

Thomas Atkins and Edwin Rodriguez
520 6th St., NE
Washington, DC 20002

December 11, 2015

The Honorable Vincent Orange
Member, Council of the District of Columbia
Chair, Committee on Business, Consumer and Regulatory Affairs
1350 Pennsylvania Avenue NW, Suite 107
Washington, DC 20004

Re: DCRA issues regarding 518 6th St., NE

We respectfully submit this “White Paper” as a statement of our position regarding issues related to the permitting process, demolition and construction, and hazardous conditions at 518 6th St., NE, a property owned by Redux Properties, LLC, of Virginia. The dangerous conditions at this property, and the facts that have led up to it, are an embarrassment to our community. It is an example of how the redevelopment of vacant properties should **not** take place.

We thank the Executive Office of Mayor Muriel E. Bowser, the DC Department of Consumer and Regulatory Affairs, the DC Department of Public Works, and the DC Metropolitan Police Department for their assistance in connection with the issues discussed herein. We are especially grateful to Mark Eckenwiler, Commissioner, ANC 6C04, for his invaluable assistance. We hope the following discussion is helpful to you as you work to resolve the problem(s) that started when DCRA issued Redux Properties a construction permit on July 2, 2015.

518 6th St. is currently subject to a second Stop Work Order that was issued for two reasons: (1) Redux Properties failed to take measures to protect our home during demolition of masonry walls and consequently damaged the party-wall, basement wall, and foundation of our house in multiple places; and (2) Redux Properties failed to provide notification of this dangerous work. Since the Stop Work Order was entered on October 29, 2015, the house has remained a dangerous site, with bricks and construction debris on the property, and with a broken and dangling downspout above our back door that threatens to fall at any time causing bodily injury or death. This current situation is the result of Redux Properties’ disrespect for DCRA and the District of Columbia.

Unfortunately, the current situation has been facilitated by DCRA’s failures to do its job on many fronts from July 2015 to the present.

DCRA Must Enforce Non-discretionary Zoning Regulations, Respond to Public Inquiries, and Sanction Illegal Actions by Property Owners

First, the Zoning Administrator failed to perform his duties by granting Redux Properties a permit to build onto a non-conforming structure without a special exception, and by failing to act when Commissioner Mark Eckenwiler and we repeatedly pointed out the zoning violation. This dereliction of duty caused the ANC to appeal the permit to the BZA on November 23, 2015. See attachment A (Statement of ANC 6C in support of appeal 19207; hearing date scheduled for March 2016). We thank God for the intervention of the ANC and concerned neighbors who attended ANC subcommittee and committee meetings to support the appeal. But the truth is that the situation would never have reached this point if the Zoning Administrator had done his job.

Second, DCRA fails to communicate or to communicate accurately with the community. For example, DCRA failed to respond to us when we objected on July 31, 2015, that Redux Properties' construction plans likely violated lot occupancy limits, objected that Redux Properties' property measurements were likely wrong, and requested that DCRA calculate the lot occupancy for itself. *The answer was silence*. See attachment B (July 31, 2015, communication).

And we also received no response when we inquired of DCRA whether the foot area ratio (FAR) for the proposed construction met the limits for the Capitol Hill Historic District, when we inquired whether the nonconforming structure was structurally sound to support a second story, and when we expressed concern that a second story on the nonconforming structure would impinge on the air, light, and privacy affecting our home. See attachment B (Oct. 19th email, and Sept. 10th, and Oct. 13th communications).

In fact, we repeatedly expressed to DCRA that we strongly oppose allowing a second-story addition to 518 6th St., because the light and air available to our neighboring property would be unduly affected, and the privacy of use and enjoyment of our property would be unduly compromised. See attachment B (Oct. 19th email, Sept. 10th and Oct. 13th communications). DCRA never responded to these objections. We continue to oppose any special exception that would prejudice us so severely.

Other DCRA failures of communication include:

- a) Building plans are not available for consultation online;
- b) DCRA databases such as PIVS are not updated promptly with the latest information to keep the public informed (*e.g.*, we still do not know of any actions DCRA has taken related to the reasons for the second Stop Work Order, the failure to take adequate precautions and failure to notify); and
- c) DCRA workers claim that FOIA requests must be filed for public information, such as the status of reports of illegal construction even when the person requesting the status is the person reporting the violation.

Third, as far as we know, DCRA has failed to sanction Redux Properties for any of its actions, to wit:

- a) Redux Properties submitted falsified plans drafted by a company in Bulgaria (unlicensed in DC), which misrepresented that structures that were to be built already existed and which misrepresented existing building dimensions, including a falsified lot occupancy calculation;
- b) when DCRA issued a first Stop Work Order because of the misrepresentations relating to existing structures and the unpermitted demolition of a wall, Redux Properties violated the SWO repeatedly¹;
- c) Redux Properties failed to take adequate measures to protect adjoining properties, cut-down a tree that damaged three (3) neighboring properties, and damaged an exhaust ventilation pipe of another (fourth) neighboring property;
- d) Redux Properties submitted revised building plans that continued to lie by misrepresenting the existence of a deck and by continuing to misrepresent building dimensions;
- e) after Redux Properties submitted these revised plans, it served work notification forms for underpinning to an adjoining property (516 6th St.), and to a property one-door removed (522 6th St.), but not to us at 520 6th St. (these forms were *completely blank, i.e.*, Redux Properties was seeking approval from neighbors for work without proper notification or any attached plans; the neighbors did not sign the forms);
- f) Redux Properties failed to secure the safety of adjoining properties and to provide proper notification of dangerous work to be performed, resulting in damage to our home and a second Stop Work Order;
- g) Redux Properties violated this second Stop Work Order and caused further damage to our property (foundation and basement wall) during that violation²;
- h) Redux Properties on multiple occasions failed to secure the property, leaving it with no front door, an open back door, and open holes where windows were removed, which caused neighbors to call MPD;
- i) Redux Properties failed to provide a dumpster or any other means for the storage of construction debris and trash;
- j) consequently, Redux Properties left construction debris and trash strewn throughout the front and back yard, with a pile of bricks and other debris as high as the 1st floor roof and out to the alley;
- k) Redux Properties failed to clean the construction site when DCRA lifted the second Stop Work Order only for that purpose.

¹ The MPD has also failed to act to prevent violations of Stops Work Orders issued against the property. Calls to MPD have resulted in allowing workers to continue working.

² ANC Commissioner Eckenwiler witnessed the violation of the second SWO and called MPD.

This long recitation makes it clear that Redux Properties does what it wants, when it wants, and how it wants with no regard for the community or for the laws and regulations that DCRA enforces.³ But it also shows that DCRA will not take action within its power to rectify or sanction Redux Properties for its behavior. All of these concerns and complaints have been previously reported to DCRA since July 2015 to the present.

We ask that you work with DCRA and other government agencies to ensure that they enforce all applicable laws and regulations, respond more transparently and effectively with the public, and sanction illegal behavior by property owners. Redux Properties' actions have caused too much property damage and now place our lives in danger.

DCRA and the Government of the District of Columbia Must Act to Correct Dangerous Conditions at 518 6th St., NE

Dangerous conditions have existed at 518 6th St., NE, since October 29, 2015. Redux Properties has failed to correct this serious danger to health and safety. The attached email chain involving the ANC, DCRA, and DPW show Redux Properties' recalcitrance, but also a failure of DCRA and DPW to hold the owner accountable by correcting the conditions itself without further notice, charging the owner for the cost, and imposing monetary penalties. See attachment C.

On October 29, 2015, DCRA issued a second Stop Work Order to Redux Properties for (1) failure to protect adjoining property pursuant to DCMRA 3307.1 and (2) failure of notification pursuant to DCMRA 3307.2. See attachment D (SWO). The reasons for the SWO were that on October 27, 2015, Redux Properties performed demolition of the rear masonry wall of its property without taking any measures to protect our adjoining property at 520 6th St., NE, and without notifying us of the dangerous demolition work. As a consequence, the demolition work caused significant damage to our party/fire wall, cracked an interior wall, and sent bricks hurling from three-stories down into our back yard, damaging personal property. On October 31, 2014, Redux violated the SWO and further damaged the party wall to our home. See attachment E (photos).

Redux then stopped work, but left the property in a dangerous, unsecured condition, with construction debris and trash on the property, and a dangling broken downspout in the rear that poses the threat of serious bodily harm when it falls. See Attachment F (photos). It is important to note, that contrary to Lisa Branscomb's (DCRA) statement that "[t]he stop work order remains in effect until we receive proof that the cleanup was done," the SWO is not based on the current condition of the property, but on Redux's failure to protect our adjoining property.

³ In addition to these actions, over which DCRA has considerable power, Redux Properties has stolen our trashcan, placing it on the roof of the rear extension to 518 6th St., NE.

The dangerous conditions have not been corrected. Our ANC Commissioner, Mark Eckenwiler, has repeatedly inquired (on October 31, November 17, November 24) of EOM, DCRA, and DPW when we could expect to see action, but the situation has not been corrected. See Attachment A. When a neighbor, Ann Manheimer, complained to 311 about the trash and debris (Service Request 15-00309214), she received the shocking response that her request had been closed on November 6th because an inspector had left “educational material” at the property. See Attachment G.

After EOM referred the matter to DCRA and DPW, DPW issued a Notice of Violation for the rear of the property on November 3rd and a Notice of Violation for the front of the property on November 17th. See Attachment H. However, the November 17th Notice of Violation specifying \$1,000 in “potential” fines is addressed to the previous owner of the property, Bernard A. Jones, who has been dead for over three years. We have not seen the November 3rd notice. DCRA issued a limited work authority to allow the owner to clean up the construction debris and to fix the broken downspout, but the limited work authority expired on November 21th, without any action by the owner. This week, we have noticed some improvement, but construction debris is still present in the back yard and the downspout is still in imminent danger of falling.

DCRA Must Provide Monitoring of Proposed Underpinning at 518 6th St. to Prevent Additional Damage to Adjoining Properties

We have not received any information about the steps Redux has taken since the second Stop Work Order to correct its violations: (1) failure to protect adjoining property pursuant to DCMRA 3307.1 and (2) failure of notification pursuant to DCMRA 3307.2. See attachment D. There is no information on PIVS about the steps Redux has taken in response to the Stop Work Order to correct these violations and to protect our property from any further damage.

We are seriously concerned that Redux will continue to fail to protect our adjoining property. Our concerns are especially strong since DCRA issued a permit on October 27th (the same day that Redux caused the damage) to perform underpinning at 518 6th St., NE. See attachment I (PIVS screenshot, permit # FD1500105). Incredibly, DCRA issued this permit despite the instruction in PIVS against issuing any permits:

DO NOT ISSUE ANY BUILDING PERMITS OR CERTIFICATES OF
OCCUPANCY WITHOUT APPROVAL FROM THE ZONING
ADMINISTRATOR, DEPUTY ZONING ADMINISTRATOR, OR
SUPERVISORY ZONING TECHNICIAN.

See attachment J (PIVS screenshot). The damage Redux has already caused shows that it cannot be trusted to perform such sensitive underpinning work without monitoring. We request that DCRA ensure that Redux Properties retain an independent structural engineer to monitor any underpinning work. It bears repeating that Redux has already damaged the party wall at the foundation of our home, even before underpinning has begun.

Thank you for your time and attention. We have every confidence that, as the Chair of the Committee on Business, Consumer and Regulatory Affairs, you will accord these issues the seriousness and attention they deserve.

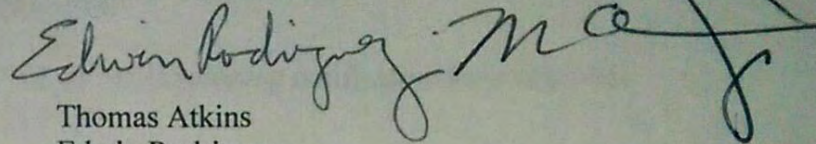
Respectfully submitted,

Thomas Atkins
Edwin Rodriguez

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Thank you for your time and attention. We have every confidence that, as the Chair of the Committee on Business, Consumer and Regulatory Affairs, you will accord these issues the seriousness and attention they deserve.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Edwin Rodriguez', followed by a large, stylized flourish that extends to the right.

Thomas Atkins
Edwin Rodriguez

Chronology of DCRA Issues Related to Construction Work at 518 6th St., NE

- 518 6th St., NE – Square 0835, Lot 029
 - o R-4 zoning district (60% lot occupancy limit)
 - o Capitol Interest Overlay District (1.8 FAR limit)
- Chronology
 - o 6/17/2015 – Atkins/Rodriguez received underpinning notification form with this date from Redux without required plans
 - o 6/18/2015 – Atkins/Rodriguez received underpinning notification form with this date from Redux without required plans
 - o 6/26/2015 – Rodriguez emailed Brian Craddock about receiving underpinning notification forms from Redux without “copies of all documents filed with the District for the necessary permit for the proposed work [which] shall be delivered to the adjoining property owner,” as required by the form.
 - o 7/2/2015 – Atkins/Rodriguez wrote letter to Melinda Bolling at DCRA stating that Redux had not provided the required documents and that they could not therefore grant permission or denial within the 30 days of the notification.
 - o 7/2/15 – DCRA issued permit B1509391
 - o 7/14/2015 – Gary Englebert of DCRA emailed Rodriguez stating: “I have entered a comment in our system that any future review is not to take place until proper notification in compliance with 3307 of the 12 DCMR A is fully complied with.”
 - o 7/15/2015 – Brian Craddock emailed Rodriguez about the notification form:
 - “I would like to get a copy of these plans to you, if I need to I will scan them in and send over an electronic copy. Currently the only item holding up the issuance of my permit, is your signature. I will not need any access to your property for the construction that I am doing. I stopped by your house yesterday and will make myself available to come by any time, I don't mind leaving the plans with you, but will need to get them back. Emphasis added.
 - o 7/15/2015 – Brain Craddock emailed Rodriguez about the notification form:
 - “I have the approved copy that I would like to bring you to review. I only need a receipt of certified mail if you are not willing to sign the document. I spoke with dcra yesterday, as soon as I get this document signed they will release the permit.”

- o 7/16/2015 – Redux again provided notification of underpinning work. The notification form, dated 7/14/2015, came without construction plans, which Atkins purchased on 7/27/2015.
- o 7/16/2015 – Atkins/Rodriguez had not yet seen the building plans, but had seen in DCRA’s website that the owner was planning to repair a deck above the existing back extension. Rodriguez sent email to Whitescarver (DCRA), with photographs, informing DCRA that no such deck existed.
- o 7/27/2015 – Atkins purchased copy of building plans from DCRA, picking them up from Blue Boy Imaging. Atkins/Rodriguez reviewed plans and identified misrepresentations that are the subject of their 7/31/2015 letter to DCRA.
- o 7/28/2015 – Craddock emailed Rodriguez stating:
 - “On another note, if I have done something that has bothered you, please let me know. I may be reading the situation wrong, but it seems as though you are not happy with me.”
- o 7/31/2015 – Atkins/Rodriguez wrote letter documenting misrepresentations and door issue in the building plans:
 - Misrepresentation: “existing” 2nd floor rear bedroom
 - Misrepresentation: “existing” 3rd floor rear deck
 - Misrepresentation: “existing” 3rd floor joists
 - Misrepresentation: size of existing basement
 - Historic Preservation door issue: building plans show door with no transom, when current door has a transom
 - Among other things, Atkins/Rodriguez requested that DCRA:
 1. investigate the misrepresentations detailed above and take appropriate action in connection with any permitting for work to be performed;
 - 2. inspect 518 6th St., NE, to determine whether the proposed building plans contain accurate information (e.g., “existing” structures, structural dimensions) or violate any regulations or laws;**
 - 3. conduct an independent evaluation to determine whether the lot occupancy exceeds permissible limits;**
 4. conduct an independent evaluation to determine whether the FAR exceeds permissible limits;
 5. determine whether any proposed changes to exteriors, including, but not limited to, changes to the front door, violate any historic preservation restrictions;
 6. notify us of all the avenues open to us to challenge and prevent the construction of the second and third floors, the alteration of the facade, and any other changes that violate any regulations or laws of the District of Columbia.
 - DCRA did not respond

- o 7/31/2015 – ANC Commissioner Mark Eckenwiler emailed Zoning Administrator Matt LeGrant:
 - “Mr. Rodriguez’s email & photos make clear that the drawings on which permit B1509391 (issued 7/2/15) was based contain material misrepresentations about the existing structure. I would appreciate a response as to whether or not DCRA will revoke this permit (and if so, when).” DCRA did not revoke the permit, but issued a stop work order, and allowed the owner to submit revised plans.
- o 8/4/2015 – Stop Work Order posted (pursuant to DCRA, SWO was issued “due to the demolition of an interior masonry bearing wall, contrary to specific conditions on their permit, and the plan errors regarding existing building elements that do not actually exist.”) See below.
 - Redux continued to work for two days, and then stopped when Thomas called DCRA. Other violations occurred Sept. 15-18.
- o 8/6/2015 – Garret Whitescarver from DCRA wrote to Mark Eckenwiler:
 - “Thank you for your follow up inquiry. A SWO was posted at the property on Tuesday, 8/4, due to the demolition of an interior masonry bearing wall, contrary to specific conditions on their permit, and the plan errors regarding existing building elements that do not actually exist. While a hearing date has not yet been set for the SWO, once the hearing is held the builder will be required to revise their original plans to reflect the actual conditions at the site as well as the scope of their demolition work; this will trigger issuance of a new permit reflecting the changes.

As a matter of the permit process for the needed plan revisions, both Zoning and HP will be weighing-in on the builder’s plan revisions. The illegal construction inspector will also review the plans based upon his familiarity with the site.”
- o 8/7/2015 – Sarah Vanlandingham from the Historic Preservation Review Board sent an email to Rodriguez:
 - “I think DCRA has issued a stop work order regarding the plan inconsistency with existing conditions. I am wondering about the design of the new door. Has a new front door been installed already? The plans are not specific about what will be installed.”
 - Rodriguez responded on same day pointing out building plan drawing of front door with no transom and indicating that new door would be 8 ft Shaker door.
- o **9/10/2015 – Atkins/Rodriguez sent Whitescarver (DCRA) email detailing additional concerns about construction above and below 1-story rear extension:**
 - **1. whether the existing 1-story extension can withstand the planned excavation of a basement where there is currently no basement;**
 - **2. whether any planned shoring of extension walls is sufficient to support superstructures;**

- **3. whether the CMU extension walls can support any superstructures; and**
 - **4. whether the planned two stories above the extension would be illegal "pop-backs." Atkins/Rodriguez strongly objected to the planned 2nd-story addition, stating that it would have "a substantially adverse effect on the use or enjoyment of our adjacent dwelling in part by blocking the light and air available and by intruding in our privacy."**
- o 9/15/2015 – violation of the SWO – DC 1st District police came to the house, but workers falsely represented that they were only there to retrieve their tools. The workers also falsely represented to us and other neighbors that the SWO had been lifted. When DC police left the scene that day, the workers stayed for the whole work-day, removed multiple windows in the front of the house, leaving the house open to the elements, and performed work in the interior that we could hear.
 - o 9/16/2015 – violation of the SWO – Workers were back at work by 8:30am. They continued to work on the interior of the house and removed insulation which they dumped in the backyard on top of a mound of insulation that they previously removed. We reported the on-going SWO violations to DCRA. Mr. Pope from DCRA confirmed that a hearing had taken place and that the SWO had been upheld. He said that an inspector would visit the house.
 - o 9/17/2015 – violation of SWO – Workers arrived at approximately 9:45am and worked at the site in violation of the SWO.
 - o 9/18/2015 – violation of SWO – Workers continued to violate the stop work order at 518 6th St., NE. Workers created a trash mound that grew during the week. The back door was left open. We called the SWO division of DCRA to report the violation, and were told that someone would come to inspect.
 - o 10/1/2015 – DCRA issued permit for revised plans, Permit B1512716. Somebody ripped Stop Work Order off of window.
 - o 10/13/2015 – Atkins/Rodriguez checked PIVS and saw that DCRA had issued a permit for revised plans on October 1, 2015, without DCRA responding to any of their communications.
 - o **10/13/2015 – Rodriguez sent email to Whitescarver (DCRA) complaining that DCRA issued 10/1/2015 permit without addressing prior concerns raised by Atkins/Rodriguez, including that the planned 2nd-story addition would "have a substantially adverse effect on the use or enjoyment of our adjacent dwelling in part by blocking the light and air available and by intruding in our privacy."**
 - o 10/15/2015 – ANC Commissioner Eckenwiler sent email to Zoning Administrator LeGrant raising issue that lot occupancy exceeded 63% (maximum allowed is 60% without zoning relief) and stating that non-conformity requires zoning relief. Atkins/Rodriguez had previously raised the issue of lot occupancy on July 31, 2015,

and asked DCRA to verify that it complied with the 60% maximum, but never received a response.

- o 10/16/2015 – Zoning Administrator Matthew LeGrant sent email response to ANC Commissioner Eckenwiler’s 10-15-2015 email, stating that LeGrant would “review the approved plans. . . and evaluate whether all applicable Zoning standards were adhered to.” Commissioner Eckenwiler did not receive a response.
- o 10/16/2015 – ANC Commissioner Eckenwiler stated in an email that Sarah Vanlandingham from HPO had informed him that HPO had not signed off on the revised plans, but that DCRA had signed off for HPO.
- o **10/19/2015 – Rodriguez sent email to Matthew LeGrant about his review of the plans (as indicated in Mr. LeGrant’s email of 10/16/2015, to Eckenwiler) and requested that he consider objections raised by Rodriguez/Atkins in prior communications to DCRA (including the ZA) of 7/31/2015, 9/10/2015, and 10/13/2015, including concerns that the planned 2nd-story addition:**
 - may exceed permissible lot occupancy limits;
 - will have a substantially adverse effect on the use or enjoyment of the our adjacent dwelling;
 - will intrude on our privacy;
 - will block the light and air available to our property from the South, thereby increasing the amount of shade, and the growth of harmful moss, mold, and mildew;
 - will eliminate the rear view from our home of the Southern sky and scenery, thus significantly reducing the resale value of our home;
 - will have an unacceptable impact on the character, scale, and pattern of houses along the alley.
- o 10/26/2015 – Atkins obtained revised plans, Permit B1512716, from DCRA.
- o **10/27/2015 – work crew at 518 6th St., NE, damaged party-wall of 520 6th, NE, at third-floor of building, by ripping bricks from the adjoining property during demolition without taking any precautions. Rodriguez copied Whitescarver (DCRA) on email about the damage.**
- o **10/27/2015 – DCRA issued permit for “foundation repair and underpinning.”**
- o 10/28/2015 – ANC Commissioner Eckenwiler informed Rodriguez that, since Zoning Administrator LeGrant failed to respond regarding his review of the plans regarding the lot occupancy issue, Eckenwiler would put matter on PZE Committee Agenda for November 4, 2015, meeting.
- o **10/29/2015 – DCRA issued second Stop Work Order, for “failure to protect adjoining property.”**

- o 10/30/2015 – Violation of SWO – work crew continued to work.
- o 10/31/2015 – Violation of SWO – work crew continued to work.
- o 10/31/2015 – work crew at 518 6th St., NE, broke through party-wall into adjoining basement at 520 6th St., NE.
- o 11/4/2015 – PZE Committee voted unanimously to refer matter to ANC 6C Commission for vote to appeal permits to BZA.
- o 11/12/2015 – ANC 6C Commission voted unanimously to appeal permits to BZA.
- o 11/23/2015 – ANC 6C filed appeal with BZA

**Statement of Advisory Neighborhood Commission 6C
In Support of Appeal to the Board of Zoning Adjustment
Concerning Permits B1509391 and B1512716**

Advisory Neighborhood Commission 6C submits this statement in support of its appeal concerning permits B1509391 and B1512716 issued for construction at 518 6th St. NE, also known as square 835, lot 29 (“the Property”).

SUMMARY OF ARGUMENT

On July 2, 2015, DCRA issued permit B1509391 to the owner of the Property, Redux Properties LLC (“Redux”) for extensive interior and exterior construction. Both the application form and the plans (prepared by a firm in Sofia, Bulgaria apparently unlicensed to practice architecture in the District of Columbia) contained numerous material omissions, inconsistencies, and false statements concerning the Property’s existing condition.

When the owner of an abutting rowhouse called DCRA’s attention to the most egregious of these misrepresentations—the depiction of the existing rear addition as a two-story structure, and not the actual one-story addition on the Property—Redux submitted revised plans calling instead for the addition of that second story. Once again, those plans materially misrepresented the Property’s existing condition.

On October 1, 2015, the Zoning Administrator authorized the issuance of permit B1512716 revising the July permit and allowing the second-floor addition. The Zoning Administrator apparently did so without conducting any zoning review or analysis of the proposed building envelope expansion. The file jacket for permit B1512716—that is, the DCRA form used to check off plan review for various disciplines such as plumbing, electrical, structural, etc.—bears no notes of any kind, either for zoning review or any other area. The permit file also contains no evidence that the applicant provided (or that the Zoning Administrator requested) a new Zoning Data Summary form or any other new or revised figures or calculations relevant to determining zoning compliance.

On October 15, the ANC Commissioner for the relevant district (6C04) emailed the Zoning Administrator and the Deputy Zoning Administrator drawing their attention to the fact “that the existing structure occupies over 60% of the lot, which would necessitate zoning relief for any addition.” Later that same day, and on numerous occasions over the following five weeks, the 6C04 Commissioner provided the Zoning Administrator and members of his staff increasingly detailed information—in the form of plan excerpts, lot-occupancy calculations, and citations to the controlling provisions of the DC zoning regulations—and called repeatedly for the revocation of permit B1512716.

After the 6C04 Commissioner advised the Zoning Administrator on November 13 that ANC 6C had voted unanimously to file this appeal (and again invited the Zoning

Administrator either to revoke the permit or to provide a justification for its issuance), there was no response. Indeed, the Zoning Administrator failed to take action even after the 6C04 Commissioner and the chair of ANC 6C escalated their objections to the DCRA Director.

Having made every effort to seek the Zoning Administrator's assistance in enforcing the law and protecting the interests of nearby property owners, ANC 6C is now left with no choice but to bring this appeal from

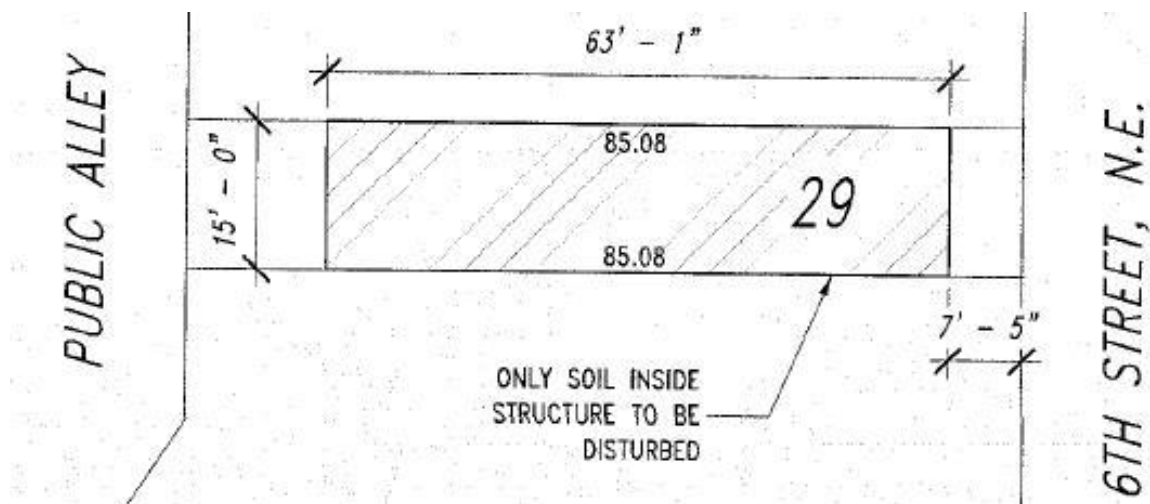
1. the issuance of permit B1512716, which purports to authorize the construction of an addition on the Property despite that fact that the existing structure occupies well over 60% of the lot, and
2. the refusal of the Zoning Administrator, despite prompt notice and abundant evidence of its illegality, to revoke permit B1512716.

We therefore respectfully ask the Board to revoke permit B1512716 (and permit B1509391 insofar as it is revised by permit B1512716).

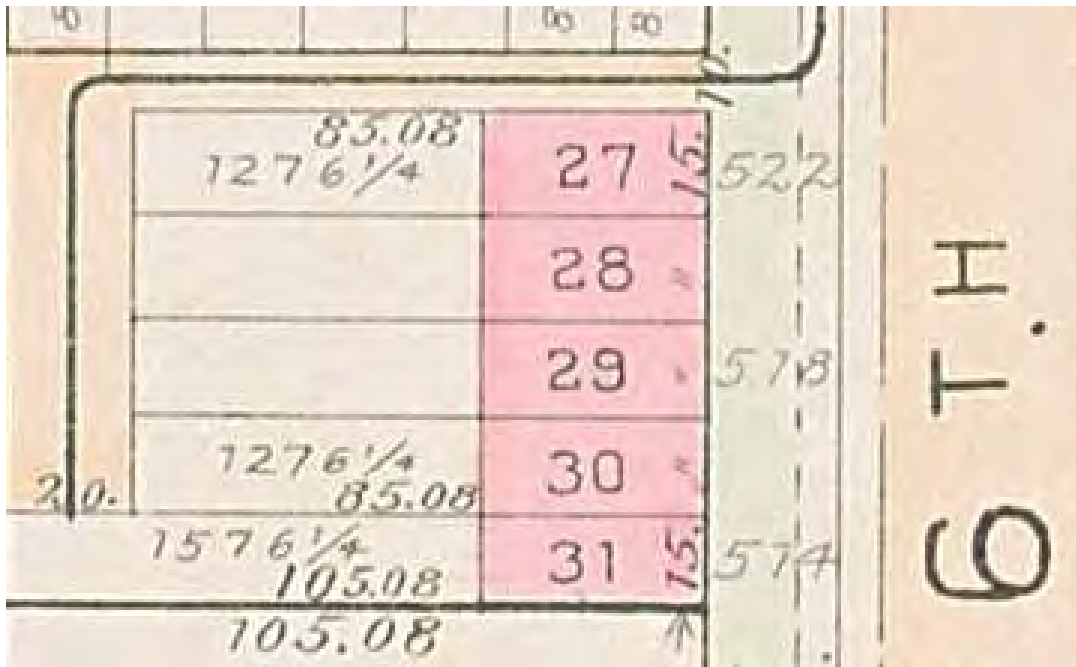
STATEMENT OF FACTS

A. The Lot and Existing Structure

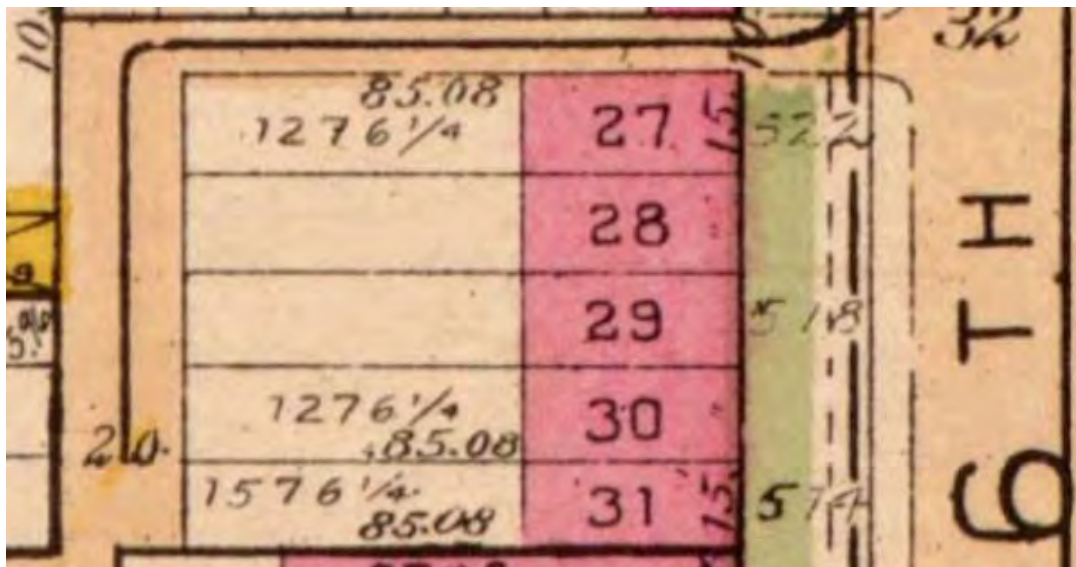
Square 835, lot 29—also known as 518 6th St. NE (“the Property”)—is a rectangular lot 15' wide (in the north south dimension) by 85.08' feet deep (east/west) with an area of 1276sf. It sits in the CAP/R-4 zone. The plans submitted in connection with permit B1509391 (appended hereto as Attachment B) include the following plat at sheet C-S.02:



Although this plat is not certified as an official building plat issued by the DC Office of the Surveyor (as required by 12A DCMR § 106.1.13), it does appear to depict the lot dimensions correctly. Both the 1893 Hopkins atlas (vol. 2, plate 20),



and the 1921 Baist atlas (vol. 2, plate 20),



depict the same dimensions, both for the Property and the adjacent lots.

Along with other lots in the row, the Property was improved circa 1890 with a three-story row dwelling roughly 35' deep:

- A November 6, 1920 plat prepared by the DC Surveyor shows a depth of 34'10" for the original structure on the Property. *See Attachment I.*
- A March 1, 1995 certified survey of adjacent lot 28 (aka 520 6th St. NE) gives a depth for that twin row dwelling, which has never been expanded, as 35'. *See Attachment J.*

Between 1920 and 1995, the accessory garage shown on the Surveyor's 1920 plat was razed and a one-story cinder-block addition constructed at the rear of the Property. The lot 28 survey from 1995 indicates that this one-story addition—which remains intact today—extends another 21.1' from the rear wall plane common to all the 35'-deep dwellings in this row.

The 6C04 Commissioner personally took measurements in November 2015 confirming these general dimensions. His measurements showed a depth of 20'11" for the Property's one-story addition and a rear yard depth of 29'1", giving an overall depth of 56' (*i.e.*, 85.08' minus 29.08') for the structure on the Property.



518 6th St. NE front view (Nov. 21, 2015)



518 6th St. NE rear view (Nov. 21, 2015)

B. Building Permit B1509391 (Issued July 2, 2015)

On or about June 25, 2015, Feroz Ashraf submitted an unsigned application, Form BLRA-33, on behalf of the Property's owner, Redux Properties LLC ("Redux") for a variety of interior and exterior work. See Attachment A. He marked the type of proposed work (Box 11 on page 1) as "Alteration and Repair," not "Addition" or "Addition Alteration Repair."

Among the many material omissions, inconsistencies, and false statements in that application are the following:

- Box 12 describes the proposed scope of work to include "fix carport area, repair rear deck." As seen clearly in the rear photo above, there is no "carport" and no deck, and we understand from a neighbor that no carport or deck has existed on the site for at least 20 years.
- Box 22 states that the work will not entail disturbing the earth or razing a building. In fact, the accompanying drawings show substantial proposed excavation. (See Attachment B, sheets A1.1 and A3.1 for plans of existing and proposed basement.) Boxes 23-27 are blank.
- Boxes B-1 and B-5 state that "all info" regarding the architect and engineer are on the plans, and boxes B-2 and B-6 are blank. The accompanying drawings indicate that Constructa, a company in Sofia, Bulgaria, prepared them. Neither the drawings nor Constructa's website (www.constructabg.com) appear to list DC architectural or engineering licenses, nor any indication that Constructa or its employees hold DC licenses to practice these professions.
- Boxes B-20 to B-22 list the length/width/height of the building as "0.00."
- Box B-35 states that the plans' certification by an engineer is attached. No such certification appears.
- Box B-37 states that the proposed increase in building volume is 0 cf.
- The Zoning Data Summary attached to the application supplies no zoning data other than the number of dwelling units and parking spaces.

Along with this application, Ashraf and Redux submitted the set of drawings (Attachment B) mentioned above. These drawings, too, suffer from innumerable material omissions, inconsistencies, and false statements, including but by no means limited to the following:

- **Most conspicuously, sheet A1.2 falsely shows the existing condition as including a two-story rear addition, and not the actual one-story addition.**

- Sheet A1.2 also falsely shows, at the third-floor level, a rooftop deck atop the non-existent second story of the addition.
- Nowhere in the plans—either on the uncertified plat shown above (on page 2) or anywhere else—is there a plat showing “completely dimensioned and drawn in ink to the same scale as the plat, the outline of all buildings, additions, or other structures existing and to be constructed,” as required by 12A DCMR § 106.1.13.1.
- Each and every drawing in the plans misrepresents the width of the existing structure on the Property as 14'. This is, of course, physically impossible, as the lot is 15' wide and the structure is a row dwelling sharing party walls with the originally identical row dwellings constructed at the same time on lots 28 and 30.
- Each and every drawing in the plans falsely depicts the length of the existing structure as 53'8". As established above, the structure actually consists of the original row dwelling (between 34'10" and 35' in depth) and the rear addition (between 20'11" and 21.1'), making the overall length a minimum of 55'9"—an error of more than two feet.
- Sheet C-S.01 contains a lot-occupancy calculation:

<u>SITE DATA:</u>	
ZONING: R-4 RESIDENTIAL	OLD CITY 1 NEIGHBOURHOOD J
	SQUARE 777
SITE AREA: 1.280 SQUARE FEET	LOT 37
0.0293 ACRES	
<u>LOT COVERAGE:</u>	
MAXIMUM ALLOWABLE = 60%*2.083 SF=768 SF	
COVERED AREA = 752 SF	
<u>BUILDING HEIGHT:</u>	
MAXIMUM ALLOWABLE = 40 FEET	
MAXIMUM STORES = 3	
<u>SETBACKS:</u>	
FRONT 0'	
SIDE 0'	
REAR 20'MIN	
<u>GROSS BUILDING AREA:</u>	
	SQUARE FEET
BASEMENT	781.33
FIRST FLOOR	781.33
SECOND FLOOR	781.33
THIRD FLOOR	488.50
TOTAL	2,832.49

Owing to the misrepresentations in the width and depth of the structure (and in the height of the rear addition), all of the gross building area figures given are materially false. So is the purported “covered area” calculation, which apparently derives the total of 752sf by multiplying two materially false dimensions (14’ width x 53’8” length). The actual “building area” is at least 836sf (15’ width x 55’9” length), and possibly more.

The “file jacket” for permit B1509391 (Attachment C) has no notations of any kind indicating that Zoning Administrator Matthew LeGrant or his staff conducted any zoning review. DCRA nevertheless issued permit B1509391 (Attachment D) on July 2, 2015.

C. Building Permit B1512716 (Issued October 1, 2015)

After a neighboring owner informed DCRA of some of the material false statements in the permit B1509391 plans, DCRA inspectors placed a stop-work order on the Property on August 4, 2015.

On or about September 15, 2015, Brian Craddock of Redux submitted a revised set of drawings (Attachment E) seeking permission to construct a second story on the rear addition. Although these plans corrected one prior misrepresentation—the height of the existing one-story rear addition—they repeated other material falsehoods and omissions contained in the previous drawings, including

- the depiction of a nonexistent deck atop the rear addition (sheets A1.2, A1.3, and A1.4);
- the untruthful depiction of the structure’s width as 14’; and
- the untruthful depiction of the structure’s depth as only 53’8”

The drawings also incorrectly showed the existing one-story addition as faced in brick, when in fact it is unadorned cinder block (CMU). See sheet A1.3. In addition, sheets A3.3 and C1.4 are irreconcilable: the former shows the proposed second-story addition being faced in brick, while the latter states that it will be sheathed with “Hardie Siding.”

The permit file contains no new application form; no new Zoning Data Summary sheet supplying the figures previously omitted from the permit B1509391 ZDS form; and no plat—certified or otherwise—showing the existing and proposed structures properly dimensioned in relation to the lot boundaries.

Despite these conspicuous omissions, it appears that Zoning Administrator Matthew LeGrant made no request for the missing information. Indeed, the “file jacket” for Permit B1512716 (Attachment F) bears no reviewer notes of any kind, either for zoning review or any other discipline:

Address of Project:

Job

E

Job No:

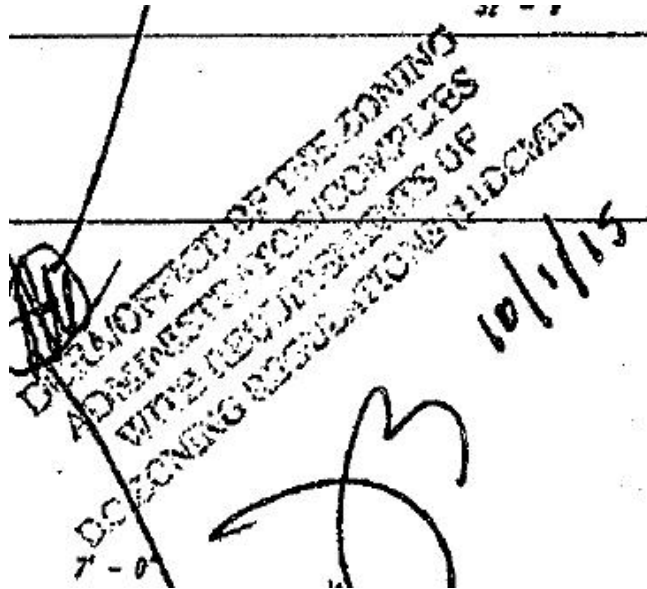
518 6TH ST NE**B1512716****Existing Use:** Single Family**Existing No. of Stories:** 3**Proposed Use:** Single Family**Prop no of Stories:** 3**Permit Type:** Addition Alteration Repair**SSL:** 0835 0029**Description of Work:**

New rear addition on 2nd level with balcony.

Required Reviews: (Checked boxes only)	Reviewer:	Completion Time:	Review Status:		
☐ Fine Arts:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant
☐ Historic:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant
☐ Public Space/DDOT:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant
☐ Zoning:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant
☐ Self-Review:			☐ Approved	☐ HFC	☐ Conf. w/Applicant

Detail of Permit B1512716 File Jacket

Despite these gross omissions, Zoning Administrator Matthew LeGrant's stamp of approval—certifying that the permit application drawings “compl[y] with requirements of DC zoning regulations”—was applied to several of the new drawings:

**Detail of sheet A1.2**

Thus, on October 1, 2015, Zoning Administrator Matthew LeGrant authorized the issuance of Permit B1512716 (Attachment G) for the construction of a “[n]ew rear addition on 2nd level with balcony.” (Note that no balcony appears in any of the supporting drawings.)

D. The Refusal of Zoning Administrator Matthew LeGrant to Revoke Permit B1512716 Despite Repeated Notification that Its Issuance Violated the Zoning Regulations

The 6C04 Commissioner emailed Zoning Administrator Matthew LeGrant on numerous occasions soon after the issuance of Permit B1512716, alerting LeGrant to the illegality of the permit and requesting that it be revoked (or, in the alternative, that LeGrant furnish an explanation of how the permit was compatible with the regulations). A chronology of those notifications:

- **October 15, 2015:** In an 11:48 a.m. email to Zoning Administrator Matthew LeGrant, his deputy Kathleen Beeton, and others at DCRA, the 6C04 Commissioner requested portions of the new permit application and stated **“I have reason to believe that the existing structure occupies over 60% of the lot, which would necessitate zoning relief for any addition.”**
- **October 15, 2015:** In a second email sent the same day at 12:30 p.m. to Zoning Administrator Matthew LeGrant, his deputy Kathleen Beeton, and others at DCRA, the 6C04 Commissioner provided additional detail about his concerns:

While I wait for a response from the permitting office, let me flag the concern here:

- **The lot is 85.08' x 15' = 1276sf.**
- **The drawings submitted [in] support of the original permit application show the existing structure as 53'8" (measured from the eastern lot boundary/front facade to the rear elevation) and 14' wide.**
- **53'8"/85.08' = 63.1% lot occupancy (since the 1' side yard counts toward building area)**

Can you explain to me why zoning relief is not required for the proposed rear second-story addition, given the existing nonconformity?

- **October 28, 2015:** After receiving no substantive reply from LeGrant or his staff (other than an October 16 email promising to review the plans and provide a response), the 6C04 Commissioner sent another email at 11:49 a.m. to LeGrant and Beeton with the request **“Can you please advise ASAP on the status of your review?”**

- **October 28, 2015:** In a second email sent the same day at 6:14 p.m. to LeGrant, Beeton, and a third OZA staff member (Rohan Reid), the 6C04 Commissioner stated that **“I've now reviewed the plans submitted for the most recent permit, which show the same dimensions (and resulting 63.1% lot occupancy) referenced in my Oct. 15 email.”**
- **November 2, 2015:** After receiving no response, the 6C04 Commissioner sent a fifth email to LeGrant, Beeton, and Reid stating the following:

Mr. Reid,

I have not received the update you promised to send last Thursday. I'd appreciate that response.

In the hopes that it will facilitate your review, I'm attaching a document that

- **describes the physical characteristics of the lot and existing structure**
 - **includes extracts from the relevant permit applications**
 - **identifies a variety of errors in those drawings and calculations, and**
 - **analyzes, with reference to specific provisions of Title 11 of the DCMR, the nonconformity of the existing structure (> 63% lot occ[u]pancy) and the consequent need for zoning relief for the planned addition**
- **November 13, 2015:** After no substantive response (apart from further claims on November 3 from Reid that Zoning Administrator Matthew LeGrant would review the file and reply at an unstated future date), the 6C04 Commissioner sent a sixth email to LeGrant, Beeton, and Reid advising them that ANC 6C had voted unanimously the previous evening to pursue an appeal to BZA, stating the following:

If you have an explanation of how these permits comply with the zoning regulations, I would appreciate receiving it as soon as possible. For your convenience, attached is an analysis of the factual and legal basis for our objections. (This is the same document I sent to you and your staff on November 2.)

It is unfortunate that matters have reached this point, but the failure of your office to provide any substantive response to my requests--let alone to revoke the permits as required by law--after more than four weeks leaves us no alternative.

I hope to hear from you soon.

A complete copy of this November 13 email and the document attached to it is appended hereto as Attachment H.

- **November 17, 2015:** After LeGrant and his staff failed to reply in any fashion to the November 13 email, ANC 6C's Chair sent an email to DCRA Director Melinda Bolling advising her of the situation; providing the same detailed evidence of the errors involved in LeGrant's administration of the zoning regulations; and requesting the Director's assistance in prompting action or a response. That email read, in pertinent part,

Director Bolling,

I'm writing to ask your help in getting Zoning Administrator Matt LeGrant to respond to urgent concerns about an issue here in ANC 6C.

Over a month ago, a member of the Commission wrote to Mr. LeGrant expressing the view that a recently issued construction permit for 518 6th St. NE violates the zoning regulations and should not have been issued. Despite repeated requests and increasingly detailed documentation of the permitting error, the Zoning Administrator has not revoked the permits at issue. Indeed, Mr. LeGrant and his staff have provided no response at all except to acknowledge receipt of the requests. (See the email chain below.)

Later that day, the DCRA Director replied by email, promising to work with DCRA staff and to provide an answer "as quickly as possible this week."

- **November 20, 2015:** At 1:29 p.m. on the following Friday, ANC 6C's Chair wrote again to the DCRA Director to advise her that "**we have had no response at all from Mr. LeGrant.**" When the Director responded by proposing yet another delay ("DCRA will produce the zoning response no later than close of business on Monday, November 23rd."), the 6C04 Commissioner indicated his urgent desire to resolve the issue immediately:

Director Bolling,

I'm prepared to get on the phone right now to speak to Mr. LeGrant or a member of his staff. The issue involved requires about five minutes of explanation and one simple calculation a 4th-grader could do. There really is nothing complex about this.

Will he make someone available now? He has had more than five full weeks to respond.

Late that same afternoon (at approximately 4:45 p.m.), the 6C04 Commissioner contacted LeGrant by telephone and repeated once again, with reference to specific facts and DCMR Title 11 sections, the basis for his view that the October 1 permit was illegally issued and had to be revoked. He also invited LeGrant to provide, in the alternative, an explanation as to why the ANC's objections were incorrect and how the permit at issue in fact fully complied with the zoning regulations.

LeGrant conceded that the application materials contained inconsistencies and irregularities, but refused either to justify the permits or to commit to revoking them. Instead, LeGrant proposed still further delay.

ANALYSIS

Although the events leading up to this appeal are many, and the full factual history complicated, the legal issues arising here under the DC zoning regulations are not difficult ones. On the contrary, it would be hard to find a simpler, more clear-cut case of a building permit that violates Title 11 of DCMR.

It is undisputed that the Property is a rectangular lot 15' x 85.08' located in a CAP/R-4 zone. Moreover, even the applicant's profoundly flawed application submissions to DCRA and the Zoning Administrator state that the existing structure on the Property is 53'8" deep. (As stated above, this materially understates the depth of the structure. Based on certified historical surveys of the Property and abutting lot 28, as well as measurements taken personally by the undersigned, the structure on the Property is in fact between 55'9" and 56' deep.)

Section 199.1 of DCMR, Title 11 defines "building area" in pertinent part as

the maximum horizontal projected area of a building and its accessory buildings. The term "building area" shall include all side yards and open courts less than five feet (5 ft.) in width....

Thus, even if one accepts the assertion in Redux's permit submissions that the structure is only 14' wide on the 15' lot—an incontrovertibly false statement—the definition above requires any such side yard(s) less than 5' wide to be included as "building area."

11 DCMR § 199.1 also defines "percentage of lot occupancy" in pertinent part as

a figure that expresses that portion of a lot lying within lot lines and building lines that is occupied or that may be occupied under the provisions of this title as building area....

Applying these simple rules, the Property's existing lot occupancy percentage is 53.67' / 85.08', or roughly 63.1%, even using the generously self-serving and incorrect dimensions supplied by Redux. (Using the more correct minimum 55'9" structure depth derived above, the lot occupancy is at least 65.5%.)

The table at 11 DCMR § 403.2 states clearly that the maximum lot occupancy for a row dwelling in an R-4 zone is 60%. It follows that the structure on the Property is a "nonconforming structure" as defined in section 199.1.

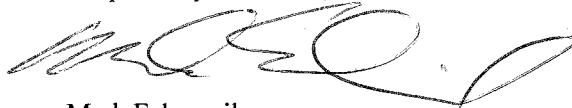
Finally, 11 DCMR § 2001.3(a) forbids any enlargement of or addition to a nonconforming structure devoted to a conforming use, such as the Property, unless it "conform[s] to percentage of lot occupancy requirements." (The lone exception to this rule—found at 11 DCMR § 2001.13—applies only to public recreation and community centers and is thus inapplicable in this case.)

The result is that **the second-story addition proposed under permit B1512716 is an enlargement that may not be constructed as a matter of right.** Such an addition can instead only be "permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of" 11 DCMR § 223. Zoning Administrator LeGrant's issuance of permit B1512716, as well as his obdurate and unexplained refusal to revoke that permit after repeatedly being made aware of the error, therefore violated the DC zoning regulations.

CONCLUSION

For all the reasons stated above, ANC 6C respectfully urges the Board to find that the Zoning Administrator violated the zoning regulations both in issuing permit B1512716 and in refusing thereafter to revoke it. Accordingly, we ask the Board to reverse the decision of the Zoning Administrator and to order the immediate revocation of permit B1512716, as well as the revocation of permit B1509391 to the extent it is modified by permit B1512716.

Respectfully submitted,



Mark Eckenwiler
Commissioner, ANC 6C04
(as authorized representative
for ANC 6C)

November 23, 2015

TABLE OF ATTACHMENTS

- A. Application Forms Submitted by Redux Properties LLC in Connection with Permit B1509391
- B. Plans and Drawings Submitted by Redux Properties LLC in Connection with Permit B1509391
- C. Permit B1509391 File Jacket
- D. Permit B1509391
- E. Plans and Drawings Submitted by Redux Properties LLC in Connection with Permit B1512716
- F. Permit B1512716 File Jacket
- G. Permit B1512716
- H. November 13, 2015 Email from ANC 6C04 Commissioner Mark Eckenwiler to Zoning Administrator Matthew LeGrant (with Document Included as Attachment Thereto)
- I. November 6, 1920 DC Surveyor Plat for Square 835, Lot 29
- J. March 1, 1995 Certified Survey of Square 835, Lot 28

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FW: 518 6th St., NE - Permits B1509391 and B1512716

From: **Edwin Rodriguez** (erodriguezcustodio@hotmail.com)
Sent: Mon 10/19/15 9:02 PM
To: matthew.legrant@dc.gov (matthew.legrant@dc.gov)
Cc: Eckenwiler, Mark SMD 6C04 (6c04@anc.dc.gov); nopkins@dccouncil.us

3 attachments

7-31-2015 - letter to DCRA re 518 6th St., NE - re misreps, lot occupancy, FAR, and door alterations.pdf (2.3 MB) , 9-10-2015 - email to DCRA re 518 6th St., NE with attachment .pdf (237.0 KB) , 10-13-2015 email to Clarence Whitescarver .pdf (78.8 KB)

Mr. LeGrant: Thank you for reviewing the approved plans for 518 6th St., NE.

In your evaluation of DCRA's adherence to all applicable zoning standards, please consider the points we have made in our correspondence of July 31, September 10, and October 13, 2015, to Mr. Whitescarver, which we also sent to you (also attached herein). In that correspondence we have objected, among other things, that:

- the planned construction may exceed permissible lot occupancy limits;
- a pop-back will have a substantially adverse effect on the use or enjoyment of our adjacent dwelling. It will intrude on our privacy. It will also block the light and air available to our property from the South, thereby increasing the amount of shade, and the growth of harmful moss, mold, and mildew. A pop-back will also eliminate the rear view from our home of the Southern sky and scenery, thus significantly reducing the resale value of our home.
- a pop-back will have an unacceptable impact on the character, scale, and pattern of houses along the alley;
- the planned elimination of a front-door transom would not comport with historic preservation restrictions;
- the existing 1-story extension may not withstand the planned excavation of a basement where there is currently no basement;
- any planned shoring of extension walls may not be sufficient to support superstructures; and
- the CMU extension walls may not support any superstructures.

We also request that you look into whether the Historic Preservation Office provided required approvals for the revised plans. It is our understanding that HPO did not sign-off, but that DCRA did so for HPO.

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In addition, we would like to obtain a copy of the revised plans to decide whether we need to file an appeal with BZA. It's my understanding that pursuant to 11 DCMR Section 3112.2(a) we have 60 days from the issuance of the permit on October 1, 2015, to file an appeal to the permit, so time is of the essence in obtaining a copy of the plans.

We appreciate your attention to this matter and look forward to your response.

Thank you.

Thomas Atkins

Edwin Rodriguez

520 6th St., NE

Washington, DC 20002

(202) 546-4208 (home)

(202) 744-1664 (mobile)

From: LeGrant, Matt (DCRA)

Sent: Friday, October 16, 2015 4:24 PM

To: Eckenwiler, Mark (SMD 6C04); Beeton, Kathleen A. (DCRA)

Cc: nopkins@dccouncil.us; Wirt, Karen (SMD 6C02); Reid, Rohan (DCRA); Orlins, Matt (DCRA); Bellow, Justin (DCRA); Bouldin-Carr, Sarah B. (DCRA)

Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716

Commissioner Mark Eckenwiler-

I have asked my staff to pull the plans for this project so I can see its review history. Once I have had a chance to review the approved plans, I will evaluate whether all applicable Zoning standards were adhered to.

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I will keep you posted regarding the progress of my review.

Best Regards,

Matthew Le Grant

Zoning Administrator

Dept. of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th St SW - Room 2100

Washington, DC 20024

Phone: 202-442-4653

FAX: 202-442-4871

Email: matt.legrant@dc.gov

Web: <http://dcra.dc.gov/service/zoning-dcra>

ProjectDox is DCRA's new paperless, electronic plan submission/review program and is now required for 25,000+ square foot projects. Click [here](#) for more information.

From: Eckenwiler, Mark (SMD 6C04)
Sent: Thursday, October 15, 2015 12:30 PM
To: Beeton, Kathleen A. (DCRA); LeGrant, Matt (DCRA)
Cc: nopkins@dccouncil.us; Wirt, Karen (SMD 6C02)
Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716
Importance: High

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Matt,

While I wait for a response from the permitting office, let me flag the concern here:

- The lot is 85.08' x 15' = 1276sf.
- The drawings submitted in support of the original permit application show the **existing** structure as 53'8" (measured from the eastern lot boundary/front facade to the rear elevation) and 14' wide.
- 53'8"/85.08' = 63.1% lot occupancy (since the 1' side yard counts toward building area)

Can you explain to me why zoning relief is not required for the proposed rear second-story addition, given the existing nonconformity?

I would appreciate a prompt reply. Thank you.

Mark Eckenwiler

Commissioner, ANC 6C04

www.anc6c.org

cc: Nichole Opkins, General Counsel, CM Allen

From: Eckenwiler, Mark (SMD 6C04)

Sent: Thursday, October 15, 2015 11:48 AM

To: Whitescarver, Clarence (DCRA)

Cc: LeGrant, Matt (DCRA); Anderson, Jeannette (DCRA); Englebert, Gary (DCRA); nopkins@dccouncil.us; Beeton, Kathleen A. (DCRA); Edwin Rodriguez

Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716

Garrett,

Could you please have someone scan & email to me

- the plan submitted in support of the application for permit B1512716 to add a second story to the rear addition, and
- any attached figures, drawings, or statements purporting to show existing lot dimensions, area, and

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percentage of lot occupancy

I have reason to believe that the existing structure occupies over 60% of the lot, which would necessitate zoning relief for any addition. (At this point, I do not need the full drawings; those listed above will suffice.)

Thank you.

Mark Eckenwiler

Commissioner, ANC 6C04

www.anc6c.org

From: Edwin Rodriguez <erodriguezcustodio@hotmail.com>

Sent: Tuesday, October 13, 2015 4:48 PM

To: Whitescarver, Clarence (DCRA)

Cc: LeGrant, Matt (DCRA); Anderson, Jeannette (DCRA); Englebert, Gary (DCRA); Eckenwiler, Mark (SMD 6C04); nopkins@dccouncil.us

Subject: 518 6th St., NE - Permits B1509391 and B1512716

Mr. Whitescarver: A worker appeared today at 518 6th St., NE, stating that he would begin excavating a basement at the property next week. To say the least, we were surprised by this information because we have not heard from DCRA about any of the objections we raised about construction at the property in our email of September 10, 2015 (attached).

Today, by searching the DCRA PIVS database, we learned that DCRA issued a revised permit on October 1, 2015. The permit information states:

518 6TH ST NE	0835 0029	B1512716	Construction/Addition Alteration Repair	2015/10/01	Permit Issued	2015/10/01	Revision to B1509391 addition on with balcor
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DCRA issued this permit without communicating with us about the objections we expressed in our email of September 10, 2015. In that email, we objected that the owner had not demonstrated:

1. whether the existing 1-story extension can withstand the planned excavation of a basement where there is currently no basement;
2. whether any planned shoring of extension walls is sufficient to support superstructures;
3. whether the CMU extension walls can support any superstructures; and
4. whether the planned two stories above the extension would be illegal "pop-backs."

We renew these objections. In addition, we hereby inform DCRA that the owner has not provided a revised underpinning plan, and we have not signed the required notification form.

We strongly object that a pop-back at 518 6th Street, NE, will destroy our property values and the quiet enjoyment of our home. A pop-back will have a substantially adverse effect on the use or enjoyment of our adjacent dwelling in part by blocking the light and air available and by intruding in our privacy. A pop-back at 518 6th St., NE, will also have an unacceptable impact on the character, scale, and pattern of houses along the alley.

This impact is especially threatening and egregious because our neighbor to the north, Gary Boyd, put his house (522 6th St., NE) up for sale very recently and mentioned to us that a pop-back of his property has been discussed as part of the marketing strategy. We are therefore facing a situation where our property will be sandwiched between two intrusive pop-backs. This situation will be a true **test-case** of DCRA's seriousness in implementing limits on pop-backs in the Capitol Hill Historic District.

What DCRA does in connection with the permitted pop-back will send a message to the community. We hope that DCRA's implementation of limits on pop-backs will not make all the hard work that the community and City Council have spent in this area utterly meaningless.

Please let us know what we have to do to obtain a formal hearing to challenge issuance of the permit.

Thank you.

Thomas Atkins and Edwin Rodriguez

520 6th St., NE

Washington, DC 20002

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<https://blu184.mail.live.com/ol/mail.mvc/PrintMessages?mkt=en-us>

(202) 546-4208

(202) 744-1664

Thomas Atkins
Edwin Rodriguez
520 6th Street, NE
Washington, DC 20002
(202) 546-4208

By U.S. Mail and Email PDF

July 31, 2015

Mathew Le Grant, Zoning Administrator
Gary W. Englebert, Structural Plan Review Manager
Garret Whitescarver, Construction Inspections Supervisor
Jeannette Anderson, Permit Center Supervisor
Department of Consumer and Regulatory Affairs
1100 4th St. SW
Washington, DC. 20020

Re: 518 6th St., NE – Misrepresentations, lot occupancy, floor area ratio, and alteration of façade issues in proposed building plans in Capitol Interest Overlay District

Dear Sirs:

I am writing in connection with permitting for construction work at 518 6th St., NE. We have reviewed the building plans filed by Redux Properties, LLC, and approved by DCRA and the Historic Preservation Review Board on July 2, 2015, and have identified material factual misrepresentations in the plans that should halt the permitting process. The building plans contain false information that does not accurately describe the existing house. The plans misrepresent that an existing one-story addition to the rear of the house is three-stories tall and misrepresent the existing basement dimensions. These material misrepresentations occur in the Existing Second Floor Plan, the Existing Third Floor Plan, the Existing Basement Floor Plan, and the Third Floor Demolition Joist Plan as depicted in Sheet Numbers A1.1, A1.2, and C1.2. We discuss each of the misrepresentations below. In addition, we discuss a proposed change to the door of the house that would alter the house's historic appearance.

We fear that the misrepresentations in the building plans are a subterfuge for substantial alterations and the construction of new structures at 518 6th St., NE, that amount to an illegal expansion or extension. We believe that this construction, veiled falsely as a restoration, may violate, among other laws and regulations, lot occupancy and floor area ratio (FAR) restrictions in the Capitol Interest Overlay District (CAP). Building two floors onto an already imposing rear addition would seriously prejudice our view, privacy, and property values, and establish a bad precedent for other properties in the Capitol Hill Historic District.

Materials Misrepresentations

The building plans incorrectly depict that the second and third floors of the house extend out the same length as the first floor of the house, which is depicted in the Existing First Floor Plan (see attached Sheet Number A1.1). In fact, the first floor is the only floor of the house to extend to 53 feet 8 inches. The kitchen at the rear of the Existing First Floor Plan is a single-story structure that the previous owner informed us he built without a permit and may exceed lot occupancy restrictions. Nothing is built above this one-story structure. A visual inspection of the house from the back alley clearly shows that no structures exist above the one-story kitchen extension (see attached photograph of rear of house).

- The Existing Second Floor Plan (see attached Sheet Number A1.2) depicts a bedroom that does not in fact exist.
- The Existing Third Floor Plan (see attached Sheet Number A1.2) depicts a Rooftop Deck that does not in fact exist. It would be impossible for such a deck to exist because there is no second floor structure to support it. References to existing joists in the third floor plans (see attached Sheet Number C-1.3) are false.

Both the second and third floors stop at the back wall depicted in the Existing Third Floor Plan as ending at 32 feet 9 inches (see attached Sheet Number A1.2), and do not extend to the same length as the first floor, as the building plans incorrectly depict. We have serious concerns that the one-story kitchen extension may violate lot occupancy restrictions and that any plans to build on top of that extension may violate FAR restrictions in the CAP.

In connection with the Existing Basement Floor Plan (see attached Sheet Number A1.1), we believe that the plans substantially misrepresent the size of the existing basement. Before he passed away, the previous owner showed us the interior of his house, including the basement. The basement does not extend all the way to the front of the house, but is a small, unfinished basement roughly half the size of the drawing.

Alteration of Historic Façade

Finally, we wish to point out that the building plans (see attached Sheet Number C-5.01) depict the front of the house and specify that an 8-foot shaker door will be installed. The drawing does not depict a transom window above the door as currently exists. If in fact the plans call for the removal of the transom and the installation of an inappropriate door type, those changes will conflict with the historic appearance of the house and protections accorded to façades in the Capitol Hill Historic District.

Requests for Action

We are not architects or trained in reading the technical details of building plans, but no training is necessary to identify the issues specified above, most of which can be spotted through a visual exterior inspection alone. The plans, however, may contain other misrepresentations that we have failed to identify.

We respectfully request that DCRA:

1. investigate the misrepresentations detailed above and take appropriate action in connection with any permitting for work to be performed;
2. inspect 518 6th St., NE, to determine whether the proposed building plans contain accurate information (e.g., "existing" structures, structural dimensions) or violate any regulations or laws;
3. conduct an independent evaluation to determine whether the lot occupancy exceeds permissible limits;
4. conduct an independent evaluation to determine whether the FAR exceeds permissible limits;
5. determine whether any proposed changes to exteriors, including, but not limited to, changes to the front door, violate any historic preservation restrictions;
6. notify us of all the avenues open to us to challenge and prevent the construction of the second and third floors, the alteration of the façade, and any other changes that violate any regulations or laws of the District of Columbia.

Please inform us as soon as possible of the steps DCRA will take to address our concerns. We appreciate your prompt attention to this matter. Any changes to 518 6th St., NE, in violation of DC regulations or laws would cause serious harm to our property and to the Capitol Hill Historic District.

Thank you.

Sincerely,



Thomas Atkins
Edwin Rodriguez

cc: Brendan Meyer
Historic Preservation Review Board
1100 4th Street, SW, Suite E650
Washington, DC 20024

Mark Eckenwiler
Commissioner, ANC 6CD4
P.O. Box 77876
Washington, DC 20013-7787

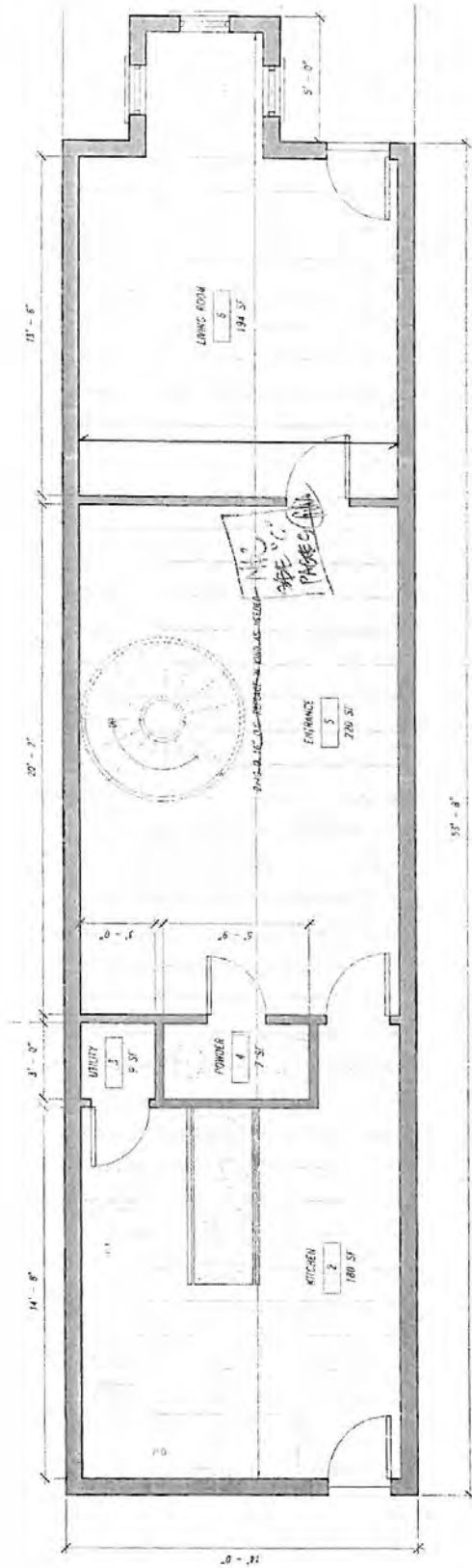
Beth Purcell
Chair, Historic Preservation Committee
Capitol Hill Restoration Society
420 10th Street, SE
Washington, DC 20003

518 6th St., NE (blue house)
(rear view from alley, showing no second or third floor over kitchen extension)

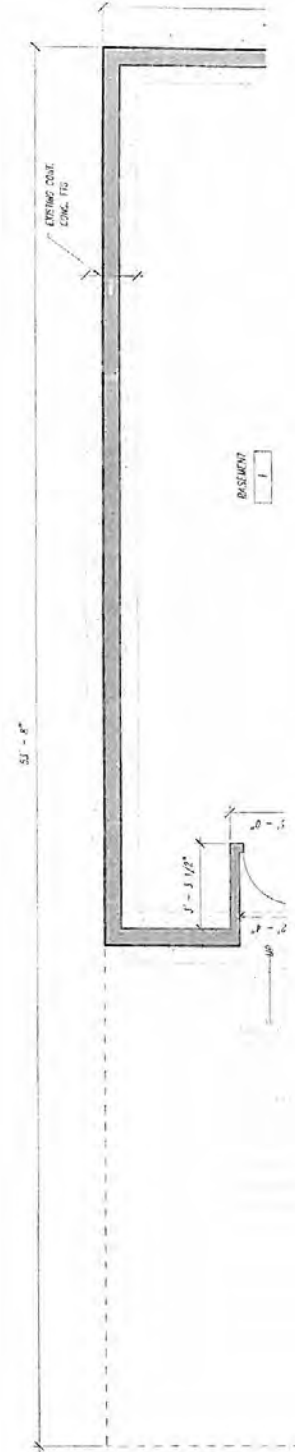


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from Sheet Number A1.1
(showing one-story kitchen extension on 1st floor)



2. EXISTING FIRST FLOOR PLAN
 $\frac{3}{8}'' = 1'-0''$

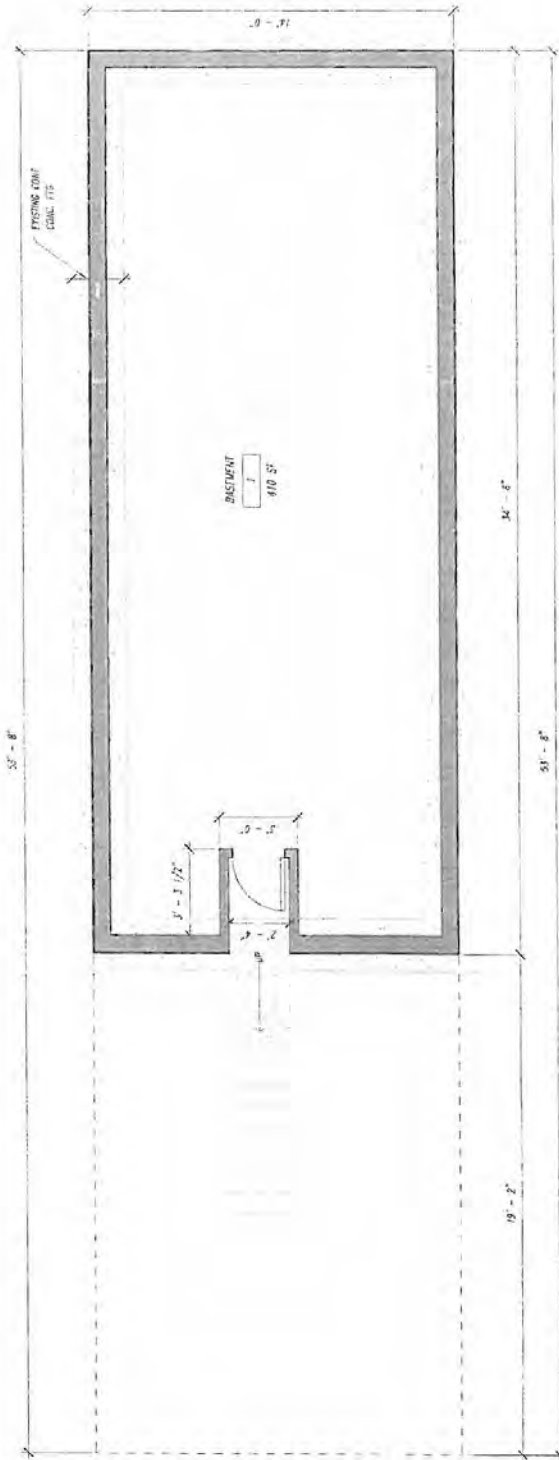


from Sheet Number A1.1
(showing wrong dimensions for basement)

51' - 8"

EXISTING FIRST FLOOR PLAN

2 3/8" = 1'-0"

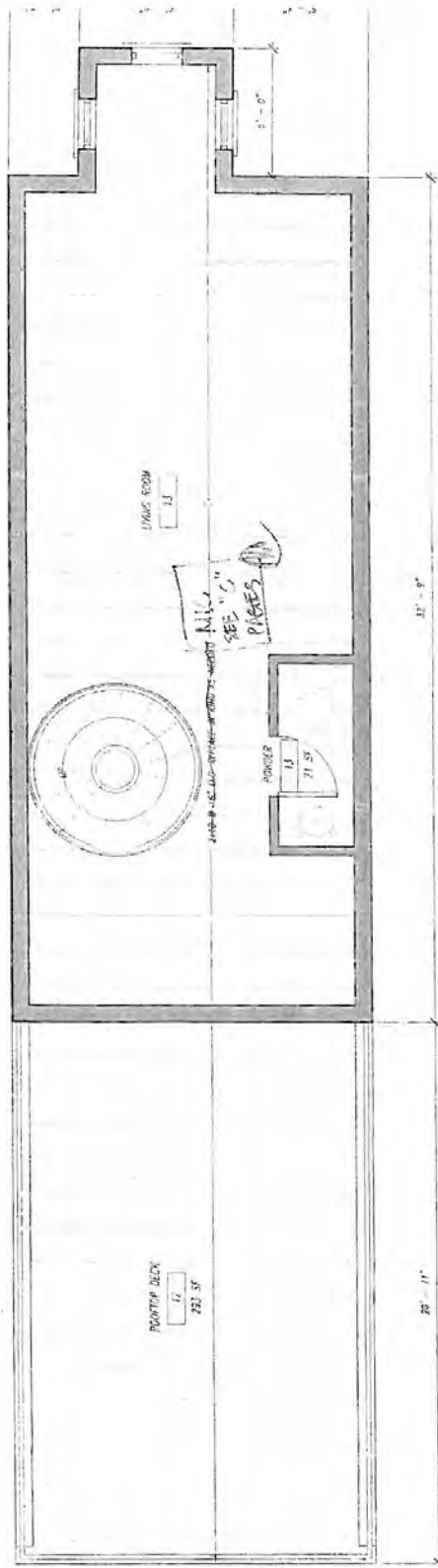


EXISTING BASEMENT FLOOR PLAN

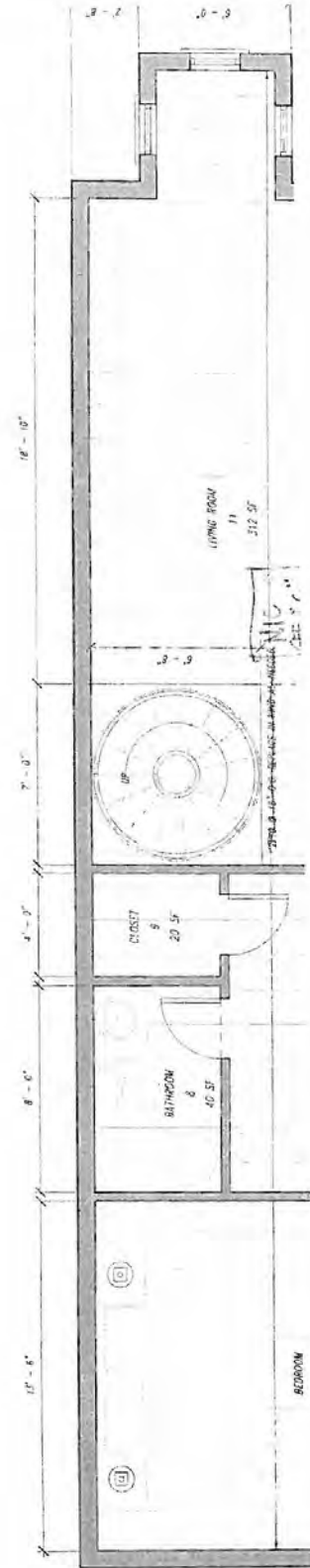
1 3/8" = 1'-0"

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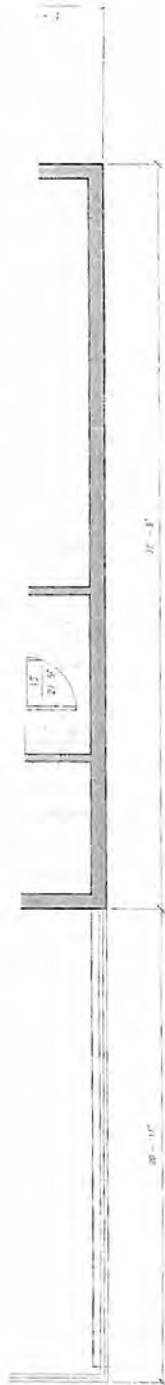
from Sheet Number A1.2
 (showing non-existent rooftop deck on 3rd floor)



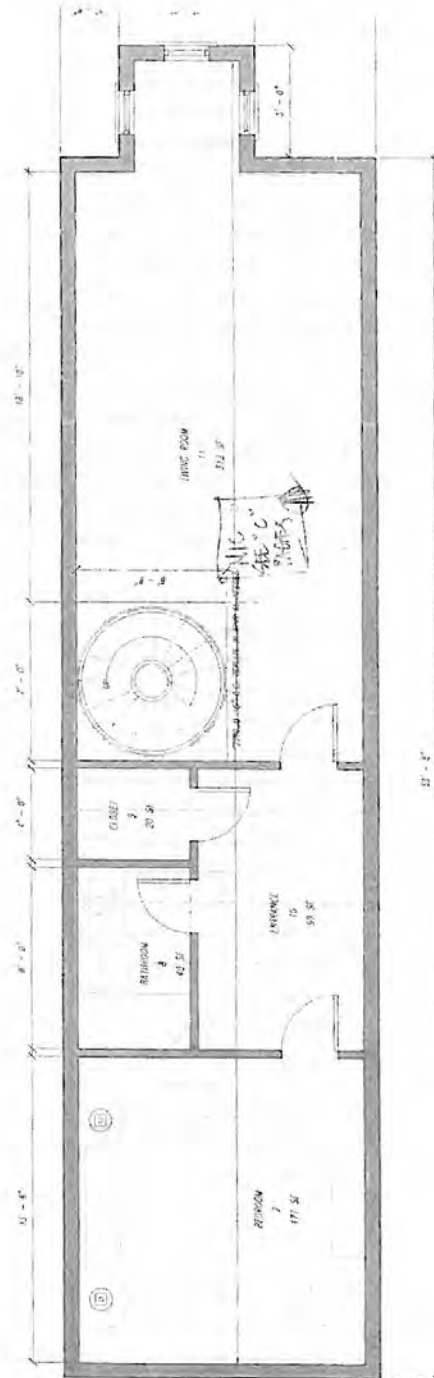
2 EXISTING THIRD FLOOR PLAN
 $3/8" = 1'-0"$



from Sheet Number A1.2
(showing non-existent bedroom on 2nd floor)



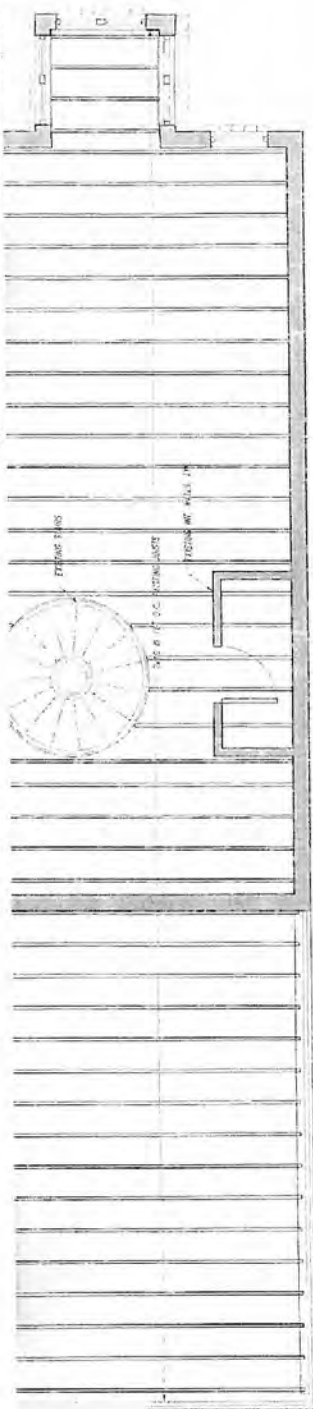
2) EXISTING THIRD FLOOR PLAN
3/8" = 1'-0"



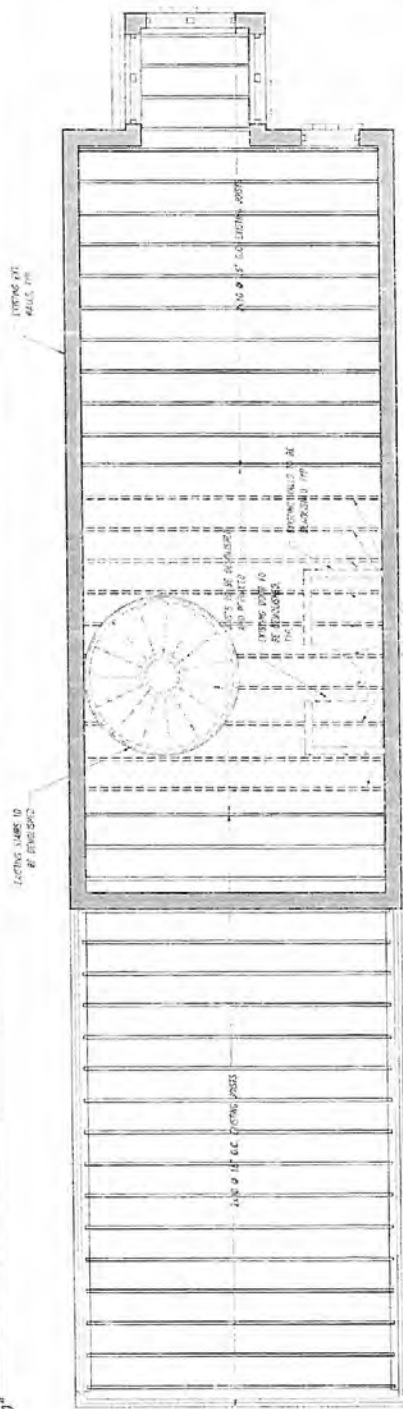
1) EXISTING SECOND FLOOR PLAN
3/8" = 1'-0"

STANDARD
DIVISION
ARCHITECT
1000 15th St NW
Washington, DC 20004
202-462-1000
www.standard.com

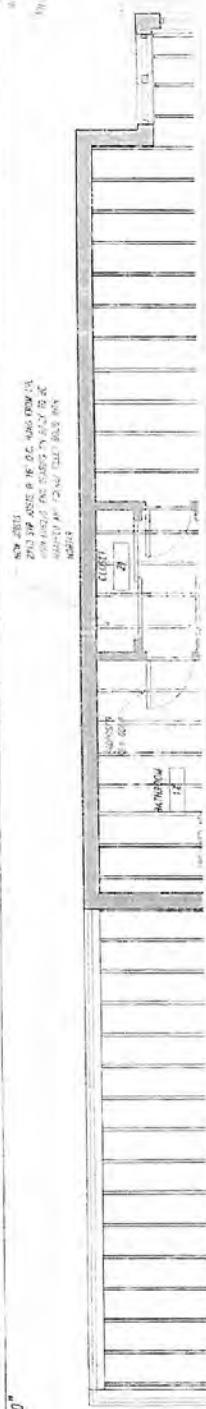
from Sheet Number C-1.3
(showing "existing joists" that do not in fact exist)



1 Third Floor Existing Joist Plan
3/8" = 1'-0"



2 Third Floor Demolition Joist
Plan
3/8" = 1'-0"



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Page 1 of 3

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518 6th St., NE - excavation, shoring, CMU wall, and "pop-back" issues

From: **Edwin Rodriguez** (erodriguezcustodio@hotmail.com)
Sent: Thu 9/10/15 5:19 PM
To: Whitescarver, Clarence DCRA (clarence.whitescarver@dc.gov)
Cc: matthew.legrant@dc.gov (matthew.legrant@dc.gov); jeannette.anderson@dc.gov (jeannette.anderson@dc.gov); gary.englebert@dc.gov (gary.englebert@dc.gov); Eckenwiler, Mark SMD 6C04 (6c04@anc.dc.gov)

1 attachment

518 6th St. NE - underpinning plan.pdf (170.1 KB)

Dear Mr. Whitescarver: We are writing about 518 6th St., NE, in particular about the rear extension to that property and proposed plans to build above it. Please note that the issues discussed below are in addition to the issues we raised in our letter of July 31, 2015. In that letter, we pointed out that the owner of 518 6th St., NE, deliberately misrepresented in building plans submitted to DCRA that a 2nd-story bedroom and a 3rd-story deck already existed on the back extension to the house. We learned about these lies only when we obtained the building plans on our own when the owner failed to provide them to us. As you know, the owner's misrepresentations and a DCRA inspection resulted in a stop work order issued on August 2, 2015, which the owner violated by continuing work which it stopped only some days later.

The deceptive falsifications in the building plans drew attention away from other, overarching issues:

1. whether the existing 1-story extension can withstand the planned excavation of a basement where there is currently no basement;
2. whether any planned shoring of extension walls is sufficient to support superstructures;
3. whether the CMU extension walls can support any superstructures; and
4. whether the planned two stories above the extension would be illegal "pop-backs."

It is our understanding from speaking with the previous owner, Bernard Jones, before he passed away over two years ago, that the rear extension is an illegal structure that he built without a permit many years ago. We have serious concerns about this do-it-yourself illegal structure which are summarized above and which we discuss further below.

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Page 2 of 3

Ground Conditions May Not Withstand Proposed Excavation and Shoring Work: The attached underpinning plan shows that underpinning is planned only for the area marked "Start underpinning" up to the front of the house, but that no underpinning is planned for the extension. The attached underpinning plan fails to show that the owner plans the excavation of a full-depth basement under the extension. It merely proposes work marked "B" and "C" to shore-up the existing extension walls. We are concerned, however, that ground conditions would not support any of this excavation and shoring work.

Foundation of Extension May Not Withstand Proposed Superstructures: In addition, we are concerned that the load capacity of the foundations even if shored-up to support the existing structure would not support the addition of another full story and a deck.

Walls of Extension May Not Support Proposed Superstructures: It is not clear that the existing cinder-block walls of the extension could bear the weight of a second story and a deck. There is no evidence that the cinder block walls are "grouted" as indicated in the attached underpinning plan. Given that the previous owner built the extension without a permit, it is very unlikely that he fully "grouted" the walls.

"Pop-backs" Would Protrude More than 10 Feet from our Adjoining Property: We are also concerned that the owner is proposing to build "pop-backs" that would illegally protrude more than 10 feet from the back wall of our adjoining property. The fraudulent building plans that were one of the grounds of the stop-work order show an "existing" 2nd-story bedroom and a 3rd-story deck, both of which are the same size as the extension, which protrudes over 20-feet from our adjoining wall.

Such additions would violate the public policies underlying recent regulations against pop-backs and destroy our property values and the quiet enjoyment of our home. The proposed pop-backs will have a substantially adverse effect on the use or enjoyment of our adjacent dwelling in part by blocking the light and air available and by intruding in our privacy. Also, the proposed pop-backs will substantially visually intrude upon the character, scale and pattern of houses along the alley.

We wanted to bring these issues to your attention so that DCRA considers them when the owner submits revised plans for the property. In reviewing any new plans, DCRA must ensure that the property can withstand underpinning, excavation, and the building of superstructures. In addition, DCRA must ensure that our property and the community are fully protected from any damage resulting from faulty construction and illegal pop-backs, including any damage to the quiet enjoyment of our property and the important public policies underlying the zoning laws you enforce.

Thank you.

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Page 3 of 3

Sincerely,

Thomas Atkins

Edwin Rodriguez
520 6th St., NE
Washington, DC 20002
(202) 546-4208 (home)
(202) 744-1664 (mobile)

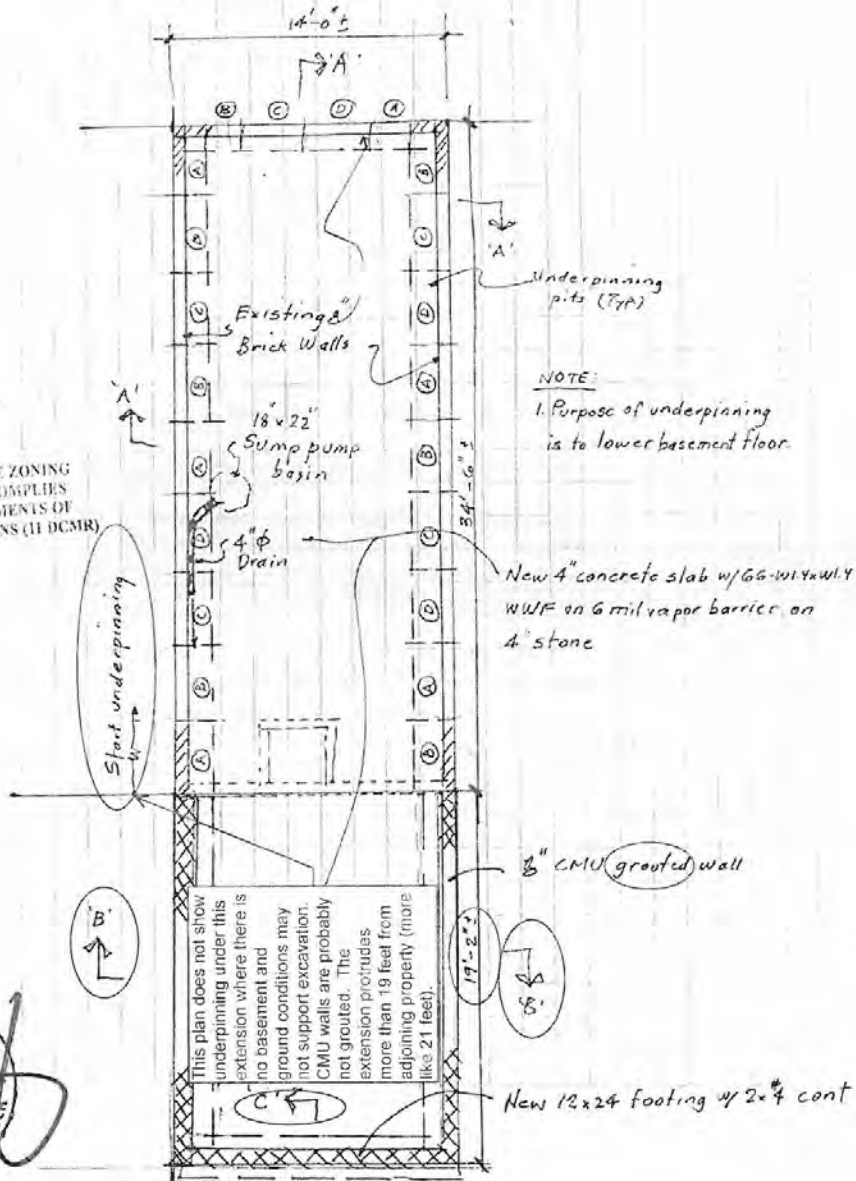
HJR STRUCTURAL ENGINEERS, LTD.

4803 LEVADA TERRACE
ROCKVILLE, MARYLAND 20853
hjrosenberg@verizon.net

301-460-4803
FAX 301-460-1344

DCMM 518 6th St NE COMM NO 15035
RE Underpinning
CLIENT Redox
CALCULATED BY hjr DATE 6/16/15
SCALE 3/16" = 1'-0" SHEET NO 1 OF 3

7/6/15
OFFICE OF THE ZONING
ADMINISTRATION COMPLIES
WITH THE REQUIREMENTS OF
ZONING REGULATIONS (II DCMR)



UNDERPINNING PLAN 3/16" = 1'-0"

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Page 1 of 2

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518 6th St., NE - Permits B1509391 and B1512716

From: **Edwin Rodriguez** (erodriguezcustodio@hotmail.com)
Sent: Tue 10/13/15 8:48 PM
To: Whitescarver, Clarence DCRA (clarence.whitescarver@dc.gov)
Cc: matthew.legrant@dc.gov (matthew.legrant@dc.gov); jeannette.anderson@dc.gov (jeannette.anderson@dc.gov); gary.englebert@dc.gov (gary.englebert@dc.gov); Eckenwiler, Mark SMD 6C04 (6c04@anc.dc.gov); nopkins@dccouncil.us (nopkins@dccouncil.us)

1 attachment

9-10-2015 - email to DCRA re 518 6th St., NE with attachment.pdf (237.1 KB)

Mr. Whitescarver: A worker appeared today at 518 6th St., NE, stating that he would begin excavating a basement at the property next week. To say the least, we were surprised by this information because we have not heard from DCRA about any of the objections we raised about construction at the property in our email of September 10, 2015 (attached).

Today, by searching the DCRA PIVS database, we learned that DCRA issued a revised permit on October 1, 2015. The permit information states:

518 6TH ST NE	0835 0029	B1512716	Construction/Addition Alteration Repair	2015/10/01	Permit Issued	2015/10/01	Revi: B15C addit with
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DCRA issued this permit without communicating with us about the objections we expressed in our email of September 10, 2015. In that email, we objected that the owner had not demonstrated:

1. whether the existing 1-story extension can withstand the planned excavation of a basement where there is currently no basement;
2. whether any planned shoring of extension walls is sufficient to support superstructures:

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Page 2 of 2

3. whether the CMU extension walls can support any superstructures; and
4. whether the planned two stories above the extension would be illegal "pop-backs."

We renew these objections. In addition, we hereby inform DCRA that the owner has not provided a revised underpinning plan, and we have not signed the required notification form.

We strongly object that a pop-back at 518 6th Street, NE, will destroy our property values and the quiet enjoyment of our home. A pop-back will have a substantially adverse effect on the use or enjoyment of our adjacent dwelling in part by blocking the light and air available and by intruding in our privacy. A pop-back at 518 6th St., NE, will also have an unacceptable impact on the character, scale, and pattern of houses along the alley.

This impact is especially threatening and egregious because our neighbor to the north, Gary Boyd, put his house (522 6th St., NE) up for sale very recently and mentioned to us that a pop-back of his property has been discussed as part of the marketing strategy. We are therefore facing a situation where our property will be sandwiched between two intrusive pop-backs. This situation will be a true test-case of DCRA's seriousness in implementing limits on pop-backs in the Capitol Hill Historic District.

What DCRA does in connection with the permitted pop-back will send a message to the community. We hope that DCRA's implementation of limits on pop-backs will not make all the hard work that the community and City Council have spent in this area utterly meaningless.

Please let us know what we have to do to obtain a formal hearing to challenge issuance of the permit.

Thank you.

Thomas Atkins and Edwin Rodriguez

520 6th St., NE

Washington, DC 20002

(202) 546-4208

(202) 744-1664

[Print](#)

[Close](#)

FW: 518 6th Street NE

From: Eckenwiler, Mark (SMD 6C04) (6C04@anc.dc.gov)
Sent: Wed 11/25/15 5:48 PM
To: Edwin Rodriguez (erodriguezcustodio@hotmail.com)

FYI. I'm guessing the downspout is still hanging there.

Mark Eckenwiler
Commissioner, ANC 6C04
www.anc6c.org

From: Eckenwiler, Mark (SMD 6C04)
Sent: Wednesday, November 25, 2015 8:56 AM
To: Branscomb, Lisa (DCRA); Dance, Lawrence (DPW); Jones, Keith D. (EOM)
Cc: May, Reginald (DPW); Wilfred, Lashley (EOM); Spriggs, Robert (DCRA); Smith, Marcia L. (DCRA)
Subject: RE: 518 6th Street NE

Ah, thanks. PIVS often shows the temporary lifting of the SWO--see the current notes on 538 3rd St NE for an example--but wasn't updated in this instance.

I'm not sure about the downspout (can check that if you wish), but the debris is still there. I know this because I took front/back photos on 11/21 to include in the permit challenge (BZA 19207) I filed on Monday.

Mark Eckenwiler
Commissioner, ANC 6C04
www.anc6c.org

From: Branscomb, Lisa (DCRA)
Sent: Wednesday, November 25, 2015 8:31 AM
To: Eckenwiler, Mark (SMD 6C04); Dance, Lawrence (DPW); Jones, Keith D. (EOM)
Cc: May, Reginald (DPW); Reynolds, Wilson (EOM); Wilfred, Lashley (EOM); Spriggs, Robert (DCRA); Smith, Marcia L. (DCRA)
Subject: RE: 518 6th Street NE

Outlook.com Print Message

Hi,

Let me chime in with DCRA's involvement. A stop work order was issued on 10/29. I issued a limited work authority to clean up the construction debris and to fix the dangling downspout in the rear that expired on November 21. The stop work order remains in effect until we receive proof that the cleanup was done. A stop work inspection is scheduled for Dec 1.

Lisa

ProjectDox is DCRA's new paperless, electronic plan submission/review program and is now required for 25,000+ square foot projects. Click [here](#) for more information.

From: Eckenwiler, Mark (SMD 6C04)
Sent: Tuesday, November 24, 2015 6:52 PM
To: Dance, Lawrence (DPW); Branscomb, Lisa (DCRA); Jones, Keith D. (EOM)
Cc: May, Reginald (DPW); Reynolds, Wilson (EOM); Wilfred, Lashley (EOM)
Subject: RE: 518 6th Street NE

That is correct.

And thank you for word of the NOV. I had been relying only on PIVS, which shows only a scheduled inspection (on 11/12) but no other action since July.

Mark Eckenwiler

Commissioner, ANC 6C04

www.anc6c.org

From: Dance, Lawrence (DPW)
Sent: Tuesday, November 24, 2015 4:54 PM
To: Eckenwiler, Mark (SMD 6C04); Branscomb, Lisa (DCRA); Jones, Keith D. (EOM)

Outlook.com Print Message

Cc: May, Reginald (DPW); Reynolds, Wilson (EOM); Wilfred, Lashley (EOM)

Subject: RE: 518 6th Street NE

SWEEP issued a notice of violation for the rear of the property on 11/3/15. It was signed for on 11/16.

A warning was issued on 11/18 for the front of the property.

Are we saying there has been no change in conditions in the rear of the property?

Lawrence A. Dance III

Supervisory Solid Waste Inspections Officer

Solid Waste Education and Enforcement Program

2800-B New York Ave N.E.

Washington D.C. 20002

202-576-9367

From: Eckenwiler, Mark (SMD 6C04)

Sent: Tuesday, November 24, 2015 12:57 PM

To: Branscomb, Lisa (DCRA); Jones, Keith D. (EOM)

Cc: May, Reginald (DPW); Dance, Lawrence (DPW); Reynolds, Wilson (EOM); Wilfred, Lashley (EOM)

Subject: RE: 518 6th Street NE

Importance: High

Lisa & Keith,

There has been no improvement in the conditions at the site. Can you tell me when the neighbors & I can expect to see action on the requests I've made on several occasions since Oct. 31?

Thanks.

Mark Eckenwiler

Outlook.com Print Message

Commissioner, ANC 6C04

www.anc6c.org

From: Branscomb, Lisa (DCRA)
Sent: Tuesday, November 17, 2015 11:47 AM
To: Jones, Keith D. (EOM); Eckenwiler, Mark (SMD 6C04)
Cc: May, Reginald (DPW); Dance, Lawrence (DPW); Reynolds, Wilson (EOM); Wilfred, Lashley (EOM)
Subject: RE: 518 6th Street NE

Hi,

I just spoke with the contractor and I'll call back and tell him to clean it up immediately and send a surveyor out as well.

Lisa

From: Jones, Keith D. (EOM)
Sent: Tuesday, November 17, 2015 11:38 AM
To: Eckenwiler, Mark (SMD 6C04)
Cc: Branscomb, Lisa (DCRA); May, Reginald (DPW); Dance, Lawrence (DPW); Reynolds, Wilson (EOM); Wilfred, Lashley (EOM)
Subject: 518 6th Street NE

Hi Mark,

Thank you for the follow up email. Can DCRA and DPW send any updates on this property? It looks like there are violations in the rear.

Thank you,

Outlook.com Print Message

Keith

Keith D. Jones, Jr.

Program Specialist/Deputy Director

Executive Office of Mayor Muriel E. Bowser

Mayor's Office of the Clean City Initiative

Government of the District of Columbia

2000 14th Street, NW Suite 400 North

Washington, DC 20009

Office 202-724-8967

Desk 202-727-5056

Fax 202-727-5445

Cell 202-656-8192

keithd.jones@dc.gov

www.cleancity.dc.gov

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<http://mayor.dc.gov>

Outlook.com Print Message

From: Eckenwiler, Mark (SMD 6C04)
Sent: Tuesday, November 17, 2015 10:56 AM
To: Jones, Keith D. (EOM)
Cc: Branscomb, Lisa (DCRA); May, Reginald (DPW); Dance, Lawrence (DPW); Reynolds, Wilson (EOM)
Subject: RE: 518 6th Street NE
Importance: High

Keith,

There has been no action on this since my request 18 days ago. Can you please tell me when this will be addressed?

Thank you.

Mark Eckenwiler

Commissioner, ANC 6C04

www.anc6c.org

From: Reynolds, Wilson (EOM)
Sent: Tuesday, November 3, 2015 2:50 PM
To: Eckenwiler, Mark (SMD 6C04)
Cc: Branscomb, Lisa (DCRA); May, Reginald (DPW); Dance, Lawrence (DPW)
Subject: 518 6th Street NE

Mark,

Thanks for the follow-up email. Sending to both DCRA and SWEEP.

Outlook.com Print Message

Wilson

Wilson Reynolds, Director

Executive Office of Mayor Muriel E. Bowser

Mayor's Office of the Clean City Initiative

Government of the District of Columbia

2000 14th Street, NW, Suite 400 North

Washington, DC 20009

Desk 202-727-0212

Fax 202-727-5445

wilson.reynolds@dc.gov



<http://mayor.dc.gov>

From: Eckenwiler, Mark (SMD 6C04)

Sent: Saturday, October 31, 2015 11:41 AM

To: Reynolds, Wilson (EOM)

Subject: Re: Request for vacant building inspectors to walk H Street NE from 3rd St to 15th St to survey properties

Outlook.com Print Message

Wilson,

It was good to meet you the other day. Thanks for coming out.

Could you have someone swing by 518 6th Street NE and look at the backyard? As you can see from the photo below, the entire rear yard is waste-deep with loose construction debris.



Sent from my iPhone

GOVERNMENT OF THE DISTRICT OF COLUMBIA



DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
Inspections & Compliance Administration
1100 4th Street, SW -- Fourth Floor
Washington, DC 20024

STOP WORK ORDER

518 6th ST NE

(Address)

You are hereby ordered to IMMEDIATELY STOP all work at this building or structure.

- ☒ You are performing work that violates the Construction Code:
☒ You are performing work in an unsafe and dangerous manner:

Code Section (s)	Violation (s)	What You Must Do to Correct the Violation (s)
DCMRA 3307.1	Protection of Adjoining Property	Satisfy this SWO
DCMRA 3307.2	Notification	Satisfy this SWO

Do NOT work at this address until you:

- ☒ Correct the violation(s)
☒ Pay the fine amount
☐ Obtain and post the required permit(s)
☐ Electrical ☐ Plumbing ☐ Construction ☐ Boiler ☐ Fire ☐ Elevator ☐ Other _____
☒ Receive approval from the Code Official to remove the Stop Work Order.

WARNING

Unauthorized removal of a posted Stop Work Order is a Construction Code violation, subject to penalties and injunctive relief under DC Official Code §6-1406 and §6-1407 and 12A DCMR §114.3.

A Stop Work Order for illegal construction under 12A DCMR §113.7 and §114.6 requires you to stop all work at the building or structure, whether or not the work requires building permits.

It is a Stop Work Order violation for an owner or agent to enter the site for any reason without the Code Official's approval. Building Official may allow temporary access to ensure the property's security and safety, under 12A DCMR §114.6.1.

Anyone who continues any work in or around a structure posted with a Stop Work Order – except to do work that the Building Official approves to remove a violation or unsafe condition – is subject to penalties and injunctive relief under DC Official Code §6-1406 and 12A DCMR §105.8 and 12A DCMR §114.10.

RIGHT TO APPEAL

You have the right to appeal this Order to the Reviewing Official (Rabbiah Sabbakhan, Chief Building Code Official, Inspections and Compliance Administration) within 15 days of its posting, under 12A DCMR §114.11.1. You may call the Reviewing Official at (202) 442-7867. You may obtain a Stop Work Order Appeal Request Form at the address above or at dcra.dc.gov. If the Reviewing Official denies your appeal or takes no action within 10 working days of receiving it, you may appeal to the DC Office of Administrative Hearings (OAH). You may deliver your written request for a hearing to OAH at 441 4th Street, NW, Suite 1040S, Washington, DC 20002 or mail it to PO Box 77718, Washington, DC 20013-8713.

Signature of Issuing Official P. W. [Signature] Date 10/29/15 Time 11:50

Badge Number 567 Phone Number (202) 442-Stop

Attachment F - photo showing failure to protect
adjoining property (520 6th St. NE)
from falling bricks during demolition at 518 6th St., NE



TOP



BOTTOM

Attachment F - photo of damage to party wall
in basement of 520 6th St., NE,
caused by work at 518 6th St., NE

TOP

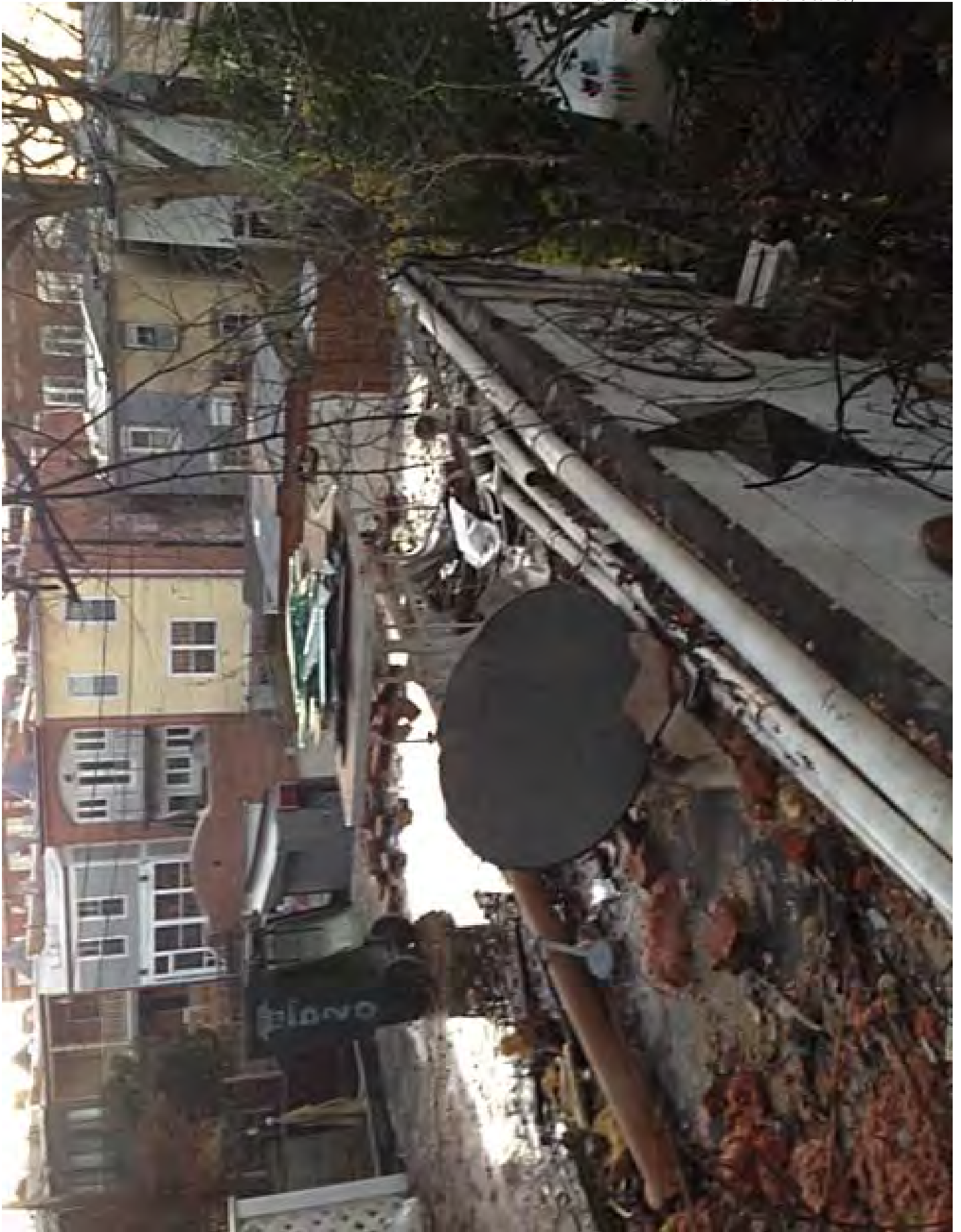


BOTTOM

Attachment G - photo showing dangling downspout
in imminent threat of falling at 518 6th St., NE



Attachment G - photo of construction debris, trash, and stolen trash can on roof of 518 6th St., NE



Attachment G - photo of construction debris, trash, and stolen trash can on roof of 518 6th St., NE



[Print](#)

[Close](#)

Re: FW: DC 311 Case Comment Notification: Service Request 15-00309214

From: **bobbi.krengel@gmail.com** on behalf of **Bobbi Krengel**
(bobbi.krengel@penfedrealty.com)
Sent: Mon 11/09/15 3:37 PM
To: Ann Manheimer (amanheimer@verizon.net)
Cc: Edwin Rodriquez (erodriguezcustodio@hotmail.com); William Sisolak
(wsisolak@gmail.com)

Its worse than silly and useless, its arrogant and ignorant.
For Inspector Hood to consider the service request closed by leaving educational material at the site is outrageous. The service request was to clean the site in conformity with the law, not to leave educational material at the site. S/He has added to the problem by dumping.
This service request should be escalated to a supervisor. The situation is dangerous to health and safety.
Bobbi

On Sun, Nov 8, 2015 at 10:57 AM, Ann Manheimer <amanheimer@verizon.net> wrote:

Here is the silly, useless response to my 311 complaint about illegal dumping. I replied, pointing out that the home is empty and no one is there to read the materials or clean up. I plan to reopen the complaint on Monday afternoon if the slop is still th ere.

From: noreply@salesforce.com [mailto:noreply@salesforce.com] **On Behalf Of** DC 311 Info
Sent: Friday, November 6, 2015 3:02 PM
To: amanheimer@verizon.net
Subject: DC 311 Case Comment Notification: Service Request 15-00309214



***Automated Response E-mail Notification: Service Request Comment
Update - DO NOT REPLY***

Thank you for submitting your request using DC311! We welcome the opportunity to serve you.

A comment has been added to your Service Request 15-00309214. Please read the comment below.

Servicing Agency: Department of Public Works

Service Request Type: Sanitation Enforcement

Service Request Number: 15-00309214

Service Request Status: Closed

Comment: Per inspector Hood on 11/6/15: educational material left at property.

If you require additional information or the issue has not been resolved, please refer to the agency website 311.dc.gov for more information. If this is an urgent matter or hazardous condition, please call 311.

DC 311



NOTICE NO: CTB1600092

NOTICE OF VIOLATION

DATE: November 13, 2015

Order for the corrections of conditions at 518 6TH ST NE WASHINGTON, DC 20002	SQUARE/SUFFIX/LOT 0835 0029	REGISTERED AGENT	TYPE OF INSPECTION Initial Inspection
RESPONSIBLE PARTY AND MAILING ADDRESS BERNARD A JONES 518 6TH ST NE WASHINGTON, DC 20002-5206			DATE OF NOTICE: 11-17-15
Owner ☒ Tenant ☐ Agent ☐			

NOTICE: A recent inspection of the premises listed above was made by a representative of DCRA. This notice is to inform you that the violations listed below were found on your property. You are hereby ordered to correct these violations within the specified time frame.

NOTICE: A \$90 reinspection fee will be assessed for each reinspection required.

It could also result in you having to pay fines for civil infractions in the amounts stated in the potential fines column below. Also, DCRA may correct the condition(s) without further notice, charge you for the cost, and place a lien against your property that could result in it being sold in a tax sale if payment is not made.

VIOLATION	LAW VIOLATED	VIOLATION DESCRIPTION	LOCATION/REQUIRED CORRECTIVE ACTION	POTENTIAL FINE
☒	14 DCMR - § 800.13	Excessive trash, debris, and unsecured vacant property. Hazard to human life.	Trash + Debris in Rear	\$500
☐	14 DCMR - § 800.10	Excessive vegetative growth including but not limited to, kudzu, poison ivy, plants with obnoxious odors, weeds, grasses causing hay fever, and any weed growth that creates a breeding place for mosquitoes,		\$500
☐	14 DCMR - § 800.17 14 DCMR - § 800.18	If the owner of any premises is issued a notice of violation but fails to comply, and another notice is issued for the same condition during the same annual growing season (May 1-October 31), the District may abate the nuisance without further notice.		
☐	DDC Official Code § 42-3131.01 (c)(1)-	The presence of graffiti imminently endangers the surrounding community.	Paint over or remove graffiti.	\$0
☒	14 DCMR - § 6800.3	Doors, windows, areaways, and other openings are not weather-tight and secured against entry by birds, vermin, and trespassers.	Windows Upper Level	\$500

THE CITED VIOLATION(S) MUST BE ABATED AS ORDERED WITHIN [x] 7 DAYS FROM RECEIPT OF THIS NOTICE.

INSPECTOR'S SIGNATURE CP

INSPECTOR'S NAME (Print) Chris Peters

INSPECTION DATE AND TIME

INSPECTOR'S BADGE #: 475

11-17-15 1:20pm

PERSONAL SERVICE AND POSTING

NAME OF PERSON NOTIFIED (Please Print)	RELATIONSHIP TO THE RESPONSIBLE PARTY (for example, agent, spouse, etc.)	DATE/TIME OF SERVICE OR POSTING
SIGNATURE OF PERSON RECEIVING NOTICE	NAME OF THE PERSON SERVING NOTICE	POSITION OF NOTICE SERVER (e.g. inspector, process server, etc.)

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL,
CALL THE INSPECTOR GENERAL AT 1-800-511-6339 ALL CALLS ARE CONFIDENTIAL.

Property Information by Exact Address

Address: 518 6TH ST NE
 Zip Code: [Zip Lookup](#)
 SSL: 0835 0029
 Cluster: Cluster 25
 Ward: Ward 6
 ANC: ANC 6C
 SMD: SMD 6C04
 Census Tract: 008301
 Zone: *

* Check the [Zoning map](#) for recent changes.
 * Check the [Zoning orders](#) for recent changes.

Find Property By: **Exact Address** **SSL**

St. No.* St. Name* St. Suffix Quad
 2448 18TH Street NW **Find**

St. No. Suffix
 1/2


 DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS

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ATTENTION - Please see below for conditions on this property.
 » PIVS found Property Conditions on this property. Please see below for details.

Restrictions & Holds	Issued Permits : No. of Records = 3								Show records per page : 10
Issued Permits	Address	Unit	SSL	ID	Type	Date Issued	Status	Status Date	Detailed Description
Maps	518 6TH ST NE		0835 0029	B1509391	Construction/Alteration and Repair	2015/07/02	Permit Issued	2015/07/02	Interior: renovate bedrooms, bathrooms, kitchen, flooring, paint, change appliances, add skylights, replace staircase. Exterior: paint, change windows, replace pavers, fix carport area, repair rear deck, fix leaking roof.
Photo	518 6TH ST NE		0835 0029	B1512716	Construction/Addition Alteration Repair	2015/10/01	Permit Issued	2015/10/01	Revision to permit B1509391 New rear addition on 2nd level with balcony.
Owners	518 6TH ST NE		0835 0029	FD1500105	Construction/Foundation Only	2015/10/27	Permit Issued	2015/10/27	Foundation Repair and Underpinning. All Additional Info Included with Application Paperwork.
CAMA									
Residential Cases									
Commercial Inspections									
Occupancy									
BBL									
Disclaimer: This application was created for DCRA from a variety of agency and non-agency data sources. It is not a legal document. Data may need to be cross-referenced to the original source system. Information provided by other agencies should be verified with them where appropriate.									

>> PIVS found Property Conditions on this property. Please see below for details.

Error displaying results for Zone. Please try again.

Property Conditions : No. of Records = 6

Show records per page : 10

Restrictions & Holds							
Issued Permits							
Maps							
Photo							
Owners							
CAMA							
Residential Cases							
Commercial Inspections							
Occupancy							
BBL							
Disclaimer: This application was created for DCRA from a variety of agency and non-agency data sources. It is not a legal document. Data may need to be cross-referenced to the original source system. Information provided by other agencies should be verified with them where appropriate.							
Address	Unit	SSL	Type	Date Issued	Description	Detailed Description	
518 6TH ST NE		0835 0029			HPRB	HD Capitol Hill	
518 6TH ST NE		0835 0029			Stop Work Order	STOP WORK ORDER - ILLEGAL CONSTRUCTION/WORKING WITHOUT A PERMIT - APPLY 50% PENALTY ON PERMIT Applied via Script	
518 6TH ST NE		0835 0029			stop work order	SWO ISSUED FOR NOT PROTECTING NEIGHBOR'S WALL	
518 6TH ST NE		0835 0029			ZO	Zoning Overlay Capital Interest (CAP)	
518 6TH ST NE		0835 0029			Zoning	DO NOT ISSUE ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY WITHOUT APPROVAL FROM THE ZONING ADMINISTRATOR, DEPUTY ZONING ADMINISTRATOR, OR SUPERVISORY ZONING TECHNICIAN. The proposed construction may be exceeding the allowable lot occupancy limit. Additionally, the plans show a 'kitchenette' in the basement which is in violation of the zoning regulations.	
518 6TH ST NE		0835 0029	Hold	2015/10/29	STOP WORK ORDER	SWO ISSUED FOR FAILURE TO PROTECT ADJOINING PROPERTY	

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