

# EXHIBIT 11



----- Forwarded Message -----

**From:** Sullivan, Donald (DCRA) <Donald.Sullivan@dc.gov>

**To:** Ranieri Moore Cavaceppi <rabbiecm@yahoo.com>; Hilary Dove <hilarypeldove@yahoo.com>; Gamboa, Ferdinand (DCRA) <ferdinand.gamboa@dc.gov>; Allen, Patrick H. (DCRA) <patrickh.allen@dc.gov>

**Cc:** Reid, Rohan (DCRA) <rohan.reid@dc.gov>; Bailey, Christopher (DCRA) <christopher.bailey@dc.gov>; Whitescarver, Clarence (DCRA) <clarence.whitescarver@dc.gov>; Maggard, Ian (EOM) <ian.maggard@dc.gov>; Jon Bender ANC 3E03 <jonbender@gmail.com>; Ehrhardt, Greg (SMD 3E01) <3E01@anc.dc.gov>; Malitz, Jerry (SMD 3G05) <3G05@anc.dc.gov>; Sumner, Andrea (DCRA) <andrea.sumner@dc.gov>

**Sent:** Friday, May 4, 2018, 12:50:37 PM EDT

**Subject:** RE: 4400 Albemarle Street NW noise levels

Good afternoon Ms. Cavaceppi and Ms. Dove. I have taken time to consult to with the Deputy City Official related to your concerns about the noise levels. I did this because noise level concerns do not fall within the scope of illegal Construction.

The division of Residential and Property Maintenance manage regulates this area. This division is headed by Mr. Ferdinand Gamboa and Mr. Patrick Allen. I have alerted them to your concerns and I will be given them background on the building code and zoning regulation issues that we have previously had to address.

I have placed Mr. Gamboa and Mr. Allen on this message so that you will have their contact information and they should be having and Inspector follow up with you. I will be providing them both your contact information so that either they or the Inspector assigned can contact you.

Respectfully,

Donald W. Sullivan|Supervisor, Illegal Construction, Inspections and Compliance  
Administration

ADMINISTRATION

Department of Consumer and Regulatory Affairs

Donald.sullivan@dc.gov | 1100 4<sup>th</sup> Street, SW, 4<sup>th</sup> Floor, DC 20024

(202) 899-3476 (D) | (202) 489-5569 (O)

Dcra.dc.gov



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**From:** Ranieri Moore Cavaceppi [mailto:rabbiemc@yahoo.com]  
**Sent:** Thursday, May 03, 2018 3:05 PM  
**To:** Sullivan, Donald (DCRA) <Donald.Sullivan@dc.gov>; Hilary Dove <hilarypelldove@yahoo.com>  
**Cc:** Reid, Rohan (DCRA) <rohan.reid@dc.gov>; John Letteri <johnl@antonlegal.com>; Bailey, Christopher (DCRA) <christopher.bailey@dc.gov>; Whitescarver, Clarence (DCRA) <clarence.whitescarver@dc.gov>; Maggard, Ian (EOM) <ian.maggard@dc.gov>; LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>; Underwood, Lynn (DCRA) <lynn.underwood@dc.gov>; Jon Bender ANC 3E03 <jonbender@gmail.com>; Ehrhardt, Greg (SMD 3E01) <3E01@anc.dc.gov>; Malitz, Jerry (SMD 3G05) <3G05@anc.dc.gov>  
**Subject:** Re: 4400 Albemarle Street NW noise levels

Dear Mr. Sullivan,

I, too, am deeply concerned about the noise levels. The 4400 Albemarle Street NW Chanlett-Avery & Ogden neighbors have very loud HVAC units beside our property and children's bedroom windows. They are exceedingly loud at night. (My middle child woke up from his sleep last night at 10PMish and came downstairs to our family room to ask what the noise was outside?!)

Is a noise control inspector going to come to the premises in question—and if not, could you please explain why? (The inspection should take place after 7 PM, as they have started turning off their HVAC units during the day.)

Sincerely yours,

Ranieri Moore Cavaceppi

4404 Albemarle Street, NW

Washington, DC 20016

Ph. 202-966-3383

On Wednesday, May 2, 2018, 9:58:03 AM EDT, Hilary Dove <[hilarypelldove@yahoo.com](mailto:hilarypelldove@yahoo.com)> wrote:

Dear Mr. Sullivan,

I purchased the top two best-selling decibel meter sound devices. They arrived yesterday via Amazon. While they are not official readings, they should give you a gauge of what is going on in our side yard.

My husband measured the air-conditioning mechanical equipment yesterday—Tuesday May 1st, at approximately 5:30 PM. He took the measurement of ONLY 1 air-conditioning unit, the short, squatty one that makes so much noise. (the others were not operational at the time.) He also took the measurement at the property line, as required by the **2011 DC Noise Control Act** (and mind you, our wooden fence buffered some of the noise):

## **MECHANICAL EQUIPMENT**

### **2801**

#### **2801.1**

**contained in this section.**

**Noise resulting from mechanical equipment shall not exceed the maximum noise levels**

**2801.2 Noise resulting from the use or operation of any air-conditioning, refrigerator, heat pump, fan, swimming pool equipment, or other mechanical equipment, regardless of location, shall be prohibited in excess of sixty (60) dB(A) when measured at the property line or as close to the property line as practical if there is an obstruction.**

FYI: If we do the measurements at the edge of the side yard fence, the decibel measurements increase into the low-to-mid 70s. If the other two compressors turn themselves on (and they were on earlier this morning), the readings will probably begin to approach or increase the 80-decibel mark.

I am enclosing my husband's 13-second video of the two separate decibel readings and the full PDF version of the 2011 DC Noise Control Act.

Please inspect the noise at 4400 Albemarle Street as soon as possible. Their mechanical equipment is simply too loud.

Sincerely, Hilary

4404 Albemarle Street NW

Washington, Dc 20016

Ph. 202-271-9039

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From: Hilary Dove hilarypelledove@yahoo.com

Subject: Re: 4400 Albemarle Street HVAC Noise

Date: May 14, 2018 at 9:41 AM

To: Manning, Derron (DCRA) Derron.Manning@dc.gov, Sumner, Andrea (DCRA) andrea.sumner@dc.gov, Allen, Patrick H. (DCRA) patrickh.allen@dc.gov, Gamboa, Ferdinand (DCRA) ferdinand.gamboa@dc.gov

Cc: Ranieri Cavaceppi rabbiemc@yahoo.com, John Letteri johnl@antonlegal.com, Wright, Joseph (DCRA) Joseph.Wright3@dc.gov, Jon Bender ANC 3E03 jonbender@gmail.com, Ehrhardt Greg (SMD 3E01) 3e01@anc.dc.gov



Good morning. I am excited the city is willing to come out and do another noise inspection. You never answered how you are going to make sure all the units are on? I am happy to give you a heads up to let you know if the units are on, or did you come to separate arrangements over the phone when you talked to Impact Construction? The units are **not** on currently.

I was thinking about the test Mr. Manning did that got negated by the wind. It registered at 63.7 dB(a), 6 feet away. I later learned that the mechanical equipment statute states the test must be done at the property line. I would like this test to happen at the property line.

I was also told there was a 2.5 numerical dB(a) variance written in the code for outside noise. How is the wind measured? That means the reading would have been at 61.2. Mr. Manning then said your office gives an extra 4 points for variance. That means your readings would allow a 6.5 variance? Please confirm if this is your office policy—and where it is found in the DC 2011 Noise Act.

It was only later that day that I got a call saying the reading was negated by the wind. How was the wind measured? He never mentioned wind readings at the time, nor did he say it was a windy (12mph plus) kind of day.

Also, the reading of 63.7 would have obviously been too loud for nighttime. Why have I had to fight so hard to get this re-inspection or have someone come at night?

I was told you talked to Mr. Bozzo, Vice President of Operations at Impact Construction, and was allowing him to send a video of the units in question to show they are in compliance. Mr. Wright kindly said I could send my videos as well when I asked for equal service. What do you intend to do with these videos? Is this normal protocol with a formal DC noise inspection to have those being complained about send their own video testimonials?

Thank you for your time and consideration, and I would appreciate having these questions addressed.

Hilary Dove  
4404 Ellicott Street, NW  
Washington, DC 20016  
Ph: (202) 271-9039

On Saturday, May 12, 2018, 11:43:34 AM EDT, Gamboa, Ferdinand (DCRA) <ferdinand.gamboa@dc.gov> wrote:

Andrea and Inspector Manning,

Please schedule an inspection to the site possibly on Monday.

Thanks

Ferdinand Gamboa DCRA

On May 11, 2018 6:49 PM, Hilary Dove <hilarypell dove@yahoo.com> wrote:

Good evening, Mr. Gamboa,

I just got off the phone with Mr. Joseph Wright. He said that you were planning an inspection of the 3 units at 4400 Albemarle Street, NW on Monday 14 May, and that you were going to accept a video recording of said units from the Impact construction supervisor, Robert Bozzo.

Mr. Wright said I could send you our recordings as well. I am attaching 2 videos we made last weekend during the night—and 1 made during the day in early May. (All three video recordings are a few inches behind our property fence, and the fence sits inside our property line.)

Mr. Wright also said he would mention three of our concerns: First, that all 3 units will be turned on—and turned on at full setting. (The short, fat one is the oldest—and definitely the loudest. It's usually the only one they turn on in the early evening.)

Second, that the noise will be tested at the property line beside the HVAC units. We have looked up the **2011 DC Noise Control Act** for Mechanical Equipment (subsection 2801.1 & 2801.2), which defines the lawful way to measure "at the property line or as close to the property line as practical if there is an obstruction":

## **MECHANICAL EQUIPMENT**

### **2801**

#### **2801.1**

contained in this section.

Noise resulting from mechanical equipment shall not exceed the maximum noise levels

**2801.2 Noise resulting from the use or operation of any air-conditioning, refrigerator, heat pump, fan, swimming pool equipment, or other mechanical equipment, regardless of location, shall be prohibited in excess of sixty (60) dB(A) when measured at the property line or as close to the property line as practical if there is an obstruction.**

Third, that the day readings need to take into account the evening Nighttime (9pm-7am) Maximum Sound Levels, when the decibel count cannot go past 55 dB(A).



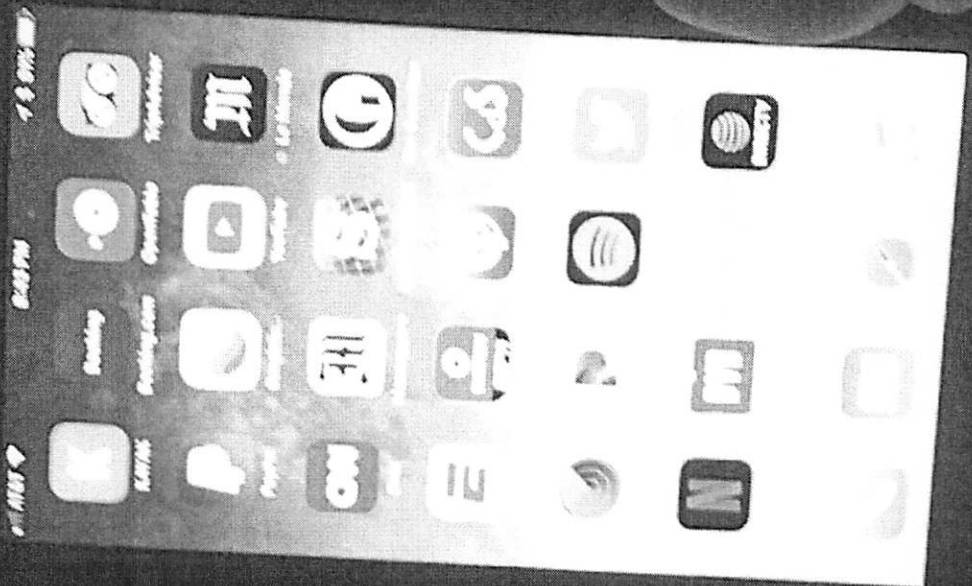
Thank you for your time. We are very appreciative of your efforts.

Sincerely, Hilary

Hilary P. Dove  
4404 Albemarle Street NW  
Washington, DC 20016  
Ph. 202-271-9039

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1001



On Wednesday, May 16, 2018, 2:47:41 PM EDT, Hilary Pell Dove <[hilarypelledove@yahoo.com](mailto:hilarypelledove@yahoo.com)> wrote:

Sounds good.

Sent from my iPhone

> On May 16, 2018, at 2:10 PM, Wright, Joseph (DCRA) <[Joseph.Wright3@dc.gov](mailto:Joseph.Wright3@dc.gov)> wrote:

>  
> Good Afternoon Ms. Dove,  
>  
> I have not. I am assuming based on all of the notes and conversations, they are probably going to shoot for hotter days, but I am curious myself to know if there has been contact with Mr. Bozzo to arrange an inspection where everything will be forced at this point liked we last talked about. Give me a minute and I will get back to you today.  
>  
> -----Original Message-----  
> From: Hilary Pell Dove [<mailto:hilarypelledove@yahoo.com>]  
> Sent: Wednesday, May 16, 2018 8:33 AM  
> To: Wright, Joseph (DCRA)  
> Subject: Schedule  
>  
> Good morning. I was curious if you have found out if and when the noise assessment has been scheduled.  
>  
> Best,  
>  
> Hilary  
>  
> Sent from my iPhone  
> DCRA actively uses feedback to improve our delivery and services. Please take a minute to share your feedback<<https://www.surveymonkey.com/r/PDXKLYL>> on how we performed in our last engagement. Also, subscribe<[https://public.govdelivery.com/accounts/DCWASH/subscriber/new?qsp=DCWASH\\_20](https://public.govdelivery.com/accounts/DCWASH/subscriber/new?qsp=DCWASH_20)> to receive DCRA news and updates.  
>  
> DC Residents: It's time to enroll in DC Public Schools for school year 2018-2019! Need help? Call (202) 478-5738, email [enroll@dc.gov](mailto:enroll@dc.gov)<<mailto:enroll@dc.gov>>, or visit <http://enrolldcps.dc.gov/>. Don't delay, enroll today!

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From: **Ranieri Moore Cavaceppi** rabbiemc@yahoo.com &  
Subject: Re: RE: Schedule  
Date: May 17, 2018 at 5:11 PM  
To: Hilary Dove hilarypelldove@yahoo.com, Wright, Joseph (DCRA) Joseph.Wright3@dc.gov  
Cc: John Letteri johnl@antonlegal.com, Sullivan, Donald (DCRA) Donald.Sullivan@dc.gov



Dear Mr. Wright,

Thank you for all of your help in this unpleasant matter of HVAC mechanical equipment noise on the very edge of our property. Your assistance is greatly appreciated.

My wife and I took a look at the 2011 DC Noise Control handbook this afternoon (copy attached below). It does not appear to require the presence of the property owner or the owner's representative in order to conduct a noise control test, as long as the test is conducted without entering onto their property.

Section 2904.4 states that "measurements conducted on private property shall be taken with the permission of the owner or the owner's representative, or under authority of a search warrant or court order."

Section 2712.2 states that "No District government officer or employee shall enter any privately owned premises for the purpose of making a lawful, physical determination or measurement authorized by the Act without permission of the resident or a person on the premises, or without a valid search warrant."

Section 2712.1 states that "It shall be unlawful for any person to refuse, prevent or interfere with any lawful physical determination or measurement authorized by the Act."

The DCRA can conduct the noise inspection of the HVAC units without actual entry onto the Chanlett-Avery property lot by standing on our side of the fence at the nearest source of the noise—as we have now done on numerous occasions—so Chanlett-Avery's permission or the permission of her Robert Bozzo representative is not necessary according the 2011 Noise Act.

I also believe that the Chanlett-Avery strategy of leaving the machines off to prevent a noise inspection (except during the hours of 5-10 PM when she cools down the house after family members return from work and school) violates Section 2712, because they are preventing/interfering with the District's ability to conduct a noise test. FYI: In the previous 5 years, the Chanlett-Avery HVAC system in their backyard was operational 24/7 from early May to late September. How odd that they now turn it off for such long periods of time, including last week, when the weather reached the low 90s?

What's very important is the following: Chanlett-Avery willfully and deliberately chose to place the HVAC units at the very edge of the property line. Now the noise measurements need to be taken at the property line—just inches from those units—as prescribed by the 2011 Act.

Sincerely yours,  
R. M. Cavaceppi  
4404 Albemarle Street NW  
Washington, DC 20016  
202-966-3383

On Thursday, May 17, 2018, 10:56:53 AM EDT, Wright, Joseph (DCRA) <Joseph.Wright3@dc.gov> wrote:

Good Morning Ms. Dove,

It is protocol to speak with the Project Manager and/or the person in charge of the Operations of a project. The property owners of 4400 have designated Mr. Bozzo, VP of Operations and

From: **Ranieri Moore Cavaceppi** rabbiemc@yahoo.com &  
 Subject: Re: 4400 Albemarle Street NW noise complaint  
 Date: May 24, 2018 at 5:21 PM  
 To: Hilary Pell Dove hilarypeldove@yahoo.com  
 Cc: Allen Patrick H. (DCRA) patrickh.allen@dc.gov, John Letteri johnl@antonlegal.com



Hi Patrick,

I am also copying and pasting the **first page** of the **2011 DC Noise Control Act** -which also specifically states that mechanical equipment gets measured at the property line. (One of the very reasons why the neighbors should not have put their HVAC equipment right beside the property line.)

**District of Columbia Noise Control Act**

**Noise Disturbance Definition**

Any sound which is loud and raucous or loud and unseemly and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities in the vicinity thereof, unless the making and continuing of the noise is necessary for the protection or preservation of the health, safety, life, or limb or some person. In making a determination of a noise disturbance, the Mayor shall consider the location, the time of day when the noise is occurring or will occur, and the duration of the noise. In addition, the Mayor may consider the magnitude of the noise relative to the maximum sound levels permitted under this act, the possible obstruction or interference with vehicular or pedestrian traffic, the number of people that are or would be affected, and such other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community. A noise shall not be considered a noise disturbance if it is made during noncommercial public speaking during the daytime and does not exceed 80 decibels inside the nearest occupied residence in districts zoned R-1A, R-1B, R-2, R-3, or R-4.

Except as it may otherwise conflict with provisions of this act, all measurements of noise levels shall be performed and verified by qualified inspectors of the Department of Consumer and Regulatory Affairs in accordance with the requirements specified in Chapter 29 of Title 20 of the District of Columbia Municipal Regulations. If the noise is made at night or does not involve noncommercial public speaking, the Mayor shall not be required to measure the decibel level of the noise to find a noise disturbance.

<b>General Maximum Sound Levels</b>			
<b>Zone</b>	<b>Daytime (7a - 9p)</b>	<b>Nighttime (9p - 7a)</b>	
Commercial	65 dB	60 dB	
Industrial	70 dB	65 dB	
<b>Residential, Waterfront, Special Use</b>	<b>60 dB</b>	<b>55 dB</b>	
Other Zone	60 db	60 db	

<b>Exemptions (§§ 2702-2704, 2800)</b>			
<b>Source</b>	<b>Maximum Level (in dB)</b>	<b>Times</b>	<b>Measurement Locations</b>
Trains	75 (Res), 80 (Com), 90 (Ind)	Any	100 ft from center line of track
Safety signals, emergency, pressure release valves, warning/alarm devices	No Limit	Any	N/A
Emergency Vehicles	No Limit	Any	N/A
Emergency Work	No Limit	Any	N/A
Unamplified Voice	No Limit	Any	N/A
District or US government public address systems	No Limit	Any	N/A
Unamplified church bells connected with worship	No Limit	Any	N/A
Musical instruments, loudspeakers, radio, tape recorder, TV, CD player, stereo, and car stereos, unamplified voices	60 or zone max	Any	1 meter from source
<b>Mechanical Equipment</b>	<b>60</b>	<b>Any</b>	<b>Property line</b>
Construction- Day	80 (w/o variance)	7a to 7p	25 ft from edge of site
Construction- Night	Zone Max	7a to 7p	25 ft from edge of site
<b>Construction in Residential/Waterfront/Special Use Zone</b>	Zone Max	Mon-Sat 7a- 7p	25 ft from edge of site
Portable power tools (for personal use) in Res Zone	Zone Max	Weekdays, Sat/Sun/holid av. 9a	25 ft from edge

			of site
		to 9p	
Public utility work- or subcontractors	Zone Max	Any	25 ft from edge of site
WMATA work- or subcontractors	Zone Max	Any	25 ft from edge of site
Explosives	Zone Max	Weekdays and Sat., 7a to 9p	Property line
Hawkers, vendors (not at licensed entertainment events)	Zone Max	7a to 9p	Property line
Trash Collection (not District-owned garbage vehicles)	60	7a to 9p	Property line
Vehicle-Mounted Loud Speakers	Zone Max	9a to 9:30 p	1 meter from source
Leaf Blowers	70	8a to 8:30 p	50 ft from source

Best, Ranieri  
R M Cavaceppi  
4404 Albemarle Street NW  
Washington, DC 20016  
202-277-7827

On Thursday, May 24, 2018, 4:33:00 PM EDT, Hilary Pell Dove <hilarypelledove@yahoo.com> wrote:

Patrick,

This is what I was referring to earlier. There is no need to do the 6 feet away as well.

Hilary

Sent from my iPhone

On May 24, 2018, at 3:15 PM, Ranieri Moore Cavaceppi <rabbiemc@yahoo.com> wrote:

Hi Patrick,

This is Hilary Dove's husband, and this is the specific DC ordinance that I am referring to with regards to air-conditioning noise inspections.

This is the law, so I am not sure why there is a discussion about taking noise measurements 6 feet away from the property line?

**2011 DC Noise Control Act**

**MECHANICAL EQUIPMENT**

**2801**

**2801.1**

contained in this section.

Noise resulting from mechanical equipment shall not exceed the maximum noise levels

**2801.2 Noise resulting from the use or operation of any air-conditioning, refrigerator, heat pump,**

fan, swimming pool equipment, or other mechanical equipment, regardless of location, shall be prohibited in excess of sixty (60) dB(A) when measured at the property line or as close to the property line as practical if there is an obstruction.

Thank you for your time today in talking to my wife. We are appreciative of your efforts in this matter.

Best, Ranieri

R M Cavaceppi  
4404 Albemarle Street NW  
Washington, DC 20016  
202-277-7827

On Thursday, May 24, 2018, 3:03:59 PM EDT, Hilary Pell Dove <[hilarypelledove@yahoo.com](mailto:hilarypelledove@yahoo.com)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** "Allen, Patrick H. (DCRA)" <[patrickh.allen@dc.gov](mailto:patrickh.allen@dc.gov)>  
**Date:** May 24, 2018 at 2:29:39 PM EDT  
**To:** Hilary Pell Dove <[hilarypelledove@yahoo.com](mailto:hilarypelledove@yahoo.com)>, "Sullivan, Donald (DCRA)" <[Donald.Sullivan@dc.gov](mailto:Donald.Sullivan@dc.gov)>  
**Cc:** "Gamboa, Ferdinand (DCRA)" <[ferdinand.gamboa@dc.gov](mailto:ferdinand.gamboa@dc.gov)>, "Bailey, Christopher (DCRA)" <[christopher.bailey@dc.gov](mailto:christopher.bailey@dc.gov)>, "Wright, Joseph (DCRA)" <[Joseph.Wright3@dc.gov](mailto:Joseph.Wright3@dc.gov)>  
**Subject:** RE: 4400 Albemarle Street NW noise complaint

Ms. Dove,

I have received your email. Please give me a call at your earliest convenience.

Thank you

**Patrick H. Allen** | Housing Code Enforcement Officer

Department of Consumer and Regulatory Affairs

[patrickh.allen@dc.gov](mailto:patrickh.allen@dc.gov) | 1100 4th St SW, DC 20024

desk:202.481.3386 |mobile: 202.439.2984

[dcra.dc.gov](http://dcra.dc.gov)

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<image002.jpg> <image003.jpg> <image004.jpg> <image005.jpg>

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**From:** Hilary Pell Dove [<mailto:hilarypelledove@yahoo.com>]

**Sent:** Thursday, May 24, 2018 2:15 PM

**To:** Sullivan, Donald (DCRA)

**Cc:** Gamboa, Ferdinand (DCRA); Allen, Patrick H. (DCRA); Bailey, Christopher (DCRA); Wright, Joseph (DCRA)

**Subject:** Re: 4400 Albemarle Street NW noise complaint

Mr. Sullivan,

I have included you, because I thought the removal of the board was under your jurisdiction. Plus, Mr. Gamboa has not once tried to communicate directly with me, while you have been responsive.

Thanks for responding and clarifying your role. Hopefully I'll hear from Mr. Gamboa soon.

Hilary

Sent from my iPhone

On May 24, 2018, at 2:00 PM, Sullivan, Donald (DCRA) <[Donald.Sullivan@dc.gov](mailto:Donald.Sullivan@dc.gov)> wrote:

Good afternoon Ms. Dove. I cannot provide you a date when a noise test can be completed. As I stated in previous communication, Illegal Construction does not enforce the regulations related to noise.

Property Maintenance Inspections enforces the noise standard. I have placed on the communication both Manager (Mr. Gamboa and Allen) who can provide you when the inspection can be completed.

Respectfully,

respectfully,

Donald W. Sullivan|Supervisor, Illegal Construction, Inspections and Compliance Administration

Department of Consumer and Regulatory Affairs

[Donald.sullivan@dc.gov](mailto:Donald.sullivan@dc.gov)|1100 4<sup>th</sup> Street, SW, 4<sup>th</sup> Floor, DC 20024

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[<image013.jpg>](#) [<image014.jpg>](#) [<image015.jpg>](#) [<image016.jpg>](#)

**From:** Hilary Dove [<mailto:hilarypelledove@yahoo.com>]  
**Sent:** Thursday, May 24, 2018 1:47 PM  
**To:** Sullivan, Donald (DCRA) <[Donald.Sullivan@dc.gov](mailto:Donald.Sullivan@dc.gov)>; Gamboa, Ferdinand (DCRA) <[ferdinand.gamboa@dc.gov](mailto:ferdinand.gamboa@dc.gov)>  
**Cc:** John Letteri <[johnl@antonlegal.com](mailto:johnl@antonlegal.com)>; [rabbiecm@yahoo.com](mailto:rabbiecm@yahoo.com) <[rabbiecm@yahoo.com](mailto:rabbiecm@yahoo.com)>; Malitz, Jerry (SMD 3G05) <[3G05@anc.dc.gov](mailto:3G05@anc.dc.gov)>; Wright, Joseph (DCRA) <[Joseph.Wright3@dc.gov](mailto:Joseph.Wright3@dc.gov)>  
**Subject:** 4400 Albemarle Street NW noise complaint

Mr. Sullivan and Mr. Gamboa,

While we wait for our DCRA adjudication meeting in late June 2018, I am asking that two things to take place from your office.

First, I am requesting that the owners of 4400 Albemarle Street, NW remove the board that is between their short, fat HVAC unit and our fence. It is hitting our fence and trespassing onto our property. Please note that our fence is an inch inside our property. This board is leaning onto our fence to keep one of their HVAC units from sliding downwards. (Please see below for a picture of what I am referring to.)

Secondly, I am requesting that a successful noise inspection take place on our premises. Both of my children have complained about the noise during the last two weeks. I am hopeful that you two will facilitate a proper test. You have made assurances about getting this done, but I have to keep calling your office. There has been no test scheduled. The three noise tests attempted previously have either been unsuccessful or illogically chosen; one could infer that your office is favoring our neighbors and the contractors over us. (Please see below for a full explanation of said tests.)

Lastly, I need to have concrete answers to the open questions about how and when the noise test will be administered (i.e., where it will occur on our property), since I have also not received an explanation on the DCRA policy of the noise assessment test as stated by Mr. Manning (again see below for clarification). Since the mechanical equipment statute explicitly states that the noise inspection must be done at the property line, I need the new test to be done in an expeditious manner at the property line that divides the two properties in question. Also, the reading of 63.7 would have obviously been too loud for nighttime. Why have I had to fight so hard to get this re-inspection and have someone come in the early evening—say between 5-8 PM—when most family members in most households would be home from work and school, and HVAC units would have a very high likelihood of being turned on? More importantly, how will we be able to ensure the the test is taken properly? The only previous noise inspection that actually occurred had Mr. Manning standing 5-6 feet from our fence beside the property line?! It is imperative for me to physically observe the noise inspection in person and/or have a third party present.

I am looking forward to working with your office to get a committed (real world) approach to getting this noise test done sooner rather than later. Now that the 4400 Albemarle Street neighbors had their 2nd Stop Work Order cancelled on Friday May 18th, the HVAC units have been running loudly all day—ever since the weather improved on Sunday May 20th.

Sincerely,

Hilarv Dove

440 Albemarle Street, NW

Washington, DC 20016

Ph. 202-277-7827

**Picture of board on our property:**

<image011.png>

**A brief history of attempted noise inspections:**

The first noise test was done by a Mr. Manning in late April at around 1 PM, and Mr. Manning told me he was testing the noise 6 feet away from the property line. The noise level registered at 63.7 decibels. I was called later in the day and told the test was negated due to the wind. He never mentioned wind readings at the time, nor did he say it was a windy kind of day (12 mph or more, per 2011 DC Noise Control Act). When this reading came out at 63.7, I was told by Mr. Manning that there was a 2.5 numerical dB(A) variance written in the code for outside noise. That means the reading would have been at 61.2, which is still over the legal limit. Mr. Manning then said DCRA gives an extra 4 points for variance? That means noise readings would allow a 6.5 numerical variance? I have asked DCRA to confirm that these variations are normal policy—and where they are to be found in the DC 2011 Noise Control Act. No one within DCRA has confirmed, denied, or commented on these numerical matters provided by Mr. Manning over the phone and in person—nor have specific email queries made by my husband and me been answered with regards to noise inspection rules.

I later learned that the 2801 Subsection of the 2011 DC Noise Control Act, with regards to mechanical equipment—specifically relating to air conditioning of any type—states that the measurements must be done at the property line. Every time DCRA has solid reasoning for an action they have taken, they sent me a long email. These exchanges, however, avoid answering specific questions about noise inspections not to their liking.

The reason there are setback rules is because when you are too close to an HVAC unit (i.e., next to mechanical equipment), it will probably be too loud. The units in question at 4400 Albemarle Street are literally at the property line, and these neighbors willfully and deliberately chose to place them at the property line. Now these HVACs need to be tested for decibel noise at the property line, i.e., the very reason why the DC 2011 Noise Control Act mandates testing the air conditioning noise levels at the property line.

Last week I was told by Mr. Wright, a consumer affairs liaison in DCRA, that Mr. Gamboa talked with Robert Bozzo, a Vice President of Operations at Impact Construction, about doing a coordinated test, but that no such test has yet been scheduled. I was told Mr. Gamboa told Impact Construction Bozzo that the construction company was allowed to send a video of the units in question, to show they are in compliance. (Mr. Wright kindly said I could also send my videos as well, when I asked for equal treatment. I have not been told what the intent of these videos is, since they will never be deemed official until DC govt. inspects those units on site. Is this normal protocol with a formal DC noise inspection—to have those being complained about actually send their own video

noise testimonials as evidentiary proof?!)

**A second test** was taken by another noise inspector, Mr. Jenkins, on Friday May 4th at approximately 11:30 PM. By the time he arrived, the neighbors had turned off their HVAC system, as temperatures were cooling in the evening. (Their systems were still on when we had last checked at about 10 PM.) No test was actually taken. We later learned they had a camera in their window facing the side yard units.

**The third test** was scheduled for last Monday, May 14th. It also did not occur. The inspector showed up, but he took no test of the units, since the HVAC units were never turned on during those morning hours. I called DCRA the morning of May 14th to say the unit was not turned on—and not to come out: It was 66 degrees outside, and the neighbors had no intention of turning on their units. Over the last two weeks, the 4400 Albemarle Street owners would only turn on the units after 5 PM. The two persons I spoke with, however, were not willing to call Mr. Gamboa, the man in charge of scheduling such tests, to suggest that we all use common sense. I expressed my concern it would be used as an example of having made another unsuccessful noise test, which would in turn prolong the process of scheduling another noise inspection. To understand our frustration, the weather got up to 80 degrees later that day on the afternoon of May 14th. Why not logically schedule for the afternoon hours, after looking briefly online at an hourly weather forecast for temperatures in the 70s, 80s, and 90s?

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Need help? Call (202) 478-5738, email [enroll@dc.gov](mailto:enroll@dc.gov), or visit <http://enrolldcps.dc.gov/>.  
Don't delay, enroll today!**

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Text message to new DCRA Inspector.

AT&T

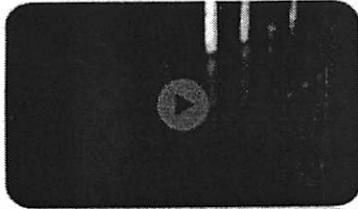
2:08 PM

21%



(202) 207-4020 >

Text Message  
Yesterday 6:07 PM



Good evening Mr. Andoh-Kesson. This is Hilary Dove from 4404 Albemarle St, NW. It was nice meeting you today. I had inquired with you about having a noise inspection done on my neighbors HVAC unit. I took this video tonight at the property line where I



Text Message



AT&T

2:08 PM

21%



(202) 207-4020 >



Good evening Mr. Andoh-Kesson. This is Hilary Dove from 4404 Albemarle St, NW. It was nice meeting you today. I had inquired with you about having a noise inspection done on my neighbors HVAC unit. I took this video tonight at the property line where I showed you today to give you a reference point. I look forward to speaking to you soon.

Sent from my iPhone

