Commissioner Randy Speck, Chair Advisory Neighborhood Commission ANC 3/4G via email to Randy.Speck@anc.dc.gov

Commissioner Lisa R. Gore, Vice Chair Advisory Neighborhood Commission ANC 3/4G via email to 3G01@anc.dc.gov

Re: February 14, 2022 ANC 3/4G Public Meeting Agenda Item: Discussion and possible vote on application for a public space permit to extend an existing alley behind 6451 and 6455 Barnaby St NW to allow access to the rear of 6455 Barnaby St NW (TOPS Tracking Number 384882)

Dear Commissioners Speck and Gore,

I write in opposition to the application with TOPS Tracking Number 384882, and ask the Commission to formally recommend to DDOT that the application be denied. The application seeks a public space permit to extend alleyway access to the rear of 6455 Barnaby St NW.

According to the paperwork associated with the application, the scope of the project is as follows: "Scope: Contractor shall install stabilized construction entrance in rear of property for truck access to work site." (Enclosure 1.) However, given that the construction at 6455 Barnaby St NW is either complete or substantially complete, it would not be sensible to issue a permit for construction purposes at this time.

I note that the system indicates that the application was filed on November 19, 2021. (Enclosure 2.) However, even by that date, the construction process had already been basically completed. It is a matter of public record that the property was listed for sale on December 16, 2021 (Bright MLS #DCDC2025132), was reported as pending sale on January 18, 2022 (Bright MLS #DCDC2025132), and was re-listed for sale on February 11, 2022 (Bright MLS #DCDC2036020).² (Enclosure 3.)

As further evidence that construction is substantially complete, I am attaching pictures taken from the current listing on Zillow showing the exterior of the house, demonstrating clearly that construction has completed, landscaping has occurred, and thus any claim that "truck access to work site" is necessary "for delivery of materials" is not currently accurate. (Enclosure 4.)

¹ The application is publicly available from https://tops.ddot.dc.gov.

² The Bright MLS database entries can readily be seen at https://www.trulia.com/p/dc/washington,-DC-20015_rb and https://www.trulia.com/p/dc/washington/6455-barnaby-st-nw-washington-dc-20015-2090349253, amongst other places, but the listings don't print very well.

As additional evidence that construction is substantially complete, I am attaching a flyer I received from one of the partners of the LLC which owns the property. (Enclosure 5.) The flyer invites people to join the partners on December 15, 2021, inside the property in question, to "celebrat[e] ... the completion of our latest sales development project featuring a beautiful home in the heart of Barnaby Woods". I attended the opening in the house, which was staged earlier in the month, ³ and the party was filled with well-known real estate agents that I recognized from advertising. The dumpster was also removed around that time. ⁴

Finally, I searched TOPS to see if there were any construction permits recently sought for that property that could be linked to the need "for delivery of materials" to 6455 Barnaby St NW as a "work site". My search showed that this application at issue, for "Paving, Roadway(s)", is the only application or permit associated with that address in the last six months. (Enclosure 2.)

Because there is no substantiation for the proposition that rear access is needed to 6455 Barnaby St NW for construction purposes, as articulated by the application, I respectfully request that Commission recommend to DDOT that the application be denied.

As you are undoubtedly aware, the alleyway was "temporarily" extended by the creation of a gravel road, without any permit, for construction purposes from around February 2021 through November 2021. (The alleyway was then restored to its pre-construction condition.) Troublingly, though, the current listing (which has changed multiple times with respect to the parking situation for the property) now reads "Parking features: On Street, Other", at least on Zillow. (Enclosure 6.) Further, the Bright MLS listing available to full agents (but not the listing available to the public) states "Enjoy 2 off-alley parking spaces to be constructed prior to settlement. In the disclosures you will find an approved Traffic Control plan. The rear of the property where the grass ends will be lined with a gravel grid and topped with a pea gravel (semi permeable) parking pad." (Enclosure 7.) To the extent that this application for an alleyway extension, ostensibly to deliver materials to a work site, is actually for the sole purpose of building parking spaces, the application lacks candor and is, at best, misleading.

In conclusion, the application under consideration disingenuously requests a permit to extend the alley to allow for construction access. I urge you to recommend the application be denied, as the construction project is manifestly complete, and the only construction apparently desired is construction of a parking pad with an alley leading through public space to it.

Thank you for your consideration, /s/ Michael Bogomolny 6501 Barnaby St NW

³ See TOPS Permit Number PA10901674.

⁴ See TOPS Permit Number PA10899171.

⁵ I do note that an *occupancy* application for "construction staging area" appears to have been filed in December 2021, seeking a permit from January 3, 2022 through February 4, 2022. See TOPS Tracking Number 10904672. But there are no publicly available documents indicating further details about the construction contemplated associated with the staging, and I believe this may be associated with the construction application for a roadway under discussion. (Enclosure 8.) As noted, there are no other construction permits or applications active, or even filed within the last six months. (Enclosure 2.)