



MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: July 5, 2011

SUBJECT: BZA Application No. 18238 – Request for a special exception under § 733 to establish a fast food restaurant at 413 8th Street, S.E.

I. SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the requested special exception pursuant to § 733 and 3104.1 to establish a fast food restaurant, subject to the conditions listed at the end of this report.

II. AREA AND SITE DESCRIPTION

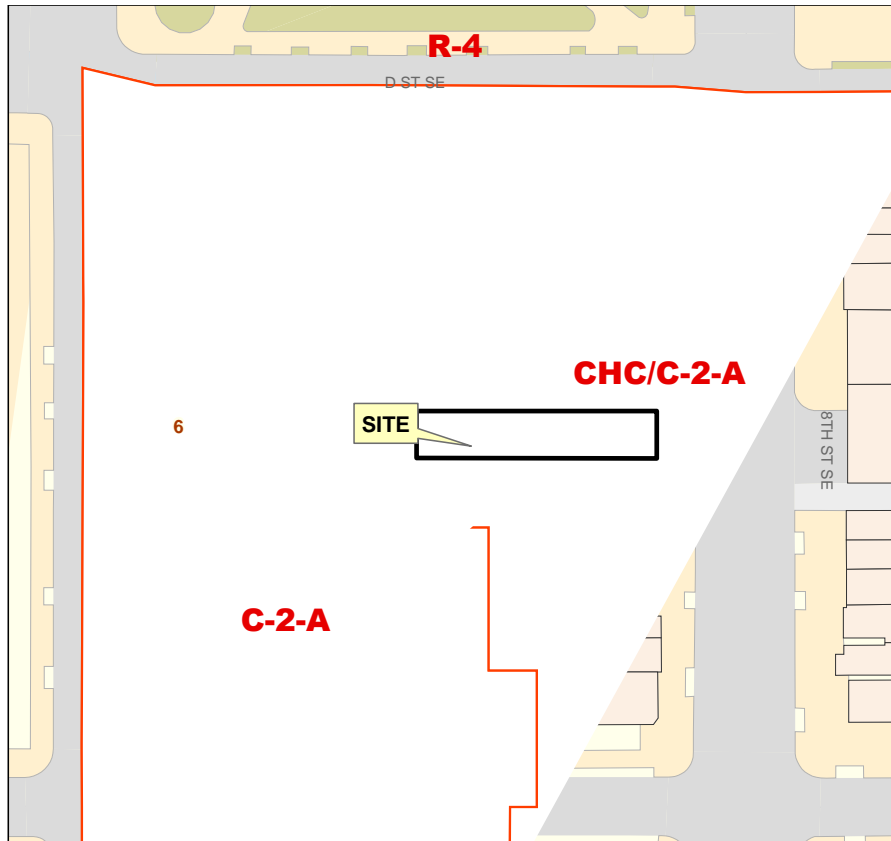
Address	413 8 th Street, S.E.
Legal Description	Square 902, Lot 828
Ward	6B
Lot Characteristics	Rectangular shaped lot with no alley access
Existing Development	Two two-story commercial buildings
Zoning	C-2-A – Fast food restaurants permitted subject to special exception approval.
Historic District	Capitol Hill
Adjacent Properties	One and two-story commercial building to the north, south and east. Residential uses to the west.
Surrounding Neighborhood Character:	Commercial uses along 8 th Street, with residential uses along 7 th and 9 th streets.

III. APPLICATION IN BRIEF

The applicant proposes to establish a 1,635 square foot fast-food restaurant on the ground floor and a portion of the basement of 413 8th Street, S.E. Seating for twenty-eight patrons would be provided at the front of the store, with the kitchen located to the rear. One handicapped accessible restroom would also be located on this floor, with two additional restrooms within the basement. Trash storage would be located within the rear yard, within a dumpster enclosure. The restaurant would operate seven days a week, between the hours of 11:00 a.m. and 10:00 p.m.



The subject property lot is improved with two buildings, 413 and 415 8th Street, S.E. The applicant proposes to locate the fast food use within first floor and a portion of the basement of 413 8th Street, S.E. only.



Zoning and Vicinity Map

IV. ZONING ANALYSIS

Section 733 Fast Food Restaurants

733.2 *No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated there from by a street or alley.*

No part of the subject property is located within twenty-five feet of a residence district.

733.3 *If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, 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.*

No lot lines abut an alley containing a zone district boundary line for a residence district.

- 733.4 *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 a Residence District.*

A three-sided brick enclosure is proposed to be located within the rear yard, with gates. The entrance would not face a residence district.

- 733.5 *The use shall not include a drive-through.*

No drive-through is proposed.

- 733.6 *There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.*

No customer entrance is proposed on the side or rear of the building. The only customer entrance would be located at the front.

- 733.7 *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.*

The subject property is located within a commercial district amidst a row of commercial structures that includes other similar type uses. No outdoor seating would be provided, controlling noise, and the kitchen would be vented through the roof of the building, controlling odors. Hours of operation would be from 11:00 a.m. to 10:00 p.m. daily. Therefore, the proposed use should not become objectionable to neighboring properties.

- 733.8 *The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.*

No parking is required for the proposed use because it is located within a C-2-A district and consists of less than 3,000 square feet of gross floor area and cellar area.

- 733.9 *The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.*

This use is consistent with the surrounding commercial district and would target pedestrian traffic of the commercial district and nearby residential community rather than those arriving by car. The fast food tenant is a national chain, with locations in other District neighborhoods and nearby surrounding jurisdictions. Therefore, the Office of Planning does not anticipate any objectionable vehicle traffic to the neighborhood due to the attraction of the fast food offerings of this tenant.

- 733.10 *There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.*

The site has no alley access. Trash would be placed out front for collection on pick-up days only. Deliveries would be made to the front of the building, from 8th Street. In order to minimize impact on traffic flow, DDOT recommends that all deliveries be made

between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday. This is because this is a low traffic volume time of day and would serve to minimize traffic conflicts.

733.11 The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

The Office of Planning makes no recommendations for additional conditions.

733.12 An applicant for special exception under this section may request the Board to modify the conditions enumerated in §§ 733.2 through 733.4; provided that the general purposes and intent of this section are complied with.

The applicant made no requests to modify the conditions of the above referenced sections.

The Office of Planning concludes that the subject application is in conformance with the provisions of § 733, provided deliveries to the site are restricted to Monday through Friday, between the hours of 10:00 a.m. and 4:00 p.m.

The Historic Preservation Office had no comments on the application.

V. COMMUNITY COMMENTS

ANC 6B was scheduled to review the subject application at its regularly scheduled meeting of July 5, 2011.

VI. AGENCY COMMENTS

DDOT informed the Office of Planning by telephone that it recommends deliveries to the site be restricted to Monday through Friday, between the hours of 10:00 a.m. and 4:00 p.m., because this is the a low traffic volume time of day.

VII. RECOMMENDATION

The Office of Planning finds the proposed application to be in conformance with the criteria contained within § 733 of the Zoning Regulations, subject to the following conditions:

- The approval shall be for the address 413 8th Street, S.E. only; and
- Deliveries to the site are restricted to Monday through Friday, between 10:00 a.m. and 4:00 p.m. only.

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin ,AICP

