



ADVISORY NEIGHBORHOOD COMMISSION 6E

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PO Box 26182, LeDroit Park Station
Washington, DC 20001

October 5, 2015

LLOYD JORDAN
CHAIRPERSON
BOARD OF ZONING ADJUSTMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA
441 4TH ST NW STE 210S
WASHINGTON DC 20001

Dear Chairperson Jordan

Regarding BZA Application No. 19076, Application of Kelly Gorsuch, 1544 9th Street, NW (Square 356, Lot 813):

Advisory Neighborhood Commission 6E conducted a public meeting on Tuesday, September 1, 2015 at the Watha T. Daniel/Shaw Library, 1630 7th Street, NW, to consider the above application.

At the Commission's meeting, duly noticed and with this case listed in the notice, with a quorum present (four out of seven Commissioners required to be in attendance to achieve a quorum), ANC 6E voted (6 in favor, 0 opposed, and 1 abstention), to support the request for a use variance to allow the use of the property at 1544 9th Street, NW as a restaurant and that said support be communicated in writing to the Board of Zoning Adjustment (BZA) of the District of Columbia.

In considering this case, and as a result of questioning of the applicant's representatives present at said meeting and a prior Zoning and Planning Committee meeting, the Commission determined the following:

- 1) The building in question is located in Single Member District 6E01 and is located in the Shaw Historic District.
- 2) The building is zoned R4 and although most recently occupied as a residence, has a long history of commercial use, the most recent of which was a takeout pizza establishment.
- 3) The Applicant proposes to build out and operate a restaurant in the building.

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- 4) The Applicant has agreed to a number of conditions intended to minimize any potential negative impacts of restaurant operations, which are described in a letter from the Applicant dated August 27, 2015, which is attached to this correspondence. The Commission requests that the Board incorporate any and all appropriate provisions contained in said letter into the Zoning Order related to this case.
- 5) In stakeholder surveys of business development preferences conducted by Shaw Main Streets from 2004 through 2014, restaurants consistently were identified as the top priority for new business attraction in the neighborhood in which the building in question is located.
- 6) The Shaw neighborhood has been identified as one of the most popular and desirable neighborhoods in the District of Columbia for new restaurants in articles in such publications as the *Washington Post*, *Washington City Paper*, and *Washingtonian* magazine, and by food blogs including Zagat and Eater DC.
- 7) In order for the proposed restaurant to operate at this location, a Variance under 11 DCMR § 3103.2, from the use requirements under § 330.5, is necessary.
- 8) The ANC 6E Zoning and Planning Committee met and recommended that the Commission support the granting of the requested relief in order to allow the proposed restaurant to operate at this location.
- 9) No objections to the Commission's granting of the requested relief were raised either prior to or at the Commission's meeting.
- 10) The Commission believes that the relief sought can be granted without any adverse impacts and supports the granting of the requested relief.

For the reasons listed above, Advisory Neighborhood Commission 6E recommends that the District of Columbia Board of Zoning Adjustment accord ANC 6E's recommendation the Great Weight provided for in the ANC statute and approve this application.

Sincerely,



Alexander M. Padro
Vice Chair
ANC 6E

August 27, 2015

Commissioner Alexander M. Padro
ANC 6E01
1519 8th Street, NW
Washington, DC 20001-3205



Dear Commissioner Padro:

Thank you for meeting with the ownership and management team of The Shaw Bijou recently, including myself, as owner of 1544 9th Street, NW, to discuss obtaining the community and ANC Commission's support for the Board of Zoning Adjustment application I have filed for a use variance for the building that will house our new restaurant.

As we discussed, there are a number of conditions related to the operation of The Shaw Bijou at 1544 9th Street, NW, which we are happy to agree to, as part of demonstrating our intention to be good neighbors. We will submit this letter to the Board of Zoning Adjustment as documentation of provisions which we will comply with, whether or not they represent conditions that are incorporated into the Board's Zoning Order and regardless of whether they represent conditions that are enforceable by the DC Office of Zoning or the Zoning Administrator.

These conditions are as follows:

- 1) Trash and recyclables, including waste oil, will be stored in the fenced in area at the west of the building, with all trash service being accomplished from that rear location. No trash or recyclables will be stored in public space on either 9th or Q Streets, NW, regardless of whether said space is considered "parking" and maintained by the property owner under an easement.
- 2) Recyclables will not be placed in dumpsters after 9:00 PM or before 9:00 AM, in order to avoid associated noises from disturbing adjacent residential neighbors in the late evening or early morning hours. Likewise, collection of trash and recyclables by licensed haulers will not take place during these hours, for the same reason.
- 3) No vehicles associated with the property, the business, or any parties, including owners and employees, shall be parked on public space on the 9th or Q Streets, NW sides of the property or in the vacant area on the west side of the building on the property at any time. It is understood and accepted that as part of the use of the property as a restaurant, no Residential Parking Permit(s) can be issued to any vehicles registered at the address 1544 9th Street, NW.
- 4) The Shaw Bijou will engage a valet parking service to provide parking for the restaurant's customers during all hours of operation. The area where 1544 9th Street, NW is located is understood to have a parking deficit which makes finding parking difficult for neighborhood residents. It is our intention to not cause any further parking burdens on our neighbors as a result of the operation of The Shaw Bijou.
- 5) It is understood that any alterations to the exterior of the building at 1544 9th Street, NW, and any signage for the restaurant must be approved by the DC Office of

Planning's Historic Preservation Office, as the property is located within the boundaries of the Shaw Historic District.

- 6) It is the intention of The Shaw Bijou that the green space or "parking" area on the Q Street side of the building at 1544 9th Street, NW will not be used for outdoor seating for the restaurant, but will instead be maintained as a green space, including a garden where herbs and vegetables for use in the restaurant's kitchen may be grown. If this green area is to be fenced, it is understood that permits must be applied for and approved by the DC Office of Planning's Historic Preservation Office, and that said fencing shall be of a character consistent with historic fencing found in the Shaw Historic District.
- 7) The small curb cut on the Q Street side of the property will be eliminated and restored to its normal original condition, at the property owner's sole expense, including costs of permits and all construction necessary to accomplish this work.

We hope that these measures, intended to minimize the potential negative impacts of the use of 1544 9th Street, NW as a restaurant, will make clear the intentions of the other owners of The Shaw Bijou and myself to be good neighbors and ensure that The Shaw Bijou is an asset to the community at all times, and never a liability.

Thank you for your support of my BZA application and the effort to bring a world class restaurant to the corner of 9th and Q Streets, NW. Please do not hesitate to contact me if you have any questions about the BZA application or the steps we are committed to taking to earn the community's trust, and your own.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Gorsuch', with a long horizontal line extending to the right.

Kelly Gorsuch
Owner
1544 9th Street, NW