

Supplemental Report

TO: District of Columbia Board of Zoning Adjustment

FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: November 27, 2019

SUBJECT: BZA #20135 – 3428 O ST NW– variance relief for a prepared food shop use within a commercial space in a residential zone

I. BACKGROUND

At Exhibit 39, OP filed a report in support of the requested variance relief for a prepared food shop use. At its October 30, 2019 public hearing the Board requested additional information from the Applicant and requested that OP analyze it in a supplemental report. The additional information from the applicant is provided at Exhibit 113-113C.

II. RECOMMENDATION

OP continues to recommend **approval** of the requested variance relief.

III. ANALYSIS OF ADDITIONAL RELIEF REQUESTED

Exceptional Situation Resulting in a Practical Difficulty:

The existing variance for the former use allows for the first floor and basement to be used as retail space. Therefore, the Applicant, Call Your Mother Deli, has a permit to operate their store as a retail establishment. The additional relief requested is to allow the use to operate as a prepared food shop.

The additional information from the applicant provides more detail on how the property owner would be burdened if this food preparation shop variance were not granted. The owner explains that it would be difficult for them to find a long-term retail tenant for the space (Exhibit 113B). The owner points out that traditional retail businesses struggle more than food service establishments and there are many examples of empty retail spaces in Georgetown. The owner further explains that they depend on the rental income from this space, so they want a reliable long-term commercial tenant, such as the one proposed. While these are not in isolation particularly compelling arguments for a practical difficulty, as noted in the original OP report, the space was designed and consistently used for commercial purposes, and reconfiguration to residential would be impractical and expensive.

No Substantial Detriment to the Public Good

The Applicant submitted additional information on how a customer line would be managed (Exhibit 113A). It shows that a long line of customers could be accommodated while allowing sufficient space for pedestrians to pass on the sidewalk, which would be wide enough to accommodate both customer and pedestrian traffic.

The Applicant also submitted additional information on how the business would operate as a retail establishment (Exhibit 113C), conforming to the current variance approval. As a retail establishment, they would sell bagels and pre-made sandwiches to customers. Toasters would be available for customers to do their own cooking. This could result in longer customer wait times and potentially longer lines. According to the Applicant, their cooking staff can prepare up to 12 bagels per minute, but if customers did their own cooking the estimated time would be one bagel per minute.

The applicant notes that deliveries to the business could also increase to up to 8 times a day, to allow for a fresh supply of pre-made sandwiches to be brought to the site throughout the day, and this could have traffic and parking impacts.

No Substantial Harm to the Zoning Regulations:

OP continues to consider that a prepared food shop use should not substantially harm the zoning regulations, given that the building has always been mixed-use with residential on the second floor and commercial on the first floor and basement.