

MEMORANDUM

TO: Board of Zoning Adjustment for the District of Columbia

FROM: Philip Y. A. Isaiah, Development Review Specialist
MBR
 Maxine Brown-Roberts, Associate Director, Development Review

DATE: July 10, 2026

SUBJECT: BZA Case 21462, Request for special exception relief to permit a fast-food establishment use in the ground floor retail space of a mixed-use building in the NMU-7B/GA zone at 3831 Georgia Avenue, NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle H § 6009.1 (c), to permit a fast-food eating and drinking establishment pursuant to Subtitle H §6007.1(e) and Subtitle X § 901.2

II. LOCATION AND SITE DESCRIPTION

Address	3831 Georgia Avenue, NW
Applicant	Thomas Jefferson Real Estate, LLC and Emerald Wings, LLC Representation: Sullivan & Barros, LLP
Legal Description	Square 3028, Lot 59
Ward, ANC	Ward 4; ANC 4C
Zone	NMU-7B/GA
Historic District	N/A
Lot Characteristics	The roughly rectangular-shaped 3,116 sq. ft. corner lot is located at the corner of Georgia Ave. and Randolph St. NW in Petworth. The lot's frontage along Georgia Ave. is 34.4 feet in length and the frontage along Randolph Street is 107.9 feet in length. To the rear of the property is a 15-foot-wide public alley.
Existing Development	The subject property contains a six-story mixed use building with 20 dwelling units above and a 1,488 sq. ft. ground floor retail space with a patio. The subject property received a variance from the off-street vehicular parking requirements pursuant to BZA Order 19038 effective September 13, 2016.

Adjacent Properties	The property to the west across Georgia Ave. is developed with a mixed use building subject to a PUD, Zoning Commission Case 11-09. To the northwest on Lot 88 is a free-standing fast food establishment with a drive-through. Lot 41 to the north, across Randolph Street, is a low-rise retail and office building. Lot 87, also to the north, contains a 6 story, 14-unit building, currently under construction, all of which is also on land zoned NMU-7B/GA. The properties to the east of the subject lot is zoned RF-1 and developed with rowhomes and is separated from the subject property by the public alley.
Surrounding Neighborhood Character	The neighborhood is a mixed-use commercial corridor, typified by a combination of residential, commercial, and mixed-use buildings of varying heights, scales, and architectural styles.
Proposed Development	The applicant proposes a fast-food eating and drinking establishment use in the subject property's ground floor retail space. The fast food establishment would operate from 10:00 am to 3:00 am daily and would have no indoor or outdoor seating, and would operate only as carry out and delivery. The applicant intends to operate the use with about 4-8 employees on site at any one time. No external construction is proposed to accommodate the use. Trash and grease traps from the fast food establishment will be stored in dumpsters inside the building and collected by outside entities via the alley.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone - NMU-7B/GA	Regulation	Existing	Proposed ¹	Relief
Density G § 201.1	4.0 FAR 4.8 FAR (IZ) 2.5 FAR (Non-Res.)	4.8 FAR 0.5 (Non-Res.)	No Change	None Requested
Height G § 203.2	65 ft. max.	70 ft. (IZ)s	No Change	None Requested
Rear Yard G § 207.7	13.5 ft. min.	22.5 ft.	No Change	None Requested
Side Yard G § 208	None required	0 ft.	No Change	None Requested
Lot Occupancy G § 210	75% Max. (Res.) 80% Max. (Res. IZ) Commercial = No Max.	80%	No Change	None Requested

Zone - NMU-7B/GA	Regulation	Existing	Proposed ¹	Relief
Vehicular Parking C § 701	No min. for first 4 units. Then, 1 space per 3 units. Also, 50% of total within 0.5 miles of Metro. (Thus, 3 spaces)	2 spaces ²	No Change	None Requested
Use Provisions H § 6009.1 (c)	Fast Food must obtain special exception.	N/A	Fast Food Establishment	Special Exception Requested

¹As provided by the applicant.

²Pursuant to the approved variance in BZA Order 19038.

IV. OFFICE OF PLANNING ANALYSIS

Pursuant to Subtitle H § 6009.1 (c) of the Zoning Regulations, Special Exceptions for Fast food establishments in use Group C of Neighborhood Mixed-Use (NMU) zones are subject to the standards contained Subtitle H § 6007.1 (e) (2).

Subtitle H Subsection 6007.1 (e) SPECIAL EXCEPTION USES (NMU-USE GROUP C)

6007.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the conditions applicable to each use as follows:

(e) Eating and drinking establishment uses as follows:

(1) Prepared food shop with seating for more than twenty-four (24) patrons; and

(2) Fast food establishments or food delivery businesses shall be permitted, subject to the following conditions:

The subject use is deemed under the Zoning Regulations to be a fast food establishment. Standard (2) is applicable.

(A) The uses shall not be permitted in the MU-4/WP zone;

The subject use would be located in the NMU-7B/GA zone. This standard is not applicable.

(B) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of any R, RA, or RF zone unless separated therefrom by a street or alley;

While the subject lot is located within 25 feet of the RF-1 Zone, the lot is separated from this zone by a public alley to the east and Randolph St. NW to the north. This standard is met.

(C) If any lot line of the lot abuts an alley containing a zone 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;

The subject building in which the fast food establishment would be located extends for the full width of the lot along both Georgia Ave, NW and the alley. Therefore, the brick wall is exempt, thereby meeting this standard.

(D) Any refuse dumpsters shall be housed in a three- (3) sided brick 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 an R, RA, or RF zone;

Refuse dumpsters would be located inside the subject building in lieu of a walled outdoor location, which exceeds the requirements of this standard.

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

No drive-through is proposed.

(F) There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone boundary line for a residential zone; and

The sole customer entrance proposed under this application would be located at the front of the building, facing Georgia Ave. NW. While Randolph St. NW contains a small zone boundary line between the subject property and the RF-1 zone, only the residential entrance to the mixed-use building and the doors to the outdoor patio (which are not proposed to be used by the applicant) are facing that street. This standard is met.

(G) 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;

No customer dining area would be present onsite. All refuse and grease would be stored inside the building away from public view and odor ventilation would be routed above the roofline. As such, the use is not anticipated to be objectionable to neighboring properties, which would meet this standard.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

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

The intent of the NMU-7B/GA zone is to provide vertically mixed uses (ground floor commercial and residential above) within the Georgia Avenue Corridor within the quarter-mile walkshed of the Georgia Avenue-Petworth Metro station. The subject property is located approximately 0.1 miles from the nearest station entrance and would operate in the ground-floor retail space of a mixed-use building with residential uses above. As such, the proposed use should meet the intent of this zone, which meets this standard.

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

Neighboring property is unlikely to be adversely affected by the proposed fast food establishment. The use will function primarily for carryout and delivery and provide no dining area. Trash and grease will be stored inside the building, and the ventilation system will be located above the roofline of the 6-story mixed-use building. This standard is met.

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

The subject application meets the standards contained in Subtitle H § 6007.1 (e), as noted above.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) supplied a report to the record as Exhibit 19, stating no objection to the subject application.

VI. ADVISORY NEIGHBORHOOD COMMISSION

No comments from ANC 4C have been supplied to the record at this report's publication.

VII. COMMUNITY COMMENTS TO DATE

No public comments have been supplied to the record at this report's publication.

Attachment 1: Location Map

