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The Honorable Vincent C. Gray

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The Honorable Phil Mendelson

Executive Director
Marcel C. Acosta

IN REPLY REFER TO
NCPC FILE NO BZA 18559

MAY 07 2013

Board of Zoning Adjustment of the
District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, D C. 20001

Members of the Board of Zoning Adjustment

Pursuant to delegations of authority adopted by the Commission on August 6,

1999, I found that the request for a special exception to allow a fast food

establishment at 2233 Wisconsin Avenue, NW (Square 1299, Lot 1006) in the

Naval Observatory Zoning Overlay District is not inconsistent with the

Comprehensive Plan for the National Capital or the Naval Observatory Master

Plan, nor would it have an adverse effect on the operations of the Naval

Observatory and the security needs of the Vice President's residence. A copy of

the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosure

cc: Harriet Tergoning, Director, D.C Office of Planning

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18559

EXHIBIT NO. 23



Delegated Action of the Executive Director

PROJECT
Special Exception for a Fast Food
Establishment in the Naval Observatory Zoning
Overlay District
2233 Wisconsin Avenue, NW
Washington, DC

REFERRED BY
Board of Zoning Adjustment of the District of
Columbia

NCPC FILE NUMBER
BZA 18559

NCPC MAP FILE NUMBER
71.00(06.50)43756

DETERMINATION
Approval of report to the District of
Columbia Board of Zoning Adjustment

REVIEW AUTHORITY
Approval of Comments on Special
Exception Applications within the Naval
Observatory Zoning Overlay District
per 11 DCMR 1533.3

The District of Columbia Board of Zoning Adjustment (BZA) has referred application number 18559, a special exception to establish a fast food establishment in the Naval Observatory Zoning Overlay District (NO Overlay District) at 2233 Wisconsin Avenue, NW (Square 1299, Lot 1006). The application is being referred to NCPC pursuant to 11 DCMR 1533.3 which requires the BZA to refer all applications for special exceptions within the NO Overlay District to NCPC for review and report. The NO Overlay District exists for purposes of promoting the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important United States Naval Observatory (USNO), in keeping with the goal and policies of the Comprehensive Plan for the National Capital and the Master Plan for the USNO. The NO Overlay District is intended to provide additional controls on private land to protect recognized federal interests including the critical scientific mission of the USNO and the security needs of the Vice President's residence.

The proposal seeks to establish a fast food establishment (Einstein Bros. Bagels) at 2233 Wisconsin Avenue, NW, immediately west of the USNO. The fast food establishment will operate in approximately 3,000 square feet on a portion of the first floor of an existing five-story commercial office building. The space to be occupied was formerly a Vespa scooter dealership and is currently vacant. The surrounding neighborhood consists of commercial uses to the north and south along both sides of Wisconsin Avenue. A low-scale neighborhood of row and semi-detached dwellings exists beyond the commercial uses to the west of Wisconsin Avenue. The establishment will provide seating for approximately 55 people indoors with an additional 28 seats in an outdoor café. The hours of operation will be 5:30 am to 5:00 pm, and a total of 30 parking spaces will be reserved for the establishment within the existing surface parking lot located at the rear of the building.

The proposal is not inconsistent with the Comprehensive Plan for the National Capital or the Master Plan for the USNO. The location of the proposed fast food establishment is within a well-established commercial corridor in an existing commercial office building and does not propose to expand the existing building or the rear parking lot. Given its location within a long-

standing commercial corridor, the proposed fast food establishment should not create any additional adverse impacts with regard to traffic, noise, or security.

Acknowledging the importance of dark skies to the mission of the USNO, the District Elements of the Comprehensive Plan contains a policy that seeks to ensure that planning decisions in the vicinity of the USNO consider the possible effects of light pollution and take appropriate steps to avoid adverse impacts (Rock Creek West Area Element, Policy RCW-1.2.6). The proposal does not include lighting or signage that has the potential to create adverse light pollution that would impact the operations of the USNO.

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Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and 11 DCMR 1533.3, I find that a special exception to allow a fast food establishment at 2233 Wisconsin Avenue, NW (Square 1299, Lot 1006) in the Naval Observatory Zoning Overlay District would not be inconsistent with the Comprehensive Plan for the National Capital or the Naval Observatory Master Plan, nor would it have an adverse effect on the operations of the Naval Observatory and the security needs of the Vice President's residence



Marcel Acosta
Executive Director

9/25/13

[Date]