

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: November 16, 2018

SUBJECT: BZA No. 12799A - 6201 3rd Street, N.W. – Request for a Modification of Consequence to eliminate a condition of approval, which would permit the sale of alcoholic beverages

I. BACKGROUND

Use Variance Application 12799, which became final on January 29, 1979, permitted the use of the subject property, then zoned C-1 (now MU-3A), as a public hall, a use not permitted either by right or special exception, subject to four conditions. The applicant now proposes to eliminate Condition No.1, which currently reads as follows, “*There shall be no alcoholic beverages sold on the premises*” to allow the sale of alcoholic beverages.

Although not permitted by zoning, the order also states that, “*the applicant could operate a bar or cocktail lounge on this site with the approval of the Alcoholic Beverages Control Board...*” The order further states, “[*t*]he applicant does not intend to seek a license to sell alcoholic beverages,” but does not indicate if there was community opposition to the sale of alcoholic beverages at the time.

II. RECOMMENDATION

The Office of Planning (OP) recommends the Board **approve** the request as submitted by the applicant, subject to the following condition:

1. Obtain ABRA approval and satisfy all requirements ABRA may impose.

The applicant should also ensure that comments and a recommendation from ANC 4B regarding the request are submitted to the record, prior to or at the public hearing.

III. LOCATION AND SITE DESCRIPTION

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| Address | 6201 3 rd Street, N.W. |
| Legal Description | Lots 805, 809 and 812, Square 3342 |
| Zoning | MU-3A |
| Ward and ANC | Ward 4, ANC 4B |
| Lot Characteristics and Existing Development | Quadrilinear corner lot with side and rear alley access improved with a one-story commercial building and an eight-car surface parking lot |

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| Adjacent Properties and Neighborhood Character | North: Across a public alley, four-story mixed-use building with ground-floor retail and apartments above South and East: One-story detached dwellings West: Across 3 rd Street, detached and semi-detached dwellings The neighborhood is predominantly low-density residential. Third Street is a low-density mixed-use commercial and residential district. |
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IV. DESCRIPTION OF MODIFICATION

The applicant proposes the elimination of Condition No. 1 of the order, which reads as follows:

“There shall be no alcoholic beverages sold on the premises.”

No changes to the other three conditions of approval are proposed.

V. ANALYSIS

Subtitle Y § 703.3 defines “Minor Modifications” as “modifications that do not change the material facts upon which the Board based its original approval...”. The subject application requests to allow alcoholic beverage sales as a part of a use that was permitted in 1979 as a public hall. Although the applicant is permitted to serve alcohol on the premises, sales of alcoholic beverage sales are prohibited by Condition No. 1.

Neither the official file nor the order for BZA 12799 indicate the reason for not permitting alcoholic beverage sales. The official file contains no entries from the community, either in support or opposition. OP does not find a significant difference between the applicant being permitted to serve alcohol and being able to sell alcohol to be served on the premises, provided the applicant is in conformance with all applicable licensing and regulations, including the Alcoholic Beverage Control Board (ABRA).

VI. AGENCY COMMENTS

No comments were received from other District agencies as of the date of the filing of this report.

VII. COMMUNITY COMMENTS TO DATE

No community comments were received as of the date of the filing of this report.

Attachment: Vicinity Map

