

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA <i>CATHEDRAL HEIGHTS • CLEVELAND PARK</i> <i>MASSACHUSETTS AVENUE HEIGHTS</i> <i>MCLEAN GARDENS • WOODLEY PARK</i>	
Single Member District Commissioners 01-Lee Brian Reba; 02- Gwendolyn Bole; 03-Jeffrey Kaliei 04- Vacant; 05- Margaret Siegel; 06-Carl Roller 07- Victor Silveira; 08-Catherine May; 09-Nancy MacWood	3601 Connecticut Avenue, NW Suite L-06 Washington, DC 20008 Website http://www.anc3c.org Email all@anc3c.org	

ANC 3C Resolution No. 2014-040
Request for Special Exception and Variance Relief at
2631 Connecticut Avenue, NW

WHEREAS Nando's seeks the support of ANC 3C for its application before the Board of Zoning Adjustment (BZA) for a special exception from the 25% street frontage limitation under subsection 1302.5 (a), and the fast food establishment prohibition under subsection 1307.5; and variance relief from the enclosed wall requirements of section 721.3 (j) to establish a fast food establishment / restaurant in the Woodley Park / C-2-B District – located at 2631 Connecticut Avenue, NW;

WHEREAS 2631 Connecticut Avenue, NW is located within a C-2-B district and within the Woodley Park Neighborhood Commercial Overlay District ("WP Overlay") where fast food establishments are currently prohibited (11 DCMR 1307.5);

WHEREAS, the WP Overlay also limits eating establishments (including fast food establishments) to no more than 25 percent of the designated linear street frontage;

WHEREAS, eating establishments in the WP Overlay currently occupy approximately 33 percent of the designated linear street frontage and Nando's seeks a Special Exception to exceed the 25 percent limitation;

WHEREAS, the owner of the building represented that since June 2013, it tried to lease the proposed Nando's space to a bank and any other matter-of-right use in order to avoid vacancy and lack of rental income but that no viable matter-of-right uses were interested in the space except 7-11 and Sleepys;

WHEREAS, the Special Exception provisions of the WP Overlay allow the community an appropriate mechanism to evaluate the compatibility of a proposed eating establishment with the neighborhood before agreeing to exceed the 25 percent cap;

WHEREAS, the owner's inability to lease the space to an appropriate neighborhood use constitutes exceptional circumstances pertaining to the property or to the economic or physical conditions in the immediate area that justify exceeding the cap;

WHEREAS, the exception will encourage a mixture of appropriate uses, promote safe and efficient pedestrian movement, and access to retail services and Metrorail;

WHEREAS fast food establishments are permitted in C-2-B districts as a matter of right only if they comply with the requirements set forth in Sec 721(j) of the Zoning Regulations; however, fast food establishments are permitted in the Woodley Park Overlay through Special Exception relief;

WHEREAS Nando's has asked the BZA for a variance from the regulations applicable to a fast food establishment in a C-2-B district that abuts an alley containing a residential zone district boundary line;

WHEREAS Nando's has represented that its business is a fast food establishment as defined in the Zoning Regulations "only" because its customers pay for food and drinks before it is consumed;

WHEREAS Nando's has represented that it will not produce the high volume of refuse associated with typical fast food establishment because it will not use any disposable containers, paper products, or tableware and/or use large quantities of cooking oil and grease;

WHEREAS Nando's will occupy only a small portion of the building, it will not span the full width of the lot, and thus it is unable to comply with the provisions in Sec 721.3 (j) requiring it to construct and maintain a continuous brick wall along the lot line and to house dumpsters in a three-sided brick enclosure six feet high or the height of the dumpster; and

WHEREAS Nando's will occupy space that has not historically been occupied by a restaurant and will be offering affordable healthy food in a "fast-casual restaurant":

THEREFORE BE IT RESOLVED that ANC 3C supports Nando's application for a special exception and a variance, with the following conditions:

1. Nando's shall use the existing trash compactor at the site;
2. Trash service at the site will be increased from four times a week to five times a week;
3. Any future, new eating establishment proposed for this space shall be required to seek special exception relief in conformance with the applicable provisions of the Woodley Park Overlay and Zoning Regulations.

BE IT FURTHER RESOLVED that ANC 3C finds that a continuous brick wall and dumpster enclosure would unnecessarily impede access to and from the single-family residential garages and parking spaces across the alley;

BE IT FURTHER RESOLVED that ANC 3C finds that a brick wall running the entire length of the lot line is not necessary as prescribed for fast food establishments in C-2-B districts in Sec 721.3(j) of the Zoning Regulations as long as the applicant agrees to use the existing trash compactor and increase trash service from four times a week to five times a week, and not increase the number of refuse containers at the back of the property;

BE IT FURTHER RESOLVED that ANC 3C finds that Nando's would commit to serve all food and drinks sold at this location on/in non-disposable tableware in order to reduce the amount of refuse and compensate for their inability to wall off refuse disposal and other impacts generally associated with fast food restaurants;

BE IT FURTHER RESOLVED that ANC 3C finds that the 25% cap is crucial protection for the Woodley Park community and should not be exceeded, except in this particular instance because it will allow Nando's, a family-oriented restaurant, into the neighborhood, prevent incompatible matter-of-right uses, and prevent continued vacancy along Connecticut Avenue;

BE IT FURTHER RESOLVED that the Chair, Commissioner Reba (ANC3C01) and/or their designee(s) are authorized to represent ANC 3C on this matter.

Attested by



Carl Roller

Chair, on November 17, 2014

This resolution was approved by roll-call vote of 4-2-1 on November 17, 2014 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 8 commissioners) was present.