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December 28, 2011

VIA HAND DELIVERY

Meridith Moldenhauer, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18309
EXHIBIT NO. 26

**Re: Jubilee Housing, Inc. – BZA Application No. 18309 for 1474
Columbia Road, N.W. (Square 2669, Lot 825) (the “Property”) –
Supplemental Filing to Modify Requested Special Exception Relief**

Dear Chairperson Moldenhauer and Members of the Board:

On behalf of Jubilee Housing, Inc. (the “**Applicant**”), this filing is intended to modify the relief requested in the above-referenced application. In BZA Application No. 18309, the Applicant requested two special exceptions in order to renovate the four (4) story building at the Property with affordable residential and community-serving uses (the “**Project**”).

By this letter, the Applicant modifies one of its two special exception requests. In order to permit portions of the Property’s basement level to be used for community service center uses, the Applicant hereby replaces its previously-requested special exception relief pursuant to 11 DCMR § 209.1 with special exception relief pursuant to 11 DCMR § 334.1. Section 334.1 describes community service center uses that improve the social or economic well being of residents of a local neighborhood. Section 209.1 describes community center uses such as buildings operated by local community organizations or associations for recreational or other similar purposes. The Applicant’s proposed Teen Renaissance Center is in accordance with the community service center uses described in Section 334.1.

The Applicant still requests its second special exception pursuant to 11 DCMR § 205.1 to use portions of the basement level of the Property for child development center uses. Such request is not being modified by this filing.

Board of Zoning Adjustment – 1474 Columbia Road, NW
December 28, 2011

The Applicant is submitting a revised Application (BZA Form 120, as Tab 1) and a revised Self Certification (BZA Form 135, as Tab 2) along with this letter. In addition, the revised preliminary statement of the Applicant, including the statement of existing and intended use of the Property is also attached (as Tab 3). The primary change to such statement relates to the standards for relief under Section 334.1, described on page 5 of such statement.

Simultaneously herewith, notices of such revision to the requested relief are being sent to all property owners within 200 feet of the boundaries of the Property. A copy of such notice is attached as Tab 4. In addition, the notice placards posted at the Property will reflect the updated information. Such notices are in accordance with the notice and timing requirements stipulated under Section 3113.13.

We look forward to presenting our case on February 14, 2012. If you have any questions, please do not hesitate to contact the undersigned at (202) 721-1132. Thank you for your attention to this application.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeff C. Utz". The signature is stylized with a large "J" and "U".

Jeff C. Utz

Enclosures

Certificate of Service

I certify that on December 28, 2011, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeffrey C. Utz

Karen Thomas (2 copies)
Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

ANC 1A (11 copies)
1380 Monroe Street, NW, #103
Washington, DC 20010

Sheldon Scott – ANC 1A 03
1400 Irving Street NW 435
Washington, DC 20010



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103.2 - Area/Use Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations,
an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
1474 Columbia Road, NW	2669	825	D/R-5-B	Special Exception	205.1
				Special Exception	334.1

Present use(s) of Property: Residential building

Proposed use(s) of Property: Residential building with community serving uses on ground floor

Owner of Property: Jubilee Housing, Inc.

Telephone No: 202.299.1240

Address of Owner: 1640 Columbia Road NW, Washington, DC 20009

Single-Member Advisory Neighborhood Commission District(s): ANC 1A03

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

Applicant seeks to renovate existing residential building for residential and community serving uses, which will require special exception relief under 11 DCMR Sections 205.1 and 3104.1 for child development center use and special exception relief under 11 DCMR Sections 334.1 and 3104.1 for community service center use

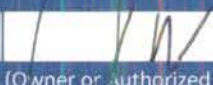
EXPEDITED REVIEW REQUEST (if interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

- ☐ A park, playground, swimming pool, or athletic field pursuant to §209.1, or
☐ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: 9/22/11

Signature*: 

To be notified of hearing and decision (Owner or Authorized Agent*):

Name: Jeff Utz, Esq.

E-Mail: jutz@goulstonstorrs.com

Address: 1999 K Street, NW, Suite 500, Washington, D.C. 20007

Phone No(s): 202.721.1132

Fax No.: 202.263.0532

* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

FOR OFFICIAL USE ONLY

Exhibit No. 1

Case No. _____



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
1474 Columbia Road, NW	2669	825	D/R-5-B

Single-Member Advisory Neighborhood Commission District(s): ANC 1A03

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☒ §3104.1-Special Exception
Pursuant to Subsections			205.1 and 334.1

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

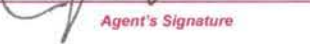
The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22 2405)

 Owner's Signature	 Owner's Name (Please Print)
 Agent's Signature	 Agent's Name (Please Print)

Date	12/22/11	D.C. Bar No.		or	Architect Registration No.	
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FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ 11 DCMR §3113.2; or ☐ 11 DCMR - Zoning Regulations. Explanation _____

Signature		Date	
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ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No. _____

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Jubilee Housing, Inc.
ANC 1A

BZA Application No. 18309
Hearing Date: February 14, 2012

APPLICANT'S MODIFIED STATEMENT OF EXISTING AND INTENDED USE

I. Relief Request

This is the application of Jubilee Housing, Inc. ("**Applicant**") for special exception relief to allow the renovation of an existing residential building for affordable residential and community serving uses. Specifically, the Applicant requests: (1) special exception relief under 11 DCMR Section 205.1 for child development center uses, and (2) special exception relief under 11 DCMR Section 334.1 for community service center uses. As described in the cover letter to the December 29, 2011 filing, the Applicant modified the relief for a community service center use described above from a special exception under Section 209.1 to a special exception under Section 334.1.

Under the requested special exceptions, the Applicant proposes to create three (3) uses on the ground floor of the Building: (i) an approximately 5,200 square foot child development center for Jubilee JumpStart for up to approximately 80 infants and children with approximately fifteen (15) full time employees, (ii) an approximately 2,900 square foot community service center for a Teen Renaissance Center, an out-of-school center, for up to approximately 35 high-school aged children with approximately three (3) to five (5) full-time and up to ten (10) volunteer tutors at a time, and (iii) an approximately 1,400 square foot community-serving space to be filled by a child development center or community service center to be determined in the future.¹

¹ Applicant requests flexibility to determine the user for the third community serving space provided that such user is a legal child development center or community service center use, potentially including the expansion of the JumpStart or Teen Renaissance Center uses.

The Applicant will supplement this statement with a more detailed review of the standards relating to the requested relief in its prehearing statement.

II. Background

The property that is the subject of this application is 1474 Columbia Road, NW (Square 2669, Lot 825) (the "**Property**"). The Property is included in the Diplomatic ("**D**") Overlay and the R-5-B Zone District. A portion of the District of Columbia Zoning Map is attached as Tab 3 of the original application packet and the Sanborn plat is attached as Tab 4 of the original application packet. The Property is located in the Medium Density Residential land use category on the DC Generalized Land Use Map of the Comprehensive Plan.

The Property is has an irregular shape and contains approximately 23,337 square feet of land area. The Property is located at the intersection of Columbia Road and 15th Street, NW and is bounded by a public alley to the south, Columbia Road to the north, 15th Street to the east, and an apartment house to the west. The area is a mix of moderate and medium density residential and institutional uses. The building directly across Columbia Road is a church with a large parking lot and two four story apartment houses. To the west of the property is a four story apartment house.

The Property is improved with a four-story apartment building (the "**Building**") constructed circa 1923 including 66 residential units and a former community serving area, plus four surface parking spaces and one garage parking space. It has been continuously used as an apartment building. The ground floor of the Property was recently utilized as a child development center by the Latin American Youth Center ("**LAYC**"). The Property is not included in a historic district, however, the Building was designated as a historic landmark in the D.C. Inventory of Historic Sites and recommended for listing in the National Register of Historic Places on December 15, 2011 by the Historic Preservation Review Board ("**HPRB**").

III. Project

Architectural plans for the proposed project are included at Tab 7 of the original application packet (the “**Plans**”). The project will provide all affordable housing, comprised of 65 residential apartments and child development center and community service center uses on the ground floor as described above (the “**Project**”). The proposed project will add no new density to the neighborhood. The building will maintain its height of 49 feet, 4 inches, an FAR of 3.2, and a lot occupancy of 64%. The building will provide five (5) parking spaces compliant with the Zoning Regulations (an increase from the current four (4) legal parking spaces on the Property).² The Building has several nonconformities under the Zoning Regulations including FAR, parking, and loading, and is therefore a nonconforming structure. Such nonconformities can be maintained but may not be expanded pursuant to Section 2000.4 of the Zoning Regulations. Such nonconformities are not being expanded by the Project. Under Section 2001.2 of the Zoning Regulations, ordinary repairs, alterations, and modernizations to the Building are permitted.

IV. Description of Relief

In order to make this residential project possible, the Applicant requests that the Board of Zoning Adjustment (“**BZA**” or “**Board**”) approve special exceptions under Sections 205.1 and 334.1 of the Zoning Regulations. This application satisfies the required elements for such requested special exception relief.

a. Child Development Center Special Exception under Section 205.1 for Jubilee Jumpstart

In order to approve a special exception under Section 205.1, the BZA must find that the following criteria have been satisfied:

² Under Section 2120.3, no parking will be required for this project since the Building has been designated as a historic landmark.

- The child development center must be capable of meeting all applicable code and licensing requirements.
- The child development center must be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.
- The center must provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.
- The center, including any outdoor play space provided, must be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.
- The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.
- Any off-site play area must be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center itself.
- The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.
- Before taking final action on an application for use as a child development center, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.
- The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.

As part of its pre-hearing statement, Applicant will submit a statement detailing the Project's satisfaction of the above-enumerated standards for Section 205.1 relief. It should be noted that a portion of the basement area was occupied for fourteen (14) years by the LAYC as a child development center without complaints from the surrounding neighborhood or any negative effects thereon.

b. Community Service Center Special Exception under Section 334.1 for the Teen Renaissance Center

In order to approve a special exception under Section 334.1, the BZA must find that the following criteria have been satisfied:

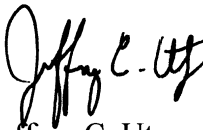
- Such center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.
- No structural changes shall be made except those required by other municipal laws or regulations.
- The community service center use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.
- The community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.

As part of its pre-hearing statement, the Applicant will submit a statement detailing the Project's satisfaction of the above-enumerated standards for Section 334.1 relief.

V. Conclusion

Due to the foregoing reasons and those that will be presented by the Applicant's pre-hearing statement and presentation to the Board, the Applicant satisfies the criteria for special exception relief and respectfully requests that the Board approve this application.

Respectfully submitted,



Jeffrey C. Utz

December 28, 2011

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



**APPLICATION NUMBER 18309
TO WHOM IT MAY CONCERN:**

Notice is hereby given that the Board of Zoning Adjustment will hold a public hearing at 441 4th Street, N.W., Suite 220 South, Washington, D.C., 20001 on Tuesday, February 14, 2012, on the following application:

Application of Jubilee Housing, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to allow a child development center (80 infants and children and 15 staff) under section 205, and a special exception to allow a community service center serving 35 high school aged children under section 334, in the D/R-5-B District on the ground floor of premises 1474 Columbia Road, N.W. (Square 2669, Lot 825).

At the public hearing, all interested persons will be given an opportunity to express their views. However, in lieu of appearing at the hearing you may also submit written views about this case. All written views should be sent to the address below, and must be received by the Board before the hearing on the case is concluded. Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public.

Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Request form, a copy of which is attached hereto. This form may also be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. This application is located within the boundaries of Advisory Neighborhood Commission 1A. This application will be heard between 9:30 a.m. and 12:00 p.m. If you have any questions about this application, please call the Office of Zoning on (202) 727-6311, or visit the office at 441 4th Street, N.W., Suite 200 South, Washington, D.C. 20001. Please refer to the application number when you write or call about this case.

SINCERELY,

**RICHARD S. NERO, JR.
Acting Director, Office of Zoning**

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

Certificate of Service

I certify that on December 28, 2011, I delivered a copy of the foregoing document via first class mail to the property owners located within 200 feet of the Property.



Jeffrey C. Uz