

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**
441 4th Street, N.W.
Washington, D.C. 20001

Appeal of Terry Hopkins

Appeal No. 18612

DISTRICT OF COLUMBIA'S PRE-HEARING STATEMENT

The Appellee, the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"), by and through undersigned counsel, respectfully submits its Pre-Hearing Statement in opposition to the appeal filed by Terry Hopkins ("Appellant") on May 30, 2013.

The Appellant is appealing DCRA's issuance of Building Permit no. RW1300056 ("Subject Permit") on April 5, 2013 to RUPSHA 2006, LLC ("Owner"). See Exhibit A attached hereto. The Subject Permit allowed for the construction of a retaining wall at 4201 River Road, NW (the "Property").

Appellant alleges that the Subject Permit was issued in error because: 1) the construction of the wall exceeds the lot occupancy limitation, 2) the wall violates the side yard setback requirement, and 3) that Property is not a record lot. The appeal must be denied because DCRA was correct to not include the wall in the lot occupancy calculation as it is not a "building", the wall is not required to meet any side yard setback, and any claim of error by the Appellant that the Property is not a lot of record is harmless as a record lot subdivision is currently pending for the Property.

FACTS

The Property is zoned R-2. It abuts Appellant's property to the west, 42nd Street to the East and North, and River Road to the south. Owner acquired the Property in 2012 and subsequently razed the single family house that existed on the Property. In November 2012, Owner obtained Building Permit no. B1206094 to construct a new single family dwelling on the Property. *See Exhibit B* attached hereto.

The new house has a built-in garage that is accessible by a driveway at the rear of the Property. Due to the natural slope of the Property, Owner planned to construct a retaining wall at the rear of the Property to support the driveway. DCRA issued a Building Permit no. RW1300020, which approved a 5 foot retaining wall that began at the rear of the new house and ran along the westerly side lot line to the rear lot line. *See Exhibit C* attached hereto. The proposed wall is shown on the plat approved by DCRA attached hereto as Exhibit D.

Owner then revised its plans for the retaining wall. On January 31, 2013, Owner obtained Building Permit no. RW1300034, which revised Building Permit no. RW1300020 to lower the height of the retaining wall to 4 feet. *See Exhibit E* attached hereto. On April 5, 2013, Owner obtained the Subject Permit (Building Permit no. RW1300056) to construct a second retaining wall (the "Subject Wall" or "Inner Wall"). The Inner Wall runs parallel to the retaining wall approved under Building Permit no. RW1300034 (the "Outer Wall"). The two walls are separated by 3 feet of soil. The Inner Wall extends a couple feet higher than the grade being retained by the Outer Wall. Essentially, the Inner Wall creates a step down to the Outer Wall. Together, the walls serve to retain the grade and protect the driveway from erosion. The plans for the Inner Wall are attached hereto as Exhibit F.

On May 30, 2013, Appellant filed an appeal of the Subject Permit. The Appellant did not file an appeal of Building Permit nos. B1206094, RW1300020, or RW1300034. Thus, the only aspect of this project that is before the Board is the Inner Wall.

DISCUSSION

1) The Subject Permit approved a “Retaining Wall” not a “Platform Structure”

Appellant incorrectly argues that the Subject Permit approved a platform structure and not a retaining wall. In reaching this conclusion Appellant misapplies the Board’s analysis in Appeal No. 17285 of Patrick J. Carome (March 24, 2006), *aff’d*, Economides v. District of Columbia Bd. of Zoning Adjustment, 954 A.2d 427 (D.C. 2008) (“Economides”).

The “wall” that the Board determined to be a platform structure in Economides, is not analogous to the retaining wall approved by the Subject Permit. The property in Economides had a rear yard that “sloped steeply downward away from the dwelling.” *BZA Appeal no. 17285* at p. 2. In order to create a level rear yard, the property owners used a large amount of fill dirt to build up the slope to a level surface. *Id.* A wall was built at the perimeter of the yard to retain the added fill. *Id.* The wall was constructed of mesa blocks and geogrid fabric that was layered horizontally within the fill dirt to provide additional support. *Id.* at p. 3. At its highest point, the wall was 30 feet above the natural grade. *Id.*

The Board utilized the definition from Webster’s dictionary to define a ‘retaining wall’ as, “a wall built to resist lateral pressure other than wind pressure; esp. one to prevent an earth slide.” *Id.* at p. 3. The Board concluded that the “wall” in Economides did not meet this definition, but was instead an artificial platform structure. The Board explained:

[T]hat the amalgam of the mesa block wall, the geogrid sheets, and the compacted fill dirt creates a structure which is more than a mere ‘retaining wall.’... The artificially-elevated platform does not ‘resist lateral pressure’ and the mesa block wall itself was not built to resist such pressure and prevent an earth slide. Instead,

the wall was built and such pressure was supplied afterward by voluntarily compacting a voluminous amount of fill dirt against it. The purpose of the wall itself was not to prevent an earth slide, but to shore up the artificially-elevated platform[.]

Id. at 7.

The Inner Wall at issue in this case is a retaining wall as defined by the Board in Economides. It is not an artificially-elevated platform structure. The photographs of the site before and during construction show that the rear yard of the Subject Property is at a higher elevation than Appellant's property. See Exhibits G and H attached hereto. Based on these photos, the natural grade of the Property slopes slightly downward from 42nd Street towards Appellant's property.

In order to build a driveway across the rear yard, Owner sought to build a retaining wall to support the driveway's grade. In building the Inner and Outer retaining walls, Owner had to excavate some of the existing grade in order to lay the footings of the walls. The photograph attached as Exhibit H show the excavation that was done to pour the concrete footings. Once the footings were in place, the excavated soil was returned. The pictures of the finished project show that the grade has changed minimally from the time the Inner wall was constructed. See Exhibit I attached hereto. This is apparent if one uses the garage doors as a point of reference and compares Exhibits H and I.

Accordingly, the Inner Wall serves to retain the grade by "resist[ing] lateral pressure" from the driveway. It is not supporting an artificially-elevated platform structure.

2) The wall is not counted in the calculation of lot occupancy

Appellant's argument that the Inner Wall should be counted towards lot occupancy has no basis in the Zoning Regulations. The regulations are clear that only buildings are counted in

determining the percentage of lot occupancy. “Percentage of lot occupancy” is defined, in relevant part, as:

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

See 11 DCMR §199.1 (italics added).

“Building area” is defined, in relevant part, as:

Building area- the maximum horizontal projected area of a building and its accessory buildings.

See 11 DCMR §199.1.

Under the Zoning Regulations, a structure is only considered to be a building if it has a roof and is supported by walls or columns. *See* 11 DCMR §199.1 (definition of “building”). Since the Inner Wall does not have a roof, it is a structure, but it is not a building. Therefore, DCRA was correct to not include it in the calculation of lot occupancy.

Appellant’s attempt to use Economides as precedent is misplaced. The distinguishing factor is that property in Economides was located in the Wesley Heights Overlay, which is subject to a unique provision. Under §1543.2, *no structure* may occupy more than 30% of a lot. In Economides, the Board found the platform structure to be in violation of that provision; however, that provision only applies to the Wesley Heights Overlay. *BZA Appeal no. 17285* at p. 6-8. The Property at issue in this case is not within the Wesley Heights Overlay, thus §1543.2 is not applicable. The Board made this clear in Economides, stating “In all other zone districts, the lot occupancy is calculated based on the ‘building area’ and therefore lot occupancy includes only the area taken up by a building and any accessory buildings.” *BZA Appeal no. 17285* at p. 8.

3) The wall is not subject to any side yard setback requirement

The Appellant is also incorrect that the Inner Wall violates the side yard setback requirement of §405.8. First, the Inner Wall is located in the rear yard of the house, thus it is not located in the required side yard. Second, even if it was located in a required side yard, retaining walls are permitted in a required yard pursuant to §2503.3. Third, even if this Board determines that the wall is a platform structure, it is permitted under §2503.2 as a structure less than 4 feet in height.

The Zoning Regulations define a yard as:

Yard - an exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

See 11 DCMR §199.1.

This definition makes a distinction between a “yard” and a “yard required by this title” (aka a “required yard”). Where a yard is required by the Zoning Regulations it must be unoccupied by “any building or structure.” Section 2503 provides exceptions to this rule. Specifically, structures less than 4 feet in height, fences and retaining walls, and stairs leading to the principal entrance of a building may be located in a required yard. *See* 11 DCMR §§2503.2-4.

Buildings and structures are permitted in non-required yards and are not subject to the 4 foot height limit of §2503.2. The Board explained the distinction between yards and required yards in Appeal no. 17414, where the Board determined that a two-story detached garage could be built in the rear yard of the principal dwelling, but could not be built in the required rear yard. *See Appeal no. 17414 of Geraldine Rebach and Jeffrey Schonberger* (November 16, 2006) *aff’d*

Schonberger v. District of Columbia Bd. of Zoning Adjustment, 940 A.2d 159 (D.C. 2008). In that case, the Board agreed with DCRA that the required rear yard begins at the rear wall of the principal dwelling and runs a length of 25 feet towards the rear property line. *Id.* at p.6. The garage could be built in the remaining space between the end of the required rear yard and the rear property line. *Id.*

In this case, the Inner Wall is not located in the Property's side yard.¹ It is located in the Property's rear yard.² As explained above, the required rear yard begins at the rear wall of the principal dwelling and runs towards the rear property line. By definition, a rear yard extends the full width of a lot. The Property's required side yards extend only for the depth of the principal building (the house). Here, the Inner Wall is located behind the required side yard and thus is in the rear yard of the Property. The site plan in Exhibit F shows that the wall is closer to the rear property line than any part of the house and that there is no portion of the house that is parallel to any portion of the wall.³ Since side yards, by definition, extend "for the full depth of the building", and the wall is located beyond the length of the house it is not in the house's side yard. The Inner Wall is therefore not subject to a side yard setback.

As discussed above, DCRA properly considered the Inner Wall to be a retaining wall and not a platform structure. As a retaining wall, it is allowed to occupy a required rear or side yard pursuant to the exception found in §2503.3.

¹ A side yard is defined as: Yard, side- a yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure. See 11 DCMR §199.1.

² A rear yard is defined as: Yard, rear- a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title. See 11 DCMR §199.1.

³ It is also clear from Exhibit F that the Inner Wall does not occupy in excess of 50% of the required rear yard.

Even if Board determines that the Inner Wall is a platform structure, it is permitted under §2503.2 as a structure less than 4 feet in height.⁴ Appellant states that the Inner Wall is over 7 feet in height. This is misleading. While the footings of the wall extend 5'6" into the ground, the wall is at the same grade as the street level and is only a couple feet above the grade being retained by the Outer Wall. See Exhibit F. The Inner Wall may appear to be taller when seen from the neighboring property, but this is due in part to the slope of the natural grade. Accordingly, Appellant has not set forth any basis for the Board to conclude that the Inner Wall is supporting an artificial platform that is over 4 feet in height.

Additionally, the Inner Wall is not required to have its own side yard. Only principal buildings and principal structures have required side and rear yards. Accessory structures like a retaining wall and platform structure are not required to have their own required yards. For the Board to conclude otherwise would be contrary to the historical interpretation and application of the Zoning Regulations. DCRA recently filed an extensive brief on this issue with the Board in Appeal No. 18577 of Lawrence and Kathleen Ausubel. See Exhibit 28 in *BZA Appeal No. 18577*. In that case, the Board determined that an accessory structure (an electrical cabinet) constructed three feet from a property line was built in the front yard of a principal building and was thus not subject to any side yard setback. See Transcript of *BZA Appeal No. 18577* p.175-180 (July 30, 2013).

The Board should also note that in Economides, the Board concluded that the offending platform structure occupied "more than 50% of the subject property's rear yard, and part of its

⁴ 11 DCMR §2503.2 states: "A structure, not including a building, no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title. Any railing required by the D.C. Construction Code, Title 12 DCMR, shall not be calculated in the measurement of this height."

northern side yard[.]” *BZA Appeal no. 17285* at p. 7. The Board did not conclude that the platform structure was required to have its own rear or side yards.

4) Owner is curing the record lot issue

Owner has filed an application to record the necessary subdivision with the District of Columbia Office of the Surveyor. The Board has previously held that in such cases where an application for a subdivision has been filed (but not yet completed), there is “no reason” to revoke the building permit because “the permit would merely be reissued as soon as the subdivision process had been finally completed.” *BZA Appeal no. 18439 of Valor 1350 Maryland LLC* at p.4 (June 19, 2013). Accordingly, any claim of error by the Appellant is harmless and the Subject Permit should not be revoked.

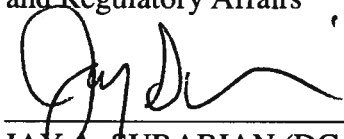
For these reasons, the appeal should be denied.

Respectfully Submitted,

IRVIN B. NATHAN
Attorney General for the District of Columbia

MELINDA M. BOLLING
General Counsel for the Department of Consumer
and Regulatory Affairs

September 11, 2013



JAYA A. SURABIAN (DC Bar # 977657)
Assistant Attorney General
Department of Consumer and Regulatory Affairs
Office of the General Counsel
1100 4th Street, SW, 5th Floor
Washington, DC 20024
(202) 442-8403 (office)
(202) 442-9447 (fax)
jay.surabian@dc.gov

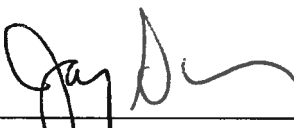
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served by email, this 11th day of September 2013, to the following:

Martin Sullivan, Esq.
Sullivan, Styles and Barros, LLP
1990 M St., NW, Suite 200
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PCT Law Group, Inc.
600 13th St., NW, Suite 790
Washington, DC 20005
LBell@pctlg.com

ANC 3E
c/o Jonathan Bender, Chair
jonbender@gmail.com



Jay Surapian

EXHIBIT A

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862

RW

RETAINING WALL PERMIT

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

PERMIT NO. RW1300056

Date: 04/05/2013

Address of Project: 4201 RIVER RD NW	Zone: R-2	Ward: 3	Square: 1674	Suffix:	Lot: 0805
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Description of Work:

Construction of 2' Ht. Retaining wall.

Type of Work:	Retaining Wall Height 2	Length in linear feet: FT	Material: Concrete	Color: brick
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Permissson Is Hereby Granted To Rupsha 2006 Llc	Owner Address: 6500 CHILLUM PL NW WASHINGTON, DC 20012-2136	PERMIT FEE: \$138.44
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Engineer/Architect Name:	License Number:	Engineer/Architect Address:
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Conditions/ Restrictions:

PRC NOTES THAT CUSTOMER WAS ADVISE REVIEW REQUIRED DDOT, DDOE, ZONING,

This permit is associated with the building permit number .

This permit expires if no construction is started within 1 year or if the last inspection is over 1

All construction done according to the current construction 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

Director: Nicholas A. Majett	Permit Clerk Keith Hawkins	Expiration Date:
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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

EXHIBIT B



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: 11/15/2012

PERMIT NO. **B1206094**

Expiration Date: 11/15/2013

Address of Project: 4201 RIVER RD NW	Zone: R-2	Ward: 3	Square: 1674	Suffix:	Lot: 0805
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Description Of Work:

New Construction - SFD. Electrical, Plumbing, Mechanical duct work, Driveway, Fence as per plans. RAZE #R1200033

Permission Is Hereby Granted To: Mabel Wright	Owner Address: 4201 RIVER RD NW WASHINGTON, DC 20016-4534	PERMIT FEE: \$3,207.60
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Permit Type: New Building	Existing Use: Single Family	Proposed Use: Single Family	Plans: Yes
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Agent Name: Taher - District Properties	Agent Address: 6500 Chillum Pl.Nw Washington Dc 20012	Existing Dwell Units:	Proposed Dwell Units:	No. of Stories: 2	Floor(s) Involved: All
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Conditions/ Restrictions:

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

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.

Director:
Nicholas A. Majett

Permit Clerk
Mark Briscoe

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.

EXHIBIT C

13000102

RW**RETAINING WALL PERMIT**THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK
UNTIL WORK IS COMPLETED AND APPROVED**PERMIT NO. RW1300020**

Date: 12/06/2012

Address of Project:

Zone:

Ward:

Square:

Suffix:

Lot:

4201 RIVER RD NW

3

1674

0805

Description of Work:

Construction of Retaining Wall

Type of Work:

Retaining Wall Height

5

Length in linear feet:

FT

Material:

Concrete

Color:

Brick

Permisson Is Hereby Granted To

District Properties

Owner Address:

6500 CHILLUM PL. NW WASHINGTON DC
20012

PERMIT FEE:

\$1,165.47

Engineer/Architect Name:

License Number:

Engineer/Architect Address:

Conditions/ Restrictions:

This permit is associated with the building permit number .

This permit expires if no construction is started within 1 year or if the last inspection is over 1

All construction done according to the current construction 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

Director:

Nicholas A. Majett

Permit Clerk

Patrice Derrick

Expiration Date:

12/06/2013

O REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639

OR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557

O SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557

EXHIBIT D

For: D.C. Surveyor

7-20-12

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR
July 20, 2012
Washington, D.C., November 9, 2011

Plat for Building Permit of: SQUARE 1674 LOT 805

Scale: 1 inch = 20 feet Recorded in Book A & T Page 3773-1

Receipt No. 12-06641 SR-12-5213

Furnished to: DISTRICT PROPERTIES

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

[Signature]
Surveyor, D.C.

By: A.S. *[Signature]*

Date: 03/12/2012

[Signature]
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

Job # B1206094
Zone: R-2
Lot Area = 6124.0 ϕ
Lot occupancy = 40%
 $= 0.4 \times 6124 = 2450 \phi$
Proposed bldg = $12.25 \times 21.08 = 258.23$
 $49.0 \times 15.16 = 742.84$
 $50.91 \times 16.25 = 827.28$
($1/2 \times 11 = 5.5$) $5.5 \times 12.0 = 66.0$
 $7.0 \times 11.0 = 77.0$
 $13.25 \times 26.0 = 344.50$
Stairs $6.0 \times 16.0 = 96.0$
2411.85
 39.38%
 39.0%
DCRA/OFFICE OF THE ZONING
ADMINISTRATOR/COMPLIES
WITH REQUIREMENTS OF
DC ZONING REGULATIONS (DDCMR)
8/24/12
(New detached
SFD)

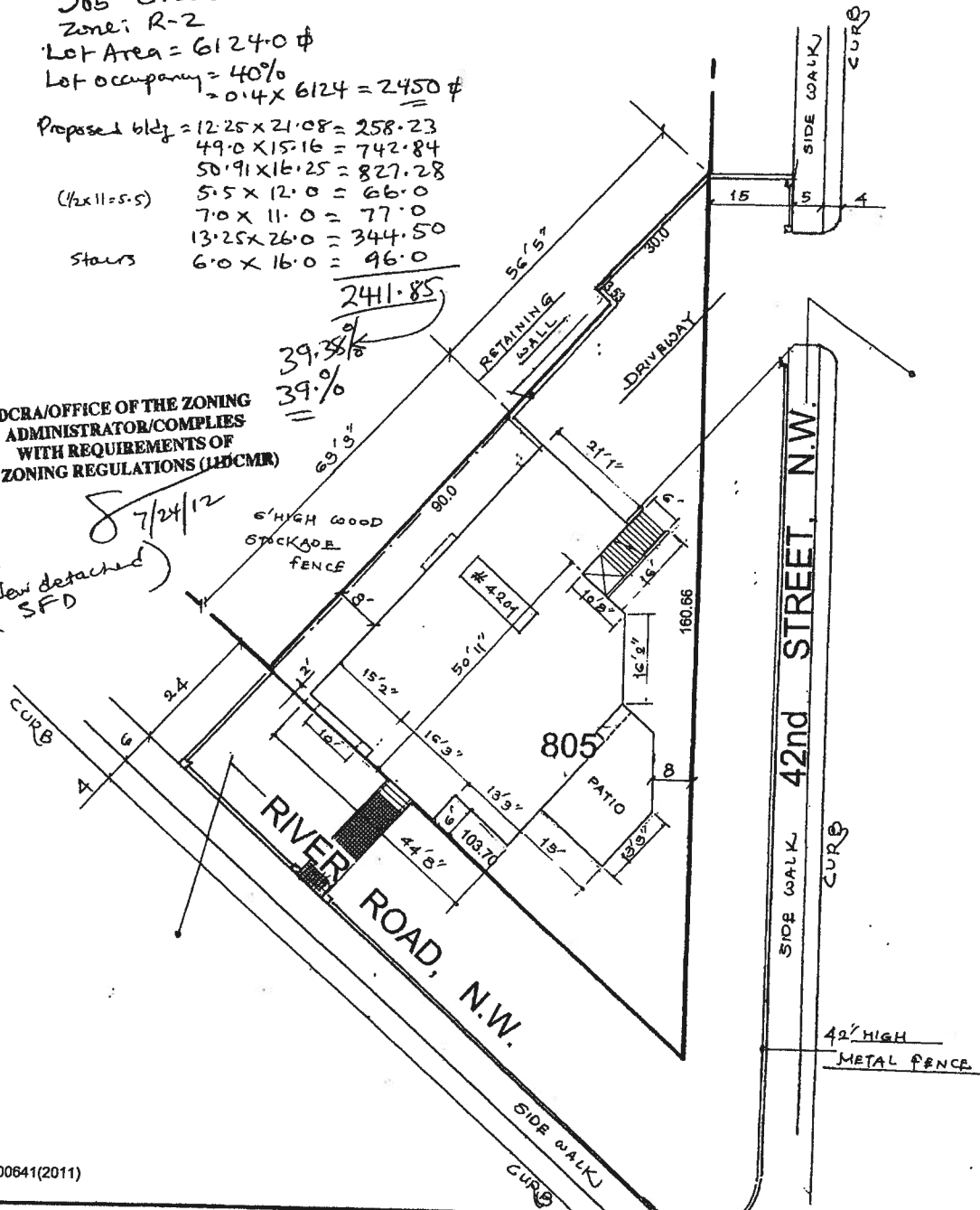


EXHIBIT E

13-000 169

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862

RW**RETAINING WALL PERMIT**THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK
UNTIL WORK IS COMPLETED AND APPROVEDPERMIT NO. **RW1300034**

Date: 01/31/2013

Address of Project: 4201 RIVER RD NW		Zone: R-2	Ward: 3	Square: 1674	Suffix:	Lot: 0805
Description of Work: CONSTRUCTION OF 4' HT. CONCRETE RETAINING WALL. REVISION OF PERMIT #RW1300020						
Type of Work:	Retaining Wall Height	Length in linear feet: FT		Material:	Color:	
Permisson Is Hereby Granted To District Properties	Owner Address: 6500 CHILLUM PL. N.W. WASHINGTON, DC 20016-4534			PERMIT FEE: \$110.00		
Engineer/Architect Name:	License Number:	Engineer/Architect Address:				
Conditions/ Restrictions: This permit is associated with the building permit number . This permit expires if no construction is started within 1 year or if the last inspection is over 1 All construction done according to the current construction 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						
Director: Nicholas A. Majett	Permit Clerk Keith Hawkins		Expiration Date:			
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						

EXHIBIT F

7/20/12
For: D.C. Surveyor
7-20-12

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., November 9, 2011

4201 RIVER ROAD
RW 1300056
R-2 3/25/13

Plat for Building Permit of: SQUARE 1674 LOT 805

Scale: 1 inch = 20 feet Recorded in Book A & T Page 3773-1

Receipt No. 12-00641 SR-12-5213

Furnished to: DISTRICT PROPERTIES

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

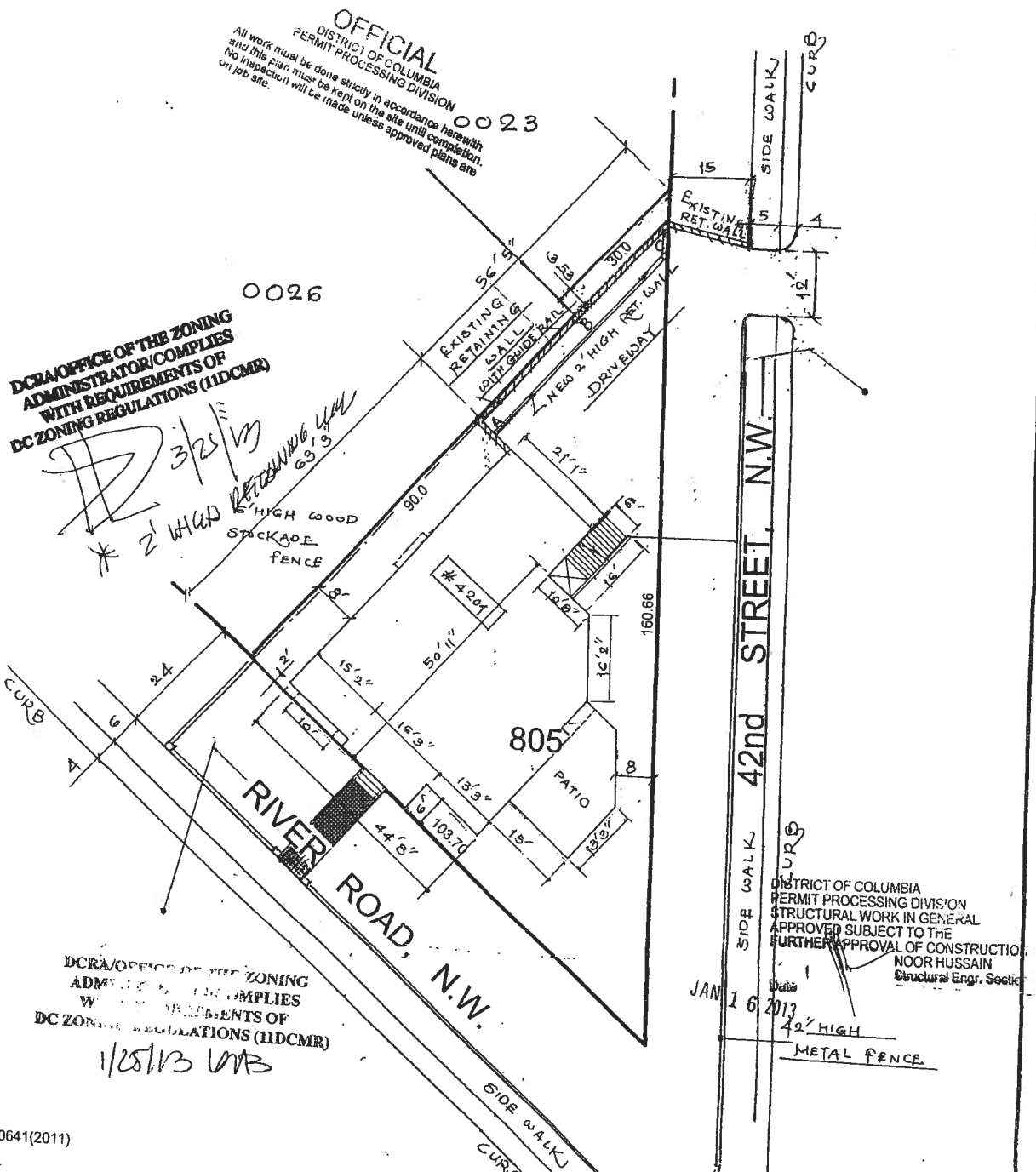
Surveyor, D.C.

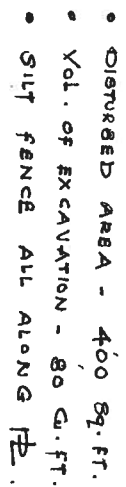
Date: 03/12/2012

By: A.S.

(Signature of owner or his authorized agent)

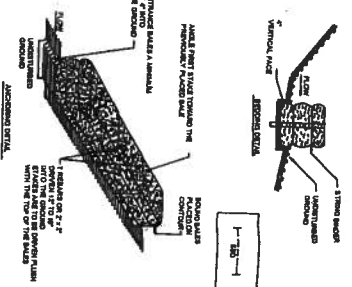
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.





4201 RIVER RD. NCU	
Scale	
1" = 20'	RW-2

STANDARD SYMBOLS

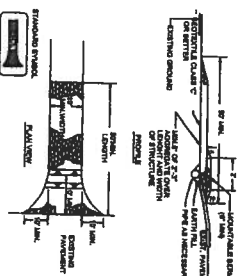


- ## SCE CONSTRUCTION SPECIFICATION

- STABILIZED CONSTRUCTION ENTRANCE**



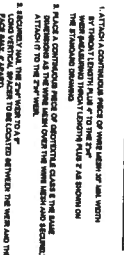
- [illegible]



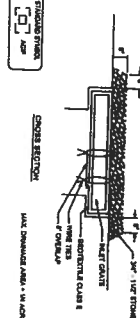
-
- Technical drawing of a chimney cross-section and elevation. The cross-section shows a central flue with a 2' x 2' opening, surrounded by a 2' thick brick wall. The flue is lined with 1/2 inch of refractory material. The chimney is 10 feet high. The elevation shows a chimney with a 10-foot height, a 2' x 2' opening, and a 2' thick brick wall. The flue is lined with 1/2 inch of refractory material. The chimney is 10 feet high.



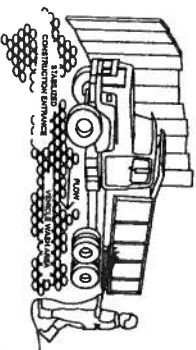
- CURB INLET PROTECTION
(COG OR COS INLETS)**



- [illegible]



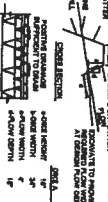
- CONSTRUCTION SPECIFICATIONS**
 SET GRATE AND WALK WITH DESTRUCTIVE CLASS 6 TO COMPLETELY COVER ALL OPENINGS
 UNDER SET GRATE BACK IN PLACE.
 PLACE 3/4" TO 1 1/2" STONE, 4" THICK ON THE GRATE TO SECURE THE PAVING
 SURFACE. MONTHLY MAINTENANCE REQUIRED TO REMOVE DEBRIS AND KEEP OPENINGS
 CLEAR.



- VEHICLE WASH DETAIL**



- [illegible]



- [illegible]

PERMANENT FILE

DCRA/OFFICE OF THE ZONING
ADMINISTRATOR/COMPLIES
WITH REQUIREMENTS OF
DC ZONING REGULATIONS (11DCMR)

SINGLE FAMILY RESIDENTIAL DWELLING
EST. ELEV. 336.5'
FT. BY 340.5'

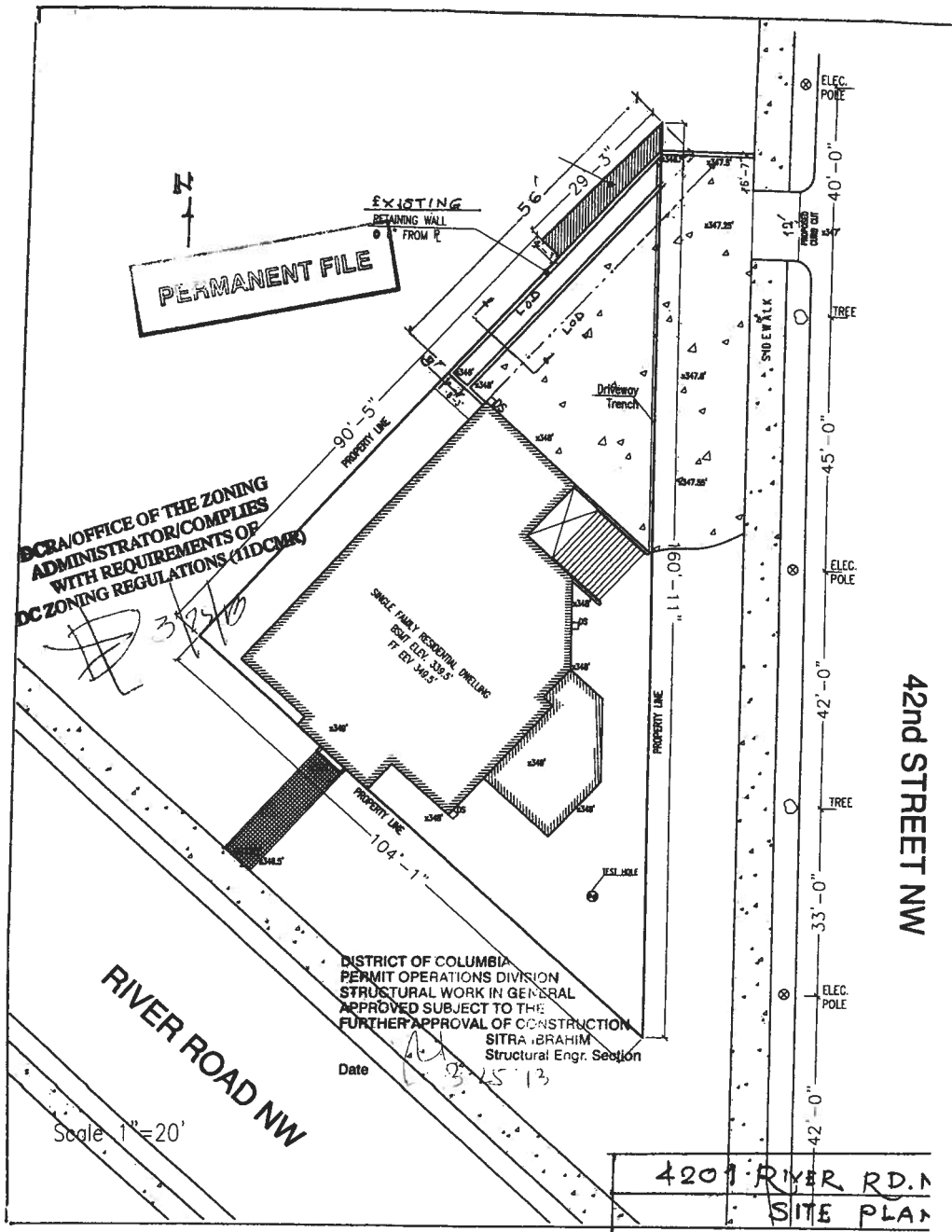
DISTRICT OF COLUMBIA
PERMIT OPERATIONS DIVISION
STRUCTURAL WORK IN GENERAL
APPROVED SUBJECT TO THE
FURTHER APPROVAL OF CONSTRUCTION
SITRA BRAHIM
Structural Engr. Section
Date 3-25-13

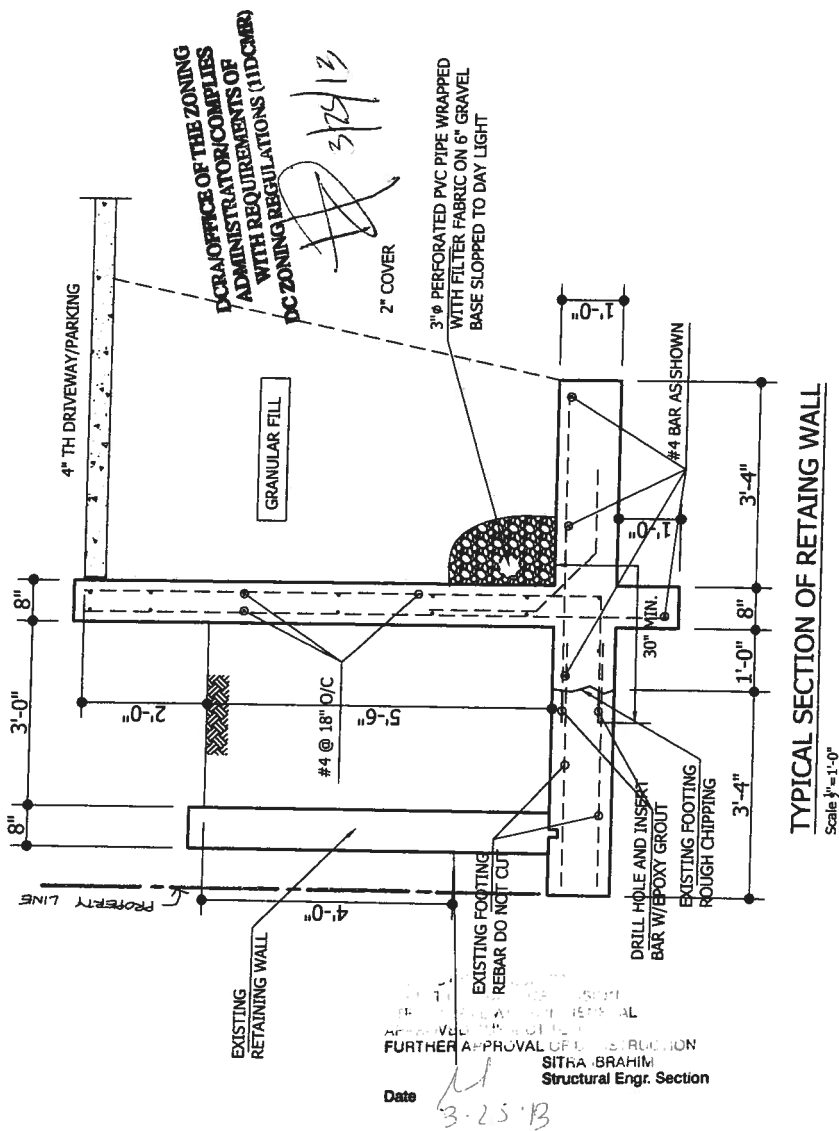
RIVER ROAD NW

42nd STREET NW

4201 RIVER RD. N
SITE PLAN

Scale 1"=20'





TYPICAL SECTION OF RETAINING WALL

Scale $\frac{1}{2}'' = 1'-0''$

Project Address: 4201 River Rd
Washington DC

Lic # KW-0609831

Description: -None-

Licensee: DISTRICT PROPERTIES

Criteria

Retained Height = 8.00 ft
Wall height above soil = 0.00 ft
Slope Behind Wall = 0.00 : 1
Height of Soil over Toe = 18.00 in
Water height over heel = 0.0 ft
Vertical component of active
Lateral soil pressure options:
NOT USED for Soil Pressure.
NOT USED for Sliding Resistance.
NOT USED for Overturning Resistance.

Surcharge Loads

Surcharge Over Heel = 60.0 psf
NOT Used To Resist Sliding & Overturning
Surcharge Over Toe = 0.0 psf
Used for Sliding & Overturning

Axial Load Applied to Stem

Axial Dead Load = 0.0 lbs
Axial Live Load = 0.0 lbs
Axial Load Eccentricity = 0.0 in

Design Summary

Wall Stability Ratios
Overturning = 2.74 OK
Sliding = 2.09 OK

Total Bearing Load = 4,733 lbs
...resultant etc. = 7.79 in

Soil Pressure @ Toe = 1,301 psf OK
Soil Pressure @ Heel = 277 psf OK
Allowable = 1,500 psf
Soil Pressure Less Than Allowable
ACI Factored @ Toe = 1,561 psf
ACI Factored @ Heel = 332 psf
Footing Shear @ Toe = 12.5 psi OK
Footing Shear @ Heel = 38.9 psi OK
Allowable = 75.0 psi
Sliding Calcs (Vertical Component NOT Used)
Lateral Sliding Force = 1,949.7 lbs
less 100% Passive Force = 2,188.1 lbs
less 100% Friction Force = 1,898.8 lbs
Added Force Req'd = 0.0 lbs OK
...for 1.5 : 1 Stability = 0.0 lbs OK

Load Factors

Dead Load 1.200
Live Load 1.600
Earth, H 1.600
Wind, W 1.600
Seismic, E 1.000

Soil Data

Allow Soil Bearing = 1,500.0 psf
Equivalent Fluid Pressure Method
Heel Active Pressure = 45.0 psf/ft
Toe Active Pressure = 30.0 psf/ft
Passive Pressure = 389.0 psf/ft
Soil Density, Heel = 110.00 pcf
Soil Density, Toe = 0.00 pcf
Friction Coeff btwn Ftg & Soil = 0.400
Soil height to ignore
for passive pressure = 12.00 in

Calculations per

Lateral Load Applied to Stem

Lateral Load = 0.0 plf
...Height to Top = 0.00 ft
...Height to Bottom = 0.00 ft

Adjacent Footing Load

Adjacent Footing Load = 0.0 lbs
Footing Width = 0.00 ft
Eccentricity = 0.00 in
Wall to Ftg CL Dist = 0.00 ft
Footing Type Line Load
Base Above/Below Soil = 0.0 ft
at Back of Wall
Poisson's Ratio = 0.300

Stem Construction

Design Height Above Ftg ft = 0.00
Wall Material Above "Ht" = Concrete
Thickness in = 8.00
Rebar Size # = 5
Rebar Spacing in = 10.25
Rebar Placed at = Edge
Design Data
fb/FB + fa/Fa = 0.784
Total Force @ Section lbs = 2,564.2
Moment...Actual ft-lb = 7,373.7
Moment...Allowable ft-lb = 9,405.8
Shear...Actual psi = 34.5
Shear...Allowable psi = 75.0
Wall Weight psf = 100.0
Rebar Depth 'd' in = 6.19
Lap splice if above in = 23.40
Lap splice if below in = 10.50
Hook embed into footing in = 10.50
Concrete Data
fc psi = 2,500.0
Fy psi = 60,000.0

Lic. # KW 00009834

Description: -None-

Licensee: DISTRICT PROPERTIES

Footing Dimensions & Strengths

Toe Width	=	2.00 ft
Heel Width	=	4.00
Total Footing Width	=	6.00
Footing Thickness	=	12.00 in
Key Width	=	8.00 in
Key Depth	=	12.00 in
Key Distance from Toe	=	2.00 ft
f_c	=	2,500 psi
F_y	=	60,000 psi
Footing Concrete Density	=	150.00 pcf
Min. As %	=	0.0018
Cover @ Top	2.00	@ Blm. = 3.00 in

Footing Design Results

Factored Pressure	=	Toe	Heel
M_u' : Upward	=	1,561	332 psf
M_u' : Downward	=	2,849	0 ft-lb
M_u : Design	=	786	0 ft-lb
Actual 1-Way Shear	=	2,093	7,374 ft-lb
Allow 1-Way Shear	=	12.47	38.95 psi
Toe Reinforcing	=	75.00	75.00 psi
Heel Reinforcing	=	# 4 @ 18.00 in	
Key Reinforcing	=	# 5 @ 12.00 in	
Key Reinforcing	=	# 4 @ 18.00 in	
Other Acceptable Sizes & Spacings			
Toe: Not req'd, $M_u < S * F_r$			
Heel: #4 @ 10.25 in, #5 @ 16.00 in, #6 @ 22.75 in, #7 @ 30.75 in, #8 @ 40.50 in, #9 @ 4			
Key: #4 @ 22.25 in, #5 @ 34.50 in, #6 @ 48.25 in, #7 @ 48.25 in,			

Summary of Overturning & Resisting Forces & Moments

Item	---OVERTURNING---				---RESISTING---		
	Force lbs	Distance ft	Moment ft-lb		Force lbs	Distance ft	Moment ft-lb
Heel Active Pressure	=	1,822.5	3.00	5,467.5			
Surcharge over Heel	=	220.9	4.50	994.1			
Toe Active Pressure	=	-93.8	0.83	-78.1			
Surcharge Over Toe	=						
Adjacent Footing Load	=						
Added Lateral Load	=						
Load @ Stem Above Soil	=						
				Soil Over Heel	=		
				Sloped Soil Over Heel	=	2,933.3	4.33
				Surcharge Over Heel	=		12,711.1
				Adjacent Footing Load	=		
				Axial Dead Load on Stem	=		
				* Axial Live Load on Stem	=		
				Soil Over Toe	=		1.00
				Surcharge Over Toe	=		
				Stem Weight(s)	=	800.0	2.33
				Earth @ Stem Transitions	=		1,866.7
				Footing Weight	=	900.0	3.00
				Key Weight	=	100.0	2.33
				Vert. Component	=		233.3
Total	=	1,949.7	O.T.M. =		Total =	4,733.3 lbs	R.M. =
Resisting/Overturning Ratio							17,511.1
Vertical Loads used for Soil Pressure	=	4,733.3	lbs				

* Axial live load NOT included in total displayed, or used for overturning resistance, but is included for soil pressure calculation.

EXHIBIT G

Appellant's
Property
←

11/28/2012



Hand St
→

11/28/2012

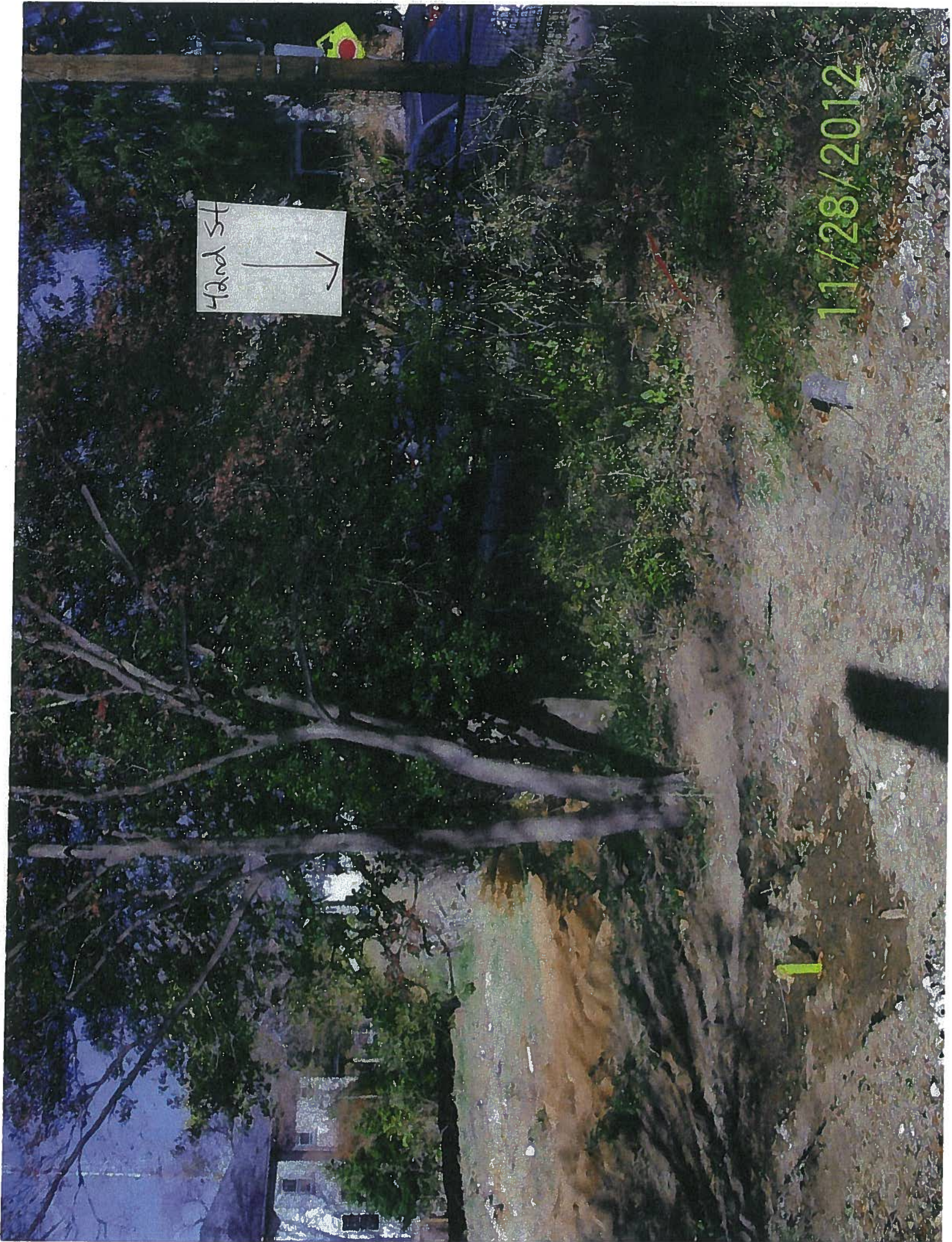


EXHIBIT H

42nd St
←

Appellant's
Property ↓





EXHIBIT I

