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OCTOBER 21, 2011

Department of Consumer and Regulatory Affairs
DC Office of Zoning
Board of Zoning Adjustment
One Judiciary Square
441 4th Street NW
Suite 210S
Washington, DC 20001
202.727.6311

2011 OCT 26 AM 10:53
OFFICE OF ZONING

Re: **BZA Special Exception hearing**
Detailed statement of Zoning Regulations for Special Exception:
415 8th St, SE
Washington, DC 20003

733 – Fast Food Establishments in C-2-A Districts

733.1 Fast food establishments shall be permitted in a C-2-A District as a special exception if approved by the Board of Zoning Adjustment under 3104, subject to the provisions of this section.

The proposed Tenant, **Ima Pizza**, will adhere to the provisions provided in Section 733.

733.2 No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated there from by a street or alley.

No part of the lot on which the proposed Tenant will occupy is located within twenty-five feet of a Residence District.

733.3 If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained the lot long 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.

The proposed site does not abut an alley of any sort. The rear yard is a fenced in enclosure that abuts other rear yards.

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CASE NO. 18322
EXHIBIT NO. 7

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- 733.4 Any reuse dumpsters 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 Residence District.

Trash is to be housed in a completely enclosed rat proof masonry trash enclosure with full roof, and on a concrete slab with footings. There will be no visible gaps in said structure as part of rat protection initiative. Trash will be compacted within restaurant space before being taken to trash enclosure in rear yard. Door to enclosure will have metal flashing at the bottom of the door with metal threshold as part of rat protection initiative. Since the yard does not access an alley or street, Tenant's trash will have to be stored in totes and removed through the front entrance of the space. All Tenant grease is to be stored within space, and not in the rear yard.

- 733.5 The use shall not include a drive-through.

The proposed Tenant will not provide a drive-through.

- 733.6 There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.

No customer entrance will be in the side or rear of the building that faces a street or alley containing a zone district boundary line for a Residence District.

- 733.7 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.

No objectionable noises, sounds, odors, lights, operating hours or other conditions objectionable to neighboring properties will be created by the proposed Tenant. Grease exhaust to vent above roof level, and to be moved as close as possible to the street face of the building, while adhering to Landmark's codes of not being visible from street level.

- 733.8 The use shall provide sufficient off-street parking, but not less than that required by 2102.1, to accommodate the needs of patrons and employees.

No off-street parking spaces are required by 2102.1 for a fast food restaurant in a C-2-A zone district. All street parking in this location is metered.

- 733.9 The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.

No dangerous or other objectionable traffic conditions will be created by the proposed Tenant.

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- 733.10 There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights of way or unreasonably obstructing parking spaces, aisles, or driveways on the site.

All Tenant deliveries and trash collection will be done through the front entrance from 8th St, SE, since the rear yard is not accessible by either an alley or street.

- 733.11 The Board 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.

Trash not to sit out on the street for pick up, and is to be taken through the space for street pick up. Trash collection not to occur during business hours.

Sound control measures to be taken to avoid and abate noises objectionable to the residential neighbors from mechanical units, and to prevent an increase in existing sound level conditions of the site. Condensing units will be moved closer to the building, with the idea that the trash enclosure will act as a buffer between them and the adjacent rear yard. Tenant is to employ all sound measures and persons necessary to meet this requirement.

Rear yard landscaped area to have river rock ground cover, and be planted with landscaping.

- 733.12 The applicant for special exception under this section may request the Board to modify the conditions enumerated in 733.2 through 733.4; provided that the general purposes and intent of this section are complied with.

Thank you for taking the time to review this project.

Regards,

J.C. Schaub
Project Manager

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