



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

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January 14, 2020

Mr. Frederick Hill
Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001
bzasubmissions@dc.gov

RE: Board of Zoning Adjustment Application for an Area Variance from the Corner Store Requirements to Operate a Corner Store on the First Floor and Basement of an Existing Mixed-Use Building at 3428 O Street NW (BZA #20135)

Dear Chairperson Hill,

On January 7, 2020 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by eight commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-2-0) with regard to the above-referenced matter:

At ANC 2E's October 2, 2019 meeting, the Commission considered 3428 O Street LLC's application for a use variance permitting the operation of a bagel shop, characterized as a prepared food shop, at 3428 O Street NW. At that meeting, the Commission carefully considered the views of residents who either supported or opposed the application. After considering whether issuance of the requested variance would present a public detriment to the surrounding neighborhood, the ANC voted 6-2-0 in favor of the application.

On December 5, 2019, 3428 O Street LLC amended its application. Although the nature of the operation proposed for the location has not changed, the applicant now characterizes the proposed business as a "corner store" and seeks an area variance that, like the earlier application, would permit the operation of a bagel shop at the location. In reviewing the amended application, ANC 2E considered the same issue the Commission addressed on October 2, 2019: whether the operation of a bagel shop at 3428 O Street NW would present a public detriment to the surrounding neighborhood. The ANC continues to believe that the operation of a bagel shop at 3428 O Street NW would NOT present a public detriment to the surrounding neighborhood, per the reasons previously stated during the ANC's testimony at the Board of Zoning Adjustment (BZA) hearing in December of 2019.

COMMISSIONERS:

Kishan Putta, District 1 Joe Gibbons, District 2 Rick Murphy, District 3
Anna Landre, District 4 Lisa Palmer, District 5 Gwendolyn Lohse, District 6
Elizabeth Miller, District 7 Matias Burdman, District 8

ANC 2E respects that the BZA will pay close attention to whether the proposed use meets the test for a relief from the so-called "750 foot rule", that is U-254.6(g). The ANC is also concerned with the integrity of the zoning code. The ANC believes that the area variance should, in fact, be granted for the following reasons:

1. ANC 2E understands that the "750 foot rule" was created in an attempt to prevent commercial areas on M Street and Wisconsin Avenue NW from creeping into nearby residential areas. The location in question, however, presents a unique scenario. In this case, the MU zone within 750 feet of the subject property is a small outlier of a zone section comprising only a half-block of property, completely removed from M Street or Wisconsin Avenue NW. Further, this section itself is still a considerable distance from the subject property.
2. It was always contemplated that exceptions to the 750 foot rule could be made as is currently being requested, should certain criteria be met. We believe that the applicant has met its burden of proof as required in Subtitle X 1002.1 and 1002.2

As a result, ANC 2E believes that the applicant has met its burden of proof such that the BZA should grant area variance relief for the application in Case No. 20135.

Finally, ANC 2E understands that some neighbors of 3428 O Street NW have already been in discussion with the owner of the proposed bagel shop and are working to develop an understanding and agreement around potential quality of life issues which some neighbors believe will arise as a result of this shop's operations. The ANC strongly supports these discussions and, should the various parties find it helpful, would be willing to participate in such conversations. Ultimately, the ANC envisions a scenario where both the concerned residents and the operator of the proposed shop have an understanding such that the shop is a boon to the community and a successful endeavor.

Commissioners Lisa Palmer (2E05@anc.dc.gov) and Gwendolyn Lohse (2E06@anc.dc.gov) are the Commission's representatives in this matter.

Respectfully submitted,



Rick Murphy
Chair, ANC 2E