

EXHIBIT A

B**Department of Buildings**

Permit Operations Division
1100 4th Street SW
Washington DC 20024
Tel. (202) 671 - 3500



THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE
ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

PERMIT NO.: B2308873

Issue Date: 2/1/2024

Expiration Date: 02/01/2025

Address of Project: 638 I ST NE		Zone: RF-1	Ward: 6	Square: 0857	Suffix:	Lot: 0819																																
Permit Restrictions: HERITAGE/SPECIAL TREES, YEARBUILT PRIOR 1978																																						
Permission Is Hereby Granted To: Chen, Kevin R		Owner Address: 638 I ST NE WASHINGTON, DC 20002			PERMIT FEE: \$6,802.27																																	
Permit Type: Addition Alteration Repair	Existing Use: One Family	Proposed Use: One Family	Building Construction Type: TYPE V - Any Materials Permitted		Floor(s): 0																																	
Agent Name / Address: Andrew Murray 443 2nd Street Se		Contractor Name / Address : Chen, Kevin R 638 I ST NE WASHINGTON, DC 20002		Existing Dwell Units: 1	Propose d Dwell Units: 1	No. of Stories: 2																																
Description Of Work: Level 3 renovation of existing row house to an enlarged and modernised single family home with 4 bedrooms, 1 den and 3.5 bathrooms. The renovation will include:- New Rear Addition- New third floor addition- New underpinned foundation of existing party walls (no excavation)NOTE:- No work is being proposed in public space and all work is to take place within the property lines- The existing front elevation including mansard roof is being preserved and will not be altered.																																						
<table border="1"> <thead> <tr> <th>EXTERIOR :</th> <th>Description</th> <th>INTERIOR</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Demolition</td> <td></td> <td>Bathroom Remodeling</td> <td></td> </tr> <tr> <td>Doors</td> <td></td> <td>Dry Wall- Sheetrock</td> <td></td> </tr> <tr> <td>Roof</td> <td></td> <td>Interior Demolition</td> <td></td> </tr> <tr> <td>Windows</td> <td></td> <td>Kitchen Renovation</td> <td></td> </tr> <tr> <td></td> <td></td> <td>Room Additions</td> <td></td> </tr> <tr> <td></td> <td></td> <td>Underpinning</td> <td></td> </tr> <tr> <td></td> <td></td> <td>Whole House Remodeling</td> <td></td> </tr> </tbody> </table>							EXTERIOR :	Description	INTERIOR	Description	Demolition		Bathroom Remodeling		Doors		Dry Wall- Sheetrock		Roof		Interior Demolition		Windows		Kitchen Renovation				Room Additions				Underpinning				Whole House Remodeling	
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Conditions/ Restrictions: AN 'ABOVE GRADE' WALL CHECK IS REQUIRED BY THE BUILDING CODE FOR THIS BUILDING PERMIT AND MAY BE REQUIRED FOR REVISIONS THAT IMPACT THE BUILDING FOOTPRINT. The owner may not schedule a DCRA or Third Party foundation or framing inspection without a DCRA approved 'above grade' wall check. Before starting any land disturbance, you must complete a DOEE pre-construction inspection. To schedule, go to http://doee.dc.gov/SGS and click the "Request a Pre-Construction Inspection" button. Attach a copy of the issued DOB permit.																																						
This permit expires if no approved inspections have occurred within one year after the issuance date on this permit or 180 days for structures built under the Residential Code. A permit extension must be requested before the expiration of this permit.																																						
As a condition to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District government, and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property to inspect all work authorized by this permit, and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this permit must start within one (1) year of the date appearing on this permit or																																						
If this permit was issued to a building built before 1978, it is subject to full compliance with the Lead-Hazard Prevention and Elimination Act, its associated regulations, and the EPA Lead Renovation, Repair and Painting Rule. To determine how to comply, visit the Department of Energy and Environment's Lead-Safe and Healthy Housing Division website at https://doee.dc.gov/service/environmental-applications-licenses-and-permits or contact them at (202) 535-2600 prior to beginning work under the permit. For more information on how to comply with EPA visit https://www.epa.gov/lead .																																						
Brian J. Hanlon, AIA LEED AP® Director		Permit Clerk BQUINN																																				
DC INSPECTOR GENERAL HOTLINE: If you are aware of corruption, fraud, waste, abuse, or mismanagement involving any DC Government agency, official or program, contact the Office of the Inspector General 202-727-0267 or 1-800-521-1639 (toll free). All reports are confidential and you may remain anonymous by law. Government employees are protected from reprisals or retaliation by their employers for reporting to it information you provide may result in an investigation leading to administrative action, civil penalties, or criminal prosecution in appropriate cases.																																						
To schedule a CONSTRUCTION INSPECTION or for INQUIRIES Call Miss Utility at 811 or 1-800-257-7777 at least 48 Hours prior to excavation to obtain a ticket. www.missutility.newswashingtondc.org/statelaw.asp																																						
DOB Ex. A - BZA Case 21142																																						

EXHIBIT B

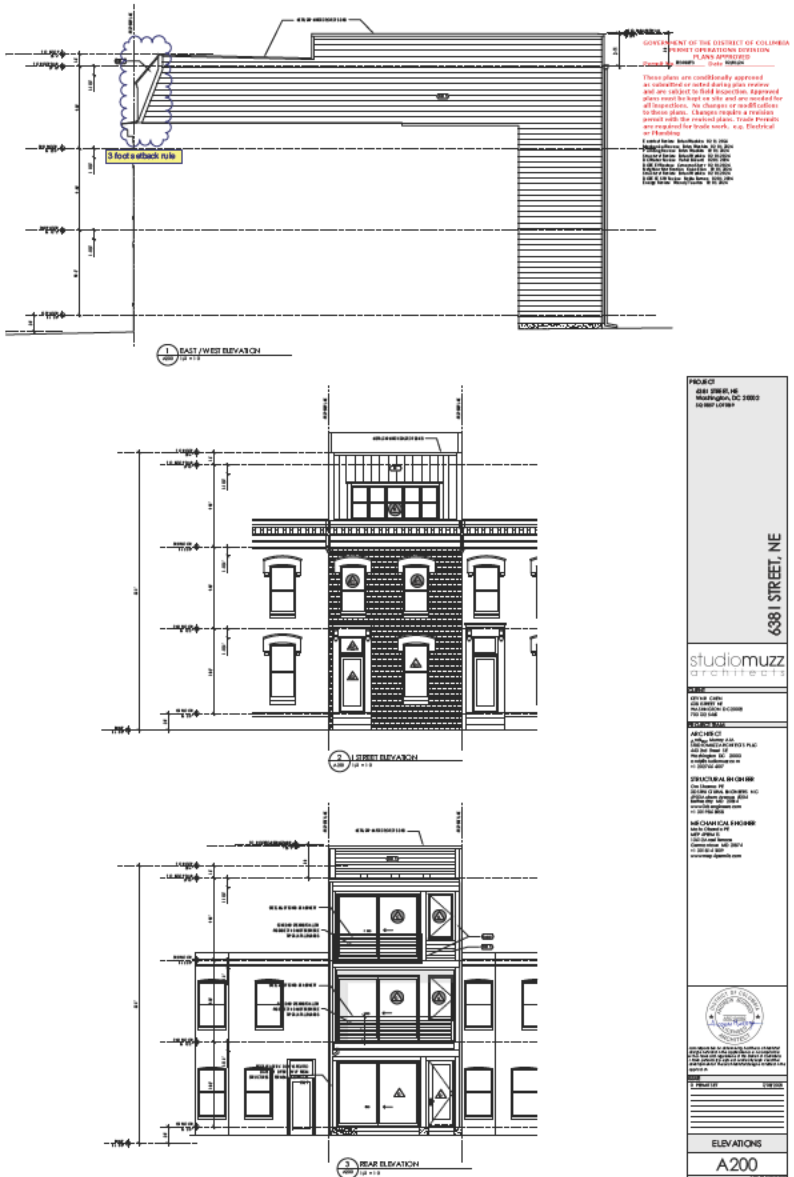


EXHIBIT C

Fw: Challenge to permit for 638 I ST NE - B2308873

① Open

2/7/2024 • Satisfied Add Tag

KB ▾

JK Joel Kelty



From: Kelty, Joel (SMD 6C05) <6C05@anc.dc.gov>

Sent: Sunday, February 4, 2024 12:07 PM

To: Hanlon, Brian (DOB) <brian.hanlon@dc.gov>; Beeton, Kathleen (DOB) <kathleen.beeton@dc.gov>

Cc: Eckenwiler, Mark (SMD 6C04) <6C04@anc.dc.gov>; Allen, Charles (COUNCIL) <CALLen@dccouncil.gov>; Jen

DeMayo <jdemayo@dccouncil.gov>; Stolzenberg, Jake (EOM) <jake.stolzenberg@dc.gov>

Subject: Challenge to permit for 638 I ST NE - B2308873

Mr. Hanlon and Ms. Beeton,

Please accept this email as a challenge to the issuance of the above referenced building permit. The approved permit drawings are not consistent with the Zoning Administrator's Interpretation 7 regarding required setbacks from protected architecture rooftop elements.

The attached excerpt from the permit drawings depicts a rooftop addition that is coincident with the front facade and cornice, not set back 3 feet. A copy of interpretation 7 downloaded from the DOB website this morning is also attached for reference. Please review and, if you are in agreement, revoke the permit.

Please also let us know what proactive measures DOB is undertaking to prevent future permits from being issued in error. As I am sure you are aware, this is one of many such issues the community has flagged in recent months (refer to my prior correspondence on 622 I ST NE, 401 K ST NE, 303-305 K ST NE, 1165 3rd ST NE, 507 Florida AVE NE, 517 K ST NE, 1008 4th ST NE, among others). DOB should be catching these problems during the permit review process, not relying on the public to flag them after permit issuance.

Kindly acknowledge receipt and advise when we can expect a written response to the complaint.



Thanks,



Joel Kelty
Commissioner ANC 6C05
(202) 905-2724

On October 1, 2022, the Department of Consumer and Regulatory Affairs (DCRA) transitioned into the District’s newest agencies. The Department of Buildings (DOB) and the Department of Licensing and Consumer Protection (DLCP) are now available to serve you. Learn more about the transition at [DCRATransition.dc.gov](https://dcratransition.dc.gov/) or each agency by visiting dob.dc.gov or dlcp.dc.gov.

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Show less

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JPEG 535.67 KB 

 Screenshot 2024-02-04 at 11.53.31AM...
PNG 248.29 KB 

Feb 7, 10:55:04 AM

[Redacted]

System 

[Redacted]

Feb 7, 10:55:05 AM

[Redacted] KB

Good morning Commissioner Kelty:

Thank you for your email regarding B2308873. You inquired about whether B2308873 should be revoked because the proposed addition is not set back a minimum of three feet from the existing cornice and you referenced ZA Interpretation #7 which is as follows:

Zoning Administrator Interpretation 7: Rooftop Architectural Element

Tuesday, October 1, 2019 Reference: ZA-007 Interpretation ZA-007: Roof Top Architectural Element is superseded in part by D.C. Municipal Regulations Title 11, Subtitle E, Section 206.1 and 206.2.

Applicants should also be aware of the “three foot rule,” that an addition of a floor or penthouse, usually behind the protected architectural rooftop element, must be set back at least three feet from the element in order to help preserve it’s architectural integrity.

The ZA interpretation applies in cases a new addition is proposed and states that the addition has to be set back a minimum of 3 feet from the roof-top architectural embellishment, like a turret. The rationale behind the interpretation is to protect the architectural integrity of the existing roof-top architectural embellishment, so that it so it doe not lose its defining features by being incorporated into the new addition.

Consistent with the past practice under the former Zoning Administrator, a cornice is not a roof-top architectural embellishment and therefore a new addition may be constructed flush with an existing cornice.

Best regards,
Kathleen

[Show less](#)

Feb 7, 11:19:57 AM



JK Joel Kelty

a cornice is not a roof-top architectural embellishment

That's a rather odd position to take, given that section 206.1 expressly includes cornices: "a roof top architectural element original to a principal building such as cornices, porch roofs, a turret, tower, or dormers"

Mark Eckenwiler
Chair, ANC 6C
SMD 6C04

...


 Feb 7, 11:36:00 AM

EXHIBIT D



638

640

EXHIBIT E

From: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Sent: Tuesday, May 11, 2021 4:56 PM
To: Martin Sullivan <msullivan@sullivanbarros.com>
Cc: Andrew Justus <ajustus@sullivanbarros.com>
Subject: RE: Urgent and Quick (I promise) Question

Marty Sullivan,

I agree that the three foot setback, which is my Office's requirement that upper floor additions be setback from certain rooftop architectural elements, does not apply to cornices. You are aware of the 'three foot rule' that my office has administratively required for upper floor additions to be set back from specified protected rooftop architectural elements. However, this rule does not apply to cornices. Other rooftop architectural elements, including turrets, towers, mansard roofs, and dormers are subject to the three foot setback rule to preserve those element's architectural integrity. However, I have not applied this setback rule to cornices since the inception of the regulation, as cornices primarily reside on the building's façade. This is also explained in the **Tutorial Video** on DCRA's Website at <https://dcra.dc.gov/node/1466106>. In the video, it denotes the exemption of cornices from the three foot setback rule.

Please let me know if you have any further questions on this matter.

Matthew Le Grant
Zoning Administrator
Office of the Zoning Administrator
Dept of Consumer and Regulatory Affairs
1100 4th St SW - Washington, DC 20024
www.dkra.dc.gov
Phone: Desk 202 442-4652 – Mobile 202-497-1742

DOB Ex. E - BZA Case 21142