

May 25, 2015

Board of Zoning Adjustment
Office of Zoning
Government of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 200S
Washington, DC 20001

Dear Board of Zoning Adjustment:

As required by the BZA, we have contacted the ANC on several occasions to set up a meeting with them to no avail. Yet it has filed the ANC Report in which it has objected to our application with very vague reasons that are not substantiated by any facts or details. Without the benefit of a meeting with ANC, we could not have the opportunity to present our viewpoints on the issues it has raised. Therefore it is necessary that we present our case below to refute each of the complaints expressed in the ANC Report:

1/ "Applicant never once returned phone calls, and never once sought the community's feedback on this special exception. They were invited to present at this public meeting, and they never responded to the invitation."

"Applicant has steadfastly refused to meet with community and respond to community concerns."

"Applicant has not returned ANC 4C correspondence relative to this matter"

It is true that Mr. Maloney called the Church at its phone number (202-829-2423) a number of times but could not talk with anyone who could speak or understand English properly. On one occasion the Abbot asked him in broken English to come to the Church on Sunday when someone can talk with him. He also claimed to have left a voice message to invite the Church to the upcoming ANC meeting on April 8, 2015 (this is not confirmed by anyone at the Church).

In Form 120 or Application for Variance/Special Exception, the Church is referred to as the Owner of Property and I (Quy V. Do) am indicated as the Authorized Agent to be notified of hearing and decision. Therefore the ANC (via Mr. Maloney) should have contacted me at my office phone number (703-425-1281) or my email address (quyvdo@yahoo.com) regarding its upcoming meeting. After they could not communicate with anyone at the Church, why could they not try other means to reach us such as:

- contacting me since I am the Authorized Agent?
- coming to the Church on Sunday?

The very simple reason why the Church hired me as its Authorized Agent is that I can communicate in English while the monks at the Church cannot.

On the other hand, the ANC Report did not mention the fact that I tried to contact it several times unsuccessfully to ask it to notify us on the time and place of the upcoming ANC meeting in April:

- I wrote an email to the ANC on March 31, 2015 to notify it that I am the Agent for the Church and to ask for the time and place of the ANC meeting in April, assuming that we will be invited to it. Nobody at the ANC replied to this email!
- I called the ANC phone number (202-723-6670) several times but could not talk with anyone nor could I leave any voicemail message because this is a fax number.

On April 14, Mr. Maloney admitted that there was a miscommunication problem between the ANC and the Church that prevented both sides from meeting and he indicated that he will arrange for a meeting in May. Afterward I contacted Mr. Stephen Varga to ask him to postpone the BZA hearing from May 5 to June 9 so that we can meet with the ANC on May 13, 2015. I also notified Mr. Maloney more than once that the Church would like to meet the ANC on that day. Surprisingly, on April 21, Mr. Maloney filed the ANC Report objecting to our application without giving us the benefit of a meeting with this agency. Yet we still wanted to meet with the ANC even though it has filed its report because to us the harmony between the Church and its neighborhood is much more important than the outcome of this application. We expressed this offer to Mr. Maloney but he did not give me a reply until May 11 (i.e. two days before the May 13 ANC meeting) when he announced that the ANC refused to meet with us despite our earnest request for a meeting.

So without granting the Church a meeting, how could we seek "the community's feedback on this special exception" application? From the above information everyone can see clearly that the ANC fully intends to prevent any communications or meetings with the Church. What truly happened was exactly the opposite of the ANC claims underlined above. We are extremely baffled and disappointed by its behavior after showing our sincerest intention to cooperate with it.

2/ "Applicant has not demonstrated that property currently has parking requirements for maximum number of worshippers, considering current strain on immediate neighbors."

The worship building has a maximum occupancy load of 200 people. As required by zoning regulations, we have provided 20 on-site parking spaces, i.e. one space for every 10 occupants.

We understand that cars that cannot be accommodated on site will need to be parked off site. Out of consideration of the neighborhood during large events, the Church has always encouraged its members to carpool or to use public transportation.

Moreover, our members who parked on nearby public streets have usually parked legally in non-restricted spaces. Is the ANC complaining about our legal right to park on public streets (except where restrictions apply)? Many members of churches in DC also park on public streets. If this were not allowed by law, then should these churches be forced to close or stop operating?

3/ Moreover, the surrounding community has conveyed several concerns in years past related to Church events and their noise levels, parking both on-site at the Church's

facilities, in the rear of the property in the adjoining alley with the 5300 block of Colorado Avenue NW and on the 5400 block of 16th St. NW, and the behavior of congregants and ingress/egress from the community on worship days. The Church has steadfastly refused to work with neighbors in a constructive manner, with these multiple concerns never seeing any remedy whatsoever.”

There have been only two instances about parking that came to our attention. Both of these were resolved, one of them immediately:

a) The US Park Police (USPP) issued parking tickets to our congregants during the 2013 Citi Open Tennis Tournament in the tennis park across the street, even though their cars displayed the parking permit issued by the office of the then-councilmember Muriel Bowser. This incident had some controversy: a) we were informed by the DC Police Department that the USPP does not have jurisdiction on the northbound side of 16th Street opposite of the tennis park (where all of our congregants park their cars), b) the USPP officers were extremely rough in their statements that they are not part of the DC government so they do not recognize the parking permit issued by DC government. Mr. Bao Vu, a Church representative, worked with the DC Police Department, the Department of Public Works, and the office of then-councilmember Muriel Bowser to resolve those parking tickets. The decision to cancel the tickets came after a lengthy process of negotiation. Unfortunately, our congregants, being law-abiding citizens, had already paid for their tickets in fear of further damage to their records.

b) Four years ago, during one of our major worship days, some neighbors came to complain about cars parked in front of their garages and blocking the alley behind the church. Church members were dispatched immediately to have those cars moved.

We have never been aware of any concern or complaint toward our church that went unanswered or not immediately addressed. No church representative or member has brought to our attention that any neighbor was reaching out to us and that we ignored them. It is a known fact that our monks do not speak fluent English. Therefore Mr. Vu's contact numbers are always listed in all formal paperwork and email communications.

Furthermore, if anybody tries to reach our church and the person receiving the message is unable to respond due to language barrier, he/she has always been instructed to notify Mr. Vu (tel. #: 703-731-8211) as the person-of-contact. This has been our tradition since the beginning of our church.

For many years the Church has been assisted by a number of its members who are policemen for the DC Police Department and volunteer to assist and monitor members' parking and safety during Sunday ceremonies and large events.

Regarding noise levels, can the ANC be more specific about the nature and intensity of noises that it is complaining about? What kinds of noises does it accept? How many decibels maximum does it tolerate? Without these specific details, we can only respond generally as follows:

- Paragraph 2704.10 in Chapter 20-27 (regarding Noise Control) of the DC Municipal Regulations and DC Register states that: "Church bells or music connected with worship or official church ceremonies shall be exempt; provided, that this exemption shall not apply to music which is amplified through electronic sound systems".

Despite this exemption, the Church uses only one bell and one drum that are located inside the worship building during ceremonies. Therefore their noise level is much lower than that of bells ringing at other DC churches.

- During cultural events held outdoors only on two major religious holidays per year (around the beginnings of June and August), a certain noise level should be expected. We acknowledge that we have not been measuring the noise level using a sound meter. However, we can be certain that the noise level at our outdoor events never exceeded what happens in similar events held at other churches in the District of Columbia.

- During the Lunar New Year celebration (which falls somewhere between January 15 and February 15), the Church used to light firecrackers at midnight on the eve of the Lunar New Year. We always notified our next door neighbors in advance about this practice. However, at the urging of our followers who are members of the DC Police Department, we have ceased such practice at least 6 years ago.

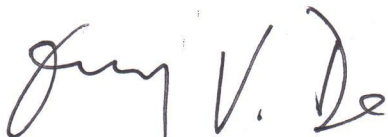
It is interesting to note that if anyone should complain about noise levels, it should be our two adjacent neighbors. Yet they have been in very good terms with our Church since its establishment and are supporting our application. Please see their letters of support that have been uploaded to the IZIS website.

Above is our response to the outrageous claims made by the ANC. We would like to have a few final remarks about them:

- they relate mainly to a few events in the past that have been resolved a long time ago;
- they are very vague, non specific, and unproven;
- none of them addresses the merits of the addition project being proposed in this application.

We would like to only ask the Board of Zoning Adjustment to examine carefully the information presented above and to render a fair and equitable decision for this application. Thank you so much for your patience and consideration!

Respectfully yours,



Applicant (Quy V. Do)