

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: February 25, 2022

SUBJECT: BZA Case 20410 (5504 Connecticut Avenue, N.W.) to permit a fast food restaurant use in an existing mixed-use building in the MU-3A zone.

I. BACKGROUND

This application was originally filed November 6, 2020, as a use variance in accordance with a referral letter from the Zoning Administrator was issued (Exhibit 2). Subsequently, the Zoning Regulations were amended to allow this use in this zone by special exception, subject to conditions of approval. This information was provided in OP's first report at Exhibit 28, which noted that there was not sufficient information to make a recommendation regarding the use variance and suggested that the applicant consider amending the application to request special exception relief. Subsequently, the hearing for this case has been postponed several times.

A revised application and burden of proof were submitted to the record February 23, 2022 (Exhibits 42 and 43). However, the application continues to be deficient of information necessary to determine the potential impact of the use to neighboring properties.

Additionally, the Applicant has requested a waiver from the provision requiring an enclosure and gate around the refuse dumpsters, which is not an option provided by the Zoning Regulations. OP has advised that an area variance would be required from this provision.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) is **unable to make a recommendation** of the following special exception relief:

- Fast Food Establishment Use, Subtitle U § 511.1(e), pursuant to Subtitle X § 900 fast food establishment use not permitted; fast food establishment use proposed).

Additional information is necessary in order to fully evaluate the proposed use against the special exception criteria. At a minimum, the following details are required:

1. Information regarding trash collection:
 - a. Frequency of trash collection;
 - b. Whether the receptacles have secured lids;
 - c. Frequency of cleaning around the receptacles;
 - d. A site plan identifying the location of refuse receptacles; and
 - e. Elevations of refuse dumpsters with enclosures and gates.

2. Confirmation of building area calculations;
3. Hours of operation;
4. Details regarding loading and deliveries;
5. Floor plan identifying location and number of seats accommodating customers in the restaurant; and
6. Information regarding oven and hood vents.