

**Statement of Advisory Neighborhood Commission 6C
In Support of Appeal to the Board of Zoning Adjustment
Concerning Permit B2308873**

Advisory Neighborhood Commission 6C (“ANC 6C”) submits this statement in support of its appeal concerning permit B2303493.

As mandated by 11-Y DCMR § 302.12, ANC 6C states the following:

1. This appeal is taken against the Department of Buildings (DOB) and DOB’s Zoning Administrator, Kathleen Beeton.
2. ANC 6C appeals the issuance of permit B2308873 (“the permit”; copy at Attachment A), issued on February 1, 2024.
3. The permit and this appeal relate to 638 I (Eye) St. NE, aka square 857, lot 125 (“the Property”) in the RF-1 zone.
4. The Property’s owner of record is Kevin R. Chen, 638 I St. NE, Washington, DC 20002.
5. ANC 6C first learned of the issuance of the permit on February 2, 2024. The permit was included in a summary list emailed by DOB to commissioners.
6. The Property lies entirely within the boundaries of ANC 6C, which therefore has standing to bring this appeal as an “affected ANC” within the meaning of 11-Y DCMR section 101.8.
7. ANC 6C contends that the permit fails to comply with the District’s zoning regulations, and that the permit should therefore be revoked, on the grounds that it authorizes work in violation of 11-E DCMR section 204.1. That provision states in relevant part that “a roof top architectural element original to a principal building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape, or increasing its height, elevation, or size”
8. Specifically, the permit authorizes construction of an upper-floor addition directly atop an existing cornice—that is, above the cornice in the same plane with no setback.

9. On February 4, a member of ANC 6C reported the permit error to the Zoning Administrator and others at DOB via email. On February 7, the Administrator replied, summarizing ZA Interpretation ZA-007—which requires a three-foot setback of upper-story additions from rooftop architectural elements protected by section E-204.1—and purporting to justify its inapplicability to cornices:

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 *[sic]* 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 *[sic]* 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.

(Emphasis added.) A copy of that email is included as Attachment C.

10. ANC 6C will discuss these shortcomings in greater in its pre-hearing statement.
11. ANC 6C04 Commissioner Mark will testify concerning the attachments hereto, the Permit, and the applicability of section E-204.1 to the cornice on the property.

For all the reasons stated above, ANC 6C respectfully urges the Board to find that DOB and the Zoning Administrator violated the Zoning Regulations in issuing permit B2308873. Accordingly, we ask the Board to reverse the decision of the Zoning Administrator and to order the immediate revocation of permit B2308873.

Respectfully submitted,


Mark Eckenwiler
Chair, ANC 6C04

(as authorized representative
for ANC 6C)

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2024, I served a copy of ANC 6C's appeal of permit B2308873 (including supporting statement and exhibits) on the following persons by electronic mail:

Kathleen Beeton
Zoning Administrator
DOB
kathleen.beeton@dc.gov

Esther McGraw, Esq.
General Counsel
DOB
esther.mcgraw2@dc.gov

Andrew Murray
andy@studiomuzz.com
Architect and agent for property owner Kevin R. Chen



Mark Eckewiler

TABLE OF ATTACHMENTS

- A. Permit B2308873
- B. Selected drawings from permit application file
- C. February 7, 2024 email from DOB Zoning Administrator

Attachment A

B

Department of Buildings

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. [REDACTED]



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 1ST NE	Zone: RF-1	Ward: 6	Square: 0857	Suffix: 0819	Lot:
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Permit Restrictions: HERITAGE/SPECIAL TREES, YEARBUILTPRIOR1978

Permission Is Herby Granted To: Chen, Kevin R	Owner Address: 638 1ST NE WASHINGTON, DC 20002	PERMIT FEE: \$6,802.27
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Permit Type: Addition Alteration Repair	Existing Use: One Family	Proposed Use: One Family	Building Construction Type: TYPE V - Any Materials Permitted	Floor(s): 0
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Agent Name / Address: Andrew Murray 443 2nd Street Se	Contractor Name / Address : Chen, Kevin R 638 1ST NE WASHINGTON, DC 20002	Existing Dwell Units: 1	Proposed Dwell Units: 1	No. of Stories: 2
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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	INTERIOR	Description
Demolition		Bathroom Remodeling	
Doors		Dry Wall- Sheetrock	
Roof		Interior Demolition	
Windows		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 [REDACTED] 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 [REDACTED] or [REDACTED] (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 the Office of the Inspector General. Information you provide may result in an investigation leading to administrative action, civil penalties, or criminal prosecution in appropriate cases.

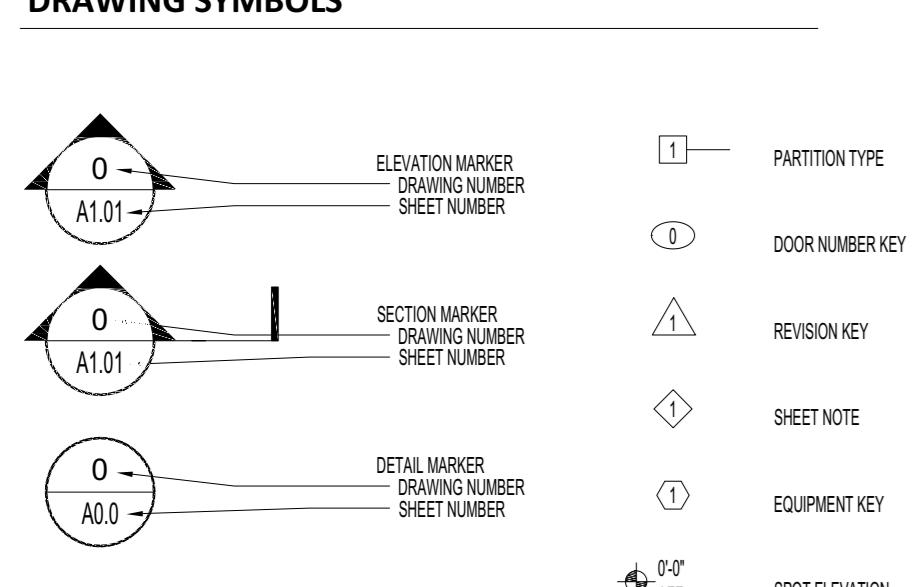
To schedule a CONSTRUCTION INSPECTION or for INQUIRIES CALL [REDACTED]

Call Miss Utility at 811 or [REDACTED] at least 48 Hours prior to excavation to obtain a ticket. www.missutility.net/wshingtondc/dcstatelaw.asp

Attachment B

&	AND	MAS	MASONRY
@	AT CENTER	MATL	MATERIAL
CL	PROPERTY LINE	MAX	MAXIMUM
DIAMETER	M.G.T.	M.G.T.	METAL GROUT CEILING TILE
PERPENDICULAR	M.R.	M.R.	METAL RESISTANT
# NUMBER/FOUND	MTC	MTC	METAL THICKNESS
	MTL	MTL	METAL
A/C AIR CONDITIONING	MTR	MTR	MANUFACTURER
A/C, D. AIR CONDITIONING TUBE	MTR	MTR	MANUFACTURER
A.F. ABOVE FINISH FLOOR	MSC	MSC	MISCELLANEOUS
ADD. ADDENDUM	MTD	MTD	MOUNTED
ADDITIONAL ADDENDUM/ADASQUEL	MOL	MOL	MOLDED
ALUM. ALUMINUM	MOL	MOL	MOLDING
ARCH. ARCHITECTURE	MOL	MOL	MOLDING
BD. BOARD	NO. CONTRACT	NO. CONTRACT	NO. CONTRACT
BLDG. BUILDING	NO. NUMBER	NO. NUMBER	NO. NUMBER
BLK. BLOCKING	NO. NOMINATE	NO. NOMINATE	NO. NOMINATE
BLW. BLOW	NO. NOT TO SCALE	NO. NOT TO SCALE	NO. NOT TO SCALE
B.O. BY OTHERS	NTS	NTS	NTS
BOT.	OA	OA	OVERALL
BSMT. BASEMENT	OC	OC	OUTSIDE DIMETER/DIMENSION
B.W. BOTTOM OF WALL	OFF	OFF	OFFICE
CAB. CABINET	O.H.	O.H.	OPPOSITE HAND
CABINET CHALK BOARD	OPEN	OPEN	OPEN
CABINET, CUPBOARD	OPEN	OPEN	OPEN
CER. CERAMIC	OPV	OPV	OVERHEAD
C.G. CORNER GUARD	OPV	OPV	OVERHEAD
C.G.T. CEILING GRAND TILE	OPV	OPV	OVERHEAD
C.J. CENTER LINE JOINT	OPV	OPV	OVERHEAD
C.L. CENTER LINE	OPV	OPV	OVERHEAD
C.G. CEILING	OPV	OPV	OVERHEAD
COL. COLUMN	PL.	PL.	PLASTER
CONC. CONCRETE	PL.	PL.	PLASTER
CONTR. CONSTRUCTION	PL.	PL.	PLASTER
CONT. CONTINUOUS	PL.	PL.	PLASTER
CONTR. CONTRACTOR	PTN	PTN	PTN
CONT. CONTINUOUS	PTN	PTN	PTN
CTR. CENTER	PTN	PTN	PTN
C.T. CERAMIC TILE	PTN	PTN	PTN
CTR. CENTER	PTN	PTN	PTN
DBL. DOUBLE	R.C.	R.C.	REFLECTED CEILING PLAN
DEPT. DEPARTMENT	R.D.	R.D.	REFLECTED DRAIN
DIL. DILATION	R.E.	R.E.	REFERENCE
DIA. DIAMETER	R.EF.	R.EF.	REFLECTED
DIM. DIMENSION	REF.	REF.	REFLECTED
DISP. DISPENSER	REF.	REF.	REFLECTED
E. EAST	REV.	REV.	REVISION
E.A. EAST	RFL.	RFL.	REFLECTED
E.D. EXPANSION JOINT	RFL.	RFL.	REFLECTED
E.L. ELEVATION	R.L.	R.L.	REFLECTED IN PLACE
ELEC. ELECTRICAL	R.L.	R.L.	REFLECTED
ELEV. ELEVATOR	R.M.	R.M.	ROOM
EMER. EMERGENCY	R.O.	R.O.	OPENING
ENCL. ENCLOSURE	R.TN.	R.TN.	RETURN
E.O.S. EDGE OF SUB	R.TD.	R.TD.	THROUGH DRAINS
E.G. EGRESS	T.B.	T.B.	TOWER BAR
E.G.D. EQUIPMENT	T.B.	T.B.	TEMPERED
E.W.C. ELECTRICAL WATER COOL	T.B.	T.B.	TEMPERED
EXP. EXPANSION	T.C.	T.C.	TEMPERED
EXT. EXTERIOR	T.C.	T.C.	TEMPERED
F.A. FIRE ALARM	T.D.	T.D.	THICK
F.D. FIRE DRAIN	T.D.C.	T.D.C.	TOP OF ACCESS FLOOR
F.D.C. FIRE DRAFT CONNECTION	T.D.C.	T.D.C.	TOP OF CONCRETE
F.DT. FIRE DRAFT TUBE	T.D.C.	T.D.C.	TOP OF SLAB
F.E.C. FIRE EXTINGUISHER CABIN	T.D.C.	T.D.C.	TOP OF TONGUE & GROOVE
F.F. FIRE FLUSH	T.D.C.	T.D.C.	TOP OF WALL
F.G. FIRE GUTTER	T.D.C.	T.D.C.	TOP OF WALL
F.G.C. FIRE GUTTER CABINET	S.	S.	SOUTH
FIN. FL. FINISH FLICK	S.A.F.	S.A.F.	OUND ATTENUATION FIRE BLANKET SANITARY
FLUOR. FLUORESCENT	SAN.	SAN.	SAN CORE
FRO. FROST PROOFING	S.C.	S.C.	SCE
F.R. FRAME	S.C.H.	S.C.H.	SEPARATION
F.S. FULL SIZE	S.C.H.	S.C.H.	SCE
F.T. FOOT CREEF	S.C.H.	S.C.H.	SEPARATION
F.T.O. FOOT TUBE	S.C.H.	S.C.H.	SEPARATION
FURN. FURNITURE	SHWR.	SHWR.	SPEAKER
FURR. FURNITURE	SHWR.	SHWR.	SQ. SQUARE
FUT. FUTON	SHWR.	SHWR.	STRUCTURE
F.V.C. FIRE VALVE CABINET	S.H.	S.H.	SUSPENDED
G. GAUZE	S.HL.	S.HL.	SYM. SYMMETRICAL
GALV. GALVANIZED	S.HL.	S.HL.	SYS. SYSTEM
G.B. GRAB BAR	S.HL.	S.HL.	STD. STANDARD
GL. GLASS	STL.	STL.	STEEL
GR. GRADE	STL.	STL.	STRUCTURE
GWS. GYPSUM WALLBOARD	SUSP.	SUSP.	SYM. SYMMETRICAL
H.B. HOSE BIB HOLLOW CORE	S.V.	S.V.	SYS. SYSTEM
H.C. HANDICAPPED	UN.	UN.	UNIVERSAL
H.C.P. HEAD CUPBOARD	UN.	UN.	UNIVERSAL
HD. HOLLOW	UN.	UN.	UNIVERSAL
HOW. HOLLOWWOOD	UN.	UN.	UNIVERSAL
HW. HEIGHT	UN.	UN.	UNIVERSITY
HST. HOLLOW METAL	UN.	UN.	UNIVERSITY
HNDL. HORIZ.	VB.	VB.	VAPOR BARRE
H.V.A.C. HEATING, VENTILATING &	VB.	VB.	VINYL COMPOSITION TILE
H.V.A.C.	VB.	VB.	VINYL WALL COVERING
I.D. INSIDE DIAMETER/DIMEN	VB.	VB.	VIT. VITREOUS
N. INC.	VB.	VB.	W.
INCL. INCLINATED	VB.	VB.	WEST
INCL. INCLINING	VB.	VB.	WALL
INFO. INFORMATION	VB.	VB.	WALL COVERING
INSUL. INSULATION	VB.	VB.	WALLS
INT. INTERIOR	VB.	VB.	WALLS
JAN. JANITOR	VB.	VB.	WATERPROOF
KT. KITCHEN	VB.	VB.	WEIGHT
K.O. KNOCKDOWN	VB.	VB.	WELD
K.T. KICKDOWN	VB.	VB.	WELDED
K.O. KICKOUT	VB.	VB.	WELDING
K.P. KICK PLATE	VB.	VB.	WELDING
L. LENGTH	LAB.	LAB.	LABORATORY
LAM. LAMINATE	LAM.	LAM.	LAMINATE
LAM. LAMINATE	LAM.	LAM.	LAMINATE
LBS. POUNDS	LAM.	LAM.	LAMINATE
L.R. LOCKER	LAM.	LAM.	LAMINATE
L.T. LIGHT	LAM.	LAM.	LAMINATE

DRAWING SYMBOLS



ENERGY CONSERVATION REQUIREMENTS

TABLE R402.1.2
INSULATION AND PENETRATION REQUIREMENTS BY COMPONENT¹

Penetration U-Factor ²	0.30 U-Factor
Skylight U-Factor	0.55 U-Factor
Glazed Penetration SHGC ³	0.40 Solar Heat Gain Coefficient (SHGC)
Ceiling	R-49
Wood Frame Wall and Rim Joists	R-19 in cavity + R-5 continuous on the exterior, or R-13 in cavity + R-10 continuous on the exterior, or R-15 continuous
Mass Wall ⁴	R-15 continuous on the exterior, or R-20 continuous on the interior
Frame Floor	R-25 + R-5 continuous
Elevated Slab	R-15 continuous
Basement Wall	R-19 cavity + R-5 continuous on the exterior, or R-13 in cavity + R-10 continuous on the exterior, or R-15 continuous
Slab on Grade ⁵	R-10 perimeter insulation for a depth of 2 ft.
Conditioned Crawlspace Wall	R-19 cavity + R-5 continuous on the exterior, or R-13 in cavity + R-10 continuous on the exterior, or R-15 continuous

¹ a. Nonpenetration U-factors shall be obtained from measurement, calculation or an approved source.² b.³ c.⁴ d.⁵ e.

f. R-5 shall be added to the required slab edge R-values for heated slab.

g.

h.

i.

j.

k. R-5 shall be added to the required slab edge R-values for heated slab.

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p. R-5 shall be added to the required slab edge R-values for heated slab.

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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 work. Changes to the plans require revisions to these plans. Changes require a revision permit with the revised plans. Trade Permits are required for trade work, e.g. Electrical or Plumbing

Electrical Review - Brian Washko - 02-01-2024
Mechanical Review - Brian Washko - 02-01-2024
Structural Review - Brian Washko - 02-01-2024
DODS EV Review - Brian Washko - 02-01-2024
DODS SE Review - Brian Washko - 02-01-2024
Structural Review - Brian Washko - 02-01-2024
DOE SE-SW Review - Nydia Barnes - 02-01-2024
DODS SE-SW Review - Nydia Barnes - 02-01-2024

PROJECT
638 I STREET, NE
Washington, DC 20002
SQ. 087 LOT 0819

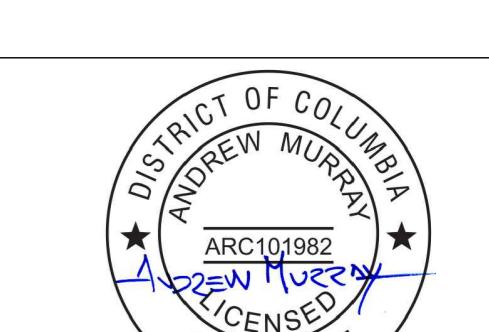
studiomuzz
architects

CLIENT
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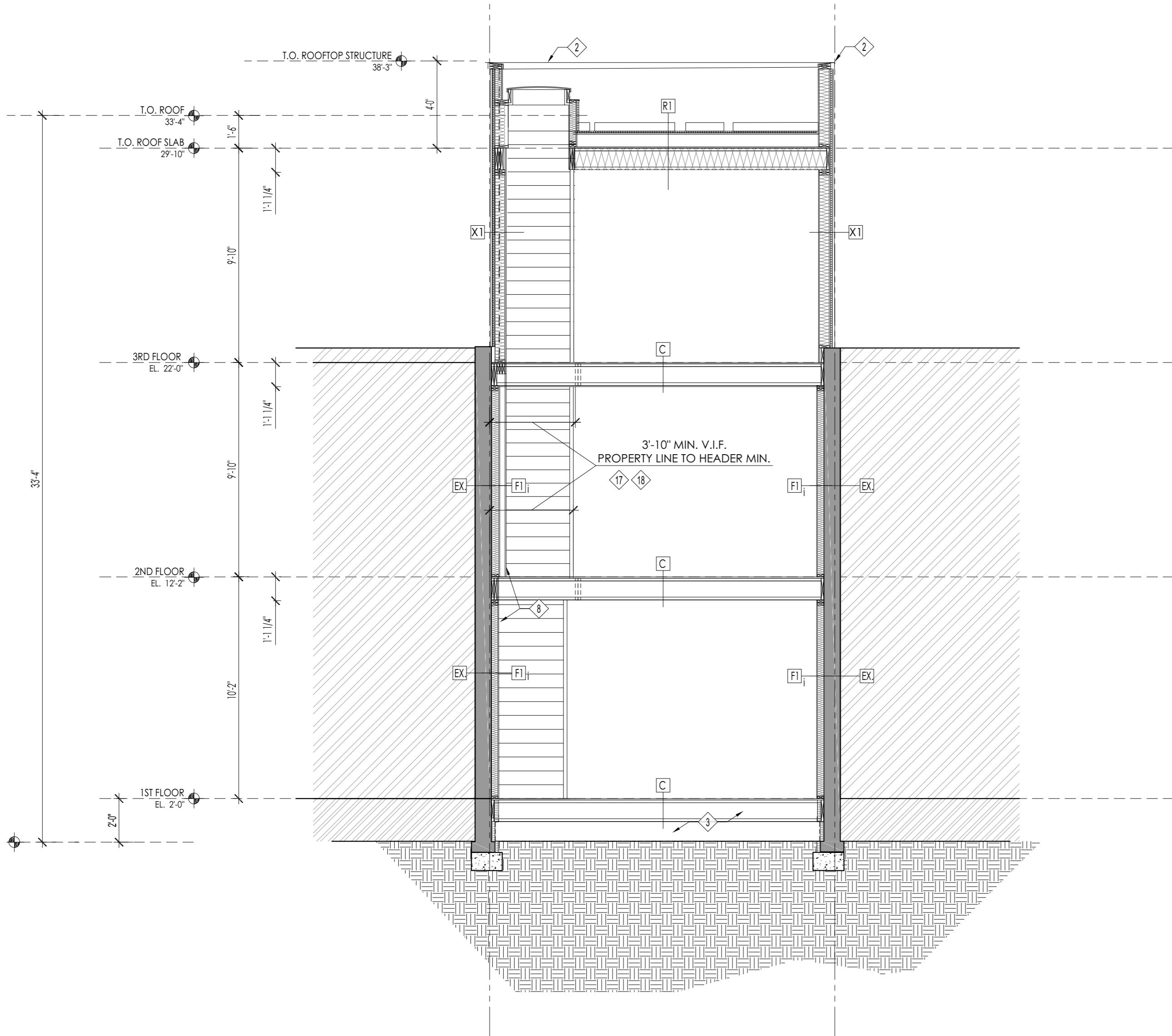


I am responsible for determining that the architect and designer have prepared and submitted these plans in accordance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the preparation of, the architectural and design included in this application.

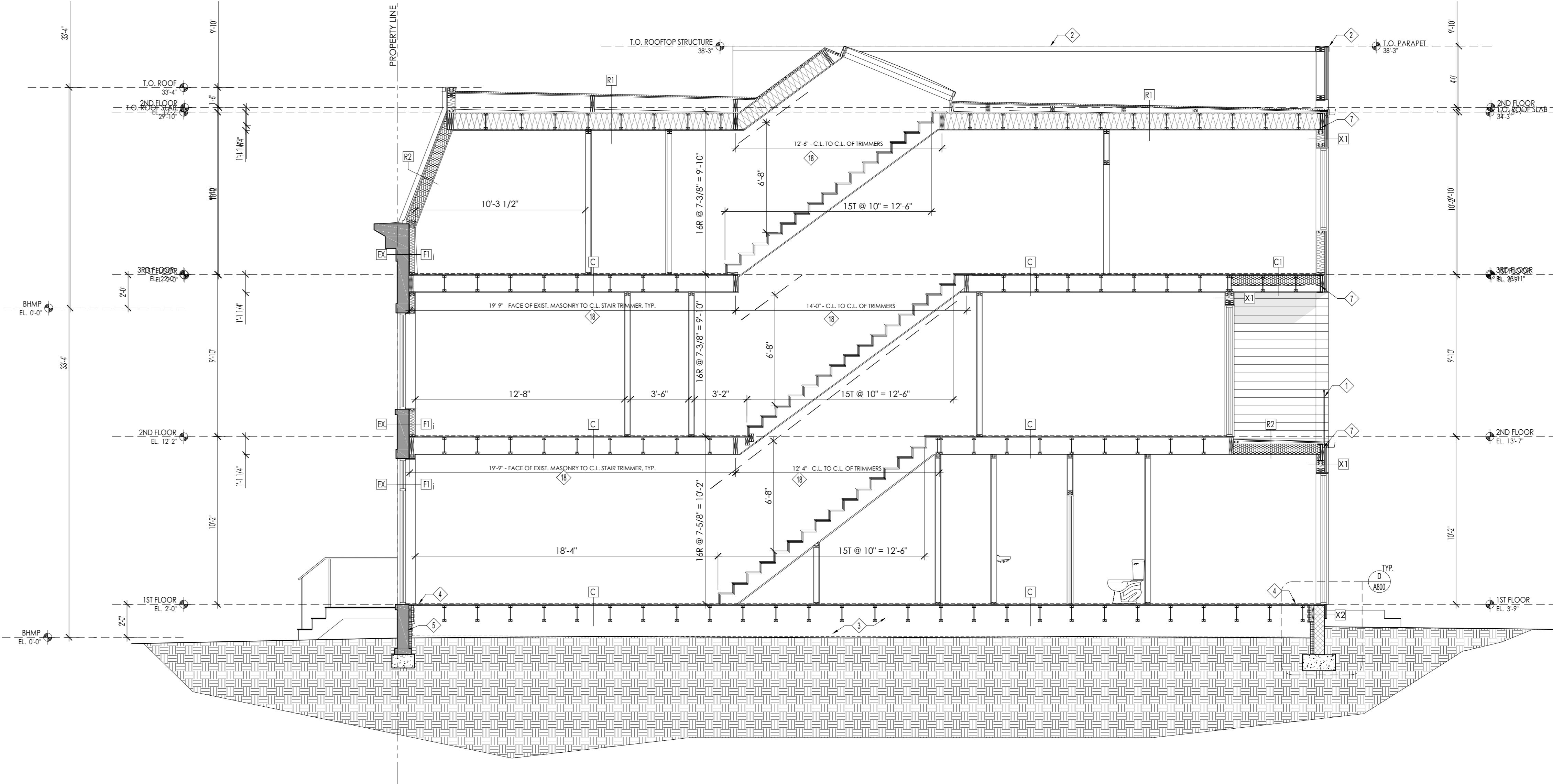
ISSUE
0. PERMIT SET 7/08/2023

BUILDING SECTIONS

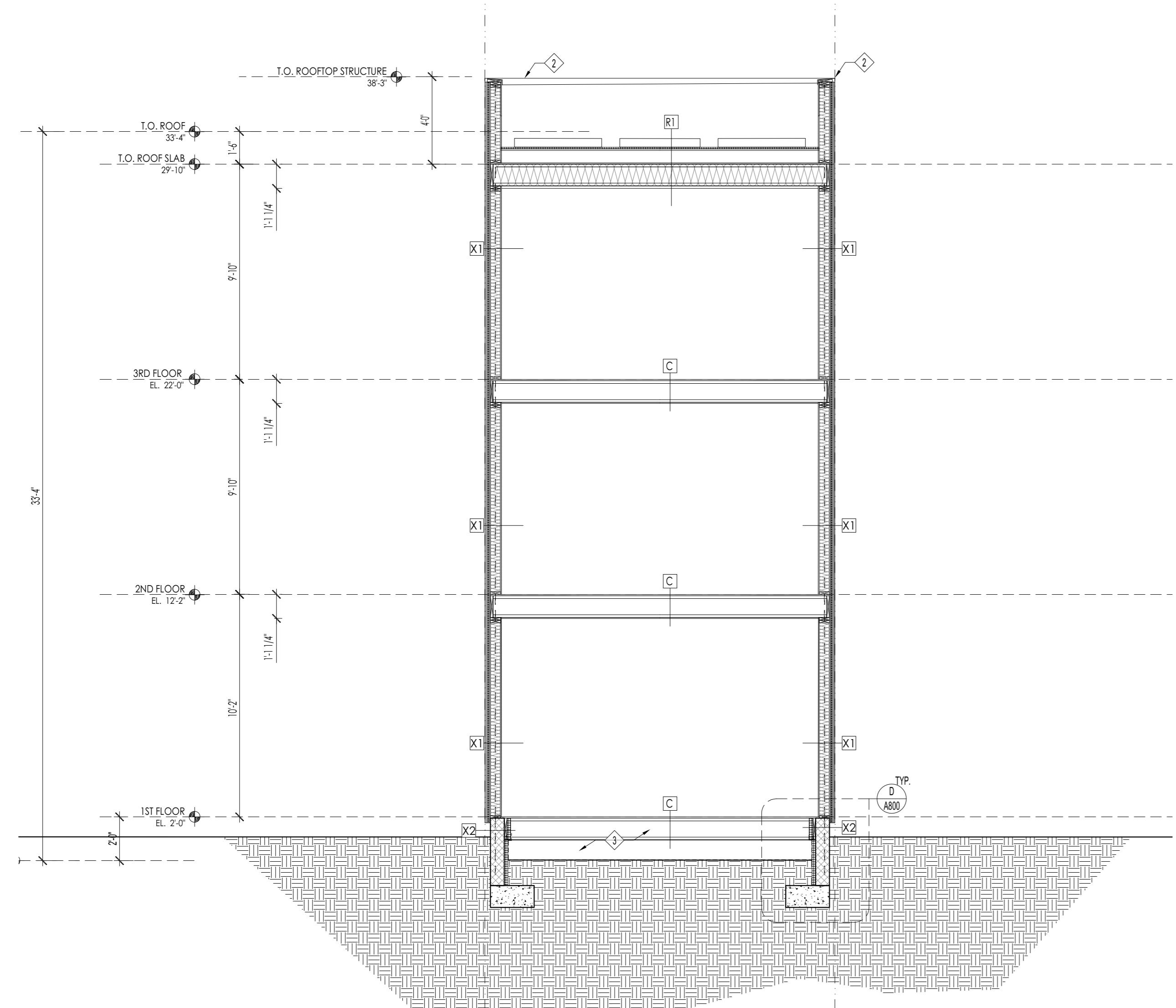
A300



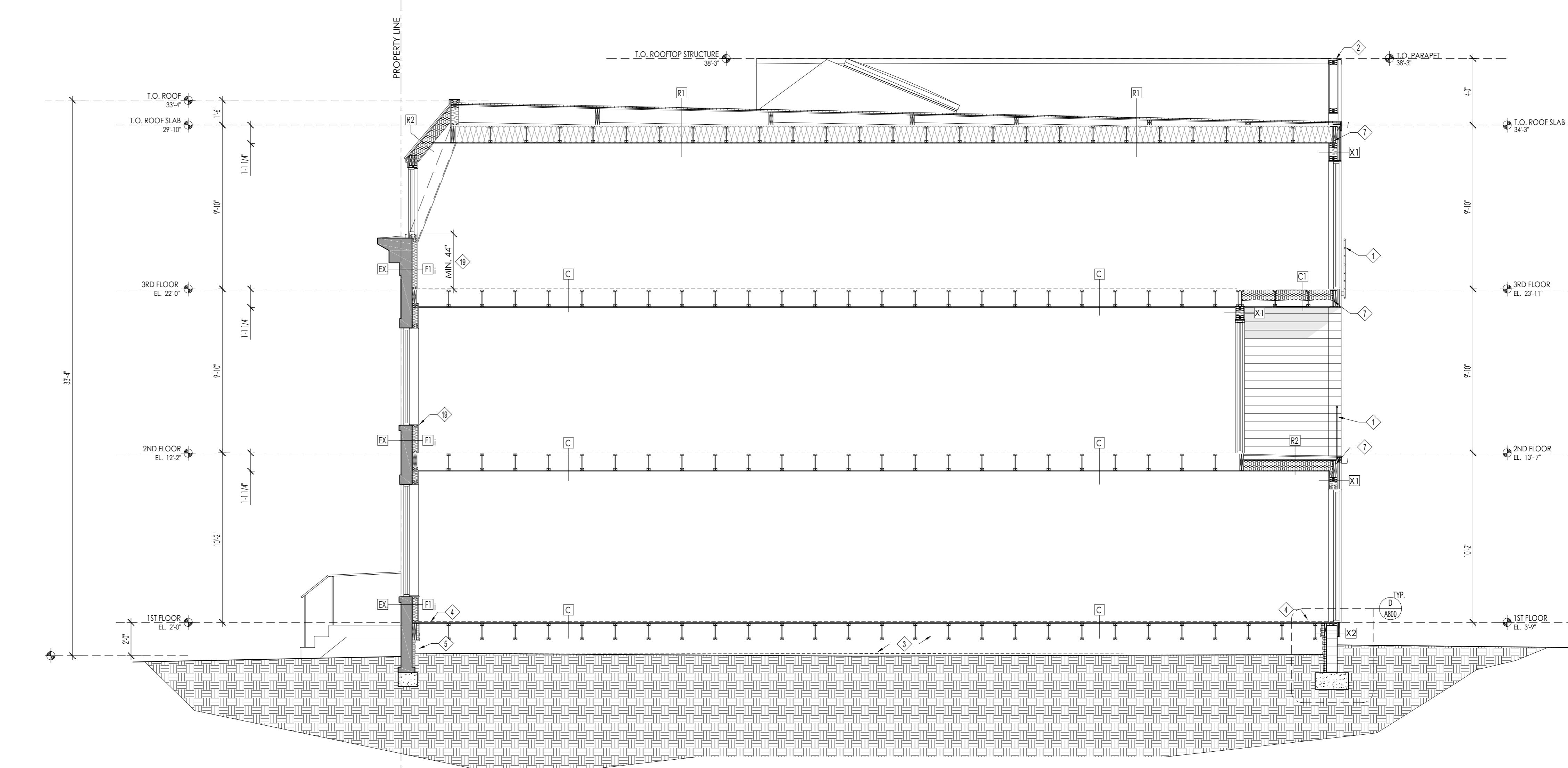
3 TRANSVERSE SECTION - A
A300 1/4" = 1'-0"



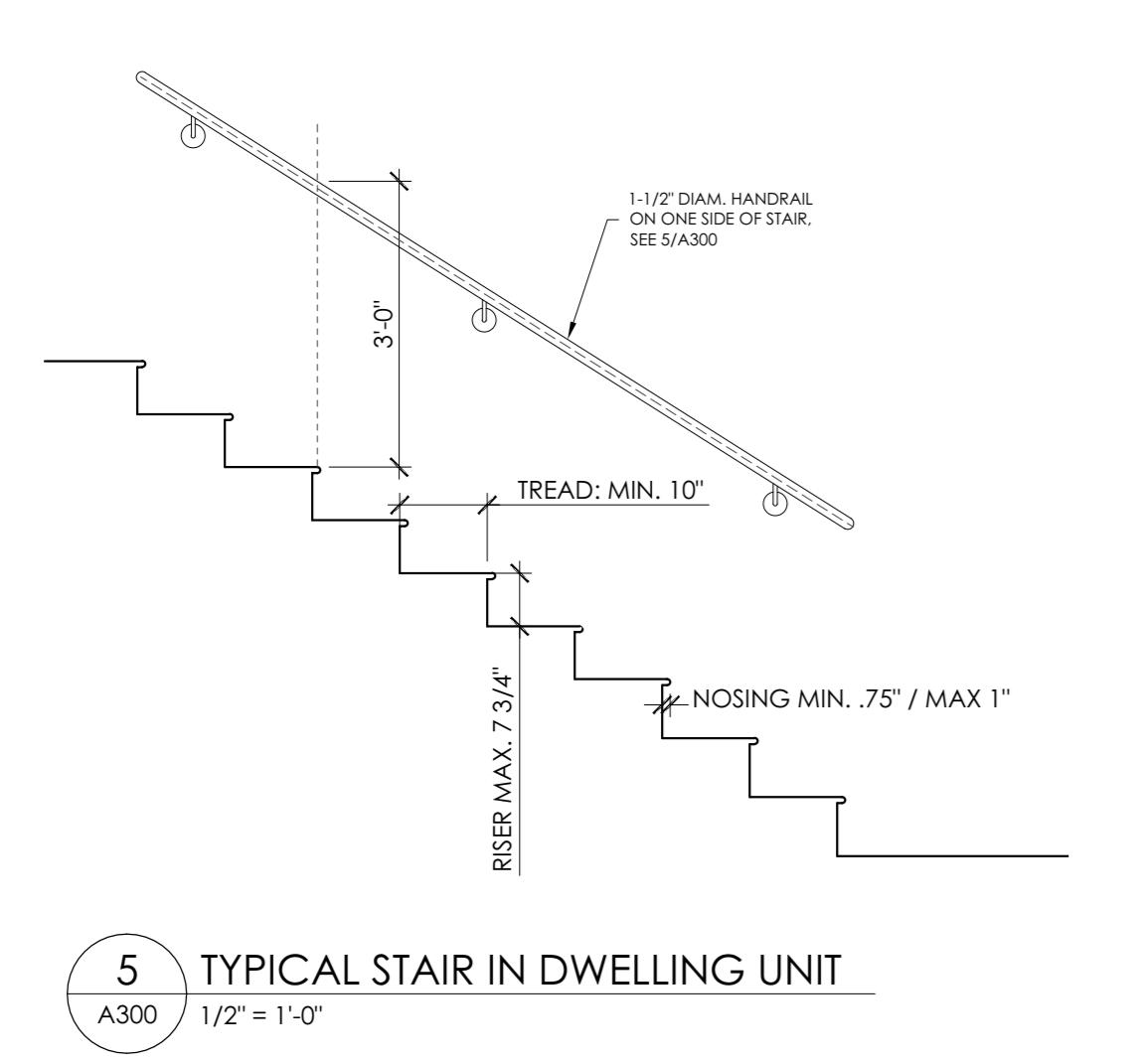
1 LONGITUDINAL SECTION - A
A300 1/4" = 1'-0"



4 TRANSVERSE SECTION - B
A300 1/4" = 1'-0"



2 LONGITUDINAL SECTION - B
A300 1/4" = 1'-0"

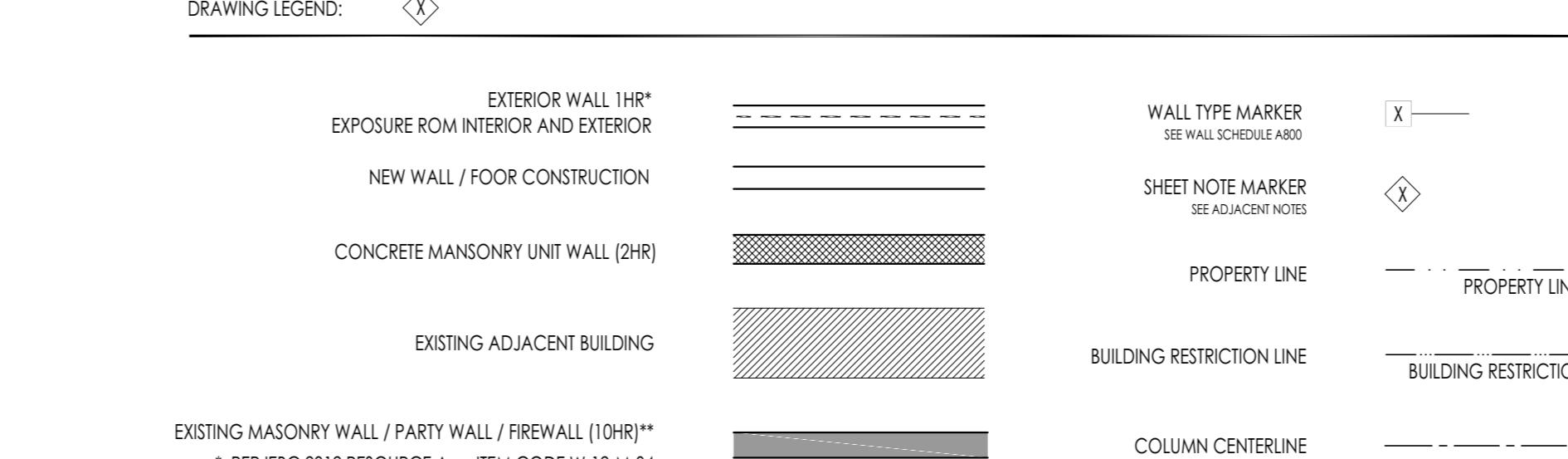


5 TYPICAL STAIR IN DWELLING UNIT
A300 1/2" = 1'-0"

GENERAL NOTES:

- DO NOT SCALE DRAWINGS - DIMENSIONS GOVERN. VERIFY DIMENSIONS ILLUSTRATED WITH FIELD AND AS BUILT CONDITIONS. IF DISCREPANCIES ARE DISCOVERED BETWEEN FIELD AND AS BUILT CONDITIONS AND DRAWINGS, CONTACT ARCHITECT FOR RESOLUTION BEFORE PROCEEDING.
- FLOOR ELEVATIONS SHOWN ARE TO THE T.O. ROOF SLAB OR FLOOR SHEATHING. COORDINATE NEW CONSTRUCTION WITH FLOOR SLABS AT STAIRS AND WINDOW SLE.
- ROUGH OPENINGS (R.O.) DIMENSIONS SHOW ARE FROM TOP OF FLOOR SHEATHING / DECK.
- ROUGH OPENINGS TO BE CONFIRMED WITH WINDOW / DOOR MANUFACTURER PRIOR TO FRAMING.
- REFER TO WALL SCHEDULE, A300 FOR INFORMATION ON ASSEMBLY.
- BUT UP ROOF ABOVE STRUCTURAL SLAB. ELEVATION VARIES. SLOPE TO DRAIN. MINIMUM 2% OR 1/4 PER 1'-0"
- COMPOSITE WOOD ROOF DECK. SET ON SLEEPERS. ALLOW PROPER DRAINAGE. SET FINISH SURFACE 1" ABOVE STRUCTURAL ROOF.

DRAWING LEGEND:



SECTION SHEET NOTES:

- STEEL GUARD MEETING REQUIREMENTS OF IRC R312.1.1 WITH A HEIGHT OF 3' ABOVE FINISH FLOOR PER R312.2. GUARDS SHALL NOT ALLOW PASSAGE OF A 4" DIAMETER SPHERE PER R312.3. SEE 6/A300.
- TOP OF PARAPET OR GUARD TO BE MINIMUM OF 3' ABOVE FINISH WALKING SURFACE TYP.
- UNVENTED / INCAPACULATED CRAWL SPACE. SEE 6/A300. ENTHALPI SPACE TO BE SEALED WITH 20 MIL THICK POLYURETHANE FOAM. SPACES FOR VENTILATION, DRY BARRIERS, AND AIR-CONDITIONED AIR. SEE MECHANICAL - VENT FLOOR BETWEEN FIRST FLOOR AND CRAWL SPACE AT FRONT AND REAR OF PROPERTY.
- FLOOR VENT.
- PROVIDE R-15 CONTINUOUS INSULATION AT EXISTING MASONRY WALL. CONTINUE INSULATION TO T.O. FOOTING. INCAPACULATE / SEAL CRAWL SPACE ABOVE INSULATION.
- ROOF HATCH LESS THAN 4'x4' ABOVE ROOF PROVIDING PERMANENT ACCESS TO THE ROOF. ROOF/ROOF STRUCTURE MEETS SETBACK REQUIREMENTS OF DCMR 11 C1504.
- STEEL MOMENT FRAME. PROVIDE NAILERS. SEE STRUCTURAL.
- STAIR BETWEEN 1ST FLOOR AND 2ND FLOOR AND 2ND AND 3RD FLOOR NOT ALIGNED. STAIR BETWEEN 2ND AND 3RD FLOOR TO ALIGN WITH 3RD FLOOR ROOFTOP ADDITION AND NOT ALIGNED WITH ADJACENT FURRED OUT WALL AT MASONRY PARTY WALL. ENSURE 3'-0" MINIMUM WIDTH. FURR OUT WALL AT LANDING AND ABOVE STAIR ONLY.

BUILDING SECTIONS

A300

Attachment C

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

DC Department of Buildings <dob@dc.gov>

Wed 2/7/2024 11:20 AM

To:Kelty, Joel (SMD 6C05) <6C05@anc.dc.gov>;Eckenwiler, Mark (SMD 6C04) <6C04@anc.dc.gov>

Cc:Allen, Charles (COUNCIL) <CAllen@dccouncil.gov>;jdemayo@dccouncil.gov <jdemayo@dccouncil.gov>;Stolzenberg, Jake (EOM) <jake.stolzenberg@dc.gov>

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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, 2019Reference:ZA-007Interpretation 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 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

Kathleen A. Beeton, AICP | Zoning Administrator
The Department of Buildings
kathleen.beeton@dc.gov | 1100 4th St SW, DC 20024
main: 202.671.3500 | desk: 202-442-4559 | cell: 202-705-3304



On Wed, Feb 7, 2024 at 3:54 PM <kathleen.beeton@dc.gov> wrote:

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<https://dob.dc.gov/> or dlcp.dc.gov<https://dlcp.dc.gov/>