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John Ray
Manatt, Phelps & Phillips, LLP
Direct Dial: 202 463-4341
E-mail: jray@manatt.com

March 25, 2005

Via Hand Delivery

Board of Zoning Adjustment
District of Columbia Office of Zoning
One Judiciary Square, Suite 210 South
441 Fourth Street N.W.
Washington, D.C. 20001

RE: BZA Application No. 17281
by Power Fuel & Transport LLC

Dear Members of the Board:

Enclosed please find a copy of my letter of March 23, 2005, to Acting Director Patrick J. Canavan of the Department of Consumer and Regulatory Affairs, regarding the fact that Power Fuel & Transport LLC ("Power Fuel") has resumed illegal construction activity at the site designated in BZA Application No. 17281.

Though I realize the Board of Zoning Adjustment has no jurisdiction over such activity, I thought you would want to be aware that Power Fuel has proceeded with construction of the proposed gasoline service station without zoning approval.

I appreciate your attention to this matter. Should you have questions or need additional information, please contact me at any time at (202) 585-6565 or by e-mail at jray@manatt.com.

Sincerely,

John Ray
Manatt Phelps & Phillips
Counsel to DAG Real Estate
Holding Company LLC

Enclosure

BZA
Case No. 17281
Exhibit No. 37

RECEIVED
D.C. OFFICE OF ZONING
2005 APR -5 PM 2:34

Board of Zoning Adjustment
District of Columbia
CASE NO. 17281
EXHIBIT NO. 37

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COPY

John Ray
Manatt, Phelps & Phillips, LLP
Direct Dial: 202.585.6565
E-mail: jray@manatt.com

March 23, 2005

Hand-Delivered

Dr. Patrick J. Canavan
Acting Director
Department of Consumer and Regulatory Affairs
941 North Capitol Street N.E.
Suite 9500
Washington, D.C. 20002

RE: Illegal Construction at 4665/4675 South Capitol Street S.W.

Dear Dr. Canavan:

I write to call your attention to the resumption of illegal construction activity at 4665/4675 South Capitol Street S.W., and urge you to take immediate enforcement action. The property owner, Power Fuel & Transport LLC ("Power Fuel"), is proceeding without zoning approval to build a gasoline service station at that location and has repeatedly flouted the Stop Work Order issued October 7, 2004, by the Building Inspection Division of the Building and Land Regulation Administration. ***See*** Attachment 1.

I am acting on behalf of my client, DAG Petroleum Suppliers LLC, which owns the Shell gasoline service stations in the District of Columbia. DAG and its principal, Mr. Joe Mamo, have consistently and fully complied with the zoning and building permit regulations. We vigorously object to what appears to be DCRA's double standard of requiring my client to abide by the rules but excusing Power Fuel of its equal responsibility to comply.

Beginning on September 17, 2004, I have had several discussions and exchanges of correspondence with DCRA officials regarding Power Fuel's egregious and repeated violations of the D.C. zoning and building permit regulations. My principal contacts have been with Denzil Noble as BLRA Administrator and in his prior role as Acting Zoning Administrator; Toye Bello as Zoning Administrator and in his prior roles in the office of the Zoning Administrator; Zoning Specialist Faye Ogunneye; and DCRA General Counsel Julie Lee. ***See*** Attachment 2.[1] None of these officials acted promptly and effectively to enforce the regulations and put an end to Power Fuel's pattern of violations.

[1] Attachment 2 is my letter of January 11, 2005, to Zoning Administrator Toye Bello, cc'ed to then-Director David Clarke, BLRA Administrator Denzil Noble, DCRA General Counsel Julie Lee, and D.C. Office of Zoning Director Jerrily Kress. This letter, with its seven attachments, provides a complete account of Power Fuel's longstanding disregard of the Zoning Regulations provisions requiring Board of Zoning Adjustment approval in order to establish or enlarge a gasoline service station.

Whatever questions DCRA had regarding its authority to stop **all** construction work at any site subject to a Stop Work Order have now been resolved by the City Council and Mayor Williams in enacting D.C. Act 16-42, the "Abatement of Nuisance Construction Projects Emergency Amendment Act of 2005", effective February 17, 2005. As you know, D.C. Act 16-42 makes clear that "ordering the cessation of all construction activity at locations in which, or in structures where, construction activity has occurred or is occurring in violation of the Construction Codes" is one of four types of relief the Attorney General of the District of Columbia "shall include" in pursuing civil and criminal penalties against the perpetrators of illegal construction activities.

It was encouraging to learn that you acknowledged in your testimony before the City Council's Committee on Consumer and Regulatory Affairs on March 9 that D.C. Act 16-42 clarifies the authority to stop all construction activity whenever an illegal-construction violation occurs. I also took note of DCRA's March 15 press release announcing the arrest of a contractor engaged in illegal construction, in violation of a Stop Work Order, in a joint effort by DCRA building inspectors and the Metropolitan Police Department's Environmental Crimes Unit.

These are positive signs that DCRA, under your leadership, is finally getting serious about citing and prosecuting Construction Code scofflaws. To further demonstrate the effectiveness of your reforms, I encourage you to take immediate enforcement action against Power Fuel through joint efforts by DCRA inspectors and MPD's Environmental Crimes Unit, accompanied by a referral to the Attorney General for injunctive relief and prosecution.

Chronology of the Power Fuel Violations

As noted above, the Building Inspection Division issued a Stop Work Order for the 4675 South Capitol Street site on October 7, 2004, at the direction of Mr. Noble. Ms. Carmella Powell of the Building Inspection Division staff confirmed in a telephone discussion today that the Stop Work Order remains in effect and has been in effect continuously since the date of issuance.[2]

Shortly after I filed a formal complaint by letter of September 28, 2004 to Ms. Lee, Zoning Administrator Bello advised Power Fuel to apply to the Board of Zoning Adjustment for a special exception for the proposed South Capitol Street gasoline service station. ***But***, according to a letter contained in the Power Fuel zoning application, Mr. Bello also told Power Fuel to go ahead and install the underground gasoline storage tanks without BZA approval.

On December 3, 2004, Power Fuel filed the special-exception application (BZA No. 17281), but characterized it as a request for the Board's "recommended outcome", suggesting

[2] Ms. Powell spoke with Margaret Gentry, a consultant who is working with me on this matter.

that Power Fuel either did not accept or did not understand the Board's decision-making authority.

On February 8, 2005, the BZA conducted a hearing on the Power Fuel application, and concluded by requiring Power Fuel to submit substantial additional documentation and plan revisions to address parking requirements, traffic management, discrepancies between the address listed on the application (4675 South Capitol) and the address where the work is being done (4665 South Capitol), and other concerns. The BZA established the following timetable:

- May 2 – Due date for Power Fuel to file the requested material;
- May 16 – Due date for ANC 8D, which opposes the application, to file a response;
- May 23 – Due date for Power Fuel to file its reply to the ANC 8D submission;
- June 7 – Date scheduled for BZA to render a decision on the application.

On March 22, Mr. Rahat Maqsood and Mr. Zia Malik, the business owner and manager respectively of the Shell station at 4700 South Capitol Street S.E., observed construction activity in progress at Power Fuel's 4665/4675 South Capitol property. Also on March 22, Mr. Maqsood and Mr. Malik each prepared written complaints of illegal construction activity and faxed them to BLRA at (202) 442-4871. ***See*** Attachment 3.

They also alerted Mr. Mamo and his staff to the fact that illegal construction work had resumed. Mr. Monty T. Berhane, a territory manager on Mr. Mamo's staff, then traveled to the location and photographed construction work in progress at the Power Fuel property. ***See*** Attachment 4, Mr. Berhane's photographs and accompanying e-mail transmittal message.

Thus, three facts are clear: 1) A Stop Work Order is in effect; 2) The BZA has not approved the proposed gasoline service station; and 3) Construction has resumed in violation of the Stop Work Order and without the necessary zoning approval required by D.C. law and regulations.

This is not the first time Power Fuel violated the Stop Work Order. In my letter of January 11, 2005, to Mr. Bello, I pointed out that "construction on this site is continuing" and was observed and photographed on January 7 and January 10. The photographs were included as attachments to my January 11, 2005, letter which is Attachment 2 to this letter.

Given the incontrovertible evidence of current and ongoing violations and a pattern and practice of Power Fuel violations of the Construction Codes and Zoning Regulations, there are compelling reasons for you to direct DCRA staff to give this matter vigorous and high-priority attention, enlist the MPD Environmental Crimes Unit in your efforts, and refer the matter to the Attorney General for civil and criminal prosecution.

I appreciate your attention to this matter and look forward to receiving your response.

Sincerely,

John Ray

Attachments:
1. Stop Work Order.
2. Letter of January 11, 2005, to Zoning Administrator Toye Bello, with attachments.
3. Illegal construction complaints filed with BLRA on March 22, 2005, by Mssrs. Maqsood and Malik.
4. Mr. Berhane's March 22, 2005, photographs of illegal construction and e-mail message re: same.

cc: Theresa Lewis, Chief of Staff, DCRA
Julie Lee, General Counsel, DCRA
Denzil Noble, Administrator, Building & Land Regulation Administration, DCRA
Brenda Williams, Inspector, Building & Land Regulation Administration, DCRA

Attorney General Robert Spagnoletti

Councilmember Jim Graham, Chairman, Committee on Consumer & Regulatory Affairs

Members of the Board of Zoning Adjustment

ATTACHMENT 1: Stop Work Order

001

DCRA/BLRA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
BUILDING INSPECTION DIVISION

STOP WORK

ADDRESS : 4675 South Capitol St. S.E.

VIOLATION: (Section/s) 107.2.1

Job Stop Work → PER: No Plans on the site. Mr. Denzil Noble Chief of ZONING present permit represent a Alter & Repair Permit

PROPER Permits **SHALL BE OBTAINED AND OR POSTED PRIOR TO THE CONTINUATION OF ANY WORK.**
ANY AND ALL PERSONS ACTING CONTRARY TO THIS NOTICE SHALL BE SUBJECT TO A FINE/PROSECUTION OR BOTH.

APPLICATION FOR PERMIT(S) MUST BE FILED OR REMOVAL OF VIOLATION MUST OCCUR WITHIN _____
HOURS/DAYS FROM THE POSTING OF THIS NOTICE.

☑ Construction 442-4641	☐ Electrical 442-4643	☐ Plumbing 442-4642	☐ Elevator 442-4634	☐ Boiler 442-4630
2:00 p.m.	10-7-04			
Time	Date		Official	

Inspector Brent Williams

It is in the system as S.W. 675 Powell

ATTACHMENT 2: Letter of January 11, 2005, to Zoning Administrator Toye Bello

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COPY

January 11, 2005

Mr. Toye Bello
Zoning Administrator
Department of Consumer & Regulatory Affairs
941 N. Capitol Street, NE, Suite 9400
Washington, DC 20002

Dear Mr. Bello:

On September 28th, 2004, I filed a complaint (Attachment A) with Ms. Julie Lee of the DCRA Office of General Counsel regarding a list of gas stations that have been constructed in apparent violation of certain provisions of the D.C. zoning law and regulations governing the establishment and operations of gasoline stations in the District of Columbia. One of the five subject gas stations was the proposed gas station at 4665 South Capitol Street, S.W.

If we had not raised an issue about this station, we believe it would have been built without going through proper zoning procedures. For the purposes of this letter, I would like to note that based upon the information we have, the other four gas stations listed have been constructed and are in full operation without zoning review and approval. Because of our September 28th complaint, the owner of the proposed South Capitol Street station, Power Fuel & Transport, LLC ("Power Fuel") filed an application with the Board of Zoning Adjustment ("BZA") and a hearing is scheduled for February 8th.

We also thought a Stop Work Order ("SWO") had been issued by DCRA against Power Fuel to stop construction until BZA approval was obtained. However, it is clear that construction on this site is continuing. Since January 7th, major construction activity has been observed at the location. On January 10th, workers installed two large underground storage tanks (Attachment B). This morning, they started backfilling the site and concreting the tank mat (Attachment C). If you did not issue a SWO, you should do so immediately today because failure to do so will allow the owner to continue construction and the gas station will be in full operation before the BZA's February 8th hearing, which would make the hearing a **sham.**

I am also concerned that on January 7th, Mr. Shahid Mahmood (Sean) brought the South Capitol construction activity to your attention; Mr. Mahmood has reported your response to me (Attachment D). He reported that you said the owner was "allowed to do the construction work" and, moreover, "there are very slim chance of denial in public hearing". I was concerned as to how this construction could proceed when the building permit is pending (Attachment E) and the

BZA hearing is not until February 8th. It appears from a letter dated November 8th from Power Fuel to you, that this is happening because Power Fuel representatives have an understanding, based on some communication between you and them, they could proceed with the construction of this facility, notwithstanding that the building permit is pending and the BZA hearing will not take place until February 8th. For example, Power Fuel wrote to you that "[w]e understand that our work and re-installations activities as set forth in the above referenced permit shall be allowed to proceed by DC-DCRA/BLRA, and that concurrently an application to restore this prior valid use shall be filed/submitted to the District of Columbia Board of Zoning Adjustment (BZA)." (Attachment F).

During all my years in government, I was never aware that applicants who have a pending building permit and BZA application could go forward to construct a facility when they are requesting permission from the regulatory agency to build. These facts and other facts have led me to believe that there are things taking place here which are not proper. I am going to bring the matters surrounding this location and the other sites (building without going through the proper zoning process) to the attention of the City Council and request that the Council have the Inspector General look into all of the activities of Power Fuel and DCRA.

I am also very curious as to how Power Fuel could propose to build a gas station at 4665 South Capitol but state on its BZA application that the gas station will be located at 4675 South Capitol which is occupied by Bank of America (Attachment G). The bank occupies the site where the previous gas station existed and, based upon the proposed new gas station plans and the attached photos, will remain in full operation at that site. Note that the Certificate of Occupancy issued to Mr. Koo Yuen on September 29, 2003 provides for a gasoline service station at 4675 South Capitol and states "this permit is valid only for the premises of the project address."

Finally, it is my understanding that zoning laws and regulations state that when a gasoline station is proposed to be "established or enlarged after December 20, 1985" in a C-3 zone district, it shall be permitted in this situation only after approval by the BZA. Putting aside that this gas station is not being re-established at its old location, the Power Fuel application lists six pumps and twelve fueling positions, which is far more than most gas stations had in 1976 when the 4665 South Capitol facility first received a Certificate of Occupancy for gas station use. This is one of the many issues I plan to raise at the February 8th hearing. I thank you in advance and I look forward to hearing from you today. I can be reached at (202) 585-6565.

Sincerely,

JR

John Ray

Copy: Mr. David Clarke, DCRA Director
Ms. Julie Lee, DCRA Office of General Counsel
Mr. Denzil Noble, BLRA Administrator
Ms. Jerrily Kress, Director, Office of Zoning

Attachments:

A. Letter of September 28, 2004, to Ms. Julie Lee
B. January 10, 2005, site photos, showing tank installation work.
C. January 11, 2005, site photos, showing backfilling and related work.
D. Mr. Mahmood's notes of his discussion with Mr. Bello.
E. Building Plan Review Status (from DCRA Website).
F. Power Fuel letter of November 8, 2004, to Mr. Bello.
G. January 7, 2005, site photos, showing the Bank of America branch on the site listed for the gas station in the Power Fuel BZA application, and adjacent construction activity.

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COPY

September 28, 2004

Ms. Julie Lee
Department of Consumer & Regulatory Affairs
Office of the General Counsel
941 N. Capitol Street, NE, Suite 9400
Washington, DC 20002

Dear Ms. Lee:

Subject: Regulatory Complaint Against Lowest Price Gas Stations

On behalf of our client, DAG Petroleum Suppliers, LLC ("DAG"), we would like to bring to your attention a list of gas stations which we believe may have failed to comply with certain provisions of the D.C. zoning law and regulations governing the establishment and operations of gasoline stations in the District of Columbia.

On Thursday, September 17th, we met with Mr. Denzil Noble and Ms. Faye Ogunneye to discuss the apparent violations of the zoning law and regulations by the operator and/or owner of the gas stations discussed in this letter. At this meeting, we were informed that if the site was previously used to operate a gas station and the new gas station did not expand and/or include a new structure(s), i.e., additional pumps and/or new canopies (awnings), the zoning laws and regulations would permit it as a matter-of-right.

When these small stations were originally constructed, they generally had one or two pumps, and they generally did not have a canopy or a much smaller canopy. It is our belief that the gas stations described below have been expanded beyond their original sizes and/or plans to include additional pumps, new and larger canopies, and new signage structures. We further believe that all of these new gas stations may have been constructed or renovated without going through the proper regulatory process (zoning). The four gas stations are:

i) **Lowest Price Gas Station, 1301 Bladensburg Road, NE** (see Attachment A): This gas station is in a C-2-A Zone and construction is almost completed. At the time the original gas station was built, it was typical for such gas stations to have one or two pumps, and no or a much smaller canopy. As you will see from Attachment A, the gas station has a new large canopy, four pumps, and a new signage structure. We would like to know if the owner of this gas station went through the proper regulatory process (zoning) and received the necessary

approval(s) to construct and install the new structures. Further, we would like to know if the owner has filed a DCRA Building and Land Regulation Administration Form BLRA 150 and received approval for the new canopy (awning).

There also has been a sales transaction record dated 1/12/2003 on this property. However, we do not believe the existing Certificate of Occupancy (#46296 issued 12/18/02) reflected the change in ownership which is a clear indication of failure to obtain a Certificate of Occupancy. DCMR Title 12A ADC § 110A stipulates that "[f]or changes in ownership of structures, land, or parts with an existing valid Certificate of Occupancy, a new Certificate of Occupancy shall be issued in the name of the new owner, (without reinspection), provided there is no proposed change in use or increase in occupancy load."

ii) **Lowest Price Gas Station, 5001 Georgia Avenue, NW** (see Attachment B): This gas station is in a C-2-A Zone. At the time the original gas station was built, it was typical for such gas stations to have one or two pumps, and no or a much smaller canopy. As you will see from Attachment B, the gas station has a new large canopy, two pumps, and a new signage structure. We would like to know if the owner of this gas station went through the proper regulatory process (zoning) and received the necessary approval(s) to construct and install the new structures. Further, we would like to know if the owner has filed a DCRA Building and Land Regulation Administration Form BLRA 150 and received approval for the new canopy (awning).

iii) **Lowest Price Gas Station, 5420 New Hampshire Avenue, NW** (see Attachment C): This gas station is in a C-2-A Zone. At the time the original gas station was built, it was typical for such gas stations to have one or two pumps, and no or a much smaller canopy. As you will see from Attachment C, the gas station has a new large canopy, two pumps, and a new signage structure. We would like to know if the owner of this gas station went through the proper regulatory process (zoning) and received the necessary approval(s) to construct and install the new structures. Further, we would like to know if the owner has filed a DCRA Building and Land Regulation Administration Form BLRA 150 and received approval for the new canopy (awning).

iv) **Lowest Price Gas Station, 1400 W Street, NW** (see Attachment D): This gas station is in a C-3-A Zone. At the time the original gas station was built, it was typical for such gas stations to have one or two pumps, and no or a much smaller canopy. As you will see from Attachment D, the gas station has a new large canopy, two pumps, and a new signage structure. We would like to know if the owner of this gas station went through the proper regulatory process (zoning) and received the necessary approval(s) to construct and install the new structures. Further, we would like to know if the owner has filed a DCRA Building and Land Regulation Administration Form BLRA 150 and received approval for the new canopy (awning).

Moreover, the location of this gas station appears to violate the twenty-five feet (25 ft.) rule required between a gas station and Residence District (see tree and row house to the left of the picture). DCMR Title 11, § 2302.2 stipulates that no portion of the structure or premises to be used for any of the uses listed in § 2302.1, that is, for gasoline service station established or enlarged in any district except in the C-M or M Districts, "shall be located within twenty-five feet (25 ft.) of a Residence District unless separated from that Residence District by a street or alley."

v) **4665 South Capitol Street, SE** (see Attachment E): The site is in a C-3-A Zone. DCRA records show a change to the existing permit (B459297) to install kitchen cooking equipment for a rotisserie chicken store. There is construction currently going on at this site to build and operate a gas station. We would like to make sure that the owner goes through the proper regulatory process (zoning) if he or she plans to build a gas station.

We request that your agency investigate the four gas stations and the 4665 South Capitol Street SE site discussed above and their apparent violations of the D.C. zoning law and any other violations of D.C. law, including possible failure to file DCRA Form BLRA 150 for a new canopy (awning).

We thank you in advance for your cooperation and your immediate attention to this complaint. Please feel free to call me at 202-585-6566 if you have any questions or need additional information.

Sincerely,

John Ray

Copy: Mr. Denzil Noble, BLRA Administrator
Ms. Faye Ogunneye, Zoning Specialist

Enc: Attachments A through E
Summary of Lowest Price Gas Stations' Preliminary Findings as of August 2004

SUMMARY OF LOWEST PRICE GAS STATIONS' PRELIMINARY FINDINGS AS OF AUGUST 2004					
		DCRA Building & Land Regulation Database		Owner	Office Tax & Revenue Use Codes[1]
#	Gas Station Location	Building Permit[2]	Building Plan Status		
1.	**1301 Bladensburg Road NE (Attachment A)**	B456188 issued 10/24/03. **Zone C2A***. C-2-A Permits matter-of-right low density development, including office, retail, and all kinds of residential uses to a maximum lot occupancy of 60% for residential use, a maximum FAR of 2.5 for residential use and 1.5 FAR for other permitted uses, and a maximum height of fifty (50) feet. C of O 46296 issued 12/18/02.	Upgrade/install tanks (UST) & pumps at existing gas. Separate electric, plumbing & mech. Installation permits are required stations.	1301 BLADENSBURG LLC Mail Add: 6406 WHITTIER CT; BETHESDA, MD 20817-3128 Sale Price: $320,000 Sale Date: 01/13/2003 Instrument No.: 5582	Use Code: 62 Commercial-Garage, Vehicle Sale. Structure with facility for motor vehicle repair; devoted to retail, wholesale motor vehicle sales.
2.	**5001 Georgia Ave NW (Attachment B)** (Cross St: Farragut) Tel: 545-9570 (DC Zoning Map #3)	Not in DCRA online database 10/2/03 to 8/20/04. **Zone C2A***.	Not in DCRA online database.	WILLIAM T NEWMAN JR REVOCAB TRUST Mail Add: PO BOX 9492; WASHINGTON, DC 20016-9492 Sale Price/Date: Not Available Instrument No.: 61848	Use Code: 41, Store-Small 1-story. Structure used primarily for retail sales; row, attached, or detached, with/without accessory uses; with/without living quarters.
3.	**5420 New Hampshire Avenue NW (Attachment C)** (Cross St: Kennedy) Tel: 722-8863 (DC Zoning Map #4)	Not in DCRA online database 10/2/03 to 8/20/04. **Zone C2A***.	Not in DCRA online database.	5420 NEW HAMPSHIRE AVENUE LLC Mail Add: PO BOX 9492; WASHINGTON, DC 20016-9492 Sale Price/Date: Not Available Instrument No.: 82173	Use Code: 62 Commercial-Garage, Vehicle Sale. Structure with facility for motor vehicle repair; devoted to retail, wholesale motor vehicle sales.
4.	**1400 W Street NW (Attachment D)** Tel: 328-3990 (DC Zoning Map #6)	Not in DCRA online database 10/2/03 to 8/20/04. **Zone C3A***.	Tracking #: 1045 B 3 Date filed: 4/30/2003 Agent: CARL HUFF 2028321845 Electrical: Approved. 5/31/2003 Fire: Approved. 5/2/2003 Mechanical & Plumbing: Approved. 5/27/2003 Structural: Hold for correction. 5/23/2003 Zoning: Approved. 5/24/2003	PATRICIA YUEN LIFE INSURANCE Mail Add: PO BOX 9492; WASHINGTON, DC 20016-9492 Sale Price/Date: Not Available Instrument No.:	Use Code: 41, Store-Small 1-story. Structure used primarily for retail sales; row, attached, or detached, with/without accessory uses; with/without living quarters.

[1] Office of Tax & Revenue Use Codes.
[2] "DCRA BLRA Number of Issued Building Permits by Date" online database.

SUMMARY OF LOWEST PRICE GAS STATIONS' PRELIMINARY FINDINGS AS OF AUGUST 2004					
		DCRA Building & Land Regulation Database		Owner	Office Tax & Revenue Use Codes[3]
#	Gas Station Location	Building Permit	Building Plan Status		
5.	**4665 S Cap St SE[4] (Attachment E)** Under permit Quadrant is listed as SW in DCRA BLRA records. (DC Zoning Map #17)	Permit issued 2/24/04 B459297, Alt/Repair, 1 Flr, Retail Bakery, SL#62740001, New deli/C-store ETIO Inc Contractor (Reviewed DCRA records which shows change to existing permit B459297 to install kitchen cooking eqpmt, i.e., 2 burner range w/ grill, 2 deep fryers.) **Zone C3A*.**	Tracking number: 763 E 4 Date filed: 2/12/2004 Agent: KEITH PREDDIE 2028823589 Electrical Approved. 2/20/2004 Fire Approved. 2/19/2004 Mechanical & Plumbing Approved. 2/20/2004 Structural Approved. 2/24/2004 Zoning Approved. 2/19/2004	4665-4675 LLC Mail Add: 1832 JEFFERSON PL NW; WASHINGTON, DC 20036-2505 Sale Price: Not Available Sale Date: Not Available Instrument No.: 76645 [Quadrant is listed as SE in Real Property records; No record for South Capitol St SW]	Use Code: 41, Store-Small 1-story. Structure used primarily for retail sales; row, attached, or detached, with/without accessory uses; with/without living quarters.

*** Zones C2A, C3A: Where these zones are concerned, if it is an expansion of an existing building, building a new structure, canopy, owners must go to BZA.**

[3] Office of Tax & Revenue Use Codes.

[4] Quadrant in DCRA BLRA records differ from DC Real Property records.


790E LC
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202-562-0600


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CHICKEN


MARKET




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790E LC


SUNOCO


MARKE
Drive
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ATTACHMENT D

Ray, John

From: Monti Tefferi [Monti@DAGPetroleum.com]
Sent: Tuesday, January 11, 2005 9:57 AM
To: Ray, John
Cc: Ang, Tina
Subject: Dealer's conversation with Chief of Zoning Mr. Toye Bello about the construction activity at 4665 South Capital

1/11/05

I Shahid Mahmood 4700 South Capitol st se Washington DC 20032 went to 941 north capital st on January

9th 2005 .I went to the front desk in room 2000 and ask complaint form fill that out and ask the desk girl if I can talk to mr denzal she told me Mr denzal has been tranfered to another post there is a new officer name bollo there now I gave her the complaint form along the picture I made as a proof of illegal construction at 4665 south capital st see She went inside and came back saying the mr bollo want to see me. I followed her to mr bollo office . As I enter the office he asked me what can he do for me I said I have a complaint that Illegal construction is going on at 4665 south capital st which need to be stopped.

Bollo. Who are u?
Sean. I am a concern citizen
Bollo. Do u have business in that are
Sean. Yes
Bollo . this is a free market let some body build the business
Sean . I am not against building a business I am against building a illegal business.
And second the property owner of 4665 soth capital st misleading a government of
DC to get all licence and permits by using wrong address he is using 4675 south capital st to apply for all the permits
Which is illegall
Bollo . No it is not illegal
Sean. Providing a wrong information to get any license and permit is not illegal?
Bollo. No it is not .I t is not even a big deal
Sean . to my knowelege it is illegal to do
Bollo. No it is not it is not a big deal it happens all the time
Sean. This is new for me
Bollo. The owner of 4665 south capital st is allowed to do the construction work at the sight
Sean. But the public hearing is set to decide wether the gas station should come in that community or not if the construction is going on why should we go to public hearing and to decide what/
Bollo. There are vary slim chance of denial in public hearing about that
Sean. Slim but there are still chance and we as a public should decide in public hearing.
Until then construction should be stopped.
Bollo. Ther owner of that property is not doing any thing wrong and he is allowed to do the work he is doing
Sean. Then why the public hearing is being schedule
Bollo. I don't know
Sean . we are getting into argumental discussion where u are not ready to even consider my complain the only thing I am asking is to stop the construction until the public hearing
Bollo. Nothing is being done illegal there and they are allow to do the work on that property
Sean . if in public hearing it is being decide against the construction then

Bollo. There are no chance of that
Sean . earlier u said there are very slim chance
Bollo. May be
Sena . ok I will still like to submit my complaint
Bollo; u can go to front desk and file a complaint

ATTACHMENT E

[redacted] District of Columbia

Consumer & Regulatory Affairs [redacted]

DCRA HOME

SERVICES
Business Center
Community Events Calendar
Compliance & Enforcement
DCRA Call Center
Land Plats
Licenses
Inspections
Permits
Third Party Inspection Program

INFORMATION

ONLINE SERVICE REQUESTS

Building Plan Review Status

Project Information

- Tracking number: WT 4
- Date filed: 9/28/2004
- Address: 4875 SOUTH CAPITOL ST SW
- Agent: a plus

Project Status

Pending. Review of your application has not been completed yet. DCRA will make all effort to complete the review of your application on or before 9/29/2004. Please contact us only after 9/29/2004.

Discipline	Review Status	Status date
Electrical	Pending. We are currently reviewing your application.	9/28/2004
Fire	Pending. We are currently reviewing your application.	9/28/2004
Mechanical & Plumbing	Pending. We are currently reviewing your application.	9/28/2004
Structural	Pending. We are currently reviewing your application.	9/28/2004
Zoning	Pending. We are currently reviewing your application.	9/28/2004

Building permit application status data current as of: 1/10/2005, 4:58:17 PM

If you have questions about a particular building application, please contact BLRA at: (202) 442-4400.

Search for another job

ATTACHMENT F

POWER FUEL & Transport, LLC

7218-B Centreville Road
Manassas, Virginia 20111
Telephone: o/a 410-908-1288

RECEIVED
D.C. OFFICE OF ZONING
2004 DEC -3 PM 12:47

November 8, 2004

District of Columbia Government,
Department of Consumer & Regulatory Affairs (DC-DCRA)
Building and Land Regulation Administration (BLRA)
941 North Capitol Street, NE
Washington, DC 20001
Attention: Mr. Akoye Bello, Zoning Administrator

Re: Building Permit # B463152, for Gas Station at 4675 South Capitol Street, SW, Washington, DC

Dear Mr. Bello, et. al.:

On the behalf of Power Fuels & Transport, LLC, owner and permit holder for the above referenced property/project, we hereby do indemnify and hold harmless the District of Columbia DC-DCRA / BLRA in conjunction with work at this site.

We have owned / operated this site since 1995, however, in compliance with a December 1998 EPA compliance date, the then-existing original underground storage tanks and fueling pumps were removed.

Corporate logistics and finances are now in place to replace and re-install new tanks and pumps and to resume operation.

We understand that our work and re-installations activities as set forth in the above referenced permit shall be allowed to proceed by DC-DCRA/BLRA, and that concurrently an application to restore this prior valid use shall be filed / submitted to the District of Columbia Board of Zoning Adjustment (BZA).

Signed by,

Jack Bell

For Power Fuels & Transport, LLC

BZA
Case No. 17271
Exhibit No. 7


CHICKEN

ATTACHMENT 3: Illegal Construction Complaints Filed With BLRA on March 22, 2005

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
941 NORTH CAPITOL STREET, NE, SUITE 2000
WASHINGTON, D.C. 20002
442-4564

INSPECTION SCHEDULING & COMPLAINT FORM

Date Received: _____ Complaint No.: _____

Source of Complaint

☐ Telephone ☐ Mail ☐ Walk-In ☐ Internal
☐ I.Q. Correspondence No: ____
☐ Referred to Another Administration (identify): ____

Type of Complaint

☑ Constr. ☐ Plumbing ☐ Electrical
☐ Mech. ☐ Elevator ☐ Structural
☐ Home ☐ Business ☐ Vacant Lot
☐ Vacant Bldg. ☐ Zoning

PROPERTY ADDRESS: 4405 South Capital St. 20032.

COMPLAINANT INFORMATION: ZIA MALIK.
Name

4700 South Capital St. S.E Washington D.C 20032
Number Street Suite/Apt. Zip Code

Telephone No: Home: 301-627-6456 Work: 202. 562. 0661.
Cell: 516. 633. 5131. Fax: 202. 563 4296

ANONYMOUS COMPLAINANT [ ]

Nature of Complaint: Across the street from ~~my house~~ my job. illegal construction is going on. We had a hearing few months ago, and they were stopped by department to carry on construction until June 05. But, inspite of that construction started again on March 3rd 2006 which is obviously illegal and hurting the flow of traffic etc.
If you have a written complaint, you may attach it. If additional space is required, attach a separate sheet.
Please look into this matter to solve this illegal activity in neighborhood

Complaint Processed by: _____
Date Complaint Forwarded to Division: _____
Scheduled Inspection Date: _____
Inspector's Name: _____

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I am a concerned citizen and would be available if you need me for any further information.

Thanks

Zeigler

2

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
941 NORTH CAPITOL STREET, NE, SUITE 2000
WASHINGTON, D.C. 20002
442-4564

INSPECTION SCHEDULING & COMPLAINT FORM

Date Received: _____ Complaint No.: _____

Source of Complaint

☐ Telephone ☐ Mail ☐ Walk-In ☐ Internal
☐ I.Q. Correspondence No: ____
☐ Referred to Another Administration (identify): ____

Type of Complaint

☐ Constr. ☐ Plumbing ☐ Electrical
☐ Mech. ☐ Elevator ☒ Structural
☐ Home ☐ Business ☐ Vacant Lot
☐ Vacant Bldg. ☐ Zoning

PROPERTY ADDRESS: 4665 South Capitol St. 20032.

COMPLAINANT INFORMATION: RAHAT MAQSOOD
Name

4700 SOUTH CAPITAL SUITE 20032
Number Street Suite/Apt. Zip Code

Telephone No: Home: 301-213-6128 Work: 202-562-0661.

Cell: _____ Fax: _____

ANONYMOUS COMPLAINANT [ ]

Nature of Complaint:
I would like to inform you of illegal activity going on across from our business. I filed a complaint before and ~~has~~ appeared for that and the construction was stopped until it is according to the orders. But on March 22, 2015 construction started again. Despite of decision in hearing this illegal activity is going on again. If you need any other information from me you can call me at the numbers provided.

If you have a written complaint, you may attach it. If additional space is required, attach a separate sheet.

Complaint Processed by: _____
Date Complaint Forwarded to Division: _____
Scheduled Inspection Date: _____
Inspector's Name: _____

Rev. 7/6/04

ATTACHMENT 4: Mr. Berhane's March 22, 2005, Photographs of Illegal Construction Activity

Margaret Gentry

From: Hope Gardepe [Hope@DAGPetroleum.com]
Sent: Wednesday, March 23, 2005 9:07 AM
To: margaretgentry@hotmail.com
Subject: FW: 4665 South Capitol St. SE Washington, DC 20032

-----Original Message-----
From: Monti Tefferi
Sent: Wednesday, March 23, 2005 8:48 AM
To: 'tang@manatt.com'
Cc: 'jmamo@dagpetroleum.com'
Subject: 4665 South Capitol St. SE Washington, DC 20032

Hello Tina:

On Tuesday March 22, 2005, I was informed by our Shell Dealer at 4700 South Capitol St. that construction activity had resumed at 4665 South Capitol Street. I am sending you pictures of what was taking place. The construction crew appeared to be installing new underground and above ground equipment despite the stop work order directive for DCRA.

As of 8:30 AM this morning, there is no construction activity. I will inform you if there is work being done today.

You can reach me at (703)926-6960 if you have any questions. Thank you.

Monty T. Berhane
Territory Manager

DAG Petroleum Suppliers, LLC.

[NOTE TO REVIEWERS: The steady rain on March 23 apparently prevented construction work that day.]


PREPAID
WIN IT


MARKET
LOWEST PRICE
DEER


Famous Rotisserie
MARKET CHICKEN


HARD HAT AREA
LOCO
AIRTOUCH
CellPlus
Liberty
WIN IT
D.C. lottery