

# Exhibit 1

Document (Permit No. B2309496 Materials)



3021 15TH NW,  
Washington, DC 20017

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PERMIT OPERATIONS DIVISION

PLANS APPROVED

Permit No. 82309496 Date 08/23/24

These plans are conditionally approved as submitted or noted during plan review and are subject to field inspection. Approved plans must be kept on site and are needed for all inspections. No changes or modifications to these plans. Changes require a revision permit with the revised plans. Trade Permits are required for trade work. e.g. Electrical or Plumbing

Energy Review - Wendy Talarico - 08-23-2024  
Zoning Review - Daniel Calhoun - 08-23-2024  
DOEE SE-SW Review - Saba Gharavi - 08-23-2024  
DC Water Review - Vahid Bilvardi - 08-23-2024  
Structural Review - Raju Shrestha - 08-23-2024

PROJECT DESCRIPTION

EXIST. CLAY BLOCK & BRICK GARAGE & ACCESSORY STRUCTURE IN NEED OF REPAIR TO BE RE-BUILT IN PLACE W/ THE ADDITION OF A 2ND STORY & CONVERTED TO AN ACCESSORY DWELLING UNIT FOR A MAXIMUM OF A 3 PERSONS

NOTE

ALL DIMENSIONS LISTED CORRELATE WITH THE DESIGN INTENTION. DO NOT SCALE DRAWINGS. IF ANY DIMENSIONS OR NOTES ARE IN QUESTION, REVIEW WITH ARCHITECT PRIOR TO PROCEEDING W/ WORK.

DRAWING INDEX

|      |   |
|------|---|
| 0001 | COVER SHEET, PROJECT DESCRIPTION, LOCATION, DRAWING INDEX |
| 0004 | PROPOSED SOIL & EROSION PLAN                              |
| 0005 | SOIL & EROSION DETAILS                                    |

GENERAL INFO

|  |  |
|--|--|
| OWNER:<br>BRENT KROLL & CLAIRE KING<br>3021 15TH ST NE<br>WASHINGTON, DC 20017   | CIVIL ENGINEER:<br>HUSKA CONSULTING, LLC<br>1050 30TH ST NW<br>WASHINGTON, DC 20007<br>PH: 703.969.0413                  |
| ARCHITECT:<br>AGGREGATE ARCHITECTURE + DESIGN, PLLC<br>1308 9TH ST NW - SUITE 200<br>WASHINGTON, DC 20001<br>PH: 202.289.0053                    | MEP ENGINEER:<br>FRIEDMAN ENGINEERING, LLC<br>11709 FULHAM STREET<br>SILVER SPRING, MD 20902<br>PH: 301.494.8217         |
| STRUCTURAL ENGINEER:<br>OHI ENGINEERING GROUP, PLLC<br>1025 THOMAS JEFFERSON ST NW<br>SUITE 420 EAST<br>WASHINGTON, DC 20007<br>PH: 202.499.5588 | CONTRACTOR:<br>MMC PAINTING & REMODELING, LLC<br>11009 CLARA BARTON DR.<br>FAIRFAX STATION, VA 22039<br>PH: 571.274.9977 |

ZONING INFO

|                   |           |                       |             |
|-------------------|-----------|-----------------------|-------------|
| LOT:              | 0022      | EXIST. PERVIOUS SURF: | 40.19%      |
| SQUARE:           | 4017      | PROP. PERVIOUS SURF:  | 40.19%      |
| ZONE:             | R-1-B     | MIN. PERVIOUS SURF:   | 50%         |
| EXIST. LOT AREA:  | 5750 S.F. | EXIST. FOOTPRINT OF   |             |
| EXIST. LOT OCC:   | 31.19%    | ADU:                  | 409.90 S.F. |
| PROPOSED LOT OCC: | 30.76%    | NEW FOOTPRINT OF      |             |
| MAX LOT OCC:      | 40%       | ADU:                  | 385.09 S.F. |

CODE REVIEW INFO.

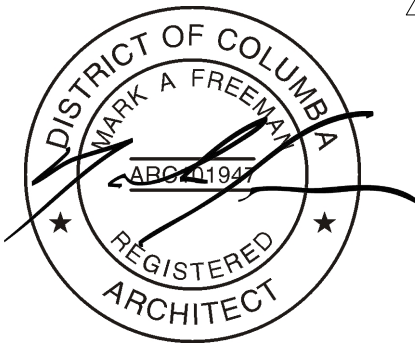
ALL WORK UNDER THIS CONTRACT SHALL COMPLY WITH THE PROVISIONS OF THE SPECIFICATIONS & DRAWINGS, & SHALL SATISFY ALL APPLICABLE CODES, ORDINANCES AND REGULATIONS OF ALL GOVERNING BODIES INVOLVED. ALL PERMITS, LICENSES & INSURANCE NECESSARY FOR THE PROPER EXECUTION OF WORK SHALL BE SECURED & PAID FOR BY THE GENERAL CONTRACTOR. APPLICABLE CODES INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:  
2015 INTERNATIONAL RESIDENTIAL CODE (IRC) W/ SUPPLEMENT OF 2017 & ZONING REQUIREMENTS  
2015 ENERGY CONSERVATION CODE (ECC)  
2015 INTERNATIONAL MECHANICAL CODE (IMC)  
2015 INTERNATIONAL PLUMBING CODE (IPC)  
2014 NATIONAL ELECTRIC CODE (NEC)

BUILDING DATA

|                                   | EXIST. BUILDING | PROP. ALTERATION  |
|-----------------------------------|-----------------|-------------------|
| IRC OCCUPANCY CLASSIFICATION      | R-3             | R-3               |
| TYPE OF CONSTRUCTION              | V-B             | V-B               |
| MAIN HOUSE FIRE SPRINKLER (Y/N)   | N               | N                 |
| FLOOR AREA OF MAIN HOUSE          | 3024.91 SQ.FT.  | NO CHANGE         |
| FLOOR AREA OF ACCESSORY BUILDING  | 342.23 SQ. FT.  | 581.11 SQ.FT.     |
| ADU FIRE SPRINKLER (Y/N)          | -               | Y (TYPE NFPA 13D) |
| ADU NUMBER OF STORIES ABOVE GRADE | -               | 2                 |

 **aggregate** PLLC  
architecture+design  
1308 9th St NW, Suite 200 WASHINGTON, DC 20001  
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|  |          |
|--|----------|
| SUBMISSION   | DATE     |
| PERMIT REV 1   | 09-22-23 |
| PERMIT REV 3   | 04.25.24 |
| I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE DISTRICT OF COLUMBIA. LICENSE NO. ARC.101947 EXPIRATION DATE 04.30.2026 |          |
| DRAWN BY:  | AM/PH    |
| CHECKED BY:  | MF/LWF   |
| PROJECT NO:  | 2022-08  |

SOIL & EROSION  
COVER  
SHEET

0001

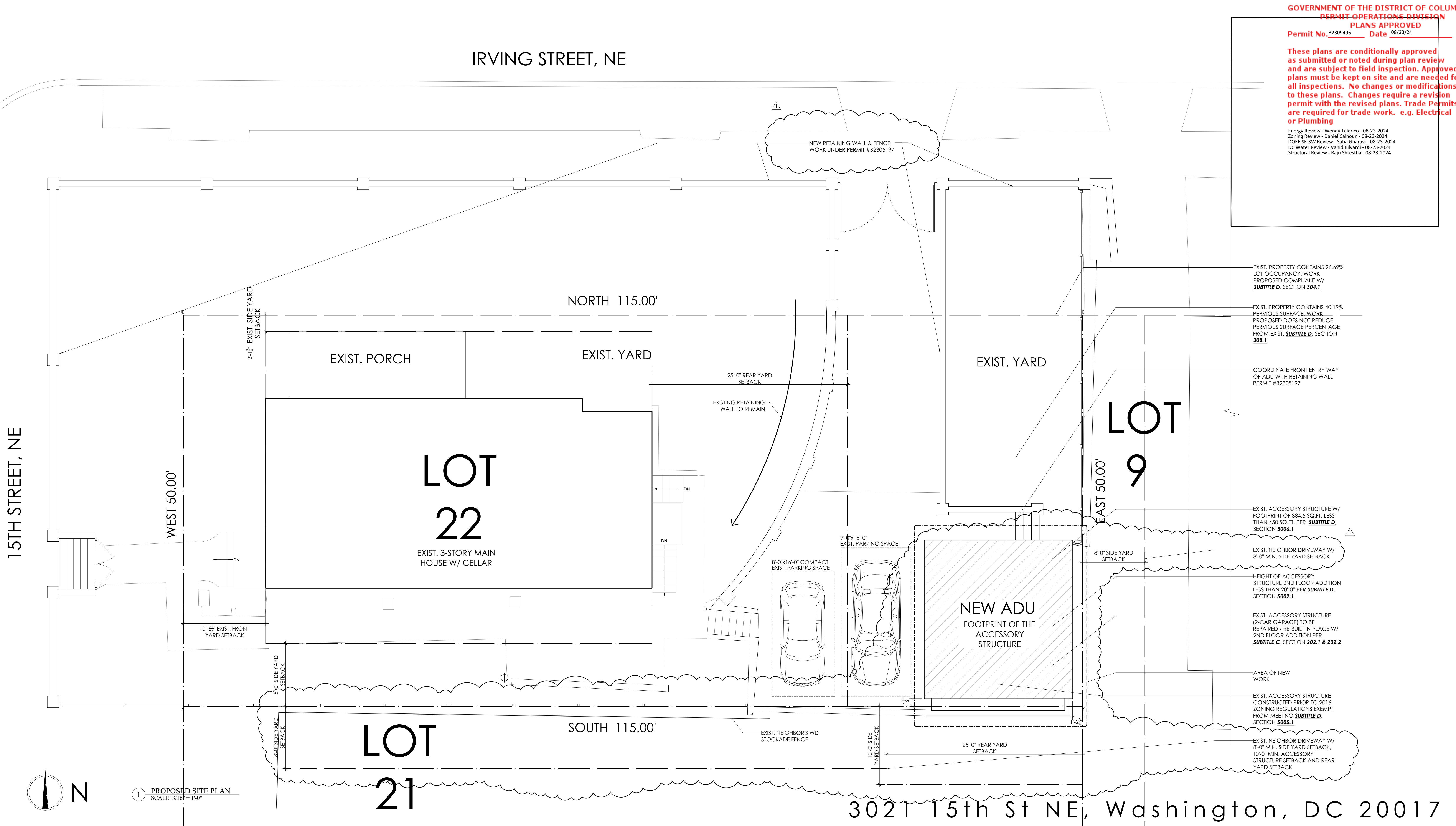


2 EXIST. FRONT ELEVATION  
SCALE: NONE



3 EXIST. REAR ELEVATION  
SCALE: NONE





GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PERMIT OPERATIONS DIVISION  
PLANS APPROVED  
Permit No. 82309496 Date 08/23/24

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EXIST. PROPERTY CONTAINS 26.69% LOT OCCUPANCY. WORK PROPOSED COMPLIANT W/ **SUBTITLE D**, SECTION **304.1**

EXIST. PROPERTY CONTAINS 40.19% PERVIOUS SURFACE. WORK PROPOSED DOES NOT REDUCE PERVIOUS SURFACE PERCENTAGE FROM EXIST. **SUBTITLE D**, SECTION **308.1**

COORDINATE FRONT ENTRY WAY OF ADU WITH RETAINING WALL PERMIT #B2305197

EXIST. ACCESSORY STRUCTURE W/ FOOTPRINT OF 384.5 SQ. FT. LESS THAN 450 SQ. FT. PER **SUBTITLE D**, SECTION **5006.1**

EXIST. NEIGHBOR DRIVEWAY W/ 8'-0" MIN. SIDE YARD SETBACK

HEIGHT OF ACCESSORY STRUCTURE 2ND FLOOR ADDITION LESS THAN 20'-0" PER **SUBTITLE D**, SECTION **5002.1**

EXIST. ACCESSORY STRUCTURE (2-CAR GARAGE) TO BE REPAIRED / RE-BUILT IN PLACE W/ 2ND FLOOR ADDITION PER **SUBTITLE C**, SECTION **202.1 & 202.2**

AREA OF NEW WORK

EXIST. ACCESSORY STRUCTURE CONSTRUCTED PRIOR TO 2016 ZONING REGULATIONS EXEMPT FROM MEETING **SUBTITLE D**, SECTION **5005.1**

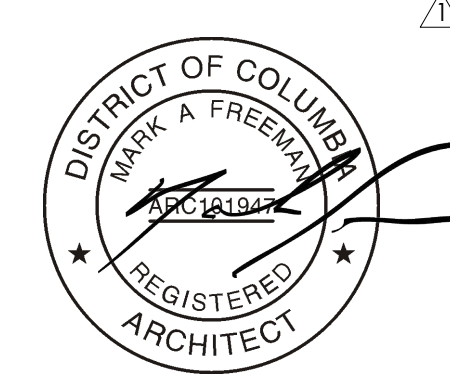
EXIST. NEIGHBOR DRIVEWAY W/ 8'-0" MIN. SIDE YARD SETBACK, 10'-0" MIN. ACCESSORY STRUCTURE SETBACK AND REAR YARD SETBACK

1 PROPOSED SITE PLAN  
SCALE: 3/16" = 1'-0"

3021 15th St NE, Washington, DC 20017

 **aggregate**  
architecture+design  
1308 9th St NW, Suite 200 WASHINGTON, DC 20001  
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| SUBMISSION   | DATE     |
|--|----------|
| PERMIT   | 07-18-23 |
| PERMIT REV 1   | 09-29-23 |
| I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE DISTRICT OF COLUMBIA. LICENSE NO. ARC 101947 EXPIRATION DATE 04-30-2024 |          |
| DRAWN BY:  | MF/AM/PH |
| CHECKED BY:  | MF/LWF   |
| PROJECT NO:  | 2022-08  |

PROPOSED  
SITE PLAN  
  
0003

## Fyre-Tec 985 Series

# 3/4 Hour UL Listing

### Features Include:

Narrow site-line allows larger glass and daylight openings

Operable windows are self-closing in the advent of heat rise

Heavy-duty stainless steel four-bar hinges

Standard wire glass glazing material for 3/4 Hour rating

Optional ceramic glazing monolith or insulated glass units

Structural, air and water infiltration performance ratings

Manufactured from galvanized cold rolled steel

Frame and inserts fabricated with corners mitered and secured by welding

Glazing retainers secured with machine screws

Finished in weather resistant powder coating in nine standard colors or optional custom colors

Subframe mounting systems supplied with all windows

Required Egress sizes available

May be combined or mulled with Fyre-Tec fixed 950 windows for larger openings

Underwriters Laboratories tested and classified



# CASEMENT

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PERMIT OPERATION DIVISION  
Plans Approved

Permit # 02300496 Date 08/23/24

All work must be done strictly in accordance herewith an approved plans. Approved plans shall be kept on the site until completion of the construction. No inspection will be made without approved plans on site. The approval does not prevent a field inspection from finding corrections to meet codes when issues are noted during inspections.

## FYRE-TEC

## STEEL

## WINDOWS



**Meets Requirements of International Building Code and NFPA-80**

- **Lot Line Protection**
- **Stairwells**
- **Non-Rated Casements Also Available**

### Contact Information:

701 Centennial Road  
P.O. Box 278  
Wayne, NE 68787  
Voice: 402-375-3261  
800-377-3261  
Fax: 402-375-4261

Internet: [www.fyre-tec.com](http://www.fyre-tec.com)  
Email: [fyretec@inebraska.com](mailto:fyretec@inebraska.com)

3-Part Specifications and CAD details available at  
[www.fyre-tec.com](http://www.fyre-tec.com)



All work must be done strictly in accordance with the approved plans. Approved plans shall be kept on the site until completion of the construction. No inspection will be made without approved plans on site. The approval does not prevent a field inspection from ordering corrections to meet codes when issues are noted during inspections

**FYRE-TEC**

## SERIES 985 CASEMENT

The Fyre-Tec casement window offers 3/4-hour Underwriter's Laboratory rated protection. The window is designed and tested to be self-closing in the advent of heat rise from nearby combustion. Ideal for inclusion in NFPA 80 and building code requirements for protective openings in rated walls.

### CONSTRUCTION

The Fyre-Tec fire-rated casement windows are constructed from galvanized steel sections with precisely mitered and welded corners, resulting exceptionally strong and long-lasting window. The windows operate with minimal effort pivoting on stainless steel four-bar hinges. An integrated heat activated closure device shuts the window upon heat rise and latching mechanisms secure the operating insert in the closed position.

### FIRE RATING

Fyre-Tec fire window frames are listed by Underwriters Laboratories under the category of Door and Window Frames (GVTV). The standard used to evaluate the windows is UL 9, Fire Tests of Window Assemblies, which is a test standard inclusive of the test method described in ASTM 163, Standard Methods of Fire Tests of Window Assemblies.

### DESIGN PERFORMANCE

All Fyre-Tec windows have been tested and meet or exceed AAMA standards for structural pressure, air infiltration, and water resistance infiltration. 3-part specifications and CAD drawings are downloadable from the Fyre-Tec Internet web site.

### INSTALLATION

Sub-frame mounting kits are supplied with all windows. The sub-frame system is ideal for either retrofit or new construction. The window openings may be finished out prior to the installation of the provided sub-frame and window.

### LABELING

All Fyre-Tec rated windows display a traceable, permanent stainless steel UL label specifying the rating for the window. Additionally, all glazing factory installed is etched with a permanent UL label to assure the customer and code officials that the product meets the requirement and the rating for the application.



### GLAZING OPTIONS

The Fyre-Tec 800 Series windows are available with a variety of UL rated glazing factory installed.

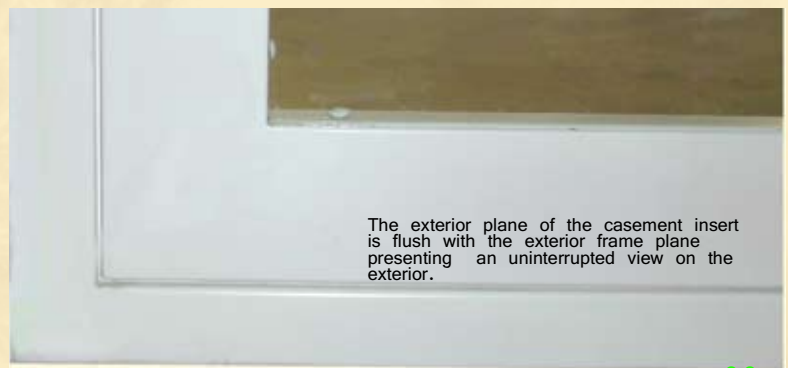
Glazings range from the basic wire glasses traditionally used for 45-minute rated windows to the newer clear ceramics that are now on the market, including some that are impact safety rated as well as fire rated.

Most of the rated glazings offered may be combined with traditional commercial glazing to make up insulated glass units. These may include tinted or Low-E products, providing the aesthetics desired or the energy conservation required.



### FINISHES

Prior to finishing, Fyre-Tec windows are thoroughly cleaned and subjected to a phosphate undercoat. The standard powder coat finish is available in eight popular colors and primer. Color matching is optional.



The exterior plane of the casement insert is flush with the exterior frame plane presenting an uninterrupted view on the exterior.

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# DC Department of Buildings

## CONTRACT AGREEMENT

BLRA 33C

Name of Contractor/Owner MMC PAINTING & REMODELING, LLC Contractor's License No. \_\_\_\_\_

Address of Contractor/ Owner 11009 CLARA BARTON DR., FAIRFAX STATION, VA 22039 Date: 07/27/2023

|   |                     |
|---|---------------------|
| ADDRESS OF PROPOSED WORK<br>3021 15th St NE   | LOT:<br><br>SQUARE: |
| OWNER OF BUILDING OR BUSINESS:<br>Brent Kroll   | PHONE No:           |
| DESCRIPTION OF PROPOSED WORK:<br><br>Alteration and Repair Costs associated with EXIST. CLAY BLOCK & BRICK GARAGE & ACCESSORY STRUCTURE IN NEED OF REPAIR TO BE RE-BUILT IN PLACE W/ THE ADDITION OF A 2ND STORY & CONVERTED TO AN ACCESSORY DWELLING UNIT FOR A MAXIMUM OF A 3 PERSONS |                     |

### COST ESTIMATE

|   |                  |  |
|---|------------------|--|
| CONSTRUCTION e.g drywall, ceilings, framing, carpentry etc              | \$ 26,000        |  |
| ELECTRICAL  | \$ 10,000        |  |
| MECHANICAL  | \$               |  |
| PLUMBING  | \$ 5,000         |  |
| FIRE PROTECTION e.g sprinkler system, fire alarm system, generator etc. | \$               |  |
| DEMOLITION  | \$ 1,750         |  |
| MISC/OTHER (please specify)   | \$ 4,750         |  |
| <b>TOTAL</b>  | <b>\$ 47,500</b> |  |

The foregoing terms, specifications and conditions are satisfactory and hereby agreed to. You are authorized to work as specified and payment will be made in the amount as outlined. Upon signing this agreement, the owner represents and warrants that he or she is the owner or the authorized agent of the owner of the aforesaid premises and that he or she has read this agreement.

CONTRACTOR Moises Camacho Date: 7/27/2023  
Signature & print

OWNER OF BUILDING/BUSINESS Brent Kroll Date: 7/27/2023  
Signature & print

Upon signing this document, the owner and contractor declare that the cost of construction as specified above for the referenced project is true and correct to the best of their knowledge

Please fill out this agreement form in accordance with D.C Construction Code Supplement 2013, Chapter 1 Section 108.3.

Doc #: 2024060809  
Filed & Recorded  
07/01/2024 10:22 AM  
IDA WILLIAMS  
RECORDER OF DEEDS  
WASH DC RECORDER OF DEEDS  
RECORDING FEES \$25.00  
SURCHARGE \$5.00  
TOTAL: \$30.00

THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

The Department of Buildings

**DECLARATION OF COVENANTS**

For Openings on or near Adjacent Construction or Property Lines

THIS DECLARATION OF COVENANTS (the "Declaration") is made, entered into, and declared as of this — **15<sup>th</sup>** day of **March 2024**, by **Mr. Brent Kroll & Mrs. Claire King**, [if applicable: a District of Columbia limited liability company] (the "Declarant"), its heirs, legal representatives, successors and assigns, for the benefit of the District of Columbia, a municipal corporation, its executors, administrators, legal representatives, successors and assigns (the "District"), acting by and through the Department of Buildings ("DOB").

RECITALS

A. Declarant is the owner, in fee simple, of certain real property located in the District of Columbia with the address of **3021 15<sup>th</sup> St NE, Washington, DC 20017** and known for taxation and assessment as Lot **0022** in Square **4017**, as more particularly described in Exhibit A attached hereto and made a part hereof (the "Property").

B. The Property is currently **improved with a building** that is approximately **26** feet in height with 3 stories and of **VB** construction type (the "Building").

C. The Property shares a common property line (the "Common Property Line") with a certain real property in the District of Columbia having a street address of **1507 Irving St NE, Washington, DC 20017** and known for assessment and taxation purposes as Lot **0009** in Square **4017**, as more particularly described in Exhibit B attached hereto and made a part hereof (the "Adjacent Properties"; hereinafter referred to collectively with the Property as the "Properties"). The Adjacent Property is currently **improved with a building** that is approximately **24** feet in height with **2** stories and of **VB** construction type (the "Adjacent Building", and collectively with the Building, the "Buildings").

D. Declarant has submitted to DOB an application for building permit number **B2309496** (the "Application") that includes the creation of openings in the Building's exterior wall (the "Openings") that have a fire separation distance of **one point six (1.6) ft** and that are within **one point six (1.6)** feet of the Common Property Line or other interior lot line not bordering on a public right-of-way for the purpose of **bringing in/allowing natural light into the kitchen, bathroom and hallway** [e.g., creating ducts or vents OR creating windows that are not required by the Construction Codes OR creating windows required by the Construction Codes OR providing access between the Properties that is not required by the Construction OR providing required emergency egress across the Common Property Line for the Properties OR other reason]. The Openings are more particularly depicted and labeled on (i) the plat showing the Properties and the Common Property Line and (ii) the accompanying elevations showing the **Building** attached hereto as **Exhibit C**.



E. DOB has determined that the proposed Openings comply with the District of Columbia Construction Codes (the “Construction Codes”, created by the District of Columbia Construction Codes Supplement of 2017 that adopted and amended certain codes of the International Code Council and National Fire Protection Agency, and codified as Title 12 of the District of Columbia Municipal Regulations (“DCMR”), which includes the “Building Code”, Title 12A of the DCMR and any successor code or regulation) pursuant to Section 705.8.7 of the 2017 DC Building Code.

F. Sections 705.8.7.6 and 106.2.19 of the Building Code require a property owner that seeks to create openings that are permissible only pursuant to Sections 705.8.7 of the Building Code to file a covenant [per 705.8.7.8] among the Land Records of the Recorder of Deeds of the District of Columbia (the “Land Records”) [if have defined in prior Recital because of required easement, remove this definition] prior to the issuance of a building permit to create those openings, which covenant shall ensure that the property owner and successors-in-interest maintain compliance with Sections 705.8.7 through 705.8.7.8 and the Construction Codes, as each may be amended, for as long as the proposed openings exist, and that the property owner and successors-in-interest will convey responsibility for the maintenance of that condition to any future party-in-interest of that property.

G. Declarant, by this Declaration, desires to comply with Sections 705.8.7.6 and 106.2.19 of the 2017 Building Code by making this covenant and recording it among the Land Records.

NOW, THEREFORE, for and in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant covenants, agrees, and warrants that the Property is, and shall be, held, transferred, sold, conveyed, and occupied subject to the covenants, conditions, restrictions, and provisions hereinafter set forth.

1. Recitals and Exhibits Incorporated. The foregoing Recitals and attached Exhibits are all hereby incorporated in and made a part of this Declaration to the same extent as if herein set forth in full, provided however, that said Recitals shall not be deemed to modify the express Provisions hereinafter set forth.

2. Compliance with the Building Code. Declarant shall perform, at its sole cost, all renovation, construction, installation, and maintenance of the Openings in such a manner as to be consistent and in compliance with (i) this Declaration and the Openings as shown on Exhibit C, (ii) any DOB approved Code Modification related to the Openings, (iii) any approval pursuant to Sections 705.8.7 through 705.8.7.8 of the Building Code, and (iv) the Construction Codes. If a change

occurs to the Buildings or to the Properties that causes the Openings to no longer comply with the Construction Codes in effective at the time of the change, regardless of whether the Declarant or successors thereto caused the change, Declarant shall immediately take action to fully comply with, or cause the compliance with, Sections 705.8.7 through 705.8.7.8 (or successor provisions thereof) of the Building Code and all other applicable provisions of the Construction Codes.

[[Note: Openings used to satisfy an emergency egress requirement of the Construction Codes shall be permitted ONLY after Declarant has obtained the necessary DCRA approved Code Modification and Easement, in which case include this Provision:

2.1. Maintenance of Easement. Declarant shall ensure the Easement remains in effect for as long as the Openings exist. Declarant shall not modify or terminate the Easement without the prior written authorization of the Office of the General Counsel of DCRA ("DOB-OGC") and shall provide notice of any proposed modifications, termination, or expiration of the Easement to DOB-OGC as follows: "Office of the General Counsel, Attention: Easement Modification, Department of Buildings, 1100 4th Street, SW, 5th Floor, Washington, D.C., 20024", or to the successor address for DOB-OGC. Failure by Declarant to obtain the prior written authorization of DOB-OGC for any modification or termination of the Easement shall constitute a violation of this Declaration and subject Declarant and the Property to the enforcement under the Construction Codes, including potential revocation of DOB-issued permits and certificates.

3. Declarant's Acknowledgement of "At-Risk" Nature of Openings. Declarant hereby acknowledges that the Openings approved by DOB are "at-risk" and may be required to be closed if a change to the Buildings or Properties renders the Openings no longer compliant with the Construction Codes, regardless of whether the change is caused by the Declarant or successors. Declarant hereby agrees that upon notice by DOB that the Openings have become non-compliant with the Construction Codes ("Notice"), Declarant shall close or modify the Openings to bring them into compliance with the Construction Codes pursuant to the below Provisions "Modification of Openings" or "Termination of Declaration", such closure or modification to occur within the time period provided by the Notice but not more than thirty (30) days after service of the Notice, with "service" as defined under the Building Code. Declarant also agrees to make any other modifications required to bring the Building into compliance with the Construction Codes and any other laws and regulations of the District, including Section R303.1 of the Residential Code (Title 12B of the DCMR) that requires bedrooms and living rooms to have windows.

4. Declarant Responsible for Required Work and Costs. All work, modifications, repairs, and maintenance contemplated by this Declaration hereby shall be performed by, and at the sole cost and expense of, Declarant (or its successors and assigns) and at no expense to the District. The District shall have no liability to perform, or to pay for the costs to perform, any such work necessary to bring the Openings, Building, and Adjacent Property into compliance with this Declaration and the Construction Codes.

5. Warranties and Real Covenants. The provisions of this Declaration shall be deemed warranties by Declarant and real covenants and shall run with the land and shall bind and inure to the benefit of the District and to Declarant, and to their respective heirs, successors or assigns. Every promise, undertaking, agreement, and covenant that this Declaration requires Declarant to be carry out and perform shall bind Declarant, its heirs, executors, administrators, successors and assigns, and shall bind



any person hereafter having any right, title, interest in or to the Property, and such covenant shall at all times inure to the benefit of the District (and its successors and assigns) and to every person having any right, title, or interest in and to the Property. When Declarant ceases to own an interest in the Property, the rights, warranties, and obligations under this Declaration shall become the rights, warranties, and obligations of the successor-in-ownership and successor-in-interest as to that property interest.

6. Conveyance Subject to Compliance with Declaration. When Declarant conveys all or any portion of its interest in the Property, any such interest conveyed shall be subject to the requirements of Sections 705.8.7 through 705.8.7.8 (or successor provisions thereof) and all other applicable provisions of the Building Code, unless the District shall have waived in writing prior to the conveyance any such requirements as permitted under the Building Code, which waiver may only be granted by a modification of this Declaration pursuant to the below Provisions “Modification of Declaration” and “Termination of Declaration”.

6.1 Acknowledgement by Tenant of Assumption of Responsibility of Declaration. Declarant shall ensure that any tenant whose leasehold includes an Opening acknowledges the tenant’s assumption of responsibility as a holder of interest in the Property to comply with the terms of this Declaration and to maintain any Openings in the tenant’s leasehold in compliance the Construction Codes during the term of the lease.

7. Term of Covenant. This Declaration shall remain in full force and effect for as long as the Openings remain unless modified pursuant to the below Provisions “Modification of Openings” and “Modification of Declaration” or terminated pursuant to the below Provision “Termination of Declaration”, and shall bind any future successors-in-ownership and successors-in-interest of the Property.

8. Modification of Openings. If the Declarant desires to modify the Openings, Declarant shall first apply to DOB for a building permit (the “Modification Permit”) to modify the Openings in compliance with the Construction Codes. Upon DOB approval of the modified Openings, but prior to issuance of the Modification Permit, Declarant shall execute a writing that expressly modifies the Declaration in the form approved by OAG in Exhibit M attached. Such modification of the Openings shall have the prior written consent of Declarant (or its successor or assigns in interest) and of the District, acting by and through the Director of DOB. Such modification of the Openings shall only have effect upon being filed among the Land Records, with Declarant furnishing to DOB a copy of the recorded termination certified by the Recorder of Deeds as a true copy of the recorded instrument prior to the issuance of the Modification Permit.

9. Modification of Declaration. The covenants and conditions hereby created may only be modified, other than to modify the Openings pursuant to the above Provision governing

“Modification of Openings”, by a writing expressly modifying this Declaration that has the prior written consent of Declarant (or its successor or assigns in interest) and the District, as granted for technical sufficiency by DOB and in a form approved for legal sufficiency by the Office of the Attorney General of the District of Columbia (“OAG”). Such modification shall only have effect upon being filed among the Land Records, with Declarant furnishing to DOB a copy of the recorded modification certified by the Recorder of Deeds as a true copy of the recorded instrument.

10. Termination of Declaration. At such time as the Openings are no longer required, Declarant may terminate this Declaration by first applying to DOB for a building permit (the "Termination Permit") to close the Openings in compliance with the Construction Codes. Upon DOB approval of the final inspection of the closed Openings under the Termination Permit, Declarant shall execute a writing that expressly terminates the Declaration in the form attached as approved by OAG in Exhibit M attached. Such termination shall have the prior written consent of Declarant (or its successor or assigns in interest) and of the District, acting by and through the Director of DOB. Such termination shall only have effect upon being filed among the Land Records, with Declarant furnishing to DOB a copy of the recorded termination certified by the Recorder of Deeds as a true copy of the recorded instrument prior.
11. Recordation of Declaration. Declarant shall, at its cost and expense, properly record this Declaration among the Land Records and shall furnish to DOB a copy of this Declaration certified by the Recorder of Deeds as a true copy of the recorded instrument prior to issuance of the permit associated with the Application.
12. Subordination of Liens. Declarant shall ensure that all prior liens recorded against the Property are subordinate to this Declaration and shall include any such Lien Subordinations as part of this Declaration. Failure to subordinate any such liens shall constitute a violation of this Declaration.
13. Primacy of Declaration. Declarant shall, at its sole expense, comply with all provisions of this Declaration regardless of any conflicting requirements in any other covenant, easement, or other legal document recorded or unrecorded against the Property. Neither the entering into of this Declaration nor performance hereunder will constitute or result in a violation or breach by Declarant of any other agreement or order which is binding on Declarant.
14. Good Standing. To the extent Declarant is an entity, Declarant warrants that it is (i) duly organized, validly existing, and in good standing under the laws of the state under which it is organized; (ii) is qualified to do business and is in good standing under the laws of the District of Columbia; (iii) is authorized to perform under this Declaration; and (iv) has all necessary power to execute and deliver this Declaration.
15. Valid Execution and Delivery. This Declaration has been duly executed and delivered by Declarant, and constitutes the legal, valid, and binding obligations of Declarant, enforceable against Declarant and its successors and assigns, in accordance with its terms.
16. District's Authority to Act to Ensure Compliance. If Declarant (or its successors and assigns) (i) fails to maintain the Openings in accordance with this Declaration, or (ii) fails to make any changes required by the District to bring the Property into compliance with the Construction Codes, the District may take immediate action to cause the necessary work to be done, in the interest of the safety and welfare of the public as authorized by the Construction Codes and D.C. Official Code Section 6-801, et seq., as these laws and regulations may be amended, and all other applicable laws and other applicable statutes and regulations. Declarant shall bear all costs incurred by the District for such corrective measures, to be enforced as a tax or lien against the property on which the violating condition existed as authorized by D.C. Official Code Section 42-3131.01, et seq. Declarant hereby acknowledges the rights of the District to specifically enforce this Declaration and the Construction Codes. Any violation of a provision of this Declaration shall constitute a violation of Sections 705.8.7 through 705.8.7.8 of the



Building Code and any other applicable section of the Construction Codes and shall subject the Property to enforcement action under Sections 113 through 116 of the Building Code and any other applicable statute or regulation at the discretion of the Code Official, including but not limited to, revocation of any building permit or certificate of occupancy associated with the Property and the imposition of civil fines, penalties and fines as well as injunctive relief as authorized by D.C. Official Code Sections 6-1406 and 6-1407.

17. No Waiver by Delay. Any delay by the District in instituting or prosecuting any action or proceeding with respect to a violation of this Declaration by Declarant shall not operate as a waiver of, or a limit in any way upon, the District's rights under this Declaration or of any other right or remedy available under law or in equity (it being the intent of this provision that the District shall not be constrained by waiver, by laches, or otherwise in the exercise of such remedies).

18. Indemnification. Declarant shall save harmless and indemnify the District from and against all claims, demands, suits, costs, judgments, damages, counsel fees, charges, and decrees to which the District may be subjected at any time because of any injuries to persons or damage to the Properties which may result from, be due to, arise out of, or be in any way connected with, the construction, existence, operation maintenance, repair, modifications, reconstruction, and removal of the Openings; and from and against any injuries or damage that may result from, be due to, arise out of, or be in any way connected with the operation, maintenance, repair, removal or reconstruction of said openings on the lot lines.

19. Governing Law. This Declaration shall be governed by, construed, and enforced in accordance with the laws of the District of Columbia.

20. Severability. If any of the covenants, warranties, conditions or terms of this Declaration shall be found void or unenforceable for whatever reason by any court of law or of equity, then every other covenant, condition, or term herein set forth shall remain valid and binding.

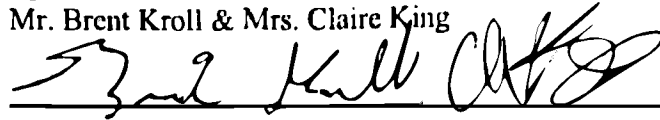
21. Counterparts. This Declaration may be executed in one or more counterparts, which counterparts, when taken together, shall constitute a single, binding instrument.

[Signatures on following pages]



IN WITNESS WHEREOF, Declarant has, as of the day and year first above written, caused this Declaration of Covenants to be signed by Mr. Brent Kroll & Mrs. Claire King the owner of the Property.

Mr. Brent Kroll & Mrs. Claire King



Name and Title: Mr. Brent Kroll & Mrs. Claire King

Acknowledgment

District of Columbia

I HEREBY CERTIFY that on November 7<sup>th</sup>, 2023 before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared BRENT KROLL, party to the foregoing Declaration of Covenants, personally appeared before me and, being personally well known to me (or satisfactorily proven to be), and has acknowledged said Declaration of Covenants to be the act and deed of 3021 15<sup>th</sup> S.W.E in its capacity as owner of the property, and that he executed and delivered the same as such.

GIVEN under my hand and seal this 7<sup>TH</sup> day of NOVEMBER 20 23

  
Notary Public

My commission expires:



DEBRA ANN WILLIAMS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires February 14, 2026

APPROVED AS TO TECHNICAL SUFFICIENCY:

District of Columbia, Department of Buildings

By:  Date: 5.23.2024

Print Name: Semere Hadera Title: Program Manager

APPROVED AS TO LEGAL SUFFICIENCY:

District of Columbia Office of the Attorney General, Commercial Division

By: Lawrence Wolk/eac Date: 6/10/2024

Print Name: Lawrence Wolk Title: Assistant Attorney General

**EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY**

Lot numbered 22 in Square numbered 4017, in a subdivision made by Harry A. Kite, as per plat recorded in Liber 62 at folio 110, in the Office of the Surveyor for the District of Columbia.

Being the same property conveyed to Via M. Carpenter by deed from Alquinston K. Ross, surviving tenant by the entirety of Claude E. Ross, deceased dated 09/23/2005 and recorded with DC Treasurer, Recorder of Deeds on 09/27/2005 as Document 2005138380..

The improvements are commonly known as 3021 15th Street Northeast, Washington, DC 20017.



**EXHIBIT B – LEGAL DESCRIPTION OF ADJACENT PROPERTY**

All that certain lot or parcel of land situate in the **District of Columbia** and being more particularly described as follows:

Lot 9 in block 4 in a subdivision made by William H. Barnes and J.L. Weaver, Trustees, of part of a tract of land now known as "Barnes and Weaver's Addition to Brookland," as per plat recorded in Liber County 7 at folio 64 in the Office of the Surveyor for the District of Columbia.

Said property being now known for assessment and taxation purposes as Lot 9 in Square 4017.

Commonly known as: 1507 Irving Street NE, Washington, DC 20017

**EXHIBIT C – PLAT AND ELEVATION(S) SHOWING PROPOSED OPENINGS**

DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR

Washington, D.C., May 16, 2023

Plat for Building Permit of :

SQUARE 4017 LOT 22

Scale: 1 inch = 20 feet

Recorded in Book 62 Page 110

Receipt No. 23-04075

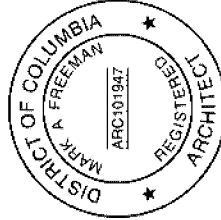
Drawn by: A.S.

Furnished to: MARK A. FREEMAN

"I hereby certify that the dimensions and configuration of the lot(s) hereon depicted are consistent with the records of the Office of the Surveyor unless otherwise noted, but may not reflect actual field measurements. The dimensions and configuration of A&T lots are provided by the Office of Tax and Revenue and may not necessarily agree with the deed description(s)."

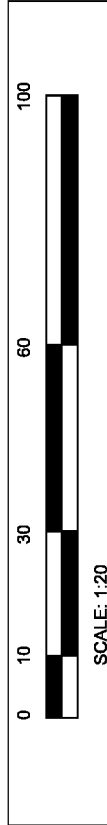
*Bob Myers*

For Surveyor, D.C.



I acknowledge that any inaccuracy or errors in my depiction on this plat will subject any permit or certificate of occupancy issued in reliance on this plat to enforcement, including revocation under Sections 105.6(1) and 110.5.2 of the Building Code (Title 12A of the DCMR) as well as prosecution and penalties under Section 404 of D.C. Law 4-164 (D.C. Official Code § 2-2305).

Signature: \_\_\_\_\_  
Date: 10/03/23  
Relationship to Lot Owner: Architect of Records  
Printed Name: Mark Freeman, AIA, NCARB  
If a registered design professional, provide license number ARC101947 and include stamp below.



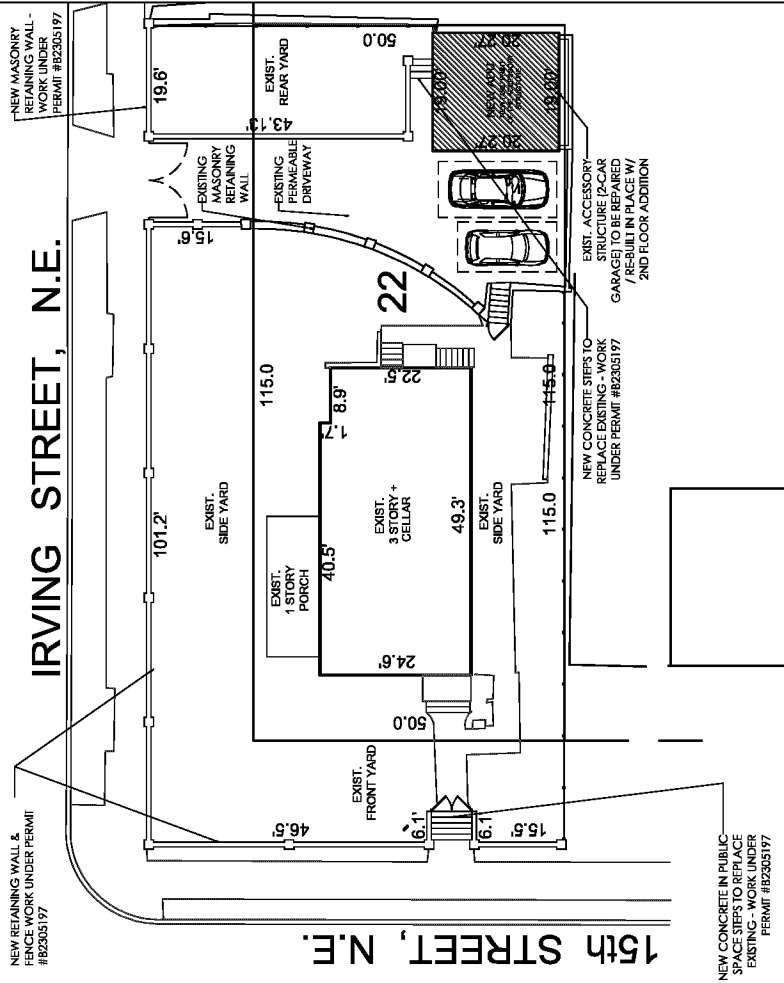
SR-23-04075(2023)

SHEET 1 OF 2

SQUARE 4017

IRVING STREET, N.E.

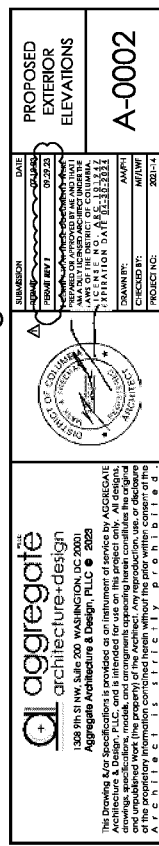
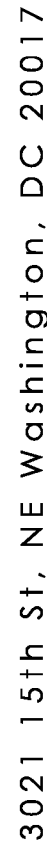
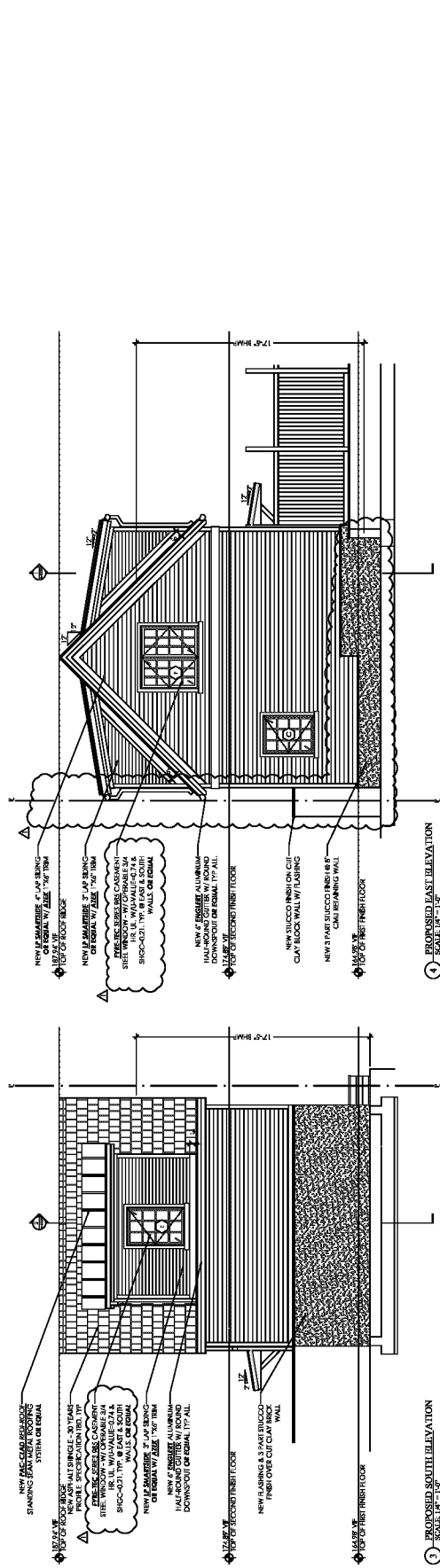
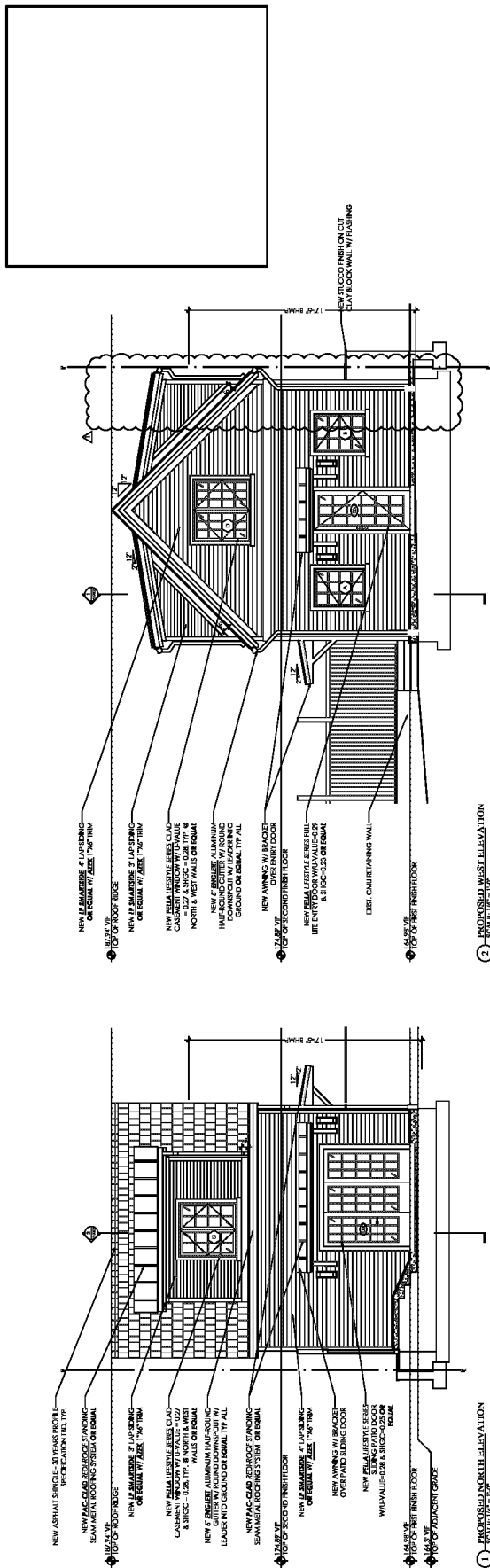
15th STREET, N.E.



SR-23-04075(2023)

SHEET 2 OF 2







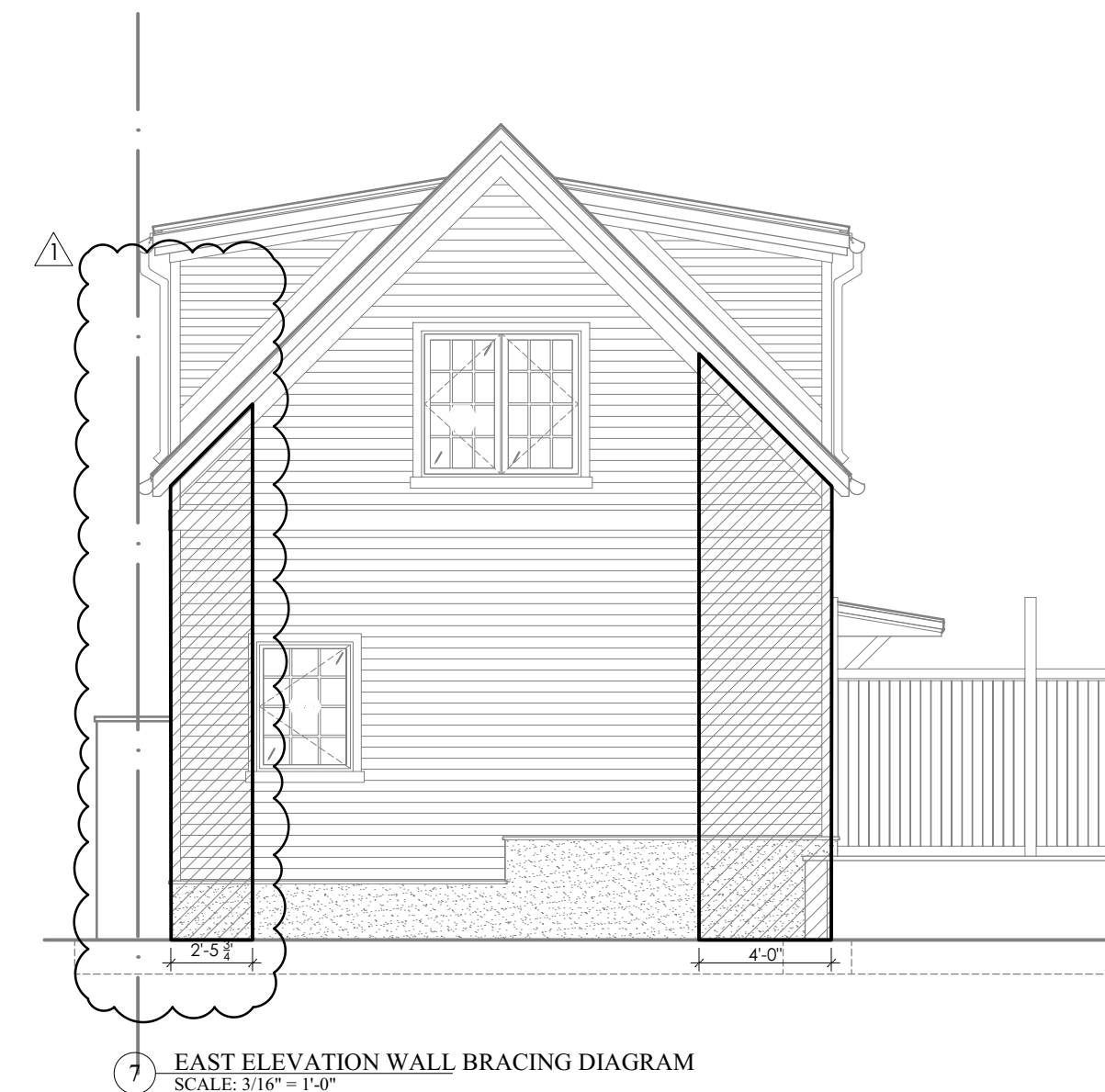
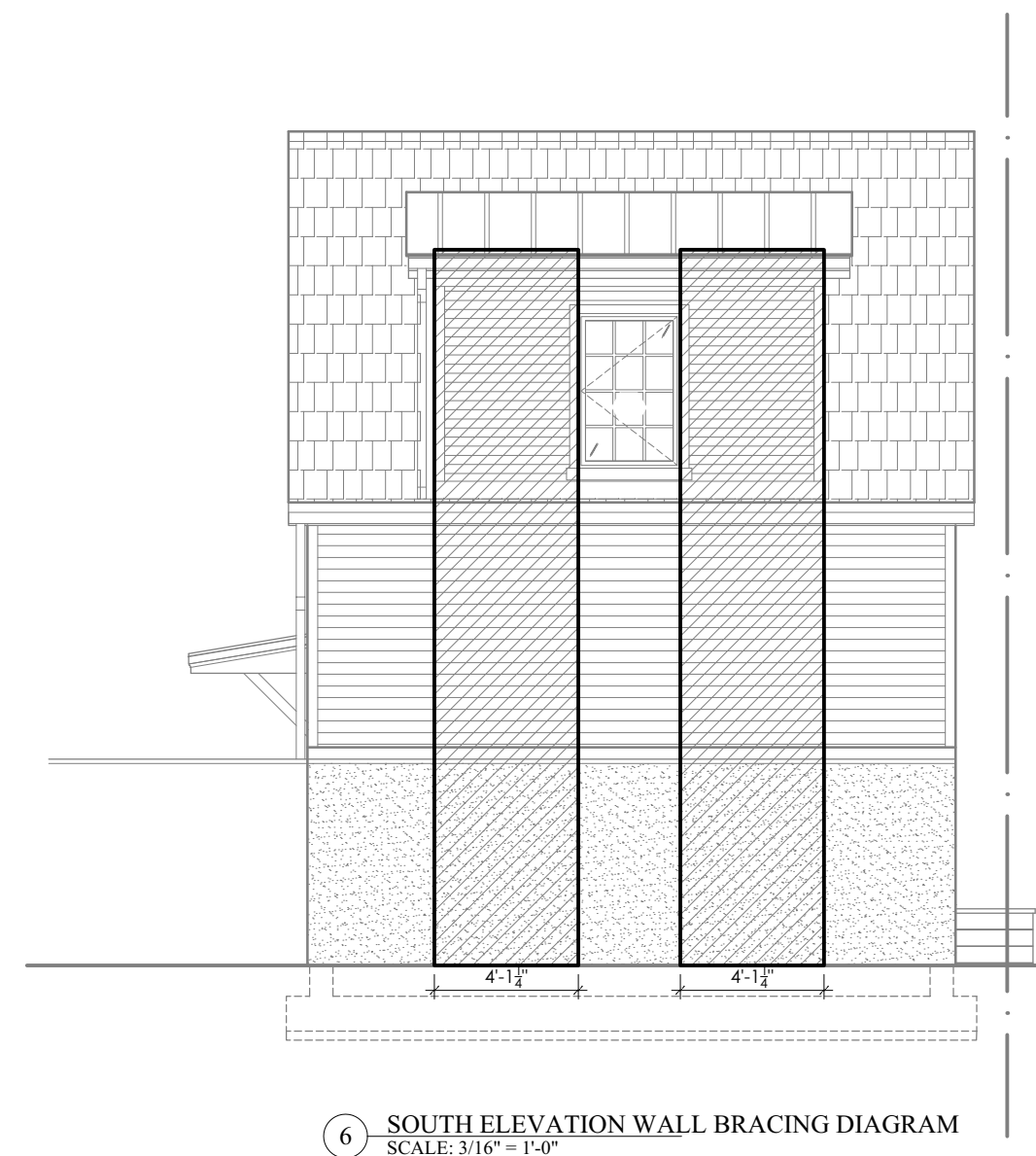
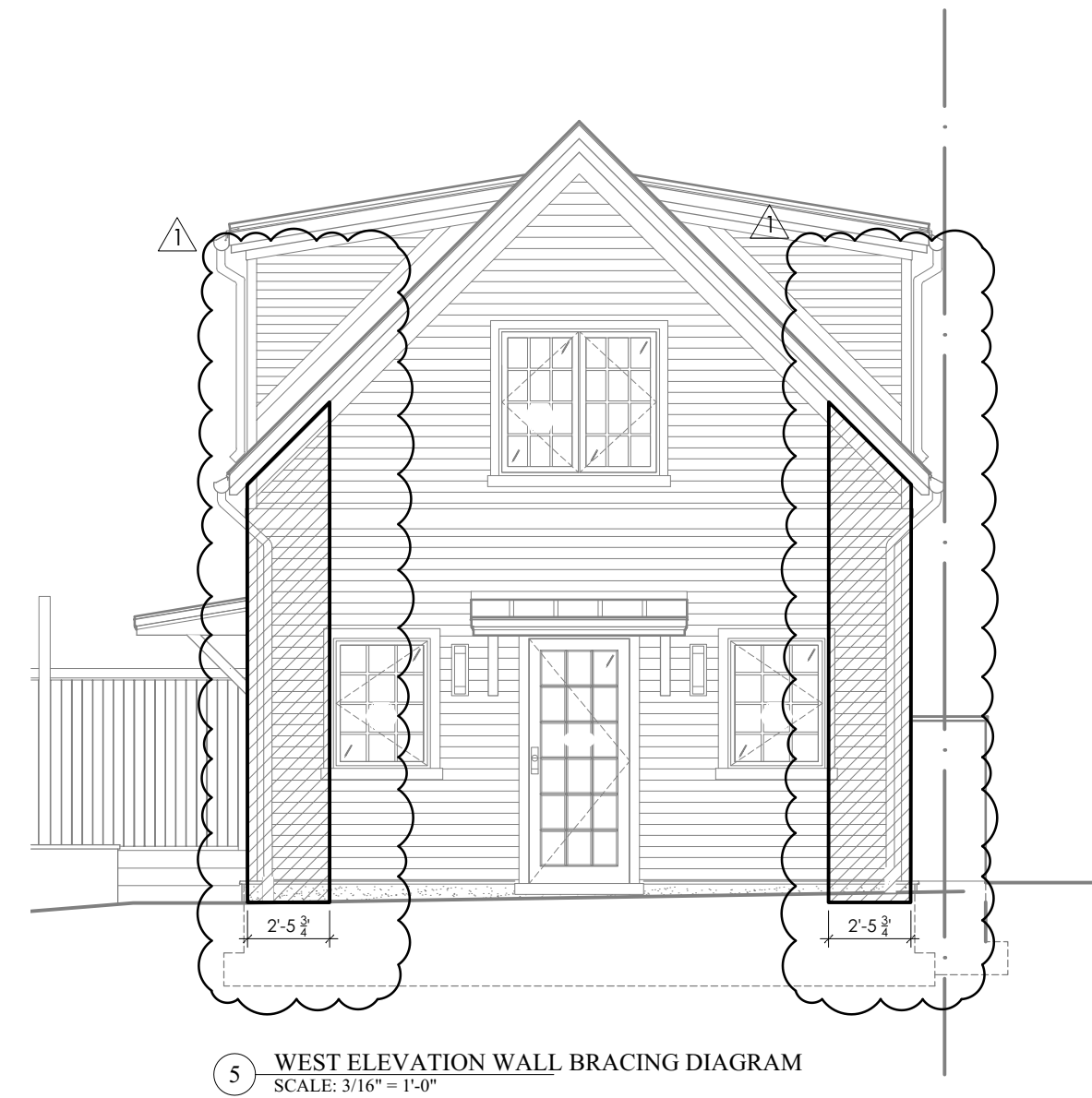
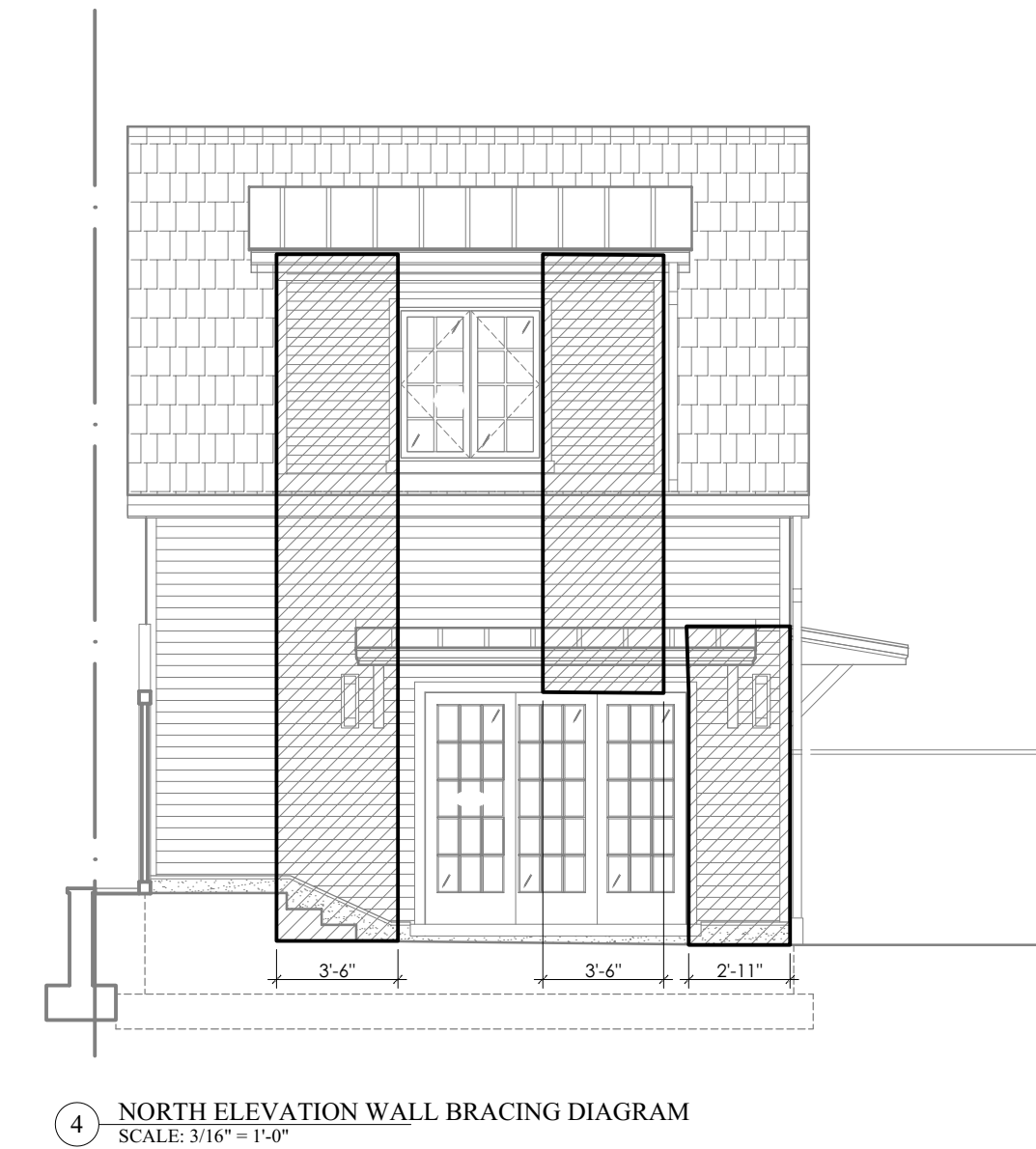
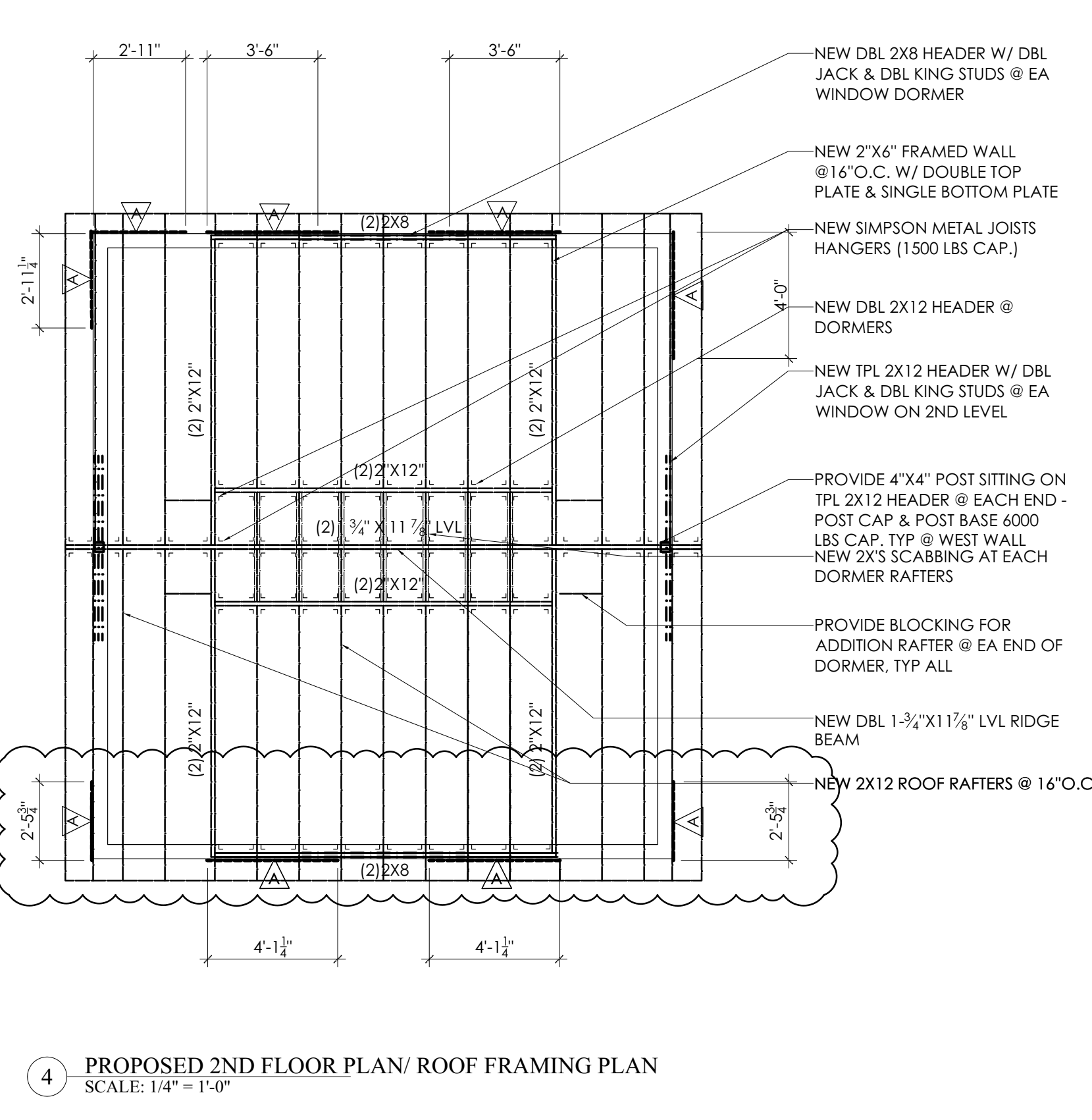
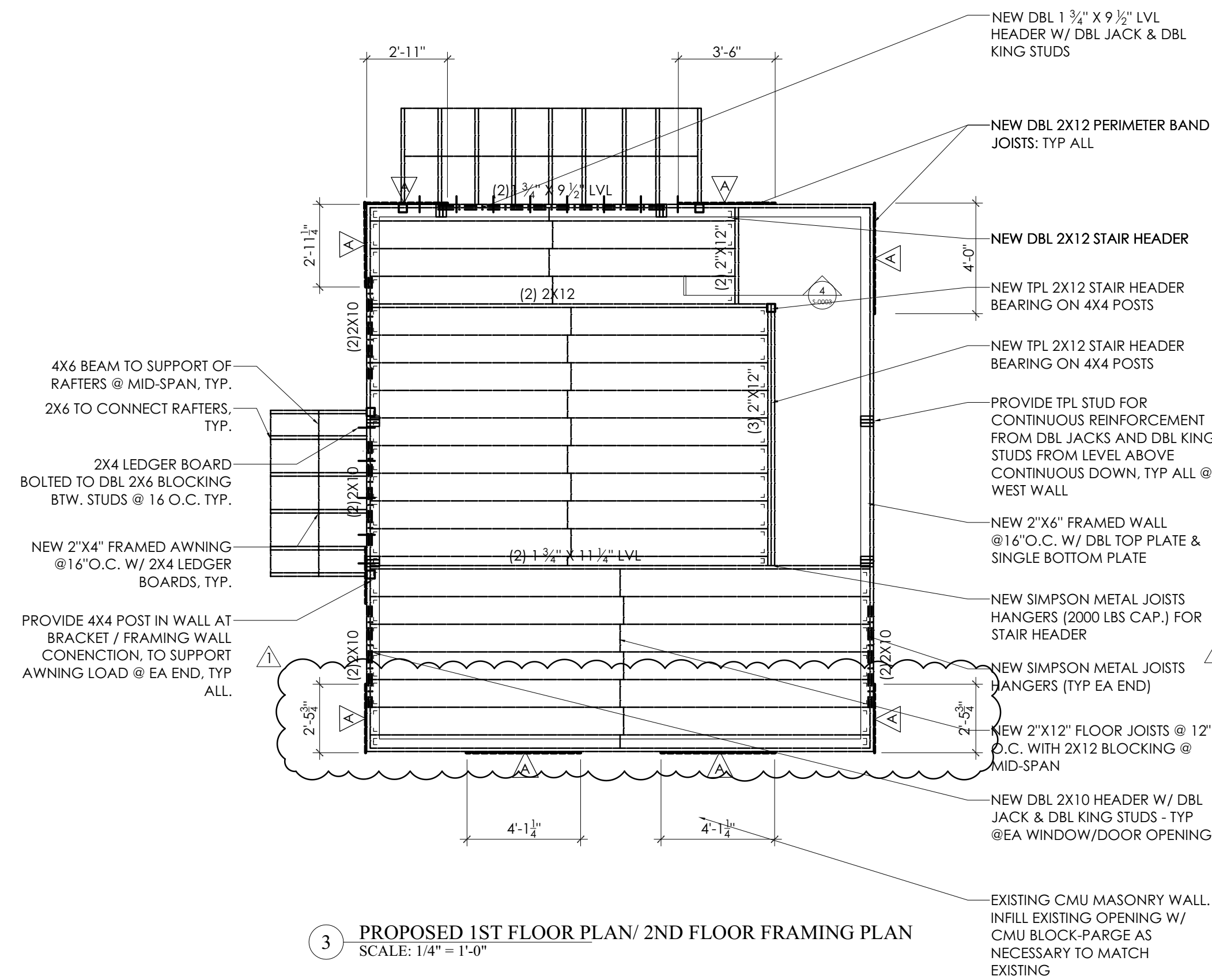
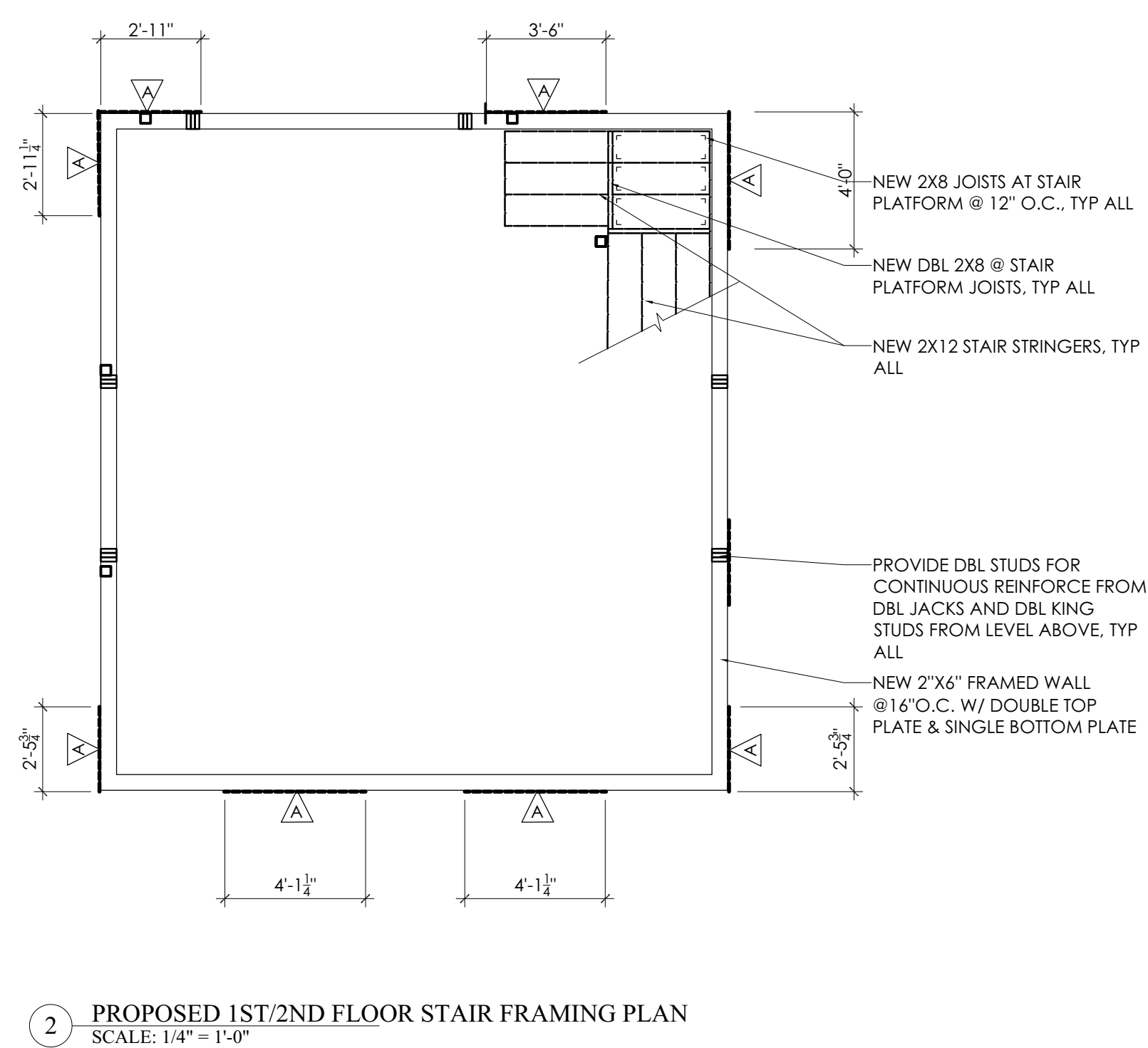
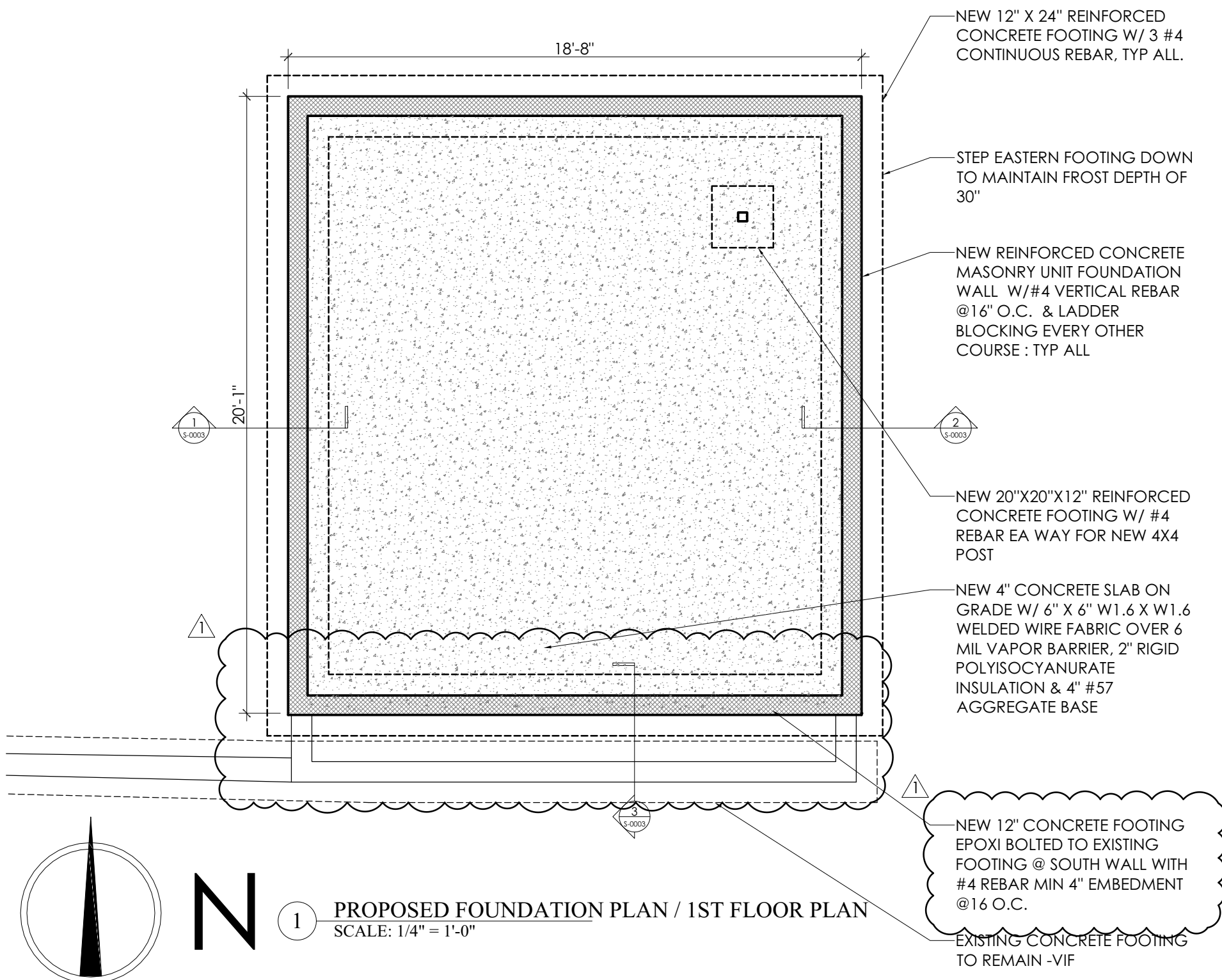
**EXHIBIT D – APPROVED CODE MODIFICATION** [*if applicable*]

None



These plans are conditionally approved as submitted or noted during plan review and are subject to field inspection. Approved plans must be kept on site and are needed for all inspections. No changes or modifications to these plans. Changes require a revision permit with the revised plans. Trade Permits are required for trade work. e.g. Electrical or Plumbing

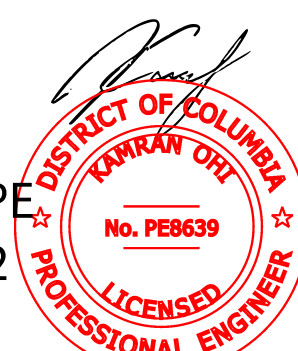
Energy Review - Wendy Talarico - 08-23-2024  
Zoning Review - Daniel Calhoun - 08-23-2024  
DOEE SE-SW Review - Saba Gharavi - 08-23-2024  
DC Water Review - Valid Bilvardi - 08-23-2024  
Structural Review - Raju Shrestha - 08-23-2024



3021 15th St, NE Washington, DC 20017

Kamran  
Ohi PE

Digitally signed  
by Kamran Ohi PE  
Date: 2023.10.02  
21:18:32 -04'00'



aggregate  
architecture+design  
1308 9th St NW, Suite 200 WASHINGTON, DC 20001  
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| SUBMISSION   | DATE     |
|--|----------|
| PERMIT   | 07-20-23 |
| PERMIT REV 1   | 09-29-23 |
| I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE DISTRICT OF COLUMBIA. LICENSE NO. ARC-101947 EXPIRATION DATE 04-30-2024 |          |
| DRAWN BY:  | DS/PH    |
| CHECKED BY:  | MF/LWF   |
| PROJECT NO:  | 2021-14  |

STRUCTURAL  
PLANS & WALL  
BRACING DIAG.

S-0001