

Advisory Neighborhood Commission 2E
3265 S St NW
Washington, DC 20007

September 1, 2024

Dear Chairperson Lohse,

We, the undersigned, are neighbors who live within 200 feet of 3428 O Street where Call Your Mother (CYM) is the tenant. We are writing to you to urge the ANC to continue to oppose the application for zoning relief. No further vote should be required as nothing has changed.

Since CYM opened in 2020, we have been opposed to such zoning relief given the fact they continue to circumvent the law to remain in a residential neighborhood despite the nearby commercial corridors available. It does not matter whether we or others love their bagels and convenience. The law is clear and the law is what should ultimately prevail.

While CYM is now, after almost 5 years, belatedly trying to address some of the objectionable conditions created by their presence, no enforcement is possible. Hiring someone to patrol our stoops and properties, and "shoo" their customers away is ineffective as our stoops are actually public space and customers have the right to stay. Some have refused to leave when asked to do so by residents and as it becomes public knowledge that these stoops are not private property, but public space there is a real risk of retaliation against residents. A prepared food shop with no seating or restrooms should simply be a non-starter for zoning relief, but especially one that advertises across the DMV drawing tourists as well as patrons to our residential neighborhood. Corner stores are also supposed to be for small businesses, not multi-million dollar restaurants with almost 20 locations in numerous states.

For Mr. Dana (and Mr. Murray his COO) to claim that they have had no idea that there have been any issues or that this is about only one person opposing the restaurant located here is proof of their dismissal of neighbors' objections. Many of us have written letters and testified since 2019 numerous times over the years, at ANC meetings, BZA hearings, and even in the DC Court of Appeals. There have been conversations with Mr. Murray on the NextDoor platform about rodents inside of CYM as well as trash issues. Several of us have put up our own signs asking patrons not to eat, loiter or litter. Even Coffee Republic has had to put signs on each of their tables suggesting their tables -- and restrooms -- are for their patrons. For Mr. Dana to ignore all of this, including numerous meetings and conversations with the ANC in January 2024, is disingenuous.

All of us have had numerous objectionable conditions to deal with over the years from CYM. It is not just one issue, and it is not just one person opposing their zoning relief. There is also no difference between full time residents, part time residents, owners or tenants, as CYM has tried to suggest. Simply because some might currently rent out their property does not negate the objectionable conditions we see as owners or that tenants must deal with on a daily basis.

In fact, many other neighbors have previously opposed this zoning relief but they have either moved away, been exhausted by this lengthy process since 2019 or have become intimidated by the possible personal attacks like CYM has made on Prof. Roth.

Some of us have lived in this neighborhood for 40 years with the intention of retiring here, some have

moved in the last decade to get away from busier parts of DC. We chose this residential area with the expectation that it would not dramatically change as a result of commercial creep. For most of us, this is the biggest purchase of our lives and we believe the zoning laws should protect those purchases. If CYM pushes to get their way and is awarded this zoning relief, we worry about what happens as other investors and corner stores throughout DC realize that they can commercialize a residential zone, pay much cheaper rents than in commercial corridors and set up eating establishments without seating or even restroom facilities.

This residential corner is clearly not the right place to locate a restaurant without any seating that draws large crowds to this location with nationwide media campaigns. Mr. Dana's extensive recent media outreach only serves to make our residential neighborhood -- and his restaurant -- even more of a destination. Not only is this bad for immediate residents such as ourselves but it sets a terrible precedent.

Once again, we oppose the award of zoning relief because it fails to meet the legal requirements and there is no way to enforce any conditions that might be imposed. CYM's offer to hire a person to ask patrons not to sit on neighbor's steps and retaining walls is toothless since all are actually on public space, as Mr. Dana's own lawyer has pointed out. Evidence has also shown since hiring this person and implementing this policy that patrons either eat at Coffee Republic or move further down the blocks.

We understand that CYM would like to find a way to make this work for them, but as immediately impacted residents we should not bear the costs of Mr. Dana's decision to sign a lease without the proper zoning relief.

Please consider our views as we again are the ones most negatively impacted and relevant to this zoning decision.

Sincerely,

Senda and Mario Benaissa
1401 35th St. NW

Marie-Louise Caravatti
1405 and 1407 35th St. NW

Patrick and Laura Dowd
1409 35th St. NW

Fiona Stewart and Andrew McCulloch
1411 35th St. NW

Julian Latimer Clarke
1331 35th St. NW

Sharon Hellman
1309 35th St. NW

Sean Flynn

Coffee Republic
3500 O St. NW

Nabil and Caroline Emad
3424 O St. NW

Rod and Maya Hunter
3411 O St. NW

Christian Neeley
3412 O St. NW

Vinod and Nessa Busjeet
3415 O St. NW

Melinda Roth
3418 O St. NW

Toni Russin
3400 O St. NW

Peter F. Krogh
3417 N St. NW

Emma Almond and Brendan Dignan
3413 North St. NW

Micky and Vanita Pant
1405 34th St. NW

James and Karen "Cookie" Cruse
1259 35th St. NW

Michael Savage
Former owner 3425 O St. NW

Lee Allard and Tony DeWitt
1415 36th St. NW