



Government of the District of Columbia

Advisory Neighborhood Commission 6C

March 16, 2015

Mr. Lloyd Jordan, Chairman
D.C. Office of Zoning
Board of Zoning Adjustments
441 Fourth Street N.W., Suite 200 S
Washington, D.C. 20001

Re: 411 H Street N.E., BZA #18957, application for a special exception from the H Street Overlay requirements to establish a fast-food restaurant in two existing row dwellings (411 and 413 H Street N.E.) in the HS-H/C-2-A district

Dear Mr. Jordan:

On March 11, 2015, at a duly noticed, regularly scheduled monthly meeting of ANC 6C, with a quorum of 6 out of 6 commissioners and the public present, the above-mentioned item came before us.

The commissioners voted unanimously, 6:0:0, to send you this letter. There was concern that the application does not comply with several technical elements of the H Street overlay special exception, and whether a variance is instead required. The noncompliance concerns were nonwaivable special exception requirements as follows: (1) 11 DCMR 1320.4(c)(1), barring special exception relief unless the lot occupied by the fast food used is separated from residential zones by 25 feet or a street or alley; (2) 1320.4(c)(2), requiring a brick wall on any lot line abutting an alley containing a residential zone boundary line; and (3) 1320.4(c)(3), requiring trash dumpsters to be housed in a three-sided brick enclosure. There was also concern that a variance should be required for parking, given the property's change in use and intensity of use.

The applicant believes these three requirements are waivable. The applicant also believes that no parking variance is necessary, but expressed willingness to request one as an alternative ground of relief.

The commissioners voted unanimously, 6:0:0, to recommend the following:

1. Variances are required as described above.
2. Support the granting of such variances subject to the conditions described below.
3. Whether or not variances are required, the application should be approved only on the condition that:

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- 1. All deliveries be made using the 4th Street loading zone and not through the alley.
- 2. Any trash/recycling/grease collection trucks entering the alley exit the alley to 5th Street and return directly to H Street.
- 3. Any exhaust fan(s) shall be directed away from nearby residential properties, and such fan(s) shall not produce in excess of 60 dB as measured from any point in the adjacent residential zone.
- 4. The applicant shall be required to prohibit and prevent employees and others from congregating outside at the rear of the property.
- 5. Carry out service shall be clearly subordinate to the principal use of on-premises consumption.
- 6. Food for on-premises consumption shall be served only in/on non-disposable tableware, and shall be served to patrons by staff (as opposed to self-service).
- 7. The show windows and associated clerestory for 413 H—recently removed as part of the construction—shall be restored consistent with those present at 415 and 417 H Street N.E., as required by the H Street Overlay design requirements. Section 1325.1(b) requires that for special exception relief in the H Street Overlay District, “[t]he architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located. . . .” Given that 413-417 H Street were constructed as a group with identical facades, and that the show windows and clerestory remain present at the other two properties, restoring these matching elements to the former 413 H Street would “enhance the urban design features” of this historic section of H Street.

Thank you for giving great weight to the recommendations of ANC 6C.

On behalf of ANC 6C,



Karen Wirt
ANC 6C chair