


ANC 6B
Capitol Hill / Southeast

July 12, 2014

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Mr. Clifford Moy
Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street NW, Suite 200/210-S
Washington, DC 20001

VIA E-MAIL: bzasubmissions@dc.gov

RE: BZA #18770, &pizza, 405 8th Street SE, pursuant to 11 DCMR §§ 3104.1 & 3103.2, special exception to allow fast food establishment (first floor) under § 733 & variance from rear yard requirements under § 774 for one-story rear addition to existing building in CHC/C-2-A District

Dear Mr. Moy:

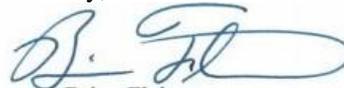
At its regularly scheduled, properly noticed meeting on July 8, 2014, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 6-4-0 in support of the applicant's above-referenced special exception request, provided that the Board of Zoning Adjustment: (1) limits its grant of the special exception to allow a fast food establishment on the first floor to a period of seven years; (2) approves the variance from rear yard requirements for a one-story rear addition to the existing building; and (3) includes in its order the enclosed list of conditions agreed to by the applicant.

Note that ANC 6B only supports the special exception with the three conditions listed above. If any of the three conditions above are not agreed to by the applicant or BZA, then ANC 6B would oppose the special exception request. Also note that ANC 6B arrived at this position regarding the special exception request after failing to approve an amendment and a main motion supporting a 10-year limitation for the special exception.

Also at its meeting on July 8, 2014, with a quorum present, ANC 6B voted 7-3-0 in support of the applicant's above-referenced variance request. ANC 6B believes that granting the variance request would not cause substantial detriment to the public good and would not be inconsistent with the general intent and purpose of the Zoning regulations.

Please find enclosed a completed copy of Form 129. Please contact Susan Eads Role if you have questions or need further information. Thank you.

Sincerely,



Brian Flahaven
Chair

Enclosures

Board of Zoning Adjustment
District of Columbia
CASE NO.18770
EXHIBIT NO.34

**Proposed Conditions for Application of &pizza for Fast Food
Exception and Zoning Variance**

1. The hours of operation will be as follows: Sunday through Wednesday 10 am - 11pm, Thursday 10am-12 am, Friday and Saturday 10am-2am. The applicant reserves the right to reduce the hours of operation.

2. Trash will be picked up 6 days per week. Recycling will be picked up five days per week. Pick up will be no earlier than 7 am. In addition, trash will be handled in accordance with the trash protocol attached as Exhibit ____.

3. The applicant will use ventless oven systems (as depicted in plans submitted as Exhibit ____) and install a ventless hood system (see Exhibit ____) over each oven. Minimal general exhaust (fanless) and standard bathroom exhaust will vent through the front façade on 8th Street.

4. There shall be no outdoor seating at the rear or on the roof of the property and employees will not take breaks in the back courtyard or walkway.

5. Existing HVAC unit for 405 8th Street will be replaced with new models to be placed on the roof and soundproofed using ArtUSA to the standard employed by ArtUSA for the sound proofing at 413 8th Street. ArtUSA will also sound proof the condenser/AC unit on top of the trash enclosure. There will be no additional mechanicals or vents on the roof or in the rear of the property.

6. The plans for the trash enclosure at the rear of the property (See plans submitted as Exhibit ____) will incorporate the recommendations contained in the report of the rodentologist dated May 22, 2014 and attached to the plans, except numbers 12, 15, and 16, which are not applicable given the site. The trash enclosure will also include the trash compactor and cardboard baler described in Exhibit 6 and the trash room odor control unit described in Exhibit 9.

7. This special exception approval for use of the Property for fast food purposes will expire after 10 years.

8. The applicant will use frequently the dedicated powerwash system installed in connection with the project to maintain the appearance of the storefront.

&pizza Trash Protocol

&pizza commits to the following measures to manage its trash on the Property: The applicant will provide the trash and recycling companies with keys to the trash enclosure.

1. The applicant will provide the trash and recycling companies with keys to the trash enclosure.
2. All receptacles will be kept in the trash enclosure except when being hauled to or returned from trucks.
3. The first task of the staff who “opens” each day will be to ensure that no debris is left in the walkway from the hauling of trash and recyclables and that the shed doors are properly shut and secured.
4. The applicant will place trash and recyclables in the trash enclosure and not elsewhere.
5. Trash and recycling receptacles must have lids closed both while in the shed and while being hauled.
6. Food and recycling spills must be cleaned up as they happen.
7. Trash enclosure exterior doors must remain shut except when haulers are pulling trash or recycling.
8. Power washing must be frequent enough to prevent any food or grease film on the floor of the enclosure, walkway, and receptacles.
9. No deliveries will be made through the trash enclosure.
10. Applicant will allow DPW, DCRA and Zoning Administrator inspectors to access the trash enclosure and walkway at any time.



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	18770	Case Name:	Epizza
Address or Square/Lot(s) of Property:	405 8th Street SE, Sq 902, Lot 825		
Relief Requested:	Special exception & Variance		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	07 / 08 / 14	Was proper notice given?:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Description of how notice was given:	e-mail distribution; website; newspaper					

Number of members that constitutes a quorum:	6	Number of members present at the meeting:	10
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MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

Please see attached letter.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

Please see attached letter.

Special exception → Variance

AUTHORIZATION

ANC	6B	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	6-4-0 / 7-3-0
Name of the person authorized by the ANC to present the report:	Chair or designee		
Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Brian Flahaven		
Signature of Chairperson/ Vice-Chairperson:		Date:	7/17/14

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO 11 DCMR §§ 3012 AND 3115.