ADVISORY NEIGHBORHOOD COMMISSION 3-C

GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS•CLEVELAND PARK•MASSACHUSETTS AVE. HEIGHTS•MCLEAN GARDENS•WOODLEY PARK

2737 DEVONSHIRE PLACE, N.W., WASHINGTON, D.C. 20008 (202) 232-2232 FAX: 232-0667

Single Member District Commissioners:

01-Cheryl A. Opacinch
02-Alan Blevins
03-Michael V. Molnar
04-Richard C. Bartel
05-Ann Hume Loikow
06-Jim Evans
07-Lyle Blanchard
08-Rosalyn P. Doggett
09-Ruthanne Miller

16604

DISTRICT OF COLUMBIA
JUN 27 P12:30

June 26, 2000

Mayor Anthony A. Williams
Executive Office of the District of Columbia
441 4th Street, N.W.
Washington, DC 20001

Re: Stop Work Order for Sikh Temple at 3801 Massachusetts Avenue, N.W.

Dear Mayor Williams:

Advisory Neighborhood Commission (ANC) 3C requests your immediate attention to the above-referenced property located at 3801 Massachusetts Avenue. As of today, the applicant has broken ground at this site that is the subject of a neighborhood association's appeal to the Board of Zoning Adjustment (BZA) (Case No. 16604) concerning alleged violations of the zoning regulations and violation of D.C. Code 1-261(b) requiring 30-days notice to the affected ANC of proposed governmental actions.

At its public meeting on June 19, 2000, ANC 3C unanimously passed the attached resolution that urges you to void the building permit issued in this case and direct the applicant to reapply, or for the BZA to schedule an expedited hearing on the appeal and for the BZA to stay or for you to suspend the building permit until the appeal is heard and an order issued. ANC 3C is of the view that the neighborhood association's appeal raises serious concerns that should be considered and addressed by you and/or the BZA before the applicant is allowed to disturb the site further.

Thank you for your immediate attention to this issue.

Sincerely,

Ruthanne G. Miller
Chair, ANC 3C

BZA
Case No. 16604
Exhibit No. 11

Board of Zoning Adjustment
District of Columbia
CASE NO.16604
EXHIBIT NO.11

Attachment

cc: Sheila Cross Reid, Chair, District of Columbia Board of Zoning Adjustment
441 4th Street, N.W., Room 210
Washington, D.C. 20001

Michael Johnson, Zoning Administrator
Building and Land Regulation Administration
DCRA
941 North Capitol Street, N.W.
Second Floor, Suite 2000
Washington, D.C. 20002

Lloyd Jordan
Armando Lourenco
Building and Land Administration, DCRA
941 North Capitol Street, N.W.
Washington, D.C. 20002

Sikh Cultural Society, Inc.
Per Gajinder Singh, Board of Directors
4452 Springdale Street, N.W.
Washington, D.C. 220016

Thomas O. Mann
Fairview Heights Neighborhood Association
3108 38th Street, N.W.
Washington, D.C. 20016

Councilmember Kathy Patterson
Councilmember Phil Mendelson
Councilmember David Catania
Council of the District of Columbia
441 4th Street, N.W.
Washington, D.C. 20001

ADVISORY NEIGHBORHOOD COMMISSION 3-C

GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS - CLEVELAND PARK - MASSACHUSETTS AVE. HEIGHTS - MCLEAN GARDENS - WOODLEY PARK

Single Member District Commissioners: 01 - Cheryl Opacinch, 02 - Alan Blevins, 03 - Michael V. Molnar, 04 - Richard C. Bartel, 05 - Ann Hume Loikow, 06 - Jim Evans, 07 - Lyle Blanchard, 08 - Rosalyn P. Doggett, 09 - Ruthanne Miller

RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 3C REGARDING THE SIKH TEMPLE AT 3801 MASSACHUSETTS AVENUE

WHEREAS the Sikh Cultural Society applied for a building permit to construct a temple at 3801 Massachusetts Avenue, NW in November 1996 and was issued a permit (No, B425220) on July 16, 1999, without notice to ANC 3C as required under DC Code § 1-261(b), which requires that each advisory neighborhood commission (ANC) receive 30 days written notice of actions or proposed actions by the District of Columbia government; and

WHEREAS ANC 3C passed a resolution at its April 24, 2000 meeting requesting that all permits for this project be suspended to allow the Department of Consumer and Regulatory Affairs (DCRA) to comply with the above cited notice requirement, to give the public an opportunity to understand the plans, and to provide an opportunity for the ANC and others to work with the developer; and

WHEREAS the Director of DCRA notified the ANC by a letter dated May 11, 2000 that he had reviewed the project and ordered his staff to issue a stop work order and refer this project to the Board of Zoning Adjustment (BZA) and DCRA issued the stop work order on May 26, 2000 to allow the DCRA to confirm compliance with all applicable regulations; and

WHEREAS the Sikh Cultural Society by a letter dated May 25, 2000 notified the ANC that plans for the temple project conform with the applicable codes and they reaffirmed this in a letter dated June 19, 2000, which is attached to this resolution; and

WHEREAS the ANC has been informed by the Sikh Cultural Society that the stop work order was lifted on June 15 or 16, 2000, but has not received any notice of this from the DCRA; and

WHEREAS the abutting neighbors and other residents established the Fairview Heights Neighborhood Association and filed an appeal to the BZA (Case No. 16604) on June 12, 2000, and alleged that certain provisions of the District of Columbia Zoning Regulations and Building Height Limitations Act of 1910, as amended, have been violated by the issuance of the building permit:

NOW, THEREFORE, BE IT RESOLVED that given the serious concerns raised by the

Fairview Neighborhood Association and the lack of proper notice to the ANC, ANC 3C requests that the Mayor void the permit and direct the applicant to reapply or, if the Mayor does not take such action, ANC 3C requests that the BZA schedule an expedited hearing on the appeal and stay, or request the Mayor to suspend, the building permit until the appeal is heard and an order is issued.

This resolution was approved by ANC 3C by a vote of 3/1 with one abstention at its regularly scheduled meeting on June 19, 2000, at which quorum, consisting of five commissioners, was present.

THE SIKH CULTURAL SOCIETY

NON-PROFIT
Incorporated in 1964

3911 Military Road, N.W. Washington, D.C. 20015

19 June 2000

Honorable Commissioners
ANC 3C

The Sikh Temple has been exhaustively discussed by you in April and May. Its again on the agenda this evening. We submit the following with respect to the trees issue which was prominently brought out in the Washington Post on June 14, 2000 and the zoning issue which was presented by Messrs Mann, Vogel and Boote to the Board of Zoning Adjustment on June 12, 2000.

TREES: At issue are three trees on public space along 38th. Street. We did not wish to eliminate them. District Government maintained that excavation of our lot will cut a large part of their root system and water supply and materially weakened trees will become a public hazard. District did not want possible future liability on their shoulders and asked us to cut the trees and give back to the neighborhood trees of equal girth. This meant that if we replaced them with, say, 3 inch DBH trees, we would have to plant 24 new trees on 38th. Street, Mass. Ave. and elsewhere. We had no option but to accept the cost burden. We would be happy if someone were to take on the liability on their own shoulders and spare us the cost.

ZONING: We strictly adhered to the Code, including voluntarily covering only 48% of the area against 60% allowed. Every zoning aspect was thoroughly and extensively reviewed by the District before giving us the building permit. Society never requested BZA for a variance. Application now filed to the BZA is an unfair delaying tactic.

Past delays have already cost us heavily. Who is going to assume liability for the delays?

We humbly beg you, the ANC Commissioners, and through you to those of the neighbors who are still opposed to the Temple to be fair-minded, let the issue rest and give us a chance to prove to this generation and coming generations of Americans that we are going to be worthy neighbors, which we will in our shared interest.

The Sikh Cultural Society Inc.