

BZA Case #21151  
April 23, 2025

Chairman Hill and Members of the Board,

It has been over 1 year since the applicant submitted a BZA application for a special exception and a variance for 2324 North Capitol Street, NW. There have been 2 attorneys and multiple postponements in the case, and as of April 21, the Office of Planning said they had not received the information that they needed to issue a report. There is no report from DDOT, either.

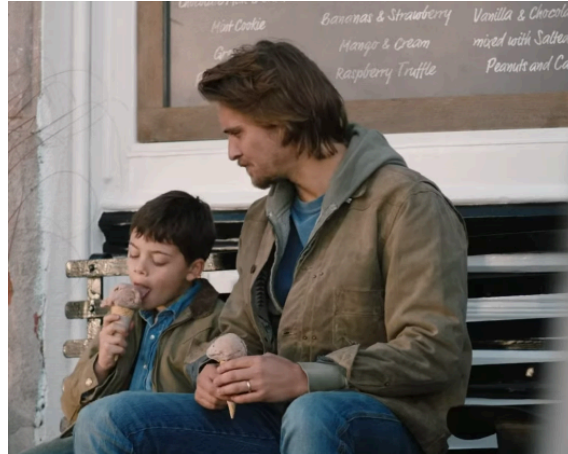
In my observations, the parties in opposition have been very patient despite the seemingly never ending proceedings and have not objected to the postponements, the late filings or the failure of the applicant's attorney to serve them in a timely manner.

At the ANC5 E meeting, the applicant said - "I have promised that there will never be a day of unpleasant moment or unpleasant incident.".. because of the restaurant. While the applicant and the supporters say that opponents' concerns are "hypothetical", it is naive, even disingenuous, to assert that there will never be any issues. If one person says that there will never be a problem, and another asserts that there will probably be some problems, which party is more likely to be correct? The odds are, there will be problems.. For example, who would have predicted a public trash hauler would drive across a public sidewalk to pick up trash from a restaurant dumpster? This has happened in Bloomingdale. And does a restaurant owner have advance knowledge that their trash hauler will pick up trash during the night, which is not allowed? Probably not, but a private trash hauler has been fined twice at the original Indigo location for this. (How many times does this violation happen before an inspector actually catches the violation in progress? I would guess many.) The proposed number of seats for the interior and the patio for this project is **over 100**. There are going to be problems.

The applicant has presented testimony from the ABCA hearings, a historical summary of the building and possible arguments for the HPRB, all of which are irrelevant to this BZA hearing. There are many letters (some duplicates) from Bloomingdale residents supporting the application, not irrelevant, of course, but few of these people live within 200 feet and some live closer to the original Indigo in NoMa than the subject property. This is not a city-wide popularity contest. Zoning is one of those things where many people may live their whole lives and be unaware of it. But when you need to rely on it, the regulations should be dependable and defensible.

Homebuyers have wish lists when they are shopping -how many restaurants (or other amenities) are nearby, parking, schools, etc - and while things do change, and will change, what existed in Bloomingdale before one chose to live here is somewhat set. Now, some seem to want to essentially abolish the RF-1 zoning regulations that govern most of Bloomingdale. For a restaurant! Despite there being 15 prepared food establishments in Bloomingdale and 7 more in the rest of ANC5E. Fun fact: the southern part of 5E is closer to Indigo in NoMa than the

proposed location in Bloomingdale!) There are so many restaurants in the city that the doom and gloom stories about the future of some restaurants appear weekly. Wishing for a zoning genie to be let out of the bottle is a dangerous wish.



*In the Paramount series Yellowstone, a scene takes place in front of the new ice cream shop on Main Street .*

*Son: Is this the place you had ice cream when you were a boy?*

*Dad: This wasn't here when I was a boy. None of this was.*

*Dad: These transplants sure can make some ice cream.*

*Son: What's a transplant?*

*Dad: It's a person who moves to a place, and then they try to make that place just like the place they left.*

*Son: That doesn't make sense.*

I am a transplant from the Maryland burbs. I wanted to live in the city and be able to walk to a coffee shop and a couple of restaurants. My first home was closer to downtown. I could walk to the places I had longed to walk to, but other people drove there, so there was never an empty parking space in the square where I lived, despite public parking on the four surrounding streets. The late night noise could be extremely unpleasant and commercial deliveries were made at all hours.

Then I found my dream home in Bloomingdale which was a great alternative - I could walk to Big Bear for coffee, a couple of restaurants and still live in a traditional neighborhood. I can still walk to museums and restaurants downtown, and I can carshare home. I didn't have to worry about schools, so all of the boxes were checked. (I had not expected that the basement in my newly renovated home would be flooded with sewage four times in 2012, but I digress.) This is a great city, but few, if any, have every amenity within two blocks. And despite bikeshare and personal bikes growing in use, I still see neighbors who drive to the Sunday farmers market by Big Bear.

I wouldn't want to live any closer to a restaurant than I do now. People park by my house to go to The Red Hen and Boundary Stone. Delivery trucks park by my house to go to Big Bear. When I go for a morning walk, there is one of those annoying refrigerated trucks that is idling during the entire delivery at First and Rhode Island. And the sound of the beverage trucks with the roll up doors always make me think that my neighbor's car has been side-swiped again.

But next door? Across the alley? Across the street? No thank you! If zoning regulations are good for you, they are probably good for your neighbors, too.

Some restaurant supporters have said that restaurants are a community building amenity. A store with a coffee shop would offer more opportunities for "community building" than a restaurant. How many people, who are having dinner with friends or family in a full service restaurant, talk to other people in that restaurant? If so, it is probably a tourist asking about the parking regulations and worried they will get a parking ticket. Neighbors shopping in a corner store or having a coffee are much more likely to meet and connect with other neighbors.

It seems that the absence of a report from the Office of Planning speaks for itself. This is a self-certified application with many unanswered questions. (Can one really get a permit for a commercial kitchen in the cellar of a 100 year old RF-1 rowhouse?) The applicant has had almost four years to request a zoning review from the Department of Buildings but does not seem to have done so. There is not adequate justification to grant variance relief or the applicant would have provided it in the past year.

The applicant was an experienced real estate investor when purchasing this property. While they rent the current Indigo location, they had purchased at least 5 properties before this one. Since then, they have also purchased a property for another Indigo in Union Market, a short walk from Bloomingdale. If there is any hardship in this case, it is self-inflicted.

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| 405.5 | The <u>Board</u> shall give "great weight" to the written report of the Office of Planning pursuant to D.C. Official Code § 6-623.04.                                   |
| 405.6 | Upon the request of the <u>Board</u> , the <u>Director</u> shall notify the public agency of the required attendance of an agency representative at the public hearing. |
| 405.7 | The failure of an agency to provide a report does not prevent the <u>Board</u> from hearing and deciding an application.  |

Please respect the zoning protections of the immediate neighbors and deny this application, without further delays. If not today, then at your meeting next week. Thank you for your time and your service to the residents of DC, and Bloomingdale.

Betsy McDaniel