RUFFIN LEGAL SERVICES
153 Galveston Place, S.W., Suite 4
District of Columbia 20032
ttruff56@aol.com

THOMAS RUFFIN, JR.

OFFICE TELEPHONE
(202) 561-2898

Monday, November 8, 2004

Reginald Griffis, Chairperson
Board of Zoning Adjustment of the District of Columbia
441 4th Street, N.W., Suite 210
District of Columbia 20001

Re: **RLA Development DC USA Mall Zoning Variances Application #17232**

Dear Chairperson Griffis:

I am the lawyer for both the Kelsey Temple Church of God in Christ ("Kelsey Temple Church") and the Temple Church Building & Economic Development Corporation ("TCBEDC"). Kelsey Temple Church operates from its house of worship located at 1435 Park Road, N.W. The nonprofit organization TCBEDC operates from its premises located at 1430 Park Road, N.W. and 1432 Park Road, N.W. Both of these tax exempt, nonprofit organizations shall be terribly affected by a grant of the proposed parking and roof variances proposed in Application #17232 by RLA Development, which plans to construct a retail mall (DC USA Mall) on the 1400 block of Park Road, N.W.

Unfortunately, RLA Development never provided written notice to Kelsey Temple Church about the proposed roof and parking variances as outlined in Application #17232. Also, RLA Development never posted its public notices regarding the proposed variances on any of the buildings located on the premises where RLA Development hopes to construct the DC USA Mall. The failure to provide written notice to Kelsey Temple Church, *see* **11 DCMR 3113.13(b)**, and the failure to post public notices on the buildings located on the grounds where the proposed construction would take place, *see* **11 DCMR 3113.15**, violates local regulations governing Board of Zoning Adjustment authority over the proposed variances. Since RLA Development failed to comply with **11 DCMR 3113.13(b)** and **3113.15**, Kelsey Temple Church and TCBEDC never received adequate notice of the proceedings in this matter. Indeed, Kelsey Temple Church never received any notice whatever. On the other hand,

BZA
Case No. 17232
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17232
EXHIBIT NO. 25

TCBEDC received written notice by mail but, without the posting as required by law, the TCBEDC managers did not realize that the property in question concerned the premises set aside for construction of the DC USA Mall by RLA Development.

As you can see in the attached *Party Status Applications* from Kelsey Temple Church and from TCBEDC, the proposed variances would have a terrible impact upon the property and community interests of both organizations. This threat to these interests should not be ignored, and, for these reasons, both the Kelsey Temple Church and TCBEDC must be permitted to participate in this action as parties in opposition to the proposed variances.

For your information, Kelsey Temple Church and TCBEDC are two totally different and separate corporate organizations. The applicant never provided notice to Kelsey Temple Church. Also, the applicant provided inadequate notice to TCBEDC. In light of the complexity of the proposed application, and in light of the failure to provide adequate notice, the Kelsey Temple Church and TCBEDC ask not only for permission to participate as parties in opposition to the proposed variances, but they also ask the Board of Zoning Adjustment to continue the hearing from November 16, 2004, until a later date when, after a reasonable period, Kelsey Temple Church and TCBEDC would have the benefit of closely reviewing the proposed variance package and prepare testimony and other evidence in opposition to the proposed variances.

Sincerely,

Thomas Ruffin

Thomas Ruffin, Jr.

Form 140
(Revised 03/15/02)

Case No. 17232

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last	First	Middle I.
kelsey temple church of god in christ ("ktcogic")		

ADDRESS: Street	Apt. # (if any)	City	State	Zip Co.
1435 park road, n.w.		district of columbia		20010

Phone No.	Fax No.	E-Mail
(202) 6670126	(202) 6678530	

Signature: thomas ruffin, jr. 11/5/200

Will you appear as an ☐ | Will you appear through legal counsel ☒

If yes, please enter the name and address of such legal counsel.

NAME: Last	First	Middle I.
ruffin,	thomas, jr.	

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
ruffin legal services, 153 galveston place, s.w., suite 4		d.c.		20032

Phone No.	Fax No.	E-Mail
(202) 5612898	(202) 5627703	iska666@earthlink.net

Please answer all of the following questions referencing why the above person should be granted party status. If you require additional space, please attach an additional sheet.

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?
the parking spaece variance, if granted, would lead to a large increase in traffic and parking congestion on park road, hiatt place, irving street, and 14th street, such that kelsey church parishioners will have no parking and will not have adequate access to their church.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
kelsey temple church owns and occupies the property at 1435 park road, n.w.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.) the distance between kelsey temple church and the proposed developement is about 75 feet.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied? the parking variance along with the construction of the mall would inundate park road and hiatt place with traffic to so large a degree that mall traffic and mall street parking will interfere with public access to kelsey temple church for worship and other social activities. the mall traffic will displace kelsey temple parking spaces.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied. traffic on weekends and throughout the week on park road already ...ards westerly from 16th street to 14th street during day time hours. ...rk road and hiatt place cannot accommodate the new traffic that ...ll visit the area if the development builds the mall, and especially if the board grants the parking variance for the mall.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

since kelsey temple church offers christian worship services and other ...gal support from its headquarters at 1435 park road, n.w, the ...struction of a mall across the street from the church will ...erfere and affect public access, to the church property and the

PARTY STATUS APPLICATION

Name: **Kelsey Temple Church of God in Christ**

Address: **1435 Park Road, N.W., District of Columbia 20010**

Phone: **(202) 667-0126** Fax: **(202) 667-8530**

Signature: Thomas Ruffin Date: 11/5/2004

Legal Counsel: **Thomas Ruffin, Jr.**
Address: **RUFFIN LEGAL SERVICES, 153 Galveston Place, S.W., Suite 4, District of Columbia 20032**
Phone: **(202) 561-2898** Fax: **(202) 562-7703**
E-Mail: **iska666@earthlink.net**

How will the property owned or occupied by such person, or in which the person has an interest, be affected by the motion requested of the Board? **The parking variance, if granted, would lead to an inordinately large increase in automobile traffic and in parking congestion on Park Road, N.W., on Hiatt Place, N.W., on the 1400 block of Irving Street, N.W., and on 14th Street, N.W. (that is, between Irving Street and Park Road). This inordinately large increase in automobile traffic and in parking congestion would interfere with and potentially terminate public access by automobile to Kelsey Temple Church, located at 1435 Park Road, N.W. Also, the roof variance would cause a large amount of automobile exhaust fumes that would be released through the roof vents to be sprayed indiscriminately and as a terrible nuisance upon Kelsey Temple Church properties (and upon neighboring properties and residents) located on the 1400 block of Park Road. Moreover, the construction of the vents on the roof, as requested under the roof variance, would block sunlight on the 1400 block of Park Road and upon the surrounding neighborhood. Hence, the variances, through the increase in traffic, through the increase in automobile exhaust fumes, and through the blockage of sunlight, would create a terrible nuisance and terrible acts of trespass upon the property belonging to Kelsey Temple Church of God in Christ.**

What legal interest does the person have in the property? (i.e., owner, tenant, trustee, or mortgagee) **Kelsey Temple Church of God in Christ owns and occupies the property at**

1435 Park Road, N.W. Also, Kelsey Temple Church patrons live at the Samuel Kelsey Apartments and have occasional permission to park on the small parking lot set aside for Samuel Kelsey Apartments residents.

What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no further than 200 ft.) Kelsey Temple Church of God in Christ owns the property at 1435 Park Road, N.W., which is about 75 feet away from the property that is the subject of the application for parking and roof variances.

What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied? The parking variance (along with the construction of the DC USA Mall) would inundate Park Road and Hiatt Place with so much automobile traffic from the DC USA Mall that automobile traffic and mall street parking would interfere with public access to the Kelsey Temple Church of God in Christ as located at 1435 Park Road, N.W. Also, DC USA Mall automobile traffic would invariably trespass upon the small number of Kelsey Temple Church parking spaces at the Samuel Kelsey Apartments and behind Kelsey Temple Church. Indeed, some Kelsey Temple Church parishioners live at the Samuel Kelsey Apartments and have occasional permission to park on the small parking lot set aside for Samuel Kelsey Apartments residents, and access to these parking spaces would be interfered with by increased automobile traffic that would result from the grant of the proposed parking variance. Moreover, the DC USA Mall pedestrian traffic on Park Road, while traveling to their parked automobiles, would litter the street and the sidewalks near and in front of Kelsey Temple Church of God in Christ. Indeed, the large amount of automobile traffic traveling to and from the DC USA Mall would pollute the air in front of the Kelsey Temple Church with automobile exhaust fumes. Similarly, the automobile exhaust fumes that would be released through the roof of the DC USA Mall roof vents, if the Board of Zoning Adjustments ("BZA") granted the roof variance, would pollute the air directly over and around Kelsey Temple Church. Finally, the roof vents, if BZA granted the roof variance, would block natural sunlight beamed toward the southern side of Kelsey Temple Church. These trespasses and nuisances would cause

irreparable harm to the property interests owned by Kelsey Temple Church of God in Christ.

Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied. Automobile traffic at present on the 1400 block of Park Road, N.W., spans westerly from 14th Street to 16th Street during daylight hours; even on Sundays. The 1400 block of Park Road and the neighboring roadway on Hiatt Place cannot accommodate the automobile traffic that would visit the neighborhood if RLA Development constructed the DC USA Mall as planned; and if BZA grants the parking variance sought for DC USA Mall by RLA Development.

Explain how the person's interest will be more significantly, distinctly, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public. Since Kelsey Temple Church of God in Christ offers religious and other important community services from its property at 1435 Park Road, N.W., than the construction of DC USA Mall across the street from Kelsey Temple Church would directly affect public access to Kelsey Temple Church of God in Christ, would directly increase the automobile exhaust fumes sprayed over and around Kelsey Temple Church of God in Christ, and would directly block sunlight ordinarily available to the southern portion of Kelsey Temple Church of God in Christ.

Form 140
(Revised 09/15/03)

Case No. 17232

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last: temple church building & economic development ("tcbed") First: Middle I.:

ADDRESS: Street: 1435 park road, n.w. Apt. # (if any): City: district of columbia State: Zip Code: 20010

Phone No.: (202)6670126 Fax No.: (202)6678530 E-Mail:

Signature: thomas ruffin, jr. 11/5/20

Will you appear with counsel? ☐ Will you appear with a lay representative? ☒

If yes, please enter the name and address of such legal counsel.

NAME: Last: ruffin First: thomas, jr. Middle I.:

ADDRESS: Street: ruffin legal services, 153 galveston place, s.w., suite 4 Apt. # (if any): City: d.c. State: Zip Code: 20032

Phone No.: (202)5612898 Fax No.: (202)562T703 E-Mail: iska666@earthlink.net

Do you request to be a party in opposition to the appeal? ☒

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?
the parking variance, if granted, would lead to a large increase in traffic and parking congestion on park road, hiatt place, irving street and 14th stre such that tcbed patrons and kelsey temple church parishioners would hav no parking at or adequate access to 1430-1432 or 1435 park road, nw.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
tcbed owns and occupies the properties at 1430 and 1432 park road

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.) the applicant's property and the properties at 1430 and 1432 park road nw share a boundary with the property for which the applicants have been filed

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied? the parking variance, along with the construction of the mal would inundate park road and hiatt place with so much traffic that mall traffic and mall street parking will interfere with public access to the business properties at 1430 and 1432 park road by patrons, also, the mall traffic will trespass on parking spaces at kelsey temple church and at tcbed apartments.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approve or denied. traffic on weekends and throughout the week on park road already spans from 16th street to 14th street during day time hours park road and hiatt place cannot accommodate the new traffic that would exist in the area if the mall is constructed, and especially if parkin

6). Explain how the person's property will be affected in a manner different from that affecting the property of other persons in the community.

since tcbed offers charitable and other services from its properties at 1430 park road and 1432 park road, the construction of a mall to those properties will directly affect public

PARTY STATUS APPLICATION

Name: **Temple Church Building & Economic Development Corporation ("TCBEDC")**

Address: **1435 Park Road, N.W., District of Columbia 20010**

Phone: **(202) 667-0126** Fax: **(202) 667-8530**

Signature: Thomas Ruffin Date: 11/5/2004

Legal Counsel: **Thomas Ruffin, Jr.**
Address: ***RUFFIN* LEGAL SERVICES, 153 Galveston Place, S.W., Suite 4, District of Columbia 20032**
Phone: **(202) 561-2898** Fax: **(202) 562-7703**
E-Mail: **iska666@earthlink.net**

How will the property owned or occupied by such person, or in which the person has an interest, be affected by the motion requested of the Board? **The parking variance, if granted, would lead to an inordinately large increase in automobile traffic and in parking congestion on Park Road, N.W., on Hiatt Place, N.W., on the 1400 block of Irving Street, N.W., and on 14th Street, N.W. (that is, between Irving Street and Park Road). This inordinately large increase in automobile traffic and in parking congestion would interfere with and potentially terminate public access by automobile to the TCBEDC properties located at 1430 Park Road and 1432 Park Road. Also, the roof variance would cause a large amount of automobile exhaust fumes that would be released through the roof vents to be sprayed indiscriminately and as a terrible nuisance upon the TCBEDC properties (and upon neighboring properties and residents) located on the 1400 block of Park Road. Moreover, the construction of the vents on the roof, as requested under the roof variance, would block sunlight on the southern side of the TCBEDC properties. Hence, the variances, through the increase in traffic, through the increase in automobile exhaust fumes, and through the blockage of sunlight, would create a terrible nuisance and terrible acts of trespass upon the properties belonging to TCBEDC and upon neighboring properties on the 1400 block of Park Road.**

What legal interest does the person have in the property? (i.e., owner, tenant, trustee, or mortgagee) **TCBEDC owns**

and occupies the properties at 1430 Park Road and 1432 Park Road. Also, TCBEDC patrons have occasional permission to park on the small parking lot set aside for Samuel Kelsey Apartments residents.

What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no further than 200 ft.) TCBEDC shares a boundary line with RLA Development or, that is to say, with the owners of the property that is the subject of the application for parking and roof variances.

What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied? The parking variance (along with the construction of the DC USA Mall) would inundate Park Road and Hiatt Place with so much automobile traffic from the DC USA Mall that mall automobile traffic and mall street parking would interfere with public and patron access to TCBEDC business and the residential properties located at 1430 Park Road and 1432 Park Road. Also, mall automobile traffic would invariably trespass upon the small number of TCBEDC parking spaces at the Samuel Kelsey Apartments and at Kelsey Temple Church, both of which would be located across the street from DC USA Mall on the 1400 block of Park Road, N.W. Moreover, the mall pedestrian traffic of patrons walking to and from their automobiles would litter the street and the sidewalks near and in front of the properties located at 1430 Park Road and 1432 Park Road. Indeed, the large amount of automobile traffic traveling to and from the DC USA Mall would pollute the air in front of 1430 Park Road and 1432 Park Road with automobile exhaust fumes. Similarly, the automobile exhaust fumes that would be released through the roof the DC USA Mall roof vents, if the Board of Zoning Adjustments ("BZA") granted the roof variance, would pollute the air directly over and around the TCBEDC properties at 1430 Park Road and 1432 Park Road, N.W. Finally, the roof vents, if BZA granted the roof variance, would block natural sunlight beamed towards the southern side of the TCBEDC properties located at 1430 Park Road and 1432 Park Road, N.W. These trespasses and nuisances would cause irreparable harm to the property interests owned by TCBEDC on the 1400 block of Park Road, N.W.

Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied. **Automobile traffic at present on the 1400 block of Park Road, N.W., spans westerly from 14th Street to 16th Street during daylight hours; even on Sundays. The 1400 block of Park Road and the neighboring roadway on Hiatt Place cannot accommodate the automobile traffic that would visit the neighborhood if RLA Development constructed the DC USA Mall as planned; and if BZA grants the parking variance sought for DC USA Mall by RLA Development.**

Explain how the person's interest will be more significantly, distinctly, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public. **Since TCBEDC offers charitable and other important community services from its properties at 1430 Park Road and 1432 Park Road, N.W., then the construction of DC USA Mall immediately next to these TCBEDC properties would directly affect public access to TCBEDC properties, would directly increase the automobile exhaust fumes sprayed over and around TCBEDC properties, and would directly block sunlight ordinarily available to the southern portion of TCBEDC properties.**

THE FIRM OF THOMAS RUFFIN, JR.
153 GALVESTON PLACE, S.W. #4
WASHINGTON, DC 20032

ATTORNEY AT LAW

OFFICE TELEPHONE
(202) 561-2898

FAX COVERSHEET

DATE: 11/8/2004 **TIME:** 4:49 pm

TO: reginald griffis chairperson
board of zoning adjustment

FAX NUMBER: (202) 727-6072 **TELEPHONE NUMBER:** (___) ___-____

FROM: thomas ruffin **FAX #** (202) 562-7703

COMMENTS:

Number of Pages Including this Cover Sheet: 11

Notice of Confidentiality: