

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Team Washington, Inc. d/b/a Domino's Pizza
2330 Wisconsin Avenue NW

STATEMENT OF THE APPLICANT

I. Introduction

Team Washington, Inc. d/b/a Domino's Pizza (the "Applicant") requests approval of a special exception and related variances to establish a new Domino's Pizza restaurant in an existing building located at 2330 Wisconsin Avenue NW (Sq. 1300, Lot 0815) (the "Property"). The proposed Domino's restaurant will involve preparation, consumption, dine-in, carry-out and delivery of pizza, sandwiches, salads, chicken items, pastas, and beverages. Given the location of the Property, and the proximity of retail uses nearby, this proposed new Domino's is in harmony with surrounding properties and will be a benefit to the area. The inclusion of dine-in tables and chairs is a unique new model for Domino's Pizza restaurants that has been very popular and successful in other areas of the Washington metropolitan area with similar density and mix of uses. No changes are being made to the Property or the exterior of the existing building in which the new Domino's restaurant would be established.

The proposed Domino's restaurant is classified as a "fast food establishment" and/or "food delivery service" under the District of Columbia Zoning Regulations. Therefore, a special exception and related variances are required prior to the establishment of this use.

II. The Property and Surrounding Area

The Property is located at 2330 Wisconsin Avenue NW (sq. 1300, lot 0815). The Property, which is split zoned MU-27 and R-13, is part of the “The Calvert Center” building and it includes an accessory 29-space parking lot shared by The Calvert Center’s existing tenants.

The Property is located on Wisconsin Avenue in the Glover Park neighborhood and is located in a retail-heavy area with numerous restaurants and bars as well as grocery stores and health clubs. Several similar fast food establishments are also located in the strip of street-level retail storefronts neighboring the Property, including Chipotle and Bruegger’s Bagels. Chipotle received a special exception (Application No. 18137) to establish its restaurant at this location in 2010. The specific retail bay in which the new Domino’s will be established is located on the far southwestern end of The Calvert Center (see enclosed survey and floor plans for further detail). The Property is not located in a historic district. Properties to the north are developed with a variety of commercial uses; a five-story condominium abuts the property to the south; to the east across Wisconsin Avenue is a Whole Foods Market and the Guy Mason Recreation Center; and to the west across 37th Street are two-story row dwellings.

III. Relief Requested

The Applicant requests that the Board of Zoning Adjustment (“BZA”) approve a special exception and related variances to allow the establishment of a new Domino’s restaurant on the Property. Under the MU-27 zone, a fast food establishment and/or a food delivery service may be permitted with a special exception. The proposed Domino’s

restaurant meets the definitions and standards of a fast food establishment and/or food delivery service in the MU-27 zone, as discussed below.

A. General Review Standards

The general review standards for special exceptions in the MU-27 zone are found in Subtitle G, Chapter 12 of the D.C. Zoning Regulations. This application meets the review standards of Subtitle G, Chapter 12, as follows:

- (a) The proposed use will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations and Zoning Maps.**

The MU-27 zone is intended to permit moderate-density mixed-use development that promotes “the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory, in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility.” The Property is part of a one story development with a mix of uses and is located near other street level retail. The new Domino’s restaurant will be easily accessible by pedestrians along this busy section of Wisconsin Avenue. It is not expected that this use will have any impact on the Naval Observatory operations. Therefore, the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

- (b) The proposed use will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps.**

The Property is consistent with the uses located along Wisconsin Avenue in the Naval Observatory area. As noted above, to the north are properties with a variety of commercial uses; a five-story condominium abuts the property to the south; to the east

across Wisconsin Avenue is a Whole Foods Market and the Guy Mason Recreation Center; and to the west across 37th Street are two-story row dwellings. The Property would share The Calvert Center with several fast food establishments, including Bruegger's Bagels and Chipotle. The Property's 29-space accessory parking lot is currently being used by tenants and guests. Additionally, single family row houses are several hundred feet from where the Domino's restaurant would be located and are separated by the parking lot portion of the Property, 37th Street and concrete walls and wood fences on both the northern and southern lot lines of the Property. Thus, the proposed use is in harmony with and will not adversely affect neighboring properties.

- (c) **The proposed use will meet all applicable conditions as may be specified in this chapter.**

Subtitle G, Chapter 12 includes additional special exception criteria for Naval Observatory (MU-27) zones. The Applicant addresses this criteria below:

- (a) **The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:**
 - 1. **Present and proposed development within and adjacent to the MU-27 zone.**

As discussed above, the Property is consistent with the uses located along Wisconsin Avenue in the Naval Observatory area. As noted above, to the north are properties with a variety of commercial uses; a five-story condominium abuts the property to the south; to the east across Wisconsin Avenue is a Whole Foods Market and the Guy Mason Recreation Center; and to the west across 37th Street are two-story row dwellings. The Property would share the Calvert Center with several fast food establishments, including Bruegger's Bagels and Chipotle. The Property's 29-space accessory parking lot is currently being used by tenants and guests. Additionally, single

family row houses are several hundred feet from where the Domino's restaurant would be located and are separated by the parking lot portion of the Property, 37th Street and concrete walls and wood fences on both the northern and southern lot lines of the Property.

2. Goals, objectives, and policies pertaining to Federal facilities, as found in the Comprehensive Plan and the Master Plans for the Federal facilities within the MU-27 zone; and

As discussed above, the proposed Domino's restaurant is compatible and harmonious with neighboring retail uses serving the Glover Park and Naval Observatory area. The proposed restaurant should have no impact on Federal facilities associated with the MU-27 zone and the Naval Observatory.

3. Role, mission, and functions of the Federal facilities within the MU-27 zone, considering the effect that the proposed development would have on such facilities.

As discussed above, the proposed Domino's restaurant is compatible and harmonious with neighboring retail uses serving the Glover Park and Naval Observatory area. The proposed restaurant should have no impact on Federal facilities associated with the MU-27 zone and the Naval Observatory.

B. Additional Conditions for Fast Food Establishments/Food Delivery Services

Pursuant to the use permissions for mixed use zones in Chapter 5 of Subtitle U of the D.C. Zoning Regulations, the MU-27 zone is classified as MU-Use Group E. Pursuant to Section 513.1(c) of Chapter 5, a fast food establishment and/or food delivery service may be approved through a special exception in the MU-27 zone, subject to certain conditions, which are addressed below:

- 1. No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a R, RF, or RA zone, unless separated therefrom by a street or alley.**

The Property is split-zoned R-13 and MU-27. The R-13 portion of the Property is occupied with a parking lot for the use of the retail tenants in The Calvert Center shops. Given the Property is split zoned, the MU-27 zoned portion of the Property is not separated by a street or alley from the R-13 portion of the Property. The adjacent parcels to the north and to the south of the Property are zoned MU-27 and R-3, respectively.

To the extent that this condition is applicable to this application, the Board of Zoning Adjustment may grant relief from this condition pursuant to Section 1200.3 of Subtitle G of the zoning regulations applicable to mixed use zones. This form of relief shall be processed as a variance pursuant to Section 1200.3 of Subtitle G and Chapter 10 of Subtitle X. In this instance, the Board of Zoning Adjustment should grant relief from this condition for this application because the strict application of this condition would result in peculiar and exceptional practical difficulties and undue hardship for the Property.

The R-3 zoned parcels to the north and south of the Property are contiguous only with the R-13 zoned portion of the Property. Neither of the R-3 zoned parcels are located within 25 feet of the MU-27 zoned portion of the Property. Moreover, the nearest residence on the adjacent R-3 zoned property is approximately 140 feet from the rear entrance to the space that the new Domino's restaurant would occupy. A condominium building is located on the parcel adjacent to the Property to the south, but it is zoned MU-27.

Finally, the proposed Domino's is in character with and will not negatively impact neighboring properties. There are several restaurants and other fast food and fast casual restaurants operating in neighboring buildings. Thus, granting relief from this condition, if applicable, will not cause substantial detriment to the public good and will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

- 2. If any lot line of the lot abuts an alley containing a zone district boundary line for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.**

No lot lines of the Property abut an alley containing a zone district boundary line for a residential zone. On the southern and northern lot lines of the Property, a concrete wall and a wood fence separate the Property from the R-3 zoned parcels to the south and north.

- 3. Any refuse dumpster shall be housed in a three (3)-sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a residential zone.**

All of the tenants of The Calvert Center collectively use the existing dumpsters on this Property. The dumpsters are located in the parking lot at the rear of the Property. The dumpster area is enclosed on all sides by a tall wood fence. The entrance to the dumpster area faces the MU-27 zoned property to the south.

- 4. The use shall not include a drive-through.**

The new Domino's restaurant will not include a drive-through.

5. The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.

The new Domino's restaurant will be located on a busy section of Wisconsin Avenue with many shops and restaurants nearby. The nearest residence on the adjacent R-3 zoned property is approximately 140 feet from the rear entrance to the space that the new Domino's restaurant would occupy. A condominium building is located on the parcel adjacent to the Property to the south, but it is zoned MU-27. The residential neighborhoods to the west are separated from the Property by a parking lot or by 37th street. On the southern and northern lot lines of the Property, a concrete wall and a wood fence separate the Property from the R-3 zoned parcels to the south and north. It is not expected that this use will generate any noise, sounds, odors, lights, or other conditions that would be objectionable to nearby properties given the distance from where the Domino's would operate and the established use of the Property's parking lot. The hours of operation for this location will be from 10:00am to 2:00am, Sunday through Thursday, and from 10:00am to 3:00am Friday and Saturday.

6. The use shall provide sufficient off-street parking, but not less than that required by Subtitle C, Chapter 7 to accommodate the needs of patrons and employees.

The restaurant space in which the new Domino's would be located is approximately 2,000 square feet in total size. Pursuant to Subtitle C, Chapter 7, for eating and drinking establishments, 1.33 parking spaces are required per 1,000 square feet in excess of 3,000 feet. Since the proposed use is for less than 3,000 square feet, no off-street parking space is required. The landlord will, however, provide Domino's with five

reserved parking spaces for Domino's employees in the Property's parking lot. Thus, the parking requirements will be met for this new Domino's restaurant.

7. The use shall be located and designed so as to create no dangerous or otherwise objectionable traffic condition.

It is not expected that this use would create any new dangerous or objectionable traffic conditions. Most customers would arrive on foot, drive and park in the parking lot on the Property or park along Wisconsin Avenue, much like they do for the restaurants and shops nearby. The restaurant will utilize 3-4 delivery vehicles, and all delivery vehicles will only use the Property's parking lot for parking. The use, therefore, would not contribute to any dangerous traffic conditions.

8. The Board of Zoning Adjustment may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

For the reasons discussed above, it is not expected that this new Domino's restaurant will negatively affect adjacent or nearby properties.

IV. Community Outreach

The Applicant will reach out to ANC 3B and other affected community/civic groups, the Office of Planning, and adjacent property owners to discuss the Application with the community and address any concerns or comments that the community may have. The Applicant will submit a statement of the efforts made to contact these groups and the results of those efforts no less than twenty one days before the scheduling public hearing/meeting.

V. Conclusion

For all of the above reasons and those discussed at the public hearing before the Board of Zoning Adjustment, the Applicant respectfully requests that the Board of Zoning Adjustment grant the relief sought in this Application.