

Cochran, Patricia (DCOZ)

From: Palmer, Lisa (SMD 2E05)
Sent: Tuesday, December 3, 2019 10:23 PM
To: DCOZ - BZA Submissions (DCOZ)
Subject: ANC2E Comments In Support of BZA Application No. 20135 of 3428 O Street LLC

Good evening. Please be advised that I, as the representative from ANC2E, would like to share the following comments at the BZA Hearing tomorrow morning in support of a use variance in BZA Application No. 20135 of 3428 O Street LLC. Please see below:

Members of the Board –

Many thanks for allowing me to share my feedback early in the day as I have another obligation later today that I could not waive. By way of introductions, my name is Lisa Palmer and I am the Vice Chair of ANC2E and the author of ANC2Es resolution in support of the zoning variance in question, which passed 6-2. For your reference, the resolution, dated October 17, 2019, simply states: “ANC 2E supports the Board of Zoning Adjustment application for a use variance from the use permissions to operate a prepared food shop at 3428 O Street NW. “ I am also the designated representative from ANC2E on this matter and the northern boundary of my district is located two blocks from this proposed Establishment. I understand that a number of my own constituents as well as others from across ANC2E have shared letters of support for this use variance with the Board of Zoning Adjustment.

Considering that this is a Limited Scope Continued Hearing, all comments should relate directly to the Applicant’s filings delivered on November 22, 2019. As such, I begin by sharing that ANC2E believes that the documents included in the Applicant’s submission are persuasive to our Commission. Specifically, I share the following comments as support for ANC2E’s continued position that, should the use variance be granted, the Applicant can manage the store in such a manner that it would not cause substantial detriment to the public good.

1. ANC2E believes that the information and diagrams provided by the Applicant related to line management sufficiently demonstrate that any queuing outside of the shop will cause no substantial detriment to the public good. Even with up to approximately 50 people on the sidewalk, there remains room for pedestrians to easily pass the store. Furthermore, I spoke with ANC Commissioner Michael Wray who is the Commissioner where the existing Call Your Mother store is located. I asked Commissioner Wray to characterize the line management system in use at the store in his district, as well as describe what it might be like for residents who live in the immediate vicinity of the shop, based on his constituents’ experiences. He shared the following: “The line could not be any more quiet. Most people just stand there looking at their phones. I have received zero noise complaints.”
2. ANC2E takes seriously the concerns about litter which some of our constituents have noted as part of this process. I also asked Commissioner Wray about any issues his community has experienced related to litter and rodents as a result of the operation of this business – particularly considering concerns related to crowds of people enjoying food while on the sidewalk by the shop. Commissioner Wray shared: “Litter has never been a concern. The area around the store is cleaner now than before they moved in. Here too, zero trash or rat complaints.” ANC2E also notes that during our October 17 meeting, the Applicant shared his interest in working closely with members of the community to ensure that the area surrounding his shop is clear from litter.

3. ANC2E paid close attention to Exhibit C from Andrew Dana describing how the Applicant would operate if it were to follow the permitted retail use instead of the proposed use as a prepared food shop. ANC2E strongly prefers the option provided for should the use variance be granted. We believe that forcing the Applicant to operate without the variance would likely increase the length of lines as customers wait to toast their own bagels and could also cause additional trash as patrons pack up to leave. Furthermore, we believe significant efficiency related advantages will be afforded to our community if the Applicant uses trained staff to make sandwiches, as would be provided with the requested use variance, vs encouraging customers to do so themselves, as would be the case should the variance not be granted. In plain language, granting of the use variance will mean shorter lines outside of the building and less trash. Finally, ANC2E notes that multiple daily food deliveries - as required should the use variance not be granted - poses significant challenges for the tight streets where this shop will be located; ANC2E prefers the single delivery concept - as would be required should the use variance indeed be granted.

In closing, ANC2E believes that the Applicant has demonstrated through its filings as well as its past operating history that a prepared food shop at 3428 O Street NW would not cause a substantial detriment to the public good and would not be inconsistent with the general intent and purpose of the Zoning Regulations. Therefore, ANC2E continues to request that the Board of Zoning Adjustment provide a use variance in the matter of BZA Application No. 20135 of 3428 O Street LLC. Thank you.

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