

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning



Date: FEB 07 2013

To Whom It May Concern:

The D.C. Office of Zoning is providing this letter to inform all property owners within 200 feet of a development project of conditions associated with the approval of the project.

The following is offered for informational purposes only. You are not required to respond or take any other action with respect to this letter. Further, the record in this case is closed and no additional documentation will be accepted.

The D.C. Board of Zoning Adjustment recently approved the following project, which is within 200 feet of your property:

Application No. 18486 of AG Georgetown Park Holding I LLC, pursuant to 11 DCMR § 3104.1, for a special exception to allow a bowling alley under § 908.1, in the W-1 and W-2 Districts at premises 3222 M Street, N.W. (Square 1200, Lot 868).

This application was approved subject to the following conditions:

1. No smoking shall be permitted in any portion of the restaurant, including any outdoor patio space.
2. The bowling lanes and other fixtures within the restaurant shall be located substantially as represented in the floor plans submitted to the BZA, although table and seating layout is provided for illustrative purposes only.
3. The restaurant shall not serve alcohol after 12:30 a.m. on Friday and Saturday and it shall not serve alcohol after 11:00 p.m. on Sunday through Thursday.
4. The restaurant shall not open before 8:00 a.m. on any day. The restaurant shall close no later than 1:00 a.m. on Friday and Saturday and it shall close no later than 11:30 p.m. on Sunday through Thursday.
5. All kitchen exhaust from the restaurant shall be vented through a code compliant vertical duct off of the roof, and any maintenance to this system or to the HVAC system requiring access to the roof of the building will be done between 9:00 a.m. and 6:00 p.m.

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18486

EXHIBIT NO. 43

Board of Zoning Adjustment
District of Columbia
CASE NO.18486
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6. The upper patio (“Upper Patio”) shall have a retractable enclosure which shall, when closed, contain an inaudible level of noise coming from the Upper Patio and from the interior of the Premises (the “Enclosure”).
7. When the Upper Patio is not completely enclosed, it shall not be used and it shall not be occupied after 10:00 p.m. on Friday - Saturday or after 9:00 p.m. Sunday - Thursday. Further, when the Upper Patio is not enclosed, it shall not be used before 10:00 a.m. Sunday through Saturday.
8. The Upper Patio shall, at all times, whether enclosed or not, contain a patio roof that blocks views of the Upper Patio from the residents in units above the Upper Patio.
9. There shall be no direct doorway between any banquet room and the Upper Patio.
10. The maximum seating capacity for the Upper Patio shall be forty-two (42) and the maximum aggregate capacity for the Upper Patio, whether seated or standing, shall be fifty (50) persons.
11. The doors to the Upper Patio from the interior of the Premises shall remain closed at all times, to be opened only for ingress and egress.
12. No music is permitted on the Upper Patio unless it is fully and completely enclosed. The Upper Patio shall be enclosed at all times when the banquet rooms are used for a private party during which sound attenuation measures are required, such as weddings and bar mitzvahs.
13. The lower patio (the “Lower Patio”) shall be closed and kept unoccupied after 10:00 p.m. on Friday – Saturday and no later than 9:00 p.m. on Sunday - Thursday. It shall not be used before 10:00 a.m.
14. The maximum seating capacity for the Lower Patio shall be thirty (30). The maximum aggregate capacity for the Lower Patio, whether seated or standing, shall be thirty-six (36) persons.
15. The fire pit intended for the Lower Patio shall be a gas-burning fixture only and shall not be lit at any time when the Lower Patio is closed.
16. No music is permitted on the Lower Patio at any time.
17. To the extent possible, the restaurant shall prohibit loitering in areas adjacent to the Premises. If such loitering occurs and disrupts the Association’s Residents, the restaurant agrees to meet with the Association to discuss and implement possible solutions.

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18. The Premises shall be constructed in such a manner that operation of the bowling lanes, including bowling, setting pins, rolling balls, interaction among patrons, or any other noise or vibration associated with the operation of the Premises, shall not be heard or felt in any of the Association Residences.
19. Soon after the restaurant commences its design efforts, the restaurant shall provide the Association with a copy of the specific sound attenuation design plans it intends to include in its detailed building permit plans, to be prepared and submitted in the future (“Plans”). The Association shall have the opportunity to have its acoustic consultants review the Plans and submit its comments on the Plans in writing to the restaurant within ten (10) business days. The restaurant shall give due consideration to the comments provided by the Association.
20. The restaurant shall provide to the Association both a phone number and an e-mail address of a restaurant representative, so that any Resident may contact the restaurant in the event of disturbances from noise or other aspects of the restaurant operation. The restaurant shall have a management representative attend a meeting with the Association on a monthly basis (or less often, at the Association’s election) during build-out of the Premises and for the first six months after the restaurant opens for business, and thereafter at least twice a year, to work together to resolve any concerns.
21. The restaurant will neither undertake any concrete demolition or any outdoor work involving the Upper Patio prior to 9:00 a.m. Monday through Saturday. The restaurant will otherwise use good faith efforts to commence with any construction generating excessive noise after 9:00 a.m. Any other construction shall be performed in accordance with the permits.
22. All exterior signage shall be designed in a manner that is sensitive to the building’s location in the Georgetown Historic District and shall be subject to approval by the Old Georgetown Board.

Please note: The timeframe for development of an approved project varies depending on the scope and complexity of the project. Consequently, the conditions enumerated above may not be pertinent or at issue until a future date.

If you are interested in learning more about this case, or have questions about the definition of terms enumerated above, you can obtain a copy of the written Order that contains the conditions from the D.C. Office of Zoning website (www.dcoz.dc.gov). From the homepage, select the “Search” tool in the blue left sidebar, navigate to a search of “ZC and BZA Orders,” and enter the

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case number provided above. Once you obtain the Order, if you have questions *specifically pertaining to enforcement of the aforementioned conditions*, please contact the D.C. Office of Zoning Compliance Review Specialist at (202) 727-6311.

SINCERELY,



**RICHARD S. NERO, JR.
Deputy Director of Operations**