

SUPPLEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: March 22, 2016
SUBJECT: MODIFICATION REQUEST: BZA Case No. 18770-B, 405 8th Street, S.E. to modify BZA Order 18770-A

I. RECOMMENDATION

The Office of Planning recommends that the Board approve the modifications as requested by the applicant.

II. BACKGROUND

Under BZA Order 18770-A, dated September 19, 2014, the Board approved:

1. A special exception to permit fast food restaurant at 405 8th Street, S.E.; and
2. An area variance to the rear yard requirements for a one-story rear addition

subject to ten conditions.

BZA Order 18770, the original order to the application, was replaced by No. 18770-A to correct a typographical error. The final date of both orders is September 19, 2014.

III. PROPOSED MODIFICATIONS

The applicant proposes to modify condition numbers 1, 3, 4 and 7, and add Condition No. 11, as described below. A technical correction is proposed for Exhibit 8. Exhibit 40C, Plans for Trash Enclosure, is proposed to be replaced by Exhibit 41, Full Plan Set and Cover Letter from Cornerstone Consulting, and Exhibit 42, Mechanical Details.

IV. OP ANALYSIS OF THE MODIFICATIONS

Below are the modifications as proposed by the applicant. Deletions are shown in ~~cross-out~~ and additions in **bold**.

1. Approval shall be for a period of ~~SEVEN (7)~~ **FIVE (5) YEARS** from ~~the effective date of Order~~ **the original September 19, 2014 date of the unmodified order**.

This modification simply reduces the period of time the order is effective.

3. Garbage shall be collected a minimum of six days per week, and recycling a minimum of five days per week, subject to the following conditions:

- (i) **The trash enclosure shall be used only for the storage of trash and recycling; and**
- (j) Applicant shall allow DPW, DCRA and Zoning Administrator inspectors to access the

trash enclosure and breezeway.

This modification is a new requirement proposed to be inserted between existing conditions 3(h) and 3(i) to ensure the trash enclosure would be used for trash and recycling only.

4. As specified in Exhibit 41, ~~the applicant shall use a vent-less oven systems, install either a hood or exhaust grill over each oven stack, and remove all captured cooking exhaust through the specified ductwork and Pollution Control Unit described in Exhibit 42. The Pollution Control Unit will exhaust through the face of the building as specified in Exhibit 41. vent-less hood system over each oven. Exhaust through the front of the building shall be maintained to a minimum.~~

This modification would allow the applicant to take advantage of technology better suited to the proposed use than that approved in the order for the control of cooking odors.

7. As specified in Exhibit 41: ~~the HVAC unit at the rear of the property shall be replaced with a new HVAC unit atop the trash enclosure; a mini spit to cool the trash enclosure will also be install atop the trash enclosure; and a cooler condenser shall be installed atop the dog leg roof. These mechanicals will be soundproofed as specified in Exhibit 41 and be relocated to the roof, with soundproofing to meet the standards employed by ArtUSA (or similar noise control product business) at 413 8th Street, S.E. The condenser/AC unit to be installed atop the trash enclosure shall meet the same soundproof standard.~~ No additional mechanical equipment shall be installed on **either** ~~the~~ roof or at the rear of the property.

This modification references a new exhibit and describes a revised method for controlling odors and the soundproofing of mechanical equipment.

8. The trash enclosure (as depicted in the plans in Exhibit ~~40C~~ **41**) shall include a trash compactor and ...

This modification updates the exhibit reference to reflect the subject application.

11. The applicant shall appoint a designated individual member of its organization to ensure compliance with the provisions of this order.

This provision would provide for more oversight by the applicant for compliance with the order.

OP finds that all of the proposed modifications are minor and do not change the material facts upon which the Board based its original decision. The application indicates that the applicant worked with its engineer, four neighbors of the subject property, and the ANC.