

Be advised that his response is based on current regulations and as such I defer to such regulatory guidelines. For further guidance and/or information regarding the zoning of this area, please reach out to the Zoning Commission of DC to clarify and insure that your interests are properly vetted.

SEAN GORDY · MANAGER | LICENSING DIVISION | ABCA
D: 202.442.4359 | O: 202.442.4423 | E: sean.gordy2@dc.gov

From: Berman, Jonathan (ABCA) <jonathan.berman@dc.gov>
Sent: Thursday, October 26, 2023 3:29 PM
To: Gordy, Sean (ABCA) <Sean.Gordy2@dc.gov>
Subject: Applicant located w/in 300 feet on a MU/R Zone

Sean,

So long as the property line of the premises facing the establishment is zoned MU, it is not prohibited per the following:

(c) For purposes of this section, the 300-foot restrictions shall not apply where the main entrance to the preschool, primary or secondary school, or recreation center, or the nearest property line of the school or recreation center, is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.

Sincerely,

JONATHAN BERMAN (HE, HIM, HIS) · ASSISTANT GENERAL COUNSEL
D: 202.442.4448 | E: jonathan.berman@dc.gov

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
2000 14th Street NW, Suite 400 South, Washington DC 20009
abca.dc.gov | [Last Call](#) | [Facebook](#) | [Twitter](#)

From: sonny preet <preetsonny@yahoo.com>
Sent: Thursday, October 26, 2023 5:07 PM
To: Gordy, Sean (ABCA) <Sean.Gordy2@dc.gov>
Cc: easany@gmail.com
Subject: Fwd: Re 1432 Wisconsin ave NW DC

CAUTION: This email originated from outside of the DC Government. Do not click on

Board of Zoning Adjustment
District of Columbia
CASE NO.21107
EXHIBIT NO.19A8

DeLorean 88 LLC_0701

links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

You don't often get email from preetsonny@yahoo.com. [Learn why this is important](#)

Hi Sean

Please send me that email for the location approval as per your counsel's verbal approval for 1432 Wisconsin ave NW DC
I didn't get that email yet

Thank you
Sanjeev "sonny" k preet
Managing Member
1544 Spring Hill Rd
Ste #9343
McLean VA 22102
Direct # 202-867-7500
Mobile # 703-867-7291

Begin forwarded message:

From: sonny preet <preetsonny@yahoo.com>
Date: October 26, 2023 at 10:51:15 AM EDT
To: Sean Gordy <sean.gordy2@dc.gov>
Cc: easany@gmail.com
Subject: Fwd: Re 1432 Wisconsin ave NW DC

Good Morning Sean
Just following up on this request from yesterday
Would you please confirm this location as per our conversation test day.

I really appreciate all your help in this matter

Sanjeev "sonny" k preet
General partner
The preet Group family LP
1544 Spring Hill Rd
Ste #9343
McLean VA 22102
Direct # 202-867-7500
Mobile # 703-867-7291

Begin forwarded message:

DeLorean 88 LLC_0702

From: sonny preet <preetsonny@yahoo.com>

Date: October 25, 2023 at 3:33:27 PM EDT

To: Sean Gordy <sean.gordy2@dc.gov>

Cc: easany@gmail.com

Subject: Re 1432 Wisconsin ave NW DC

Hello Sean ,

It was nice to see you again and thank you so much for your time

Please email me confirmation regarding my building. 1432 Wisconsin ave NW DC 20007

Sanjeev "sonny" k preet

General partner

The preet Group family Lp

1544 Spring Hill Rd

Ste #9343

McLean VA 22102

Direct # 202-867-7500

Mobile # 703-867-7291

PropertyQuest report for 3219 O STREET NW created 31-10-2023



Interactive Map



Site Related Information

Highlights

- *In the Georgetown Historic District*
- *In the Commission of Fine Arts jurisdiction area*

**EXHIBIT
C**

Basic Information

3219 O STREET NW (HYDE-ADDISON ELEMENTARY SCHOOL)	
SSL (Square, Suffix & Lot)	1244 0854
Lot type	tax lot
Ward	Ward 2
ANC	ANC 2E
SMD	SMD 2E03
Neighborhood Cluster	Cluster 4
Police District	Second Police District
Police Service Area	PSA 206
Voting Precinct	Precinct 6
Zoning	<u>MU-4</u>
Zoning	<u>R-3/GT</u>
2020 census tract	<u>2.02</u>
2020 census block group	2
2020 census block	2006

Ownership and Taxes

Tax lot	1244 0854
Premises	3246 P ST NW WASHINGTON DC 20007
Owner	DISTRICT OF COLUMBIA
	2000 14TH ST NW 8TH FLOOR
	WASHINGTON DC 20009-4487
Use	Educational
Land area	64725 square feet
Tax rate	\$1.89 per \$100 assessed value
<i>Current assessment (2023)</i>	
land	\$10,572,830
improvements	\$4,040,650
total	\$14,613,480
<i>Proposed assessment (2024)</i>	
land	\$10,784,480
improvements	\$4,598,350
total	\$15,382,830

Re: 3219 O street NW DC 20007

DC Department of Buildings <dob@dc.gov>

Wed 11/15/2023 8:11 AM

To: preetsonny@yahoo.com <preetsonny@yahoo.com>

Cc: Phil Musolino <PMusolino@musolinodessell.com>

📎 1 attachments (151 KB)

11-15-2023_-_1244___0854.pdf;

Good morning Mr. Preet:

According to the official zoning map maintained by the Office of Zoning, a separate District agency not part of the Department of Buildings, the subject property, square 1244, lot 0854 is zoned R-3/GT. I have downloaded a report for this property from the website and have attached it for your reference.

If you have questions about the zoning designation, please follow-up with the Office of Zoning directly. They may be reached by phone at (202) 727-6311 or email at dcoz@dc.gov.

Best regards,
Kathleen

Kathleen A. Beeton, AICP | Zoning Administrator

The Department of Buildings

kathleen.beeton@dc.gov | 1100 4th St SW, DC 20024

main: 202.671.3500 | desk: 202-442-4559 | cell: 202-705-3304

dob.dc.gov

On Tue, Nov 14, 2023 at 9:54 PM <dob@dc.gov> wrote:

Automatic Notification of New Conversation

On Tue, Nov 14, 2023 at 9:53 PM <preetsonny@yahoo.com> wrote:

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Hello Ms Beeton

Please see attached DC map which I printed out November 1st 2023

I need a Zonning confirmation from you that front door of this building 3219 O street NW DC 20007 is MU4 as per the Zonning map

I will really appreciate your attention in this matter

**EXHIBIT
D**

DeLorean 88 LLC_0706



Zoning Data Summary

Premises Address	Council Member
3246 P ST NW WASHINGTON DC 20007	Brooke Pinto
Square/Suffix/Lot	ANC
1244 0854	2E
Zoning District	ANC Chairperson
R-3/GT	Elizabeth H. Miller
PUDs	SMD
None	2E03
Ward	Commissioner
Ward 2	Paul Maysak

* For a detailed explanation of zoning related items, please refer to the DC Zoning Map glossary
** To the extent an active PUD exists on a particular site, the PUD zoning depicts the zoning in effect for that site

While DCOZ is committed to providing accurate and timely zoning information via the zoning map, DCOZ cannot guarantee the quality, content, accuracy, or completeness of the information, text, graphics, links, and other items contained therein. All data visualizations on the zoning map should be considered approximate. Information provided in the zoning map should not be used as a substitute for legal, accounting, real estate, business, tax, or other professional advice. DCOZ assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any upon any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. DCOZ retains the right to change any content on its zoning map without prior notice.

DeLorean 88 LLC_0707

Zoning Details: R-3/GT

Description: Preserves mix of detached, semi-detached and attached dwellings and permits attached row houses on small lots

Building Category	Detached	Semi-Detached	Accessory Building not on a public or private alley
Dwelling Units	1	1	1
Minimum Lot Width (ft)	40	30	N/A
Minimum Lot Area (sqft)	4000	3000	N/A
Maximum Lot Occupancy (%)	40	40	100 sq ft
Maximum Height (ft)	35 (40 if adjacent building is already 40 ft or greater)	35 (40 if adjacent building is already 40 ft or greater)	10
Maximum Stories	3	3	1
Roof Structure	4 feet above building height	4 feet above building height	4 feet above building height
Front Setback (ft)	Consistent with at least one adjacent property	Consistent with at least one adjacent property	N/A
Front Build To (ft)			
Rear Yard Setback (ft)	20	20	5
Side Setback (ft)	5, if provided	5, if provided	N/A
Waterfront Setback (ft)			
Pervious Surface (%)	20	20	N/A
Maximum Floor Area Ratio			
Gross Floor Area			
Green Area Ratio			
Plaza			
Setbacks and Screening			
Design Requirements			
Tree Protection			

Zoning Details: R-3/GT

Description: Preserves mix of detached, semi-detached and attached dwellings and permits attached row houses on small lots

Building Category	Attached	IZ Attached	All Other Buildings & Structures
Dwelling Units	1	1	1
Minimum Lot Width (ft)	20	16	40
Minimum Lot Area (sqft)	2000	1600	4000
Maximum Lot Occupancy (%)	60	40	40
Maximum Height (ft)	35 (40 if adjacent building is already 40 ft or greater)	35 (40 if adjacent building is already 40 ft or greater)	35 (40 if adjacent building is already 40 ft or greater)
Maximum Stories	3	3	3
Roof Structure	4 feet above building height	4 feet above building height	4 feet above building height
Front Setback (ft)	Consistent with at least one adjacent property	Consistent with at least one adjacent property	Consistent with at least one adjacent property
Front Build To (ft)			
Rear Yard Setback (ft)	20	20	20
Side Setback (ft)	5, if provided	5, if provided	5, if provided
Waterfront Setback (ft)			
Pervious Surface (%)	20	20	20
Maximum Floor Area Ratio			
Gross Floor Area			
Green Area Ratio			
Plaza			
Setbacks and Screening			
Design Requirements			
Tree Protection			

Zoning Details: R-3/GT

Description: Preserves mix of detached, semi-detached and attached dwellings and permits attached row houses on small lots

Building Category	Institutional	Accessory Building on a public or private alley
Dwelling Units	1	1
Minimum Lot Width (ft)	40	N/A
Minimum Lot Area (sqft)	4000	N/A
Maximum Lot Occupancy (%)	60	450 Sq Ft
Maximum Height (ft)	90	15
Maximum Stories	N/A	1
Roof Structure	18 ft. 6 in. for mechanical space	4 feet above building height
Front Setback (ft)	Consistent with at least one adjacent property	N/A
Front Build To (ft)		
Rear Yard Setback (ft)	20	5
Side Setback (ft)	5, if provided	N/A
Waterfront Setback (ft)		
Pervious Surface (%)	20	N/A
Maximum Floor Area Ratio		
Gross Floor Area		
Green Area Ratio		
Plaza		
Setbacks and Screening		
Design Requirements		
Tree Protection		

CASES/ORDERS

Listed below are the ZC and BZA cases associated with the Square, Parcel, Lot(s) related to this zoning report. Case information is available online at <https://app.dcoz.dc.gov/Home/Search>

Board Zoning Adjustment (BZA) Case Number:
'No BZA case numbers associated with this Square and/or Lot'

Zoning Commission (ZC) Case Number:
[77-46 0854](#)

POLITICAL JURISDICTION REPRESENTATIVES

Ward Ward 2	ANC 2E	SMD 2E03
Council Member Brooke Pinto	ANC Chairperson Elizabeth H. Miller	Commissioner Paul Maysak
Phone Number (202) 724-8058	Phone Number	Phone Number TBD
Email Address bpinto@dccouncil.gov	Email Address 2E@anc.dc.gov	Email Address 2E03@anc.dc.gov
Office Location 1350 Pennsylvania Avenue NW Suite 106	Office Location Unavailable	Office Location 3267 P ST NW
Website	Website http://anc.dc.gov/page/advisory-neighborhood-commission-2e	Website https://anc.dc.gov/page/advisory-neighborhood-commission-2E

December 13, 2023

DeLorean 88, LLC
413 East Capitol St SE – Ground Floor
Washington, DC 20003

RE: Retailer License
ABCA-126807

Dear Applicant:

Thank you for submitting your application for a medical cannabis retailer license. We regret to inform you that your application has been denied as it does not meet the requirements set by the DC Official Code 7-1671.06A. This application is denied due to the following issue:

- Proximity of the proposed location to schools or recreation centers (within 300 feet of Hyde-Addison Elementary School)

Please be aware that if an applicant receives a written denial decision from the ABC Board, they have 15 days from the date of receipt to submit a written appeal to the ABC Board requesting reconsideration of the denial decision. Along with the appeal, the applicant may provide relevant documentation or evidence that challenges the findings of fact or conclusions of law in the written denial decision. If an appeal is submitted, the ABC Board is required to hold a hearing and provide a decision within 30 days.

If the applicant decides not to appeal the written denial decision or if the ABC Board renders a decision on an appeal, the ABC Board will notify the unlicensed establishment that it must close within 30 days of receipt of the denial. Failure to comply with this decision may result in penalties under D.C. Official Code § 47-2844(a2) (1B).

If you have questions or need further assistance, do not hesitate to contact me.

Sincerely,

Emoni Boone

Emoni Boone
emoni.boone@gov

**EXHIBIT
E**

ALCOHOLIC BEVERAGE & CANNABIS ADMINISTRATION
2000 14TH ST NW, SUITE 400, WASHINGTON, DC 20009 | ABCA.DC.GOV

DeLorean 88 LLC_0712

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

**New Retailer License
DeLorean 88, LLC
1432 Wisconsin Avenue N.W.
Washington, DC 20007**

**Case No.:
License No.: ABCA-126807
Order No.:**

**DELOREAN 88, LLC NOTICE OF APPEAL
AND REQUEST FOR RECONSIDERATION**

COMES NOW DeLorean 88 LLC ("DeLorean"), by and through undersigned counsel, and, pursuant to D.C. Code § 7-1671.06, including subpart(b)(2)(B)(i) and such other provisions of law as are applicable, notes its Appeal and request for reconsideration to the ABC Board of the December 13, 2023, Alcoholic Beverage and Cannabis Board denial (the "Denial") of Alcoholic Beverage and Cannabis Administration ("ABCA") License No. 126807. A copy of the Denial is appended hereto as **Appendix A**.

Applicant/appellant adopts and incorporates as if specifically set out herein the Application and all attachments filed on or about November 1, 2023.

Applicant/appellant seeks review and reconsideration of the Denial, including the finding and conclusion that "[t]he application is denied due to...proximity of the proposed location to schools or recreation centers (with 300 feet of Hyde-Addison Elementary School.)" See **Appendix B-1** (unnumbered 4 pages appended to Application at "GIS Map"), **Appendix B-2** (map noting MU-4 and R3-GT zoning of Hyde-Addison Elementary School as of October 31, 2023) **Appendix B-3** (February 11, 2021 report from ABRA Investigator Kevin Puente regarding 1438 Wisconsin Ave., NW, and Hyde-Addison Elementary School), and *see Heyert v. D.C., Alcoholic Beverage Control Bd.*, 399 A.2d 1309, 1312 (D.C. 1979).

**EXHIBIT
F**

KL
Yuang Hsin Lin (Dec 27, 2023 14:07 EST)

DeLorean 88 LLC

Respectfully submitted,

/s/Philip M. Musolino
Philip M. Musolino
D.C. Bar No.: 294652
Musolino & Dessel, PLLC
1615 L Street, N.W., Suite 440
Washington, D.C. 20036
Phone: (202) 466-3883
Fax: (202) 775-7477
Email: PMusolino@MusolinoandDessel.com
Counsel for DeLorean 88 LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December 2023, I caused a true and correct copy of the foregoing to be served via electronic mail and certified mail to the following address:

Alcoholic Beverage & Cannabis Administration
2000 14th Street, N.W.
4th Floor, Suite 400 South
Washington, D.C. 20009
Email: abra.legal@dc.gov
Email: abca.legal@dc.gov
Email: abca.cannabislicensing@dc.gov
Email: emoni.boone@dc.gov
Email: sean.gordy2@dc.gov
Email: martha.jenkins@dc.gov
Email: jonathan.berman@dc.gov

/s/ Philip M. Musolino
Philip M. Musolino

December 13, 2023

DeLorean 88, LLC
413 East Capitol St SE – Ground Floor
Washington, DC 20003

RE: Retailer License
ABCA-126807

Dear Applicant:

Thank you for submitting your application for a medical cannabis retailer license. We regret to inform you that your application has been denied as it does not meet the requirements set by the DC Official Code 7-1671.06A. This application is denied due to the following issue:

- Proximity of the proposed location to schools or recreation centers (within 300 feet of Hyde-Addison Elementary School)

Please be aware that if an applicant receives a written denial decision from the ABC Board, they have 15 days from the date of receipt to submit a written appeal to the ABC Board requesting reconsideration of the denial decision. Along with the appeal, the applicant may provide relevant documentation or evidence that challenges the findings of fact or conclusions of law in the written denial decision. If an appeal is submitted, the ABC Board is required to hold a hearing and provide a decision within 30 days.

If the applicant decides not to appeal the written denial decision or if the ABC Board renders a decision on an appeal, the ABC Board will notify the unlicensed establishment that it must close within 30 days of receipt of the denial. Failure to comply with this decision may result in penalties under D.C. Official Code § 47-2844(a2) (1B).

If you have questions or need further assistance, do not hesitate to contact me.

Sincerely,

Emoni Boone

Emoni Boone
emoni.boone@dc.gov

APPENDIX

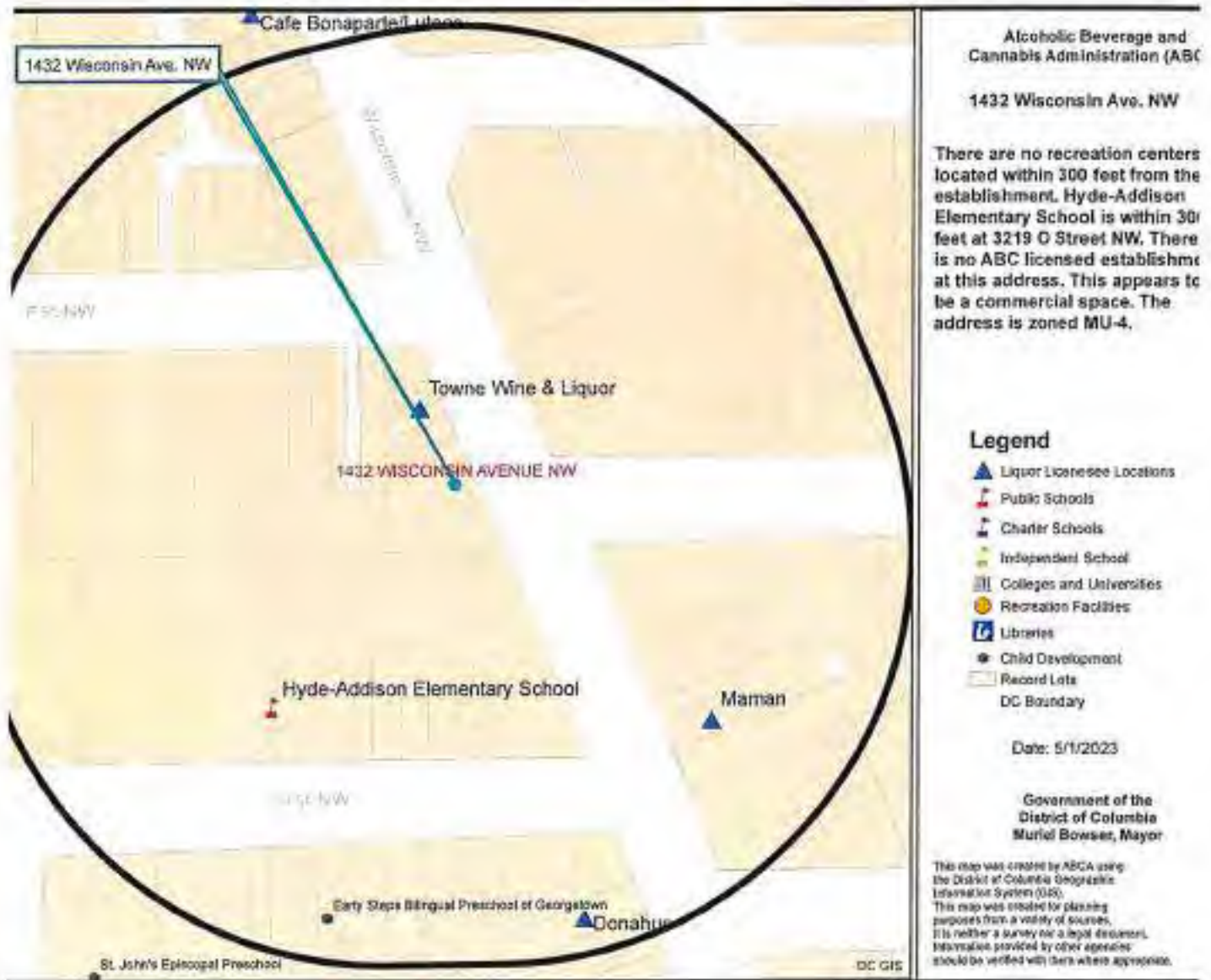
A

DeLorean 88 LLC

**Medical Cannabis Business License Application –
Retailer**

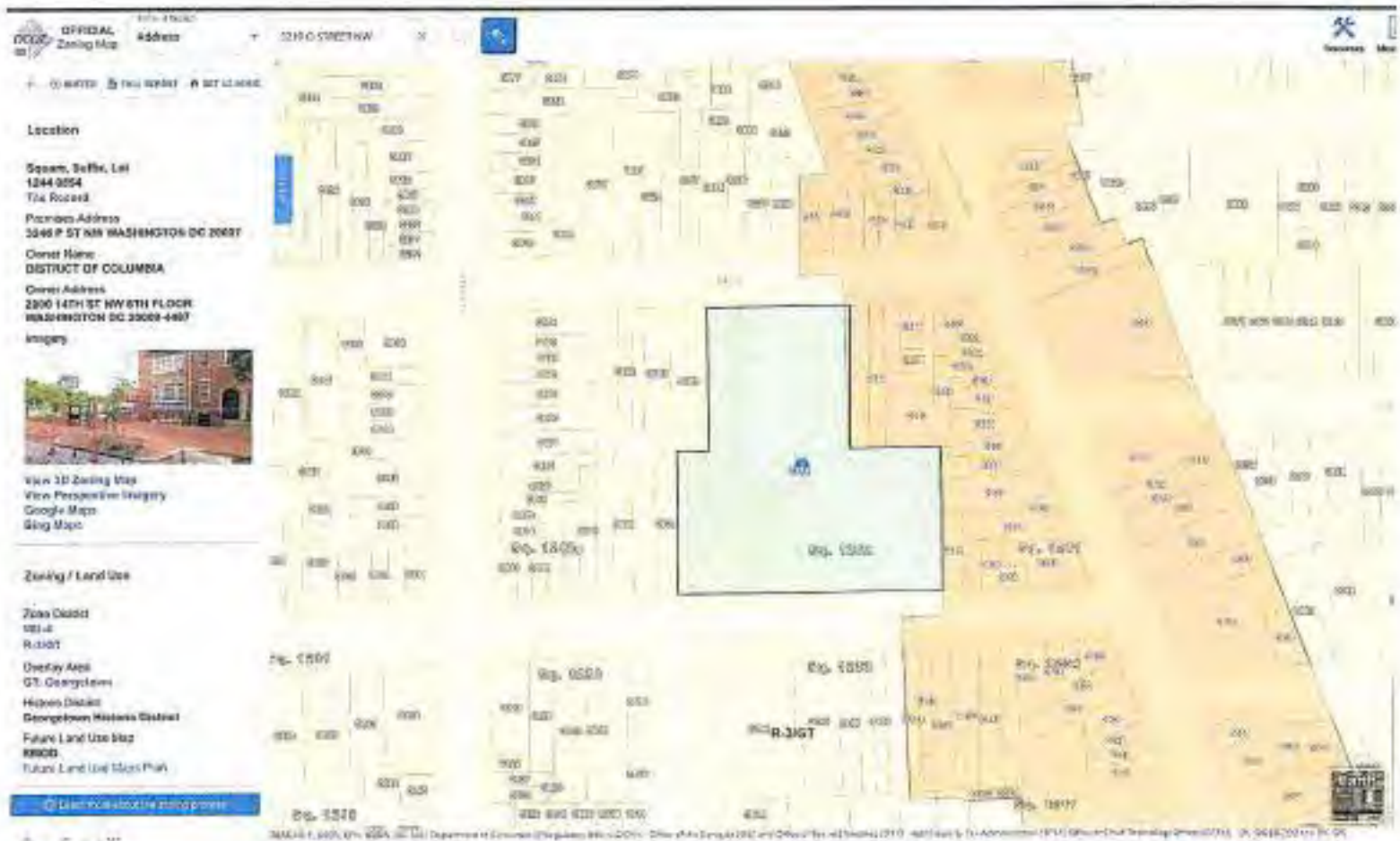
**GIS Map
1432 Wisconsin Ave, NW**

**APPENDIX
B-1**



DeLorean 88 LLC t/a DeLorean has identified property for its medical cannabis retail facility at 1432 Wisconsin Avenue, NW Washington, D.C. 20007. The property, which is zoned as MU-4, is located less than 300 feet from the property line of Hyde Addison Elementary School, located at 3219 O Street, NW Washington, D.C. 20007, however, it meets the exemption in 22 D.C.M.R. § C5200.1. Specifically, 22 D.C.M.R. § C5200.1 states that a proposed medical cannabis facility is exempt from the 300 foot setback, where “the nearest property line of the school...is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.”

The Zoning Report for 3219 O Street, NW, which is attached here, indicates that Hyde Addison Elementary has two zoning designations – MU-4 and R-3/GT. The Office of Surveyor’s survey of the Hyde Addison Elementary plat, also attached here, indicates that the property line which faces Wisconsin Avenue is in an MU-4 zone. This MU-4 designation satisfies the 22 D.C.M.R. § C5200.1 exemption.



PropertyQuest report for 3219 O STREET NW created 31-10-2023



Interactive Map



Site Related Information

Highlights

- In the Georgetown Historic District
- In the Commission of Fine Arts jurisdiction area

**APPENDIX
B-2**

Basic Information

3219 O STREET NW (HYDE-ADDISON ELEMENTARY SCHOOL)

SSL (Square, Suffix & Lot)	1244 0854
Lot type	tax lot
Ward	Ward 2
ANC	ANC 2E
SMD	SMD 2E03
Neighborhood Cluster	Cluster 4
Police District	Second Police District
Police Service Area	PSA 206
Voting Precinct	Precinct 6
Zoning	MU-4
Zoning	R-3/GT
2020 census tract	202
2020 census block group	2
2020 census block	2006

Ownership and Taxes

Tax lot	1244 0854
Premises	3246 P ST NW WASHINGTON DC 20007
Owner	DISTRICT OF COLUMBIA
	2000 14TH ST NW 8TH FLOOR
	WASHINGTON DC 20009-4487
Use	Educational
Land area	64725 square feet
Tax rate	\$1.89 per \$100 assessed value
<i>Current assessment (2023)</i>	
land	\$10,572,830
improvements	\$4,040,650
total	\$14,613,480
<i>Proposed assessment (2024)</i>	
land	\$10,784,480
improvements	\$4,598,350
total	\$15,382,830

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Alcoholic Beverage Regulation Administration



DATE: February 11, 2021
TO: John Suero
Chief of Enforcement
THRU: Jason Peru
Supervisory Investigator
FROM: Kevin Puente *KP #22*
Investigator
SUBJECT: Towne Wine & Liquor

Details: On Wednesday, February 10, 2021, Investigator Puente conducted an investigation regarding Towne Wine & Liquor. Towne Wine & Liquor (Class A Liquor Store) is currently located at 1326 Wisconsin Ave N.W., has applied to move up the street to 1438 Wisconsin Ave N.W. The applicant's proposed address is located within 400 feet of Hyde Addison Elementary School which is currently located at 3219 O Street N.W. Hyde Addison Elementary School is currently zoned Residential and Mix Use according to the District of Columbia Zoning maps. Investigator Puente was tasked with determining whether the nearest property line of Hyde Elementary School to 1438 Wisconsin Avenue, NW is zoned MU-4 or R-20.

Investigator Puente went out to the establishment and measured the distance of Hyde Addison Elementary to Towne Wine & Liquors current location and then from the proposed new location. From the current location at 1326 Wisconsin Avenue N.W. to Addison Elementary school is 371 feet. From the new location at 1438 Wisconsin Avenue N.W. to Addison Elementary School is 381 feet.

Investigator Puente observed that on the east side of the property which abuts commercial buildings is separated by a fence down the entire property line.

**APPENDIX
B-3**

Investigator Puente conducted checks on the District of Columbia Zoning website, Property quest website and the Department of Transportation (DDOT), and determined that the east side property line runs into the MU-4 Zone. Investigator Puente was able to determine this by the maps that were provided on the websites and that are highlighted that shows the property line for Addison Elementary School starts in Residential and then moves into the Mix-Use Zone and back into the Residential Zone.

Investigator Puente determined that the nearest property line to 1438 Wisconsin Avenue N.W., falls into the Mix-Use Zone.

23-12-27 DeLorean 88 LLC Written Appeal

Final Audit Report

2023-12-27

Created:	2023-12-27
By:	Philip Musolino (pmusolino@musolinoanddessel.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAANxixXudEw9CefAhfRjh6BbgOgOLhmeq


"23-12-27 DeLorean 88 LLC Written Appeal" History

 Document created by Philip Musolino (pmusolino@musolinoanddessel.com)

2023-12-27 - 6:58:50 PM GMT- IP address: 73.211.32.21

 Document emailed to jimmylee23@gmail.com for signature


2023-12-27 - 6:59:27 PM GMT

 Email viewed by jimmylee23@gmail.com


2023-12-27 - 7:04:39 PM GMT- IP address: 69.137.155.56

 Signer jimmylee23@gmail.com entered name at signing as Young min Lee

2023-12-27 - 7:07:30 PM GMT- IP address: 69.137.155.56

 Document e-signed by Young min Lee (jimmylee23@gmail.com)

Signature Date: 2023-12-27 - 7:07:32 PM GMT - Time Source: server- IP address: 69.137.155.56

 Agreement completed.

2023-12-27 - 7:07:32 PM GMT



EXHIBIT
G

DeLorean 88 LLC_0725



DeLorean 88 LLC_0726



DeLorean 88 LLC_0727



DeLorean 88 LLC_0728



Office of Zoning | District of Columbia Government
www.dcoz.dc.gov | sara.bardin@dc.gov

441 4th Street, NW | Suite 200-5 | Washington, DC 20001
(202) 727-5372 (office) | (202) 727-6072 (fax)

From: Mathews, Christopher (SMD 2E02) <2E02@anc.dc.gov>

Sent: Thursday, November 9, 2023 9:19 AM

To: Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>; ATD DCOZ <dcoz@dc.gov>

Subject: Zoning Map Question

Hello,

I am an ANC Commissioner in Georgetown and I have a question about the official zoning map on the Office of Zoning's website. I believe the map is providing inaccurate information about the zoning borders. Can I speak to someone to provide clarity on how the zones are geographically defined?

Thank you very much!

Topher Mathews
ANC 2E02

Get [Outlook for iOS](#)

APPENDIX N

DeLorean 88 LLC_0729

Board of Zoning Adjustment
District of Columbia
CASE NO.21107
EXHIBIT NO.9N-Q

From: [Berman, Jonathan \(ABCA\)](#)
To: § 2-534(a)(2)
Cc: § 2-534(a)(2)
Subject: Zoning Changed the Official Map (Hyde Addison)
Date: Thursday, November 9, 2023 12:57:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

§ 2-534(a)(2)

§ 2-534(a)(2)

§ 2-534(a)(2)

Sincerely,

JONATHAN BERMAN (HE, HIM, HIS) - ASSISTANT GENERAL COUNSEL
D: 202.442.4448 | E: jonathan.berman@dc.gov

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
2000 14th Street NW, Suite 400 South, Washington DC 20009
[abca.dc.gov](#) | [Lost Call](#) | [Facebook](#) | [Twitter](#)

Filing Notice

ABRA has a created a dedicated email account for the receipt of all electronic documents that concern legal and adjudication matters before the Alcoholic Beverage Control Board. Please send your Board correspondence, pleadings, filings, motions, Settlement Agreements, Security Plans, etc. to the following address: abra.legal@dc.gov

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

From: Mathews, Christopher (SMD 2E02) <2E02@anc.dc.gov>
Sent: Thursday, November 9, 2023 12:42 PM
To: Berman, Jonathan (ABCA) <jonathan.berman@dc.gov>
Subject: Fwd: Zoning Map Question

Jonathan,
Please see below. As I suspected, this was a result of a digitalization error. The maps have already been updated. As such, I believe Hyde-Addison still “counts” for the 300 foot rule.

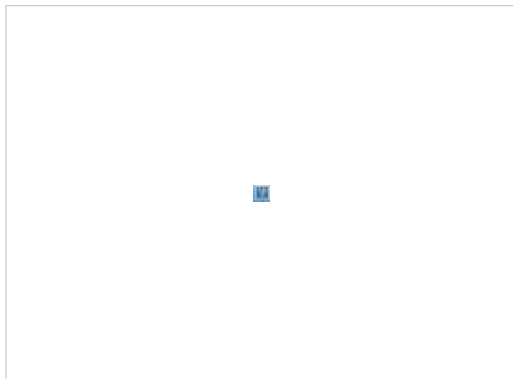
Thank you!
Topher Mathews

Get [Outlook for iOS](#)

From: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>
Sent: Thursday, November 9, 2023 12:16 PM
To: Mathews, Christopher (SMD 2E02) <2E02@anc.dc.gov>; Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>; ATD DCOZ <dcoz@dc.gov>
Subject: RE: Zoning Map Question

Hello Commissioner Matthews:

Yes, this appears to be a digitization error. The first screenshot below is from the 1966 map, and there is a clear 78’ line from the edge of the alley ROW on this square. This measurement is shown on every map up to 2003 (subsequent maps don’t show measurements). The pink line on the second screenshot is a 78-foot line we made in GIS to simulate where the line should be, juxtaposed to the red existing zone boundary.



APPENDIX O

Northwest Georgetown December ANC Update

Topher Mathews : 8-10 minutes : 12/3/2023



Welcome to the December Northwest Georgetown ANC update! Happy Holidays!

As noted previously, DC has changed its approach to leaf collection for the fall. Rather than instruct people to collect their leaves at the beginning of the collection season, DPW broke up each ward into four zones and notified each zone just before their collection began. Here in northwest Georgetown, we're in Zone D. **The city just announced that our collection will begin December 11th. So please rake up the leaves in front of your house into the tree boxes by December 10th.** If possible try to rake up the leaves from the street as well. These leaves were leftover through much of the winter last year and created quite a mess. If you're unable to rake up the leaves, please let me know! I've got a rake and can take care of it for you. Email me at 2e02@dc.anc.gov.

I do not believe that the crews will be collecting leaves put in garden bags. For that you will still need to put in a 311 request. Let me know if you need assistance with that. Also, if there's a bag on your block that has been there a while, the resident probably did not put in a 311 request. You can submit one for them, or again, let me know and I'll take care of it.

APPENDIX

DeLorean 88 LLC_0731

P

Baseball Diamond - Renovation Plan



The Department of Parks and Recreation (DPR) provided an update to the community this month on the planned renovations of Volta Park. The update addressed timing and scope. Here are the highlights:

- The construction was delayed (it was supposed to start this fall) due to extensive archeological work that needed to be performed to ensure the work wouldn't disturb any graves left over from the old cemetery.
- Thankfully this archeological study determined that the work could move forward.
- The bulk of the project is aimed at reducing the erosion and water run-off. And to that end a large French drain will be constructed across the field, ultimately linking with a proper storm drain near Volta Place.
- The grass near the baseball infield will receive brand new sod. The grass further out will be aggressively aerated and re-seeded.
- The backstop will be fixed up but stay as is.
- The dirt areas along the first and third baselines will be replaced with a wood chip surface that will be bound with an adhesive to remain in place.
- The benches will be also fixed up but stay basically as is.
- There will be a new ADA ramp that will go from the upper 34th St. entrance down to the northwest corner. It will be gradual enough that it will appear more like a path and not need hand-railings.

DPR also address the proposed fence, which has drawn complaints from many in the neighborhood. The agency justifies this fence several ways. The first is that it states that while the community largely feels that this is a grass park that happens to have a baseball field in it, the city considers it a baseball field that happens to

have some extra grassy areas. As such, DPR believes that a fence delineating the field from the other grassy area is necessary.

This is especially true, DPR argues, because so many people treat the northwest corner of the park as a de facto dog park. Erecting a fence, in DPR's reasoning, provides a measure of division between the "dog area" and the field. Under DC law, whether leashed or not, dogs are completely prohibited from sports fields. By erecting a fence, DPR argues that it is making it legal to have a dog in the park at all.

The proposed fence would have two 10 foot wide gates that could be open for events such as Volta Park Day. I was disappointed to learn at the meeting that they will otherwise be locked shut. I will push back on this and try to leave (at least one) unlocked to allow for easier passage around the park. At the very least I expect DPR to adopt an idea that came from the crowd to put in one or two small (unlocked) gates.

Opinions remain divided on the fence. Personally I see both sides of the argument and have been encouraging those upset to lodge their complaints directly with DPR. But fence or no fence, we all can agree that the park needs a dramatic rehabilitation and this is the plan the city is going with.

Lastly, DPR offered two options for the grass field in the northwest corner in terms of seeding. It offered a more intense seeding with a longer period of undisturbed growth. But this would mean this area would be off-limits several more months. It wanted input from the community what it would prefer. What do you want? More time for the grass to grow and establish roots or a grass area open as soon as possible? Let me know at 2e02@anc.dc.gov!

Here are some quick updates from around Georgetown from the past month:

- A new fence at the old Aqueduct abutment [has been installed](#).
- New GU [hospital wing now open](#).
- Speaking of GU, Corey Peterson has returned as VP of Community Engagement and Local Government Affairs. This is a huge win for the neighborhood and school alike as Corey is highly regarded by both communities.
- Tatte Bakery is [taking over the old Capital One Bank](#) at Q and Wisconsin.

The future of legal retail cannabis in DC is coming. As I've [discussed previously](#), the city is moving towards allowing more licensed retail shops to sell cannabis. (The city has promised to then move to shut down all the unlicensed shops. All the shops currently open in Georgetown are unlicensed.) One element of the new law I have been focused on is the proximity rules. Specifically, no retail shop can open within 300 feet of a school or recreation center. Additionally, no retail shop can open within 400 feet of *another* retail cannabis shop.

This seems like a pretty clear cut rule, but I've already found that the ANC needs to stay on top of things to ensure it's correctly followed. Two circumstances I experienced recently demonstrate that. The first involved a commercial property owner that reached out to me about a retail cannabis shop he wanted to open in the former dry cleaners at 1612 Wisconsin Ave. I pointed out to him that that lot is too close to Volta Rec Center¹, and he told me that ABCA (the former ABRA agency, which will be regulating these shops) had given this location a thumb's up. I got on the horn with the General Counsel's office at ABCA and pointed out that Volta

DeLorean 88 LLC_0733

Recreation Center is in fact (drumroll please...) a recreation center. They agreed and pulled the preliminary location approval. The property is now going to become a salon instead.

The second occasion occurred more recently. The same commercial property owner was seeking approval for a license at 1432 Wisconsin Ave. Again he received a preliminary approval for the location from ABCA. This surprised me since this lot literally abuts Hyde-Addison School. Unfortunately the zoning map for the school's lot was screwed up. The school's lot was mistakenly identified as being partially commercial and schools on lots zoned commercial are not "counted" for these purposes. The reason for the map error was due to a glitch when the maps were digitized. As you can see below, the orange commercial zone had bled into Hyde-Addison's lot:

12:16

LTE

maps.dcoz.dc.gov



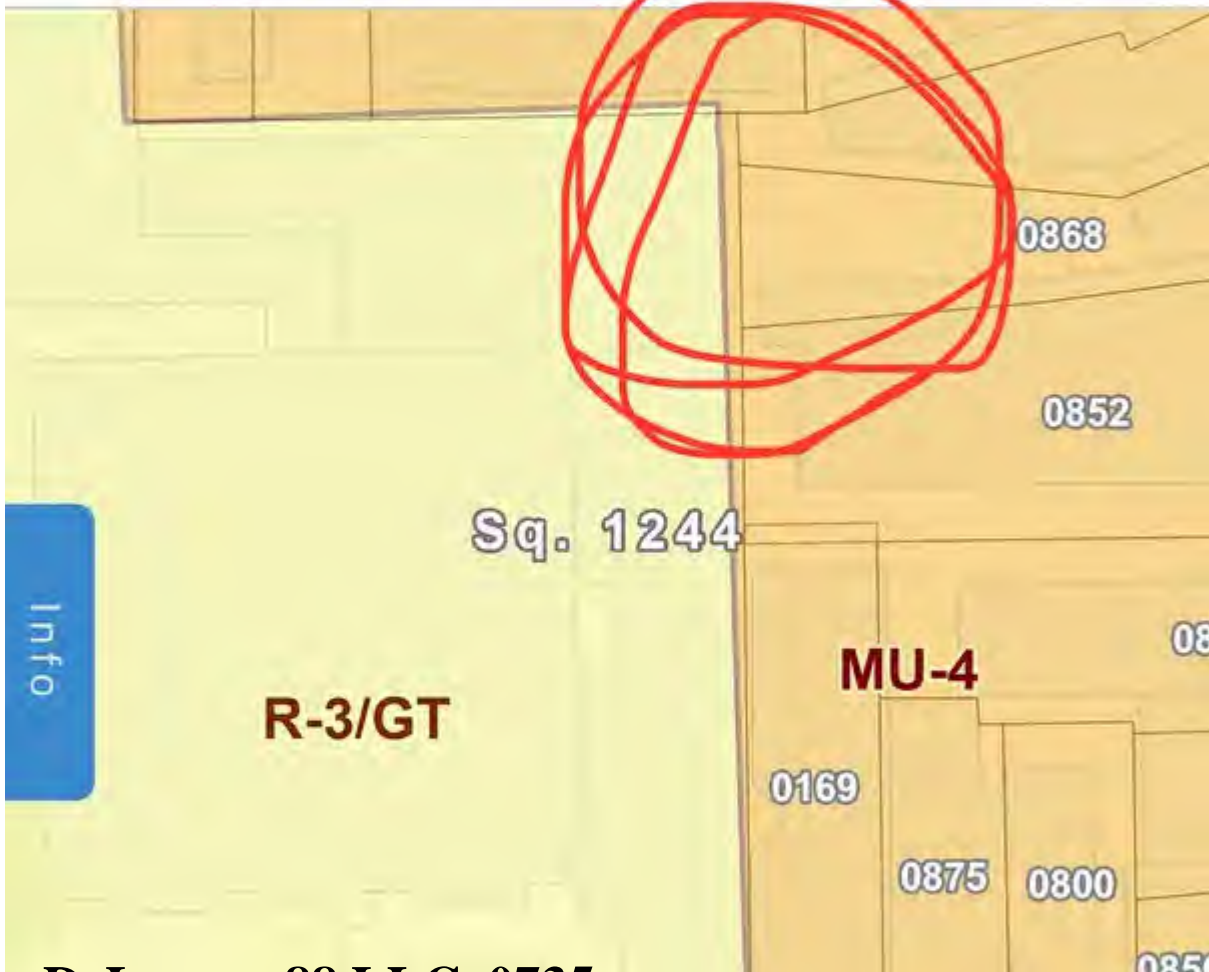
OFFICIAL
Zoning Map

Menu

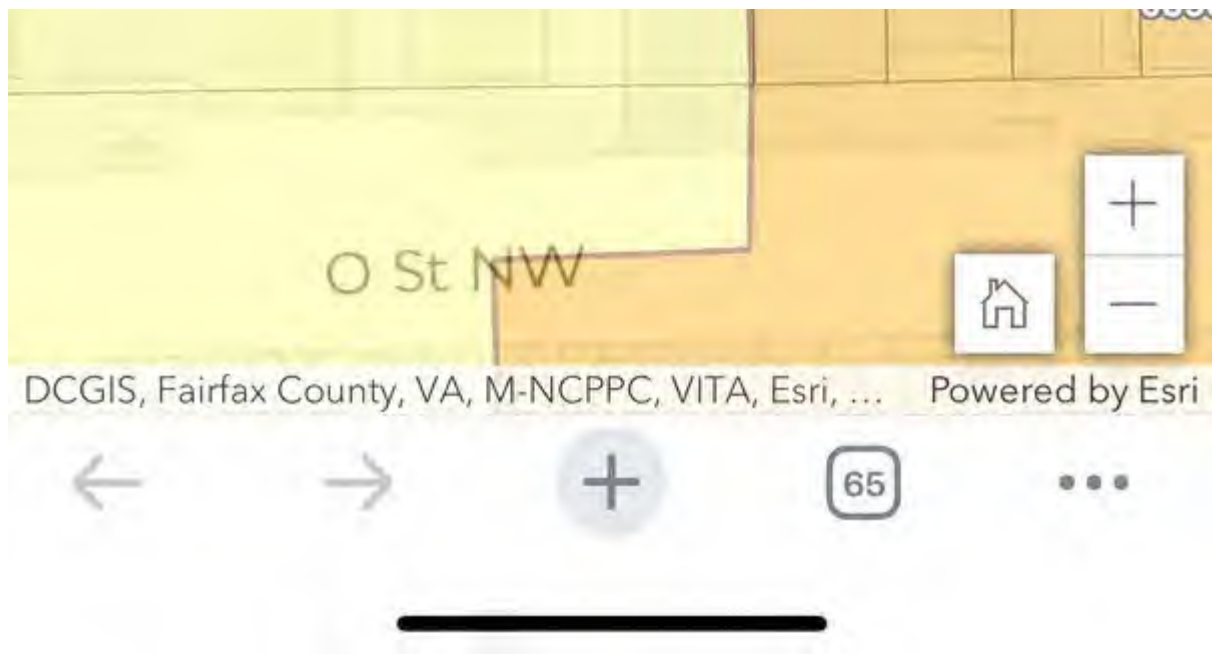
Refined Search

Address

441 4th Street NW, Washington, DC



DeLorean 88 LLC_0735



It's clear that there was no intention to have Hyde-Addison's lot be commercial. Unfortunately the attorneys at ABCA shrugged their shoulders and said there was nothing they could do. So I got on the horn with the Office of Zoning and was soon speaking to the Director herself, Sara Bardin. She was immensely helpful and immediately recognized the issue. She had her team look into it and within an hour the map was fixed:



Bardin, Sara (DCOZ)

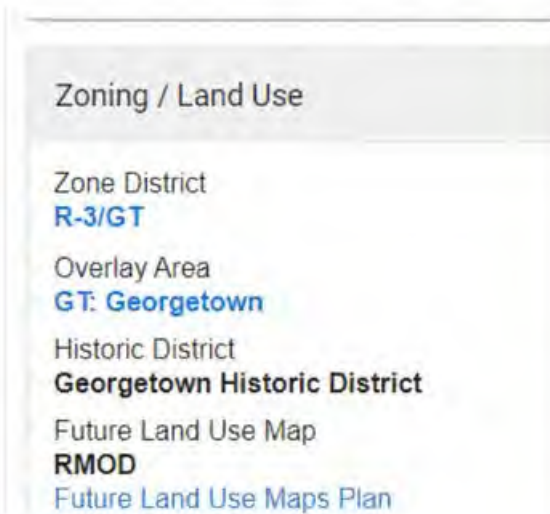
1:36 PM

To Hill, Zelalem (DCOZ), ATD DCOZ and You

...



It's fixed. They had to update the service:



Sincerely,

Sara

Sara Bardin

Director

As a result the school does “count” and any retail shop looking to open on that stretch of Wisconsin Ave. will be blocked. In fact, the unlicensed shop that had been operating at 1432 Wisconsin Ave. has already closed and moved. (Needless to say, I am not this commercial land owner’s favorite person, to say the least....)

Ultimately there will be some licensed cannabis shops in Georgetown, and that’s fine. The shop that was previously at 1432 is planning to open at 1253 Wisconsin Ave. instead. But it’s important to enforce the proximity laws to the ‘t’. To paraphrase Bill Clinton, let’s have the shops be legal, safe and rare.

DeLorean 88 LLC_0737



And with that, I wish you all a safe and warm holiday season! If you need anything, please do not hesitate to reach me at 2e02@anc.dc.gov!

Subscribe to Northwest Georgetown Monthly ANC Updates

The latest news and notes for northwest Georgetown

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[Next Chapter](#)

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

**New Retailer License
DeLorean 88, LLC
1432 Wisconsin Avenue N.W.
Washington, DC 20007**

**Case No.:
License No.: ABCA-126807
Order No.:**

**DELOREAN 88, LLC NOTICE OF APPEAL
AND REQUEST FOR RECONSIDERATION**


COMES NOW DeLorean 88 LLC (“DeLorean”), by and through undersigned counsel, and, pursuant to D.C. Code § 7-1671.06, including subpart(b)(2)(B)(i) and such other provisions of law as are applicable, notes its Appeal and request for reconsideration to the ABC Board of the December 13, 2023, Alcoholic Beverage and Cannabis Board denial (the “Denial”) of Alcoholic Beverage and Cannabis Administration (“ABCA”) License No. 126807. A copy of the Denial is appended hereto as **Appendix A**.

Applicant/appellant adopts and incorporates as if specifically set out herein the Application and all attachments filed on or about November 1, 2023.

Applicant/appellant seeks review and reconsideration of the Denial, including the finding and conclusion that “[t]he application is denied due to...proximity of the proposed location to schools or recreation centers (with 300 feet of Hyde-Addison Elementary School.)” *See Appendix B-1* (unnumbered 4 pages appended to Application at “GIS Map”), *Appendix B-2* (map noting MU-4 and R3-GT zoning of Hyde-Addison Elementary School as of October 31, 2023) *Appendix B-3* (February 11, 2021 report from ABRA Investigator Kevin Puente regarding 1438 Wisconsin Ave., NW, and Hyde-Addison Elementary School), and *see Heyert v. D.C., Alcoholic Beverage Control Bd.*, 399 A.2d 1309, 1312 (D.C. 1979).

APPENDIX

Q


Young Min Lee (Dec 27, 2023 14:07 EST)

DeLorean 88 LLC

Respectfully submitted,

/s/Philip M. Musolino
Philip M. Musolino
D.C. Bar No.: 294652
Musolino & Dessel, PLLC
1615 L Street, N.W., Suite 440
Washington, D.C. 20036
Phone: (202) 466-3883
Fax: (202) 775-7477
Email: PMusolino@MusolinoandDessel.com
Counsel for DeLorean 88 LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December 2023, I caused a true and correct copy of the foregoing to be served via electronic mail and certified mail to the following address:

Alcoholic Beverage & Cannabis Administration
2000 14th Street, N.W.
4th Floor, Suite 400 South
Washington, D.C. 20009
Email: abra.legal@dc.gov
Email: abca.legal@dc.gov
Email: abca.cannabislicensing@dc.gov
Email: emoni.boone@dc.gov
Email: sean.gordy2@dc.gov
Email: martha.jenkins@dc.gov
Email: jonathan.berman@dc.gov

/s/ Philip M. Musolino
Philip M. Musolino

December 13, 2023

DeLorean 88, LLC
413 East Capitol St SE – Ground Floor
Washington, DC 20003

RE: Retailer License
ABCA-126807

Dear Applicant:

Thank you for submitting your application for a medical cannabis retailer license. We regret to inform you that your application has been denied as it does not meet the requirements set by the **DC Official Code 7-1671.06A**. This application is denied due to the following issue:

- Proximity of the proposed location to schools or recreation centers (within 300 feet of Hyde-Addison Elementary School)

Please be aware that if an applicant receives a written denial decision from the ABC Board, they have 15 days from the date of receipt to submit a written appeal to the ABC Board requesting reconsideration of the denial decision. Along with the appeal, the applicant may provide relevant documentation or evidence that challenges the findings of fact or conclusions of law in the written denial decision. If an appeal is submitted, the ABC Board is required to hold a hearing and provide a decision within 30 days.

If the applicant decides not to appeal the written denial decision or if the ABC Board renders a decision on an appeal, the ABC Board will notify the unlicensed establishment that it must close within 30 days of receipt of the denial. Failure to comply with this decision may result in penalties under **D.C. Official Code § 47-2844(a2) (1B)**.

If you have questions or need further assistance, do not hesitate to contact me.

Sincerely,

Emoni Boone

Emoni Boone
emoni.boone@.gov

APPENDIX A

ALCOHOLIC BEVERAGE & CANNABIS ADMINISTRATION
2000 14TH ST NW, SUITE 400, WASHINGTON, DC 20009 | ABCA.DC.GOV

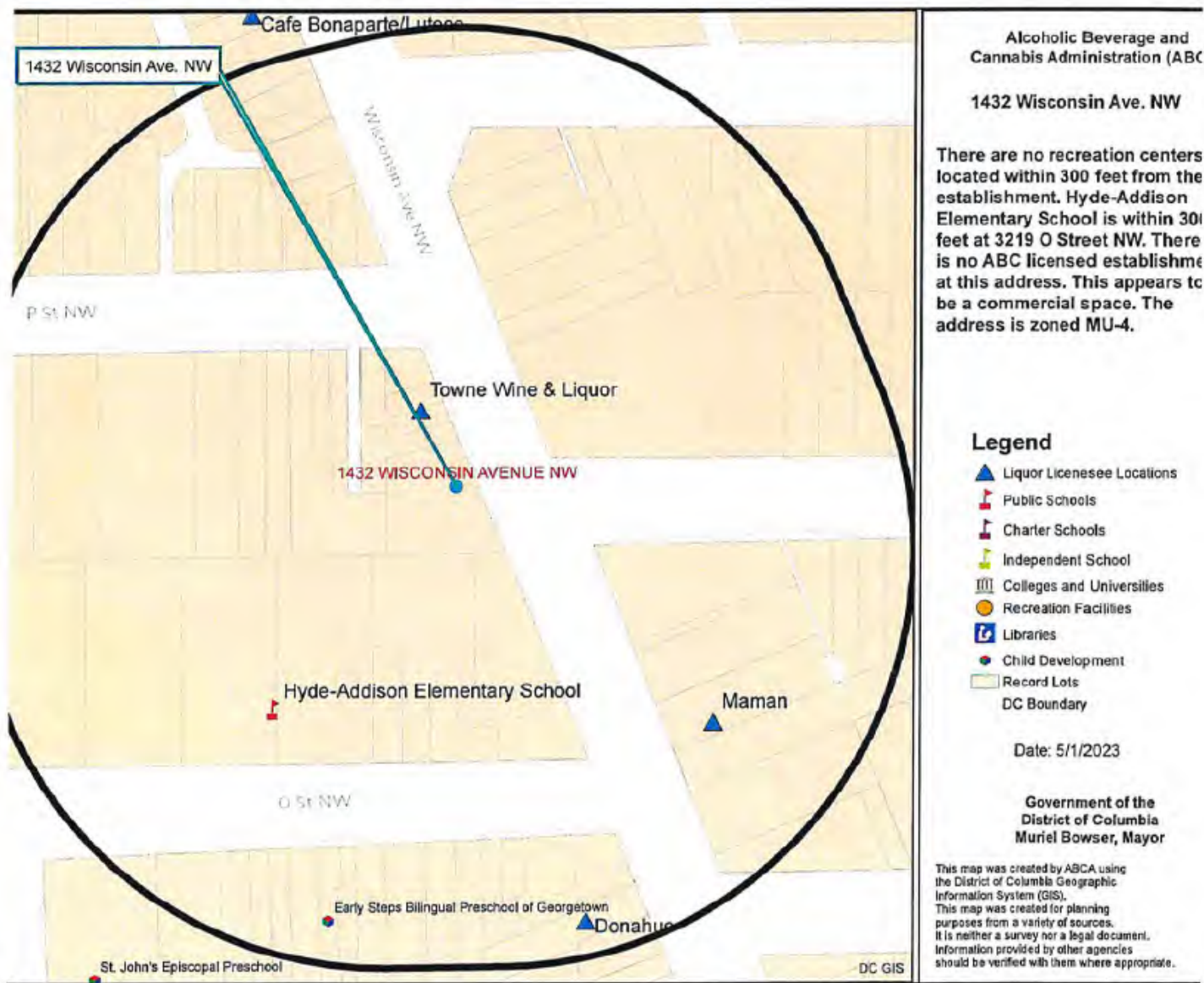
DeLorean 88 LLC_0741

DeLorean 88 LLC

**Medical Cannabis Business License Application –
Retailer**

**GIS Map
1432 Wisconsin Ave, NW**

**APPENDIX
B-1**



DeLorean 88 LLC_0743

DeLorean 88 LLC t/a DeLorean has identified property for its medical cannabis retail facility at 1432 Wisconsin Avenue, NW Washington, D.C. 20007. The property, which is zoned as MU-4, is located less than 300 feet from the property line of Hyde Addison Elementary School, located at 3219 O Street, NW Washington, D.C. 20007, however, it meets the exemption in 22 D.C.M.R. § C5200.1. Specifically, 22 D.C.M.R. § C5200.1 states that a proposed medical cannabis facility is exempt from the 300 foot setback, where “the nearest property line of the school...is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.”

The Zoning Report for 3219 O Street, NW, which is attached here, indicates that Hyde Addison Elementary has two zoning designations – MU-4 and R-3/GT. The Office of Surveyor’s survey of the Hyde Addison Elementary plat, also attached here, indicates that the property line which faces Wisconsin Avenue is in an MU-4 zone. This MU-4 designation satisfies the 22 D.C.M.R. § C5200.1 exemption.

OFFICIAL Zoning Map Address: 3219 Q STREET NW

Location: Square, Suffix, Lot 1244 0854
 Tax Record
 Premises Address 3246 P ST NW WASHINGTON DC 20007
 Owner Name DISTRICT OF COLUMBIA
 Owner Address 2000 14TH ST NW 6TH FLOOR WASHINGTON DC 20009-4487
 Imagery

View 3D Zoning Map
 View Perspective Imagery
 Google Maps
 Bing Maps

Zoning / Land Use

Zone District MU-4
 R-3/GT
 Overlay Area GT: Georgetown
 Historic District Georgetown Historic District
 Future Land Use Map RMOD
 Future Land Use Maps Plan

[Learn more about the zoning process](#)

300 Main St, U.S. Census Bureau, DC GIS (Department of Consumer and Regulatory Affairs (DCRA), Office of the Surveyor (OS), and Office of Tax and Revenue (OTR), Real Property Tax Administration (RPTA), Office of Chief Technology Officer (OCTO), DC GIS/DCR and DC GIS

DeLorean 88 LLC_0745

PropertyQuest report for 3219 O STREET NW created 31-10-2023



Interactive Map



Site Related Information

Highlights

- *In the Georgetown Historic District*
- *In the Commission of Fine Arts jurisdiction area*

**APPENDIX
B-2**

Basic Information

3219 O STREET NW (HYDE-ADDISON ELEMENTARY SCHOOL)	
SSL (Square, Suffix & Lot)	1244 0854
Lot type	tax lot
Ward	Ward 2
ANC	ANC 2E
SMD	SMD 2E03
Neighborhood Cluster	Cluster 4
Police District	Second Police District
Police Service Area	PSA 206
Voting Precinct	Precinct 6
Zoning	MU-4
Zoning	<u>R-3/GT</u>
2020 census tract	<u>2.02</u>
2020 census block group	2
2020 census block	2006

Ownership and Taxes

Tax lot	1244 0854
Premises	3246 P ST NW WASHINGTON DC 20007
Owner	DISTRICT OF COLUMBIA
	2000 14TH ST NW 8TH FLOOR
	WASHINGTON DC 20009-4487
Use	Educational
Land area	64725 square feet
Tax rate	\$1.89 per \$100 assessed value
<i>Current assessment (2023)</i>	
land	\$10,572,830
improvements	\$4,040,650
total	\$14,613,480
<i>Proposed assessment (2024)</i>	
land	\$10,784,480
improvements	\$4,598,350
total	\$15,382,830

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Alcoholic Beverage Regulation Administration



DATE: February 11, 2021
TO: John Suero
Chief of Enforcement
THRU: Jason Peru
Supervisory Investigator
FROM: Kevin Puente *KP #22*
Investigator
SUBJECT: Towne Wine & Liquor

Details: On Wednesday, February 10, 2021, Investigator Puente conducted an investigation regarding Towne Wine & Liquor. Towne Wine & Liquor (Class A Liquor Store) is currently located at 1326 Wisconsin Ave N.W., has applied to move up the street to 1438 Wisconsin Ave N.W. The applicant's proposed address is located within 400 feet of Hyde Addison Elementary School which is currently located at 3219 O Street N.W. Hyde Addison Elementary School is currently zoned Residential and Mix Use according to the District of Columbia Zoning maps. Investigator Puente was tasked with determining whether the nearest property line of Hyde Elementary School to 1438 Wisconsin Avenue, NW is zoned MU-4 or R-20.

Investigator Puente went out to the establishment and measured the distance of Hyde Addison Elementary to Towne Wine & Liquors current location and then from the proposed new location. From the current location at 1326 Wisconsin Avenue N.W. to Addison Elementary school is 371 feet. From the new location at 1438 Wisconsin Avenue N.W. to Addison Elementary School is 381 feet.

Investigator Puente observed that on the east side of the property which abuts commercial buildings is separated by a fence down the entire property line.

**APPENDIX
B-3**

Investigator Puente conducted checks on the District of Columbia Zoning website, Property quest website and the Department of Transportation (DDOT), and determined that the east side property line runs into the MU-4 Zone. Investigator Puente was able to determine this by the maps that were provided on the websites and that are highlighted that shows the property line for Addison Elementary School starts in Residential and then moves into the Mix-Use Zone and back into the Residential Zone.

Investigator Puente determined that the nearest property line to 1438 Wisconsin Avenue N.W., falls into the Mix-Use Zone.







23-12-27 DeLorean 88 LLC Written Appeal

Final Audit Report

2023-12-27

Created:	2023-12-27
By:	Philip Musolino (pmusolino@musolinoanddessel.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAANxixXudEw9CefAhllRJh6BbgOgOLhmeq

"23-12-27 DeLorean 88 LLC Written Appeal" History

-  Document created by Philip Musolino (pmusolino@musolinoanddessel.com)
2023-12-27 - 6:58:50 PM GMT- IP address: 73.211.32.21
-  Document emailed to jimmylee23@gmail.com for signature
2023-12-27 - 6:59:27 PM GMT
-  Email viewed by jimmylee23@gmail.com
2023-12-27 - 7:04:39 PM GMT- IP address: 69.137.155.56
-  Signer jimmylee23@gmail.com entered name at signing as Young min Lee
2023-12-27 - 7:07:30 PM GMT- IP address: 69.137.155.56
-  Document e-signed by Young min Lee (jimmylee23@gmail.com)
Signature Date: 2023-12-27 - 7:07:32 PM GMT - Time Source: server- IP address: 69.137.155.56
-  Agreement completed.
2023-12-27 - 7:07:32 PM GMT



Adobe Acrobat Sign

DeLorean 88 LLC_0750

ABCA: Motion (Delorean 88 LLC)

Berman, Jonathan (ABCA) <jonathan.berman@dc.gov>

Tue 1/2/2024 2:38 PM

To: Phil Musolino <PMusolino@musolinodessel.com>

Cc: Jenkins, Martha (ABCA) <Martha.Jenkins@dc.gov>

📎 1 attachments (196 KB)

01-02-2024 - 1244 0854.pdf;

Dear Mr. Musolino:

The agency is in receipt of your motion and at this time we anticipate that it will appear on the Board's January 10, 2024 agenda for consideration. I just wanted to let you know that the zoning map you provided with your motion appears to be out of date and not supported by the current zoning map, which lists the zoning for 3246 P Street NW as solely being R-3/GT (see the attached zoning report produced on January 2, 2024).

I just wanted to check in and see if you wanted to proceed with the Board reviewing your motion as is, or whether you'd like to replace your filing, file anything more for consideration by the Board, or would like more time to consider the matter. Please let us know by the close of business on Tuesday, January 9, 2024, or the Board may proceed to decide the motion without further input.

Sincerely,

JONATHAN BERMAN (HE, HIM, HIS) · ASSISTANT GENERAL COUNSEL

D: 202.442.4448 | E: jonathan.berman@dc.gov

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

2000 14th Street NW, Suite 400 South, Washington DC 20009

[abca.dc.gov] abca.dc.gov | [Last Call](#) | [Facebook](#) | [Twitter](#)

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ABRA has created a dedicated email account for the receipt of all electronic documents that concern legal and adjudication matters before the Alcoholic Beverage Control Board. Please send your Board correspondence, pleadings, filings, motions, Settlement Agreements, Security Plans, etc. to the following address: ABCA.legal@dc.gov

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APPENDIX R

Board of Zoning Adjustment
District of Columbia
CASE NO.21107
EXHIBIT NO.9R-Z

DeLorean 88 LLC_0751

RE: ABCA: Motion (Delorean 88 LLC)

Berman, Jonathan (ABCA) <jonathan.berman@dc.gov>

Thu 1/4/2024 10:33 AM

To: Phil Musolino <PMusolino@musolinodessell.com>

Cc: Jenkins, Martha (ABCA) <Martha.Jenkins@dc.gov>

Dear Phil,

We do not have an issue with delaying consideration of your motion. Please note that the Board does not meet on the 17th but meets the following weeks (Board Calendar: https://abca.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/2024%20ABC%20Board%20Meeting%20Schedule_0.pdf). The matter will still appear on the agenda but we will let the Board know that you intend to file additional materials related to the motion so it will likely merely be continued to a later date and no decision will be made at that time. Presuming you file by the 17th, the Board will likely take up the motion on the 24th or 31st. As a result, I would advise filing additional materials by the 17th or let us know by then if you need additional time. If an appearance is required, notice and instructions will be provided.

Separately, in respect to any conversations you're having with other agencies, note that on our end, based on the information I have, ABCA was informed around or sometime in November 2023 that there was a digitization error in the official zoning map and that the map was updated, which led to Licensing issuing the denial based on the new map. I also wanted to let you know that Investigator Puente is no longer with the agency.

Sincerely,

JONATHAN BERMAN (HE, HIM, HIS) · ASSISTANT GENERAL COUNSEL

D: 202.442.4448 | E: jonathan.berman@dc.gov

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

2000 14th Street NW, Suite 400 South, Washington DC 20009

[abca.dc.gov]abca.dc.gov | [Last Call](#) | [Facebook](#) | [Twitter](#)

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APPENDIX
S

DeLorean 88 LLC_0752

Leopold Harris

From: sonny preet <preetsonny@yahoo.com>
Sent: Friday, January 12, 2024 5:49 PM
To: Lawson, Joel (OP)
Subject: Re: Phone call

Hello Ms Lawson

Thanks for the email , can you confirm that the office of planning had no role in any change to the MU4 Zonning line (3219 O street NW DC and 3246 P street NW DC) which was the subject of our conversation few days ago.

Thank you
Sanjeev "sonny" k preet
General partner
The preet group family Lp
1544 Spring Hill Rd
Ste #9343
McLean VA 22102
Direct # 202-867-7500
Mobile # 703-867-7291

On Jan 12, 2024, at 4:40 PM, Lawson, Joel (OP) <joel.lawson@dc.gov> wrote:

Good afternoon - thanks for the phone call. As part of that call, you requested a copy of the map that I was looking at during the call - the Property Quest map, which is publicly available. It is attached below.

To repeat, I made and am making no representation regarding where the zone line separating MU-4 and R-3/GT is or should be, or which properties or portions of properties are zoned what. I am sorry that I cannot assist you any further with that determination.

**APPENDIX
T**

33rd St NW

P St NW

O St NW

1245 33rd St NW
2345 P St NW WASHINGTON DC 20007

Legend: + (Building), - (Street)

Have a good day,

Joel Lawson

Associate Director • DC Office of Planning

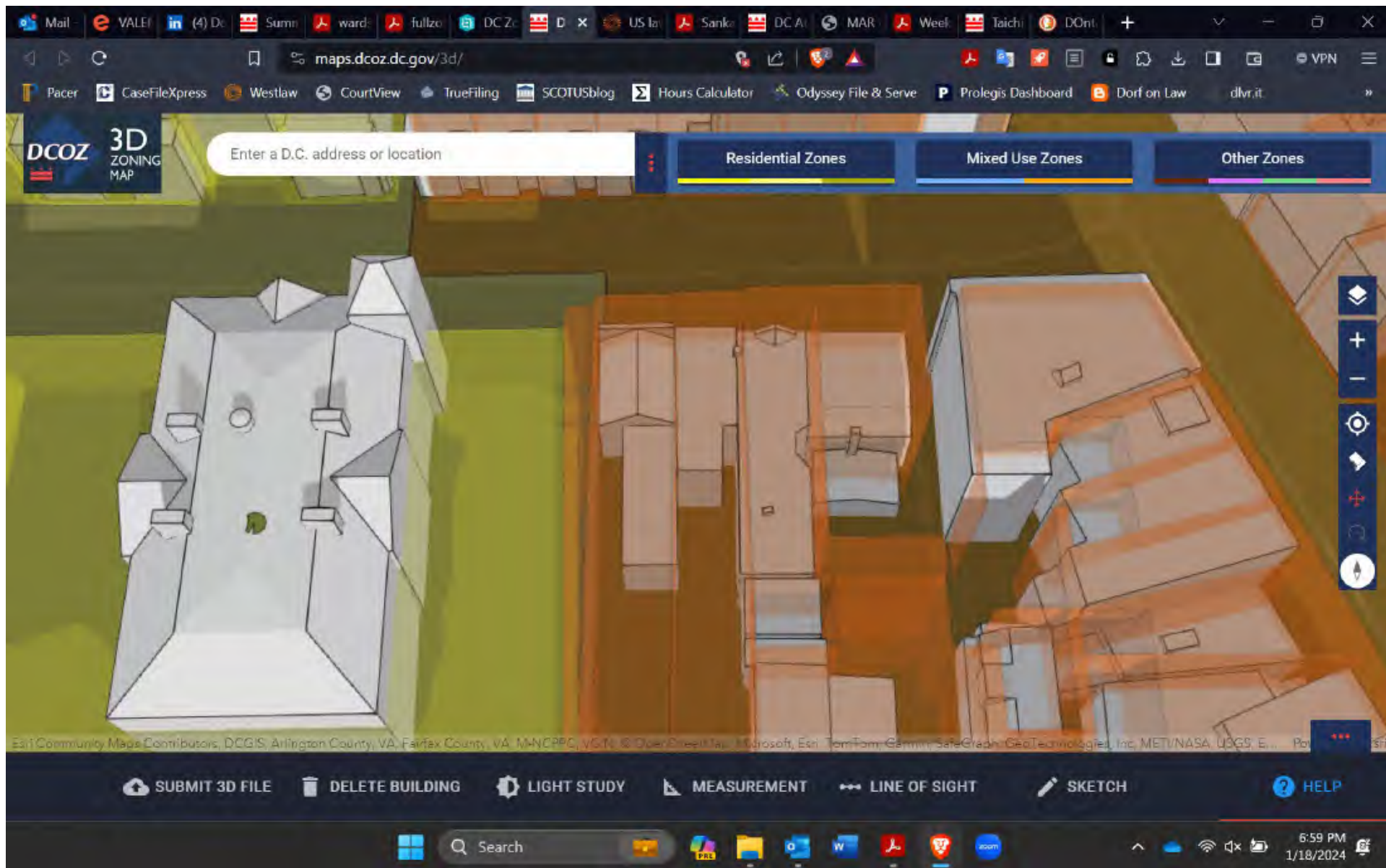
he/him/his • [Why Do Pronouns Matter?](#)

1100 4th Street SW, Suite E650 • Washington, DC 20024

202-442-7600

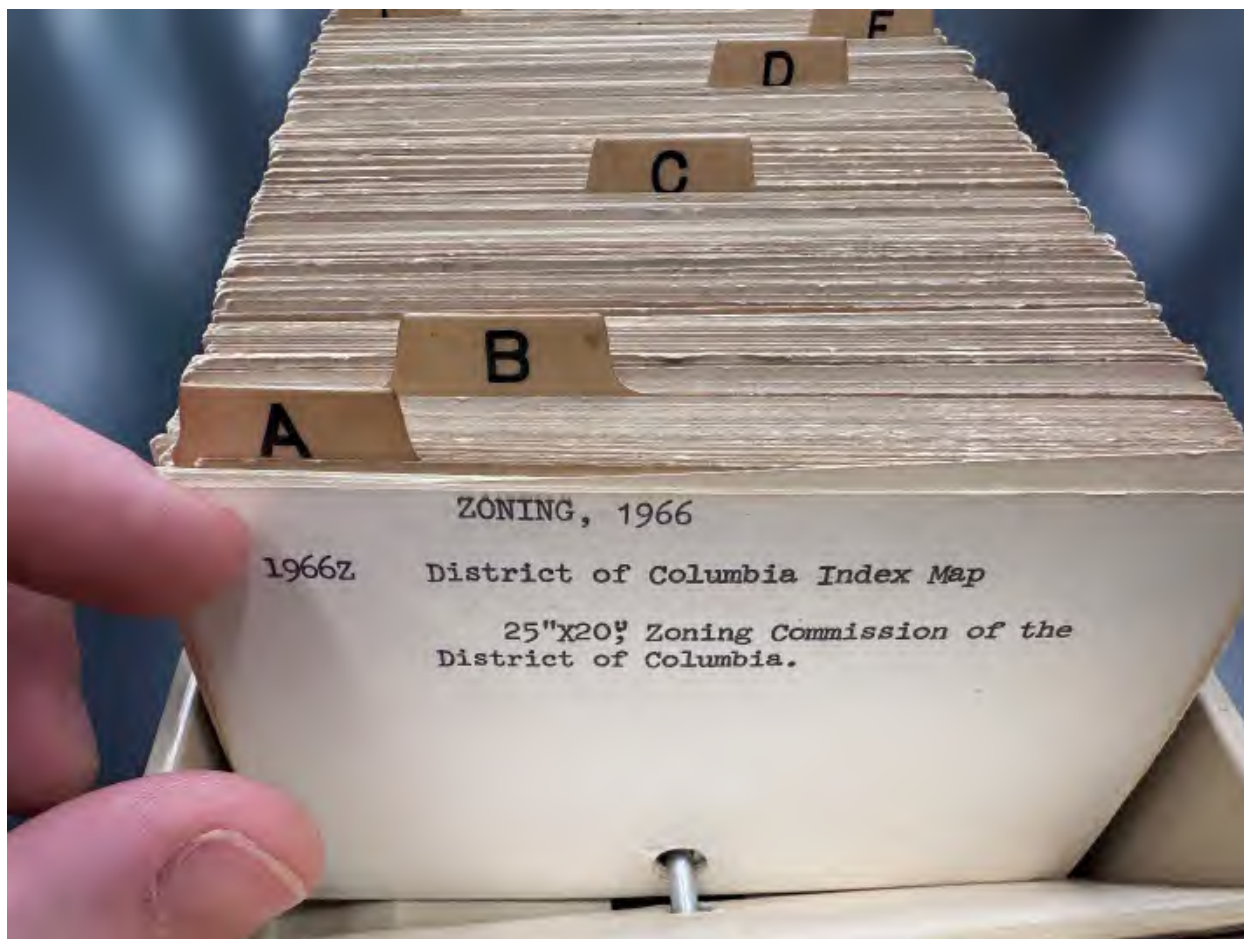
joel.lawson@dc.gov

planning.dc.gov



APPENDIX U

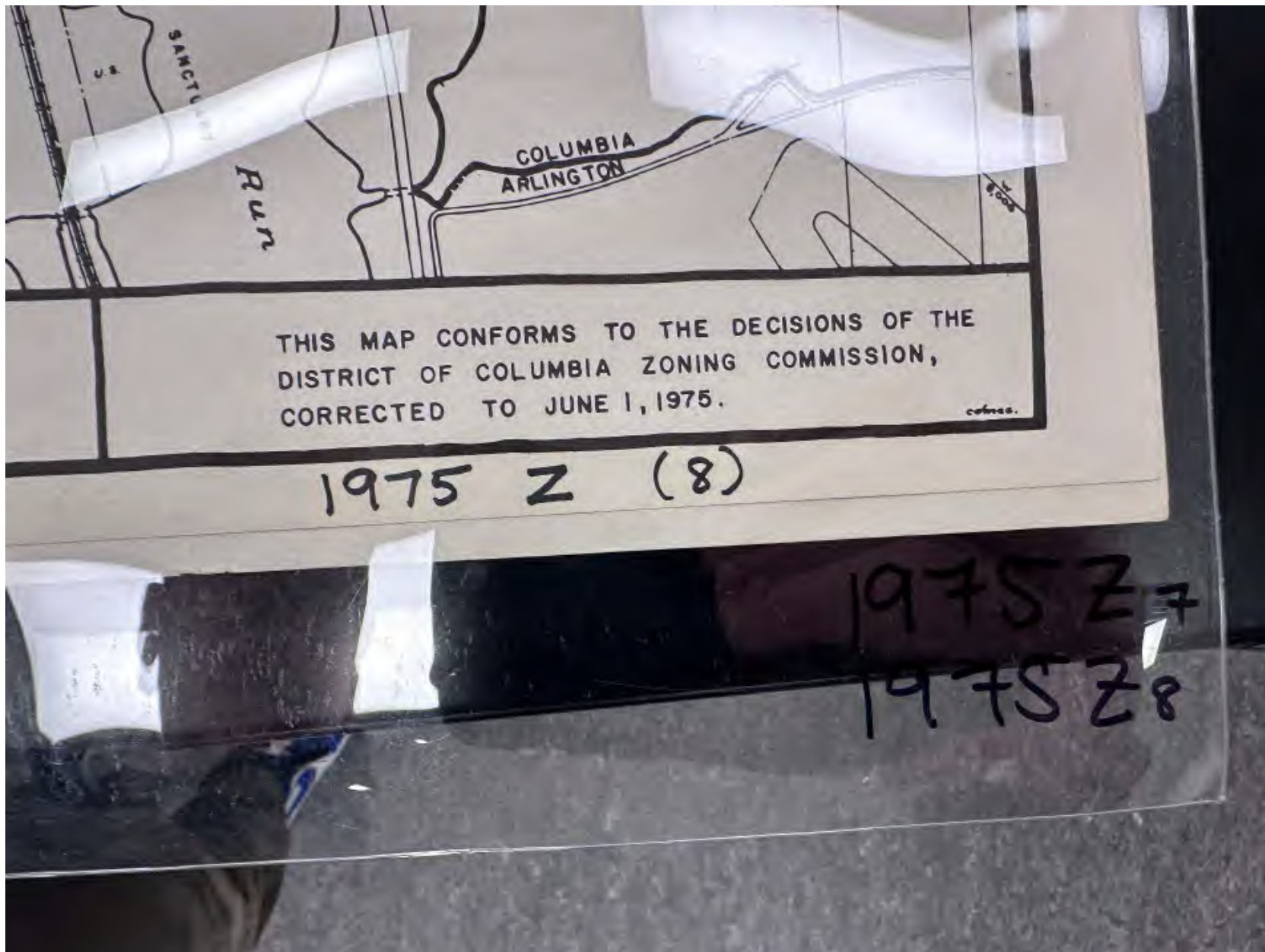
DeLorean 88 LLC_0756



APPENDIX V-1

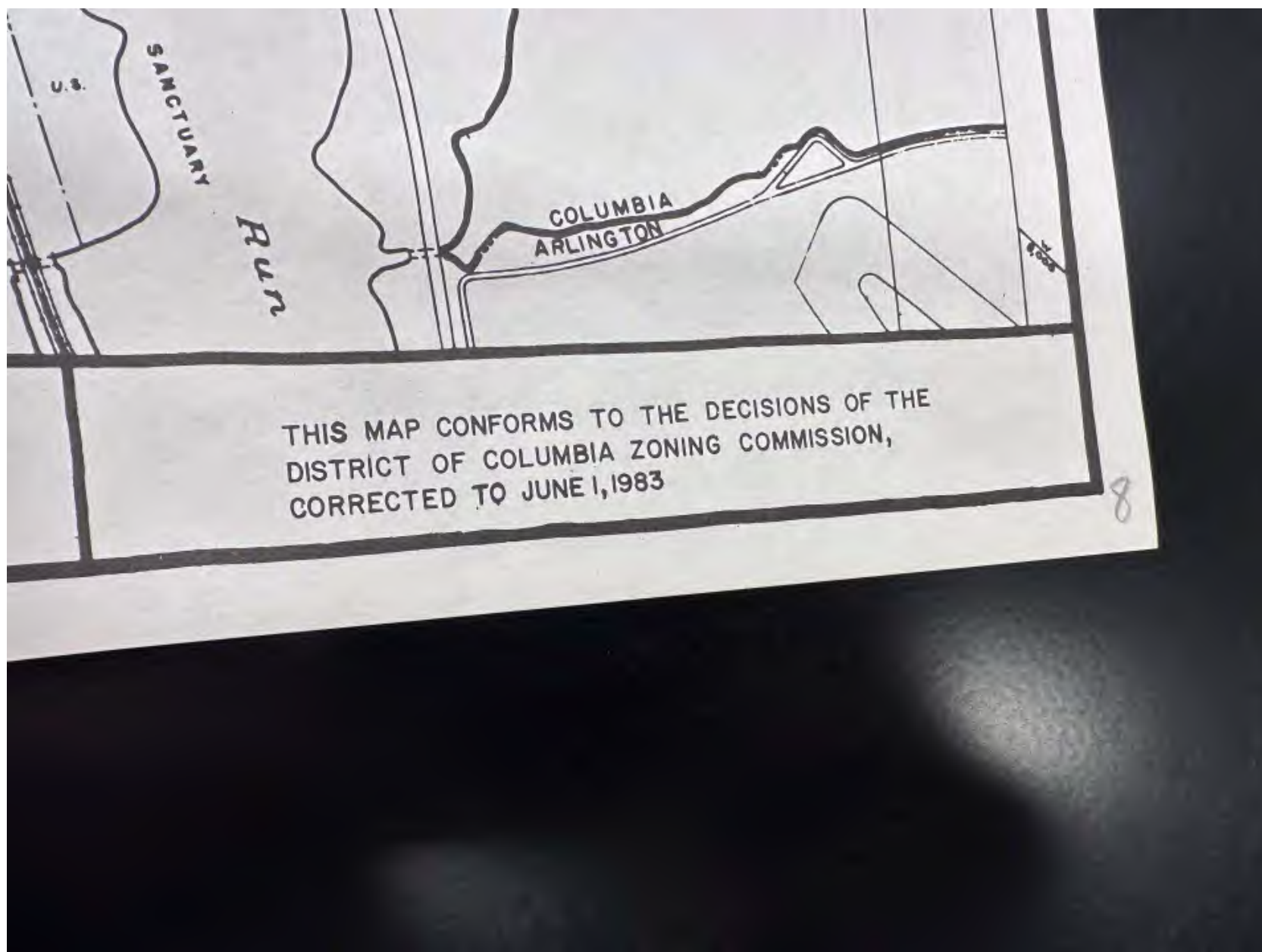


DeLorean 88 LLC_0758

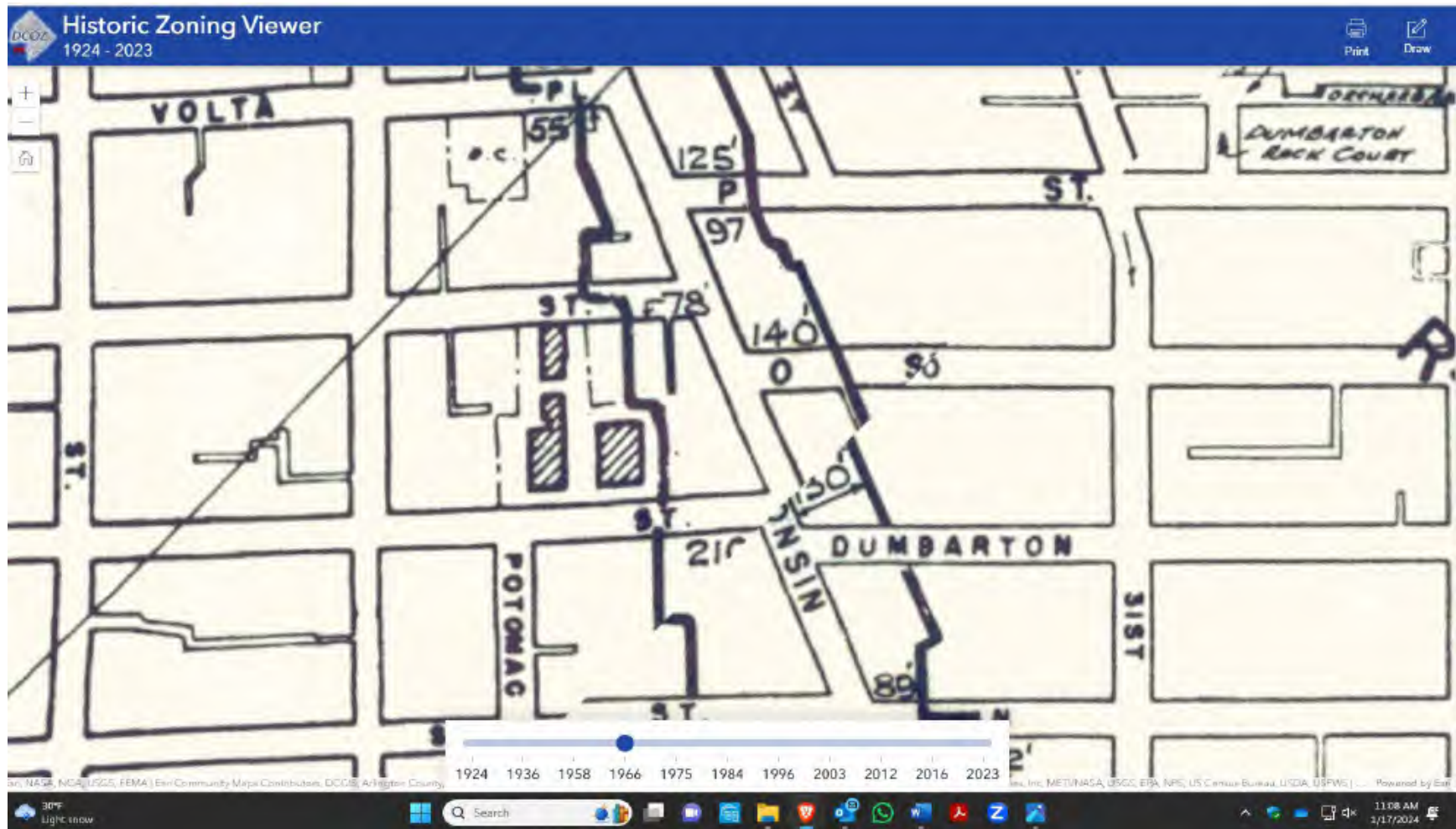




DeLorean 88 LLC_0760

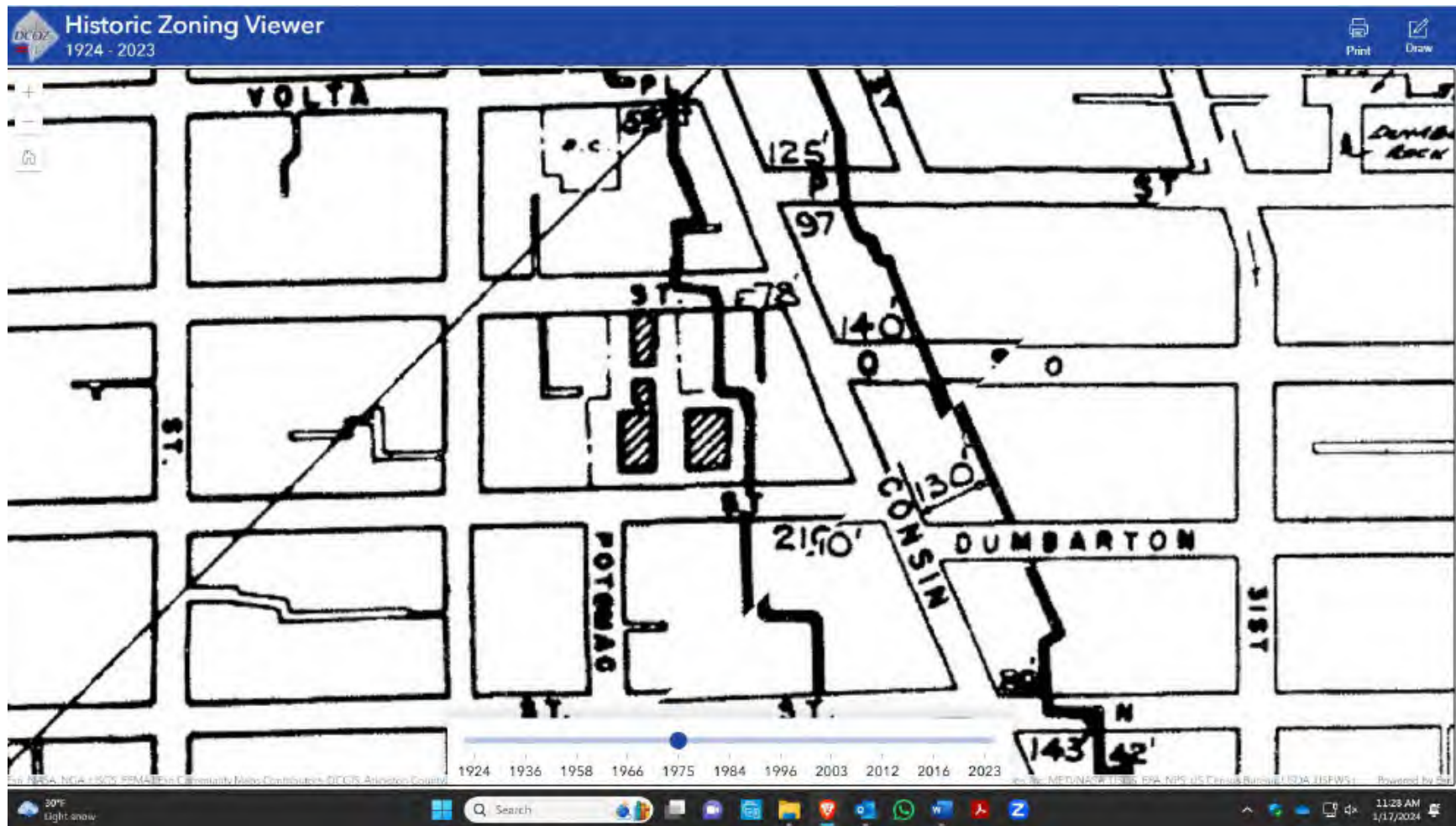


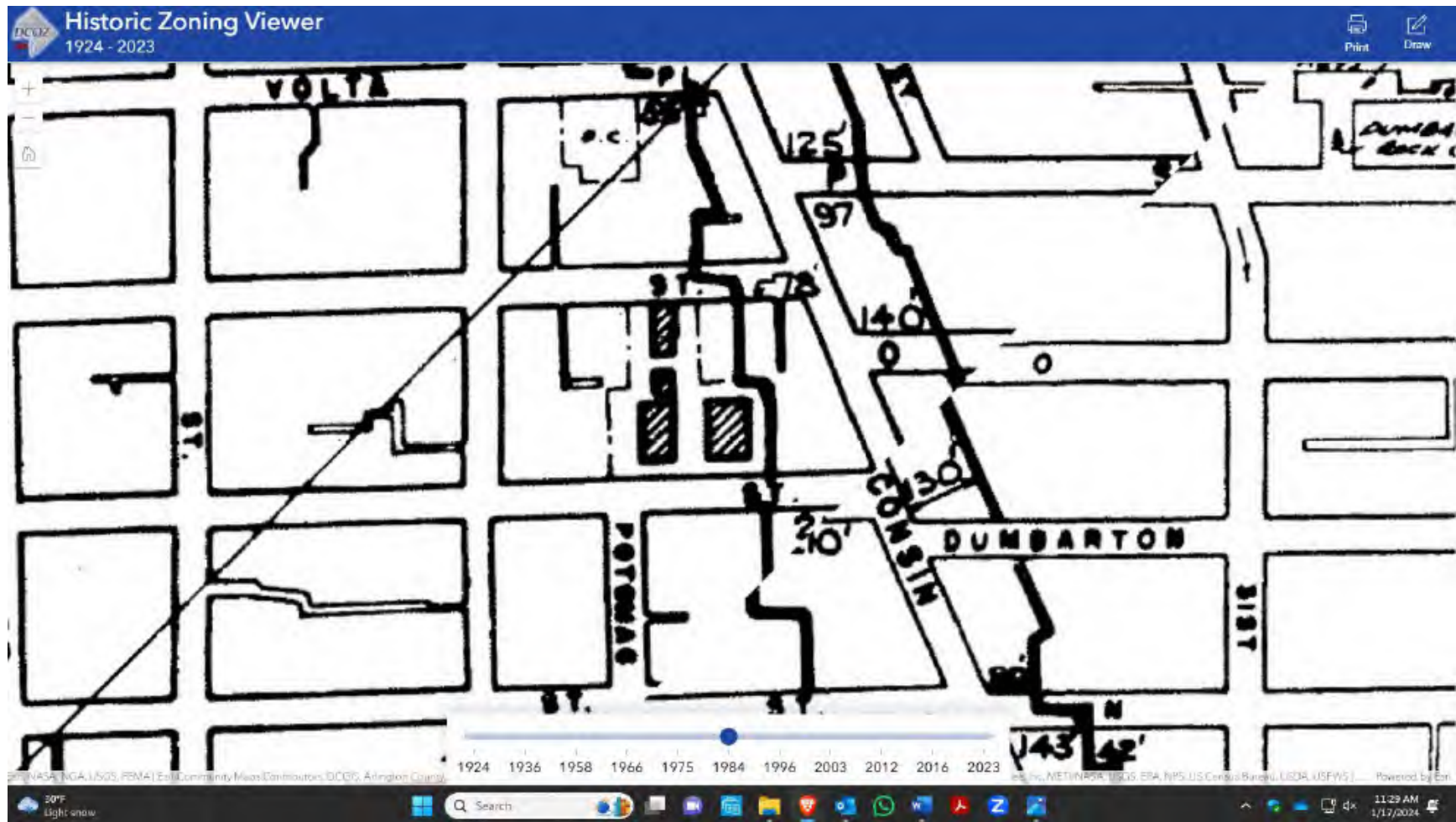


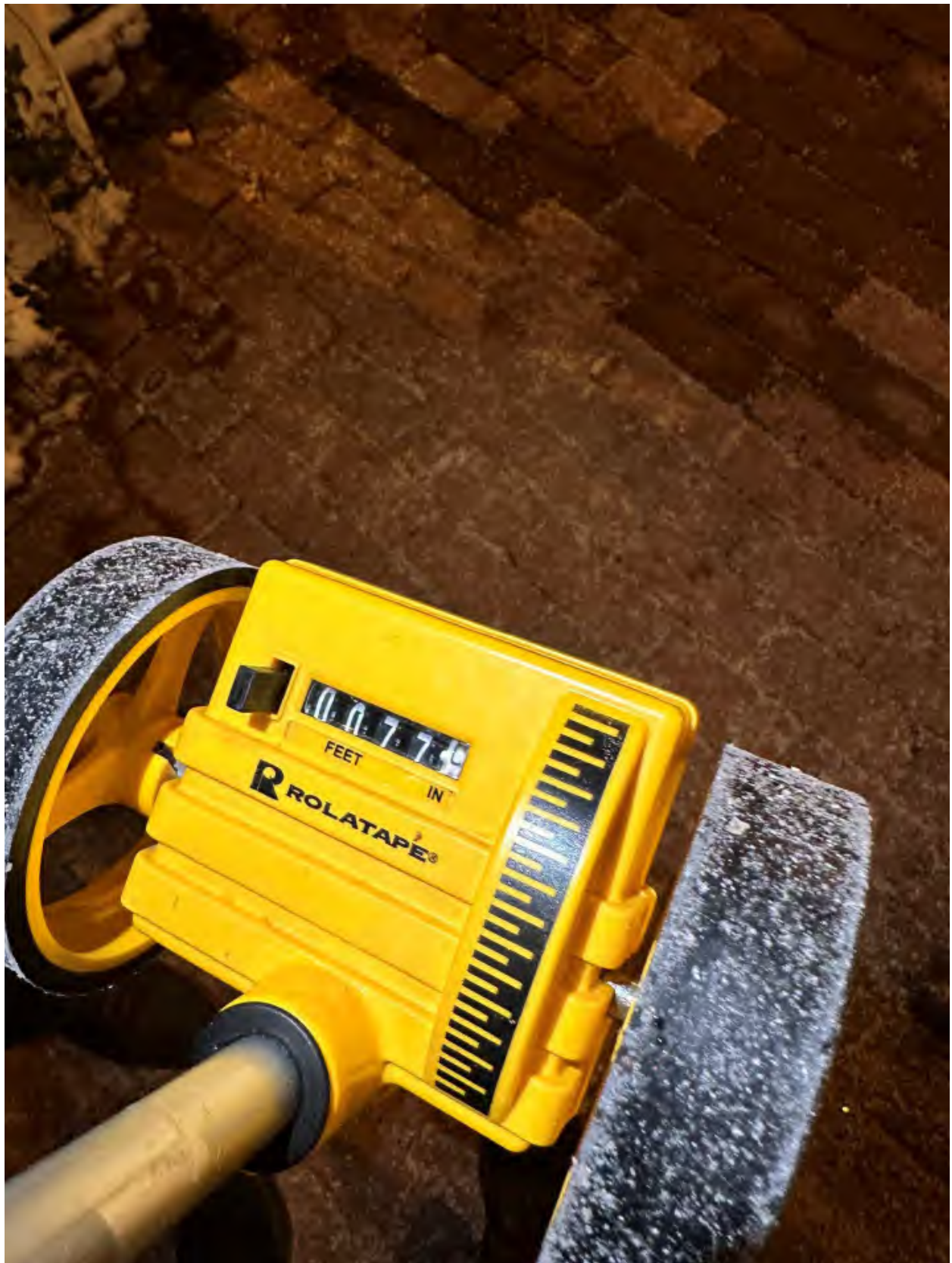


DeLorean 88 LLC_0763

APPENDIX
V-4







**APPENDIX
W-1**

DeLorean 88 LLC_0766



DeLorean 88 LLC_0767

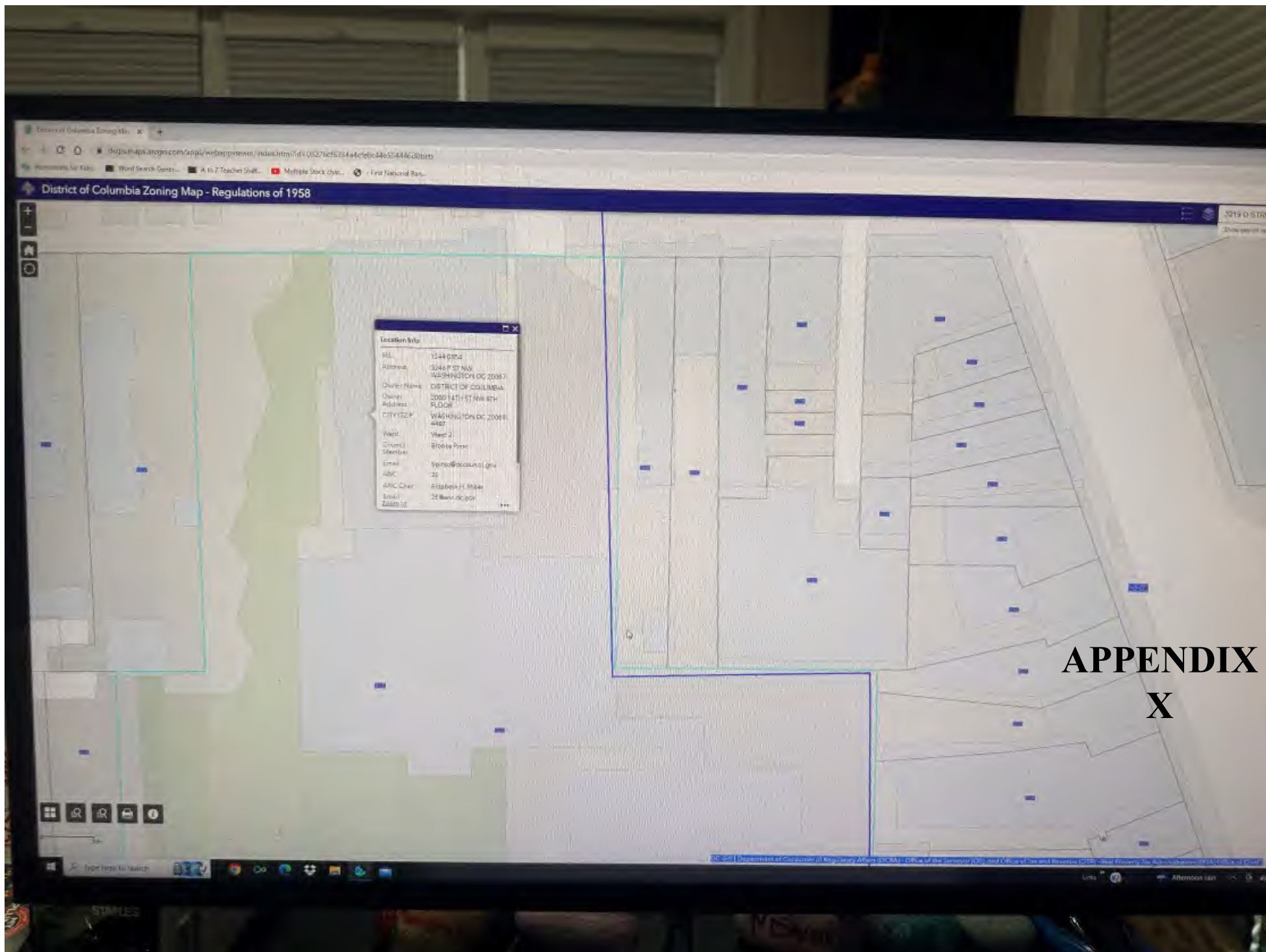


**APPENDIX
W-2**

DeLorean 88 LLC_0768

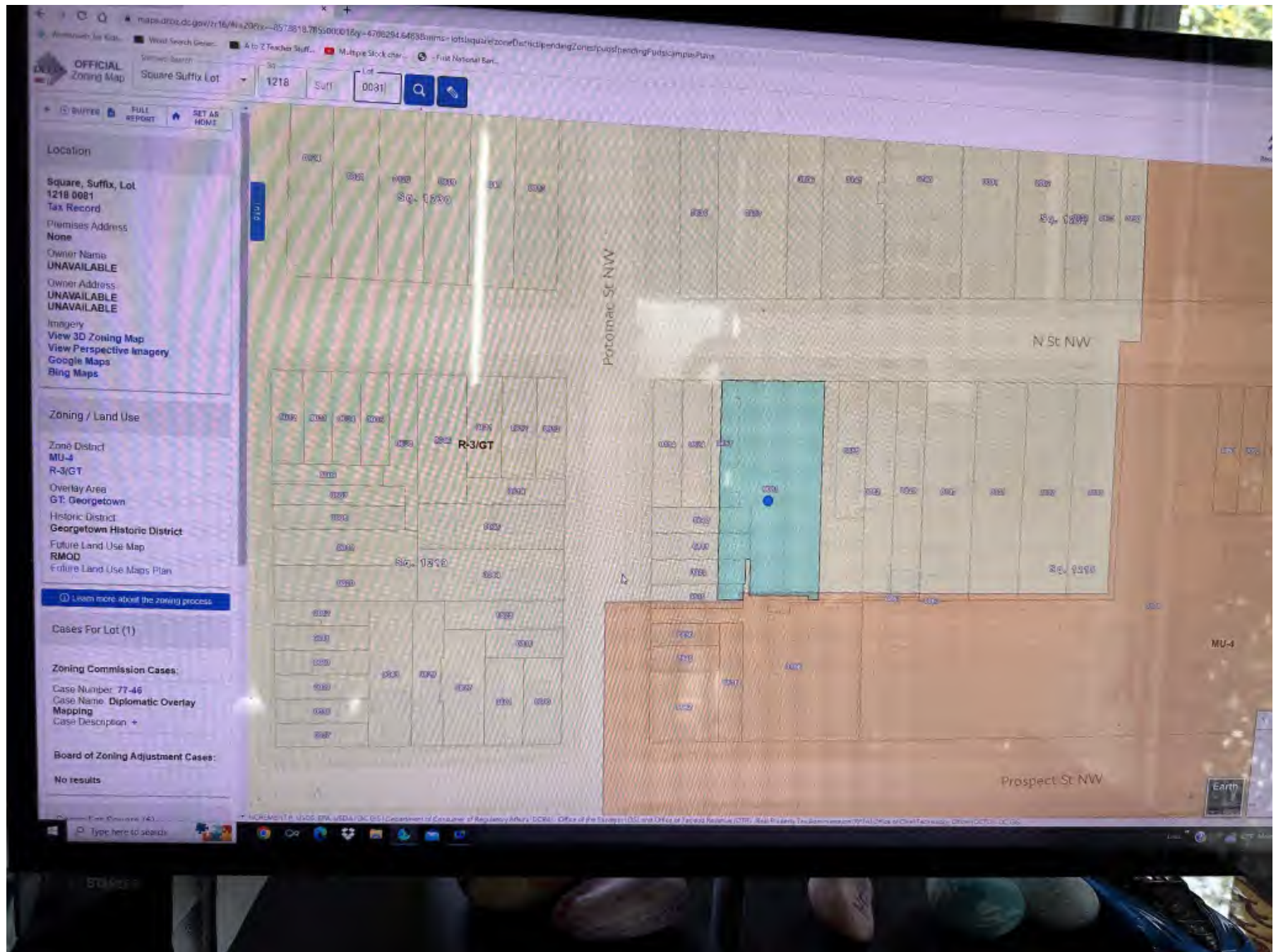


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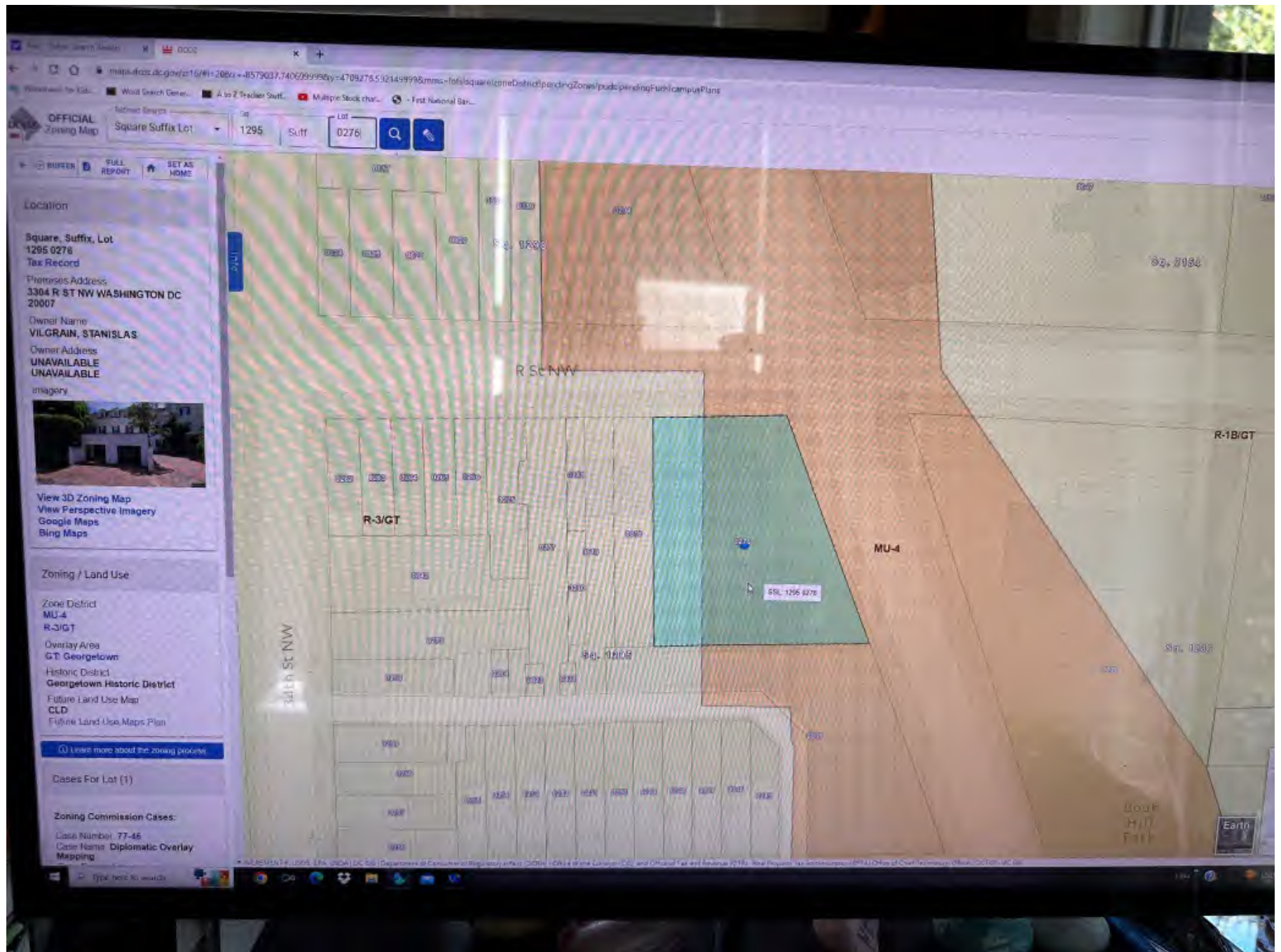
APPENDIX
X

DeLorean 88 LLC_0770

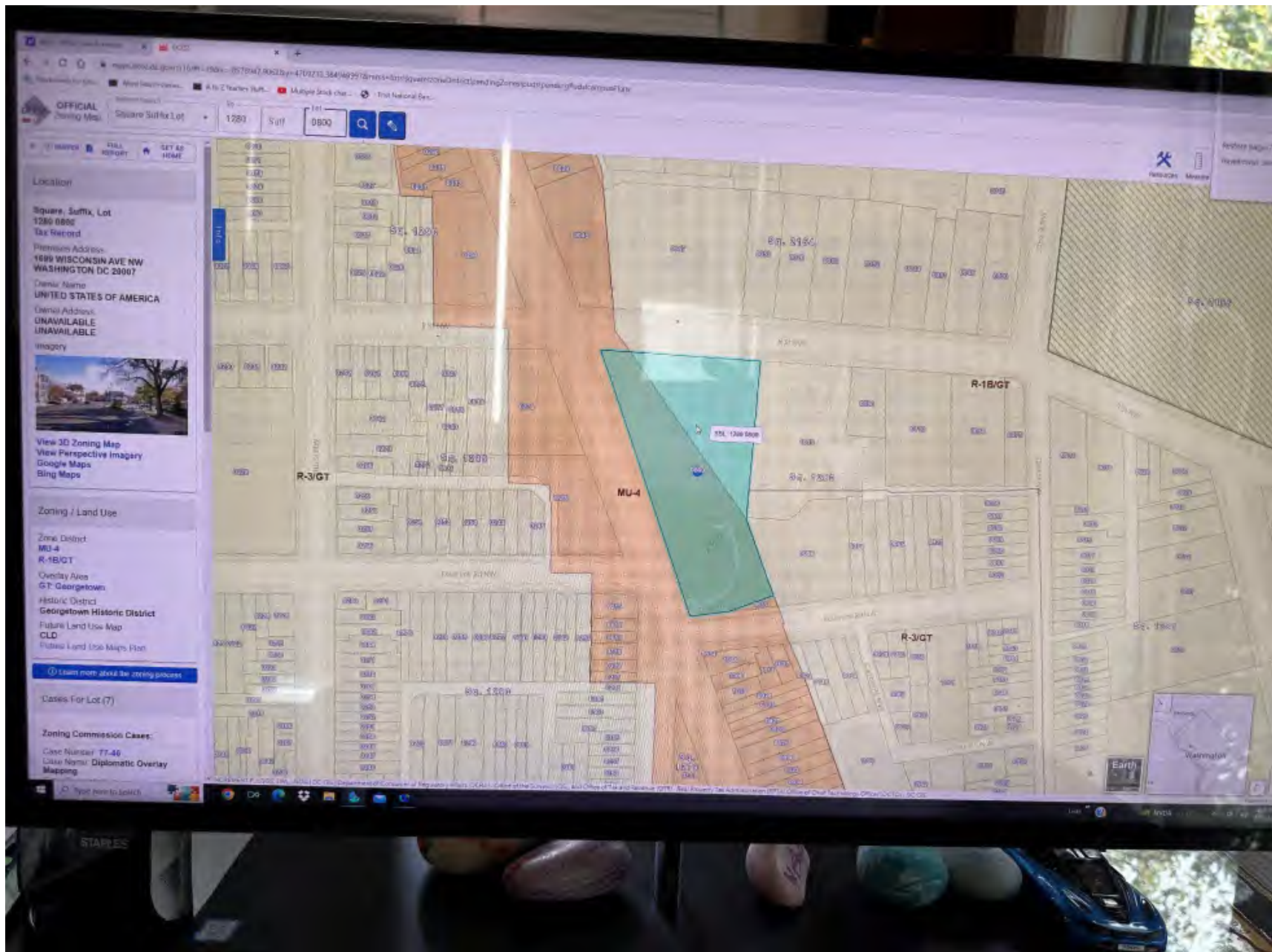


APPENDIX Y

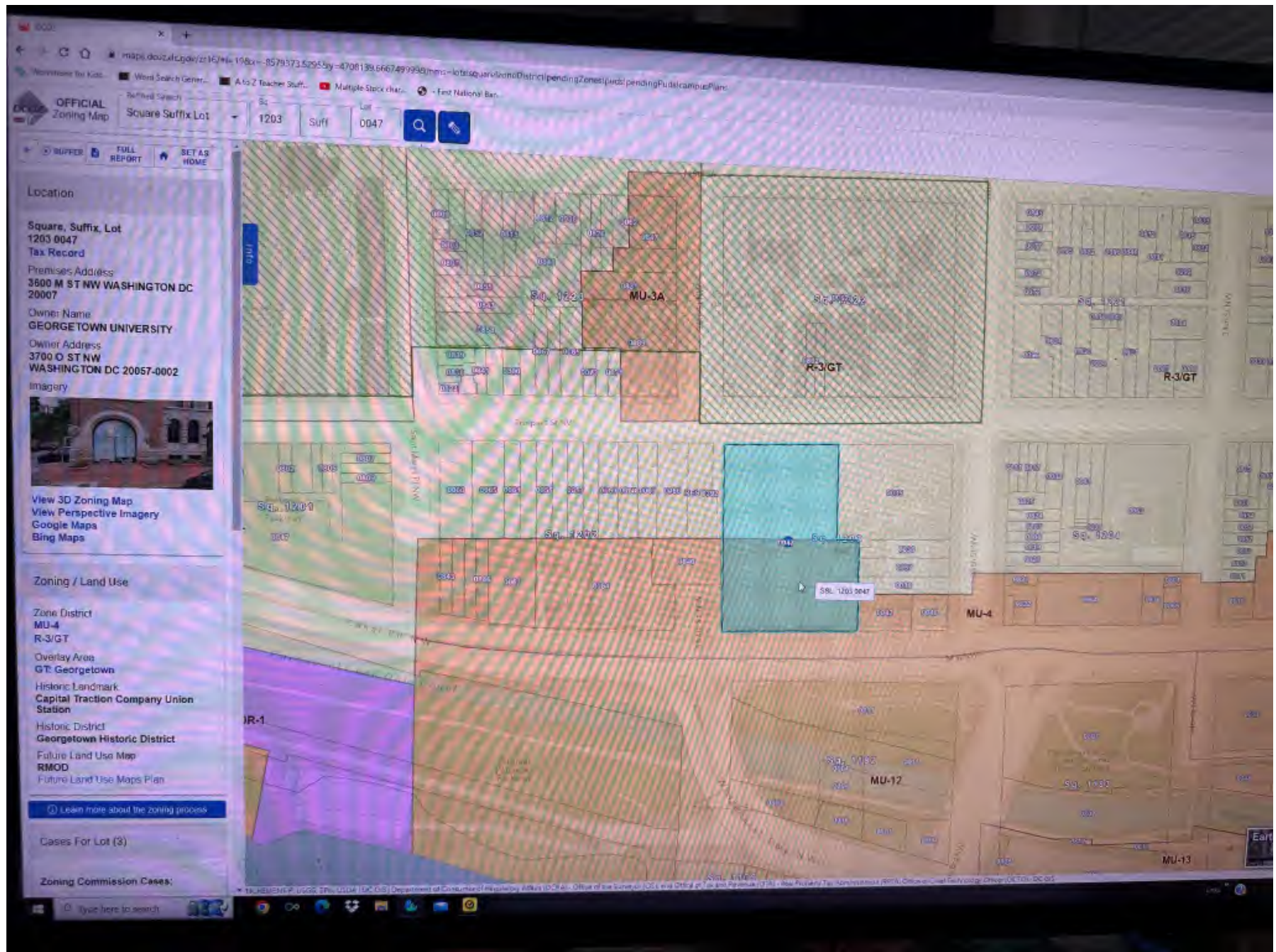
DeLorean 88 LLC_0771



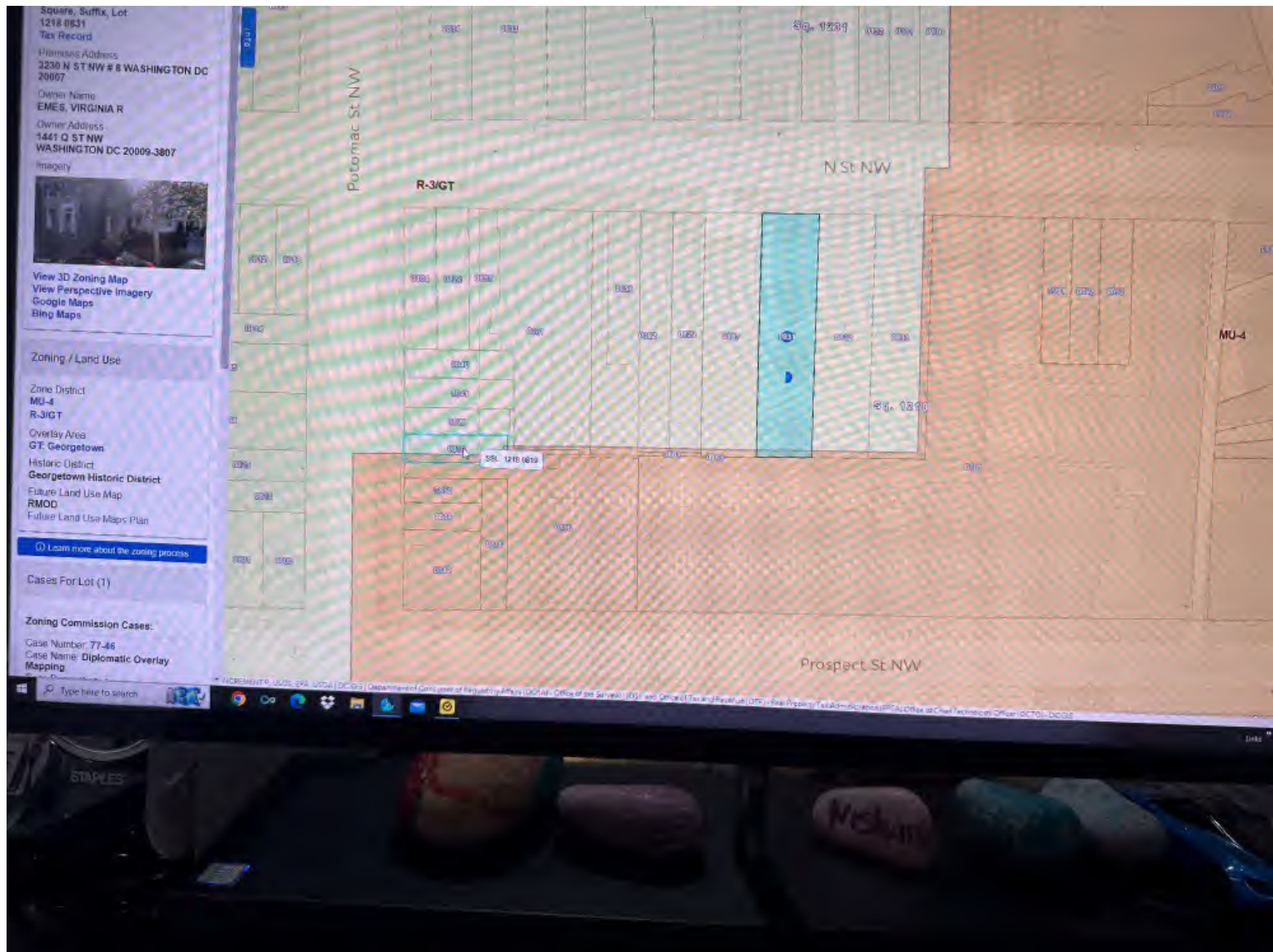
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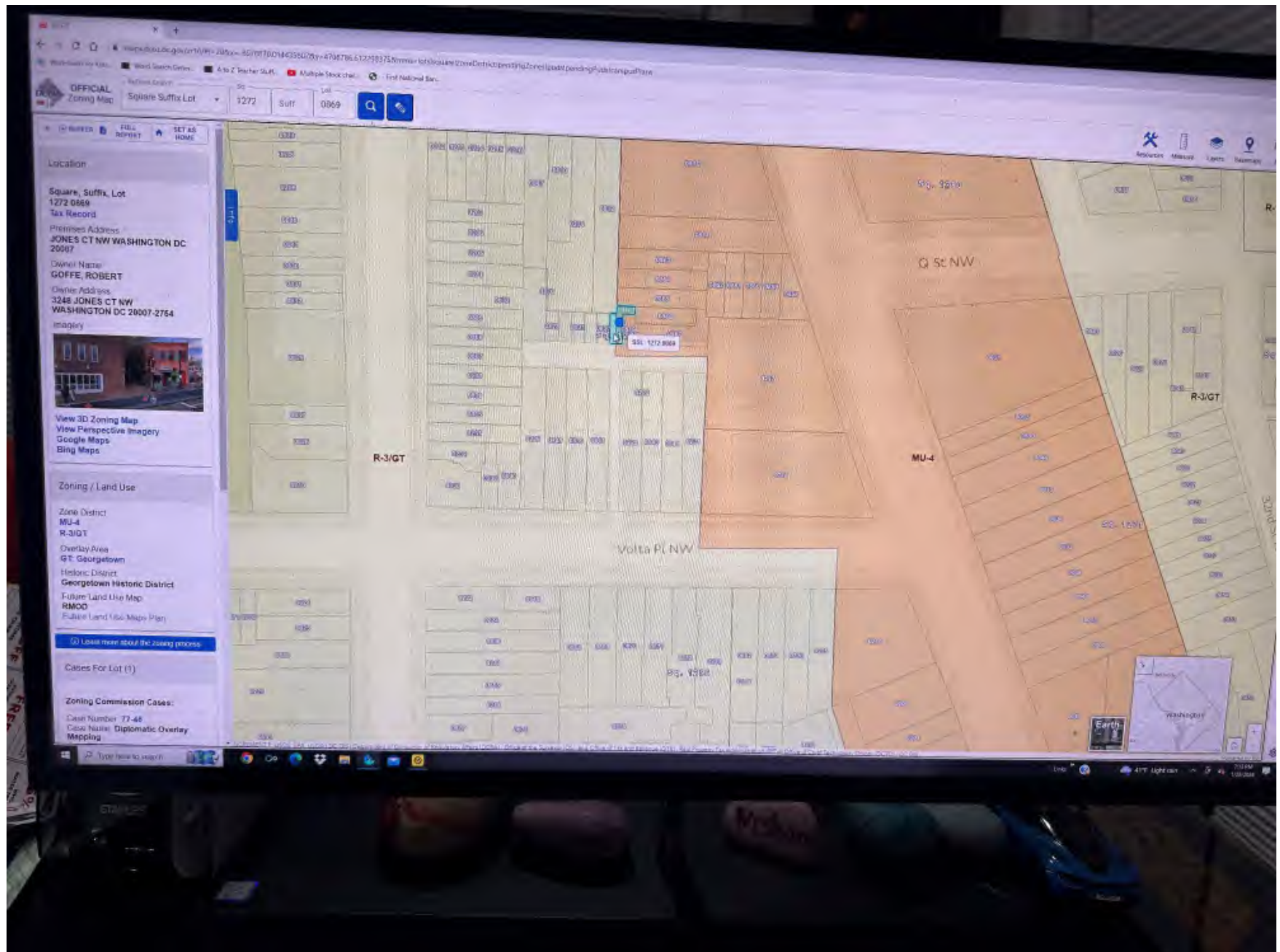
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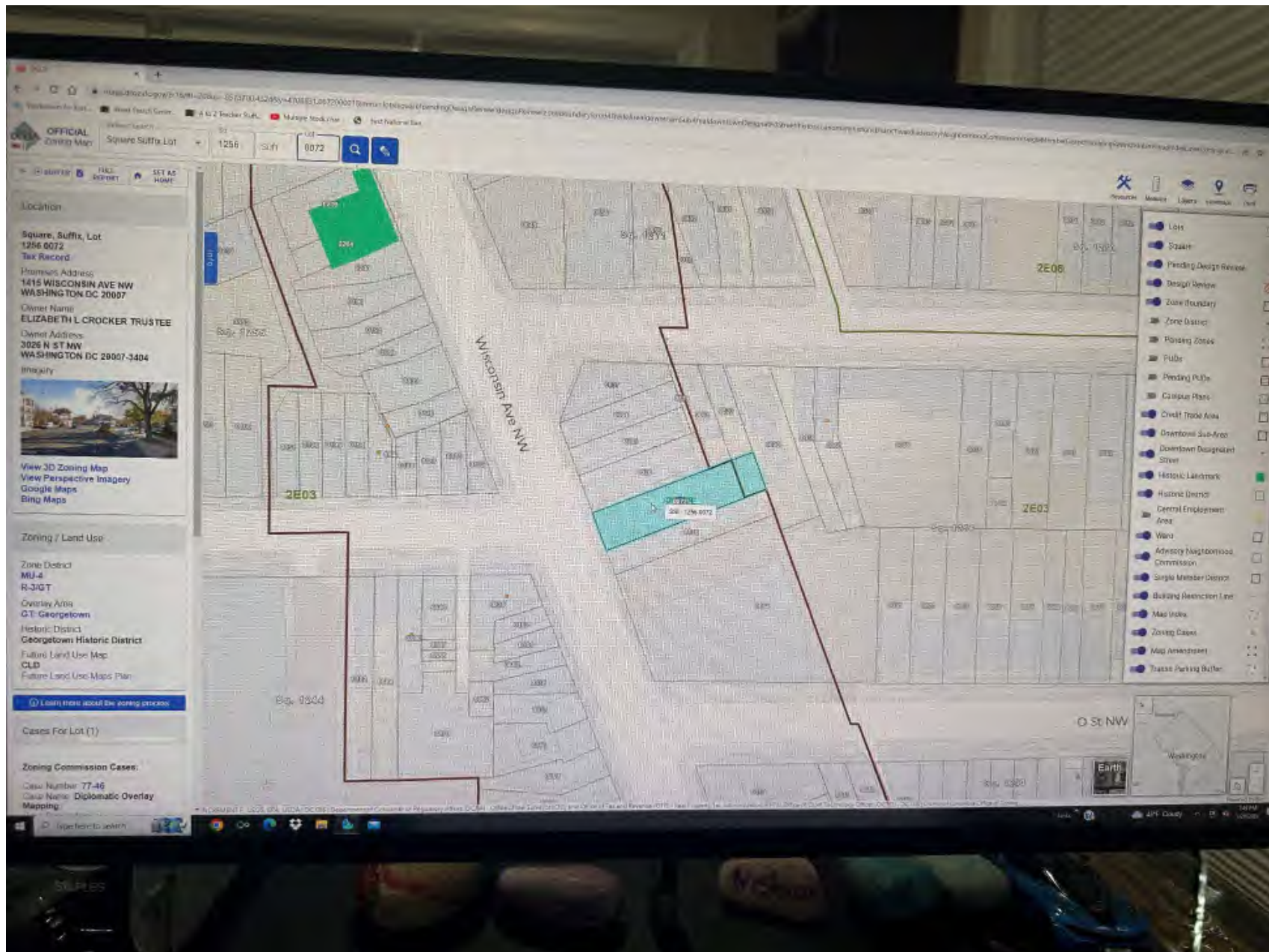
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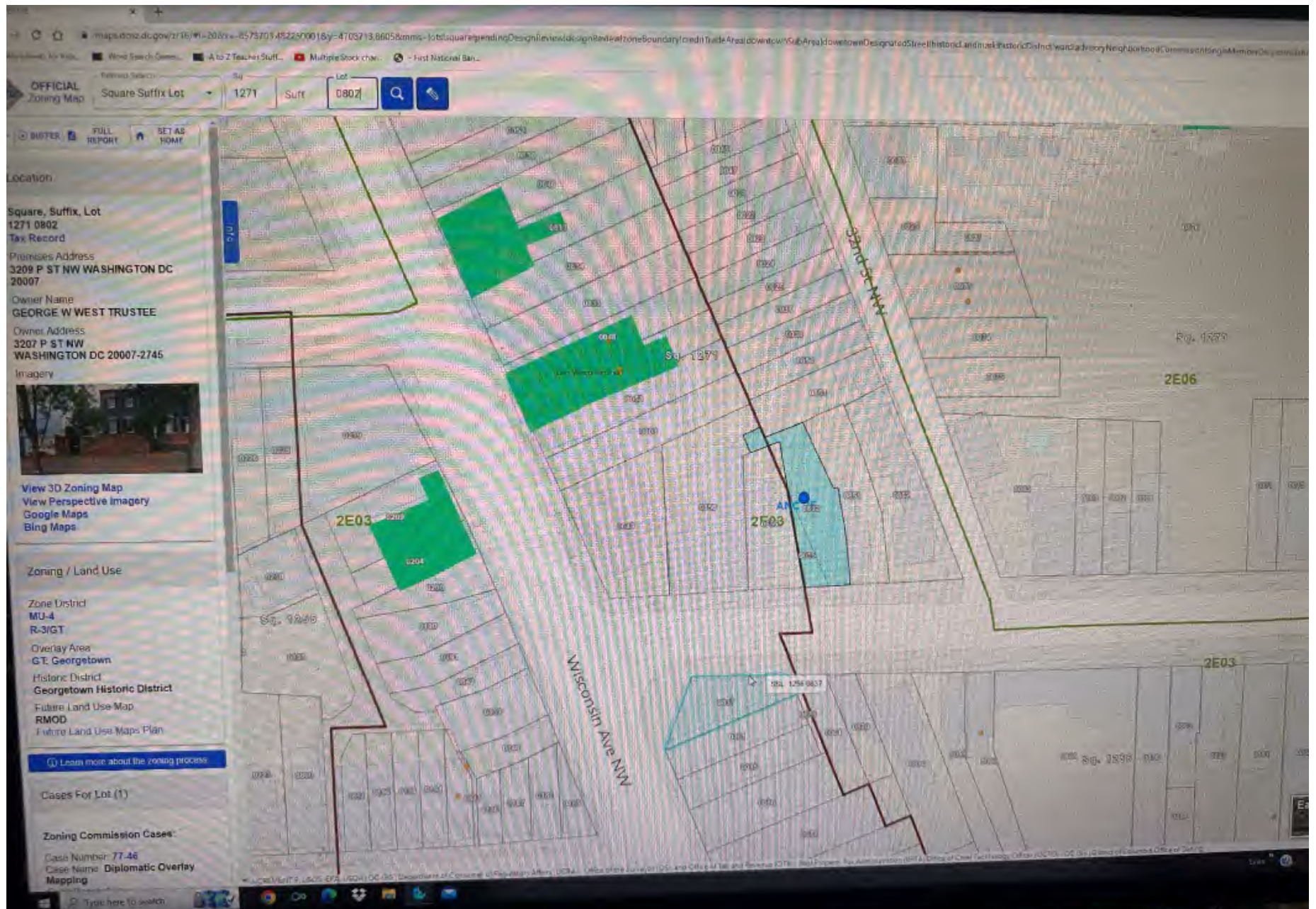
DeLorean 88 LLC_0775



DeLorean 88 LLC_0776



DeLorean 88 LLC_0777



DECLORCAN 88 LLC_0778













Alcoholic Beverage and Cannabis Administration (ABCA)

1612 Wisconsin Ave NW

There are no recreation centers located within 300 feet from the establishment. Little Folks School is within 300 feet at 3247 Q Street NW. There are no ABC licensed establishments located at this address. This appears to be a townhouse space. The address is zoned MU-4.

Legend

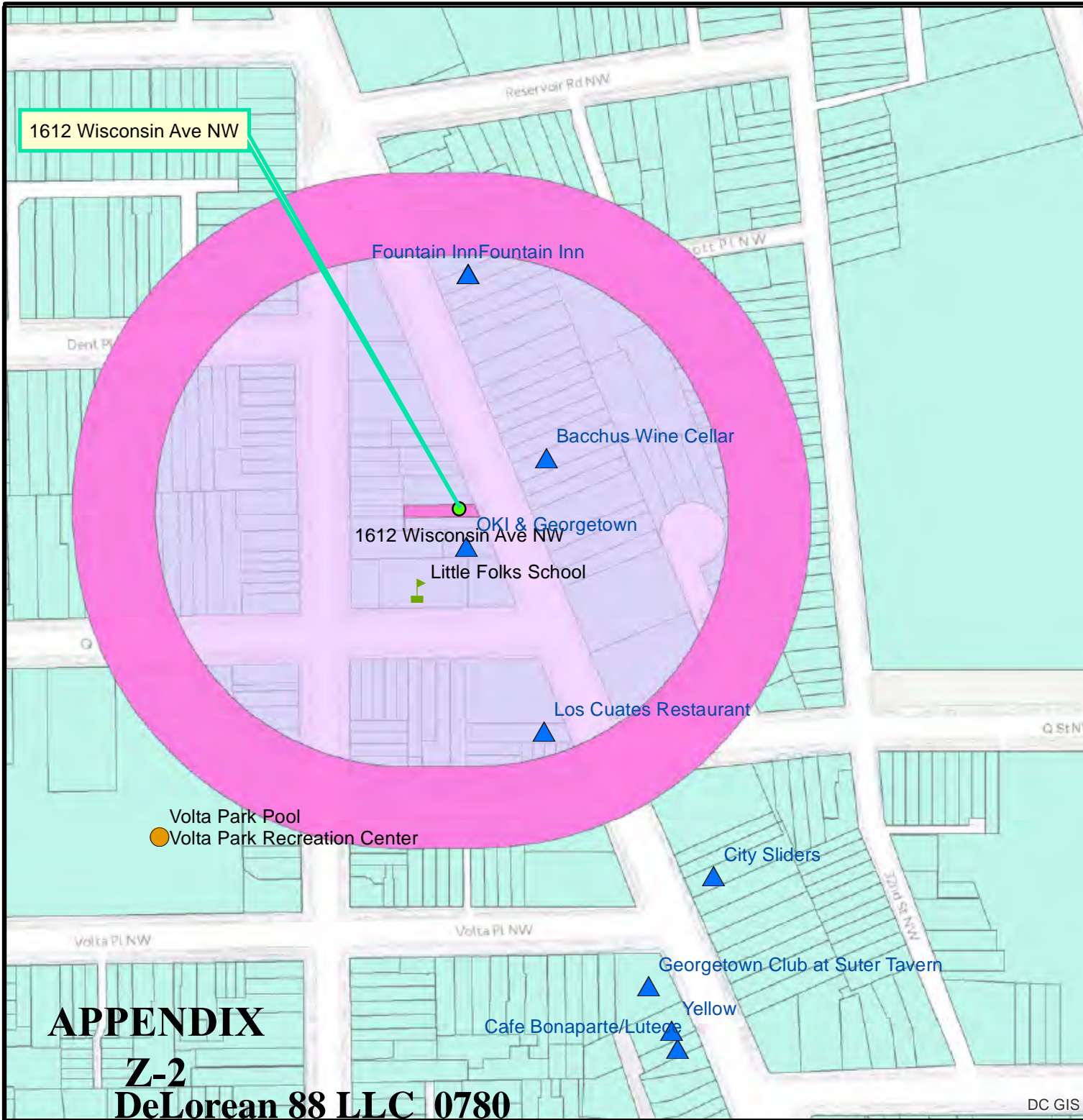
-  Liquor Licensee Locations
-  Public Schools
-  Charter Schools
-  Independent School
-  Colleges and Universities
-  Recreation Facilities
-  Libraries
-  Child Development
-  Record Lots
-  DC Boundary

Date: 5/17/2023

**Government of the
District of Columbia
Muriel Bowser, Mayor**

This map was created by ABCA using the District of Columbia Geographic Information System (GIS). This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

**APPENDIX
Z-1
DeLorean 88 LLC 0779**



**Alcoholic Beverage and
Cannabis Administration (ABCA)**
1612 Wisconsin Ave NW

Volta Park Recreation Center is located within approx. 275 ft at 1555 34th St NW. Little Folks School is located within approx. 56 ft at 3247 Q St NW. There are no other cannabis facilities located within 400 feet of the establishment. There are no ABC licensed establishments located at this address. This appears to be a retail space. The address is zoned MU-4.

Legend

- Placard MCP Retailers
- ABCA Cultivation Centers Pt
- ABCA Licensed Dispensary Pt
- Liquor Licensee Locations
- Public Schools
- Charter Schools
- Independent School
- Colleges and Universities
- Recreation Facilities
- OwnerPLY_Buffer63_Buffer
- OwnerPLY_Buffer63
- Ownership Lots
- DC Boundary

Date: 1/26/2024

**Government of the
District of Columbia
Muriel Bowser, Mayor**

This map was created by ABCA using the District of Columbia Geographic Information System (GIS). This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

APPENDIX

Z-2

DeLorean 88 LLC 0780



Office of Zoning | District of Columbia Government
www.dcoz.dc.gov | sara.bardin@dc.gov

441 4th Street, NW | Suite 200-5 | Washington, DC 20001
(202) 727-5372 (office) | (202) 727-6072 (fax)

From: Mathews, Christopher (SMD 2E02) <2E02@anc.dc.gov>

Sent: Thursday, November 9, 2023 9:19 AM

To: Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>; ATD DCOZ <dcoz@dc.gov>

Subject: Zoning Map Question

Hello,

I am an ANC Commissioner in Georgetown and I have a question about the official zoning map on the Office of Zoning's website. I believe the map is providing inaccurate information about the zoning borders. Can I speak to someone to provide clarity on how the zones are geographically defined?

Thank you very much!

Topher Mathews
ANC 2E02

Get [Outlook for iOS](#)

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

In the Matter of:

**DeLorean 88, LLC
1432 Wisconsin Avenue N.W.
Washington, D.C. 20007**

Case No.:

APPELLANTS AMENDED CERTIFICATE OF SERVICE

COMES NOW DeLorean 88 LLC (“DeLorean”), by and through undersigned counsel,
and, amends the certificate of service filed February 14, 2024, as follows:

I certify that on this 21st day of February 2024, I caused a true and accurate copy of this
Notice of Appeal to be via electronic mail on the following:

Sara Bardin
Director
District of Columbia Office of Zoning
441 4th Street NW, Suite 200-S
Washington, D.C. 20001
Email: sara.bardin@dc.gov

Hyde-Addison Elementary School
3219 O Street NW
3246 P Street NW
Washington, D.C. 20007
Email: Hyde.Addison@k12.dc.gov

Quinne Harris-Lindsey
Office of the General Counsel
District of Columbia Public Schools
1200 First Street NE
Washington, D.C. 20002
Email: quinne.harris-lindsey@k12.dc.gov

ANC 2E03 Commissioner Paul Maysak
3267 P Street NW
Washington, D.C. 20007

Board of Zoning Adjustment
District of Columbia
CASE NO.21107
EXHIBIT NO.11

DeLorean 88 LLC_0782

Email: 2E03@anc.dc.gov

Respectfully submitted,

/s/ Philip M. Musolino

Philip M. Musolino

D.C. Bar No.: 294652

Musolino & Dessel, PLLC

1615 L Street, N.W., Suite 440

Washington, D.C. 20036

Phone: (202) 466-3883

Email: pmusolino@musolinoanddessel.com

Counsel for DeLorean 88 LLC

CERTIFICATE OF SERVICE

I certify that on this 21st day of February 2024, I caused a true and accurate copy of this Amended Certificate of Service to be via electronic mail on the following:

Sara Bardin
Director
District of Columbia Office of Zoning
441 4th Street NW, Suite 200-S
Washington, D.C. 20001
Email: sara.bardin@dc.gov

Hyde-Addison Elementary School
3219 O Street NW
3246 P Street NW
Washington, D.C. 20007
Email: Hyde.Addison@k12.dc.gov

Quinne Harris-Lindsey
Office of the General Counsel
District of Columbia Public Schools
1200 First Street NE
Washington, D.C. 20002
Email: quinne.harris-lindsey@k12.dc.gov

ANC 2E03 Commissioner Paul Maysak
3267 P Street NW
Washington, D.C. 20007
Email: 2E03@anc.dc.gov

/s/ Philip M. Musolino
Philip M. Musolino

RECEIPT



BOARD OF ZONING ADJUSTMENT FILING FEE RECEIPT

Case No: 21107

N/A

Date: 2/22/2024

Amount: \$1040

Check No.: N/A

First Name: Philip M Musolino

Last Name:

Organization:

Notes:

441 4th Street, NW, Suite 200-S – Washington, DC 20001
(202) 727-6311 – dcoz@dc.gov

DeLorean 88 LLC_0785

Board of Zoning Adjustment
District of Columbia
CASE NO.21107
EXHIBIT NO.12

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, September 25, 2024, @ 9:30 a.m.
Via WebEx & YouTube (Office of Zoning): <https://dcoz.dc.gov/BZA09-25-2024>
Instructions: <https://dcoz.dc.gov/release/virtual-public-hearings>
Witness Sign Up: <https://dcoz.dc.gov/service/sign-testify>

TO CONSIDER THE FOLLOWING:

Appeal No. 21107 of DeLorean 88, LLC

Address: 3219 O Street N.W./3246 P Street N.W. (Square 1244, Lot 854)
ANC: 2E
Relief: Appeal pursuant to:
• The provisions of Subtitle X § 1100
Project: The decision made on November 9, 2023, by the Director of the District of Columbia Office of Zoning.

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Y, Chapters 4 & 5, as well as the text adopted by the Zoning Commission on October 15, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the D.C. Register on October 30, 2020.

PLEASE NOTE:

The hearing date shown above may be RESCHEDULED prior to this date, in which case the new hearing date will be posted on the online calendar for the Board of Zoning Adjustment (“**Board**” or “**BZA**”) on the website of the Office of Zoning (“**OZ**”) at <https://dcoz.dc.gov/BZACalendar> as well as on the case record webpage available on the Interactive Zoning Information System (“**IZIS**”) on the OZ website <https://dcoz.dc.gov/CaseRecord> (access instructions below). **Please check these webpages to confirm the final hearing date and time** as there will be no other notice of these changes provided. One day before the hearing, the order of cases, agenda, and any other scheduling changes will be posted to the Board’s online calendar on OZ’s website.

Those who wish to testify at the public hearing **must** be present when their case is called. The order of cases may change at the Board’s discretion. Participants are encouraged to visit <https://dcoz.dc.gov/service/watch-live-virtual-zcbza-hearingsmeetings> to watch the live broadcast of the hearing starting at 9:30 a.m. to hear the order of cases and may listen periodically to monitor the cases the Board is hearing at any point.

HOW TO FAMILIARIZE YOURSELF WITH THE CASE

Online Case Record

- To access OZ's online case record, visit the OZ website and select the Interactive Zoning Information System ("IZIS") option (available at <https://dcoz.dc.gov/CaseRecord>)
- To select a case to view, enter the Application number indicated at the top of this notice and click the "Search" button
- To view the record for a specific case, click the corresponding "View" button on the right
- To view the full list of documents in the case record, click "View Full Log" under "Case Documents" on the lower right
- To view a specific exhibit, click the corresponding "View" button on the right and it will open a PDF document in a separate window.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at (202) 727-5471 in order to ensure the success of the new virtual public hearing procedures. If you forget to sign up 24-hours prior to the hearing, please call the **OZ Hotline at (202) 727-5471** to sign-up to testify and to receive WebEx login or call-in instructions. Please visit <https://dcoz.dc.gov/release/virtual-public-hearings> or call the Office of Zoning for more information about participating in virtual public hearings.

How to participate as a witness - written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that **ALL WRITTEN COMMENTS AND/OR TESTIMONY MUST BE SUBMITTED TO THE RECORD AT LEAST 24 HOURS PRIOR TO THE START OF THE HEARING**, unless the Board approves a request to introduce written comments at the public hearing upon demonstration of good cause and no prejudice to parties. The public is encouraged to submit written testimony through IZIS at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to bzasubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-0789 for further assistance.

How to participate as an Intervenor

Any person who desires to participate as an Intervenor in this case must request Intervenor status and must comply with the provisions set forth in Subtitle Y § 502. Persons seeking Intervenor status must submit a Form 141 – Intervenor Request Application through the Interactive Zoning Information System ("IZIS"). The form is also available to download from OZ's website at: <https://app.dcoz.dc.gov/Help/Forms.html>. The request must be filed the Board **NO LESS THAN 14 DAYS PRIOR TO THE ORIGINAL DATE SET FOR THE HEARING** (or 14 days prior to a scheduled public meeting if seeking advanced party status consideration).

An Intervenor has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Board, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for an affected ANC, any person or entity that desires to participate as an Intervenor in this case must clearly demonstrate that the person's interests would not adequately be represented by the automatic parties to this case.

If you are still unsure of what it means to participate as an Intervenor and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Advisory Neighborhood Commission (“ANC”)

The property for which zoning relief is requested is within or adjacent to the boundaries of ANC 2E, which is therefore an “affected” ANC and so automatically a party in this case. Please contact your ANC commissioner to learn how to participate in your ANC’s deliberation process and to find out if or when the Applicant is scheduled to appear before the ANC. To find contact information for your ANC, visit <http://anc.dc.gov>.

The Board must give “great weight” to the “issues and concerns” raised in a written report of an “affected” ANC approved at a properly noticed meeting that was open to the public by the full ANC with a quorum present. The Board may give “great weight” to the oral testimony of the “affected” ANC’s authorized representative if it complies with the requirements of Y §§ 406.3 & 406.4.

Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Y §§ 406.2 & 406.4.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311 and refer to the five-digit application number listed at the top of the notice.

FREDERICK L. HILL, LORNA L. JOHN, CARL H. BLAKE, AND CHRISHAUN S. SMITH ----- BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY CLIFFORD W. MOY, SECRETARY TO THE BOARD OF ZONING ADJUSTMENT.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

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

In the Matter of:

**DeLorean 88, LLC
1432 Wisconsin Avenue N.W.
Washington, D.C. 20007**

BZA Appeal No.: 21107

DELOREAN 88, LLC’S SUPPLEMENTAL NOTICE OF APPEAL

COMES NOW DeLorean 88 LLC (“DeLorean” and/or “Appellant/Petitioner”), by and through undersigned counsel, and, pursuant to D.C. Municipal Regulations Title 11-Y § 302.2, submits this Supplemental Notice of Appeal.

C. Timeliness of this Supplemental Notice of Appeal:

This Supplemental Notice of Appeal is filed within sixty (60) days from the date that Appellant/Petitioner received notice of the decision complained of.

D. Standing and Aggrieved Party:

Subsequent to the filing of the Notice of Appeal, the following pertinent actions were taken:

Appendix AC – DeLorean 88 LLC’s February 9, 2024, Motion to Stay Proceedings

Appendix AD – D.C. Alcoholic Beverage and Cannabis Board’s February 28, 2024, Order Granting Motion for Stay

Appendix AE – DeLorean 88 LLC’s February 29, 2024, District of Columbia Court of Appeals Petition for Review

H. Maps, Information, and Reports:

Appendix AF – Compilation of Screenshots from D.C. Department of Zoning’s 1958 Zoning Map

Appendix AG – Christopher Matthews February 15, 2024, The Georgetown Metropolitan Article

**EXHIBIT
A-3**

Appellant adopts and incorporates herein its February 13, 2024, Notice of Appeal and Attachment A.

Respectfully submitted,

/s/ Philip M. Musolino

Philip M. Musolino
D.C. Bar No.: 294652
Musolino & Dessel, PLLC
1615 L Street, N.W., Suite 440
Washington, D.C. 20036
Phone: (202) 466-3883
Email: pmusolino@musolinodessel.com
Counsel for DeLorean 88 LLC

CERTIFICATE OF SERVICE

I certify that on this 4th day of March 2024, I caused a true and accurate copy of this Supplemental Notice of Appeal to be served via electronic mail on the following:

Sara Bardin
Director
District of Columbia Office of Zoning
441 4th Street NW, Suite 200-S
Washington, D.C. 20001
Email: sara.bardin@dc.gov

Hyde-Addison Elementary School
3219 O Street NW
3246 P Street NW
Washington, D.C. 20007
Email: Hyde.Addison@k12.dc.gov

Quinne Harris-Lindsey
Office of the General Counsel
District of Columbia Public Schools
1200 First Street NE
Washington, D.C. 20002
Email: quinne.harris-lindsey@k12.dc.gov

ANC 2E03 Commissioner Paul Maysak
3267 P Street NW
Washington, D.C. 20007
Email: 2E03@anc.dc.gov

/s/ Philip M. Musolino
Philip M. Musolino

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

**New Retailer License
DeLorean 88, LLC
1432 Wisconsin Avenue N.W.
Washington, D.C. 20007**

**Case No.:
License No.: ABCA-126807
Order No.: 2024-021**

DELOREAN 88, LLC'S MOTION TO STAY PROCEEDINGS

COMES NOW DeLorean 88 LLC ("DeLorean"), by and through undersigned counsel, and, pursuant to D.C. Official Code § 25-433(d)(3) moves to stay the December 13, 2023, Denial and January 31, 2024, Order Denying Motion for Reconsideration and the disposition of February 9, 2024, (Second) Motion for Reconsideration pending the disposition of DeLorean's Form 125 Appeal to the Board of Zoning Adjustment of the November 9, 2023, determination by Sara Bardin, Director. In support thereof, DeLorean avers as follows:

1. A Form 125 Appeal enables the Board of Zoning Adjustment to make a final and conclusive determination of the zoning of lots and squares in the District of Columbia.
2. DeLorean successfully initiated the Form 125 Appeal process on February 14, 2024. See attached confirmation and Attachment to Form 125 (Form 125 and exhibits not included here).
3. There is, thus, good cause for staying these proceedings or portions of these proceedings pending the outcome of the Form 125 Appeal.

[the remainder of the page is left intentionally blank]

**APPENDIX
AC**

DeLorean 88 LLC_0793

Respectfully submitted,

/s/ Philip M. Musolino

Philip M. Musolino

D.C. Bar No.: 294652

Musolino & Dessel, PLLC

1615 L Street, N.W., Suite 440

Washington, D.C. 20036

Phone: (202) 466-3883

Email: pmusolino@musolinoanddessel.com

Counsel for DeLorean 88 LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February 2024, I caused a true and correct copy of the foregoing to be served via electronic mail to the following addresses:

Alcoholic Beverage & Cannabis Administration

2000 14th Street, N.W.

4th Floor, Suite 400 South

Washington, D.C. 20009

Email: abra.legal@dc.gov

Email: abca.legal@dc.gov

Email: abca.cannabislicensing@dc.gov

Email: emoni.boone@dc.gov

Email: sean.gordy2@dc.gov

Email: martha.jenkins@dc.gov

Email: jonathan.berman@dc.gov

/s/ Philip M. Musolino

Philip M. Musolino

Thank you for submitting your application

Please print this page for your records.

Your application has been submitted to DCOZ. A confirmation email has been sent to the email address you provided. Within five (5) business days, you will receive an e-mail indicating whether your application is complete. Once you receive notification that your application is complete, you will have five (5) business days to submit payment. If your application is deemed deficient, you will have five (5) business days to correct any deficiencies

Application/ Appeal Information	
Case Number:	BZATmp3560
Application/ Appeal Status:	Submitted
Application/ Appeal Date:	2/14/2024

[Return to Dashboard](#)

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

FORM 125 – APPEAL

ATTACHMENT A

**(To Appeal By DeLorean 88 LLC (“DeLorean” and/or “Appellant”) Of The
November 9, 2023, Determination By Sara Bardin, Director, Office Of Zoning)**

A. Appellant, the Property In Issue and the Decision In Issue:

1. Appellant’s Information

Appellant: DeLorean 88 LLC

Appellant’s Address: 1432 Wisconsin Avenue N.W. Washington, DC 20007

Appellant’s License Application: ABCA-126807

2. Property In Issue:

Property Address: 3219 O Street NW, Washington, D.C. 20007

Property Address: 3246 P Street NW, Washington, D.C. 20007

SSL: Square 1244, Lot 854

Property Zoning: MU-4/R-3-GT at time of application

Property Owner: District of Columbia/District of Columbia Public Schools/Hyde-Addison
Elementary School¹

3. Determination Subject to Appeal:

November 9, 2023, email from Director of the D.C. Office of Zoning, Sara Bardin

to ANC Commissioner Chris Matthews as follows:

We have corrected it.... Yes, this appears to be a digitization error. The first screenshot below is from the 1966 map, and there is a clear 78’ line from the edge of the alley ROW on this square. This measurement is shown on every map up to 2003 (subsequent maps don’t show measurements). The pink line on the second

¹ The Council for the District of Columbia declared in 1989 that as of May 23, 1990, “the government shall be subject to zoning.” Comprehensive Plan Amendments Act of 1989 (CPAA), D.C. Law 8–129, 37 D.C. Reg. 55, 235 (1990) (now codified at D.C. Code § 1–250 (1990 Supp.)). According these words their ordinary meaning, ...we must hold that although the District government was previously exempt from zoning laws applicable to private parties, it is exempt no longer (internal citations omitted). *Speyer v. Barry*, 588 A.2d 1147, 1153 (D.C. 1991).

screenshot is a 78-foot line we made in GIS to simulate where the line should be, juxtaposed to the red existing zone boundary.

Attached to this Appeal as **Exhibit A-1**.

B. Consent of the Aggrieved Party:

DeLorean's authorization to file this Appeal is attached hereto as **Exhibit A-2**.

C. Timeliness of this Appeal:

Any person aggrieved or any officer or department of the government of the District of Columbia or the federal government affected by an order, requirement, decision, determination, or refusal made by an administrative officer or body, including the Mayor of the District of Columbia, in the administration or enforcement of the Zoning Regulations may file a timely zoning appeal with the Board. 11DCMR 302.1

A zoning appeal shall be filed within sixty (60) days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier. 11 DCMR 302.2

The email that is the subject of this Appeal was never directed to or received directly by Appellant. It was first provided to Appellant through counsel on January 4, 2024, and first seen by Appellant or its counsel, when it was produced in response to a request for a file pursuant to 23 DCMR § 1708. The instant appeal is therefore timely. *See Basken v. D.C. Bd. of Zoning Adjustment*, 946 A.2d 356, 366 (D.C. 2008) (Because Director Canavan's May 25, 2006 letter was not ambiguous, and in light of all the foregoing, we must defer to the BZA's interpretation that this letter was the "order, requirement, decision, determination, or refusal ... complained of," 11 DCMR § 3112.2(a), that allowed the clock to begin running on petitioners' sixty-day period for appealing to the BZA).

D. Standing And Aggrieved Party:

As is set out in the January 18, 2024, Declaration of Sanjeev “Sonny” Preet (the “Preet Declaration”), attached hereto as **Exhibit A-3**, the zoning status of the School was clear and undisputed among the zoning maps of the Office of Zoning up to and after the November 1, 2023, filing by Appellant of its Medical Cannabis Business License Application – Retailer. As is also set out in the Preet Declaration, the publicly-disclosed zoning status of the School was the basis for Applicant’s decision to incur and expend substantial time, cost and expense in the pursuit of the application. Because the only basis for the denial of the application was the ostensible change in the zoning map, or the ostensible zoning determination concurrent with that map change, Appellant’s interests fall within the zone of interests protected and regulated by the pertinent zoning regulations and constitutional protections.

Under prudential standing requirements, a plaintiff ... may assert only interests that fall within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question.... In addition, a plaintiff must generally “assert only its own legal rights....

To establish standing under the DCAPA to challenge an agency order, the petitioner must allege ... that the interest sought to be protected ... is arguably within the zone of interests protected under the statute or constitutional guarantee in question ... and ... there must not be a clear legislative intent to withhold judicial review.... The zone-of-interests requirement is not especially demanding, and the plaintiff need not be an intended beneficiary of the statute (internal citations, brackets, quotation marks omitted).

D.C. Libr. Renaissance Project/W. End Libr. Advisory Grp. v. D.C. Zoning Comm'n, 73 A.3d 107, 114–15 (D.C. 2013).

E. Issues On Appeal:

1. Whether BZA has jurisdiction, pursuant to Title 11 DCMR. 100.4 or any other jurisdictional statute or regulation. 11 DCMR. 100.4 provides in pertinent part as follows:

The Board, pursuant to § 8 of the Zoning Act, D.C. Official Code §§ 6-641.07(f) and (g)(1), shall also hear and decide zoning appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal made by any administrative officer or body, including the Mayor, in the administration or enforcement of the Zoning Regulations, Title 11 DCMR. 100.4.

2. Whether the November 9, 2023, determination constituted a final or conclusive change, amendment, revision, or declaration of the zoning characteristics of the Lot.
3. Whether proper notice of the proposed determination and an opportunity to be heard was provided to the public, including appellant, and to the Owner of the Lot.
4. Whether proper notice of the proposed determination and an opportunity to be heard was provided to adjoining or interested property or business owners, including appellant, and to the Owner of the Lot.
5. Whether proper notice was provided to the Office of Planning, and whether the Office Planning was improperly excluded, *see* 11-A DC § 210.
6. Whether the November 9, 2023, determination was invalid as a consequence of the failure to provide notice and the failure to provide an opportunity to be heard.
7. Whether the ostensible determination was based on a proper review of zoning maps, including a review of the official atlases of the Zoning Commission of the District of Columbia and whether such review is required.
8. Whether the ostensible change in the zoning maps was permissible or supported by competent evidence.
9. Whether the ostensible determination of a “digitization error” was supported by competent evidence.
10. Whether the November 9, 2023, determination of a “digitization error” must be applied to other lots which are similarly situated.

11. Whether the November 9, 2023, determination was supported by sufficient competent evidence.
12. Whether the conclusions of law in the November 9, 2023, determination were erroneous.
13. Whether rights, including due process rights, vest at the time of license application.
14. Whether the agency was bound by principles of laches or estoppel.

Laches is the principle that equity will not aid a plaintiff whose unexcused delay, if the suit were allowed, would be prejudicial to the defendant.... The party asserting laches has the burden of establishing both that it was prejudiced by the delay and that the delay was unreasonable.... In the zoning context, the defense of laches is judicially disfavored because of the public interest in enforcement of the zoning laws..... Accordingly, laches is rarely applied in the zoning context except in the clearest and most compelling circumstances. (internal citations, quotation marks omitted)

Kuri Bros. v. D.C. Bd. of Zoning Adjustment, 891 A.2d 241, 248 (D.C. 2006). But

(A)an existing non-conforming use will ordinarily be permitted to continue until it can be eliminated without depriving the user of a vested right, but this protection applies only if the nonconforming use is an existing one. *See* D.C.Code § 5–423 (1988).... (A) nonconforming use consists of the “*continued* use of a structure for a purpose lawful under zoning at the time of the *initiation* of that use but not so under subsequently adopted changes in zoning.” (Emphasis added)....

Familiar equitable principles, however, provide some protection to those who have substantially changed their position in reliance on existing zoning regulations....

The majority rule, which can be synthesized from the multitudinous decisions in this area, may be stated as follows: A landowner will be held to have acquired a vested right to continue the construction of a building or structure and to initiate and continue a use despite a restriction contained in an ordinance where, prior to the effective date of the ordinance, in reliance upon a permit theretofore validly issued, he has, in good faith, made a substantial change of position in relation to the land, made substantial expenditures, or has incurred substantial obligations.... (internal citations, quotation marks, brackets omitted).

Speyer v. Barry, 588 A.2d 1147, 1154 (D.C. 1991).