

**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 it’s [*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 Eckenwiler

TABLE OF ATTACHMENTS

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

Attachment A

Department of Buildings

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. [REDACTED]



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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 [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 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

ABBREVIATIONS

8	AND	MAS	MASONRY
9	ANGLE	MAT	MATERIAL
10	AT	MAX	MAXIMUM
11	CL	CEILING LINE	CEILING LINE
12	PROPERTY LINE	M.C.T.	METAL CEILING TILE
13	DIAMETER	M.S.	MOSTURE RESISTANT
14	PERPENDICULAR	M.S.	MOSTURE RESISTANT
15	NUMBER OR FOUND	M.S.	MOSTURE RESISTANT
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ENERGY CONSERVATION REQUIREMENTS

TABLE R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT*		
Fenestration U-Factor ^a	0.30 U-Factor	
Skylight ^b U-Factor	0.55 U-Factor	
Glazed Fenestration SHGC ^c	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 ^d	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 ^d	R-10 perimeter insulation for a depth of 2 ft.	
Conditioned Crawlpace 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	

For SI: 1 foot = 304.8 mm.

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. The second R-value applies when more than half the insulation is on the interior of the mass wall.

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

TABLE R402.4.1.1 AIR BARRIER AND FENESTRATION INSTALLATION		
COMPONENT	AIR BARRIER CRITERIA	INSULATION INSTALLATION CRITERIA
General requirements	A continuous six-sided air barrier shall be installed in the building envelope. The exterior thermal envelope contains a continuous air barrier. Breaks or joints in the air barrier shall be sealed.	Air-permeable insulation shall not be used as a sealing material. All ceiling, wall, floor and slab insulation shall achieve Grade I installation per the ASHRAE Standards or, alternatively, Grade I for surfaces that contain a layer of continuous, air impermeable insulation > R5.
Ceiling/attic	The air barrier in any dropped ceiling/soffit shall be aligned with the insulation and any gaps in the air barrier shall be sealed. Access openings, drop down stairs or knee wall doors to unconditioned attic spaces shall be sealed.	The insulation in any dropped ceiling/soffit shall be aligned with the air barrier. Cavities within corners and headers of frame walls shall be insulated by completely filling the cavity with a material having a thermal resistance of not less than R-5 per inch. Exterior built-out envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier.
Walls	The junction of the foundation and sill plate shall be sealed. The junction of the top plate and the top of exterior walls shall be sealed. Knee walls shall be sealed.	The insulation in any dropped ceiling/soffit shall be aligned with the air barrier. Cavities within corners and headers of frame walls shall be insulated by completely filling the cavity with a material having a thermal resistance of not less than R-5 per inch. Exterior built-out envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier.
Windows, skylights and doors	The space between window/door jamba and framing, and skylights and framing shall be sealed. Doors adjacent to unconditioned space or ambient conditions shall be made substantially air-tight with weather stripping or equivalent gasket.	Continuous exterior insulation shall continue over window and door headers. Skylight and window chases through unconditioned attic space must be insulated to exterior wall values per Table 402.1.2.
Rim joists	Rim joists shall include continuous air barrier.	Rim joists shall be insulated per Table 402.1.2.
Floors (including above garage and cantilevered floors)	The air barrier shall be installed at any exposed edge of insulation.	Floor framing cavity insulation shall be installed to maintain permanent contact with the underside of subfloor decking, or floor framing cavity insulation shall be permitted to be in contact with the top side of sheathing or continuous insulation installed on the underside of floor framing and extends from the bottom to the top of all perimeter floor framing members.
Crawl space walls	Exposed earth in unvented crawl spaces shall be covered with a Class I vapor retarder with overlapping joints taped.	Where provided instead of floor insulation, insulation shall be permanently attached to the crawlspace walls.
Shafts, penetrations	Duct shafts, utility penetrations, and the shafts opening to exterior or unconditioned space shall be sealed.	Duct shafts or chases next to exterior or unconditioned space shall be sealed.
Narrow cavities	Batts in narrow cavities shall be cut to fit, or narrow cavities shall be filled by insulation that on installation readily conforms to the available cavity space.	Batts in narrow cavities shall be cut to fit, or narrow cavities shall be filled by insulation that on installation readily conforms to the available cavity space.
Garage separation	Air sealing shall be provided between the garage and conditioned spaces.	Walls next to unconditioned garage space shall be insulated.
Recessed lighting	Recessed light fixtures installed in the building thermal envelope shall be sealed to the drywall.	Recessed light fixtures installed in the building thermal envelope shall be air tight and IC rated.
Plumbing and wiring	Seal any plumbing or wiring that penetrates the building envelope.	Batt insulation shall be cut neatly to fit around wiring and plumbing in exterior walls, or insulation that on installation readily conforms to the available cavity space shall extend behind piping and wiring.
Shower/tub on exterior wall	The air barrier installed at exterior walls adjacent to showers and tubs shall separate them from the showers and tubs.	Exterior walls adjacent to showers and tubs shall be insulated.
Electrical/phone box on exterior walls	The air barrier shall be installed behind electrical or communication boxes or air-sealed boxes shall be installed.	Exterior walls adjacent to showers and tubs shall be insulated.
Common wall separating dwelling units	Air barrier is installed in common wall between dwelling units.	HTVAC register boots that penetrate building thermal envelope shall be sealed to the subfloor or drywall.
HVAC register boots	HTVAC register boots that penetrate building thermal envelope shall be sealed to the subfloor or drywall.	When required to be sealed, concealed fire sprinklers shall only be sealed in a manner that is recommended by the manufacturer. Cautioning or other obstructive materials shall not be used to fill voids between fire sprinkler cover plates and walls or ceilings.
Concealed sprinklers	When required to be sealed, concealed fire sprinklers shall only be sealed in a manner that is recommended by the manufacturer. Cautioning or other obstructive materials shall not be used to fill voids between fire sprinkler cover plates and walls or ceilings.	An air barrier shall be installed on fireplace walls.
Fireplace	An air barrier shall be installed on fireplace walls.	

a. In addition, inspection of log walls shall be in accordance with the provisions of ICC-400.

TABLE R402.1.4 EQUIVALENT U-FACTORS ^a		
Fenestration U-Factor	0.30 U-Factor	
Skylight U-Factor	0.55 U-Factor	
Ceiling U-Factor	0.026 U-Factor	
Wood Frame Wall U-Factor	0.045 U-Factor	
Mass Wall U-Factor	0.060 U-Factor	
Frame Floor U-Factor	0.033 U-Factor	
Elevated Slab	0.066 U-Factor	
Mass Floor U-Factor	0.058 U-Factor	
Basement Wall U-Factor	0.045 U-Factor	
Conditioned Crawlpace Wall U-Factor	0.045 U-Factor	

a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.

R402.4.1.2 Air Leakage Testing

Each dwelling unit shall comply with Table R402.4.1.2. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 in.h₂O (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the approved third party conducting the test and provided to the code official before issuance of the certificate of occupancy or final inspection. Testing shall be performed at any time after completion of all penetrations of the building thermal envelope. Approved sampling protocols approved by the code official may be used.

TABLE R402.4.1.2 MAXIMUM ALLOWED AIR LEAKAGE RATES		
	New construction	Level 3 Alteration affecting 80% or more of the aggregate work of the building (Gut Rehabilitation)
Single family detached, two family attached (duplex), townhouses, flats	3 ACH50	3 ACH50
Dwelling units in Multifamily buildings 3 stories and less	30 CFM50/SF enclosure area of each unit or 3 ACH50	30 CFM50/SF enclosure area of each unit or 3 ACH50

VICINITY PLAN

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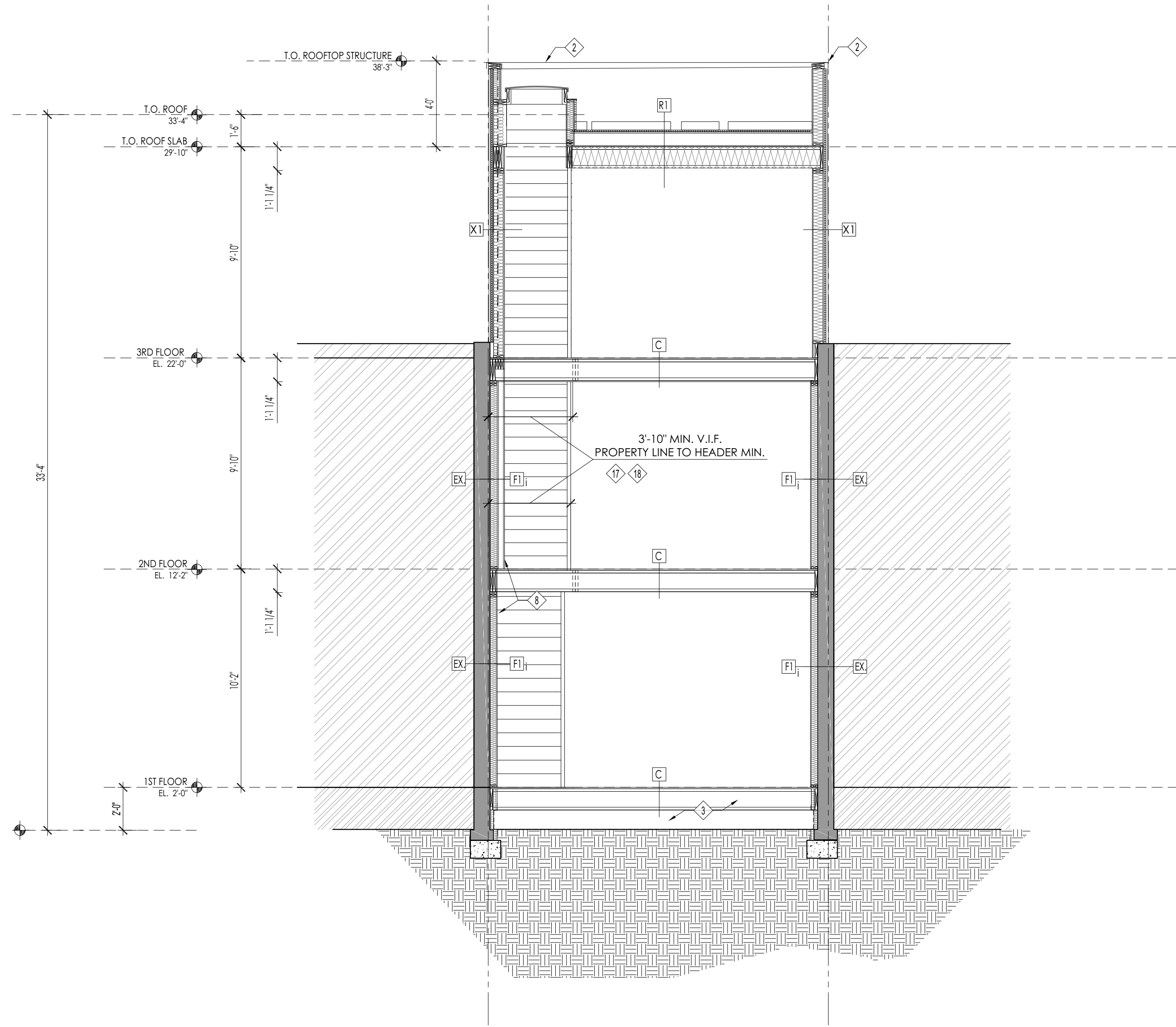
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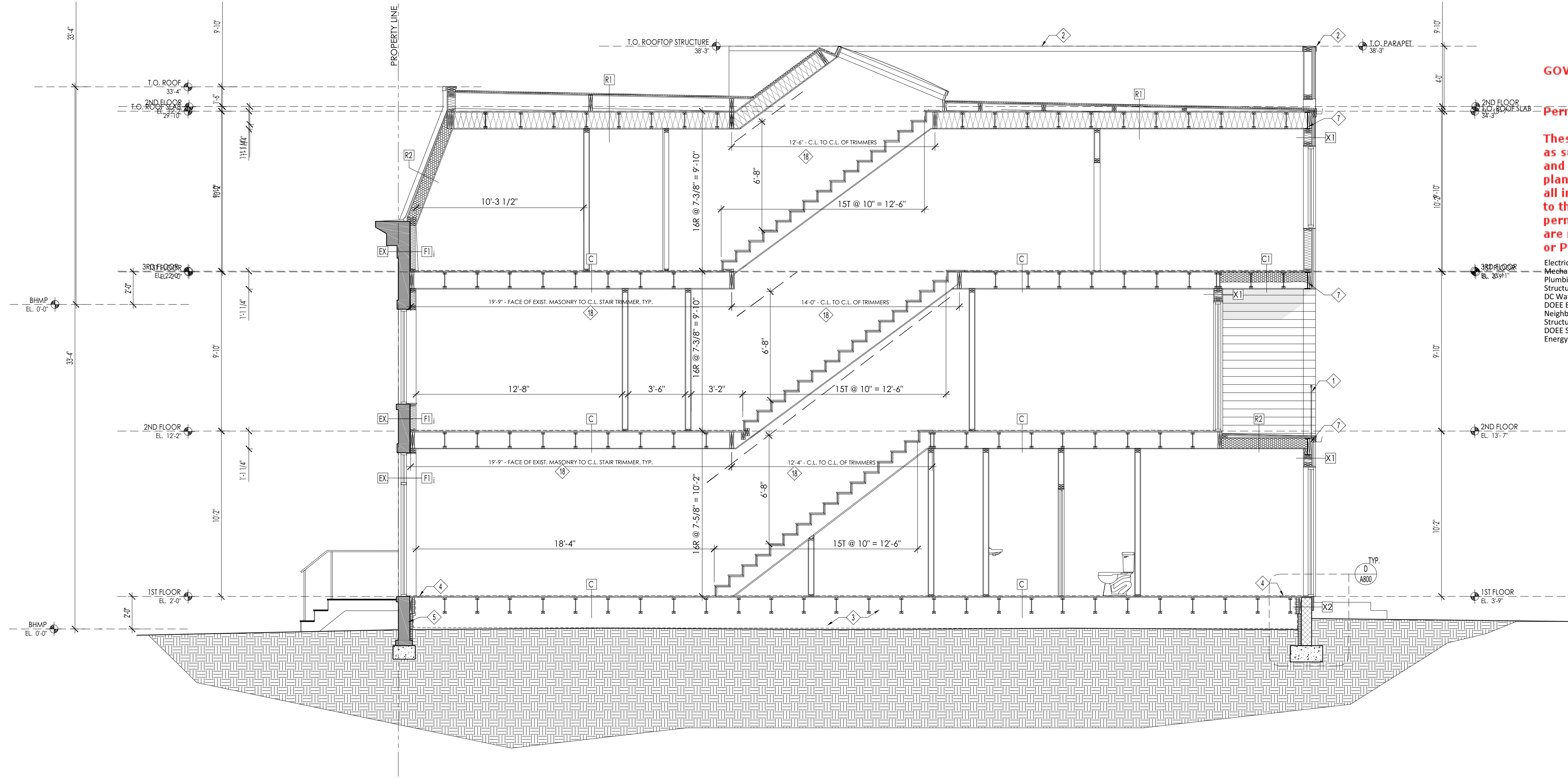
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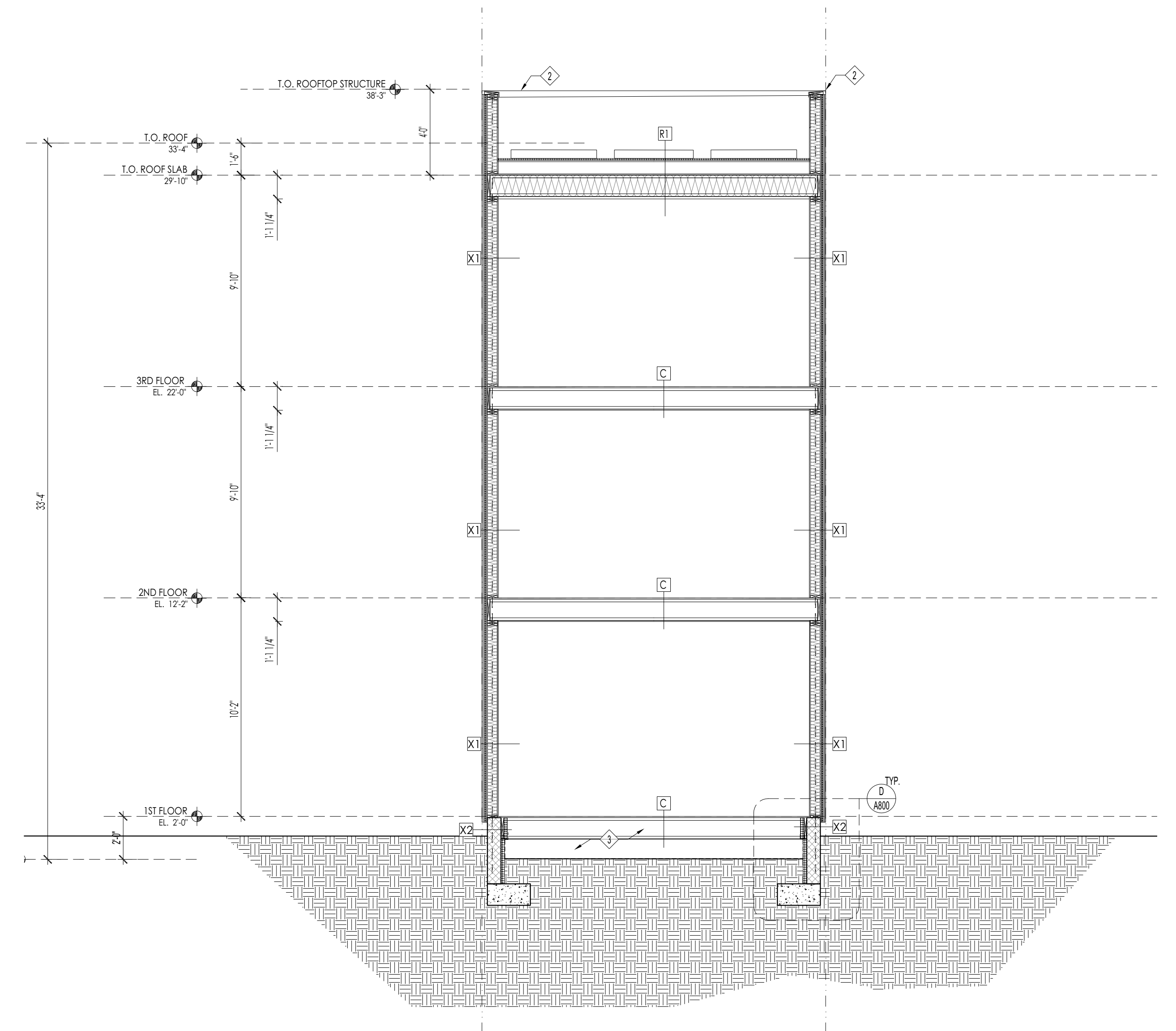
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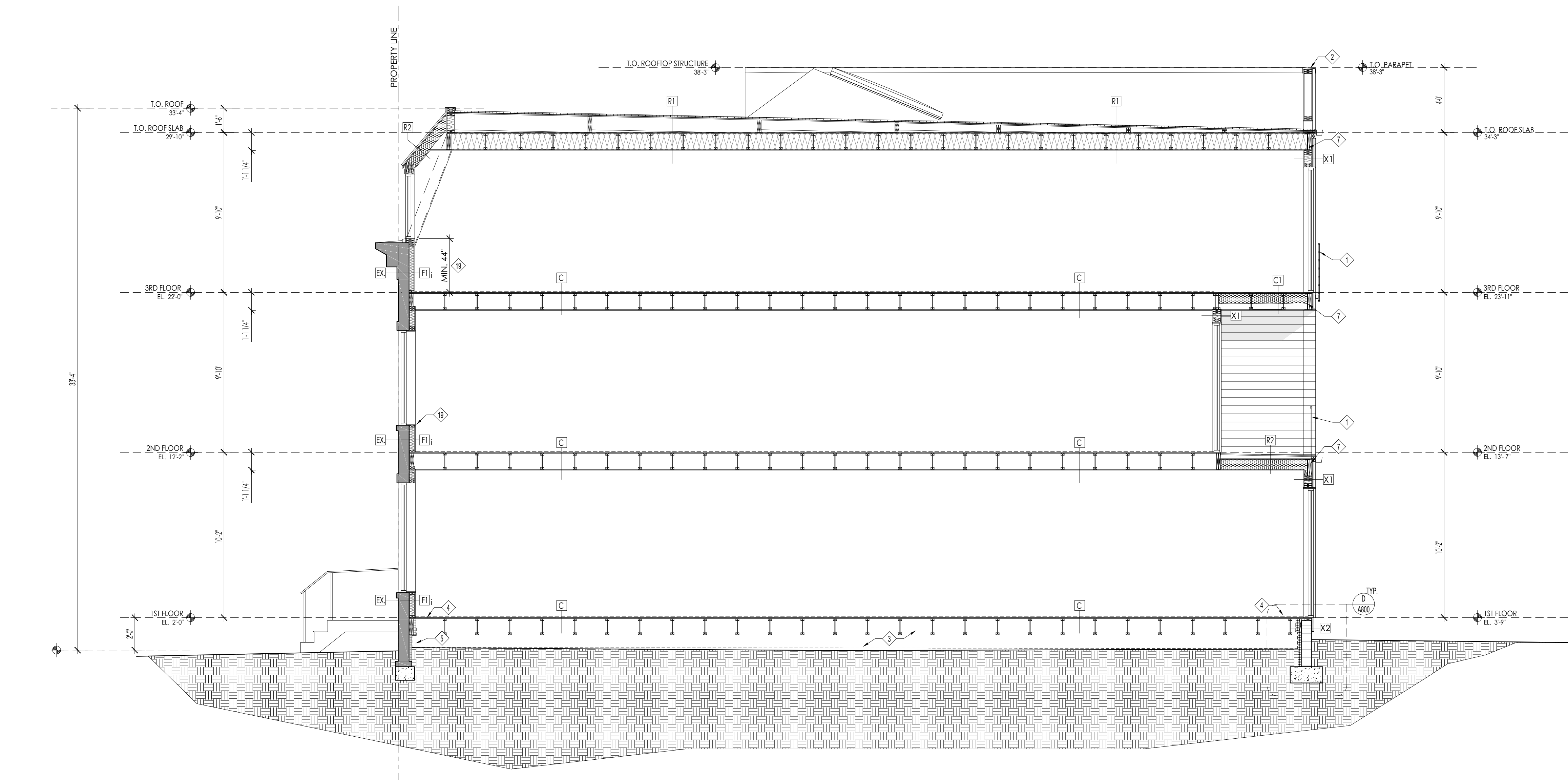
3 TRANSVERSE SECTION - A
A300 1/4" = 1'-0"



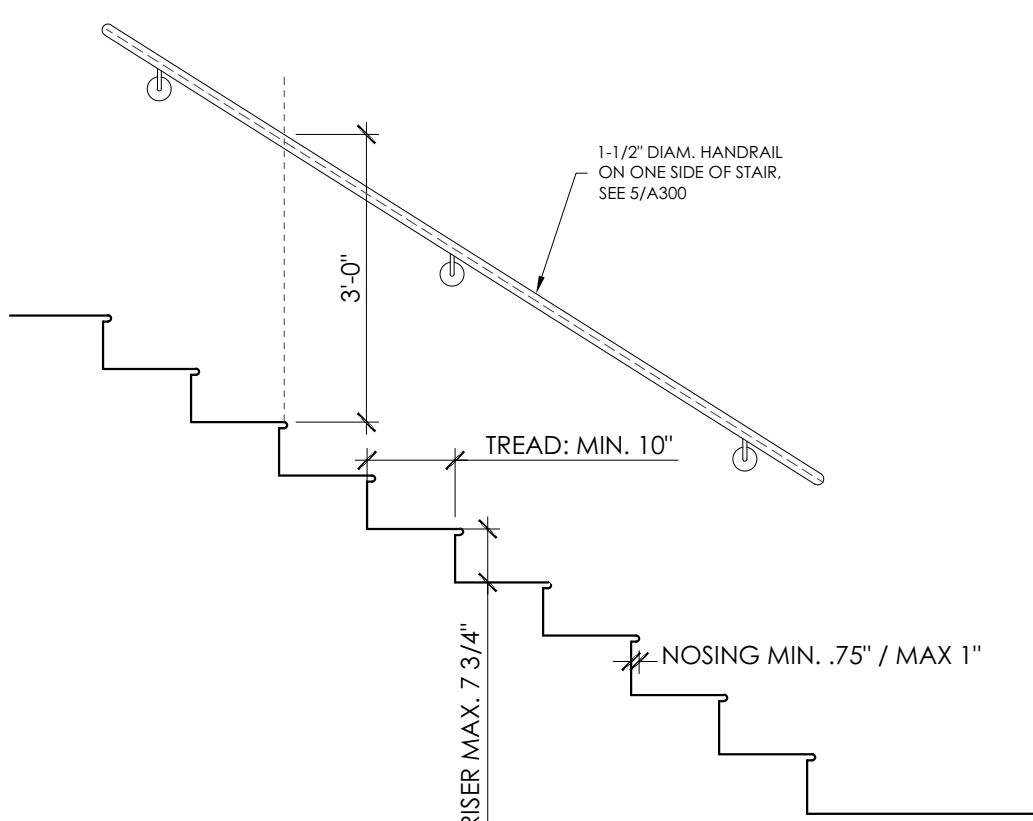
1 LONGITUDINAL SECTION - A
A300 1/4" = 1'-0"



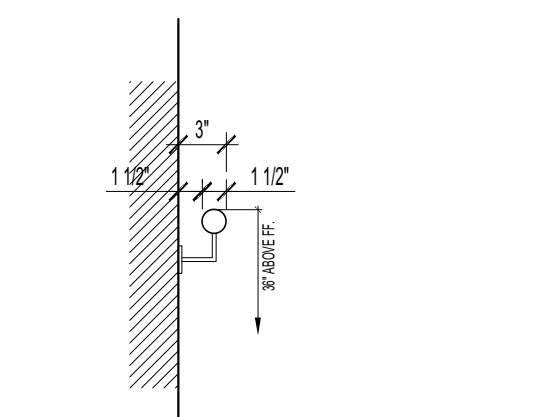
4 TRANSVERSE SECTION - B
A300 1/4" = 1'-0"



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



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



6 TYPICAL HANDRAIL
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. SLAB OR FLOOR SHEATHING. COORDINATE NEW CONSTRUCTION WITH FINISH FLOOR AT STAIRS AND WINDOW SL.
 - ROUGH OPENING (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, ABOVE FOR INFORMATION ON ASSEMBLY.
 - BUILT 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 6" ABOVE STRUCTURAL ROOF.

DRAWING LEGEND:	
EXTERIOR WALL 1/4" EXPOSURE FROM INTERIOR AND EXTERIOR	
NEW WALL / FLOOR CONSTRUCTION	
CONCRETE MASONRY UNIT WALL (2HR)	
EXISTING ADJACENT BUILDING	
EXISTING MASONRY WALL / PARTY WALL / FIREWALL (10HR)**	
* PER EBC 2012 RESOURCE A ITEM CODE W-12-M-34	
WALL TYPE MARKER	
SHEET NOTE MARKER	
PROPERTY LINE	
BUILDING RESTRICTION LINE	
COLUMN CENTERLINE	

- SECTION SHEET NOTES:
- STEEL GUARD MEETING REQUIREMENTS OF RC R102.1.1 WITH A HEIGHT OF 36" ABOVE FINISH FLOOR PER R102.1.2. GUARDS SHALL NOT ALLOW PASSAGE OF 4" DIAMETER SPHERE PER R102.1.3. SEE A300.
 - TOP OF PARAPET OR GUARDRAIL TO BE MINIMUM OF 36" ABOVE FINISH WALKING SURFACE, TYP.
 - UNVENTED / ENCAPSULATED CRAWL SPACE. SEE DETAIL D. INTRIE CRAWL SPACE TO BE SEALED WITH 20 MIL THICK CONTINUOUS POLYETHYLENE CRAWL SPACE VAPOR BARRIER. PROVIDE CONDITIONED AIR. SEE MECHANICAL. VENT FLOOR BETWEEN FIRST FLOOR AND CRAWL SPACE AT FRONT AND REAR OF PROPERTY.
 - FLOOR VENT
 - PROVIDE MIN R-15 CONTINUOUS INSULATION AT EXISTING MASONRY WALL. CONTINUE INSULATION TO T.O. FOOTING. ENCAPSULATE / SEAL CRAWL SPACE ABOVE INSULATION.
 - ROOF HATCH, LESS THAN 4'-0" ABOVE ROOF PROVIDING PERMANENT ACCESS TO THE ROOF. ROOFTOP 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 BURIED OUT WALL AT MASONRY PARTY WALL. ENSURE 3'-0" MINIMUM WIDTH. FURR OUT WALL AT LANDING AND ABOVE STAIR ONLY.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PERMIT OPERATIONS DIVISION
PLANS APPROVED
Permit No. B2308873 Date 02/01/24

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

Electrical Review - Brian Washko - 02-01-2024
Mechanical Review - Brian Washko - 02-01-2024
Plumbing Review - Brian Washko - 02-01-2024
Structural Review - Brian Washko - 02-01-2024
DC Water Review - Yuhai Bharti - 02-01-2024
DOEE EV Review - Carmen Stern - 02-01-2024
Neighbor Notification - Kolas Elton - 02-01-2024
Structural Review - Brian Washko - 02-01-2024
DOEE SE-SW Review - Nylia Barnes - 02-01-2024
Energy Review - Wendy Tallent - 02-01-2024

PROJECT
638 I STREET, NE
WASHINGTON, DC 20002
SG_0857 LOT 0819

638 I STREET, NE

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architects

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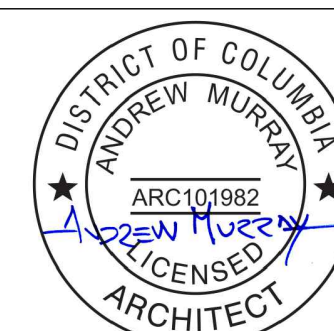
KEVIN R. CHEN
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WASHINGTON, DC 20002
703.732.5466

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I am responsible for determining that the architectural designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the architectural designs included in this application.

ISSUE
0. PERMIT SET 7/08/2023

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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You don't often get email from dob@dc.gov. [Learn why this is important](#)

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 so 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

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/)<https://dcratransition.dc.gov/> or each agency by visiting dob.dc.gov<https://dob.dc.gov/> or dlcp.dc.gov<https://dlcp.dc.gov/>