



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

November 23, 2015

Matthew LeGrant
Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 4th Street, SW
Washington, DC 20024

RE: Request for site visit from the Office of the Zoning Administrator at 1514 Q Street NW

Dear Mr. LeGrant,

At its regular meeting on November 10, 2015, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered the above-referenced matter. With 8 of 9 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (8-0-0):

Whereas the applicant at 1514 Q Street NW has received a Zoning Administrator's opinion that the height between the at-grade soil level and ceiling of the bottom of four units in a proposed condominium conversion is three feet and eleven inches; and

Whereas under these calculations the bottom unit is, by code, referred to as a cellar rather than a basement which renders the floor area of this unit to not count against floor area ratio for the project; and

Whereas there is ANC and neighbor concern that the calculation of ground level as approved by the Zoning Administrator do not reflect the property at 1514 Q Street NW; and

Whereas, the height between at-grade soil and ceiling is greater than four feet rendering the "cellar" floor area a not exempt from floor area ratio calculation, which would trigger a substantial change to the project's design or applicant request for zoning variance; and

Whereas, the decision on this property has implications for several other properties in the same block.

Therefore, be it RESOLVED for the reasons stated above ANC 2B requests a representative from the Office of the Zoning Administrator come to the property of 1514 Q St NW to conduct in person measurements to verify the developer's plans.

9 Dupont Circle, NW • Washington, DC 20036 • www.dupontcircleanc.net

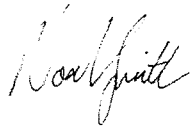
Board of Zoning Adjustment
District of Columbia
CASE NO.19374
EXHIBIT NO.27C

Be it further RESOLVED ANC 2B Commissioners and members of the public be invited to attend the representative's in person measurement.

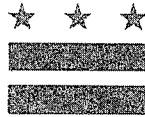
Commissioners Abigail Nichols (abigail.nichols@dupontcircleanc.net), Daniel Warwick (daniel.warwick@dupontcircleanc.net), and Noah Smith (noah.smith@dupontcircleanc.net) are the Commission's representatives in this matter.

ON BEHALF OF THE COMMISSION.

Noah Smith
Chairman

A handwritten signature in black ink, appearing to read "Noah Smith", written in a cursive style.

Noah Smith
Chairman



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

November 17, 2015

Gretchen Pfahler, Chair
Historic Preservation Review Board
Office of Planning
1100 4th Street, SW, Suite E650
Washington, DC 20024
historic.preservation@dc.gov

RE: 1514 Q Street NW, HPRB #15-635

Dear Chairwoman Pfahler:

At its regular meeting on November 10, 2015, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered the above-referenced matter. With 8 of 9 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (8-0-0):

Whereas the applicant at 1514 Q St NW proposes a rear addition as a portion a condominium conversion; and

Whereas the addition will not be seen from the street; and

Whereas issues being raised to the zoning administrator concerning the FAR of the project are unlikely to affect the sight lines of the project from the street,

Be it RESOLVED ANC 2B supports the historic preservation aspects of this application.

Commissioners Abigail Nichols (abigail.nichols@dupontcircleanc.net) and Noah Smith (noah.smith@dupontcircleanc.net) are the Commission's representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

Noah Smith
Chairman

cc: steve.calcott@dc.gov
kim.elliott@dc.gov

**Notes from December 21, 2015, Discussion with DC Zoning Administrator Matthew Le Grant
with Suggestions from 2B05 Commissioner Abigail Nichols for Next Steps by Concerned
Constituents**

Subject: Zoning and Enforcement for R-5 Zones, Particularly the Cellar/Basement Requirement As It
Effects Floor Area Ratio

Attending were Abigail Nichols, Eva Lewis, and Matthew Le Grant

This was a one hour discussion on Monday, December 21, 2015.

Matthew Le Grant is the Zoning Administrator. His office is located in the Department of Consumer and Regulatory Affairs. His staff of 16 with 7 reviewers looks at 5,000 building permit applications a year and determines what reviews are required before construction permits can be issued, e.g., whether a review is required of other agencies such as the Historic Preservation Review Board, the Board of Zoning Adjustment, Construction or Environment agencies.

This was a general discussion. I explained that while, on behalf of constituents, I was concerned about the zoning for a particular development proposal (1514 Q Street), there was a related concern to understand zoning as it applies to the possible development of many properties on the 1500 block of Q and Church which back onto a common alley. (This block except for the portion facing 16th Street is zoned R-5-B; the 16th Street portion is zoned R-5-D.)

When I mentioned that some of my learning to date was informed by constituent consultant Don Hawkins, Le Grant stated that Don Hawkins is “distinguished” and named several of his accomplishments.

Mr. Le Grant spent a great deal of time on the requirements for R-5 and R-4 zones 1) how building height is measured – from the middle of the front of the building (specific height restrictions apply to R4 but not to R5 zones, 2) Floor Area Ratio requirements apply in R5 zones but not in R4 zones, and 3) the cellar/basement issue – cellars don’t count as a story or toward floor area ratio but basements do. The difference between the two is the distance between the ceiling of the basement/cellar and the finished grade. A Basement is that “portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade. (During the meeting we seemed to talk as if this was an R-4 discussion when my concern is R5 but this didn’t really matter to the outcomes for understanding and next steps.)

Re cellars versus basements, Mr. Le Grant said that the height of the building against zoning limits is determined by the grade of the front of the building at the time the permit is filed. However, the “finished” grade for purposes of cellar/basement is determined after the property is built, in other words the developer can change the grade as part of the project, e.g., slop the lot higher and make a light well to allow access to a window that is no longer as high above grade as it may have been before development.

While the land next to the building generally determines the finished grade, if a light well is wider than 4 feet (or 5 feet if there is an area way for a stair to the cellar), then the grade is measured at the bottom of the light well.

Thus Mr. Le Grant stated that the reason DCRA would not take a measurement before he has drawings is that measurements taken of the grade as it now exists might not obtain in the final project.

Mr. LeGrante said that new rules on pop-ups and conversions took effect in June (i.e., in R4 zones).

Regarding conversions, a new rule says that for multi-family conversions there has to be 900 square feet of lot for every unit. That means that 20 x 100 foot lot with 2,000 square feet could only support two housing units.

There was a fair amount of discussion of his office's role in concurring with plans and overseeing the execution of plans.

Initial plans: The Office of the Zoning Administrator makes its decisions based on the information that is part of the construction permit application. The developer attests to the accuracy of this submission which is a public record – more and more of the materials are submitted digitally. Developers, land use lawyers and architects urge staff that the plans meet law and regulations when proposing projects with a bigger building envelop than exists in terms of height, setback, occupancy, etc.

If the developer's application is consistent with "matter-of-right" building the Zoning Administrator can approve it, and there is not notice to neighbors and the ANC. On the other hand, if the project is referred to the Board of Zoning Adjustment placards will be posted on the property, neighbors within 200 feet will be notified, and the ANC will be notified so that others know of the application and can comment before the Board of Zoning Adjustment.

Execution of Plans: If construction does not comply with permits, fines can be issued and builders can be required to undo their work. There are builders with a record of noncompliance with their own plans.

Other concepts discussed: "grandfathering of nonconforming structures," "preliminary design review meeting"; comments for first review due in 30 days.

Next Steps:

- 1) Mr. Le Grant agreed to participate in an informational community meeting that includes a walkthrough of the 1500 block of Q/Church. Residents could point out concerns about various projects, e.g., 1506 and ask conversion prospects for buildings for which there is the possibility of additions and conversions. Mr. Le Grant said staff could follow up on concerns about existing properties but would only explain the law as it affected properties that might be developed; staff would not opine on their likely response to a particular permit request.
- 2) Hold a community meeting with briefings by the Zoning Administrator, the Board of Zoning Adjustment, and the Historic Preservation Review Board.

- 3) It appears to me that recent redevelopment projects on this block do not comply with law and regulations. How do we prevent further problems?
- a. Testify about problems of review and enforcement before the Council's oversight hearings on the Department of Consumer and Regulatory Affairs.
 - b. Push Le Grant to have a tickler file of buildings and builders of concern. This means that if neighbors have concerns about what may be proposed for a given property, it will be up to them to watch for building permits.
 - c. Coordinate monitoring of building sales and construction permit applications to appeal to Zoning Administrator with concerns before permits are issued.
 - d. Look at other factors in the large additions being added that have implications for the peace, order, and safety of the residents of this block. Which agencies might weigh in on these concerns.
 - i. Increased street and alley congestion? The Department of Public Works picks up trash only from single family dwellings and apartment buildings of 3 or fewer units. Conversions to 4 apartment units will lead to alternative trash pick-ups with possibly uncoordinated pick-ups by multiple companies.
 - ii. Rain runoff into sewer system caused by loss of permeable surfaces.
 - iii. Loss of tree canopy with its many implications including overheating the central city. Many trees are being lost – only a couple remain.

John Casey

From: Gamboa, Ferdinand (DCRA) <ferdinand.gamboa@dc.gov>
Sent: Friday, January 08, 2016 5:33 PM
To: John Casey
Cc: Legaspi, Ruben (DCRA)
Subject: FW: Construction at 1514 Q Street NW

Mr. Casey,

Please respond to the questions below.

Should you have any question, please call me or email me.

Best Regards

Ferdinand Gamboa, CBO

Illegal Construction Inspections Unit
Manager



Department of Consumer and Regulatory Affairs
Inspections and Compliance Administration
1100 4th Street, S.W. 4th Floor, Suite E-400
(202) 481-3559 Work Phone
(202) 439-3285 Cell Phone
(202) 478-5751 Fax
ferdinand.gamboa@dc.gov
DCRA Website: www.dkra.dc.gov

From: Jenny Gelfand (Kagan) [mailto:jenny.gelfand@gmail.com]
Sent: Friday, January 08, 2016 9:26 AM
To: Legaspi, Ruben (DCRA)
Cc: Gamboa, Ferdinand (DCRA); Englebert, Gary (DCRA); Thigpen, Sarah (DCRA); Pope, Darrell (DCRA); Sidhu, Dilraj (DCRA); Jalis, George (DCRA); Brian Gelfand; Don Hawkins
Subject: Re: Construction at 1514 Q Street NW

Hello,

I am following up on my email regarding the construction at 1514 Q Street NW. Any update would be greatly appreciated.

Best,

Jenny Gelfand

On Wed, Jan 6, 2016 at 9:04 PM, Jenny Gelfand (Kagan) <jenny.gelfand@gmail.com> wrote:
All,

Below is a list of issues that we have observed at 1514 Q street, as well as photos of the back, where an addition has been constructed and the scaffolding construction in the front.

Thank you for your attention to this matter. We look forward to your response.

-
1. We were notified of the coming construction in October, but have never been shown drawings describing the work to be done as required by law before starting despite specifically requesting in writing. The developer's refusal to do this has rendered every subsequent action, whether approved by DCRA or not, illegal.
 2. The developer has sealed off the public space in front of the project with a seven foot high fence and a locked gate, fully covered with plastic. There are currently no permits posted nor visible, nor readable, as required by law.
 3. The building is three stories high, as defined by the Zoning Regulations. All permits have been issued for a two story building.
 4. Scaffolding has been constructed at the front of the building. Scaffolding for a three story building must be certified by an engineer or architect licensed in the District.
 5. The Demolition Permit forbade the removal of any structural members, but all the floor joists have been removed.
 6. One permit allows for sistering existing floor joists in order to strengthen them.
 7. The existing basement slab was removed and the soil below it excavated without a permit.
 8. A new basement slab was poured 6" lower than the existing without a permit.
 9. When asked to show them, the developer's representatives on site claimed to have no knowledge of any drawings representing and describing the demolition and construction work they were doing.
 10. An entire 400 square foot addition has been framed in behind the existing structure, apparently on the basis of a permit for expansion of the rear areaway. We have not seen any permit or plans for the construction of this addition.
 11. The adjacent property owners must be shown the drawings for all proposed changes for 1514 Q Street before any further permit applications are reviewed, and before the developer is allowed to continue any further work on the building.

On Wed, Jan 6, 2016 at 3:53 PM, Legaspi, Ruben (DCRA) <ruben.legaspi@dc.gov> wrote:

Hi Jenny,

Yes, please go ahead and send updated photos of the jobsite that you think may be outside the scope of their permits.

Regards,

Ruben Legaspi

Combo Code Compliance Specialist II

Office of Inspections and Compliance Administration

Department of Consumer and Regulatory Affairs

1100 4th Street, SW
Washington, DC 20024

Office: [202-741-7736](tel:202-741-7736)

Email: Ruben.Legaspi@dc.gov

Website: www.dcr.dc.gov

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From: Jenny Gelfand (Kagan) [<mailto:jenny.gelfand@gmail.com>]

Sent: Wednesday, January 06, 2016 11:38 AM

To: Gamboa, Ferdinand (DCRA)

Cc: Englebert, Gary (DCRA); Thigpen, Sarah (DCRA); Pope, Darrell (DCRA); Legaspi, Ruben (DCRA); Sidhu, Dilraj (DCRA); Jalis, George (DCRA)

Subject: Re: Construction at 1514 Q Street NW

All,

If it would be helpful, I can send some photos of the work that was done in the back so you don't need to perform an inspection if it looks like its within the scope of the permits.

-Jenny

On Wed, Jan 6, 2016 at 11:20 AM, Gamboa, Ferdinand (DCRA) <ferdinand.gamboa@dc.gov> wrote:

Sarah & Darrell,

Please create a cap and assign it to an ICU inspector as soon as possible. Issue a SWO and NOI if it warrants it.

Should you have any question, please call me or email me.

Best Regards

Ferdinand Gamboa, CBO

Illegal Construction Inspections Unit

Manager



Department of Consumer and Regulatory Affairs

Inspections and Compliance Administration

1100 4th Street, S.W. 4th Floor, Suite E-400

(202) 481-3559 Work Phone

(202) 439-3285 Cell Phone

(202) 478-5751 Fax

ferdinand.gamboa@dc.gov

DCRA Website: www.dkra.dc.gov

From: Englebert, Gary (DCRA)

Sent: Wednesday, January 06, 2016 9:43 AM

To: Jenny Gelfand (Kagan)

Cc: Gamboa, Ferdinand (DCRA)
Subject: RE: Construction at 1514 Q Street NW

No permit has been issued for an addition and in fact no plans have been submitted for review, only the application has been submitted.

Permits issued are as follows:

B1602851 NEW CONCRETE PARKING SLAB ON GRADE AT REAR OF PROPERTY.

B1602709 Repair front concrete retaining wall and cellar concrete stair and front curb and concrete walk by patching cracks with matching concrete.

Repair or replace existing street facade windows, all-wood, one-over-one windows to fit the original masonry openings.

Enlarge cellar area well under existing stairs for future meter bank.

All joist to be pocketed into existing brick wall to be wrapped in light gauge steel, and filled with non shrink grout

B1601692 REPAIR AND REPOINT FRONT FACADE OF BUILDING

B1600130 Extension of Rear Area Way

If they Are working beyond the scope of their issued permits, and by what you describe they are, please call illegal construction and file a complaint.

By way of this e mail I am looping in the manager of illegal construction, Ferdinand Gamboa.



Gary W. Englebert, CBO, MCP

Deputy Division Chief, POD

Department of Consumer and Regulatory Affairs

1100 4th St. SW

Washington, DC. 20020

202-442-6988

gary.inglebert@dc.gov

From: Jenny Gelfand (Kagan) [<mailto:jenny.gelfand@gmail.com>]

Sent: Tuesday, January 05, 2016 1:31 PM

To: Englebert, Gary (DCRA)

Subject: Re: Construction at 1514 Q Street NW

Hi Gary,

I wanted to reach out to you again about 1514 Q, as construction appears to be proceeding ahead without, to my knowledge, all of the requisite permits.

First of all, despite numerous requests, we have not received copies of the plans. To my understanding, neighbor notification is a prerequisite to building permits being issued.

Secondly, the DC permit site has no new permits that cover the work that has been done most recently; specifically, an entire new floor constructed in the back of the building.

Thirdly, there is now scaffolding going up in the front, so I assume more work is planned, but to my knowledge, this project has not yet received historic approval.

Can you please let me know if you have any additional information?

Thanks again,

Jenny

On Mon, Oct 26, 2015 at 11:48 AM, Englebert, Gary (DCRA) <gary.englebert@dc.gov> wrote:

Good Morning

It was a pleasure to speak to you this morning. I will keep the job under supervision. The review that has been performed has marked neighbor notification as a requirement.

Let me know what happens at the inspection.



Gary W. Englebert, CBO, MCP

Acting Deputy Building Official

Department of Consumer and Regulatory Affairs

1100 4th St. SW

Washington, DC. 20020

202-442-6988

gary.englebert@dc.gov

From: Bellow, Justin (DCRA)
Sent: Monday, October 26, 2015 10:17 AM
To: Englebert, Gary (DCRA); Bailey, Christopher (DCRA)
Subject: FW: Construction at 1514 Q Street NW

FYI - question about neighbor notification.

Justin Bellow
Permit Center Manager
Government of the District of Columbia
Department of Consumer and Regulatory Affairs - Permit Operations Division
1100 4th St SW - Washington DC 20024
office - (202) 481-3389
justin.bellow@dc.gov

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: Jenny Gelfand (Kagan) [jenny.gelfand@gmail.com]
Sent: Monday, October 26, 2015 9:48 AM
To: Bellow, Justin (DCRA)
Subject: Construction at 1514 Q Street NW

Dear Mr. Bellow,

My name is Jenny Gelfand and I live at 1516 Q Street NW.

The building adjoining mine, 1514 Q Street NW, is undergoing a major demolition and construction. The permit on DC website (see below) states that adjoining property owners were notified regarding the demo plan, and we were not. There is significant work being done to our shared wall and we are concerned about structural safety.

In addition, none of the Provision of Chapter 33 of the DC Building Code, specifically, Section 3307 ("Protection of Adjoining Property") have been followed. There are large slabs of glass, drywall, and wood being thrown out the windows, construction debris is scattered all over the property, and there is no coverage for dust.

Please call me at your convenience. I can be reached at [610-420-8410](tel:610-420-8410).

Thank you,

Jenny

Search By:		Application ID		Property Address	
Enter the Property Address to review Application Status:					
St. No. *	St. Name *	St. Suffix *	Quad *		
1514	Q	Street	NW	Find	
Application Status by Property Address:					
Please see the table below for review statuses. The table is not shown if the reviews have not been identified. A blank Status date means that the status review has not been completed.					
Application ID	Date Recd	Full Address	Agent Name	Phone Number	
01669923	10/9/2015	1514 Q ST NW	JOHN 1514 Q LLC	303-437-0942	
Discipline	Review Status	Status Date	Review Comment	Reviewer Name	Reviewer Email
Structural Review	Structural Review N/A	10/09/2015		Bibon Debrassai	Bibon.Debrassai@dc.gov
HPRB Review	HPRB Review Approved	10/09/2015		Sara VanLandingham	sarah.vanlandingham@dc.gov
Issue Permit	Permit Issued	10/09/2015			
81650130	10/3/2015	1514 Q ST NW	1514 Q STREET, 1514 Q STREET, LLC	303-437-0942	
Discipline	Review Status	Status Date	Review Comment	Reviewer Name	Reviewer Email
Zoning Review	Zoning Review Approved	10/05/2015	app for extension of new driveway, existing parking space to be maintained on site.	Mamadou Ndiaye	Mamadou.Ndiaye@dc.gov
Structural Review	Structural Review - HRC	10/05/2015	note: existing lot lines addressed to each adjoining property owner by name, s2100; show demo on plan 1 on plan 2; show driveway drain and slab slopes to the drain; show label stair handrails and guardrails; show label guardrails for driveway walls; show label property lines and party walls on all plans; s2101 - show label driveway drain; s2102 - stop drainage board just below the weep holes, add "solid" to pvc pipe; provide section and signed calculations for the driveway walls by date; the drawings shall be sealed and signed as well; draw handrail and guardrail correctly on 2; the guardrail and handrail are in two different vertical planes; specify guardrail and handrail materials; provide connection details.	Nader Hussain	nader.hussain@dc.gov
DDOE Review					
HPRB Review					
01100551	10/18/2015	1514 Q ST NW	GABRIELA YARIA	303-313-6187	

John Casey

From: John Casey
Sent: Monday, January 11, 2016 3:31 PM
To: Gamboa, Ferdinand (DCRA); 'Legaspi, Ruben (DCRA)'
Cc: Dawn Hulen
Subject: FW: Response Letter
Attachments: 1514 Q Street - Response Letter.pdf

Mr. Gamboa,

Please see the attached response letter per your request. As far as the ongoing work, we are in compliance with all permit scopes and this has been acknowledged by Inspector Ruben when he did his field visit. We are submitting for the full building permit tomorrow and will send out a complete sets of drawings to the immediate neighbors now that the project design is completed and we have in fact finished all architectural drawings for a conversion to a 4 unit apartment building.

The response letter shows the tax records as this building being a 2 story building as it has been since 1895 and the HPRB has given us a unanimous approval for the proposed massing of the building and that goes the same for the ANC. The new proposed drawings reflect what was approved by both the ANC and the HPRB.

If you have any further questions please feel free to contact me.

John

1. We were notified of the coming construction in October, but have never been shown drawings describing the work to be done as required by law before starting despite specifically requesting in writing. The developer's refusal to do this has rendered every subsequent action, whether approved by DCRA or not, illegal.

All work has been approved by ANC/HPO/HPRB. They are direct neighbours and have received drawings in order for the ANC to have supported which allowed HPRB to support.

Neighbours participated in the ANC hearing and the HPRB hearing.

2. The developer has sealed off the public space in front of the project with a seven foot high fence and a locked gate, fully covered with plastic. There are currently no permits posted nor visible, nor readable, as required by law.

Permits are posted on the face of the building and have since been moved to the face of fence for public view.

Public space permit provides staging and occupancy of public space and we are protecting the public by covering with material to contain dust and debris that was previously complained.

3. The building is three stories high, as defined by the Zoning Regulations. All permits have been issued for a two story building.

As per public record – the building is 2 stories high.

Updates to the information below are done on a semi-annual basis, March 1 and September 1

[REDACTED]	
Building Type	Row Inside
Building Style	2 Story
Living Area	1472
Year Built	1885
Bed Rooms	3
Bath Rooms	2
1/2 Bath Rooms	0
Total Rooms	8
Wall	Common Brick
Floor	Ceramic Tile
Heat	Hot Water Rad
Air Conditioning	None
Fireplace(s)	0
Interior Condition	Fair
Exterior Condition	Fair
Overall Condition	Fair

**Click here to view the history of Terms for the Property Features data

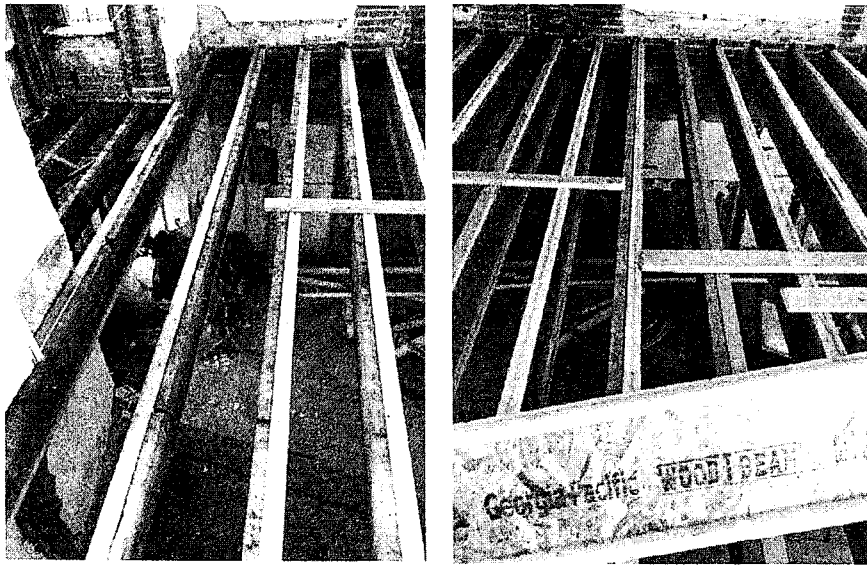
Source: for the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) historical property information.

4. Scaffolding has been constructed at the front of the building. Scaffolding for a three story building must be certified by an engineer or architect licensed in the District.

The building is a two story building as provided above and therefore does not require a sealed drawing for scaffolding.

5. The Demolition Permit forbade the removal of any structural members, but all the floor joists have been removed.

This is an inaccurate statement. The original floor joists have been maintained and sistered as approved by HPO and Structural. See pictures below.



6. One permit allows for sistering existing floor joists in order to strengthen them.
Please see above for pictures that show the sisters of floor joists.

7. The existing basement slab was removed and the soil below it excavated without a permit.

1514 Q	019					
ST	4	B16001	Construction/Alter	2015/11/	Permit	2015/11/
NW	002	30	and Repair	05	Issued	05
	7					Extension of Rear
						Area Way

Permit obtained.

8. A new basement slab was poured 6" lower than the existing without a permit.
Please see above.

9. When asked to show them, the developer's representatives on site claimed to have no knowledge of any drawings representing and describing the demolition and construction work they were doing.

This is an inaccurate statement. The onsite formman referred them to the owner of the property.

10. An entire 400 square foot addition has been framed in behind the existing structure, apparently on the basis of a permit for expansion of the rear areaway. We have not seen any permit or plans for the construction of this addition.

The decking system that is in place is to provide a safety platform as required by OSHA in order to set the scaffolding that will be utilized to perform the HPO Flag test as required by HPRB and Zoning.

This was explained on site to inspector Legaspi and explained to Mr. Gamboa at DCRA on Friday January 8th.

11. The adjacent property owners must be shown the drawings for all proposed changes for 1514 Q Street before any further permit applications are reviewed, and before the developer is allowed to continue any further work on the building.

The drawings of the current work have been provided to both owners, the ANC, HPO, and HPRB. The conversion drawings from the Single family home to 4 Unit condominium will be provided upon filing for their 30 day review period to begin.

John Casey

From: Gamboa, Ferdinand (DCRA) <ferdinand.gamboa@dc.gov>
Sent: Thursday, January 14, 2016 11:19 AM
To: John Casey; Don Hawkins; McDowell, Velma (DCRA); Legaspi, Ruben (DCRA); Bemby, Joseph (DCRA)
Subject: 1514 Q St

Ms. McDowell,

Please set up a meeting with Mr. Casey, Mr. Hawkins, Mr. Legaspi, Mr. Joe Bemby (Permitting) and myself next week. To discuss the subject property; notification, permits, basement or cellar issue and work activity on site.

Should you have any question, please call me or email me.

Best Regards

Ferdinand Gamboa, CBO

Manager

Illegal Construction Inspections Unit



Department of Consumer and Regulatory Affairs
Inspections and Compliance Administration
1100 4th Street, S.W. 4th Floor, Suite E-400
(202) 481-3559 Work Phone
(202) 439-3285 Cell Phone
(202) 478-5751 Fax
ferdinand.gamboa@dc.gov
DCRA Website: www.dkra.dc.gov

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John Casey

Subject: 1514 Q Street
Location: 1100 4th Street, S.W. 4th Floor Conference Room E4231

Start: Thu 1/21/2016 4:00 PM
End: Thu 1/21/2016 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Gamboa, Ferdinand (DCRA)

Agenda for Meeting:

1. To discuss the subject property
2. Notification
3. Permits
4. Basement or cellar issue and work activity on site
- 5.
- 6.
7. ProjectDox is DCRA's new paperless, electronic plan submission/review program and is now required for 25,000+ square foot projects. Click here <<http://dcra.dc.gov/page/dcra%E2%80%99s-electronic-plans-submittal-permit-processing-made-easier-projectdox>> for more information.
- 8.
- 9.

John Casey

Subject: 1514 Q Street
Location: 1100 4th Street, S.W. 4th Floor Conference Room E4231

Start: Thu 1/21/2016 4:00 PM
End: Thu 1/21/2016 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Gamboa, Ferdinand (DCRA)

Agenda for Meeting:

1. To discuss the subject property
2. Notification
3. Permits
4. Basement or cellar issue and work activity on site
- 5.
- 6.
7. ProjectDox is DCRA's new paperless, electronic plan submission/review program and is now required for 25,000+ square foot projects. Click here <<http://dcra.dc.gov/page/dcra%E2%80%99s-electronic-plans-submittal-permit-processing-made-easier-projectdox>> for more information.
- 8.
- 9.

From: Smith, Noah (ANC 2B09) (ANC 2B09) <2B09@anc.dc.gov>
To: johnfkc <johnfkc@aol.com>
Cc: Abigail Nichols <abigail.nichols.anc2b@gmail.com>; Mann, Nicole (ANC 2B08) (ANC 2B08) <2B08@anc.dc.gov>
Subject: RE: 1514 Q street
Date: Tue, Feb 2, 2016 3:25 pm

Good afternoon Mr. Casey and thank you so much for the detailed email. I'm glad to see that the ANC recommendation for an on-site measurement is coming to fruition.

Last month we transitioned leadership and I am now the Vice-Chair of the ANC. I've copied Nicole Mann, our Chair and Abigail Nichols, the 2B05 Commissioner. I imagine Abigail will want to be on site for the measurement and you can coordinate timing directly with her.

Thank you again,

Noah

Noah Smith
Vice-Chair and Commissioner, 2B09
Dupont Circle Advisory Neighborhood Commission
202-688-5416

From: johnfkc@aol.com <johnfkc@aol.com>
Sent: Tuesday, February 2, 2016 3:08 PM
To: Smith, Noah (ANC 2B09)
Subject: 1514 Q street

Noah,

Hope you survived the snow. We have applied for the full building permit for the project located at 1514 Q street and I have sent out the full set of architectural drawings to the immediate neighbors.

If you recall, Brian and Jenny Gelfand have been opposing the project and hired an architect to consult on the issue of whether the cellar being a true cellar or a basement. Also if you recall, Samantha Mazo is the zoning attorney representing me on the property and Jim Foster was the architect on the project. As you are probably aware, we have a number of permits on the property that we have been working on and have encountered enormous amount of push back and harassment from the Gelfands where she has contacted DCRA countless times on our work and calling police on us for working on the property etc. The Gelfands then sent a email to DCRA care of Ferdinand Gamboa, who is the head of illegal construction, questioning the on going work as it relates to the permits and Mr Gamboa has sent out numerous times his inspector to verify the work and the current permits in place. The conclusion from these site visits with the inspectors was confirmed all work was properly permitted.

At the last ANC hearing, it was a request that the ANC have a chance to meet and talk with a representative from the DCRA zoning office to get better informed on the definition of what constitutes a cellar and what constitutes a basement. After the letter was sent from the Gelfands Mr. Gamboa suggested that we all meet with Matt Lagrant Head of the zoning office and with DCRA inspector Ruben Legaspi Samantha Mazo zoning attorney, Architect Jim Foster and Mr. Gamboa, head of Illegal construction for DCRA which we did. At that meeting the cellar and basement issue was discussed and it was all agreed that the DCRA zoning office inspector will come out to the field, as requested by the ANC, and do a physical measurement of the property

to confirm whether its a cellar or basement. We are hopeful to schedule this meeting next week and need to know who from the ANC will be joining the site visit. I do know that the Gelfands were wanting to participate in the site visit and I can assure you I WILL NOT ALLOW THEM ON MY PROPERTY. Any one else is welcome but they are not. After having the police called on us and the harassing phone calls to DCRA for what they felt was illegal construction I will not allow them on my property. I hope you understand

We will also be doing a flag test for the height of the building the same day where the HPRB office , Kim Elliot, will be attending to confirm that the height of the building can not be seen from the street front.

Let me know at your earliest convenience

John Casey

Learn the basics of life-saving hands only CPR in 20 minutes. Visit the DC FEMS Hands on Hearts campaign at <http://handsonhearts.dc.gov> to sign up for existing classes or email hands.onhearts@dc.gov to schedule a class for your office or organization.

From: johnfkc <johnfkc@aol.com>

To: brian.gelfand <brian.gelfand@gmail.com>

Cc: lauren.wynns <lauren.wynns@gmail.com>; jenny.gelfand <jenny.gelfand@gmail.com>; carolinec9498 <carolinec9498@gmail.com>; ferdinand.gamboa <ferdinand.gamboa@dc.gov>; ruben.legaspi <ruben.legaspi@dc.gov>; dawn <dawn@jcdevelopment.com>

Subject: Re: 1514 Q street

Date: Thu, Feb 4, 2016 3:54 pm

Attachments: wynn neighbor letter.pdf (1117K), campbell neighbor letter.pdf (1113K), gelfand neighbor letter.pdf (1111K)

To All,

Please see the revised neighbor letters. If you have any questions please feel free to contact me.

John Casey

-----Original Message-----

From: Brian Gelfand <brian.gelfand@gmail.com>

To: John Casey <johnfkc@aol.com>

Cc: Lauren Wynns <lauren.wynns@gmail.com>; Jenny Gelfand <jenny.gelfand@gmail.com>; Caroline Campbell <carolinec9498@gmail.com>; ferdinand.gamboa <ferdinand.gamboa@dc.gov>; ruben.legaspi <ruben.legaspi@dc.gov>; Dawn Hulen <dawn@jcdevelopment.com>

Sent: Thu, Feb 4, 2016 7:59 am

Subject: Re: 1514 Q street

John,

I opened the form that you attached to this email and there is no information filled out. It is a blank form.

Please deliver us a completed notification form, if that was your intent.

Thank you

On Tue, Feb 2, 2016 at 12:43 PM, <johnfkc@aol.com> wrote:

To All,

We have submitted for full building permit for the project located at 1514 Q St NW with DCRA and we are sending out a complete copy of the architectural drawings for your review along with a copy of the neighbor notification form. In addition I have attached a copy of the notification form to this email.

The drawings will be coming via FED EX and will require a signed receipt.

In addition we will be performing a flag test for the addition on the building displaying the heights of the project sometime next week. Also, we will be having an inspector from the city coming out to verify the cellar level for the zoning office. We will be contacting the ANC to make them aware when that will be scheduled.

John Casey

From: Abigail Nichols [mailto:abigail.nichols.anc2b@gmail.com]
Sent: Tuesday, March 08, 2016 10:08 AM
To: John Casey <john@jcdevelopment.com>
Cc: Bolling, Melinda (DCRA) <melinda.bolling@dc.gov>; LeGrant, Matt (DCRA) <Matthew.Legrant@dc.gov>; clarence.whitescarver@dc.gov; Brian Gelfand <brian.gelfand@gmail.com>; Jenny Gelfand <jenny.gelfand@gmail.com>; Elliott, Kim (OP) <Kim.Elliott@dc.gov>; Christopher.bailey@dc.gov; timothy.dennee@dc.gov; ruben.legaspi@dc.gov; Lewis, Eva (EOM) <eva.lewis@dc.gov>; Nicole Mann <nicole.mann@dupontcircleanc.net>; Warwick, Daniel (ANC 2B02) <2B02.ANC@dc.gov>; Don Hawkins <hawkinsarchitects@gmail.com>; Samantha Mazo <smazo@washlaw.com>; 'Meridith Moldenhauer' (MMoldenhauer@washlaw.com) <MMoldenhauer@washlaw.com>; Robert Meehan <bobmeehany62@gmail.com>
Subject: Re: 1514 Q St. NW Meeting

March 8, 2016

Subject: Agenda for Meeting Requested for March 8, 2016, by ANC2B with Zoning Administrator or his representative concerning the development of 1514 Q Street NW

From: Abigail C.Nichols, Commissioner, ANC2B05

The agenda for this meeting stems from two resolutions passed by ANC2B on November 10, 2015, and subsequently sent to HPRB (Gretchen Pfaehler Chair) and to the Zoning Administrator (Matthew LeGrant).

The purpose of the meeting now requested is so that the Zoning Administrator can fulfill the request from ANC 2B that a representative of the Zoning Administrator verify measurements and the developer's plans onsite in the presence of representatives of the public and the ANC. (To my knowledge there was no written response from the Zoning Administrator to the ANC request; to the extent that we discussed the ANC request when I met with Matthew LeGrant on general policy matters December 21, 2015, he wanted the normal processes to play

out further before responding to the ANC request. Subsequent events point to the need to hold this meeting now. I was present at Ruben LeGaspi's measurements on February 18, 2015, but it was not my understanding that he was there for the construction review and not as the representative of the Zoning Administrator, and policy was not discussed.)

This request reflects widespread concerns. While two neighbors (Jenny and Brian Gelfand) have been diligent in tracking this project, many block neighbors are concerned about this project and attended a meeting on the project at the ANC's Zoning, Preservation, and Development Committee. Like me, they are concerned that this would be the fourth large addition in three years to back onto a narrow alley. Altogether the alley area has already suffered a loss of trees, loss of light, increased alley flooding from loss of permeable surfaces, and alley blockage and congestion both during and after construction. The first three projects were not reviewed by the ANC which is why there is such a strong need to understand the current project in the context of a number of policies.

There are also operational concerns. For example, an agent for an immediately adjacent neighbor with a common wall is ensuring protection of her property during and after construction. The involvement of concerned neighbors has been critical to ensuring compliance with law and regulations.

Historic Preservation: Subsequent to the ANC's HPRB review, observations by neighbors and architect Don Hawkins alerted HPRB to the fact that the planned addition would be seen from the street because of the lower height of an adjacent building. The plans are being changed to reflect this; I do not know where HPRB is in its review.

Zoning Policy Issues: Citizens all over the District are concerned about undocumented policies that increase density beyond that implied by the clear language of the law and regulations. This was much under discussion at the Council's February 29, 2015, DCRA hearing.

At 1514 Q Street NW there is the question of whether the below grade space can be a habitable cellar which doesn't count toward FAR. The answer appears to be a HPRB question as to whether windows can be changed and the zoning question as to whether windows can be changed and ceilings lowered in order to meet the cellar requirements. Both the original drawings submitted by the owner and pictures taken in November suggest that the current 3'11" measurement reflects a decrease in the size of the windows. (see attachment) Mr. Casey states that the windows have not been changed.

Construction: A tremendous amount of work has been done at the site. Neighbors and the ANC need to better understand how so much work can be done without basic approvals for the plan. Does DCRA have final construction drawings?

For example, the cellar has been excavated but would be unnecessary if zoning doesn't approve the original cellar to be transformable into a habitable cellar. The front of the site including the parking space has been covered by a tent for several months, but no permits have been posted in spite of a request two weeks ago that permits be posted where the public can see them.

Attendance: Gathering the concerned residents with appropriate policy and measurement officials will allow a full discussion of the many issues being raised in the context of this project. I believe that the ANC and the public must be represented at a minimum by Don Hawkins and Brian Gelfand. In addition, I would like to invited Bob Meehan who represents the neighbor at 1512 Q Street and Adams Morgan Commissioner Allen Gambrell who has similar policy concerns. On the government side, we would like to see Ms. Elliot, Mr. LeGrant, Mr. Legaspi, and Mr. Gamboa. Together with John Casey, the owner, we should have the knowledge and authority to determine the facts in the case.

If we are not ready for this meeting today, fine. But neighbors and I need leadership within DCRA to ensure that this meeting occurs soon.

Abigail C. Nichols

Commissioner, ANC2B05, 202-331-9757, abigail.nichols@dupontcircleanc.net

Attachments:

- 1) HPRB review resolution on 1514 Q Street, November 10, 2015, ANC2B
- 2) Zoning review resolution on 1514 Q Street, November 10, 2015, ANC2B
- 3) Dawn Hawkins' pictorial analysis of front of 1514 Q Street NW
- 4) Minutes of December 21, 2015, meeting of ANC 2B05 Commissioner, Abigail Nichols and Ward 2 Office of Community Affairs representative of the Mayor, Eva Lewis, with DC Zoning Administrator, Matt LeGrant

Abigail C. Nichols, 2B05 Commissioner
Advisory Neighborhood Commission 2B
Ph. 202-331-9757

On Mon, Mar 7, 2016 at 12:05 PM, John Casey <john@jcdevelopment.com> wrote:

Abigail,

Please let me know who will be attending the meeting and please outline the agenda of issues that will be discussed at the site visit. The ANC and concerned neighbors requested the last meeting that we held on site February 18, 2016 with the DCRA inspector, Ruben Legaspi, where we performed on site measurements for the cellar. It is my understanding that you have the on-site measurement photos that the inspector had taken with his camera.

I have been down to DCRA this morning and was able to meet with Kim Elliot from HPRB and she will be attending the meeting. In addition, I was able to talk with Ruben LeGaspi, the inspector from the original site visit, and he has asked me to contact him tomorrow morning to confirm on whether he will be able to attend. He has been to the site multiple times and was not sure what the new issues are that would require his presence.

I will be going down later today to meet with Chris Bailey, during his office visit hours, to discuss with him if he has any issues he would like addressed for the site visit hoping that DCRA inspector Ruben Legaspi can attend and report back to Chris Bailey with any issues he may have the same way he reported back to Matt LeGrant on his last site visit.

It is my understanding that one of the concerned neighbors, Brian Gelfand, has been down to meet and talk with Chris Bailey and I would hope that he has addressed all their concerns with Chris Bailey when they met.

I am hopeful that this will be the last site visit and look forward to resolving this matter.

John Casey

From: Abigail Nichols [mailto:abigail.nichols.anc2b@gmail.com]

Sent: Monday, March 07, 2016 7:36 AM

To: Bolling, Melinda (DCRA) <melinda.bolling@dc.gov>; LeGrant, Matt (DCRA) <Matthew.Legrant@dc.gov>

Cc: clarence.whitescarver@dc.gov; Brian Gelfand <brian.gelfand@gmail.com>; Jenny Gelfand <jenny.gelfand@gmail.com>; Elliott, Kim (OP) <Kim.Elliott@dc.gov>; Christopher.bailey@dc.gov; timothy.dennee@dc.gov; ruben.legaspi@dc.gov; Lewis, Eva (EOM) <eva.lewis@dc.gov>; Nicole Mann <nicole.mann@dupontcircleanc.net>; Warwick, Daniel (ANC 2B02) <2B02.ANC@dc.gov>; Don Hawkins <hawkinsarchitects@gmail.com>; John Casey <john@jcdevelopment.com>

Subject: Re: 1514 Q St. NW Meeting

The requested meeting is important. A whole block of residents is concerned about increased density at 1514 Q. Moreover, the issues are important to many other neighborhoods in DC. It is important there be clear policy that is enforced or changed.

I thank the Gelfands and Don Hawkins for their leadership on this matter.

I appreciated attending Ruben LeGaspi's measurement for DCRA on February 18, 2016, and the briefing Matt LeGrant gave me on December 21, 2016.

But we still need the onsite measurement and policy clarification.

Thank you for your attention to this matter.

Abigail Nichols

Abigail C. Nichols, 2B05 Commissioner
Advisory Neighborhood Commission 2B

Ph. 202-331-9757

On Fri, Mar 4, 2016 at 2:30 PM, Don Hawkins <hawkinsarchitects@gmail.com> wrote:

Mr. Whitescarver,

I'm sorry not to have been able to reach you by telephone over the last four days. The purpose of my calls was, in part, to arrange a meeting at 1514 Q Street to verify a contested dimension. This issue was first raised at the November 3 meeting of ANC 2B's ZPD Committee when the developer submitted two conflicting documents. The ANC requested the measurement to be verified on site in the presence of representatives of ANC 2B, DCRA, the developer, and adjacent property owners. After four months, the ANC's request still has not been honored. I would appreciate your scheduling that officially requested but long-delayed meeting for next Tuesday, March 8, at 2:00PM.

Thank you,

Don A. Hawkins

202-321-0111