

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Maxine Brown-Roberts, AICP, Project Manager  
Joel Lawson, Associate Director Development Review

**DATE:** March 10, 2015

**SUBJECT:** BZA# 18955, 1918-B 14<sup>th</sup> Street, SE

### **I. OFFICE OF PLANNING RECOMMENDATION**

Good Hope Investments, LLC requests special exception review under § 733 for a Fast Food Restaurant, Little Caesar's Pizza, at 1918-B 14th Street, SE in the C-2-A/R-3 District. The Office of Planning (OP) recommends **approval** with the following modifications:

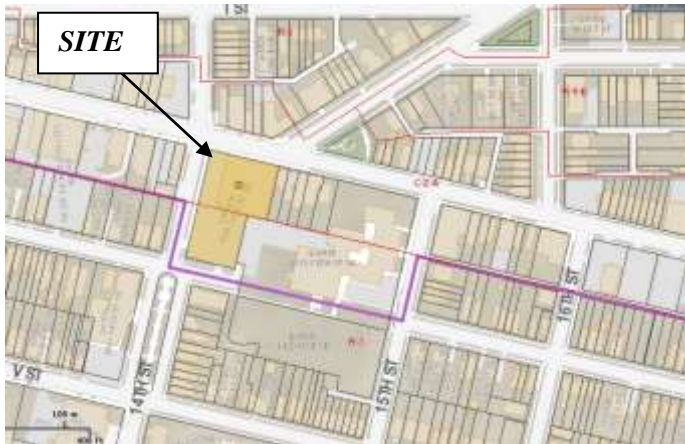
- § 733.1 - 25-foot separation from a residence district required; a portion of the property is within the R-3 zone;
- § 733.4 - 3-sided brick enclosure wall not facing a Residence District: 3-sides steel frame structure with wood slat facing enclosure provided and is within the Residence District.

Subject to the following condition:

1. No outdoor seating shall be permitted.

### **II. LOCATION AND SITE DESCRIPTION**

Address	1918-B 14 <sup>th</sup> Street, SE
Legal Description	Square 1019, Lot 5767
Ward	8, 8A
Lot Characteristics	Level rectangular lot with no alley access
Zoning	R-3 and C-2-A: R-3: Designed for row dwellings C-2-A: Medium density community business center\
Existing Development	One-story commercial building with two existing uses, 7-Eleven and a dialysis center.
Historic District	Not within a historic District
Adjacent Properties	To the north, east and west are small retail uses in one and two story buildings in the C-2-A zone. To the south are residences, a church and the parking lot of the Ketcham Elementary School in the R-3 zone.
Surrounding Neighborhood Character	A mixture of small retail uses and buildings along both side of Good Hope Road and a mixture of single family detached, single family attached and intuitional uses, mainly churches and schools.



Site Location



Front of Restaurant along Good Hope Road



Front of Building along 14<sup>th</sup> Street



Parking Lot and Trash Enclosure

### III. APPLICATION IN BRIEF

The applicant proposes to open a Little Caesar's Pizza, fast-food carry-out restaurant in one of the spaces of the one-story commercial structure. The building is also occupied by a 7-Eleven store, and the FMC Potomac dialysis center.

The subject property has no alley access and the space for the restaurant has no direct access to the rear of the building. A trash enclosure is located to the rear of the building and would be easily accessible to the restaurant, as trash would be taken from the restaurant via a dolly to the trash enclosure at the rear of the building. All garbage and recycling materials would be stored within this enclosure. Customer access and all deliveries would be from Good Hope Road. Hours of operation would be Sundays to Sunday, 7:00 am to 10:00 pm.

### IV. OFFICE OF PLANNING ANALYSIS

#### a. Special Exception Relief pursuant to § 733, Fast Food Restaurants in C-2-A Districts

*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 therefrom by a street or alley.*

The subject property is split zoned with the building located in the C-2-A zone and a portion of the parking lot within the R-3 district. Therefore the lot is unable to meet this standard.

*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.*

The lot lines do not abut an alley.

*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.*

There is an existing dumpster to serve the business on the R-3 portion of the property. The enclosure is a concrete slab surrounded on three sides by a steel frame structure with wood slat facing. The front of the dumpster facing 14th Street has a solid wall with swinging doors. The enclosure is six feet high. The existing dumpster does not meet the standard.

*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.*

The only customer entrance proposed would be from the front, facing Good Hope Road.

- 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 proposed use is part of an existing commercial shopping center and would provide pick-up service only. Therefore, customers would not be spending long periods of time at the restaurant and there would be no music to generate noise. This portion of the building has no outdoor lighting to affect other businesses. The parking lot currently has lighting which is down lit on the property and does not affect adjacent properties or businesses. Refuse would be stored within the trash enclosure and is currently serviced three times a week. The Applicant stipulates that the number of pick-ups would be increased if necessary. Hours of operation would be Sunday to Saturday, 7:00 am to 10:00 pm,

- 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.*

The restaurant space is 1,474 sq. ft. which is less than the threshold of 1,500 square feet required for parking. However, the parking lot has 41 spaces. The requirement for the medical office is 27 and 11 for the 7-11 or 38 required, an excess of 3 spaces which the restaurant can utilize.

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

Patrons can walk or drive to the site and can utilize the parking lot. Goods would be delivered to the grade level pad at the existing loading dock. Since there is not a connection between the dock and the restaurant, the goods would be taken by dolly to the restaurant. Parking and loading would be accommodated on site and therefore traffic along Good Hope Road would not be impacted by the restaurant.

- 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.*

Deliveries would be made to the at grade loading dock and taken by dolly to the restaurant. Access to the trash storage would be accommodated on-site and would not impact traffic movements.

- 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 recommends a condition that there be no outdoor seating as the side walk is narrow and it is heavily travelled by pedestrians. Additionally, it would discourage loitering.

*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 Application needs modification to § 733.2 as a portion of the lot is within a residence (R-3) district and from § 733.4 as the dumpster enclosure is not brick and is within the R-3 portion of the site.

**Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposed use, a fast food restaurant, is consistent and compatible with the C-2-A zone.

**Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The proposed fast food restaurant would take place within the building only, as it would have no outdoor seating or other activities.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

The Department of transportation (DDOT) will submit a report under separate cover.

**VI. COMMUNITY COMMENTS**

The property is within ANC 8A. The Applicant submitted a letter to OP for the Single Member District in support of the proposed fast food restaurant. The Applicant was advised to contact the full ANC.