

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
441 4th Street, NW, Washington, DC 20001, 2nd Floor South

CASE BZA No. 18103

2011 NOV -3 AM 10:51

BRIEF IN LIEU OF CLOSING STATEMENT TO THE OPPOSITION TO THE BUILDING
PERMIT NUMBER B1002975 ISSUED TO THE PEACEHOLICS
TO DENY THE ISSUANCE OR REVOKE BUILDING PERMIT NUMBER NO. B1002975

Come now, October 28, 2010, ANC 8E Chairperson Commissioner Sandra "S.S." Seegars, Opponent, to the issuance of a building permit to the Peaceoholics for the renovation of property at 1300 Congress Street, SE, Washington, DC 20032, closing brief in lieu of a closing statement following the hearing on September 28, 2010.

This challenge is to the building permit issued for the property located at 1300 Congress Street, SE, Washington, DC 20032 on April 1, 2010. The challenge was filed in a timely manner; therefore, on September 28, 2010, a hearing was held to present opposing arguments to permit no. B1002975.

The reason for the challenge is due to an issuance of a building permit for the renovation of an apartment building, but the plan submitted was for a community based residential facility (CBRF). According to Mr. Matthew LeGrant, Zoning Administrator and expert witness, "No one at the Office of Zoning Administrator reviewed the plans before they were issued."

Moreover, the Office of Zoning Administrator did not receive all necessary documents pertaining to the renovation of the building, which would have made it apparent that it was to be a CBRF not an apartment; and the Office of Zoning Administrator had no information that the money provided to the applicants came from the Department of Housing and Community Development for a program to house low income residents of at-risk youth (age 15 to 21).

Reasons to deny, disapprove or revoke previously issued building permit no. B1002975:

- No one at Zoning reviewed the plans submitted by the Peaceoholics to verify if they were in compliance for an apartment building, or that the plans were consistent with an apartment or CBRF.
- Portions of the Environmental Intake Page, Project Scope, should be crucial to the issuance of a permit and should be reviewed, at least with a cursory review of the form. If reviewed, it could or would present apparent conflicts with the rules of the Office of Zoning Administrator.

It would bring to the attention of the Office of Zoning Administrator additional information that would help in deciding earlier on what the true purpose of the renovation would be, thereby, the true reason for the renovation would be listed and could/would distinguish one type of facility from another.

- The plans clearly depict an office space and living quarters for a 24 hour (human) residential monitor (supervisors/counselors) for the facility to house at-risk youth for continuous counseling, managing and supervising. This program goal is to prevent urban crime, gang involvement, illegal drug activities, domestic violence, family poverty, and welfare dependency; and to give attention on job training, education, life skills, parenting, and mentoring.
- The plans depict "common areas" inside of the units. The expert at the hearing testified that this is not customary for an apartment building. Thereupon, it is consistent with a CBRF. Pursuant to DC law, a CBRF cannot be within 500 feet of each other. (DCMR Title 11)
- The basement includes educational training apparatuses for educational programs, maintenance room, program (SHIP) office, and bedroom for live-in supervisor/monitor/counselor.
- Plans do not show electrical wiring for a camera residential monitoring system as stated by Jauhar Abraham, thereupon, residential monitor is a human, which is a requirement for a CBRF.

The age of the residents, pursuant to the application submitted to secure funding from DHCD, is persons from age 15 to 21. This age group includes minors, who in no prudent way can purchase, rent or lease a unit. The age of majority in DC is 18.

Project scope should be incorporated into the forms to be completed at the Office of Zoning

Administrator; however, in researching this form, Environmental Intake Page, DC Law 8-36, (DC

Environmental Policy Act of 1989) states:

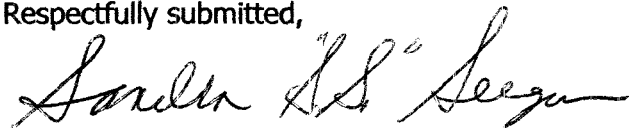
Please note: pursuant to the Environmental Policy Act Regulations (Chapter 72, Title 20 DCMR), no agency is permitted to issue a license, permit, certificate or authorization until the environmental impact review is completed.

The Department of Consumer and Regulatory Affairs (DCRA) will transmit your EISF and supporting documents to other agencies for their review, including the Department of the Environment, the Department of Public Works, the Office of Planning and the DC Water and Sewer Authority.

Hereupon, the Office of Zoning Administrator had to look at the Environmental Intake Page to ascertain its completion to advance it to other agencies.

For the aforesaid reasons, the ANC 8E's appeal shall be granted.

Respectfully submitted,



Sandra "S.S." Seegars, Chairperson ANC 8E

October 28, 2010

Date

Copies delivered on October 28, 2010 by email, USPS first class, fax (followed by hard cover) or hand delivered:

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