



401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20004
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

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District of Columbia
The Honorable Adrian M. Fenty

Chairman
Council of the District of Columbia
The Honorable Vincent C. Gray

Acting Executive Director
Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 07-28

JAN 10 2008

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I reviewed the proposed text amendments to the zoning regulations regarding prepared food shops and fast food establishments in Square 5912, and found that the amendments would not be inconsistent with the Comprehensive Plan for the National Capital, nor would they have an adverse impact on any federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Acting Executive Director

Enclosure

ZONING COMMISSION
District of Columbia

CASE NO. 07-28
EXHIBIT NO. 9

**TEXT AMENDMENT TO THE ZONING REGULATIONS OF THE DISTRICT OF
COLUMBIA REGARDING PREPARED FOOD SHOPS AND
FAST FOOD ESTABLISHMENTS**

Square 5912
Washington, D.C.

Delegated Action of the Executive Director

DEC 28 2007

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. §8724(a), and D.C. Code §2-1006(a), I find the proposed text amendments to the zoning regulations regarding prepared food shops and fast food establishments in Square 5912, would not be inconsistent with the Comprehensive Plan for the National Capital, nor would an adverse impact on any other federal interests.

* * *

The Zoning Commission has referred to NCPC, for review and comment, a proposed action to amend §704.1 of the zoning to allow a prepared food shop with no limitation on seating within Square 5912. The proposed text amendment would also waive the requirements of §723.1(s)(1-3), pertaining to fast food establishments and dumpsters, for Square 5912. The current zoning of Square 5912 is C-1 and C-2-B.

At present, the Zoning regulation §704.1 only allows prepared food shops with no limitation on seating in the part of Square 5912 that is zoned C-2-B. The text amendment would allow a prepared food shop with no limitation on seating to also be located within the section of Square 5912 that is zoned C-1.

Section 721.3(s) requires that a fast food restaurant be at least twenty-five feet (25 ft.) away from a Residence District unless otherwise separated by an alley or street. If an alley or street is present, the zoning also requires a brick wall to be constructed between the alley or street and the Residence Districts. Section 723.1(s)(3) requires the restaurants' dumpsters to be located within a three sided brick enclosure six feet high. The text amendment would waive these requirements of §721.3(s)(1-3) in Square 5912. The restaurant is located in an outparcel of a suburban shopping center surrounded by surface parking and the dumpster that has been constructed on site is housed within an enclosed building. Proposed landscaping will serve as a buffer between the proposed restaurant and the Residence District.



Marcel C. Acosta
Acting Executive Director