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December 20, 2001

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Dear Mr. Griffis:

Re: BZA Case No. 16792

Enclosed is an application for a variance from the regulation governing the enlargement of a nonconforming structure at 1606 16th Street, N.W., zoned R-5-B.

Our witnesses will be Michael Beidler, Architect, (as an expert witness), Alan Skvirsky, Anexora Skvirsky, and Zelda Zeldin.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

Enclosure
cc: Alan Skvirsky
Vince Micone, Chair ANC 2B

BZA
Case No. 16792
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16792
EXHIBIT NO.25

REVISED STATEMENT OF

EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION

TO THE BOARD OF ZONING ADJUSTMENT

OF THE DISTRICT OF COLUMBIA

FOR A VARIANCE PURSUANT TO §§2001.3 AND 3103

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

6106 19th Street, N.W.

(SQUARE 111, LOT 52)

BZA Case No. 16792

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Revised memorandum

INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of Alan Skvirsky for a variance to permit construction of an addition to a single family house which will not comply with the requirements of §2001.3 at 1606 19th Street N.W. (Square 111, Lot 52) pursuant to Section 3103 of the Regulations of the Zoning Commission, (11 DCMR §§2001.3 and 3103) (hereinafter, "Regulations").

DESCRIPTION OF THE APPLICANT

The applicant/owner of the house used as a Bed and Breakfast are Alan Skvirsky and Anexora Skvirsky. Alan Skvirsky resides at 1606 19th Street, N.W. They are active members of the Dupont Circle Citizens' Association and the Kalorama Citizens' Association.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is at 1606 19th Street, N.W., Square 111, Lot 52. It is a single family house in an R-5-B Zone, which permits moderate density, general residence. The property has been operated as a bed and breakfast since 1996 when Mr. Skvirsky restored it to its former glory. It is a contributing building in the Dupont Circle Historic District.

B. Area Surrounding the Property

Surrounding the property are commercial and residential uses as follows: South of the adjoining single family house is commercial. North of the building and across the street are brownstones used as residences. On the West side, bordering the alley at the rear of the subject dwelling are commercial buildings with Connecticut Ave addresses.

C. Zoning History and Use History

The area is zoned R-5-B. The house was built in 1883 and has always been a Residence. Prior to its purchase by the Skvirsky's it was used as a rooming house.

REASONS IN SUPPORT OF THE APPLICATION FOR VARIANCE

A. Compliance with D.C. Zoning Regulations

Because this single family house is a nonconforming structure, which was built prior to the revision of the Zoning Regulations in 1958, a variance is necessary to build

the enclosure shown in the attached plans. The new addition will not add any new sleeping areas, and will add only marginally to the living areas of the house. Technically, the only variances needed are for FAR and lot occupancy. Elimination of the rear yard can be considered a special exception under §223. However, FAR requires a variance and lot occupancy above 70 per cent is a variance matter under §223.3.

Extraordinary or exceptional conditions creating practical difficulties

More important, grant of the variance will solve two problems brought about by the proximity of the building to commercial buildings across the alley. An extraordinary condition is engendered by the proximity of this residential property to the very loud HVAC system directly across the 15 foot alley (at the rear of a restaurant at 1601 Connecticut Ave, called "the Wrapworks"). The noise is offensive and disagreeable. It makes sleeping very difficult in the bedrooms which are mostly at the rear of the house. Please refer to testimony of Zelda Zeldin, owner 1610 19th Street at the hearing on May 8, 2001, pp 167-171, Case No. 16688, Michael Kain, attached here as Exhibit B.

This extraordinary and exceptional condition can only be alleviated by the installation of a glass addition to act as a buffer for the sleeping areas. Despite many protests to the Wrapworks owners and numerous requests for the HVAC system to be moved to the roof or screened with sound-deadening materials, there has been no effort to correct the problem. An agreement with Advisory Neighborhood Commission 2B and conditions written into the Board's Order in BZA Case Number 16688 granting Wrapworks the right to build adjacent to the alley, (Exhibit C) is not binding because it only encourages the Wrapworks to give consideration to the problem. Moreover, Mr. Kain only agreed to look at the feasibility of moving the air conditioners, not to move them. To our knowledge, nothing has yet been done. More to the point, a letter of July 25, 2001 to Vincent Micone from Allan W. Marquardt (Exhibit D) indicates that Chevys, the former owner of the property has no intention of moving forward on the air conditioners. Also, please see recent pictures of the alley (attached hereto as Exhibit E) showing that the air conditioners are still in place.

The second exceptional situation is created by the fact that the house is located between the Wrapworks and the Firehook Bakery. Rats, which are attracted by the garbage generated by the Wrapworks Restaurant, the Firehook Bakery, and other commercial buildings, find refuge in the rear yard of the subject property. Only constant watchfulness and heavy maintenance has prevented rats from entering the house. Please see Exhibits B, C, and D, described above, and Exhibit F, records of the Department of Health for the past three years evidencing a serious rat problem and inadequate attention to alleviating it. Also see Exhibit E, recent pictures showing that no effort has been made by the businesses to correct the trash and rodent problem, except the placement of a few rodent traps.

By substituting a solid garage door for a metal picket fence, the owners will be able to prevent rats from entering the rear yard of the subject building. At the same time, the garage doors will preserve the existing parking spaces at the rear.

It should be noted that the Skvirsky's bought their properties before Connecticut Ave became the commercial success it is today. It was the investment and hard work of the Skvirsky's and their neighbors that improved the neighborhood and attracted new businesses incuding the Wrapworks and the Firehook Bakery. They will be prevented from enjoying their improvements and recouping their investment at sale if noise and rats are permitted to continue to affect their property.

Latitude is generally granted to non-conforming buildings predating 1958 and contributing buildings in a Historic District. Buildings built before 1958, when the current zoning regulations were adopted, face an extraordinary problem in adapting to current needs. Often they are non-conforming structures and any alteration is likely to encounter FAR, lot occupancy, and rear yard limitations.

Moreover, this property is a contributing building in the Dupont Circle Historic District. Because it has an obligation to maintain its façade and appearance under strict controls, additional latitude should be given when a problem of this nature and magnitude arises. (Please refer to Boardmember statements such as can be found on page 25 of the hearing on May 8, 2001 regarding BZA Case No. 16697 (Property of Yates).

B. No Adverse Effects

No part of the addition will be visible from historic 19th Street. There will be no alteration of the look or historic character of the building or the neighborhood. The glassed-in addition will only be visible from the alley and from the commercial part of Q Street at Conn. Ave.

Use of the property as a bed and breakfast has been a plus for the Dupont Circle neighborhood. It is a busy, vibrant, part of the city. Residential and commercial activities blend well and complement each other. Moreover, the owner provides parking at 11 Dupont Circle, a nearby facility, for any guests who wish to take advantage of it so that guests cars need not compete for space on the street.

BENEFITS OF PROPOSED USE

By designing the addition so that no part of it is visible from 19th Street, the historic character of this residential area is preserved. In addition, Dupont Circle, which is a significant Washington tourist draw, benefits from a range of housing options. Today, many tourists prefer the homey ambiance and convenience of a bed and breakfast to the less personal and more institutional character of a hotel. Finally, the greenhouse enclosure will help to protect the fabric of the rear of this contributing building.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Residential Use

The provision of guest rooms in private houses is an appropriate residential use where there is no substantial negative impact on the neighborhood.

B. Historic Preservation

The subject property is a contributing building in the Dupont Circle Historic District. The plans for this addition have been presented to and tentatively approved by the Dupont Circle Conservancy and the Historic Preservation Review Board.

CONCLUSION

Alan Skvirsky should be granted a variance to allow an addition at the rear of the property on the alley. Permitting the variance will have no additional effect and will be in harmony with the purpose of the Zoning Regulations.

Respectfully submitted,



Stephen N. Gell, Esq.

. MICHAEL LEE BEIDLER.

15 December 2001

Work experience list

1983	Bachelor of Architecture VIRGINIA POLYTECHNIC INSTITUTE Minor in Psychology and business law 1978-1981Varsity Letterman Swimming 1979-1981 German Club officer
1982-1984	John Savage, Architect
1984-1986	Cennada Design
1986-1989	David M. Schwarz, Architectural services, P.C.
1989 – 1995	Washington Design Collaborative, Principal
1991 – 1995	Studio Design Gallery, President and CEO Gallery of fine contemporary art and craft
1995 – 1999	Drysdale Design Associates, Director of architecture
1999 – 2000	Group Design Associates, Director of Architecture and interior design.
2000	Drysdale and Associates, Partner.
1998 - Present	Trout Design Studio. Owner

Detailed project list, publications list and client references available upon request.

2112 WARD COURT, N.W. • WASHINGTON, D.C. • 20037-1209
PHONE: 202 659 0600 • FAX: 202 659 1091
mltrout@earthlink.net

Exhibit B

general harmony with the surroundings, and will not adversely affect the use of nearby parking. That is my report.

CHAIRPERSON REID: Thank you. Is there anyone else here to testify either in support or in opposition of the application?

MS. ZELDIN: Yes.

CHAIRPERSON REID: All right. If you would please come forward.

MS. ZELDIN: You want me to come up?

CHAIRPERSON REID: Yes, please.

MS. ZELDIN: My name is Zelda Zeldin, and I own 1610 Nineteenth Street, which is on the residential side of that alley. There are two issue son which I would like to present to you. The first thing is that Mr. Kain inadequately stated the report of the decibel level.

Twice it was tested, and these huge, huge air-conditioners back there, which -- and I am representing people on my side, and the people directly behind him there, own a bed and breakfast, and they have lost guests because of the huge noise made by these air-conditioners, which two times were tested, and found to be above allowable decibel level, and that is that issue.

The other issue is the trash. I have owned my building for about 22 years, and most of those years I have lived in the building. I have tried intermittently over those years to contact Mr. Kain about the trash situation.

The alley, as all alleys, have terrible rat problems, and any alley that has food establishments there, which we have there, have even worse rat problems.

Mr. Tom Day of the Streets and Alleys Division of the Public Works has worked with me and other people on my side of the alley to try and contact Mr. Kain about changing the method of trash collection. He has refused.

He has been a very bad neighbor, and Mr. Day has reported to us that he has even issued fines to Mr. Kain. The method of collection has been that he has had a collection of 10 or 12 open cans in the middle of the alley, and picked up not by a regular collector with a compactor, but a man who comes in with a small truck, and spends hours bundling trash by hand.

And I have seen this man, and other residents have, too, that when he doesn't know what to do with some of the trash, or has no room on his

truck, he surreptitiously places it behind our buildings.

We have asked Mr. Kain to please get a dumpster, and he has refused over these years. Now, he has agreed as Mr. Micone has told you to do this after his construction is finished. We would like for him to do it immediately.

I went through the alley today and there was that truck again with the man handling the trash by hand. We would like Mr. Kain immediately, if not sooner, to put in a dumpster with a lid, and get a regular contractor with a compactor so that the trash is handled correctly.

We would like you to require him to do that, or to hold up the application until he does it, because the rat situation is only going to get worse. It has already gotten worse with the disruption of the construction. And the addition of the way his trash is collected makes it doubly worse. So, there we are.

CHAIRPERSON REID: Any questions? And you said that you did discuss this with Mr. Kain?

MS. ZELDIN: Excuse me?

CHAIRPERSON REID: You said that you have discussed this matter with Mr. Kain?

MS. ZELDIN: I have tried over 22 years to

contact Mr. Kain, and have not been able to, or have left word with his secretary, or through Tom Day of the Trash and Alleys Division, we have tried to contact him. He has never ever honored our request all these years.

CHAIRPERSON REID: So you have never talked to him?

MS. ZELDIN: I could never get to him.

CHAIRPERSON REID: But he is here today. I mean, he --

MS. ZELDIN: Oh, surely he is here today.

CHAIRPERSON REID: And before your case started is when you could have perhaps raised it to him at that time.

MS. ZELDIN: Well, his answer is to take care of it when construction is finished.

CHAIRPERSON REID: Well, did he say that?

MS. ZELDIN: He just -- it was in the agreement that Mr. Micone just spoke about.

CHAIRPERSON REID: No, the other things, the other things that you raise as far as the dumpster. You asked that there be a dumpster with a lid, and a contract with a compactor.

MS. ZELDIN: Well, this is what has been suggested to him over the years, and he has refused.

CHAIRPERSON REID: Well, I guess the issue is, and my thought was that since he was here today that perhaps you would like the chance to talk to him.

MS. ZELDIN: Well, I would like to hear him answer. That's why I am here today.

CHAIRPERSON REID: But you could have asked him before we had this case, or before the case came up. Then we could have had some kind of an answer. But we will make sure that it is responded to. I was just wondering if you had talked to him today.

MS. ZELDIN: No, not today. We did discuss the matter of the noise. We don't have a date by which those air-conditioners will be moved by the way. We would like a date because now we are in the summer season, and those air-conditioners are going to go constantly, you know, high tilt.

CHAIRPERSON REID: So basically that is your objection; that he do something to mitigate the rat problem, and in regard to the trash disposal adequately and sanitarily; and that he give a date certain as far as the air-conditioners are concerned?

MS. ZELDIN: Exactly.

CHAIRPERSON REID: The removal of, or relocation of, or basically to abate the noise that is

Exhibit C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

☆ ☆ ☆

Application No. 16688 of Michael R. Kain, et al, pursuant to 11 DCMR § 3104.1 for a special exception from the rear yard set-back requirements pursuant to subsections 774.2 and 774.9(a) to allow an accessory building abutting an alley to be connected to the principal building in the DC/C-3-B District at premises 1619 Connecticut Avenue, N.W. (Square 111, Lot 815).

HEARING DATE: **May 8, 2001**
DECISION DATE: **May 8, 2001 (Bench Decision)**

SUMMARY ORDER

SELF-CERTIFIED APPLICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit 14).

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the applicant, Advisory Neighborhood Commission (ANC) 2B, and to owners of all property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to this application, submitted a written statement expressing its opposition to the application (Exhibit 28). At the public hearing, the ANC representative indicated that the commission and the applicant signed a Voluntary Agreement, which addresses the issues of noise, trash, and early morning construction (Exhibit 34). Based on the signed agreement, the ANC withdraw its objection to the application. The agreement states the following:

1. "It is the applicant's understanding that Chevy, Inc., t/a Wrapworks (Wrapworks), which is located at 1601 Connecticut Avenue, N.W. (Square 111, Lot 82) (hereinafter referred to as "1601 Connecticut"), has reached an agreement with ANC 2B regarding ANC 2B's noise concerns at 1601 Connecticut, which property is owned by the applicant. Attached hereto as Exhibit A is a copy of the agreement between ANC 2B and Wrapworks. In an effort to facilitate Wrapworks' compliance with the agreement between ANC 2B and Wrapworks, the applicant has suggested to Wrapworks that Wrapworks (at its own expense)

#36

move the HVAC unit at 1601 Connecticut, which unit is the subject of ANC 2B's noise concerns, to the parking garage located at 1601 Connecticut. The feasibility of such remedy is currently under investigation by a contractor, with a written proposal to be submitted to Wrapworks. In the event that the HVAC unit can be relocated to the garage without causing damage to the garage, the applicant hereby agrees not to unreasonably withhold consent to such action. Furthermore, the applicant agrees not to interfere with Wrapworks and ANC 2B's rights and obligations pursuant to the agreement attached hereto as Exhibit A.

2. The applicant agrees that construction will start no earlier than 7:00 a.m., and the applicant will make reasonable efforts to mitigate construction noise prior to 7:30 a.m.

3. Upon completion of the addition to 1611 through 1617 Connecticut Avenue, the applicant will provide for an enclosed facility for trash receptacles."

The Board encourages the applicant to abide by the terms and conditions of the Voluntary Agreement.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR §§ 3104.1, 774.2 and 774.9(a).

The Board received testimony from a nearby property owner who objected to the granting of the application. The property owner indicted that the applicant has not been a good neighbor. Specifically, the applicant had not handled well the disposal of trash at the site. The improper handling of trash at the site contributes to the severe rodent problem in the abutting alley and in the neighborhood.

The Board made note of the property owner's concerns. The applicant indicated that intermediary steps would be taken to solve the problem, until construction is complete. Thereafter, the on-site disposal of trash would be handled in a more efficient manner. In addition, the Board conditioned the Order accordingly.

The Board received correspondences recommending approval of the project from the Office of Planning (Exhibit 32) and the Department of Public Works (Exhibit 27). The Historic Preservation Review Board granted conceptual approval of the application (Exhibit 32A).

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, under 11 DCMR §§ 3104.1, 774.2 and 774.9(a). The requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITION:**

accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITION:**

- The applicant shall, immediately, secure a trash dumpster with a lid and hire a licensed trash company to remove waste from the site.

Pursuant to 11 DCMR § 3101.6, the Board waived the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0-1 (Susan Morgan Hinton, Anne Mohnkern Renshaw, Sheila Cross Reid and Carol J. Mitten to approve; the third mayoral appointee not hearing the case, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JUN 14 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999).

THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

BAB/5.18.01

Chevys FRESH MEX

Exhibit D

July 25, 2001

Mr. Vince Micone
2007 O Street, NW #105,
Washington, DC 20036-5934

Dear Vince:

You may know that we recently closed the Georgetown WrapWorks store. I wanted to let you know confidentially that during my vacation our company entered into negotiations for the sale of our remaining WrapWorks stores, including the one at Dupont Circle, to another party, which intends to continue running them.

Accordingly, I've been asked to cease all good will efforts related to that store. You may not know that for as long as our walk-in cooler remained outside the space at the Dupont WrapWorks store, we agreed to (a) rent the parking spaces that were consumed when we enclosed the service area behind the store with a security fence and (b) handle the trash removal and disposal for the entire building including all of its tenants.

This obligation ceased in 1998 when we expanded the store and moved the cooler inside. But we have continued to pay for these items as a courtesy to our neighbors in order to ensure that the area did not become unsightly. The cost of doing this has been considerable over time, and recently became even more expensive as the volume of trash being generated by other tenants in the building (and possibly others outside of it) has increased.

I am advising Michael Kain that we will no longer continue in these efforts and that he will again have to assume responsibility for trash other than that of WrapWorks and for the cost of the parking spaces if he wishes for the service area to remain enclosed by the fence. I suppose we'll have to remove the fence if he wants to use those spaces again for parking, but that is a small cost compared to the ongoing cost of trash and parking spaces from which we derive no benefit.

In addition, I'll be advising him that we will not be further evaluating the relocation of the air conditioning unit to the basement. I know this is unfortunate, given our attempts to resolve the situation earlier in the summer. But I understand how busy you've been and how low a priority this probably was for you in relation to the other initiatives you're charged with overseeing.

Yours sincerely,

Allan W. Marquardt
Vice President Real Estate

15200 Shady Grove Road, Suite 460, Rockville, Maryland 20850 Telephone 301/926-2552 Fax 301/926-5944

Exhibit F

Government of the District of Columbia
Department of Health
Environmental Health Administration

Office of the
Bureau of Food, Drug
and Radiation Protection

November 5, 2001

Mr. Stephen N. Gell, Esq.
1101 30th Street, NW
Washington, DC 20007

Re: FOIA Request for Firehook Bakery and Wrap Works

Dear Mr. Gell:

The Bureau of Food, Drug and Radiation Protection acknowledges the receipt of your FOIA request dated October 26, 2001, in which you requested copies of any letters, reports, citations or records within the last two (2) years for the above-mentioned restaurants. Please find enclosed the documents you requested.

If you have further questions, please contact me on (202) 535-2180.

Sincerely,

JMW for
Harold D. Monroe, R.Ph.
Chief

Enclosures

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA
BRA-54 (REV.1/85)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
SERVICE FACILITY REGULATION ADMINISTRATION

Person/Firm WRAP WORKS Address 1601 Conn. Ave. NW
Reported by C. BAILEY Date 7-28-99
Subject: Continuation of Food Establishment Inspection Report Lic. #: 298109.72 (Paid) ☐
Other Rating 82%

Reference

33	Clean and Sanitize cutting boards and replace where needed with deep cuts, and scratches to prevent bacteria growth, especially in Customer Service Area
E1	Remove trash items & litter from ground in rear, trash dumpster is overflowing, keep lid tightly fitted/closed.
D36	NO Certified Food Supervisor on duty at time of inspection.

Inspected by C. Bailey Respectfully, Jacob B.

REPORT SHEET

85—8P895 wd-157

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

EHA

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
51 N STREET, N.E., ROOM 6025
WASHINGTON, D.C. 20002

FOOD ESTABLISHMENT INSPECTION REPORT

Address 1601 Conn Ave NW Date 01-24-01

Name of Licensee Cheryl Inc. Officer of Firm Scott Bergen

Trading as Wrap Works Inspect. Time Customer # 39700327

Food Service [X] Retail Store [ ] Other [ ] Sanitation Rating 70% Number of Samples Collected 0

04/30/02 112 #3001A692 **NOTICE TO ESTABLISHMENT** Inspection

This inspection was conducted to determine compliance with District Regulations CFS - David Wheeler

Effective action must be taken this date to correct all underlined deficiencies having a demerit value of 6. Other underlined deficiencies must be corrected as indicated under "Remarks". Failure to make the indicated correction within the specified time may result in court proceedings being initiated for the enforcement thereof.

A. STRUCTURE		**C. MEAT and MEAT PRODUCTS, INGREDIENTS, ICE, OTHER FOODS**	
1. Floors: clean - easily cleanable - in good repair - properly drained	2	1. (a) Source: approved (b) Trichinae treatment for appropriate product containing pork muscle tissue	6
2. Walls, ceiling and overhead: Clean - easily cleanable - no scaling paint - in good repair	(2)	2. Condition: sound - clean - unadulterated - only authorized food additives used	6
3. Lighting: adequate for operation	2	3. Labeling: proper - no false or misleading statements - products accurately described - accurate net weights	4
4. Ventilation: rooms reasonably free from odors, condensation, smoke, etc.	2	4. Temperature of potentially hazardous food: 45° F or less of 140°F or more - frozen foods at 0°F or below	6
5. Toilets/dressing rooms: clean - convenient - adequate - properly constructed and ventilated	2	**DEMERITS C**	(0)
6. Handwashing facilities: adequate - property located - soap and towels	6	**D. PERSONNEL**	
7. Plumbing: potable water supply - sufficient hot and cold running water no back siphonage or cross connections - no overhead waste lines in critical areas	6	1. Outer garments: appropriate and washable - clean - proper hair restraints	2
DEMERITS A	2	2. Good apparent health	6
B. EQUIPMENT		3. Hygienic practices: (a) good personal hygiene - hand washed and clean - proper and minimal personal contact with food and food contact surfaces (b) Certified Food Supervisor	6
1. Installation: equipment location permits easy access to and cleaning of equipment and adjacent surfaces or properly sealed to adjacent surfaces	2	**DEMERITS D**	(0)
2. Refrigerated and hot food holding equipment: adequate - capable of maintaining proper food temperature - in good repair - provision for separation of raw and finished products	(6)	**E. GENERAL**	
3. Food Contact surfaces of equipment and multi-use eating and cooking utensils: constructed of suitable material - free of cracks, crevices, chips, rust or paint - equipment easily disassembled and readily cleanable - clean and sanitized before each use - proper facilities and material available for cleaning and sanitizing	(6)	1. Premises: no rodent harborage - effective vermin control - only permitted pesticides used and properly stored - premises free of trash and litter - no birds or unauthorized animals - facilities and materials available for cleaning	6
4. Non-food Contact surfaces: proper construction - clean - in good repair - suitable facilities and materials available for cleaning	6	2. General storage: storage areas clean, adequate and properly utilized - food product ingredients, utensils and single service items protected from contamination - soiled linens and clean linens separated - contents of containers properly identified - poisonous materials properly labeled, handled and stored	(6)
5. Cooking units, hoods and filters: clean - in good repair	(6)	3. Operating methods: food protected during display, packaging, processing and transportation - containers and wrappings sanitary - proper sequence of operations	(6)
DEMERITS B	14	4. Waste containers: property constructed and used - clean	(2)
		DEMERITS E	14

Freezer WI - 0°F
WI - 39°F
Wash Sno - 140°F
DIO - final rinse 157°F

TOTAL DEMERITS 30

REMARKS

14 Day Notice - See Attached

INSPECTED BY Dawn McFadden RECEIVED BY Dave Wheeler

EHA 1004 ED 1/2000

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

EHA

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
51 N STREET, N.E., ROOM 6025
WASHINGTON, D.C. 20002

Person/Firm Wrap Works Address 1601 Conn Ave NW

Reported by D. McFadd Date 01-24-01

Subject: Continuation of Inspection Report ☐

Other 14 Day Notice

Reference

A2 Clean ceiling vents throughout, dirt build-up present.

B3 Provide thermometers for refrigeration units throughout in order to maintain proper food temperatures.

Gaskets in reach-in refrigerators behind front line in poor repair. Replace.

B2 Cutting boards in poor repair. Replace and/or sand until smooth and free of crevices. Clean the interior of refrigeration units throughout old food particles present. Clean and Sanitize ice machine (Calcium build-up present), nozzles on the coffee makers, coffee grounds build-up present.

B3 Clean the filters under the hood unit, grease build-up present.

E2 When not in use cloths used for cleaning are to be kept in sanitizing solution.

After opening food products transfer unused food to plastic food grade containers with tight fitting lids and label the exterior.

REPORT SHEET

EHA 1005 ED 1/2000

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

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DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
51 N STREET, N.E., ROOM 6025
WASHINGTON, D.C. 20002

Person/Firm Wrap 'n Work Address 1401 Conn Ave. NW

Reported by D. McFadden Date 01-24-01

Subject: Continuation of Inspection Report ☐

Other page 2

Reference

E2 Cont: Water Chestnuts stored in original tin containers in walk-in refrigerator. Turkey, box of blackberries stored on the floor of the walk-in freezer. Food items are to be stored at least six inches or higher off of the floor to prevent contamination.

E3 Pork thawing in the two compartment sink in kitchen area. There are three methods of thawing: (1) Under running water (2) Under Refrigeration (3) During the cooking process.

E4 Keep the lids on dumpsters closed at all times to prevent rodent entry. Lid on dumpster in poor repair, replace lid on dumpster.

REPORT SHEET

EHA 1005 ED 1/2000

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ENVIRONMENTAL HEALTH ADMINISTRATION
51 N STREET, N.E., ROOM 6025
WASHINGTON, D.C. 20002

FOOD ESTABLISHMENT INSPECTION REPORT

Address 1601 Conn Ave NW Date 02-07-01

Name of Licensee Chevys Inc. Officer of Firm Scott Bergen

Trading as Wrap Works Inspect. Time Customer # 39700327

Food Service [X] Retail Store [ ] Other [ ] Sanitation Rating 88% Number of Samples Collected 0

112

NOTICE TO ESTABLISHMENT

This inspection was conducted to determine compliance with District Regulations CFS-David Wheeler Re Inspection

Effective action must be taken this date to correct all underlined deficiencies having a demerit value of 6. Other underlined deficiencies must be corrected as indicated under "Remarks". Failure to make the indicated correction within the specified time may result in court proceedings being initiated for the enforcement thereof.

A. STRUCTURE		
1. Floors: clean - easily cleanable - in good repair - properly drained	2	
2. Walls, ceiling and overhead: Clean - easily cleanable- no scaling paint - in good repair	(2)	
3. Lighting: adequate for operation	2	
4. Ventilation: rooms reasonably free from odors, condensation, smoke, etc.	2	
5. Toilets/dressing rooms: clean - convenient - adequate - properly constructed and ventilated	2	
6. Handwashing facilities: adequate - property located - soap and towels	6	
7. Plumbing: potable water supply - sufficient hot and cold running water no back siphonage or cross connections - no overhead waste lines in critical areas	6	
DEMERITS A	2	
B. EQUIPMENT		
1. Installation: equipment location permits easy access to and cleaning of equipment and adjacent surfaces or properly sealed to adjacent surfaces	2	
2. Refrigerated and hot food holding equipment: adequate - capable of maintaining proper food temperature - in good repair - provision for separation of raw and finished products	6	
3. Food Contact surfaces of equipment and multi-use eating and cooking utensils: constructed of suitable material - free of cracks, crevices, chips, rust or paint - equipment easily disassembled and readily cleanable - clean and sanitized before each use - proper facilities and material available for cleaning and sanitizing	6	
4. Non-food Contact surfaces: proper construction - clean - in good repair - suitable facilities and materials available for cleaning	6	
5. Cooking units, hoods and filters: clean - in good repair	(2)	
DEMERITS B	2	
C. MEAT and MEAT PRODUCTS, INGREDIENTS, ICE, OTHER FOODS		
1. (a) Source: approved (b) Trichinae treatment for appropriate product containing pork muscle tissue	6	
2. Condition: sound - clean - unadulterated - only authorized food additives used	6	
3. Labeling: proper - no false or misleading statements - products accurately described - accurate net weights	4	
4. Temperature of potentially hazardous food: 45° F or less of 140°F or more - frozen foods at 0°F or below	6	
DEMERITS C	0	
D. PERSONNEL		
1. Outer garments: appropriate and washable - clean - proper hair restraints	2	
2. Good apparent health	6	
3. Hygienic practices: (a) good personal hygiene - hand washed and clean - proper and minimal personal contact with food and food contact surfaces (b) Certified Food Supervisor	6	
DEMERITS D	0	
E. GENERAL		
1. Premises: no rodent harborage - effective vermin control- only permitted pesticides used and properly stored - premises free of trash and litter - no birds or unauthorized animals - facilities and materials available for cleaning	6	
2. General storage: storage areas clean, adequate and properly utilized - food product ingredients, utensils and single service items protected from contamination - soiled linens and clean linens separated - contents of containers properly identified - poisonous materials properly labeled, handled and stored	(6)	
3. Operating methods: food protected during display, packaging, processing and transportation - containers and wrappings sanitary - proper sequence of operations	6	
4. Waste containers: property constructed and used - clean	(2)	
DEMERITS E	8	

TOTAL DEMERITS 10

REMARKS

See Attached

INSPECTED BY Dawn McFadden RECEIVED BY Davewheeler

EHA 1004 ED 1/2000

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
51 N STREET, N.E., ROOM 6025
WASHINGTON, D.C. 20002

Person/Firm Wrap Works Address 1601 Conn Ave. NW

Reported by D. McFad Date 02-07-01

Subject: Continuation of Inspection Report ☐

Other

Reference

A2 As cited on 01-24-01. Clean ceiling vents and wall near walk-in refrigerator. Dirt build-up present.

B5 As cited on 01-24-01. Clean the filters under the hood unit, grease build-up present.

E2 Chicken stored over vegetables. Store raw meat, egg on bottom to prevent contamination.
Cover food items in order to prevent contamination.

F4 As cited on 01-24-01. Lid on dumpster in poor repair, missing. Replace.

REPORT SHEET

EHA 1005 ED 1/2000

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA
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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
825 NORTH CAPITOL STREET, NE, ROOM 5125
WASHINGTON, DC 20002

Person/Firm Firehook Bakers Address 1909 Q St. NE
Reported by Maria Hille 535-2185 Date 11/23/99

Subject: Continuation of Inspection Report ☐

104 Other Field Notice

Reference

You are hereby given 30 days to provide improvements to trash area by:

1) Supplying a dumpster to reduce trash overflows.
2) Resurface the floor to cover with concrete to eliminate rat burroughs and harborage of vermin.

Reinspection due in 30 days.

If Questions, call Supervisor: Ms. Alston at 535-2183

Received by: Christian Wedding

REPORT SHEET

85—8P895 wd-157

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
~~825 NORTH CAPITOL STREET~~, NE, ROOM 5125
WASHINGTON, DC 20002

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EHA

51 N St NE 6th flr.

Person/Firm Firehook Bakery & Cafe Address 1909 Q St. NE

Reported by Maria Hille Date 11/23/99

Subject: Continuation of Inspection Report ..... CR# 3950145 ☐
Lic# 2995080

104 Other

T= Waste Mgmt (7x) ERT - Steritech CFS: Christopher Martyn Food Safety #1280708 3/1/99

Reference	
2	A1 Clean floor at: vestibule area that leads to trash outside, at area around water heater inside cabinet.
2	A2 Clean fan above sandwich prep. area.
6	B3 ~~Provide~~ Provide a scoop to ice dispenser near coffee area.
6	E4 Remove trash packed inside trash containers ~~and~~ to. Drain To prevent attraction to vermin. Evidence of rats. (see field notice)

12/14 pts.

Sanitation Rating: 86%

Received by: Christian Wesley

REPORT SHEET

85—8P895 wd·157

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA
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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
825 NORTH CAPITOL STREET, NE, ROOM 5125
WASHINGTON, DC 20002

Person/Firm Firehook Bakery Address 1909 Q ST. N.W.
Reported by S. Cave Date 12-23-99

Subject: Continuation of Inspection Report ☐
Other Field NOTICE

Reference 105

You are hereby given an additional 90 hours to resurface the floor to cover with concrete to eliminate rat burroughs and harborage of Vermin Failure to comply will result in further action.

Inspected by S. Cave Received by J Briggs

If Any Questions call Ms. Alston @ (202) 535-2183

REPORT SHEET

85—8P895 wd-157

EHA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
825 NORTH CAPITOL STREET, NE, ROOM 5125
WASHINGTON, DC 20002

☑ COMPLAINT
☑ Food
☐ Commercial
☐ Other

☐ REFERRAL

3/8/2000

TO: Fire hook Bakery

STREET Que St NO. 1909 SQ. NW LOT

PREMISES USED FOR Bakery

Complainant Gretchen Frank Address Phone 202 332-5251

Your attention is directed to the above premises and the following conditions: Complainant stated that there is a big Rodent problem around and about the Trash bins. Has complained to owners several times nothing has been done.

This office will appreciate a reply regarding the action taken.

FOOD PROTECTION INSPECTION DIVISION

By: P. Beale

Phone: 202 ~~535~~ 535-2174

3/14 - contacted Complainant 10:05am

Mar 13 2000

TO: Program Manager, Food Protection Inspection Division

The conditions described above investigated and the following action taken: Investigation at the above premises revealed STEELTECH Exterminators servicing premises & premises is to have outside trash area resurfaced with concrete & all rodent burroughs are to be filled - an addition 2 wks was granted for completion of resurfacing Recheck premises 3/27/00. B. Roberson 535-2187

By:

COMPLAINT AND REFERRAL

85—5p081 wd42

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

EHA

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
51 N STREET, N.E., ROOM 6025
WASHINGTON, D.C. 20002

Reinspection
Complaint

FOOD ESTABLISHMENT INSPECTION REPORT

Address 1909 Q St NW Date 3/13/00

Name of Licensee Firehook Bakery DC Inc Officer of Firm Pierre Aboushala - owner

Trading as Firehook Bakery & Coffee Hse Inspect. Time _____ Customer # 39501451

Food Service ☒ Retail Store ☐ Other ☐ Sanitation Rating 86% Number of Samples Collected 0

NOTICE TO ESTABLISHMENT Christopher Martyn - CFS

104 This inspection was conducted to determine compliance with District Regulations.

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6. Handwashing facilities: adequate - property located - soap and towels	6
7. Plumbing: potable water supply - sufficient hot and cold running water no back siphonage or cross connections - no overhead waste lines in critical areas	6
DEMERITS A	2
B. EQUIPMENT	
1. Installation: equipment location permits easy access to and cleaning of equipment and adjacent surfaces or properly sealed to adjacent surfaces	2
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3. Food Contact surfaces of equipment and multi-use eating and cooking utensils: constructed of suitable material - free of cracks, crevices, chips, rust or paint - equipment easily disassembled and readily cleanable - clean and sanitized before each use - proper facilities and material available for cleaning and sanitizing	6
4. Non-food Contact surfaces: proper construction - clean - in good repair - suitable facilities and materials available for cleaning	6
5. Cooking units, hoods and filters: clean - in good repair	2
DEMERITS B	6
C. MEAT and MEAT PRODUCTS, INGREDIENTS, ICE, OTHER FOODS	
1. (a) Source: approved (b) Trichinae treatment for appropriate product containing pork muscle tissue	6
2. Condition: sound - clean - unadulterated - only authorized food additives used	6
3. Labeling: proper - no false or misleading statements - products accurately described - accurate net weights	4
4. Temperature of potentially hazardous food: 45° F or less of 140°F or more - frozen foods at 0°F or below	6
DEMERITS C	0
D. PERSONNEL	
1. Outer garments: appropriate and washable - clean - proper hair restraints	2
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3. Hygienic practices: (a) good personal hygiene - hand washed and clean - proper and minimal personal contact with food and food contact surfaces (b) Certified Food Supervisor	6
DEMERITS D	
E. GENERAL	
1. Premises: no rodent harborage - effective vermin control- only permitted pesticides used and properly stored - premises free of trash and litter - no birds or unauthorized animals - facilities and materials available for cleaning	(6)
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4. Waste containers: property constructed and used - clean	2
DEMERITS E	6

T - Birds.

EXT - Stairtread

TOTAL DEMERITS 14

REMARKS A1 - Outside rear surface must be resurfaced with concrete to seal all rodent burroughs (see attached) B2 - Refrig display case must maintain temp 1 45°F or below - reach in unit. E1 - Rodent - proof inside repair of premises (see attached)

INSPECTED BY B. Roberson RECEIVED BY _____

EHA 1004 ED 1/2000 535-2187

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

EHA

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
51 N STREET, N.E., ROOM 6025
WASHINGTON, D.C. 20002

Person/Firm Firehook Bakery & Coffee House Address 1909 Q ST NW

Reported by B Reherson 535-2187 Date 3/13/00

Subject: Continuation of Inspection Report ☐

Other 2-WEEK EXTENSION - Compliance Notice

Reference

You are hereby given a 14-day extension to resurface outside rear trash area of premises & seal all rodent holes & provide adequate extermination controls to rid outside trash area of rodent harborage.

Recheck: Mar 27, 2000

Area Supervisor: Mrs A. Alston
535-2183

B Reherson

Sign

REPORT SHEET

EHA 1005 ED 1/2000

ORDER OF AHEPA
SUPREME LODGE HEADQUARTERS
AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

6 January 2000

Department of Health (Attention Mrs Alston)
District of Columbia
825 North Capitol Street. NE (Room 5125)
Washington, D.C. 20002

Dear Madame,

Reference is made to a recent inspection of the Firehook Bakery located at 1909 Q Street, NW in Washington which found that the garbage collection area to the rear of the building required systematic cleaning and upgrading. The inspection of the area in question was conducted by Mr. S. Care and is dated 23 December 1999. This report is submitted by the American Educational Progressive Association (AHEPA), located at the same address, who is the landlord responsible for this property.

We would like to inform you that AHEPA in cooperation with the Firehook Bakery has engaged the services of an exterminating company and of a concrete installation company to restore the permanent cleanliness of the area in question. This restoration will occur no later than the end of January 2000.

Sincerely,

D.N. Kolaras

Copy:

Firehook Bakery
Diego's Barbershop

1909 Q STREET, NW • WASHINGTON, DC 20009 • (202) 232-6300 • FAX (202) 232-2140
Website: www.ahepa.org email: ahepa@ahepa.org

RGW CONSTRUCTION

INVOICE

11388 Dorcey Place ■ Lorton, VA 22079
(703) 612-1333 ■ ~~(800) 818-8750~~
703 928-9390

INVOICE NO. 97243
DATE: 12-31-99

Customer: _____

Job Location: Firehook
Dupont Circle

DESCRIPTION OF SERVICE(S)	MATERIALS	LABOR
Concrete Services		
" Trash Bin "		
Break out + Remove Existing		425.00
Replace w/ 4" slab w/curb		1500.00
for Rodents	$	1925.00
Replace Front of Bin only		
New poles to swing new gate	$	1200.00
w/ Hardware		
SUBTOTAL		
DEPOSIT		
TOTAL DUE		3125.00

Customer Signature: _____

NET 10 DAYS



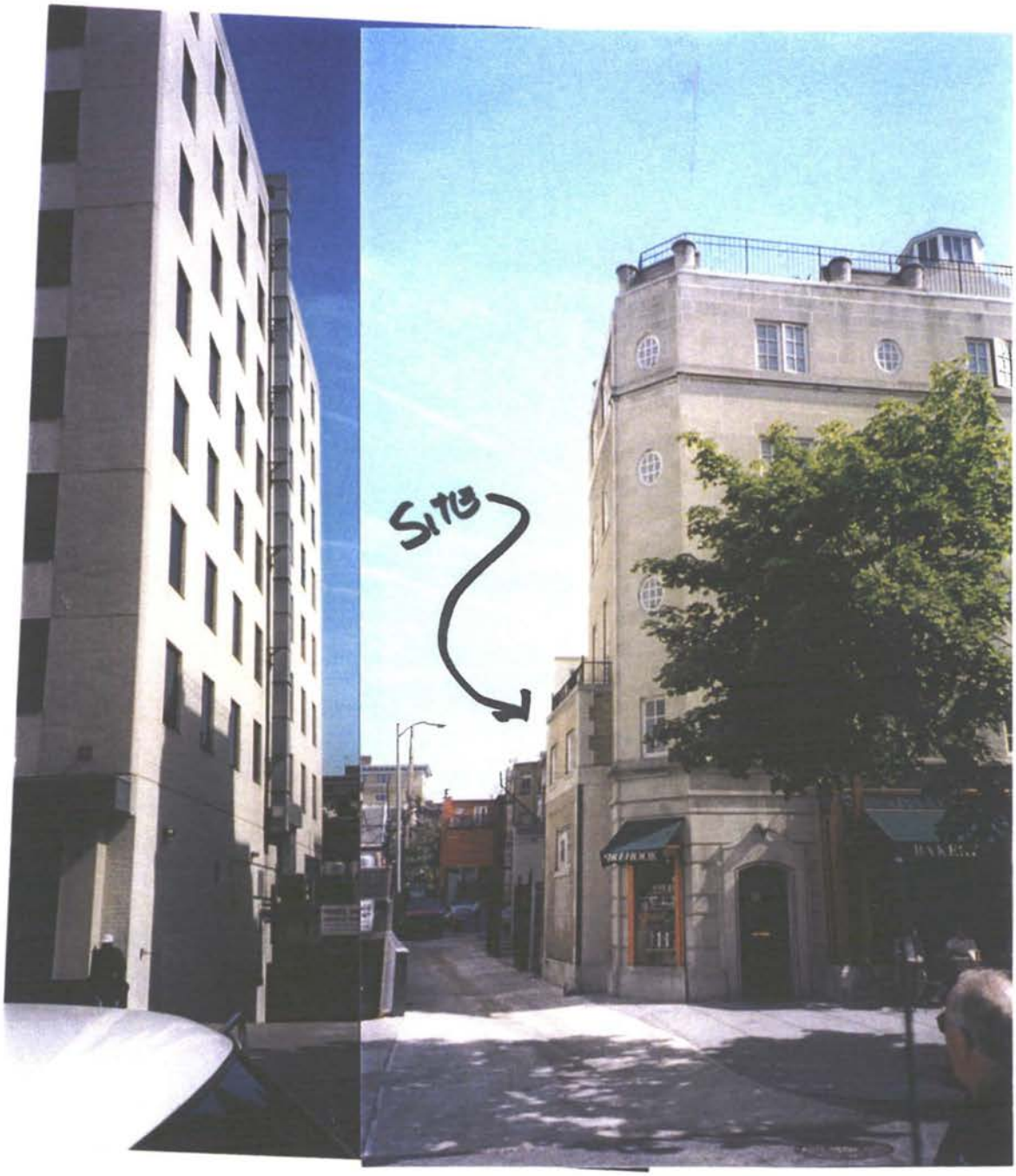


Trout Design Studio
2112 Ward Court, N.W.

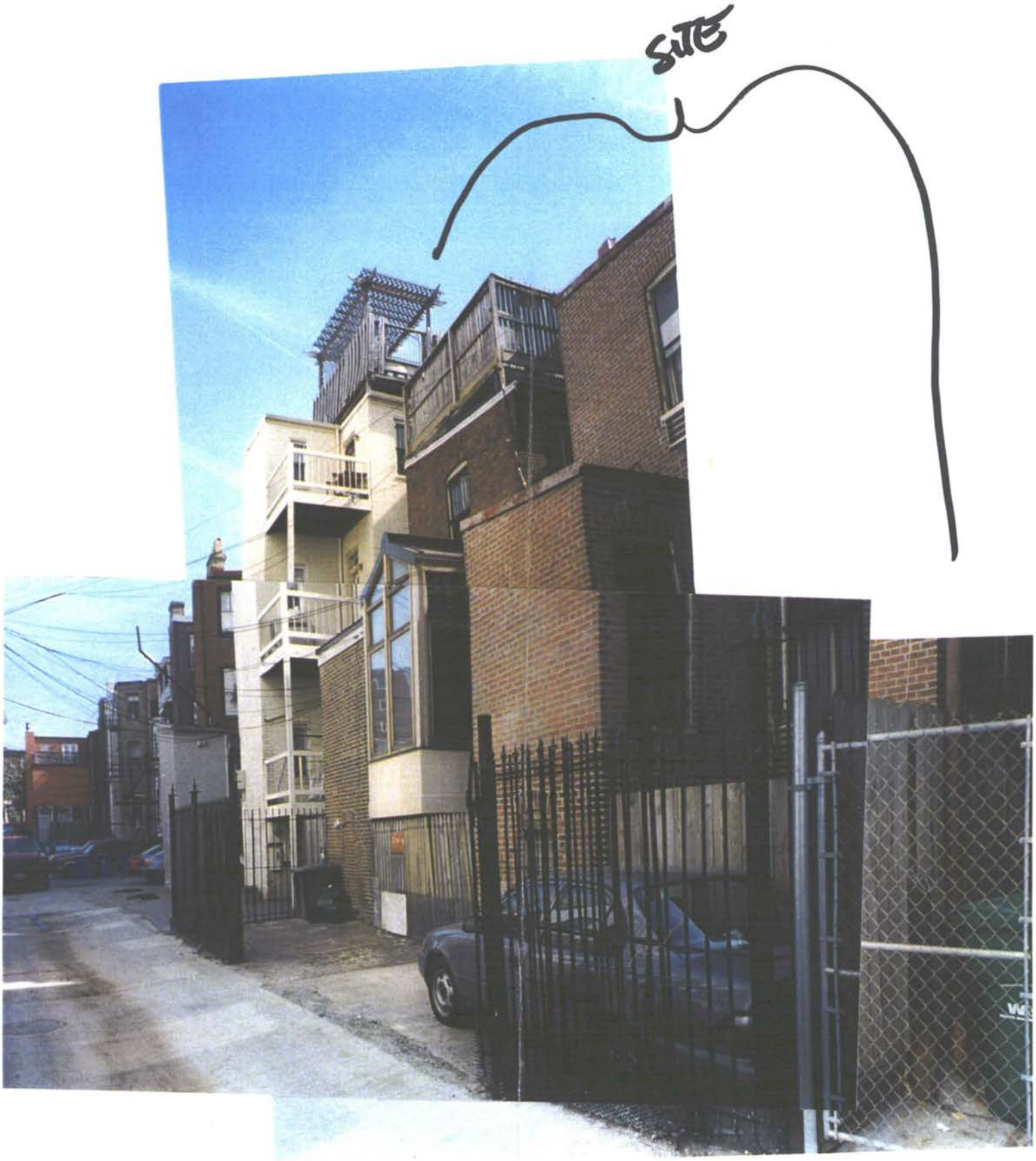




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Washington, DC 20037-1209


SITE