

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**
441 4th Street, N.W.
Washington D.C. 20001

2010 OCT 27 PM 1:12

Appeal of Van Ness South Tenants'
Association

Appeal No. 18151

DISTRICT OF COLUMBIA'S PRE-HEARING STATEMENT

The Appellee, the District of Columbia Department of Consumer and Regulatory Affairs ("Appellee" or "DCRA"), by and through undersigned counsel, respectfully submits its pre-hearing statement in opposition to the October 12, 2010 appeal filed by the Appellant, Van Ness Tenants' Association. The appeal alleges that DCRA erred in its August 13, 2010 decision to issue building permit no. B1009105 ("the August 13th permit"), which permitted the construction of interior dividing walls inside 21 units of the Archstone Van Ness Apartment complex at 3003 Van Ness St., NW ("the Property"). The Board must deny this appeal as the construction permitted by the August 13th permit does not violate any provision of the Zoning Regulations and did not change the use of the Property as an apartment building.

FACTUAL BACKGROUND

In looking at this appeal, it is important for the Board to understand the limited nature of the work and the unique circumstances that led to the issuance of the permit. The description of work on the August 13th permit states, "adding 21 walls to 21 apartment rooms." *See Exhibit A.* The walls are all non-load bearing, partition walls. They were constructed in the interior of 21 different apartments to create an additional bedroom inside of each unit. The addition of these walls did not change the size of the units or create new units. Like any other apartment at the

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18151

EXHIBIT NO. 19

Board of Zoning Adjustment
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EXHIBIT NO. 19

Property, each apartment has its own kitchen and bathroom facilities for the use of the residents of that unit.

The August 13th permit was issued following an investigation of illegal construction at the Property. Prior to the August 13th permit being issued, David Naples, DCRA's Deputy Chief Building Official, had been in contact with residents of the Property who were complaining of possible illegal construction. DCRA inspectors investigated these complaints and found that the University of the District of Columbia ("UDC") had constructed partition walls inside of apartments it had leased. On August 11th, DCRA issued a Stop Work Order and a Notice of Infraction, levying a \$2000 fine against UDC for working without building permits. *See Exhibit B.* Deputy Chief Naples also inspected the Property to determine whether there were any fire and safety issues and whether the construction complied with the *Construction Codes*. Finding no violations, the only remaining compliance issue was the administrative requirement to obtain a building permit. Accordingly, on August 13th, UDC's contractor applied for and received a building permit for the partition walls. *See Exhibits A and C.*

DCRA was able to issue the building permit on the same day it was applied for because of the limited nature of the work (non-structural, interior work) and because Deputy Chief Naples had already inspected the work for building code compliance.¹ For the same reasons, Deputy Chief Naples determined, pursuant to 12A DCMR § 106.1, that plans were not required to issue a building permit in this case and indicated that on the permit application. *See Exhibit C* at p. 4. Under 12A DCMR § 106.1, "The code official is authorized to accept permit applications without plans when the work involved is of a sufficiently limited scope." Likewise,

¹ This is reflected on the notation on the permit, "David Naples and Mr. Robbie okay'd permit to go threw [sic] today." Mr. Robbie refers to Rabbiah (Robbie) Sabbakhan, Chief of the Permitting Operations Division at DCRA.

because the work was limited to the interior and did not alter the use of the Property, DCRA's internal operating procedures did not require the permit application be routed to the Office of the Zoning Administrator for review.

THE APPEAL MUST BE DISMISSED

In its appeal, Appellant raises three different bases as to why it believes the permit was issued in error. First, Appellant points to information that it believes is incorrect or missing on the building permit itself. The fact that there are empty fields on the building permit is the result of administrative/clerical oversight and not a zoning error. No provision of the Zoning Regulations requires specific information be found on the face of a building permit. Most importantly, the work approved by the permit does not have any impact on the Zoning Regulations. Second, Appellant states that it believes that the August 13th permit may be in violation of the building code. That issue is not relevant to this case, as the Board does not have jurisdiction to review building permits for compliance with the *Construction Codes*. Thirdly, Appellant states that the construction has converted the Property into a dormitory. This argument similarly fails, as there has been no change in use of the Property.

The construction approved by the August 13th permit has no impact on the Zoning Regulations

As explained above, the work approved by the August 13th permit was for interior partition walls inside 21 different apartment units. The addition of the extra bedroom did not have any impact on the size of the units, the size or footprint of the building, or the total number of units. Further, this construction did not change the use of the units as "apartments".² Each unit remains a single dwelling unit with its own kitchen and bathroom facilities.

² The Zoning Regulations define "Apartment" as, "one or more habitable rooms with kitchen and bathroom facilities exclusively for the use of an under the control of the occupants of those rooms." See 11 DCMR § 199.1.

As the work was limited to the interior and did not alter the use of the Property, the August 13th permit had no impact on the Zoning Regulations. Accordingly, there is no basis for the Board to find error with the issuance of the permit. *See* Transcript of November 2, 2010, p. 8, *Appeal no. 18103 of ANC 8E*.

The Property is not a dormitory

Appellant also alleges that DCRA was in error because it issued the permit “knowing that the use of the apartments was for a dormitory for the University of the District of Columbia.” This argument also fails. The construction did not change the use of the Property as an apartment building. Presumably, Appellant believes that if students of UDC reside in the units, then the use of the Property is converted to a dormitory. That belief, however, has no basis in the Zoning Regulations. As dormitory is not a defined term, the Zoning Regulations look to the definition found in *Webster’s Unabridged Dictionary*. *See* 11 DCMR § 199.2(g). That definition states in relevant part:

- 1 : a room intended primarily to be slept in; *especially* : a large room providing sleeping quarters for many persons and sometimes divided into cubicles
- 2 : a residence hall providing separate rooms or suites for individuals or for groups of two, three, or four with common toilet and bathroom facilities but usually without housekeeping facilities.³

The apartment units at the Property are all self-contained dwelling units. Each unit has its own kitchen and bathroom facilities. The work permitted by the August 13th permit did not change that. Additionally, under the *Webster’s* definition, the occupation of the inhabitants, whether they are students or something else, is not relevant in determining whether the building is a dormitory. Thus, the units continue to conform to the definition of an “apartment” under the Zoning Regulations and are not dormitories.

³ The Zoning Administrator interprets the phrase “housekeeping facilities” to mean kitchen or cooking facilities.

Further, even if the Property was a dormitory, Appellant's argument is unavailing as that use is permitted as a matter of right. *See* 11 DCMR §§ 330.5(i), 350.4(a).

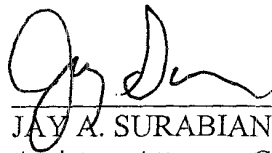
For these reasons, the Board must dismiss this appeal.

Respectfully Submitted,

PETER J. NICKLES
Attorney General
for the District of Columbia

MELINDA M. BOLLING
General Counsel

December 29, 2010



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Assistant Attorney General
Department Of Consumer And
Regulatory Affairs
Office of the General Counsel
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Washington, DC 20024
(202) 442-8403 (office)
(202) 442-9447 (fax)
jay.surabian@dc.gov

CERTIFICATE OF SERVICE

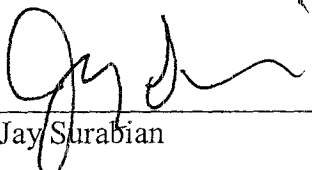
I hereby certify that a copy of the foregoing Pre-Hearing Statement was served by first class mail or email, this 29th day of December 2010, to the following:

Van Ness South Tenants' Association
c/o Brian Lederer
3003 Van Ness St., NW, W-228
Washington, DC 20008
Brian.lederer@att.net

Allison Prince, Esq.
David Avitabile, Esq.
Goulston & Storrs, PC
2001 K Street, NW, Suite 1100
Washington, DC 20006
davitabile@goulstonstorrs.com

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Greenstein DeLorme & Luchs, P.C.
1620 L Street, NW, Suite 900
Washington, DC 20036
jpb@gdllaw.com

ANC 3F
4401-A Connecticut Avenue, NW, Box 244
Washington, DC 20008-2322



Jay Surabian

EXHIBIT A

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862

B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF
WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 08/13/2010

PERMIT NO. B1009105

Expiration Date: 08/13/2011

Address of Project: 3003 VAN NESS ST NW		Zone: R-5-D	Ward: 3	Square: 2049	Suffix:	Lot: 0806
Description Of Work: ADDING 21 WALLS TO 21 APARTMENT ROOMS.						
Permission Is Hereby Granted To: Smith Property Holdings 4411 Connecticut Llc		Owner Address: 9200 E PANORAMA CIR STE 400 ENGLEWOOD, CO 80112-3491		PERMIT FEE: \$927.41		
Permit Type: Alteration and Repair	Existing Use:		Proposed Use:		Plans:	
Agent Name: Eric Matthews	Agent Address: 605 RALEIGH PL SE WASHINGTON, DC	Existing Dwell Units:	Proposed Dwell Units:	No. of Stories:	Floor(s) Involved:	
Conditions/ Restrictions: DAVID NAPLES AND MR. ROBBIE OKAY'D PERMIT TO GO THREW TODAY. This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; 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 work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.						
Director: Linda K. Argo		Permit Clerk Stacie Williams				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.						

EXHIBIT B

GOVERNMENT OF THE DISTRICT OF COLUMBIA

NOTICE OF INFRACTION

Notice No. I702562

Issuing Agency: ☐ DOH ☐ DMH ☒ DCRA ☐ 1st NOI / /
☐ CFSA ☐ FEMS ☐ Other ☐ 2nd NOI (1st NOI No.)
Date of Service

3003 VAN NESS ST NW
Location of Infraction: Type of Location: ☐ Vacant Lot ☒ Construction Site ☐ Occupied ☐ Other
University of the District of Columbia
Business/Company Name Charge as Respondent (circle): ☒ YES ☐ NO Telephone Number

Individual Name (Last, First, Middle) Charge as Respondent (circle): YES ☐ NO ☐ Telephone Number
4200 Connecticut Ave NW
Mailing Address Washington, DC 20008
City State Zip Code
Business License/Permit Type Business License/Permit No.

You are charged with violating the District of Columbia laws or regulations stated below. You MUST SIGN and RETURN this form WITHIN 15 DAYS of the date of service. You must also indicate below each infraction whether you ADMIT, ADMIT WITH EXPLANATION or DENY and submit your plea to Office of Administrative Hearings, P.O. Box 77880, Washington, D.C. 20013. Instructions on back. If you DENY one or more of the infractions, you must appear for a hearing. You will receive a separate order from the Office of Administrative Hearings advising you where and when to appear for your hearing.

D.C. Official Code AND/OR D.C. Municipal Regulation Citation	Fine for Infraction	Statutory Penalty (if applicable)
<u>12A DCMR-105A Required Permits</u>	<u>2,000.00</u>	\$

Nature of Infraction WORKING WITH OUT REQUIRED PERMITS
Date of Infraction 8-11-10 Time of Infraction 0900hrs Previous Infractions Committed 1 2 3 4

ANSWER: ☐ ADMIT (Pay Fine) ☐ DENY (Appear for a Hearing) ☐ ADMIT WITH EXPLANATION (Hearing by Mail)

Signature

D.C. Official Code AND/OR D.C. Municipal Regulation Citation	Fine for Infraction	Statutory Penalty (if applicable)
	\$	\$

Nature of Infraction
Date of Infraction Time of Infraction Previous Infractions Committed 1 2 3 4

ANSWER: ☐ ADMIT (Pay Fine) ☐ DENY (Appear for a Hearing) ☐ ADMIT WITH EXPLANATION (Hearing by Mail)

Signature

Total Fines and Penalties \$ 2,000

WARNING: If you fail to answer (see reverse) each infraction on this Notice within 15 days of the date of service by signing and returning this form, you will be subject to a penalty equal to and in addition to the amount of the fine. You also may be subject to other penalties and actions allowed by law including suspension or non-renewal of your license or permit, the sealing of your business, a lien being placed on your property, and attachment of your equipment. If this is your second Notice for the charge(s), and you fail to answer within 15 days of the date of service, you will be subject to a penalty equal to twice the amount of the fine, and to the entry of a default order without additional notice. For information, call (202) 442-9094.

I personally declare under penalty of perjury that I observed and/or determined that the infraction(s) charged have been committed.

K. Wilson K. Wilson 8-11-10 2030
Inspector's/Investigator's Signature Print Name Date Badge/Identification Number

I sign my name below to acknowledge receipt of this Notice and not as an admission of guilt or liability to the charge(s) listed.

Respondent's Signature Print Name Date

OAH (WHITE) RESPONDENT (YELLOW) INSPECTOR (PINK) ENFORCEMENT (GOLDENROD)

10-641.09

GOVERNMENT OF THE DISTRICT OF COLUMBIA

NOTICE OF INFRACTION

Notice No. 1702563

Issuing Agency: ☐ DOH ☐ DMH ☒ DCRA ☐ 1st NOI 1 / 1 / 1
☐ CFSA ☐ FEMS ☐ Other _____ ☐ 2nd NOI (1st NOI No. _____)

Location of Infraction: 3003 VAN NESS ST NW
 Type of Location: ☐ Vacant Lot ☐ Construction Site ☐ Occupied ☐ Other _____
University of the District of Columbia
 Business/Company Name Charge as Respondent (circle) ☒ YES ☐ NO Telephone Number _____

Individual Name (Last, First, Middle) Charge as Respondent (circle): YES ☐ NO ☐ Telephone Number _____
4200 Connecticut Ave NW 202-274-5000
 Mailing Address _____
Washington, DC 20008
 City State Zip Code
 Business License/Permit Type _____ Business License/Permit No. _____

You are charged with violating the District of Columbia laws or regulations stated below. You MUST SIGN and RETURN this form WITHIN 15 DAYS of the date of service. You must also indicate below each infraction whether you ADMIT, ADMIT WITH EXPLANATION or DENY and submit your plea to Office of Administrative Hearings, P.O. Box 77880, Washington, D.C. 20013. Instructions on back. If you DENY one or more of the infractions, you must appear for a hearing. You will receive a separate order from the Office of Administrative Hearings advising you where and when to appear for your hearing.

D.C. Official Code AND/OR D.C. Municipal Regulation Citation	Fine for Infraction	Statutory Penalty (if applicable)
<u>12A DCMR-114.10 Unlawful Construction</u>	<u>\$ 2,000.00</u>	<u>\$</u>

Nature of Infraction Working with Swoon Race
 Date of Infraction 8-11-10 Time of Infraction 1630 hrs Previous Infractions Committed 1 2 3 4

ANSWER: ☐ ADMIT (Pay Fine) ☐ DENY (Appear for a Hearing) ☐ ADMIT WITH EXPLANATION (Hearing by Mail)

Signature _____

D.C. Official Code AND/OR D.C. Municipal Regulation Citation	Fine for Infraction	Statutory Penalty (if applicable)
	\$	\$

Nature of Infraction _____
 Date of Infraction _____ Time of Infraction _____ Previous Infractions Committed 1 2 3 4

ANSWER: ☐ ADMIT (Pay Fine) ☐ DENY (Appear for a Hearing) ☐ ADMIT WITH EXPLANATION (Hearing by Mail)

Signature _____

Total Fines and Penalties \$ 2,000

WARNING: If you fail to answer (see reverse) each infraction on this Notice within 15 days of the date of service by signing and returning this form, you will be subject to a penalty equal to and in addition to the amount of the fine. You also may be subject to other penalties and actions allowed by law including suspension or non-renewal of your license or permit, the sealing of your business, a lien being placed on your property, and attachment of your equipment. If this is your second Notice for the charge(s), and you fail to answer within 15 days of the date of service, you will be subject to a penalty equal to twice the amount of the fine, and to the entry of a default order without additional notice. For information, call (202) 442-9094.

personally declare under penalty of perjury that I observed and/or determined that the infraction(s) charged have been committed.

K. Wilson K. Wilson 8-11-10 2030
 Inspector's/Investigator's Signature Print Name Date Badge/Identification Number
 sign my name below to acknowledge receipt of this Notice and not as an admission of guilt or liability to the charge(s) listed.

Respondent's Signature _____ Print Name _____ Date _____

AH (WHITE) RESPONDENT (YELLOW) INSPECTOR (PINK) ENFORCEMENT (GOLDENROD)

10-641.09

EXHIBIT C

STOP WORK

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:	<i>R-5-D</i>			By:
H.P.A. No:	S.L. No:	Ward No:	Receipt No:	Date:	Receipt No:



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Tel 202-442-4589 Fax 202-442-4862

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY (PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

DLRA-15
(Rev. 204)

CLEARANCE TO FILE
By: _____ Date: _____

ERASING, CROSSING OUT, WRITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work: <i>3003 Van Ness Ave, N.W.</i>		Suite No.	2 Lot	3 Square	4 Application Date <i>8/13/10</i>
5 Owner of Building or Property <i>Archstone/UDC</i>		6 Address (include Zip Code) <i>3003 Van Ness Ave, NW 20008</i>			7 Phone <i>202 274 5353</i>
8 Agent for Owner: (if applicable) <i>Eric Matthews</i>		9 Address (include Zip Code) <i>605 Raleigh Pl, SE 20032</i>			10 Phone <i>202 562 6627</i>
11. Type of Proposed Work (check all applicable boxes)					
☐ New Building ☐ Addition ☒ Alteration and Repair ☐ Raze Building ☐ Retaining Wall ☐ Fence ☐ Shed ☐ Awning ☐ Garage ☐ Sign ☐ Projection ☐ Other (Specify) _____ "False statements or misrepresentation of facts on a permit application and/or plans is subject to criminal penalties pursuant to DC law 22-2405"					
12. Description of Proposed Work <i>adding 21 walls to 21 apartment rooms</i>					
13 Existing Use(s) of Building or Property <i>Apartment Building</i>		14 Ex. No of Stories of Bldg <i>12</i>	15 Ex No of Dwelling Units <i>100 each floor</i>	Official Use Only Miscellaneous PER	
16 Proposed Use(s) of Building or Property <i>Apartment Building</i>		17 Prop No of Stories of Bldg <i>12</i>	18 Prop. No of Dwelling Units <i>100 each fl</i>	By:	Date:
19 Starting Date <i>8/13/10</i>	20 Completion Date of work <i>8/16/10</i>	21 Method of Removing Construction Debris ☐ Pick-up Truck ☐ Dumpster ☐ Other (specify) _____		22 Does the proposed work involve disturbing the earth or razing a building? ☐ Yes, answer q. 23 ☐ No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? ☐ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	24. Soil Erosion Control Methods		25. Area of Offsite Drainage sq. ft.	26. No of Footings or Columns	27 Size of Footings or Columns

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
 Complete Section C if the proposed work is razing a building. (Page 2)
 Complete Section D if the proposed work is a retaining wall. (Page 2)
 Complete Section E if the proposed work is a fence. (Page 3)
 Complete Section F if the proposed work is a shed/garage. (Page 3)
 Complete Section G if the proposed work is an awning. (Page 3)
 Complete Section H if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY					
	R	P	H	A	
M					
P					
E					W ☐ Yes ☐ No
F					PLANS
S					No ☐ Sm ☐ Lg

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name:		29. D.C. Lic. No.:		30. Architect's Address: (include Zip Code)		31. Phone:	
32. Engineer's Name:		33. D.C. Lic. No.:		34. Engineer's Address: (include Zip Code)		35. Phone:	
36. Building Contractor's Name:		36A. D.C. Lic. No.		37. Contractor's Address		38. Phone:	
39. Type of Construction ☐ Masonry ☐ Steel ☐ Wood ☐ Other ☐ Concrete		40. Fire Suppression: ☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other _____		41. Booster Pump ☐ New ☐ Existing ☐ None		42. Total Lot Area sq. ft.	
44. Present Gross Floor Area of Bldg. sq. ft.		45. Proposed Gross Floor Area of Bldg. sq. ft.		46. Floors involved in this permit ☐ All ☐ Floors _____		43. Breakdown of Lot Area (= 100 %) a. building _____ % b. paved area _____ % c. greenery _____ %	
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: \$ 25,595		Alter/Repair FEE		New Const. FEE		Filing Fee	
(b) Alt/Repair \$		\$ 541.90		\$ 270.95		\$	
Total \$ 25,595		33.27				TOTAL PERMIT FEE \$ 812.85	
		By: _____ Date: 8/13/00		By: _____ Date: 8/13/00		By: _____ Date: 8/13/00	
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
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			
		83. Owner's Signature			
OFFICIAL USE ONLY					
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 *
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* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application

89. Signature of Adjoining Owner:		90. Phone: Home Work		OFFICIAL USE ONLY	
91. Address of Adjoining Owner:		92. Lot:		93. Square:	
				FEE \$	
				By: _____ Date: _____	

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

This 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	
	101. Lot	102. Square	FEE
100. Address of Adjoining Owner:		By:	Date:

(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 \$	OFFICIAL USE ONLY
110. Material of Roof	111. Material of Sides	112. Wall Thickness: ☐ External () inches ☐ Party () inches				113. Color	FEE
							By: Date:

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color	116. Type: ☐ Folding ☐ Fixed	117. Projection: Beyond bldg. line _____ in. Beyond pt of attachm _____ 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)

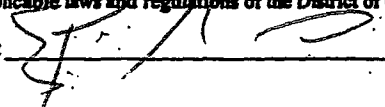
124. Number	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No. SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor License Number:																			
129. Address of Electrical Contractor (include Zip)		130. Signature of Licensed Electrician		131. 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																				
143. Sign Contractor's Address:		144. Phone:	<table border="1"> <tr> <th colspan="6">Sign FEE Elect. FEE Total FEE</th> </tr> <tr> <td>\$</td> <td>\$</td> <td>\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>By:</td> <td>Date:</td> <td>By:</td> <td>Date:</td> <td>By:</td> <td>Date:</td> </tr> </table>			Sign FEE Elect. FEE Total FEE						\$	\$	\$				By:	Date:	By:	Date:	By:	Date:
Sign FEE Elect. FEE Total FEE																							
\$	\$	\$																					
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 _____ Address _____ Date _____

I. 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 605 Raleigh Pl, SE Date 8/17/16

(J) APPROVAL (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):**A. PERMIT CONTROL**

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. Cap. Gateway by: _____ Date: _____
- ☐ 4. NCPC: _____ Date: _____
- ☐ 5. W.H./Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☒ 7. WMATA by: PW Date: 8/13/10
- ☐ 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: _____

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:

*No plans required per 12 DCMR 106.1
(page 5) EXCEPTION. Approved by David Haples
8/13/10 (202) 481-3386*

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

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: W.L Date: 8/13/10
- ☐ 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. _____ Date: _____
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: [Signature] Date: 8/13/10
- ☐ 19. Permit and Certificate Issuance Counter
by: _____ Date: _____
- ☐ 20. QC By: [Signature] Date: 8/13/10

ZONING

C of O Number _____ Date _____

Existing Use(s) _____

Proposed Use _____

- ☐ New Bldg
- ☐ P.O.D.
- ☐ File in room 2124

DDOT - PUBLIC SPACE

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Job No.

BZA Case No

PUD Order No.

Restrictions: