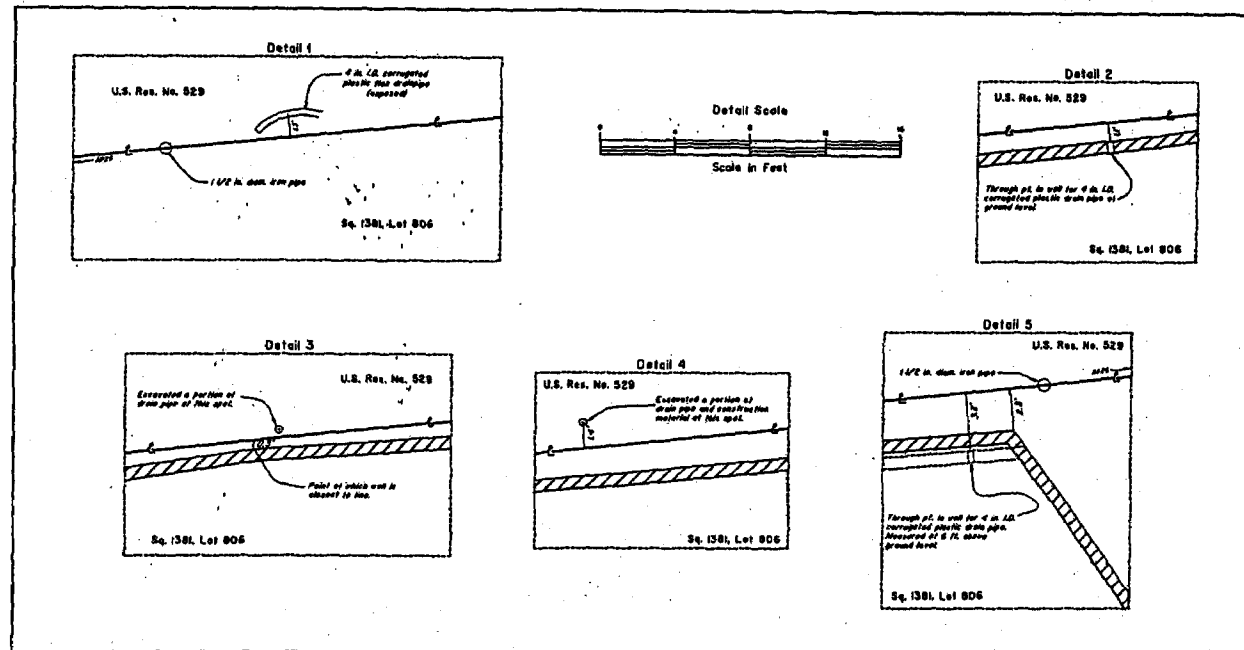


Information based on measurements taken on February 1, 2008 at the request of Joe Kim, NPS.  
 ±1 measurement taken at ground level unless otherwise noted.  
 For information purposes only.



**KCE STRUCTURAL ENGINEERS, P.C.****CONSULTING ENGINEERS • 1818 JEFFERSON PLACE, N.W. • WASHINGTON, D.C. 20036 • 202-833-8622****FAX: 202-833-3877****<http://www.kcestructural.com>****DATA: 202-833-8169****FACSIMILE COVER SHEET****TO: Patrick Carome****FAX NO: 202-663-6343****DATE: February 17, 2005****FROM: Allyn Kilshelmer****RE: 4825 Dexter Terrace N.W****Job No: 2005-00-16****NUMBER OF PAGES (INCLUDING FAX COVER):** 2**COMMENTS: Please find attached letter.****cc:****Prepared by: MGH @ 11:07 AM EST****Sent by: J @ 12:00 AM/PM EST**

**KCE STRUCTURAL ENGINEERS, P.C.****CONSULTING ENGINEERS • 1818 JEFFERSON PLACE, N.W. • WASHINGTON, D.C. 20036 • 202-833-8622**

FAX: 202-833-3877

Web Site: <http://www.kcestructural.com>

February 16, 2005 – (Revised February 17, 2005)

Wilmer Cutler Pickering Hale and Dorr LLP  
2445 M Street NW  
Washington, DC 20037

Attn: Patrick J. Carome

Re: 4825 Dexter Terrace N.W.

Job No. 2005-00-16

Gentlemen:

You have asked that we review the large wall structure constructed along park service property at the subject project.

The structure is a large geostructure type wall relying on earth characteristics and gravity for support in an acceptable bootstraps approach.

We noted several items of importance regarding this structure:

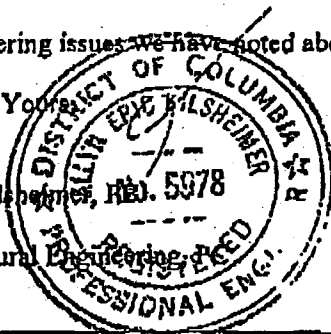
- Was a gravel drainage course installed along the back of the wall as it was constructed with a fabric drainage protective layer?
- Was the backfill material of a classification that was as required by the design?
- Are the weep hole drains (very limited) acceptable to the design engineer for the wall?
- Has the design engineer for the wall viewed the broken wall components especially at the base of the tallest section of the wall?
- We understand the "bulges" evident in the wall have occurred over time and may be increasing overtime in magnitude and number- has the design engineer reviewed the problem?

Our concern with a wall of the height and proximity to a running path is that, should it experience a failure, not only would it affect the space and people below but also the houses and their environs at the high grade behind the wall.

The engineering issues we have noted above should be carefully reviewed and responded to.

Very Truly Yours,

Allyn E. Kilshner, P.E.  
President  
KCE Structural Engineering, P.C.  
AEK/mgh



PROFESSIONAL REGISTRATIONS: COLORADO, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, ILLINOIS, LOUISIANA, MARYLAND, MASSACHUSETTS, MISSOURI, N.C.E.E., NEW JERSEY, NEW YORK, NORTH CAROLINA, OHIO, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VIRGINIA, WEST VIRGINIA, WISCONSIN

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
BUILDING AND LAND REGULATION ADMINISTRATION  
INSPECTION SCHEDULING AND COMPLAINT UNIT  
941 NORTH CAPITOL ST., N.E., SUITE 2000  
WASHINGTON, D.C. 20002  
(202) 442-4615**

**INSPECTION SCHEDULING & COMPLAINT FORM**

Date Received: Jan 28, 2005

Complaint Number: \_\_\_\_\_

|                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Source of Complaint</b><br><input type="checkbox"/> Telephone <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Walk-in <input type="checkbox"/> Internal<br><input type="checkbox"/> Public Index Inquiry Control Correspondence. No.: _____<br><input type="checkbox"/> Referred to another Administration (Identify) _____ | <b>TYPE OF COMPLAINT</b><br><input checked="" type="checkbox"/> Construction <input type="checkbox"/> Plumbing <input type="checkbox"/> Electrical<br><input type="checkbox"/> Mechanical <input type="checkbox"/> Elevator <input checked="" type="checkbox"/> Structural<br><input checked="" type="checkbox"/> Private Home <input type="checkbox"/> Business <input type="checkbox"/> Vacant Lot<br><input type="checkbox"/> Vacant Building <input checked="" type="checkbox"/> Zoning |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PROPERTY ADDRESS:

4825 Dexter St. N.W., Wash-DC 20007

|                |              |                |      |
|----------------|--------------|----------------|------|
| Number         | Street       | Suite/Apt. No. | City |
| <u>Wash DC</u> | <u>20007</u> |                |      |
| State          | Zip Code     |                |      |

COMPLAINANT INFORMATION:

PATRICK J. CAROME

Complainant's Full Name

4747 Fulton St. N.W.

|                   |           |                |      |
|-------------------|-----------|----------------|------|
| Number            | Street    | Suite/Apt. No. | City |
| <u>Washington</u> | <u>DC</u> | <u>20007</u>   |      |
| State             | Zip Code  |                |      |

Telephone No.:

Home: \_\_\_\_\_ Work: 202-663-6610 Mobile: \_\_\_\_\_Cell: \_\_\_\_\_ Fax: 202-663-6363ANONYMOUS COMPLAINANT ☐

Nature of Complaint: No wall check appears in surveyors records for large "retaining wall" structure that is being erected along side and rear perimeter of subject property. Also, wall appears unstable and is bulging and cracking. Also, I believe wall encroaches across lot lines and into Parkland. Please perform inspection and provide me with a full written report ASAP.

Inspector's Decision: ☐ Approved  
☐ Disapproved

If you have a written complaint, you may attach it. If additional space is required, please attach a separate sheet.

Complaint Processed By: \_\_\_\_\_  
 Date Complaint Forwarded to Division: \_\_\_\_\_  
 Scheduled Inspection Date: \_\_\_\_\_ Actual Inspection Date: \_\_\_\_\_  
 Assigned Inspector's Name: \_\_\_\_\_

Neubauer Consulting Engineers  
7825 TUCKERMAN LANE  
POTOMAC, MD 20854  
PHONE: 301-299-7617  
FAX: 301-299-6547

# FAX

TO: PAT CAROMIE

FROM: PETER NEUBAUER

ATTN:

DATE:

FAX 202.663.6363

PAGES: 3 (INCLUDING FAX)

RE:

CC:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

## • COMMENTS:

REPORT // RE: RETAINING WALL C4825 DEXTER  
TERRALE

**NEUBAUER CONSULTING ENGINEERS, P.A.****7825 TUCKERMAN LANE, POTOMAC, MD 20854  
(301) 299-7617 FAX (301) 299-6547**February 18<sup>th</sup>, 2005**Patrick Carome  
4747 Fulton Street, N.W.  
Washington, D.C. 20007****Re: Retaining wall at 4825 Dexter Terrace**

Dear Mr. Carome:

On the 14<sup>th</sup> of February I visited the parkland adjacent to the property at Dexter Terrace to review a newly constructed, approximately 420-foot long, rear yard retaining wall. The wall was built to permit the formerly sloping terrain to be filled in and leveled resulting in a large flat back terrace. During my visit, we discussed the history of the wall construction and you have since sent me the design calculations and drawings for the wall.

The retaining structure is comprised of a concrete masonry wall that is attached at intervals along its height to synthetic fabric mats (also called geogrids) that lay horizontally behind the wall, sometimes extending 27 feet back under the surface of the terrace. Fill soil is compacted atop these mats and it is the weight of this soil, in concert with the wall, which retains the soil of the terrace.

Based on only a visual, post-construction inspection, it is impossible to tell whether or not the wall was built according to the design. Proper compaction of the fill, preparation of the subgrade, installation of the correct length of geogrid and suitability of the existing soil are critical to the long-term success of this structural system. None of these can be verified without the property owner's permission. During our meeting you showed me a letter from a structural engineer stating that these items and others dictated by the wall design specifications had been inspected over the course of construction and were acceptable. Documentation supporting this claim has not been provided. Consider though that the inspectors would have to have visited the site at least twenty times during construction to verify geogrid lengths as that is the total number of layers of geogrid in the design drawings.

The design plans show that the wall is to be straight along its sides. The specifications require that "the wall installer's field construction supervisor shall have demonstrated experience and be qualified to direct all work at the site." However, there are significant bows in the wall that indicate to me the distinct possibility that the contractor was inexperienced. Furthermore, the specifications also state that no block shall be used with cracks longer than one-half of an inch. While I did not count them, I noticed many block with cracks their entire height (eight inches). You showed me a sketch that you and your

**NEUBAUER**

February 18<sup>th</sup>, 2005  
Patrick Carome

page 2.

wife had made that represents that there are almost 100 of them. In my opinion, since the blocks are supposed to be interlocked with the geogrids, it is virtually impossible to replace the cracked ones.

General Note 13 in the wall design specifications call for the angle point at station 2+27 to be "built as a radius.....to prevent a vertical joint". This obviously was not done. Eliminating the radius should have been brought to the design engineer's attention for his comment. To my knowledge, this was not done.

During our visit, you represented to me that counsel for the owner/developer stated, in response to concerns about runoff, that the soil used as fill behind the wall was "of a type that was especially absorbant". Usually, one wants a freely draining soil as fill since that soil will prevent the buildup of hydrostatic (water) pressure. The more water there is in the soil the more pressure it puts on the wall. If this higher soil pressure is not accounted for in the wall's design, the wall could suffer structurally. If you notice in the design documents there is a layer of gravel immediately behind the block wall that runs its full height. This is intended to reduce the build-up of water within the soil adjacent to the wall by providing a passage for any water to a drainage pipe at the base of the wall.

In a few locations, mud has seeped through the block joints. The presence of a gravel drainage layer behind the wall, as shown in the design drawings, should prevent passage of any waterborne silt to the wall so that this seepage does not happen. However, there is no visible evidence that the drainage layer was installed as required.

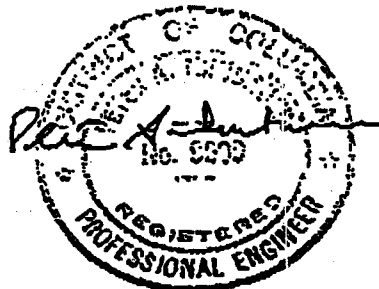
While none of this conclusively points to a poorly constructed wall, there are a number of issues that cast doubt on the quality of the construction and thus the safety of the wall. This is a significant structure, one that has potentially large public safety issues. To be anything other than extremely conscientious in the design and particularly in the installation of this kind of structure is taking a great risk in my opinion.

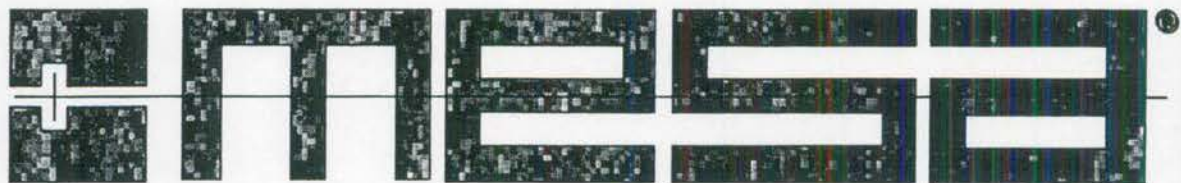
If any further information is desired, please let me know.

Very truly yours,

  
Peter A. Neubauer, P.E.

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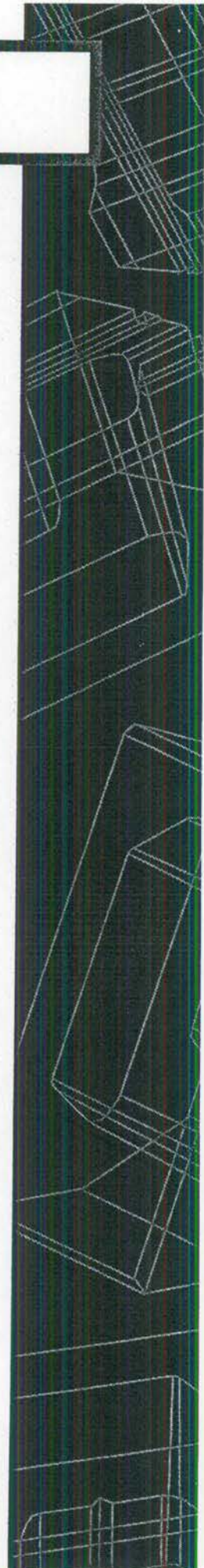
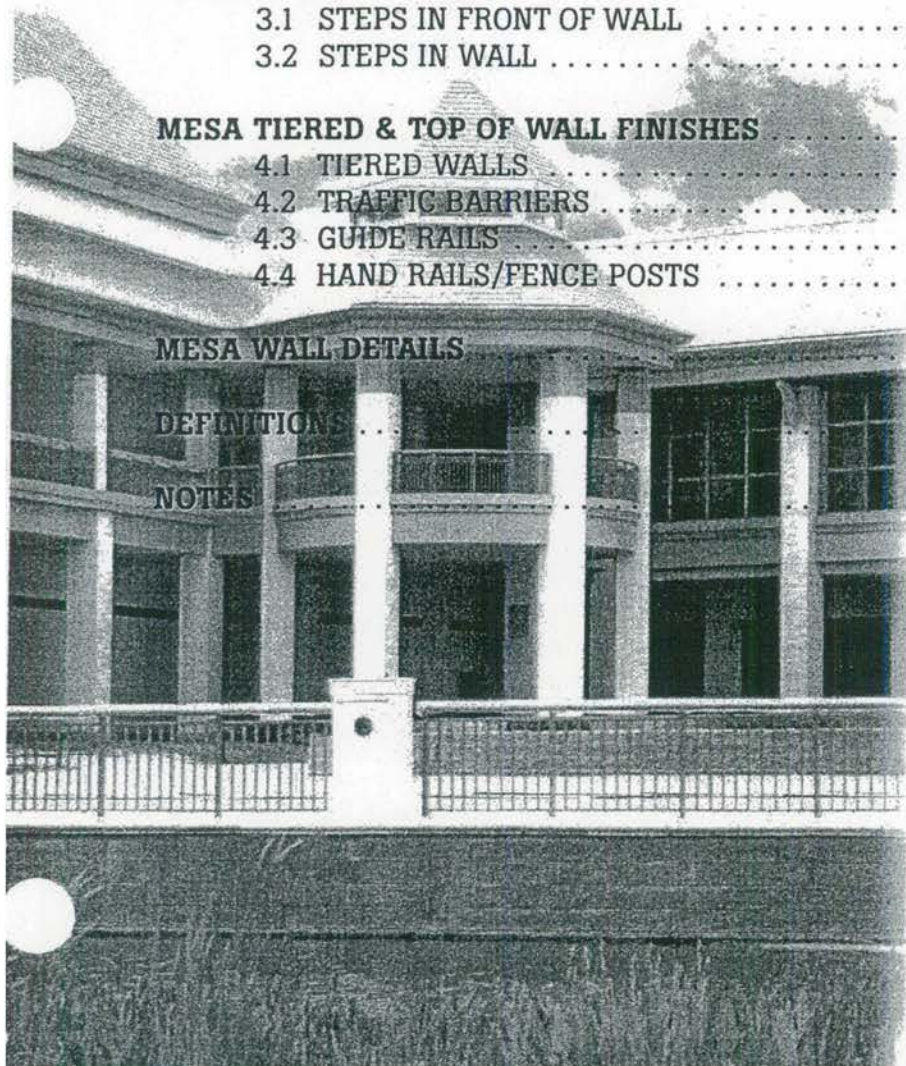
**Retaining Wall Systems**

**Installation  
and Special  
Considerations  
Manual**

*Tensar Earth Technologies, Inc.*

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# INTRODUCTION

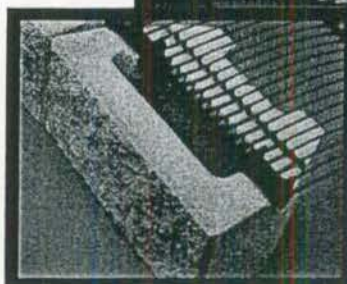
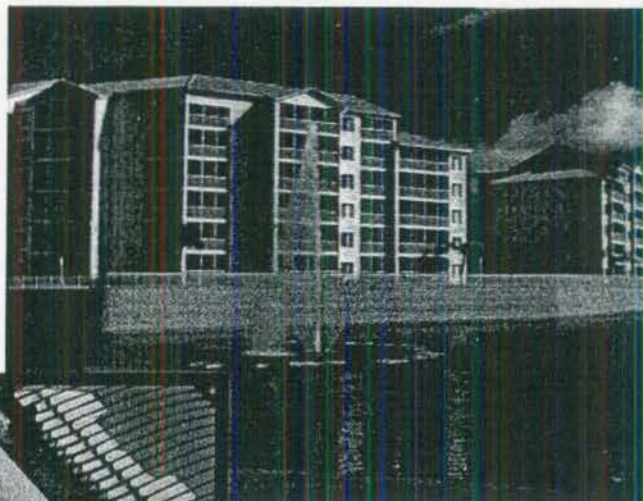
The Mesa® Retaining Wall Systems from Tensar Earth Technologies offer superior and cost-effective solutions for all of your retaining wall needs. Whether creating stairs, 90° corners, or convex and concave curves, the Mesa Systems can easily accommodate a variety of design considerations. This manual provides general information to assist in the construction of Mesa Retaining Walls for a wide array of applications.

## It's the Connection™

Unlike other segmental retaining wall (SRW) systems, the Mesa Systems incorporate a positive, mechanical connection between the wall face and the reinforcement providing unsurpassed structural integrity. It is this positive, mechanical connection that greatly reduces the chance of wall failure, even under the most severe conditions. Only Mesa Walls provide the aesthetics architects demand, the efficient installation owners expect, and the dependability engineers require — all from a single source.

## Endless Design Options

No matter what design consideration is needed, the Mesa Systems have the solution. Curved walls blend with natural contours, inside and outside corners complement the traditionally angular look of existing structures, and steps and stairs provide functionality, allowing for limitless wall designs. From structural walls to tiered gardens, the Mesa Systems blend effortlessly with the natural surroundings of any site.



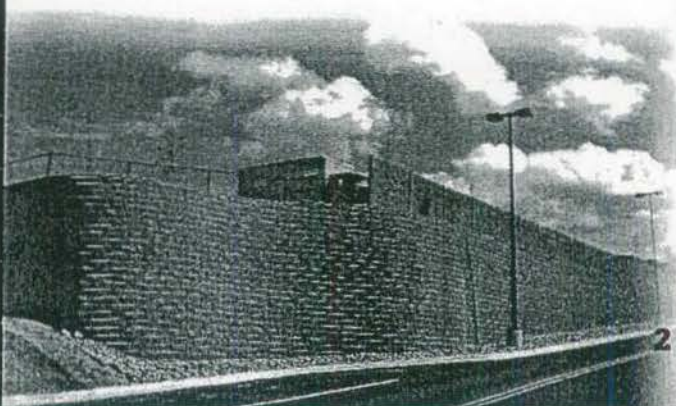
To meet the aesthetic requirements of any property, Mesa Units are offered in a variety

of colors and textures, including color matched blocks for high-profile installations. The innovative design of a Mesa Connector allows units to be installed with a near vertical face or a 5/8-inch setback — profiles not all SRW systems can provide.\*

The Mesa Systems are available throughout the Americas and Canada. For more information, call an authorized Mesa Systems Licensee or contact Tensar Earth Technologies via phone at 800-TENSAR-1 or via e-mail at [info@tensarcorp.com](mailto:info@tensarcorp.com). To quickly download specifications, review case histories, or access CAD drawings, visit the Tensar Earth Technologies web site at [www.tensarcorp.com](http://www.tensarcorp.com).

\* See the next page of the manual for a list of available Mesa Units and Connectors.

Note: The Mesa Systems offer other units and connectors not included in the manual. Contact Tensar Earth Technologies or an authorized Mesa Licensee for a complete list of all available Mesa Units.



# MESA UNITS & CONNECTORS

## Mesa Units

Available in either a straight or radius face, Mesa Units can accommodate a variety of applications.

*Please contact your local licensee or manufacturer for availability. Weight may vary by region.*

### ■ STANDARD UNITS

The most popular size in the Mesa Units line. They fulfill virtually every retaining wall need.  
8"h x 18"w x 11"d nom./75 lbs.



### ■ XL UNITS

Units have extended "tails" that allow for the design and construction of taller gravity walls.  
8"h x 18"w x 22"d nom./110 lbs.



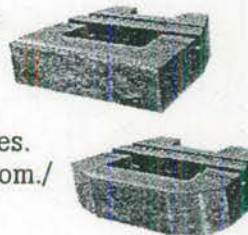
### ■ STANDARD CONNECTOR

A fiberglass reinforced composite connector that engages the Tensar Geogrid and creates a mechanical connection between the facing and the geogrid reinforcement.



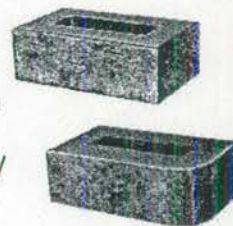
### ■ LANDSCAPE UNITS

An attractive accent when used on alternating courses.  
4"h x 18"w x 11"d nom./40 lbs.



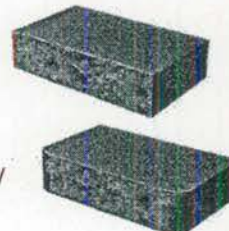
### ■ CORNER UNITS

Used to create walls with clean and precise 90° corners.  
8"h x 18"w x 9"d nom./75 lbs.



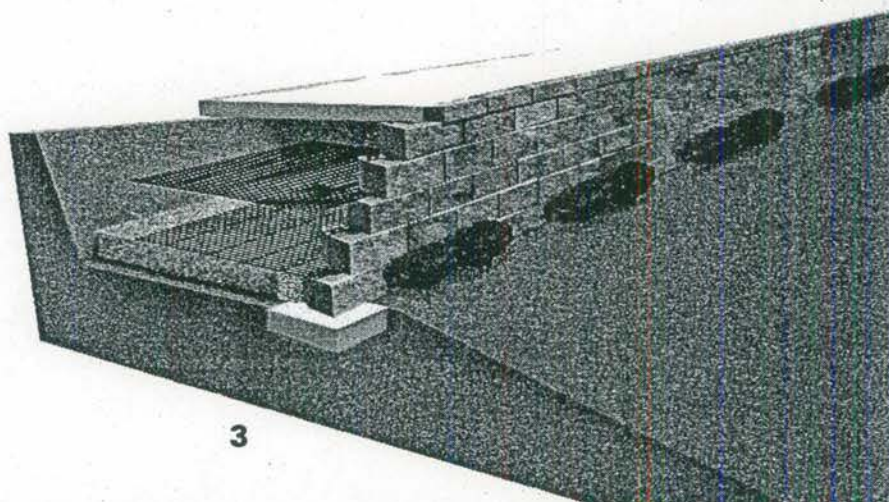
### ■ CAP UNITS

Used at the top of the wall for a finished look.  
4"h x 18"w x 11"d nom./40 lbs.



### ■ SIERRASTONE™ UNITS

Have the largest plantable area of any SRW unit available.  
4"h x 18"w x 11"d nom./110 lbs.



# CONSTRUCTION & QUALITY CONTROL

This "Installation" section of the manual provides general guidelines for construction and quality control of the installation. This section shall be provided to the owner's Engineer, the Construction Quality Assurance Inspector, and the Contractor. This manual's contents provide general guidelines and examples. Specific construction details and procedures depend on individual site conditions and other considerations which are the responsibility of the Owner and the Engineer.

**All installation instructions shall apply to the Mesa Standard Unit, the Mesa XL Unit, and the Mesa Landscape Unit, except where otherwise noted.**

## 1.1 Responsibilities for Construction Compliance

- The Contractor must provide construction in accordance with the contract documents, plans, and specifications. The Contractor is also responsible for the verification of line, grade, and other physical features, as well as surface water drainage control.

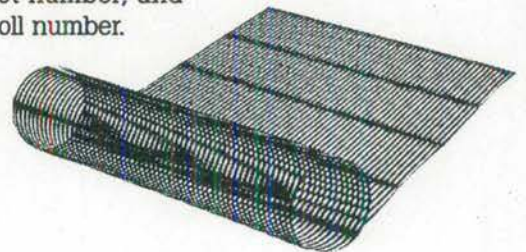
## 1.2 Materials and Handling

### MATERIALS SUPPLIED

- Mesa Segmental Concrete Facing Units and Mesa Connectors
- Mesa Cap Units (where required)
- Tensar® Uniaxial (UX) and Biaxial (BX) Geogrids
- Drainage composite and piping (where required)
- Geotextile filter materials (where required)

### HANDLING WALL MATERIALS

- The concrete facing units are delivered on pallets and off-loaded by the Contractor. Transporting equipment must have firm ground and a stable, level area to off-load. A forklift is normally used to handle pallets. If pallets are the property of the block manufacturer, they must be stored by the Contractor for pickup. The Contractor must provide protection from staining or discoloration of the units, such as by using wood dunnage and polyethylene sheet film.
- The Mesa Connectors are shipped in cartons and shall be stored in a secure and dry location.
- The Tensar Geogrids are shipped in roll form with the Contractor responsible for off-loading.
- Rolls should be stored in a secure area. Each roll will be labeled as to its type, its lot number, and its roll number.



- Standard roll sizes of Tensar UX Geogrid are 4.36 feet wide by 200 or 250 feet long. Rolls weigh between 87 and 170 pounds depending on type. Before labels have been removed, it is suggested that rolls be color-coded with spray paint to identify geogrid type.
- It is the Contractor's responsibility to verify the quantities shipped and condition of the materials. The Contractor will inventory materials supplied to assure sufficient quantities have been delivered.

- The Contractor will be allowed a limited amount of time to off-load materials.
- If certifications are required, the Contractor must provide a written request prior to shipment of the material. The Contractor will ensure that all information, including product type, roll/lot number, etc., is furnished to the Engineer.

### CONTRACTOR SUPPLIED MATERIALS

- Dead blow hammer
- 2-foot or 4-foot levels
- Utility saw and/or grinder
- Masonry string and chalk line
- Pitchfork (optional to remove slack from Tensar Geogrid)
- All cast-in-place concrete and structural components
- Stone filter medium
- Reinforced or select fill
- Stakes and/or rods used to remove the slack from the geogrid unless pitchfork is used
- All labor, equipment, and supervision necessary to perform the total Mesa Wall construction

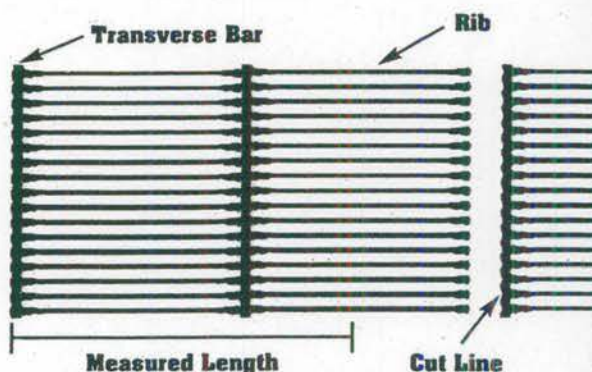
## 1.3 Preparatory Work for Wall Construction

- Verify approval of Mesa Units, Tensar Geogrid, and the specific reinforced fill
- Review drawings to plan Tensar Geogrid layout
- Review drawings and site plans to consider surface water drainage control both during and after construction.

- Prepare subgrade by excavating vertically to plan elevation and horizontally to design geogrid lengths. If a rock face is shown, it is the responsibility of the Engineer to determine the competency of the rock at the limits of excavation shown on those plans.

***Any deviation in the location of the rock face with respect to the face of the retaining wall may require an adjustment to the Tensar Geogrid design and the designer of record must be notified by the contractor prior to proceeding with the wall construction.***

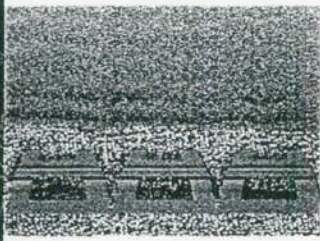
- The subgrade shall be approved before proceeding with wall construction. Any foundation soils found unsuitable by the Engineer shall be treated in a manner approved by the Engineer.
- On larger projects it is suggested that Tensar Geogrid be cut in advance to speed wall construction.
- Cut geogrid flush at the nearest transverse bar beyond measured length as is illustrated below or in front of the transverse bar to provide "finger shims" (as illustrated in Figure 2 on page 8).



### LEVELING PAD CONSTRUCTION

- The leveling pad must be flat and level to assure that the first course of Mesa Units will provide uniform support to the courses above it. Non-uniform support will induce tensile stresses and shear stresses in the Mesa Units above the first course that can result in cracking.

- The leveling pad may be constructed with unreinforced concrete or compacted, 3/4-inch minus, well-graded aggregate. It is typically 12 inches wider than the Mesa Units, providing



6 inches in front of and behind the Mesa Unit, allowing for wall curvature and minor alignment adjustments. It is generally 6 inches deep. For unreinforced concrete leveling pads, steel or wood forms are required to assure that the top of the leveling pad is flat and level. For aggregate leveling pads, the aggregate is generally overfilled, compacted, and then carefully trimmed down to near plan elevation. The Mesa Units are then seated into the aggregate with a rubber mallet to the plan elevation, and leveled front to back and side to side.

Steps in the leveling pad are required to change elevation. It is important that the height of the step is equal to the height of the number of Mesa Unit courses. In practice, the steps may be slightly more or less due to the thickness of the Tensar Geogrid reinforcement connected between courses and to the normal dimensional tolerances of the units. Where a concrete step is not at the same elevation of the adjacent courses, shimming or grinding will be required to match the elevation and provide a flat and level bearing surface for the next course of units. As shown in the figure below, such grinding or shimming will be required over some distance (5 feet min.) from the step to

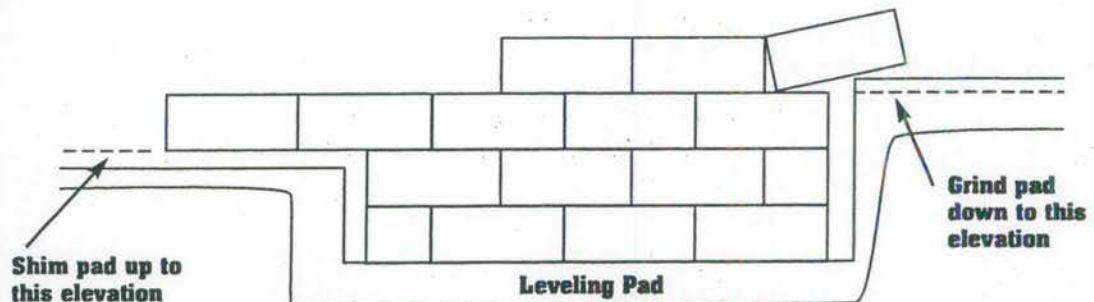
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assure that the top surface of the entire course of Mesa Units placed on the stepped section of the leveling pad is flat and level. Ribs or transverse bars of the Tensar Geogrid may be used as shims if their thickness is correct.

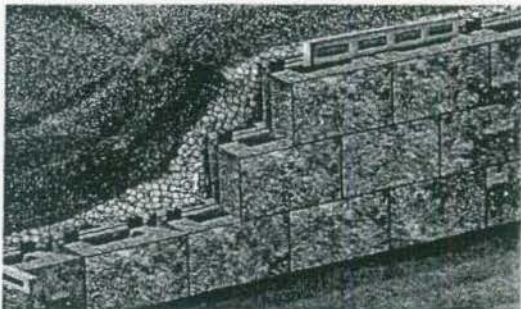
- If contract documents indicate the wall has a battered face, the Contractor shall ensure that the 5/8-inch setback is accounted for at each leveling pad step. It is recommended that the elevation change of the leveling pad does not exceed four courses.
- The top of the Mesa Units should be adjusted as required to be leveled. Shimming and/or grinding may be required (see "Shimming Mesa Units" section on pages 7 to 8 for instructions).

## 1.4 Wall Construction

- Wall line shall be established using a chalk or string line. Chalk line should be placed on the concrete pad along the tails of the Mesa Units. A string line can be used in lieu of a chalk line and will be necessary where leveling pad consists of aggregate. (Alignment based on the split faced Mesa Units may render an uneven wall face.)
- Once the leveling pad is complete, the first course can be installed. Place the Mesa Unit with the sides touching and the textured face outward. The first course must be accurately placed, carefully spaced, and leveled to facilitate construction and to enhance the appearance of the wall.



- Prior to the installation of the second course and each successive course, the tops of the Units on which the course is to be placed must be swept clean. Failure to do this will result in problems with seating and leveling the Mesa Units and increase the likelihood of cracks developing in the units due to load concentrations as additional courses are set.
- The Mesa Units are stacked in a running bond fashion, similar to standard masonry wall construction. A limit for the shift from a perfect running bond is needed. On straight wall sections, it should be a 1/2 inch to assure all standard connector teeth are squarely in the slots. The units, once placed, shall be advanced forward toward the face of the wall until they make contact with the Mesa Connector. The connectors do allow for the units to slide from side to side, therefore, the vertical joint alignment should be checked frequently (max. 20 units) to ensure that a running bond pattern is maintained within the limits stated above.
- Drainage fill is placed to the limits shown on the drawings. Drainage and/or core fill may not be required for structural walls (refer to the Definitions section under "Drainage Fill" and "Core Fill"). Proper installation of drainage materials is critical to overall wall performance. Drainage materials must be installed properly and protected during construction.

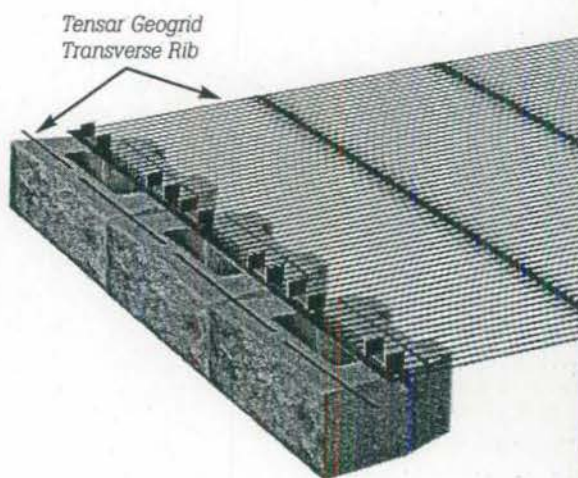


As subsequent courses of Mesa Units are placed, it is important that the units remain level from front to back and side to side. This level should be checked as each course is placed. If the units are more than 1/8-inch out of level from front to back or side to side, or if the units are not level from back to front, they should be brought to level by grinding and/or shimming (see Figure 1 to the right and Figure 2 on page 8).

## SHIMMING MESA UNITS

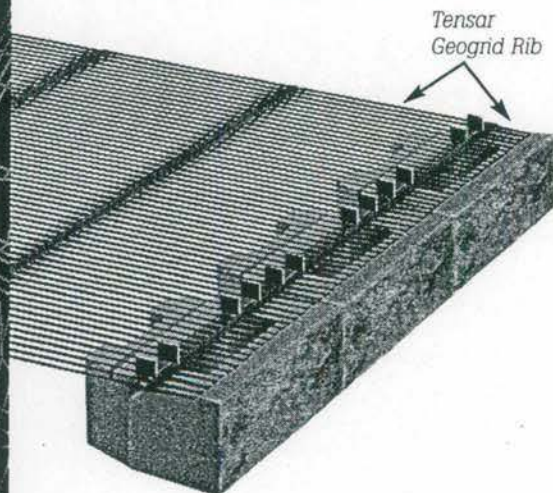
- It is important that the courses of Mesa Units are level front to back and side to side. To achieve this in the front to back plane, it may be necessary to grind the units or use shims between some of the courses to correct for:
  1. the thickness of the Tensar Geogrid reinforcement ribs that cross the tails of the units, or
  2. for slight differences in the height at the front and back of the units.

**Figure 1: Geogrid Rib Shim**



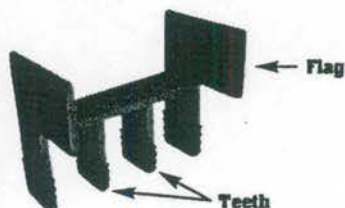
- For courses placed on a geogrid elevation, shims may be required on the front face shell of the Mesa Unit below. The shims should be the same thickness of the geogrid rib. The shim material can be a rib trimmed from the same roll of Tensar Geogrid that is placed on top of the front face shell of the Unit. An alternative is to cut the geogrid so that the ribs extend approximately 1 inch onto the front face shell. These methods are shown in the drawing above and on the drawing on the next page.

**Figure 2: Geogrid Finger Shim**



- To correct for slight differences in unit heights, a geogrid rib may be cut and placed on successive courses to bring the face and/or tail back to level. As shown in Figure 1 (page 7) and Figure 2 (above), the "Rib Shim" and "Finger Shim" should be positioned on the inside of the front face shell of the unit, generally within a 1/2 inch of the core. This results in less stress on the underlying block than would exist if the shim is placed near the front face of the unit.
- The Tensor Geogrid may be draped over the upper courses of the wall until the reinforced fill reaches the level of the Tensor Geogrid. To ensure the Mesa Wall's geometry is being maintained, a string line should be pulled after each course has been set. The string can be referenced from the connector slot or tail of the Mesa Unit.

**NOTE:** To ensure proper installation, the geogrid transverse bar must be pulled to contact with the teeth of the Mesa Connector.

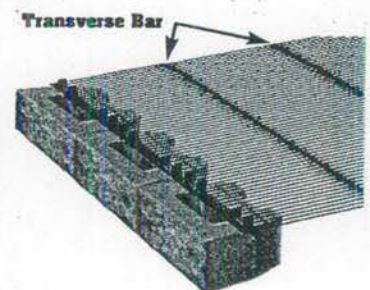


## 1.5 Geogrid & Connector Placement

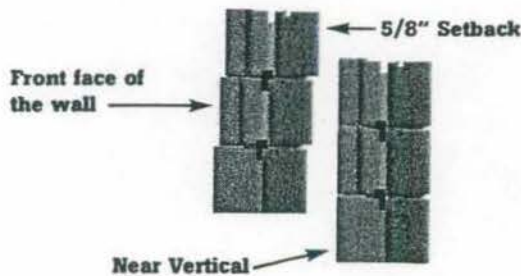
**The following section covers the installation for both geogrids and connectors based on use of the Standard, XL, and/or Landscape Units.**

- At the end of each day, the Contractor shall ensure the reinforced backfill is graded to drain water away from the face of the wall. Berms and/or ditches must also be in place and functioning to prevent the entrance of runoff into the wall construction site. Delays in wall construction during rainy periods should be avoided to minimize the likelihood of saturation of the backfill.

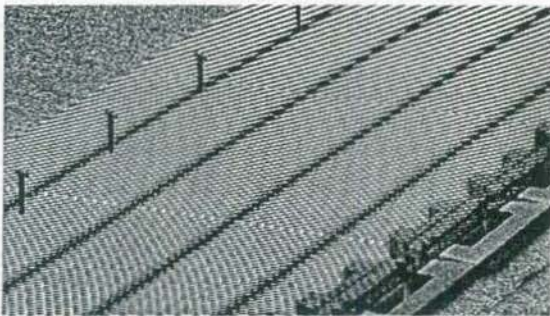
- At the location and elevation shown on the plans, install the Tensor Geogrid of the type and length specified, ensuring the transverse bar of the Tensor UX Geogrid is in the location indicated in the illustration. The teeth of the Mesa Standard Connector must penetrate through the Tensor Geogrid apertures into the Connector slot on each side of the top of the Mesa Units. On courses that receive geogrid and on courses that do not receive geogrid, a Mesa Standard Connector shall be placed in each of the connector slots on top of the units. All four teeth of the connectors should be positioned in the slots. Where necessary, to align standard connectors over slots, the transverse bar of the geogrid may be cut midway between the connectors. The transverse bar should be snug against the connector teeth before final seating of the connector.



- Flags on top of the Mesa Connector must be oriented in the proper direction for a "battered" or "near vertical" wall as per the contract documents. Placement of the connector with flags forward (toward the face of the wall) will render a near vertical wall. Placing the connectors with the flags pointed away from the wall face will provide a 5/8-inch setback.



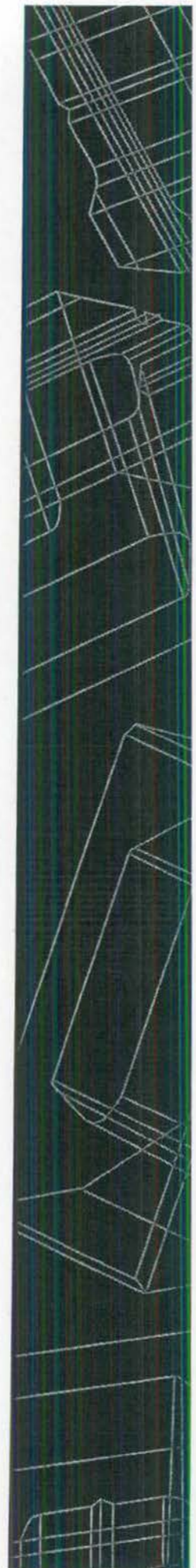
- The fill on which the geogrid is placed must meet specification and must be compacted to the required density (see compaction requirements on this page) and graded reasonably smooth. On courses that require geogrid, the reinforced fill must be at the same elevation as the top of the course for a distance of three feet before the fill



can be gradually sloped. Remove slack from the geogrid by pulling it taut, and then anchor it using stakes and/or rods. The stakes used to position the tail of the geogrid can be withdrawn once the fill has been placed and then reused on subsequent lifts. Optionally, a pitchfork can be inserted at the tail of the geogrid and slack removed by prying until the fill has been placed on the geogrid. The removal of the slack from the geogrid prior to fill placement

will help prevent any movement of the wall face due to translation of the slack toward the wall face.

- Fill placement shall be performed to minimize development of slack in the geogrid. The fill should meet specification and be spread in a direction away from or parallel to the face of the wall. By doing this, any slack that does develop will tend to be pushed toward the free (unconnected) end of the geogrid. Unless the contract documents are more stringent, the loose lifts of the reinforced fill shall not exceed 6 inches where hand compaction equipment is used, or 10 inches where heavy compaction equipment is used. These thicknesses may vary depending on the approved project specific soil types used. The fill shall be compacted to 95% of ASTM D-698 or as required by the contract documents, whichever is more stringent. Only hand-operated compaction equipment shall be used within 3 feet of the tail of the unit.
- Heavy equipment shall not be used within 3 feet of the back of the facing units. Tracked construction equipment shall not be operated directly on the geogrid. Rubber tired equipment may be operated on the geogrid providing the subgrade is not pumping or rutting. Turning of tired equipment shall be minimized to prevent dislocation or damage to the geogrid or facing units. The equipment must travel slowly and with sufficient care to avoid dislocating the geogrid or the facing units.
- The Cap Units, if required, are installed by attaching them to the units below using an approved exterior concrete adhesive. The Cap Units may be placed such that a nominal 1 inch overhang is achieved or flush with the face of the wall.
- Wall penetrations may be accommodated by cutting the Mesa Units to fit using a utility saw and a mason's hammer. The small voids, less than 1 inch, can then be closed with a cement and sand mix or other methods that have been approved by the Engineer.



# MESA CURVES AND CORNERS

## 2.1 Concave Curves

**When possible, begin a Mesa Concave Wall from the center of the curve, alternating left and right of the center unit. When building with a 5/8-inch setback, each Mesa Unit falls behind on a concave curve relative to any units below.**

Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.

### FIRST COURSE

Follow standard installation instructions for preparing the subgrade and leveling pad. When placing the first course, *Diagram A*, it is suggested that a flex pipe be placed on the tail of the unit to ensure a smooth curve. If using the 5/8-inch setback, overlap corners of the Mesa Units on the base course. The amount of overlap will vary based on the size of the curve. The radius becomes larger as the wall becomes taller, therefore gapping will occur. The maximum acceptable gap is a 1/2 inch. If the maximum gap is exceeded, one flag may be removed from each connector to close the gap.

### 2ND COURSE

Follow standard installation procedures for backfilling and course placement. Refer to *Diagram B* for proper positioning of the second course. Set the first unit on halfbond to the base course in the center of the concave curve where possible. Work in both directions to minimize movement off bond.

### 3RD COURSE

Follow standard installation procedures for backfilling and course placement. Refer to *Diagram C* for proper positioning of the third course. Set the first unit on halfbond to the second course in the center. Work in both directions to minimize movement off bond. Assure that all four teeth of the connector are positioned in the connector slot. At the ends of the curve, the running bond must be re-established to develop full connection capacity. This may require cutting or grinding of the facing units.

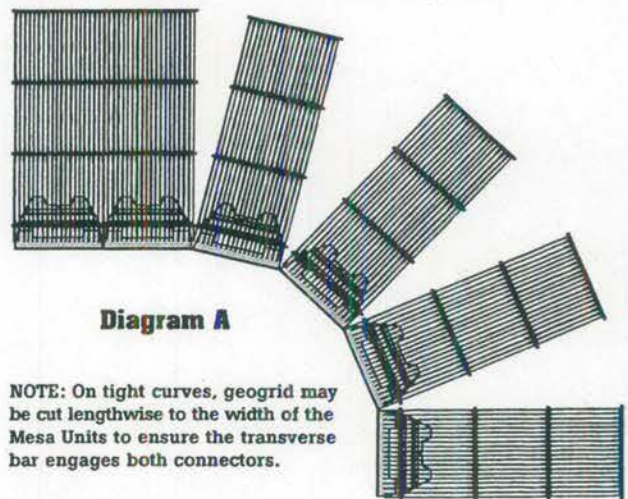
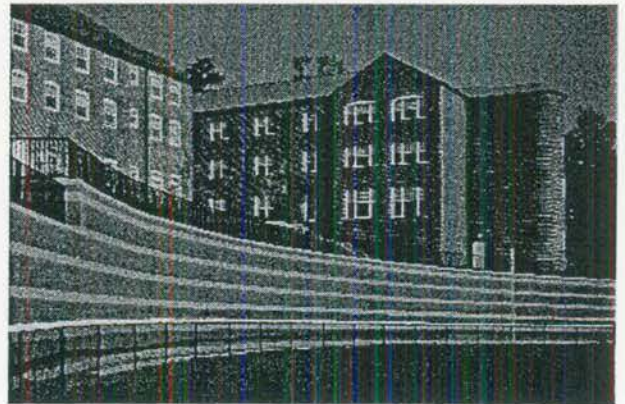


**Diagram A**

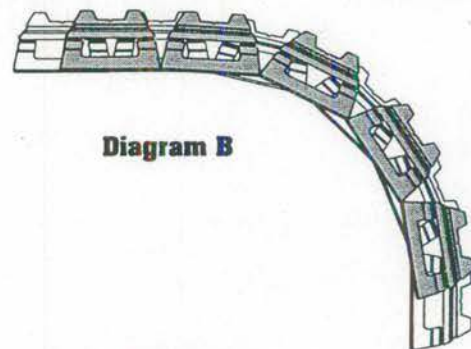


**Diagram B**

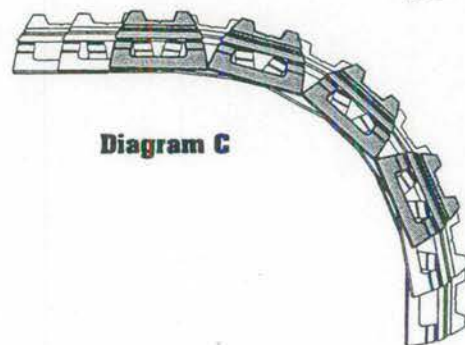


**Diagram C**

## 2.2 Convex Curves

As with Mesa Concave Walls, begin a Mesa Convex Wall from the center of the curve, alternating left and right of the center unit. When building with a 5/8-inch setback, each Mesa Unit gains on a convex curve relative to any units below. Conversely to concave curves, the radius of a convex curve gets smaller with each additional course.

Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.

### 1ST COURSE

Follow standard installation instructions for preparing the subgrade and leveling pad. When placing the first course, *Diagram A*, it is suggested that a flex pipe be placed on the tail of the unit to ensure a smooth curve. If using the 5/8-inch setback, gap the units on the base course by no more than 1/2 inch. The radius becomes smaller as the wall becomes taller, therefore binding will occur.

### 2ND COURSE

Follow standard installation procedures for backfilling and course placement. Refer to *Diagram B* for proper positioning of the second course. Set the first unit on halfbond to the base course in the center of the curve where possible. Work in both directions to minimize movement off bond.

### 3RD COURSE

Follow standard installation procedures for backfilling and course placement. Refer to *Diagram C* for proper Mesa Unit placement of the third course. Set the first unit on halfbond to the second course in the center of the curve where possible. Work in both directions to minimize movement off bond.

If binding on any course begins to occur, trim the sides of the units with a concrete saw to realign. Assure that all four teeth of the connector are positioned in the connector slot. At the ends of the curve, the running bond must be reestablished to develop full connection capacity. This may require cutting or grinding of the units.

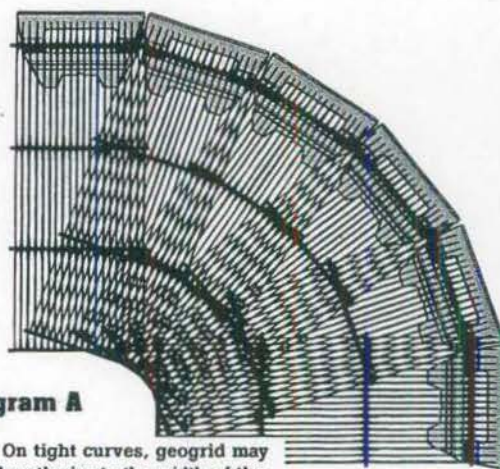


Diagram A

NOTE: On tight curves, geogrid may be cut lengthwise to the width of the Mesa Units to ensure the transverse bar engages both connectors.

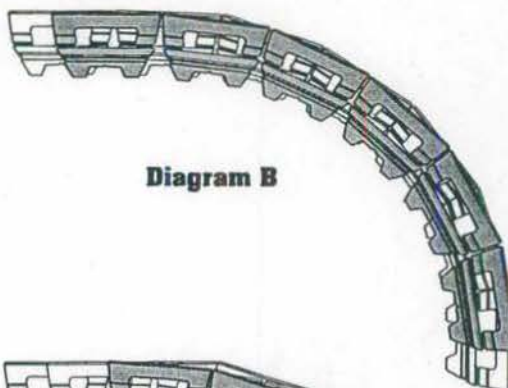


Diagram B

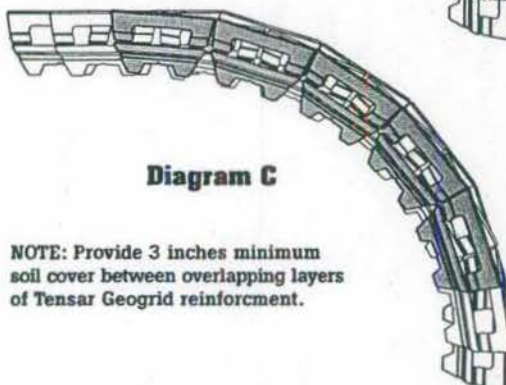


Diagram C

NOTE: Provide 3 inches minimum soil cover between overlapping layers of Tensar Geogrid reinforcement.

## 2.3 90° Outside Corners

**Corner Units** simplify installation and provide a sharply defined and visually appealing component to any Mesa Wall. Installation is simple, quick, and requires no special equipment or specialized personnel.

Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.

### 1ST COURSE

Follow standard installation instructions for preparing the subgrade and leveling pad. Working from the corner unit (see *Diagram A*), place units tightly against each other. Drainage fill shall be placed in the corner unit, and in the units to either side of the corner unit.

### 2ND COURSE

Follow standard installation procedures for backfilling and course placement. Refer to *Diagram B* for proper positioning of the second course. When building a Mesa Wall with a 5/8-inch setback, the shorter (9") side of the corner unit should be field cut to account for the setback and to maintain a running bond. Alternate the direction of the corner unit and set units on halfbond to the base units. Secure the corner unit to the unit below using an approved exterior concrete adhesive. Drainage fill shall be placed in the corner unit, and in the units to either side of the corner unit.

### 3RD COURSE

Follow standard installation procedures for backfilling and course placement. Refer to *Diagram C* for proper positioning on the third course. When building a Mesa Wall with a 5/8-inch setback, the shorter (9") side of the corner unit should be field cut to account for the setback and to maintain a running bond. Alternate the direction of the corner unit and set units on halfbond to the second course. Secure the corner unit to the unit below using an approved exterior concrete adhesive. Drainage fill shall be placed in the corner unit and in the units to either side of the corner unit.

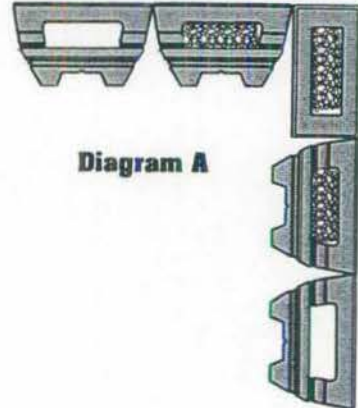
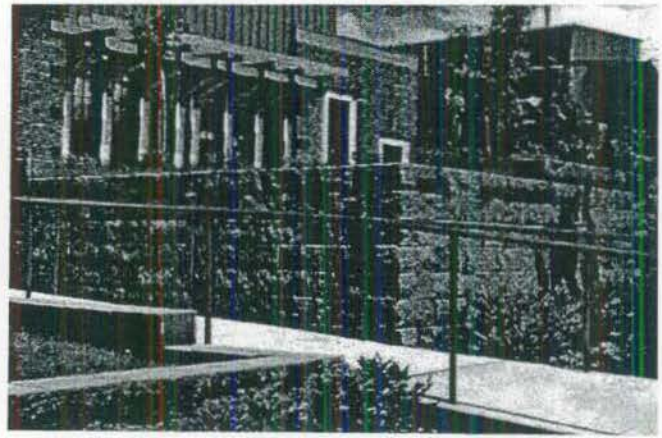


**Diagram A**

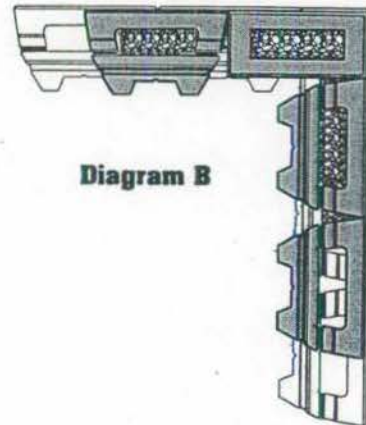


**Diagram B**

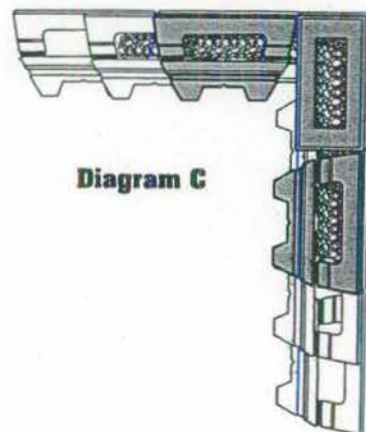


**Diagram C**

## 2.4 90° Inside Corners

Mesa 90° Inside Corners require some preparation and planning for results that are sharply defined. Once the initial sizing is correctly determined, installation is simple and quick. For the most visually appealing walls, the field cuts discussed below should be applied to the shorter (Wall A) of the two walls.

Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.

### 1ST COURSE

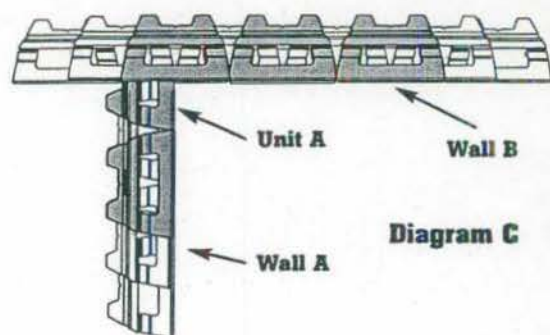
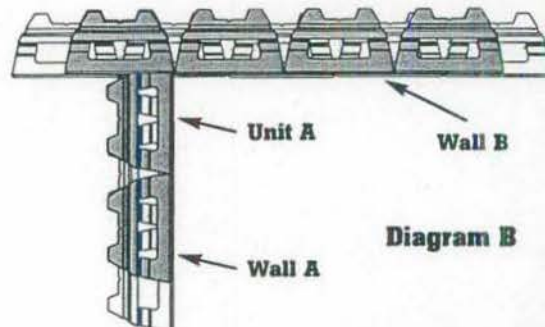
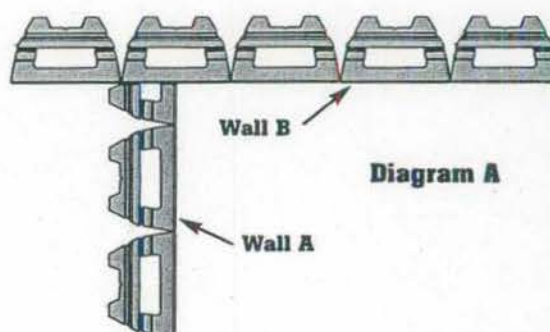
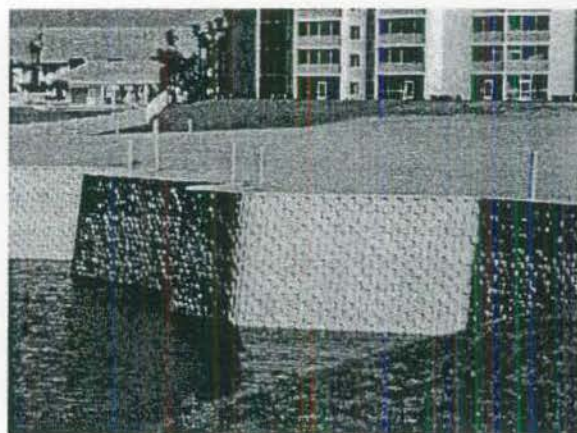
Follow standard installation instructions for preparing the subgrade and leveling pad. First course construction (see *Diagram A*) can begin at the corner or at a point beyond the corner. At the inside corner, begin with a Mesa Unit cut to approximately 1/3 of the original face length. From the corner unit, position the units tightly against each other.

### 2ND COURSE

Follow standard installation procedures for backfilling and course placement. Refer to *Diagram B* for proper unit placement on the second course. When building this course, begin with Wall B, and construct Wall B past the extent of Wall A. Measure and field cut Unit A to provide a symmetric running bond over the first course.

### 3RD COURSE

Follow standard installation procedures for backfilling and course placement. Refer to *Diagram C* for proper unit placement on the second course. When building this course, begin with Wall B, and construct Wall B past the extent of Wall A. Measure and field cut Unit A, such that the third course units are centered over the units in the first course.



# MESA STEPS & STAIRS

There are a variety of options when it comes to designing and installing steps in conjunction with a Mesa Wall. By combining corner units, standard units, and cap units, virtually any design can be realized.

When building steps, follow the installation techniques previously stated in this manual. A variety of riser heights can be achieved by varying the location of the base Mesa Standard Unit (see detail on next page). Mesa Standard Units used for step construction shall be filled with granular fill or concrete.

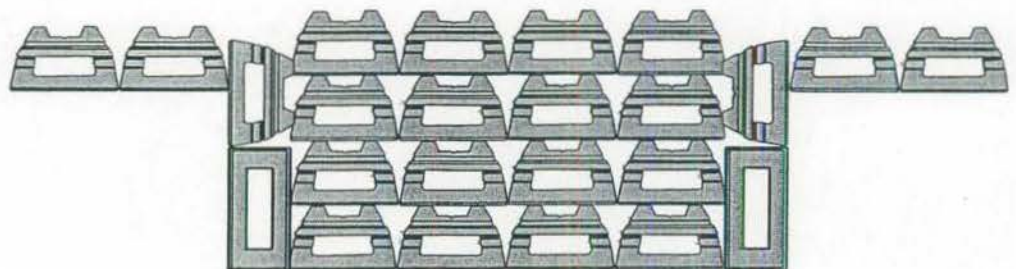


## 3.1 Steps in Front of Wall

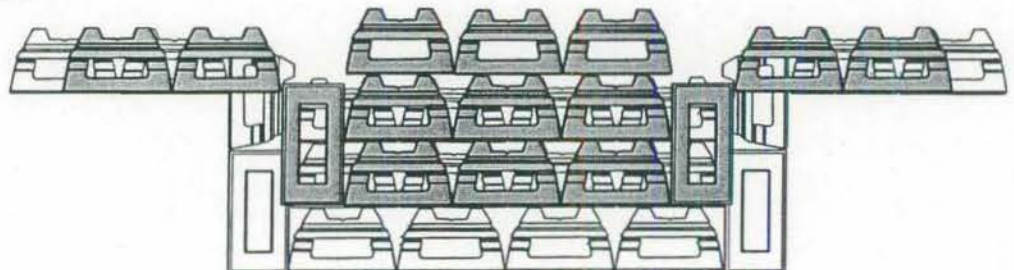
Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.

*Note: Various tread material can be used to cap steps and stairs including but not limited to: Mesa Cap Units, pavers, natural stone, and concrete. When required by the engineer, an approved exterior concrete adhesive should be used.*

### 1ST COURSE

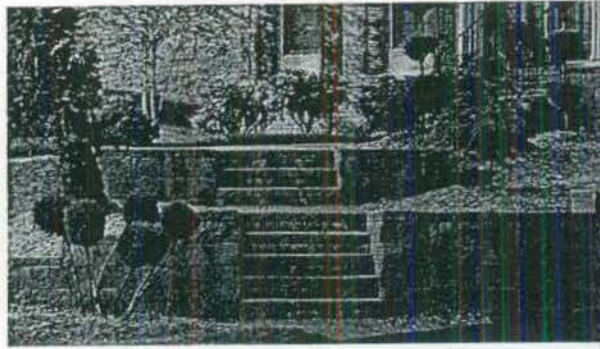


### 2ND COURSE

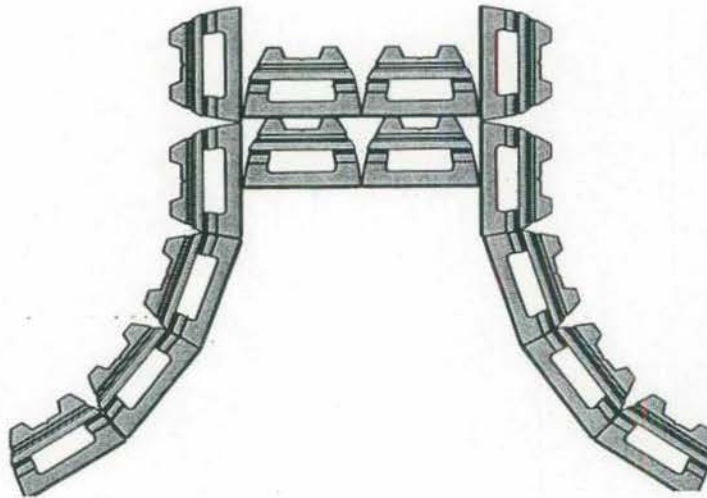


## 3.2 Steps in Wall

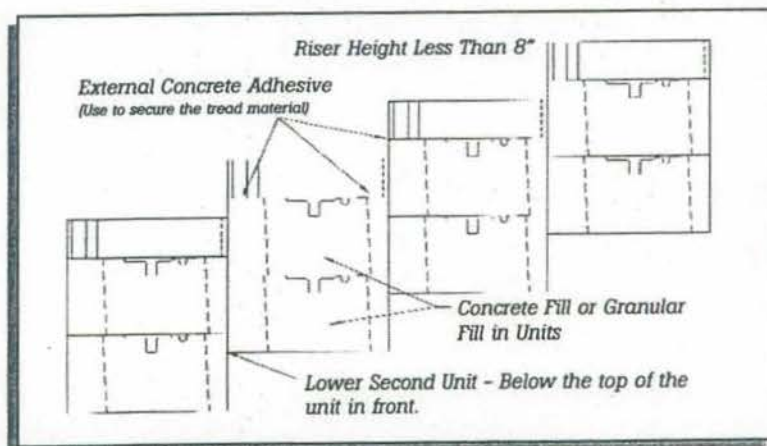
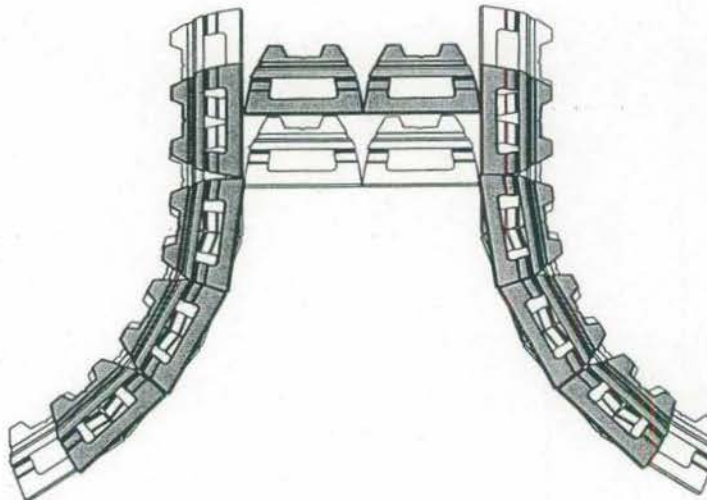
Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.



### 1ST COURSE



### 2ND COURSE



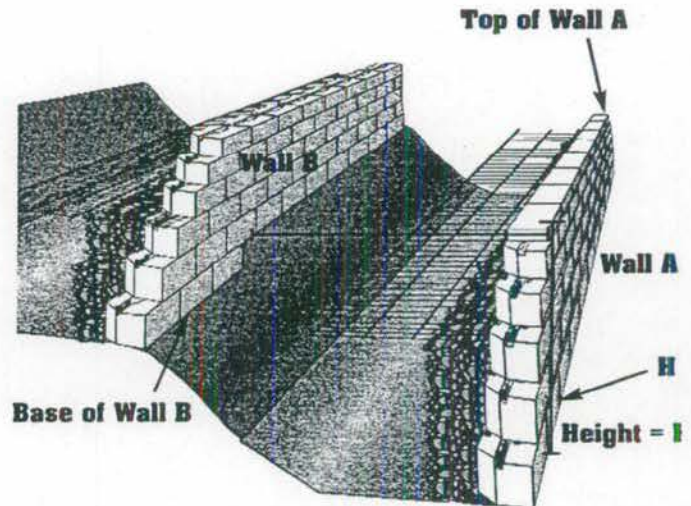
### RISER HEIGHT DETAIL

# MESA TIERED & TOP OF WALL FINISHES

## 4.1 Tiered Walls

Tiered Mesa Walls offer a visually pleasing and less obtrusive alternative to conventional wall construction. On sites that provide sufficient land area for this application, these walls are typically designed with greenspace between the tiers. For tiered walls to be designed separately, the distance between the lower Wall A (at its top) and the upper Wall B (at its base) must be at least twice the height of the lower Wall A (see illustration to right). If this condition does not exist, the lower Wall A must be designed to account for the additional loading of the upper Wall B.

*Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.*

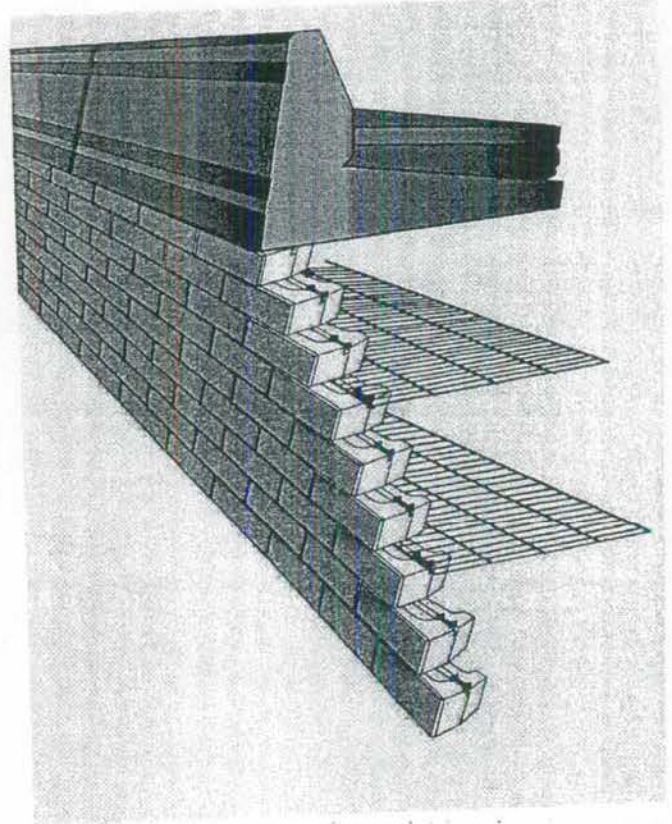


**If  $P$  is  $> 2 \times H$ , then design the walls independently of each other.**

## 4.2 Traffic Barriers

Mesa Retaining Walls can be easily capped with reinforced concrete traffic barriers. Following the wall installation, set and secure forming materials along the top course of the Mesa Wall according to standard procedures. When the design calls for an overhanging barrier, form the front edge by attaching an "L" shape forming material to the face of the Mesa Wall. Construct the barrier as designed, including, but not limited to, the use of control joints.

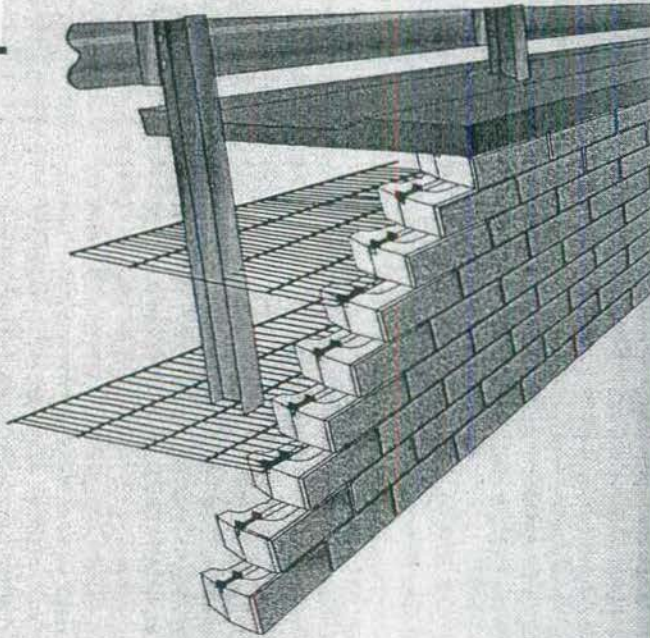
*Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.*



### 4.3 Guide Rails

Guide rails can be easily placed along the top of the Mesa Wall according to standard installation procedures. Guide rail posts may be placed by cutting holes in the geogrid, or the post may be driven through the geogrid. The guide rail post location, design, and impact on the Mesa Retaining Wall shall be taken into account by the Design Engineer. Guide rails can also be placed into sonotubes positioned during wall construction and then filled with concrete. Tensar Geogrid can be cut to accommodate the sonotubes.

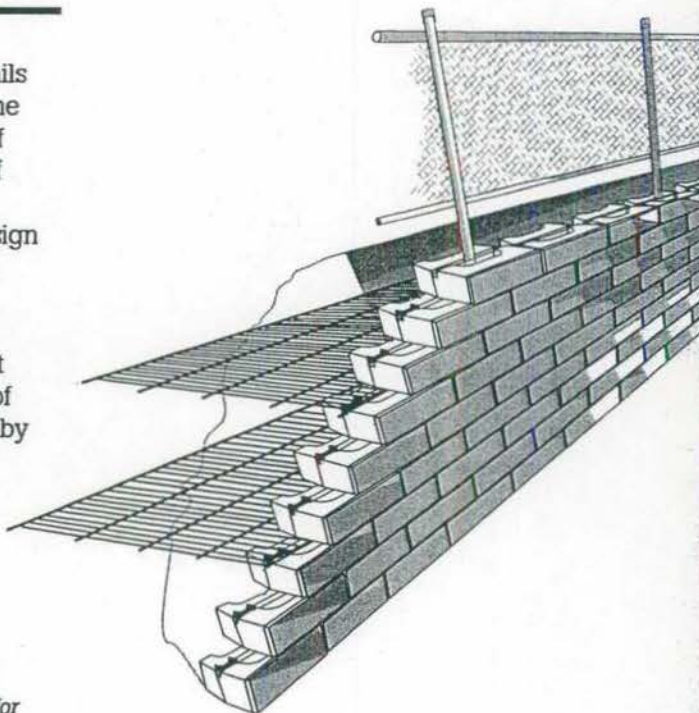
*Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.*



### 4.4 Handrails/Fence Posts

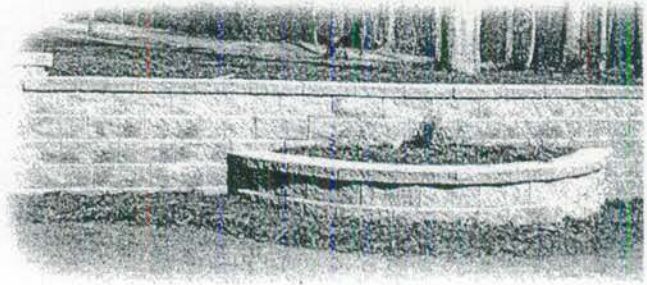
Similar to guide rail installations, handrails and fence posts can be placed behind the Mesa Units as described in section 4.3. If posts are to be placed within the core of the Mesa Unit, they must be placed in increments of 1.5-foot spacings. The Design Engineer shall determine the post depth within the Mesa Unit. At the specified depth, a separation membrane shall be placed under the Mesa Unit so that grout can be placed in the core up to the top of the wall. Posts are placed first, followed by grout installation. The purpose of the separation membrane is to ensure the grout is placed only to the specified depth. Mesa Cap Units shall be field cut to accommodate the posts.

*Refer to the "Construction & Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrids for all courses.*

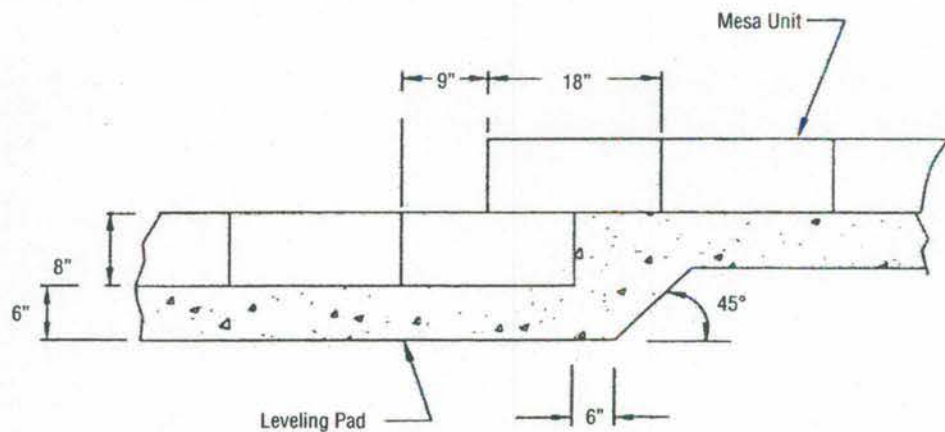


# MESA WALL DETAILS

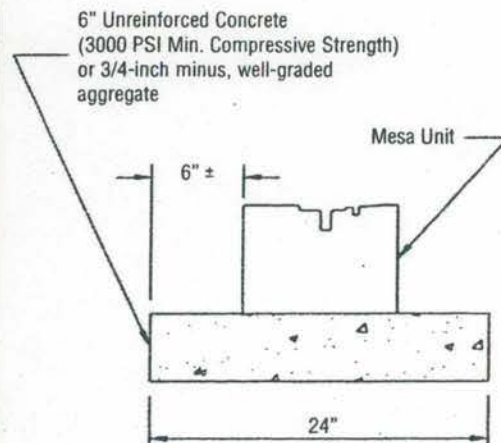
The following section contains the standard details for designing generic Mesa Walls with special considerations. Please refer to the "Construction and Quality Control" section of this manual for proper installation procedures of connectors, units, and geogrid. Specific details for specific walls are the responsibility of the Owner and the Engineer.



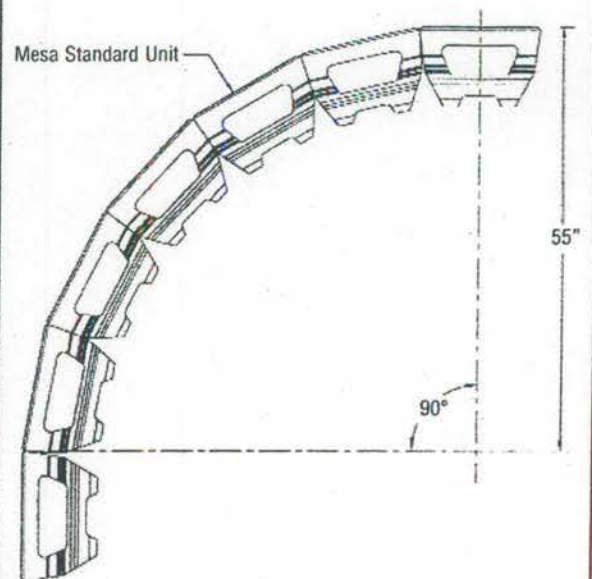
## TYPICAL LEVELING PAD STEP DETAIL



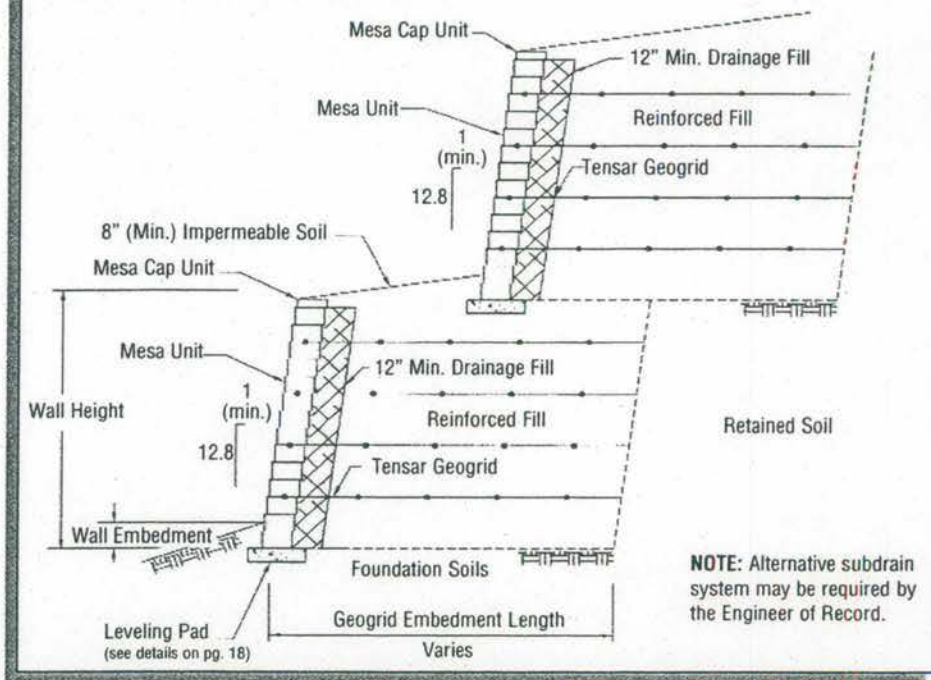
## TYPICAL LEVELING PAD DETAIL



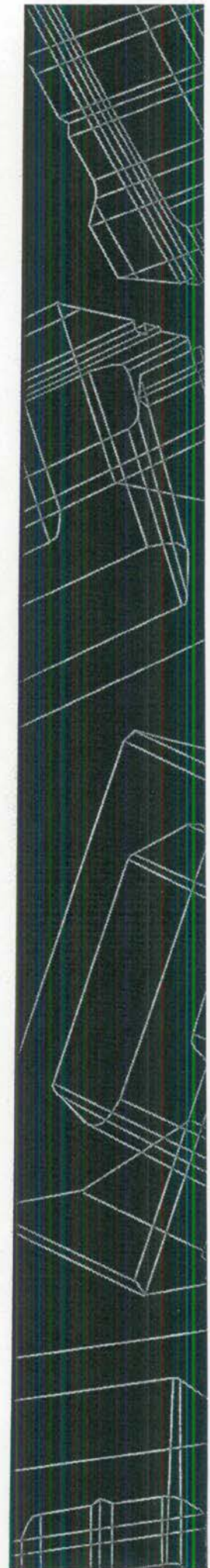
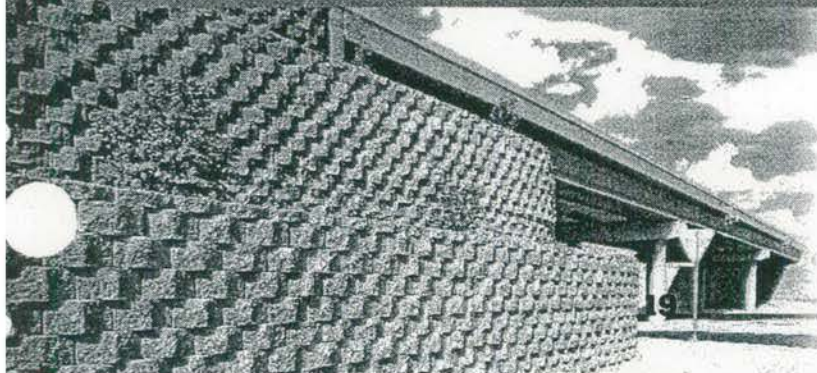
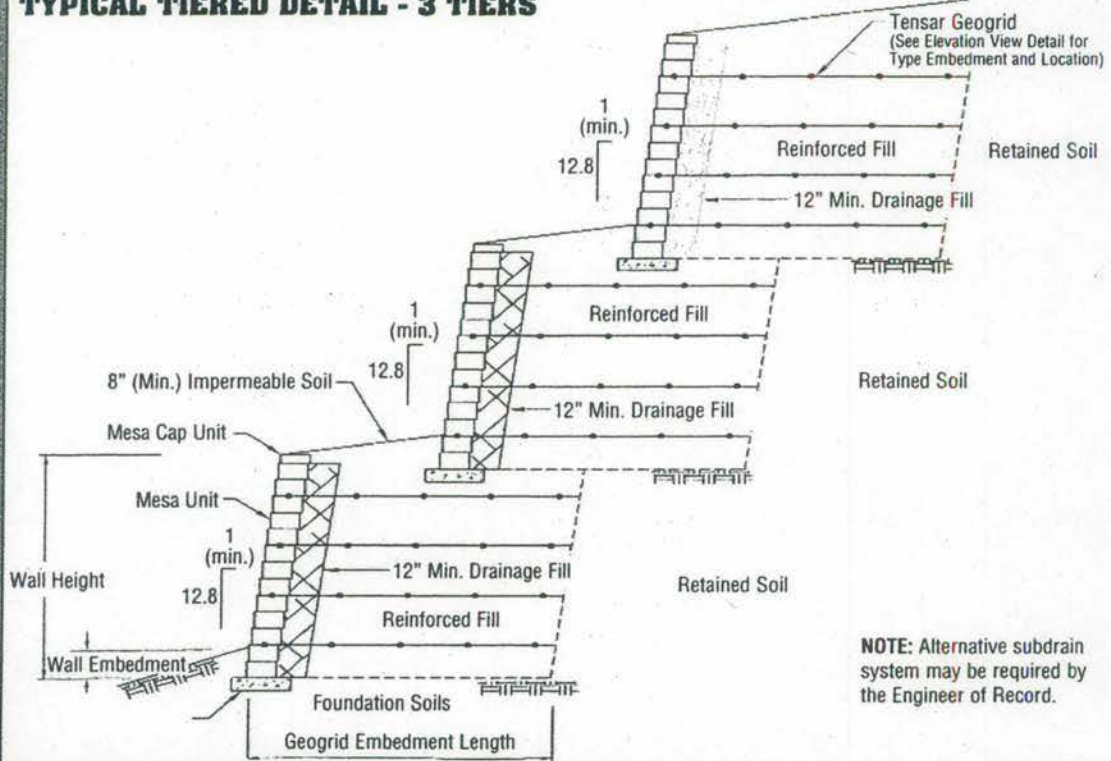
## TYPICAL 90 DEGREE CURVE DETAIL



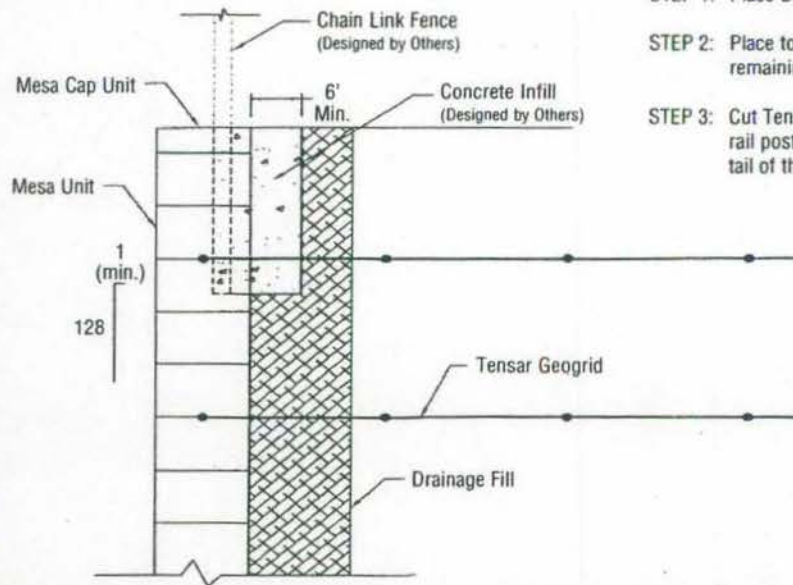
## TYPICAL TIERED DETAIL - 2 TIERS



## TYPICAL TIERED DETAIL - 3 TIERS



### HAND RAIL ON TOP OF WALL DETAIL

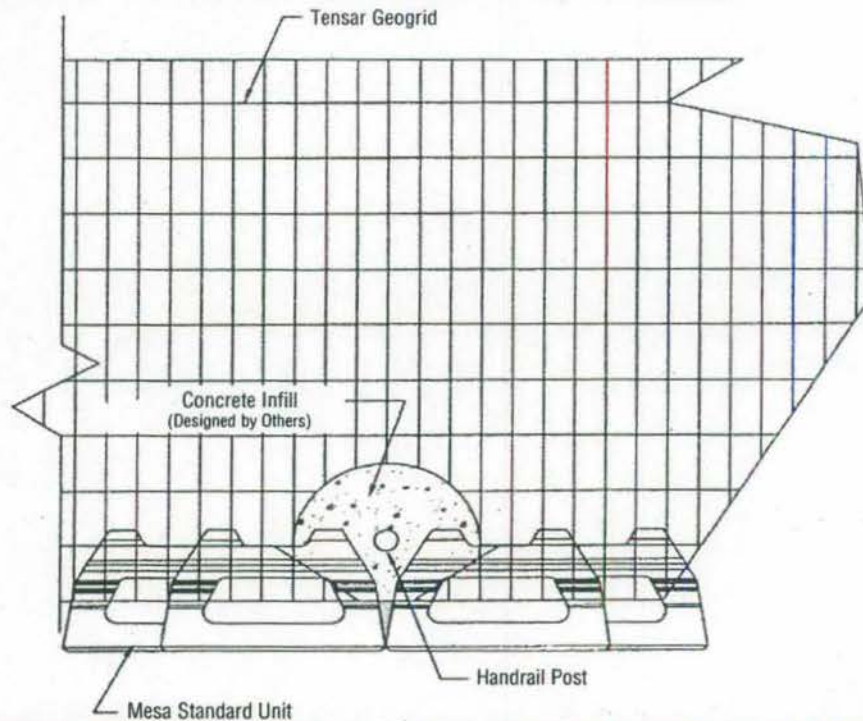


STEP 1: Place Drainage Fill to bottom of fence.

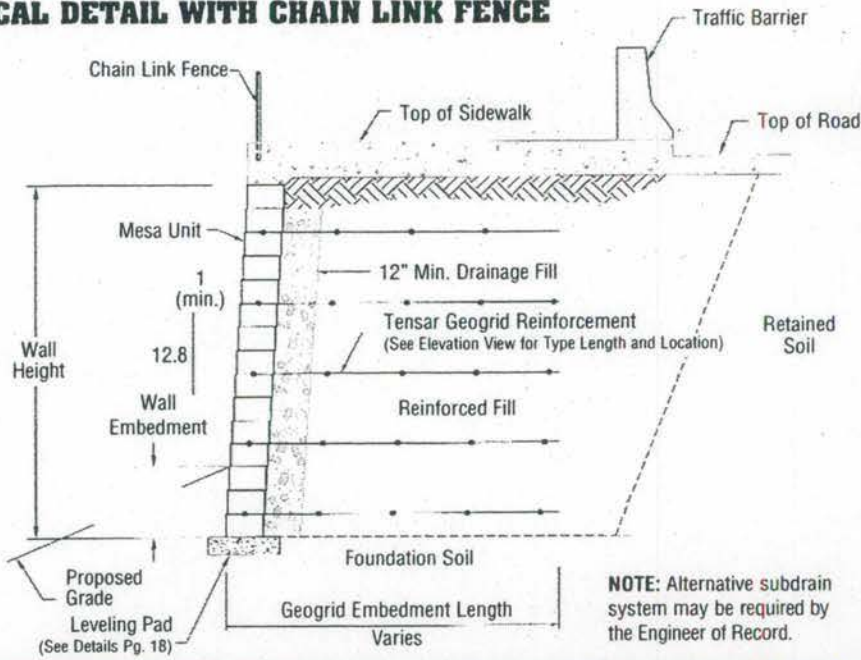
STEP 2: Place top layer of Tensar Geogrid and remaining Mesa Units above it.

STEP 3: Cut Tensar Geogrid and then set fence or rail post. Form and pour concrete infill at tail of the Mesa Units.

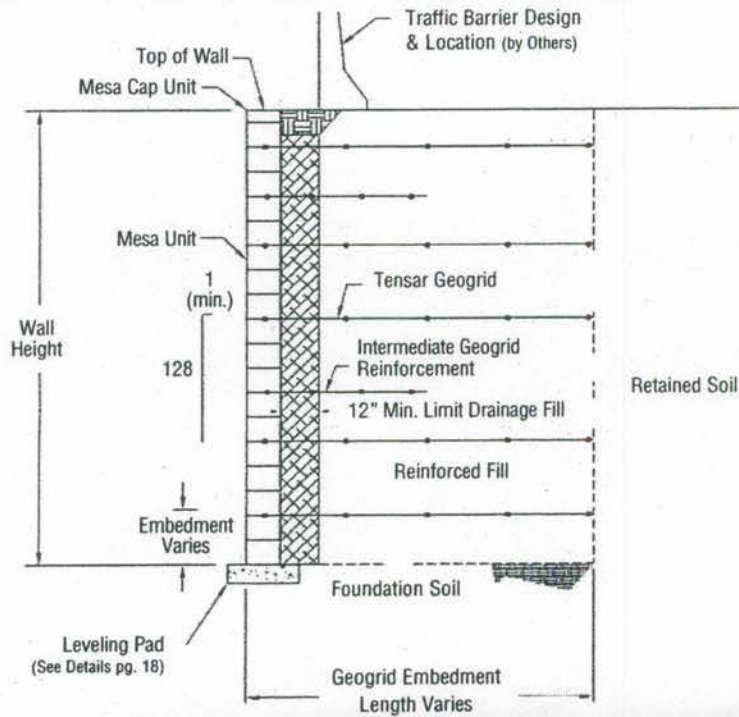
### PLAN VIEW - DETAIL OF HANDRAIL ON TOP OF WALL



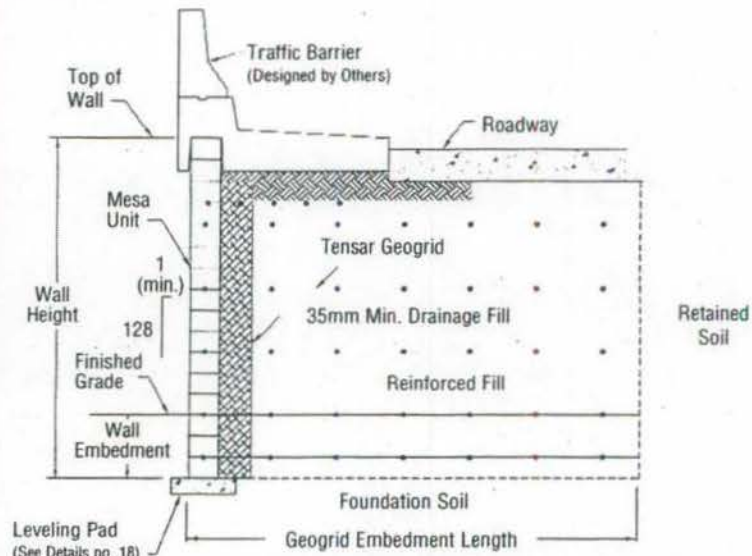
## TYPICAL DETAIL WITH CHAIN LINK FENCE



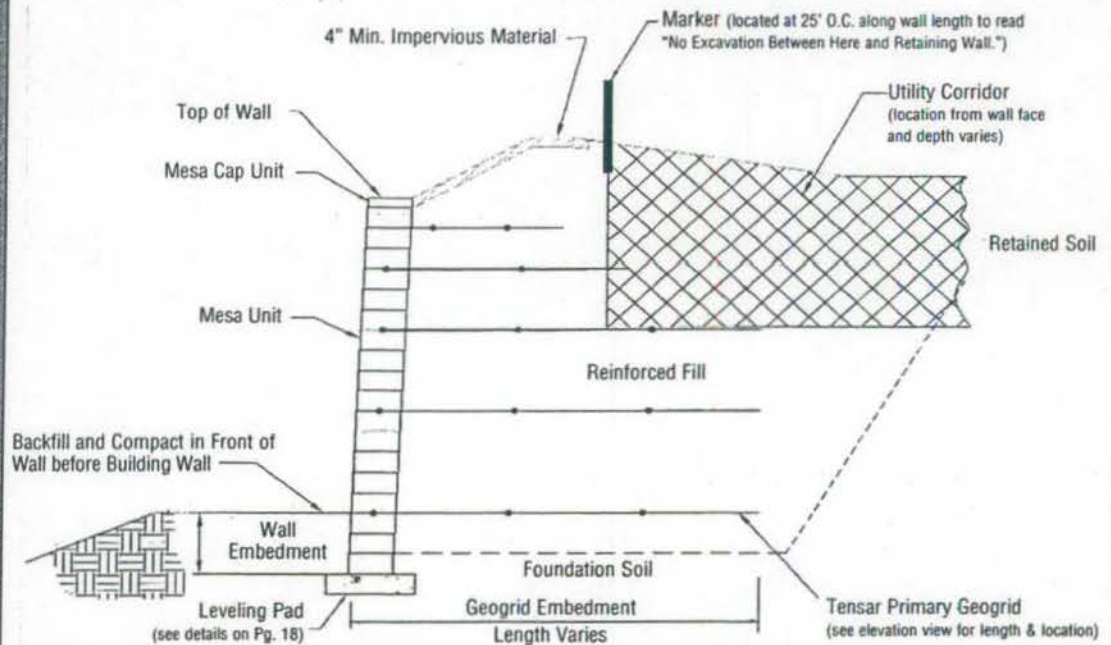
## TYPICAL DETAIL OF TRAFFIC BARRIER BEHIND WALL



### TYPICAL DETAIL OF TRAFFIC BARRIER ON TOP OF WALL



### TYPICAL DETAIL WITH UTILITY CORRIDOR BEHIND WALL



NOTE: Alternative subdrain system may be required by the Engineer of Record.

# DEFINITIONS

## ■ **Contract Documents:**

The Agreement between the Owner and the Contractor including conditions of the contract drawings, specifications, and the provisions of the Agreement between the Contractor and the Supplier of the Mesa Systems. These documents shall also include addenda and other modifications issued prior to the execution of the Contract.

## ■ **Core Fill:**

Free-draining, coarse-grained soil which is placed within the empty cores of the Segmental Concrete Facing Units. Core Fill may not be required within the Mesa Unit if the Contractor can provide the Engineer and/or Architect with connection testing performed without Core Fill verifying that the connection strength of the system exceeds the requirements set forth in the design data.

## ■ **Drainage Fill:**

Free-draining, coarse-grained soil which is placed behind the Mesa Segmental Concrete Facing Units and in the openings between the Mesa Units as specified on the Plans. The Engineer and/or Architect may specify a nonwoven geotextile which meets AASHTO M288-96 subsurface drainage requirements in lieu of Drainage Fill.

## ■ **Inspector:**

The Owner's Authorized Representative assigned to see that the workmanship and materials are in accordance with the terms of the Contract.

## ■ **Mesa Connector:**

A proprietary mechanical connection device made of high density polymer with fiberglass inclusions to positively connect the Tensar Geogrid to the Mesa Units.

## ■ **Plans:**

The part of the Contract documents consisting of the approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproduction thereof, which shows the location, character, dimensions, and details of the Work to be performed.

## ■ **Reinforced Fill:**

The specified soil material that interacts with the Geogrid reinforcement to create a flexible gravity mass. Its limits extend from the back of the facing element or granular medium to the tails of the soil reinforcement or as indicated on the Plans.

## ■ **Setback (Batter):**

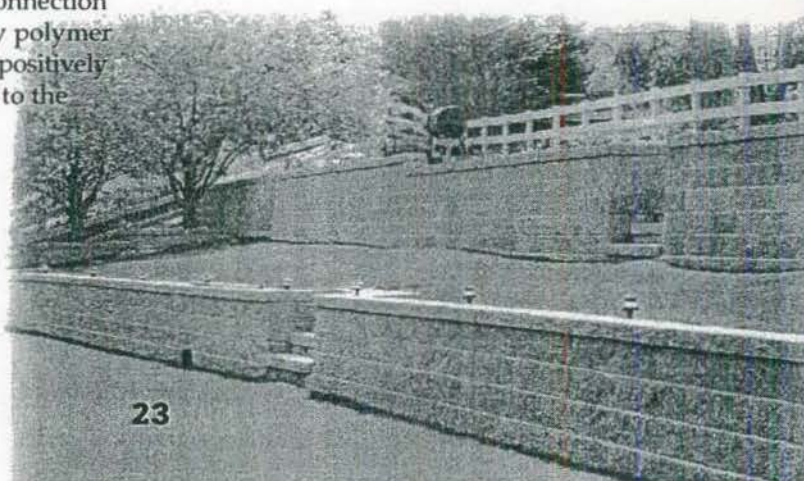
The rearward offset from the vertical plane between two adjacent block courses created by the orientation of the flags on the Mesa Connectors.

## ■ **Specifications:**

A description of the quality and quantity of the materials and workmanship that will be required of the Contractor in the execution of the Work under the Contract between the Owner and the Contractor.

## ■ **Tensar Geogrids:**

A proprietary polymeric grid formed by a regular network of integrally connected tensile elements with apertures of sufficient size to allow interlocking with surrounding soil, rock, or earth and connection to Mesa facing units that function as tensile reinforcement.



# NOTES

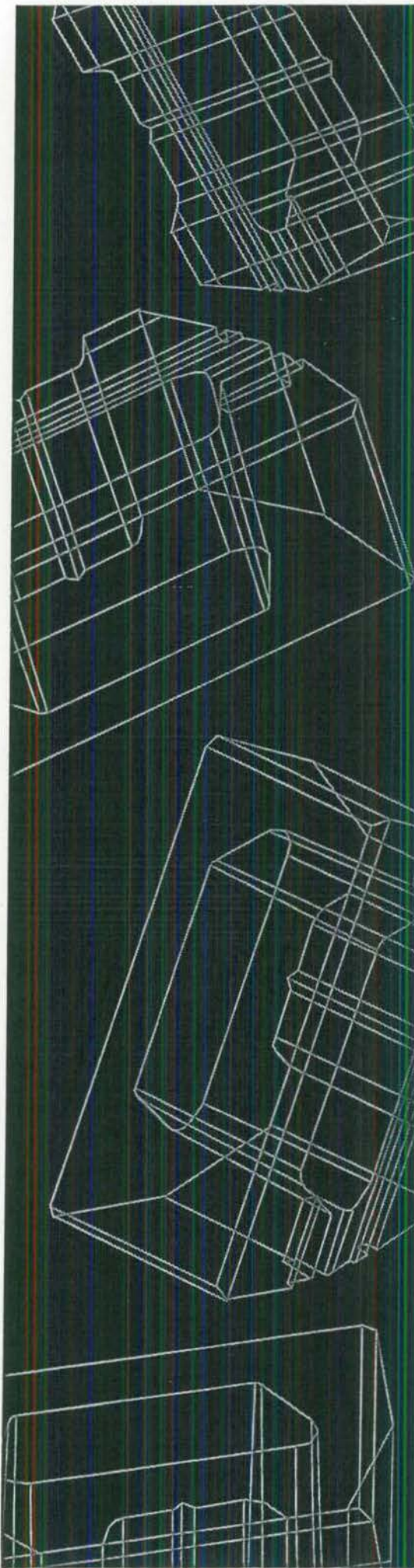
***Authorized Mesa Retaining Wall Systems Representative***

***Tensar Earth Technologies, Inc.***

5883 Glenridge Drive ■ Suite 200 ■ Atlanta, GA 30328  
800-TENSAR-1 ■ [info@tensarcorp.com](mailto:info@tensarcorp.com) ■ [www.tensarcorp.com](http://www.tensarcorp.com)

©2004, Tensar Earth Technologies, Inc. TENSAR and MESA are registered trademarks. SIERRASTONE and ITS THE CONNECTION are trademarks. Certain foreign trademark rights also exist. The Mesa mechanically stabilized modular concrete block retaining wall system is protected under the U.S. patent No. 5595460. Other U.S. and foreign patents may apply or are pending. The information contained herein has been carefully compiled by Tensar Earth Technologies, Inc. and to the best of its knowledge accurately represents Tensar and Mesa product use in the applications which are illustrated. Final determination of the suitability of any information or material for the use contemplated and its manner of use is the sole responsibility of the user. Printed in the U.S.A.

**MESA-SPEC-2.04**



District of Columbia Government  
Department of Consumer and Regulatory Affairs  
Office of the General Counsel

941 North Capitol Street, NE  
Suite 9400  
Washington, D.C. 20002  
Office: (202) 442-8475  
Fax: (202) 442-9447

## FACSIMILE

To:

Mr. Patrick J. Carome  
Wilmer Cutler Pickering  
Hale and Dorr LLP  
Washington, D.C. 20037

Phone: (202) 663-6000

Fax: (202) 663-6363

|   |                         |       |                   |            |
|---|-------------------------|-------|-------------------|------------|
|   | Extension of Time       | Date: | Pages:            | w/cover    |
|   | FOIA Correspondence     | Date: |                   | w/cover    |
| X | Department's response   | Date: | February 18, 2005 | 10 w/cover |
|   | Withdrawal/Cancellation | Date: |                   | w/cover    |

From: Deborah Britt *DB*  
Freedom of Information Act Officer  
(202) 442-9544

Comments:

### NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client privilege. 2. Attorney Work Product or; 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, use of, or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify the Office of the General Counsel by telephone at (202) 442-8475 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. mail or, if the sender grants authorization, destroyed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Consumer and Regulatory Affairs

Office of the General Counsel



February 18, 2005

Via Facsimile and U.S. Mail

Mr. Patrick J. Carome  
4747 Fulton Street, N.W.  
Washington, D.C. 20007

RE: FOIA Request for 4825 Dexter Terrace, NW

Dear Mr. Carome:

This is a partial response to your January 10, 2005, Freedom of Information Act (FOIA) request received January 10, 2005, by the District of Columbia Department of Consumer and Regulatory Affairs' (DCRA and Department), Office of the General Counsel, FOIA Unit. The request concerns 4825 Dexter Terrace, NW, and Frank and Constandina Economides.

As follow-up to your FOIA request, on January 27, 2005, Anne Harden contacted the undersigned for a status of the Department's response. Ms. Harden was informed that the public may inspect and receive copies of approved architectural drawings, application for permits, building permits, plats, corporation records, and business license certifications from DCRA and that a FOIA request is not required to access the records. She was also notified that requests for records maintained and controlled by other District of Columbia agencies should be made directly to the custodian of records for response. The Office of the General Counsel has forwarded your request to the appropriate divisions for response.

The January 10 request seeks the following:

1. [A]ll documents of any and every sort pertaining to the residential property located at 4825 Dexter Terrace, Lot 0806, Square 1381 (hereinafter "4825 Dexter Terrace") owned by Constandina and/or Frank Economides, including but not limited to:
  - a) All permits, permit applications and all documents relating to Permits and permit applications for work or construction or any other activity performed or proposed to be performed at 4825 Terrace;

- b) All construction plans or drawings of any sort relating to any construction activity proposed to be performed or performed at 4825 Dexter Terrace;

In response to part 1.a-b of the above, the Building and Land Regulation Administration (BLRA) conducted a record search and located 35 permit application and permit records on the above-referenced subject, which may be responsive to your request. However, the BLRA was unable to produce the original application documents and related architectural drawings for review. The undersigned will contact you when the plans are available for public inspection and copying.

- c) All records pertaining to any inspection(s) performed at 4825 Dexter Terrace by DCRA officials or any other person, including any private inspector;
- d) All records pertaining to any wall check(s) or attempted wall check(s) performed on any wall, structure or building at 4825 Dexter Terrace;
- e) All records having anything whatsoever to do with the so-called "retaining wall" that is being or has been constructed on or around a portion of the perimeter of 4825 Dexter Terrace;
- f) All records of surveys or plats of the 4825 Dexter Terrace site or any part of the site;

In response to part 1.c-f of the above, the BLRA conducted a search and located six pages of inspection activity reports, nine third-party inspection records, a wall test report/plat, and a 37-page report titled "Mesa Site Retaining Wall, Final Designs for the Economides Residence," which may be responsive to your request.

In addition, should you wish to receive copies of other land surveys and plats, the public may research, inspect, and receive copies (at cost) from the Office of the Surveyor, Suite 2700, 941 North Capitol Street, NE, Washington, D.C. For further assistance, please contact that office at (202) 442-4660.

- g) All records constituting or relating to Stop Work Orders issued in connection with 4825 Dexter Terrace, including the Stop Work Order or Orders issued in early November 2004;

In response to part 1.g of the above, the BLRA conducted a search and located seven pages on the subject, responsive to your request.

- h) All records relating to any fines or penalties or citations imposed by any governmental unit or agency for any acts or omissions relating to the 4825 Dexter Terrace site, including but not limited to the performance of work in excess of any permit, the making of

any unpermitted curb cuts, the felling of any trees, improper razing of a building without any valid permit, inadequate erosion control, environmental damage, work performed in violation of any Stop Work Order, lack of public space permits for the placement of any dumpster(s) or other items on a street or other public space, damage or misuse of public streets or other property, or construction activity at times or on days when construction activity was not allowed.

In response to part 1.h of the above, please see the Department's response under part 1.g of your request.

- i) All records relating to Inspector Juan Scott's activities or lack of activities relating to monitoring construction or building activity or otherwise performing any of his duties in connection with the 4825 Dexter Terrace site at any time.

In response to part 1.i of the above, please see the Department's response under part 1.c-f of your request.

- j) All documents relating to fines imposed by DCRA or any other D.C. or federal governmental entity in connection with or relating to the 4825 Dexter Terrace site;

In response to part 1.j of the above, the Department conducted a search, which did not result in the location of records on the subject.

- k) All records relating to environmental concerns, environmental protection, or environmental damage relating to the 4825 Dexter Terrace site, including but not limited to the lack of, or inadequacy of, or failures of, silt fencing or other similar mechanisms.

In response to part 1.k of the above, the BLRA conducted a search and located an Environmental Impact Form, Lead Hazard Control Permit Questionnaire, and Construction Permit Application Form, which may be responsive to your request. The records are contained in the building permit records referenced under the Department's response to part 1.a-b of your request.

- l) All records relating to zoning matters, including zoning violations or zoning approvals, pertaining to the 2845 Dexter Terrace site.

In response to part 1.l of the above, in addition to zoning information contained in the permit records (see part 1.a-b), the Zoning Administration located a Zoning Computation Sheet and Wall Test Report on the subject.

- 2. All documents of any and every sort (including but not limited to handwritten notes, memos, emails, agendas, task lists, expense records)

pertaining to any meeting, telephone call, email conversation or other communication or interaction between, on the one hand, Constandina and/or Frank Economides or any person representing or acting on behalf of either of them, and, on the other hand, any employee(s) or representative(s) of the DCRA or any other unit or agency within the District of Columbia government, including but not limited to:

- a) All documents pertaining to any meeting or other event attended by Constandina or Frank Economides or any person representing or purporting to represent either or both of them, including but not limited to any such meeting that occurred on or about November 8, 2004, which meeting may have been attended by, among other persons, Theresa Lewis and/or Juan Scott.
- b) All documents constituting or pertaining to correspondence of any sort (including but not limited to emails and any other forms of written communication) to or from either or both of the Economides or any person or entity representing them or purporting to act on their behalf;
- c) All documents pertaining to any telephone call or other communication to or from Constandina and/or Frank Economides or any person representing or purporting to represent either or both of them;
- d) Any and all documents reflecting or relating to any communication of any sort relating to the 4825 Dexter Terrace site which took place during or after the pendency of any Stop Work Order or Order to Correct that was issued by DCRA in connection with that site in November 2004.

In response to part 2.a-d of the above, the BLRA conducted a search and located 11 pages on the subject. However, the FOIA Unit has not completed its review of correspondence and electronic mail records. The undersigned expects that a determination of those records will be made by *Thursday, February 24, 2005*.

- 3. All documents constituting or pertaining to any permit or permit application of any sort (including but not limited to construction permits, occupancy permits, business licenses, or liquor licenses or permits) sought by or on behalf of Constandina and/or Frank Economides or any entity in which either of them has any ownership interest in connection with any property or business located anywhere within the District of Columbia.

The Department is unable to process part 3. of your request, because it does not provide a sufficient description of records to conduct a search. The Department will process your request for "permit and business license" records. However, to initiate a search, the requester must supply relevant information such as business activity, trade name, and location.



If you are seeking copies of *approved architectural plans, applications for permits and permits* on file with the Department, the public may inspect and copy the records located in the Building and Land Regulation Administration, Records Management Section, 941 North Capitol Street, NE, Suite 2100, Washington, D.C. For public procedures and copy costs, please contact that section at (202) 442-4480 for further assistance.

If you are seeking information pertaining to specific business activity, the public may verify *business license and permit requirements*, or request *license certification* letters from the Business and Professional Licensing Administration, Business Services Division, 941 North Capitol Street, NE, Suite 1100, Washington, D.C. For public procedures and fees, please contact that division at (202) 442-4311 for assistance.

If you are seeking information on *domestic or foreign corporation registrations*, the public may inspect and copy corporate registration records on file with the Business and Professional Licensing Administration, Corporations Division, 941 North Capitol Street, NE, Suite 7200, Washington, D.C. For public procedures and copy costs, please contact that division at (202) 442-4432 for assistance.

For alcoholic beverage related permits, you may also wish to contact the Alcoholic Beverage Regulation Administration (ABRA), 941 North Capitol Street, NE, Suite 7200, Washington, D.C., for records on the subject. The telephone number is (202) 727-4423.

Should you wish to pursue access to public records the Department has determined to be available to the public for inspection and copying, please contact the undersigned to schedule a date and time for inspection. The inspection and copying of records requested will be made pursuant to the respective office's inspection and copy procedures.

4. All documents constituting or pertaining to any Stop Work Order issued by any governmental authority in connection with construction or other work at 4825 Dexter Terrace, including but not limited to the Stop Work Order(s) issued on or about November 2, 2004.

In response to part 4. of the above, please see the Department's response under part 1.g of your request.

5. All documents constituting or pertaining to any Stop Work Order issued by any governmental authority in connection with construction or other work on any other property owned by Frank or Dina Economides or by any company or other entity in which either of them has any interest.

In response to part 5. of the above, the BLRA conducted a search, which did not result in the location of records, responsive to your request.

6. All documents constituting or pertaining to any Order to Correct issued to either Frank or Constandina Economides or any company or entity in which either of them has any interest, including but not limited to the Order to Correct issued to Constandina Economides on November 8, 2004, in connection with 4825 Dexter Terrace, NW.
7. All documents constituting or pertaining to communications or interactions of any sort (including but not limited to correspondence, e-mails, telephone calls, or meetings) between any office(s) or employee(s) of the District of Columbia (including, but not limited to, David Clark, Theresa Lewis, Juan Scott, any one else employed with the DCRA, Adrian Sanders, any one else employed within the D.C. Police Department, anyone employed within the D.C. Department of Health, or anyone employed within the D.C. Department of Transportation) and any of the following persons:
  - a) Constandina Economides
  - b) Frank Economides
  - c) any agent, representative of either Constandina or Frank Economides or any other person who appeared to be representing them or acting on their behalf.
8. All documents constituting or pertaining to any communications or interactions of any sort (including but not limited to correspondence, e-mails, telephone calls, meetings, or other oral communications) relating in any way to Mr. or Mrs. Economides or 4825 Dexter Terrace, NW that occurred between or among (i) anyone within DCRA and (ii) any of the following persons or offices:
  - a) Anyone within the D.C. Metropolitan Police Department, including but not limited to Sergeant Forbes, Officer Kennedy, or Officer Adrian Sanders (all of the 2<sup>nd</sup> Police District).
  - b) Any member of the D.C. City Council or any person on the staff of such a member, including but not limited to Kathy Patterson and Penny Pagano.
  - c) Anyone in the D.C. Office of Zoning;
  - d) Any person on the D.C. Board of Zoning Adjustment or its staff;
  - e) Any member of any ANC body, including but not limited to Alma Gates.
  - f) Any employee or representative of the D.C. Department of Transportation.

- g) The D.C. Inspector General or anyone who works for or represents the D.C. Inspector General;
- h) The D.C. Attorney General or anyone in the office of the D.C. Attorney General;
- i) Mayor Anthony Williams or anyone within the Office of the Mayor;
- j) Any employee or representative of the D.C. Department of Health (including but not limited to its Watershed Division), including but not limited to Colin Burrell and Peter Nuwyang (spelling of names uncertain).
- k) Any employee or representative of the U.S. Park Service, including Detective John Critchfield and Park Manager Joe Kish (spelling of names uncertain).
- l) Any official, employee or representative of the United States Attorney's Office for the District of Columbia, including but not limited to Timothy Lucas.

In response to part 6 through 8 of the above, the Department has conducted a record search. However, the undersigned has not completed reviewing related correspondence and electronic mail records. The undersigned expects that a determination of those records will be made by *Thursday, February 24, 2005*.

In addition, you may also wish to contact the following District of Columbia offices for records and information on the subject:

Terry Ryan, FOIA Officer  
Metropolitan Police Department  
300 Indiana Avenue, NW - Room 4125  
Washington, D.C. 20001  
Telephone: (202) 727-4129

Alberto Bastida, FOIA Officer  
Office of Zoning  
441 4<sup>th</sup> Street, NW - Suite 210S  
Washington, D.C. 20001  
Telephone: (202) 727-0330

Jennifer Jacobson, FOIA Officer  
Department of Transportation  
2000 14<sup>th</sup> Street, NW - 5<sup>th</sup> Floor  
Washington, D.C. 20009  
Telephone: (202) 671-3492

Dangkhoa Nguyen, FOIA Officer  
Office of the Inspector General  
717 14<sup>th</sup> Street, NW - Suite 500  
Washington, D.C. 20005  
Telephone: (202) 727-9566

Thomas Collier, FOIA Officer  
Department of Health  
825 North Capitol Street, NE - Suite 4121  
Washington, D.C. 20002  
Telephone: (202) 442-5973

Tarifah Coaxum, FOIA Officer  
Office of the Attorney General  
441 4<sup>th</sup> Street, NW  
Washington, D.C. 20001  
Telephone: (202) 442-5480

Emma Clark, FOIA Officer  
Department of Public Works  
2000 14<sup>th</sup> Street, NW - 6<sup>th</sup> Floor  
Washington, D.C. 20009  
Telephone: (202) 671-2030

9. All documents constituting or pertaining to any and all complaints or inquiries that any person or unit within the DCRA or any other component of the District of Columbia government has ever heard or received from any person relating to Frank Economides, Dina Economides, Economides Collections, Big Ball LLC, any other company or entity owned or controlled in whole or in part by the Economides, 4825 Dexter Terrace NW, 5524 MacArthur Ave. NW, 5524 ½ MacArthur Ave NW, 5526 MacArthur Ave. NW, 5528 MacArthur Ave. NW, 5525 Sherrier Place, NW, or any other real property owned or developed by any of these persons or entities, including but not limited to:
- a) The complaints or inquiries themselves;
  - b) Any and all documents responding to any such complaint or inquiry;
  - c) Any and all documents pertaining to any meeting relating to any such complaint or inquiry.

In response to part 9. of the above, the Office of the General Counsel's Dispute Resolution Specialist staff provide as public information, the number of complaints filed against a business and the year. The undersigned conducted a search and located a six-page complaint on the subject. Additionally, the Housing Regulation Administration conducted a search and located 68 pages on the subject.

The records contain the name and home and work telephone number of individuals, which is being withheld from public disclosure based on an exemption contained in the FOIA statute, D.C. Official Code § 2-534 (a) (2), to protect the individual from an unwarranted invasion of personal privacy. The release of this information to the public does not outweigh the personal privacy interest of the individual, as disclosure would inhibit the public from reporting illegal acts or filing complaints, thereby diminishing the agency's ability to perform its services or have open and frank discussions regarding such acts. Accordingly, the office has redacted the individual's name, home address, and telephone number from the complaint form and investigatory report that will be available for public inspection. The information is withheld from public disclosure by Deborah Britt, FOIA Officer for the Department of Consumer and Regulatory Affairs, 941 North Capitol Street, NE, Suite 9400, Washington, D.C.

The public may also research, inspect, and copy tenant petition complaints on file with the Department's Housing Regulation Administration (HRA), Suite 7100, 941 North Capitol Street, NE. Washington, D.C. For public inspection procedures and copy costs, please contact that HRA Customer Service at (202) 442-4610 for assistance.

The BLRA conducted a search, which did not result in the location of inspection complaints records responsive to your request.

You may either inspect or receive a copy of the record to which you are entitled. There is no fee to inspect the records. To inspect the records, please contact the undersigned at (202) 442-9544, to schedule a date and time for inspection. Should you wish copies of the records, all fees must be paid before the records are copied. The inspection will take place in the Office of the General Counsel, 941 North Capitol Street, NE, Suite 9400, Washington, D.C. Pursuant to your February 18, 2005, telephonic communication, you or your designee is scheduled to pay the copy fee and pickup the records on *Tuesday, February 22, 2005, at 10:30 am.*

The Department may charge a fee of \$.25 per page for copies made by photocopy machines or, where no fee has been established by FOIA, the Department may charge the direct cost of reproduction to the agency. 1 DCMR § 408.1(c) and 408.2. The cost to reproduce 185 pages at \$.25 per page is \$45.25. In addition, the cost to reproduce the wall test plat is \$1.50. Therefore, the total cost for copies of the records is \$47.75. Fees may be paid in cash, check, or money order, payable to the "D.C. Treasurer." The Department did not assess a search fee for processing this request.

If you deem any portion of this letter to constitute a denial of your FOIA request, you have the right to appeal to the Mayor or to seek immediate judicial review in the District of Columbia Superior Court. An appeal to the Mayor shall be in writing, and shall include (1) a statement of the circumstances, reasons, or arguments advanced in support of disclosure, and (2) a copy of this letter. If you require additional information, please contact the undersigned at (202) 442-9544.

Sincerely,



Deborah Britt  
Freedom of Information Act Officer

WILMER CUTLER PICKERING  
HALE AND DORR LLP

February 23, 2005

Patrick J. Carome

**By Fax and First Class Mail**

Deborah Britt  
FOIA Officer  
Department of Consumer and Regulatory Affairs  
Office of the General Counsel  
941 North Capitol Street, NE  
Suite 9400  
Washington, DC 20002

2445 M STREET NW  
WASHINGTON, DC 20037  
+1 202 663 6610  
+1 202 663 6363 fax  
patrick.carome@wilmerhale.cc

Re: *BZA Appeal No. 17285*

Dear Ms. Britt:

This letter follows up on our telephone conversation yesterday regarding the DCRA's partial and untimely response to my pending FOIA request of January 10. As I indicated, I had a variety of questions and concerns after receiving your letter of February 18 and the 203 pages of records that your office provided to my representative earlier today.

First, I am very disappointed that at this late date you have been able to provide me with only a portion of the documents I have requested. You confirmed that you are making every effort to complete processing and release of the responsive records that you now have in your possession by February 24. Please make every effort to get these materials to me ASAP because, as I have previously told you, they are relevant to a hearing on my appeal of a DCRA permitting/zoning decision that is scheduled for March 1 (BZA Appeal No. 17285).

Second, I am very troubled by the statements you made in your letter and in our call yesterday about your being unable to locate any of the original drawing and plan documents that are responsive to my FOIA request. I trust that you will be able to locate all such documents ASAP and in any event no later than February 24. If you are unable to do so, I request that you provide me a detailed explanation of your understanding about the whereabouts and disposition of such documents.

Third, I want to express a concern about the reasonableness and completeness of the search that has been conducted for responsive documents. I have the sense from our conversation that you are relying on individual DCRA employees to search for and provide you with documents that they deem responsive, rather than having someone independent from the underlying facts do this. Because there has been a significant amount of alleged criminal activity relating to construction at 4825 Dexter Terrace, N.W., and because there are significant concerns that DCRA employees may have been involved in the alleged wrongdoing, it is essential that an agency official who was not involved in the underlying activity be responsible for conducting the

Deborah Britt  
February 23, 2005  
Page 2

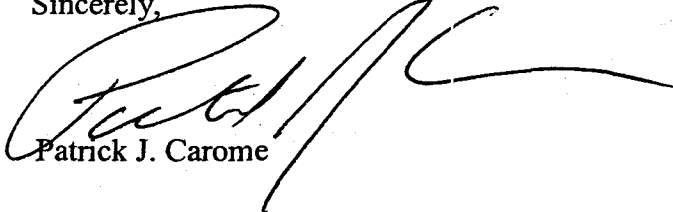
search for records and determining what is responsive. Such an independent review is particularly important, for example, with respect to the email records and other files of all individuals within DCRA who interacted with the Mr. or Mrs. Economides or anyone who may have acted on their behalf.

Fourth, I want to reiterate my statement that the BLRA permit office does not consistently provide copies of plans and drawings to the public without requiring that the requester submit an FOIA request. DCRA/BLRA employees have on multiple occasions told me and other citizens that the only way to obtain copies of such records is to make an FOIA request to your attention, and they have repeatedly withheld access to such materials on that basis. I appreciate your statement that you will speak to Denzil Noble to correct this situation.

Finally, I simply want to confirm that you told me that, at least so far, there is no responsive record that you have been provided and reviewed that you have withheld from disclosure to me. I trust that you will continue to take this approach as you continue to process my request.

Thank you for your attention to this matter. I look forward to your prompt further response.

Sincerely,



Patrick J. Carome

**114.1 Notice to Owner or Other Responsible Person.** Upon notice from the code official that work on any building or structure is being performed contrary to the provisions of the Construction Codes or in an unsafe and dangerous manner, the property shall be posted and such work shall be immediately stopped until the situation is corrected. The stop work order shall be in writing, in a form prescribed by the code official, containing a description of the right to appeal the order, and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work. The stop work order shall state the address of the property and the specific section or sections of the Codes violated. If no responsible person is present to receive the order, the property may be posted, and the stop work order along with an appeals form shall be sent to the owner by first class mail within three (3) working days. No stop work order may be issued nor considered valid unless it contains all the above information, the name and the telephone number of the official empowered to review the order, and the signature of the issuing official. Unauthorized removal of a posted stop work order is a violation of the Code subject to the penalties provided.

**114.2 Home Improvement Contractor.** Any home improvement contractor who continues to work in or about a structure after having been served with a stop work order is in violation of the provisions of the Construction Codes. Failure to comply with a stop work order shall constitute grounds for suspension, restriction or revocation of the contractor's license as a home improvement contractor under District regulations governing home improvement contractors (presently codified at 16 DCMR Chapter 8).

**114.3 Unlawful Continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine pursuant to Title I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42.

## **SECTION 115A UNSAFE STRUCTURES**

**115.1 Right to Deem Unsafe.** All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper use, occupancy or maintenance, shall be taken down and removed or made safe and secure, as the code official may deem necessary and as provided in this section. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of the Construction Codes.

**115.1.1 Prohibited Entry.** When a vacant building or structure is deemed to be unsafe, pursuant to Section 115.1, the code official may cause to be posted at each entrance to such building or structure a notice that the structure is unsafe and that its use or occupancy has been prohibited. It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing it.

**115.2 Examination and Record of Damaged Structure.** The code official shall examine every building or structure reported as dangerous, unsafe structurally, or constituting a fire hazard, and shall cause the report to be filed in a docket of unsafe structures and premises, stating the use of the structure, and the nature and estimated amount of damages, if any, caused by collapse or failure.

**115.3 Notice of Unsafe Structure.** If any unsafe condition is found in a building or structure, the code official shall serve on the owner, agent, or person in control of the building or structure, a written notice identifying the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the code official acceptance or rejection of the terms of the order.

**115.4 Posting Unsafe Notice.** If the person addressed with an unsafe notice cannot be found within the District of Columbia after diligent search, then such notice shall be sent by registered mail or certified mail to the last known address of such person; and a copy of the unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed equivalent of personal notice.

**115.5 Disregard of Unsafe Notice.** Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the Corporation Counsel shall be advised of all the facts and shall institute the appropriate action to compel compliance.

## **SECTION 116A EMERGENCY MEASURES**

**116.1 Vacating Structure.** When, in the opinion of the code official, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the code official is authorized and empowered to order and require the occupants to vacate immediately. The code official shall cause to be posted at each entrance to such building or structure a notice reading: "This Structure is Unsafe and its Use or Occupancy has been Prohibited by the Mayor." It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing it.

**116.2 Temporary Safeguards.** When, in the opinion of the code official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the code official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure described in this section has been instituted.

**116.3 Closing Streets.** When necessary for the public safety, the code official may temporarily close sidewalks, streets, buildings, structures, and places adjacent to such unsafe structure, and prohibit them from being used.

The code official is authorized to bring enforcement actions on behalf of the Department, which may include the authorization to use the police or other governmental authority to order removal of, or to remove, the unauthorized Special Sign and the imposition of civil fines of no more than three dollars (\$3) per square foot of sign, per day that the unauthorized Special Sign fails to be taken down, removed or obliterated. Both the owner of the premises upon which the Special Sign is displayed and the permit holder are responsible for taking down, removing or obliterating the sign upon notification by the Department to do so, and both may be held responsible for any penalties or fines imposed for the violation. Additional enforcement measures may be taken pursuant to, and consistent with, the provisions of Section 113, "Violations and Infractions."

**3107.17.12. Moratorium on Issuance of Special Signs:** Other than for changes in artwork pursuant to Subsection 3107.17.5, or for transfers of location pursuant to Subsection 3107.17.7, no new Special Sign Permits shall be issued after November 9, 2000.

## **SECTION 3110A FENCES**

### *Add new Section 3110 Fences*

**3110.1 General.** Fences shall comply with the requirements of this Section, other applicable Sections of this code and other municipal regulations. This Section applies to fences back of the building line. All barbed wire and similar fences shall comply with the requirement of 3110.4 and 3110.4.1. Fences on privately owned land beyond a building restriction line shall comply with the requirements for fences on public property and permits for such fences shall be obtained from the code official.

**3110.1.1 Fence walls.** Fence walls shall conform to the requirements for fences.

**3110.1.2 Screens or trellises.** Screens or trellises shall conform to the requirements for fences.

**3110.1.3 Height measurement.** The measurement of the height of a fence shall be made from the top of the fence to grade, on the side of the fence where grade level is higher.

**3110.1.4 Permit applications.** Applications for permits to erect a fence shall be accompanied by an official building plat upon which the proposed fence location is indicated. Approval by the Zoning Division of the Department shall be required before a permit shall be issued.

**3110.2 Party fences.** Only those portions of the length of a fence, including footings, which are partly on each side of a party line shall be considered as party fences. Permit applications for party fences shall be signed by the owners of the properties on which the fence is to be located.

**3110.2.1 Fence materials.** A party fence shall be a wood, woven wire, or iron fence of open pattern unless otherwise agreed upon by the adjoining owners.

**3110.2.2 Height agreements.** Where owners propose to erect a party fence over 7 feet (2134 mm) in height in Residential Districts or 10 feet (3048 mm) in S-P, C, C-M, or M Districts, written agreement to the height by the owners of the properties on which the fence is to be located shall be filed with the code official before issuance of a permit.

**3110.3 Other fences.** Fences other than party fences shall comply with Sections 3110.3.1 through 3110.3.5.

**3110.3.1 Fences abutting streets.** Fences abutting a street shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in height in S-P, C, C-M, or M Districts.

**Exception.** Wing walls attached to a building or forming part of the fences may exceed the above heights for that portion removed from party lines the distance of a side yard for a building, as required by the current Zoning Regulations.

**3110.3.2 Fences abutting alleys.** Fences abutting alleys shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts.

**Exception.** The code official is authorized to approve a greater height where the alley is 15 feet (4572 mm) wide or more.

**3110.3.3 Fences near party lines.** Fences within a strip 10 feet (3048 mm) wide and parallel to the party line shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts. Fences shall not obstruct light or ventilation for any required window.

**Exception:** Where the written consent of the adjoining owners is filed, the code official may approve a greater height.

**3110.3.4 Fences distant from party line.** Fences more than 10 feet (3048 mm) from a party line, alley, building or building restriction line shall not be limited as to height, provided such fences do not encroach on a required yard or court, nor obstruct the light or ventilation for any required window.

**3110.3.5 Gate height.** Gates shall not exceed the height of the fence.

**3110.4 Barbed wire and similar fences.** No barbed wire or similar fence, barrier, or obstruction, made thus in whole or in part, shall be erected, constructed, or maintained, along the building restriction line, or in or upon any street, alley, road, or other public walk, driveway, or public or private parking in the District of Columbia.

**3110.4.1 Barbed wire and similar fence on private property.** A barbed wire or similar fence, barrier or obstruction may be erected wholly on private property when located in back of the lot line or building restriction line if one exists. The minimum height of the lowest strand of barbed wire shall be 6 feet (1829 mm) above adjacent ground and the wire shall not project beyond the lot line or building restriction line.

## **CHAPTER 32A ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY**

### **SECTION 3201A GENERAL**

*Maintain this Section without deletion*

### **SECTION 3202A ENCROACHMENTS**

*Delete Sections 3202.1 through 3202.4 in their entirety and substitute the following:*

**3202.1 Character of encroachments.** Encroachments (hereinafter referred to in this Section as “projections” are a privilege. They cannot be claimed as a right, and require a permit issued by the code official. The provisions of Section 3202 establish the limitations on projections that may be granted, but proposed projections may be further restricted or refused if the code official considers such action best for the public interest.

**3202.2 Removal of projections.** All permits for projections shall be issued with the understanding and agreement by the applicant that any and all such projections shall be promptly removed upon notice by the code official. Projections not requiring individual approval. Footing projections approved in connection with building permits, bases, sills, water tables, cornices, belt courses, and roof overhangs conforming with requirements hereafter defined, shall not require approval as projections.

**3202.4 Modification of projection requirements.** The code official is authorized to grant modifications of requirements on projections when either Section 3202.4.1 or 3202.4.2 applies.

**3202.4.1 Modifications in the general public interest.** Modifications requested to embellish the building, when the primary object of the modification is not the occupation of additional public space or changing of interior arrangements, and in the opinion of the code official such modification will not interfere with adjacent buildings nor with the general public interest.

**3202.4.2 Foregone construction.** When the owner will permanently forego construction on, or the use of, a projection portion of his or her lot, in conformity with a plan previously approved by the National Capital Planning Commission for improvement of any street or thoroughfare, and the code official determines that the public interest will thereby be better served, the code official is authorized to grant a modification to authorize projections which shall equitably compensate such owner. Such projections and arrangements shall comply with the limitations and conditions of Sections 3202.4.2.1 through 3202.4.2.5.

**3202.4.2.1 Width.** The width of projections allowed under Section 3202.4.2 shall be limited as follows: