DUPONT CIRCLE
ADVISORY NEIGHBORHOOD COMMISSION (ANC 2B)
Government of the District of Columbia
P.O. Box 33224
Washington, D.C. 20033
Phone: 202-296-7333 E-Mail: ANC2B04@ aol.com

May 8, 2001

Mr. Robert N. Sockwell
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 210
Washington, DC 20001

Dear Mr. Sockwell:

At its regularly scheduled meeting on April 11, 2001, ANC 2B considered BZA Application #16688, an application by Michael R. Kain, et al., for a special exception from rear yard set-back requirements pursuant to subsections 774.2 and 774.9(a) to allow an accessory building abutting an alley to be connected to the principal building in an DC/C-3-B District at the premises at 1619 Connecticut Avenue, NW. With six of seven commissioners in attendance, a quorum at a properly noticed public meeting of the Commission, a motion was passed unanimously to oppose the approval of this special exception request. The Commission further authorized negotiations to resolve neighborhood concerns related to this application through the adoption of a voluntary agreement.

ANC 2B was in opposition to the special exception request due existing air conditioning units on the adjoining property, owned by the applicant, which have been a source of persistent noise complaints. Concerns were noted that the expansion would compound the noise problem, creating a canyon affect in the alley. Further, neighbors were concerned about trash and sanitation plans and early morning construction.

At this time, I am pleased to indicate that a Voluntary Agreement has been reached and executed which address the concerns of ANC 2B. Our prior protest is herby withdrawn and we stand in support of the applicant's request before the BZA, subsequent to the incorporation of the Voluntary Agreement in the BZA's final order.

As this premises is in my Single Member District, I will serve as the Commission's point-of-contact in this matter. Please feel free to reach me on (202) 305-1756.

Thank you for your attention to this matter.

ON BEHALF OF THE COMMISSION:

BZA
Case No. 16688
Exhibit No. 34

Very truly yours,

Vince Micone
Chairperson

SINGLE MEMBER DISTRICT COMMISSIONERS AND OFFICERS

2B01	2B02	2B03	2B04	2B06	2B06	2B07
Norma Chaplain	Vince Micone Chair	David Jolliffe	Jeff Hopp Treasurer	Doug Damron Secretary	Marilyn Newton	Irv Morgan Vice Chair

Board of Zoning Adjustment
District of Columbia
CASE NO 16688
EXHIBIT NO.34

MICHAEL R. KAIN, INC.
1601 CONNECTICUT AVENUE, N.W.
SUITE 800
WASHINGTON, D.C. 20009

FACSIMILE
202-387-1399

TELEPHONE
202-387-0606

May 8, 2001

Vince Micone
Chairperson
Advisory Neighborhood Commission 2B
P.O. Box 33224
Washington, D.C. 20033

Re: BZA Application No. 16688

Dear Mr. Micone:

This letter is to memorialize our agreement with regard to the above referenced BZA application.

In consideration of ANC 2B withdrawing its objection and submission by ANC 2B of a duly authorized statement in accordance with 11 DCMR §3115 of its support to the above-referenced application, the Kain Family Limited Partnership, the applicant in BZA Application No. 16688 (hereinafter referred to as the "Applicant"), has agreed to the following:

1. It is the Applicant's understanding that Chevys, Inc., t/a Wrapworks ("Wrapworks"), which is located at 1601 Connecticut Avenue, N.W. (Square 111, Lot 82)(hereinafter referred to as "1601 Connecticut"), has reached an agreement with ANC 2B regarding ANC 2B's noise concerns at 1601 Connecticut, which property is owned by the Applicant. Attached hereto as Exhibit A is a copy of the agreement between ANC 2B and Wrapworks. In an effort to facilitate Wrapworks' compliance with the agreement between ANC 2B and Wrapworks, the Applicant has suggested to Wrapworks that Wrapworks (at its own expense) move the HVAC unit at 1601 Connecticut, which unit is the subject of ANC 2B's noise concerns, to the parking garage located at 1601 Connecticut. The feasibility of such remedy is currently under investigation by a contractor, with a written proposal to be submitted to Wrapworks. In the event that the HVAC unit can be relocated to the garage without causing damage to the garage, the Applicant hereby agrees not to unreasonably withhold consent to such action. Furthermore, the Applicant agrees not to interfere with Wrapworks and ANC 2B's rights and obligations pursuant to the agreement attached hereto as Exhibit A.

BZA
Case No. 16688
Exhibit No. 34

2. The Applicant agrees that construction will start no earlier than 7:00 a.m., and the Applicant will make reasonable efforts to mitigate construction noise prior to 7:30 a.m.

3. Upon completion of the addition to 1611 through 1617 Connecticut Avenue, the Applicant will provide for an enclosed facility for trash receptacles.

This agreement will become effective upon ANC 2B's withdrawal of its opposition to and submission of a statement in support, duly authorized by ANC 2B, of BZA Application No. 16688.

Please indicate ANC 2B's agreement to the terms and conditions set forth herein by signing where indicated below and returning an executed copy of this letter to me along with a copy of a letter from ANC 2B to the BZA withdrawing its objection and supporting BZA Application No. 16688.

KAIN FAMILY LIMITED PARTNERSHIP

By: Michael R. Kain
Its: President

SEEN AND AGREED TO:

ADVISORY NEIGHBORHOOD COMMISSION 2B

By: Vince Micone
Its: Chairperson

cc: Jeannine Rustad Zigner, Esquire

AGREEMENT

THIS AGREEMENT, made this 8th day of November, 2000, by and between CHEVYS, INC., t/a Wrapworks, Retailer's Class CR License, App. No. 11423 (the Applicant), and ADVISORY NEIGHBORHOOD COMMISSION 2B (the ANC).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (ABC) is Applicant's application for a reissuance of its Class CR license for premises 1601 Connecticut Avenue, N.W., Washington, D.C., App. No. 11423; and

WHEREAS, the premises are within the jurisdictional boundaries of ANC 2B; and

WHEREAS, ANC 2B has protested renewal of the referenced license; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the operation of said premises;

NOW, THEREFORE, the parties agree as follows:

1. Applicant has taken steps to address the outdoor noise problems.

2. Applicant agrees to periodically meet with the ANC, when requested, to discuss solutions to any future matters of concern related to outdoor noise or other issues.

3. In consideration of, and in reliance upon the commitments reflected above, ANC 2B does hereby withdraw its protest to the renewal of the Applicant's liquor license.

4. The parties agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC 2B to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR 1513.5.

Exhibit A

IN WITNESS WHEREOF, the parties have hereunto affixed their hands and seals on the year and day first above written.

APPLICANT: CHEVYS, INC.

By _____
David Castagnino

PROTESTANT: ANC 2B

By _____