



ANC 6B
Capitol Hill / Southeast

April 14, 2021

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Fred Hill, Chair
Board of Zoning Adjustment
411 4th Street NW, Suite 200/210-S
Washington, DC 20001

VIA Interactive Zoning Information System

Re: BZA 20445 – 106 13th St SE; Use Variance Request to Expand Restaurant Use to Cellar and Second Floor of existing restaurant use on first floor

Dear Chairperson Hill,

At a regularly scheduled, properly noticed, meeting on April 14, 2021, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0-1 to recommend the Board approve the above referenced application.

ANC 6B enthusiastically supports this application and recommends approval for use variance relief for both the cellar and second floor at 106 13th Street SE. We believe there is a confluence of factors which lead to the application meeting all three prongs of the variance test. In our report, we want to highlight to local factors which have led us to make this recommendation and hope the information is helpful to the board in reaching a decision to approve this application.

Prong 1: Resulting in an Undue Hardship to the Property Owner

The property owner's statement in support details the technical hardships from the current layout and structure of the building. The ANC has nothing to add to that argument but we want to highlight the long history of failed enterprises at this premises which show that clearly the historic interior layout simply is insufficient in creating a successful modern restaurant. Over the last 10 years, at least four restaurants have started and failed when only able to make use of the first floor, even during an era of huge population growth, an expanded restaurant scene, and being around a half mile from the nearest sit-down restaurant. Further, there is a lack of public or private outdoor space around the building to add a sidewalk café or summer garden to meaningfully expand capacity. Use variance to expand restaurant use to the cellar and not the second-floor would be inadequate to overcome the hardships of limited capacity, as the increased capacity would be negligible compared to the proposed use of the second floor. Not only does the limited restaurant capacity cause an undue hardship to the property owner on the first-floor, the second floor has proven unsustainable as residential units and undesirable to tenants. The recent history of vacancy in the residential units and by-necessity owner-occupation of the residential units is indicative of the need for relief from current use restrictions. To the community that has seen first-hand the first-floor only operations and repeated failed enterprises leading to extensive vacancy at the property, it is clear that the currently permitted restaurant is simply not a successful layout in the modern restaurant industry.

Prong 2: No Substantial Detriment to the Public Good

As detailed by the applicant and the lived experiences of residents of the community, the current cycle of failed restaurants and prolonged vacancies in the commercial space at this property continues to be an actual harm today. There is substantial support for expanding capacity of the restaurant use. Crucially this support comes from immediately adjacent neighbors. But is also comes from the larger Capitol Hill/Hill East community as well as visitors to Lincoln Park. While located in the heart of an RF-1 zone, this building and a couple of others on both the west and east sides Lincoln Park have a long history of commercial use serving the community and visitors to the Park. It is also important to note that the location of this property is relatively unique compared to the remainder of the surrounding RF-1 zone. Given its location directly across from Lincoln Park and along a major local and commuter route, there is substantially more pedestrian, bicycle and vehicular traffic than exists on a traditional street in an RF-1 zone.

Prong 3: No Substantial Impairment to the Intent, Purpose, Integrity of the Zoning Regulations

Here we want to highlight the long history of commercial, institutional, educational and a litany of non-residential uses not just in the immediate surrounding of the application but along the entire East Capitol Street corridor. Across East Capitol there is a large Methodist church. Moving east from this property, there is a Hebrew Pentecostal church, a large Catholic church, a takeout pizza establishment, a converted streetcar car barn, a market, a barber shop, a charter middle school, a carryout, a large apartment building, Eastern High School, and we could go on. On the west side of the park, there is a florist, café, pharmacy, dentist, corner store, dry cleaner, and so much more. Along this old streetcar line, commercial buildings interspersed with residential buildings are the norm rather than the exception (though some of course have been converted to residential at this point). The restaurant is not seeking to be a destination for the city or region; instead, the applicant's past restaurant use elsewhere makes clear this will be neighborhood restaurant and not unduly increase automobile traffic or parking (and we note that DDOT has no objection).

Again, ANC 6B urges the Board to approve this use variance application. A restaurant here would not be a detriment to the public good; in fact, ANC 6B believes expanding the restaurant use here would be a benefit to the community. Limited non-residential uses are a hallmark of Capitol Hill and expanding the restaurant use here will simply not dramatically impact this uniquely situated building with a long history of non-residential use.

Commissioner Peter Wright, SMD for this property, and Commissioner Corey Holman, chair of ANC 6B's Planning and Zoning Committee, are authorized to represent ANC 6B in front of the Board. Commissioner Wright can be reached at 6B08@anc.dc.gov or 513-236-9077. Commissioner Holman can be reached at 6B06@anc.dc.gov or 301-664-4132

Sincerely,



Brian Ready
Chair, ANC 6B

cc: Alex Wilson, Sullivan and Barros



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



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:		Case Name:	
Address or Square/Lot(s) of Property:			
Relief Requested:			

ANC MEETING INFORMATION


Date of ANC Public Meeting:	<input type="text" value="D"/>	<input type="text" value="D"/>	/	<input type="text" value="M"/>	<input type="text" value="M"/>	/	<input type="text" value="Y"/>	<input type="text" value="Y"/>	Was proper notice given?:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Description of how notice was given:													
Number of members that constitutes a quorum:					Number of members present at the meeting:								

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

AUTHORIZATION

ANC	<input type="checkbox"/>	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	<input type="checkbox"/>
Name of the person authorized by the ANC to present the report:			
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			
Signature of Chairperson/ Vice-Chairperson:		Date:	

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO 11 DCMR §§ 3012 AND 3115.

INSTRUCTIONS

Pursuant to 11 DCMR §§ 3012.6 and 3115.2, the Zoning Commission and Board of Zoning Adjustment shall give “*great weight*” to the written report of the affected Advisory Neighborhood Commission (ANC), as required by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000.

1. All ANC reports shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.
3. Submission deadlines are as follows:

For Zoning Commission:

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing, if they wish to participate in a contested case under § 3022.
- b. ANCs may file this form as long as the case record is open, if they wish to participate in a rulemaking case under § 3021.

For Board of Zoning Adjustment:

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.