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November 12, 2003

By Hand Delivery

Mr. Geoffrey Griffis
Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: Jubilee Housing / Good Shepherd Ministries – BZA Application No. 17076
Pre-Hearing Statement of the Applicant

Dear Mr. Griffis:

Enclosed please find the pre-hearing statement of Jubilee Housing / Good Shepherd Ministries, the applicant in the above-mentioned BZA application. The applicant looks forward to presenting its case to the BZA at the public hearing on November 25, 2003.

Respectfully submitted,

Paul A. Tummonds, Jr.

Paul A. Tummonds, Jr

Ashleigh Dale Horne

Ashleigh Dale Horne

Enclosures

cc: ANC 1C
Travis Parker, OP

BZA
Case No. 17076
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17076
EXHIBIT NO. 26

2300 N Street, NW Washington, DC 20037-1128 | 202.663.8000 Fax: 202.663.8007 | www.shawpittman.com | Washington, DC Northern Virginia New York Los Angeles London

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Jubilee Housing/
Good Shepherd Ministries

BZA Application No. 17076
Hearing Date: November 25, 2002
ANC

STATEMENT OF THE APPLICANT

This is an application of Jubilee Housing ("**Jubilee**") and Good Shepherd Ministries ("**Good Shepherd**") (collectively the "**Applicant**") for a special exception to allow a child development center for more than 16 children in the R-5-B Zone District and for a variance from the off-street parking regulations. Jubilee owns three buildings and a vacant lot located in Square 2576 in the District of Columbia. The buildings include: the Mozart, located at 1630 Fuller Street, N.W. (Lot 62); Fuller Court, located at 1650 Fuller Street, N.W. (Lot 809); and the Ritz, located at 1631 Euclid Street, N.W. (Lot 63) (collectively, the "**Buildings**"). The vacant lot is located at 2550 Mozart Place, N.W. (Lot 804) (together with Lots 62, 809, and 63, "the **Properties**"). All of the Properties are located in the R-5-B Zone District.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the "**BZA**" or the "**Board**") approve a special exception for a child development center for more than 16 children in the R-5-B Zone District pursuant to §§ 3104.1 and 205. The Applicant also requests an area variance pursuant to § 3103.2 from the off-street parking requirements of § 2101.1. The Properties are located in Square 2576, and all are zoned R-5-B (see Exhibit B). The location of the Properties is shown on Exhibit A. The Applicant seeks special exception and variance relief so that it can renovate Good Shepherd's space in the Buildings and construct an additional building on the vacant lot.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Sections 3103.2 and 3104.1 of the Zoning Regulations (11 DCMR §§ 3103.2, 3104.1).

III. BACKGROUND

Since 1973 Jubilee Housing has provided quality, affordable housing to District residents with low incomes. Jubilee currently owns and operates eight buildings in the Adams Morgan neighborhood, including the Mozart, the Ritz, and Fuller Court. Jubilee also owns the vacant lot located behind The Mozart and Fuller Court and adjacent to the Henry D. Cooke Elementarty Public School. Jubilee Housing has embarked on a major renovation and upgrade of all of its properties, including the Buildings that are the subject of this application. Jubilee recently received a determination from the D.C. Department of Housing and Community Development ("**DHCD**") that it is eligible for DHCD sponsored tax credits for this renovation work.

Good Shepherd is a non-profit corporation that works in conjunction with Jubilee to provide a nurturing social and learning environment for the children living in Jubilee Housing. To further its mission, Good Shepherd operates a child development center in the Buildings, which serves a total of approximately 130 - 140 school-aged children from kindergarten through high school. Good Shepherd's goal is to serve all of the children who live in Jubilee Housing.

PRIMARY PLUS

Children in the kindergarten through third grades attend the Primary Plus learning center, located in the Ritz at 1631 Euclid Street. The Primary Plus Center promotes the development of academic, creative, personal, and social skills in a loving, safe, and drug-free environment. Primary Plus operates Mondays through Thursdays from 3:15 p.m. until 5:30 p.m. During this

time, staff members and volunteers work with children on a variety of subjects, including reading, drama, art, music, religious study, recreational activities, and sports. The children also receive individual academic tutoring assistance with their schoolwork and with work assigned by Primary Plus staff. The Primary Plus curriculum includes the study of world cultures and languages. The activities include weekly Help Me Be Good Days and Spiritual Growth Days during which the staff and volunteers discuss such topics as forgiveness, sharing, loving one another, and community service. Thirty-eight children participated in Primary Plus in 2001.

AFTER SCHOOL CENTER

The After School Center, located in the Mozart at 1630 Fuller Street, serves children in the fourth through sixth grades. The purpose of the After School Center is to enable at-risk students to develop their academic and creative talents, to challenge them with daily opportunities to make good choices, and to create an environment where they feel safe. The After School Center operates Tuesdays through Fridays from 3:15 p.m. through 7:00 p.m. The programs for the children include academic tutoring, dance lessons, reading, private music lessons, computer training, art classes, Bible study, and community service. On Fridays, the students participate in Help A Neighbor Day. Thirty-eight children participated in the After School Center in 2001.

TEEN LEARNING CENTER

Children in middle school and high school (Grades 7-12) attend the Teen Learning Center. The mission of the Teen Learning Center is to help disadvantaged youth to become conscious of the options in their lives and their innate gifts. It encourages them to make rational, compassionate choices for their futures. The Teen Learning Center is open six days per week

and holds activities at various times during the afternoons and evenings. The program encompasses several elements, including the Flyers Mentoring program, weekly mentoring group meetings, spiritual development activities, community service activities, after school enrichment classes, computer lab time, weekend recreational and social activities, and enrichment trips. Good Shepherd also provides scholarships for students to attend retreats such as the Grassroots Aspen Experience. The program also encourages students to learn about options for their futures by attending college admissions programs. The Teen Learning Center also hosts a Parent Outreach Program, in which parents are encouraged to participate at the Center through quarterly meetings and individual conferences to learn about educational advocacy, specialty testing, inappropriate behavior, and social maladjustment.

The mentoring programs that Good Shepard provides at the Teen Learning Center include the Ladies Night Mentoring program during which young women meet weekly to discuss teen pregnancy, personal health issues, career choices, and community service. The Safe in My Brother's Arms ("**SIMBA**") mentoring program provides a venue for young men to discuss issues of particular concern to them. SIMBA also provides opportunities for young men to engage in community service, fundraising activities, sports tournaments, a Bible study/basketball summer program, and other summer camps. The Flyers Mentoring program pairs each student with two adult volunteer mentors who meet with the students weekly during the school year. Fifty-four children participated in the Teen Learning Center programs in 2001.

OTHER PROGRAMS

Good Shepherd also coordinates opportunities for children and youth to participate in organized sports, such as the Stoddert Soccer League and Jelleff Basketball League, and summer

activities, such as various overnight and day camps, including sports camps, church-related camps, music camps, Boy Scout camp, and swimming instruction. Good Shepherd also provides summer activities on site such as opportunities to participate in community service projects, a day camp, and numerous field trips.

STAFF AND PARKING

Good Shepherd currently employs 12 full-time permanent staff. Two work in the Ritz at the Primary Plus center, four work in Fuller Court at the Teen Learning Center, and six work in the Mozart – four in administration and two with the After School Center. Good Shepherd also employs one part-time employee at the Primary Plus center in the Ritz. Although the Properties do not provide any off-street parking for Good Shepherd staff, Good Shepherd rents five parking spaces behind the Festival Center on the corner of Mozart Place and Columbia Road, N.W. Those spaces are used to park the Good Shepherd van and provide spaces for four staff cars. Good Shepherd's programs are primarily staffed by volunteers, most of whom are residents of the Adams Morgan neighborhood and walk to the Buildings.

IV. DESCRIPTION OF THE PROPERTIES AND SURROUNDING AREA

The Properties are located in Square 2576 in the Adams Morgan neighborhood, and are bounded by Euclid Street to the south, Mozart Place to the west, Fuller Street to the north, and 17th Street to the west.

The Mozart, located on Lot 62, is a five story apartment house that was constructed in 1927. Lot 62 has a lot area of 6,375 square feet and a lot occupancy of 76%. The property has a nonconforming rear yard of 6.45 feet and a nonconforming side yard of 11.33 feet. It has no front yard. As depicted in Exhibit C, Good Shepherd uses space on the Lower Level and First

Floor of the Mozart. The After School Center and Good Shepherd's administrative offices are currently housed there.

The Ritz, located on Lot 63, is a six story apartment house that was constructed in 1927. The Ritz has a lot occupancy of 66%. It provides a nonconforming rear yard of 18.9 feet and an nonconforming side yard of 11.75 feet. The Ritz does not provide any front yard. Good Shepherd currently uses space in the Lower Level of the west wing for the Primary Plus program.

Fuller Court, located on Lot 809, is a three story apartment building that was constructed in 1917. Fuller Court also has a lot occupancy of 76%. It provides no front or side yard, and has a nonconforming rear yard of 14.29 feet. Good Shepherd uses space on the Lower level of Fuller Court for the Teen Learning Center.

V. DESCRIPTION OF THE PROPOSED UPGRADES TO THE EXISTING BUILDINGS AND NEW CONSTRUCTION ON LOT 804

The proposed upgrades to the Buildings consist of interior renovations only. They include modernizing the spaces with new HVAC and some life/safety upgrades.

As shown in Exhibit C, Good Shepherd is proposing to construct a new building on Lot 804 (the "New Building"). The R-5-B Zone District permits a maximum height of fifty feet (11 DCMR § 400.1) and a maximum FAR of 1.8 (11 DCMR § 402.4). It allows a maximum lot occupancy of 60% (11 DCMR § 403.2). It requires a rear yard of four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than fifteen feet (11 DCMR § 404.1). There is no side yard requirement for a non-residential structure in the R-5-B Zoning District (11 DCMR § 405.9). A child development center in the R-5-B Zone District requires one parking

space for each four teachers and other employees (11 DCMR § 2101.1). Good Shepherd currently employs twelve full-time and one part-time staff. Accordingly, it is required to provide a maximum of three parking spaces.

The New Building will be constructed to a height of 46' 6" and will be three stories tall. The roof will feature a play area for the children attending Good Shepherd. As shown in the plans attached as Exhibit C, the proposed New Building meets all of the zoning requirements except for off street parking.

VI. THE APPLICATION MEETS THE REQUIREMENTS FOR AN AREA VARIANCE UNDER SECTION 3103.2 OF THE ZONING REGULATIONS

The burden of proof for an area variance is well established. The Applicant must demonstrate that: (i) the property is affected by an exceptional or extraordinary situation or condition; (ii) that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant; and (iii) that the granting of the variance will not cause substantial detriment to the public good or substantially impair the intent, purpose or integrity of the zone plan. *See, e.g., Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). In examining the first two elements, the BZA may apply a more flexible standard for determining difficulty when a public service or nonprofit entity is the Applicant. *See National Black Child Development Institute v. D.C. Board of Zoning Adjustment*, 483 A.2d 687, 690 (D.C. 1984); *Monaco v. D.C. Board of Zoning Adjustment,* 407 A.2d 1091, 1098 (D.C. 1979) The D.C. Court of Appeals has applied the more flexible standard to area variances as well as use variances. *See Draude v. D.C. Board of Zoning Adjustment,* 582 A.2d 949, 956 (D.C. 1990). As set forth below, the Applicant meets the three-part test for the requested parking variance.

A. The Property is Affected by an Exceptional Situation or Condition

The D.C. Court of Appeals held in *Clerics of St. Viator v. D.C. Board of Zoning Adjustment,* 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the "property", not just the "land"; and that "property generally includes the permanent structures existing on the land." *Id.* at 293-294. Indeed, the Court repeatedly has rejected the idea that the exceptional situation and practical difficulty justifying a use variance must arise from the physical aspects of the land. *See National Black Child Development*, 483 A.2d at 690; *Monaco v. D.C. Board of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979). Instead, the BZA may "weigh more fully the equities in an individual case." *National Black Child Development*, 483 A.2d at 690. Further, the characterization of the use as a public service is significant to the determination of uniqueness. In *Monaco*, the D.C. Court of Appeals held:

> While a commercial user before the BZA might not be able to establish uniqueness in a particular site's exceptional profit-making potential, we consider that the BZA may be more flexible when it assesses a non-profit organization .... As Professor Anderson has observed, public need for the use is an important factor in granting or denying a variance ...."

Monaco, 407 A.2d at 1098.

The Mozart, the Ritz, and Fuller Court are affected by an exceptional situation because they are nonconforming structures which were constructed well before the Zoning Regulations became effective. Each of the Buildings is irregularly shaped and almost completely occupies the lot on which it is located. None of the Buildings currently provide off-street parking. Accordingly, any change or upgrade to the Buildings would require an area variance. Indeed, the only way for the Applicant to comply with the parking requirement for the Buildings would be to demolish at least a portion of the Buildings.

Lot 804, on which the Applicant proposes to construct the New Building, is exceptional because of its unusually long and narrow shape. As shown in Exhibit A, Lot 804 is twenty-five feet wide and is one-hundred fifty feet long. The only access to the Lot is from Mozart Place. Lot 804 also is affected by its unique location. It is located between the rear yards of the Mozart and Fuller Court buildings and the driveway for the Henry D. Cooke Public Elementary School. As shown in Exhibit C, one of the rear walls of the Mozart is located on the lot line.

Good Shepherd also is unique because it is a nonprofit corporation which provides a significant public service to the Adams-Morgan neighborhood and the District. It provides needy children in Adams Morgan with educational enrichment and guidance for their futures. Accordingly, under *Monaco*, the Board may apply a more flexible standard to the determination of uniqueness for the Properties.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

To satisfy the second element for an area variance standard, the Applicant must demonstrate "practical difficulty." The D.C. Court of Appeals has established a two part test for determining whether an applicant has met its burden of proof. The applicant must demonstrate that "compliance with the area restriction would be unnecessarily burdensome" and that the practical difficulty is "unique to the particular property." *Gilmartin,* 579 A.2d at 1170. The Court of Appeals has held that the "nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." *Id.* at 1171. "Increased expense and inconvenience to applicants for a variance are among the proper factors for [the] BZA's consideration." *Id.* Some other factors that the BZA may consider are "the weight of the burden of strict compliance," "the severity of the variance(s) requested," and "the

effect the proposed variance(s) would have on the overall zone plan." *Id.* The BZA also may consider the needs of a public service organization that "has inadequate facilities and applies for a variance to expand into an adjacent area in common ownership ...." *Draude*, 582 A.2d at 956. Further, the BZA may grant a variance from the off-street parking requirements when providing the necessary parking would be cost prohibitive and would dramatically decrease the facilities that an applicant would be able to provide. *Association for Preservation of 1700 Block of N Street, N.W. v. D.C. Board of Zoning Adjustment,* 384 A.2d 674, 678 (D.C. 1978) (approving a variance from the off-street parking requirements for the YMCA).

In the present applications, it would be unnecessarily burdensome for Good Shepherd to provide parking at the Buildings or for the proposed New Building. The Mozart, the Ritz, and Fuller Court, are all existing buildings which predate the adoption of the Zoning Regulations. As demonstrated in the draft surveys included in Exhibit C, the lots on which the Buildings are located do not provide sufficient area for the creation of parking spaces. Further, it would be unnecessarily burdensome for Good Shepherd to provide off-street parking for the New Building on Lot 804. As demonstrated by the site plan included in Exhibit C, the only possible location for the parking spaces on Lot 804 would be in the front yard. Even then, Good Shepherd could only provide two of the required parking spaces, and the required curb cut would eliminate two on-street parking spaces. From an urban design perspective, the two parking spaces in the front yard of the New Building would be completely inappropriate and would detract from the inviting appearance of the New Building. Good Shepherd is unable to construct an underground parking garage for the New Building because of the exceptional narrowness of Lot 804, which cannot accommodate the required turn radius for a vehicle. The Lot's exceptional narrowness also prevents Good Shepherd from providing parking in the rear of the New Building because of lack

of access. The only means of access to the rear of the New Building would be via the twenty-five foot frontage on Mozart Place. Accordingly, a driveway would be required which would dramatically decrease the width of the New Building and the facilities Good Shepherd could provide. Moreover, Lot 804 is held in common ownership with the properties that include the Mozart and Fuller Court. A determination by the Board that the Applicant is presented with a practical difficulty in providing off street parking on Lot 804 is entirely consistent with the Court of Appeals statement in the *Draude* case noted above.

Good Shepherd also can demonstrate that the practical difficulties are unique to the Properties. Each of the Properties in the present application is affected by a unique practical difficulty that relates to the particular property. The Mozart, the Ritz, and Fuller Court, have similar difficulties in that they are nonconforming. Even so, each Building is uniquely affected by its lot occupancy, its footprint on the lot, and it particular configuration. Lot 804 is affected by a difficulty that is unique to that lot because of its exceptionally long and narrow shape and because of its location between a public school's driveway and two large apartment buildings.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

Finally, the applicant must demonstrate that "granting the variance will do no harm to the public good or to the zone plan." *Gilmartin*, 579 A.2d at 1167. The requested variance can be granted without causing any adverse impact on the availability of parking in the neighborhood. In general, the participants in the Programs and the volunteers live in the neighborhood and walk to the Properties. Indeed, most of the children who participate in the Programs live in one of the Buildings. Good Shepherd also rents five parking spaces behind the Festival Center, which are used to park the Good Shepherd van and provide spaces for four staff cars. These spaces

mitigate any adverse impact on parking that staff members of Good Shepherd may cause on the surrounding neighborhood. The unanimous support of ANC 1C for this application is further evidence that Good Shepherd's use of the Properties will not adversely affect the public good and the zone plan.

VII. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF UNDER SECTION 3104.1 OF THE ZONING REGULATIONS

The Applicant is seeking a special exception under Section 205 of the Zoning Regulations for approval to continue the use of a child development center on the Properties. A child development center for more than sixteen children is allowed in the R-5-B zone district by special exception pursuant to 11 DCMR § 205. Section 205 requires the applicant for a child development center to demonstrate the following: (1) it is capable of meeting all applicable code and licensing requirements; (2) it is located and designed to create no objectionable traffic conditions and no unsafe condition for picking up and dropping off children; (3) it provides sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors; (4) it shall be located and designed so that there will be no objectionable impacts on adjacent properties due to noise, activity, visual, or other objectionable conditions; (5) any off-site play area shall be located so as not to result in endangerment to the children in traveling between the play area and the center; and (6) if another child development center is located in a square or within 1,000 feet of the proposed center, then the cumulative effect of the centers will not have an adverse impact on the neighborhood due to traffic noise, operations, or other similar factors.

A. Good Shepherd is Capable of Meeting the Applicable Code and Licensing Requirements

The licensing requirements for a child development center are enumerated in Title 29 of the D. C. Municipal Regulations. Section 300.3 contains the following exception to the licensing requirements. "The provisions of this chapter shall not apply to .... Child development centers providing only a before or after school child development program." 29 DCMR § 300.3(d). Good Shepherd does not provide nursery school, babysitting or daycare services. It does not accept children who are not school-age. The children who participate in the Programs attend the facilities only in the evenings or after school. Accordingly, the Programs are properly characterized as an after school program, and, thus, are exempt from the licensing requirements pursuant to 29 DCMR § 300.3(d). Good Shepherd has hired capable architects to plan the New Building and the renovations to the Buildings. They have designed plans that comply with the requisite fire and life safety code requirements. Accordingly, Good Shepherd meets the applicable code and licensing requirements.

B. Good Shepherd will not Create Objectionable Traffic Conditions or Unsafe Conditions for Picking-up and Dropping-off Children.

Under § 205.3, Good Shepherd must demonstrate that it is located and designed to create no objectionable traffic conditions and no unsafe condition for picking up and dropping off children. Most of the children who participate in the Programs live in the Buildings or in other Jubilee apartment buildings. Those who do not live in Jubilee Housing reside in the immediate neighborhood. Fewer than five children per day are dropped off or picked up from the Programs. Accordingly, Good Shepherd does not, and will not, create objectionable or unsafe traffic conditions.

C. Good Shepherd Provides Sufficient Off-Street Parking Spaces

Section 205.4 requires that Good Shepherd provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. Most of the employees and volunteers live in the neighborhood and walk to the Buildings. Most of the children who participate in the Programs, and their parents, live in the Buildings or in other Jubilee buildings in the immediate vicinity. Thus, most of the individuals who use the child development center walk to the Buildings. The New Building will be located immediately behind the Mozart and Fuller Court and in close proximity to the Ritz. Most of the individuals using the New Building will walk to the site. As stated above, although Good Shepherd is unable to provide off-street parking for its staff on site, it rents five parking spaces behind the Festival Center. The extra spaces will help to mitigate any adverse impact on parking in the neighborhood.

D. Good Shepherd will not Create Objectionable Impacts on Adjacent Properties.

Section 205.5 provides:

> The center, including any outdoor play space provides, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions. 11 DCMR § 205.5.

The Programs will not create objectionable impacts on adjacent properties. The proposed renovation of the existing Good Shepherd space in the Buildings and the construction of the New Building will not result in an expansion of Good Shepherd's programs and mission, will not result in an increase in its enrollment, nor will Good Shepherd seek to include children that live outside of the immediate Adams Morgan neighborhood. Rather, the renovated and new space will provide appropriate facilities for Good Shepherd to continue to provide its valuable service to the children of Adams Morgan.

Good Shepherd's current use of space in the Buildings has not resulted in any objectionable impacts on neighboring properties. This fact is evidenced by the unanimous support that this application has received from the community and the ANC. Similarly, the Applicant believes that the proposed New Building will not create objectionable impacts on adjacent properties. As noted above, the children attend Good Shepherd's programs after school. Accordingly, the Programs will not disturb the students at Cooke Elementary during school hours. Indeed, the school has granted Good Shepherd permission to use its playground for the Primary Plus students, which they will continue to use. The students at the After School Center will play on the rooftop play area of the New Building. The rooftop play area will not disturb the adjacent school because it will be abutting the school's parking lot and because it will only be used after school. The Programs will not create any objectionable visual conditions because the program participants will be inside the buildings for the majority of their time at Good Shepherd.

E. The Off-Site Play Areas Used by Good Shepherd will not Endanger the Children in Traveling Between the Play Area and the Center.

Under § 205.7, "any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself." 11 DCMR § 205.7. As stated above, the young children participating in Primary Plus use the off-site playground located at Cooke Elementary School. The school abuts the Ritz and the New Building, and the Mozart and Fuller Court are separated from the school only by Lot 804. Accordingly, the children in Primary Plus will be in no danger while traveling to the school's playground. The children in the After School Center play on site. The youth who are enrolled in the Teen Learning Center occasionally travel to public recreation facilities in the neighborhood. However, they are of an age that they can do so safely and responsibly.

F. Good Shepherd will not Cause a Cumulative Adverse Effect on the Neighborhood

Under § 205.8, the BZA may approve more than one child development center in a square or within 1,000 feet of another child development center only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood. The Applicant is unaware of any other child development center in Square 2576 or within 1,000 feet of the Buildings.

VIII. COMMUNITY OUTREACH

The Applicant has made significant efforts to seek input on this application from the neighboring community. On October 15, 2003, Jubilee and Good Shepherd made a presentation to the Planning, Zoning, and Transportation committee of ANC 1C and received unanimous support. On November 5, 2003, Jubilee and Good Shepherd presented this application to the full ANC. No one spoke in opposition to the Application during that meeting or expressed concerns about Good Shepherd, and the ANC unanimously (7-0) adopted a resolution in favor of the application.

IX. LIST OF WITNESSES EXPECTED TO TESTIFY

The following witnesses are expected to testify at the public hearing on behalf of the Applicant:

1) Kim Montroll, Executive Director of Good Shepherd Ministries; and

2) Jim Greenwell, Hickock, Warner, Cole Architects, Project Architect.

X. EXHIBITS IN SUPPORT OF APPLICATION

Exhibit A: Portions of the Sanborn plat showing the Properties outlined in red.

Exhibit B: Portion of the Zoning Map showing the Properties outlined in red.

Exhibit C: Elevations and plans of the Buildings and New Building.

Exhibit D: Outline of Testimony of Kim Montroll.

Exhibit E: Outline of Testimony of Jim Greenwell.

XI. CONCLUSION

For all of the above reasons, the Applicant is entitled to the requested variance and special exception relief in this case.

Respectfully submitted,

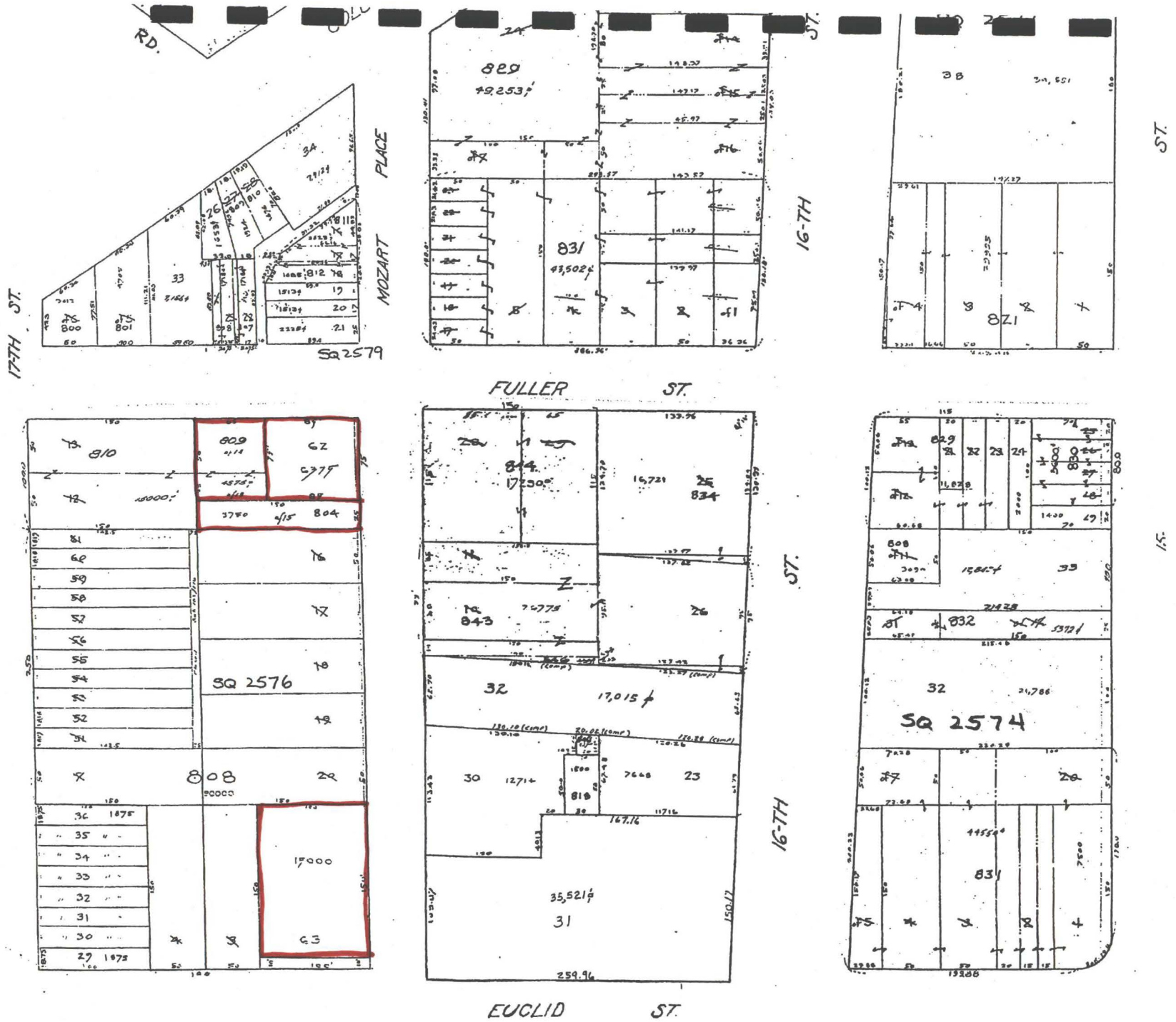
SHAW PITTMAN

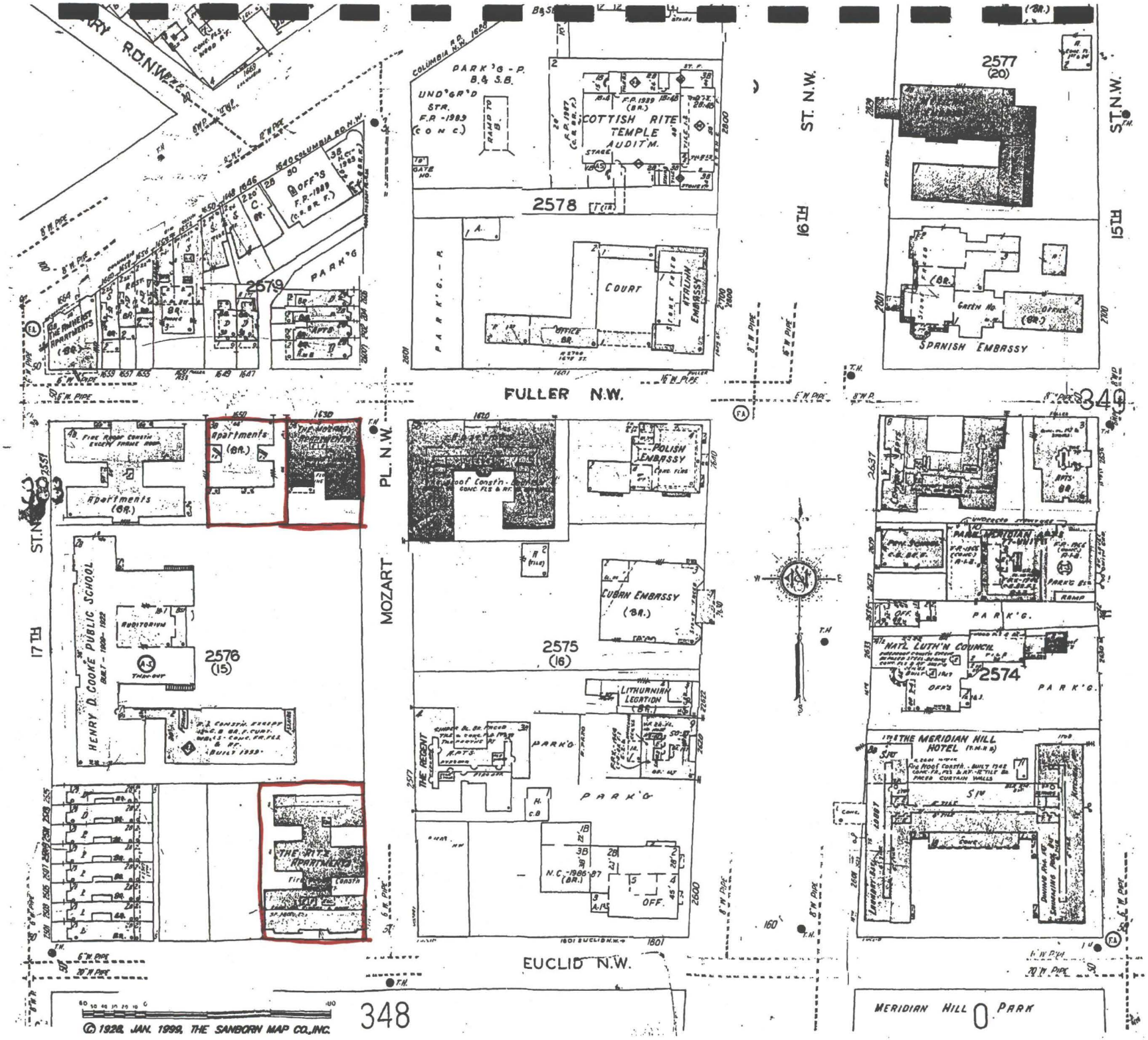
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Paul A. Tummonds, Jr.

By: _____
Ashleigh Horne

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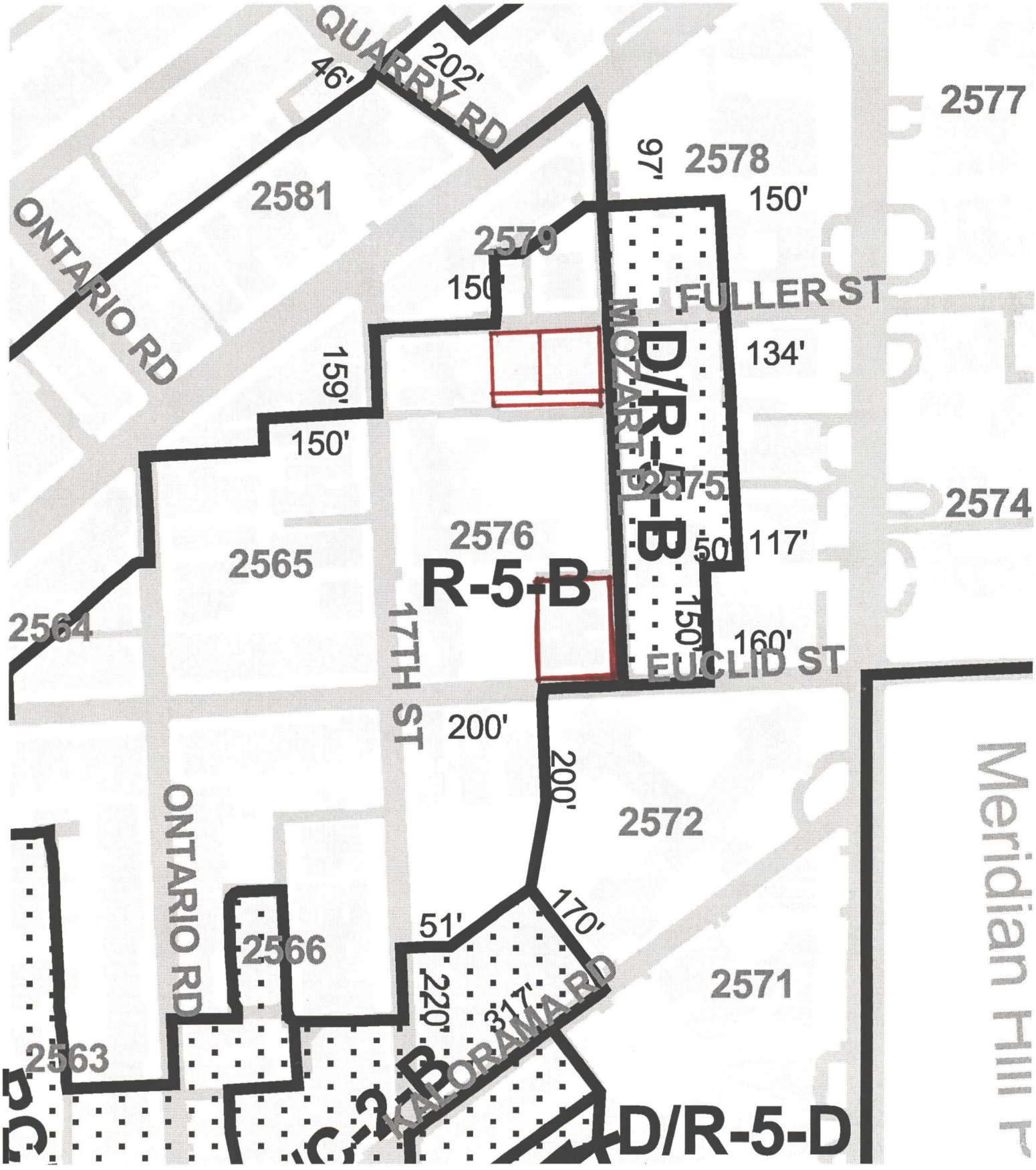
A


RD.
17-TH ST.
MOZART PLACE
SQ 2579
FULLER ST.
16-TH ST.
SQ 2576
EUCLID ST.
SQ 2574



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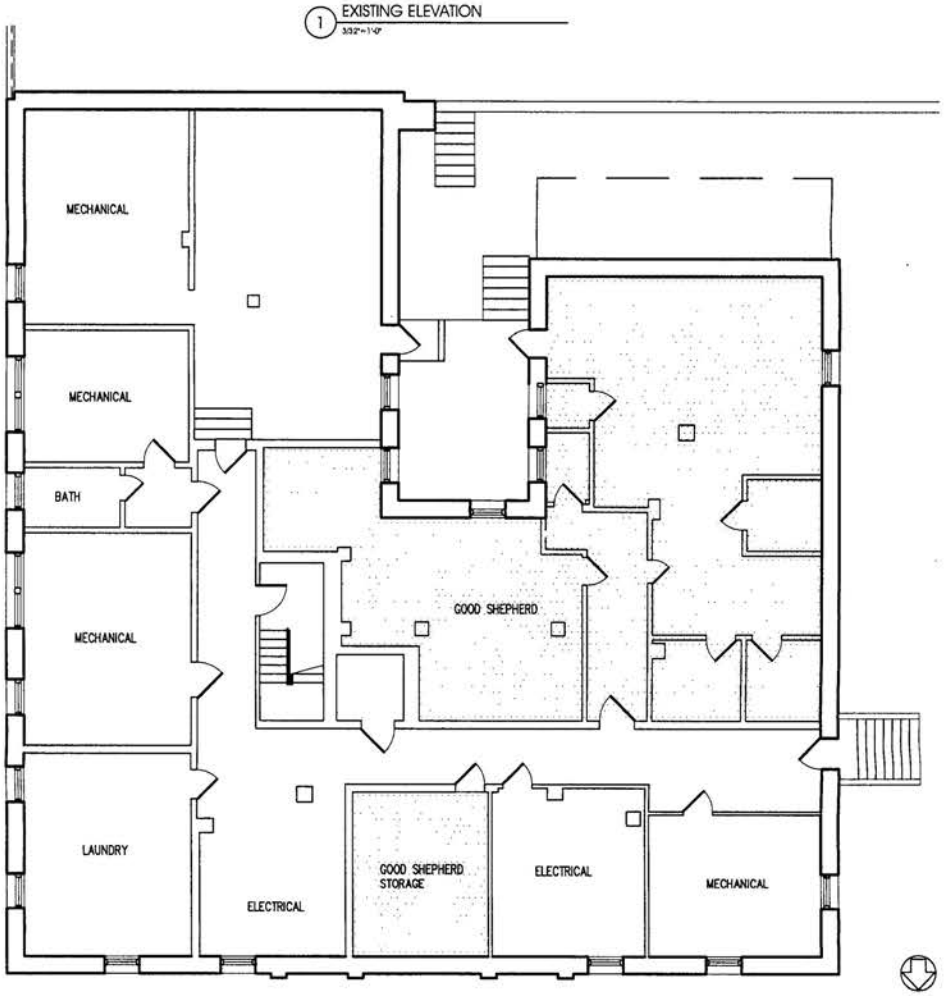

QUARRY RD
202'
46'
ONTARIO RD
2581
2577
2578
97'
150'
2579
150'
FULLER ST
134'
MOZART PL
D/R-5-B
159'
150'
2575
2574
2576
R-5-B
2565
50'
117'
2564
150'
160'
EUCLID ST
17TH ST
200'
200'
2572
ONTARIO RD
51'
170'
2566
220'
317'
KALORAMA RD
2571
Meridian Hill P
2563
C-2-B
D/R-5-D

C

C



1 EXISTING ELEVATION
3/32"=1'-0"



2 EXISTING LOWER LEVEL PLAN
3/32"=1'-0"

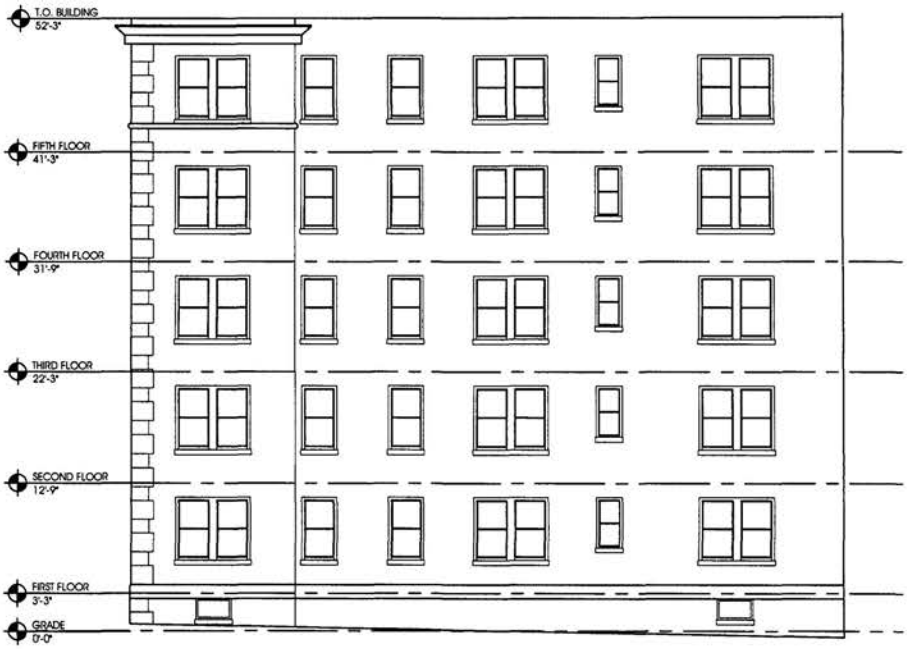
MOZART BUILDING
1630 FULLER ST. NW

PROJECT NAME: JUBILEE HOUSING RENOVATION

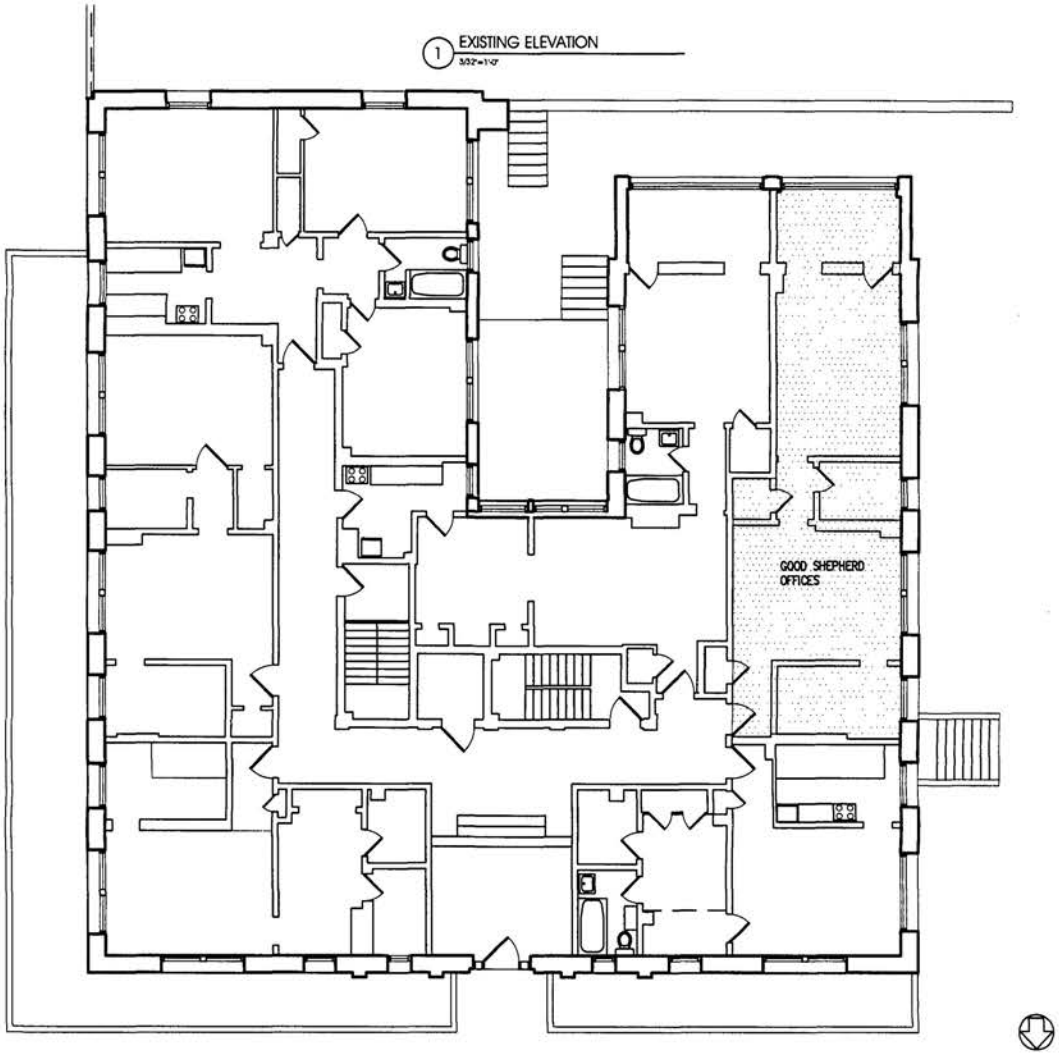
PROJECT NO.: 03029.00

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

SCALE: 1'-0" = 0'-3/32" DATE: 11-10-03



1 EXISTING ELEVATION
3/32"=1'-0"



2 EXISTING FIRST FLOOR PLAN
3/32"=1'-0"

MOZART BUILDING
1630 FULLER ST. NW

PROJECT NAME: **JUBILEE HOUSING RENOVATION**

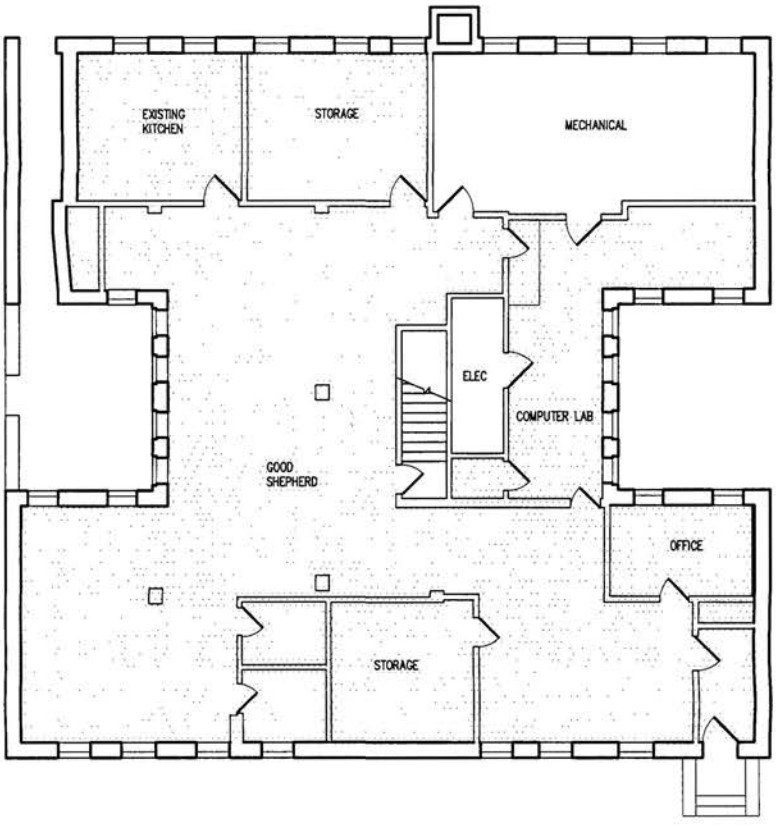
PROJECT NO.: 03029.00

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

SCALE: 1'-0" = 0'-3/32" DATE: 11-10-03



1 EXISTING ELEVATION
3/32"=1'-0"



2 EXISTING LOWER LEVEL PLAN
3/32"=1'-0"

FULLER BUILDING
1650 FULLER ST. NW

PROJECT NAME: JUBILEE HOUSING RENOVATION

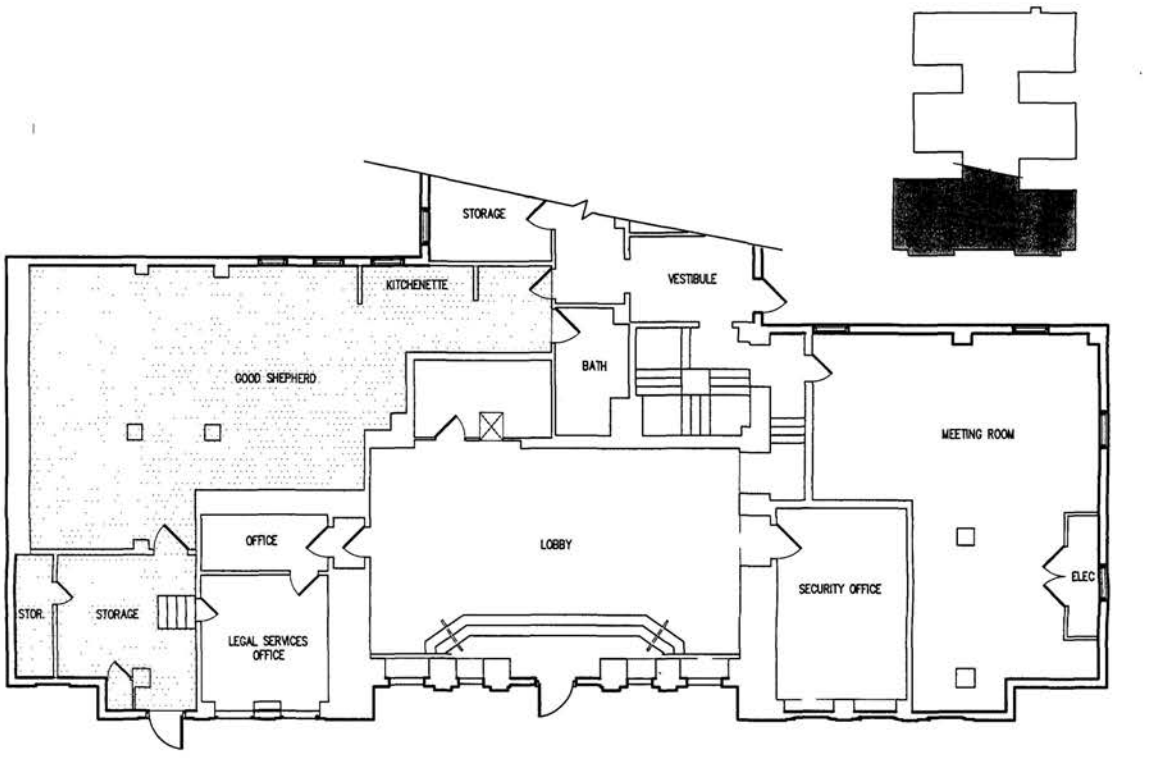
PROJECT NO.: 03029.00

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

SCALE: 1'-0" = 0'-3/32" DATE: 11-10-03



1 EXISTING ELEVATION
3/32"=1'-0"



2 EXISTING LOWER LEVEL PLAN
3/32"=1'-0"

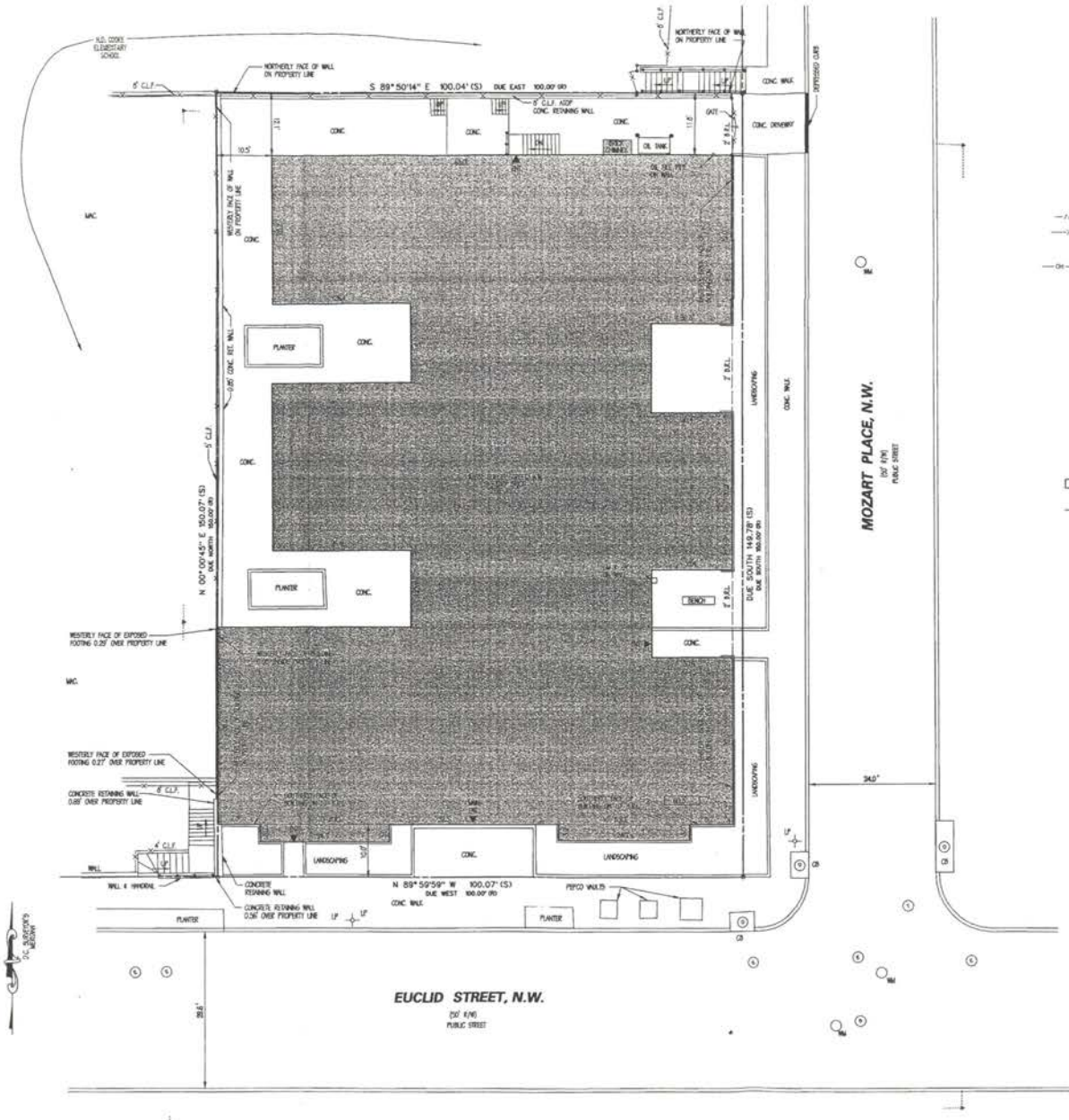
RITZ BUILDING
1631 EUCLID ST. NW

PROJECT NAME: JUBILEE HOUSING RENOVATION

PROJECT NO.: 03029.00

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

SCALE: 1'-0" = 0'-3/32" DATE: 11-10-03



LEGEND

- E — ELECTRIC MANHOLE
- T — TELEPHONE MANHOLE
- W — WATER MANHOLE
- D — STORM DRAIN MANHOLE
- S — SEWER MANHOLE
- C.B. — CATCH BASIN
- U — UNKNOWN MANHOLE
- LIGHT POLE
- OHW — OVERHEAD WIRE
- P.L. — PROPERTY LINE
- C.L.F. — CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- SURVEYOR'S TENNESSEE POINTS
- OH — OVERHEAD WIRES
- IRF — IRON BAR FOUND
- IRS — IRON BAR SET
- IPF — IRON PIPE FOUND
- B.R.L. — BUILDING RESTRICTION LINE
- CONC. — CONCRETE
- MAC. — MACADAM
- WV — WATER VALVE
- FH — FIRE HYDRANT
- R/W — RIGHT-OF-WAY
- GV — GAS VALVE
- GM — GAS METER
- (R) — PER RECORD
- (S) — AS SURVEYED
- MAC. — MACADAM
- 68.2' — HEIGHT OF BUILDING ABOVE GRADE
- BOLLARD
- HANDRAIL



VICINITY MAP
NOT TO SCALE

SURVEYOR'S NOTES OF OCTOBER, 2003

1. This plat of survey represents a completion of information obtained from (1) an on-the-ground instrument survey of the property, and (2) instruments and plats of public record.
2. Field work completed 10-07-03. Field personnel: V. Shugars (crew chief), P. Sennenhauser.
3. Error of closure for random traverse loop run on ground: 0.023 feet/477.27 feet = 1/20,447.
4. The orientation of the bearings shown on this plat is based on a convention used by the Office of the Surveyor for the District of Columbia: The westerly property line, which is the westerly right of way line of Mozart Street, NW, was given the direction of due South.
5. Previous survey records referred to/ Survey Notes as found among the records of the Office of the Surveyor for the District of Columbia.
6. The subject property lies within a Zone C, an "area of minimal flooding," as shown on a Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Number 110001 0020 B, bearing an Effective Date of November 15, 1985.
7. This survey was prepared in conjunction with a review of an ALTA Plain English Title Insurance Commitment, Commitment No. 0313-4991, bearing an Effective Date of April 25, 2003, issued by Lawyers Title Insurance Corporation, with respect to the subject property.

   As to Parcel I, Property known as 1631 Euclid Street, N.W., Property is subject to the following plottable (locatable) instrument of record listed in Schedule B - Section II of the aforementioned Commitment and which is shown on the plat:

Schedule B Section II Item No.	Liber	Folio	Description/Notes
9	84	78	2 foot Building Restriction Line along Mozart Pl., NW, and 10 foot Building Restriction Line along Euclid St., NW, as per Plat (84/78).

   Property is subject to no additional instruments of record listed in Schedule B - Section II of the aforementioned Commitment.
8. Parking: There are no parking spaces on the subject property.
9. Area of subject property:
   Area per Record: 15,000.0 square feet ± 0.3444 acre
   Area as Surveyed: 15,000.4 square feet ± 0.3444 acre
10. Area of building on property forms of footprint at grade level= 10,448 square feet ± 0.2399 acre

SURVEYOR'S CERTIFICATION OF OCTOBER, 2003

To
(1) Jubilee Housing, Inc.,
(2) (Vendor, if known),
(3) Lawyers Title Insurance Corporation, and
(4) Pinnacle Development Partners, Inc.:

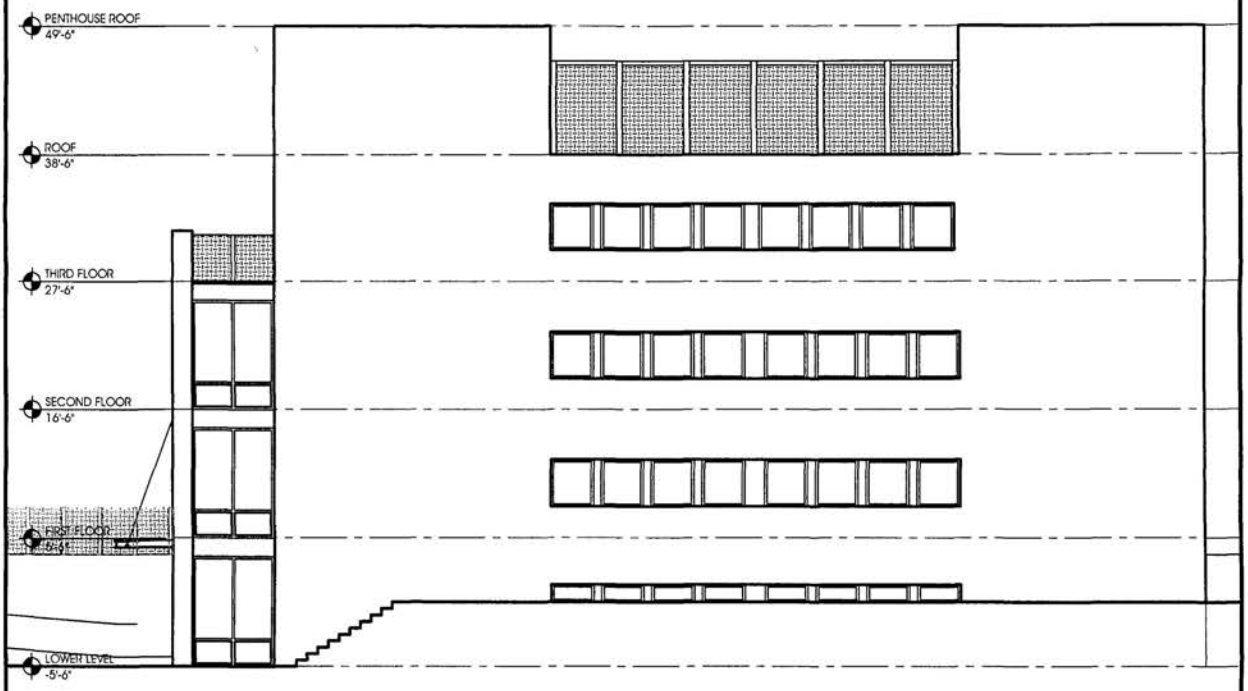
This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1905, and includes items 2, 3, 4, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a) and 13 of Table A thereof.
Pursuant to the Accuracy Standards as adopted by ALTA, ACSM and NSPS and in effect on the date of this certification, the undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

J. J. LaVoiceme — Date
Maryland Property Line Surveyor No. 448

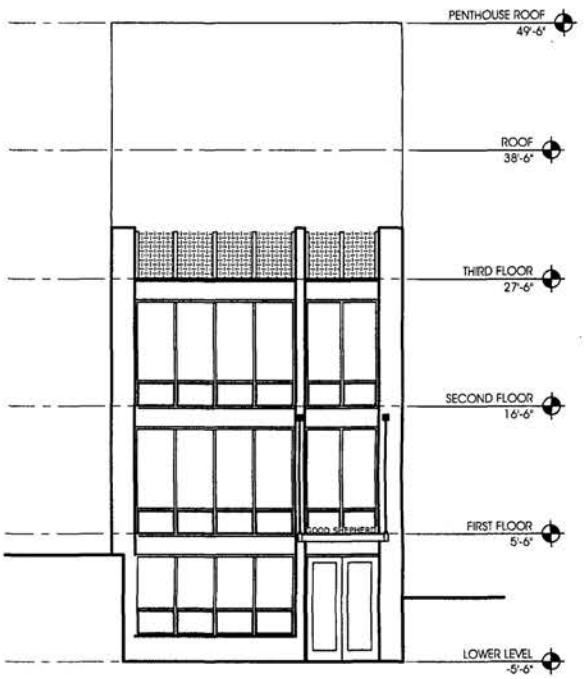
DRAFT

THIS PRINT
OCT 16 2003
MADE

Drafting	DATE	BY WHOM	KCI TECHNOLOGIES — Engineers, Planners, Scientists, Construction Managers — 14392 Gravenview Drive, Suite 100, Laurel, Maryland 20708 — (301) 953-4822 (410) 792-8686 — fax (410) 792-7429 — www.kci.com	SURVEY PREPARED FOR: PINNACLE DEVELOPMENT PARTNERS, INC. 8064 NORTHPOINT BLVD, SUITE 101 B WINSTON SALEM, NC 27106 336-896-0025	ALTA/ASCM LAND TITLE SURVEY	PARCEL I, PROPERTY AT 1631 EUCLID STREET, N.W. BUILDING KNOWN AS "THE RITZ" A.K.A. LOT 63, SQUARE 2576 WASHINGTON, D.C. 20009	SHEET 1 OF 1	DATE OCTOBER 7, 2003 SCALE 1" = 10'	JOB NUMBER 150-3205
Check	JJL								
Design									
Check									



1 NORTH ELEVATION
3/32"=1'-0"



2 EAST ELEVATION
3/32"=1'-0"

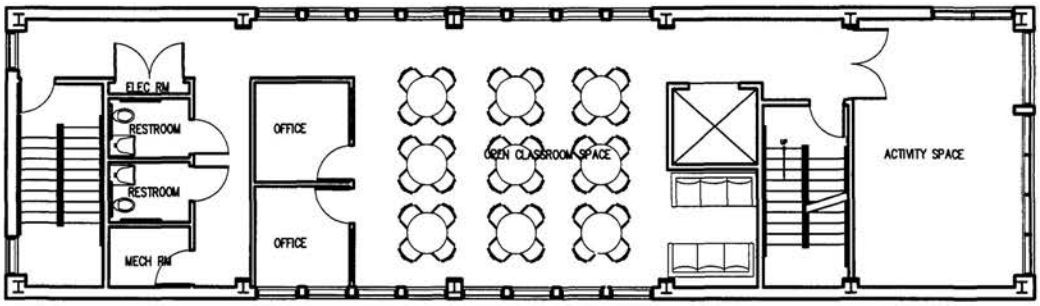
GOOD SHEPHERD BUILDING
(2250 MOZART PL. NW)

PROJECT NAME: JUBILEE HOUSING RENOVATION

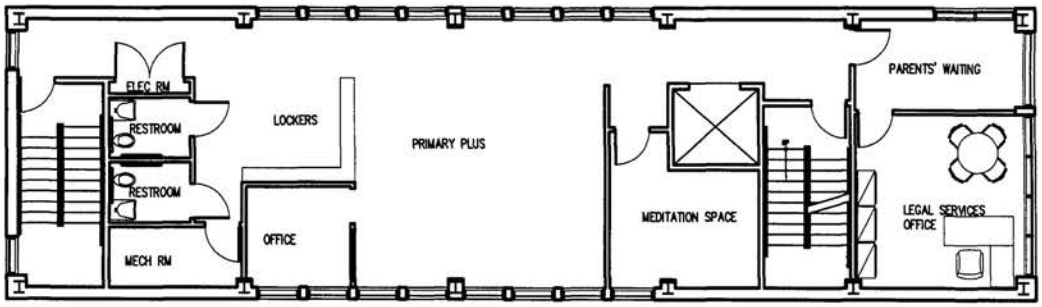
PROJECT NO.: 03029.00

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

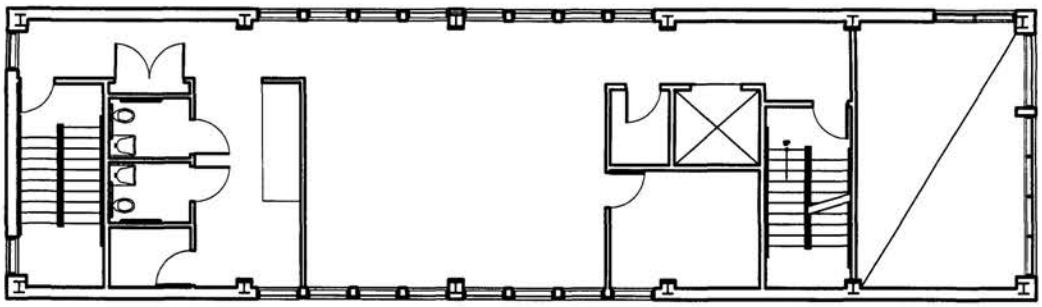
SCALE: 1'-0" = 0'-3/32" DATE: 11-10-03



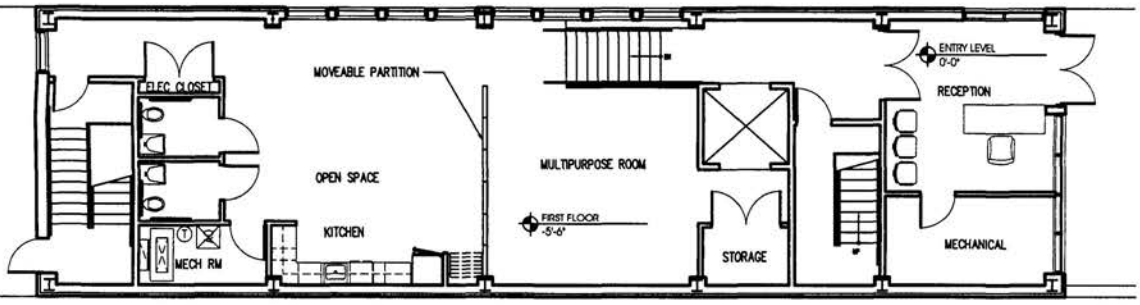
1 FOURTH FLOOR PLAN
3/32"=1'-0"



2 THIRD FLOOR PLAN
3/32"=1'-0"



3 SECOND FLOOR PLAN
3/32"=1'-0"



4 FIRST FLOOR PLAN
3/32"=1'-0"

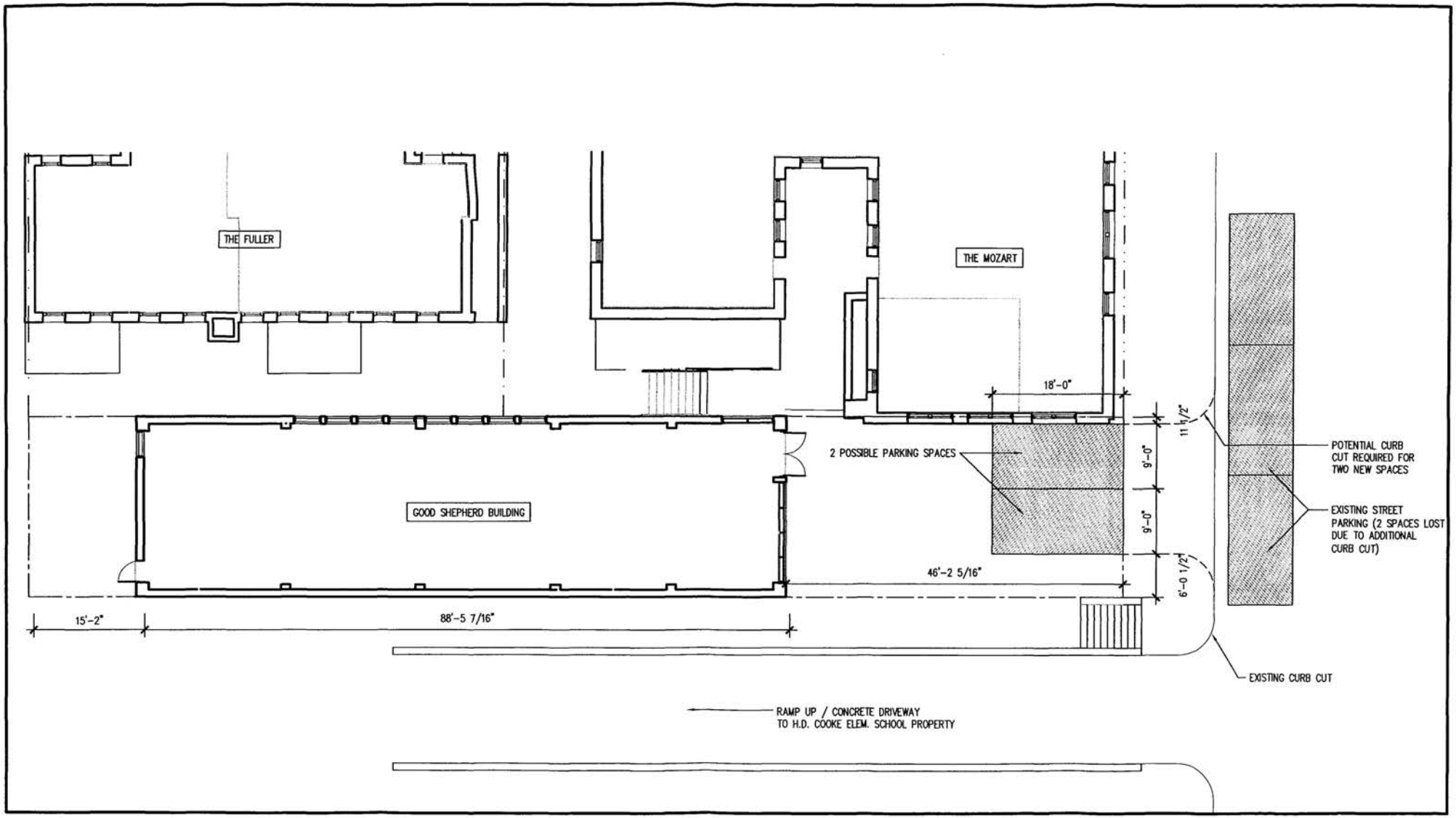
GOOD SHEPHERD BUILDING
2250 MOZART PL. NW

PROJECT NAME: JUBILEE HOUSING RENOVATION

PROJECT NO.: 03029.00

HICKOK WARNER COLE Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

SCALE: 1'-0" = 0'-3/32" DATE: 11-10-03



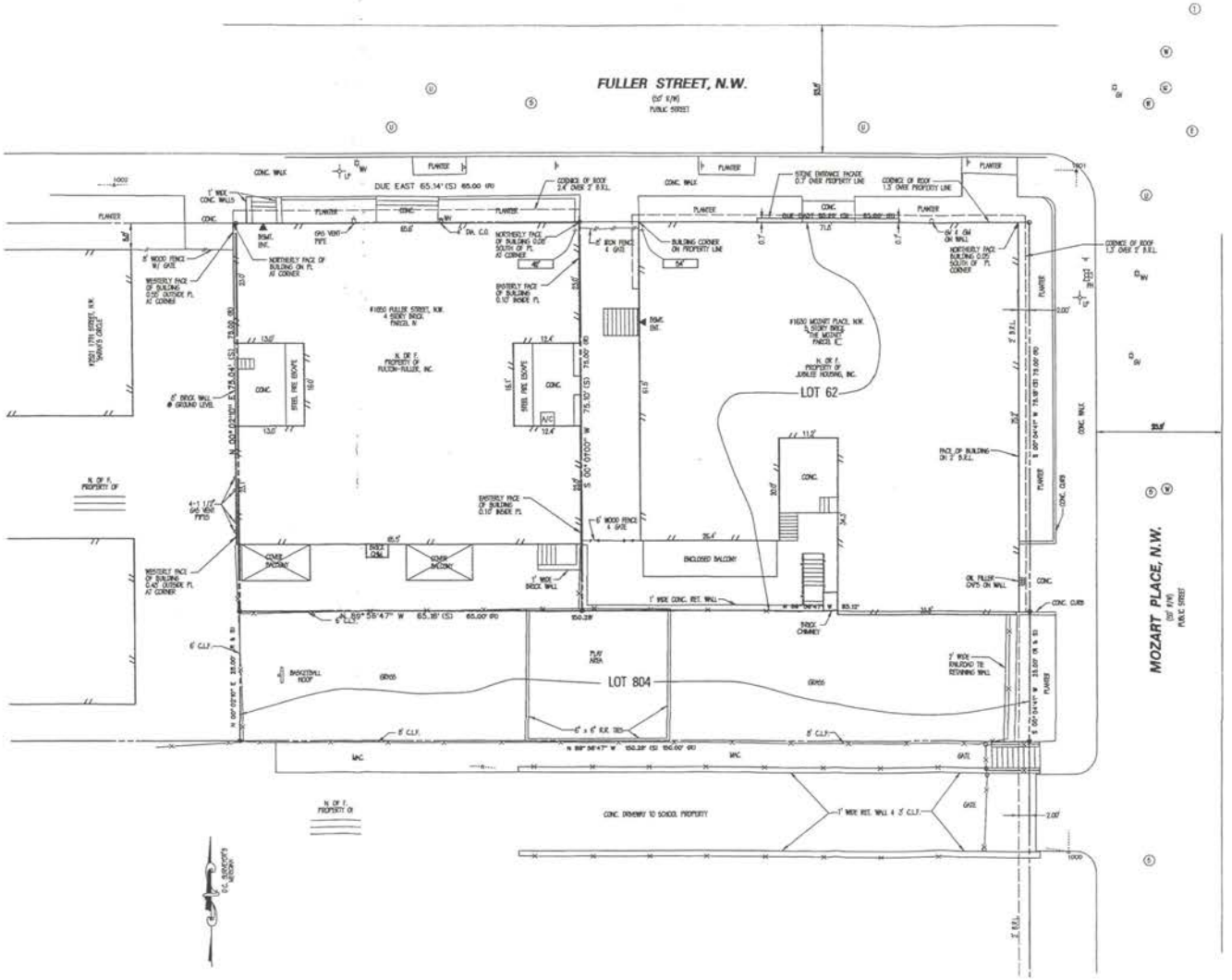
PROJECT: GOOD SHEPHERD BUILDING
(2250 MOZART PL. NW)

OWNER: JUBILEE HOUSING, INC.

PROJECT NO.: 03029.00

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260

SCALE: 1'-0" = 0'-3/32" DATE: 11-10-03



LEGEND

- (E) ELECTRIC MANHOLE
- (T) TELEPHONE MANHOLE
- (W) WATER MANHOLE
- (D) STORM DRAIN MANHOLE
- (S) SEWER MANHOLE
- (U) UNKNOWN MANHOLE
- LIGHT POLE
- OHW OVERHEAD WIRE
- PROPERTY LINE
- C.L.F. CHAIN LINK FENCE
- WOOD FENCE
- MESH FENCE
- SURVEYOR'S TRAVERSE POINTS
- OHW OVERHEAD WIRES
- IRF IRON BAR FOUND
- IRS IRON BAR SET
- IPF IRON PIPE FOUND
- B.R.L. BUILDING RESTRICTION LINE
- WV WATER VALVE
- FH FIRE HYDRANT
- R/W RIGHT-OF-WAY
- GV GAS VALVE
- GM GAS METER
- (R) PER RECORD
- (S) AS SURVEYED
- WIC. WICKERN
- 42' HEIGHT OF BUILDING ABOVE GRADE



VICINITY MAP

NOT TO SCALE

SURVEYOR'S NOTES OF OCTOBER, 2003

1. This plat of survey represents a compilation of information obtained from (1) an on-the-ground instrument survey of the property, and (2) instruments and plats of public record.
2. Field work completed 09-17-03. Field personnel V. Shapiro (crew chief), P. Gennarelliassen.
3. Error of closure for random traverse loop run on ground: 0.03 feet/941.8 feet = 1/31,606.
4. The orientation of the bearings shown on this plat is based on a convention used by the Office of the Surveyor for the District of Columbia the northerly property line, which is the southerly right of way line of Fuller Street, NW, was given the direction of due East.
5. Previous survey records referred to Survey Notes as found among the records of the Office of the Surveyor for the District of Columbia.
6. The subject property lies within a Zone C, an "area of minimal flooding," as shown on a Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Number 11000 0020 D, bearing an Effective Date of November 15, 1985.
7. This survey was prepared in conjunction with a review of an ALTA Plain English Title Insurance Commitment, Commitment No. 303-4919, bearing an Effective Date of April 25, 2003, issued by Lawyers Title Insurance Corporation, with respect to the subject property.

   As to Parcel II, Property known as 1650 Fuller Street, N.W., there are no instruments of record listed in Schedule B - Schedule II of the aforementioned Commitment which pertain to the Parcel.
8. Parking: There are no parking spaces on the subject property.
9. Area of subject property:
   - Area per Record: 4,875 square feet ± 0.111 acre
   - Area on Surveyed: 4,881 square feet ± 0.123 acre
10. Area of building on property (area of footprint at grade level): 3,862 square feet ± 0.0841 acre

SURVEYOR'S CERTIFICATION OF SEPTEMBER, 2003

To:
(i) Fulton-Fuller, Inc.,
(ii) Gender, if known),
(iii) Lawyers Title Insurance Corporation, and
(iv) Pinnacle Development Partners, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes items 2, 3, 4, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a) and 13 of Table A thereof.
Pursuant to the Accuracy Standards as adopted by ALTA, ACSM and NSPS and in effect on the date of this certification, the undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

J. J. LeVasseur — Date
Maryland Property Line Surveyor No. 448

DRAFT

THIS PRINT
OCT 9 2003
MADE

DATE	REVISIONS

KCI TECHNOLOGIES — Engineers, Planners, Surveyors, Construction Managers
14201 Gravenor Drive, Suite 100, Laurel, Maryland 21708
(301) 953-1820 (410) 792-9284
Fax: (410) 792-7419
www.kci.com

SURVEY PREPARED FOR:
PINNACLE DEVELOPMENT PARTNERS, INC.
8064 NORTHPOINT BLVD, SUITE 101 B
WINSTON SALEM, NC 27106
336-896-0025

ALTA/ASCM LAND TITLE SURVEY

PARCEL IV, PROPERTY AT 1650 FULLER STREET, N.W.
A.K.A. LOTS 809, SQUARE 2576
WASHINGTON, D.C. 20009

SHEET	DATE	JOB NUMBER
1 OF 1	SEPT. 17, 2003 SCALE 1" = 10'	15032056

D

OUTLINE OF TESTIMONY OF
KIM MONTROLL
EXECUTIVE DIRECTOR
GOOD SHEPHERD MINISTRIES, INC.

I. INTRODUCTION

A. Kim Montroll; Representative of the Applicant

B. Description of Good Shepherd's Programs

II. NEED FOR THE PROPOSED PROJECT

A. Applicant's History with the Properties

B. Current State of the Properties

C. Goals for the Proposed Project

D. Use of the Properties following the Proposed Project

III. COMMUNITY OUTREACH

A. Meeting with ANC 1C Planning, Zoning, and Transportation Committee

B. Meeting with ANC 1C

IV. CONCLUSION

E

OUTLINE OF TESTIMONY OF
JIM GREENWELL, REPRESENTATIVE OF THE ARCHITECT
HICKOK, WARNER, COLE ARCHITECTS

I. INTRODUCTION

- A. Jim Greenwell, Representative of the Architect, Hickok, Warner, Cole Architects
- B. Experience in the District of Columbia

II. THE PROPERTIES AND SURROUNDING AREA

- A. Lots 62, 63, 804, and 809 in Square 2576
- B. Relationship of the Properties to the Immediate Neighborhood
- C. Description of the Surrounding Adams Morgan Neighborhood

III. PROPOSED PROJECT

- A. Current Deficiencies of the Existing Buildings
- B. Upgrade of Interior of Existing Buildings
- C. Plans for New Building
- D. Need for Variance

IV. SATISFACTION OF AREA VARIANCE STANDARDS

- A. Exceptional or Extraordinary Situation or Condition
- B. Practical Difficulty
- C. Granting the Variance Will Not Cause Substantial Detriment to the Public Good or Substantially Impair the Intent, Purpose or Integrity of the Zone Plan

V. CONCLUSION