



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen J. Mordfin, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** March 18, 2021

**SUBJECT:** BZA No. 18238A, 413 8<sup>th</sup> Street, S.E.: Request for a Modification of Significance to extend the period of approval for an additional ten years.

**I. BACKGROUND**

BZA Application No. 18238 was granted by the Board to permit a fast-food restaurant at 413 8<sup>th</sup> Street, S.E., subject to the following conditions:

- 1. This approval shall be for a term of TEN (10) YEARS, beginning on the date upon which the order became final.*
- 2. Deliveries to the site shall be restricted to Monday through Friday, between 10:00 a.m. to 4:00 p.m.*
- 3. All trash pick-ups from the site shall be from the street curb.*

The order became final on August 1, 2011, expiring August 1, 2021. The applicant requests to extend the term of approval till August 1, 2031.

**II. RECOMMENDATION**

The Office of Planning (OP) recommends the Board grant the Modification of Significance as requested by the applicant, subject to the same conditions of approval as the original application.

**III. LOCATION AND SITE DESCRIPTION**

Address	413 8 <sup>th</sup> Street, S.E.
Legal Description	Square 902, Lot 828
Zone	MU-25, a moderate density mixed use zone
Ward, ANC	Ward 6, ANC 6B03
Historic District	Capitol Hill
Lot Characteristics and Existing Development	Rectangular lot with no alley access developed with a two-story commercial building with a trash room in the rear.
Adjacent Properties and Neighborhood Character	North, South and East: One and two-story commercial buildings on 8 <sup>th</sup> Street West: Two-story row houses and flats

#### **IV. DESCRIPTION OF MODIFICATION**

The applicant proposes no changes to the existing use, with the exception of extending the approval for a period of ten years, as described in Condition No. 1. No changes to Condition No. 2 or Condition No. 3 are proposed.

#### **V. ANALYSIS**

*“Y 704.6 A public hearing on a request for a significant modification shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification.”*

The applicant requests to modify Condition No. 1, extending the approval for period of ten years, from August 1, 2021 to August 1, 2031. No other modifications are requested, either to the use or to the other two conditions. Although the criteria for a fast food restaurant were revised pursuant to ZC Order 20-10, which became effective October 16, 2020, the revised criteria have no effect on the subject property as it does not abut either a residential zone or an alley, and the use utilizes no dumpsters or a dumpster enclosure.

The applicant submitted copies of Health Department inspections indicating conformance to its regulations.

The subject application does not change the material facts upon which the Board based its original approval, and the proposed modification would continue to conform with the relevant criteria.

Therefore, OP recommends the Board grant the requested modification.

#### **VI. HISTORIC PRESERVATION**

The Historic Preservation Office in OP informed Development Review by email that it had no comments on the application.

#### **VII. OTHER DISTRICT AGENCIES**

No comments were submitted to the record from other District agencies as of the date of the filing of this report.

#### **VIII. ADVISORY NEIGHBORHOOD COMMISSION**

At Exhibit 31 is a report from ANC 6B in support of the application.

#### **IX. COMMUNITY COMMENTS TO DATE**

At exhibits 27 and 30 are two requests for party status from neighbors.

**ATTACHMENT: VICINITY MAP**

