

Advisory Neighborhood Commission 5E

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MEMORANDUM

DATE: February 25, 2019

TO: DC Office of Planning
DC Board of Zoning Adjustment
(viz IZIS)

FROM: Bertha G. Holliday, ANC 5E07 Commissioner

SUBJ: Proposed Final Neighbors/Owners Agreement of Stipulations for 'Conditions of Use' of 1724 North Capitol Street, NW (BZA Case #19887 – Jam Doung Restaurant - Variance in Use)

At the request of the DC Board of Zoning (BZA), the ANC 5E07 Commissioner called a second meeting of owners and neighbors living within 200 feet of the proposed new location of the Jam Doung Restaurant for the purpose of gaining consensus between neighbors and owners on proposed 'conditions of use' of that property.

This meeting was conducted on Saturday, February 16, 2019, and its announcement (Attachment #1 to this memo) was well advertised on the Bloomingdale Listserv, Bloomingdale Blog, and on Twitter, and posted two or three times on each. At the meeting, each participant was provided: a) a meeting agenda, b) a small packet of resource materials that described the background and current status of BZA Case # 19887 – including stipulations of 'conditions of use' agreed to by neighbors and owners at the prior January 19, 2019 meeting, and c) a synopsis of the tasks to be accomplished at the 2/16/19 meeting (Attachment #2).

The meeting focused on: a) reviewing the stipulations of 'conditions of use' for the property that were agreed upon at the prior January 19, 2019 and submitted to the case record (IZIS Exhibit #54) but not signed by a neighbor representative; b) providing all participants opportunities to identify needed additions, deletions, modifications, or 'no change' for each of the areas of concern and related stipulations (these were charted); c) engaging in consensus-building discussions; and d) identifying signatories to the revised Agreement.

In addition, prior to the meeting, some neighbors had devised and circulated an electronic survey to various residents on or near the Unit block of Randolph Place NW. The survey elicited agreement/disagreement to both stipulations of the 1/19/2019 Agreement and 'alternatives' to

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Board of Zoning Adjustment
District of Columbia
CASE NO: 19887
EXHIBIT NO. 64

some of those stipulations. The owners and the 5E07 Commissioner were not provided an opportunity to review or agree to the survey prior to its dissemination. In addition, a neighbor in attendance at the 2/16/19 meeting noted that the alternative survey 'hours' item may be biased as it both directly and parenthetically noted the shorter hours were "suggested by OP" in IZIS Exhibit 55, which is prominently noted on IZIS as "SUPERSEDED - SEE EXHIBIT#58". However, findings of the survey were included in the 2/16/19 meeting discussions and several stipulations were modified accordingly.

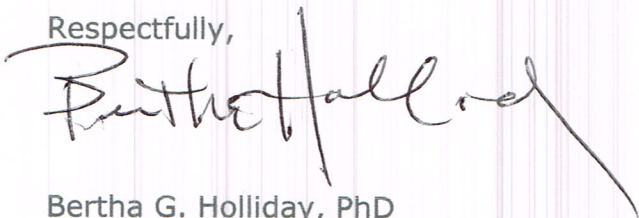
The meeting's most controversial stipulation was related to 'allowable hours' of operation. The majority of surveyed neighbors preferred the alternative 'allowable hours' item, which proposed closing hours that were two hours earlier than those preferred by the owners. Owners noted their justification for longer hours: They would like to have allowable hours that enabled flexibility in business operations and competitiveness with other similar neighborhood establishments. The owners additionally noted they would like to have the option, if necessary, of operating on Sundays, to serve breakfast, and/or to close later than originally envisioned. The revised closing hours suggested by the owners are two hours earlier than those of both their nearest competitor (a block away) and most restaurants and taverns in Bloomingdale. Most of the neighbors at the meeting indicated their support for the longer hours (see Appendix 3 - Letter of support) .

The resulting Final Proposed Agreement is similar to and different from the earlier January 2019 version as follows:

- 12 stipulations remain the same or now include minor non-substantive edits.
- 6 stipulations were substantively modified.
- 1 stipulation (re "drop-off" zone) was deleted

Owners, neighbors and I have worked very hard at fashioning an Agreement that is responsive to varying vested interests and promotes enhancements and stability of the Randolph Place neighborhood. Together, neighbors, owners and I sought consensus and that type of common ground where no one wins all, but all get something. We trust that BZA will give serious consideration to incorporating the attached signed Agreement into its Final Decision document.

Respectfully,



Bertha G. Holliday, PhD
ANC 5E07 Commissioner
Designated Representative of ANC 5E

NEIGHBORS/OWNERS AGREEMENT
ON CONDITIONS OF USE
FOR 1724 NORTH CAPITOL ST., NW – JAM DOUNG RESTAURANT
(BZA Case #19887 – Marjorie Hutchinson, Applicant)
Submitted February 25, 2019

The following proposed stipulations for conditions of use of 1724 North Capitol St., NW are submitted to the DC Board of Zoning Adjustment (BZA) in response to its memorandum of 1/31/19 requesting such submission. The stipulations are the result of two meetings of owners and neighbors (within 200 feet of property) that were facilitated by the ANC 5E07 Commissioner on January 19, 2019 and February 16, 2019. At the February meeting, participants had the opportunity to review the January meeting’s draft Agreement and suggest additions, deletions, modifications, or ‘no change’. Subsequently, a revised draft of the Agreement was reviewed by its signatories. The following represents the Final version of the “Neighbors/Owners Agreement...”, which addresses six (6) areas of concern and 18 related stipulations.

Neighbors/Owners Proposed Conditions of Use

A. NOISE

1. Jam Doung will not have live, recorded or amplified music in any outdoor space of the property.
2. Jam Doung Owner will provide sound-insulated walls on second floor rooftop terrace on those and permitted for use.
3. Owner will install and maintain planters, plantings and/or shrubberies for the purpose of abating noise emanating from its sidewalk cafe, if a sidewalk cafe is approved and permitted for use.

B. ALLOWABLE HOURS OF OPERATION

1. INDOORS:

Restaurant Hours: 8 AM thru 12 Midnight, Sunday thru Saturday;
Last seating at 10:00 PM, Sunday thru Saturday;



(NOTE: Compared to most restaurants and taverns in Bloomingdale, Sunday and Weekday [M – Th] Hours are 2 hours earlier, and Weekend [F – Sat] Hours are 3 hours earlier.)

2. OUTDOORS (Sidewalk Café and Rooftop Terrace):
11:00 AM thru 10 PM,, Sunday thru Thursday;
11:00 AM thru 11:00 PM, Friday and Saturday

C. PARKING

1. Owner will submit to DDOT a request to install bollards or apply street markings on the north side corner of Randolph Place NW at North Capitol Street to abate illegal parking (in a current “No Parking” zone) and backup of traffic on North Capitol St. NW.
2. Owner in collaboration with neighbors of the Unit block of Randolph Place NW will submit to DDOT a request to designate one side of that block to Resident Permitted Parking Only, from 2pm to Midnight on all days of the week.
3. Owner will ensure delivery vehicles to Jam Doung do not impede traffic flow on Randolph Place NW, including requesting that DDOT identify a Loading Zone with limited hours.
4. Owner in collaboration with neighbors of the Unit Block of Randolph Place NW will submit a request to DDOT to install a bike rack near the Jam Doung restaurant location.
5. Owner will support traffic and parking remediation initiatives for the Unit block of Randolph Place NW that are documented to be supported by more than 50% of the block’s property owners and/or residents..

D. TRASH

1. Owner will retain a private contractor(s) to remove trash, garbage, and grease at least three (3) times per week during morning hours.
2. Owner will retain a private contractor to remove trash for recycling at least once (1) per week.
3. Owner will ensure that refuse contractors do not block traffic or impede traffic flow on the Unit block of Randolph Place NW when removing, trash, garbage, grease, and recyclables.
4. Owner will seek DDOT’s advice related to the best and appropriate placement of a trash dumpster – with preference given to placement outside behind the building restriction line, if permitted by DDOT. In the event DDOT recommends an outside placement where the dumpster will be visible from the street (Randolph Place NW), a screen, fence or barrier will be installed to minimize visual impact and rodent access.

5. Owner will evaluate the use of a refuse compacting machine and the availability of DC grants for purchase of such a machine by restaurants.

6. Owner will maintain the Jam Doung' property's sidewalks and abutting public space (e.g., tree boxes) in a trash-free and snow-free condition. .

E. PEST & RODENT CONTROL

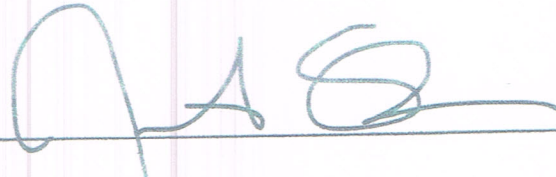
1. Owner will maintain a contract with a pest abatement (interior and exterior) service provider.

F. SEWAGE

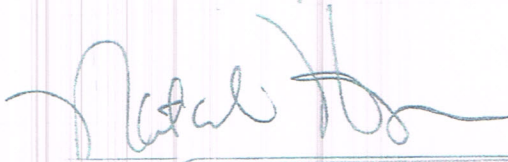
1. Owner will request DC Water to assess and ensure current City sewer lines are of appropriate size and condition to accommodate increased public restaurant use.

-- Continued --

WE CERTIFY THE TERMS OF THE ABOVE AGREEMENT ARE CONSISTENT WITH THE OUTCOMES OF THE "SECOND NEIGHBORS/OWNERS /MEETING" OF FEBRUARY 16, 2019 (IN WHICH WE WERE PARTICIPANTS) RELATED TO BZA CASE # 19887 (Applicant: Marjorie Hutchinson), AND ADDITIONALLY CERTIFY THE AGREEMENT REPRESENTS CONSENSUS AMONG THOSE NEIGHBORS, OWNERS, AND THE ANC5E COMMISSIONER IN ATTENDANCE.

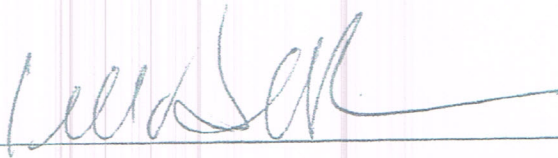
 2/22/19

Janet Stedman, Owner



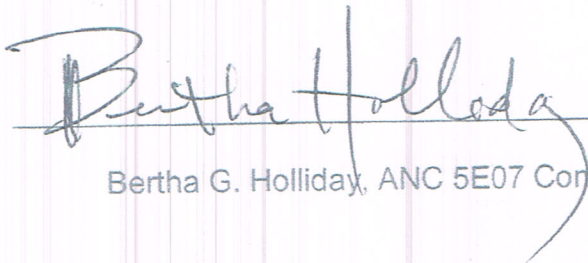
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Natalie Hopkinson, PhD, Neighbor (57 Randolph Place, NW)



2/22/19

William Henderson, Neighbor (17 Randolph Place, NW)



2/24/19

Bertha G. Holliday, ANC 5E07 Commissioner (Designated representative of ANC 5E)