

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

**Application of
Culinary District, Inc.
1914 9th Street, N.W.
Square 0361, Lot 0123**

**BZA Application No. 20489
ANC 1B02
Hearing Date: September 29, 2021**

PRE-HEARING STATEMENT OF THE APPLICANT

This Pre-Hearing Statement is submitted by the Culinary District, Inc. (“**Applicant**” or “**Culinary District**”), by its attorneys, Greenstein DeLorme & Luchs, P.C., by John Patrick Brown, Jr., Esquire and Lyle M. Blanchard, Esquire.

I. NATURE OF RELIEF SOUGHT

The Application, as amended, seeks approval by the Board of Zoning Adjustment (“**BZA**” or “**Board**”), pursuant to 11 DCMR Subtitle X, Chapter 10 for a use variance from the requirements of Subtitle U § 204.1 to expand a restaurant use to the second story in an existing, attached, two-story with basement restaurant in the RF-1 Zone at premises 1914 9th Street, N.W. (Square 0361, Lot 0123) (“**Property**”). By letter dated August 16, 2021, the Applicant withdrew its request for special exception relief to construct a roof deck at the Property. BZA Exhibit 32.

II. JURISDICTION OF THE BOARD

The BZA has jurisdiction to grant the requested variance pursuant to 11 DCMR Subtitle X §§ 1000.1, 1001.4.

III. BACKGROUND

A. ZONING HISTORY

Under the 1958 Zoning Regulations, the Property was originally zoned C-M-1 (Industrial) which prohibited the establishment of new dwelling units. In 1990, the Property was

rezoned from C-M-1 to R-4 (now RF-1) under Z.C. Order No. 632 (Z.C. Case No. 87-7).

Although zoned RF-1 since 1990, DCRA continued to incorrectly identify the Property as zoned C-M-1 until at least 2007.

The immediate neighborhood is a mix of Zone Districts, including RF-1, ARTS-1, ARTS-2, ARTS-3 and MU-4.



B. HISTORIC PRESERVATION

The Property is located in the Greater U Street Historic District. No exterior work is required by this Application.

C. THE PROPERTY

The Property is improved with a two-story with basement row structure constructed in 1900. The structure has a single front entrance and interior staircase. The first and second floors combined are approximately 2,412 square with a lot occupancy of about 71%. The Property is

landlocked with no public alley access or off-street parking. The entire Property has been taxed as commercial, not residential.

D. HISTORICAL USE OF PROPERTY

Since at least 1986, DCRA certificate of occupancy records show the entire Property has been used for commercial uses, including most recently restaurant.

CERTIFICATE OF OCCUPANCY HISTORY

1914 9th Street, NW
 (Square 361, Lot 123)
 (1st and 2nd Floor = 2,412 sf)

<u>CO NUMBER</u> (Date)	<u>NAME</u>	<u>USE</u>	<u>OCCUPANCY/LOAD</u>	<u>TYPE</u>	<u>ZONE</u>	<u>NOTE</u>
Pending	The Culinary District, Inc.	Restaurant	Second Floor	Ownership Change	RF-1	Bldg. Permit B2003712 (1/10/2020) (interior renovation of existing 2 nd floor restaurant space)
CO 2001582 (4/28/2020)	The Culinary District, Inc.	Restaurant with Lounge with 72 seats and maximum 76 occupancy load	Basement and 1 st /76 seats	Ownership Change	RF-1	Bldg. Permit B2003449 (1/09/2020)
CO 1401751 (4/14/2014)	It Takes Two, LLC t/a Dino's Grotto	Restaurant – 76 seats	2 Floors plus basement (incorrectly lists 1 st & Basement)	Ownership Change (Continuation of prior use)	R-4	Application for 2 floors plus basement approved. (prior CO 0901336) (2/27/2009)
CO 1400206 (10/23/2013)	Rehobeth Money Transfer, Inc.	Office Space for Money Transfer Services	Part 2 nd Floor (600 sf)	Ownership Change	R-4	
CO 1202130 (6/01/2012)	Helen, LLC	General Office Space, 2 nd Floor	2 nd Floor (1,788 sf)	Ownership Change	R-4	

<u>CO NUMBER</u> (Date)	<u>NAME</u>	<u>USE</u>	<u>OCCUPANCY/</u> <u>LOAD</u>	<u>TYPE</u>	<u>ZONE</u>	<u>NOTE</u>
CO 1102903 (08/16/2011)	Addis Property Management, LLC	Office Space	Part of 2 nd Floor (600 sf)	Partial Occupancy	R-4	
CO 1100705	Challenger Cab, LLC t/a Wender Cab and Camel Cab	Office Space (part of 2 nd floor)	Part of 2 nd Floor (600 sf)	Partial Occupancy	R-4	
CO 0901336 (2/27/2009)	Moka, LLC t/a Portico Restaurant	Restaurant, 76 seats	1 st (2,400 sf) (entire building)	Ownership Change	R-4	
CO 139956 (5/14/2007)	Abenet Tessema t/a ABT Business Ctr.	Office Space	Part of 2 nd Floor (150 sf)	Ownership Change	C-M-1 (?) (R-4)	CO 134471 (12/28/2006)
CO 134654 (1/25/2007)	Challenger Cab Corp.	Office Space	Part of 2 nd Floor (600 sf)	New C of O	C-M-1 (?) (R-4)	Office Space on 1 st , 2 nd & Basement for storage; B146633 (9/15/1986)
CO 1334471 (12/28/2006)	Makoneen Teklu	Office Space	2 nd Floor (1,788 sf)	New C of O	C-M-1 (?) (R-4)	B146633 (9/15/1986)
CO 117076 (4/14/2006)	BET Restaurant, Inc. t/a Ras Ethiopian Cuisine	Restaurant	Basement, 1 st Floor (76 seats) 2,400 sf (entire building)	Ownership Change	C-M-1 (?) (R-4)	
CO 16396 (8/06/2001)	Makonnen Teklu	Restaurant	2,400 sf (entire building)	Load Change	C-M-1 (?) (R-4)	
CO 11489 (5/23/2001)	Makoneen Teklu	Restaurant	First Floor 38 Seats – 1,200 sf	Ownership Change	C-M-1 (?) (R-4)	

<u>CO NUMBER</u> (Date)	<u>NAME</u>	<u>USE</u>	<u>OCCUPANCY/</u> <u>LOAD</u>	<u>TYPE</u>	<u>ZONE</u>	<u>NOTE</u>
CO 190847 (5/22/2001)	Makoneen Teklu	Restaurant (38 seats)	First Floor		R-4	
CO 187290(?) (5/-/2000)	Asmeron Woldu	Restaurant (38 seats)	Basement (1,500 sf)	Ownership Change	R-4	No use change CO 182515 (9/22/1998)
B00182515 (9/22/1998)	Makoneen Teklu	Restaurant (38 seats)	Basement (1,200 sf)	Ownership Change	R-4	B162713 (4/27/1992)
B162713 (4/27/1992)	Little Freddy's Restaurant	Restaurant (seating 38)	Basement (1,200 sf)		C-M-1 (?) (R-4)	C of O Unavailable
B162393 (2/26/1992)	Demetrus Jones, Jr. Imoudu Izegwire	Cleaning Service Office	First	Partial Occupancy	C-M-1 (?) (R-4)	B148971 (3/20/1987)
B160951 (5/21/1991)	David L. Brown	Office Space	First (630 sf)	Ownership Change	R-4	B14897 (3/20/1987) [ZC Order No. 632 (87-7) Re-zoned from C-M-1 to R-4 (2/23/1990)]
B148758 (2/26/1987)	Karisma, Inc.	Office for Janitorial & Cleaning Service	First	Partial Occupancy	C-M-1	B14872 (12/30/1981)
B148971 (03/20/1987)	Taylor Painting & Decorating, Inc.	Office Space & Janitorial Services	First (630 sf)	Partial Occupancy	C-M-1	B148223 (12/30/1986)
B148223 (12/30/1986)	Taylor Painting & Decorating, Inc.	Home Improvement Contractor's Office	First (630 sf)	New Building (?)	C-M-1	B146633 (9/15/1986)
B146633 (9/15/1986)	Leonard Taylor	Office	Basement, 1 st and 2 nd (2,679 sf)	Use Change	C-M-1	Prior Use - Residential

E. RESTAURANT USE OF PROPERTY

The Property owner, 1914 LLC, has provided the attached letter confirming that since at least 2000 the entire building has been used as a restaurant Exhibit A. From 2000 to January 2014, the entire Property was leased to the Portico restaurant and lounge.



STREET VIEW

Then, from January 2014 to September 2019 the entire building was leased to Dino's Grotto as a restaurant. Dino's Grotto took over the Property "as is" and continued restaurant use on all three levels without making any physical changes to the space or occupancy load as shown on the attached floor plans for the former Portico Restaurant. Exhibit B. In December 2019, the entire building was leased to Culinary District for use as a restaurant. Exhibit A.

The attached 2019 photos show the basement, first and second floors as they were used by Dino's Grotto for a restaurant and then taken over by Culinary District. The second floor photos show damaged drywall that had to be removed. Exhibit C.

Dino's Grotto occupied the entire building under the attached Certificate of Occupancy CO1401751 (4/14/2014) that was approved based on the application provided. Exhibit D. The application was for an ownership change and continuation of the prior restaurant, including specifically 76 seats, 2,400 square feet to occupy "2[floors] plus basement" referencing the prior Certificate of Occupancy CO0901336 (2/27/2009) for Portico restaurant 76 seats and 2,400 square feet (first and second floors). Exhibit E. On its face, the occupancy permit incorrectly references only the first floor as being occupied.

F. CULINARY DISTRICT

Culinary District is a first-time restaurant operator in the District of Columbia. In December 2019, Culinary District entered into a long-term lease for the entire Property for restaurant use, relying on the assurances of the landlord and the then existing restaurant configuration on the first, second and basement just recently vacated by Dino's Grotto. Exhibit F.

Culinary District obtained Building Permit B2003449 (1/09/2020) to renovate the interior lower level and first floor for continued restaurant use. Exhibit E. This work has been completed and Certificate of Occupancy CO2001582 (4/28/2020) issued for a restaurant 76 seats in basement and first floor. Exhibit G.

Culinary District also obtained Building Permit B2003712 (1/10/2020) (“Second Floor Building Permit”) for interior renovation of the second-floor restaurant space. Exhibit H. This work has been completed and finally inspected, but the occupancy permit was denied by DCRA.

IV. JUSTIFICATION FOR USE VARIANCE

An Applicant must satisfy three requirements to obtain approval of a use variance: (i) a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property; (ii) undue hardship to the owner; and (iii) no substantial harm to the public good and no substantial impairment of the zone plan. *Monaco v. BZA*, 407 A.2d 1091, 1096 (D.C. 1980); *National Black Child Development Institute v. BZA*, 483 A. 2d 687, 690 (D.C. 1984). The subject Application meets these legal tests, as discussed below.

A. Unique Physical Aspect or Other Extraordinary or Exceptional Situation or Condition of a Specific Piece of Property.

The Property is exceptional in several significant respects. First, the entire building is configured and has been used historically for non-residential uses since at least 1986, including restaurant dating back to at least 2000. The property is served by a single entrance and common and steep staircase. Second, Culinary District obtained building permits for restaurant specific improvements for the entire building, including specifically the second floor. All permitted work was completed and finally inspected and the required certificate of occupancy issued for the basement and the first floor, but denied for the second floor. Third, all the permitted work was planned, financed and completed based on the use of the entire property as a single restaurant use. Fourth, Culinary District spent approximately \$300,000 renovating the second floor for restaurant use, including commercial soundproofing.

The D.C. Court of Appeals in *Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974) held that the exceptional situation or condition standard goes to the “property” not just the “land”; and that “property generally includes the permanent structures existing on the land [footnote omitted].” *Id.* At 293-294. The Court held that the exceptional situation standard of the variance test may be met where the required hardship inheres in the land, or the property (i.e. the building on the land).

B. Undue Hardship to Culinary District.

The Applicant would suffer undue hardship if required to physically and functionally convert the second floor to a permitted residential use. First, Culinary District would lose its investment in the permitted and completed restaurants specific improvements to the second floor. Second, Culinary District would lose substantial restaurant revenue from the second floor while continuing to be liable for commercial rents on the entire Property. The resulting lost income would threaten the financial viability of the restaurant, especially during Covid. Third, the difficulty and cost of converting the second floor to a separate residential space would be substantial, including the establishment of a separate entrance and internal staircase to provide access to a second floor residential unit(s), and installation of separate air vents, HVAC system, plumbing and new bathrooms and kitchens. Conservatively, the required residential conversion would cost \$300,000 (\$250/sf x 1,200 sf) and would be complicated by limitations that would be placed on a contributing structure in the Greater U Street Historic District. Finally, any residential use created would be less than desirable located above a restaurant use with the expected noise, odors and extended operating hours.

C. **No Substantial Harm to the Public Good and No Substantial Impairment of the Zone Plan.**

The requested use variance can be granted without creating adverse impacts on nearby residential properties. First, the existing restaurant use on the basement and first floor levels will continue and any additional impact from the second floor will be minimal, especially given the sound proofing installed. Second, there is no history of negative impacts based on the long-standing use of the entire Property for restaurant uses. Both of the adjoining property owners at 1912 in 1916 9th Street have informed ANC 1B of no objection. As a result, ANC 1B on September 2, 2021 voted to support this application. Third, the formal extension of the long-standing restaurant use to the second floor is not inconsistent with the mixed use and mixed zoning of the neighborhood.

V. **ESTOPPEL**

The District of Columbia is estopped from denying the requested use variance and certificate of occupancy for restaurant use of the second floor of the Property. Culinary District has already acted in good faith reliance, to its detriment, on the Second Floor Building Permit.

There is a substantial body of case law applying estoppel to municipal corporations, include, specifically the District of Columbia. See i.e., District of Columbia v. Cahill, 54 F.2d 453, 454 (D.C. 1931) (where a party acting in good faith under affirmative acts of a city has made such expensive and permanent improvement that it would be highly inequitable and unjust to destroy the rights acquired, the doctrine of equitable estoppel will be applied); Bannum, Inc. v. District of Columbia Board of Zoning Adjustment, 894 A.2d 423 (D.C. 2006); Saah v. District of Columbia Board of Zoning Adjustment, 433 A.2d 1114 (D.C. 1981); Goto v. District of Columbia Board of Zoning Adjustment, 423 A.2d 917 (D.C. 1980); Wieck v. District of

Columbia Board of Zoning Adjustment, 383 A.2d 7 (D.C. 1978); Smith v. District of Columbia Board of Zoning Adjustment, 342 A.2d 356 (D.C. 1975).

Most recently, the D.C. Court of Appeals has repeated the six part test required to successfully establish an estoppel claim against the D.C. government, including: 1) expensive and permanent improvements; 2) made in good faith; 3) in justifiable and reasonable reliance upon; 4) affirmative acts of the District Government; 5) without notice that the improvements might violate the Zoning Regulations; and 6) the equities strongly favor the petitioner. Bannum, Inc. at 431; District of Columbia Department of Consumer and Regulatory Affairs v. Vu, CR-C-06-100009, (OAH, October 16, 2006).

In this unique case, Culinary District clearly satisfies all six elements of the estoppel test. First, \$300,000 in improvements to the existing second floor restaurant space were completed. Second, Culinary District acted in good faith in obtaining building permits, including the Second Floor Building Permit. Third, the work was undertaken in reliance of the Second Floor Building Permit and finally inspected. Fourth, Culinary District justifiably relied on the two building permits issued by DCRA for restaurant improvements to the basement, first and second floors. Fifth, there was no prior notice of any kind that the continued use of the second floor for a restaurant violated the Zoning Regulations. In fact, all information from DCRA, historical records and actual existing conditions demonstrated that the restaurant use was permitted. Finally, the equities entirely favor Culinary District which played by the rules, obtained building permits, completed and finally inspected the authorized work only to be surprised after the fact that DCRA would not issue the required certificate of occupancy for the second floor restaurant

use. If not corrected, Culinary District will be catastrophically impacted in the loss of its investment and threatened with the ability to continue its business as a viable enterprise.

VI. EXHIBITS

- Exhibit A: 1914 LLC Letter
- Exhibit B: Portico Restaurant Floor Plans
- Exhibit C: 2019 Restaurant Photos
- Exhibit D: Certificate of Occupancy for Dino's Grotto
- Exhibit E: Certificate of Occupancy for Portico Restaurant
- Exhibit F: Building Permit B2003449
- Exhibit G: Certificate of Occupancy CO2001582
- Exhibit H: Building Permit B2003712

VII. WITNESSES

At the hearing, the Applicant will submit at least the following witnesses:

1. Sohan Mostofa, Culinary District, Inc.
2. Representative of 1914 LLC, Property Owner.

VIII. CONCLUSION

For the reasons set forth above, the Applicant respectfully requests approval of the grant of a use variance to allow for the continued use of the second floor as a restaurant.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.



John Patrick Brown, Jr.



Lyle M. Blanchard
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Pre-Hearing Statement was filed electronically with the Office of Zoning and was served by electronic mail this 8th day of September 2021, upon the following:

Mr. James Turner, Chair, ANC 1B (1B09@anc.dc.gov)

Mr. Dan Orlaskey, Vice Chair, ANC 1B02 (1B02@anc.dc.gov)

Mr. Patrick Nelson, ANC 1B ZPD (zpd@anc1b.org)

Mr. Stephen Cochran, OP (stephen.cochran@dc.gov)

Mr. Steve Callcott, HPO-OP (steve.callcott@dc.gov)

Mr. Aaron Zimmerman, DDOT (aaron.zimmerman@dc.gov)



John Patrick Brown, Jr.

EXHIBIT “A”

1914, LLC
1544 Spring Hill Road
McLean, VA 22102

August 26, 2020

Mr. Rohan Reid
Office of Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W.
Washington, D.C. 20024

Re: 1914 9th Street, N.W. ("Property")

Dear Mr. Reid:

1914 LLC is the owner of the Property. I want to provide background on the restaurant use of the entire building (basement, first and second floors) dating back to at least 2000. From 2000 until January 5, 2014, the Portico restaurant and lounge operated in the entire building. From January 11, 2014, the entire building was leased to Dino's Grotto as a restaurant. This restaurant operated continuously until it closed on September 17, 2019.

In December 2019, the Property was leased to Culinary District, Inc. for use as a restaurant on all three floors. Culinary District obtained building permits to renovate the entire building, completed and finally inspected the work, and obtained a certificate of occupancy for the basement and first floor, but is waiting approval for the second floor.

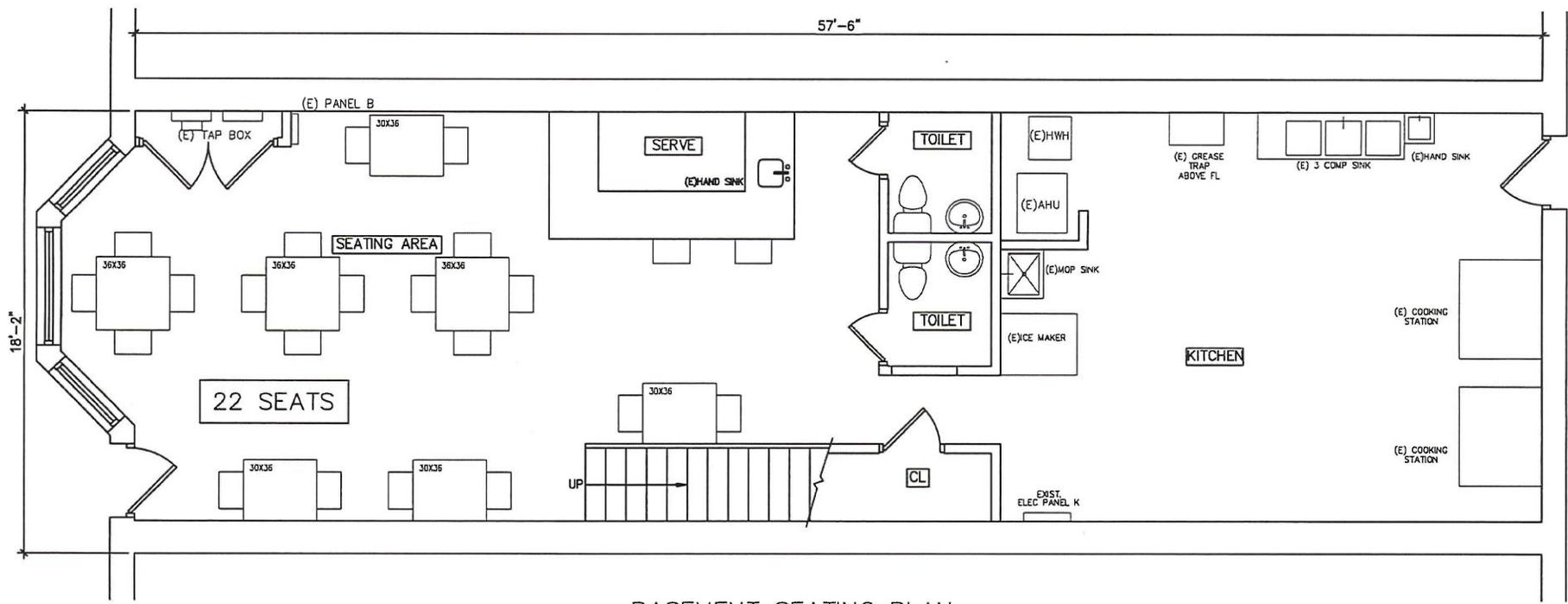
The Property is taxed as commercial property by the District.

1914, LLC



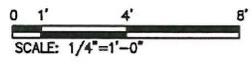
Sanjeev K. Preet
Managing Member

EXHIBIT “B”

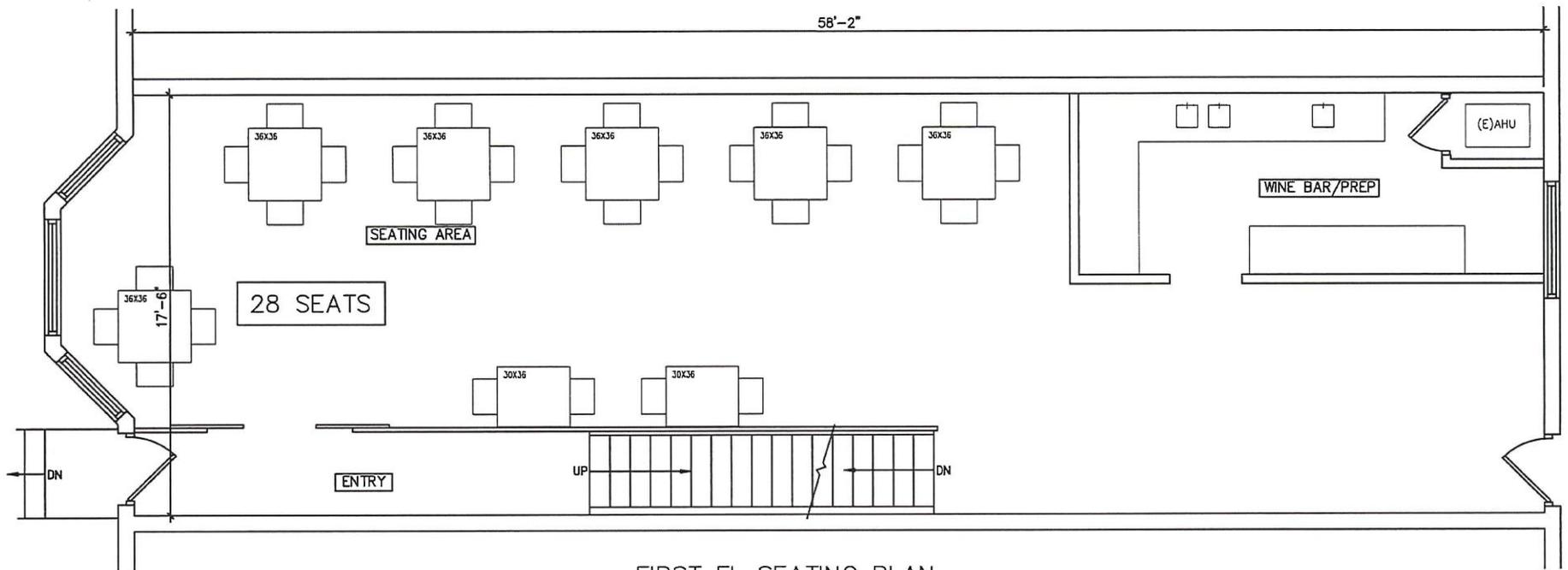


BASEMENT SEATING PLAN
SCALE: 1/4"=1'-0"

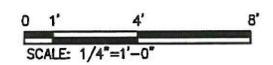
SEAT COUNTS:	
BASEMENT:	22 SEATS
1ST FLOOR:	28 SEATS
2ND FLOOR:	26 SEATS
TOTAL	76 SEATS



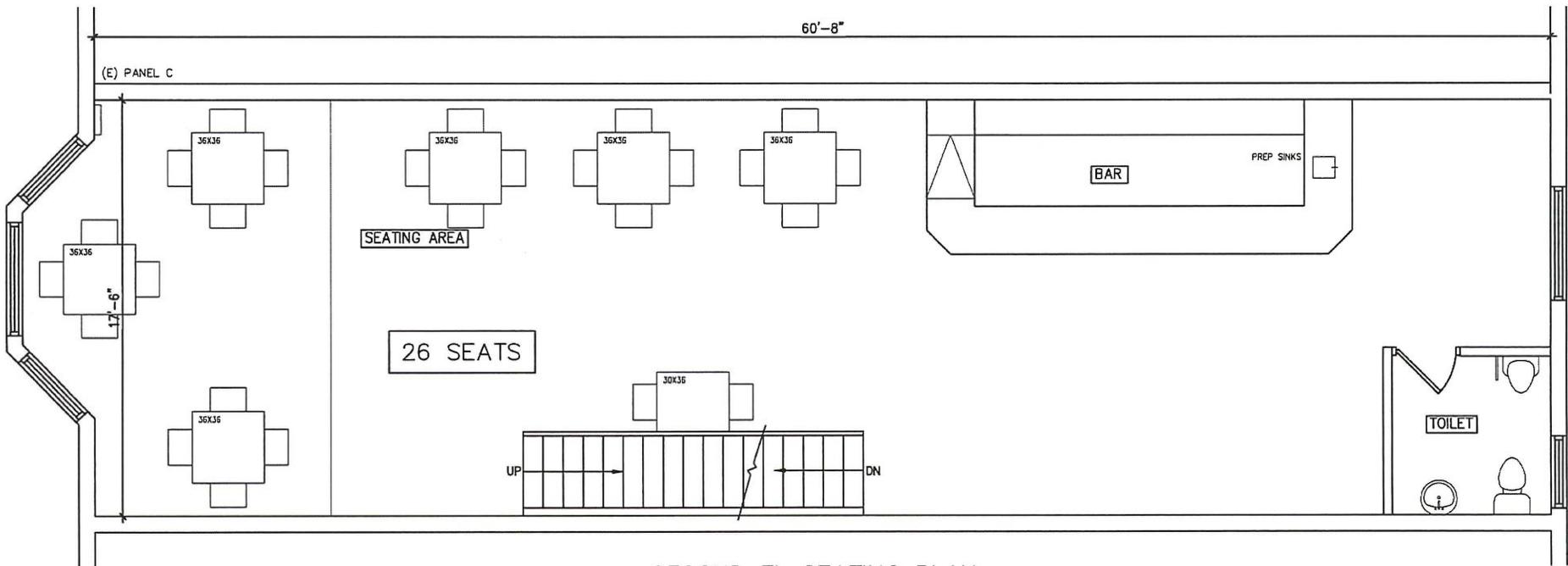
PORTICO - 1914 9TH ST NW, WASHINGTON, DC 20001



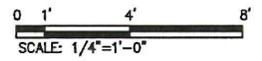
FIRST FL SEATING PLAN
 SCALE: 1/4"=1'-0"



PORTICO – 1914 9TH ST NW, WASHINGTON, DC 20001



SECOND FL SEATING PLAN
 SCALE: 1/4"=1'-0"



PORTICO — 1914 9TH ST NW, WASHINGTON, DC 20001

EXHIBIT “C”

BASEMENT



FIRST FLOOR



FIRST FLOOR



SECOND FLOOR

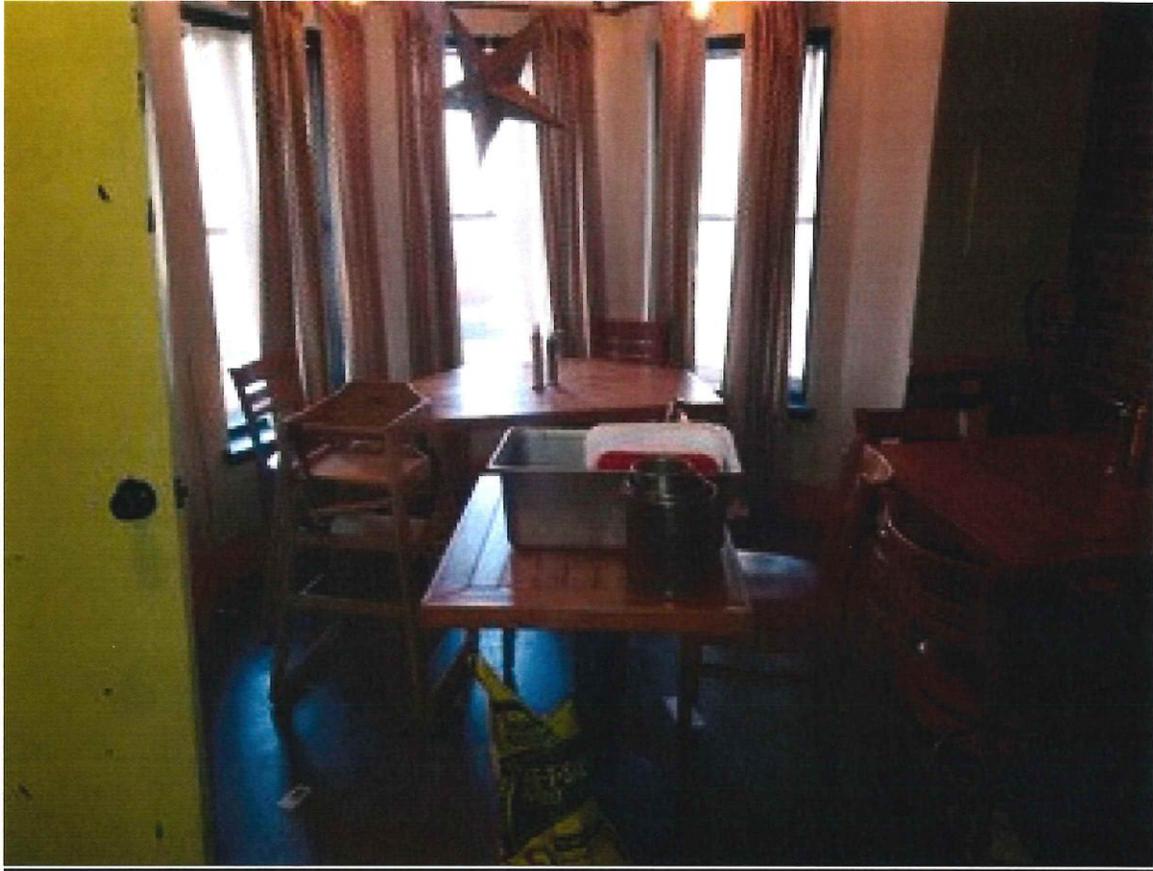


EXHIBIT “D”

Government of the District of Columbia
 Department of Consumer and Regulatory Affairs

1100 4th Street SW
 Washington DC 20024
 (202) 442 - 4400
dcra.dc.gov



CERTIFICATE OF OCCUPANCY

PERMIT NO. **CO1401751**

Issued Date: **04/14/2014**

Address: 1914 9TH ST NW		Zone: R-4	Ward: 1	Square: 0361	Suffix:	Lot: 0123
Description of Occupancy: A 76-SEAT RESTAURANT W/ LOUNGE.						
Permission Is Hereby Granted To: IT TAKES TWO LLC	Trading As: DINO'S GROTTO	Floor(s) Occupied 1ST & BASEMENT	Occupant Load: 76 No. of Seats			
Property Owner: 1914 LLC	Address: 5003 WESTFIELDS BLVD CENTREVILLE, VA 20120-8500	BZA/PUD Number:	Occupied Sq. Footage: 2400			
			PERMIT FEE: \$82.50			
Building Permit Number (if applicable)	Type of Application: Ownership Change	Approved Building Code Use Restaurants - A-2: Approved Zoning Code Use: Restaurant				
<p>Conditions/ Restrictions:</p> <p>THIS CERTIFICATE MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS MAIN ENTRANCE, EXCEPT PLACES OF RELIGIOUS ASSEMBLY. Use complies with DCMR Title 11 (Zoning) and Title 12 (Construction).</p> <p>As a condition precedent to the issuance of this Certificate, the owner agrees to conform with all conditions set forth herein, and to maintain the use authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all spaces whose use is authorized by this Certificate and to require any changes which may be necessary to ensure compliance with all the applicable regulations of the District of Columbia.</p>						
Director (Code Official): Nicholas A. Majett	Permit Clerk: Justin Bellow	Expiration Date:				
<p>4/14/2014</p> <p align="center">TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639</p>						



700
76-seat
Restaurant
Appl - CM 4/14/14

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Application for Certificate of Occupancy

Application Date: 4/14/14

C of O Number: C01401751

APPLICATION FEE IS NON-REFUNDABLE; CERTIFICATE FEE IS BASED ON SQUARE FOOTAGE

Erasing, Crossing Out, Whiting Out, or Otherwise Altering Any Entered Information Will Void This Application

INFORMATION ON THE BUILDING/PROPERTY

- 1 Property Address 1914 9th ST NW
- 2 Building/Property Owner's Name 1914, LLC
Phone # (703) 867-7291 Email preetsonny@yahoo.com
- 3 Property Square 0361 Suffix Lot 0123
- 4 Number of Floors 2 plus basement
- 5 Zone R-4 Overlay (if applicable)

APPLICANT INFORMATION

- 6 Applicant's Name (see instructions) Dean Gold - IT TAKES TWO LLC
- 7 Trade name of business (if applicable) It Takes Two LLC DINO'S CROTTO
- 8 Applicant's Mailing Address 517 Whittingham Drive, Silver Spring, MD 20904
- 9 Applicant's Day Phone # (202) 686-2966 Cell # (240) 994-1574
Email dean@dino-dc.com

INFORMATION ON PREMISES/OCCUPANCY

- 10 Ownership Change Use Change Load Change Revision New Bldg
(choose one)

- 11 Proposed use of Premises Restaurant
- 12 Prior use of Premises Restaurant C of O # C00901336 - 2/9/09
- 13 Proposed Occupancy Load 76 seats
- 14 Area Occupied by Proposed Use 2400 sq ft
- 15 List Floors of a building to be Occupied by Proposed Use 2 plus basement
- 16 Does your business sell or rent any goods or provide any services that could be described as sexually-oriented?
 Yes No If yes, please fill out the supplemental form
- 17 Is your business a Medical Marijuana Dispensary or Production Facility? Yes No
- 18 Was this use approved by an order of the BZA or ZC? Yes No
If yes, provide order # and date of approval
- 19 Is there a building permit associated with this application? Yes No If yes, building permit #
- 20 What use was listed on the building permit? N/A
- 21 Were all inspections conducted and approved? Yes No
- 22 Is off-street parking on the property provided for this use? Yes No If yes, number of spaces

ATTESTATION AND SIGNATURE

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.

Applicant or Agent's Signature [Signature] Date 4/14/14

*If you are an applying as an Agent on behalf of the Applicant, attach completed Authorization Form

Making a false statement on this application can result in the denial or revocation of your certificate of occupancy and criminal penalties, under D.C. Official Code § 22-2405, of a fine up to \$1000 and/or imprisonment up to 180 days.

For more information about C of Os, please visit dcra.dc.gov and click on [Permits/Zoning](#)

OFFICIAL DCRA USE ONLY

C of O # 1401751
Premises Address 1914 9TH ST NW

PERMIT REVIEW COORDINATOR
Checked items #1-9 for completeness

Approved By [Signature] Date 4/14/14

ZONING INFORMATION

BZA or ZC # (if applicable) _____
Prior C of O # (if applicable) 000901336 - 2/27/09
Prior Use on above C of O Vacation Bus. & Fl.

ZONING REVIEWER

Continuation of Prior Use? Yes No
Zone R-4
Use Allowed? Yes No Provide Zoning Code Use _____
Cite Zoning Section # _____
Off-street Parking Required? Yes No If yes, number of spaces required _____ If no, was a waiver granted?
Parking credit? BZA relief obtained? Describe _____
Is Zoning Inspection Required? Yes No If Yes, describe _____
Approved By [Signature] Date 4/14/14

ENGINEERING REVIEW AND APPROVAL

Prior Bldg Permit Applicable? Yes No Bldg Permit # _____
New Bldg Permit Required? Yes No
Construction Code Inspections for the Proposed Use

Bldg (715)	Elcc (720)	Plumb/Mech (730/725)	Fire (750)
_____	_____	_____	_____

Approved By _____ Date _____

INSPECTIONS

Zoning Inspection (745) Approved? Yes No N/A
All Construction Code Inspections Approved? Yes No N/A
Stormwater Inspection Verification? Yes No N/A DDOE Approval _____ Date _____
Approved By _____ Date _____

APPROVAL

Issuance By _____ Date _____



EXHIBIT “E”

Department of Consumer and Regulatory Affairs

Permit Operations Division

941 North Capitol Street NE Room 2100

Washington DC 20002

Tel (202) 442 - 4589 Fax (202) 442 - 4862

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557



CERTIFICATE OF OCCUPANCY

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

PERMIT NO. CO0901336

Date 02/27/2009

Address of Use 1914 9TH ST NW		Zipcode	Zone R-4	Ward 1	Square 0361	Suffix	Lot 0123
Description of Occupancy RESTAURANT,76 SEATS							
Permission Is Hereby Granted To Moka Lic		Trading As PORTICO RESTAURANT		Floor(s) Occupied 1ST	PERMIT FEE \$76.00		
Previous Use(s) Restaurants - A-2		Approved Use(1) Restaurants - A-2		Approved Use(2)			
Type of Occupancy Ownership Change	BZA Number		Occupied Sq Footage 2400		Occupant Load 76		
Conditions/ Restrictions							
<p>This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year</p> <p>All Construction Done According To The Current Building Codes And Zoning Regulations,</p> <p>As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.</p>							
Director Linda K Argo		Permit Clerk Lucretia Hackley		Expiration Date			
<p>TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639</p> <p>FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557</p> <p>TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557</p>							

CO30300



Department of Consumer and Regulatory Affairs

Permit Operations Division
941 North Capitol Street NE Room 2100
Washington DC 20002
Tel (202) 442 - 4589 Fax (202) 442 - 4862

Remittance Source Document

OFFICE OF FINANCE AND TREASURY
Date: 2/27/2009 3:17 PM
Office: 941NCap Term: 2GFOLB1
Batch: 3765 Batch Date: 02/17/09
Cashier: muncr08
Trans #: 79

Date: February 27, 2009

INVOICE

Invoice Number: 186782

DCRA Rcpt: 0039149
Comment/Document:
Payment Total: \$76.00
Payment Distribution:
2106 (R0-(3013)-OPSSU-CERT1 \$76.00
VS Tendered: \$76.00

Customer: MOKA LLC
Mailing Address: 225 MISSOURI AVE NW
WASHINGTON, DC 20011-5218
Address of Work: 1914 9TH ST NW
Washington, DC
Permit: CO0901336
Type of Permit: Certificate of Occupancy

Acct Code.	Fees.	Description.
3013-3013-1000	\$43 00	Certificate of Occupancy Permit Fee (Enter Sq. Footage)
3013-3013-1000	\$33 00	Certificate of Occupancy Filing Fee
Invoice Total,	<u>76.00</u>	

EXHIBIT “F”

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel: (202) 442 - 4589

Fax (202) 442 - 4862



B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 01/09/2020

Expiration Date: 01/09/2021

PERMIT NO. B2003449



Address of Project: 1914 9TH ST NW	Zone: RF-1	Ward: 1	Square 0361	Suffix:	Lot: 0123
---------------------------------------	---------------	------------	----------------	---------	--------------

Permit Restrictions: ADM, HPRB, WMATA, YEARBUILT PRIOR 1978

Description Of Work:

All interior renovation work - Lower level: relocate counter; replace recess lights. 1st floor: replace wall and sliding door; replace recess lights.

Permission is Hereby Granted To: 1914 Lic	Owner Address: 1914 9TH ST NW 1544 SPRING HILL RD UNIT 3502 WASHINGTON, DC 20001	PERMIT FEE: \$243.87
--	---	-------------------------

Permit Type: Alteration and Repair	Existing Use: Restaurants - A-2	Proposed Use: Restaurants - A-2	Building Construction Type TYPE III - Non-Combustible Exterior Walls	Floor(s): 2
---------------------------------------	------------------------------------	------------------------------------	---	----------------

Agent Name / Address: 1914 Lic 1914 9th St Nw Washington, DC 20001	Contractor Name / Address :	Existing Dwell Units: 0	Proposed Dwell Units: 0	No. of Stories: 2
---	-----------------------------	----------------------------	----------------------------	----------------------

Conditions/Restrictions:

This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.

All Construction Done According To The Current Building Codes And Zoning Regulations;

As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund

Lead Paint Abatement

Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to <http://ddos.dc.gov>, Lead and Healthy Housing.

Director: Ernest Chappan	Permit Clerk: Brenda Quinn
-----------------------------	-------------------------------

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT: 1-800-531-1639
To schedule a CONSTRUCTION INSPECTION or for INQUIRIES CALL (202) 442-9557
Call Miss Utility at 811 or 1-800-257-7777 at least 48 Hours prior to excavation to obtain a ticket. www.missutility.net/washingtondc/dcstatelaw.asp

EXHIBIT “G”

Government of the District of Columbia
 Department of Consumer and Regulatory Affairs

1100 4th Street SW
 Washington DC 20024
 (202) 442 - 4400
dcra.dc.gov



C_oF_O

CERTIFICATE OF OCCUPANCY

PERMIT NO. CO2001582



Issued Date: 04/28/2020

Address: 1914 9TH ST NW		Zone: RF-1	Ward: 1	Square: 0361	Suffix:	Lot: 0123
Description of Occupancy: RESTAURANT WITH LOUNGE WITH 72 SEATS & 76 MAXIMUM OCCUPANT LOAD.						
Permission Is Hereby Granted To: THE CULINARY DISTRICT INC.		Trading As: The Culinary District		Floor(s) Occupied BASEMENT & 1ST		Occupant Load: 76 No. of Seats
Property Owner: 1914 LLC		Address: 1544 SPRING HILL RD, UNIT 3502 MCLEAN, VA 22103-8016		BZA/PUD Number:		Occupied Sq. Footage: 2400 PERMIT FEE: \$82.50
Building Permit Number (if applicable)		Type of Application: Ownership Change		Approved Building Code Use Restaurants - A-2: Approved Zoning Code Use Approved Zoning General Use		
Conditions/ Restrictions: THIS CERTIFICATE MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS MAIN ENTRANCE, EXCEPT PLACES OF RELIGIOUS ASSEMBLY. Use complies w DCMR Title 11 (Zoning) and Title 12 (Construction). As a condition precedent to the issuance of this Certificate, the owner agrees to conform with all conditions set forth herein, and to maintain the use authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all spaces whose use is authorized by this Certificate and to require any changes which may be necessary to ensure compliance with all the applicable regulations of the District of Columbia.						
Director: Ernest Chrappah <i>Ernest Chrappah</i>		Permit Clerk JMCFARLAND		Expiration Date:		
4/28/2020 TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639						

EXHIBIT “H”

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW
Washington, DC 20024

Tel: (202) 442-4589 Fax (202) 442-4862



B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 01/10/2020

Expiration Date: 01/10/2021

PERMIT NO. B2003712



Address of Project: 1914 9TH ST-NW	Zone: RF-1	Ward: 1	Square 0361	Suffix:	Lot: 0123
---------------------------------------	---------------	------------	----------------	---------	--------------

Permit Restrictions: ADM, HPRB, WMATA, YEARBUILT PRIOR 1978

Description Of Work:

Interior renovation to 2nd floor: add new sink, renovate toilet, replace/repair cabinets and countertop, replace lights.

Permission is Hereby Granted To: 1914 Lic	Owner Address: 1544 SPRING HILL RD UNIT 3502 MC LEAN, VA 22103-8016	PERMIT FEE: \$314.16
--	---	-------------------------

Permit Type: Alteration and Repair	Existing Use: Restaurants - A-2	Proposed Use: Restaurants - A-2	Building Construction Type TYPE III - Non-Combustible Exterior Walls	Floor(s): 2
---------------------------------------	------------------------------------	------------------------------------	--	----------------

Agent Name / Address: 1914 Lic 1914 9th St Washington, DC 20001	Contractor Name / Address : HA QUAN 1914 9TH NW WASHINGTON, DC 20001	Existing Dwell Units: 0	Proposed Dwell Units: 0	No. of Stories: 2
--	---	----------------------------	----------------------------	----------------------

Conditions/ Restrictions:

Interior Work Only. Approval does not extend to any exterior work, including but not limited to alteration, replacement or installation of windows, doors, signs, window signs, vents, utility meters, mechanical units or other exterior features.

This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.

All Construction Done According To The Current Building Codes And Zoning Regulations;

As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund

Lead Paint Abatement

Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to <http://ddoe.dc.gov>, Lead and Healthy Housing.

Director: Ernest Chappan	Permit Clerk: Brenda Quinn
-----------------------------	-------------------------------

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639

To schedule a CONSTRUCTION INSPECTION or for INQUIRIES CALL (202) 442-4557

Call Miss Utility at 811 or 1-800-257-7777 at least 48 Hours prior to excavation to obtain a ticket: www.missutility.net/washingtondc/dcstatelaw.asp