

John Patrick Brown Jr.

From: Reid, Rohan (DCRA) <rohan.reid@dc.gov>
Sent: Tuesday, July 01, 2014 2:04 PM
To: Lyle M. Blanchard
Cc: John Patrick Brown Jr.; LeGrant, Matt (DCRA)
Subject: RE: Uptown Arts Overlay; Request for Status of Cap on Street Frontage for Square 205

Good afternoon Mr. Blanchard,

Sorry for the delay in getting back to you. **The available frontage for Square 205 on U Street, NW is still 58.19 linear feet. The limit is 305.36 linear feet, and currently 247.17 linear feet (40.47%) is still being used.**

Our office was informed that several eating and/or drinking establishments on Square 205 has been closed; however, they are still captured in our inventory as frontage that is still in use. A previous eating and/or drinking establishment that is the last permitted use at a vacated location in the Uptown Arts Overlay District would remain the designated use until such time that a new certificate of occupancy has been issued to change the use. Once the use has been changed the linear street frontage could possibly be returned to the inventory of available restaurant street frontage. The amount of time that the property has been vacant would not change the last permitted use. Below is the Zoning Administrator's explanation of this.

Return of Linear Street Frontage to the Inventory

Linear street frontage is returned to the inventory only after it has been demonstrated that the owner or lessee of the existing, vacant restaurant space has relinquished its rights to the certificate of occupancy ("C of O") that authorized the restaurant use. Evidence demonstrating the abandonment of the restaurant use under the C of O would include: (i) removal of elements unique to a restaurant, such as commercial kitchen equipment and food-handling fixtures, grease traps, exhaust systems, and other similar features; and (ii) affirmative steps to institute a different use in that space, such as building permits for a non-restaurant use, initiation of construction under those permits, and issuance of a certificate of occupancy for the non-restaurant use.

Reallocation and Vesting of Available Street Frontage

Any linear feet returned to the inventory can be reallocated to a new restaurant space and will be vested at that new location upon the issuance of a certificate of occupancy for that particular use and location. Additionally, linear feet can be temporarily assigned to and held for a proposed restaurant space upon the filing of building permit application. So long as the applicant diligently pursues issuance of a building permit for that space through the normal permit review process, and upon issuance of the permit, diligently pursues and completes construction, the linear feet will be held for that use so that a certificate of occupancy can be obtained and the linear feet vested. If, on the other hand, the building permit applicant does not diligently pursue the permit or, thereafter, fails to complete construction, the linear feet will be returned to the inventory. If more than one entity is seeking some or all of the same limited

number linear feet in the inventory, the entity that first files a building permit application will temporarily be allocated only the required number of linear feet for its proposed use.

Please also note that an eating and/or drinking establishment that replaces another at the same location, would not use any additional available frontage from the inventory. I hope this information is helpful. If you have any questions, please do not hesitate to contact me.

Regards,

Rohan Reid

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From: Lyle M. Blanchard [<mailto:LMB@gdllaw.com>]
Sent: Wednesday, June 25, 2014 6:30 PM
To: Reid, Rohan (DCRA)
Cc: John Patrick Brown Jr.; LeGrant, Matt (DCRA)
Subject: RE: Uptown Arts Overlay; Request for Status of Cap on Street Frontage for Square 205

Mr. Reid,

Please give us an update on the available frontage of Square 205 on U Street.

Thank You,
Lyle

From: Reid, Rohan (DCRA) [<mailto:rohan.reid@dc.gov>]
Sent: Tuesday, February 25, 2014 11:38 AM
To: Lyle M. Blanchard
Cc: John Patrick Brown Jr.; LeGrant, Matt (DCRA)
Subject: RE: Uptown Arts Overlay; Request for Status of Cap on Street Frontage for Square 205

Good morning Lyle Blanchard,

I am so very sorry for that mix up. I misread and provided the incorrect information to Mr. Le Grant. The available frontage for Square 205 on U Street, NW is 58.19 linear feet. The limit is 305.36 linear feet, and currently 247.17 linear feet (40.47%) is being used.

Regards,

Rohan Reid

Program Analyst | Office of the Zoning Administrator