



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

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Representing Adams Morgan

Commissioners:

Julie Seiwel (1C01)

Hector Huevo (1C02)

Ted Guthrie (1C03)

Gabriela Mossi (1C04)

Alan Gambrell (1C05)

Billy Simpson (1C06)

Wilson Reynolds (1C07)

JonMarc Buffa (1C08)

December 3, 2015

Monique Heath, Chair
Board of Zoning Adjustment
441 4th Street NW, Suite 200-S
Washington, DC 20001

Re: 1835 Ontario Place NW

Dear Chair Heath:

At a duly noticed public meeting held December 2, 2015, with a quorum present, ANC 1C passed the attached resolution by a vote of 7-0 authorizing ANC 1C to file a BZA appeal for DCRA permits issued as of October 22, 2015 on 1835 Ontario Place, NW.

Sincerely,

Billy Simpson
Chair, Advisory Neighborhood Commission 1C

**ANC1C Resolution
BZA Appeal of Permits for 1835 Ontario Place NW
December 2, 2015**

ANC 1C has unanimously passed several resolutions in support of enforcement of current zoning regulations and building codes that are specifically raised in the permits issued or planned for issuance for 2910 and 2920 18th Street, NW, including:

- Support for compliance with R-5-B regulations governing GFA, FAR, lot occupancy, means of egress, structural building requirements, and parking requirements. In addition, the resolution calls for an administrative review of the performance of DCRA in terms of its building permit and building code compliance enforcement (ANC1C Resolution to Direct Improvements in DCRA Administration of Zoning Regulations passed 7-0 on March 4, 2015).
- Support for filing of BZA 18980 and the ANC1C's position that of compliance with current zoning regulations was essential, with specific reference to FAR and GFA rules (see ANC1C Resolution to Support BZA Appeal 18980 by Argonne Place Residents, passed 6-0 on April 1, 2015).
- Support for enforcement of DCMR parking regulations, with specific attention to adhering to requirements for 1 space for every 2 units, minimum size requirements of 9' x 19', and relief from such requirements to be only in exceptional circumstances and be a matter for the BZA to resolve (ANC1C Resolution on Parking, passed 7-0 on May 6, 2015).

The DC Zoning Administrator went on the record in an April 2, 2015 email stating that a conversion to a four-unit dwelling must first demonstrate the presence of two 9' x 19' regulation parking spaces or BZA relief from this requirement and that, absent such, DCRA cannot approve a permit.

The property located at 1835 Ontario Place NW has the following parking characteristics:

- A garage has long been located at the rear of the property, as evidenced by an historic map.
- A garage exists at the rear of the property, as evidenced by photographic evidence and documentation from neighbors that the garage previously and recently served as a parking space.
- The rear yard in which the garage is located is capable of accommodating one 9' x 19' regulation parking space, with and without the garage.

The property located at 1835 Ontario Place NW has the following building characteristics:

- The grade at the front of the property is less than 4' from adjacent finished grade to the lower level ceiling (cellar dimension).
- The grade at the rear of the property is more than 4' from adjacent finished grade to the lower level ceiling (basement dimension).

DCRA stated in an October 21, 2015 permit (B1502005, zoning approved 10/21/15 and issued 10/22/15):

- Award of one parking credit and the requirement to provide only one parking space, with a determination by the DCRA Zoning Administrator that the previous rear accessory structure determined to be a shed not a garage therefore no parkign [sic] was previously provided”
- Permission to install a “rear wall 2'-2" in height at rear of structure to create a fully enclosed cellar (max. height from finished grade to top of finished ceiling -- 3'-10").”

ANC1C and neighbors of Ontario Place NW believe that DCRA erred in:

- Awarding a parking credit given clear evidence that a parking garage (not a shed) exists at this location;
- Granting permission to convert a single family residence to 4 units with only one parking space, contrary to Title 11 parking regulations.
- Allowing a “retaining wall” to serve as a new adjacent finished grade, which is contrary to the clear meaning of adjacent finished grade as reflected in the zoning regulations and DCRA precedent.
- Permitting a “retaining wall” that is proposed to exist as a raised grade, in front of a window well at the lower level, posing an egress hazard.

Therefore, ANC 1C is authorized to file an ANC appeal of permits for 1835 Ontario Place, NW, issued as of October 22, 2015.

Furthermore, be it resolved that filing and representation may be carried out by any Commissioner on ANC 1C and expert designees.

Finally, ANC1C authorizes any ANC1C Commissioner to speak before the BZA on this BZA case: