
From: "LeGrant, Matt (DCRA)" <matthew.legrant@dc.gov>
To: German Jimenez
Date: 02/06/2013 10:09 AM
Subject: RE: 238 Square

German Jimenez:

Thank you for this information. I have had a chance to review the attachments that you submitted as well as review the applicable zoning regulations. My longstanding interpretation is that the zoning provision that limits the street frontage for eating establishments in the Uptown Arts-Mixed Use (ARTS) Overlay District, 11 DCMR 1901.6, applies only to the frontages along 14th and U Street NW street frontages, and does not include frontages along any other street. The relevant sub-section (a) reads:

No portion of an eating/drinking establishment located on the ground floor is permitted to occupy more than fifty percent (50%) of the linear frontage of each individual square, as *set forth below*: [emphasis added in *italics*]

The Section continues with a table listing the affected squares by the two columns for 14th and U Streets, and does not list any other street. I conclude, and my understanding from conversations with the authors of this provision from the Office of Planning, is that no other streets would be subject to the limits of the amount of street frontage for eating establishments.

I have attached 11 DCMR 1901.6, from the current zoning regulations for your information.

Best Regards,

Matthew Le Grant

Zoning Administrator
Dept of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW - Room 3100
Washington, DC 20024
Phone: 202 442-4652
FAX: 202 442-4871
Email: matt.legrant@dc.gov
Web: <http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning>

Board of Zoning Adjustment
District of Columbia
CASE NO.18568
EXHIBIT NO.10

Save the date!

Mayor Gray's 2013 State of the District Address is Tuesday, February 5th at 7:00 pm at the Sixth and I Historic Synagogue.

Attend in person, watch on [DCN](#), or follow on Twitter via [@mayorvincegray](#).

From: German Jimenez
Sent: Friday, February 01, 2013 6:31 PM
To: LeGrant, Matt (DCRA)
Subject: 238 Square

Hi Matt:

Further to our conversation, the excerpt of overlay zoning is as follows:

Eating establishments, drinking establishments, or eating and drinking establishments ("eating/drinking establishments") shall be subject to the following limitations:

(a) **No portion** of an eating/drinking establishment located on the ground floor is permitted to occupy more than fifty percent (50%) of the linear frontage of each individual square, as set forth below: Square 238 is 450 feet.

It **does not** say the "frontage restriction is limited to only the frontage of the square that faces 14th street, Nw.

Actually as set forth in the general provision, The Uptown Arts-Mixed Use (ARTS) Overlay District is applied to the Commercial and Mixed Use Districts in the following

squares and portions of squares in the 14th and U Streets, N.W., area: 202 through 211, **234 through 242**, N242, 272, 273, 274, 303, 304, 305, 331, 332, 333, 358 through 361, 393, 416, 440, 441, and the portions of squares 2875 and 2877 that are south of V Street.

I would be interested in your attorney's view.

Best regards,

German

Thoughts don't need paper to take shape.

The information transmitted, including any attachments, is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited, and all liability arising therefrom is disclaimed. If you received this in error, please contact the sender and delete the material from any computer.
