



d.c. forrd <dc4reality@gmail.com>

RE: 2501 1st Street Designation: Help Needed

1 message

LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>

Thu, Oct 10, 2019 at 4:18 PM

To: "d.c. forrd" <dc4reality@gmail.com>

Cc: "Silverman, Elissa (Council)" <esilverman@dccouncil.us>, "kmcduffie@dccouncil.us" <kmcduffie@dccouncil.us>, ATD DCRA <dcra@dc.gov>, friends-of-mcmillan-park <friends-of-mcmillan-park@googlegroups.com>, Vining Kirby <>nulliparaacnestis@gmail.com>, "afenster@railstotrails.org" <afenster@railstotrails.org>, Heather Benno <heather.benno@gmail.com>, Cynthia Carson <cyncarson@gmail.com>, James Fournier <james.fournier@gmail.com>, Daniel Wolkoff <amglassart@yahoo.com>, Jerome Peloquin <aquaponikus@gmail.com>, Mel Peffers <mpeffs@gmail.com>, Linwood Norman <linwood.norman@gmail.com>, Christof Rotten <crotten2@gmail.com>, "akoma@bizjournals.com" <akoma@bizjournals.com>, "cuneyt.dil@gmail.com" <cuneyt.dil@gmail.com>, "paul.schwartzman@washpost.com" <paul.schwartzman@washpost.com>, fredrick kunkle <fredrick.kunkle@washpost.com>, byjeffreyanderson <byjeffreyanderson@gmail.com>

Chris Otten-

My apologies for the delay in responding. I am consulting with my counsel on this matter and my goal is to have a response to you by cob 10/15/19.

Matthew Le Grant

Zoning Administrator

Department of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th St SW, Washington DC 20024

matthew.legrant@dc.gov

202 442-4576

From: d.c. forrd [mailto:dc4reality@gmail.com]

Sent: Thursday, October 10, 2019 12:40 PM

To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>

Cc: Silverman, Elissa (Council) <esilverman@dccouncil.us>; kmcduffie@dccouncil.us; ATD DCRA <dcra@dc.gov>; friends-of-mcmillan-park@googlegroups.com; Vining Kirby <nulliparaacnestis@gmail.com>; afenster@railstotrails.org; Heather Benno <heather.benno@gmail.com>; Cynthia Carson <cyncarson@gmail.com>; James Fournier <james.fournier@gmail.com>; Daniel Wolkoff <amglassart@yahoo.com>; Jerome Peloquin <aquaponikus@gmail.com>; Mel Peffers <mpeffs@gmail.com>; Linwood Norman <linwood.norman@gmail.com>; Christof Rotten <crotten2@gmail.com>; akoma@bizjournals.com; cuneyt.dil@gmail.com; paul.schwartzman@washpost.com; fredrick.kunkle@washpost.com>; byjeffreyanderson <byjeffreyanderson@gmail.com>

Subject: Re: 2501 1st Street Designation: Help Needed

Board of Zoning Adjustment
District of Columbia
CASE NO.20191
EXHIBIT NO.6

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Mr. Legrant,

This will be our last and final request. We are asking for your determination letters as to the zoning requirements that went into mistaken approval of the building and foundation permits at McMillan Park.

Please advise as soon as possible.

Regards,

Chris Otten

On Wed, Oct 2, 2019 at 11:20 AM d.c. forrd <dc4reality@gmail.com> wrote:

Mr. Legrant,

Please advise. Have you recieved this request for determination?

It regards McMillan Park permit issuance: Raze permit and Foundation permit.

Chris Otten

DC4RD

----- Forwarded message -----

From: **d.c. forrd** <dc4reality@gmail.com>
Date: Friday, September 27, 2019
Subject: 2501 1st Street Designation: Help Needed
To: matthew.legrant@dc.gov

Still awaiting an answer on this inquiry Mr. Legrant.

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From: **d.c. forrd** <dc4reality@gmail.com>
Date: Mon, Aug 26, 2019 at 1:24 AM
Subject: 2501 1st Street Designation: Help Needed
To: <matthew.legrant@dc.gov>
Cc: friends-of-mcmillan-park <friends-of-mcmillan-park@googlegroups.com>, cynthia Carson <cyncarson@gmail.com>, Linwood Norman <linwood.norman@gmail.com>, James Fournier <james.fournier@gmail.com>, Yolanda Hawthorne <bella2chef@yahoo.com>, Daniel Wolkoff <amglassart@yahoo.com>, Jerome Peloquin <aquaponikus@gmail.com>, Christof Rotten <crotten2@gmail.com>, Mel Peffers <mpeffs@gmail.com>

Dear Mr. Legrant,

Seeking your analysis and determination as to the construction/rehabilitation/redevelopment activity at the McMillan Park site.

We need your determination as to if you have/will you/did sign off on the consistency of issuing permits at McMillan Park with the requirements of DC's Zoning Regulations.

The Zoning Order in ZC Case 13-14(6) says:

The Applicant identified seven development parcels within the PUD Site. The Commission granted first-stage PUD approval for the **Master Plan and Parcels 2 and 3, consolidated PUD approval for the remaining five parcels**, and a related map amendment to zone the PUD Site to the CR Zone District, except for Parcel 1, which was mapped in the C-3-C Zone District. Parcel 1 is located in the northern portion of the PUD Site and the C-3-C Zone District was requested to accommodate the 130-foot height requested for the proposed building at that location. That building was eventually approved for a maximum height of 115-feet, and will hereinafter be referred to as the "Parcel 1 Building."

How can demolition/rehabilitation/redevelopment activities start at McMillan Park given the following Zoning Regulations:

- 11 DCMR X § 309.2 If the Zoning Commission finds the application to be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage approval, the Zoning Commission shall grant approval to the second-stage application, including any guidelines, conditions, and standards that are necessary to carry out the Zoning Commission's decision.
- 11 DCMR § 311.1 X § Following approval of an application by the Zoning Commission, the applicant may file an application for a building permit with the proper authorities of the District of Columbia.
- 11 DCMR § 311.3 The Zoning Administrator shall not approve a permit application unless the applicant has recorded a covenant in the land records of the District of Columbia between the owner or owners and the District of Columbia satisfactory to the Office of the Attorney General and the Zoning Administrator, which covenant will bind the owner and all successors in title to construct on and use the property only in accordance with the adopted orders, or amendments thereof, of the Zoning Commission.
- 11 DCMR Z § 702.7 Following approval of an application by the Commission, the applicant may file an application for a building permit with the proper authorities of the District of Columbia.
- 11 DCMR Z § 702.8 The Zoning Administrator shall not approve a permit application unless the plans conform in all respects to the plans approved by the Commission, as those plans may have been modified by any guidelines, conditions, or standards that the Commission may have applied. Nor shall the Zoning Administrator accept the establishment of an escrow account in satisfaction of any condition in the Commission's order approving the PUD.

And as to the *Historic Preservation law* in context of the above Zoning Regs:

DC CODE § 6-1104 (h) -- In those cases in which the Mayor finds that the demolition is necessary to allow the construction of a project of special merit, no demolition permit shall be issued unless a permit for new construction is issued simultaneously under § 6-1107 and the owner demonstrates the ability to complete the project.

Please clarify/send your positions.

I would ask you send us any determinations you made in so far as any of the permits (not clear the totality) issued at McMillan Park.

Thank you,

Chris Otten, co-facilitator

DC for Reasonable Development

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