

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
FORM 125 -- ZONING APPEALS**

Pursuant to 11 DCMR Y-302, Adams Morgan Friends & Allies (“AMFA”), through Chris Otten, bring this zoning appeal to the Board of Zoning Adjustment (BZA) regarding a new residential project on 1731 Kalorama Road, NW, in the Reed-Cooke neighborhood of Adams Morgan.

The appeal is of DCRA Building Permit No. B1800516 which was apparently issued by the DC Department of Consumer and Regulatory Affairs on August 3, 2018.

Members of AMFA, as well as Adams Morgan for Accountable Development (AMAD), and the public generally, were not made aware of these administrative decisions to move the project forward until on or about August 9, 2018, when the Building Permit being appealed was seen from the sidewalk at the time construction activities began.

This appeal is timely (within 60 days of notice) per 11 DCMR Y-302.2.

Zoning Appeal of Building Permit No. B1800516

Address: 1731 KALORAMA RD NW

Ward: 1

Zone: Reed-Cooke

Square: 2563, Lot: 0098

Name of Grantee: 1731 Kalorama Rd NW LLC

Address of Grantee: 1222 Colving Meadows Lane, Great Falls, VA 22066-1801

The permit describes a description of work as, "Proposed 14,650 sf New Construction, Multi-family. 28 units. 3 Stories."

STATEMENT OF APPEAL ISSUES

In contradiction of transparent decision making, the permit plans have not been able to accessed by AMFA members, or to our knowledge, by the local Adams Morgan Advisory Neighborhood Commission, ANC-1C.

Despite not having the actual plans approved by DCRA, it has become obvious that variances and special exceptions are required and that the Permit Grantee is proceeding without permission and not in accordance with the law. For example, most recently a Stop Work Order was issued because the Grantee has razed the building and began digging into the ground next to an historic church as well as a fire access lane without a Sheeting and Shoring Permit. The church has been put at risk as has the fire lane due to improper construction techniques.

As to zoning, more than a month after notice of the permit was seen at the site, and after the digging of a pit at the site was nearly complete, it became obvious, even to lay people like us, that the project would require zoning relief across a myriad of issues.

APPEAL ISSUES AND REGULATIONS

Offstreet Parking is required; The project, as its being fitted now, seems to indicate none will be provided requiring a variance (11-C DCMR §701; 11-K DCMR §717).

The size of the pit being dug indicates zoning issues with side yards, rear yards, and lot occupancy, as well as FAR (11-B DCMR §301, §303, §311, §317, §319; 11-K DCMR §703 §704 §705).

Less clear because plans have not been accessible (but given the track record of contradictions with the code already shown) is the Grantee's need for height variances (11-B DCMR §306, §308, 11-K DCMR §702, §707), Alley Lot requirements (11-K DCMR §709) and rooftop structure variances and GAR (11-K DCMR §702, §707), as well as Inclusionary Zoning variances (11-C DCMR §1001, §1003).

Appellants are aggrieved because the project challenges the the zoning regulations above, as well as the basic principles of the Reed-Cooke neighborhood expecting moderate height and density, better fire safety, more parking and less overcrowding, and for more affordable housing. Appellants are nearby neighbors, including right across the street from the project site, and this project, if determined to be proceeding illegally, will challenge basic quality of life issues, affordability issues, overcrowding and parking issues, basic emergency response & safety issues, all directly and imminently risking our personal and property interests.

See attached Building Permit (Attachment 1) and photo of "The pit" (Attachment 2).

A request for a declaratory determination has been sent by the Appellants to Mr. Matthew Legrant, DC Zoning Administrator, who says that he will have answers as to the above citations and concerns by October 10, 2018.

Adams Morgan Friends & Neighbors (AMNFA) is an unincorporated non-profit citizens association, made up of members living and working in the Adams Morgan community. Members have proactively petitioned facilitators of the association to bring this appeal in a timely way. As a non-profit citizens association, we seek a waiver of the typical appeals fee pursuant to the regulations. We are also seeking ANC approval to join this appeal.

In the meantime, we would ask the BZA for discovery -- that is to ask the Grantee and DCRA to produce the permit planning documents for the record, as to date these have not been able to be easily accessed by anyone in the neighborhood.

Submitted, this the 60th day after notice of of the Building Permit No. B1800516 was made to the community at 1731 Kalorama Road, NW, by,

/s/n Chris Otten,
Facilitator AMFA
202 810 2768
crotten2@gmail.com

CERTIFICATE OF SERVICE

I, Chris Otten, attest that the foregoing appeal documents – Form 125 – were sent to potential parties by postmail or by email, on this the 8th day of October, 2018, as follows:

Administrator:

Melinda Bolling, Director
DC Department on Consumer and Regulatory Affairs
By email: melinda.bolling@dc.gov; dcra@dc.gov

Permit Grantee:

1731 Kalorama Rd NW LLC
1222 Colving Meadows Lane
Great Falls, VA 22066-1801

Affected ANC:

Wilson Reyonolds, 1C07
By email: wreynoldsanc@gmail.com
Hector Huezo, Chair 1C
By email: hohuezo@gmail.com

Signed,

/s/n Chris Otten

2203 Champlain Street NW
Washington, DC 20009

ATTACHMENT 1

BUILDING PERMIT B1800516

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862



B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF
WORK UNTIL WORK IS COMPLETED AND APPROVED



Issue Date: **08/03/2018**

Expiration Date: **08/03/2019**

PERMIT NO. B1800516

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|--|---|--|------------------------------|------------------------------------|---|---|
| Address of Project: 1731 KALORAMA RD NW | | Zone: RC-1 | Ward: 1 | Square 2563 | Suffix: | Lot: 0098 |
| Description Of Work: Proposed 14,650 sf New Construction, Multi-family. 28 units. 3 Stories | | | | | | |
| Permission Is Hereby Granted To: 1731 Kalorama Rd Nw Lic | | Owner Address: 1222 COLVIN MEADOWS LN GREAT FALLS, VA 220661801 | | | PERMIT FEE: \$6,244.70 | |
| Permit Type: New Building | Existing Use: Other (Specify) | Proposed Use: Condo - R-2 | | Building Construction Type | | Plans: |
| Agent Name: Gabrielle Jones | Agent Address: 1315 Powhatan St Alexandria, VA 22314 | | Existing Dwell Units: | Proposed Dwell Units: 28 | No. of Stories: 3 | Floor(s) Involved: All Floors |
| <p>Conditions/ Restrictions: AN 'ABOVE GRADE' WALL CHECK IS REQUIRED BY THE BUILDING CODE FOR THIS BUILDING PERMIT AND MAY BE REQUIRED FOR REVISIONS TH/ A Wall Test Report is required before the wall reaches a height of 1 foot above footer, or in the case of other vertical construction, when a template or form is located and noted (12 DCMR 109.3.1.2). Prior to the issuance of the final Certificate of Occupancy, the applicant must provide to the Office of the Zoning Administrator a Green Area Ratio Landscape Checklist, signed by a Certified Landscape Expert and DOEE Inspector, certifying that the proposed landscape elements were installed according to the building permit approved by DCRA. The project must schedule Green Construction Code inspections. DCRA Green Construction Code Inspections may be scheduled at www.buildgreendc.org and go to the compliance page or approved third party inspection agencies may perform inspections. Green Building Inspections include an inspection during demo, before the initial wall close-in, and a final inspection prior to applying for a Certificate of Occupancy -this can be done around the time of building final. The project must schedule DCRA Energy Conservation Code QA inspection Prior to obtaining a Certificate of Occupancy to verify Energy Code items. Inspections may be scheduled at www.buildgreendc.org and go to the compliance page. Contact Department of Energy and Environment to schedule inspection prior to the start of work: Desk (202) 535-2977 Cell (202) 590-0075 Email IEB.scheduling@dc.gov Prior to issuance of a Certificate of Occupancy, the applicant is required to demonstrate payment of the 50% balance of the Housing Trust Fund (\$8,512.41). This Building Permit includes 4 Inclusionary Zoning Units, Units 3, 7, 10 and 19. This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit. Lead Paint Abatement Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to http://ddoe.dc.gov, Lead and Healthy Housing.</p> | | | | | | |
| Director: Melinda Bolling <i>Melinda Bolling</i> | | Permit Clerk Brenda Quinn | | | | |
| TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557. | | | | | | |

ATTACHMENT 2

**PICTURE OF 1731 KALORMA ROAD
APPROX OCT 1 2018**

