

Williams, Madeline

To: Moldenhauer, Meridith
Subject: RE: Fw: 530 Penn Street, NE

From: Beeton, Kathleen (DOB) <kathleen.beeton@dc.gov>
Sent: Wednesday, December 4, 2024 4:35 PM
To: Moldenhauer, Meridith <MMoldenhauer@cozen.com>
Cc: rallen@edens.com; DOB Kustomer CRM <support@dob.mail.kustomerapp.com>; Steingasser, Jennifer (OP) <jennifer.steingasser@dc.gov>; Lawson, Joel (OP) <joel.lawson@dc.gov>; Mehlert, Keara (DCOZ) <Keara.Mehlert@dc.gov>; Vitale, Elisa (DOB) <elisa.vitale@dc.gov>
Subject: Re: Fw: 530 Penn Street, NE

****EXTERNAL SENDER****

Good afternoon Meridith:

I have considered your email dated November 21 and our conversation this morning regarding whether an area variance is required from 11 DCMR U-802.1 (e) (3) which reads as follows:

"There is no property containing a live performance, night club or dance venue either in the same square or within a radius of one thousand (1,000 ft.) from any portion of the subject property;"

I have also reviewed other instances in the zoning regulations where certain uses, such as emergency shelters with greater than five persons and community residence facilities with greater than six residents, include restrictions on the location or number of other similar uses and those provisions include a specific reference to the "property" or "subject property" which we interpret to mean a lot.

In this particular case, as you have noted, the two live entertainment venues are located on the same lot which is owned by the same entity and although not operated together, the leases for each operator are controlled by said owner, so the potential for conflicts that might otherwise arise if the venues were located on separate lots within the square but owned by different owners is reduced as a consequence.

Additionally, the Board is reviewing the applications for special exception relief, and the impact of two venues within one square will be assessed as part of the special exception relief request.

Based on the foregoing, I have determined that relief from U-802.1(e)(3) is not required and we have revised the previously issued referral memoranda to reflect this revision.

I have also copied Jennifer Steingasser and Joel Lawson from the Office of Planning and Keara Mehlert from Office of Zoning for their respective references.

Please let me know if you have any questions.

Best regards,
Kathleen

Board of Zoning Adjustment
District of Columbia
CASE NO.21224
EXHIBIT NO.29B

Best regards,
Kathleen

Kathleen A. Beeton, AICP | *Zoning Administrator*

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December 4, 2024

REFERRAL MEMORANDUM - REVISED

TO: Board of Zoning Adjustment

FROM: Kathleen A. Beeton, AICP, Zoning Administrator  for KAB

PROJECT INFORMATION: **Address:** 530 Penn ST NE
 Square, Suffix, Lot: Square 3594, Lot 0006
 Zoning District: PDR-1
 DCRA Permit #: B2409886

SUBJECT: Proposed concert venue

Review of the plans for the subject property referenced above indicates that Board of Zoning Adjustment approval is required as follows:

Number	Type of Relief	Zoning Sections	Reason [or Basis]
1	Special Exception	U § 802.1(e) X § 901.2	Entertainment, assembly, and performing arts use
2	Area Variance	U § 802.1(e)(2) X § 1000.1	Property abuts RF-1 zoned property

Note: All applicants must provide the Office of the Zoning Administrator with submission verification, in the form of a formal receipt from the BZA, within 30 days of the date of this memo. If the BZA Memorandum is not submitted within 30 days, the applicant must request an updated memorandum from the Office of the Zoning Administrator.

December 4, 2024

REFERRAL MEMORANDUM - REVISED

TO: Board of Zoning Adjustment

FROM: Kathleen A. Beeton, AICP, Zoning Administrator *KAB* for KAB

PROJECT INFORMATION: **Address:** 540 Penn ST NE
 Square, Suffix, Lot: Square 3594, Lot 0006
 Zoning District: PDR-1
 DCRA Permit #: N/A

SUBJECT: Proposed concert venue

Review of the plans for the subject property referenced above indicates that Board of Zoning Adjustment approval is required as follows:

Number	Type of Relief	Zoning Sections	Reason [or Basis]
1	Special Exception	U § 802.1(e) X § 901.2	Entertainment, assembly, and performing arts use
2	Area Variance	U § 802.1(e)(2) X § 1000.1	Property abuts RF-1 zoned property

Note: All applicants must provide the Office of the Zoning Administrator with submission verification, in the form of a formal receipt from the BZA, within 30 days of the date of this memo. If the BZA Memorandum is not submitted within 30 days, the applicant must request an updated memorandum from the Office of the Zoning Administrator.