

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



December 2, 2020

**TO WHOM IT MAY CONCERN:**

**BZA Application No. 18238A**

The Board of Zoning Adjustment (Board or BZA) will consider the following application during the virtual public hearing session scheduled for **Wednesday, February 10, 2021 beginning at 9:30 a.m.**, via WebEx:

Application of: **Eighth Street, LLC**

Case No.: 18238A

Address: 413 8th Street S.E. (Square 902, Lot 828)

ANC: 6B

Relief: Modification of Significance pursuant to:

- Subtitle Y § 703.3

Project: For a modification of consequence to the conditions of BZA Order No. 18238, to extend the terms of the special exception granted on July 19, 2011, for an additional ten (10) years, to allow a continued fast food restaurant use in the MU-25 Zone.

**PLEASE NOTE REGARDING THE HEARING SCHEDULE:**

There is the possibility this case may be **RESCHEDULED OR WITHDRAWN** prior to the scheduled hearing date noted above. Therefore, it is important to confirm the hearing date, especially the day prior to the scheduled hearing. To confirm, visit the online BZA calendar at <https://dcoz.dc.gov/BZACalendar>. The line-up of cases on the hearing agenda and any scheduling changes to the case will be posted to the BZA calendar the day before the hearing.

Those who wish to testify at the hearing are responsible for being present when their case is called. The published line-up of cases may change on the hearing day at the Board's discretion. Therefore, it is recommended that participants arrive at 9:30 a.m. to hear the case line up. Participants may also visit <https://dcoz.dc.gov/onlineServices/webcast> to listen to the live broadcast of the hearing starting at 9:30 a.m. to hear the case line-up and may listen periodically throughout the hearing to see which case the Board is hearing at any point in time.

**WHY YOU ARE RECEIVING THIS NOTICE**

An Applicant within 200 feet of your property is seeking zoning relief for a project or use that is not allowed as a matter of right for the zoning district. The Zoning Regulations of the District of Columbia require providing notice of the public hearing at which the Applicant is scheduled to appear before the Board to present their case. You have an opportunity, if you wish, to participate in the case (see below).

---

441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: [dcoz@dc.gov](mailto:dcoz@dc.gov)

Web Site: [www.dcoz.dc.gov](http://www.dcoz.dc.gov)

Board of Zoning Adjustment  
District of Columbia  
CASE NO.18238A  
EXHIBIT NO.16

## **HOW TO FAMILIARIZE YOURSELF WITH THE CASE**

### **A. Attend the Advisory Neighborhood Commission (ANC) Meeting**

The property in this case is located within the boundaries of **6B**. **6B** is an automatic party to the case and has been notified of the scheduled public hearing date. Please contact your ANC commissioner to learn how to participate in your ANC's deliberation process and to find out if or when the Applicant is scheduled to appear before the ANC. To find contact information for your ANC, visit <http://anc.dc.gov>.

### **B. Read Documents in the Record**

To review documents in the case, follow these steps:

- 1) Visit the Interactive Zoning Information System (IZIS) website at <https://dcoz.dc.gov/CaseRecord>.
- 2) Enter the BZA application number indicated above and click the search button.
- 3) The search results should produce the case on the right. Click "View Details".
- 4) Click "View Full Log".
- 5) This list comprises the full record in the case. Simply click "View" and it will open a PDF document in a separate window.

### **C. Speak with the Applicant/Applicant's Agent Directly**

For contact information on the Applicant or agent, please refer to the **Application Form** in IZIS (by following steps 1-5 above).

## **HOW TO PARTICIPATE IN THE CASE**

You have the option of participating in the case through one or more of the options below:

**A. Submit a statement into the record:** After reviewing the record, submit written testimony, either a letter in support, or a letter in opposition **before** the hearing.

- Upload your document to the case record in IZIS or, if you have technical difficulties with IZIS, send it as a PDF attachment by email to [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)
- **Electronic submissions sent after 9:00 A.M. on the morning of the hearing will not be accepted** into the record. Hard copy documents may be submitted to the case record by delivering in person at the time of the hearing when the case has been called by the Secretary.

**B. Attend the hearing and provide oral testimony** as a "person in support" or "person in opposition" at the hearing.

**C. Apply for Party Status** for more in depth involvement in the case.

- Upload a Party Status application (Form 140) to the case record in IZIS or send to [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)
- Applications for Party Status **must be filed with the Board 14 DAYS PRIOR** to the originally scheduled hearing date set forth in this letter.
- For an explanation of the difference between a "person" and a "party," visit <https://docz.dc.gov/publication/party-vs-person>

If you have questions about this application, please call OZ at 202-727-6311 and refer to the 5-digit BZA application number listed at the top of the notice.

Sincerely,



**CLIFFORD W. MOY**  
**Secretary, Board of Zoning Adjustment**  
**Office of Zoning**

**DO YOU NEED ASSISTANCE TO PARTICIPATE?**

Americans with Disabilities Act (ADA)

If you require an auxiliary aide or service in order to participate in the public hearing under Title II of the ADA, please contact Zelalem Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov). In order to ensure any requested accommodations can be secured by the scheduled hearing, please contact Ms. Hill as soon as possible in advance of that date.

Language Access

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?  
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?  
如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov)。这些是免费提供的服务。

French

Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?  
특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

**\*\*\*\*\*PRINT & SAVE FOR FUTURE REFERENCE\*\*\*\*\***

**HOW TO PARTICIPATE IN THE VIRTUAL HEARING:**

**A. Sign up to Testify**

**At least 24 hours before the virtual hearing, sign up to provide testimony.**

As the Applicant, you are responsible for ensuring that your Team Members sign up to testify. This includes Agents and any proffered or accepted Expert Witnesses. It is the responsibility of all individuals wishing to testify to sign up using the “Sign Up to Testify” tab (identified by a hand symbol under “Featured Services” on the home page of the Office of Zoning website at [dcoz.dc.gov](http://dcoz.dc.gov))

**To sign up (either as an Applicant or as an Applicant’s witness), do one of the following:**

**Participants may sign up via the “Sign Up to Testify” tab on the Office of Zoning Home Page**

1. Select the Hand icon under the heading **Featured Services**.
2. Click on the Orange Tab labeled **“Sign-Up to Testify >”**. This will take you to the Kiosk Application.
3. Under **Select a Type**, select **Board of Zoning Adjustment**.
4. Under **Select an Event**, from the drop-down menu, choose the BZA Public Hearing date that the case is scheduled for.
5. Under **Select a Case**, from the drop-down menu, choose the BZA case from the list.
6. Once you have completed these steps, a **form** will appear where the participant will enter the name and contact information that will be used the day of the hearing and check the **Oath box**. Click “Submit”.
7. Once you click submit, you will be taken to a screen that reads, “Thank you for signing-up to testify.”

OR

**Call BZA Staff**

1. If you are unable to sign up through the online kiosk call Robert Reid at 202-727-5471 for assistance in signing up.

**Confirmation** of sign-up will be provided by Office of Zoning staff.

**B. Submit evidence into the record:**

As noted above, **all evidence** is to be submitted 21 days before the hearing, therefore, 24 hours before the hearing, all documents should be in the case file. However, if there is any supplemental documentation not already in the record as the hearing day approaches, and you intend to present it as part of your testimony, you must do **ALL** of the following:

1. **Upload** the document(s) into the case record in IZIS (or email to [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)) **at least 24 hours before the hearing**.
2. **Request** that the Board waive the 21-day filing deadline to accept the late documentation into the record (submit Form 150 or request a waiver in the document itself.)
3. For documents being submitted during the public hearing, **make a verbal request** that the Board accept the exhibit. (See Subtitle Y § 103.13(g) for applicable regulations.)
4. **Email** any **PowerPoint or other materials** that you **plan to present during your testimony**, to **Paul Young** ([Paul.Young@dc.gov](mailto:Paul.Young@dc.gov)) prior to the hearing.

**NOTE**

- **Hard copies** of documents will **not** be accepted at this time.
- Documents filed either in IZIS or through bzasubmissions **less than 24 hours** before the scheduled start of the hearing session shall be **excluded** from the record.

**DETAILS**

**To watch/listen and provide testimony on the day of the virtual hearing:**

**Via the Webex application:**

***\*\*You must use Chrome, Internet Explorer, or Mozilla browsers\*\****

***You need a high-speed internet connection and a working camera if using video, as well as a microphone and speakers that are either connected to your computer or through a telephone.***

1. Click on the URL link provided for the scheduled hearing.

2. A web page should load, and the right-hand side the page should say “Join Event Now”.
3. If the hearing has started, enter the same First name, Last name, and email address that was filled in when signing up per the instructions above. Enter the Event Password provided (if not already auto-filled in), then click “Join Now”.  
\*Note: if the hearing has not started yet, you will not be able to join the hearing and the contact fields will be greyed out.
4. On the next screen, if you do not have the Webex application installed on your device, select “Run a temporary application” on your browser page.
5. The temporary application should download, then click the downloaded file at the bottom of the browser if it does not automatically open.
6. The Webex application will open and a preview screen will appear. Click “Join Event”.
7. When initially joining the meeting, you will be muted and have “listen-only” capabilities during the Webex hearing.
8. When your case is called, you will then be unmuted by the Event Administrator and the Chair will specify when it is your turn to speak.

### **Via telephone:**

1. Call the Webex conference phone number for the scheduled hearing using the same phone number that you provided when signing up to testify per the instructions above.
2. When prompted, enter the Access Code provided with the call-in number and press #.
3. When asked for Attendee ID number, press # again to access the meeting.
4. When initially joining the meeting, you will be muted and have “listen-only” capabilities during the Webex hearing.
5. When your case is called, you will then be unmuted by the Event Administrator and the Chair will specify when it is your turn to speak.

### **FAQs**

To see **ZC and BZA Virtual Hearing FAQs** follow this link:

<https://dcoz.dc.gov/page/zoning-commission-zc-and-board-zoning-adjustment-bza-virtual-hearing-faqs>

**Having Trouble Accessing the Meeting?**

Contact the Office of Zoning staff for assistance:

Email: [itzone@dc.gov](mailto:itzone@dc.gov)

Phone: 202-727-6311