

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** May 28, 2025

**SUBJECT:** BZA Case 21296 2928 Georgia Avenue NW to permit an eating and drinking establishment use in the MU-4 zone.

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

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

- Eating and Drinking Establishment, Subtitle U § 513.1 (e ), pursuant to Subtitle X § 901; ((fast casual) eating and drinking establishment **prior**; (fast casual) eating and drinking establishment **proposed**).

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

Address	2928 Georgia Avenue NW
Applicant	2928 Georgia Avenue Associates, LLC and Negril DC, Inc
Legal Description	Square 2888, Lot 0206
Ward, ANC	1, ANC 1E
Zone	MU-4; low to moderate density mixed use
Historic District	N/A
Lot Characteristics	The lot is a long rectangular lot, 3,527 square feet in area
Existing Development	The property is developed with a single-story, semi-detached brick commercial building abutting a rear alley.
Adjacent Properties	Adjacent properties include a four-story apartment building to the south and a commercial property to the north. Properties across the alley at the rear are residential homes within the RF-1 zone.
Surrounding Neighborhood Character	The neighborhood fronting Georgia Avenue is a mix of smaller residential apartment buildings and commercial properties. At the rear, properties are developed with row homes.
Proposed Development	The Applicant intends to move its long-standing fast casual eating establishment in the neighborhood (formerly at 2301 Georgia Avenue) to this location, which was recently purchased to continue its operation. Exterior additions are not proposed.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone- MU-4	Regulation	Existing	Proposed	Relief
Height G § 203	50 ft. max.	30 ft. 1 story	30 ft. 1 story	None Required
Lot Width	N/A.	25.3 ft.	25.3 ft.	None Required
Lot Area	N/A	3527 sq.ft.	3,527 sq.ft.	None Required
Floor Area Ratio G § 201	1.5 max.	0.84	0.84	None Required
Lot Occupancy G § 210	100 % max.	84 %	84 %	None Required
Rear Yard G § 207	15 ft. min.	20 ft.	20 ft.	None Required
Side Yard G § 208	N/A	8 ft.	8 ft.	None required
Parking C § 701	1.33 spaces in xs of 3,000 sf	None	None	None required
Use – Eating and drinking establishment	Permitted by SE	Prior use – as permitted	Eating drinking establishment	<b>S.E requested</b>

### IV. OFFICE OF PLANNING ANALYSIS

The subject operation is a fast casual dining establishment as determined under current standards. This term is not defined in the current regulations and the Zoning Administrator includes operations such as fast casual dining under fast food eating and drinking establishments.

#### a. Special Exception Relief from Subtitle X § 901

##### i. Is the special exception in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

An intent of the MU zone is to ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas ([G §101.3 \(e\)](#)). Grant of special exception relief would satisfy this intent as the zone permits this use if certain criteria are satisfied. The proposal satisfies criteria under the fast food eating and drinking establishment.

##### ii. Would the special exception appear to tend to affect adversely, the use of neighboring property?

The eating establishment would satisfy the criteria which mitigate against potential impact on the mixed-use neighborhood of residential and commercial properties, including satisfaction of the requirement for trash containment, which can be a neighborhood concern. Nearby neighbors have not raised concerns about the proposed establishment in the record or otherwise to OP.

#### b. Special Exception Relief from Subtitle U § 513.1 (e)

Fast food establishments or food delivery service eating and drinking establishments in any of the MU-4 zones, subject to the following conditions:

- 1) *If the use is a single tenant in a detached building:*

- (A) *No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a R, RF, or RA zone, unless separated therefrom by a street or alley; and*
- (B) *If any lot line of the lot abuts an alley containing a zone district boundary line for a residential zone, 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;*

Based on the record, the use would be separated from the RF-1 zone to the west by an alley/easement and the subject building is not a single detached building.

- (2) *Any refuse dumpster used by the establishment shall be housed in a three (3)-sided 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 or be within ten feet (10 ft.) of an R, RF, or RA zone;*

The trash dumpster would be located at the rear of the property within an enclosed wooden screen of six feet in height as shown on the plans at [Exhibit 21B](#). The entrance would not be within 10 feet of the RF-1 zone for homes fronting Hobart Place to the south and Columbia Road north of the site.

- (3) *The use shall not include a drive-through;*

A drive-through is not proposed.

- (4) *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 use should not be objectionable to neighborhood properties as it is a use anticipated along the Georgia Avenue commercial strip, where there are similar businesses in operation in the immediate vicinity. The subject establishment operated in the neighborhood (as a fast casual use) since 1983 and its hours of operation are typically 10:30 am to 7:30 pm Monday through Friday, closed on Saturdays and Sundays, (based on its operation at the former location at 2301 Georgia Avenue, six blocks south of the subject location).

Based on its prior operation within the neighborhood, OP does not anticipate objectionable conditions such as noise, sounds or odors due to the food and casual dining options at the proposed location. Lighting beyond that anticipated for a commercial business is not proposed.

- (5) *The use shall provide sufficient off-street parking, but not less than that required by Subtitle C, Chapter 7 to accommodate the needs of patrons and employees;*

Parking is not required for the use based on existing regulations (1.33 spaces/per 1000 square feet in excess of 3,000 square feet). The subject property is 3,527 square feet, which does not meet the threshold area requirement. The former eating establishment at this location was of similar use without on-site parking.

- (6) *The use shall be located and designed so as to create no dangerous or otherwise objectionable traffic conditions; and*

The location is on a well-travelled bus, pedestrian and biking corridor, with other smaller transportation modes available in public spaces, including bike racks and commercial scooters in the immediate vicinity.

- (7) *The Board of Zoning Adjustment 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;*

Additions to the existing structure are not proposed. OP does not suggest any other conditions related to the design or other external features.

## **V. OTHER DISTRICT AGENCIES**

At the time of this report, there were no comments from other agencies on the record.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

An ANC's report had not been filed to the record to date.

## **VII. COMMUNITY COMMENTS TO DATE**

The record does not include community comments to date.

Attachment: Location Map

## LOCATION and ZONING MAP

