

Tab A

DeBear, Eric J.

From: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Sent: Friday, December 20, 2019 12:36 PM
To: Moldenhauer, Meridith
Cc: Gardiner, Kari Boyd
Subject: RE: Follow-up regarding 1634 North Capitol Street

Follow Up Flag: Flag for follow up
Flag Status: Flagged

****EXTERNAL SENDER****

Meredith Moldenhauer:

By means of this email I agree with the analysis and summary in the below email, and specifically that:

- We met on December 10, 2019 to discuss the mixed-use project located at 1634 North Capitol Street NW (Square 3101, Lot 0812).
- During our meeting we reviewed the email below (sent January 25, 2019) summarizing our discussions on December 3, 2018.
- While I had not previously issued my written confirmation regarding your below 1/25/19 email, I confirm that I agree with that determinations regarding the points discussed below:
 - The Project proposes to raze the existing structure (leaving only the shared abutting side-walls) and to construct a new four-story mixed-use building with a cellar level and penthouse.
 - While, as currently designed, the Project is not required to provide IZ units as it would have at most six residential dwelling units or as few as two units, the Project will voluntarily participate in the IZ program to obtain bonus density and lot occupancy as permitted under Subtitle C § 1001.2(e).
 - Also during that 12/3/18 meeting, we discussed uses permitted as a matter-of-right for the penthouse. Consistent with this office’s prior interpretations, a food service use, i.e. prepared food, restaurant, or bar, that is *only* accessible by hotel patrons may be permitted as a matter-of-right. However, for any restaurant/bar/nightclub use at the penthouse level with *general public access*, special exception relief would be required pursuant to Subtitle C § 1500.3(c) (snipped below).

1500.3 A penthouse may house mechanical equipment or any use zone, except as follows:

(c) A nightclub, bar, cocktail lounge, or restaurant use shall not be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9; and

- I also further clarified that the Project (defined below) may voluntarily opt into the IZ program as a “Voluntary Inclusionary Development” pursuant to Subtitle C § 1001.2(b), as long as at least three residential dwelling units are provided.

Please let me know if you have any further questions.

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Matthew Le Grant

Zoning Administrator
Department of Consumer and Regulatory Affairs
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1100 4th St SW, Washington DC 20024
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From: Moldenhauer, Meridith [mailto:MMoldenhauer@cozen.com]
Sent: Thursday, December 19, 2019 5:13 PM
To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Cc: Gardiner, Kari Boyd <KGardiner@cozen.com>
Subject: RE: Follow-up regarding 1634 North Capitol Street

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Matt:

Thank you for meeting with me on December 10, 2019 to discuss the mixed-use project located at 1634 North Capitol Street NW (Square 3101, Lot 0812). During our meeting we reviewed the email below (sent January 25, 2019) summarizing our discussions on December 3, 2018. While you had not previously issued your written confirmation regarding this email, you confirmed that you still agree with your determinations regarding the points discussed below. You also further clarified that the Project (defined below) may voluntarily opt into the IZ program as a “Voluntary Inclusionary Development” pursuant to Subtitle C § 1001.2(b), so long as at least three residential dwelling units are provided.

If you agree with this summary of our discussions, please confirm in writing at your earliest convenience.

Thanks,

-Meridith



Meridith Moldenhauer
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From: Moldenhauer, Meridith <MMoldenhauer@cozen.com>
Sent: Friday, January 25, 2019 3:59 PM
To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Cc: Gardiner, Kari Boyd <KGardiner@cozen.com>
Subject: Follow-up regarding 1634 North Capitol Street

Matt: This email follows up on our discussion on December 3rd, 2018. In that meeting, we reviewed the proposed project located at 1634 North Capitol Street NW (Square 3101, Lot 0812) (the "Property"). As discussed, the Property is located in the MU-4 zone and the Bloomingdale Historic District.

During the meeting we reviewed the attached plans, dated November 5, 2018 (the "HPO Set"). As illustrated in the HPO Set, the Project proposed to raze the existing structure (leaving only the shared abutting side-walls) and to construct a new four-story mixed-use building with a cellar level and penthouse. While, as currently designed, the Project is not required to provide IZ units as it would have at most six residential dwelling units or as few as two units, the Project will voluntarily participate in the IZ program to obtain bonus density and lot occupancy as permitted under Subtitle C § 1001.2(e).

Also during our meeting, we discussed uses permitted as a matter-of-right for the penthouse. Consistent with your office's prior interpretations, a food service use, i.e. prepared food, restaurant, or bar, that is *only* accessible by hotel patrons may be permitted as a matter-of-right. However, for any restaurant/bar/nightclub use at the penthouse level with *general public access*, special exception relief would be required pursuant to Subtitle C § 1500.3(c) (snipped below).

- 1500.3 A penthouse may house mechanical equipment or any use permitted within zone, except as follows:
- (c) A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9; and

We would greatly appreciate if you could confirm these points in writing.

Thank you for your attention to this matter. If you have additional questions, please don't hesitate to contact me.

-Meridith



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