Request for Appearance and Presentation before the Board of Zoning Adjustments
October 31, 2000 Meeting

In Reference to:
Jemals/Carry Carbarn LLC Case No. 16592

'00 OCT 17 P 3:25
OFFICE OF ZONING
DISTRICT OF COLUMBIA

Jim Marsh
3624 Prospect Street, NW
Washington, DC 20007

Sheryl Spivack
3622 Prospect Street, NW
Washington, DC 20007

Mathew Donahue
3616 Prospect Street, NW
Washington, DC 20007

BZA
Case No. 16592
Exhibit No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO.16592
EXHIBIT NO.40

Request for Appearance and Presentation before the Board of Zoning Adjustments October 31, 2000 Meeting

In Reference to Jemals/Carry Carbarn LLC Case No. 16592

a) Persons' Name and Address--Representing "The Community" (Authorizing letters included in this request document):

Jim Marsh
3624 Prospect Street, NW
Washington, DC 20007

Sheryl Spivack
3622 Prospect Street, NW
Washington, DC 20007

Mathew Donahue
3616 Prospect Street, NW
Washington, DC 20007

b) The above listed individuals request to appear before the Board of Zoning Adjustments for the October 31, 2000 meeting of the BZA, and in reference to: **Jemals/Carry Carbarn LLC Case No. 16592**

c) The above individuals will appear as an opponent of the application of **Jemals/Carry Carbarn LLC Case No. 16592**

d) The above individuals will not have legal counsel.

Signed:

Jim Marsh

Sheryl Spivack

Matthew Donahue

Statement

Written Statement for Receiving Party Status
Jemals/Carry Carbarn LLC Case. No 16592

1.0 ***Affected Interests.*** The persons, heretofore known as "The Community," whose property will be affected by the Jemals/Carry Carbarn LLC's application for a zoning variance and special exception (Case No. 16592) have signed a letter opposing the application (please refer to **Exhibit A**) as well as a letter (please refer to **Exhibit B**) authorizing their neighbors, Jim Marsh, Sheryl Spivack or Matt Donahue at 3624, 3622, and 3616 Prospect Street respectively, to represent their interests. "The Community's" collective interests will be affected by the action requested of the Board of Zoning Adjustment (BZA).

1.2 ***Legal Interest.*** The legal interests of "The Community" who have signed the letter of opposition referred to in **Exhibit A,** are as home owners.

1.3 ***Proximity of the Affected Parties of "The Community" to the Applicant's Property.*** The affected parties or "The Community" lie within a radius of 200 feet of the property of the applicant, or the Carbarn at 3600 M Street, NW and 3520 Prospect Street, NW, that is the subject of the application for zoning variance and special exception before the BZA.

1.4 ***Impacts.*** The property that is the subject of the application for zoning variance and special exception, heretofore known as "The Carbarn," is currently zoned part R-3 and part C-2-A. According to a letter sent to the Applicant by Michael Johnson, Zoning Administrator on February 17, 2000, because of the existing C of O, "The only lawfully established uses in the C-2-A and R-3 zones are office use and parking garage." In April 1999, a Building Permit (No.B421837) was issued to "The Carbarn" for the construction of a pavilion on the rooftop of the property. With the building of the pavilion, substantial alterations were also made to the rooftop terrace in a portion of the property zoned R-3. While the C of O for "The Carbarn," as Mr. Johnson states, was for "office use or parking," there is nothing to date at the fourth floor level that resembles "office use" of the said property. In addition, "The Community" was never sent any notice regarding the building permit for the construction of the pavilion nor the substantial altering of the rooftop terrace which clearly were done NOT for the intended office use, but rather to expand the current illegal use, that being, the holding of large scale "events." Though the building permit issued was only for the pavilion, substantial alterations were made to the roof terrace which included: the boarding up and covering of window wells, the removal of 19 existing landscaped flowerbeds (half in the portion of the property zoned R-3), the building of a walkway connecting the previously separated east and west sides of the terrace, and generally enlarging the facility's floor space by approximately 50%, presumably to allow larger events to be held. (Please refer to **Exhibit C** for an aerial photograph of the roof terrace prior to the pavilion). All of these alterations (including the pavilion) increased the floor area of the roof terrace. "The Community" asks were FAR calculations made and was a permit issued to do this work? Were, in fact, the flowerbeds and window wells conditions agreed to for the

renovation/development of the property by O. Roy Chalk in 1987. The Applicant now states that the terrace is to be used "as a combination restaurant, conference facility. . .meetings, conferences, weddings, receptions and special events." The fact that the Applicant has been long using the fourth floor terrace in the above said manner, despite "The Community's" complaints, shows blatant disregard for this city's laws and ordinances as well as the interests and values of the affected community. On August 21, 2000 the Applicant obtained a C of O (#188450) allowing use of an enclosed portion of the C-2-A zoned portion of the roof terrace (6,366 square feet) as a "Restaurant/Conference, Catering & Special Events Facility." While the Applicant clearly requested only the 6,366 square foot part of the C-2-A zoned district for the C of O, the District of Columbia issued a C of O that stated that the use was for "part of the 4th floor (C-2-A) portion of the roof terrace". This could be interpreted as also including an area outside of the enclosed portion of the roof terrace. This needs to be clarified and corrected. (Please refer to **Exhibit D**). It should be noted that the terrace and pavilion were constructed with no wall, fence, line or any other separation on the fourth floor between the portion of the building located within the C-2-A district and the portion within the R-3 district. Typically, the entire rooftop, which includes the R-3 portion of the terrace, is used for such "events". "The Community" has approximately 1000 photographs documenting these typical uses of the roof terrace for events. These events, and the illegal use of the entire rooftop terrace for events continue to occur to the present day. Selected photographs with dates are supplied for the documentation of this illegal use. (Please Refer to **Exhibit E**). "The Community" strongly objects in extending the restaurant/conference facility to Prospect Street, NW and also strongly objects to the present illegal use of the R-3 zoning for environmental, social, socio-cultural and economic reasons. On June 13, 2000, a voluntary agreement was reached between a few members of the community and Paul Millstein, acting for Jemal Cary LLC. Conditions were agreed to limit the scope and duration of events taking place at "The Carbarn" until the "The Carbarn" application is presented to the BZA (which at that time was set forth as September 5, 2000). While the intentions of the agreement may have been good, it was nevertheless, an agreement to continue the current illegal activity of "The Carbarn," to which "The Community" objects. Furthermore, as the documented evidence throughout this statement will indicate, the Applicant was unable to control or curb events that continue to create a hardship for "The Community" as stipulated in the June 13th agreement. (Please refer to **Appendix F** for documentation of activities that were in violation of agreement even to the present day).

1.4a ***Environmental Impacts***

Transportation Safety and Traffic Congestion. The illegal use of the fourth floor pavilion has added serious problems of transportation safety and traffic congestion on Prospect Street as well as on 34th and 35th Streets. Caters for the events held at "The Carbarn" typically use the Prospect Street entrance for unloading tables, chairs, food, beverages and other event set-up items. They continue to do this despite the fact that the Applicant signed a voluntary agreement in June stating that

the caters would unload for events using the M Street entrance. Because the M Street entrance is much less convenient than the Prospect Street entrance, involving elevators, etc. to move event items to the fourth floor pavilion, caters continue to disregard this agreement. Caters' trucks effectively block two way Prospect Street traffic from occurring anytime they use the Prospect Street entrance as shown in the documented photographs in **Exhibit G**. This strongly suggests that the Applicant is unable to currently, or in the future, control the unloading of caters' trucks at the Prospect Street entrance. By effectively blocking two way traffic on Prospect Street, traffic is forced to pass and go around the unloading trucks into oncoming traffic, frequently causing head-on collision near misses, virtual "stand-offs" between irate drivers, and backed up traffic congestion on Prospect Street that often is several blocks deep.

Pedestrian Safety and Blocking of Residential Sidewalk. Caters that unload on the Prospect Street entrance also effectively block the sidewalk intended for pedestrian traffic. Please refer to **Exhibit H** for documenting photographs. Prospect Street has heavy foot traffic, including university students, local residents, as well as visitors who come to visit and appreciate the historic Prospect Street environs. With the sidewalk in front of the Prospect Street entrance blocked by caters' trucks and caters' wares, pedestrians frequently walk out into the street to get around the parked caters' trucks and vans, exacerbating an already serious traffic and pedestrian safety situation.

Parking. There is currently inadequate off-street parking for "The Carbarn" offices or "The Carbarn" event attendees. Please refer to **Exhibit I** for an affidavit from someone who has been on the waiting list to rent a parking space in the "The Carbarn" for over a year. Event attendees frequently use the Prospect Street access, not the M Street access. Consequently, the very limited parking spaces on and near the 3500 block of Prospect Street come under extreme pressure because of the events. The owner of the 3508 Prospect Street property has even reported that event attendees frequently use the private parking and driveway area of their home while attending events. Additionally, event service personnel also compete with residents for the limited Prospect and nearby street parking spaces. On October 13, 2000, a waiter for an event at the "The Carbarn" was interviewed after illegally parking his car and partially blocking the driveway of 3602 Prospect Street, (Please refer to **Exhibit I** which documents this event).

Garbage, Solid Waste and Debris. The garbage and debris left from "The Carbarn" events frequently stays on the street and/or overloads nearby dumpters several days after the event. Event debris can frequently be found in university owned dumpsters as well as along Prospect Street and M Street after an event is held. Again, the Applicant is not able to control current practices of caters much less for a requested larger use of the roof terrace.

Debris and Personal Property. Several private homes abut the "The Carbarn". Though most severely impacted is the historic Prospect Street house built in 1788,

all home owners which abut the "The Carbarn" report that whenever the "events" takes place, individuals on the fourth floor terrace, some of whom clearly are drunk, are able and do peer down into these residences, often throwing cigarette or cigar butts and even empty drinks down into their yards.

Public Health & Safety. "The Carbarn" currently has no license for operating a kitchen nor are there capacity levels indicated for "The Carbarn" and its illegal use of holding events that extend into the R-3 portion of the roof terrace nor for the 6,366 enclosed square foot area of the roof terrace that obtained on August 21, 2000 a C of O for "restaurant/conference, catering and special events." As such, "The Carbarn" is not subject to inspections by public health officials or fire marshals. It is the view of "The Community" that "The Carbarn," in its current illegal operations of events, is in violation of public health and safety ordinances.

Noise Pollution. Music from outdoor bands at "The Carbarn," as well as from caters breaking down the event continue for "The Community" to be a problem and hardship.

1.4b ***Social and Socio-Cultural Impacts***

Historic Area. Prospect Street was Georgetown's original northern boundary. "The street was named for the 'Pretty Prospect' the country property of Benjamin Stoddert and Uriah Forrest. Here, where they could enjoy the commanding view of the river, a number of Georgetown's prosperous citizens built substantial houses toward the end of the 18th century."[1] With homes that span from the late 1700s to the prewar houses of the 3600 block of the Prospect, the Prospect Street area is visited and appreciated by many. The homes on the 3500 and 3600 blocks of Prospect Street are unique and special for the premium views they have of monumental Washington. The "Pretty Prospect" continues as it did in the 1800s, both as a public prospect as well as a private prospect for those living on this very special hillside area above the Potomac River. Safeguarding the Prospect from commercial use, encroachment and development is a matter of stewardship for both resident and developer alike.

Community Values and Quality of Life. For urban areas today, economic development, quality of life, and community values are inextricably linked concepts. The exodus of people from urban areas for three decades and the dying and death of cities are trends that have only recently begun to reverse themselves, with the promise that cities can deliver what suburbia did in the past, a better life for its residents. Quality of life and community values have emerged as important concepts in the equation for urban economic growth and sustainable development. "The Community" is a true stakeholder, and should be regarded as such by the Applicant. The use of the "The Carbarn" for commercial events has insulted community values and "The Community's" position as a stakeholder group. The Applicant has disregarded community values, community interests, and a

[1] The City of Washington, Junior League of Washington. Thomas Froncek, ed. Wings Books, 1977.

community voice in determining a collective future that contributes to the economic prosperity of the city and protects the historic character of the special Prospect Street area and neighborhood. The quality of life for "The Community" is threatened by the Applicant for the following reasons.

Noise. The events that take place on the subject property including the portion adjacent to Prospect Street, often include bands with amplified music playing past midnight. Furthermore, after the event is over, the reloading of trucks with event wares (chairs, tables, cooking and serving wares) can often been heard well past midnight.

Conflicts. Event attendees burden the street parking situation, even parking and blocking the garage access of "The Community." The "Prospect House" frequently has event attendees using their driveway for parking. Other neighbors report, too, that they have witnessed their garage driveway access blocked by "The Carbarn" event attendees and event personnel. The conflicts that arise between event attendees and residents can be directly attributed to the unwise and inconsiderate development strategies on the part of the Applicant that has deliberately placed these two groups at odds in a competition for scarce resources, such as, parking.

Congestion. Traffic congestion caused by the Applicant's events is both an environmental as well as social issue, seriously affecting quality of life issues for "The Community."

1.4c ***Economic Impacts***

Real Estate Values. Events that take place at "The Carbarn" are a community nuisance and incompatible with the surrounding residential use. If the events are held even more often than they currently are, they will adversely affect the value of nearby residences. The use of the Applicant's property fourth floor "events" is not compatible with surrounding uses.

Greater Income for Applicant. The Applicant's request will clearly result in greater income for the property and its commercial real estate value. It is clearly set forth in the Board of Zoning Adjustments code (page 5-424) that "An area variance cannot be granted on the ground that the property, which produces reasonable income when conforming to the regulations, will, if put to another use, yield a greater return." While the applicant has not given this as the "raison d'arte" for its zoning variance request, it is an obvious outcome and a presumed intent on the part of the Applicant.

1.5 Other Relevant Matters

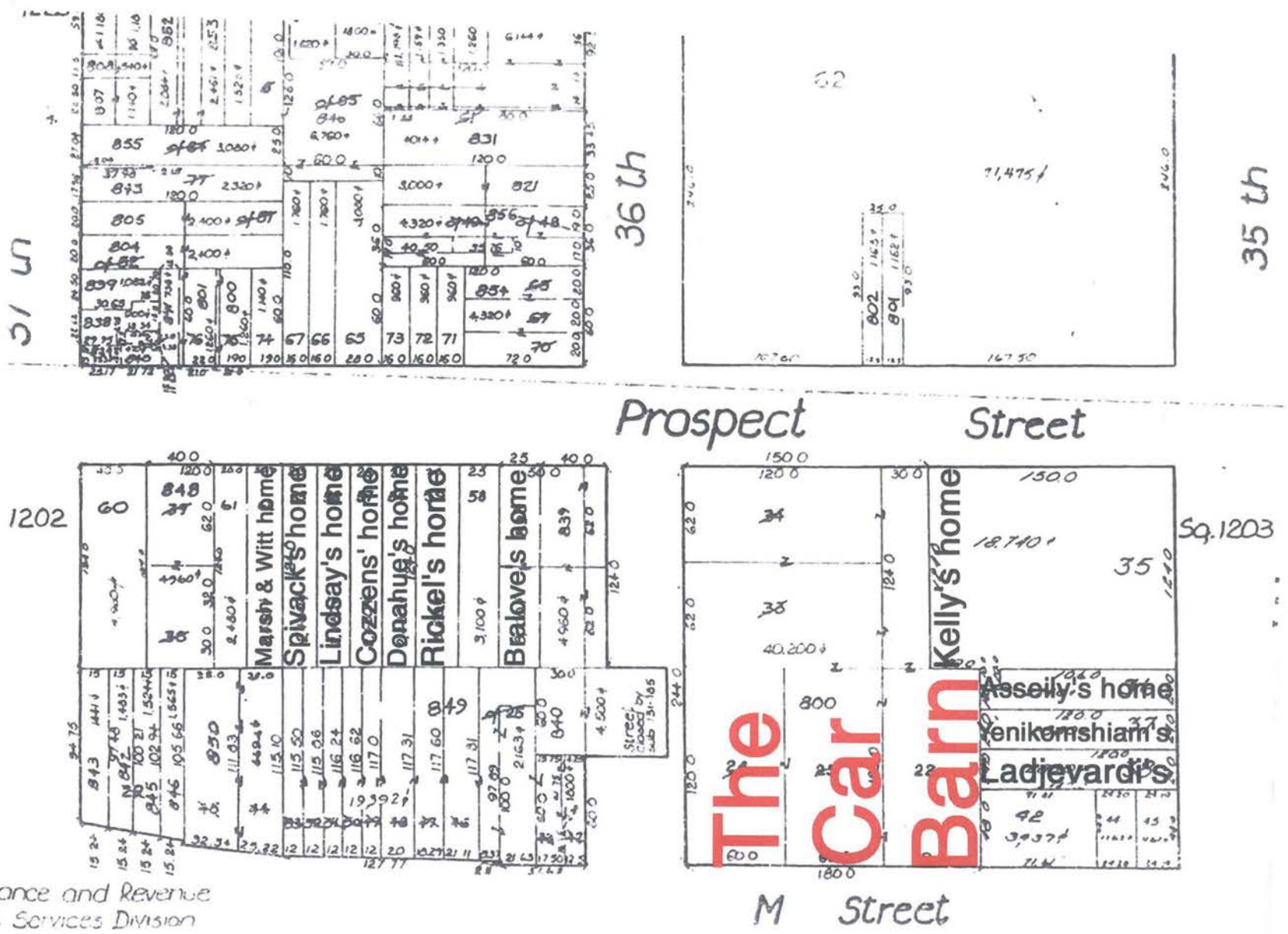
Unwillingness of the Applicant to Address Concerns and Complaints of "The Community." The Applicant has had minimal contact with members of "The Community." The Applicant has not shown good faith in addressing individual complaints of the community, specifically Matt Donahue at 3616 Prospect Streets, and the Kellys (the most impacted neighbor) at 3508 Prospect Street.

Inability to Control the Current Situation. The Applicant has demonstrated that they are unable to control the current situation of events and caters to those events at "The Carbarn," despite a voluntary agreement made in June 2000 which would limit the events and conditions of the events. As insult to injury, when one community member was able to get support from Mr. Michael Johnson, DC. Zoning Administrator and Mr. Clifton D. Chambers, Investigator, Alcohol Beverage Controls Division, DC Department of Consumer and Regulatory Affairs on April 28, 2000 and have alcohol beverages removed from "The Carbarn" premises, the alcohol was returned to "The Carbarn" after the DC enforcement officials departed. (Please refer to **Exhibit J**). This is an unconscionable and despicable display of public disregard. It is obvious, the current and even illegal use of "The Carbarn" events cannot be controlled by the Applicant. It is even more disturbing to begin to anticipate future situations if the application is approved. "The Community" does not believe the DC government should be further burdened with such tedious enforcement tasks, but rather the Applicant should be held accountable for past conduct and also be sensitive to community values and hardships the Applicant is imposing on the community. It appears the Applicant has always intended to use the rooftop terrace and pavilion for "events" which is illegal use, inconsistent with the neighborhood, and a self-imposed hardship.

Summary Statement. "The Community" is, therefore, ardently opposed to the Applicant's request and the Applicant's current illegal use of the 4th floor rooftop terrace. Many statements have been given concerning the adverse impact of the ongoing illegal commercial use of the subject property. Making it legal by granting the Applicant a special exception and variance to existing zoning will not ameliorate the adverse impact it already has on the surrounding properties when used illegally. Agreeing to the zoning and use change would only make it considerably worse than it currently is as the Applicant would be free to hold "events" any time without worrying about complaints from "The Community," other nearby residents, or the many visitors to this historic section of Georgetown. Despite complaints from the community, the D.C. government has not had the resources to enforce the code and regulations.

Exhibit A

Exhibit A
Community Letter



ance and Revenue
t Services Division

October , 2000
Board of Zoning Adjustment
Government of the District of Columbia
Washington, DC 20001

Re: JEMALS/CARY CARBARN LLC, Case No. 16592
3600 M Street, NW
3520 Prospect Street, NW
Washington, DC

Dear board members:

The undersigned ask that you deny the subject application for a special exception and variance to existing zoning. We are all homeowners and live adjacent or within one block of the subject property and are strongly opposed to the proposed special exception and variance and proposed use of the subject property. Our arguments against the special exception and variance are given below. Each of the key statements in the subject application are discussed one-at-a-time by first quoting the wording in the application followed by our arguments against the statement.

1) Application statement: "Since approximately 1959, the Property has been used for commercial purposes, including general office use and accessory use as a garage."... "In April 1999, Building Permit No. B421837 was issued for the construction of a rooftop terrace at the property. ... The rooftop terrace of the Property is at street level along Prospect Street, N.W."

   Discussion: What is not fully stated above is that the rooftop terrace was built along with a pavilion within the portion of the property zoned R-3. During construction, they removed flowerbeds and closed window wells. Their proposed use of the construction within the building permit application was for business (see attached photograph). Why are they now proposing a change of use of this space when they just recently said their use was for business? This pavilion and terrace has been used regularly, along with the connecting C-2-A zoned portion of the property, for special events including most Friday and Saturday evenings. Alcoholic beverages are served at these events and it is our understanding that they often did not have liquor licenses. We have attached photographs documenting a few of these events.

2) Application statement: "The fourth floor, which has views of the Potomac River and Rosslyn, Virginia across the river, is used as a combination restaurant/conference facility. This facility is used for meetings, conferences, weddings, receptions and special events."

   Discussion: The fourth floor includes the rooftop terrace and pavilion that was the subject of the building permit mentioned in 1) above. There is no wall, fence, line or any other separation on the fourth floor between the portion of the building located within the C-2-A district and that portion within the R-3 district. It is, in fact, a single,

unobstructed floor on which the pavilion is built. As stated in their application, they have (illegally) used "This facility … for meetings, conferences, weddings, receptions and special events." We use the word "illegally because a) they use the portion of the roof within the R-3 zoning for these events and b) prior to August 2000, "The only lawfully established uses in the C-2-A and R-3 zones are office and parking garage" according to the letter to them dated February 17, 2000 by Michael Johnson, Zoning Administrator. On August 21st of this year, the Applicant obtained a C of O allowing use of the commercially zoned portion as a "Restaurant/Conference, Catering & Special Events Facility."

3) Application statement: "The Applicant proposes to extend the restaurant/conference facility use of the portion of the building located within the C-2-A district to the roof top terrace of the Property, which is located along Prospect Street, N.W."

   Discussion: As we previously stated, the entire fourth floor is typically used for the "events." Besides not being permitted by the C of O, this is prohibited use for R-3 zoning at any time. We do not agree with extending the restaurant/conference facility to Prospect Street, NW and we strongly object with the present illegal use of the R-3 space.

4) Application statement: "The relief sought by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan because of (a) the continuity and 14-year history of the use of the fourth floor for meetings, conferences, and receptions"

   Discussion: The applicant states he has used the fourth floor for "meetings, conferences, and receptions " which are illegal uses of both the R-3 and C-2-A zoned portions of the fourth floor for all periods prior to obtaining the new C of O in late August of this year. In general, the Applicant is admitting the fourth floor adjacent to M Street was used illegally 14 years for the "events" which appear to be the only use made of the fourth floor. We have not seen it used for meetings or conferences nor is it used for office space. Furthermore, the portion adjacent to Prospect Street has been used illegally for the events by virtue of the zoning as well as the C of O. This illegal use has been a constant sore spot for us and other neighbors. **Just because the space adjacent to Prospect Street has been used illegally for 14 years (with numerous complaints from neighbors) does not mean the Applicant should be allowed to continue such use or that the history of illegal use should be considered as a justification in the subject application for extending the zoning. Rather it should be used as an indication of the ongoing practices and intent of the Applicant.** It should be noted that the rooftop terrace and pavilion, which were recently built and appears to be significantly taller than what had been allowed in the building permit, clearly were built for the express purpose of large "events". It has never been used for its approved use as office space nor could it logically be used as such as it is not enclosed. In other words, **it appears the Applicant has always intended to use the rooftop terrace and pavilion for "events" which is illegal use, inconsistent with the neighborhood, and a self-imposed hardship.**

5) Application statement: "The relief sought by the Applicant can be granted...because of ...(b) the adequacy of off-street parking."

Discussion: While there may be adequate off-street parking for the offices in the building, the fact is attendees to the "events" often use the Prospect Street access, not the M Street access. Consequently, the very limited parking spaces on and near the 3500 block of Prospect Street come under extreme pressure because of the events. Furthermore, vendors and suppliers to the events almost always use the Prospect Street entrance because of its easy, direct access to the fourth floor causing severe congestion on Prospect Street.

6) Application statement: "The relief sought by the Applicant can be granted...because of ...(c) the existing use of the Property for commercial purposes."

Discussion: As the Applicant has stated, their use of the property for the last 14 years has been for "meetings, conferences, and receptions." This use has been illegal for the entire fourth floor except for the last month of this period when such use became legal for the commercial portion only. The new C of O issued in August was only for the portion with C-2-A zoning. **In other words, the Applicants statement of "existing use of the Property for commercial purposes" only legally pertains to the very short period since August 21, 2000 and not for the last 14 years as the Applicant implies.**

7) Application statement: "The requested special exception can be granted without adversely affecting the surrounding community and will benefit the community for the following reasons:
    1. The extension of the restaurant/conference facility use to the rooftop terrace of the Property is compatible with surrounding uses;"

Discussion: The East Side of the property is adjacent to private residences. The fourth floor in the half of the property adjacent to Prospect Street and the subject of the Application looks down into these residences. Consequently, whenever the "events" take place, individuals on the fourth floor, some of whom clearly are drunk, are able to and do peer down into these residences. Often they throw cigarette or cigar butts and even empty drinks down into their yards. Also, since the rooftop is open, the loud party noise penetrates the residences. The entire adjacent 3400 block is also residential. The property to the West consists of private residences all of which are row houses while the property across the street is owned by Georgetown University and used partially for offices and partially for student residences. The "events", which take place on the subject property including the portion adjacent to Prospect Street, often include bands with amplified music playing past 10pm, 11pm, and sometimes well past 12pm. Such a nuisance is incompatible with the surrounding residential use. If these "events" are held even more often than they currently are, they will adversely affect the value of nearby residences. Clearly, the use of the Applicant's property fourth floor for "events" is not compatible with surrounding uses.

8) Application statement: "The requested special exception can be granted without adversely affecting the surrounding community and will benefit the community for the following reasons: ...
    2. The existing commercial use of the Property has had no substantial adverse impact on surrounding properties."

    Discussion: We have made many statements already concerning the adverse impact of the ongoing illegal commercial use of the subject property. Making it legal by granting the Applicant a special exception and variance to existing zoning will not ameliorate the adverse impact it already has on the surrounding properties when used illegally. Agreeing to the zoning and use change would only make it considerably worse than it currently is as the Applicant would be free to hold "events" any time without worrying about complaints from us, other nearby residents, or the many visitors to this historic section of Georgetown. Despite complaints from the community, the D.C. government has not had the resources to enforce the code and regulations.

9) Application statement: "The requested special exception can be granted without adversely affecting the surrounding community and will benefit the community for the following reasons: ...
    3. Adequate parking and loading areas are provided on the Property"

    Discussion: As previously stated, parking on Prospect Street is extremely limited and under great demand. For the last 14 years, according to the Applicant, the fourth floor has been used for "events." These events are usually supplied by vendors parking on Prospect Street in a zone clearly marked "No Parking" because of its easy access to the fourth floor. (Prospect Street is at the same height as the fourth floor of the subject property while M Street is three stories lower.) Event attendees do, in fact, compete with local residents and other visitors for the scarce parking spaces. Many nearby residences do not have off street parking worsening their plight. This summer, some vendors started using the loading area on M Street but many still use Prospect Street.

10) Application statement: "The requested special exception can be granted without adversely affecting the surrounding community and will benefit the community for the following reasons: ...
    4. The proposed extension for the restaurant conference facility use will not adversely effect traffic in the R-3 district, as the entrance to the roof top terrace will be provided along M Street, N.W.

    Discussion: While M Street provides one entrance to the subject property, it is three stories below where "events" take place. Vendors simply do not use M Street and most attendees also do not. Vendors park directly in front of the Prospect Street entrance reducing Prospect Street from a two-lane street into a one-lane street greatly inconveniencing local residents as well as visitors to this historic section of Georgetown. Both vendors and attendees walk in from Prospect Street directly onto the roof and the "event".

The applicant states that "the subject application satisfies the legal requirements applicable to the requested relief and that it therefore be granted." We, the undersigned and members of the community, respectfully, strongly disagree and request that the subject application be denied. **We are adversely affected** now because of the illegal use of the forth floor and would be even more so if the Applicant's request was granted. We further request that the Applicant be instructed to discontinue using the subject property in an illegal manor in contradiction with the C of O and zoning laws.

Sincerely,

James Marsh, 3624 Prospect St.

Linda Witt, 3624 Prospect St.

Matthew E. Donahue, 3616 Prospect St.

Sheryl Spivack, 3622 Prospect St.

Patricia Gawronski
3643 St. Mary's Place, NW

Michael Lindsay, 3620 Prospect St.

3619 Prospect. St NW

KENNETH ROBINSON
3622 PROSPECT ST, NW

Edith K. Bradow

3602 Prospect St.

J. Yenikomshian

JOSETTE & DAVID L. YENIKOMSHIAN
1212 35th STREET
WASH DC 20007

SANDRA PREVEL
3644 ST. MARY'S PL NW
WASH DC 20007

1209 35th St. N.W.
Thomas Gerber WASH. DC. 20007

Lorraine Kelly
Tenney Court/Prospect House
3508 Prospect St. NW
Washington DC 20007

JANINE M. BROBKNER
3645 St. Mary's Place, N.W.
20007

Dr. & Mrs. Habib Hadjevordi
1210 35th St, NW
Washington, DC 20007

3639 ST Mary's Pl
Wash D.C. 20007

Annette Rickel
3614 Prospect St. N.W.
Washington, DC 20007

	Habib Ladjevardi HABIB & FARAH LADJEVARDI 1210 35TH ST. NW
Joseph Asseily 1214 35 St	

Exhibit B

Exhibit B
Authorizing Letter

October, 2000

Board of Zoning Adjustment
Government of the District of Columbia
Washington, DC 20001

Re: JAMALS/CARY CARBARN LLC, Case No. 16592
3600 M Street, NW
3520 Prospect Street, NW
Washington, DC

Dear board members:

Each of the undersign agree the three named parties, Jim Marsh, Sheryl Spivack and Matthew Donahue, are authorized, individually or collectively, to represent us in any hearings regarding: JAMALS/CARY CARBARN LLC, Case No. 16592. We authorize them to bind us in this case.

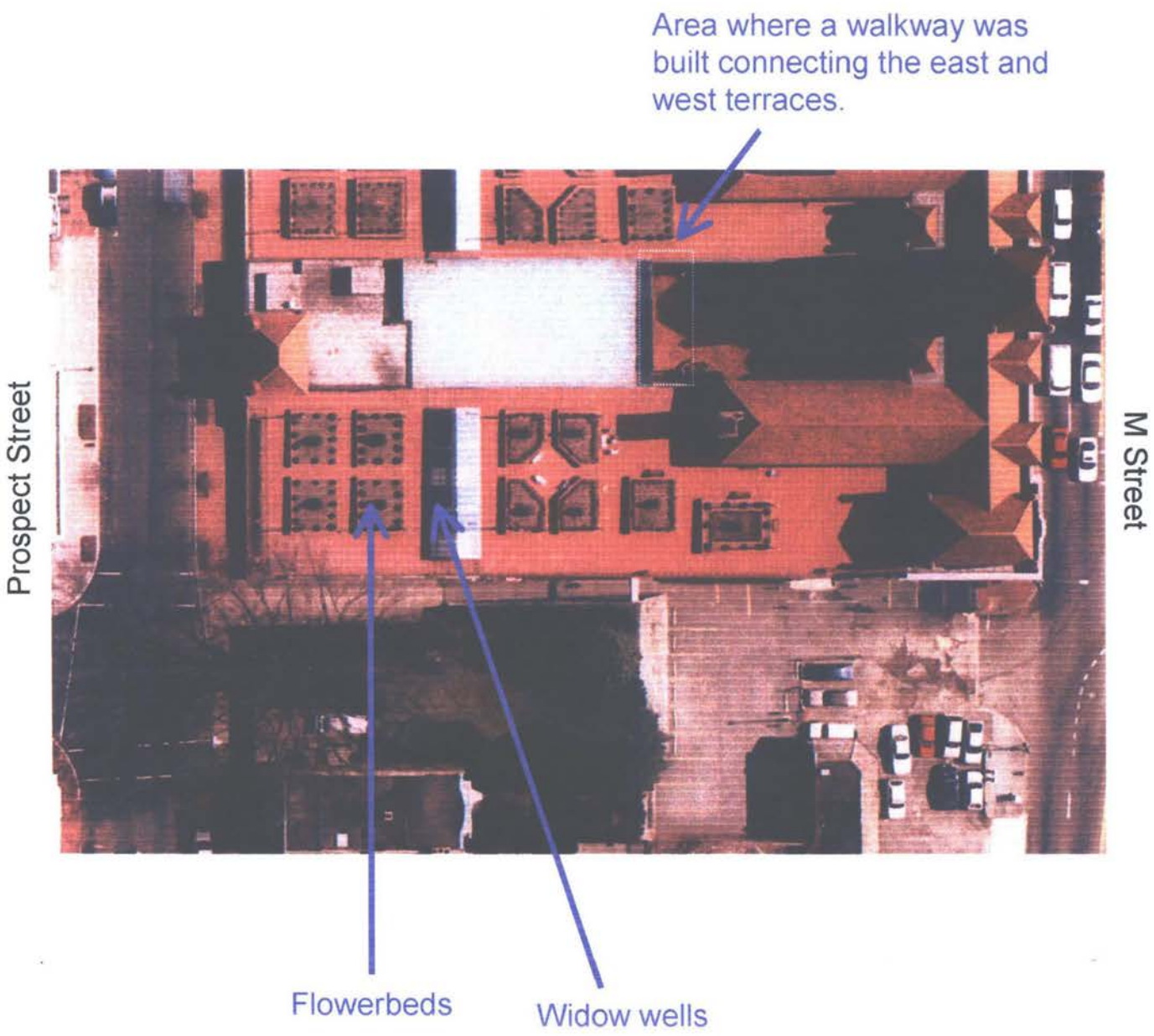
Sincerely,

Name	Street Address
Linda Nitis	3624 Prospect St NW
J. Yonikoshi	1219 35th Street N.W
Sandra Pinel	3641 St. Mary's Pl. N.W
Francie Kelly	3508 Prospect St NW
Habib Dr. Farah Ladjevardi	1210 38th St, NW, Washington, DC 20007
	3622 PROSPECT ST, NW DC 20007
Laura M. Brosher	3645 St. Mary's Pl, N.W. DC 20007

Name	Street Address
Chloe Aaron	3639 ST Mary's PL NW Washington 20007
DAVID AARON	3639 ST Mary's PL NW
Annette Rickel	3614 Prospect St. N.W.
Edith K. Bralove	3602 Prospect St

Exhibit C

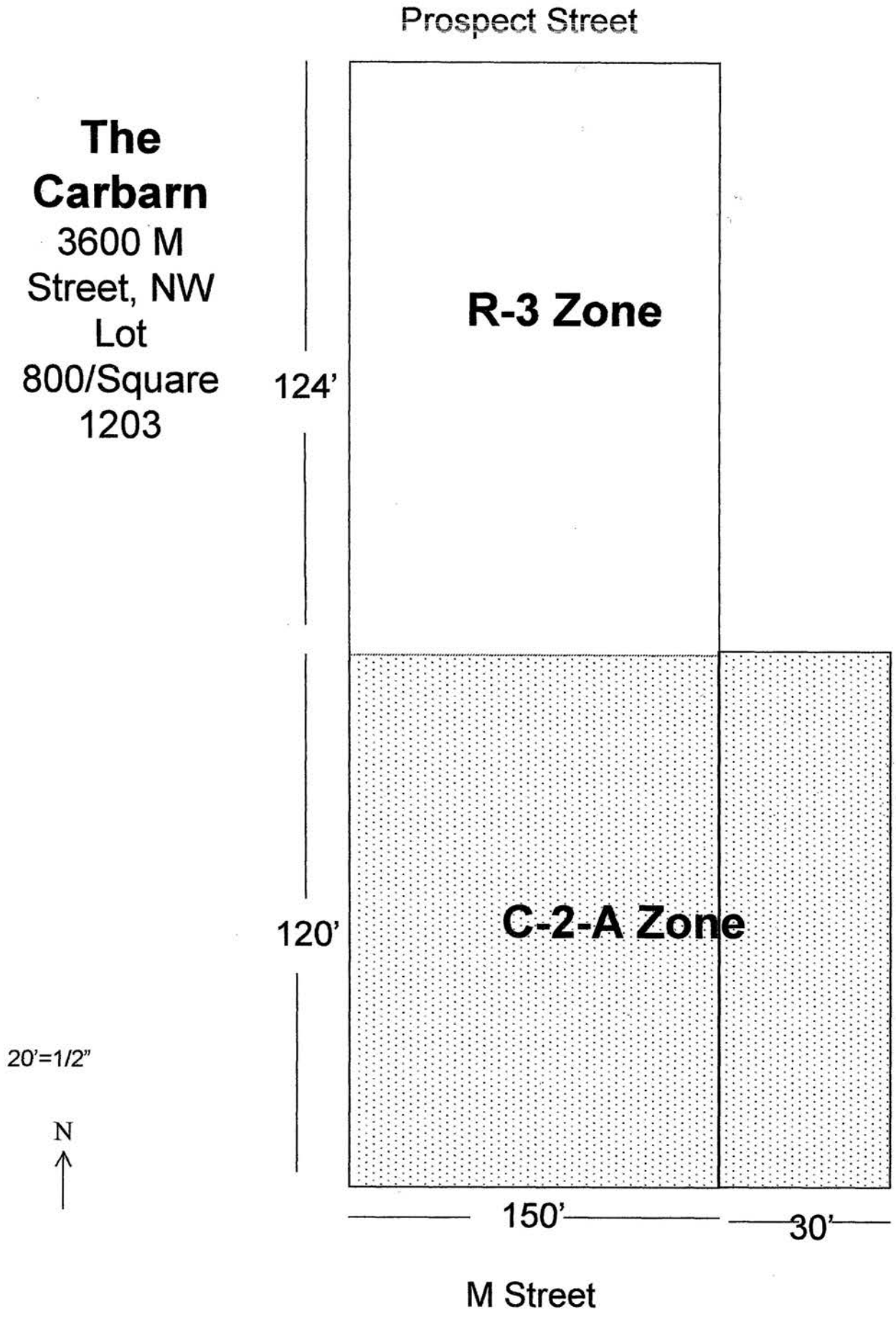
Exhibit C
Carbarn Before Pavilion



Aerial of TheCarbarn prior to the addition of the Pavilion and the removal of window wells and flowerbeds in the rooftop terrace in both the R-3 and C-2-A zones.

Exhibit D

Exhibit D
Configuration of Dual Zoned Carbarn Property


Prospect Street
The Carbarn
3600 M Street, NW
Lot 800/Square 1203
R-3 Zone
124'
120'
C-2-A Zone
20'=1/2"
N
150'
30'
M Street

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
APPLICATION FOR CERTIFICATE OF OCCUPANCY

Date 8-21-00 C4446H Receipt No. 801501

Application Fee $25.00 Non Refundable
Certificate Fee - Based on square footage Cashier's No. 110688

INFORMATION ON PROPOSED BUSINESS

1. Premise Address 3600 M Street, N.W. Suite/Room No N/A
2. Business Telephone No. 301-984-8400 Fax No. 301-770-0950 Lot 47 Square 1203
3. Trade Name of Business N/A
4. Is Business Incorporated? Y/N no Partnership? Y/N no Sole Proprietor?Y/N no New/Existing LLC
5. Corporate Name Jemal's Cayre Car Barn L.L.C.
6. President/Members Douglas Jemal, Member Cayre Milestone, LLC, Member Vice President N/A Secretary N/A
7. Sole Proprietor
8. Business Owner's Mailing Address 11611 Old Georgetown Rd., Suite 200 Rockville, MD 20815 phone# (daytime) 301-984-8400

INFORMATION ON OCCUPANCY

9. ☐Ownership Change ☐Partial Occupancy ☐New Bldg. ☒Use Change ☐Load Change ☐B.Z.A. No.
10. Proposed Use of Premises Restaurant/Conference, Catering & Special Events Facility
11. Prior Use of Premises General Office
12. Proposed Occupancy Load Square Feet Occupied 6,366
13. Floors to be Occupied Part of 4th Floor (C-2-A portion only)
14. Is this Business Sexually Oriented according to the DC Zoning Regulations? ☐Yes ☒No

INFORMATION ON ENTIRE BUILDING

15. Building Owner Jemal's Cayre Car Barn L.L.C. Telephone No. 301-984-8400
16. Building Owner's Address 11611 Old Georgetown Road, Suite 200, Rockville, Maryland 20815
17. Square feet 114,912 Numbers of floors 4 Basement No

ATTESTATION & SIGNATURE

I certify that all of the statements on this application are true to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia.

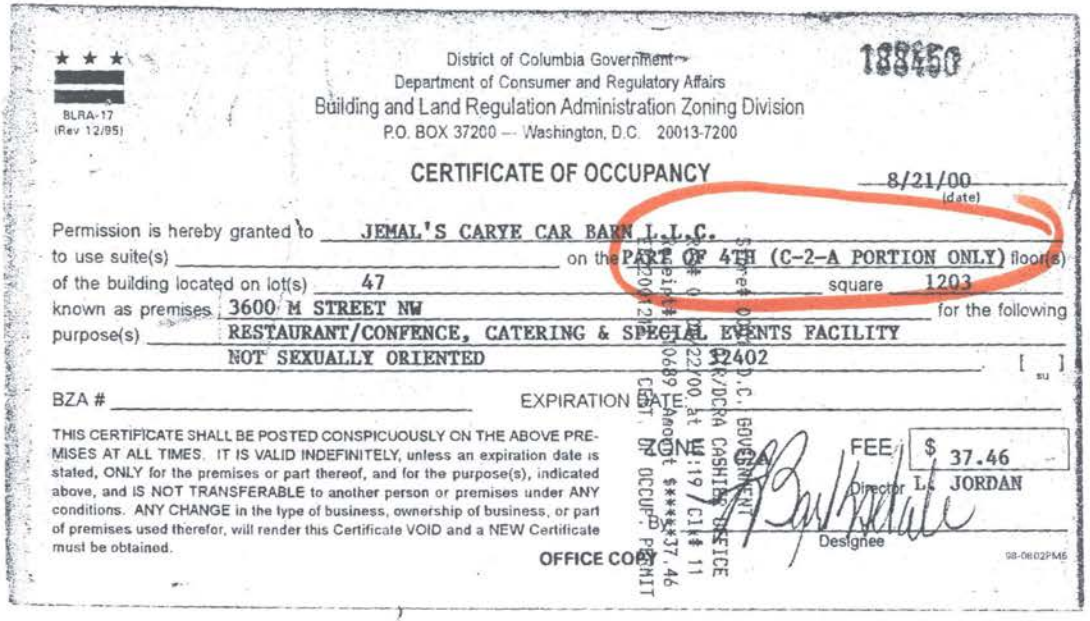
18. Owner of Business : Jema'ls Cayre Car Barn L.L.C.
By: Paul Millstein Date 7/27/2000

If Authorized Agent for owner of Business (Attach Authorization)

19. Agent's Name Lyle Blanchard (Print Clearly) Lyle Blanchard (Signature) Date 8/21/00
20. Agent's Address Greenstein, DeLorme & Luchs 1620 L Street, N.W. Suite 900, Wash., DC 20036

NOTICE

TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL AT 1 - 800 - 511 - 1639. ALL CALLS ARE CONFIDENTIAL



★ ★ ★

BLRA-17
(Rev 12/95)

District of Columbia Government
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration Zoning Division
P.O. BOX 37200 — Washington, D.C. 20013-7200

188450

CERTIFICATE OF OCCUPANCY

8/21/00
(date)

Permission is hereby granted to JEMAL'S CARYE CAR BARN L.L.C.
to use suite(s) _____ on the PART OF 4TH (C-2-A PORTION ONLY) floor(s)
of the building located on lot(s) 47 square 1203
known as premises 3600 M STREET NW for the following
purpose(s) RESTAURANT/CONFENCE, CATERING & SPECIAL EVENTS FACILITY
NOT SEXUALLY ORIENTED 12402 [ ]
su

BZA # _____ EXPIRATION DATE _____

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

OFFICE COPY

ZONING ADMINISTRATOR

FEE $ 37.46

Director L. JORDAN

Designee

98-0802PM6

Street Office Building, 1100 4th Street, S.W., Washington, D.C. GOVERNMENT OF THE DISTRICT OF COLUMBIA/DCRA CASHIER'S OFFICE
Receipt # 0 8/22/00 at 11:19 / Cl# 11
0689 Amount $****37.46
CERT. OF OCCUPANCY PERMIT

09/21/00 11:00 FAX 2024424662

Exhibit E

Exhibit E
Impacts: Illegal Use of Carbarn for Events



June 3, 2000 (Top & Bottom) Day to evening event expanding onto full rooftop terrace area.





July 1, 2000. Event expanding to full rooftop terrace area.



April 6, 2000 R-3 zone supporting C-2-A zone.

Exhibit F

Exhibit F

Impacts: Non-Adherence to Voluntary Agreement

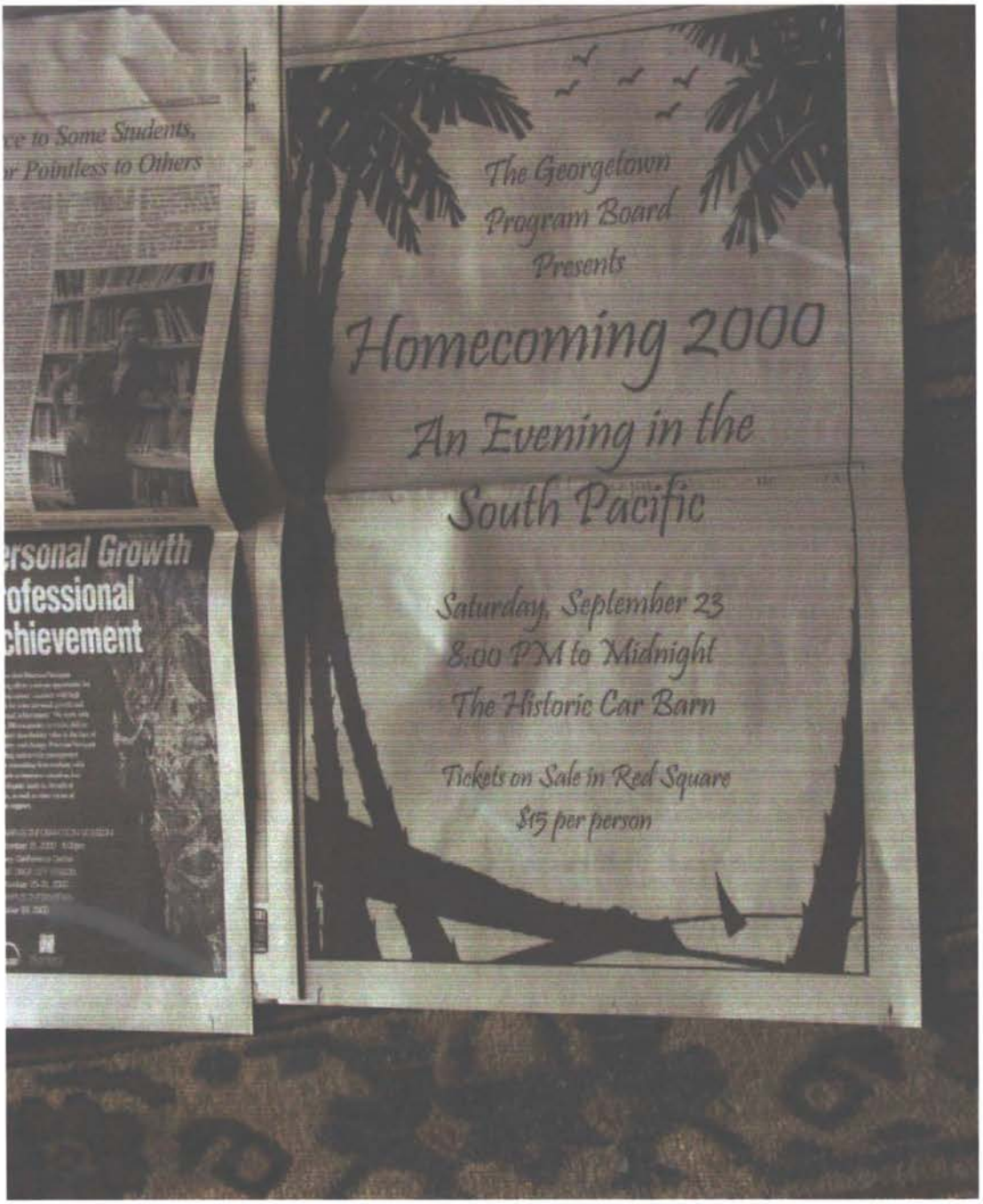


September 7, 2000. (Top & Bottom) Sign denoting event entrance on Prospect Street,





September 23, 2000. Event worker unloading catering van at the Prospect Street Entrance.



September 23, 2000. Newspaper ad for Carbarn event, lasting to midnight, despite the voluntary agreement signed by the Applicant that states, "All events will be over by 11:00 p.m."

Exhibit G

Exhibit G

Environmental Impacts: Transportation Safety and Traffic Congestion



September 22, 2000. Caters unloading at the Prospect Street entrance force bus out of its lane and into oncoming traffic.



October 14, 2000. Caters unloading at the Prospect Street entrance forces car out of its lane and into oncoming traffic.



September 18, 2000. Caters unloading at the Prospect Street entrance and creating hazardous traffic situations—in this case, involving a public school bus.

Exhibit H

Exhibit H

Environmental Impacts: Pedestrian Safety and Blocking of Residential Sidewalk



September 28, 2000. Residential Prospect Street sidewalk blocked as caters breakdown a Carbarn event late at night.



September 18, 2000. Unloading truck for the Carbarn at the Prospect Street entrance is blocking the residential sidewalk.

Exhibit I

Exhibit I

Environmental Impacts: Competition for Resources--Parking

Teresa A. Baker
5969 Clerkenwell Court
Burke, Virginia
703.978.8368

October 16, 2000

To Whom It May Concern:

In May of 1999 I telephoned the Carbarn at 3600 M Street, to inquire about renting a parking space within the Carbarn. I was told that no spaces were currently available for rent, but I would be put on a waiting list for "first availability." I have not heard from the Carbarn since I made the inquiry in May 1999. My telephone number has not changed from when I made the inquiry, nor has my local address.

Sincerely,



Teresa A. Baker



October 14, 2000. Car illegally parked protruding into the driveway of 3602 Prospect Street. When resident of 3622 Prospect Street, Sheryl Spivack, inquired if he was an event employee he said that he was and his name was Angelo. She informed him that he was illegally parked and this was a community issue. She asked him if there was not space for him to park in the Carbarn. He said he was unaware of any space in the Carbarn designated for event workers and both he and his co-worker, also illegally parked, did not know where they could park.

Exhibit J

Exhibit J

Other Related Matters: Inability to Control the Current Situation

Inability to Control Events at the Carbarn April 28, 2000



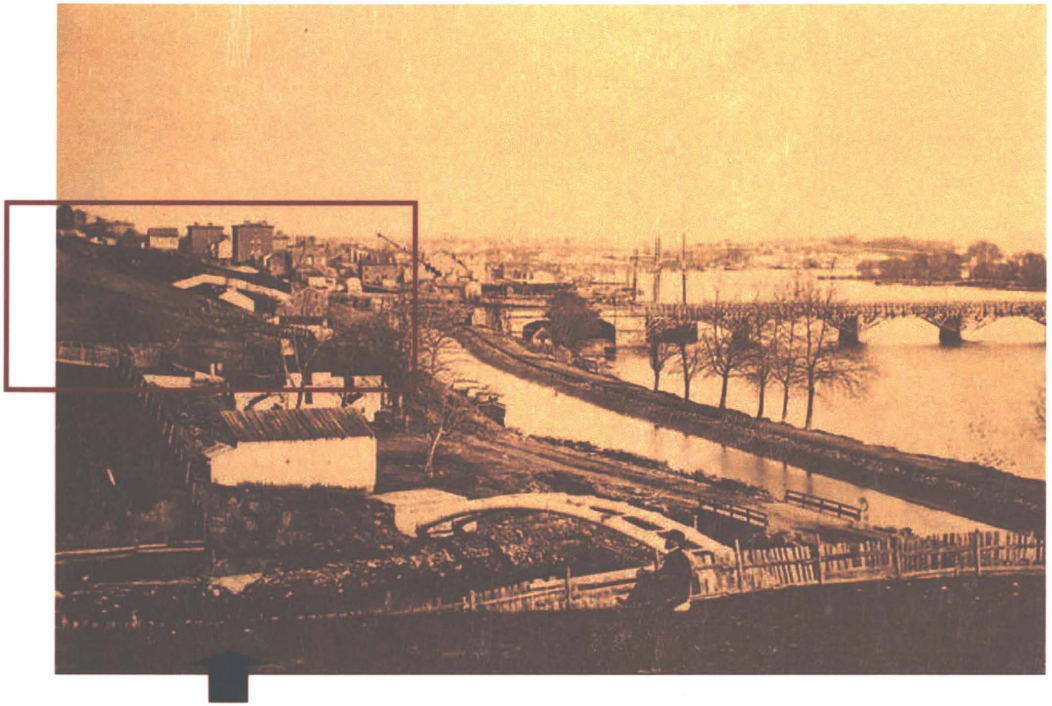
April 28, 2000--Michael Johnson, D.C.Zoning Administrator, and Clifton D. Chambers, Investigator, Alcohol Beverage Control Division, D.C. Dept. of Consumer and Regulatory Affairs accompanied by Lt. Patrick A. Burke, meet at the Carbarn with representatives of the Carbarn. Carbarn representatives are advised **they could not use the pavilion in the R-3 zoning, and instructed them to remove all alcohol beverages** from the premises as they did not have an event alcohol beverage license.



April 28, 2000--Event at the Carbarn including the pavilion despite what they were told by city officials.



April 28, 2000--Caters **returning the alcohol** beverages to the premises after the city officials left.



"The Pretty Prospect"in 1862. This was the country property of Benjamin Stoddert and Uriah Forrest, 1780s. It was an outlook from the hilltop above the harbor. . .where one could see enjoy the commanding view of the river.