

# Neighborhood Opposition

- First we want to be very clear that we welcome CYM to Georgetown, just in a location that does not require a variance
  - Cannot open “prepared food shop” as a matter of right
  - Require variance as this would be vastly different than the quiet floral shop prior non conforming use
  - CAG objection as Section 254.1 provides that a corner store should not be located within 500’ of another corner store, as Saxby’s the exact same items and is located across the street and well within 500 feet
  - Objections based on impact of noise, litter, rats, parking issues
  - Fundamental question of standing as Applicant is owner of building (now deceased)
- (1) Applicant has burden of proof to meet 3 necessary conditions of Subtitle U § 201:
- (1) *The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or conditions:*
  - (2) *The owner would encounter an undue hardship if the zoning regulations were strictly applied; and*
  - (3) *The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*



# 1. NO Extraordinary or Exceptional Conditions

- Applicant argues corner door and large shop windows prevent conversion to a residential use, yet numerous residential and office spaces in very same neighborhood have these EXACT features



**BOTH corner Door and Large Shop Windows!  
34<sup>th</sup> and Reservoir – just a few blocks away**



## 2. NO Undue Hardship

- Property NEVER listed for lease or sale, no market test, no evidence this prong has been met at all
- Within days of Greenworks moving out, Applicant began renovations
- Hardship test is to OWNER not Applicant and ZERO effort to find a different tenant, whether residential or office space or other appropriate commercial use that would NOT require a variance
- Argument of residential conversion addressed in first prong
- Claims of high costs yet no estimates given for conversion
- Claims that conversion to residential use would require OGB and historic preservation issues – but no evidence if any other tenant would even remove windows/door given other examples shown
- Costs for renovation and signing lease do NOT equate to hardship for the owner!



### **3. Substantial Detriment to the Public Good**

- Applicant argues about existing track record and charitable giving – all nice but IRRELEVANT
- Applicant argues neighborhood “prepared food shop” but we already have Saxbys across the street and this is a misrepresentation as CYM is a wildly popular destination restaurant, drawing from well outside of the neighborhood
- Applicant argues ANC2E approval, yet two Commissioners who represent those within 200 feet and closest to the property both opposed
- Applicant argues Office of Planning is recommending approval but their memo specifies a retail bagel shop with condition that employees are permitted to sell bagels to customers but are not permitted to toast and prepare them – as the current permit states
- This is not the business model – to sell bagels only



# CALL YOUR MOTHER

= A JEW-ISH DELI =



## BAGELS : Plain, Sesame, Everything, Za'atar, Chocolate

\$2.50 | Single    \$12 | Half-Dozen    \$22 | Baker's Dozen

### Bagel Sandwiches



**THE SHYNE** Bacon (or Pastrami), Bodega-Style Egg, American & Cheddar Cheeses, Spicy Honey, on Everything \$9.5

**THE RIHANNA-FLEX** Plain Cream Cheese, Smoked Salmon, Cucumbers, Tomatoes, Onions, Capers, on Everything \$10

**THE AMAR'E** Candied Salmon Cream Cheese, Cucumber, Crispy Shallots, Seasonal Greens, on Za'atar \$10

**THE CRAIG D** Seasonal Fruit Cream Cheese, Nectarine, Hot Peppers, Bacon, Chips, on Plain \$9

**THE EFRON** Whitefish Salad, Bacon, Seasonal Greens, on Sesame \$10

**THE JULIAN** Seasonal Fruit Cream Cheese, Fresh Seasonal Fruit, Babka Crumbs, on Chocolate \$8

**THE MILA** Hummus, Seasonal Veggie Salad, Spicy Sunflower Seeds, on Za'atar \$9

**THE ANDRÉ** Peanut Butter, Seasonal Jam, Fresh Seasonal Fruit, House Made Granola\* on Plain \$9  
\*contains nuts!

### Luuuunch

*All Come with Chips, Spicy Pepper Relish & Pickle Spear*

**THE GREENBERG** Pastrami, Brisket, Cheese, Sofrito\* "Cheesesteak-Style" on a Challah Sub Roll \$15

**THE TROTTER** Wood-Fired Turkey, Cheese, Sofrito\* "Cheesesteak-Style" on a Challah Sub Roll \$13

**THE LANDSMAN** Impossible Burger Meat (vegetarian!), Cheese, Sofrito\*, "Cheesesteak-Style" on a Challah Sub Roll \$14

**THE ACTION** Tuna Salad & Seasonal Greens on a Za'atar Bagel \$11

### Other Jew-ish Stuff

**LATKES** with Seasonal Jam & Sour Cream - GF! 3 | \$7.5

**PASTRAMI FRIED RICE** with Egg, Sofrito\*, Jalapeños, Cilantro, Soy Sauce \$7

**PIZZA BAGEL LIFE** Tomato Sauce, Cheese, Pepperoni, Basil, on Plain Bagel \$8

**JEW-ISH TACOS** Brisket, Pastrami, Cheese, Jalapeños, Cilantro, Onion, Lime, on Corn Tortilla 1 | \$4; 3 | \$10

\*sofrito = finely chopped and sauteed peppers, onions, & garlic

### Create Your Own Bagel

#### SPREADS 'N SHMEARS

*Cream Cheeses*

Single | 1/2 Pint  
Plain \$1.5 | \$6  
Herb \$2 | \$8  
Seasonal \$2 | \$8  
Candied Salmon \$4.5 | \$18

Seasonal Jam \$1.5 | \$6  
Hummus \$1.5 | \$6  
Peanut Butter \$2 | \$8  
Bacon PB \$4 | \$16  
Butter \$1

Whitefish Salad \$4 | \$10  
Tuna Salad \$2 | \$8

#### FISH, MEAT, 'N MORE

Single | 1/4 LB    \$25/Each  
Smoked Salmon \$6 | \$12  
Candied Salmon \$6 | \$12  
Pastrami \$5 | \$12  
Bacon \$4 | \$8  
Cheese \$2.5  
Egg \$2

\$25/Each  
Greens  
Tomatoes  
Capers  
Cucumbers  
Onions  
Jalapenos

#### PARTNERS & SOURCING

*We use that good good! The best local ingredients and partners. To name a few: Gordy's Pickle Jar, Epic Curing, Liberty Delights Farm, Owls Nest Farm, Z & Z, Earth N Eats, Dicot Farm, Little Red Fox, Ivy City Smokehouse*

### Sides

Seasonal Veggie Salad \$6  
Fruit \$5  
Chips \$2  
Gordy's Pickles \$0.5  
Spicy Pepper Relish \$0.5

### Drinks

Coffee \$2.75 | \$3.25  
Cappuccino \$3.75  
Latte \$4  
Chai \$4  
Mocha \$4.5  
Tea \$2.5  
Cold Brew \$4  
Sodas \$2.1-\$3.75  
OJ \$2.5  
Apple J \$3.75  
Yoo-hoo \$3.75  
Choco Milk \$3.5  
Kombucha \$4.75  
Beer \$6-\$7.25  
Shandy \$6  
Rosé Spritz \$10.5  
Cocktail \$12.5  
Rosé \$18  
(10+ = 1 glass, yo!)

### Sweets

Black & Whites  
Alfajor \$2  
Cookie \$3  
Babka  
Muffin \$4.5  
Loaf \$12  
Seasonal Pastries \$2-\$4



Menu is extensive and clear plan is to be able to sell much more than just bagels that customers can toast themselves



### 3. Substantial Detriment to the Public Good

- Applicant states “CYM will have daily private trash pickups, weekly pest control contracts, and daily deliveries around 6am of products from the main store” as well as new technology to move lines faster”
- NO CONTROL OVER PATRONS
  - No seating so where will they go?
  - Litter everywhere, Saxbys can already overflowing
  - Rats rats and rats
  - Parking already tight
  - Block sidewalk, block alley and block one lane, one way cobblestone O street
  - NOISE with VERY early morning deliveries and employee arrivals every single day



# 3. Substantial Detriment to the Public Good

- Shorter hours: Neighborhood “ONLY” inconvenienced from 6 am to 3pm+ every single day
  - Dana on record citing hours might extend
- New technology, menu changes etc making the lines move faster
  - Clear acknowledgement lines will be there
  - Helps patrons, helps sell more bagels, but does not change impact to neighbors (may even increase negative impacts as more people will come)
- All food is takeaway, delivered from a central location makes this a fast food restaurant
  - Einstein’s Bagels which has both indoor and outdoor seating in Upper Georgetown on Wisconsin classified as a fast food restaurant and is a BAGEL SHOP

Summary Statistics for CYM  
Reviews via Yelp:  
Total Reviews = 42  
**% of Reviews Mentioning “Long Lines, etc” = 62%**  
**Longest Wait = 50 Mins**

Summary Statistics for CYM  
Reviews via Google:  
Total Reviews = 38  
**% of Reviews Mentioning “Long Lines, etc” = 50%**  
**Longest Wait = 1.5 Hours**



# 3. Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan

- Zoning Plan exists for this very reason
  - R-20 zone created to “retain the quiet residential character” of the neighborhood
  - Granting a variance IMPAIRS this intent, purpose and integrity
- Slippery Slope
  - Granting a variance here would open the DC floodgates for ANY fast food restaurant, prepared food shop or restaurant to move into any other quiet neighborhoods
  - Sets a huge precedence
  - Likely result in more of us moving out of DC given this was not what we all bargained for when we bought our homes



# 3. Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan

- Variance not a matter of right simply because they like the location and have sunk costs
  - Variance should not be granted simply because they signed a lease
  - Unwillingness to look at Georgetown business district where zoning is not an issue
    - Current Georgetown BID district has 12.3% vacant commercially zoned space, representing 54 actual storefronts/spaces with rents as low as \$30/sq ft
  - Combined decrease in property values much greater than any of their costs
- 95% of those actually located NEARBY the proposed property OPPOSE the variance and want the BZA to stand up and protect their rights to enjoy their residential neighborhood
  - Should not be a popularity contest, should be a zoning issue only
  - Form letters sent in from afar should not matter



# Conclusion

- **Neighbors:** Overwhelming majority of neighbors impacted have sent in an opposition letter or signed the petitions
- **ANC2E:** The two Commissioners who represent the area around the property OPPOSE
- **Citizens Association of Georgetown (CAG):** OPPOSES the variance on purely legal grounds given Saxbys is well within 500 ft
- **DC Council:** The DC Councilman representing the entire ward OPPOSES
- **DC Departments:** Office of Planning “approval” was conditional and DDOT had no study of the actual impact to pedestrian, traffic or parking issues
- **Mayor Bowser:** We would be happy to ask her if she wants this precedent and slippery slope of granting a variance