

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jonathan Kirschenbaum, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** January 29, 2019

**SUBJECT:** Supplemental Report #2 for BZA Case 19887 (1724 North Capitol Street, NW) to permit a restaurant use on the first floor and second floor of a row building.

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### **I. BACKGROUND**

OP filed its first supplemental report to the record on January 23, 2019 (Exhibit 54). The supplemental report reiterated OP's support for the use variance relief for the main floor, but noted that, in OP's opinion, the applicant had still not made a sufficient case indicating a hardship associated with the second-floor space that warranted a use variance to use the second floor as a commercial restaurant.

OP's prior supplemental report included *suggested* operating conditions, in the event the Board weighs all the available evidence, including testimony from the applicant, the ANC, and the area residents who are in support and in opposition to the relief, and determines that the applicant has made a sufficient hardship case to permit the use variance on the first and second floors. OP generally based these suggested conditions on ones mentioned in written submissions from area residents, and the report clearly stated that any final operating conditions should be agreed to by the applicant, the ANC, and the neighbors.

Since the supplemental report was filed to the record, the applicant filed additional materials to the record detailing a community meeting that was held on January 19<sup>th</sup>, 2019 (Exhibits 55 and 55A) with area residents residing within 200 feet of the subject premises invited to attend. The Commissioner of ANC 5E07 facilitated a discussion between neighbors in attendance and the applicant over specific operating conditions. The specific conditions, which the applicant states were agreed upon by the applicant and the neighbors in attendance, can be found in Exhibit 55.

As stated previously, the operating conditions listed in the previous supplemental report were suggestive only, and were intended to provide some guidance to the Board. OP has no major objection to the proposed operating conditions in Exhibit 55, and, if the Board decides to approve this proposal, no objection to the Board using those conditions related to the use of this building.

OP does note that a trash dumpster placed on Randolph Street, NW would require approval by DDOT's public space committee, and some other conditions related to street signage and traffic may be considered by the BZA to be beyond the normal scope of a BZA case, so may need to be addressed through the applicant and the ANC working directly with DDOT.