

## AGENDA

ANC 6A Economic Development & Zoning Committee  
Thursday, December 28, 2006, 7-9 PM  
Capitol Hill Towers (900 G St, NE)  
Community Room

1. Community comment.
2. BZA 17570 (112 15<sup>th</sup> St. NE). Application for a variance from Section 330.5 of the DC Zoning Regulations to permit conversion of use from beauty salon to general office use, both nonconforming uses.
3. Home Again Development on Wylie St NE. Representatives of the Home Again Initiative will discuss the program for 646 I Street NE, 1215 Wylie St. NE, 1216 Wylie St. NE and 1217 Wylie St. NE. They will also discuss the reasons for selecting the Allegre Group to manage the project.
4. 701 10<sup>th</sup> St. NE. A 25' curb-cut was granted by DDOT over the unanimous objection of ANC 6A. The ED&Z committee will be updated on the public space issues at the property which are now being handled by the Transportation Committee. In addition, residents of the community are concerned that the driveway is being constructed illegally because it is not covered by the building permit.
5. Updates on BZA 17521 (601-645 H Street NE): Updates on mid-block crosswalk and community design suggestions.
6. 229 11<sup>th</sup> St. NE. Property in the alley behind 220 11<sup>th</sup> St. is being subdivided and sold as individual parking spaces. Neighbors have questioned whether this it is legal to subdivide such small plots of land in an R-4 district.
7. Suggestions to improve transparency and accessibility to municipal regulations, building plans, certificate of occupancies and public space applications/permits. Municipal regulations were last published in 1996 and amendments can only be found in back issues of the DC Register. It is very difficult for anyone to find which regulations are binding because there is no single place to find up-to-date regulations. Similarly, it is difficult to appeal building permits because plans have to be pulled individually. Issued C of O's and public space permits are not posted on any web site. Discuss making suggestions to the Fenty Transition Team to improve the current situation.
8. Vacant properties. Discuss assembling a list of vacant properties in ANC 6A to give to DCRA.
9. Additional community comment (time permitting).

Everyone is welcome! Call Drew Ronneberg with questions at 431-4305.

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Visit our website at <http://www.anc6a.org/>

Sign up for automated meeting reminders and community listserv at  
<http://groups.yahoo.com/group/anc-6a/>

Form 120 — Exhibit 1  
(Revised 04/29/02)

Case No. 17570

BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: [Click Here for Application Form Instructions](#)

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DC MR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
122 15th St., N.E.	1056	81	R-4	Area Variance	330.5
				Area Variance	
				Area Variance	
				Area Variance	

Present Use of Property:\* Mixed - beauty salon and two apartments

Proposed Use of Property:\* Mixed - general office and two apartments

Owner of Property:\* Inglewood Group Telephone No.:(703)723-3446

Address:\* 43394 Longview Drive City:\* Ashburn State:\* District of Columbia Zip:\* 20147

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public

Hearing Notice:\*

Application for a variance from Section 330.5 of the DC Zoning Regulations to permit conversion of use from beauty salon to general office use, both nonconforming uses.

Estimated Construction Cost: Advisory Neighborhood Commission Single-Member District(s):\* 6A04

Date:\* 10/18/2006 Signature: *Stephen N. Gell*

\* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:  
(Owner or Authorized Agent\*)

Name:\* Stephen N. Gell

Address:\* 5th Fl. 1101 30th St. N City:\* Washington State:\* District of Columbia Zip:\* 20007

Phone No.:(202)625-8311 Fax No.:(703)522-5503 E-Mail: sgell@his.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Print Preview Clear Form



**ZONING SELF-CERTIFICATION FORM**



122 15 <sup>th</sup> St. N.E.	1056	81	R-4	GA04

**CERTIFICATION**

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Special Exception
Pursuant to Subsections	330.5	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

<i>Marilyn L. Best</i> Owner's Signature	Marilyn L. Best Owner's Name (Please Print)
<i>Stephen N. Gell</i> Agent's Signature	STEPHEN N. GELL Agent's Name (Please Print)
10/18/06	132464

**OFFICE OF ZONING DETERMINATION**

(DCMR Title 11 §3113.2)

<input type="checkbox"/>	Accepted for filing.
<input type="checkbox"/>	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
<input type="checkbox"/>	Rejected for failure to comply with the provisions of <ul style="list-style-type: none"> <li><input type="checkbox"/> DCMR Title 11 §3113.2; or</li> <li><input type="checkbox"/> DCMR Title 11 Zoning Regulations.</li> </ul> Explanation _____

Signature	Date
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**INSTRUCTIONS**

- Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.
1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
  2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	986.60 sq. ft.	NA	—	—	—
Lot Width (ft. to the tenth)	20 ft.	NA	—	—	—
Lot Occupancy (building area/lot area)	NA	NA	—	—	—
Floor Area Ratio (FAR) (floor area/lot area)	NA	NA	—	—	—
Parking Spaces (number)	0	0	—	0	—
Loading Berths (number and size in ft.)	—	—	—	—	—
Front Yard (ft. to the tenth)	NA	NA	—	—	—
Rear Yard (ft. to the tenth)	NA	NA	—	—	—
Side Yard (ft. to the tenth)	NA	NA	—	—	—
Court, Open (width by depth in ft.)	NA	NA	—	—	—
Court, Closed (width by depth in ft.)	NA	NA	—	—	—
Height (ft. to the tenth)	NA	NA	—	—	—

## **INTRODUCTION**

This is a Statement of Explanation and Reasons supporting the Application of Inglewood Group, LLC, (hereinafter "Applicant"), owner of 122 15<sup>th</sup> Street, N.E. (Square 1056, Lot 81) for a variance from Section 330.5 of the DC Zoning Regulations, which does not permit use of the property for an office.

## **DESCRIPTION OF THE APPLICANT**

The building at 122 15<sup>th</sup> Street, N.E. has been in the Best family since 1952 when Rosa Best, an aunt of the current owners, opened a beauty shop. Mr. Preston Best, a retired federal worker and his wife, Myrtle Best operated the beauty salon from 1981 and purchased the building in 1993. It was subsequently transferred to an LLC, the Inglewood Group, LLC, which includes their grown children.

## **THE SUBJECT PROPERTY**

### A. Location and Description of the Property

The property is a three-story structure located at the Southwest corner of 15<sup>th</sup> Street and Constitution Ave, N.E., on a lot containing approximately 987 square feet. The house has two residential units on the first and second levels and a beauty shop/barber shop in the basement.

### B. Area Surrounding the Property

The adjacent areas are characterized by row-housing, conversions, and apartments. The Zone District is R-4. There is a commercial use at 15<sup>th</sup> and Constitution diagonally across the street from the property. Across 15<sup>th</sup> Street there is a storefront church and a vacant building which was a beauty salon and then a retail store. Eastern High School is two blocks away on East Capitol street. An elementary school is two blocks away. There is a Metro station at 19<sup>th</sup> and E. Capitol Street. A bus stops in front of the subject building and travels up 15<sup>th</sup> Street, a one-way street. The South-bound bus travels down 14<sup>th</sup> Street winding up at the Stadium. Another beauty salon is operational nearby at 15<sup>th</sup> and A Streets.

### C. Zoning History and Use History

The subject property is on the Southwest corner of 15<sup>th</sup> and Constitution Ave, N.E. in an R-4 Zone District. The building was built as a residence around 1920. The address is 122 15<sup>th</sup> Street, N.E., but the address of the shop, with its separate entrance, is 1445 Constitution Ave, N.E. In 2001, the property was used as a barber shop for a short period of time. In 2003, the property was again used as a beauty salon and continued in that use until recently. While there had never been complaints about the use of the basement for a beauty shop, some in the neighborhood complained about the pedestrian

and vehicular traffic of the barber shop. They were understandably bothered by the habit of customers and visitors to the barbershop of gathering on the corner for extended periods of time. The Applicant believes that the change to office use will be far less annoying to the neighbors. Preliminary discussions with them confirm it.

D. Historic Preservation

The subject property is just outside the Capital Hill Historic District.

**REASONS IN SUPPORT OF A VARIANCE FOR OFFICE USE**

A. Compliance with D.C. Zoning Regulations

**Uniqueness**

The property is a corner property with a small rear yard and no access to the interior alley. It is also unique in that, unlike other buildings on the square, this one has continually had a commercial use in the basement since 1952.

**Extraordinary or exceptional situation or condition creating a hardship**

The exceptional situation creating a hardship arises from a number of factors. There is no reasonable alternative use for the basement but a commercial use. It is not well suited to residential use. Much of the area of the basement has a lower than permitted ceiling at 6 feet 7 inches and can only be used for storage. The living area is approximately 361 square feet, considerably smaller than most efficiency apartments. In the case of Passpark Management Corporation (BZA Application No. 14660), the Board granted a variance for commercial use in an R-4 District partially on the ground that a 450 square foot space was too small for an efficiency apartment. (Exhibit A, attached) Because of its long use for a beauty shop and barber shop, it would need costly retrofitting to install a kitchen and full bathroom and the likely rents would not justify this expense. Moreover, since there are already two residential uses in the building which are expected to remain, a variance would be needed to add a third unit where there is only 987 square feet of land area rather than 2,700 square feet required by § 401.3 of the Zoning Regulations.

We considered seeking a special exception under § 2003.5 which permits change of one non-residential use to another if the latter is a neighborhood facility. However, that would present an additional hardship. Without assurance that a prospective tenant would remain for a long time, the property owner could be subjected to successive special exception proceedings to determine whether the new tenant met the definition of "neighborhood facility." The small size of the unit, the difficulty of finding a tenant, and the meager potential revenue stream make such regular visits to the Board of Zoning Adjustment financially burdensome and infeasible. The owner is left in a quandry, unable to use the property for anything but a commercial use under a variance procedure.

#### A. No Adverse Effects

Previously, the neighbors complained about the barber shop since its opening in 2001. As noted above, loitering, the attraction of many customers and visitors to the corner and the shop was annoying to the neighbors. It was the desire to minimize the effects on the neighborhood that caused the the Bests to consider general office use.

Parking. There are no parking requirements for a beauty salon or office of this size in the C-1 District, where both uses are first permitted. As a practical matter, the parking imposition should be far less under the new use than the old. The beauty shop/barber shop had four chairs and constant turnover. While some customers would walk to the shop, many would drive, there being few such facilities in the area. Moreover, the lot coverage and building configuration leaves no room for parking a vehicle, even if there were alley access to the rear of the building. However, there is considerable parking in the area, since there is parking on both sides of Fifteenth Street and the triangle formed by Constitution, 15<sup>th</sup> Street and North Carolina has parking on three sides. Considering the small size of the available office space, it is unlikely that many customers or clients will be drawn from outside the neighborhood. It is more likely that the space will be used by someone from the neighborhood seeking to create a "home office" near his residence. In addition, the conditions we have proposed for the grant of a variance will further restrict the potential for parking competition and other harmful effects.

Proposed conditions:

- a. There will be no display other than a small sign limited to 288 square inches.
- b. There will be no structural alterations and no significant modification to the exterior
- c. Normal hours of operation will not begin before 8:00 a.m. nor extend past 8:00 p.m.
- d. There will be no more than three employees on the premises at any time.
- e. Clients/visitors will be limited to 6 at any one time.
- f. The proposed use will not adversely affect the present character or future development of the surrounding area (300 feet in all directions.)
- g. The proposed use will not create any deleterious external effects, including, but not limited to, noise, traffic, parking and loading considerations, illumination, vibration, odor, design, and siting effects.

#### D. Comprehensive Plan

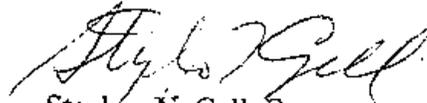
The Generalized Land Use Map of the Office of Planning designates this property within a moderate residential category. The proposed use for an office should not conflict with the desire to see the neighborhood remain residential and, in any event, the

use proposed is more calculated to maintain residential ambience than the former beauty salon.

## CONCLUSION

The Applicant should be granted the variance necessary to enable him to use the basement of the subject building as an office. Moreover, such a use will be in harmony with the purpose and intent of the Zoning Regulations.

Respectfully submitted,

  
Stephen N. Gell, Esq.

**CERTIFICATE OF OCCUPANCY**

No. **U118240**

Washington, D.C., **Jan. 2,** 19**88**

Permission is hereby granted to **Myrtle L. Best**  
 to use the **Basement** floor(s) of the building located on Lot **81** Square **1056**  
 known as premises **122 15th St. NE** for the following  
 purpose(s): **Beauty Salon**

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS GOVT. OF DIST. OF COL.  
**OFFICE COPY.**

ZONE

FEE \$	<b>20.00</b>
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R-4

Chief, Permit Branch

By

Permit Clerk



CERTIFICATE OF OCCUPANCY

No. **B 85907**

Washington, D.C., **MAY 30, 19 73**

Permission is hereby granted to **THERESA ELKINS FLOYD**  
 to use the **BASEMENT** floor(s) of the building located on Lot **81** Square **1056**  
 known as premises **122 15TH STREET N.E.** for the following  
 purpose(s): **BEAUTY SALON**

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEPT. OF ECONOMIC DEVELOPMENT, GOVT. OF DIST. OF COL.

OFFICE COPY

ZONE

FEE \$ **16.00**

**R-4**

Chief, Permit Branch

**EMMA L. COLLINS**  
Permit Clerk

**CERTIFICATE OF OCCUPANCY**

No. **A 12565**

Washington, D.C., **Nov. 6,** 19 **51**

Permission is hereby granted to **Rosa Ozona Best**

to use the **Basement** floor(s) of the building located on Lot **69** Square **1088**

known as premises **122 - 16th St., N. E.** for the following

purpose(s): **Beauty Shop**

**THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES.**

"This Certificate of Occupancy need not be renewed unless there is a change in (1) the type of business, (2) address of business, (3) ownership of business, or (4) part of the building used for the business: **BUT** should there be any change in one or more of the foregoing items a **NEW** Certificate of Occupancy must be obtained."

**CENTRAL PERMIT BUREAU, GOVT. OF DIST. OF COL.**

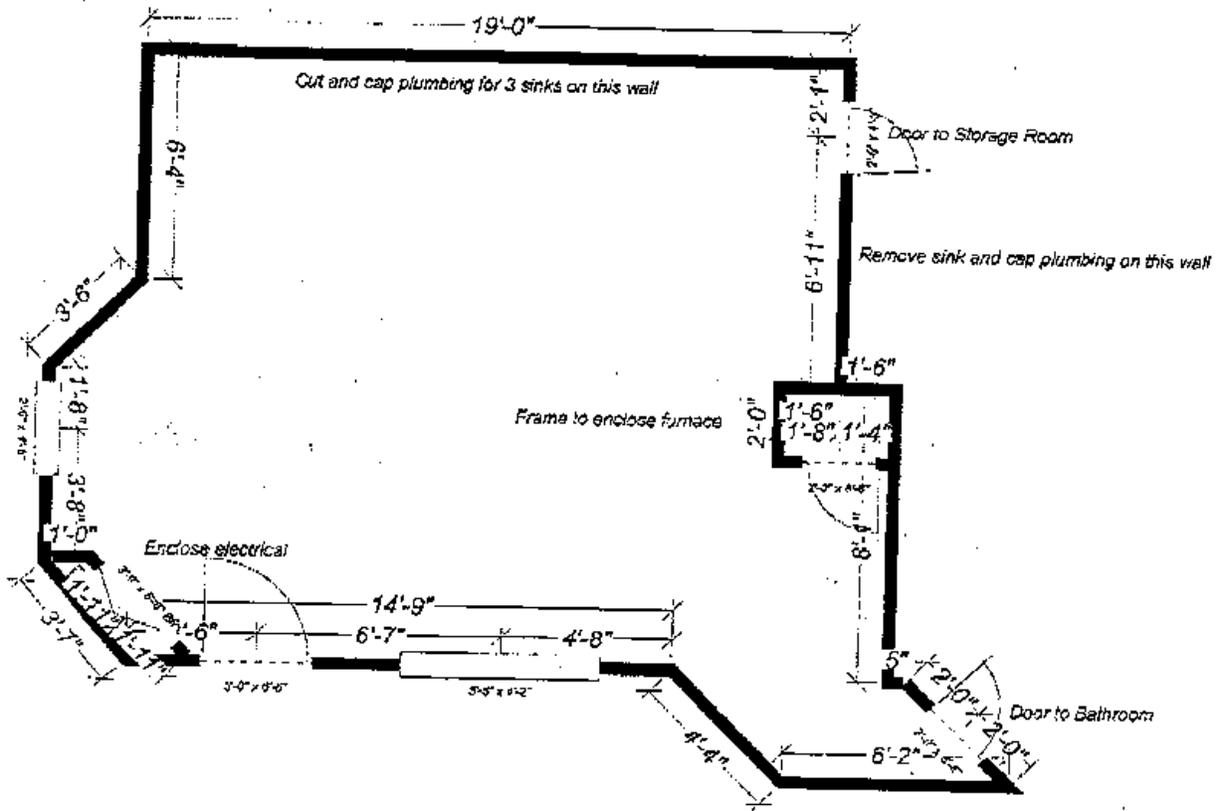
**OFFICE COPY**

ZONE **1st Com BCC/TLE** \$ **4.00**

Superintendent of Permits, D.C.

By \_\_\_\_\_  
Permit Clerk

~~Zone 104~~  
~~Remove sink and cap plumbing on this wall~~



Sq1068

NORTH CAROLINA AVE NE

14TH PL NE

R-4

RES. 238

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1099	1100	1101	1102	1103	1104	1105	1106	1107
1108	1109	1110	1111	1112	1113	1114	1115	1116
1117	1118	1119	1120	1121	1122	1123	1124	1125
1126	1127	1128	1129	1130	1131	1132	1133	1134
1135	1136	1137	1138	1139	1140	1141	1142	1143
1144	1145	1146	1147	1148	1149	1150	1151	1152
1153	1154	1155	1156	1157	1158	1159	1160	1161
1162	1163	1164	1165	1166	1167	1168	1169	1170
1171	1172	1173	1174	1175	1176	1177	1178	1179
1180	1181	1182	1183	1184	1185	1186	1187	1188
1189	1190	1191	1192	1193	1194	1195	1196	1197
1198	1199	1200	1201	1202	1203	1204	1205	1206
1207	1208	1209	1210	1211	1212	1213	1214	1215
1216	1217	1218	1219	1220	1221	1222	1223	1224
1225	1226	1227	1228	1229	1230	1231	1232	1233
1234	1235	1236	1237	1238	1239	1240	1241	1242
1243	1244	1245	1246	1247	1248	1249	1250	1251
1252	1253	12						



S.W. Corner of 15<sup>th</sup> Street and  
Constitution Ave, N.E.

THREE VIEWS OF 122 15<sup>th</sup> ST., N.E.

Taken from Constitution Avenue

## 122 15<sup>th</sup> St NE

*Nicholas Alberti* <[alberti6a04@yahoo.com](mailto:alberti6a04@yahoo.com)> wrote:

The ANC 6A Economic Development and Zoning (ED&Z) Committee will consider the application for a variance at 122 15th St NE on Thursday Dec 28. at 7pm. The meeting will be held at Capitol Hill Towers (in the community room), 900 G St. NE. The ED&Z committee's recommendation about the variance application will be considered by the ANC 6A at our Jan 11 meeting. The owner or their representative will attend the meeting to discuss their application.

The owner is requesting a zoning variance to convert the basement use from a beauty salon to general office use. I've attach a copy of the variance application. This application is expected to be considered by the Board of Zoning Adjustment (BZA) in early Feb. '07.

I've heard community comments expressing concern about increased traffic (vehicular and pedestrian) and uneasiness about the lack of information about the specific type of business that will occupy the basement. I've spoken with the owner's representative about the request. He's told me that the owner has not yet identified a client for the office space. The variance is being requested for 'general office' use. I've assumed that this means that no retail business could use the space. I will attempt to clarify that before the meeting. I'm assuming that general office space includes such uses as doctor/dentist offices as well as other professional offices.

The application asks for a variance with the following restriction: 1) signage will be limit to 288 sq inches (e.g., 1ft x 2ft), 2) operating hours from 8am to 8 pm only, 3) no more than 3 employees at one time, and 4) no more than 6 customers at one time. I suggest that you consider whether or not these restriction are sufficient to mitigate your concerns. Please think about whether or not these restrictions should be tightened and whether or not other restriction are needed.

I will not be able to attend the Dec 28 meeting, but I'm interested in hearing your thoughts on this matter. The opinion submitted by the ANC can either approve the request, offer suggestions to alter the restrictions or oppose the request. Your voice will be important to shaping the ANC's response, so please attend the Dec 28 meeting. If you choose to oppose this variance it's important that you are prepared attend the Feb. BZA hearing.

Regards,  
Nick Alberti

Neighbor #1

Nick,  
If an office space includes a dr/dentist office, I would like to stipulate that it not. Medical records, fine. Biohazard material, not fine. Plus, that opens the door to clinics, which in

turn opens the door to methadone clinics. Even if that is a slippery slope, I would rather err on the side of slippery than try to undo a bad situation.

*Nicholas Alberti* <[alberti6a04@yahoo.com](mailto:alberti6a04@yahoo.com)> wrote:

Drew,

I've spoken to several neighbors about 122 15th St. The common concern is the potential for a business that may generate a lot of pedestrian/vehicular traffic. The owner has made an attempt to address this by allowing for a limit of three employees and six customers at one time. I think that these limits do not go quite far enough. I can imagine that allowing for six customers at one time could generate as much foot traffic as the corner store that's across the street from the address. I suggest that we recommend a limit of three customers at one time as a compromise. I will try to discuss this with Steve Gell (the owner's rep) before Thursday's meeting. Other than that, I'm OK with the application.

Nick



District of Columbia Government  
Advisory Neighborhood Commission 6A-02  
815 F Street, NE  
Washington, DC 20002



Ms. Michelle Pourciau, Director  
District Department of Transportation  
Frank D. Reeves Municipal Center  
2000 14th Street, NW 6th Floor  
Washington, DC 20009

Re: Application for public space permit for 701 Tenth Street, NE

Director Pourciau:

Attached is an appeal of DDOT's decision to grant a public space permit for a curb-cut and driveway at 701 Tenth Street NE. This appeal is in response to Acting Associate Director Ann Simpson-Mason's decision on December 18, 2006, to deny our request to suspend the permit and refer the issue to the Public Space Committee by stating her continued support of the staff decision to approve the permit. I feel compelled to make this appeal directly to you because Ms. Simpson-Mason has not returned my phone call or answered the questions posed in response to her support for the staff's decision (see attachment #1).

As a side note, another reason we asked for this matter to be referred to the Public Space Committee was to provide us the time to complete our research. Your department failed to notify our Commission that the permit was issued in a timely manner. While the letter from Mr. Juan Amaya is dated November 8, 2006, it was not sent to our Commission until Monday, December 11, 2006 (see Attachment #2).

Despite the lack of timely notification, we have done the best we can to complete an initial review based on the facts as we understand them. Accordingly, we have new information that justifies a decision to suspend the permit and refer this issue to the Public Space Committee for a more thorough review. Specifically, I am requesting this appeal be referred to the Public Space Committee in accordance with Title 24, Section 200.2, 200.3 and 200.4 of the District of Columbia Municipal Code.

The proposed 25' driveway and 31' curb-cut will likely be the largest curb-cut in the Capitol Hill area and is completely out of character and scale with the pedestrian-friendly streets and sidewalks in our community. Furthermore, the approved curb-cut is more than twice as wide as the curb-cut that was proposed in the public space application and presented to ANC 6A.

As outlined in the appeal, this permit should not have been granted because:

- 1) The permit was issued in error because it violated sections of Title 24 of DC Municipal Regulations;
- 2) The permit was issued in error because it violates DDOT guidelines;
- 3) The permit should be revoked on grounds that the developer has already violated the conditions of the permit and DC municipal regulations;
- 4) The curb-cut is not in the public's interest and eliminates more public parking spaces than



District of Columbia Government  
Advisory Neighborhood Commission 6A-02  
815 F Street, NE  
Washington, DC 20002



- are recovered in private parking spaces;
- 5) The granting of the permit was unfair because others in similar position were denied a curb-cut;
  - 6) ANC 6A was not afforded its great weight in the decision;
  - 7) DDOT failed to take into account the concerns of TPPA (highlighted in Attachment 1);
  - 8) The developer should seek alternative relief for the zoning parking requirements; and
  - 9) The developer should not be rewarded with exclusive use of public space when there have been current and prior violations of public space regulations.

DDOT would not be liable to the developer if it revoked the public space permit for 701 Tenth Street NE. The building was constructed before any public space permit was granted, so the owner assumed the risk that it lacked the proper permits. Also, the developer does not have a valid building permit to construct the parking pad or curb-cut. Furthermore, neither the parking pad nor the curb-cut are shown on the construction plans and neither is mentioned in the building permit.

Finally, Title 24 Section 207 of DCMR forbids the owner of the property to hold the city liable for the revocation of public space privileges. Section 207.4 states "The use of any space is temporary, and the user acquires no right, title, or interest in the space he or she is permitted to use." Furthermore, Section 207.6 states, "The Director may require any space to be vacated upon demand, and its use discontinued. In either case, the permittee has no recourse against either the United States or the District for any loss or damage occasioned by any requirement to vacate or discontinue use of any public space."

Because DDOT has not specified a formal procedure for appealing its administrative decisions, ANC 6A has been forced to quickly assemble this appeal. We are still investigating aspects of DDOT's decision and the applicability of DCMR, so we ask that you continue to suspend the permit so that we can supplement our appeal until close of business on January 9, 2007. The complete draft of our appeal can be found at attachment #3.

Please note that we appreciate DDOT's and its employees' stewardship of public space. Moreover, we recognize the hard work that its employees do every day to review requests for use of public space. However, in this case, it appears that the developer may have obscured certain details that prevented DDOT from affording this case the attention it required. We hope that, by bringing your attention to those details now, you will be able to make a more thorough and balanced review of this application.

Sincerely,

Joseph Fengler, Commissioner 6A-02  
[fengler6a02@yahoo.com](mailto:fengler6a02@yahoo.com), (202) 423-8868

3 Enclosures

Agenda Item #7

**Dire need to have all municipal regulations on-line and up-to-date**

Drew Ronneberg <ronneberg6a02@gmail.com> Sun, Dec 24, 2006 at 1:26 PM

To: teamfenty@fentytransition.org, "

Trying to find the current municipal regulations in this city is a nightmare. I believe the last time a full set of regulations was published was 1996. Some of 1996 regs are online (Zoning for example) but many are not.

So the first step is to go to the public library to find out what regs were in 1996. Then you have to go through all the back copies of the DC register to find out if these regulations have changed since 1996. That takes hours and hours for every section of every title, and makes the laws in DC unknowable to the average citizens and most people in DC government.

The system is a mess. It would be much better to have all the regulations on-line and updated when they are modified so people can go to a single place to find current District laws.

As a person who chairs an ANC economic development and zoning committee and has spent a number of hours checking for amendments to the 1996 publications to the DC regulations, such a service would be invaluable. It is hard to have a city based on the rule of law when no one can figure out what the laws are.

Best regards,

Drew Ronneberg  
646 11th St. NE

**Suggestions to modernize DCRA permitting processes.**

Drew Ronneberg <ronneberg6a02@gmail.com> Sun, Dec 24, 2006 at 1:39 PM

To: teamfenty@fentytransition.org,

I read your suggestions to improve DCRA with modern technology and agree with them. However, I think you should go 1 step further and make the following information available on-line for the public.

- 1) A web-enabled publicly searchable database (much like the property assessment database) for issued C of Os that allows searching by address, Ward and ANC. Currently, there is no way one can obtain a list of recently issued C of O's and the 60 window of appeal usually expires because no one knows when they have been issued.

2) A web-enabled publicly searchable database (much like the property assessment database) for building permits that contains the applications and scanned copies of the building plans that allows searching by address, Ward and ANC. Currently, DCRA send out a bi-monthly list of all issued building permits that is very helpful, but it is often impossible to catch Zoning Administrator errors without viewing the plans. It is a very time consuming process to pull plans and many errors aren't discovered in the 60 day windows because of the burden of finding this information.

3) A publicly searchable database (much like the property assessment database) for public space permits and applications that is searchable by address, Ward and ANC. The staff reports should be associated with these permits.

All of these suggestions would help improve DC governance because it would allow the public access to public documents in a manner that was not unduly burdensome. The current system is broken and many developers exploit these flaws to evade following the law.

Best regards,

Drew Ronneberg  
646 11th St NE