

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** January 5, 2016

**SUBJECT:** BZA Case 19158 – Request to establish a food delivery service use in the C-2-A at 1815 Wisconsin Ave. NW

### **I. OFFICE OF PLANNING RECOMMENDATION**

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

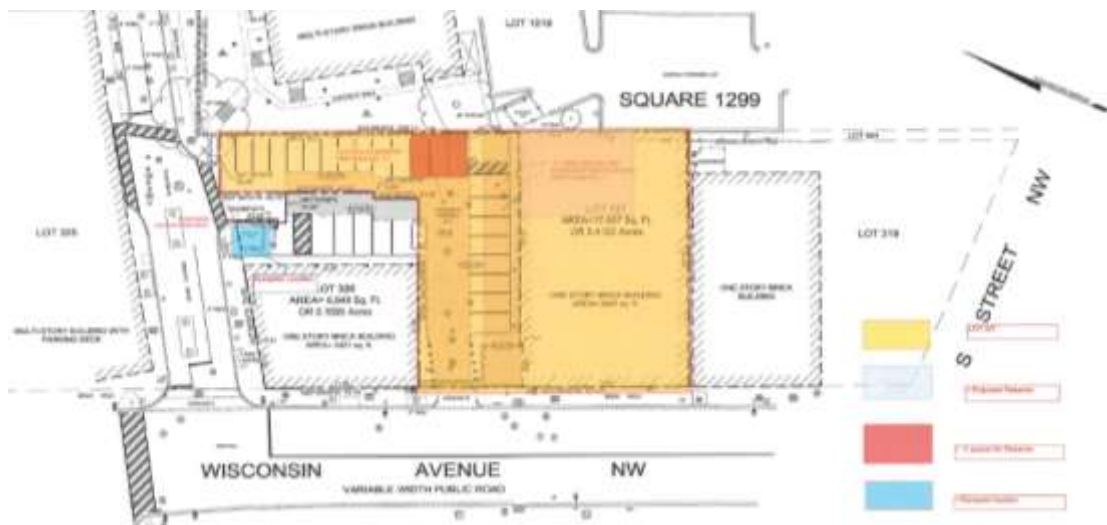
- § 734.2 Food Delivery Service (use permitted in the zone by special exception; must be at least 25 feet from a residential district; less than 25 feet proposed)

### **II. LOCATION AND SITE DESCRIPTION**

|                                    |                                                                                                                                                                                                                                           |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address                            | 1815 Wisconsin Ave. NW (the “Subject Property”)                                                                                                                                                                                           |
| Applicant                          | Talal (P2) Ventures, LLC (the “Applicant”)                                                                                                                                                                                                |
| Legal Description                  | Square 1299, Lot 327                                                                                                                                                                                                                      |
| Ward                               | 2                                                                                                                                                                                                                                         |
| Lot Characteristics                | The odd shaped lot is 127 feet wide along the Wisconsin Avenue frontage and 120 feet deep. The total lot area is 17,957 square feet.                                                                                                      |
| Zoning                             | C-2-A - Permits matter-of-right low density development, including office employment centers, shopping centers, medium-bulk mixed use centers, and housing.                                                                               |
| Existing Development               | The Property is developed with a one-story multi-tenant commercial building. The building fronts Wisconsin Avenue and spans the full depth of the lot, while surface parking for 22 vehicles covers roughly the northern half of the lot. |
| Adjacent Properties                | Adjacent properties include one-story retail buildings to the north and south, and the Jelleff Recreation Center to the east.                                                                                                             |
| Historic District or Resource      | Georgetown Historic District                                                                                                                                                                                                              |
| Surrounding Neighborhood Character | The Property is located along the Wisconsin Avenue commercial corridor in north Georgetown. The nearest residential properties to the site are located along 34th Street to the west and S Street to the south.                           |

### III. APPLICATION IN BRIEF

The Applicant proposes to establish a Paisano's food delivery service in an existing building located within 25 feet of a residence district not separated from a street or alley. The food delivery space would be located in the rear of the building and would occupy 1,365 square feet. Three parking spaces would be provided.



#### **IV. OFFICE OF PLANNING ANALYSIS**

##### **a. Variance Relief from § 734.2 Food Delivery Service**

###### **i. Exceptional Situation Resulting in a Practical Difficulty**

The Subject Property is exceptional in that the adjacent property zoned residential is a large institutional use, the Jelleff Recreation Center, which includes a large parking lot that shares a considerable portion of the shared property line. The nearest residential use is located a considerable distance away, separated from the proposed site by existing development and public streets. The location does not include alley access to the rear, which is common on the Wisconsin Avenue commercial corridor.

###### **ii. No Substantial Detriment to the Public Good**

The proposed relief would not result in a substantial detriment to the public good. As mentioned above, the adjacent residentially zoned property is a large institutional use, and includes a large parking lot along the shared lot line.

###### **iii. No Substantial Harm to the Zoning Regulations**

The proposed relief would not result to substantial harm to the Zoning Regulations. Commercial uses are common along the Wisconsin Avenue corridor. The adjacent recreation center should not be adversely impacted by the proposed use.

##### **b. Special Exception Relief pursuant to § 734 Food Delivery Service**

*734.1 Food delivery service shall be permitted in the C-2-A District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3104 for special exceptions, subject to the provisions of this section.*

*734.2 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 there from by a street or alley.*

The Applicant is seeking a variance from this provision, as the site would be within 25 feet of residentially zoned land, even though it is, by OP estimates, at least 300 feet from the closest residential use.

*734.3 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.*

The Subject Property does not abut an alley. The lot line which separates the Subject Property from the adjacent Jelleff Recreation Center includes a brick wall and a fence that allows access to retail along Wisconsin Avenue.

*734.4 Any refuse dumpster 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.*

According to the Applicant, the refuse dumpster used by the food delivery service would be housed in a three-sided enclosure that would not face a residence district. The dumpster would be shared with the other commercial, retail, and service establishments in the building and the adjacent property.

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

No drive-through use is proposed for the food delivery service space.

*734.6 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 proposed use should not create any objectionable conditions to neighboring properties. According to the Applicant, the majority of the Paisano's business would be deliveries. The hours of operation would be 10:00 am – 2:00 am, Sunday – Thursday and 10:00 am – 3:00 am on Friday and Saturday. Other than signage, no changes are proposed to the building on the Subject Property as a result of the proposed use.

*734.7 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.*

According to the Applicant, the Applicant's lease agreement provides for three parking spaces on the Subject Property. Overall, 22 parking spaces would be provided on the Subject Property.

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

Access to the Subject Property would occur from the existing curb cut off of Wisconsin Avenue. The amount of traffic from the food delivery service should not contribute to dangerous or otherwise objectionable traffic conditions.

*734.9 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.*

The Office of Planning proposes no additional conditions.

## **V. COMMUNITY COMMENTS**

ANC 2E, as detailed in a letter dated December 2, 2015, voted unanimously to approve the application subject to a number of conditions outlined in the ANC report (Exhibit 26), to which the Applicant has agreed (Exhibit 27).

To date, the record does not include other submissions from neighbors.