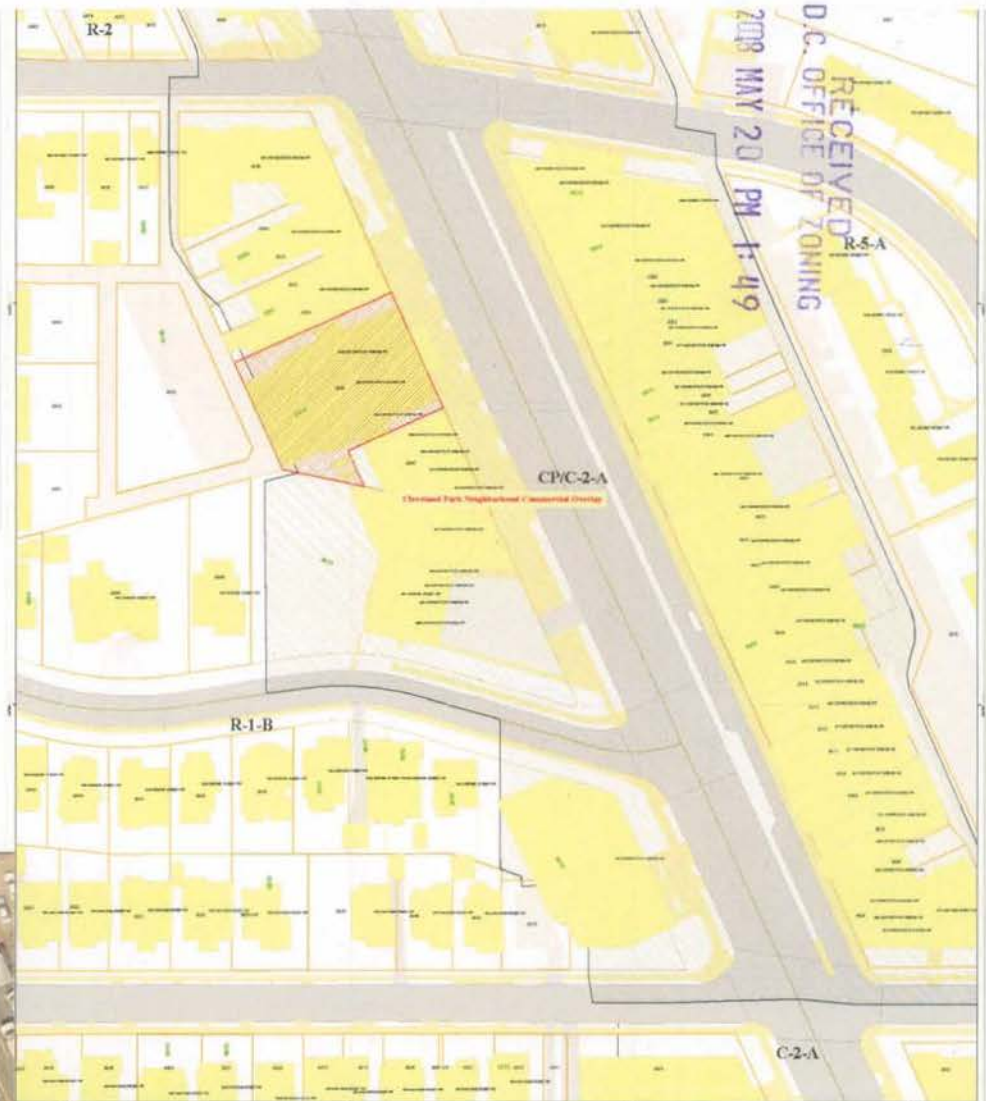


3426 Connecticut Ave NW



Case Number : 17767
Case Name : Appeal of McLean Bible Church
ANC : 3C05

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17767
EXHIBIT NO. 25

Legend

 3426 Connecticut Ave NW
 Overlay Zones

 Government of the District of Columbia
Adrian M. Fenty, Mayor

Department of Consumer and Regulatory Affairs
May 20, 2007

Office of Zoning Administrator

This map was compiled from data from various
District government and other agencies.
Currency and accuracy of information should
be verified with those agencies.

DCRA/OSB
matt.fenty@dc.gov

Board of Zoning Adjustment
District of Columbia
CASE NO. 17767
EXHIBIT NO. 25

No. B147230

Washington, D.C., February 4, 1988

Permission is hereby granted to PLITT THEATRES, INC.
to use the basement, floor(s) of the building located on Lot 43 Square 2069
known as premises 3426 Connecticut Avenue, N.W. for the following
purpose(s): Motion Picture Theatre with Concession Stand
Not sexually oriented seating - 1189

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE

FEE \$ 71.00

C-2-A

DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS GOV'T. OF DIST. OF CO.

Dept. of Consumer and Regulatory Affairs

Chief, Permit Branch

Permit Clerk

RECEIVED
D.C. OFFICE OF ZONING
2008 MAY 20 PM 1:51

EXHIBIT
Appellee

A

Page 1 of 2



(PRINT OR TYPE WITH BLACK INK ONLY — DO NOT WRITE IN SHADED AREAS)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

APPLICATION FOR CERTIFICATE OF OCCUPANCY

CRA-5 MARK OUTS & WHITE OUTS NOT ACCEPTED

Date 1/28/88
(22) Receipt # 24453
(23) Treas. # 04602014

INFORMATION ON PROPOSED BUSINESS	(1) Address of Business <u>3426 Connecticut Ave. NW, Wash. DC</u> Suite/Room # _____	
	(2) Telephone No. of Business <u>(202) 966-5401</u> of <u>43</u> Square <u>2069</u>	
	(3) Trade Name of Business _____	
	(4) Is Business Incorporated? ☐ No ☒ Yes (Attach Letter of Good Standing and complete Line 5)	
	(5) President <u>David A. DeBorja</u> Vice President <u>David M. Allen</u> Secretary/Treasurer <u>Jerald M. Rank</u>	
	(6) Is Business a Partnership? ☒ No ☐ Yes	
	(7) Business Owner <u>Ditt Records, Inc.</u> (See instructions) Tel. No. (days) <u>(416) 303-6600</u>	
	(8) Business Owner's Home Address <u>1303 Yonge St. Toronto, Ont.</u> Zip Code <u>M4Y 2Y9</u>	
INFORMATION ON OCCUPANCY	(9) ☒ Ownership Change ☐ Partial Occupancy ☐ New Bldg. ☐ Use Change ☐ Load Change BZA No. _____	
	(10) Proposed Use of Business <u>Motion Picture Theatre with Concession Stand</u> <u>Seating 1189</u>	
	(11) Is Business Sexually Oriented According to D.C. Zoning Regulations? ☒ No ☐ Yes	
	(12) Proposed Occupancy Load <u>1189</u> Square Feet Occupied <u>16,100</u>	
	(13) Which Floors to be Occupied <u>1st & 2nd</u> Basement? <u>yes</u>	
INFORMATION ON ENTIRE BUILDING	(14) Prior Use <u>SAME AS #10 (WASH. DC)</u>	
	(15) Building Owner <u>James and Theodore Pedes</u> Tel. No. (days) <u>331-7471</u>	
	(16) Building Owner's Address <u>1101 23rd St. NW, Wash. DC</u> Zip Code <u>20037</u>	
	(17) Materials of Building <u>Brick and Concrete Block</u>	
ATTESTATION AND SIGNATURE	(18) Square Feet Occupied <u>16,100</u> No. of Floors <u>2</u> Basement? <u>yes</u>	
	I certify that all of the statements on this application are true to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia.	
	(19) IF OWNER OF BUSINESS _____ Signature _____ Date _____	
	IF AUTHORIZED AGENT FOR OWNER OF BUSINESS (Attach Authorization)	
	(20) Name of Agent <u>David S. Seltzer</u> Signature _____ Date <u>1/28/88</u> PRINT CLEARLY	
INFORMATION DESK <u>2nd</u> <u>Fl</u>	(21) Address of Agent _____ Zip Code _____	
	OFFICE USE ONLY	
	(24) Premises Condemned? ☒ No ☐ Yes Cleared By _____ Date <u>1/26</u>	
LICENSE BRANCH <u>ST</u> <u>Fl</u>	(25) Building in RLA Zone ☒ No ☐ Yes Cleared By _____ Date _____	
	(26) Residential ☒ No ☐ Yes Smoke Det. Info. Given By <u>Donna Mack</u> Date <u>2/2/88</u>	
ZONING OFFICE <u>2nd</u> <u>Fl</u>	(27) Licenses Required <u>Motion Picture Theatre & Del. Bus</u>	
	(28) <u>Lic. Res.</u> Reviewed By <u>58-10-5-10000</u> Date <u>2/8/88</u>	
	(29) Zone <u>C-2-A</u> BZA No. _____	
EXAMINER'S USE	(30) Prior Use <u>Motion Picture Theatre & Concession</u>	
	(31) Certificate # <u>B151646</u> Date issued <u>11/3/87</u> BZA No. _____ ☒ Approved ☐ Disapprove	
	(32) Accepted for Filing by _____ Date <u>4/2/88</u>	
INSPECTION BRANCH	(33) Prior Use Code <u>F</u> Proposed Use Code <u>F-1</u>	
	(34) Use Change ☐ No ☐ Yes Inspect. Required ☐ No ☐ Yes By <u>Robert</u> Date <u>4/4/88</u>	
	(35) Inspection Fee \$ _____ Issuance Fee \$ <u>11.00</u>	
OCCUPANCY PERSONNEL	(36) Approved for Issuance by <u>W. H. H. H.</u> Date <u>2/4/88</u>	
	(37) Date of Scheduled C/O Inspections _____ AM/PM	
	(38) Inspection Status Approved ☐ Disapproved ☐ By _____ Branch _____ Date _____	
OCCUPANCY PERSONNEL	(39) Inspector's Signature _____ Printed Name _____	
	(40) Reason for Disapproval _____	
	(41) ☐ Approved ☐ Denied ☐ Cancelled	
OCCUPANCY PERSONNEL	By _____	
	(42) Reason for Cancellation/Denial _____	
	(43) Certificate of Occupancy No. <u>B147230</u> Date of Issuance <u>4/6/88</u>	
OCCUPANCY PERSONNEL	(44) Bldg. _____ Elec. _____ Plumb. _____ Fire _____ Zoning _____	

54-09175-057 WHITE-CRA
INTAKE: 8:30-- 3:30

CANARY—Fire Department

PINK—Applicant

SCANNED 4.22.96

EXHIBIT
Appellee
A
Page 2 of 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



RECEIVED
D.C. OFFICE OF ZONING
2008 MAY 20 PM 1:52

October 15, 2007

Steven Sher
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Washington, DC 20006

Re: Proposal for Church Use of Uptown Theater –
3426 Connecticut Avenue NW

Dear Mr. Sher:

I have had an opportunity to review the material you provided me on September 19, 2007 and that you further inquired about in your email to me of September 27, 2007 regarding the proposal of the McLean Bible Church (your client) to use the ground floor portion of the Uptown Theater at 3426 Connecticut Avenue NW, Washington DC, for Sunday morning worship services. The property is, as you know, presently approved for the use as set forth in Certificate of Occupancy #B147230 which was granted on February 4, 1989 for "motion picture theater with a concession stand". The property is zoned CP/C-2-A which is the Community Business Center District, in the Cleveland Park Neighborhood Commercial Overlay.

In your material that you provided me on September 19, 2007 it was your assertion that the use was an acceptable accessory use of the theater. You also stated to me that you did not believe that the present Certificate of Occupancy needed amendment due to the "accessory nature" of the proposed church use.

After careful review of this matter, I have concluded the following:

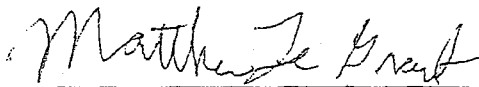
1. The proposed church use is not accessory to the theater use, but is, in fact, a separate use that will necessitate that Certificate of Occupancy #B147230 be amended, or a new Certificate of Occupancy obtained, to cover the church use.

2. Under the applicable Cleveland Park Neighborhood Commercial Overlay District list of allowable uses, permitted ground floor uses of a building are limited to those listed retail and service establishments set forth in 11 DCMR 1302.1. These uses are then enumerated under 11 DCMR 1302.2 and include, under subsection 1302.2 (a), specified commercial uses set forth in 11 DCMR 701.1 and 701.4, theaters (subsection 1302.2 (x)), and other listed uses, but does not include a church. Use for a "church or other place of worship" is not a permitted use in Neighborhood Commercial Districts on the ground floor because such use is not one of the listed uses; the permitted uses are limited to those enumerated in 11 DCMR 1302.2, which applies to the subject case. Accordingly, the proposed use would require the review and approval of the Board of Zoning Adjustment of a special exception as set forth in 11 DCMR 1304.1.

In order to pursue the proposed use, I suggest that the Church apply for a new Certificate of Occupancy, which I will refer to the Board of Zoning Adjustment for consideration of a Special Exception. Once the Board has decided on the Special Exception, I will be able to act on the Certificate of Occupancy application in accordance with the Board's decision.

Please let me know if this determination has addressed your inquiry.

Sincerely,



Matthew Le Grant
Acting Zoning Administrator

cc: Councilmember Mary Cheh
Linda Argo, DCRA Director

