

**From:** "LeGrant, Matt (DCRA)" <[matthew.legrant@dc.gov](mailto:matthew.legrant@dc.gov)>  
**Date:** November 19, 2013 at 12:49:12 PM EST  
**To:** David Holmes <[holmes6a3@gmail.com](mailto:holmes6a3@gmail.com)>, Dan Golden <[dpgolden@gmail.com](mailto:dpgolden@gmail.com)>, "J. Omar Mahmud" <[mahmud6a01@gmail.com](mailto:mahmud6a01@gmail.com)>, Andrew Hysell <[hysell6a06@gmail.com](mailto:hysell6a06@gmail.com)>, Jay Williams <[williamsanc6a05@gmail.com](mailto:williamsanc6a05@gmail.com)>, Gloria Nauden <[Gnauden@gmail.com](mailto:Gnauden@gmail.com)>, Nick Alberti <[alberti6a04@yahoo.com](mailto:alberti6a04@yahoo.com)>, Sondra Gilbert <[SPGilbert01@comcast.net](mailto:SPGilbert01@comcast.net)>, Calvin Ward <[Cward6a08@gmail.com](mailto:Cward6a08@gmail.com)>, Charmaine Josiah <[charm73@hotmail.com](mailto:charm73@hotmail.com)>, Cody Rice <[rice\\_cody@yahoo.com](mailto:rice_cody@yahoo.com)>  
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**Subject: RE: Ben's Chili Bowl - 1001 H ST NE**

David Holmes, et al:

I wanted to update ANC 6A Commissioners, as well as other concerned parties, of my office's review of this matter. Since the last email below, I met with the property owner and their development and contractor team on October 25th, and on October 30<sup>th</sup> they also met with several ANC 6A Commissioners. The owner provided me with further information about their disassembly and reconstruction plan to restore the façade, and have provided, at my request, documentation of this reconstruction process. Based on my review of this information I have determined that there has not been a zoning violation, and the construction and demolition activity to date under building permit #B1301584, issued for the addition and establishment of the restaurant use, is being carried out consistent with that permit and approved plans. I have made this determination based on the following:

- My determination letter of July 31, 2012 that described the aspects of the façade preservation that were to be followed.
- The June 14, 2013 letter from Tony Marshall of RAM Contracting, the project's contractor, to me that described the plan to preserve of the façade.
- The October 30, 2013 letter from Form Design Architects to ANC 6A, that laid out the time line for the design steps occurring for this project.
- The November 1, 2013 letter from the Ali brothers, Frank White, and others, to ANC 6A that summarized the discussion of the October 30<sup>th</sup> meeting between

those parties.

- The November 15, 2013 letter from Chief Building Official Rabbiah Sabbakhan who determined that the activity constitutes a partial demolition and deconstruction, and is not an actual raze.

This information illustrates to me that the property owner has taken steps to preserve the previous building façade, by a process of disassembly, storage, and reconstruction, that is consistent with the façade preservation requirements set forth in 11 DCMR 1322.3, that allows an additional .5 of FAR. Accordingly there is no further action required by my office at this time. DCRA will continue to monitor the construction to ensure that the activities are consistent with the scope and approved plans of building permit #B1301584, and that the façade materials slated for reassembly are in fact restored properly.

Please let me know if you have any further questions.

Best Regards,

**Matthew Le Grant**

Zoning Administrator

Dept of Consumer and Regulatory Affairs

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**From:** LeGrant, Matt (DCRA) **Sent:** Wednesday, October 23, 2013 1:55 PM **To:** 'David Holmes'; Dan Golden; J. Omar Mahmud; Andrew Hysell; Jay Williams; Gloria Nauden; Nick Alberti; Sondra Gilbert; Calvin Ward; Charmaine Josiah; 'Cody Rice' **Cc:** Reid, Rohan (DCRA); Beeton, Kathleen A. (DCRA); Reich, Stephanie G.(DCRA); Gamboa, Ferdinand (DCRA); Majett, Nicholas (DCRA) **Subject:** RE: Ben's Chili Bowl - 1001 H ST NE

David Holmes, et al:

Thanks for speaking with me this afternoon on this matter. I want to assure you and the rest of the concerned members of ANC 6A that my office did not authorize a raze of the subject building. As I noted my office received representation from the property owner that a significant portion of the building was to be retained, in order to qualify for the FAR bonus for façade preservation [see attached letter dated 6-14-13]. Although I have seen the photo from the

Popville blog post that appears to show the building mostly removed, I have asked the Inspections Division to send out an Inspector ASAP to report what the current condition of the building is. Following that Inspection report, and after I ask the property owner to explain what has occurred from their perspective in light of the 6-14-13 letter, I will then be in a position to make a determination on this matter.

I did see your tweet on this and want to note that I have not yet come to a conclusion or a determination, but can only do so once I have an Inspection report and more information about what has occurred. I will keep you informed as the results of the Inspection.

Best Regards,

**Matthew Le Grant**

Zoning Administrator

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**From:** David Holmes [<mailto:holmes6a3@gmail.com>] **Sent:** Tuesday, October 22, 2013 1:52 PM **To:** LeGrant, Matt (DCRA); Dan Golden; J. Omar Mahmud; Andrew Hysell; Jay Williams; Gloria Nauden; Nick Alberti; Sondra Gilbert; Calvin Ward; Charmaine Josiah **Subject:** Ben's Chili Bowl

You issued a letter that allows Ben's to retain the 0.5 FAR for preservation of an historic facade.

Please help me understand how this demolition could proceed without a raze permit? There is now nothing left of the two buildings on this site. No notice came to the ANC about this destruction; no mention of a raze was made in the presentations before the ANC. Rather we were told about the preservation of the attractive old brick exterior. Problems with differing floors and windows, yes; bulldozing it, no. Why was razing not presented to the ANC?

Yesterday I sent a similar letter to David Maloney, the State Historic preservation Officer. As I said to him, this seems to contradict the purpose of the historic preservation provisions of the zoning law. I am very surprised that the HPO and the HPRB were not consulted before you issued your letter. If you did consult,

please let me know.

Please respond soon.

--

David Holmes

Chair,

Advisory Neighborhood Commission 6A