BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

In Re Application Of:	:	
	:	
D.C. Department of General Services	:	**BZA Case Number 19452**
Ward 5 Homeless Shelter Project	:	**Presiding Officer: Frederick L. Hill**
1700 Rhode Island Avenue, NE	:	**Chairperson**

CLOSING ARGUMENT OF CITIZENS FOR RESPONSIBLE OPTIONS

Citizens for Responsible Options ("CFRO"), by and through its undersigned counsel, respectfully submits this Closing Argument in compliance with the Board's Order of March 1, 2017.

SUMMARY

The District of Columbia Department of General Services ("DGS") is seeking drastic zoning relief in order to cram a 70-foot high, six-story homeless shelter for 46 families onto 1700 Rhode Island Avenue, N.E. (the "Property"), which is zoned for moderate-density mixed-use development, i.e., MU-4. DGS chose this property for a Ward 5 homeless shelter of this size, though well aware of how out of compliance with the Zoning Regulations it would be, and without doing a systematic search for other Ward 5 properties for the shelter that are owned or could be acquired by the District of Columbia, and that would require far fewer or lesser pleas for zoning relief from the Board.

That the shelter is just too much for this Property is not only the assessment of property owners in the immediate vicinity; it is also the conclusion reached by ANC5B, whose issues and concerns are owed great weight by the Board, and it is likewise the expert assessment of the U.S. Commission on Fine Arts ("CFA").

The litany of requested special exception and variance relief is as long as is extensive in each instance, confirming how ill-conceived the project truly is:

- A 40% height increase variance;
- A 40% FAR increase variance;
- A variance to dispense with a loading berth and delivery space;
- A 22% increase in lot occupancy by special exception;
- An 86% reduction in on-site parking by special exception;
- A 50% rear yard reduction by special exception; and
- A special exception for a six-fold increase in the number of emergency shelter occupants compared to the ordinary maximum for the zone (150 instead of 25).

Apart from the sheer magnitude and number of these requests, the Board should deny all of them for the following reasons:

- The Board is fully empowered to deny each and every request, notwithstanding the identity of the applicant;
- All difficulties DGS has encountered in complying with the Zoning Regulations are directly traceable to the voluntary selection of this obviously too small and poorly adapted location;
- DGS has not shown that a 150-resident homeless shelter can be approved in the MU-4 Zone generally or in this case, or that this particular shelter meets the standards for approval in relation to parking, neighborhood impact, the use of a smaller facility or the availability of an alternative site;
- There is no "exceptional situation or condition" of the Property giving rise to a cognizable practical difficulty warranting zoning relief;
- The other requests for special exception and variance relief are unjustified;
- The Board should give great weight to ANC5B's objections to the project and considerable deference to the expertise and judgment of the CFA;
- Granting the relief would not be consistent with the Comprehensive Plan, particularly with respect to its goals of neighborhood preservation and the placement of much smaller scale homeless shelters and like facilities in established residential neighborhoods.

ARGUMENT

I. The Board is Fully Empowered to Deny Each and Every Request for Zoning Relief, Notwithstanding That the District Government is the Applicant

DGS (or the "Applicant") centers its arguments for zoning relief around the claim that the selected site has been mandated by the City Council, so it has no choice but to place the Ward 5 shelter on the Property. Ex. 36 at 10. This extraordinary claim, if correct, would effectively strip this Board of its authority to deny the requested zoning relief if warranted. The District knows there is no such mandate, as confirmed by the position it successfully took in litigation with CFRO in the Superior Court for the District of Columbia. Ex. 55, exs. 2-4.

The plain language of §3(a)(4) of the Shelter Act, D.C. Law 21-141, §3(a)(4) confirms that the construction of a homeless shelter on the Property is not mandated,

but only authorized. The Applicant cannot have it both ways: it cannot claim in court that there is no such mandate in the Shelter Act then claim before the Board that there is such a mandate. The plain and proper conclusion is that concerned and affected residents have been given the opportunity to voice their concerns to the Board about the reasonableness of the Applicant's site selection in the context of its application for a special exception for an emergency shelter, as expressly provided in U §513.1(b)(6).

II. The Need for Substantial Zoning Relief is Directly Traceable to the Applicant's Voluntary Selection of This Obviously Too Small and Poorly Adapted Location

The Property was chosen for the Ward 5 homeless shelter after initially (and correctly) being bypassed as too small for the programmatic needs of the Homeless Shelter Act's sponsors, who sought a 50-unit shelter for every Ward. The Property, at 12,336 sq. ft., Ex. 36 at 3, was well below the program's targeted size of 30,000 sq. ft. to meet program needs. Ex. 130 at 5. The utility of the Property for a homeless shelter is further seriously compromised by the presence of a 150-foot communications tower and associated service building on the Property, Ex. 36 at 3-4, and the need to adapt and retrofit a vacant 1922 police station on site, with its 3506 sq. ft. footprint, Ex. 7 at 2, to homeless shelter use. As will be detailed below, it is the Property's small size and existing uses and structures that lead inexorably to all of the zoning constraints DGS is seeking to transgress.

III. The Proposed Shelter Does Not Comply With U §513.1(b) for an Emergency Shelter for More Than 25 Persons in Zone MU-4

To obtain a special exception for an emergency shelter for more than 25 persons – in this case 6 times that many, 150 persons – DGS must meet these mandatory criteria in U § 513.1(b):

- Adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility, U §513.1(b)(2);

- A showing that the facility will not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area, U §513.1(b)(4); and

- Proof that District program goals and objectives cannot be achieved by a smaller size facility and there is no other reasonable alternative site that would meet the program needs of that area of the District. U §513.1(b)(6).

The Application fails to meet any of these three mandatory criteria, and the special exception must therefore be denied, as further detailed below:

A. Size

In general terms, an emergency shelter for 150 residents in the MU-4 zone is not in harmony with the MU-4 Zone and will tend to affect adversely the use of neighboring properties in the MU-4 zone, in violation of X§901.2. The District's programmatic needs for homeless shelters of this size appears to translate into a six-story, 70' tall building on the Property, but the MU-4 Zone is limited to **moderate** density residential buildings. What is proposed is not moderate density; it is it is **medium** density, residential building, as those terms are defined in the Comprehensive Plan. 10-A DCMR 225.4, 225.5.

B. Parking

DGS is required to provide 22 on-site parking spaces under U §513.1(b)(2) and C §701.5, but proposes to provide only 3, an 86% reduction.[1] But DGS cannot seek a special exception for an expanded emergency shelter and then seek a special exception within the special exception for a diminution in the parking requirement. Even if DGS were so eligible, it cannot justify a 19-space shortfall with the Transportation Assessment's inventory of on-street parking. The proper evaluative framework for such a reduction is to seek relief under C §703.2(c) with proof that all 19 spaces have to be provided off-site. No such relief has been sought. That relief, too, would have to be denied in the wake of substantial resident testimony about the scarcity of off-street parking in the immediate vicinity of the Property.

C. Neighborhood Impact

As detailed in Part V.D. of CFRO's Proposed Findings of Fact ("CFRO Findings") , the operation of the proposed shelter is likely to have the following adverse impacts on the neighborhood: (i) increased traffic; (ii) increased noise; (iii) exacerbation of scares parking; (iv) loss of light and air; and (v) increased concentration of facilities similar to homeless shelters in the neighborhood. Applicant has therefore failed in its burden of proof under U §513.1(b)(4).

D. Smaller Facility

Under U §513.1(b)(6), DGS had to prove that its programmatic goals could not be met with a smaller facility. The key program goal identified is to close D.C. General by dispersing homeless families currently there across the City. As detailed in Part V.B of CFRO's Findings, DGS could close D.C. General with erection of a substantially smaller facility at the Property than 46 units. Further, DGS did not show an inability to build a larger shelter in Ward 1 than the proposed 29 units, or something more than zero shelter units in Ward 2. In a similar vein, DGS has not demonstrated,

[1] Even those 3 spaces are deficient or of marginal utility, as they are perpendicular spaces accessed by a 15-foot alley. The minimum drive aisle width for such spaces is 20 feet. C §§712.5, 712.6.

beyond mere conclusory assertions, that it could not reasonably build two smaller, less intrusive shelters in separate locations in Ward 5 to meet its goal of 46-50 units for Ward 5.

E. Alternative Sites

Under U §513.1(b)(6), DGS had to prove that there is no reasonable alternative site in Ward 5 that would meet its programmatic goals. DGS has erroneously disputed that it must demonstrate the lack of such an alternative site by denying any obligation to conduct a systematic search for a site that would not raise the multitude of zoning violations in need of relief presented by the Property. Further, DGS did not cite or offer anything more than conclusory assertions to demonstrate that a systematic search for alternatives was made. In fact, the Property was selected in an *ad hoc* manner in response to a suggestion made by residents living elsewhere in Ward 5 who did not want the shelter in their neighborhood.

IV. THE AREA RELIEF REQUESTS, WHETHER BY SPECIAL EXCEPTION OR VARIANCE, SHOULD BE DENIED

A. General Standards of Approval

For a special exception, an applicant must demonstrate that it "(a) [w]ill be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; (b) [w]ill not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and (c) [w]ill meet such special conditions as may be specified in this title." X §§ 901.2, 901.3.

For a variance, an applicant must show that "the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." *Id.*, § 1000.1. DGS "must prove that, as a result of the attributes of a specific piece of property... the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property." *Id.*, § 1002.1(a). The listed attributes are: "exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property." As the Court of Appeals said in *Gilmartin v. District of Columbia Board of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990), "[t]he critical point is that the extraordinary or exceptional condition must affect a single property".

Variance caselaw in the District has established a "three-prong" test for when grant of an area variance is proper – i.e., when the Board:

> finds three conditions: (1) the property is unique because, *inter alia*, of its size, shape, or topography; (2)

> the owner would encounter practical difficulties if the zoning regulations were strictly applied; (3) the variances would not cause substantial detriment to the public good and would not substantially impair the integrity of the zoning plan.

French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (1995).

The factors that DGS claims constituted an "exceptional situation or condition" of the Property, Ex. 94B2, slide 63, are not in any way exceptional. The claimed "unique corner lot location" is "unique" only in the sense that every property location is one-of-a-kind, corner lot or not. The wide sidewalks do not themselves impact the size of the land available for construction and are not "exceptional" in any event. The presence of the police station, communication tower and support structure do not constitute an exceptional condition; it is the pre-existing condition of property voluntarily chosen for the shelter. Finally, the programmatic needs of the District's homeless shelter program are anything but unique to this Property; they are the same wherever the shelter may be located.

DGS argues that, because it is "a public service," it is entitled to a "more flexible" standard for the grant of variances. Ex. 94A at 2-6. It relies on *Monaco v. BZA*, 407 A.2d 1091 (D.C. 1979), *National Black Child Development Institute v. BZA*, 482 A.2d 687 (D.C. 1984) (hereinafter "*NBCDI*"), and *Draude v. BZA*, 527 A.2d 1242 (1986), for this proposition. This significantly overstates the reach of those cases.

Unlike in those cases, DGS is not relying on any prior assurances of zoning authorities and has not invested in developing adjacent land in reasonable anticipation of approval. Nor is DGS seeking to continue an existing use that was made unlawful by a change in the law. Moreover, the "flexibility" sought by DGS would not justify giving it the broad latitude to transgress zoning requirements it has sought in this case.

Rather, where a public service organization invokes the *Monaco* rule to seek to expand its facilities, it must show: "(1) that the specific design it wants to build constitutes an institutional necessity, not merely the most desired of various options, and (2) precisely how the needed design features require the specific variance sought." *Draude*, 527 A.2d at 1256. The "institutional necessity" encompasses proof, as in *NBCDI*, that "the great expense of operating offices at another site would cause serious detriment to the Institute," which it found would "cause undue hardship." *NBCDI*, 483 A.2d at 690. In short, DGS was obliged under these cases to prove that building the shelter at another site would cause it serious detriment. DGS has not made that showing.

B. The Height and FAR Variances Should Be Denied

DGS is seeking a 40% height variance and a 40% FAR variance, both because it selected a site that does not allow it to meet its asserted programmatic needs in a way that complies with applicable zoning regulations. The variances cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. The Property is zoned MU-4, which in this circumstance is a surrounding neighborhood that consists primarily of single family homes that are no more than 40 feet and two stories high, and a six-unit condominium with four floors and a 40' height, and with a zone-compliant FAR of 2.5 or less. Indeed, the maximum height permitted in the zone is 50 feet and the maximum FAR is 2.5.

The proposed building will loom over all of the nearby single-family homes, depriving them of their privacy, and cutting off their sunlight, air and open sight-lines. These are factors that zoning laws exist to protect. *See, e.g., Draude, supra*, 527 A.2d at 1252 (quoting the predecessor regulation to A § 101.1).

Further, DGS has not shown that there is a practical difficulty caused by the Property that justifies the requested variances. The lot on which DGS wishes to build is of a size that simply does not have the space necessary to build a facility that complies with the height and FAR limitations of the zone and still meet (or come close to meeting) the District's goal of a 50-unit homeless shelter for Ward 5. This "mismatch" was clearly recognized by the U.S. Commission on Fine Arts ("CFA") in its recent review of the Project. Ex. 106 at 2. Further, the shelter size goal is not a practical difficulty caused by the Property; it is simply a guideline that Applicant wishes to follow – one that is not tied to any feature of the Property. *See Gilmartin, supra,* 579 A.2d at 1168 ("[t]he critical point is that the extraordinary or exceptional condition **must affect a single property")** (emphasis added).

DGS's program preference for a building 40% higher and 40% bulkier than allowed in the zone is just that -- a preference. It is not mandatory. Nor is it a factor that uniquely affects the Property. Accordingly, DGS does not satisfy the variance standard set forth in X § 1000.1.

Nor has DGS shown that the specific design it desires constitutes an institutional necessity. *See Draude*, 527 A.2d at 1256. Rather, it is merely a desired outcome out, and not an "institutional necessity." DGS has not shown that its needs cannot be met with a smaller shelter. Nor has DGS shown that its institutional needs cannot be met at another site, for the simple reason that it did not conduct a systematic search for such a site.

C. The Requested Variance To Dispense With A Loading Berth Should Be Denied

DGS is seeking a variance to permit it not to build a required loading berth and delivery space. It alleges that the property does not contain adequate room for them. But DGS has made no showing that it must place its shelter on this Property – indeed, it did not even look for or consider other sites where this relief would not be needed. For that reason,

as discussed above, any asserted difficulty is a self-imposed practical difficulty that alone justifies variance denial.

Moreover, the requested loading dock variance cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. DGS relies entirely on its Transportation Assessment, Ex. 94A at 16, that has no supporting evidence or analysis for its conclusion that the proposed substandard loading and delivery areas are sufficient. Therefore, DGS has failed to meet its burden of proof on the requested variance.

Nor has DGS shown that there is a practical difficulty caused by the site that justifies the requested variance. The real hindrance is DGS's desire to build so many residential units that there will be no room left to add these features. This prioritization is not a practical difficulty caused by the land. Nor can DGS show that the specific design constitutes an institutional necessity. *See Draude*, 527 A.2d at 1280. Rather, it is merely the desired outcome from among various options.

D. The 22% Increase In Lot Occupancy Should Be Denied

DGS is seeking a 22% increase in lot occupancy, from 60% to 73%. There would be no need for lot occupancy relief for this project if the lot were only 2672 sq. ft. larger. See Part IX of CFRO's Proposed Findings of Fact. Hence, the need for relief is directly traceable to the mismatch identified by CFA between program size and lot size. Since DGS was not limited to this Ward 5 location in choosing a Ward 5 homeless shelter site, its need for a lot occupancy increase is a self-imposed practical difficulty.

The record does not contain persuasive evidence that DGS could not have avoided the need for lot occupancy relief by selecting a slightly larger site in Ward 5 for a homeless shelter. DGS also erroneously argues that lot occupancy would not be a problem if the police station and antenna structures did not already occupy 28% of the property. These structures cannot be ignored. They are an existing feature of the chosen Property intended to remain, and they all contribute to the demonstrable overcrowding of the lot.

Given the severe crowding of the site that would result from granting the relief, there would be only 27% open space around a 6-story building that looms over all the smaller adjacent and confronting properties. Such an outcome would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, X §901.2(a), and would tend to adversely affect the lawful and proper use by neighbors of their properties. X §901.2(b).

E. The 27% Reduction In Open Court Minimum Width Should Be Denied

The Board concludes that DGS is seeking a 27% reduction in the open court minimum width. There would be no need for the reduction if the site were just 7 feet wider. See CFRO Findings of Fact, Part X. The need for relief is therefore directly traceable to

the mismatch identified by CFA between program size and lot size. Since DGS was not limited to this Ward 5 location in choosing a Ward 5 homeless shelter site, its need for a court with reduction is a self-imposed difficulty.

In fact, the reduction is intended to avoid having to drop 5 living units from the 46 planned for the site, even though, for reasons previously discussed, 41 units would, along with the homeless shelters planned for the other Wards, meet the goal of closing D.C. General. This tradeoff would be at the expense of the many children expected to reside at the shelter, in that the open court is their intended play area. Accordingly, granting the relief would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, X §901.2(a), and would tend to adversely affect the lawful and proper use by neighbors of their properties. X §901.2(b).

F. The 50% Rear Yard Reduction Request Should Be Denied

The rear yard reduction request is not adequately justified on this record and should therefore be denied. The conversion of the existing rear lot line to a side lot line is questionable because it has not been certified by the Zoning Administrator and because what is proposed is an addition to a building that has fronted on Rhode Island Avenue, N.E. for the past 95 years, and adjacent development has taken place in light of and in reliance on such treatment.

It is problematic because it would have significant adverse effects on the condominium property abutting that rear lot line. The north lot line can be treated as a continued, rear lot line. B § 317.2 provides that a lot may have more than one rear lot line. The project would then not comply with G § 1201.1(a) which require the windows on the north side of the addition to be at least 40 feet from the abutting building to the north. In fact, those windows would be about 12 feet from the adjacent condominium building to the north. Special exception relief from this 40-foot requirement, reducing it by 70% to 12 feet, could not possibly be justified, given the drastic impact of this 70-foot building on the loss of light and air to the abutting condominium units, whose construction was plainly predicated on a continuation of the rear yard setback requirements for the old police station building and any addition to it.

Even if the north lot line were allowed to be converted into a side lot line, there is no question that relief is made necessary because of the combination of the existing structures on the property and the lot's overall small size in relation to the dimensions of the proposed addition to and retrofit of the police station building. The initial application states that without the rear yard relief requested, the project would lose, or substantially reduce the size of, 12 housing units and support facilities on floors 3 through 6. Ex. 7 at 12. There would be similar losses on the north side if the north lot line continued to serve as a rear lot line. Once again, therefore, the need for the relief is properly seen as tied directly to the fact that the site is a mismatch between program size and lot size, a problem that could have been avoided by selecting a more suitable location for the Ward 5 homeless shelter.

Accordingly, granting the relief would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, X §901.2(a), and would tend to adversely affect the lawful and proper use by neighbors of their properties. X §901.2(b)

V. THE BOARD SHOULD GIVE GREAT WEIGHT TO THE ANC5B RESOLUTION AND CONSIDERABLE DEFERENCE TO THE VIEWS OF CFA

A. ANC5B

On March 17, 2017 ANC 5B adopted a resolution opposing the application. Ex. 208 . On the height and FAR variance requests, the ANC 5B Resolution states:

> ANC 5B believes a shorter building would be more appropriate given the nearby single-family homes and townhomes and the site's zoning. ANC 5B finds that permitting an increase in height ... to 70 feet would substantially impair the intent, purpose and integrity of the zoning plan, because the height is not within the range of a low-to moderate-density zone.

Ex. 208 at 3.

The ANC5B Resolution also recounts numerous concerns that many residents of ANC5B had expressed: the lack of transparency in the site selection process; that the lot is too small for the size of the project; that the small number of parking spaces on site will burden existing residents (especially elderly residents); that increased traffic will pose pedestrian risks; that the play area for children residing in the homeless shelter is too small; and that the building height is incompatible with surrounding properties. Id. ANC5B expressed support for the reduction in court width, but otherwise opposed all other requests for relief: rear yard, loading and delivery space, FAR, height, lot occupancy, and parking. Id. at 2-3. Its objections are, by law, entitled to great weight by the Board.

B. U.S. Commission on Fine Arts

The CFA did not find the proposed design adequate enough to fully review, and so "did not take an action and requested a new concept proposal for the project." Ex. 106 at 2. CFA found "a mismatch between the size of the program and the constraints of this small site." Id. CFA suggested a reduction in the number of units and "relocating the telecommunications facility to another site." Id.

The CFA suggested a number of ways the building might be improved on redesign, observing that the building proposed "is too tall for its context, appears bulky, and overwhelms the historic Colonial Revival-style building." Id. DGS expressed its intention to disregard the CFA recommendations. Oral Test. Of Greer Gillis, 19450 Tr. At 249:10-15. However, the CFA is sensitive to programmatic goals and its review should by giving considerable deference by the Board, not dismissed as DGS intends.

VI. THE REQUSTED RELIEF SHOULD BE DENIED AS INCONSISTENT WITH THE COMPREHENSIVE PLAN

Zoning decisions, including decisions on special exceptions and variances, must be consistent with the Comprehensive Plan. D.C. Code §§1-306.40, 6-641.02. This Board's decisions are linked to this consistency requirement via X §901.2(a) (special exception relief must "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps); and X §1000.1 (variance applicant must show that relief can be granted "without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.").

As detailed in CFRO Findings, Part IV, the Comprehensive Plan recognizes the need to preserve and enhance the identify of neighborhoods, LU-2.1.1, and that when adding any form of group or institutional residence to a residential neighborhood, it should not change the neighborhood's character or its fundamental qualities as a residential neighborhood. LU-3.4.1.

In the Upper Northeast Planning Area, the Comprehensive Plan places a high priority on the preservation of existing neighborhoods. UNE-1.1.1. More particularly, along Rhode Island Avenue from 13th to 24th Street, N.E., the Plan encourages pedestrian mixed use with ground floor retail and upper story office or housing use UNE-2.5.4.

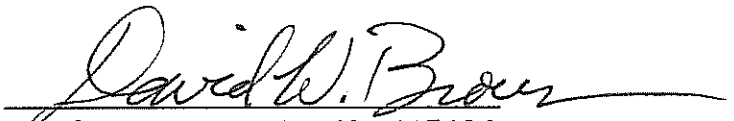
DSGS claims the proposed shelter is not inconsistent with Policy H-4.2.8 in the Comprehensive Plans Housing Element. Ex. 36 at 14. But that Policy expresses a preference that homeless services be provided "through neighborhood based supportive housing and single room occupancy (SRO) units, rather than through institution-like facilities and large-scale emergency shelters." The Policy explains in detail the rationale for why such shelters should be a compatible fit in their neighborhood locations:

> The smaller service model can reduce the likelihood of adverse impacts to surrounding uses, improve community acceptance, and also support reintegration of homeless individuals back into the community.

Id.

The proposed shelter is not consistent with the scale, function or moderate density character of the surrounding neighborhood and is therefore not consistent with: Policy H-4.2.8, Policy LU-3.4.1, Policy LU-2.1.1 and Policy UNE-1.1.1. Nor does the proposed shelter advance the development goals for this segment of Rhode Island Avenue, N.E., as detailed in Policy UNE-2.5.4.

Respectfully submitted,



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March 31, 2017

CERTIFICATE OF SERVICE

The Citizens for Responsible Options, by and through the undersigned counsel, on March 13, 2017, served the foregoing Closing Argument by email on the applicant, Meridith Moldenhauer, Esq., Griffin, Murphy, Moldenhauer & Wiggins, LLP, 1912 Sunderland Place, NW, Washington, DC 20036 MMoldenhauer@washlaw.com and ABigley@washlaw.com; Advisory Neighborhood Commission 5B, 5b02@anc.dc.gov; Advisory Neighborhood Commission 5C, jacquemanning8@aol.com , Single Member District 5B03 Henri Makembe, 5b03@anc.dc.gov; Dept. of Transportation, Evelyn Israel, evelyn.israel@dc.gov; and Maxine Brown-Roberts, DC Office of Planning, Maxine.brownroberts@dc.gov.

Respectfully submitted,

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