I am a resident of the **single member ANC district** affected by the proposed Boys Town site. I hereby affirm that I am a registered voter in the District of Columbia. I am an interested member of the public concerning the potential environmental impact Boys Town's proposed development will have at 14th Street at PA and Potomac Avenues, SE, and the surrounding area. I hereby request that there will be a public hearing in order to review this issue, under Section 6-983 (b) of the DC Code.

	Print Name	Signature	Address	~~Phone #~~	Date	Phone #
1.	[illegible]	[illegible]	1325 [illegible]		7/16/01	
2.	JASON SHAMILTON	[illegible]	1329 Potomac Ave #2		7/16/01	703-593-3260
3.	Jeffery Alber	[illegible]	1327 Potomac Ave		7/16/01	543-3408
4.	Fay Hilterbrick	[illegible]	1330 K St SE		7/16/01	547-9390
5.	Jared Floyd	[illegible]	1329 Potomac Ave, SE		7/16/01	548-8570
6.	Jon Mautz	[illegible]	1329 Potomac Ave SE		7/16/01	548-857(
7.	Heather Hutton	[illegible]	1329 Potomac Ave SE		7/16/01	548 8570
8.	L. White	[illegible]	1321 Potomac Ave SE		7/16/01	543-2356
9.	Philippa Smithey	[illegible]	1319 Potomac Ave SE		7/16/01	548 0399
10.	[illegible]	[illegible]	1307 POTOMAC AVE SE			
11.	[illegible]	[illegible]				
12.	WADE, Evelyn G	Evelyn G. Wade	906 13th St. SE		07-16-01	544-7246
13.	BARNOW ABBEY	Barnow Abbey	1238 K ST. SE.		7-16-01	544-3419
14.	Marion Bostic	Marion Bostic	1238 K St. SE Wash DC		7-16-01	544-3419 (202
15.	Angela Williams	[illegible]	1227 K street, SE		7/16/01	
16.	VAN HALE	[illegible]	1221 Potomac Ave, SE		7/16/01	
17.	Tania Beaton	Tania Beaton	1241 Potomac Ave SE		7-16-01	547-7646
18.	[illegible]	[illegible]	1314-K-St-SE		7/16/01	544-8543
19.	ONA J Lewis	[illegible]	1314 K St SE #104		7/16/01	544 6388
20.	Akonia Hill	[illegible]	1314 57 SE #20		7/16/01	544 2802
21.	Betty Ing Bradshaw	[illegible]	1320 K St. SE		7/16/01	544-3020
22.	Hamlet Douglas	[illegible]	1320 K St SE		7/16/01	544 3025
23.	Janice Jackson	[illegible]	1346 K St SE		7/16/01	544-4091
24.	THURMAN WOODARD	[illegible]	1348 K St. S.E.		7/16/01	543-0564
25.	[illegible]	[illegible]	1357-K-ST-SE		7/16/01	548-9106
26.	Marie Sharp	M. Sharp	1354 K St SE		7/16/01	546-654
27.	BASIL SHARP	[illegible]	" " "		" "	
28.	[illegible]	[illegible]	1360 K St SE		7/16/01	703-[illegible]

Board of Zoning Adjustment
District of Columbia
CASE NO.16791
EXHIBIT NO.30A17

30.	Christiene Simonton	Christiene Simonton	1362 K St, SE	7-16-01	543-0668
	David Partenheimer	David Partenheimer	1380 K St SE	7-16-01	547-5986
	Robert J Robin	Robert Robin	1380 K St SE	7-16-01	547-5982
33.	Elsie Sugg		1359 Ives Pl. SE	7-16-01	543-3401
34	Robert Sugg		"	"	"
35.	Christopher Knott	Christopher Knott	1361 Ives Place SE	7/16/01	547-3340
36.	Jessie Burke-Johnson		1347 Ives Pl. S.E.	7-16-01	(202) 512-7837
	Sara 2 Sanks		1345 IVES PL SE	7-16-01	202 546 3098
37.	Gwendolyn D.C. Antigua		1335 Ives Pl SE.		202-58[illegible]
38	Lurethia Moten		1378 K St. SE DC 20003		08 3
39.	WALLEY G GAINES		1339 IVES PI SE DC 20003		547-7908
40.	Paul J. Weiman	Paul J. Weiman	1339 IVES PL. SE DC 20003		544-45[illegible]
41	Gary Geddy		1329 Ives Pl. SE		546-0357
42	Frederick Eckloe		1316 K. St. SE.		546-[illegible]34
43.	Carol Green		1343 Ives Pl SE		546-2057
44.	[illegible]		1336 K st. SE Washington DC 20003		
45	[illegible]		1333 Ives Place SE Wash DC 20003		

We, the undersigned registered voters in DC, request a hearing under statute 6-983(b) of the DC Code (regarding issue of Barry Farm's proposed site and its impact on the environment and community.)

	Sign Name	Print Name	Address	Phone	Date
1.			1014 Mass Ave NE	543-1733	7-14-01
2.			1014 Mass Ave NE, D.	543-1733	7/14/0
3.		Brian P. Miller	1113 Constitution Ave N.	543-0106	7.14.01

	PRINT NAME	SIGNATURE	ADDRESS	PHONE	DATE
4.	AMY DIMAN		221 9th St SE	547-1888	7/14/01
5.	Charles Simonitch		1362 K ST. SE	543-0668	7/14/01
6.	MARIE BIRNBAUM		1015 E Cap St SE	573-3427	7/14/01
7.	Mary Smith		529 6 St SE	546-0189	7/14/01
8.	Theodore H. Bornstein		909 East Capitol	547-0520	7/14/01
9.	ROBERT T Mootz		311 5th St SE	544 6999	7/14/01
10.	J. Riley Sever		223 6th St, SE	546-4785	7/14/01
11.	Andrew Brecher		529 6 St SE	543 5047	7/14/01
12.	Marc Dimman		1214 3rd St. SE Washington DC 20003	544 9111	7/14/01
13.	Noel Brazil		1214 E Capitol NE	2025473610	7/14/01

Debbie Glympl
1301 15th St. #105
Washington DC 20005

I hereby affirm that I am a registered voter in the District of Columbia. I am an interested member of the public concerning the potential environmental impact Boys Town's proposed development will have at 14th Street at PA and Potomac Avenues, SE, and the surrounding area. I hereby request that there will be a public hearing in order to review this issue, under Section 6-983 (b) of the DC Code.

	Print Name	Signature	Address	Phone #	Date
1.	Catherine Plume	Catherine C Plume	307 9th St SE	543-5965	July 12, 0
2.	ROBERT NEVITT	Robert Nevitt	1000 S. Carolina Ave SE 20003	2025464293	July 12 2001
3.	BRIAN R. TURNESS		1367 Mass. Ave, SE	544-6685	July 12, 2001
4.	E.D COPENHAVER		545 14th ST. SE	547-5172	7/12/01
5.	Sharon McElrath		545 14th St. S.E	547-5172	7-12-01
6.	JOHN STRYLOWSKI		154 - 12th ST SE	543-3708	7-12-01
7.	Kirk Beatley		1435 Pennsylvania Ave. SE	544-5067	7-12-01
8.	D Bandyopadhyay		1333 Alabama SE	547 4065	7-12-01
9.	Don Colodny		918-14th St SE	548-0575	7-12-01
10.	L.P. Goodrich		1420 G St. S.E.	547-2207	7-12-01
11.	Keith A. Smith		803 17th St, SE	547-8667	7/12/01
12.	ERIC HALL		1618 E ST. SE.	547-6595	7/12/01
13.	Victor A. Smith		1441 PA AVE S.E.		7/12/01
14.	Jessica White		1432 G ST, SE		7/12/01
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(GENERAL RESIDENT)

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	Print Name	Signature	Address	~~Phone #~~	Phone ~~Date~~	DATE
1.	ELIZABETH GOODMAN		1007 D ST NE WDC			7/14/01
2.	MARTHA POPE		701 A ST NE			7/14/01
3.	Wilbert L. Hall		701 14th St. SE			7-14-01
4.	[illegible]		711 A St. SE			7-14-01
5.	[illegible]		1331 BC. WDC 20003			
6.	CHARLOTTE P. EVERNESS		1367 MASS. SE			7-14-01
7.	BARRY HAYMAN		738 16 St SE		202-548-0549	7-14-01
8.	Ellen Opper-Weinstein		223 1st Street SE		547-7131	7-14-01
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(GENERAL RESIDENT)

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	Print Name	Signature	Address	Phone #	Date
1.	S K Wright	S K Wright	505 D St. SE		7/14/01
2.	C S Chaker	C S Chaker	2181 Van Dorn St		7/14/01
3.	Julian E Hill	Julian E Hill	1336 E. Capitol St, NE WASHINGTON, DC 20003		7/14/01
4.	ADAM MAYER	ADAM MAYER	333 18TH N.E. 20002	547-2280	7/14/01
5.	Cornelius D Scully	Cornelius D. Scully	614 A St, SE, 20003	544-2128	7/1
6.	Lyle R Schauer	Lyle R Schauer	1107 Independence Ave SE 20003	544-271	
7.	Barbara Krengel				
8.	BARBARA KRENGEL	B Krengel	24 7th St NE	202-546-0335	
9.	Mara Rosenthal		202 11th St. SE Washington DC		
10.	M-TOPPING		202 11TH ST. SE. WASHINGTON, DC		
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PSA 112 EAST

(1)

Type of Meeting: PSA Special Meeting

Date: 11/16/00 Time: 6:00 pm

Place: 14th & PA. Ave. SE

ATTENDANCE LIST

	NAME: (PLEASE PRINT)	ADDRESS:	TELEPHONE #
.	Catharine Coyle	716 16th St SE	202-546-8726
.	BASIL SHARP	1354 K st SE	202-546-6549
.	WILLIAM MONROE	446 Ky. Ave SE	544-4729
.	KEISHO BOLDING	446 Ky Ave SE	544-4728
.	[illegible] J. SMITH	1420 K STREET SE	544-5020
.	Wendi Reedy	534 14th St, SE	547-3765
.	[illegible] BRIDGER	113 7th St., NE	544-0732
.	[illegible] SIMPSON	"	"
.	[illegible] McIntyre	1335 Ives Pl SE	
.	[illegible] MCGAHEY	532 14th St SE	546-1992
1.	[illegible]	521-14th St. S.E	5461927
2.	Mary Carter	549 14th St S.E	5464466
3.	TERI GRIMWOOD	1228 G St SE	543-6721
4.	DAVE PREED	1531 INDEPENDENCE AV SE	543-4454
5.	ARTHUR NORWOOD	554 14th St SE	543 4454
6.	Ronald E Semple	1351 G St SE	5468866
7.	SKIP COBURN	1526 6TH ST NW	483-1925
8.	Philippa Smithey	1319 Potomac Ave SE	548-0399
9.	Joni Bell	406 Ky. Ave SE	547-2017
0.	JIM TALL	715 14th St, SE	547-6723
1.	Bonnie Ulmer	1354 G St., SE	544.6544
2.	DAVID ULMER	1354 G ST., SE	544-6544
3.	David Bower	505 15th St, SE	546-9281

(3)

PSA 112 EAST

TYPE OF MEETING: PSA 112E Special Meeting
DATE 11/16/09 TIME: 6:30pm
PLACE: 14th & PA. Ave. SE

ATTENDANCE LIST

NAME: (PLEASE PRINT)	ADDRESS:	TELEPHONE #
1. RAMONA DAVIS	1385 Potomac Ave. S.E. DC 20003	547-9720
2. Jessica White	1432 G St. SE	547-3645
3. Will Fleischhall SR	505 12TH ST SE	544-4948
4. Olga Holden	1435 PA AVE SE	544-5067
5. [illegible]	151 1ST SE	547-2572
6. Keith A. Smith	803- 17th St., SE	547-8667
7. Victor A. Smith	1441- PA AVE S.E.	202-544-0489
8. [illegible] Hall	1619 E St.	547-6595
9. Celeste McCall	912 S. Carolina Ave SE	547-50
10. [illegible]		
11. BRIAN FURNESS	1367 Mass Ave., SE 20003	544-6685
12. STEVE NOGA	135 Potomac Ave SE	546-6431
13. Duncan Spencer	Roll Call	
14. Romero, Victor	507 Kentucky Ave S.E.	544-6356
15. [illegible]	1362 G St. S.E.	547-4852
16. David Mullen	1362 G St SE	547-4852
17. SHARON FREDI	1537 E St SE	546-7470
18. Dennis Sawicki	1537 E St SE	" "
19. Mrs Elaine Norton	1348-A St. S.E.	
20. Janice F. Jackson	1348 K St SE	
21. JOHN STRYLOWSKI	154 12th ST SE	543-3708
22. LUCINDA SHEPPERSON	737 Kentucky Ave SE	546-4414
23. La Francen Brown	1600 H St. SE	547 3907
24. SUSAN McINERNEY	1351 G St. SE	546-8000

PSA 112 EAST (5)

TYPE OF MEETING: PSA 112E Special Meeting
DATE 11-14-00 TIME: 6:00pm
PLACE: 14th & Rapp St SE (at Cooks)

ATTENDANCE LIST

	NAME: (PLEASE PRINT)	ADDRESS:	TELEPHONE #
1.	CHARLES BURGER	4056TH ST SE WDC 20003	(202)543-733
2.	Jan McDowell	716 15TH ST, SE WDC 2003	543-884
3.	Audrey Jewitt	1000 S. Carolina Ave, S.E.	546-429
4.	Chuck Jewitt	1000 S. Carolina Ave SE	546-4293
5.	MAEL E. WILEY	1329 IVES PLACE SE APT 1	544-6895
6.	MARY M. ELLIS	1422 K St. S.E.	547-3422
7.	ELINDA R. SMALL	1436 K St. SE.	543-9294
8.	Shedrick L. Stone	1436 K St. SE.	543-9294
9.	Valerie J. Pomary	722 15-TH ST SE	543-9294
10.	NICK THIELE	903 12TH ST. S.E	547-8694
11.	TOM WHALEN	1419 POTOMAC SE	546-0565
12.	Vernell Myers	1429 Ives Pl SE	543-8786
13.	Juanita Berry	1398 K St SE	547-8349
14.	G. AUSTIN	131 11th St. SE	544-3569
15.	Ethel M. Peoples	555-14th St S.E	547-6824
16.	TIKA Holmes	1381 Potomac Ave S.E.	547-0686
17.	LA China Pettaway	1381 Potomac Ave SE	547-0686
18.	Eleanor & Stanley Hill	801 12th St., S.E.	547-5780
19.	Lisa Alfred	1608 #St, SE	547.1304
20.	Jabatha Vogel (V. Tayne)	1344 G st SE #B	544-3801
21.	Mary W. Jayne	100 12th ST SE	544-0106
22.	Lawrence Pearl	905 E. Capitol St NE	544-4642
23.	Evelyn K. Slade	906 13th St. SE	544.7246
24.			

PSA 112 EAST

(6)

Type of Meeting: PSA 112-E Special meet

Date: 11-16-00 Time: 6:00pm

Place: 14th & VA Ave SE (out doors)

ATTENDANCE LIST

	NAME: (PLEASE PRINT)	ADDRESS:	TELEPHONE #
.	Newman, John	1539 E St SE	202-548-067
.	Beth Purcell	1607 E St SE	202 544-017
.	Pat Harden	371 Potomac Ave. S.E.	202 543 8806
.	Atp Harden	1371 Potomac Ave S.E.	"
.	'sof Harden	" " "	"
.	lia Harden	" " "	"
.	nifer Mueller	713 14th St SE	202 547-3506
.	Jon Colvin	918 14th St SE	548-0576
.	Pearl Hunter	709 14th Street SE.	(202)544-489
.	JIM MYERS	141 C ST SE	202 544-473
1.	GOTTLIEB SIMON	921 Pa Ave SE	543-3344
2.	Michael Waddlow	3630 Kemp Lane Burke VA	703 425-3544
3.	Sharon Hannon	555 15th St. S.E	202-547-7839
4.	Norman West	1372 G St SE	202-543-2954
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547-1372

(Tom Del)

John Maulz 548-5570
MICHAEL E. WILEY 202 544.6895
CARY GEBOY 202- 546-0597
Ronald Blass 547-6826
Robyn Lafferz 546-7046
Carolyn Miles 546-7046
Billie Trent 546-7206
Syndicate Affairs 547-1784
Kenedy 546 6420
Dunne-Shaw 546 3929
Testimony 544 7917
Richard Hyman 547 2781
Robin Vidal 543-5263
James Baker 544-5524
Ellen B Golden 547-6036
Paul Hall 548-8570
J White 320-7031
Martha Arias 543-9261
Philippa Smithey 548-0399
Deborah Williams 543-3932
Ruth Tate 546-0601
Mr Flowers 547 9232
Van Hale 543 0899
N.D. Morais 544-3209
Jerome Buckley 703 t 37387
Vern Abbey 544 3419
Mrs Buchman 546 6758

Joseph L Jackson
202 547 1717

Jesse M Kiwison
202-546-6363

Chris Kuhff
202-547-3340

1413 14th Street SE Centering Defacation
936 14th Street SE

LIST OF WITNESSES

1. Will Hill, Chair, of the South East Citizens for Smart Growth, Inc. (outline attached).

2. J. Kirkwood White, Zoning Expert, will testify regarding the incompatibility of the Zoning Administrator's determination with the zoning regulations and zone plan (outline and resume attached).

3. Pat Harden, MSW, LICSW, will testify regarding the central operations and management of the Boy's Town program.

4. Ellen Opper Weiner, Vice Chair, South East Citizens for Smart Growth, Inc., will testify about the likelihood of expansion, the incompatibility of the Zoning Administrator's determination with the goals and objectives of the D.C. Comprehensive Plan, and other impacts on zoning and planning goals.

5. Victor Smith - Will testify about neighborhood concerns about public safety and impacts on residential neighborhood from over-concentration of CBRFs, and other impacts on zoning and planning goals.

6. Brian Furness - Will testify about the incompatibility of the Zoning Administrator's determination with the D.C. Comprehensive Plan and Cluster 26 Strategic Neighborhood Planning Task and other impacts on zoning and planning goals.

1. Will Hill is the President of South East Citizens for Smart Growth and a member of PSA 112 East. Mr. Hill is also the Vice Chair of ANC 6B.

2. Mr. Hill will testify about the CBRF concentration in this neighborhood, including Fudora House, Our Place, Capitol Hill Group Ministries, CAG, and the facility across the street from the proposed site, and describe the impact these facilities have on police resources, based upon his direct knowledge from working with the police in this District as part of his ANC and PSA activities. Day-to-day impacts of these facilities on the neighborhood, include increased police/EMS services, panhandling, noise from added congestion (pick-up vans blowing horns at 6AM), service delivery trucks, inappropriate behavior, language and fighting. The over-concentration of such street level problems from CBRF's will make that block unappealing, if not, uninhabitable for families or other residents wishing to reside in that area.

3. Mr. Hill will testify in general on the concentration of other social service facilities, not just CBRFs, which cluster in this neighborhood. For example, this neighborhood is home to the only City Jail, with its attendant social services. He can also testify as to the DC General Hospital facility, which even now serves a large number of citizens with social service needs, including drug and alcohol dependencies. Social service providers are proliferating in the neighborhood due to the "social services" vacuum that has developed by the closing of large parts of DC General. For example, CSOSA, the Court Services and Offender Supervision Agency, currently operates a short term drug and alcohol residency program for parolees, treating 16 persons per session on one floor of Karrick Hall, in the DC General Campus. They are in the process of obtaining multimillion dollar funding to renovate the complex, and use all seven floors for treatment, expanding their operation to more than 100 residents.

4. Mr. Hill will testify about other impacts of the Boy's Town facility on the neighborhood that must be evaluated through the special exception process. For example, by developing the subject lots, at least nine residential sites will be removed from the rolls, as will nine lots for potential small business desperately needed in this neighborhood. Following the Boy's Town purchase, several nearby residents have sold their homes and moved, or are in the process of selling and moving, out of concerns that the concentration will not only adversely impact the neighborhood, but also home values. Two adjoining lots are for sale (only together) for $1.9M, clearly a price not affordable to middle class families or small business wishing to reside here. Thus, the previously stable, and affordable, housing market in this area is being impacted, and the stability brought in by increasing numbers of middle class families moving into the neighborhood in recent years is being, and will be, eroded.

5. Mr. Hill will testify as to community concern about Boys Town's long term goals. For example, if Boys Town buys the adjoining two properties, Boys Town could

add two more of its homes on the site, thus adding to CBRF density. Ultimately, the concern is that Boy's Town could gobble up the whole block, since they have the financial means, and turn our neighborhood into another Boys Town Village, all without review by the BZA and without any consideration of the impacts on the adjacent residential neighborhood.

6. Mr. Hill will testify that no overlay or community study has been done to consider this development's impacts, nor has this unique metro site access been addressed. This lack of governmental process or oversight is inconsistent with the Ward 6 Plan and the Mayor's Strategic Task Force on Neighborhood Services and Planning initiatives. Mr. Hill will also highlight the inconsistencies in government oversight and enforcement. A recent example includes the perceived (and, in fact, actual) failure of the DC government to consider neighborhood concerns set forth in the Comments to Environmental Review filed by South East Citizens for Smart Development in late June. Boy's Town was not required to do special testing for asbestos, including in the two buildings that they have already razed, which is inconsistent with the treatment of similar residential properties and further evidences the need for a special exception review of the proposed development.

7. Mr. Hill will testify on the lack of Boys Town communication or participation with community groups, including the Community Advisory Liaison Committee, and the PSA, on this development in our neighborhood. Instead of communication or input, he received a lawsuit, which has never happened to him before, and that it is causing him great stress, lack of sleep, and deep concern financially.

Kirk White
935 O Street, NW
Washington, DC 20001

Prehearing Statement of J. Kirkwood White, Zoning Expert

Qualifications-- Active DC zoning and planning attorney from 1978 to 1998. Handled several BZA cases and Zoning Commission map and text changes, PUDs, as well as Comprehensive Plan modifications. Planner in DC Government from 1970 to 1978. Participated in first efforts regarding CBRFs. Resume attached.

1. The D.C. Zoning Administrator is mistaken that the subject property can be developed as a matter of right for CBRFs. The project violates limitation of 15 persons and violates 500 foot separation rule. The zoning regulations therefore require at a minimum that an impact review be carried out to reduce adverse impacts on the neighborhood due to the over-concentration of CBRF's.

3. The fact that there are proposed four separate buildings with 24 children must be dealt with comprehensively and be regarded as one large CBRF. That is the intent of the regulations to balance the needs of the city for CBRFs with the needs of neighborhoods for protection. It seems that the city's shift from large facilities for persons in need to smaller facilities in the neighborhoods is in danger of shifting back.

4. The proposed project violates the 500 foot separation rule because it will be located within 500 feet of D.C. Healthcare, Inc., which operates a 24-hour residential program for eight developmentally challenged individuals at 901 14th St., SE.

5. The Zoning Administrator's view that the dispersal requirements are inapplicable in the case of CBRF's that would otherwise be matter of right is contrary to the plain language of the zoning regulations. This interpretation would also encourage the proliferation of numerous CBRFs concentrated within a single square or small area, is inconsistent with the plain meaning of the proviso of the applicable zoning regulation providing that a CRF will not be considered "matter of right" when it is within the same square as another CRF for seven or more persons,

J. KIRKWOOD WHITE
935 O Street, N.W.
Washington, D.C. 20001
Residence: 202-462-5525

EDUCATION: University of Pennsylvania Law School
Philadelphia, PA, JD, 1963

Williams College
Williamstown, MA, BA 1960

St. Albans School
Washington, D.C. 1956

PROFESSIONAL SERVICE:

DC. RESEARCH, consulting in economic development, plannng and Zoning, 1995 to present time.

LAW PRACTICE in planning, zoning, historic preservation, subdivisions, Permits, pallned unit developments, covenants ad legislation:

PARTNER: Dunnells, Duvall and Porter, 1991 - 1994
PARTNER: Jones, Day, Reavis and Pogue, 1988 -1991
PARTNER: Linowes and Blocher, 1978 -1988

GOVERNMENT SERVICE:

Staff for Housing, Planning and Urban Renewal, D.C. City Council. 1971-1973

D.C. Office of Planning (in charge of planning coordination and zoning) 1973-1978

J. KIRKWOOD WHITE

COMMUNITY SERVICE:

Counseling families and tutoring children in public housing: 1963-1968
Taught English writing and American history.

Representing poor people:
Neighborhood Legal Services Program, 1966-1971 and 193-1994
Represented welfare recipients and public housing tenants, juvenile offenders. And disabled people. Lectuerer at D.C. Bar.

ADVOCACY BOARDS:

1. Metropolitan Washington Planning and Housing Assoc. 1968-1973
2. Southeast Neighborhood House, 1980-1985
3. For Love of Children, 1990-1993
4. Mayor's Downtown Planning Committee, 1981-1982
5. Board of Trade Downtown Housing Committee, 1983-1985
6. Luther Place Church housing for the homeless, 1990-1996

PRO BONO LEGAL SERVICES, 1978-1995

Knox Hill Tenant Council
Anthony Bowen, YMCA
Shaw Planning Group
Anacostia Citizens and Merchant's Association

MEMBERSHIP ORGANIZATIONS

The Committee of 100 on the Federal City, Trustee, 2001

Greater Washington Board of Trade, D.C. Planning, Zoning Housing Affairs

D.C. Building Industry Assoc., D.C. Regulatory matters.

D.C. Preservation League - legislative maters

Downtown Housing NOW - drafting of D.C. Council legislation

D.C. Council Committee

Participated in drafting of economic legislation.
D.C. welfare and public housing and urban renewal programs
D.C. budget and economic matters

D.C. Research papers include:

A PROPOSED D.C. EMPOWERMENT ZONE, 1994

A PROPOSED D.C. ECONOMIC DEVELOPMENT PROGRAM, 1996

A PROPOSED D.C. STRATEGIC ECONOMIC DEVELOPMENT PLAN, 1998

Rev. 10/93) Summons in a Civil Action

United States District Court

DISTRICT OF Columbia

Father Flanagan's Boys Home,

Plaintiff,

V.

The District of Columbia, et al.,

Defendants.

SUMMONS IN A CIVIL CASE

CASE NUMBER 1:01CV01732

JUDGE: James Robertson

DECK TYPE: Civil Rights (non-employment

DATE STAMP: 08/14/2001

TO: (Name and address of defendant)

Ellen Opper-Weiner,
Individually, and as Vice Chair
Southeast Citizens for Smart Development
c/o Wilbert Hill
701 14th Street, S.E.
Washington, D.C. 20003

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

David J. Cynamon
Deborah B. Baum
Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NANCY MAYER-WHITTINGTON

AUG 14 2001

DATE

SOUTHEAST CITIZENS FOR SMART DEVELOPMENT
c/o Wilbert Hill, Chair
701 14th Street, S.E.
Washington, D.C. 20003,

ELLEN OPPER-WEINER,
Individually, and as Vice Chair
Southeast Citizens for Smart Development
c/o Wilbert Hill
701 14th Street, S.E.
Washington, D.C. 20003,

ANDREW ALTMAN,
Individually, and as Director
ELLEN MCCARTHY,
Individually, and as Deputy Director
District of Columbia Office of Planning
801 N. Capitol Street, N.W., 4th Floor
Washington, D.C. 20001,

And

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
c/o David Clark, Director
941 N. Capitol Street, N.W.
Washington, D.C. 20001,

Defendants.

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF, AND FOR DAMAGES

Father Flanagan's Boys Home ("Girls & Boys Town"), a nonprofit charitable entity domiciled in the State of Nebraska and doing business in this District, for its Complaint, states respectfully as follows:

NATURE OF THE CASE

1. This action is brought because Girls & Boys Town has been unlawfully obstructed, delayed, intimidated, interfered with and harassed in its efforts to build four homes in this District principally for handicapped minority children who have been abused, neglected and abandoned. Without this suit, that obstruction, delay, intimidation, interference and harassment will certainly continue. Girls & Boys Town by this suit seeks to vindicate its rights – and the rights of the children it serves – as it attempts to carry out its charitable, lawful and important mission in the District of Columbia, free from discrimination on the basis of handicap and free from discrimination on the basis of race, as provided in the Fair Housing Act and amendments thereto (42 U.S.C. § 3601 et seq.).

2. Specifically, this suit concerns the plans of Girls & Boys Town to construct, on its property fronting on the 1300 blocks of Pennsylvania and Potomac Avenues, S.E., four youth residential care homes for handicapped minority children. Each home is to have six child residents and a married couple domiciled therein, to provide the family-style setting in which to best assist these children. Such homes are a type of community-based residential facility. The zoning of the property already allows such a use as a matter of right. Nonetheless, by various official and unofficial actions, the defendants have, in numerous ways, acted to coerce, intimidate, threaten, obstruct, interfere with, delay and defeat the efforts of Girls & Boys Town to obtain the permits necessary to actually begin construction of these four homes, all in violation of the provisions of the Fair Housing Act's prohibitions against discrimination on the basis of race and handicap, as well as in violation of Girls & Boys Town's rights under the laws of the District of Columbia. The aim of these obstructions and activities was perhaps best explained by District of Columbia council member, defendant Sharon Ambrose, in whose Ward 6 district the

property is located, who told the Washington Times, "Frankly, if you make it hard enough, they just might go elsewhere."

3. But Girls & Boys Town will not go elsewhere. Instead, it is filing this complaint seeking injunctive relief to stop the intimidation and to require the prompt issuance of the building permits, to obtain declaratory relief to secure its Fair Housing and other rights, to receive monetary damages to compensate it for the harm caused by defendants' unlawful actions and to deter future violations of the law, and most importantly, to fulfill its mission of serving those needy children who cannot speak for themselves.

PARTIES

4. Plaintiff Father Flanagan's Boys Home is a non-profit Nebraska entity that does business in the District of Columbia, with its principal place of business at 14100 Crawford Street, BoysTown, NE 68010

5. Defendant the District of Columbia ("the District") is a municipal corporation and is considered a person capable of being sued.

6. Defendant Sharon Ambrose ("Ambrose"), domiciled in this District, is sued individually and in her capacity as a duly-elected member of the Council of the District of Columbia, representing Ward 6.

7. Defendant Police Service Area 112 ("PSA 112") is an association of persons domiciled in this District.

8. Defendant Southeast Citizens For Smart Development ("SCSD") is a District of Columbia not for profit corporation, operating in this District.

9. Defendant Wilbert Hill ("Hill"), an individual domiciled in this District, is sued individually and as a commissioner of Advisory Neighborhood Commission ("ANC") 6B, a quasi-governmental entity. Mr. Hill is also Chair of Defendant SCSD, and is sued in that capacity as well.

10. Defendant Ellen Opper-Wiener ("Wiener"), an individual domiciled in this District, is sued individually, and as Vice-Chair of Defendant SCSD.

11. Defendant Andrew Altman ("Altman") is an individual domiciled in the District who is sued individually, and in his capacity as Director of the District of Columbia Office of Planning.

12. Defendant Ellen McCarthy ("McCarthy"), an individual domiciled in this District, is sued individually and as a Deputy Director of the District of Columbia Office of Planning.

13. Defendant Department of Consumer and Regulatory Affairs ("DCRA") is an agency of the District of Columbia government.

JURISDICTION AND VENUE

14. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1343 and 42 U.S.C. § 3613. This action arises under the laws of the United States. This action also arises under the laws of the District of Columbia, and as to the claims thereunder, this Court has supplemental jurisdiction under 28 U.S.C. § 1367.

15. This Court also has jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332. Girls & Boys Town is a citizen of the State of Nebraska; all defendants are diverse in citizenship from plaintiff. The amount in controversy exceeds the sum of $75,000, exclusive of interest and costs.

16. Venue is proper in this District under 28 U.S.C. § 1391(a) and (b), as all defendants reside in this District, the property which is the subject of this complaint is located in this District, and the actions giving rise to this complaint all occurred in this District.

FACTS

17. Girls & Boys Town is a non-sectarian charitable organization founded in 1917 by Father Edward J. Flanagan near Omaha, Nebraska. It has a long history of offering help, hope and healing to abused, neglected, and handicapped children of all races and creeds. Today, it also operates facilities in the states of New York, Pennsylvania, Rhode Island, Florida, Georgia, Louisiana, Texas, Nevada, California and Iowa. It also presently operates a facility in the District of Columbia, on Sargent Road, N.E.

18. The handicapped children who reside at the Sargent Road facility are referred to that facility by the District of Columbia Child and Family Services Agency. This is the branch of District of Columbia government that is charged with and supervises the care of abused, neglected and abandoned children. The referrals are made pursuant to contracts between the District of Columbia and Girls & Boys Town (the "Sargent Road Contracts").

19. The handicapped children cared for by Girls & Boys Town at the Sargent Road facility are not violent or dangerous, nor do they have a history of being violent or dangerous. They are not referred to Girls & Boys Town by the juvenile justice system, and they

are not in Girls & Boys Town because of problems with violent behavior or the justice system. They are there because they are abused, neglected, or abandoned and, in most cases, handicapped. Accordingly, like all Girls & Boys Town facilities, including the proposed new facilities that are the subject of this suit, the Sargent Road facility is not a prison and does not lock up its residents.

20. The children to be served at the four proposed new Girls & Boys Town facilities will be drawn from the same population, and will have the same characteristics, as the children at the Sargent Road facility.

21. While Girls & Boys Town operates a large variety of programs to help children, its program most pertinent to this action provides long-term residential care homes. These are homes in which, typically, six handicapped children reside on a long-term basis with an adult married couple, domiciled in the same house, who act in the role of parent-teachers. Girls & Boys Town ensures that these children receive the educational, medical and other services needed for their proper care.

22. The children, both male and female, whom Girls & Boys Town exists to serve and rehabilitate, are handicapped within the meaning of the Fair Housing Act as amended. The vast majority of them have mental or psychological disorders, such as mental retardation, emotional or mental illnesses, and specific learning disabilities, which substantially limit one or more of their major life activities, including but not limited to caring for themselves as appropriate, learning and working. Many of these impairments are common consequences of the abuse, neglect and abandonment that typically result in their coming to Girls & Boys Town.

23. The children served by Girls & Boys Town are also predominantly members of racial minorities, primarily African-American. This is particularly true of the children Girls & Boys Town presently serves in the District of Columbia and the children it will serve at its new facility in the District of Columbia.

24. By 1999, Girls & Boys Town determined to open additional homes in the District of Columbia. This determination was based upon the tremendous need for its services there. The District of Columbia has the second-highest rate of child abuse in the United States, second only to the State of Alaska. Abused children, along with neglected and abandoned children, are typically and properly removed from their homes and in need of residential care. Moreover, a great number of the District of Columbia children who end up in foster care or similar settings due to abuse, neglect, and abandonment have found themselves residing outside of the District of Columbia, due to the lack of needed facilities for them within the District. In fact, District of Columbia Mayor Anthony Williams recently announced a program aimed at returning to the District approximately 1,100 children who are natives of the District but who had to be placed outside of the District due to this lack of facilities.

25. In furtherance of its decision to open new homes in the District of Columbia, Girls & Boys Town made inquiries as to various possible sites for such homes, and ultimately decided to purchase the property in the 1300 block of Pennsylvania Avenue, S.E.

26. The Pennsylvania Avenue location is a good site for the new homes. It is spacious enough to allow for the construction of the various buildings needed, and to still allow for some needed open green space. It has essentially been an abandoned or underutilized parcel,

without any significant development or use, for several decades. It is close to a Metro station. And it is proximate to the areas from which many of its residents will come.

27. Equally important, the property was and is commercially zoned C-2, a zoning designation that allows facilities of the nature planned by Girls & Boys Town to be constructed as a matter of right, so that no zoning change or variance or special exception or waiver is needed from the District of Columbia for construction of the facilities.

28. Accordingly, on February 10, 2000, Girls & Boys Town purchased the property in the 1300 block of Pennsylvania Avenue, consisting of approximately two acres.

29. Thereafter, Girls & Boys Town engaged an architectural firm, Esocoff & Associates, to develop plans for the new homes. Accordingly, Esocoff prepared an Illustrative Site Plan for the proposed four long-term residential homes, which includes parking, and recreational, green and open space. It also includes a short-stay residential facility along with an administration building, which will be added in a second phase of construction.

30. Girls & Boys Town then determined that for the first phase of development of the property, it would construct the four long-term residential homes. Each is designed to house six children, plus a married couple.

31. Pursuant to this plan, Girls & Boys Town applied to Defendant DCRA for the building permits it needed in order to construct the four homes that it has a right to build on the property.

THE CAMPAIGN TO STOP GIRLS & BOYS TOWN

32. Almost immediately upon learning of Girls & Boys Town's purchase of the property and its plans to house the handicapped, minority, abused and neglected children there, Defendants Ambrose, Weiner, Hill, PSA112 and SCSD undertook, and continue to prosecute today, a campaign to prevent the issuance of the building permits which Girls & Boys Town has a right to obtain, to defame Girls & Boys Town, to harass Girls & Boys Town, to threaten, intimidate and interfere with Girls & Boys Town, to attempt to have Girls & Boys Town reduce the size of its planned facilities, and to have Girls & Boys Town abandon its plans to provide housing and care for the children it intends to serve. Ironically, despite the District's tremendous need for such facilities, defendants have adopted the "not in my back yard" attitude aimed at preventing this need from being met.

33. Specifically but not exclusively, defendants took the actions set forth in the paragraphs that follow.

34. Defendant Ambrose, the Ward 6 representative on the Council of the District of Columbia, publicly announced her opposition to the Girls & Boys Town development.

35. Ambrose attended and encouraged opposition meetings and other activities of the other defendants designed to foment further opposition to the Girls & Boys Town development.

36. Ambrose gave interviews and statements to the public media aimed at achieving the objectives recited above.

37. Purely for the purpose of imposing upon Girls & Boys Town harassment, delay, intimidation, interference and needless expense, Ambrose publicly advocated that the Girls & Boys Town project be subjected to a costly, time-consuming environmental impact study.

38. While acknowledging that the zoning of the property allows Girls & Boys Town to construct its facilities as a matter of right, Ambrose nonetheless told the Washington Times, and thus the other Girls & Boys Town opponents, "Frankly, if you make it hard enough, they just might go elsewhere."

39. Additionally, and in a further attempt to coerce, intimidate, threaten, interfere with and harass Girls & Boys Town, in her capacity as an official of the government of the District of Columbia, Ambrose introduced a resolution for passage by the Council of the District of Columbia which would have the effect of canceling the contracts between the District of Columbia and the Girls & Boys Town facility at Sargent Road. Since the children served by Girls & Boys Town at Sargent Road are referred there exclusively by virtue of those contracts, such a resolution, if passed by the Council of the District of Columbia, would have effectively shut down the Sargent Road facility.

40. Ambrose had no good faith cause or basis on which to take such action. Girls & Boys Town was not in default of its obligations under the Sargent Road Contracts, and had never been placed in default or received any notice of any failure to comply with its obligations. The D.C. Child and Family Services Agency had not asked Ambrose to seek to have the contracts cancelled. Girls & Boys Town has at all times satisfactorily performed its obligations under the Sargent Road Contracts.

41. Ambrose's actions in this regard were purely acts of harassment, threat, interference, coercion and intimidation. She could not have reasonably believed that her actions were lawful.

42. Defendant PSA 112, through various of its members including defendant Hill, conducted meetings, prepared petition drives, wrote letters and made calls and visits to government officials, organized protests, organized the preparation and distribution of "Stop Boys Town" signs, and gave statements and interviews to various media, all in attempts to accomplish the above-stated purposes. PSA 112 and its leaders also caused the creation of, and directed the activities of, defendant SCSD.

43. Defendant SCSD, composed primarily of members of PSA 112, formed itself for the exclusive and avowed purpose of stopping the Girls & Boys Town project.

44. SCSD's activities toward that end included, among others, the creation of a site on the World Wide Web, namely "www.stopboystown.org." Describing the prospective Girls & Boys Town residents as "troubled teenagers" and a "social burden," they published on the site untrue accusations and insinuations designed to stir up opposition to the Girls & Boys Town project, pilloried Girls & Boys Town for its refusal to provide information it had no obligation to provide, and encouraged people to pick up "No Boys Town" signs and to sign petitions opposed to Girls & Boys Town.

45. SCSD also urged visitors to their site "to call, write or email the mayor, and request that he not contract with Girls & Boys Town to provide services in D.C."

46. Defendant Hill is an ANC Commissioner (although the Girls & Boys Town project is not in the area that elected him). In that capacity, and in his capacity as a private citizen, as a member of PSA 112, and as Chair of SCSD, he was responsible for the above-cited discriminatory actions and the discriminatory actions of PSA 112 and SCSD, many of which were taken directly through him.

47. Defendant Weiner, in her capacity as a private citizen, and as Vice-Chair of SCSD, was responsible for the above-cited discriminatory actions of PSA 112 and SCSD, many of which were taken directly through her.

48. In addition, Weiner encouraged individuals in the District of Columbia Office of Planning, which has responsibilities related to permit issuance, to delay, obstruct, discourage, intimidate and create unlawful, unnecessary and pretextual roadblocks to prevent the proper and timely issuance of the Girls & Boys Town permits.

THE DISTRICT RESPONDS TO THE PRESSURE

49. Defendant District of Columbia, and defendant DCRA, along with several of the various government agencies involved with DCRA in the permit issuing process, have consistently acted in such a manner as to arbitrarily delay the issuance of the permits, to impose unnecessary, time-consuming and expensive requirements on Girls & Boys Town as a precondition to granting the permits without any reasonable support in local laws or regulations, and generally to harass, intimidate, interfere with, threaten and discourage Girls & Boys Town in its efforts to get the building permits to which it is legally entitled. Highlights of these efforts are set forth in non-exclusive fashion in the paragraphs that follow.

50. Building permit applications in the District of Columbia are made to DCRA. Although in certain circumstances, DCRA has the right to require that the permit applicant submit an "Environmental Impact Screening Form" ("EISF"), the Girls & Boys Town permit applications did not fall within the type of application for which, under District law, an EISF could be required.

51. In fact, DCRA itself informed Girls & Boys Town that an EISF was not required.

52. Nonetheless, as weeks went by without issuance of the permits and without any indication of progress, inquiries revealed that there was ongoing an internal dispute between DCRA and the Department of Health, Environmental Protection Division (DOH), over the question of whether Girls & Boys Town could be required to submit an EISF, with DOH taking the position that an EISF was required.

53. DOH's position on this point was not supported by any law or regulation; rather, it was inspired and encouraged by, and resulted from, the actions of the other defendants who sought only to delay or halt the issuance of the permits.

54. Told that resolution of the dispute between DCRA and DOH could easily consume another 3-6 months by itself, Girls & Boys Town decided to take the only action that would moot the dispute and thus avoid such a long delay: it voluntarily submitted an EISF, while still preserving its well-founded position that one was not required.

55. An EISF is a multi-page fine-print government form that is submitted for review to the DCRA, which in turn distributes it to other District agencies including the Office of Planning.

56. Defendant McCarthy, the Deputy Director of the Office of Planning, has at all relevant times been actively involved in her office's activities regarding the Girls & Boys Town permit applications, and has been instrumental in the various actions of the Office of Planning described herein. Defendant Altman, Director of the Office of Planning, is responsible for the actions of his Office, including the acts of McCarthy.

57. McCarthy has used her position of authority within the Office of Planning to assist and encourage the opposition to Girls & Boys Town. This is not part of her job.

58. McCarthy has also, with the assistance and encouragement of other defendants, used her position to dream up and carry into action various obstructions, delays, and misapplications of District regulations governing the issuance of permits, for the purpose of intimidating, harassing, interfering with, delaying and discouraging Girls & Boys Town from obtaining its permits.

59. After it received the EISF, and after inordinate delay, the Office of Planning proceeded to inform Girls & Boys Town that it was making an inquiry into the history of calls to the police department relating to the Sargent Road facility.

60. Despite protests from representatives of Girls & Boys Town that such an inquiry was outside of the lawful scope of the Office of Planning's review, the Office of Planning nonetheless took the position that a) it had a right to make such an inquiry and b) it had

a right to deny even as-of-right permits, such as the ones sought by Girls & Boys Town, if it determined that the proposed project would burden police resources.

61. Both of these positions were without the slightest support in law, regulation, or the practice or precedent of the Office of Planning. They were instead inspired and encouraged by the opposition of defendants Hill, Ambrose, Weiner, PSA112 and SCSD to the Girls & Boys Town development.

62. Pursuant to this concocted excuse for delay and possible denial, the Office of Planning actually met with police department officials and gathered information about police calls to the Sargent Road facility.

63. What the Office of Planning learned from this inquiry, however, did not support any argument that the proposed development of four homes on Pennsylvania Avenue would be an inordinate drain on police resources.

64. Frustrated by this failure to find an excuse to seek to delay or deny the permits, the Office of Planning, again with the encouragement of the other defendants, struck upon a new strategy: requiring an archaeological evaluation.

65. An archaeological evaluation is a costly, time-consuming process requiring that the permit applicant engage professional archaeologists to research the history of a site and to make precise excavations therein to attempt to determine whether the site has any archaeological significance. Upon completing their evaluation, the archaeologists are then required to prepare a publicly available report.

66. In furtherance of this plan, the Office of Planning contacted the staff archaeologist of the Historic Preservation Division of the Office of Planning. The Historic Preservation Division had already approved the permit application long before. Despite the Division having already approved the development, Office of Planning demanded that it conduct a superficial site research and prepare a rationale for justification of an archaeological evaluation. The best justification the staff archaeologist could come up with, however, was that there might conceivably be archaeological value to the property because it was not distant from a site of such value.

67. Notwithstanding this lack of any legitimate justification, the Office of Planning instructed Girls & Boys Town that it was required to undertake an archaeological evaluation. Such a requirement imposes considerable trouble, delay and expense on Girls & Boys Town.

68. The Office of Planning would give no assurance, however, that even if an archaeological evaluation were done, the permits would thereafter be issued. Nor would it give any assurance that if an archaeological evaluation were done, it would not dream up some further obstruction, delay or requirement to block the issuance of the permits.

69. In fact, the request for an archaeological evaluation is so unusual in a case like this as to be unprecedented. The Office of Planning had no sound reason to believe either that the site has archaeological value or that, even if it did have such value, that the Office of Planning has the legal authority to require such an evaluation in this case. It was just another tactic to delay, obstruct, harass, interfere and intimidate.

70. Nor has the Office of Planning, or DCRA, been willing to assure Girls & Boys Town that even if the demands of the Office of Planning were met – and any yet to be asserted demands of the Office of Planning and the other reviewing agencies were met – that Girls & Boys Town would not also be required to undergo an expensive, time consuming Environmental Impact Study for which there is no legal authority. Girls & Boys Town has reason to fear the worst, as defendant Sharon Ambrose, who occupies a position of political influence and power, has publicly advocated that such a requirement be imposed upon Girls & Boys Town.

71. In an apparent effort to create yet a further obstruction, again assisted and encouraged by some or all of the other defendants, the District was observed taking measurements, apparently in anticipation of taking the position that one or more aspects of the Girls & Boys Town development violates the so-called "500 foot rule."

72. This rule purports to prohibit community based residential facilities of seven or more residents from being located within 500 feet of each other.

73. This rule is unlawful, and in fact, several years ago the District entered into a consent agreement with the United States under which the District agreed that it would clarify the rule to make clear that it could not be used to preclude a community-based residential facility for handicapped residents from locating in the R-4 and all less restrictive districts (of which C-2 is one).

74. Notwithstanding its agreement, and although D.C. has repealed the rule as to some zoning designations, it has not repealed it as to the zoning designation applicable to the Girls & Boys Town property.

75. In fact, the District officials were recently observed measuring the distance between the Girls & Boys Town property and a nearby community-based residential facility.

76. The District is not entitled to apply its 500 foot rule so as to deny the permits which Girls & Boys Town is seeking, because (a) the rule is unlawful; (b) the District already agreed not to apply the rule; and (c) even if it were lawful as a threshold matter, the rule does not even apply to facilities such as those which Girls & Boys Town seeks to construct, which houses no more than six children.

77. The relevant laws and regulations of the District of Columbia contain deadlines for permit application processing that have been flaunted and ignored in this case.

78. Even with the normally expected delays beyond the statutory requirements, this permit process should have taken about four months.

79. Instead, the process has now consumed nearly eight months, with no end in sight.

80. In short, despite having followed all the local rules and laws and regulations concerning land use, zoning and permitting, Girls & Boys Town has found itself, due to the actions of defendants, inside of a deliberately designed bureaucratic maze whose exit is moved every time that Girls & Boys Town inches nearer to it.

FACTS REGARDING DAMAGES

81. The most significant of the damages caused by the defendants has been the delay in Girls & Boys Town's ability to serve the handicapped, minority children who need its services. These damages, however, cannot be measured in money. Although this harm is

irreparable, this Court can prevent these damages from increasing by ordering the District of Columbia and specifically, the DCRA, to grant the requested permits.

82. Other damages caused by defendants, which are compensable in money, include but are not limited to the following:

a. Lost revenues caused by the delay, which would have been used to help more children;

b. Increased costs for construction of the four homes caused by the delay, resulting from increases in materials prices, increase in costs due to shifting construction to winter months, loss of subcontract commitments, and other factors; and

c. Increases in attorneys' fees, costs, and other expenses for professional assistance beyond what would have been incurred had defendants not engaged in the above-recited wrongful conduct.

COUNT 1
INTENTIONAL HANDICAP DISCRIMINATION IN VIOLATION OF FAIR HOUSING ACT

83. Girls & Boys Town adopts and incorporates by reference each of the allegations in paragraphs 1 through 82 above.

84. The actions of all defendants as set forth above constitute intentional discrimination on the basis of handicap, in violation of the provisions of the Fair Housing Act, 42 U.S.C. § 3601 et seq.

COUNT 2
DISCRIMINATORY IMPACT ON BASIS OF HANDICAP IN VIOLATION OF FAIR HOUSING ACT

85. Girls & Boys Town adopts and incorporates by reference each of the allegations in paragraphs 1 through 82 above.

86. The actions of all defendants as set forth above have had and are having the effect and impact of discrimination on the basis of handicap, in violation of the provisions of the Fair Housing Act, 42 U.S.C. § 3601 et seq.

COUNT 3
INTENTIONAL RACE DISCRIMINATION IN VIOLATION OF FAIR HOUSING ACT

87. Girls & Boys Town adopts and incorporates by reference each of the allegations in paragraphs 1 through 82 above.

88. All defendants know that the children served by Girls & Boys Town are predominantly racial minorities, primarily African-American.

89. The actions of all defendants as set forth above constitute intentional discrimination on the basis of race, in violation of the provisions of the Fair Housing Act, 42 U.S.C. § 3601 et seq.

COUNT 4
DISCRIMINATORY IMPACT ON BASIS OF RACE IN VIOLATION OF FAIR HOUSING ACT

90. Girls & Boys Town adopts and incorporates by reference each of the allegations in paragraph 1 through 82 above.

91. The actions of all defendants as set forth above have the effect and impact of discrimination on the basis of race, in violation of the provisions of the Fair Housing Act, 42 U.S.C. 3601 § et seq.

COUNT 5
UNLAWFUL INTERFERENCE WITH CIVIL RIGHTS IN VIOLATION OF 42 U.S.C. § 3617

92. Girls & Boys Town adopts and incorporates by reference each of the allegations in paragraphs 1 through 91 above.

93. The actions of all defendants above constitute coercion, intimidation, threatening, and interference in the exercise of the rights granted or protected under the Fair Housing Act, in violation of 42 U.S.C. § 3617.

COUNT 6
VIOLATION OF RIGHTS UNDER LAWS OF DISTRICT OF COLUMBIA

94. Girls & Boys Town adopts and incorporates by reference each of the allegations in paragraphs 1 through 93 above.

95. The actions of the District of Columbia recited above constitute misapplication and misinterpretation of the laws, rules and regulations of the District of Columbia, in violation of the rights of Girls & Boys Town, and those of its potential residents, thereunder, including Girls & Boys Town's and its potential residents' rights under the District of Columbia Human Rights Act, D.C. Code (2001) §§ 2-1401.01 et seq. and its laws, rules and regulations relating to the issuance of building permits.

RESERVATION OF RIGHTS

96. As of the date of filing this complaint, Girls & Boys Town has pending a permit application to the District of Columbia for expansion of the facilities on its Sargent Road property. Girls & Boys Town reserves its rights to amend this suit, or to file a separate suit, as may be needed to remedy Fair Housing Act violations or other violations of its legal rights with regard to that application.

PRAYER FOR RELIEF

WHEREFORE, Girls & Boys Town respectfully requests that the Court award the following relief against all defendants jointly and severally:

a. A declaration that all defendants have discriminated on the basis of handicap and race, in violation of the provisions of the Fair Housing Act;

b. A declaration that all defendants have violated the rights of Girls & Boys Town under 42 U.S.C. § 3617 to be free from coercion, intimidation, threatening, or interference with the exercise of its rights under the Fair Housing Act;

c. Preliminary and permanent injunctions against defendants and all persons acting on their behalf or at their direction, enjoining any and all further discriminatory activities;

d. A money judgment for compensatory and punitive damages;

e. A money judgment for reasonable attorneys' fees;

f. A money judgment for all costs and expert fees;

g. Interest on the above amounts; and

h. All other appropriate relief as the Court deems just and proper in law or equity.

As to defendants District of Columbia and DCRA, Girls & Boys Town further prays for the following additional relief:

a. A declaration that the District and DCRA have misapplied and misinterpreted District laws, rules and regulations related to the issuance of building permits, and have violated the District of Columbia Human Rights Act, all in violation of the rights of Girls & Boys Town thereunder; and

b. Preliminary and permanent injunctive relief, enjoining the District and DCRA from further delaying and obstructing the issuance of the requested permits, and ordering the District, through the DCRA, to issue the requested permits.

Respectfully submitted,

Paul J. Mirabile, D.C. Bar #427341
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Telephone: (202) 663-8772
Counsel for Father Flanagan's Boys Home

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director

November 16, 2001

Ellen Opper-Weiner
Vice Chair
Southeast Citizens for Smart Development
701-14th Street, SE
Washington, DC 20003

Dear Ms. Opper-Weiner:

This is in response to your Freedom of Information Act (FOIA) letter dated November 6, 2001, concerning Father Flanagan's Boys Home. At this time no application has been received by DCRA requesting a reasonable accommodation for its proposed project to build a residential group home or short – term emergency shelter, located at 14th Street, SE and Pennsylvania & Potomac Avenue, SE.

A search of our records indicated no permits or applications for improvement or expansion has been issue since October 2000. The only permits issued to this address are dated for March 2, 2000, March 30/2000 and August 23, 2000.

After searching the records I discovered that the correct numerical address of the Sargent Road facility is 4801 not 4201.

Finally, I have a copy of the Zoning Administrator's decision regarding the designation of Zeke House as a community - based residential facility.

Please do not hesitate to contact me at 202-442-8928, should you have any questions.

Sincerely,

Robert Henry
FOIA Officer

Attachments