

**BZA Case No. 17109, Appeal of Kalorama Citizens Association
Appellant's motion to secure documents from DCRA**

Attachment 1

1. Appellant requests the Board of Zoning adjustment to cause the Department of Consumer and Regulatory Affairs (DCRA) to make available to it copies of certain documents relating to construction underway at 1819 Belmont Road, N.W., which Appellant has repeatedly requested and which DCRA has failed to supply, namely:

- (1) all architect's mechanical drawings,
- (2) all lot occupancy and FAR calculation worksheets, and
- (3) all documents relating to the determination and certification of the present actual height of the building.

Appellant requests that these documents be made available sufficiently in advance of the date of the hearing on this appeal, February 17, 2004, to permit Appellant reasonable time to take appropriate account of them in preparing the presentation of its case at that hearing, and in any event no later than Thursday, February 12, 2004.

2. The documents requested are a part of the public records maintained by DCRA in connection with the granting of permits for construction currently underway at 1819 Belmont Road, N.W., which is the subject of the present appeal. Appellant has repeatedly requested these documents, most recently by fax communication to DCRA dated January 22, 2004 (attachment 2). They are necessary in order for Appellant to have complete information regarding that construction and properly prosecute its appeal. More specifically:

(a) *FAR issue.* Appellant has claimed in its appeal that the building as permitted will exceed the FAR allowed under 11 DCMR §§199.1 and 402.4. Information as to the calculations performed by both the developer and by DCRA in arriving at FAR figures is necessary in order to determine the accuracy of those figures.

(b) *Height Issue.* Before the filing of this Appeal, DCRA determined that the building exceeded the legally permissible height (70 feet), and stopped work on the project. Subsequently the developers submitted new plans showing a reduction in the height of the roof to 70 feet, and DCRA issued a new permit on the basis of those plans. The roof is now in place.

Relying on the accuracy of these representations by the developer and DCRA as to the height of the roof, Appellant has claimed in its appeal that the height of the building as permitted would still exceed the legally permissible height because of the placement on and above the roof of certain structures (a roof deck and balustrade) that are not among those allowed, as exceptions to the height limit, under the Height of Buildings Act (DC Official Code §6-601.01 et seq.).

Appellant understands that, in the courses of DCRA's consideration of the issuance of a new permit, a measurement of the actual height of the roof was undertaken. In order to determine for itself whether the representations are accurate that the roof height when properly measured is 70 feet, or whether on the other hand the roof itself as well as the deck and balustrade exceed the 70 foot limit, Appellant must have access to the report of the person or persons performing the measurement, or such other documentation as DCRA may have relied on in ascertaining the height of the roof, showing the method by which the measurement was performed and the results of that measurement.

Ann Hughes Hargrove 1827 Belmont Road, N.W. Washington, D.C. 20002
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January 22, 2004

Mr. Denzil Noble, Administrator
Building and Land Administration
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E.
Washington, D.C. 20002 VIA FAX to DCRA: 442-4863, 442-4860, 442-9445
*Re: documents relating to construction activities at
1819 Belmont Road, N.W., lot 45, square 2551*

Dear Mr. Noble:

First, I wish to thank you and Theresa Lewis for eventually making available a set of plans, which included some modifications of the original plans that we never saw. (At one point, it was claimed that they were lost or misplaced.) On the basis of the revised plans, on which we saw the elevations for the first time, and after meeting with both the Advisory Neighborhood Commission and our citizens association at their monthly meetings, we filed an appeal with the BZA (BZA Appeal #17109) to be heard on February 17th. However, there are still some documents missing that were previously requested. We requested, and again request, that we obtain copies of the FAR and lot occupancy worksheets on the project. We request copies of the mechanical drawings as well. Additionally, you required a certification of the height by an engineer/architect following our complaint. We also request the height certification and any papers related thereto prepared by the person who took the measurement.

I would appreciate your immediate response and will check in with your office to see with whom I need to meet to review and obtain copies of this information.

Sincerely,


Ann Hughes Hargrove
Zoning Chairman, Kalorama Citizens Association

Cc: David A. Clark, Director, D.C.R.A.
Theresa Lewis, Deputy Director for Operations, D.C.R.A.
Councilmember Jim Graham
Alan Roth, Chairman, ANC 1-C
Matt Forman, President, Kalorama Citizens Association

CERTIFICATE OF SERVICE

I certify that the foregoing Motion was served by United States Mail, postage prepaid, this 7th day of February, 2004 upon the following:

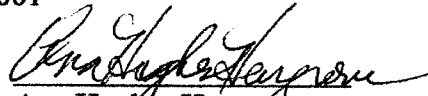
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Ann Hughes Hargrove
Zoning Chairman
Kalorama Citizens Association