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FILE NO: 64929.000002

April 2, 2004

By Hand Delivery

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

Re: BZA Application No. 17108
(Application of Folger Park North, LLC for a variance)
Objections to The Neighbors' Proposed Findings of Fact and Order

Dear Chairman Griffis and Fellow Board Members:

Pursuant to Section 3121.6[1] of the Zoning Regulations and for good cause shown under Section 3100.5, the Applicant requests that the Board accept the following objections to counsel for the opponents (the "Neighbors") proposed findings of fact and order filed on March 30, 2004. These objections need to be lodged because counsel for the Neighbors has attributed responses to two of the applicant's witnesses which are in fact false, not supported by the transcripts, and improperly impune their credibility. In addition, false statements are made with respect to WASA's approval of the applicant's building permits and whether there was an environmental study.

OBJECTION NO. 1 TO THE NEIGHBOR'S PROPOSAL

Summary of Evidence, Page 7, paragraph 24:

> "However, on cross examination, Mr. Stoneburner acknowledged that he did not inform Mr. Bello that the Property was improved with the Pepco substation, which occupied each A&T lot, or Lot 4. Mr. Stoneburner also admitted that he

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[1] Section 3121.6 states that the Board shall allow all parties to a case an opportunity to file written responses to any exhibits, information, or briefs submitted after the close of the hearing. Section 3121.7 sets a seven (7) day deadline to do so.

BZA
Case No. 17108
Exhibit No. 55

Board of Zoning Adjustment
District of Columbia
CASE NO. 17108
EXHIBIT NO. 55

failed to inform Mr. Bellow that the Property was part of a single lot of record – Lot 4."

The Board's attention is drawn to pages 87 and 88 of the hearing transcript, attached for reference, where Mr. Stoneburner testified that he copied those records available in the Surveyor's office pertaining to the Property and took what Pepco had given him to Mr. Bello:

"Ms. Rustad:	And you say that Pepco gave you a plat which showed the 800 lots?
Mr. Stoneburner:	Yes.
Ms. Rustad:	And you went with that to speak with Toya Bellow, who was then Acting Zoning Administrator at DCRA?
Mr. Stoneburner:	Yes, I believe that was his title, yes. (page 87)
	* * * * *
Ms. Rustad:	Did you give anything to Mr. Bello which showed the building, the Pepco substation on the property?
Mr. Stoneburner:	That was the document that Pepco had given me." (page 88)

OBJECTION NO. 2 TO THE NEIGHBOR'S PROPOSAL

Summary of Evidence, Page 7, paragraph 25:

"Mr. Green acknowledged that he did not inform Mr. Kelly that, since 1942, the Property had been improved with a Pepco substation."

The Board's attention is drawn to pages 116 and 117 of the Transcript of the hearing, attached for convenience, as follows:

"Ms. Rustad:	Did you tell them that it had either Mr. Kelly or Mr. -- I believe you also had a follow-up with Mr. Noble that there was a building on the property as of 1958.
Mr. Greene:	I, in my submission to them -- the Exhibit, i think was G -- did reference the fact that there was the building on the property. If you look at my letter back to Mr. Kelly, down at the second sentence of that letter.
Ms. Rustad:	Did you tell them what that building was ?
Mr. Greene:	We had discussed the fact that it was the Pepco building."

See also pages 55 and 56, attached where Mr. Greene states that he met with Robert Kelly and:

"Mr. Greene:	We discussed the 1942 plat which actually shows three lots with the Pepco building straddling the three lots." (page 56)

OBJECTION NO. 3 TO THE NEIGHBOR'S PROPOSALS

Summary of Evidence, Page 9, paragraph 33:

> "The WASA memorandum made it clear that WASA had not reviewed the project prior to the issuance of the permits".

Summary of Evidence, Page 14, paragraph 56:

> "It also should be of significant concern to the community and to the Board that the developers did not take the steps required by DC WASA with respect to the hydraulic loading that will be placed on the storm and sanitary sewers from each new building, as well as with respect to planning for erosion and sediment control."

> The Board's attention is drawn to the Applicant's Exhibit F which is part of the record in this case attached for reference, wherein WASA's approval of both the foundation and overall building permits for the Property is evident. Further, it should be noted that the permit set of drawings has upon it written approval from WASA, and that these stamped and approved plans are available to the public, and in fact are known to be the possession of the parties in opposition to this case.

OBJECTION NO. 4 TO THE NEIGHBOR'S PROPOSAL

Summary of Evidence, Page 14, paragraph 56:

> "Ms. Snow explained that it should be of significant concern to the community and to this Board that the developers failed to do what was necessary to have an environmental impact study done to ensure that the land they were going to excavate was free from PCBs and other possible contaminants."

Summary of Evidence, Page 5, paragraph 8:

> "There was no environmental review performed and the description of the Property in question was "Raze Ancillary STORAGE Building."

The Board's attention is drawn to pages 125 and 126 of the transcript, attached hereto:

Mr. Aguglia:	All right. Mr. Stoneburner, did you, in fact, have an environmental study done before you bought this property?

Mr. Stoneburner:	Long before. It was in November and then followed by an environmental Phase 2 in May. We settled in June.
Mr. Aguglia:	All right, and what was the conclusion of the environmental study that was given to you by an outside expert?
Mr. Stoneburner:	The conclusion was that it was a Pepco transformer vault, that Pepco has to clean any site before they ever board it up, clean it to an acceptable level, which would mean you can touch anything.
Chairperson Griffis:	Let's move on.
Mr. Stoneburner:	And it was done.
Mr. Aguglia:	All right. Was the conclusion that there was no environmental problem?
Mr. Stoneburner:	Yes.

In conclusion, for the record, it is patently unfair to attack the credibility of the applicant's witnesses when the evidence is contrary to that proposed by the Neighbors' counsel.

Sincerely,

Richard L. Aguglia

Richard L. Aguglia

Enclosures

cc: By Mail

ANC 6B
Attn: Julie Olson, Chair
David Sheldon, Esq.

By Hand Delivery

Richard Nettler, Esq.
Jeanine Rustad, Esq.

By E-Mail

Selig Solomon, Esq.

Chris Doerfler

Alger Stoneburner

Kathleen Jordan

Joel Lawson
Office of Planning

purchasing the property in 2001?

MR. STONEBURNER: Yes.

MS. RUSTAD: Do you recall when in 2001?

MR. STONEBURNER: It was in the spring of 2001.

MS. RUSTAD: And you say that Pepco gave you a plat which showed the 800 lots?

MR. STONEBURNER: Yes.

MS. RUSTAD: And you went with that to speak with Toya Bellow, who was then the Acting Zoning Administrator at DCRA?

MR. STONEBURNER: Yes, I believe that was his title, yes.

MS. RUSTAD: What information did you provide to Mr. Bellow in that initial meeting?

MR. STONEBURNER: I went to the Surveyor's Office. I pulled the records that they had, the cloth records in the surveyor's office, copied those, and took what Pepco had given me up to Mr. Bellow.

MS. RUSTAD: Can you tell us what the cloth records were, what they depicted?

MR. STONEBURNER: I believe they --

MS. RUSTAD: -- on the record?

MR. STONEBURNER: I believe that they -- no. I believe that they -- it's just a packet in the

Surveyor's Office, and it has all of the -- they used to make these things out of a fabric literally, and then when any alterations or changes are made, it's just noted on the back of this, but it's literally a piece of cloth, and I believe the earliest date on that was 1909.

MS. RUSTAD: Did you give anything to Mr. Bellow which showed the building, the Pepco substation on the property?

MR. STONEBURNER: That was the document that Pepco had given me.

MS. RUSTAD: And, again, did that document show 800 lots?

MR. STONEBURNER: Yes.

MS. RUSTAD: Have you seen what was submitted with yesterday's submission that we filed as Exhibit 1? And I'll show you a copy for your reference.

Did you get a copy of that from the Surveyor's Office?

MR. STONEBURNER: I did not.

MS. RUSTAD: And just for reference, the Office of Planning has similarly attached a plat as Attachment 4. I'll show you those. Did you copy this from the Surveyor's Office?

MR. AGUGLIA: Object. I don't believe he said that.

CHAIRPERSON GRIFFIS: Can you clarify? Did you indicate a September meeting?

MR. GREENE: No, I did not. It was February.

CHAIRPERSON GRIFFIS: Okay. February.

MS. RUSTAD: So February 2003?

MR. GREENE: February 2003.

MS. RUSTAD: And the requested information was, again, information that you had shown DCRA?

MR. GREENE: Information I had discussed with Mr. Kelly and subsequently, after the conference call on the 26th, I did submit to DCRA the 1942 plat and the 1928 Sanborn map, copies of.

MS. RUSTAD: And you did not discuss the certificate of occupancy for the property?

MR. GREENE: No, I did not.

MS. RUSTAD: And Mr. Kelly questioned whether these lots were buildable?

MR. GREENE: No, he did not.

MS. RUSTAD: You discussed whether the lots were buildable?

MR. GREENE: That's correct.

MS. RUSTAD: Did you tell them that it had

either Mr. Kelly or Mr. -- I believe you also had a follow-up with Mr. Noble that there was a building on the property as of 1958.

MR. GREENE: I, in my submission to them -- the Exhibit, i think, was G -- I did reference the fact that there was the building on the property. If you look at my letter back to Mr. Kelly, down at the second sentence of that letter.

MS. RUSTAD: Did you tell them what that building was?

MR. GREENE: We had discussed the fact that it was the Pepco building.

MS. RUSTAD: Had you also discussed the three townhomes?

MR. GREENE: Yes, we did, our intention to put three townhomes on the property.

MS. RUSTAD: Let me clarify that. Three town homes that existed there on the 1920s?

MR. GREENE: I did mention that there were three townhomes showing on the Sanborn map, 1928.

MS. RUSTAD: Back to Mr. Stoneburner.

Do you recall the basis for the earlier stop work order?

MR. STONEBURNER: The first stop work order was to do with a neighbor called and said that

floor."

Was that brought up as a zoning problem in an R-4 district?

MR. STONEBURNER: It was removed. It was brought up as a problem, and it was removed from the plan.

CHAIRPERSON GRIFFIS: I see. Okay.

MR. AGUGLIA: All right. So just to recapitulate at this point, you called Mr. Greene in.

Mr. Greene, would you identify yourself?

MR. GREENE: Fred Greene for the record again.

MR. AGUGLIA: All right. Mr. Greene, we have an exhibit here Exhibit G, and this is a letter from you to Robert Kelly as a follow-up to your telephone conversation. Would you please explain what transpired with your conversations with DCRA zoning officials?

MR. GREENE: Thank you very much, Mr. Chairman.

I met with Robert Kelly in September, and Mr. Kelly at the time was the Zoning Administrator for DCRA, and the purpose of the meeting was to discuss the nonconformity of the three lots as to whether they were legal, buildable lots. We discussed it. We

discussed the historic aspects of the lots. We discussed the 1942 plat which actually shows three lots with the Pepco building straddling the three lots. I think that is Exhibit D in your package. Correct me if I'm wrong here.

Excuse me one second. It is Exhibit?

MR. AGUGLIA: It was Exhibit B.

MR. GREENE: Exhibit B -- I'm sorry -- of your package.

We also discussed existence of a 1928 Sanborn map which shows three lots as well as three townhomes on the lots. We discussed it at great length.

Mr. Kelly concluded that there, indeed, existed three legal nonconforming lots prior to 1958, and therefore, after 1958 could be built upon. He indicated to me that he wanted to meet with his superior, Denzel Noble, and that he would get back to me.

On September the 26th, I received a call from Mr. Kelly, and in fact, it was a conference call with Mr. Kelly, Fay Agande, and Fay is the zoning certifier I would say for that particular -- for DCRA, as well as Denzel Noble, and again, we discussed the matter at great length.

PERMIT RCVD 8/25/03

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER
P.A.D.C. No.:	O.G. No.:	CAP/R4		03-05201
H.P.A. No.:	S.L. No.:	Case No.:	Receipt No.:	Receipt No.:

1006-C

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7032)

BLRA-33 (Rev. 10/91)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

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

CLEARANCE TO FILE
By: 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

1. Address of Proposed Work:	Suite No.:	2. Lot:	3. Square:	4. Application Date:
206 D ST. SE		26	763	4-2-03

5. Owner of Building or Property:	6. Address: (include Zip)	7. Phone:
FOLGER PARK NORTH, LLC	206 D St., SE	Work: 443 Home: 994-2318

8. Agent for Owner: (if applicable)	9. Address: (include Zip)	10. Phone:
Elizabeth Johnson	1030 Garrett Silver Sp. MD 20910	301 Work: 919 Home: 8393

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

- ☑ New Building
- ☐ Addition
- ☐ Alteration and Repair
- ☐ Raze Building
- ☐ Retaining Wall
- ☑ Fence
- ☐ Shed
- ☐ Awning
- ☐ Garage
- ☐ Sign
- ☐ Other (Specify)

12. Description of Proposed Work:

NEW ROWHOUSE
AS PER PLANS.

proj

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 $ 130.- By: Date: 8/22/03
VACANT	0	0	
16. Proposed Use(s) of Building or Property:	17. Prop. No. of Stories of Bldg.:	18. Prop. No. of Dwelling Units:	
TWO-FAMILY FLAT-ROWHOUSE	3+BSM'T	2	

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?
5-1-03	10.1-03	☑ Pick-up Truck ☑ Dumpster ☐ Other (specify)	☐ 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:
☐ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25		sq. ft.	1-Step	280 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)

20307 wd-375

OFFICIAL USE ONLY

	R	F	M	A
M				
F				
S				
F				
G				

☐ Yes ☐ No
PLANS
☐ Sign ☐ L

1006-C

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

28. Architect's Name:	29. Lic. No.:	30. Architect's Address: (include Zip)	31. Phone:
W.J. MAIDEN	3656	803A GIANT AVE. SILVER SPRING, MD 20910	301 608.0988
32. Engineer's Name:	33. Lic. No.:	34. Engineer's Address: (include Zip)	35. Phone:
36. Building Contractor's Name:	36A. Lic. No.:	37. Contractor's Address:	38. Phone:

39. Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%
☑ Masonry ☐ Steel ☑ Wood ☐ Other: ☐ Concrete	☑ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other:	☐ New ☐ Existing ☑ None	1528 sq. ft.	a. Building: 60 b. Paved Area: 10 c. Greenery: 30

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.	3,648 + 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):
ONE ENTRY STOOP & BAY WINDOW	3'	16'	16	for Olga Stonebumer

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.	1 Hydraulic	☐ Yes, cert. is attache ☐ No

59. Estimated Cost of Work:	OFFICIAL USE ONLY:			
(a) New/Add.: $ 200,000.	Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE
(b) Alt/Rep: $	$	$ 1053.36	$ 200	$ 853.36
Total: $ 200,000.	By: Date:	By: 8/23/04 Date:	By: 8/23/04 Date:	By: 8/23/04 Date:
60. Volume of New Bldg. or Addition: 27,400 ± cubic ft.				

(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 Wa Connectio
	☐ 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?	82. Raze Contractor Signature:	OFFICIAL USE ONLY		
☐ No ☐ Yes, Location _____		FEE	By:	Date:
	83. Owner's Signature	$		

(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:
$		ft.		☐ 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	OFFICIAL USE ONLY		
		FEE	By:	Date:
91. Address of Adjoining Owner:	92. Lot: 93. Square:			

A 2-4

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

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

94. Material and type:	95. Height:	96. Color:	97. Location:
WROUGHT IRON	7' 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.

98. Signature of Adjoining Owner:	99. Phone: Work / Home	OFFICIAL USE ONLY: FEE $ 25 — BY — DATE 4/2/03
100. 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 pl. 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 side-walk 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 $ — By: — Date: — By: — Date: — BY: — Date:
143. Sign Contractor's Address:	144. Phone:	

(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: _____ Date: _____

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: 8030 GA. AVE. SIL. SPG., MD 20910 Date: 4/2/03

4 3 - 4

(J) APPROVAL (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
- ☒ 2. Historic by: Emily Pan Date: 5/27/03
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./ Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
  Access to Parking Street ☐ Street ☐ Alley
  Cleared by: _____ Date: _____
- ☐ 3. DPW - Consumer Engineer
  Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
  Cleared by: _____ Date: _____

Restrictions of the Permit:

APPROVED AS PER STAMPED PLANS. FINAL APPROVAL REQUIRED PRIOR TO ERECTION OF TURRETS.

FINAL MATERIALS SELECTION TO BE COORDINATED WITH HISTORIC PRESERVATION OFFICE, PRIOR TO PURCHASE OF MATERIAL 5-25-03

CLEARED TO ENTER WSF

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

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: _____ Date: _____
- ☐ 2. Information Center by: _____ Date: _____
  - ☐ (a) ABC Board by: _____ Date: _____
  - ☐ (b) Noise Control by: _____ Date: _____
  - ☐ (c) Industrial Safety by: _____ Date: _____
  - ☐ (d) Vector Control by: _____ Date: _____
  - ☐ (e) D.C. Animal by: _____ Date: _____
  - ☐ (f) Police Dept. by: _____ Date: _____
- ☒ 3. Zoning by: Faye O. Date: 7/22/03
  Zoning Update by: _____ Date: _____
- ☒ 4. DPW - Permit and Records Division/Deposit #
  Sidewalk Deposit $_____ Driveway Deposit $_____
  by: _____ Date: _____
- ☒ 5. Water/Sewer Design Branch
  Consumer Eng. by: WE Date: 8/18/03
- ☒ 6. Environmental Regulation Administration
  - ☐ Environmental Policy Review
    Control No.: _____
    by: _____ Date: _____
  - ☐ Erosion Control by: RG Date: 6/19/03
  - ☐ Storm Water Mgmt. by: _____ Date: _____
    Plan No. _____
- ☒ 7. Mechanical Eng. Review by: _____ Date: 8/19/03
- ☒ 8. Plumbing Eng. Review by: _____ Date: 8/19/03
- ☒ 9. Electrical Eng. Review by: _____ Date: 5/28/03
- ☐ 10. Health Plan Review
  - ☐ (a) Food Plan Review by: _____ Date: _____
  - ☐ (b) Medical X-ray Plan Rev. by: _____ Date: _____
- ☒ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section) by: _____ Date: 6/9/03
- ☒ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 14. Construction Insp. Branch (Field Check) by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: _____ Date: _____
- ☒ 16. Structural Eng. by: _____ Date: 8/23/03
- ☐ 17. Permit and Certificate Issuance Counter By: _____ Date: _____

I 18 O.C. By: _____ Date: 8.25.03

ZONING

ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED

C of O Number _____ Date _____

Existing Use(s) _____

New 2 family Dwelling

- ☐ New bldg.
- ☐ P.O.D.
- ☐ File in room 329

Job No.: | BZA Case No.: | PUD Order No.:

P.O.D

DPW — PUBLIC SPACE

Street Name: D ST.
Street Width: 72'
Road Width: _____
Sidewalk Width: 12' both sides.
Parking: 8' N. side 0' South side
Restrictions: None.

2-0307-4 wrd:375

A 4 -4

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
P.A.D.C. No.:	O.G. No.: CAP/R-4				By:
H.P.A. No.:	S.L. No.:	Ward No.:	Receipt No.:	Date:	Receipt No.:

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

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

BLRA-33 (Rev. 10/91)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

$3-04104

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

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

CLEARANCE TO FILE
By: Date:

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work:	Suite No.:	2. Lot:	3. Square:	4. Application Date:
206 - D St. S E		26	763	4/29/03

5. Owner of Building or Property:	6. Address: (include Zip)	7. Phone:
Chris Doeffer	210 - D St. SE, 20003	Work: 703 Home: 608-3339

8. Agent for Owner: (if applicable)	9. Address: (include Zip)	10. Phone:
Elizabeth Gibson	9030 GA Ave Silver Sp. MD. 20910	Work: (301) Home: 365-4375

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

- ☑ New Building
- ☐ Addition
- ☐ Alteration and Repair
- ☐ Raze Building
- ☐ Retaining Wall
- ☐ Fence
- ☐ Shed
- ☐ Awning
- ☐ Garage
- ☐ Sign
- ☐ Other (Specify) foundation

12. Description of Proposed Work:

Construct (1) new foundations only as per plans. (no utilities)

The building superstructure shall be under a separate permit.

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: $ 130.00
Vacant	0	0	By: Date:

16. Proposed Use(s) of Building or Property:	17. Prop. No. of Stories of Bldg.:	18. Prop. No. of Dwelling Units:
Two-family flat/Rowhouse	3 + basement	2

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?
ASAP	ASAP	☑ Pick-up Truck ☐ Dumpster ☐ Other (specify):	☑ 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:
☑ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	See Plan	4250 sq. ft.	1 - strip	336 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)

10397 w0-275

B 1 - 4

OFFICIAL USE ONLY

	R	F	H	A	
M					
P					
E					W: ☑ Yes ☐ No
F					PLANS
SH					☐ No ☐ Sim ☐ Rep

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

28. Architect's Name:	29. Lic. No.:	30. Architect's Address: (Include Zip)	31. Phone:
R. J. MAIDEN	3656	8630 Georgia Ave. Silver Spring MD 20910	608-0988
32. Engineer's Name:	33. Lic. No.:	34. Engineer's Address: (Include Zip)	35. Phone:
36. Building Contractor's Name:	36A. Lic. No.:	37. Contractor's Address:	38. Phone:

39. Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%)
☒ Masonry ☐ Steel ☐ Wood ☐ Other: ☒ Concrete	☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other:	☐ New ☐ Existing ☐ None	sq. ft.	a. Building: 60 % b. Paved Area: 20 % c. Greenery: 20 %

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.	2736 sq. ft.	☐ All ☐ Floors Foundation	☒ 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: ft 52. Signature of Owner (projection only):

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

59. Estimated Cost of Work:
(a) New/Add.: $ 30,000
(b) Alt/Rep.: $
Total: $ 30,000

60. Volume of New Bldg. or Addition: 27,360 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 Wat 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?	82. Raze Contractor Signature:	OFFICIAL USE ONLY		
☐ No ☐ Yes, Location	83. Owner's Signature:	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:
$		ft.		☐ 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	OFFICIAL USE ONLY		
		FEE	By:	Date:
91. Address of Adjoining Owner:	92. Lot:	93. Square:		

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(E) FENCE (COMPLETE ITEMS 94 THRU 102)

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

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

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

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY: FEE	BY	Date
100. 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 $
110. Material of Roof:	111. Material of Sides:	112. Wall thickness: ☐ External ( ) inches ☐ Party ( ) inches			113. Color:		By: Date:

(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:

141. C of O Number for Building:	142. Sign Contractor Lic. No.:	143. Sign Contractor's Address:	144. Phone:

OFFICIAL USE ONLY					
Sign FEE $	By:	Date:	Elect. FEE $	By:	Date:
Total FEE $	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: _____ Date: _____

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: Elizabeth Johnson Address: 8030 Georgia Ave Silver Spring MD Date: 04/30/03

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(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):

A. PERMIT CONTROL

Not CFA

- ☒ 1. Fine Arts by: [signature] Date: 4/30/03
- ☒ 2. Historic by: [signature] Date: 4/30/03
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
  - Access to Parking Street ☐ Street ☐ Alley
  - Cleared by: _____ Date: _____
- ☐ 3. DPW - Consumer Engineer
  - Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
  - Cleared by: RAC Date: 5/8/03

Restrictions of the Permit:

APPROVED FOR FOUNDATION ONLY.

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

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: TD Date: 5/6/03
- ☐ 2. Information Center by: _____ Date: _____
  - ☐ (a) ABC Board by: _____ Date: _____
  - ☐ (b) Noise Control by: _____ Date: _____
  - ☐ (c) Industrial Safety by: _____ Date: _____
  - ☐ (d) Vector Control by: _____ Date: _____
  - ☐ (e) D.C. Animal by: _____ Date: _____
  - ☐ (f) Police Dept. by: _____ Date: _____
- ☑ 3. Zoning by: [signature] Date: 5/20/03
  - Zoning Update by: _____ Date: _____
- ☐ 4. DPW - Permit and Records Division/Deposit #
  - Sidewalk Deposit $_____ Driveway Deposit $_____
  - by: [signature] Date: 5-6-03
- ☐ 5. Water/Sewer Design Branch
  - Consumer Eng. by: [signature] Date: 5/21/03
- ☐ 6. Environmental Regulation Administration
  - ☐ Environmental Policy Review
  - Control No.: _____
  - by: _____ Date: _____
  - ☐ Erosion Control by: [signature] Date: 5/22/03
  - ☐ Storm Water Mgmt. by: _____ Date: _____
  - Plan No. _____
- ☐ 7. Mechanical Eng. Review by: _____ Date: _____
- ☐ 8. Plumbing Eng. Review by: _____ Date: _____
- ☐ 9. Electrical Eng. Review by: _____ Date: _____
- ☐ 10. Health Plan Review
  - ☐ (a) Food Plan Review by: _____ Date: _____
  - ☐ (b) Medical X-ray Plan Rev. by: _____ Date: _____
- ☐ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section) by: _____ Date: _____
- ☐ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☑ 14. Construction Insp. Branch (Field Check) by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: _____ Date: _____
- ☐ 16. Structural Eng. by: [signature] Date: 5/23/03
- ☐ 17. Permit and Certificate Issuance Counter By: _____ Date: _____
- ☐ 18. O.C. By: _____ Date: _____

ZONING

C of O Number _____ Date _____

Existing Use(s) _____

- ☐ New bldg.
- ☐ P.O.D.
- ☐ File in room 329

Job No.:	BZA Case No.:	PUD Order No.:

DPW — PUBLIC SPACE

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Restrictions: _____

2-0307-4 wd-375

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MR. AGUGLIA: At any time?

MR. MAIDEN: It was always understood that it was three houses on those three lots.

MR. AGUGLIA: All right. Mr. Stoneburner, did you, in fact, have an environmental study done before you bought this property?

MR. STONEBURNER: Long before. It was in November and then followed by an environmental Phase 2 in May. We settled in June.

MR. AGUGLIA: All right, and what was the conclusion of the environmental study that was given to you by an outside expert?

MR. STONEBURNER: The conclusion was that it was a Pepco transformer vault, that Pepco has to clean any site before they ever board it up, clean it to an acceptable level, which would mean you can touch anything.

CHAIRPERSON GRIFFIS: Let's move on.

MR. STONEBURNER: And it was done.

MR. AGUGLIA: All right. Was the conclusion that there was no environmental problem?

MR. STONEBURNER: Yes.

MR. AGUGLIA: All right. Now, in fact, on the picture of the substation, there is a sign. This is our Exhibit F. This's a sign out in front of that.

MR. STONEBURNER: Yes.

MR. AGUGLIA: Can you describe what the sign said that told the public?

MR. STONEBURNER: When we originally approached HPRB and also T. Luke Young at Historical, you know, actually regarding removing that building and then simultaneously with our conceptual drawings, we then needed to present for the ANC and everyone else.

So what we did was at that time Southerly's was going --

MR. AGUGLIA: Mr. Stoneburner, let's keep it brief.

CHAIRPERSON GRIFFIS: Indeed.

MR. STONEBURNER: Sorry about that. The sign --

MR. AGUGLIA: The sign.

MR. STONEBURNER: -- has the elevations on it so that the public could see what was going there, and that was intentional so that we could get public input of all three houses.

MR. AGUGLIA: Of all three houses. Thank you.

All right. Now, Mr. Maiden, were you aware that the practice in the '30s, '40s, '50s,