverages for on-site consumption, with no external storage of trash or on-site use of dry cleaning chemicals – is satisfied and would continue to operate as such.

- (2) A description of proposed uses, activities, goods sold, or services rendered, including:*
- (3) Proposed size and location within the principal building;*
- (4) Proposed number of employees at any one (1) time and in total;*
- (5) Proposed hours of operation;*
- (6) Proposed signage;*
- (7) Any proposed amplified music or other sound outside of the building containing the corner store use;*
- (8) Any outdoor seating associated with the corner store use;*
- (9) Proposed parking number, location, and screening such that any parking shall be fully screened from all adjacent properties, streets and alleys;*
- (10) Proposed location of all storage; and*
- (11) Proposed location of trash storage and method and timing for removal;*

The business currently operates as a corner retail grocery store without the sale of alcoholic beverages. The applicant recently obtained a liquor license from the ABRA Board to permit the sale of alcoholic beverages for off-site consumption. The retail grocery store is located on the ground floor of the building, as seen in the reproduced photo attached to this report. The applicant proposes to have a maximum of three employees on-site at any one time within its hours of operation between 9:30 am to 9:30 pm on Sunday through Thursday and 9:30 am through 10:30 pm on Friday and Saturday. The store's signage is appropriately located above the glass windows, flush-mounted to the building's façade, with additional interior small signs indicating its open/closed status and an ATM location within the store. There is no music or outdoor seating associated with the corner store use. No parking is required or provided for the corner store's use based on its size. Screened parking at the rear of the building abutting the alley is noted on the property.

The applicant has indicated that trash storage is located in the storage area to the rear of the building and trash is picked up every Tuesday.

- (c) Any alterations to the property proposed to accommodate the corner store use, including any grading changes, tree removal; or addition of retaining walls, patios, or pervious surfaces;*
- (d) Any modifications to the building façade, including changes to window and door openings; and*

Alterations to the property to accommodate the use or modifications to the façade are not proposed.

(e) The maximum sales area devoted to the sale of alcohol for off-site consumption shall be limited to a maximum of fifteen percent (15%) of the gross floor area of the ground floor of the corner store.

The applicant has stated that the maximum area that will be devoted to liquor sales will be no more than 91.94 square feet, which is 15% of the gross floor area of the ground floor.

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

The proposal is in harmony with the general purpose and intent of the Zoning Regulations which is to permit neighborhood-serving retail establishments within walking distance of residential uses but to limit their concentration within residential districts. This corner store has existed in the neighborhood for over twenty years. The overall building's renovation includes improved accessibility for all customers and the only change in serving the neighborhood would be the provision of beer and wine to be consumed off-site. The application satisfies the location and operation provisions of the Regulations as required.

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

The proposal should not adversely impact the use of neighboring property as the corner store use has been in existence over twenty years and has been improved through recent renovation. The proposed sale of beverages for consumption off-site is not anticipated to change its operation to create an adverse effect on the use of neighboring property. OP is satisfied that the applicant has addressed trash pick-up and foresee no other objectionable conditions arising from this use.

V. COMMENTS OF OTHER DISTRICT AGENCIES

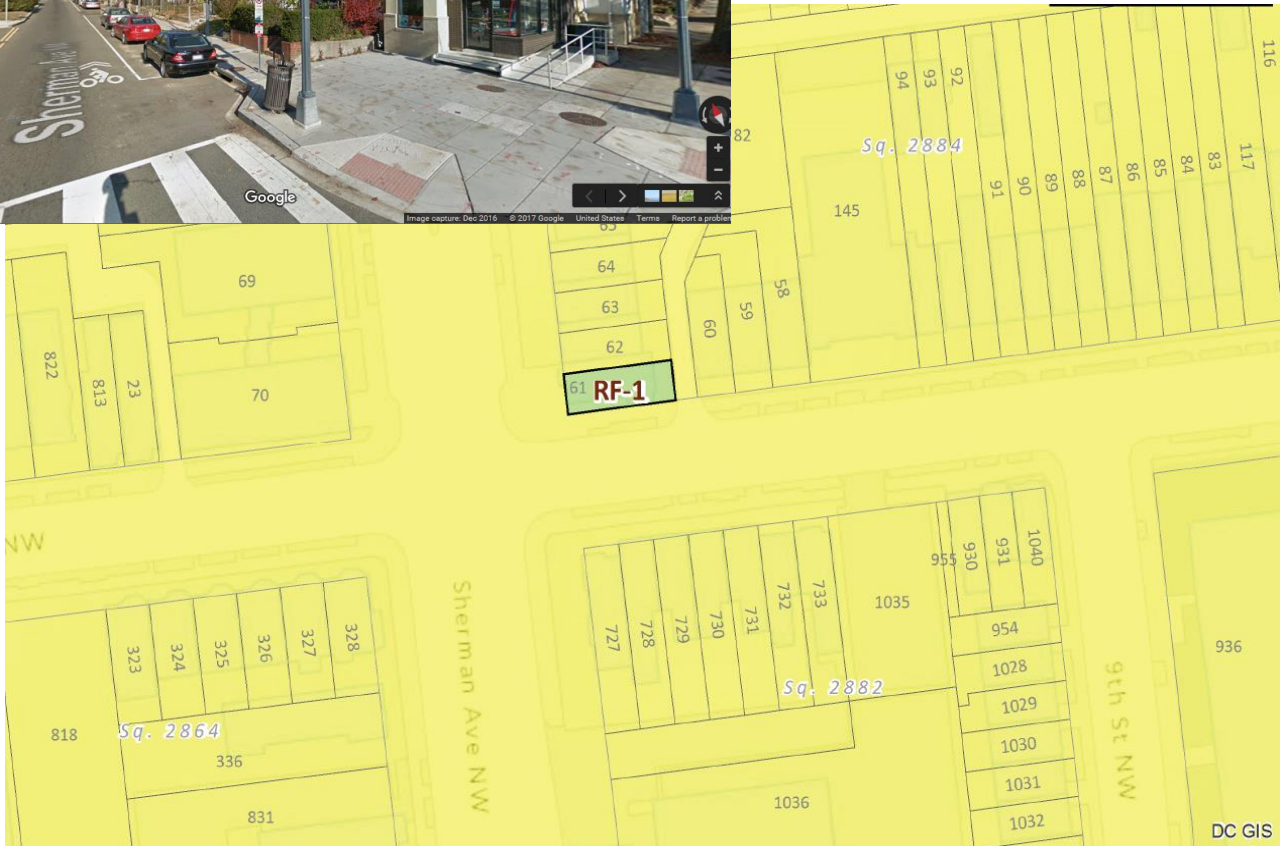
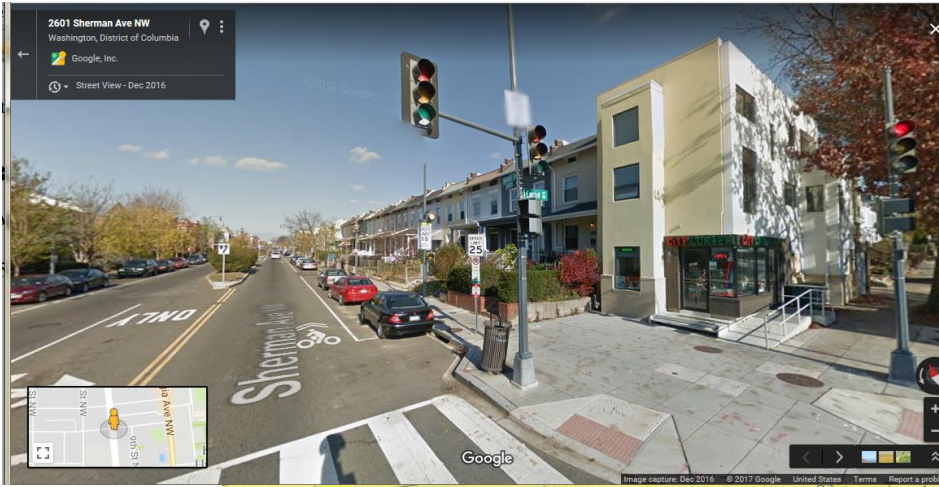
At the writing of this report, comments from District agencies were not received.

VI. COMMUNITY COMMENTS

At the writing of this report, the applicant indicated that the ANC 1B would discuss the BZA application at its regularly scheduled meeting on November 20, 2017.

The record indicates that neighborhood residents have provided comments in support (Exhibits 31,32,37, 42, 43) and in opposition (Exhibit 34) to the record to date.

Attachment: Location Map



LOCATION AND ZONING MAP



Screened Parking