★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

BLRA-35
(Rev 5/85)

DEPA...MENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727 7039)

APPLICATION FOR PUBLIC SPACE PERMITS

(PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS)

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 18

1. Date of Application: 2 FEBRUARY 2004

2. Address of Premise for which Public Space Work is Proposed	3. Lot:	4. Square	5. Type of Application:	6. Previous Permit Number If Renewal
1017 – 4TH STREET N.W.	808	526	☑ New ☐ Renewal	

7. Owner of the Premise	8. Owner's Address.	9. Phone
FIRST WASHINGTON EQUITIES, LLC	711 H ST NW WASHINGTON, D.C. 20001	

10. Authorized Agent (if applicable).	11. Firm's Name:	12. Address:	13. Phone.
MICHAEL ALAN FINN	MICHAEL ALAN FINN ARCHITECT	2402 CHAIN BRIDGE RD NW WASHINGTON, D.C. 20016	(202) 966-5706

14. Check all proposed work; indicate the specific street of work and the names of boundary streets; and specify the length and width of the work area

Check	Proposed Work	Located on the following Street (or Alley)	Between (Street Name)	And (Street Name)	Length of Work (ft)	Width of Work (ft)
	A. Temporary Use for: 1. Crane					
	2. Truck: ☐ Dump ☐ Concrete ☐ Construction Equipment					
	3 Dumpster					
	4 Hoists/Scaffolds					
	5. Use of Sidewalk for: ( )					
	6. Use of Roadway for: ( )					
	B. Excavation for. ( )					
	C. Sheeting and Shoring					
✓	D Driveway Construction	4TH ST NW	K ST NW	L ST NW	24	21
	E. Sidewalk Construction					
	F. Curb and Gutter Construction					
	G. Alley Construction					
	H Grading ☐ Street ☐ Alley					
	I. ☐ Trees ☐ Planter Boxes ☐ Hedges					
	J. ☐ Fence ☐ Wall					
	K Other (specify):					

15. Description of Proposed Work:
NEW CURB CUT AND DRIVEWAY, AND APRON ACCORDING TO D.C. SPECIFICATIONS

16. Start Date: FEB 04

17. End Date: MAR 04

BZA Case No. 17202 Exhibit No. 9

18. APPLICANT'S SIGNATURE: I have read and I understand the conditions set forth on this application. I further understand that penalties are provided for furnishing false information.

AGENT'S SIGNATURE: (MICHAEL ALAN FINN) DATE: 2 FEB 04

OWNER'S SIGNATURE. DATE:

COMPLETE Page 4 If Trees, Rental of Public Space, Fuel Oil Tanks, & Parking Lot.

CONDITIONS OF ALL PUBLIC SPACE APPLICATIONS AND PERMITS

The applicant, or the applicant's authorized agent, in affixing his or its signature hereto and in accepting any permit issued on the basis of this application, agrees that the applicant and any person, firm or corporation employed by the applicant, when working on or occupying public space as authorized by the said permit, whether such work or occupancy is on, or above the surface of such space, will comply with the following conditions:

(1) That the performance of such work or the occupancy of such space shall be strictly in accordance with the conditions set forth herein and on both sides of the permit authorizing such work or occupancy of public space.

(2) That the performance of such work or the occupancy of such space as authorized by the said permit shall be in full compliance with all applicable laws and regulations of the District of Columbia.

(3) That the applicant, at the risk and expense, guarantees that the public space occupied by the applicant or required for the performance of the work authorized by the said permit, at all times will be kept in a safe condition, and where the work aforesaid results in any excavation in any street, alley, sidewalk, or other public space, the applicant will insure that such excavation is kept in a safe condition until such street, alley, sidewalk, or other public space has been repaired or resurfaced by the District of Columbia. The repair or resurfacing of the street, alley, sidewalk or other public space made necessary by the excavation, will be performed by the District of Columbia at the expense of the applicant.

(4) That the applicant guarantees that if, in the opinion of the Director of the Department of Transportation or his representative, any work performed in, or occupancy of, public space by him or on his behalf, in any manner becomes dangerous to, or interferes unnecessarily with, pedestrian or vehicular traffic, the applicant will take such action as, in the opinion of the said Director or his representative is necessary to remove such dangerous condition or unnecessary interference with traffic.

(5) That the applicant will save harmless, indemnify and keep indemnified the District of Columbia, its officers and employees, from all claims, suits, charges, counsel fees, and judgments to which the said District, its officers and employees may be subject on account of injury to persons or damage to property, including property of the District of Columbia, due to negligence of the applicant, or occasioned by work not authorized by said permit, or resulting from failure to observe and comply with terms and conditions of this application.

(6) That the applicant agrees that the backfilling of any excavation made by him or on his behalf will be performed in the manner prescribed below and should any settlement or sinking resulting from backfilling occur within two (2) years after the District of Columbia, at the applicant's expense, has repaired or resurfaced the surface of the public space in which excavation was made, the applicant nevertheless will save harmless, indemnify and keep indemnified the District of Columbia from any injury, loss, cost, or damage occasioned by a physical change in such repaired or resurfaced public space.

Should repairs become necessary over said excavation during the aforementioned period due to settlement of said excavation occasioned by improper excavation work or backfilling, the necessary re-excavation and repair shall be done by the District of Columbia and the cost thereof shall be charged to the applicant.

(7) That the applicant agrees that all portions of the street excavated will be put in as good condition as before the excavation was made and that such excavation will be backfilled within twenty-four (24) hours after approval by the District (if required) of the construction, connections or repairs installed or made therein, such backfilling not to extend more than two inches (2") above the adjoining pavement or surface and to be thoroughly compacted in such manner as to avoid any sinking or settlement either of the backfill or of any pavement laid thereon for a period of two (2) years after the area over such excavation has been repaired or resurfaced by the District.

(8) That the applicant agrees that on each day any work is to be performed under the authority of this permit, he will notify the Office of Coordinator of Underground Construction, prior to the commencement of such work, of all locations at which any of the said work is to be performed, and whether such work is new work or work already in progress.

SPECIAL ATTENTION.—In addition to the requirements of Standard Specifications of the Department of Transportation regarding work on Saturdays, Sundays, or legal holidays, the permittee is advised that no work shall be performed under the permit on Saturdays, Sundays, or legal holidays except with the consent of the Department of Transportation.

CONDITIONS OF EXCAVATION IN PUBLIC SPACE AND TREATMENT OF TREES IN PUBLIC SPACE

(1) No cut will be made in a roadway or alley unless material to complete the job is on hand or immediately available, that work will be carried to completion in the shortest possible time, and that there will be no interference with traffic unless such interference is specifically authorized by the Director of the Department of Transportation or his representative.

(2) A clear, safe pedestrian passageway not less than 6 feet wide, in line with any existing sidewalk, will be provided at all times unless otherwise authorized by the Director of the Department of Transportation or his representative.

(3) The applicant will not cut or injure trees, or pile earth or other material within 3 feet of trees unless such trees are properly protected in a manner approved by the Director of the Department of Transportation or his representative.

(4) No existing underground construction will be interfered with.

(5) All pipes and conduits except as otherwise specified in Section 408-2 of D. C. Plumbing Code, will be laid not less than 30 inches below any roadway, not less than 24 inches below grade on other public space, except that street light conduits may be laid not less than 18 inches below any approved grade, unless otherwise authorized.

(6) Surface (lawns, grass, shrubs, sidewalks, etc.) will be restored upon completion of work.

CONDITIONS OF TREATMENT OF TREES IN PUBLIC SPACE

(1) All material, equipment, surplus excavated material, debris, etc., will be removed from public space as soon as possible, consistent with working hours and conditions, within three working days following the completion of the work authorized by the permit.

(2) In the event the District of Columbia, as a consequence of any failure of the applicant to maintain the public space in a safe condition, is required to repair said public space, such repair by the District of Columbia shall be at the applicant's expense and the applicant agrees to reimburse the District of Columbia for all costs of such repair and shall not be relieved of responsibility for maintaining said public space in safe condition, by reason of any such repair.

CONDITION OF ERECTING OR REPAIRING RETAINING WALLS, FENCES, COPINGS, LEADS AND STEPS, PLANT HEDGES, OR PAVED PARKING IN PUBLIC SPACE:

The fence, wall, copings, leads, steps, or hedges will not obstruct entrance to any accessible parking area required by the Zoning Regulations of the District of Columbia.

CONDITIONS OF GRADING STREETS OR ALLEYS:

(1) All trees, stumps and underbrush are to be removed from the sub-grade.

(2) The alley or street when graded will be left in a safe, smooth, and well-drained condition so that no water will be impounded.

(3) Notify Grading Engineer of the Street Division at least ten (10) days prior to starting this grading work. Notify the Chief Inspector of Street Division twenty-four (24) hours in advance of starting the work. The permit will be delivered on the job by the inspector

CONDITIONS OF CONSTRUCTING SIDEWALK, CURB & GUTTER, ALLEY OR DRIVEWAY:

(1) The work will be done at the whole risk and cost of the property owner, in accordance with Standard Specifications of the District of Columbia, and under the supervision of the Department of Transportation, Street Division, and will conform to line and grade furnished by the said Department, and the owner will assume responsibility for all damages to persons or property occurring as a consequence of the use of public space.

(2) The permit is to be delivered by a District representative, to the applicant or his agent at the site of the work, and, until so delivered, no operations thereunder, other than the necessary grading of the sidewalk, may be performed by the applicant or his agent The applicant or his agent will notify the Engineer of Streets not less than twenty-four hours prior to the scheduled commencement of the work authorized by the permit, of the time when construction operations are to commence, in order that the District representative may deliver the said permit.

CONDITION OF CONSTRUCTING OR REPAIRING DRIVEWAY:

In the event the District of Columbia, as a consequence of any failure of the applicant to maintain the public space comprising applicant's driveway in a safe condition, is required to repair said public space, such repair by the District of Columbia shall be at the applicant's expense and the applicant agrees to reimburse the District of Columbia for all costs of such repair and shall not be relieved of responsibility for maintaining said public space in safe condition, by reasons of any such repair.

CONDITIONS OF RENTAL OF PUBLIC SPACE AND SIDEWALK CAFE:

(1) The applicant understands that the rental of public space is temporary and that no right, title, or interest in such public space is conveyed by the permit.

(2) The Director of Department of Transportation may, by written notice, require the permittee to vacate all or part of the rented public space at any time. Upon demand to vacate such public space, the permittee will promptly remove any personal property on the rented space, or reimburse the District for the cost of moving such property.

(3) The permittee shall have no recourse against the District of Columbia, the United States, the officers or agents of District of Columbia, the officers or agents of the United States for any loss or damage occasioned by the permittee being required to vacate all or any part of the surface space which he had been granted permission to use.

(4) All provisions of Article 43 of the D.C. Police Regulations will be strictly adhered to.

(5) Plans, permits and letters of approval from the Public Space Committee must be kept on the rented public premises at all times.

H.P.A. No.:	O.G No.:	S.L. No.:

(DO NOT WRITE IN SHADED AREAS)

(B) TREES (COMPLETE ITEMS 19 THRU 22)

19. Type of Work:	20. Number of Trees:	21. Type of Trees:	22 Name of Trees
☐ New Building ☐ Removal ☐ Driveway ☐ Planting ☐ Trimming		☐ Curb ☐ Parking	

(C) RENTAL OF PUBLIC SPACE, SIDEWALK CAFE, PARKING LOT, FUEL OIL TANK (COMPLETE ITEMS 23 THRU 29)

23. Insurance Company's Name:	24 Policy or Certificate Number:	25 Expiration Date:

26. Type of Sidewalk Cafe:	27. Length of Rental Period:	28. Hours of Weekday Use:	29 Hours of Weekend Use:
☐ Enclosed ☐ Unenclosed		from _____ to _____	from _____ to _____

(D) APPROVALS (OFFICIAL USE ONLY)

☐ PERMIT CONTROL

☐ 1. Fine Arts by: _____ Date: _____
☐ 2. Land Mark by: _____ Date: _____
☐ 3. PADC by: _____ Date: _____
☐ 4 WMATA by: _____ Date: _____
☐ 5. Control by: _____ Date: 2/3/05

DPW - PUBLIC SPACE WIDTHS/RESTRICTIONS

Street Name: _____
Street Width: _____
Road Width: _____
Sidewalk Width: _____
Parking: _____
Restrictions: _____

☐ DPW - WATER/SEWER		☐ ZONING			☐ STREETSCAPE	
Approved by:	Date:	District:	By:	Date:	Approved by:	Date:

Restrictions of Permit:

PUBLIC SPACE APPROVAL STAMP

Deposit Number:

(E) FINAL APPROVAL FOR PERMIT ISSUANCE (OFFICIAL USE ONLY)

Permit Type	Approved by	Approval Date	Deposit Amount ($)	FEE ($)	Permit Number	Expiration Date
1 Temporary Occupancy						
2 Excavation, Sheeting and Shoring						
3 Construct Sidewalks, Curb/Gutter, Alley						
4 Walls, Fences, Copings, Leads/Steps, Plant Hedges, Paved Parking						
5 Trees						
6 Driveway Construction						
7 Sidewalk Cafe						
8 Other						