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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown Roberts, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: September 10, 2013
SUBJECT: BZA 18608, 1500 Independence Avenue, SE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) is unable to make a recommendation at this time for the requested special exception to permit a grocery store with an accessory fast food establishment in the C-2-A District. In order to make a recommendation the applicant has been requested to provide the following information.

- Provide information of what fast food is intended to be sold.
- Show the location, size, and materials of the trash enclosure on a Site Plan.
- Provide information on the times deliveries would be made and the number of times per week days trash removal would be done.

II. LOCATION AND SITE DESCRIPTION

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18608
EXHIBIT NO. 24

Address	1500 Independence Avenue, SE
Legal Description	Square 1072, Lot 0005
Ward/ANC	6/ANC-6B
Zoning	C-2-A
Lot Characteristics	Rectangular property with an area of 4,000 square feet (50 ft x 80 ft). The property is developed with a 1-story commercial building which currently houses a neighborhood grocery store with an accessory prepared food shop
Adjacent Properties	To the east is a 4-story apartment building in the R-4 zone, to the south is a 2-3 story building housing a dry cleaners and a liquor store and 2-story row houses in the C-2-A zone, to the west is a 1-story commercial building adjacent to row houses in the C-2-A zone; and to the north is a property which is being redeveloped in the C-2-A zone
Neighborhood Character	Around the intersection of 15 th Street and Independence Avenue are small, neighborhood commercial uses and rowhouses in the C-2-A zone. Generally, the wider neighborhood has 2- and 3-story row houses interspersed with apartments in the R-4 zone
Historic Preservation:	Not within a historic district.

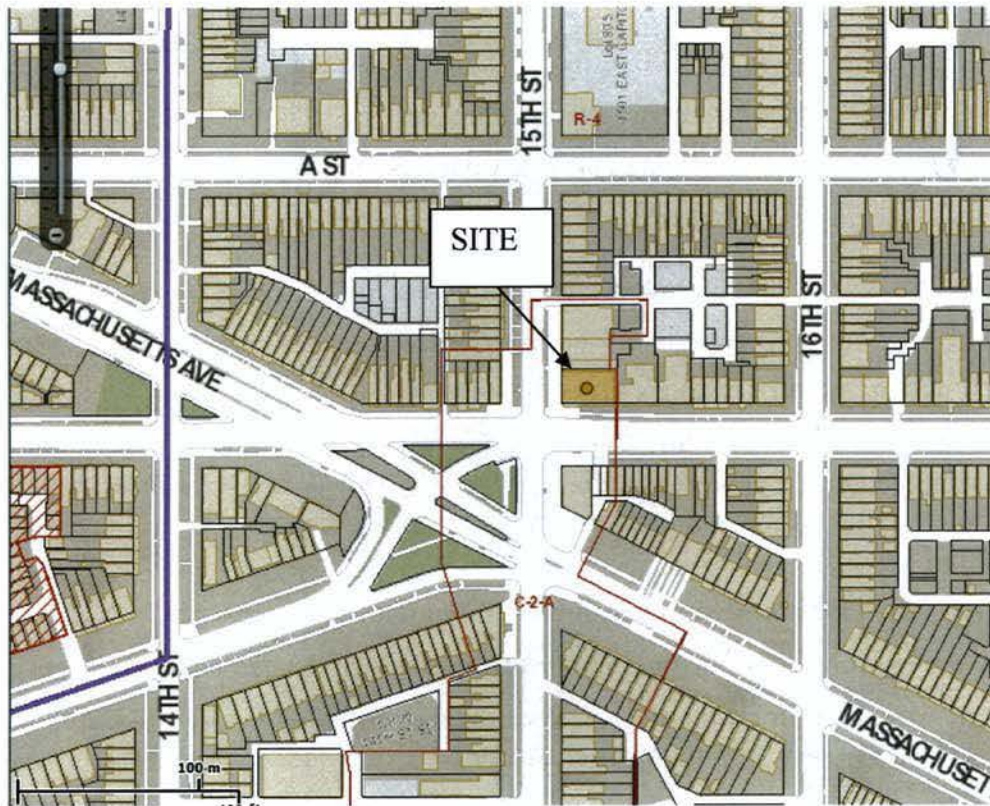
Board of Zoning Adjustment

District of Columbia

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LOCATION MAPS

III. APPLICATION IN BRIEF

The property currently houses a grocery store and an accessory prepared food shop. The ownership of the business has changed and the new owner is proposing to change the accessory prepared food shop use to a fast food establishment. The fast food establishment will occupy 150 square feet of space while the grocery store will retain its 2,000 square feet. The change to the accessory use will not necessitate any external changes to the building.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

The grocery store use is permitted as a matter-of-right in the C-2-A district but 11 DCMR, §733 require special exception review for fast food establishment in the C-2-A district.

V. OP ANALYSIS

1. Special Exception Relief to permit a fast food establishment in the C-2-A District

Fast food establishments are permitted in a C-2-A District subject to the provisions of § 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 therefrom by a street or alley

The western property line is also the boundary between the C-2-A and the R-4, residence district. The property immediately to the west is developed with an apartment building. Therefore, the requirement of this section cannot be met but can be waived as allowed under § 733 12

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 on the lot along 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

None of the lot lines of the property abut an alley

733.4 Any refuse 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

Currently, a trash dumpster that serves the site is located on the 15th Street side of the building within public space. Since the building occupies nearly 100% of the lot, the dumpster cannot be accommodated on the lot, unless it is incorporated into the existing building footprint. The applicant has informed OP that they will be providing an enclosure for the trash dumpster. Since the enclosure and the trash dumpster would be in public space, a public space permit would be required from the Department of Transportation (DDOT) to meet this requirement. The applicant has been so advised. Additionally, OP has requested that the location of the dumpster be shown on a Site Plan.

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

No drive through is proposed

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.*

The entrance for customers is located where the building fronts on the intersection of Independence Avenue and 15th Street, wholly within the commercial 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.*

The existing grocery store and prepared food shop at this location currently exists in the Capitol Hill neighborhood and OP is not aware of any adverse impacts concerning the existing operation. It is envisioned that the grocery store and the fast food establishment would operate in the same manner. The hours of operation would continue to be 8:00 am to 9:00 pm Monday to Friday and 9:00 am to 9:00 pm on Sundays. The applicant states that deliveries will be made during off-hours and trash collection made regularly during previously scheduled pick up times. OP has requested that the applicant state when are the "off-hours" for deliveries, and what are the scheduled pick up times/days for trash removal.

733.8 *The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.*

The parking requirement for the fast food establishment (150 square feet) in the C-2-A zone is 1 space per 300 square feet in excess of 3,000 square feet; therefore, no parking space is required. The parking for the grocery store is grandfathered since the building and use have been in existence prior to 1958.

The grocery store and the proposed fast food establishment are intended to be neighborhood serving uses where most people walk to shop. It is envisioned that this would continue with the addition of the fast food service. Parking is restricted to one hour, (7:00 am to 6:30 pm, Monday-Friday) along 15th Street, and for 2 hours (Monday to Friday, 7:00 am to 8:30 pm) along Independence Avenue. Therefore, on-street parking would accommodate the needs of the grocery store and fast food service.

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

The proposed use would be located in a structure with a long standing history of accommodating a similar type use. It is not anticipated that the existing traffic patterns would be significantly altered due to the inclusion of the fast food establishment.

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.*

Deliveries and trash collection are currently made from the parking lane along Independence Avenue and/or 15 Street. The applicant states that deliveries would be made during off hours and that trash pick-up would be made during previously scheduled times. The applicant has been requested to state what are the “off hours” and the “scheduled” trash pickup times.

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*

OP does not suggest any conditions, other than that any approval be conditioned on resolution of the trash enclosure, including review and approval by the Public Space Committee

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

The property abuts a residence district and therefore does not meet the requirement of § 773.2. A waiver from this requirement is therefore necessary

2. § 3104.1, Special Exception General Requirements

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in harmony with the intent of the regulations and map as this type of use is anticipated in this zone. This is a commercial use in a moderate density commercial district that is in conformance with the specific requirements for such uses

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The addition of the fast food service should not adversely affect neighboring or abutting properties as most are also commercial uses except for the residential use to the east. The adjacent residential use would not be negatively impacted due to noise, odor or traffic

VI. COMMUNITY COMMENTS

The property is within ANC-6B. OP is not aware of any actions taken by the ANC regarding the application and proposal.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The application was forwarded to the District Department of Transportation and their report will be submitted under separate cover