

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA No. 21151

Applicant's Supplemental Statement of Dinesh Tandon and Nidhi Tandon

2324 North Capitol Street, NW (Square 3124, Lot 143) ("Property")

I. INTRODUCTION.

This Supplemental Statement is submitted on behalf of Dinesh Tandon and Nidhi Tandon (collectively, the "**Applicant**") in response to the report of the Office of Planning.

II. EXTERNAL IMPACTS OF PROPOSED RESTAURANT USE

Parking Impacts

Nearby residents are not likely to experience any adverse parking impacts. The surrounding residential lots are very deep, averaging approximately 140 feet. At 60% maximum lot occupancy, there is space at the rear of the houses for both patio/green space and parking. As a result, most of the houses have garages and/or surface parking for one or more vehicles on their properties. Further, the garages and parking spaces are served by adequate, 20-foot-wide alleys. (See attached **Exhibit A**, showing development pattern on nearby streets.) A survey conducted by the Applicant of houses along Bryant Street is attached hereto as **Exhibit B**).

The traffic on North Capitol Street NW in front of the Property is southbound and parking is only restricted there during the morning rush hours. During typical lunch and dinner hours, parking is available on North Capitol Street indirectly front of the restaurant. In addition, street parking is generally available on the side streets near the restaurant. Residential Permit Parking is applicable there but the permitted two-hour timeframe will generally be sufficient for patrons to enjoy their meal, especially at lunchtime. Given, few nonresidential uses in the immediate vicinity and onsite parking for nearby residences, parking tends to be available during

Hours of Operation

The ABCB imposed the following conditions on the proposed restaurant use:

1. The maximum hours of the interior premises shall be limited to 7:00 a.m. to midnight.
2. The maximum hours of operation for the sidewalk cafe to 10:00 a.m. to 10:00 p.m., Sunday through Thursday, and to 10:00 a.m. to 11:00 p.m. on Friday and Saturday.

The kitchen will actually close by 10:30, there will be no additional food orders or bar service afterwards. The cleaning crew will remain on the premises until, but no later than, midnight.

Delivery Vehicles

Delivery vehicles will be able to park in front of the restaurant near North Capitol Street. They will pick up their orders via the stairs on the side of the building in the basement. The main floor will be reserved for sit down dining where patrons can enjoy their meals without interruption and with light music in the background.

The concept for the proposed restaurant is geared towards fine dining. The Applicant's other restaurant, Indigo, started out as primarily a takeout and delivery restaurant which evolved into a sit-down format as the restaurant became more popular. The proposed restaurant will offer similar Northern Indian cuisine but with an emphasis on sit-down dining. Where Indigo is partly self-service, the proposed restaurant here will be a full-service restaurant. The takeout, delivery and catering business will be largely directed to the Indigo location. At the proposed location, the Applicant intends to work with a single delivery platform which will enable him to control the delivery traffic and ensure quality service.

Noise

In the immediate vicinity of the restaurant, the fast paced, heavy traffic on North Capitol

Street can be loud. This traffic noise extends into the wide side streets and residences along these streets. Any significant noise impacts from the restaurant might come from the outdoor dining area located along the Property Bryant Street frontage. The most directly impacted residence is located across Bryant Street to the north but at a considerable distance away due to the 90-foot Bryant Street NW right-of-way and the fact that this house has a side yard fronting the Bryant Street (See **Exhibit C** for photos of this condition.) Further, any adverse noise impacts for this house will come from traffic on North Capitol Street.

Trash

A trash receptacle will be located at the rear of the property. It will be covered on all sides. This will be important to limit visual and odor impacts for customers who are dining outside as well as mitigating neighborhood rodent problems. Trash pickup will be scheduled 5-6 times per week.

The external impacts of the proposed use will be no greater than the existing use

The external impacts of the proposed restaurant use will be no greater than the existing convenience store use. The proposed restaurant will be a more compatible use than the previous convenience market use which was soundly criticized by nearby residents in ABCB #1 case (see ABCB #2 Order, **Exhibit D**). Pursuant to the ABCB #2 Order, based on extensive testimony from nearby residents and inspections of the Property by ABCB staff, ABCB determined that the proposed restaurant use would not have a deleterious impact on the neighborhood. the previous use presents a low bar – there were complaints about loitering, rodents and trash associated with **the previous market.**

III. ALTERNATIVE CONVERSION USES CONSISTENT WITH C-204.9 NOT LIKELY VIABLE

Notwithstanding the requirement for conversion to residential use in the RF zone for which a variance is requested, the applicable Special Exception provision seeks to provide some flexibility for nonconforming uses, like the subject convenience store, that may be obsolete or no longer desirable for other reasons. Due to the exceedingly small size of the Property, options are extremely limited, and none are likely viable.

Applicable Regulation

If approved by the Board of Zoning Adjustment, pursuant to C-204.9, a nonconforming use may be changed to another nonconforming use, subject to the general special exception requirements of X-901.2, and the following conditions:

Section 204.9: (a) The proposed non-conforming use would be permitted as a matter-of-right in the most restrictive subtitle in which the existing non-conforming use is permitted as a matter of right, in accordance with following order, from most restrictive to least restrictive subtitle:

- (1) Subtitle D – Residential House (R) zones;
- (2) Subtitle E – Residential Flat (RF) zones;
- (3) Subtitle F – Residential Apartment (RA) zones;
- (4) Subtitle H – Neighborhood Mixed-Use (NMU) zones;
- (5) Subtitle G – Mixed-Use (MU) zones;
- (6) Subtitle I – Downtown zones (D);
- (7) Subtitle J – Production, Distribution, and Repair (PDR) Zones; and
- (8) Subtitle K – Special Purpose Zones.

Alternative Uses

The proposed nonconforming use is permitted as a matter-of-right in the most restrictive

subtitle (Subtitle G – (MU)) in which the existing non-conforming use is permitted as a matter of right. The proposed restaurant use is first permitted as a matter-of-right in the MU-3A zone district. Other matter of right uses permitted in the MU-3A zone include offices, large format and small retail uses and large residential care facilities.

The very small size of the Property limits the type of uses that may be feasible. The ground floor is only 1,174 square feet in area. Given the two stairways and the restroom located on this floor, the actual usable space is only approximately 900 square feet. As a result, retail uses are not likely viable. Retail uses depend on street level visibility and ready access, which the Property's first floor has, but the cellar does not and it is widely accepted that multiple level retail space is undesirable from a marketing perspective. Further, there is an abundance of more marketable retail space available in the City given the decline in the office market that previously helped to support retail. Finally, the proposed The very small size of the Property limits the type of uses that may be feasible. The ground floor is only 1,174 square feet in area. Given the two stairways and the restroom located on this floor, the actual usable space is only approximately 900 square feet. As a result, retail uses are not likely viable. Retail uses depend on street level visibility and ready access, which the Property's first floor has, but the cellar does not and it is widely accepted that multiple level retail space is undesirable from a marketing perspective. Further, there is an abundance of more marketable retail space available in the City given the decline in the office market that previously helped to support retail. Finally, the proposed project for the McMillan site, three blocks away, includes approximately 10,000 square feet of neighborhood serving retail space.

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IV. CONCLUSION.

Finally, the Applicant operates a successful restaurant in the City and that restaurant is highly regarded. He believes the proposed use is viable and he is willing to make a substantial investment to rehabilitate the dilapidated Property for a new commercial use that is consistent with the LeDroit Park Historic District. We request that the Board approve the application to make this happen.

Respectfully Submitted,



Cynthia A. Giordano

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2025, an electronic copy of the foregoing Supplemental Statement was served on the following:

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Respectfully Submitted,



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