

EXHIBIT A

NOTED
2015 DEC 23 12:28

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
One Judiciary Square
441 Fourth Street, NW, Suite 450 North
Washington, DC 20001-2714
TEL: (202) 442-9094
FAX: (202) 442-4789

MICHAEL RAFFERTY
STACIE DESAI
Petitioners

v.

Case No.: 2015-DCRA-00108

DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND
REGULATORY AFFAIRS
Respondent

ORDER AND NOTICE OF STATUS CONFERENCE

On December 2, 2015, Petitioners requested a hearing to contest the District of Columbia Department of Consumer and Regulatory Affairs' issuance of Building Permit No. B601746 for 1828 Ontario Place, NW. Attached to this Order is a copy of Petitioners' request for a hearing.

A status conference will be conducted to better determine the issues and to schedule an evidentiary hearing at the most convenient time for all parties.

Therefore, upon Petitioners' request for a hearing and the entire record in this case, it is this 3rd day of December 2015:

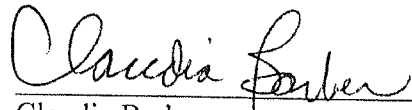
ORDERED, that all parties and any counsel shall appear for a status conference on **Tuesday, December 22, 2015 at 9:45 a.m.** at the District of Columbia Office of Administrative Hearings, 441 Fourth Street, NW, , Washington, DC 20001. All parties and any counsel shall at

MT
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that time be prepared to discuss best available dates for an evidentiary hearing on the merits; and it is further

ORDERED, that before filing any motion (a request for the presiding administrative law judge to take some action), a party shall seek the consent of the opposing party to the action requested in the motion. The motion shall state when and by what means consent was requested and whether or not consent was given and by whom; and it is further

ORDERED, that all parties shall comply with all applicable rules set forth in the Title 1 of the District of Columbia Municipal Regulations (DCMR), Chapter 28.



Claudia Barber
Administrative Law Judge

Attachment:

Copy of Petitioner's request for a hearing

Certificate of Service:

By First Class Mail (Postage Paid):

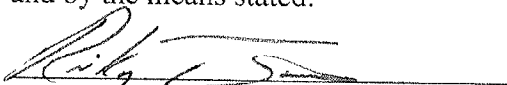
Michael Rafferty
730 Church St
Apt 3
San Francisco, CA 94114

Stacie Desai
1830 Ontario Pl NW
Washington, DC 20009

For Interagency Mail:

Charles Thomas, General Counsel
Dept. of Consumer and Regulatory Affairs
1100 4th Street, SW
Washington, DC 20024

I hereby certify that on 12-3,
2015 this document was served upon the
parties named on this page at the address(es)
and by the means stated.


Clerk/Deputy Clerk

**DISTRICT OF COLUMBIA OFFICE OF
ADMINISTRATIVE HEARINGS**

One Judiciary Square
441 4th Street NW, Suite
450-N Washington, DC
20001-2714



Michael Rafferty
730 Church St #3
San Francisco CA
94114
(owner of 1826 Ontario
Pl, NW)

and

Stacie Desai
1830 Ontario Pl, NW
Washington, DC 20009

Appellants/Petitioners,

v.

DC Department of Consumer and Regulatory
Affairs
1100 4th Street SW
Washington, DC 20024
(202) 442-4400 Telephone
(202) 442-9445 Facsimile,

Appellee/Respondent.

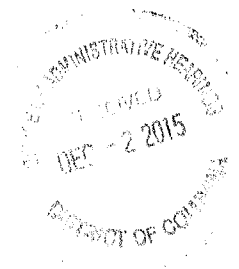
Date: November 25, 2015

REQUEST FOR HEARING

Filed Electronically

Case No. [not yet assigned]

Pursuant to § 112.2.1 of the District of Columbia Building Code (2013), as amended by the District of Columbia Building Code Supplement (2013) (12 DCMR A), Michael Rafferty and Stacie Desai (collectively, "Appellants" and the owners of the row houses adjoining the property at issue), hereby submit a request for a hearing to appeal the November 16, 2015 decision of the DC Department of Consumer and Regulatory Affairs ("DCRA") to issue building permit B1601746 for 1828 Ontario Place, NW, Washington, DC 20009.



I. DESCRIPTION OF THE DISPUTE

A. BACKGROUND¹

The property at issue is 1828 Ontario Place, NW, Washington, DC 20009 ("Property"), and it is located in the District of Columbia - Lot 2583, Square 0438. The subject property is in an R-5-B zone in Ward 1. It is currently a single-family row-house in the middle of a contiguous row of like homes. The lot is rectangular in shape.

On November 16, 2015, DCRA issued building permit B1601746 ("Revised Building Permit") as a revision to building permit B141228 issued on July 20, 2015 ("Original Building Permit"), providing for a 4-unit apartment/ condominium building to be built on the Property. The Revised Building Permit provides for a revision to the previously approved parking layout to establish one 9' x 19' conforming parking space and one 9' x 18' grandfathered non-conforming parking space for the proposed 4-unit apartment/ condominium building, which requires two parking spaces pursuant to 11 DCMR Section 2101. The Appellants contend that DCRA issued the Revised Building Permit in error based upon drawings provided by Bogdan Builders ("Bogdan"), the owner and developer of 1828 Ontario Place, which did not accurately reflect the existing conditions at the Property and an application that did not adequately address the existing property conditions.

The width of the Property at the garage/ alley within the existing party walls is insufficient to accommodate the proposed parking layout under B1601746 without 'shaving' or removing a minimum of 7 inches in width of the existing masonry party walls that have

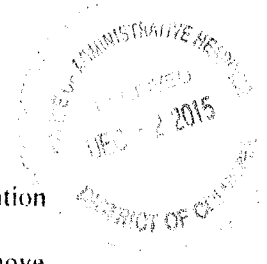
¹ This is a simplified version of the lengthy history of this matter in order to comply with the "short description of your dispute" guideline provided in Subsection 2808.2(a) of the Office of Administrative Hearings Rules of Practice and Procedure ("OAH Rules").

existed for 100 years and are jointly owned by Bogdan and the Appellants. The application for the Revised Building Permit does not make any mention of the need to 'shave' or remove any of the party walls that currently exist and does not provide for the ability to do any such work (See Exhibit A - E-mails from Director Bolling dated November 23, 2015). In fact, the revised Property survey that was submitted in connection with the Revised Building Permit (see attached Exhibit B - Revised Property Survey) makes no mention of the existing party walls, unlike the previous Property survey submitted in connection with the application for the Original Building Permit (See Exhibit C - Original Property Survey) which clearly shows the existence of the party walls.

The pertinent facts:

- **Property Width.** The Property width available for the parking configuration is only 15'7" at the alley. (See Attached Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers). This width is measured from the inside dimensions of the existing brick masonry party walls, which are common party walls with 1826 and 1830 Ontario Place, NW, owned by the Appellants.
- **Proposed Parking Solution.** The proposed parking layout in the Revised Building Permit requires a 16'2" opening since it provides for both a driveway (7'2" wide) along-side a parking space (9' wide) (See Exhibit B - Revised Property Survey). The 7'2" driveway plus the 9' parking spot equals 16'2", or 7" wider than the 15'7" opening available at the alley.

The only way that Bogdan could execute on the Proposed Parking Solution is to 'shave' or remove a substantial portion from each of the 2 existing party walls on the Property. The



revised permit application made no mention of this requirement (See Attached Exhibit A - E-mail from Director Bolling Dated November 23, 2015) and did not follow any of the requirements that would need to be followed prior to issuance of a building permit if shaving of a party wall was required, including but not limited to the protections to adjoining property owners that are outlined in 12A DCMR 3307A. Bogdan was well aware that such shaving would be required. Their counsel even acknowledged that this would be a necessary requirement in a BZA Hearing on Case No 19081 on November 17, 2015. Despite being fully aware of this requirement, Bogdan intentionally filed a revised Property survey that did not accurately reflect the existing conditions at the Property and a permit application that did not adequately address the existing property conditions. Because of Bogdan's actions and material omissions, DCRA issued the Revised Building Permit in error.

Appellants submit for the record their November 24, 2015 structural engineer's report (See Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers), completed November 24, 2015, which clearly documents the implausibility and structural harm that would be caused by the "shaving" or party wall removal necessary to implement the parking plan under the Revised Building Permit. The Letter of Ehlert Bryan provides that the 16'2" width necessary to accommodate the parking plan contained in the Revised Building Permit would require the shaving or removal of between 6 and 7 inches of the existing common party walls on one or both sides. It goes on to say that it is their opinion that the party walls cannot be modified as required "without severely affecting the remaining structural capacity" of the existing party walls and garages. (See Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers).

II. RELIEF REQUESTED

For the foregoing reasons, and any others apparent to the Administrative Law Judge,

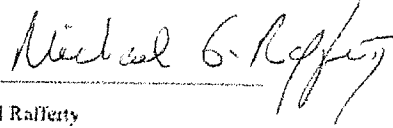
including but not limited to the record to be developed in this case, Appellants respectfully request the following relief:

1. A hearing date, on an expedited schedule if the emergency order referenced below at number 2 is not granted;
2. An emergency ex parte interlocutory order suspending building permit B1601746 to prevent irreparable harm and immediately preserve the status quo while the merits of this appeal are adjudicated;
3. Revocation of building permit B1601746;
4. Appellants would like to reserve the right to request summary adjudication on the papers without a hearing, pursuant to Section 2819 of the OAH Rules, if the Administrative Law Judge and/or the parties deem it appropriate.

Respectfully submitted,

Dated: November 25, 2015

By:



Michael Rafferty
michaelgrafferty@gmail.com
Owner: 1826 Ontario Place, NW
Address:
730 Church St, Apt #3
San Francisco, CA 94114
Telephone: 202-957-1326

By:



Stacie Desai
staciedesai@yahoo.com
1830 Ontario Place, NW
Washington, DC 20009
Telephone: 202-487-8678

Signature Page

Exhibit A - E-mails from Director Bolling dated November 23, 2015

From: **Bolling, Melinda (DCRA)** [mailto:melinda.bolling@dcra.ca]
Subject: **RE: 1828 Ontario Place - Building Permit No. B1601748**
Date: **November 23, 2015 at 5:16 PM**
To: **Mike Rafferty** [mailto:michaelgrafferty@gmail.com]; **Gamboa, Ferdinand (DCRA)** [mailto:ferdinand.gamboa@dcra.ca];
Gambrell, Alan (SMD 1C05) [mailto:alan.gambrell@dcra.ca]; **Englebert, Gary (DCRA)** [mailto:gary.englebert@dcra.ca]; **Brianne Nadeau**
[mailto:brianne.nadeau@dcra.ca]; **Stacie Desai** [mailto:stacie.desai@dcra.ca]; **Barahona, Claudia (Council)** [mailto:claudia.barahona@dcra.ca]; **G. Mossi**
[mailto:g.mossi@dcra.ca]; **William Simpson** [mailto:william.simpson@dcra.ca]; **Khokhar, Jatinder S. (DCRA)** [mailto:jatinder.khokhar@dcra.ca];
Washington, Jason (DCRA) [mailto:jason.washington@dcra.ca]; **Orlins, Matt (DCRA)** [mailto:matt.orlins@dcra.ca]

Mr. Rafferty,

Let me see if I understand . . .

- 1. The recently approved permit for this property authorized: "exterior site vegetation, flagstone paver walkway, replace garden fence, wood privacy fence at rear terrace, repair front walkway and steps, and new plantings/sod, new parking pads, re point brick retaining walk in public space".**
- 2. According to DCRA's Permit Division, DCRA does NOT have any supporting documentation nor any mention on the building permit application for shaving the existing party walls.**

Have you seen plans that indicate six (6) inches would be removed from the existing party walls? Please advise.

**Regards,
Melinda Bolling
Director**

From: Mike Rafferty [mailto:michaelgrafferty@gmail.com]
Sent: Monday, November 23, 2015 5:05 PM
To: Gamboa, Ferdinand (DCRA)
Cc: Bolling, Melinda (DCRA); Gambrell, Alan (SMD 1C05); Englebert, Gary (DCRA); Brianne Nadeau; Stacie Desai; Barahona, Claudia (Council); G Mossi; William Simpson; Khokhar, Jatinder S. (DCRA); Washington, Jason (DCRA); Orlins, Matt (DCRA)
Subject: Re: 1828 Ontario Place - Building Permit No. B1601748

Director Bolling and Mr Gamboa,

There was not an allegation that shaving had already occurred. What was raised was that the recent revised building permit approved for 1828, specifically the parking plan, would necessitate that the existing party walls be 'shaved' at least 6 inches. It does not appear that was part of what was approved by DCRA, we as the adjoining property owners believe that any such removal or shaving of 6 inches off the existing 100 year old masonry party walls would result in making our



Department of Consumer and Regulatory Affairs
Permit Operations Division
1100 4th Street SW
Washington DC 20024
Tel: (202) 421-4355 Fax: (202) 421-4881

Received
Date: 11/13/2015
Time: 1:00 PM
By: [Signature]

1828 ONTARIO PL NW
Washington DC 20024

B1601746

Existing Use: Multifamily (2-2 units)
Proposed Use: Motor vehicle showroom
Permit Type: Alteration and Repair
Description of Work:

Existing No. of Stories: 3
Prop No. of Stories: 3
SSL: 2583 0413

Revisions to prior existing permit: Addition of 2nd story. Based on measurements of walls of 2nd-1500 structural garage, which were found to be 15'6" by 18', allowing for 2' overhang, the walls are 17'6" by 18'. The revised existing permit plan reflects the existing measurements and the proposed 2nd story. The revised permit plan reflects the existing measurements and the proposed 2nd story. The revised permit plan reflects the existing measurements and the proposed 2nd story.

Item	Revised	Concurrence	Review Status
1. Fire Arms	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
2. Vibration	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
3. Smoke Detector	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
4. Zoning	☒ R-4B ☒ 1911315	☒ Approved ☒ HFC ☒ Conf. w/Agenda	
5. Soil Erosion/Drainage	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
6. DC Water	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
7. Water/Gas	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
8. Electrical	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
9. Elevator	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
10. Egress/Entrance	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
11. Fire Protection	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
12. Signage	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
13. Green Building	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
14. Window Review	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
15. New Auto Care	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
16. Auto Care	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
17. New Car Wash	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	
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100. Car Wash	☐	☐ Approved ☐ HFC ☐ Conf. w/Agenda	

NEW CAR WASH FEE	NEW CAR WASH FEE	SPRING FEE	ENTRANCE FEE	GREEN FEE	TOTAL PAYMENT FEE
\$0.00	\$10,000.00	\$10,000.00			
VOLUME OF NEW CAR WASH OR AUTO CARE: 3					

1828 ONTARIO PLACE, NW

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	FOUNDATION	1	SQ. FT.	10.00	10.00
2	CONCRETE	1	CY	120.00	120.00
3	REINFORCING	1	LB.	0.50	50.00
4	FORMWORK	1	SQ. FT.	2.00	20.00
5	PAINT	1	GA.	1.00	10.00
6	ROOFING	1	SQ. FT.	3.00	30.00
7	INSULATION	1	SQ. FT.	1.00	10.00
8	CLADDING	1	SQ. FT.	4.00	40.00
9	DOOR	1	EA.	100.00	100.00
10	WINDOW	1	EA.	50.00	50.00
11	PLUMBING	1	HR.	15.00	15.00
12	ELECTRICAL	1	HR.	20.00	20.00
13	MECHANICAL	1	HR.	25.00	25.00
14	LANDSCAPE	1	SQ. FT.	1.00	10.00
15	SEWER	1	LF.	1.00	10.00
16	WATER	1	LF.	1.00	10.00
17	HEATING	1	HR.	20.00	20.00
18	Cooling	1	HR.	25.00	25.00
19	Exhaust	1	HR.	10.00	10.00
20	Foundation	1	SQ. FT.	10.00	10.00
21	Concrete	1	CY	120.00	120.00
22	Reinforcing	1	LB.	0.50	50.00
23	Formwork	1	SQ. FT.	2.00	20.00
24	Paint	1	GA.	1.00	10.00
25	Roofing	1	SQ. FT.	3.00	30.00
26	Insulation	1	SQ. FT.	1.00	10.00
27	Cladding	1	SQ. FT.	4.00	40.00
28	Door	1	EA.	100.00	100.00
29	Window	1	EA.	50.00	50.00
30	Plumbing	1	HR.	15.00	15.00
31	Electrical	1	HR.	20.00	20.00
32	Mechanical	1	HR.	25.00	25.00
33	Landscape	1	SQ. FT.	1.00	10.00
34	Sewer	1	LF.	1.00	10.00
35	Water	1	LF.	1.00	10.00
36	Heating	1	HR.	20.00	20.00
37	Cooling	1	HR.	25.00	25.00
38	Exhaust	1	HR.	10.00	10.00
39	Foundation	1	SQ. FT.	10.00	10.00
40	Concrete	1	CY	120.00	120.00
41	Reinforcing	1	LB.	0.50	50.00
42	Formwork	1	SQ. FT.	2.00	20.00
43	Paint	1	GA.	1.00	10.00
44	Roofing	1	SQ. FT.	3.00	30.00
45	Insulation	1	SQ. FT.	1.00	10.00
46	Cladding	1	SQ. FT.	4.00	40.00
47	Door	1	EA.	100.00	100.00
48	Window	1	EA.	50.00	50.00
49	Plumbing	1	HR.	15.00	15.00
50	Electrical	1	HR.	20.00	20.00
51	Mechanical	1	HR.	25.00	25.00
52	Landscape	1	SQ. FT.	1.00	10.00
53	Sewer	1	LF.	1.00	10.00
54	Water	1	LF.	1.00	10.00
55	Heating	1	HR.	20.00	20.00
56	Cooling	1	HR.	25.00	25.00
57	Exhaust	1	HR.	10.00	10.00
58	Foundation	1	SQ. FT.	10.00	10.00
59	Concrete	1	CY	120.00	120.00
60	Reinforcing	1	LB.	0.50	50.00
61	Formwork	1	SQ. FT.	2.00	20.00
62	Paint	1	GA.	1.00	10.00
63	Roofing	1	SQ. FT.	3.00	30.00
64	Insulation	1	SQ. FT.	1.00	10.00
65	Cladding	1	SQ. FT.	4.00	40.00
66	Door	1	EA.	100.00	100.00
67	Window	1	EA.	50.00	50.00
68	Plumbing	1	HR.	15.00	15.00
69	Electrical	1	HR.	20.00	20.00
70	Mechanical	1	HR.	25.00	25.00
71	Landscape	1	SQ. FT.	1.00	10.00
72	Sewer	1	LF.	1.00	10.00
73	Water	1	LF.	1.00	10.00
74	Heating	1	HR.	20.00	20.00
75	Cooling	1	HR.	25.00	25.00
76	Exhaust	1	HR.	10.00	10.00
77	Foundation	1	SQ. FT.	10.00	10.00
78	Concrete	1	CY	120.00	120.00
79	Reinforcing	1	LB.	0.50	50.00
80	Formwork	1	SQ. FT.	2.00	20.00
81	Paint	1	GA.	1.00	10.00
82	Roofing	1	SQ. FT.	3.00	30.00
83	Insulation	1	SQ. FT.	1.00	10.00
84	Cladding	1	SQ. FT.	4.00	40.00
85	Door	1	EA.	100.00	100.00
86	Window	1	EA.	50.00	50.00
87	Plumbing	1	HR.	15.00	15.00
88	Electrical	1	HR.	20.00	20.00
89	Mechanical	1	HR.	25.00	25.00
90	Landscape	1	SQ. FT.	1.00	10.00
91	Sewer	1	LF.	1.00	10.00
92	Water	1	LF.	1.00	10.00
93	Heating	1	HR.	20.00	20.00
94	Cooling	1	HR.	25.00	25.00
95	Exhaust	1	HR.	10.00	10.00
96	Foundation	1	SQ. FT.	10.00	10.00
97	Concrete	1	CY	120.00	120.00
98	Reinforcing	1	LB.	0.50	50.00
99	Formwork	1	SQ. FT.	2.00	20.00
100	Paint	1	GA.	1.00	10.00

1828 ONTARIO PLACE, NW

1. FOUNDATION

2. CONCRETE

3. REINFORCING

4. FORMWORK

5. PAINT

6. ROOFING

7. INSULATION

8. CLADDING

9. DOOR

10. WINDOW

11. PLUMBING

12. ELECTRICAL

13. MECHANICAL

14. LANDSCAPE

15. SEWER

16. WATER

17. HEATING

18. COOLING

19. EXHAUST

20. FOUNDATION

21. CONCRETE

22. REINFORCING

23. FORMWORK

24. PAINT

25. ROOFING

26. INSULATION

27. CLADDING

28. DOOR

29. WINDOW

30. PLUMBING

31. ELECTRICAL

32. MECHANICAL

33. LANDSCAPE

34. SEWER

35. WATER

36. HEATING

37. COOLING

38. EXHAUST

39. FOUNDATION

40. CONCRETE

41. REINFORCING

42. FORMWORK

43. PAINT

44. ROOFING

45. INSULATION

46. CLADDING

47. DOOR

48. WINDOW

49. PLUMBING

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52. LANDSCAPE

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63. ROOFING

64. INSULATION

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66. DOOR

67. WINDOW

68. PLUMBING

69. ELECTRICAL

70. MECHANICAL

71. LANDSCAPE

72. SEWER

73. WATER

74. HEATING

75. COOLING

76. EXHAUST

77. FOUNDATION

78. CONCRETE

79. REINFORCING

80. FORMWORK

81. PAINT

82. ROOFING

83. INSULATION

84. CLADDING

85. DOOR

86. WINDOW

87. PLUMBING

88. ELECTRICAL

89. MECHANICAL

90. LANDSCAPE

91. SEWER

92. WATER

93. HEATING

94. COOLING

95. EXHAUST

96. FOUNDATION

97. CONCRETE

98. REINFORCING

99. FORMWORK

100. PAINT

1828 ONTARIO PLACE, NW

1. FOUNDATION

2. CONCRETE

3. REINFORCING

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92. WATER

93. HEATING

94. COOLING

95. EXHAUST

96. FOUNDATION

97. CONCRETE

98. REINFORCING

99. FORMWORK

100. PAINT

B116017416
1828 ONTARIO PL NW
ZONE: R-5-B

DISTRICT OF COLUMBIA GOVERNMENT

OFFICE OF THE SURVEYOR

Washington, D.C., July 17, 2014

May 13 2015 73A 1/ R-5-B

Plot for Building Permit of SQUARE 2583 LOT 438

Scale: 1 inch = 20 feet

Recorded in Book 52 Page 14

Receipt No. ~~44222~~ SR-4644

Furnished to: KC D. PRICE

By: A.S.M.

I hereby certify that all existing improvements shown hereon, are completely shown, copied, and are correctly stated; that all proposed buildings or construction, or parts thereof, according to current practice, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown hereon are 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 or 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 that all lot divisions or combinations pending at the Office of Tax & Revenue are correctly depicted, 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 drive 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 private residential property). Owner/Agent shall indemnify, defend, and hold the District, its officers, employees, and agents harmless from and against any and all losses, costs, claims, damages, liabilities, and causes of action (including reasonable attorney's fees and court costs) arising out of death of or injury to any person or damage to any property occurring on or adjacent to the Property and directly or indirectly caused by any acts done thereon or any acts or omissions of Owner/Agent; provided however, that the foregoing indemnity shall not apply to any losses, costs, claims, damages, liabilities, and causes of action due solely to the gross negligence or willful misconduct of District or its officers, employees or agents.

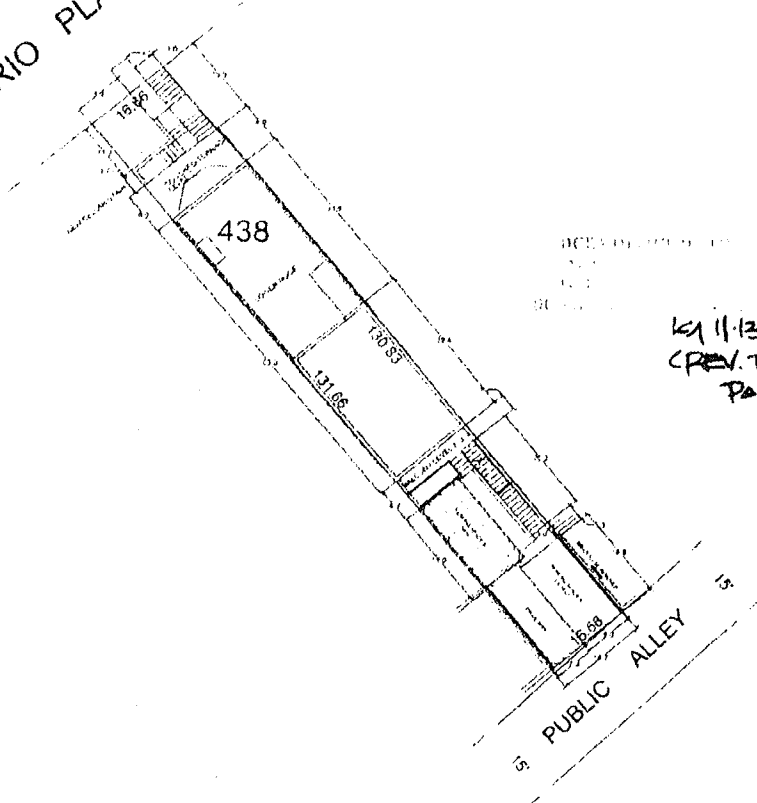
Date:

11/12/2015

(Signature of owner or his authorized agent)

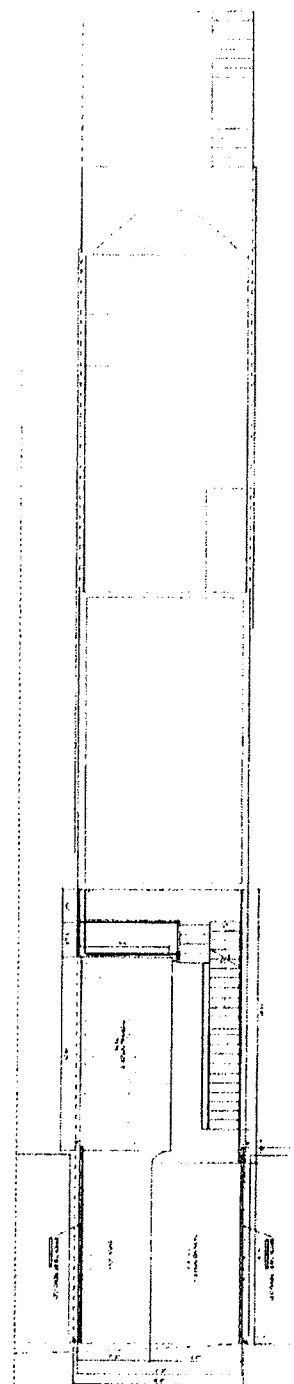
NOTE: Data shown for Assessment and Taxation of lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed descriptions.

ONTARIO PLACE, N.W.



R-5-B

K1 11-13-15
(REV. TO B1412258-
PARKING)



P-7-B

5911.13.15

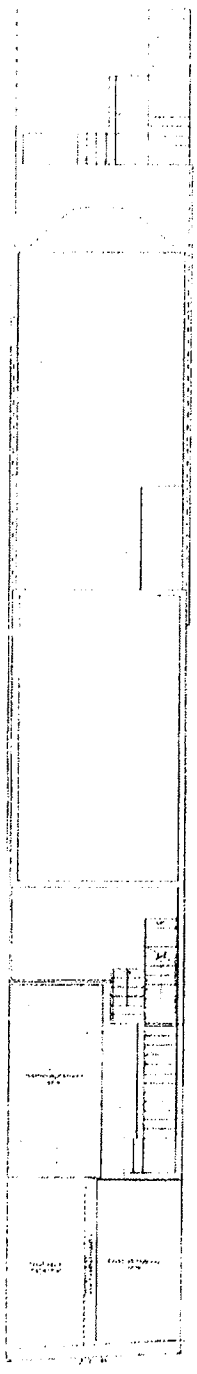


EXHIBIT C - ORIGINAL PROPERTY SURVEY



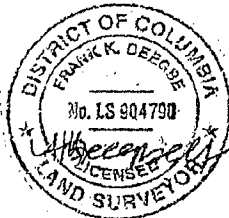
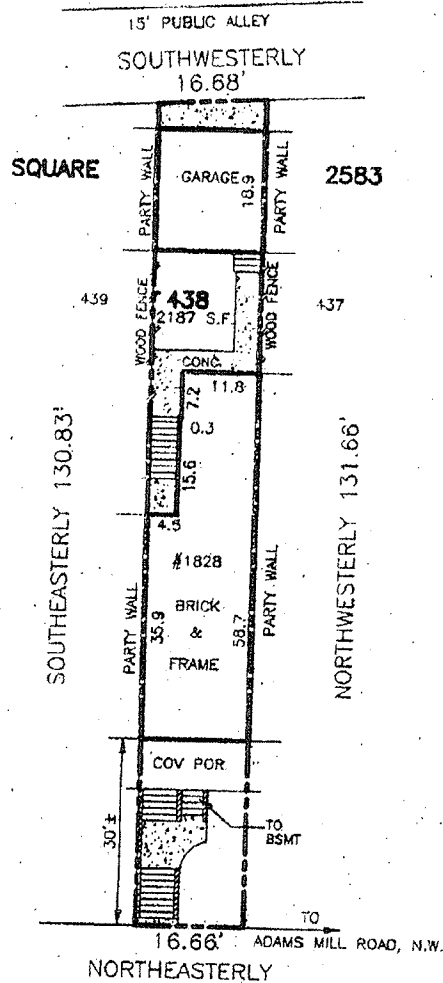
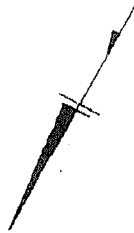
MILLENNIUM ENGINEERING, LLC

5825 ALLENTOWN ROAD CAMP SPRINGS, MARYLAND 20746

301-433-0888 301-433-0897 FAX

Email: surveyorders@millenniumengineering-llc.com

Website: millenniumengineering-llc.com



SURVEYOR'S CERTIFICATE

I hereby certify that this drawing is based on a field survey made on 6/20/2014 by me or directly under my supervision and to the best of my knowledge information & belief correctly represents the facts found at the time of survey.

NOTES:

1. The drawing is not intended for the use in the establishment of property lines, but for the exclusive use of the property owner(s) of record and/or those who purchase, mortgage, or guarantee the title thereto within six months from the date hereof, and as to them I warrant this location drawing.
2. For title purposes only.
3. No title report furnished at this time, subject to all easements and right of way of record and as may be stated in deed(s) and noted on record plat.
4. Encroachments may exist. Property corners have not been set with this survey. Property information was taken from best available records.
5. This location drawing is not to be used for subdivision purposes, construction of fences or other improvements. A boundary survey and lot stakeout would have to be performed to determine the location of all property lines shown.
6. Flood zone and certificates available upon request.
7. Boundary survey needed for accurate location of house, fences, sheds and all easements & rights-of-way.
8. Accuracy of this survey is ± 3 feet.

LOCATION DRAWING

1828 ONTARIO PLACE, N.W.

LOT 438 SQUARE 2583

MOUNT PLEASANT NBHD WARD 1

WASHINGTON, D.C.

DATE: 6/20/2014 SCALE: 1"=20' FILE: PTE-14-0506 DWG: 41393

EXHIBIT D - LETTER OF EHLERT BRYAN,
CONSULTING STRUCTURAL
ENGINEERS

EHLERT BRYAN
consulting structural engineers

eb

MEMORANDUM

Date: November 24, 2015
Client: Mr. Michael Rafferty
730 Church St, Apt #3
San Francisco, CA 94114
Attn: Mr. Michael Rafferty
Project: 1828 Ontario PL NW, Washington, DC
EB #: 1551005.00
From: Wayne C Bryan, PE

Wayne C. Bryan, PE
c/o Wayne C. Bryan,
PE, c/o Ehlerst Bryan,
email: wcbryan@ehlerst
bryan.com, c/o US
2015.11.24 14:53:28
05'00'

Pursuant your request, Wayne C. Bryan, PE visited the above-referenced property in the company of Ms. Stacie Desai on November 23, 2015. We understand that the owners of 1828 Ontario PL require a 9 foot wide parking space with an adjacent 7 foot 2 inch wide driveway at the rear of their lot.

The plat for 1828 Ontario PL denotes the center to center of the property line as 16 foot 8 inches which is greater than the 16 foot 2 inches required, however at the location of the required driveway and parking spot, there is an existing brick masonry wall on each side that is a party wall for the garages on 1826 and 1830 Ontario PL. (See Photos #1, #2 and #3)

As measured by the writer at the site, the dimension between the inside face of the existing brick masonry walls is 15 foot 8 inches at the northeast end and 15 foot 7 inches at the southeast end (alley side). In order to obtain the required 16 foot 2 inch width, between 6 and 7 inches of the existing party wall on one or both sides will need to be removed.

The walls are 12 inch thick brick masonry that supports the existing garage roof framing for the adjacent garages. The wall adjacent to 1826 Ontario was observed to be in good condition with good mortar and brick quality. The wall adjacent to 1830 Ontario is not in as good of condition with significant deteriorated mortar, especially at the base of the wall. (See Photo #4)

Currently, we are unsure of how the 1828 Ontario owners intend on complying with the parking and driveway width requirement. If their plan is to remove a single wythe of brick from each side, we have very serious concerns about their ability to do that without compromising the wall integrity, especially given the mortar deterioration observed. It is our professional opinion that these walls cannot be modified without severely affecting the remaining structural capacity.

Wayne C. Bryan, PE Thomas A. Bouford, PE Jason B. Sparrow, PE Alexander P. Sartin, PE William R. McLean, PE

1451 Daley Madison Boulevard Suite 220 McLean, VA 22101 Tel: 703-827-9552

www.ehlerstbryan.com

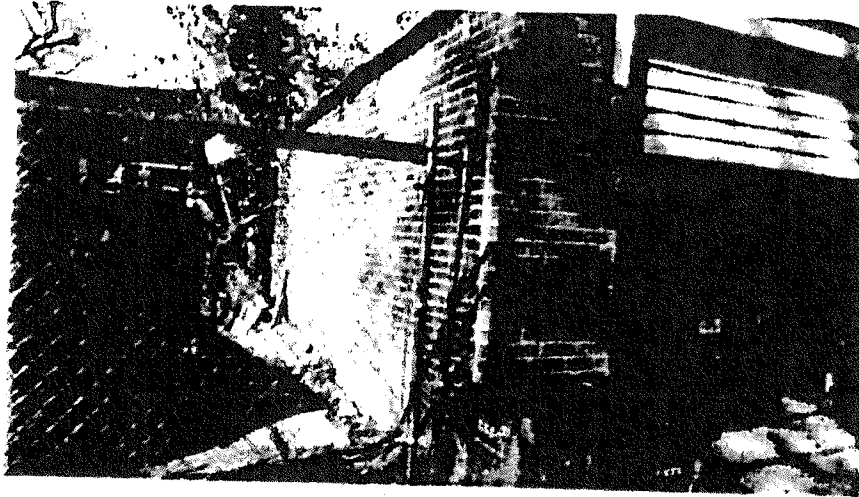


Photo #3 - Existing Garage Party Wall between 1828 and 1828 Ontario PL

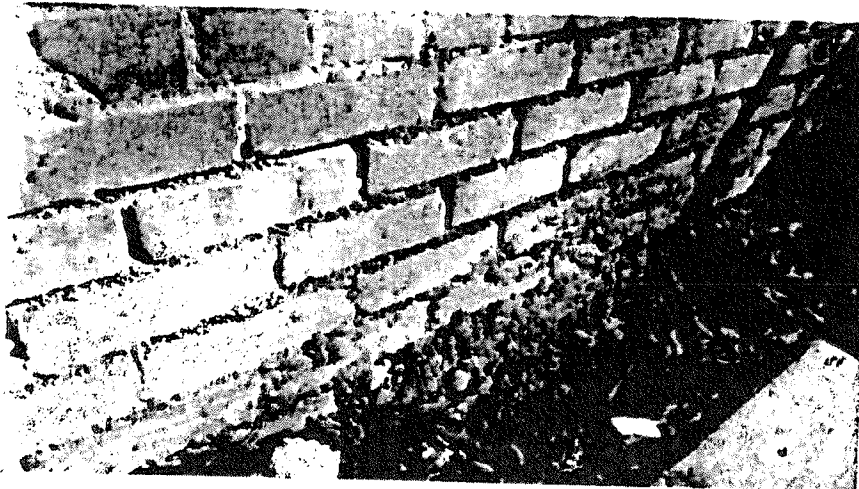


Photo #4 - Deteriorated Mortar in wall between 1828 and 1830.

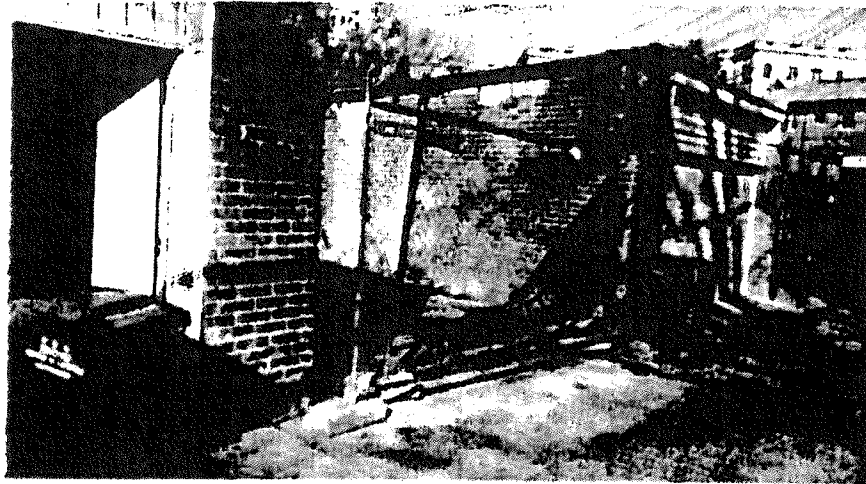


Photo #1 - 1828 Ontario PL space between existing garages

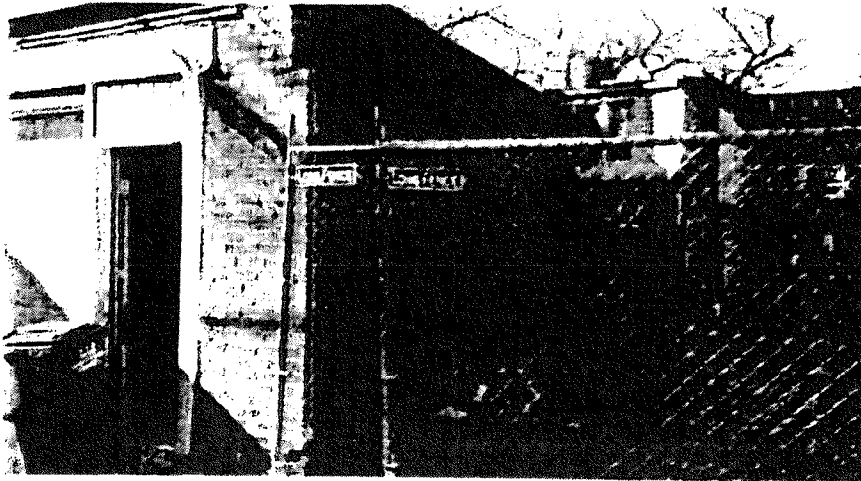


Photo #2 - Existing Garage Party Wall between 1828 and 1830 Ontario PL