

Board of Zoning Adjustment
District of Columbia
CASE NO. 17615
EXHIBIT NO. 4

with “licenses” to use the five “new” spaces at prices far below fair market. It was also done in a manner to deprive the District of tax revenue associated with these “new” spaces, at least several of which were in areas where the District denied WHCA permission to place parking spaces when the Complex was constructed in the mid-1980’s.

In addition, these actions directly and negatively impacted Mr. Harnett’s interests in the Condominium and particular real estate interests that he owns. Mr. Harnett is the owner of approved parking space P-112. The effect of WHCA’s creation of parking spaces P2 and P3 is to block Mr. Harnett’s use and enjoyment of parking space P-112. Mr. Harnett thus has standing to pursue this appeal in his own right. *See, e.g., York Apartments Tenants Ass’n v. District of Columbia Zoning Comm’n*, 856 A.2d 1079, 1083-1085 (D.C. 2004). As a party owning real property within the Subject Property and adjacent to these “new” spaces, Mr. Harnett can assert, and does assert, issues personal to him with respect to this Appeal, he meets all of the requirements to have standing to protect his interests, and he is entitled to party status to permit him appropriate procedural and substantive means to protect his interests. *See id.*

Although at the time of this filing a complete copy of the Application and Plans were not available through DCRA, despite weeks of effort to obtain them, Mr. Harnett believes that the dimensions shown on the Plans must have been deliberately inaccurate, as has been the case with prior submissions to BZA by WHCA on this issue. Additionally, Mr. Harnett believes that the dimensions shown were still in violation of the applicable laws and regulations, and knows that the dimensions presently in effect are clearly in violation, regardless of what was represented in the application.

Mr. Harnett respectfully submits that the decision to issue the Permit violates the laws and regulations of the District of Columbia, including but not limited to provisions in the District of Columbia Municipal Regulations regarding parking.

Introduction

This Appeal relates to a Building Permit issued on November 17, 2006, which took place years after the activities that were the subject of the Permit. In fact, the absence of a Building Permit led to DCRA's issuance of a Notice of Violation and Notice to Abate issued on January 4, 2005 to WHCA. (Exhibit 2 hereto.) It was based on an Application which, as far as Mr. Harnett has been able to determine, specified a "Starting Date" of "ASAP" and said that "Completion Date of Work" would be "1 week after start" – although the work had already been done. (Exhibit 3 hereto.) WHCA's statement of its "Estimated Cost of Work" of "\$200.00" is similarly suspect.

When the Washington Harbour Complex was built in the mid-1980's, WHCA applied for and received a permit to construct a parking garage containing 48 spaces. Although WHCA sought to include more spaces in the parking garage, that was never permitted. In 2004, without approval of the Condominium ownership, WHCA sold license rights to five "new" parking spaces. Now, if WHCA's actions are allowed to stand, it will mean that entities like WHCA can "create" so-called "new" parking spaces whenever and wherever they want, without review by any District Government agency, without regard for any of the applicable municipal regulations and other laws governing parking, without regard for public safety, without regard for the opposition of a majority of the Unit Owners, and without consideration of the impact upon Unit Owners such as Mr. Harnett – whose use of his own residential parking space P-112, which he purchased over 20 years ago when the Condominium was built, is prevented by WHCA's

actions. Mr. Harnett is the owner of a residential condominium unit designated as “PH-206” at Washington Harbour, along with the parking unit designated as “P-112.” His interests are directly and negatively impacted by WHCA’s actions, as now countenanced years after the fact by DCRA. ANC 2E has considered these issues and, as expressed in a letter dated October 6, 2006, supported fully Mr. Harnett’s position. (Exhibit 4 hereto.)

Exhibit 5 hereto depicts the relevant portion of the parking garage and the location of the “new,” illegally created parking spaces. This is the same diagram that was presented to ANC 2E and considered and relied upon by ANC 2E when it decided to support Mr. Harnett. “New” parking spaces 2 and 3 are directly behind Mr. Harnett’s parking spot and, when either is used, completely impede the use of Mr. Harnett’s parking space. There is only approximately **16 feet, 10 inches** between parking space P-112 and new parking space P-2, more than three feet less than is required. WHCA itself has prepared diagrams showing a vehicle diagonally stuck in the area between parking space P-112 and parking spaces P-2 and P-3 – the vehicle, in fact, is shown hitting the wall as it tries to enter parking space P-112 – the very same predicament faced by Mr. Harnett. (Exhibit 6 hereto.) (Exhibit 6, a prior submission by WHCA to the BZA on these issues, claims erroneously that there is 19 feet, five inches between P-122 and P-2, which is clearly an overstatement that does not comply with applicable regulations, even if it were true – which it is not.)

As was described to ANC 2E prior to its consideration of these issues, Mr. Harnett has been unable to move his car for over a two years when parking spaces P-2 or P-3 are occupied. Moreover, parking spaces P-2 and P-3 lack required “wheel stops” for pedestrian safety and are incompletely striped so as to not fully delineate the area in which a vehicle should be parked.

There are stripes painted on the sides along parking spaces P-2 and P-3, but no lines at either end to show where parking spaces P-2 and P-3 are supposed to begin and end.

Before WHCA took its actions, parking spaces P-2 and P-3 were previously striped as no-parking so as to permit pedestrian access to WHCA's Residential Elevators. As a result of the "new" spaces, which simply painted over the prior walkway, pedestrians seeking to access the elevator must walk through narrow parking spaces in close proximity to vehicles, which in the case of new spaces P-2 and P-3, are parked in spaces lacking safety "wheel stops." WHCA also placed a sign on the wall adjacent to P-116 (which Mr. Harnett also owns) without obtaining the required permit, directing pedestrian traffic to the "Residential Elevators" by an arrow pointing them *through* P-116.

"New" parking spaces P-1, P-4, and P-5 are no less hazardous. Those parking spaces are irregular shaped (with vertical junction boxes slanting down from the ceiling with access of less than six feet) and exceedingly narrow. Given their proximity to the entrance door for that portion of the garage, the angles of egress and ingress do not conform to the minimum distance required. Perhaps most importantly, however, these spaces are in an area of the garage in which electrical, gas, and water utility piping hang down from the ceiling. This proximity to unprotected utilities was one of the reasons that the District of Columbia refused to permit the use of these areas as parking spaces when the Condominium was first constructed. Indeed, the original proposed plat for the garage submitted to the District included 50 spaces. The District later limited its approval to 48 parking spaces due to safety concerns related to the utility piping. The previous denial of these spaces may help to explain why WHCA delayed for years in seeking the Permit or submitting its plans for administrative review.

Grounds for Appeal

Violation of the Vertical Clearance Requirements

11 D.C.M.R. § 2115.5 provides that “all parking spaces shall have a minimum vertical clearance of six feet, six inches (6 ft., 6 in.).” New spaces P-1, P-4, and P-5 do not comply with Section 2115.5. Each space contains utility piping hanging down at a slant so as to limit vertical clearance to less than six feet, six inches. Section 2115.5 does not permit a parking space that only partially complies with vertical clearance of at least six feet, six inches. The entire space must comply.

Compliance in this case is particularly important because there are additional pipes and electrical utility piping which hang from the ceiling of these new spaces. It is imperative for the safety of the residents and the general public that the minimal clearances in this instance comply with Section 2115.5. Obviously, vehicles using these spaces would be dangerously close to electrical, plumbing, gas, and other areas that District law dictates should be given a wider berth.

Reasonable and Convenient Parking Facilities

11 D.C.M.R. § 2116.8 provides that “accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures they are designed to serve.” The parking spaces in this instance, such as new spaces P-2 and P-3, do not comply with Section 2116.8. New spaces 2 and 3 impede Mr. Harnett’s ingress and egress to his parking spot, P-112. Mr. Harnett has literally been unable to remove his car for more than two years when spaces P-2 and/or P-3 are occupied.

Aisle Requirements

11 D.C.M.R. § 2117.5 provides:

Except as provided in § § 2115.9 through 2115.18 and 2117.6, when required parking spaces are so arranged that an aisle is required for accessibility or maneuvering space between rows of two (2) or more parking spaces, or between a row of two (2) or more parking spaces and the perimeter of the area devoted to parking spaces, the aisle shall have a clear width of not less than twenty feet (20 ft.) or ninety degree (90 (degrees)) angle parking, and not less than seventeen feet (17 ft.) for angle parking that is sixty degrees (60 (degrees)) or less as measured from the center line of the aisle.

The parking aisle between Mr. Harnett's space (P-112) and newly created spaces P-2 and P-3 clearly does not comply with the requirements of Section 2117.5. The parking angle width does not meet the requirements for a ninety degree parking angle (or sixty-degree angle). The space between P-112 and P-2 is less than 17 feet. WHCA also intentionally failed to seek approval for or to paint an ending point for new parking space P-2.

Section 2115.14 provides that "[w]here aisles are provided, the aisles shall meet the design requirements stipulated in § § 2117.5 and 2117.6." Section 2115.14, and thus Section 2117.5 by reference, is applicable generally. In this case, the new parking spaces clearly create a parking aisle between existing spaces P-111 and P-112 on the one side and newly created spaces P-2 and P-3 on the other. As such, the aisle must comply with the requirements of Section 2117.5, which it plainly does not.

Pedestrian Walkway

11 D.C.M.R. § 2117.7 provides:

The public rights-of-way as well as private walkways and driveways shall be protected from vehicular encroachment from all parking spaces by wheel bumper guards, curbs, guard rails, or screening between the property line and the perimeter of the parking area. Parking shall be designed so that no vehicle or any part thereof shall project over any lot line or building line.

New parking spaces P-2 and P-3 were previously a pedestrian walkway. In fact, that area was previously painted with diagonal striped lines designating it as no-parking because it was used to access the Residential Elevators in the parking garage. The new parking spaces do not have “wheel bumper guards” and are not painted so as to delineate the beginning and end of the parking spots. There is no painted line depicting where a car using spaces 2 and 3 must stop in order to protect rights-of-way. In addition, WHCA has directed pedestrian traffic *through* parking space P-116, by placing a sign (without proper authority) directing pedestrians to the “Residential Elevators.”

Additional Requirements Deemed Necessary

11 D.C.M.R. § 2116.9 provides that:

The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

The BZA is empowered to impose any condition it deems necessary for the continued provision and maintenance of parking spaces. In this case, Mr. Harnett’s property rights are impaired by the newly created spaces. Further, some of the newly created spaces are the very ones that the District of Columbia has previously refused. If unconvinced that the previous provisions are applicable, Mr. Harnett respectfully requests that Section 2116.9 be invoked to protect his property and the safety of the residents.

ANC 2E’S CONSIDERATION OF THESE ISSUES

On October 3, 2006, Advisory Neighborhood Committee (ANC) 2E considered these issues and decided to support Mr. Harnett. The members of ANC 2E were given depictions of the parking garage and the Notice of Violation and carefully considered the issues.

ANC 2E's recommendation is entitled to great weight. Mr. Harnett does not believe that DCRA considered ANC 2E's position or afforded it the great weight to which it is entitled. The requirements of D.C. Code § 1-309.10 are quite explicit, and require that the Commission's recommendation be given great weight, including a written explanation stating "with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances." *See D.C. Code* § 1-309.10(d)(3)(B) (which further requires a statement of "specific findings and conclusions with respect to each issue and concern raised by the Commission" and specific support for the position ultimately taken).

Conclusion

For the foregoing reasons, and such other and further reasons as may be asserted at hearing on this matter, as well as such other and further reasons as may be based on the documents and information thus far not made available by DCRA and/or WHCA concerning the Permit, Mr. Harnett respectfully requests that the Permit be nullified, and for such other and further relief as may be appropriate in the circumstance.

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

941 North Capitol Street N.E. Room 2100

Washington D.C. 20002

Tel:(202) 442-4470

Fax:(202) 442-4862

B

Building Permit

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

PERMIT NO. 101019

DATE: 11/17/2006

ADDRESS OF PROJECT: 3030 K ST NW		SSL: SQ: 1173 WARD: 2	SX: LOT: 112 ZONE: R-1-B
DESCRIPTION OF WORK: STRIPING OF FIVE (5) NEW PARKING SPACES IN OWNER'S PARKING GARAGE IDENTIFIED IN YELLOW AS SPACES P1 - P5 ON THE ATTACHED PLANS			
PERMIT TYPE: ALTERATION AND REPAIR	PLANS (Y/N): Y	EXISTING USE: RESIDENTIAL APARTMENT	PROPOSED USE: Residential Apartment
PERMISSION IS HEREBY GRANTED TO OWNER: WASHINGTON HARBOUR UNIT OWNERS		PERMIT FEE: \$33.00	
AGENT NAME: JOE LAPAN 301-961-5172			
CONDITIONS / RESTRICTIONS: ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT BUILDING CODES ; ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT ZONING REGULATIONS ;			
TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639:			
DIRECTOR: <i>Patrick Canavan, Psy. D.</i> Dr. Patrick Canavan, Psy. D.		PERMIT CLERK: <i>[Signature]</i>	EXPIRATION DATE: 11/17/2007

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.
NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202)442-4641 941 NORTH CAPITOL ST NE WASHINGTON DC 20002.

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

941 North Capitol Street, NE • Suite 2000 • Washington, DC 20001 • ☎ 202-442-4460

NOTICE OF VIOLATION AND NOTICE TO ABATE

ADDRESS OF VIOLATION 3030 K STREET, N.W.	CONTROL NUMBER
BUSINESS NAME PARKING GARAGE	TYPE OF INSPECTION ☐ CONSTRUCTION ☐ ELECTRICAL ☐ FIRE PROTECTION ☐ PLUMBING ☒ OTHER ZONING
OWNER'S NAME KEN JOY, PRESIDENT (Washington Harbour Canal. Asso.)	
DATE OF INSPECTION 10/27/04	TIME OF INSPECTION 12:00pm

An inspection of the ☐ Construction ☐ Electrical ☐ Fire Protection ☐ Plumbing ☒ **ZONING** features at the above address was performed on the above date. The inspection revealed the violation(s) cited hereafter. The owner is required to abate the violation(s) by taking the corrective action(s) specified below:

CODE SECTION	VIOLATION	REQUIRED CORRECTIVE ACTION
DCMR 12 105.1	STRIPPING PARKING SPACES w/o APPROVED PLANS/BUILDING PERMITS	OBTAIN PLANS AND BUILDING PERMITS FOR PARKING SPACES
DCMR 11 2117	ACCESS, MAINTENANCE, AND OPERATIONS.	" " "

The cited violation(s) must be abated as ordered within ☒ **72** hours
☐ **0** days from receipt of this notice. Failure to comply will result in this notice being forwarded to the Office of Compliance for enforcement action.

NAME OF PERSON NOTIFIED (PLEASE PRINT) JOYCE K. PATTERSON	DATE OF RECEIPT OF NOTICE 1/4/05
SIGNATURE OF PERSON RECEIVING NOTICE <i>Joyce K. Patterson</i>	POSITION Residential Director
INSPECTOR (PRINT) ALLEN T. JAMES / TORE BELLO	TELEPHONE 202 944-4230
INSPECTOR'S BADGE # 790	INSPECTOR'S TELEPHONE 2/442-4576-4429
DATE OF NOTICE 1/4/05	TIME OF RECEIPT OF NOTICE 12:20pm

TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL AT 1-800-521-1639.
ALL CALLS ARE CONFIDENTIAL.

RECEIVED
DC. OFFICE OF THE
JAN 14 1941

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)										
28. Architect's Name: N/A		29. D.C. Lic. No.:		30. Architect's Address: (include Zip Code)			31. Phone:			
32. Engineer's Name: N/A		33. D.C. Lic. No.:		34. Engineer's Address: (include Zip Code)			35. Phone:			
36. Building Contractor's Name: N/A		36A. D.C. Lic. No.		37. Contractor's Address			38. Phone:			
39. Type of Construction ☐ Masonry ☐ Steel ☐ Wood ☒ Other ☐ Concrete N/A		40. Fire Suppression: ☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☒ None ☐ Other _____		41. Booster Pump ☐ New ☐ Existing ☒ None		42. Total Lot Area No change sq. ft.		43. Breakdown of Lot Area (= 100%) no change		
						a. building				
						b. paved area				
						c. greenery				
44. Present Gross Floor Area of Bldg. no change sq. ft.		45. Proposed Gross Floor Area of Bldg. no change sq. ft.		46. Floors involved in this permit ☐ All ☒ Floors parking garage			47. Projection beyond building line? ☐ Yes, Answer q. 48-52 ☒ No. SKIP q. 48-52			
48. Number and type of projection:		49. Distance of projection:		50. Width of projection:		51. Width of building frontage ft.				
						52. Signature of Owner (projection only):				
53. Water or Sewer Excavation? ☐ Yes ☒ No		54. Driveway Construction? ☐ Yes ☒ No		55. Sheeting/Shoring Necessary? ☐ Yes ☒ No		56. Elevators Involved? ☐ Yes, answer q. 57 ☒ No		57. No and type of elevator		
								58. Plans Certified by Engineer? ☐ Yes, cert. attached ☒ No		
59. Estimated Cost of Work		OFFICIAL USE ONLY								
(a) New/Add.: \$ _____		Alter/Repair FEE		New Const. FEE		Filing Fee		TOTAL PERMIT FEE		
(b) Alt/Repair \$ 200.00		\$		\$		\$		\$		
Total \$ _____		By: _____		Date: _____		By: _____		Date: _____		
60. Volume of New Bldg. or Addition cubic ft.										
(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)										
61. Raze Contractor's Name:			62. Contractor's Address: (include Zip Code)				63. Phone:			
64. Insurance Company			65. Policy or Cert. Number		66. Expiration Date		67. Raze Method			
68. Building Material		69. Raze Entire Building? ☐ Yes ☐ No		70. Building Condemned? ☐ Yes ☐ No		70A. Building Vacant? ☐ Yes ☐ No		71. Public Space Vault? ☐ Yes ☐ No		
								72. Disconnect Water and/or Sewer? ☐ Yes ☐ No		
								73. Size of Water Connection in.		
74. Plumber's Name:			75. D.C. Lic. No.		76. Length ft.		77. Width ft.		78. Height ft.	
									79. Volume ft.	
80. Party Wall? ☐ Yes ☐ No										
81. Asbestos in the Building? ☐ No ☐ Yes, location _____			82. Raze Contractor Signature				OFFICIAL USE ONLY			
			83. Owner's Signature				FEE			
							\$			
							By: _____			
							Date: _____			
(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)										
The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations										
84. Cost of Work \$		85. Material:		86. Height		87. Color		88. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *		
89. Signature of Adjoining Owner:				90. Phone: Home Work				OFFICIAL USE ONLY		
91. Address of Adjoining Owner:				92. Lot:		93. Square:		FEE		
								\$		
								By: _____		
								Date: _____		

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application

(E) FENCE (COMPLETE ITEMS 94 THRU 102) The fence will not obstruct any accessible parking required by D.C. Zoning Regulations			
94. Material and type:	95. Height ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY	
		FEE	
100. Address of Adjoining Owner:	101. Lot	102. Square	

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)						
103. Number	104. Length: ft.	105. Width ft.	106. Area: sq.ft	107. Height ft.	108. Volume cu.ft	109. Est. Cost of Work \$
110. Material of Roof	111. Material of Sides	112. Wall Thickness: ☐ External () inches ☐ Party () inches			113. Color	
						OFFICIAL USE ONLY
						FEE
						\$
						By: Date:

(G) AWNING (COMPLETE ITEMS 114 THRU 123)					
114. Number:	115. Color	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt of attachment _____ in	118. Height of Lowest Part of awning	OFFICIAL USE ONLY
119. Material of Frame	120. Material of Covering	121. Lettering on awning? ☐ Yes ☐ No	122. Fixed Posts? ☐ Yes ☐ No	123. Over Side- walk café? ☐ Yes ☐ No	FEE
					\$
					By: Date:

(H) SIGN (COMPLETE ITEMS 124 THRU 144)				
124. Number	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No. SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor License Number:

129. Address of Electrical Contractor (include Zip)	130. Signature of Licensed Electrician	131. Phone No.	132. License No.
133. Height relative to building and ground (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is building height (d) _____ ft _____ in above projection of window (e) _____ ft _____ in from roof to sign's bottom	134. Material of Sign	135. Type of Sign	136. Color
	137. Width ft.	138. Length ft.	139. Area of Sign sq. ft
			140. Wide of Business frontage ft.

141. C of O No for Bldg.	142. Sign Contractor: License No.	OFFICIAL USE ONLY			
		Sign FEE		Elect. FEE	
		Total FEE			
143. Sign Contractor's Address:	144. Phone:	\$	\$	\$	
		By: Date:	By: Date:	By: Date:	

(I) APPLICANT'S SIGNATURE	
A. OWNER: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia. Signature of Owner <u>[Signature]</u> Address <u>3030 K St, NW, 20007</u> Date <u>11-15-06</u> B. AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia Signature of Agent _____ Address _____ Date _____	

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY)

A. PERMIT CONTROL		C. PLANS AND APPLICATION APPROVAL	
☒ 1. Fine Arts by: <u>[Signature]</u> Date: <u>11.17.06</u> ☒ 2. Historic by: <u>[Signature]</u> Date: <u>11.17.06</u> ☐ 3. Cap. Gateway by: _____ Date: _____ ☐ 4. NCPC: _____ Date: _____ ☐ 5. W.H./Obs. Precinct by: _____ Date: _____ ☐ 6. Flood Control by: _____ Date: _____ ☐ 7. WMATA by: _____ Date: _____ ☐ 8. Condem. by: _____ Date: _____ ☐ 9. Rental Accom. by: _____ Date: _____ ☐ 10. Chinatown Distr. by: _____ Date: _____ ☐ 11. Utility Clearance by: _____ Date: _____ ☐ 12. General Liability Ins. Policy Clearance by: _____ Date: _____	☐ 1. Information Counter by: <u>[Signature]</u> Date: <u>11/17/06</u> ☐ 2. Information Center by: _____ Date: _____ ☐ (a) ABRA by: _____ Date: _____ ☐ (b) Noise Control by: _____ Date: _____ ☐ (c) Industrial Safety by: _____ Date: _____ ☐ (d) Vector Control by: _____ Date: _____ ☐ (e) D.C. Animal by: _____ Date: _____ ☐ (f) Police Dept. by: _____ Date: _____ ☐ 3. Zoning by: _____ Date: _____ Zoning Update by: _____ Date: _____ Zoning Overlay approval by: _____ Date: _____ ☐ 4. DDOT - Permit and Records Division/Deposit # _____ Sidewalk Deposit \$ _____ Driveway Deposit \$ _____ by _____ Date _____ ☐ 5. Water/Sewer Design Branch Consumer Eng. by: _____ Date _____ ☐ 6. Environmental Regulation Administration ☐ Environmental Policy Review Control No. _____ by _____ Date _____ ☐ Erosion Control by: _____ Date _____ ☐ Storm Water Mgmt. by: _____ Date _____ Plan No. _____ ☐ Air Quality by: _____ Date _____ ☐ Underground Storage by: _____ Date _____ ☐ 7. Mechanical Eng. Review by: _____ Date _____ ☐ 8. Plumbing Eng. Review by: _____ Date _____ ☐ 9. Electrical Eng. Review by: _____ Date _____ ☐ 10. Health Plan Review ☐ (a) Food Plan Review by: _____ Date _____ ☐ (b) Medical X-Ray Plan Rev. by: _____ Date _____ ☐ 11. Fire Protection Plan Review by: _____ Date _____ ☐ 12. D.C. Fire Dept. (Fire Prevention Plan Review Section) by: _____ Date _____ ☐ 13. Elevator Plan Rev. Sec. by: _____ Date _____ ☐ 14. Plumbing Insp Rev. by: _____ Date _____ ☐ 15. Construction Insp. Branch (Field Check) by: _____ Date _____ ☐ 16. Historic Pres. Div. by: _____ Date _____ ☐ 17. EISF: _____ Date _____ ☒ 18. Structural Eng. by: <u>[Signature]</u> Date <u>11/17/06</u> ☐ 19. Permit and Certificate Issuance Counter by: _____ Date _____ ☒ 20. QC By: <u>[Signature]</u> Date <u>11/17/06</u>		
B. CLEARANCE TO FILE PLANS			
☐ 1. Zoning by: _____ Date: _____ ☐ 2. DDOT - Permit and Records Division Access to Parking Street ☐ Street ☐ Alley Cleared by: _____ Date: _____ ☐ 3. DDOT - Consumer Engineer Cleared by: _____ Date: _____ ☐ 4. ERA - Erosion Control Cleared by: _____ Date: _____			
Restrictions of the Permit:			
TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639			
ZONING		DDOT - PUBLIC SPACE	
C of O Number _____ Date _____ Existing Use(s) _____ Proposed Use _____	☐ New Bldg ☐ P.O.D. ☐ File in room 2124	Street Name: _____ Street Width: _____ Road Width: _____ Sidewalk Width: _____ Parking: _____	
Job No. _____	BZA Case No. _____	PUD Order No. _____	Restrictions: _____

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 338-7427 • FAX (202) 338-0279 • anc2e@erols.com

October 6, 2006

Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 Fourth Street, NW, Suite 200
Washington, DC 20001

RE: BZA Appeal No. 17517, Washington Harbour Condominium Units Owners Assn.

Dear Mr. Chairman and Members of the Board:

On October 3, 2006 ANC 2E held its regularly scheduled public meeting which was duly noticed and attended by all seven commissioners, constituting a quorum. The above-referenced BZA application was on the agenda. After discussion in which representatives for both the Washington Harbour Condominium Units Owners Association and the petitioner were present, ANC 2E, by a vote of six to one, passed the following motion as presented by Commissioner Starrels:

ANC 2E supports the petitioner, William Harnett and therefore, we recommend to the Board of Zoning Adjustment that the Washington Harbour Condominium Units Owners Association's appeal be **denied**.

We trust that great weight will be given to ANC 2E and that this motion will be part of the record for the BZA hearing scheduled for October 24, 2006.

Sincerely,



Ed Solomon
Chair, ANC 2E

COMMISSIONERS:

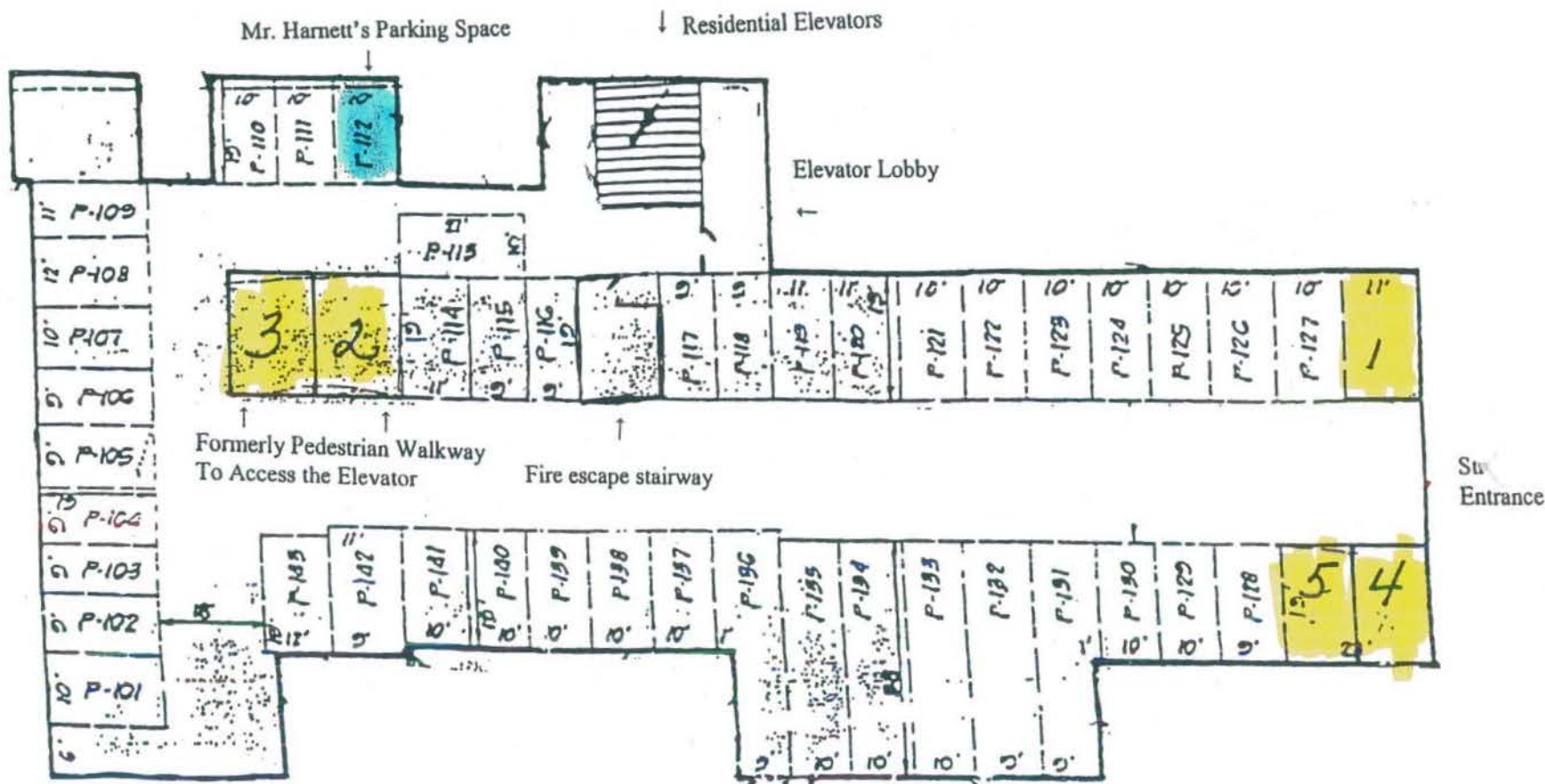
Ed Solomon, District 1 John Lever, District 2 Bill Skelsey, District 3 Brett Clements, District 4
Bill Starrels, District 5 Gunnar Halley, District 6 Charles Eason, District 7

2007 JUN 12 PM 4:22
U.S. OFFICE OF THE ATTORNEY GENERAL
RECEIVED

Enclosure A

Washington Harbour Condominium Residential Parking Garage

(new spaces are marked with handwritten numbers 1 through 5)



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D.C. OFFICE OF PLANNING

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10/10/19

4-215-23 (Survey & Rec)

