



GOVERNMENT OF THE DISTRICT OF COLUMBIA

# ADVISORY NEIGHBORHOOD COMMISSION 6E

ANC 6E01: Alexander M. Padro, *Vice Chair*

ANC 6E02: Kevin L. Chapple, *Treasurer*

ANC 6E03: Frank S. Wiggins

ANC 6E04: Rachelle P. Nigro

ANC 6E05: Marge Maceda, *Chair*

ANC 6E06: Antonio D. Barnes, *Secretary*

ANC 6E07: Alfreda S. Judd

PO Box 26182, LeDroit Park Station

Washington, DC 20001

February 22, 2016

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

Dear Chairperson Heath:

Regarding BZA Case No. 19180, Application of 1525 9<sup>th</sup> Street, LLC, 1525 9th Street, NW (Square 397, Lot 811):

Advisory Neighborhood Commission 6E conducted a public meeting on Tuesday, February 2, 2016 at the Northwest One Library, 155 L 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 (5 in favor, 2 opposed, and no abstentions) to support the zoning relief requested by 1525 9th Street, NW, LLC to allow retail non-office use of the first floor of 1525 9th Street, NW, with the stipulations agreed to in the letter from the owner of the property, 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 at said meeting, the Commission determined the following:

- 1) The block in question is located in Single Member District 6E01.
- 2) 1525 Ninth Street, LLC, pursuant to 11 DCMR §3104.1, has applied for a special exception from the nonconforming use requirements pursuant to §2003, to permit a change in use in the R-4 District at 1525 9th Street, NW (Square 397, Lot 811).

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19180  
EXHIBIT NO.33

- 3) The retail space at this address, the former Watha T. Daniel plumbing shop and Lumsden Agency Nationwide Insurance office, has been vacant for nearly two years, despite significant interest in the space from prospective non-office tenants. Shaw has become a vibrant, nationally-recognized commercial district, a finalist for the prestigious Great American Main Street Award this year. But the current zoning of the first floor commercial space in the building at 1525 9<sup>th</sup> Street, NW is an anachronism that prevents its best and highest use. In recent years, zoning relief granted by the BZA on this and adjacent blocks has resulted in the successful leasing of 1527 and 1544 9<sup>th</sup> Street, NW and 818 Rhode Island Avenue, NW, with new retail that supports the neighborhood's continued revitalization.
- 4) The Commission is grateful to the applicant for having agreed to an extensive list of restrictions and abatement measures to address potential concerns raised by a residential neighbor, which are documented in the attached correspondence. The Commission supports the relief sought subject to the conditions agreed to by the applicant being incorporated into the Board's order.
- 5) The only objections to granting the relief sought that were raised prior to or at the Commission's meeting came from the owners of 1523 9<sup>th</sup> Street, NW, which In the Commission's opinion are satisfactorily addressed by the mitigation measures agreed to by the applicant..

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 grant this application.

Sincerely,



Alexander M. Padro  
Vice Chair  
ANC 6E

Attachment: Letter from 1525 9<sup>th</sup> Street, LLC to ANC 6E01 Commissioner Alexander M. Padro

## 1525 NINTH STREET LLC

February 2, 2016

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

Dear Commissioner Padro:

As a representative of 1525 Ninth Street LLC ("Applicant"), the entity that owns the property at 1525 9<sup>th</sup> Street, NW (Square 397, Lot 811), I want to thank you for working with us to identify and address any concerns regarding our recent Board of Zoning Adjustment application (*No. 19180, to allow new retail uses in addition to the current office use on the first floor of our building*), in order that we may obtain the community's and the ANC Commission's support.

As we discussed, Applicant will agree to impose, by lease, specific restrictions and obligations, as more fully described below, on any of its future retail tenants on the first floor of 1525 9th Street, NW ("Tenant"), as a demonstration of Applicant's intention to continue to serve as a responsible property owner and a good neighbor. Applicant also will agree to include these restrictions in all its future retail leases of the first floor of 1525 9th Street, NW ("retail leases"), whether or not these restrictions are ultimately incorporated into the Board's Zoning Order and regardless of whether they are enforceable by the DC Office of Zoning or the Zoning Administrator.

Applicant agrees that all its future retail leases:

- 1) Shall include a provision prohibiting the Tenant from having any entertainment, live music or DJ and precluding the Tenant from applying for an entertainment endorsement to an Alcoholic Beverage Control license from the District of Columbia Alcoholic Beverage Regulatory Administration.
- 2) Shall include a provision obligating the Tenant to construct an indoor trash room, so that no dumpsters or other trash receptacles for commercial refuse, recyclables or waste oil will be placed outdoors, to construct such trash-room prior to Tenant filing an application for the issuance of its Certificate of Occupancy and commencement operations, and to contract for daily trash collection thereof.
- 3) Shall include a provision prohibiting the Tenant from conducting commercial operations at the property other than from 7:30 AM to 10:30 PM, Sunday-Thursday, and 7:30 AM to 11:00 PM, Friday-Saturday.
- 4) Shall include a provision prohibiting the Tenant from either receiving deliveries or having trash, recyclables or waste oil collected except from 9:00 AM to 9:00 PM daily.

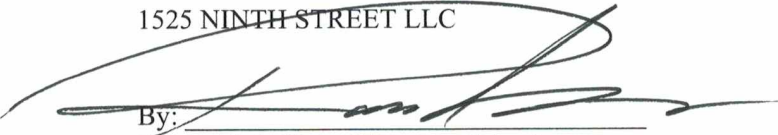
- 5) Shall include a provision requiring the Tenant to install soundproofing materials along the interior wall of Applicant's building where it adjoins the building at 1523 9<sup>th</sup> St. NW, including within Applicant's interior light well walls, prior to Tenant applying for the issuance of its Certificate of Occupancy and commencing operations.
- 6) Shall include a provision requiring the Tenant to repair or replace the concrete flooring in the aforementioned interior light well and on the alley side of the building, prior to the Tenant applying for issuance of its Certificate of Occupancy and commencing operations.
- 7) If a Tenant is a restaurant or other food use, and a kitchen is installed, a provision requiring that the Tenant's kitchen hood shall be vented through the second-floor and the roof of the building and that odor scrubbers shall be installed to mitigate kitchen exhaust containing strong odors from being vented into the environment, prior to any such Tenant applying for its Certificate of Occupancy and commencing operations.
- 8) Shall include a provision that the Tenant install "soft close" hardware on all retail entrance doors, with the aim of mitigating slamming sounds when said doors close, prior to any retail Tenant applying for the issuance of its Certificate of Occupancy and commencing operations.
- 9) Shall include a provision that any alterations to the exterior of the building at 1525 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.

We hope that these measures, intended to minimize any potential negative impacts of the use of the first floor of 1525 9th Street, NW for commercial uses other than offices, will make clear the intentions of the owners of the building to be good neighbors with the intention that any retail use of the building's first floor is an asset to the neighbors and the community at all times.

Thank you for your support of our BZA application and the effort to bring a non-office retail use to 1525 9<sup>th</sup> Street, 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,

1525 NINTH STREET LLC

By: 

Robb LaKritz, Managing Member