

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: July 21, 2015
SUBJECT: BZA Case 19060, 1614 Wisconsin Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- § 733, Fast Food Restaurants.

Subject to the following conditions, which have been agreed to by the applicant:

1. There shall be no deep fryer.
2. Adequate refrigeration shall be provided.
3. Meats shall be grilled only, with vent hoods that exhaust through the roof only.
4. Food shall be prepared primarily for on-site consumption. Take-out orders shall be secondary.
5. Pest control shall be monthly, or more often if necessary.
6. Refuse shall not be stored on the sidewalk or within public view.

II. LOCATION AND SITE DESCRIPTION

Address	1614 Wisconsin Avenue, N.W.
Legal Description	Square 1279, Lot 806
Ward	2E
Lot Characteristics	Polygon-shaped lot sloping from east to west with no alley access
Zoning	C-2-A: moderate density commercial
Existing Development	Two-story commercial building with an open courtyard at the front
Historic District	Georgetown
Adjacent Properties	North, South and East: Low rise commercial buildings West: Row houses
Surrounding Neighborhood Character	Commercial uses along Wisconsin Avenue, with row house neighborhoods to the east and west of Wisconsin Avenue.

III. APPLICATION IN BRIEF

The applicant proposes to operate a fast food restaurant. A window would be provided in the front of the building, within an existing open court yard, to serve walk-up customers. A wooden deck would be constructed within the courtyard for outdoor seating. No deep frying would take place.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-2-A Zone	Regulation	Existing	Proposed	Relief
Height § 770	50-foot max.	20 feet	20 feet	None required
Lot Width	None prescribed	35 feet	35 feet	None required
Lot Area	None prescribed	2,836 SF	2,836 SF	None required
Floor Area Ratio § 771	2.50 max. ¹	1.54	1.54	None required
Lot Occupancy § 772	100% max.	77%	77%	None required
Rear Yard § 774	15-foot min.	None	None	None required ²
Side Yard § 775	None	None	None	None required
Open Court § 776	12-foot min. width	15 feet	15 feet	None required

V. OFFICE OF PLANNING ANALYSIS

i. Special Exception Relief pursuant to § 733, Fast Food Establishments

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 subject property directly abuts a residence district to the rear. Pursuant to Section 733.12 of the Zoning Regulations, the applicant requests to modify this condition, as discussed below.

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.

Not applicable.

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.

¹ Pre-1978 building

² Existing nonconformity

No dumpsters would be used. Instead all refuse would be placed within a trash room within the restaurant. At the end of each work day the trash would be stored in a trash room shared by the other tenants of the property, accessible from the courtyard. The entrance to this shared room does not face a residential district.

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.

No customer entrances are proposed on the side or rear of the building.

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 restaurant is proposed to have outdoor seating to be located within the open courtyard facing Wisconsin Avenue. This courtyard is separated from the adjoining property to the south by a solid brick wall and by the subject building to the west and north. The north side of the courtyard faces the remainder of the subject property, improved with commercial uses only. The courtyard does not abut any residential districts and no residential uses face it.

Refuse would be stored during the day within a trash room inside the restaurant. This room would have a tiled floor with plastic ceramic coating on the walls for easy cleaning. After hours all refuse would be transferred to an existing common trash room shared by the other tenants of the property and accessed directly from the courtyard. Refuse from the restaurant would be collected five days per week.

The courtyard would be lit through a combination of a streetlight directly to the front of the property and wall fixtures on the side of the building. These lights are existing and do not face any residential zones or uses. No changes to the existing lighting within the courtyard are proposed.

The restaurant would initially operate till 8:00 pm daily. During late fall and winter the applicant anticipates closing as early as 5:00 pm, and during the summer as late as midnight on Friday and Saturday nights.

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.

No off-street parking is required as the space contains less than 3,000 square feet, is located in a pre-1958 building and is located within a historic district.

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

Deliveries are proposed to take place either after the morning rush hour or before the evening rush hour to minimize impact on Wisconsin Avenue. Dry-goods deliveries are proposed to be twice a week and fresh food deliveries three times per week. To minimize traffic to and from the restaurant the applicant proposes that food prepared at the restaurant would be primarily for consumption on site, with take-out orders secondary.

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.

No parking or loading facilities would be located on-site. Instead loading would take place from Wisconsin Avenue. The applicant has proposed to provide adequate on-site storage for food and dry-goods to minimize the number of deliveries, and thereby minimize the impact of the use on public rights-of-way.

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 recommends the applicant provide monthly pest control, or more as necessary, and that the grill within the kitchen be vented through the roof only, to minimize odors within the residential community to the west.

733.12 An 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.

The applicant requested to modify the provisions of § 733.2, to allow the use to be located within 25 feet of a residence district. Although the rear lot line of the subject property directly abuts a residence district, the rear wall of the subject building is masonry and contains no openings, including windows and doors. Therefore, OP finds that the intent of that section would be complied with.

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

The proposed use would allow for a fast food restaurant to locate within a commercial district within an existing commercial structure.

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

The proposal would allow the addition of a restaurant with no deep frying and designed to cater to a pedestrian friendly commercial district with outdoor seating.

The Historic Preservation Office had no comments on the application.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

ANC 2E, at its regularly scheduled meeting of June 29, voted to support the application.

Attachment: Location Map

