

**MEMORANDUM**

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

**FROM:** Stephen J. Mordfin, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** June 8, 2018

**SUBJECT:** BZA Case 19767 (1351 Wisconsin Avenue, N.W.) to permit a prepared food shop with 112 seats

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitle U § 513.1(n) and Subtitle X § 901.2:

- Subtitle U § 512.1(d)(3), Prepared Food Shop (18-seat maximum permitted; 112 proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	1351 Wisconsin Avenue, N.W.
Applicant	MPD 1351 Wisconsin LLC
Legal Description	Square 1243, Lot 75
Ward, ANC	Ward 2, ANC 2E
Zone	MU-4 <sup>1</sup>
Historic District	Georgetown
Lot Characteristics	Rectangular lot with side alley access
Existing Development	Three-story mixed-use building with offices on the second floor and an apartment on the third. The rear yard is leased to the second-floor office user.
Adjacent Properties	North, South and West: One to three-story commercial buildings East: Row houses and flats
Surrounding Neighborhood Character	Commercial district along Wisconsin Avenue with moderate density residential behind
Proposed Development	Coffee shop/prepared food shop with 112 seats

<sup>1</sup> The site is split zoned, with the building located entirely within the MU-4 and the rear yard within the R-20 zone. The coffee shop use is proposed to take place within the building only. The applicants informed OP that the rear yard is leased to others within the building with no access by the applicant.

### III. OFFICE OF PLANNING ANALYSIS

Subtitle U § 512.1(d)(3) allows a prepared food shop with up to eighteen seats as a matter-of-right within the MU-4 zone. Additional seating may be permitted pursuant to the granting of a special exception by the Board as permitted by Subtitle U § 513.1(n), pursuant to Subtitle X § 901.2.

#### **Special Exception relief pursuant to Subtitle X § 901.2:**

*(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The MU-4 is a mixed-use zone permitting residential, commercial and office uses along main roads, such as Wisconsin Avenue. Although the use is proposed to have 112 seats, more than the 18 as permitted as-a -right, the size of the space is conducive to this increased numbers, as shown by the applicant's submission under Exhibit 10, Architectural Plans and Elevations. The proposed number of seats would be compatible with the busy Wisconsin Avenue corridor, on which the property fronts, and the variety of commercial establishments within it. Therefore, the increase in the number of seats would not be contrary to the general purpose and intent of the Zoning Regulations and Zoning Maps.

*(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The proposed increase in seating is not anticipated to create adverse impacts on neighboring properties. It would be located mid-block, surrounded by a variety of commercial, office and residential uses. The applicant would have no access to the rear yard of the subject property, restricting the use to within the building only and limiting any potential impacts on the residences to the east. Hours of operation would be Monday through Friday, 5:30 am to 8:00 pm, and weekends from 6:30 am to 8:00 pm, within the realm of expected business hours. Deliveries would be from a nearby loading zone on O Street.

*(c) Will meet such special conditions as may be specified in this title.*

No special conditions are specified.

The Historic Preservation Office had no comments on this application.

### IV. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

### V. COMMUNITY COMMENTS

The application was scheduled to be reviewed by ANC 2E at its regularly scheduled meeting of June 4, 2018.

Attachment: Location Map

