

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Philip Bradford, AICP, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** November 5, 2025

**SUBJECT:** BZA Case 21334 — Use Variance and Special Exception to permit an outdoor dining area at an existing semi-detached two-story restaurant in the RF-1 zone.

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

The Office of Planning (OP) recommends **approval** of the following use variance relief:

- A Use Variance from Subtitle U § 201.1 pursuant to Subtitle X § 1001.2 (Existing nonconforming fast food use conversion to a restaurant use with outdoor dining expansion).

### **II. BACKGROUND**

The property is currently zoned RF-1, which does not permit eating and drinking establishments, but has contained a ground floor pizza shop for at least the past two decades based on internal records. The applicant Della Barba Pizza would like to change the use from a fast-food establishment per their current Certificate of Occupancy (Permit No. CO2202357) to a restaurant use to construct a new outdoor dining patio located fully within the public space.

In discussions with the Department of Buildings (DOB) and the District Department of Transportation (DDOT), it appeared that the parking relief requested is not necessary. The DDOT report in [Exhibit 35](#) provides further detail as to why it is not required. DOB staff also noted that the relief for the use variance should be from section U § 201.1, not C § 204.9 or U § 320.1(a), therefore this report is written to grant relief from U § 201.1 pursuant to X § 1002.

### **III. LOCATION AND SITE DESCRIPTION**

Address	1382 East Capitol Street NE
Applicant	Anthony M. Rachal III, authorized agent for Della Barba Pizza
Legal Description	Square 1025, Lot 0814
Ward, ANC	Ward 6; ANC 6A
Zone	RF-1, low to moderate density residential
Historic District	Capitol Hill Historic District
Lot Characteristics	20 ft. wide by 60 ft. deep rectangular corner lot with no public alley access abutting East Capitol Street to the south and 14 <sup>th</sup> St. SE to the east.

Existing Development	The property is developed with a two story plus cellar row building with a ground floor eating and drinking establishment.
Adjacent Properties	The adjacent properties are predominantly row buildings in the RF-1 zone, with RA-2 and MU-4 zoned multifamily and mixed use development located to the east.
Surrounding Neighborhood Character	Mixed with row dwellings and apartment and mixed use development to the east.
Proposed Development	To permit a change of use from an existing eating and drinking establishment (fast food) to adding additional exterior seating reclassifying the use to an eating and drinking establishment (restaurant).

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone-	Regulation	Existing	Proposed	Relief
RF Zone Use Permissions U § 201.1	Residential uses permitted	Eating and Drinking Establishment (Fast Food)	Eating and Drinking Establishment (Restaurant)	<b>Use Variance Requested</b>

#### V. OFFICE OF PLANNING ANALYSIS

##### a. Use Variance Relief from Subtitle X § 1000.1

##### i. *Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties / Exceptional or Undue Hardship To the Property Owner*

##### a. *Extraordinary or Exceptional Situation*

The applicant opened the pizzeria in an existing tenant space that was previously used as a pizzeria. The applicant and the previous tenant both had configured the space to primarily serve carry out customers and thus for zoning purposes were considered a fast-food establishment. The addition of outdoor seating and a few additional interior seats, without any expansion of building area would change the use of the space to restaurant use which is an increase in the intensity of use in a zone that does not permit a restaurant as the RF-1 is a residential zone. The property was constructed and has continually been operated as a mixed-use building with the first floor designed as a commercial space with the space occupied by various pizzerias for the past decades. Conversion to a conforming use – the main one intended in the zone would be residential – would likely require extensive modifications to the interior and exterior of the structure, which is located within a historic district.

##### b. *Exceptional Practical Difficulties / Exceptional or Undue Hardship*

The ground floor has been configured for restaurant and food preparation and is relatively small. The small size is a likely factor in the space, mostly serving carry out customers as there is not enough space for a meaningful amount of interior seating. The interior layout also

results in an exceptional difficulty converting the ground floor to a matter of right residential use as the size and shape would prove difficult in converting the space to a residential use.

*ii. No Substantial Detriment to the Public Good*

Granting a use variance to allow the applicant to include outdoor seating and changing their use to a restaurant from fast food in the existing space should not result in a substantial detriment to the public good. The existing building was built in the early 1900's as a commercial building containing a lunchroom and is a contributing building to the Capitol Hill Historic District. There has been a fast-food establishment in this location serving pizza for many years without negative impacts to the neighborhood. A reduction in reliance on carry out service could result in a potential decrease in traffic in the neighborhood. Given the business is not changing, on-street parking demand is not expected to change, the DDOT Report in Exhibit 35 supports the requested relief and expects a minimal impact to the neighborhood in terms of traffic.

*iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations*

While the RF-1 zone is primarily a residential zone intended for row dwellings and limited conversions to apartment houses with more than two dwellings, the purpose and intent section notes in E § 101.2 (b) the zone shall “*Allow for limited compatible non-residential uses;*”. Allowing this eating and drinking establishment to change from a fast food to a restaurant in a building that has housed similar uses since it was constructed would not substantially impair the integrity of the zoning regulations. This is a small-scale commercial use that serves the neighborhood and there are no comments in the record in opposition of the requested relief. Given the zoning regulations note that a limited amount of compatible non-residential uses are within the purpose and intent of the zone, approving the requested variance would be in harmony with the regulations.

## **VI. OTHER DISTRICT AGENCIES**

A report from DDOT is in the record at [Exhibit 35](#) stating no objection to approval of the requested variance. As of the writing of this report, no other District Agencies have provided comments for this application.

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 6A has submitted a letter in support of the application in [Exhibit 36](#).

## **VIII. COMMUNITY COMMENTS TO DATE**

At the writing of the report, no comments from the community have been submitted to the record.

Attachment: Location Map

