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November 27, 2007

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By Hand Delivery

Ruthanne Miller, Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: BZA Appeal No. 17663; Appellee's Proposed Findings of Fact and
Conclusions of Law

Dear Chairperson Miller and Members of the Board:

Enclosed please find an original and twenty copies of Soka Gakkai International –
USA's proposed Findings of Fact and Conclusions of Law in the above-referenced
appeal. We look forward to a resolution of this appeal at the Board's meeting on
December 4, 2007.

Best regards,

Christine A. Roddy

Enclosures

cc: John Magnus, Esq.
Shakira Pleasant, Esq.
ANC 3C

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17663

EXHIBIT NO. 25

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Appeal No. 17663 of the issuance by the Department of Consumer and Regulatory Affairs (“DCRA”) of an excavation permit dated November 30, 2006, a building permit for a covered walkway and fence dated December 11, 2006, a building permit for construction of a building dated April 10, 2007, and an administrative determination of the Zoning Administrator made on March 2, 2007, that the proposed building qualifies as a “church or other place of worship,” which are permitted as a matter of right in the R-1-B Zone District pursuant to 11 DCMR Section 201.1(b). The permits and administrative determination pertain to property located at 3417 Massachusetts Avenue, NW.

HEARING DATES: October 9, 2007 and October 16, 2007

DECISION DATE: December 4, 2007

At its public meeting on December 4, 2007, the Board of Zoning Adjustment took action by a vote of _____ to deny the appeal.

DECISION AND ORDER

This appeal was filed with the Board of Zoning Adjustment by the Friends of the Babcock-Macomb House on May 2, 2007. The appeal challenged the DCRA’s decision to issue an excavation permit, a building permit for a pedestrian walkway and fence, and a building permit for construction of a place of worship in the R-1-B Zone District. The Appellant also challenged an administrative determination by the Zoning Administrator that the proposed building constituted a place of worship as contemplated under the Zoning Regulations. The Appellant argued that the building proposed by Soka Gakkai International – USA (“SGI”) will not be used principally as a place of worship and, therefore, is not permitted as a matter of right. Consequently, the Appellant argued, each of the permits that were issued for the excavation and construction of the building and walkway were improper. Prior to issuing a building permit for construction of the building, the DCRA conducted an in-depth review of the proposed use of the building and determined that the principal use would be as a place of worship. The Board agrees and finds that both the Zoning Administrator’s administrative determination and the issuance of the final building permit were proper. The Board also finds the Appellant’s appeal of the excavation permit and the building permit for the pedestrian walkway were untimely, and dismisses that portion of the appeal.

PRELIMINARY MATTERS

Notice of Public Hearing

The Office of Zoning scheduled a hearing on October 9, 2007. In accordance with 11 DCMR Sections 3112.13 and 3112.14, the Office of Zoning mailed notice of the hearing to the Appellant, the Advisory Neighborhood Commission 3C, the property owner, and the DCRA. The hearing began on October 9, 2007, and was continued until October 16, 2007. It was completed on October 16, 2007.

Parties

The Appellant in this case is the Friends of the Babcock-Macomb House (“Friends” or “Appellant”). John Magnus testified for the Friends during the proceedings before the Board. The DCRA appeared before the Board and was represented by Shakira Pleasant of the Office of the Attorney General. SGI also appeared before the Board and was represented by Allison Prince, of Pillsbury Winthrop Shaw Pittman (“Appellee”).

Advisory Neighborhood Commission 3C did not participate in this appeal. The Appellant submitted into the record a letter from the ANC dated January 25, 2005, opposing the construction of the building. This letter predates the appeal. Since the ANC never submitted a formal position in this proceeding, its letter is not afforded “great weight” under the law.

Persons in Support

No person appeared in support of the appeal at the hearing; nor did any person submit a letter in support into the record for this appeal.

Persons in Opposition

No person appeared in opposition of the appeal at the hearing; nor did any person submit a letter in opposition into the record for this appeal.

Motion to Dismiss

The Appellee filed a Motion to Dismiss prior to the scheduled October 9, 2007, hearing date. (Exhibit 14.) At the October 9, 2007, hearing, the Appellant requested that the Board postpone its decision on the motion to allow further opportunity for the Appellant to respond. The Board granted the Appellant’s request and granted it additional time to file a response to the motion. The Board proceeded to hear evidence regarding the merits of the case on October 9, 2007, and decided the Motion to Dismiss on October 16, 2007.

A. FINDINGS OF FACT

The Property

1. The subject property is located at 3417 Massachusetts Avenue, NW (Square 1939, Lot 42)(“Property”). It consists of approximately 11,485 square feet of land area and is located in the R-1-B Zone District and the Naval Observatory and Diplomatic Overlays.
2. The owner, SGI, is constructing a place of worship on the property, which is permitted as a matter of right in the R-1-B Zone District. At the time of the hearing, the Appellee had excavated the site and had already began construction of the building pursuant to permits issued by the DCRA.

The Permits and Administrative Determination

3. The DCRA issued three permits to SGI in connection with the construction of its building: (a) Building Permit No. 98193, which was issued on November 30, 2006, permitting the excavation and sheeting and shoring of the site; (b) Building Permit No. 100009, which was issued on December 11, 2006, permitting the construction of a covered pedestrian walkway and fence; and (c) Building Permit No. 96928, which was issued on April 10, 2007, to construct a building on the property.
4. Prior to the issuance of the final building permit, the Zoning Administrator issued a determination on March 2, 2007, that the building being proposed for the Property constituted a “place of worship” permitted as a matter of right in the R-1-B Zone District.
5. The three permits and the administrative determination are the subject of this appeal.

Procedural History

6. Soka Gakkai International – USA (“SGI”) purchased property at 3417 Massachusetts Avenue in 2003 from the Embassy of Cape Verde to construct a place of worship, referred to as a “culture center” in the Soka Gakkai religion. (Exhibit 14, p. 4.)
7. SGI applied to the DCRA for an excavation permit, which was issued on November 30, 2006. SGI also applied for a building permit for a covered pedestrian walkway, which was issued on December 11, 2006. (Exhibits 1, 2.) SGI applied for a building permit to construct the center and the permit was issued on April 10, 2007. The Friends of the Babcock-Macomb House (“Friends”) challenged all of the permits, asserting that the proposed use was not permitted as a matter of right in the R-1-B Zone District. (Exhibit 2, Exhibit 1.)
8. Before issuing the final building permit, the Zoning Administrator requested additional information from SGI regarding its intended use of the building. SGI objected to the request as a constitutional matter, but supplied the requested information in order to facilitate the issuance of the permit. *Id.*
9. The Zoning Administrator reviewed extensive material supplied by SGI, including a narrative of how the building will be used, a floor plan labeling each room and outlining its intended use, a chart listing the allocation of floor area to specific uses within the building, a sample schedule of services and other religious activities taking place in specific rooms in the building, information regarding its Articles of Incorporation and tax exemption status, and a history of Nichiren Buddhism and the Soka Gakkai and its method of worship. (Exhibit 17.)
10. The Zoning Administrator then issued an administrative determination on March 2, 2007, finding that the proposed use of the religious center constituted a “place of worship” and was permitted as a matter of right in the R-1-B Zone District. *Id.* Crews stated “[SGI] has explained how the space is used for the practice of [its] faith. The layout of the building with a large main room and smaller room for worship activities as well as

classrooms, fellowship hall and a small amount of office space is very typical of churches and other places of worship. [SGI has] provided a typical schedule of activities which again mirrors other faiths' regular activities taking place in their churches or places of worship." (Exhibit 2, Exhibit 1; Exhibit 17.)

11. A building permit was issued in April 2007, for the construction of the religious center.
12. On May 2, 2007, the Friends filed an appeal of the permit for excavation, the permit for construction of a pedestrian walkway, the Zoning Administrator's determination that the use of the center was consistent with a place of worship, and the permit for construction of the center. (Exhibit 2.)
13. SGI timely filed a Statement in Opposition to the appeal and a Motion to Dismiss the appeal on October 2, 2007. (Exhibits 14, 16.)
14. A hearing was held one week later, on October 9, 2007. John Magnus, President of the Friends, represented the Friends before the Board; Allison Prince, Pillsbury Winthrop Shaw Pittman, represented SGI; and Matt LeGrant appeared as the Zoning Administrator on behalf of the DCRA (collectively, the "Parties").
15. At the hearing on October 9, the Appellant orally moved to stay the Motion to Dismiss to allow the Appellant additional time to respond to the Motion in writing. The Board granted the request, agreeing to proceed with the merits of the case at that hearing, and to hear arguments on the Motion to Dismiss the following week, on October 16. At the October 9 hearing, the Friends presented its entire case to the Board and DCRA began its presentation. The Board continued the hearing until October 16, 2007.
16. The Appellant filed its response to the Motion to Dismiss on October 15, 2007. (Exhibit 22.)
17. The Board reconvened on October 16, 2007, to continue the hearing. At the outset of the hearing, it heard arguments on the Motion to Dismiss from the Parties. It granted the motion in part and denied it in part. It granted the motion as it pertained to the appeal of the excavation permit and the building permit for the pedestrian pathway. The Board determined that the appeal of those two permits was untimely pursuant to Section 3112.2(a) and, thus, was not within their jurisdiction to decide. The Board denied the Motion to Dismiss insofar as it pertained to the appeal of the Zoning Administrator's determination and the building permit for the religious center because it found the Appellant sufficiently stated a claim of error. Following arguments on the Motion to Dismiss, the DCRA and the Appellee completed their presentations to the Board in opposition to the appeal.

Appellant's Presentation

18. The Appellant's appeal rested on the theory that the building would not be used predominantly as a "place of worship" and, thus, the proposed use was not one permitted as a matter-of-right in the R-1-B Zone District. The Appellant submitted the Webster's

Unabridged Dictionary definition of “worship” into the record for consideration: “[t]he act of paying divine honors to the Supreme Being; religious reverence and homage; adoration or acts of reverence paid to a god or being viewed as god; to pay divine honors to or to reverence with supreme respect and veneration; to perform religious exercises in honor of; to adore; to venerate; to perform acts of homage or adoration.” (Exhibit 2; October 16 Transcript, p. 221.)

19. The Appellant suggested that as a lay organization, SGI’s activities did not qualify as religious. (*Id.* at p. 222; Exhibit 2; Exhibit 22.) Further, the Appellant argued that even if the activities that would take place in the center could be considered “religious”, they did not amount to “worship”. (*Id.* at p. 214.) The Appellant attempted to make a distinction between religious activities and worship, but suggested throughout its testimony that religious activities, worship, and places of assembly were mutually exclusive. (*See also* Exhibit 22.) The Appellant posited that the only activity in the center that might qualify as worship was chanting (“I’m not saying that what happens or is likely to happen in those Gohonzon rooms qualifies as worship. I’m saying that if you assume that that qualifies as worship, it’s the only thing that could even arguably qualify as worship and it is happening in a very, very, very small portion of the building.”) When asked why chanting was the only activity that qualified as worship, the Appellant could not provide an explanation for its conclusion, but simply stated that it was its opinion. (October 9 Transcript, p. 344.)
20. It then argued, *inter alia*, that more space was dedicated to other religious activities than to worship. The Appellant attempted to distinguish between the amount of floor space that was dedicated to “religious activities” and the amount of floor space that was dedicated to “worship” to determine the primary use of the building. (October 9 Transcript, p. 312; October 16 Transcript, pp. 213-214.)
21. Appellant’s analysis of the building plans suggested that the sanctuaries only accounted for ten percent of the building; thus, it concluded that a minority of the building was dedicated to what it deemed “worship”. It testified that the remaining space would be used for “peace rallies, musical extravaganzas, book sales, book clubs, language tables,” which may be religious activities, but it opined do not qualify as worship. (October 9 Transcript, p. 332.)

The DCRA’s Presentation

22. Matthew LeGrant testified on behalf of the DCRA in his capacity as Acting Zoning Administrator. At the time the building permit application was filed, LeGrant was responsible for reviewing the application for technical compliance with the Zoning Regulations. Bill Crews, the former Zoning Administrator, made the initial determination that the use was permitted as a matter of right in the R-1-B Zone District. (October 9 Transcript, p. 376.)
23. Prior to the issuance of the full building permit, Crews determined that the principal use of the center would be as a place of worship. Crews relied primarily on floor plans, activity schedules, and his previous experience in determining the principal use of similar

buildings. He issued a letter stating the same. (Exhibit 2, Exhibit 1.) Crews also researched how SGI centers were treated in other municipalities and found that they were treated as places of worship. (October 16 Transcript, p. 323.)

24. Matthew LeGrant subsequently became the Acting Zoning Administrator and independently reviewed the file to confirm the principal use of the building. He reached the same conclusion as Crews. LeGrant calculated the amount of square footage dedicated to assembly areas. He testified that, based on his experience, assembly areas are typically considered to be used for worship. (October 16 Transcript, p. 266.)
25. In his calculation of areas dedicated to assembly areas, LeGrant included the fellowship lounge, chanting room, and the large and small sanctuaries. (October 9 Transcript, p. 388.) He excluded three studies, a family room, a pantry, a classroom, an office and bookstore in his calculation of assembly area. (*Id.*; October 16 Transcript, p. 257.) He testified that he took a conservative approach in his analysis and excluded any rooms that raised a question as to their use and included only those that were undeniably used for worship. He stated “if there was any question” as to the rooms where religious assembly took place, he “[threw] them out. I won’t include them. But the ones that were indisputably, in my mind, related to religious assembly were the four I [included.]” (October 16 Transcript, p. 258.)
26. He found that under the most conservative calculation, more than 50% of the building was dedicated to worship, and, thus, the principal use was as a place of worship. He did not include restrooms, closets, or mechanical areas in his calculation. (October 9 Transcript, p. 382.)
27. He also relied on the extensive information that SGI submitted to the DCRA in connection with the building permit application in making his determination, including documents outlining the purpose of SGI and floor plans labeled with uses. Further, he relied on his previous experience in measuring building permit plans for other places of worship. (October 16 Transcript, p. 261.) He also relied on a letter submitted by the InterFaith Conference of Metropolitan Washington, which represents religious communities in the metropolitan Washington area as well as a letter written by The Downtown Cluster of Congregations, which supported the Zoning Administrator’s lifting of an administrative hold on the permit applications for the building. (Exhibit 17.)

Appellee’s Presentation

28. The Appellee presented testimony and provided evidence of the history of the Soka Gakkai religion. Its witness, William Aiken, recounted the use of centers in the religion, explaining that activity centers are typically the smallest centers, community centers, are mid-sized centers and cultural centers, such as that proposed here, are generally the largest centers. (October 16 Transcript, p. 332.)
29. Aiken further testified that the principal use of the religious center would be for worship. In addition to the rooms identified by the Zoning Administrator as being principally for worship, Aiken testified that the classroom and dialogue room are also critical for

- worshipping at the center. His testimony confirmed that the Zoning Administrator's approach to calculating how much of the center would be used for worship was in fact, conservative and even more of the building would be used principally for worship than the Zoning Administrator estimated. (Id., p. 352.)
30. Aiken confirmed that the four rooms that the Zoning Administrator identified as being used for worship – the large and small sanctuaries, the fellowship lounge and the chanting room – would in fact be used for worship. The large sanctuary will be used for larger gatherings, including the service on the first Sunday of the month. That sanctuary is the sacred space where followers carry out both the recitation of the liturgy, in addition to reciting the mantra. The small sanctuary will be used for the same purposes, but on a smaller scale. The fellowship lounge is for dialogue among members of the Soka Gakkai community. One of the three treasures of Buddhism is the community among members; the bonds of community are a central part of Buddhist worship. Finally, the chanting room will be used for chanting, which is a form of prayer. (Id., p. 352.)
31. Aiken also testified that an altar will be included in the classroom, making it an additional room used for worship. Similarly, the dialogue room will be used for religious ceremonies, and personal and small group guidance, more forms of worship. (Id., pp.358-60.) Thus, the space dedicated to worship is greater than the Zoning Administrator calculated.
32. Aiken clarified that peace rallies and large gatherings would not take place at the center, but at other, more appropriate, venues: “when we need a large venue, we rent one, as we did with Constitution Hall in 2005 or Gaithersburg High School in 2006. We do not try to squeeze big, nonreligious events into our fairly small centers. It just doesn't work.” (Id., pp. 339-40.)
33. SGI presented testimony and provided evidence that it is a Section 501(c)(3) entity and has been tax exempt as a religious entity by the District of Columbia and the Internal Revenue Service for several years. The most recent exemption letter issued by the District of Columbia was in 2004 and the most recent exemption letter issued by the IRS was in 1968, supporting the fact that SGI is a recognized religion. (Id., p. 334; Exhibit 16, Exhibits B, C.)
34. SGI presented testimony and provided evidence of its Articles of Incorporation, which indicate that SGI is organized under the Nonprofit Religious Corporation Law for religious purposes. (Exhibit 16, Exhibit D; October 16 Transcript, p. 334.)
35. SGI addressed testimony provided by the Appellant, which argued that since SGI has a lay leadership, it is not a religion, therefore use of the center could not qualify as worship. The Appellant testified that many long-recognized religions are characterized by lay leadership, including the Mormon and Quaker religions. For that reason, it testified, SGI's lay leadership should have no bearing on the “religious” nature of the center or its status as a “place of worship”. (October 16 Transcript, pp. 341-43.)

36. SGI testified that this center is the only SGI center that has been challenged as not being a place of worship. (*Id.*, p. 349.)
37. SGI challenged Appellant's assertions that SGI had proceeded without securing community input. SGI testified that it met with Advisory Neighborhood Commission 3C or its representatives on four separate occasions. SGI also hosted an informational meeting for neighbors to address their questions and concerns. In response to comments received from the community, SGI modified its plans, including a reduction in height and lot occupancy, providing more landscaping, providing a façade with greater articulation and rerouting the ingress and egress on the rear alley of Massachusetts Avenue. (*Id.*, pp.343-44.)
38. The Board finds that given the facts before the Zoning Administrator at the time of his analysis and given the facts currently before the Board, the Zoning Administrator reasonably concluded that the center proposed by SGI would be used as a place of worship and would be permitted as a matter of right under the Zoning Regulations.

B. CONCLUSIONS OF LAW

Pursuant to the Zoning Act, the Board has jurisdiction to hear appeals alleging "error in any order, requirement, decision, determination, or refusal made by ... any [District] administrative officer or body in the carrying out or enforcement of the Zoning Regulations." D.C. Official Code 6-641.07(g)(1)(2001). See also 11 DCMR Section 3100.2 ("The Board, pursuant to the Zoning Act, shall also hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal made by an administrative officer or body, including the Mayor, in the administration or enforcement of the Zoning Regulations.") In this case, the Appellant alleges that the DCRA erred in determining that the subject building was a place of worship pursuant to 11 DCMR Section 201.1(b) and that it erred in issuing an excavation permit and building permits for a covered pedestrian walkway and for construction of the building.

Motion to Dismiss

The Board determines as an initial matter that the Appellant's appeal of the excavation permit and the permit for the pedestrian walkway and fence, both issued in 2005, was untimely. The District of Columbia Court of Appeals has held that "[t]he timely filing of an appeal with the Board is mandatory and jurisdictional." *Mendelson v. District of Columbia Board of Zoning Adjustment*, 645 A.2d 1090, 1093 (D.C. 1994).

The rules governing the timely filing of an appeal are set forth in 11 DCMR Section 3112.2. Subsection (a) provides that an appeal must be filed within sixty (60) days from the date the person filing the appeal had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge, whichever is earlier. Section 3112.2(d) provides that the Board may extend the 60-day time limit only if the appellant demonstrates that: (1) there are exceptional circumstances that are outside the appellant's control and could not have reasonably been anticipated that substantially impaired the appellant's ability to file an appeal to the Board; and (2) the extension of time will not prejudice the parties to the appeal.

With respect to the excavation permit and the permit to construct a pedestrian walkway and fence, both of which were issued in 2005, this appeal was filed well after the 60-day time period had expired. The Appellant submitted evidence in its appeal indicating that it was aware by December 27, 2005, that both permits were issued; however, the Appellant did not file its appeal until over four months later. (Exhibit 2, Exhibit 7.) The Board does not find there were any exceptional circumstances beyond the Appellant's control that impaired its ability to file a timely appeal. Moreover, any extension of time would certainly prejudice the Appellee.

The Appellant argues that it could not appeal these permits until the final building permit was issued; however, the Board disagrees. It finds that the Appellant could have appealed the permits on their face at the time they were issued.

Failure to Demonstrate A Zoning Error

The Board must uphold the Zoning Administrator's administrative determination as well as his issuance of the final building permit if he reasonably believed that the building qualified as a place of worship under the Zoning Regulations. The Board agrees with the DCRA and the Appellee and finds that the Appellant has not demonstrated an error on behalf of the Zoning Administrator. Copious evidence has been entered into the record indicating that Soka Gakkai is a well-established religion. Such evidence included its federal and District tax exemption, its Articles of Incorporation, numerous documents obtained from its website, and testimony provided by SGI at the hearing. Further, there is more than enough evidence in the record demonstrating that the Zoning Administrator reasonably believed the building qualified as a place of worship.

The DCRA provided evidence that the Zoning Administrator, Bill Crews, conducted an analysis of the building permit application, and that, based on information regarding how the space would be used, he determined that activities taking place in the building mirrored the activities that took place in other religions' churches and places of worship. Accordingly, he found that the religious center qualified as a "place of worship" for zoning purposes.

After Crews left the DCRA, the Acting Zoning Administrator, Matt LeGrant, undertook an independent review of the file to determine if the religious center qualified as a place of worship. He concluded that it did. He calculated the percentage of floor area dedicated to religious assembly and worship and determined that even by his most conservative criteria over 50% of the building would be dedicated to worship. The Zoning Administrator testified that based on his experience, places of religious assembly in other religious buildings typically equate to places of worship, bolstering his conclusion regarding the use of the building. Moreover, the Zoning Administrator also went beyond this and reviewed other materials in the file about SGI, including a letter from the ANC, evidence of SGI's tax exempt status, and a schedule of activities that would take place in the center. He undertook an in-depth analysis of the organization and its proposed use and ultimately concluded that it constituted a place of worship and was permitted as a matter of right in the R-1-B Zone District.

The Board also notes that it finds that the Appellant's narrow construction of what constitutes "worship" is inconsistent with established case law in this jurisdiction. In *Western Presbyterian Church v. Board of Zoning Adjustment*, 862 F. Supp 538 (D.D.C. 1994), the court held that a

feeding program constituted “worship” for zoning purposes: “[u]nquestionably, the Church’s feeding program in every respect is religious activity and a form of worship.” Significantly, it further noted that “[z]oning boards have no role to play in telling a religious organization how it may practice its religion. A city cannot use its zoning laws to regulate the way a particular religion offers its prayers or the way a religion celebrates its holidays.” The Board concludes that based on the detailed evidence provided to establish that the proposed building will be used as a religious center, and its finding that the Zoning Administrator reasonably believed that the building qualified as a place of worship, the issuance of the building permit was appropriate. Accordingly, the Appellant has not satisfied its burden in demonstrating a zoning error.

The Board notes that there are any number of constitutional principles that would arguably preclude the Zoning Administrator from finding the center is not a place of worship; however, the Board does not need to engage in a constitutional analysis in this matter. The Board’s decision is based solely on the Appellant’s failure to satisfy its burden pursuant to the Zoning Regulations.

For the reasons discussed above, the Board must grant the Motion to Dismiss the appeal as it relates to issuance of the excavation permit and the building permit for the construction of a pedestrian walkway and fence. It is hereby **ORDERED** that the Motion to Dismiss the appeal is **GRANTED** in part based upon the Appellant’s having untimely filed it.

Vote taken on December 4, 2007

VOTE: 4-0-1 (Ruthanne G. Miller, Curtis L. Etherly, Jr., Shane Dettman, and Marc Loud in support of the motion)

For the reasons discussed above, the Board must deny the appeal as it pertains to the Zoning Administrator’s administrative determination and the issuance of the building permit for construction of the religious center. It is hereby **ORDERED** that the appeal is **DENIED** based upon the Appellant’s failure to demonstrate a zoning error.

VOTE: 4-0-1 (Ruthanne G. Miller, Curtis L. Etherly, Jr., Shane Dettman, and Marc Loud in support of the motion)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Decision and Order.

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER:

PURSUANT TO 11 DCMR SECTION 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR SECTION 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

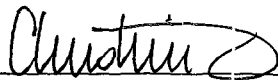
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document was hand delivered or mailed first class, postage prepaid to each of the persons at the addresses listed below on November 27, 2007.

Friends of the Babcock-Macomb House
c/o John Magnus, Esq.
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Christine Roddy