DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION

LEAD HAZARD CONTROL PERMIT QUESTIONNAIRE AND EXEMPTION FORM

Project Address: 1308 Potomac Ave SE

Name of Owner(s): Father Flanagans Boys Home Name of Contractor:

Phone Number: 402-498-1136 Square #: 1095 Lot #: 137 Ward #: 6

Project Start Date: May 1, 2001 Project End Date: Sept 1, 2002

Building Type:

Commercial -		Government -	
Office	☐	Federal	☐
Mixed Use (Explain)		District	☐
Residential -		**Institutional -**	
Multi-family	☐	Hospital	☐
Single-Family	☒	Museum	☐
Elderly or handicapped	☐	School/Child Development	☐

1. **Is the project planned in response to a child being identified as lead poisoned? YES ☐ NO ☒**

2. **Is the project designed to eliminate or reduce lead-based paint hazards in a pre-1978 building or structure? YES ☐ NO ☒**

If you answer "YES', contact the Lead Division at 51 N Street, N.E., 3rd Floor (202) 535-2637 for a lead-based paint control permit application and notification form, unless an exemption listed below applies. **If you answer "NO"**, a permit is not required, but you are required to answer the following questions:

SCOPE OF PROJECT	YES	NO	COMMENTS
1. Is the project disturbing deteriorated lead based paint on surfaces totaling more than 2 square feet per room, or 20 square feet on exterior surfaces, or 10% of a building component with a small surface (such as a small painted window frame) involving the following:			
A. Removal and replacement of lead-based paint components, e.g. windows, doors and baseboards?		✓	
B. Onsite stripping and removal of lead-based paint?		✓	
C. Partial demolition or gutting of building?		✓	
2. Does the project involve the removal and covering of lead-contaminated soil?		✓	

EXEMPTIONS

Please indicate the applicable exemption from the following list:

- ☐ Individuals who perform lead-based paint activities at residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family; unless any child under the age of 8 years resides, is expected to reside in, or regularly visits such housing.
- ☐ Housing for the elderly or persons with disabilities; unless any child under the age of 8 years resides, is expected to reside in, or regularly visits such housing.
- ☐ Any (0)-bedroom unit, such as an efficiency apartment.

AFFIDAVIT

I declare that the information provided is accurate, true and complete to the best of my knowledge and belief, and/or I have the authority to represent the owner of the property to answer this application and sign on behalf of the company and/or persons listed as owners. I understand that if such information contained in this application false, I am subject to the penalty provisions of D.C. Law 11-221. Any fraud or misrepresentation on an application shall be *grounds for automatic rejection* and/or civil administrative penalties. I understand that failure to provide full disclosure of any of the requested or required information may result in rejection of this application for approval.

Karen Burditt — SIGNATURE

7/8/02 — DATE

KAREN BURDITT — PRINT NAME

For Official Government Use Only

PERMIT REQUIRED YES ☐ NO ☐ Reviewed By: Date:

Board of Zoning Adjustment
District of Columbia
CASE NO.16935
EXHIBIT NO.22A3

ENVIRONMENTAL HEALTH ADMINISTRATION

CONSTRUCTION PERMIT APPLICATION – SUPPLEMENTAL FORM – ENVIRONMENTAL QUESTIONNAIRE

PROJECT ADDRESS: 1308 Potomac Ave SE LOT: 137 SQUARE: 1045

PROJECT DESCRIPTION: 2 story & cellar Residence

Note: please answer all 12 questions in this questionnaire, by checking either column "Yes" or "No" for each question. If you answer "Yes" to any of the questions, you should contact the corresponding office(s) indicated in column 'contact person/office' as soon as possible. Until this application is reviewed and approved by the concerned office(s), the permit will not be issued.

	SCOPE OF PROJECT	YES	NO	CONTACT PERSON/OFFICE	OFFICE USE (Initial/Date)
1	Will the proposed use involve the construction of a facility for the handling, transfer, storage, disposal or treatment of solid waste, medical waste, or recyclable materials?		✓	(202) 535-2280, EIS Coordinator, EHA	
2	Will the work to be performed involve the assessment or clean-up of soils associated with the release of materials from an underground storage tank (UST)?		✓	(202) 535-2525, Underground Storage Tank Division, EHA (202) 535-2250, Air Quality Division, EHA	
3	Will the work to be performed involve the assessment or clean-up of groundwater associated with the release of materials from an underground storage tank (UST)?		✓	(202) 535-2525, Underground Storage Tank Division, EHA (202) 535-2190, Water Quality Division, EHA (202) 535-2250 Air Quality Division, EHA	
4	Will the proposed project involve the installation or drilling of wells other than for the purposes stated in questions 3 and 4?		✓	(202) 535-2190, Water Quality Division, EHA	
5	Will the proposed project involve the generation, treatment, storage, disposal or transportation of chemicals or other substances which may be considered hazardous?		✓	(202) 535-2290, Hazardous Waste Division, EHA	
6	Will the proposed project involve construction that will disturb the sediment in rivers, streams or wetlands?		✓	(202) 535-2190, Water Quality Division, EHA	
7	Will the work to be performed involve the installation, removal, abandonment, or repair of an underground storage tank (UST) system?		✓	(202) 535-2525, Underground Storage Tank Division, EHA	
8	Will the proposed project result in the discharge into the air of gases, dust, or the creation of any objectionable odors?		✓	(202) 535-2250, Air Quality Division, EHA	
9	Will the proposed project involve the removal, handling, transportation, disposal, or encapsulation of asbestos? **Please bring with you a copy of your asbestos survey, ten-day notification form, and asbestos abatement permit fee		✓	(202) 535-2250, Air Quality Division, EHA	
10	Was the building built before 1978? (Lead paint may be present.)		✓	If you answer "Yes" to this question, please answer the questions and follow the instructions on the "Lead Hazard Control Questionnaire" to determine if you need a permit to conduct a Lead Abatement Project	

AFFIDAVIT

I hereby certify that I have the authority of the owner of the property to make this application. I declare that the answers to the above questions in this Questionnaire are complete and correct to the best of my knowledge.

Signature Karen Burdett Name (print) KAREN BURDETT

Address 1030 15th St. NW, Suite 430 Date 7/8/02 Phone 202-682-1600 ext 2

OFFICE USE ONLY

COMMENTS AND PERMIT RESTRICTIONS:

(USE REVERSE IF NEC

EHA Form # 99-1300 – Revis

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director

August 14, 2001

Ms. Karen Burditt
Project Manager - Architect
Esocoff & Associates, Architects
1030 15th Street, N.W. - Suite 430
Washington, D.C. 20005

RE: Boys and Girls Town - 1308-14 Potomac Avenue, S.E.
Environmental Impact Screening Form 00-00056

Dear Ms. Burditt:

The Department of Consumer and Regulatory Affairs has carefully reviewed and considered the recommendations of the reviewing agencies, (Department of Health, the Office of Intermodal Planning and the Solid Waste Management Administration of the Department of Public Works, the D.C. Water and Sewer Authority, and the Office of Planning) related to the referenced Environmental Impact Screening Form.

Based on the agencies' recommendations, it has been determined that the proposed action is not likely to have substantial negative impact on the environment, and that submission of an Environmental Impact Statement (EIS) is not required.

If you have questions regarding this decision, please call Denzil Noble, Deputy Administrator, Building and Land Regulation Administration on (202) 442-4455.

Sincerely,

for Theresa A. Lewis

David A. Clark
Director

cc: Reviewing Agencies
Denzil L. Noble, Deputy Administrator, BLRA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B446918

PERMIT

Date 7/8/02 (Type) NEW BUILDING

Address of work 1312 POTOMAC AVENUE, S.E.

Lot Square

Permission is hereby granted to FATHER FLANAGAN'S BOYS HOME (Owner)

TOTAL PERMIT FEE $

FILING FEE $

NO. DATE

FEE PAYABLE $150.00

FOR INSPECTIONS CALL 727-7562 XXXX 3442464

to construct, alter, repair, use and occupy the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

TWO STORY & CELLAR RESIDENCE
REVISION TO PERMIT #B438337.

Builder—

Value $ No. of Bldgs.

Width of Bldgs. Length Height No. of Stories TWO

Zone C-2-B To be occupied as SFD

Height of terrace above grade Projections:

Address of owner BOYS TOWN, N.E. 68010.

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Chief, Permit Issuance Branch

By Permit Clerk

D. CLARK
DIRECTOR

32301

FILE COPY

Store# 0001 D.C. GOVERNMENT
OTR/DCRA CASHIER OFFICE
07/08/02 a 16:08 Clk# 11
Receipt# 266082 Amount $***150.00
BUILDING STRUCTURE & EQUI
20021215

02-00122

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT SERVICE CENTER

BUILDING PERMIT CONTROL BATCH SHEET

Date: 7/2/2002
Intake Time: 0855 ☐AM ☐PM

LOG NO. 01 - 68194

Time At Engr.'s Counter: ☐AM ☐PM

Review Completion Due: ☐AM ☐PM

Address: 1312 Potomac Ave SE

Time Review Completed: ☐AM ☐PM

REQUIRED REVIEWS (Checked boxes only)	REVIEWER	TIME	REVIEW STATUS
☐ PUBLIC SPACE		IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐Ref. to DPW ☐ Conf. w/ Applicant
☐ ZONING	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☒ Approved ☐HFC ☐Ref. to BZA ☐ Ref. to Zoning Administrator ☐ ☐ Conf. w/ Applicant
☐ SOIL EROSION ☐ STORMWATER MGMT.	MJC	IN 1/3 ☐AM ☐PM OUT 1/2 ☐AM ☐PM	☐ Approved ☐HFC ☐Ref. to DOH ☐ Conf. w/ Applicant
☐ AIR QUALITY ☐ EIS		IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐Ref. to DOH ☐ Conf. w/ Applicant
☐ WATER AND SEWER	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Ref. to WASA ☐ Conf. w/ Applicant ☐ WASA Deposit Required
☐ MECHANICAL/PLUMBING	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant
☐ HEALTH (Food & Medical)		IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant
☐ ELECTRICAL	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant
☐ ELEVATOR		IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant
☑ FIRE PROTECTION	[illegible]	IN 7/8/02 ☐AM ☐PM OUT ☐AM ☐PM	☒ Approved ☐HFC ☐ Conf. w/ Applicant
☐ STRUCTURAL	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant

Remarks:

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
D.C. No.:	O.G. No.:	C2B			By:
A. No.:	S.L. No.:	Ward No.:	Receipt No.:	Date:	Receipt No.:

★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

BLRA-33 (Rev. 10/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7050)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE; DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

EARANCE TO FILE Date

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

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

Address of Proposed Work:	Suite No.:	2. Lot:	3. Square:	4. Application Date:
1312 Potomac Avenue, S.E.		135	1045	[redacted]

5. Owner of Building or Property:	6. Address: (include Zip)	7. Phone:
Father Flanagan's Boys Home	Boys Town, NE 68010	Work: 402-498-1136 Home:
8. Agent for Owner: (if applicable)	**9. Address: (include Zip)**	**10. Phone:**
Esocoff & Assoc.	1030 15th St. NW, Suite 430 Washington, DC 20005	Work: 202-682-1600 Home:

11. Type of Proposed Work *(check all applicable boxes)*:

- [X] New Building
- [ ] Addition
- [ ] Alteration and Repair
- [ ] Raze Building
- [ ] Retaining Wall
- [ ] Fence
- [ ] Shed
- [ ] Awning
- [ ] Garage
- [ ] Sign
- [ ] Other *(Specify)* _____

12. Description of Proposed Work:

Two story & cellar residence
Revision to Permit # B438337

13. Existing Use(s) of Building or Property:	14. Ex. No. of Stories of Bldg.:	15. Ex. No. of Dwelling Units:	Official Use Only Miscellaneous FEE
Vacant	0	0	$ 150.00
16. Proposed Use(s) of Building or Property:	**17. Prop. No. of Stories of Bldg.:**	**18. Prop. No. of Dwelling Units:**	By: Date:
One family dwelling	2	1	7/2/02

19. Starting Date of Work:	20. Completion Date of Work:	21. Method of Removing Construction Debris:	22. Does the proposed work involve **disturbing the earth** or razing a building?
May 1, 2001	Sept. 1, 2002	[ ] Pick-up Truck [X] Dumpster [ ] Other *(specify)*:	[X] Yes, answer q. 23 [ ] No, SKIP q. 23-27

23. Is the area of disturbed earth more than 50 sq. ft.?	24. Soil Erosion Control Methods:	25. Area of Offsite Drainage:	26. No. of Footings or Columns:	27. Size of Footings of Columns:
[X] Yes, answer q. 24-25 [ ] No, SKIP q. 24-25	Silt fence, inlet protection Portable sediment tank	4,000 sq. ft.	10	20 sq. ft.

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

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

0307 wd-375

OFFICIAL USE ONLY

	R	P	H	A	
M					
P					
E					W: [ ] Yes [ ] No
F					PLANS:
S					[ ] No [ ] Sm [ ] Lg

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

Architect's Name:	29. Lic. No.:	30. Architect's Address: (include Zip)	31. Phone:
Socoff + Associates	3609	1030 15th St. NW, Washington DC 20005	202-682-1600
Engineer's Name:	**33. Lic. No.:**	**34. Engineer's Address: (include Zip)**	**35. Phone:**
Ehrt / Bryan Inc.	8385	1451 Dolley Madison Blvd. McLean, VA 22101	703-827-9552
Building Contractor's Name:	**36A. Lic. No.:**	**37. Contractor's Address:**	**38. Phone:**

Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%):
☐ Masonry ☐ Steel	☒ Fully Sprinklered ☐ Standpipe System	☐ New	6,959.17 sq. ft.	a. Building: 45.71 %
☐ Wood ☐ Other:	☐ Partially Sprinklered ☒ None	☐ Existing		b. Paved Area: 21.76 %
☐ Concrete	☐ Other:	☒ None		c. Greenery: 32.53 %

44. Present Gross Floor Area of Bldg.:	45. Proposed Gross Floor Area of Bldg:	46. Floors involved in this permit:	47. Projection beyond building line?
0 sq. ft.	5,910.48 sq. ft.	☒ All ☐ Floors	☒ Yes, answer q. 48-52 ☐ No, SKIP q. 48-52

48. Number and type of projection:	49. Distance of projection:	50. Width of projection:	51. Width of building frontage:	52. Signature of Owner (projection only):
Bay Window (1)	4'-0"	8'-0"	76 ft.	
Cornice (1)	1'-7 5/8"			

53. Water or Sewer Excavation?	54. Driveway Construction?	55. Sheeting/Shoring Necessary?	56. Elevators involved?	57. No. and type of elev.:	58. Plans Certified by Engineer?
☒ Yes ☐ No	☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes, answer q. 57 ☒ No, SKIP q. 57		☒ Yes, cert. is attached ☐ No

Estimated Cost of Work:
New/Add.: $ 625,000
Alt/Rep.: $
Total: $ 625,000

Volume of New Bldg. or Addition: 69,750 cubic ft.

OFFICIAL USE ONLY

Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE
$	$	$	$
By: Date:	By: Date:	By: Date:	By: Date:

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:	62. Contractor's Address: (include Zip)	63. Phone:

64. Insurance Company:	65. Policy or Certif. No.:	66. Expir. Date:	67. Raze Method:

68. Building Material:	69. Raze Entire Building?	70. Building Condemned?	70A. Building Vacant?	71. Public Space Vault?	72. Disconnect Water and/or Sewer?	73. Size of Water Connection:
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	in

74. Plumber's Name:	75. Lic. No.	76. Length:	77. Width:	78. Height:	79. Volume:	80. Party Wall?
		ft.	ft.	ft	cu. ft.	☐ Yes ☐ No

81. Asbestos in the Building? ☒ No ☐ Yes, Location

82. Raze Contractor Signature

83. Owner's Signature

OFFICIAL USE ONLY

FEE	By:	Date:
$		

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)

The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations.

84. Cost of Work:	85. Material:	86. Height:	87. Color:	88. Location:
$ 18,000	Masonry	4 ft.	Brick/ Red	☒ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

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

89. Signature of Adjoining Owner:	90. Phone: Work Home

91. Address of Adjoining Owner:	92. Lot:	93. Square:

OFFICIAL USE ONLY

FEE	By:	Date:

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

Material and type:	95. Height:	96. Color:	97. Location:
Metal Pickets	8 ft.	Black	☒ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

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

Signature of Adjoining Owner:	99. Phone: Work / Home	OFFICIAL USE ONLY: FEE $	By:	Date:
Address of Adjoining Owner:	101. Lot:	102. Square:		

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number:	104. Length: ft.	105. Width: ft.	106. Area: sq. ft.	107. Height: ft.	108. Volume: cu. ft.	109. Estimated Cost of Work: $	OFFICIAL USE ONLY: FEE $ By: Date:
110. Material of Roof:	111. Material of Sides:	112. Wall thickness:: ☐ External ( ) inches ☐ Party ( ) inches				113. Color:	

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line ____ in. Beyond pt. of attachm. ____ in.	118. Height of lowest part of awning: (a) ____ ft above sidewalk (b) ____ ft above parking (c) ____ ft above grade	OFFICIAL USE ONLY: FEE $ By: Date:

119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☐ No	123. Over sidewalk cafe? ☐ Yes ☐ No

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power ____ VA	128. Electrical Contractor: Lic. No.:

129. Address of Electrical Contractor (include Zip)	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:

133. Height relative to building and ground: (a) ____ ft ____ in above sidewalk (b) ____ ft ____ in above roof (c) ____ ft ____ in is bldg height (d) ____ ft ____ in above projection or window (e) ____ ft ____ in from roof to sign's bottom	134. Material of Sign:	135. Type of Sign:	136. Color:
	137. Width: ft	138. Length: ft	139. Area of Sign: sq. ft.
			140. Width of Business Frontage: ft

141. C of O Number for Building:	142. Sign Contractor Lic. No.	OFFICIAL USE ONLY: Sign FEE $	Elect. FEE $	Total FEE $
143. Sign Contractor's Address:	144. Phone:	By: Date:	By: Date:	BY: Date:

(I) APPLICANT'S SIGNATURE

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner: _____ Address: 1400 Crawford Date: 6-28-02

B. **AGENT:** I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: _____ Address: _____ Date: _____

DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
Building and Land Regulation Administration
941 North Capitol Street NE, Suite 2000
Washington DC 20002

ENVIRONMENTAL INTAKE FORM

Project Name:	Project Address:	Lot:	Square:
BoysTown -	1312 Potomac Avenue	135	1045
Filed Job Application # (if applicable):	Project Description: 2-Story & Cellar Residence		

Owner: FATHER FLANAGAN'S Boys Home Date: 7/8/02

Owner's address and phone #: BoysTown, NE 68010 402-498-1136

Authorized agent: Esocoff & Associates - Karen Burditt

Address and Phone # of authorized agent: 1030 15th St. NW Suite 430 202-682-1600 EXT 21

Scope of the Project	Yes	No	Instructions
1. Does the owner of this site own adjacent or abutting property?	✓		If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
2. Does the owner of this site plan to acquire property that is adjacent to or abutting this site within the next three years?		✓	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
3. Is additional activity planned by the applicant for this site or any site within the same square during the next three years that requires a permit?	✓		If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
4. Is this a residential project within the R-1 through R-5-A zoning districts?		✓	If yes, skip to signature line.
5. Is this project a single-family residence that is not in conjunction with the building of two or more units?	✓	✓	If yes, skip to signature line.
6. Is this project an accessory structure such as a garage, patio, swimming pool or fence?		✓	If yes, skip to signature line.
7. Is the project solely an interior renovation with no change in the use or capacity of the structure being renovated?		✓	If yes, skip to signature line.
8. Is the project located in an Economic Development Zone, as defined in DC Code 5-1401 et seq (DC Law 7-177)?		✓	If yes, skip to signature line.
9. Is the project located within the Central Employment Area as defined in DC Zoning Regulations? (Title 11DCMR)		✓	If yes, skip to signature line.
10. Does the project involve only the operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features and involve negligible or no expansion of use beyond that previously existing?		✓	If yes, skip to signature line.
11. Has an Environmental Impact Statement (EIS) been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), or a determination made that no EIS is needed, or has the functional equivalent of an EIS been prepared?		✓	If yes, submit documentation to EIS Coordinator, DCRA.

-OVER-

Scope of the Project	Yes	No	Instructions
12. Is an exemption claimed from the requirement to submit an Environmental Impact Screening Form pursuant to Title 20, Sec. 7202 that is not referred to in this form? If yes, describe the exemption and cite the relevant section of the regulations on an attachment.		✓	If yes, describe on an attachment and submit to EIS Coordinator, DCRA.
13. Does the total cost of the project exceed $1.42 million, including site preparation and construction?	✓		If yes, and no exemption claimed, Environmental Impact Screening Form (EISF) required. If no, indicate actual project cost _____
14. Is the cost of this project $1.42 million or less? If yes, please answer all of the following questions:	✓		If yes, complete A through G.
A. Does the project site contain any species of plant or animal that is identified as threatened or endangered?		✓	If yes, EISF required.
B. Are any streams, lakes, ponds, springs or wetlands within 100 feet of the project site?		✓	If yes, EISF required.
C. Will the project result in an emission of odorous or other air pollutants from any source, including VOCs?		✓	If yes, EISF required.
D. Will this action involve the use, production or disposal of hazardous substances as defined in 20 DCMR 7299?		✓	If yes, EISF required.
E. Will construction be on land where the depth to the water table is less than 3 feet?		✓	If yes, EISF required.
F. Will blasting occur as part of the project?		✓	If yes, EISF required.
G. Will the project generate medical, infectious, radioactive or hazardous waste?		✓	If yes, EISF required.

I certify that all of the statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Ken Bunker — 7/8/02

Signature of Owner/Authorized Agent **Date**

OFFICIAL USE ONLY

Environmental Impact Screening Form required: Yes ____ **No** ✓ **Referred to EIS Coordinator** ____

DCRA Reviewer Pohle **Date** 7/8/02

If yes, submit to EIS Coordinator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

Comments Owner previously submitted EISF for this project on 6/11/2001. Review of this intake form and EISF reveals no change in proposed construction or activity as *

NOTE: APPROVAL OF A BUILDING PERMIT IS NOT SYNONYMOUS WITH APPROVAL OF AN ACTION OR ENTIRE PROJECT UNDER THE ENVIRONMENTAL POLICY ACT OF 1989. IF THE APPLICANT BUILDS ON THE SAME, ADJACENT OR ABUTTING PROPERTY OR EXPANDS UPON THE WORK DESCRIBED IN THE INSTANT APPLICATION OR PLANS AND SPECIFICATIONS WITHIN THREE YEARS, AN ENVIRONMENTAL IMPACT SCREENING FORM MAY BE REQUIRED FOR THE ENTIRE PROJECT, INCLUDING THE PORTION ENCOMPASSED BY THIS APPLICATION AND PERMIT APPROVAL. FURTHER, IF THE ACTION IS IN VIOLATION OF ANY FEDERAL OR DISTRICT LAWS PERTAINING TO THE ENVIRONMENT, AN EISF CAN BE REQUIRED.

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL ON 1- 800- 521-1639

5/2002

* originally described on EISF. Consequently pursuant to 20 DCMR 7202.1(d), NO new EISF required.

BLRA 33C

CONTRACT AGREEMENT

Name of Contractor/Owner ESOCOFF & ASSOCIATES ~~FATHER FLANAGANS BOYS HOME~~ Contractor's License No. _____

Address of Contractor/ Owner 1030 15th st. NW Suite 430 Date: 7/8/02

ADDRESS OF PROPOSED WORK: 1312 POTOMAC AVE SE	LOT: 135 SQUARE: 1045
OWNER OF BUILDING OR BUSINESS: FATHER FLANAGAN'S BOYS HOME BOYSTOWN NE 68010	PHONE No: 402-499-1136
DESCRIPTION OF PROPOSED WORK: TWO STORY & CELLAR RESIDENCE	

COST ESTIMATE

CONSTRUCTION e.g drywall, ceilings, framing, carpentry etc	$ 180,000	
ELECTRICAL	$ 180,000	
MECHANICAL	$ 120,000	
PLUMBING	$ 120,000	
FIRE PROTECTION e.g sprinkler system, fire alarm system, generator etc.	$ 5,000	
~~DEMOLITION~~ SITEWORK	$ 20,000	
MISC/OTHER (please specify)	$	
TOTAL	$ 625,000	

The labor and material costs of counter tops, kitchen cabinets, floor coverings, tile work, caulking, patching and plaster repair, painting other than fire retardant paint, gutters and downspouts, not more than 160 square feet of gypsum board shall not be included in the cost estimate for permitting purposes. The entire list can be seen in the 1999 D.C Building Supplement Chapter 1 Section 107.3.

The foregoing terms, specifications and conditions are satisfactory and hereby agreed to. You are authorized to work as specified and payment will be made in the amount as outlined. Upon signing this agreement, the owner represents and warrants that he or she is the owner or the authorized agent of the owner of the aforesaid premises and that he or she has read this agreement.

CONTRACTOR _____ KAREN BURDITT Date: 7/8/02
Signature & print

OWNER OF BUILDING/BUSINESS _____ Date: _____
Signature & print

Upon signing this document, the owner and contractor declare that the cost of construction as specified above for the referenced project is true and correct to the best of their knowledge

Please fill out this agreement form in accordance with D.C Construction Code Supplement 1999, Chapter 1 Section 112.1.

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION

LEAD HAZARD CONTROL PERMIT QUESTIONNAIRE AND EXEMPTION FORM

Project Address: 1312 Potomac Avenue SE

Name of Owner(s): Father Flanagan's Boys Home Name of Contractor:

Phone Number: 402-498-1136 Square #: 1045 Lot #: 135 Ward #: 6

Project Start Date: May 1, 2001 Project End Date: Sept 1, 2002

Building Type:

Commercial -		Government -	
Office	☐	Federal	☐
Mixed Use (Explain)		District	☐
Residential -		Institutional -	
Multi-family	☐	Hospital	☐
Single-Family	☒	Museum	☐
Elderly or handicapped	☐	School/Child Development	☐

1. **Is the project planned in response to a child being identified as lead poisoned? YES ☐ NO ☒**

2. **Is the project designed to eliminate or reduce lead-based paint hazards in a pre-1978 building or structure? YES ☐ NO ☒**

If you answer "YES", contact the Lead Division at 51 N Street, N.E., 3rd Floor (202) 535-2637 for a lead-based paint control permit application and notification form, unless an exemption listed below applies. If you answer "NO", a permit is not required, but you are required to answer the following questions.

SCOPE OF PROJECT	YES	NO	COMMENTS
1. Is the project disturbing deteriorated lead based paint on surfaces totaling more than 2 square feet per room, or 20 square feet on exterior surfaces, or 10% of a building component with a small surface (such as a small painted window frame) involving the following:			
A. Removal and replacement of lead-based paint components, e.g. windows, doors and baseboards?		✓	
B. Onsite stripping and removal of lead-based paint?		✓	
C. Partial demolition or gutting of building?		✓	
2. Does the project involve the removal and covering of lead-contaminated soil?		✓	

EXEMPTIONS

Please indicate the applicable exemption from the following list:

- ☐ Individuals who perform lead-based paint activities at residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family; unless any child under the age of 8 years resides, is expected to reside in, or regularly visits such housing.
- ☐ Housing for the elderly or persons with disabilities; unless any child under the age of 8 years resides, is expected to reside in, or regularly visits such housing.
- ☐ Any (0)-bedroom unit, such as an efficiency apartment.

AFFIDAVIT

I declare that the information provided is accurate, true and complete to the best of my knowledge and belief, and/or I have the authority to represent the owner of the property to answer this application and sign on behalf of the company and/or persons listed as owners. I understand that if such information contained in this application false, I am subject to the penalty provisions of D.C. Law 11-221. Any fraud or misrepresentation on an application shall be grounds for automatic rejection and/or civil administrative penalties. I understand that failure to provide full disclosure of any of the requested or required information may result in rejection of this application for approval.

Karen Burditt — SIGNATURE

7/8/02 — DATE

Karen Burditt — PRINT NAME

For Official Government Use Only

PERMIT REQUIRED YES ☐ NO ☐ Reviewed By Date

ENVIRONMENTAL HEALTH ADMINISTRATION

CONSTRUCTION PERMIT APPLICATION – SUPPLEMENTAL FORM - ENVIRONMENTAL QUESTIONNAIRE

PROJECT ADDRESS: 1312 Potomac Ave SE, LOT: 135 SQUARE: 1045

PROJECT DESCRIPTION: 2 story & Cellar & Residence

Note: please answer all 12 questions in this questionnaire, by checking either column "Yes" or "No" for each question. If you answer "Yes" to any of the questions, you should contact the corresponding office(s) indicated in column 'contact person/office' as soon as possible. Until this application is reviewed and approved by the concerned office(s), the permit will not be issued.

	SCOPE OF PROJECT	YES	NO	CONTACT PERSON/OFFICE	OFFICE USE (Initial/Date)
1	Will the proposed use involve the construction of a facility for the handling, transfer, storage, disposal or treatment of solid waste, medical waste, or recyclable materials?		✓	(202) 535-2209, EIS Coordinator, EHA	
2	Will the work to be performed involve the assessment or clean-up of soils associated with the release of materials from an underground storage tank (UST)?		✓	(202) 535-2525, Underground Storage Tank Division, EHA (202) 535-2250, Air Quality Division, EHA	
3	Will the work to be performed involve the assessment or clean-up of groundwater associated with the release of materials from an underground storage tank (UST)?		✓	(202) 535-2525, Underground Storage Tank Division, EHA (202) 535-2190, Water Quality Division, EHA (202) 535-2250 Air Quality Division, EHA	
4.	Will the proposed project involve the installation or drilling of wells other than for the purposes stated in questions 3 and 4?		✓	(202) 535-2190, Water Quality Division, EHA	
5.	Will the proposed project involve the generation, treatment, storage, disposal or transportation of chemicals or other substances which may be considered hazardous?		✓	(202) 535-2290, Hazardous Waste Division, EHA	
6	Will the proposed project involve construction that will disturb the sediment in rivers, streams or wetlands?		✓	(202) 535-2190, Water Quality Division, EHA	
7	Will the work to be performed involve the installation, removal, abandonment, or repair of an underground storage tank (UST) system?		✓	(202) 535-2525, Underground Storage Tank Division, EHA	
8	Will the proposed project result in the discharge into the air of gases, dust, or the creation of any objectionable odors?		✓	(202) 535-2250, Air Quality Division, EHA	
9	Will the proposed project involve the removal, handling, transportation, disposal, or encapsulation of asbestos? **Please bring with you a copy of your asbestos survey, ten-day notification form, and asbestos abatement permit fee		✓	(202) 535-2250, Air Quality Division, EHA	
10	Was the building built before 1978? (Lead paint may be present.)		✓	If you answer "Yes" to this question, please answer the questions and follow the instructions on the "Lead Hazard Control Questionnaire" to determine if you need a permit to conduct a Lead Abatement Project	

AFFIDAVIT

I hereby certify that I have the authority of the owner of the property to make this application. I declare that the answers to the above questions in this Questionnaire are complete and correct to the best of my knowledge.

Signature Karen Burdett Name (print) KAREN Burdett

Address 1030 15th St. NW, Suite 430 Date 7/8/02 Phone 202-682-1600 ext 21

OFFICE USE ONLY

COMMENTS AND PERMIT RESTRICTIONS:

(USE REVERSE IF NECES

EHA Form # 09-1300 – Revise

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director

August 14, 2001

Ms. Karen Burditt
Project Manager - Architect
Esocoff & Associates, Architects
1030 15th Street, N.W. - Suite 430
Washington, D.C. 20005

RE: Boys and Girls Town - 1308-14 Potomac Avenue, S.E.
Environmental Impact Screening Form 00-00056

Dear Ms. Burditt:

The Department of Consumer and Regulatory Affairs has carefully reviewed and considered the recommendations of the reviewing agencies, (Department of Health, the Office of Intermodal Planning and the Solid Waste Management Administration of the Department of Public Works, the D.C. Water and Sewer Authority, and the Office of Planning) related to the referenced Environmental Impact Screening Form.

Based on the agencies' recommendations, it has been determined that the proposed action is not likely to have substantial negative impact on the environment, and that submission of an Environmental Impact Statement (EIS) is not required.

If you have questions regarding this decision, please call Denzil Noble, Deputy Administrator, Building and Land Regulation Administration on (202) 442-4455.

Sincerely,

for Theresa A. Lewis

David A. Clark
Director

cc: Reviewing Agencies
Denzil L. Noble, Deputy Administrator, BLRA

CAPITOL HILL — NEAR SOUTHEAST 921 PENNSYLVANIA AVENUE, S.E. — SUITE 108

Advisory Neighborhood Commission 6B

PHONE: 543-3344 WASHINGTON, D.C. 20003

September 4, 2002

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SMD 13 *Colleen Harris*

Mr. David Clark, Director
D.C. Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E. Suite 2000
Washington, D.C. 20002

Re: Building Permits ##B4466916, for one-family dwellings at 1308, 1310, 1312, and 1314 Potomac Avenue, S.E.

Dear Mr. Clark:

I am writing to request an immediate revocation of the above-referenced building permits issued on July 8, 2002 for construction of residential units and an immediate stop work order issued concerning the construction at the above-mentioned addresses.

The Board of Zoning Adjustment (BZA) has clearly ruled in Case #16791 that these buildings do not conform to the zoning requirements for one-family dwellings in several respects. First, the BZA noted that three of the four buildings lacked the 8-foot side yard required by zoning regulations (11 DCMR §405.9 and §775.2). Second, the BZA noted that none of the lots have access to their required parking spaces from a public street or alley, and only one of the houses had access to a private driveway under the ownership or control of the particular lot, as required by 11 DCMR §2117.4. In addition, some of the parking spaces are not on the same lot with the residences that they are intended to serve, as required by 11 DCMR §2116.1.

Thus, the permits for these buildings were obviously issued in error by the Permits Office, without taking the BZA decision into consideration. They should and must be immediately revoked as not conforming with existing zoning regulations.

BLRA

9/11

Very truly yours,

Kenan P. Jarboe
Chairperson

cc: Mayor Williams
Councilwoman Ambrose
Andrea Fester, SCSD

TOTAL P.02

ANDREA C. FERSTER
LAW OFFICES
1100 SEVENTEENTH STREET, N.W., 10TH FL.
WASHINGTON, D.C. 20036

TEL.(202) 974-5142 FAX (202) 331-9680

September 30, 2002

Jerrily R. Kress, Director
Office of Zoning
441 4th Street, N.W., Suite 201
Washington, D.C. 20001

Re: BZA Appeal # 16935, Father Flanagan's Boy's Home

Dear Ms. Kress:

On behalf of the Appellant Southeast Citizens for Smart Development, Inc. ("SCSD"), I am writing to respond to your letter dated August 12, 2002, requesting additional information needed in order to process the above-referenced appeal.

1. Certificate of Service. Please find, attached, a new certificate of service indicating that a copy of the appeal has been served on the Zoning Administrator.

2. Certified building plat. You requested a copy of a "certified plat illustrating how the building(s) in question fail to comply with the sections of the Zoning Regulations cited in your appeal. I was informed by Mr. Richard Nero in your office that such a certified plat could be obtained from the D.C. Department of Consumer and Regulatory Affairs ("DCRA"), Building and Land Regulation Administration ("BLRA"). However, despite repeated telephone requests and e-mails, the BLRA has failed to respond to our requests for such a certified plat.

Since SCSD is not the owner of the buildings in question, SCSD is not in possession of such a building plat. Presumably, this information was submitted to DCRA by the owner, Father Flanagan's Boys Home, in connection with the owner's application for building permits, since it is obviously necessary for permitting officials to review this information in order to determine whether the building permits conform to the zoning requirements applicable to single family dwellings, including the set-back and parking requirements that we believe have been violated here. Accordingly, we request that you direct the Zoning Administrator, as a party to this proceeding, to provide this information, and further request that service of such a building plat be made upon Appellants.

You also requested that SCSD provide a detailed explanation of each and every exception you have to the administrative decision being appealed." SCSD identified the following exceptions in its appeal: (1) three of the four buildings lacked the 8-foot side yard required by zoning regulations 11 DCMR §§ 405.9 and 775.2; (2) none of the lots have access to their required parking spaces from a public street or alley, or from a private driveway under the ownership or control of the

particular lot, as required by 11 DCMR § 2117.4, and (3) some of the buildings are not on the same lot with the residences that they are intended to serve, as required by 11 DCMR § 2116.1.

SCSD also notes, in response to this request, that neither SCSD nor this Board have the benefit of the views of the Zoning Administrator concerning the zoning violations identified in this appeal. To the contrary, the BLRA has refused to provide an explanation of why it believes these building permits to be matter-of-right, given this Board's finding in Appeal No. 16791 that the residences that are the subject of the above-referenced permits do not comply with the zoning requirements applicable to single family detached dwellings. See attached letter from Mr. J. Gregory Love, BLRA Administrator (Aug. 19, 2002) (stating he is "unable to respond" to this request because this issue is before the Board of Zoning Adjustment).

On August 26, 2002, SCSD appealed this "non-response" to DCRA Director David Clark, in which letter (copy enclosed) SCSD again requested that the interests of all the parties (including the government) would be served by having the benefit of the written rationale of the permitting agency, particularly in light of the findings in BZA Decision and Order in Appeal No. 16791 (page 24), that three of the four buildings lacked the 8-foot side yard required by the zoning regulations for single family dwellings by zoning regulations, and that none of the lots have access to their required parking spaces from a public street or alley, and only one of the houses had access to a private driveway under the ownership or control of the particular lot. See 11 DCMR § 405.9 and 775.2. DCRA has yet to respond to SCSD's request for a written decision by permitting officials reconciling the issuance of the above-referenced building permits with this Board's decision in Appeal No. 16791.

DCRA's continuing failure to provide such a written rationale places nonprofit neighborhood groups such as SCSD in an untenable position of being forced, by virtue of this Board's strict rule requiring that appeals be filed within 60 days of a challenged action (here the building permits), to proceed with such an appeal without the benefit of the permitting agency's opinion on the zoning questions involved. Obtaining the views of the permitting officials on the issues raised in this appeal is particularly warranted here, since the buildings at issue are the subject of a previous order by this Board specifically finding that the subject buildings do *not* conform to the zoning requirements applicable to matter-of-right construction as either Community Based Residential Facilities or single family dwellings. Accordingly, SCSD hereby requests that the Zoning Administrator, as a party to this proceeding, be directed to provide this information, and that this information be served upon SCSD and other parties to this appeal.

3. Copies of building permits in question. Copies are enclosed.

Finally, SCSD notes that Advisory Neighborhood Commission ("ANC") 6B has now joined this appeal. Accordingly, SCSD requests that SCSD be reimbursed its $800 filing fee for this appeal.

Please feel free to contact me, at (202) 974-5142, if you have any questions or need any additional information.

Sincerely,

Andrea C. Ferster

Enc.

cc: Phil T. Feola, Esq.
Kenan Jarboe, Chair, ANC 6B
Mr. Denzil Noble, Acting Zoning Administrator

BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Appeal of Decision by DCRA to issue buildings permits to Father Flanagan's Boy's Home construct single family dwellings at 1308, 1310, 1312 and 1314 Potomac Ave., S.E. (Square 1045, Lots 134, 136, 137, 138)	) No. 16935

CERTIFICATE OF SERVICE

I hereby certify that, on September 30, 2002, a copy of the Appeal in the above-referenced action was served by mail on:

Denzil Noble, Acting Zoning Administrator
941 North Capitol Street, N.E. 2nd Floor
Washington, D.C. 20002

Andrea C. Ferster

Southeast Citizens for Smart Development, Inc.

Post-it™ brand fax transmittal memo 7671	# of pages ▸ 2
To Mr Robert Henry	From Will Hill
Co. DCRA	Co. SCSD
Dept.	Phone # 202-544-3785
Fax # 202-442-4863	Fax # 202 544-7535

October 9, 2002

David Clark, Director
D.C. Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE
Washington, DC 20002

Re: DC Freedom of Information Act Request
Boys Town proposed construction
1300 Pennsylvania Ave, SE (Phase II)
1308, 1310, 1312, & 1314 Potomac Ave., SE (Phase I)

Dear Mr. Clark:

We understand from recent representations made by Boys Town to the Advisory Neighborhood Commission for ANC6B, that during March and April of 2002, Boys Town submitted applications for two construction permits covering Phase II construction on the referenced site. We further understand that the proposed construction will consist of an administrative office building as well as a short-stay facility for at risk youth. As you know, the Southeast Citizens for Smart Development, Inc. challenged, before the D.C. Board of Zoning Adjustment, the legality of the issuance of construction permits for the four group homes on the site. We have also recently filed another appeal with BZA challenging the legality of the subsequent issuance of four new permits to the applicant on the basis that the structures allegedly conform to single-family home use.

We wish to remain informed by your Department of the status of applications received and issuance of any further construction permits, particularly as they may relate to proposed Phase II construction at this site.

Accordingly, pursuant to the District of Columbia Freedom of Information Act, we request the following information in any way relating to the permitting or review by your Department for any proposed Phase II construction by Boys Town at this site. Specifically, we request the following:

1. All applications and related or supporting application file materials for the construction of an administrative office building and an emergency short-stay facility on the Boys Town Campus, Phase II, located in the 1300 block of Pennsylvania Avenue, SE.
2. All notes, writings, legal analyses, administrative decision making, internal memoranda, correspondence (to or from applicant), logs, work papers, e-

Will Hill, Chair
701 14th St., SE
Washington, DC 20003
202 544-3785 * (Email) willonthehill@starpower.net

mails, faxes, reports, drawings, sketches or other writings, whether on paper or in electronic format, pertaining to the application for the proposed Phase II construction of the two referenced structures on Pennsylvania Avenue.

3. All administrative guidance, decisions, rulemakings, or other information describing the Department's review process, including written policies, procedures, guidelines or other writings, guiding the issuance of construction permits by DCRA.

With respect to the Phase I construction of four group homes, for which your Department recently issued four permits for the construction of single-family homes, at 1308, 1310, 1312, and 1314 Potomac Avenue, SE (Square 1045, Lots 134, 136, 137, and 138), we request additional information pursuant to the DC Freedom of Information Act. Specifically, we ask that your office provide any evidence of any decision-making by the Zoning Administrator, or other delegated official, determining that the noted structures conformed with the requirements of single-family homes, and thus were deemed eligible by DCRA for the noted permits.

We understand that some of the requested material may be voluminous. Accordingly, we request that your office contact us before any copy charge is incurred. We further ask that you give the broadest possible meaning to this document request. Therefore, if your staff locates any materials that pertain to the Boys Town Campus Phase I & II construction, which may not be specifically requested in this letter but which reasonably relates to this request, we ask that we be given the opportunity to review the material and determine whether we wish to obtain copies.

Please call me at the telephone number listed below, or Ellen Opper-Weiner at 547-7131, if you have any questions. We look forward to hearing from you. Thank you.

Sincerely,

Will Hill

Will Hill, Chair

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Administrator

October 17, 2002

Kenan P. Jarboe, Chairperson
Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, S.E., Suite 108
Washington, D.C. 20003

Re: Building Permits B446916, B446917, B446918, and B446919
Issued to Father Flanagan's Boys Home for Dwellings at
1308 – 1314 Potomac Avenue, SE

Dear Mr. Jarboe:

This is in response to your letter to David Clark, Director, Department of Consumer and Regulatory Affairs, dated September 4, 2002, regarding the above-referenced building permits. The permits were issued on July 8, 2002, and authorize Father Flanagan's Boys Home to construct four single-family dwellings at the 1308 – 1314 Potomac Avenue, SE site. In your letter, you request revocation of the permits and immediate issuance of a stop work order, based on your understanding that the Board of Zoning Adjustment, in Appeal No. 16791, had specifically ruled that these buildings do not conform to the zoning requirements for single-family dwellings.

The case you referenced, BZA Appeal No. 16791, concerned building permits issued to Father Flanagan's Boys Home for the construction of four community-based residential facilities. In that appeal, Southeast Citizens for Smart Development, Inc. (SCSD) challenged the issuance of those permits and the BZA agreed. In its order, issued in June 2002, the BZA concluded that the project, viewed in its' entirety, exhibited more of the characteristics of one large community-based residential facility than that of four small, independent youth homes or single-family dwellings. Although in the course of its analysis, the BZA discussed applicable parking and side yard requirements, it made no specific findings of fact with respect to these requirements because the issues were not directly before it.

941 North Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4455 Fax: (202) 442-4863

In its' Opinion, the Board did however conclude its analysis by expressly stating that Father Flanagan's Boys Home could endeavor to protect its' interests by conforming the site to a legal use.

> ... [T]o the extent that there are property or contract interests at stake in this case, Girls and Boys Town may protect those interests by applying for special exception approval to use the property as a youth residential care home or by dedicating the property to a matter-of-right use. *(Southeast Citizens for Smart Development, Inc., and ANC 6B, D.C. Board of Zoning Adjustment, at p. 26 (App. No. 16791), May 7, 2002).*

Following that decision of the BZA, Father Flanagan's Boys Home submitted revised permit applications to construct four single-family dwellings instead of the community-based residential facilities originally planned. The applications were thoroughly reviewed and found to satisfy all applicable construction codes and zoning requirements. Consequently, as noted, the Building and Land Regulation Administrator issued building permits on July 8, 2002, for the construction of four single-family residences. SCSD, on August 1, 2002, again challenged the issuance of permits to Father Flanagan's Boys Home, and filed an appeal with the BZA. As DCRA believes it had properly issued the permits in conformance with all applicable construction and zoning regulations, a stop-work order is not appropriate for consideration.

We are confident that the BZA will affirm the Zoning Administrator's decision, as all four of the single-family dwellings proposed in the building permit applications meet all of the applicable zoning regulations. More specifically, the Zoning Administrator found that both the parking requirements and the side yard requirements for residences in a commercial district—the two areas of concern discussed in your letter—were met.

Parking Requirements – The zoning regulations require that each single-family dwelling have one parking space (11 DCMR §2101.1), and that each required parking space be accessible "directly from improved streets or alleys or shall be accessible from improved streets and alleys via graded and unobstructed private driveways" (11 DCMR §2117.4). The approved surveyor's plats (on public file) for the subject properties very clearly show and identify a parking space on the rear of each lot, and the site plans (also on public file) show that they are all accessible from a public alley via a private driveway. The proposed dwellings were thus found to meet the applicable parking requirements.

Side Yard Requirements – Each of the proposed dwellings was reviewed as either a detached or semi-detached dwelling, as defined by the zoning regulations. Although these are dwellings in a C-2 commercial district, under 11 DCMR §775 each side yard must meet the dimensional requirements for side yards in residential districts. The detached dwelling (1308 Potomac Avenue, SE) meets the minimum eight-foot side yard requirement on each side. Each of the other dwellings (1310, 1312 and 1314 Potomac Avenue, SE) is an allowable semi-detached single-family dwelling having the required minimum side yard of eight feet. (A semi-detached single-family dwelling is "a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard." 11 DCMR §199.1.) The proposed dwellings were thus also found to meet the applicable side yard requirements of the zoning regulations.

I thank you for your interest in the Department of Consumer and Regulatory Affairs and appreciate your comments. In this instance, as previously stated, we believe the building permits were properly issued. Accordingly, we find no basis for revocation of the permits or for issuance of a stop-work order.

Sincerely,

J. Gregory Love
Administrator

cc: The Honorable Mayor Anthony Williams

Councilmember Sharon Ambrose

David Clark
Director, DCRA

Arthur Parker, Esq.
Assistant Corporation Counsel
Office of the Corporation Counsel

bcc: Theresa Lewis
Deputy Director, DCRA

Denzil Noble
Deputy Administrator
Building and Land Regulation Administration, DCRA

Bob Kelly
Zoning Administrator
Building and Land Regulation Administration, DCRA

APPEAL RIGHTS PURSUANT TO 12 DCMR §122.1

Pursuant to 12 DCMR §122.1, you have a right to appeal the attached Notice. In order to exercise this right, you must complete the attached ***Appeal Request Form*** *and deposit it in the mail within ten (10) calendar days of your receipt of the Notice. The Appeal Request Form should be mailed first class postage pre-paid to Mr. Denzil Noble, Reviewing Official, Department of Consumer and Regulatory Affairs, Building and Land Regulation Administration, Suite 2000, 941 North Capitol Street, N.E., Washington, D.C. 20002. Alternatively, you may hand-deliver the form to the Reviewing Official at the same address within ten (10) calendar days of your receipt of the attached Notice. Within three working days of the Reviewing Official's receipt of your appeal request form, the Reviewing Official will affirm, modify, or reverse the Department's action or decision.*

APPEAL RIGHTS PURSUANT TO 11 DCMR §3200.2

Pursuant to 11 DCMR §3200.2, you have a right to appeal the attached Notice. In order to exercise this right, you must timely file a request for appeal with the Board of Zoning Adjustment, 441 4th Street, N.W., Suite 210 South, Washington, D.C. 20001, Telephone (202) 727-2806.

APPEAL REQUEST FORM

Mr. Denzil Noble, Reviewing Official
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002
Telephone: (202) 442-4455

Pursuant to 12 DCMR §122.1, you have a right to appeal the attached *Notice*. In order to exercise this right, you must complete this ***Appeal Request Form*** and deposit it in the mail within ten (10) calendar days of your receipt of the attached *Notice*. The *Appeal Request Form* should be mailed first class postage pre-paid to Mr. Denzil Noble, *Reviewing Official*, Department of Consumer and Regulatory Affairs, Building and Land Regulation Administration, Suite 2000, 941 North Capitol Street, N.E., Washington, D.C. 20002. Alternatively, you may hand-deliver the form to the *Reviewing Official* at the same address within ten (10) calendar days of your receipt of the attached *Notice*. Within three working days of the Reviewing Official's receipt of your Appeal Request Form, the Reviewing Official will affirm, modify, or reverse the Department's action or decision.

Pursuant to 12 DCMR §122.1, I, _____, appeal the Department's *Notice* dated October 17, 2002.

Address of the Property in Question:

_____

_____

_____

Telephone: _____ (h)

_____ (o)

Grounds for Appeal:

___ The true intent of the Construction Codes or the rules have been incorrectly interpreted.

___ The provisions of the Construction Codes do not fully apply.

___ An equally good or better form of construction can be used.

Explanation:

Signature: _____ Date: _____

If you have any questions or concerns, please contact Ms. Karen M. Edwards, Esq., General Counsel, Office of the General Counsel on (202) 442-8475.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director

October 21, 2002

Andrea C. Ferster, Esq.
1100 Seventeenth Street, N.W., 10th Floor
Washington, D.C. 20036

Re: Building Permits B446916, B446917, B446918, and B446919
issued to Father Flanagan's Boys Home for Dwellings at
1308 – 1314 Potomac Avenue, SE

Dear Ms. Ferster:

This is in response to your August 26, 2002, letter to me requesting revocation and/or issuance of stop-work orders with respect to the above-referenced building permits. Your letter pursues your previous request for action in an August 2, 2002, letter to J. Gregory Love, Administrator, Building and Land Regulation Administration (BLRA), appealing BLRA's issuance of the permits.

In your August 26 letter, you state that there is "no authority to refuse to act on a request for a stop work order simply because a zoning appeal has been filed." While that may be true, the stop-work orders were sought on the grounds that the referenced building permits did not conform to zoning regulations applicable to either community based residential facilities or single family detached dwellings. Clearly, unless DCRA or the Board of Zoning Adjustment (BZA) first determines that the subject permits are invalid, a stop-work order is not appropriate for consideration. Whether these permits were issued in conformance with the zoning regulations, however, is precisely the issue that your client, Southeast Citizens for Smart Development, Inc. (SCSD), has put before the BZA in the appeal filed by your client on August 1, 2002.

Following an earlier decision of the BZA (Appeal No. 16791), which reversed BLRA's issuance of four building permits to Father Flanagan's Boys Home for community-based residential facilities, that foundation submitted revised applications to construct four single-family dwellings instead. In response to concerns expressed by SCSD in a July 8, 2002, letter to the Zoning Administrator, the Zoning Administrator explained, in a letter dated July 15, 2002, that the applications had been thoroughly reviewed and were found to satisfy all construction code and zoning requirements for single-family dwellings. Accordingly,

SCSD was advised that the subject building permits were issued on July 8, 2002. Thereafter, SCSD appealed the July 8, 2002, issuance of the building permits directly to the BZA on August 1, 2002. The matter is now pending before the BZA and its ruling will be the final administrative decision for the District of Columbia. ("It is the Board, not the Zoning Administrator, which has final administrative responsibility to interpret the zoning regulations." *Murray v. D.C. Board of Zoning Adjustment*, 572 A.2d 1055, 1058 (1990).)

We are confident, however, that the BZA will affirm the Zoning Administrator's decision, as all four of the single-family dwellings proposed in the building permit applications meet all of the applicable zoning regulations. More specifically, the Zoning Administrator found that both the parking requirements of 11 DCMR §2117, and the side yard requirements for residences in a commercial district, 11 DCMR §775—the two areas that are the subject of your August 26, 2002, letter—were met.

As to the parking requirements, the District's zoning regulations require that each single-family dwelling have one parking space (11 DCMR §2101.1), and that each required parking space be accessible "directly from improved streets or alleys or shall be accessible from improved streets and alleys via graded and unobstructed private driveways" (11 DCMR §2117.4). The approved surveyor's plats (on public file) for the subject properties very clearly show and identify a parking space on the rear of each lot, and the site plans (also on public file) show that they are all accessible from a public alley via a private driveway. The proposed dwellings were thus found to meet the applicable parking requirements.

BLRA's Zoning Administrator reviewed each of the proposed dwellings as either a detached or semi-detached dwelling, as defined by the zoning regulations. Although these are dwellings in a C-2 commercial district, under 11 DCMR §775, each side yard must meet the dimensional requirements for side yards in residential districts. The detached dwelling (1308 Potomac Avenue, SE) meets the minimum eight-foot side yard requirement on each side. Each of the other dwellings (1310, 1312 and 1314 Potomac Avenue, SE) is an allowable semi-detached single-family dwelling having the required minimum side yard of eight feet. (As defined by 11 DCMR §199.1, a semi-detached single-family dwelling is "a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard.") The proposed dwellings were thus also found to meet the side yard requirements of the applicable zoning regulations.[1]

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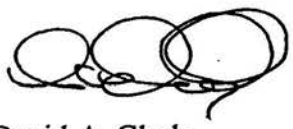
[1]The BZA opinion in Appeal No. 16791 made no specific findings of fact on the issues of the parking or side yard requirements for single-family dwellings because those issues were not directly before the BZA. The opinion discussed the parking and side yard requirements as part of its analysis that led to the conclusion that the project, viewed in it entirety, exhibited more of the characteristics of one large community-based residential facility than that of four small, independent youth homes or single-family dwellings.

Based on these facts, your appeal of the issuance of the referenced permits is denied. Your request for a stop work order is also denied. Your appeal rights in both instances are set out in the enclosed attachment. Since this decision has already been reviewed by BLRA's *Reviewing Official* and affirmed by me, any appeal taken under 12 DCMR § 122.0, may be filed directly with the Board of Appeals and Review.

I note that in a September 30, 2002, letter from you to Jerrily Kress, Director of the D.C. Office of Zoning, you expressed difficulty in obtaining copies of records from BLRA. If you would contact me directly, I would be happy to assist in obtaining copies of the BLRA records.

I thank you for your interest in the Department of Consumer and Regulatory Affairs and appreciate your comments. If you have further questions, please contact Karen M. Edwards, Esq., General Counsel, Office of the General Counsel on 442-8404.

Sincerely,



David A. Clark
Director

cc: Arthur Parker, Esq.
Assistant Corporation Counsel
Office of the Corporation Counsel

J. Gregory Love
Administrator
Building and Land Regulation Administration

bcc: Theresa Lewis
Deputy Director

Denzil Noble
Deputy Administrator
Building and Land Regulation Administration

Bob Kelly
Zoning Administrator
Building and Land Regulation Administration

APPEAL RIGHTS PURSUANT TO 12 DCMR §122.2

Pursuant to 12 DCMR §122.2, you have a right to appeal the attached Notice. In order to exercise this right, you must timely file a written request for appeal with the Board of Appeals and Review. The Board of Appeals and Review is located at 441 4th Street, N.W., Suite 540 South, Washington, D.C. 20001.

Please be advised that any appeal filed must state one of the following: 1) that the true intent of the Construction Codes or the rules legally adopted has been incorrectly interpreted; 2) that the provisions of the Construction Codes do not fully apply; or 3) that an equally good or better form of construction can be used. If you have questions, you can reach the Board of Appeals and Review directly at (202) 727-8280.

APPEAL RIGHTS PURSUANT TO 11 DCMR §3200.2

Pursuant to 11 DCMR §§ 3112.2 and 3200.2, you have a right to appeal the attached Notice. In order to exercise this right, you must timely file a request for appeal with the Board of Zoning Adjustment. The Board of Zoning Adjustment is located at 441 4th Street, N.W., Suite 210 South, Washington, D.C. 20001. You can reach the Board directly at (202) 727-6311.

Southeast Citizens for Smart Development, Inc.

VIA FACSIMILE (202) 442-4863 December 16, 2002

Mr. Robert Henry – Freedom of Information Act Officer
D.C. Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E.
Washington, DC 20002

Re: Freedom of Information Act Request Dated 10/9/02
Follow Up Correspondence
Boys Town proposed & ongoing construction
1300 Pennsylvania Ave, SE (Phase II)
1308, 1310, 1312 & 1314 Potomac Ave., SE (Phase I)

Dear Mr. Henry:

This letter is a follow-up to our initial Freedom of Information Act request sent to David Clark, Director of DCRA, on October 9, 2002, re-faxed to you on November 15, 2002. Last Monday, you met with Mary Withum of our organization and provided for her review copies of the four applications and permits for Phase I construction of the referenced project. You also provided copies of the four applications and permits, as reissued by your office for Phase I construction. You indicated that you would send those materials to Ms. Withum in the pre-addressed envelope she prepared. To date that material has not been received. Please send that material promptly.

In addition, Ms. Withum asked that you check and provide more information, that was originally requested in the October 9, 2002 FIOA request, which is still outstanding. Specifically, you indicated that you would check further, including with the legal office, to see if the following responsive information is available:

1. Any applications for or certificates of occupancy issued for Phase I construction;
2. Decision making, if any, by the Zoning Administrator or other zoning official, on whether the reissued Phase I applications met the zoning requirements;
3. Any administrative guidance, decisions, rulemakings – particularly internal policies and procedures - or other information describing DCRA's permit review and issuance process.

You indicated in your discussions with Ms. Withum that we can have no access to any Phase II permit applications or materials for this development because they are currently "in the process of review". You indicated that our only opportunity to review these materials may occur after the permits have been issued by your office, at which time you would notify us. You further stated that you have no knowledge of the timetable of that review or when the permits will be issued. We disagree that the applications for permits to Phase II construction cannot be made available to us at this time. We request a formal response from the legal department identifying the legal basis

Will Hill, Chair
701 14th St., SE
Washington, DC 20003
*202 544-3785 * (Email) willonthehill@starpower.net*

upon which your office declines production of these items under the DC Freedom of Information Act.

Further, we ask that you provide the requested materials as soon as possible. This FOIA request was made more that two months ago and is long overdue. We currently have an appeal pending with the DC Board of Zoning Adjustment alleging that the Phase I permits were wrongfully reissued. We expect to have all responsive materials from your office available for use in that BZA hearing, as we deem necessary. BZA rules require our additional documentation to be filed 20 days before the hearing that is scheduled for January 21, 2003. Accordingly, for us to prepare our submission to BZA, we must have all responsive materials from your office no later that December 24, 2002. If the DC Government produces at the BZA hearing any documents responsive to our FOIA request, which are not produced to us before the deadlines imposed by BZA rules, we will move to have the documents stricken from the record in that proceeding.

We look forward to your prompt response to our request. Thank you.

Sincerely,

Will Hill
Chair, SCSD, Inc.

David Clark, Director

THERE IS NO DOCUMENT FOR THIS EXHIBIT

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