

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 1 ST NE		Zone: RF-1	Ward: 6	Square: 0857	Suffix: 0819	Lot:
Permit Restrictions: HERITAGE/SPECIAL TREES, YEARBUILTPRIOR1978						
Permission Is Hereby Granted To: Chen, Kevin R		Owner Address: 638 1 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 1 ST NE WASHINGTON, DC 20002			Existing Dwell Units: 1	Proposed 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.

EXTERIOR :	Description
Demolition	
Doors	
Roof	
Windows	

INTERIOR	Description
Bathroom Remodeling	
Dry Wall- Sheetrock	
Interior Demolition	
Kitchen Renovation	
Room Additions	
Underpinning	
Whole House Remodeling	

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

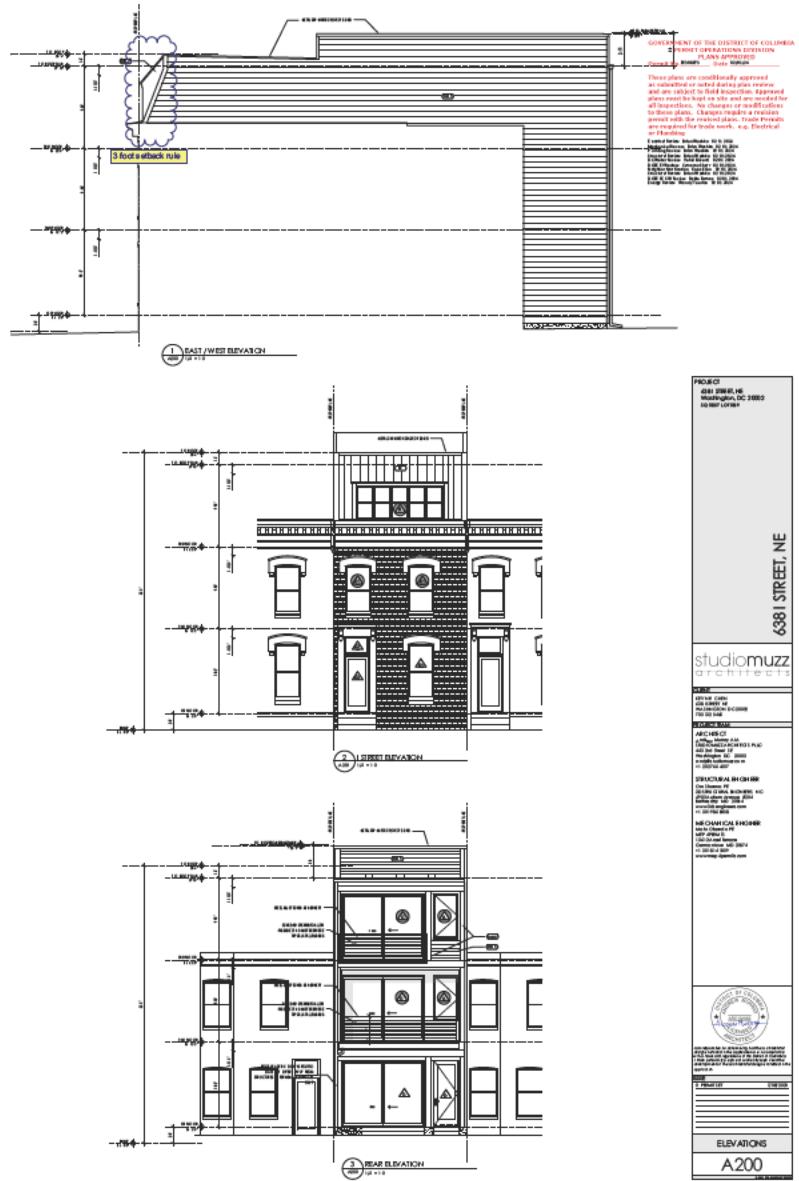
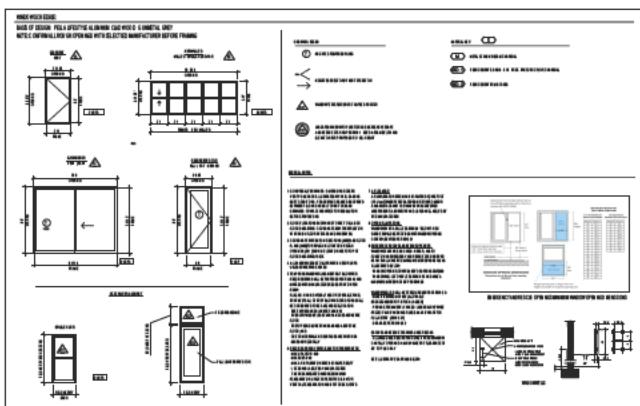
DC INSPECTOR GENERAL HOTLINE: If you are aware of corruption, fraud, waste, abuse, or mismanagement involving any DC Government agency, official or program, contact the Office of the Inspector General 202-727-0267 or 1-800 521-1639 (toll free). All reports are confidential and you may remain anonymous by law. Government employees are protected from reprisals or retaliation by their employers for reporting to t 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 202-727-2291

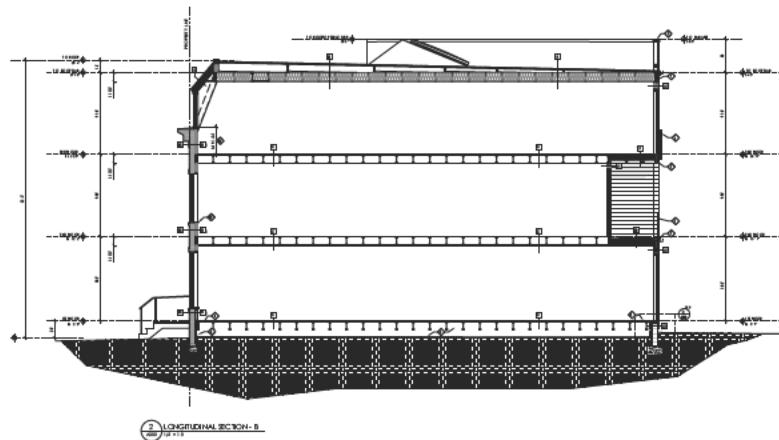
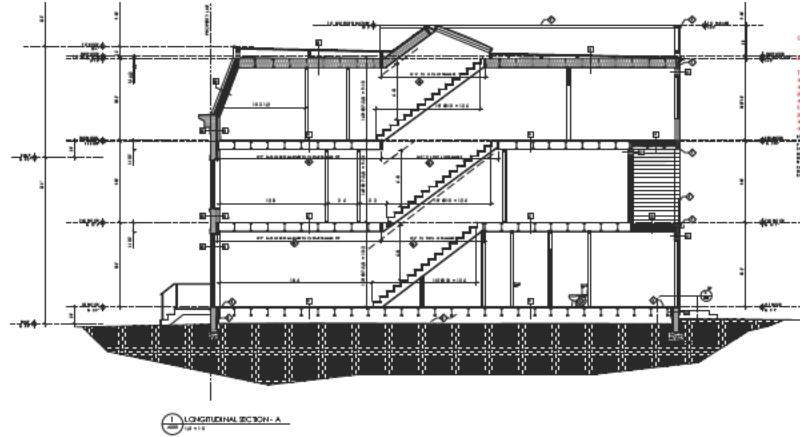
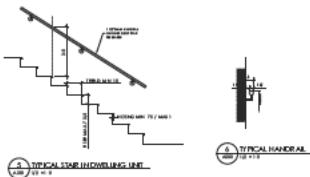
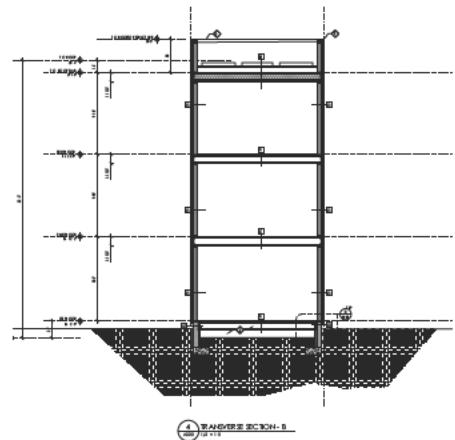
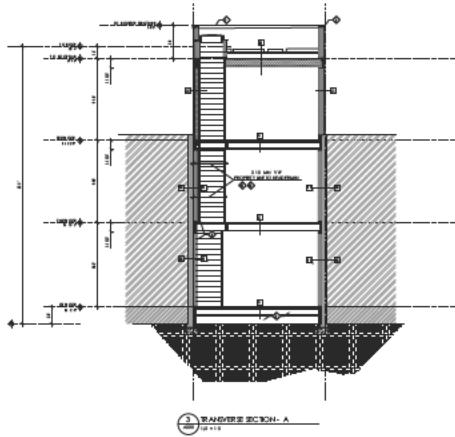
Call Miss Utility at 811 or 1-800-257-7777 at least 48 Hours prior to excavation to obtain a ticket: www.missutility.net/washingtondc/dcstatelaw.asp

DOB Ex. A - BZA Case 21142

EXHIBIT B



DOB Ex. B- BZA Case 21142



GENERAL NOTES

1. **DO NOT KILL FRESHWATER FISH OR CRUSTACEANS** IN THE AREA OF THE HARBOR WITH THE 100 MILE BATH. DO NOT KILL FRESHWATER FISH OR CRUSTACEANS IN THE AREA OF THE HARBOR WITH THE 100 MILE BATH OR IN THE 100 MILE BATH IN THE 100 MILE BATH.
2. **DO NOT KILL FISH WHICH ARE IN THE 100 MILE BATH OR IN THE 100 MILE BATH IN THE 100 MILE BATH OR IN THE 100 MILE BATH IN THE 100 MILE BATH.**
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ENT OF THE DISTRICT OF COLUMBIA
PERMIT OPERATIONS DIVISION
PLANS APPROPRIATED
Date 10/20/00

Plans are conditionally approved
or noted during site review
subject to field inspection. Approved
at the Site and are needed for
work. No changes or modifications
are allowed. Changes require a revision
to the revised plans. Trade Permits
are required for trade work, e.g. electrical
work.

PROJ C1

studiomuzz
architects

DRIVAR CORP
425 KIRKWOOD
MOUNTAIN VIEW, CA 94035
700 321 5446

STRUCTURAL SH GRH INC
1000 University Pkwy
441 Bell Shire 15
W. Melbourne, VIC 3000
a wholly held company of
SIS 2000 Pty Ltd
32 2000 44407

STRUCTURAL SH GRH INC
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200-1000 CROWN BUILDINGS, NC
NORTH CANNON DRIVE
WILMINGTON, NC 28403
800 544 4444
www.coxinsurance.com

EXHIBIT C

Fw: Challenge to permit for 638 1 ST NE - B2308873 Open2/7/2024 •  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 1 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 1 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



System



✉ Feb 7, 10:55:05 AM



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 its 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 does 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



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.dcra.dc.gov

DOB Ex. E - BZA Case 21142

Phone: Desk 202 442-4652 – Mobile 202-497-1742