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October 4, 2018

VIA IZIS AND HAND DELIVERY

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, NW, Suite 210S
Washington, DC 20001

**Re: Application to the Board of Zoning Adjustment
Modification of Significance to BZA Case No. 19200 and 19200A
1401 Okie Street, NE (Square 4093, Lot 22)¹**

Dear Members of the Board:

On behalf of Jemal's Pappas Tomato's, L.L.C. (the "Applicant"), and pursuant to 11-Y DCMR § 704, we hereby submit an application for a Modification of Significance to the architectural drawings approved in BZA Order Nos. 19200 and 19200A for property located in the PDR-1 Zone District at 1401 Okie Street, NE (Square 4093, Lot 22) (the "Site").

The application also includes a request for special exception relief pursuant to 11-X DCMR, Chapter 9 to permit (i) "Entertainment, Assembly, and Performing Arts" uses, as defined by 11-B DCMR § 200.2(n) in the approved building at the Site (11-U DCMR § 802.1(d)); (ii) nightclub, bar, cocktail lounge, and/or restaurant uses in new outdoor roof decks (11-C DCMR § 1500.3); (iii) a reduction in the number of required parking spaces (11-C DCMR § 703); and (iv) to provide a rear yard depth of 4 feet, 9 inches whereas 12 feet is required (11-J DCMR § 205.2). The application also requests a variance pursuant to 11-X DCMR § 1000.1 from the requirements of 11-U DCMR § 802.1(d)(3), which do not permit Entertainment, Assembly, and Performance Arts uses within 1,000 feet of a property containing an existing live performance venue.

Included herewith are the following materials:

- A filing fee of \$8,226.40 for the BZA modification and the additional/new areas of requested zoning relief;
- A letter from the Applicant authorizing Holland & Knight LLP to file and process the application;

¹ At the time that BZA Case Nos. 19200 and 19200A were reviewed and approved the Site was known as Lot 832. The Site has since been subdivided into Record Lot 22.

- A statement explaining the nature of, reason(s), and grounds for the modification of significance and zoning relief;
- BZA Order Nos. 19200 and 19200A;
- Portion of the Zoning Map showing the Site;
- Architectural plans and elevations showing the approved and proposed project;
- A written summary of the testimony of all witnesses;
- A copy of the resume for the expert witnesses who will be testifying in the case;
- The name and address of the owners of all property located within 200 feet of the Site and two copies of self-stick labels; and
- Certificate of Service to all parties (included at the end of this letter).

We respectfully request that the Board schedule the application for a public hearing on the next available date.

Sincerely,

HOLLAND & KNIGHT LLP

Norman M. Glasgow, Jr.

Jessica R. Bloomfield

Enclosures

cc: Joel Lawson, D.C. Office of Planning (*See Certificate of Service*)
 Karen Thomas, D.C. Office of Planning (w/ enclosures via email and hand delivery)
 Anna Chamberlin, DDOT (w/enclosures via email)
 Jonathan Rogers, DDOT (w/enclosures via email)
 Advisory Neighborhood Commission 5D (*See Certificate of Service*)
 Peta-Gay S. Lewis, ANC 5D01 (w/enclosures via email and U.S. Mail)
 Clarence Lee, ANC 5D Chair (w/enclosures via email: 5D07@anc.dc.gov)

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2018, a copy of the foregoing application to the Board of Zoning Adjustment for a Modification of Significance to BZA Order Nos. 19200 and 19200A was served by electronic mail on the following, with hard copies sent on October 5, 2018.

Mr. Joel Lawson
District of Columbia Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024
joel.lawson@dc.gov

VIA EMAIL & HAND DELIVERY

Advisory Neighborhood Commission 5D
c/o Commissioner Peta-Gay Lewis, SMD 5D01
1868 Corcoran Street, NE
Washington, DC 20002
5D01@anc.dc.gov
petagaylewis@yahoo.com

VIA EMAIL & U.S. MAIL


Jessica R. Bloomfield