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May 17, 2005

FILE NO: 66266.000002

By Hand Delivery

Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210 South
441 4th Street, N.W.
Washington, D.C. 20001

Re: BZA Appeal No. 17285
Appeal of Patrick Carome
(4825 Dexter Terrace, N.W.)

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Dear Chairman Griffis and Board Members:

Pursuant to the request of the Board at the May 10, 2005 hearing in this case, the following information is being filed in the record on behalf of the property owners for the Board's review:

1. A hard copy of my PowerPoint slide presentation. Please note that all of these pictures were previously part of the record, filed with my briefs as exhibits on February 25, 2005 and March 29, 2005.
2. Rebuttal testimony to the Park Service's expert witness as follows:

The Park Service's expert (Robert Pinciotti) improperly relied upon the 1996 BOCA code as support for the erroneous proposition that the retaining wall in issue is not a true retaining wall under the building code. Because he admitted this error under cross-examination and that the 2000 International Building Code (IBC) was the correct building code when the wall was built in 2004, we see no need to present further written expert testimony on this point in rebuttal. We note that three (3) experts (Neubauer, Kilsheimer and Ryan) as well as the Zoning Administrator in this case have already indicated this structure is a retaining wall. We reiterate our request that the Board should strike Mr. Pinciotti's testimony or give it little or no weight.

We have attached as further support that the Park Service's engineer distorted the truth to support his position, a page from the DCRA website indicating that the 2000 IBC is

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Exhibit No. 78

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the current building code (Exhibit A), along with a reference in the same website that in 2003 the D.C. Council adopted the 2000 International Code Council "family" of construction codes including the building code, referenced in Exhibit A. (See Exhibit B) Accordingly, under both the dictionary definition (since "retaining wall" is not defined in the zoning regulations) and IBC 2000 definition, a retaining wall is one, like the subject, built to resist lateral pressure, to prevent an earth slide, designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.

Mr. Pinciotti also testified that retaining walls do not need anchors for support (in our case, geogrids for mesa block retaining walls), contrary to the affidavit of William Ryan, engineer for the property owners (Exhibit No. 4, paragraph 7 to our presentation on May 10, 2005, also submitted on March 29, 2005 as part of our supplemental brief). Reference to the *Homeowners Guide to Drainage Controls and Retaining Walls* (Erickson, 1989) indicates once again that Mr. Pinciotti's testimony if of no merit:

"Anchoring a wall is a good safeguard if you are worried that the wall can be pushed forward by lateral pressures." (at 56)

"For now, keep in mind that the design of any retaining wall must include some form of reinforcement." (at 57) See Exhibit C.

See also Exhibit D, the web site for Contour, Inc., which indicates that MESA Retaining Wall Systems are built with geogrids. Our point is that retaining walls by definition include dirt and some form of anchor reinforcement. Such components are part of the landscaping and are clearly not residences or livable structures subject to lot occupancy or set back requirements.

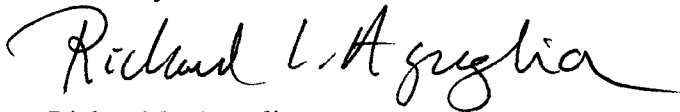
With respect to the alleged encroachment of the underground gravel leveling pads of the wall in Mr. Pinciotti's statement, we note that NPS did not rebut our testimony (Hugo Ardon) that Joseph Kish, the Park Service's boundary line specialist, monitored the construction of the wall from start to finish and found no encroachment. NPS had the opportunity to rebut this testimony from Mr. Arden, the stone mason who built the wall, by having Mr. Kish testify, but chose not to do so. Accordingly, the rule of estoppel and laches prevents NPS from introducing testimony some eight months after the wall was built that there is an alleged miniscule underground intrusion of gravel onto park property from the subject wall's leveling pads.

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3. The BZA case cited by the Wesley Heights Historical Society (George Watson) is Appeal No. 16020 (decided 4/5/95) and has no bearing on this case with the only irrelevant reference to a retaining wall on page 2.
4. Finally, we request that the Board accept BZA Exhibit Numbers 16, 27, 32, 41 and 54 from neighbors in opposition to the appeal filed in this case.

Sincerely,



Richard L. Aguglia

By Hand Delivery and by E-Mail

cc: Patrick Carome, Esq., appellant

By E-Mail and By Fax

Lisa Bell, Esq.,
counsel for Toye Bello, Zoning Administrator

By Fax and E-Mail

Jeffrey Bernstein, Esq.
counsel for Department of Interior/NPS

By Fax and By Mail

Alma Gates, Chair
ANC 3D

**DISTRICT OF COLUMBIA
CONSTRUCTION CODE SUPPLEMENT OF 2003**

to the

→ **International Building Code/ 2000
International Plumbing Code/ 2000
International Mechanical Code/2000
International Fire Code/2000
International Property Maintenance Code/2000
International Residential Code/2000
International Fuel Code/2000
International Energy Conservation Code/2000
NFPA National Electrical Code/1996**

[found under DCA. DC.Gov,
Building & Land Regulations,
Building Codes, Title Page]

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Exh B

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 DEPUTY DIRECTOR

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Building Codes and Regulations Under Review

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ONLINE SERVICE REQUESTS

The DC Building Code Advisory Committee (BCAC) reviews codes and regulations in accordance with DC Law 6-216, the Construction Code Approval and Amendments Act of 1986, as amended, to reflect the current state of the art in the construction industry. In developing its advice, BCAC understands the District's overall objectives include:

- Harmonizing DC building code requirements with national standards that neighboring jurisdictions are also following
- Determining when the District should make exceptions to national codes (or provide greater flexibility), because of, for example, of patterns of lot, street, and alley lines, limited space for parking lots, or value of older building stocks urban conditions that may vary sharply from suburban development situations
- Considering any unique or leadership policies adopted by the District of Columbia or by Congress for the District of Columbia
- Other Model Codes and Standards Concerning Building, Construction or Fixtures

The codes and regulations under review include, but are not limited to the following:

- | | |
|----------------------------|-----------------------------|
| • Accessibility Code | • Fire and Life Safety Code |
| • Boiler Code | • Fuel and Gas Code |
| • Building Code | • Mechanical Code |
| • Electric Code | • Plumbing Code |
| • Elevator Code | • Property Maintenance Code |
| • Energy Code | • Residential Code |
| • Existing Structures Code | • Structural Code |

The professionals that comprise the committee include designees from organizations, associations, unions, universities, and businesses. The committee also comprises District employees who have expertise in the above codes and regulations or are particularly affected by them.

→ In 2003, the 2000 International Code Council (ICC) family of construction codes with the 2003 DC Construction Code Supplement was submitted by the committee and adopted by the District Council. Currently, the committee is working on amendments to the 2003 ICC family of codes.

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adequate drainage, like that provided by the weep holes in the stone wall pictured in Fig. 4-17.

How far apart should weep holes be? That depends on the length of the wall. As a rule, it is a good practice never to have holes less than 10 feet apart. A safer practice is to space the weep holes about 5 feet apart, both horizontally and vertically.

Although weep holes drain water directly to the front of a wall, *continuous backdrains* tend to channel the water along a path parallel to the wall before disposing of it at a single point. The water is typically channeled through a perforated pipe up to 8 inches in diameter. Figure 4-18 shows a cross-section of a back drainage. This drainage method is often used around the base of home foundations.

One advantage of using continuous backdrains over weep holes is that you don't see stains on the front of the wall caused by water running from the holes. On the negative side, however, continuous backdrains tend to cost more to implement, both in labor and material, than weep holes.

REINFORCEMENT

Reinforcement refers to any material added to or any technique applied to a perpendicular wall that helps it resist lateral soil forces. The particu-

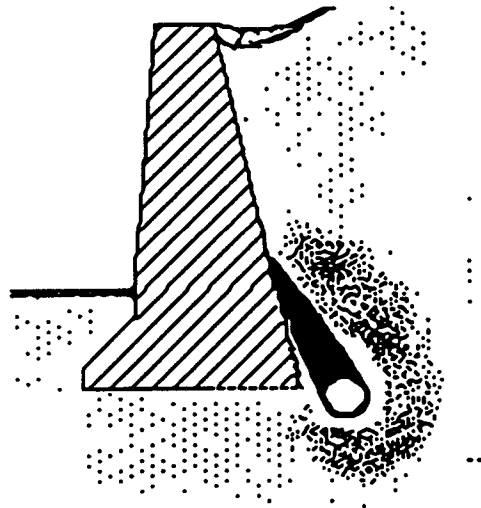


Fig. 4-18. Continuous back drains run parallel to the wall and eliminate the need for weep holes. This method of draining ground water away from the base of a retaining wall costs more than weep holes in both labor and materials.

type of reinforcement implemented depends on the type of wall being built. Reinforcement can be applied either internally (typically through metal reinforcing rods, refer to Fig. 4-12), externally (usually by means of buttresses or braces), or a combination of the two.

No matter what type of wall you build or reinforcement method you use, the main consideration is that steps are taken to make the wall stronger than the strength provided by the building material itself. In fact, reinforcement may be required by building codes in some areas. With some walls (concrete block for example) it may be necessary to provide internal vertical reinforcement, using perpendicular rebar tied into the foundation; internal horizontal reinforcement via rebar, wire, or mesh; and external pilasters or other buttresses.

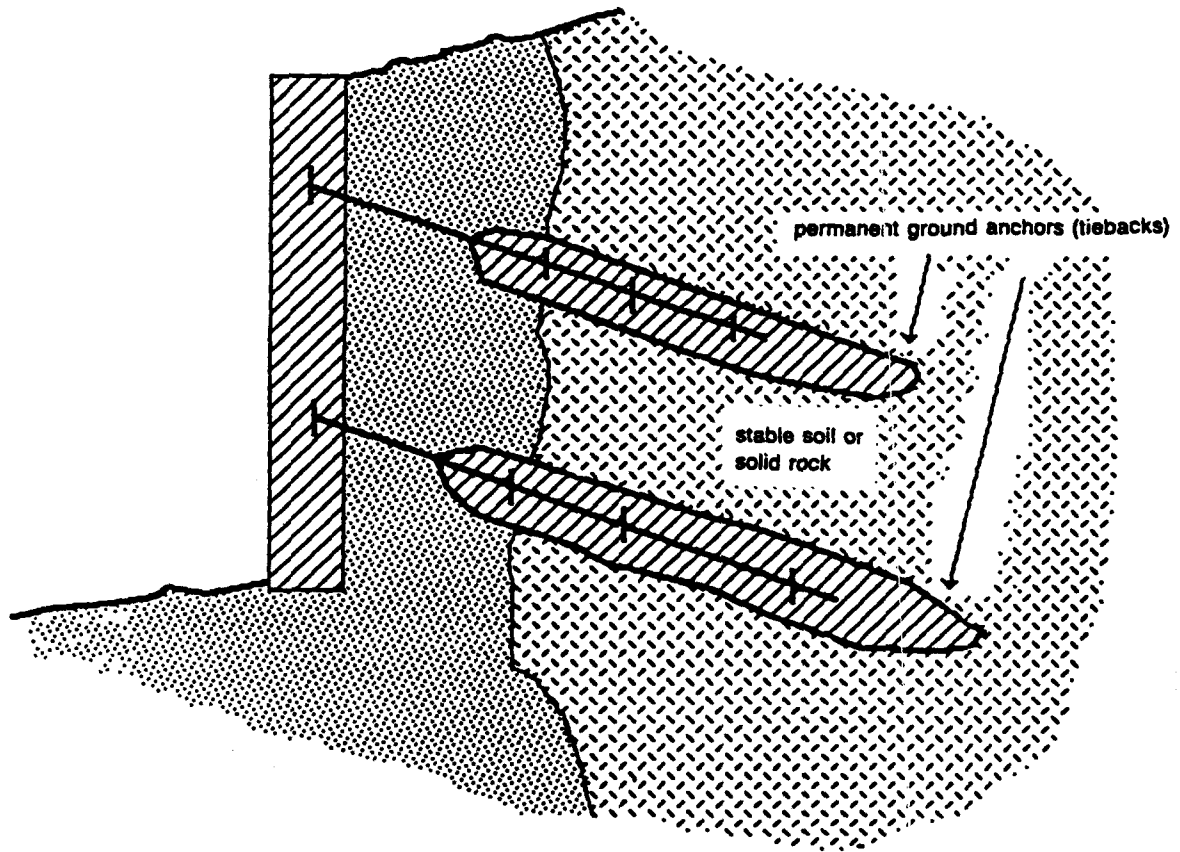


Fig. 4-19. Anchoring a wall is a good safeguard if you are worried that the wall can be pushed forward by lateral pressures.

Specific reinforcement techniques will be discussed in the next chapter when individual building methods are covered. For now, keep in mind that the design of any retaining wall must include some form of reinforcement.

ANCHORED WALLS

Once built, walls can be tied to a slope to prevent them from falling forward. This technique is referred to as *anchoring*, and the anchor itself is often called a *deadman*. Figure 4-19 illustrates one anchoring technique. Often, walls that are anchored to the hillside are thinner than normal walls. Certainly, there would be little reason to anchor a heavy gravity wall. Thin precast concrete panels or poured concrete walls are typically anchored.

In most cases, the wall will have a built-in eye bolt or other similar device on the backside of the wall. Once the wall panel is in place, a permanent ground anchor of one sort or another is put into place. A cable then forms a link between the panel's eye bolt and the anchor.

For maximum anchoring, one approach is to drill a hole into bedrock behind the wall panel, insert the cable into the hole, and fill the hole with concrete. Once the concrete has dried, the cable can be tightened. Of course, if you have built a simple concrete block wall, this might be more work than you planned or have equipment to perform. In this case, you might simply want to place a couple of railroad ties or concrete piers to serve as anchors in the excavated area before backfilling, connect the wall to the anchors, then backfill the wall.

Although it may be overstating the obvious, it is important to remember that it is better to build a strong wall tied to a solid footing than to build a weak wall and depend upon a ground anchor.

BACKFILLING

Backfilling is the process of replacing soil that was removed to build the wall. Although backfilling is a step not undertaken until the wall is completed, you must give some thought to the backfilling process early in the design phase. Specifically, you need to consider things like the type of backfill material used, how it will be applied, at what angle you can safely grade it, and what sort of ground cover will be eventually used.

It is very important that you give the concrete or mortar in the wall plenty of opportunity to cure before backfilling. The weight of the dirt being pushed against the wall creates a tremendous amount of pressure and can easily cave in or crack a newly built wall. Poured concrete walls should usually be allowed to cure a minimum of five days before backfilling begins; concrete block walls usually require three days. Once you have decided that the backfilling can begin, you should be sure to

ExL D

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Services

MESA Retaining Wall Systems

Mesa Retaining Wall Systems combine the economy and versatility of segmental concrete units with proven geogrid technology to create a new generation of structural block walls - and a new standard in structural wall systems. [Click Here](#) to learn more.

SierraScape Wire-Formed Retaining Walls

For projects with +70° grade-separations, the SierraScape System is the cost-effective alternative to concrete-faced wall systems. [Click here](#) to learn more.

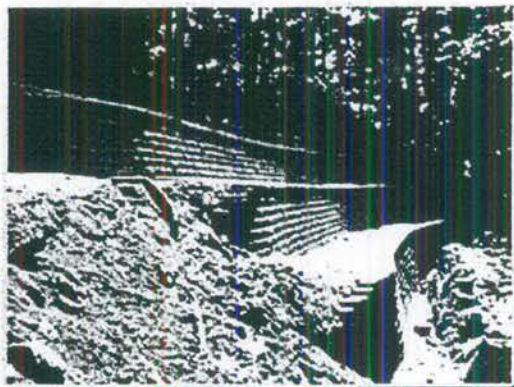
Sierra Slope Retention System

The Sierra Slope Retention System provides an economic and aesthetic alternative to conventional retaining walls, replacing them with natural, landscaped, sloping structures almost indistinguishable from the native terrain. [Click here](#) to learn more.

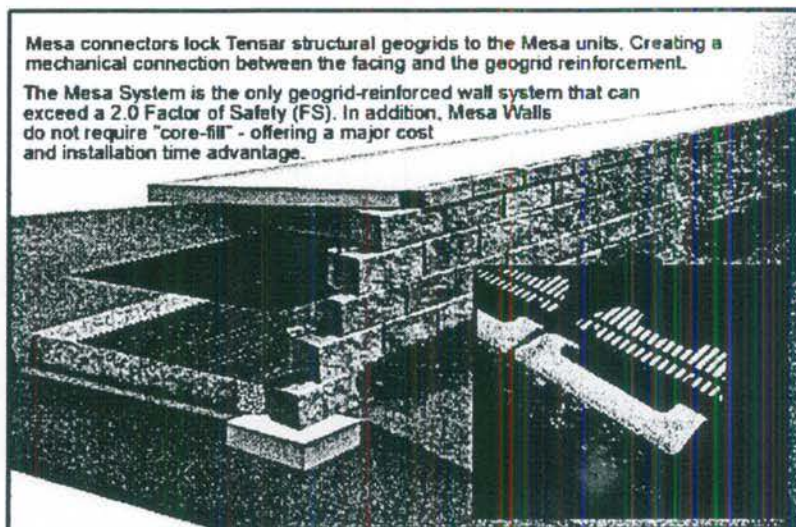
MESA Retaining Wall Systems

Designed for Optimum Efficiency and Performance

Mesa Retaining Wall Systems combine the economy and versatility of segmental concrete units with proven geogrid technology to create a new generation of structural block walls - and a new standard in structural wall systems. The Mesa Systems succeed through a combination of Tensar® structural geogrids, high strength concrete units, and a unique "locking" connector that creates a positive, mechanical, end-bearing connection. This positive connection assures full load transfer from the wall face to the reinforcement, resulting in unsurpassed reliability.



Furthermore, the Mesa Systems are integrated systems. Unlike modular walls, which mix-and-match components from different sources, every component of a Mesa Wall has been specifically designed and detailed to work together for optimum efficiency and performance.



Mesa connectors lock Tensar structural geogrids to the Mesa units. Creating a mechanical connection between the facing and the geogrid reinforcement.

The Mesa System is the only geogrid-reinforced wall system that can exceed a 2.0 Factor of Safety (FS). In addition, Mesa Walls do not require "core-fill" - offering a major cost and installation time advantage.

Component	Function
Tensar Structural Geogrids	Internally reinforce structure and fill materials; inert to chemical degradation, Tensar structural geogrids can be used with non-select fill or even crushed concrete
Mesa Segmental Unit	High strength concrete block with compressive strength that exceeds AASHTO standards (>4000 psi)

Structural Mechanical Connector	Specifically designed to connect block to geogrid mechanically with a low-strain, end-bearing connection that is not dependent on friction for integrity
Full Engineering and Construction Services	Detailing, design, construction services, drawings, quality control testing, and construction installation

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Engineering - The reward of a thing well done is to have done it. -
Emerson

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P E R M I T

Date: 4/23/04 (Type) RETAINING WALL

Address of work: 4525 HEETER TER., NW.

Permittee is hereby granted to:

FRANK AND DINA ESTIMOLIER

CONSTRUCT NEW RETAINING WALL AROUND REAR YARD AS PER PLANS.

ENTIRELY ON OWNER'S LAND.

Subject: _____ Length: _____ Height: _____

Width of Right: _____ To be occupied as: _____

Zone: S-1-A

Height of structure above grade: _____

Address of owner: _____

Deposit No. _____ Amount: _____

THE PERMITTEE TO CONSTRUCT AND MAINTAIN RETAINING WALL

DAVID CLARK

Value: _____ No. of Sheets: 23

100% BOND: _____

TOTAL PERMIT FEE: _____

PLUMBING FEE: _____

DATE: _____

FEE PAYABLE: \$ 1,300.00

FOR INSPECTIONS CALL 678-342-41

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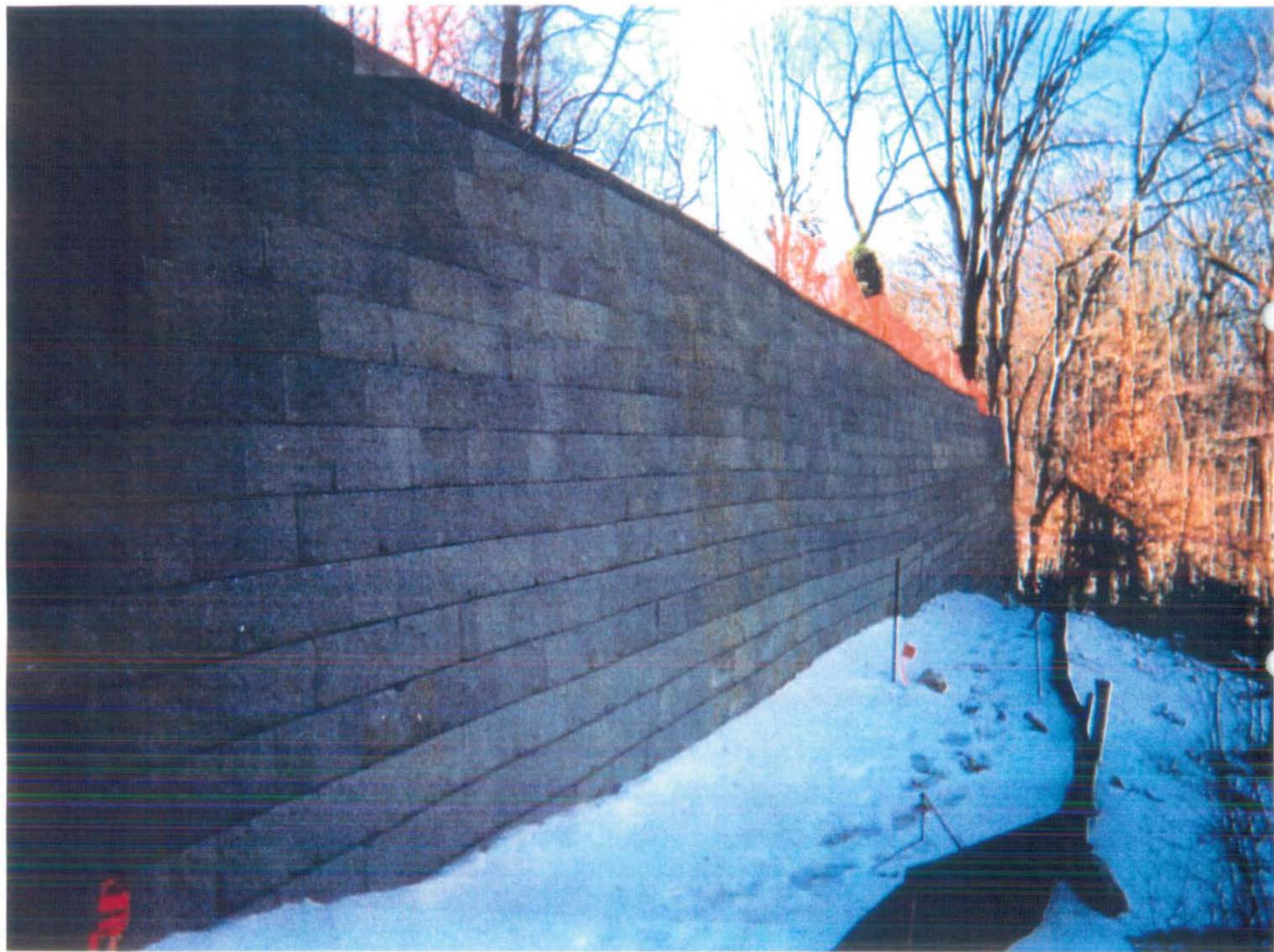
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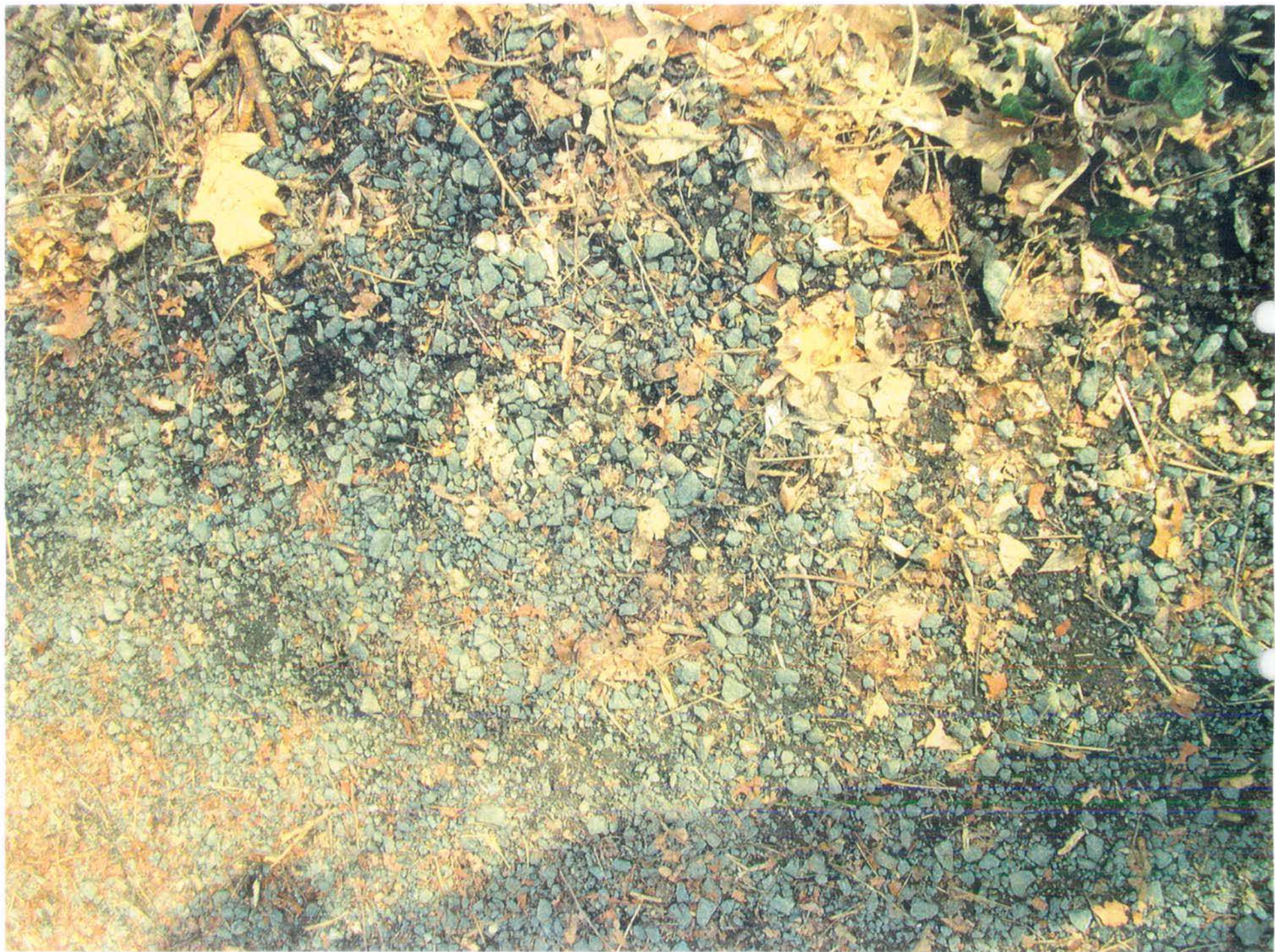












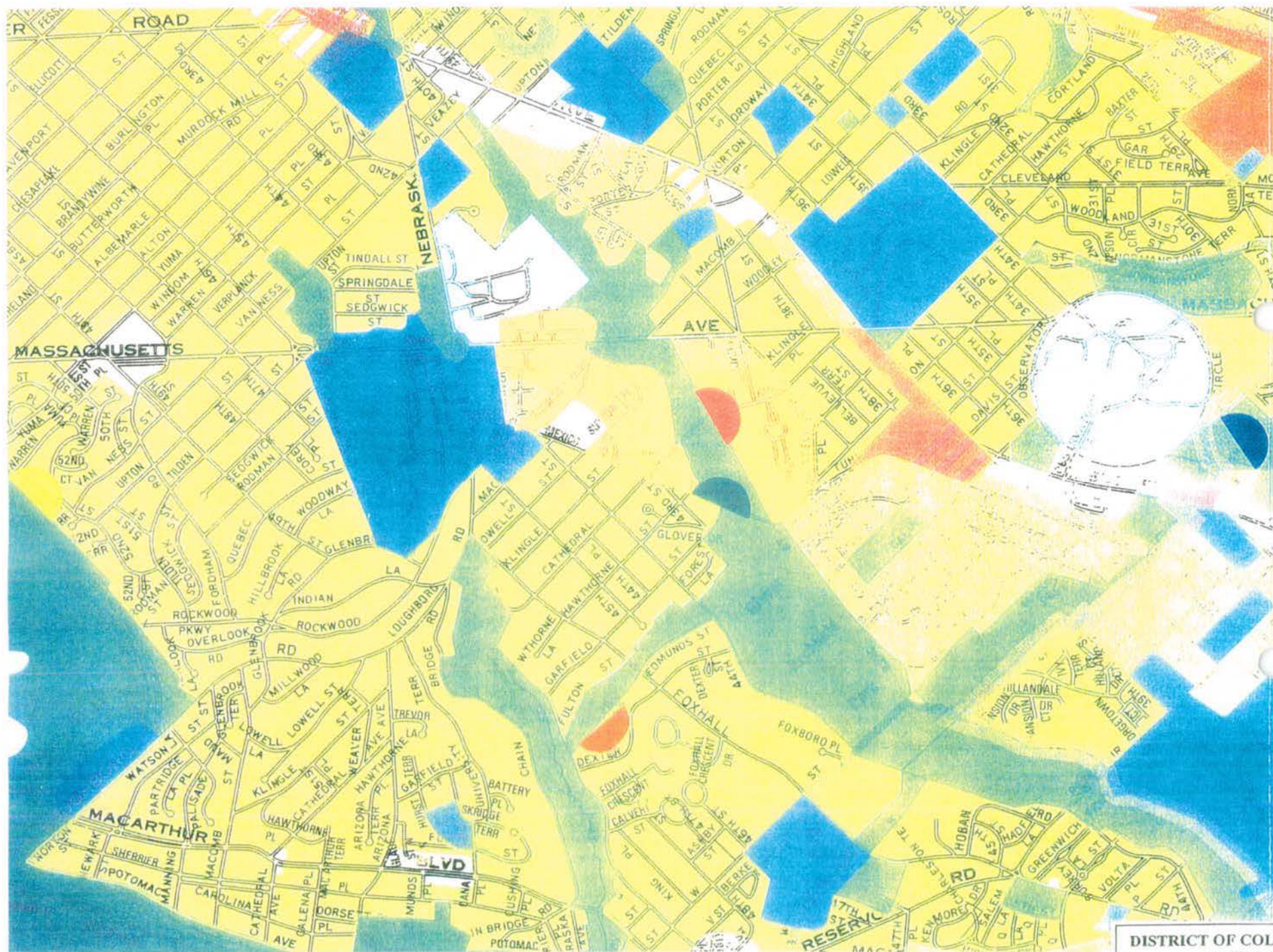




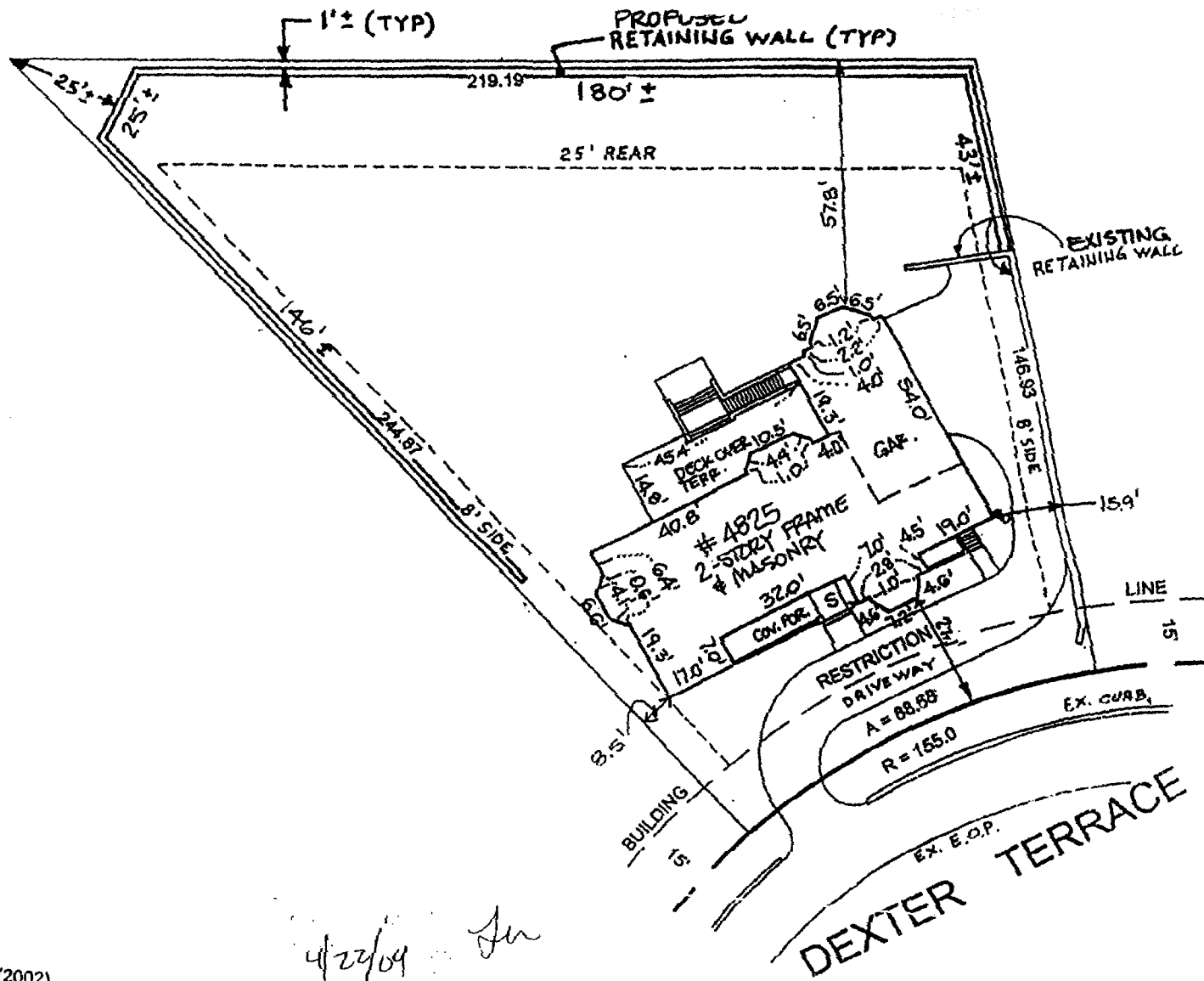








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Ryan & Associates

MEDIA SITE RETAINING WALL

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NW, Washington, DC

REVIEWED BY:



WFR 4/27/04

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PREPARED BY
CONSULTING ENGINEER

[Handwritten signature]

Consulting Engineer
201 - 742 - 4507 (North)

for







