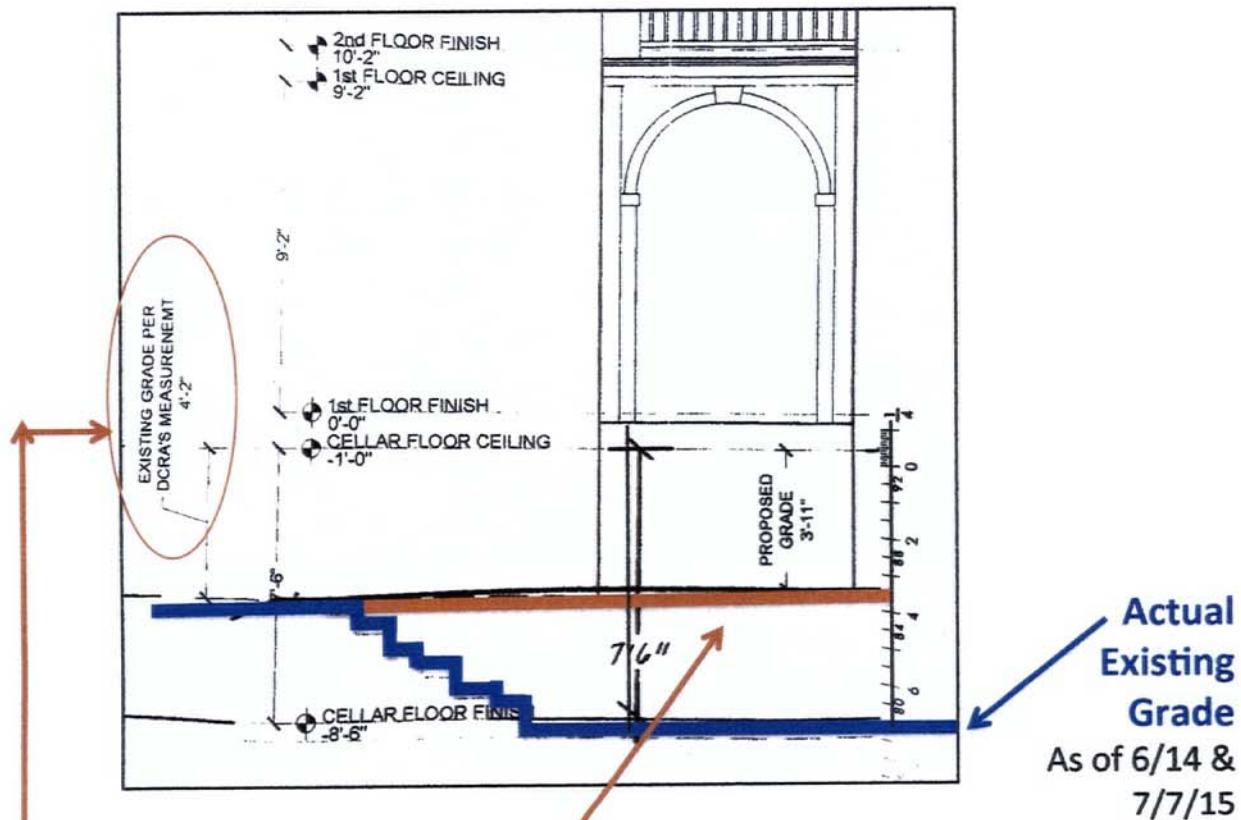


1636 Argonne Place NW

*Red Line = Misrepresentation of Existing Grade
in Order to Change FAR Calculation of Lower Level
from Basement Grade (>4') to Cellar Grade (<4')*



This Grade Does Not Exist and Cannot Exist (It Is Part of Interior Living Space) But is Used to Misrepresent Grade/FAR

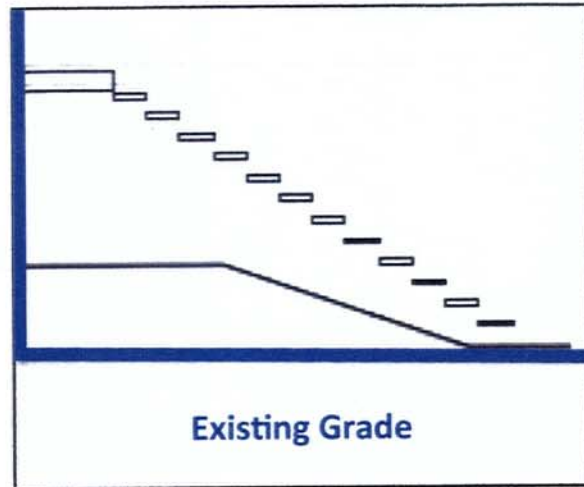
- Depicted in 6/14, 12/14, 6/15 Drawings
- 12/14 Drawing Notation: "EXISTING GRADE PER DCRA'S MEASUREMENT 4'2"
- This Notation is Omitted in 6/15 Drawing
- Shows Proposed Grade Within Interior Space, Which is Impossible to Build

BZA 18980 - Prepared by Appellants – 7/7/15

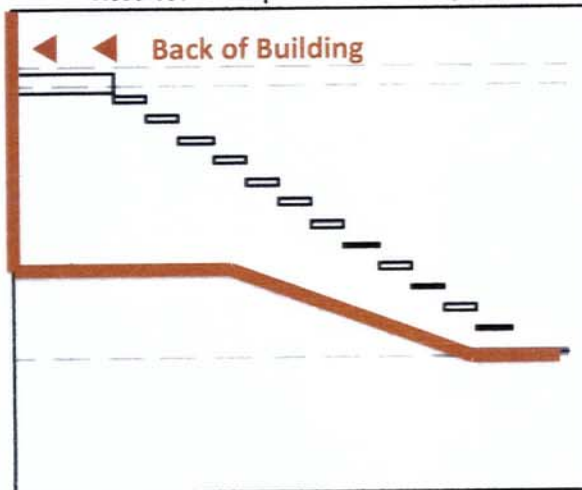
The Rear Grade

1636 Argonne Place NW

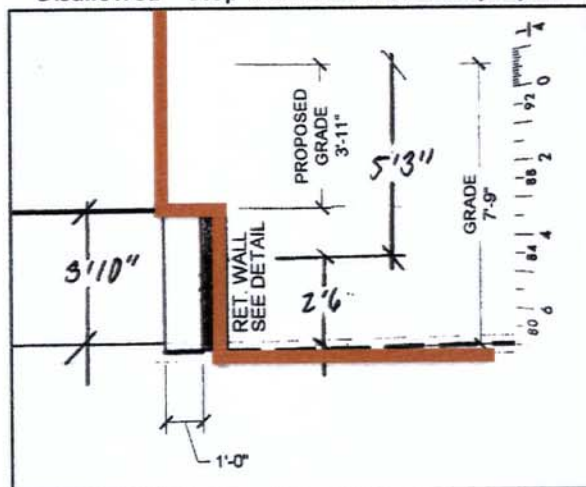
*Red Lines Represent
Series of Attempts to Change the
Existing Grade in Order to Change
FAR Calculation of Lower Level from
Basement Grade (>4') to
Cellar Grade (<4')*



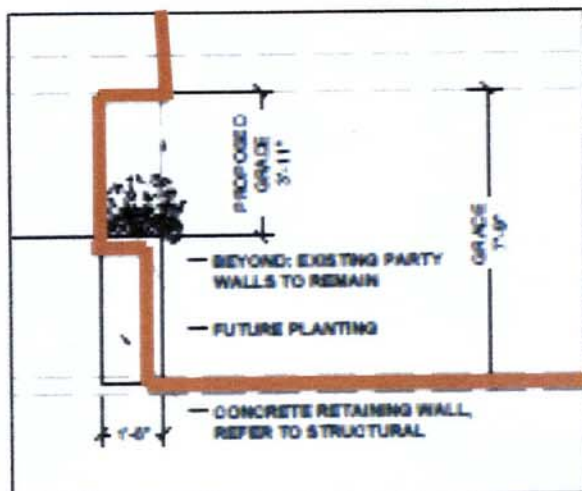
Original – 6/24/14
Misrepresents Existing Grade
Resulted in Stop Work Order 12/14



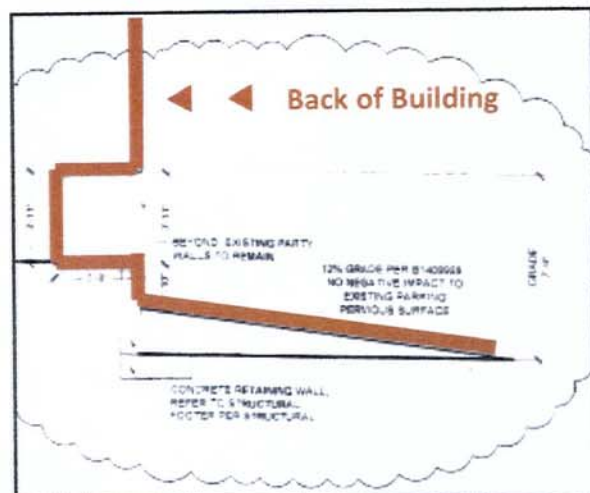
1st Permit Revision – 12/17/14
Proposed Retaining Wall to Change Grade
Disallowed – Stop Work Order Issued 5/20/15



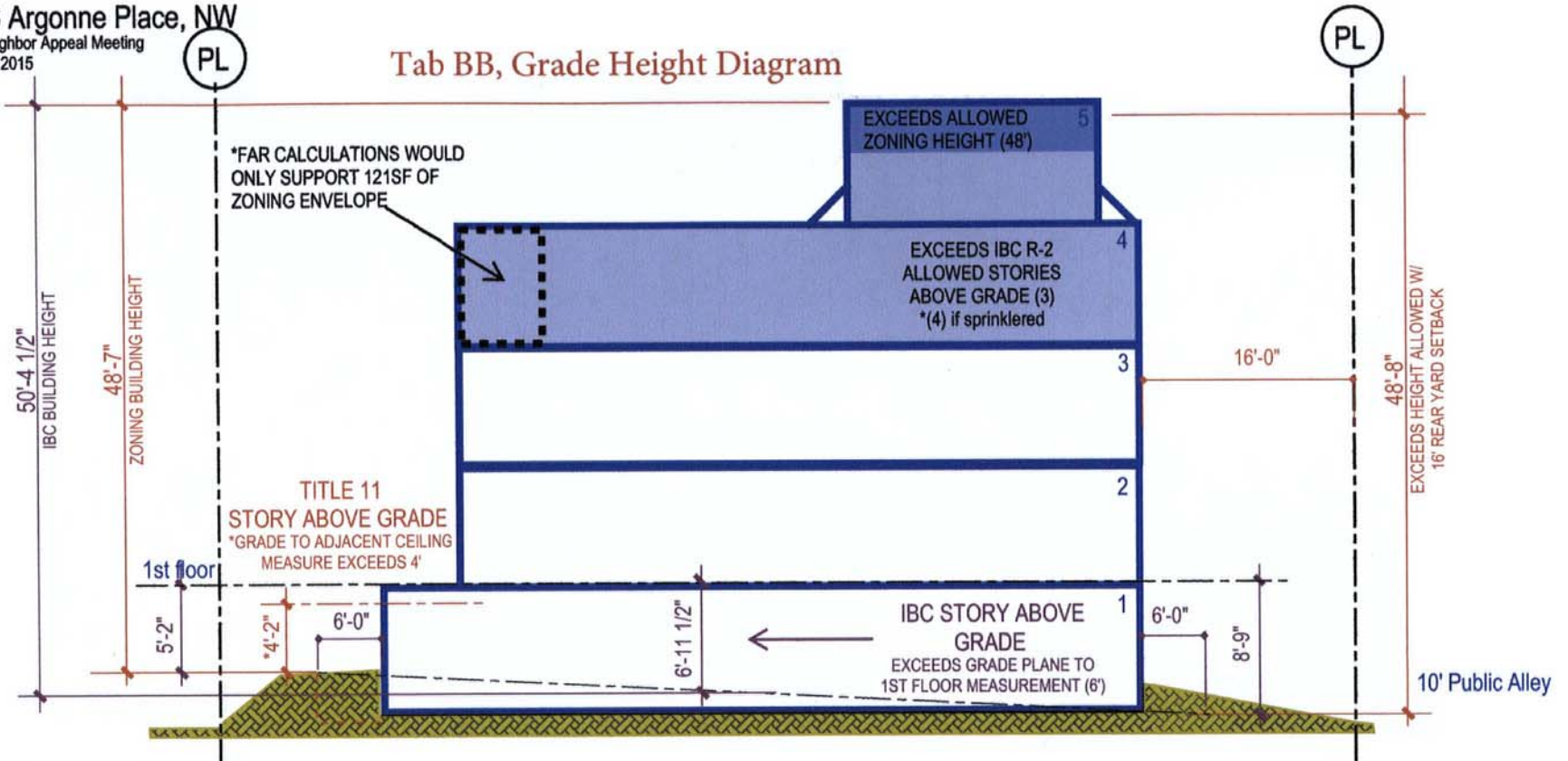
2nd Draft Revision – 5/13/15
Proposed Planter to Change Grade



2nd Permit Revision – 6/4/15
Proposed Wall Niche to Change Grade



Tab BB, Grade Height Diagram



ZONING QUESTIONS

1. Grade measurement first presented (4'-2" to Basement ceiling) to DCRA was verified, which ties the project to a Basement interpretation. Zoning definition of a story above grade is tied to building height calculation.
2. IBC grade plane calculation on the August 2014 drawings is not supported by the actual grade measurements. Actual grade plane calculation ensures a "story above grade" which limits the project to the first 3 levels
3. Built height allowed for a 16' rear yard setback height is 48'; only by modifying/ raising the grade is the height compliant.

Title 11

Story - the space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. *The number of stories shall be counted at the point from which the height of the building is measured.*

For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars, stairway or elevator penthouses, or other roof structures; provided, that the total area of all roof structures located above the top story shall not exceed one-third (1/3) of the total roof area.

Cellar - that portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent finished grade.

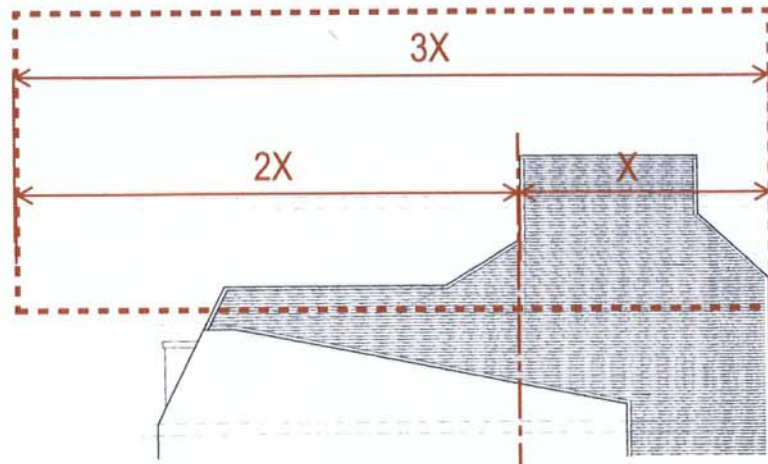
Building, height of – in Residence Districts (R) the vertical distance measured at the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line to a point designated in the zone district. *Berms or other forms of artificial landscaping shall not be included in measuring building height.*

The term curb shall refer to a curb at grade. In the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district.

R-5-B MINIMUM DEPTH OF REAR YARD (4" / foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet.)

BZA 18980: Summary of Errors
Prepared by Appellants – July 7, 2015

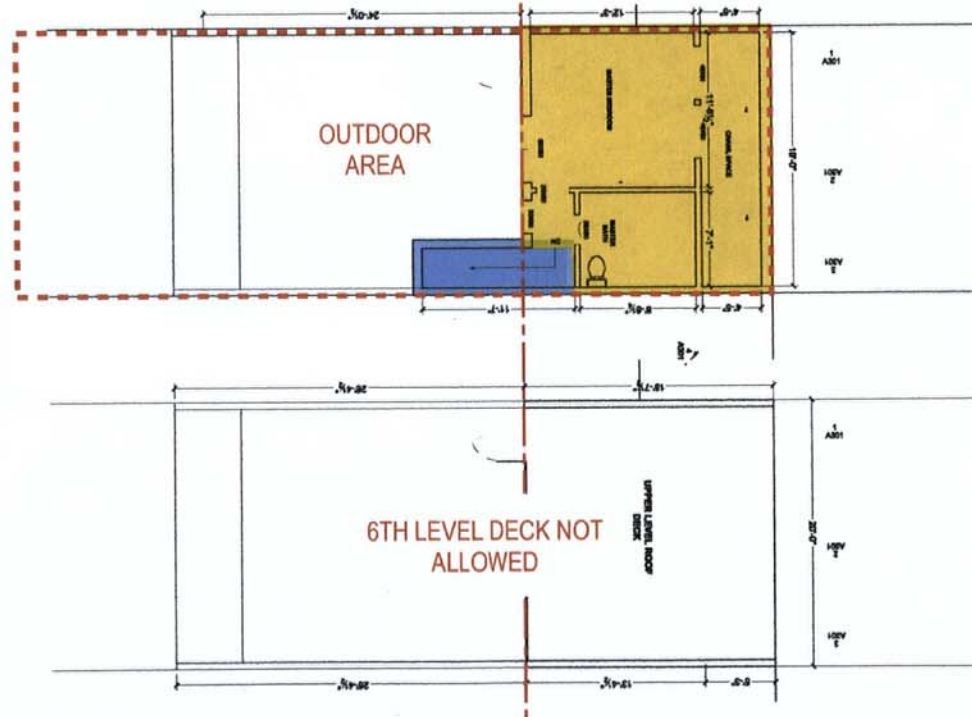
Error 1: Incorrect Designation of Lower Level as Cellar for FAR	
Why it Was an Error	Zoning Regulations and DCRA Policies
1. Disregards DCRA's methodology for determining lower level FAR.	Ignores definition of story and Building Height Measurement Point (BHMP)
2. Constitutes impermissible redefinition of the term "existing."	11-199.(g)2
3. Grants permission to construct an apartment building with a greater FAR than is permitted in an R-5-B zone.	11-402.4 (Floor Area Ratio)
4. Does not change lower level conditions to a cellar and as such disregards definitions of basement and cellar.	11-199.1
5. Ignores DCRA's definition of adjacent finished grade at the front of the building in terms of "areaway" as exclusion point (subject building space at front is not an "areaway" and thus counts as adjacent finished grade).	Definition of adjacent finished grade per Appeal No. 18615, 10/29/13 IBC grade plane analysis
6. Architectural plans misrepresent conditions and use incorrect measuring points for GFA, FAR and height.	11-101.5, 11-3202.1, 11-3202.2, 12A-105.1, 12A-105.3, 12A-105-6, 12A-106.1.12, Application for Construction Permits on Private Property
7. Disregards the definition of "retaining wall" as structure that serves to "resist the lateral displacement of soil or other materials" and mis-defines perimeter conditions and required scope of work in altering the existing structure.	11-199.1
Error 2: Building Height and Definition of Grade	
1. Approved drawings allow an addition that exceeds the allowed building height for the provided 16' rear yard setback in all of the submitted permits.	11-404.1, 11-199.1
2. Approved permits allow change in the BHMP in direct conflict with the building height definition, which specifically prohibits the use of a berm or other artificial landscape to alter measurement point. The BHMP directly affects the errors defined by height and Title 11 stories above grade.	11-199.1, 400.16
3. Number of stories above grade exceeds that allowed by R-2 and 5A construction through precedent setting definitions of cellar, basement and mezzanine . Drawings do not present accurate calculations for stories above grade (for either zoning or building codes) and seek to incorporate the top story of development (specifically denied and then accepted by DCRA) as a mezzanine, contrary to both IBC and Title 11 definitions. Project is permitted for 5 non-sprinklered stories above grade and can only be certified as 3. Various life/safety issues come into question: requirements for means of egress that include number of exits and travel distances	2012 International Codes, 1021.2, 11-119.1; IBC 2009 Section 202, 502, 503, 505, 1016, 1021
Error 3: Errors with GFA and FAR	
1. Errors in calculation of GFA (and thus existing and proposed FAR) for the lower level, floors 1 through 4.	11-402.4
2. Errors in definitions for building, building area, GFA, floor area ratio, cellar and basement.	11-199.1
Error 4: Failure to Enforce Parking Regulations	
1. Failure to provide required number of parking spaces in response to increase in intensity of use.	11-2101.1, 2100.6 and 2115.1
2. Impermissible reduction in the required number of parking spaces.	11-2100.10
3. Violates accessibility standards for slope.	11-2115.1
4. DCRA error in Increase in intensity calculation.	11-2100.7 and 2100.7



NOT A MEZZANINE

The Permit plans made available for review indicate the top story as a mezzanine. Neither the IBC nor Title 11 support this designation. Review of the attached graphic coupled with the definition from *Title 11 Section 199.1 Definitions* are presented to show the discrepancy.

Mezzanine - a floor space *within* a story between its floor and the floor or roof next above it and having an area of **not more than one-third (1/3) of the area of the floor immediately below**. A mezzanine shall not be considered a story in determining the maximum number of permitted stories.



5TH LEVEL FLOOR SPACE (DISALLOWED AS PART OF R-2 USE) UNLESS CONSIDERED WITHIN A STORY SHOULD BE MAX. 1/3 TOTAL

PORTION OF THE FLOOR IMMEDIATELY BELOW SHOULD BE NO LESS THAN 2/3 TOTAL TO QUALIFY AS MEZZANINE