EXHIBIT A

Board of Zoning Adjustment
District of Columbia
CASE NO. 21510
EXHIBIT NO. 131A

PERSONAL STATEMENT OF JOSEPH SELLERS AND LAURIE DAVIS REGARDING BZA APPLICATION 21510

We make this personal statement to acquaint you with us and our family and with our longstanding residence in the District of Columbia.

We have continuously lived in the District of Columbia since the 1970s: Laurie since 1976 and Joe since 1979. Laurie was an attorney with the District of Columbia Public Defender Service for nearly 30 years; since 1980, Joe has represented, and continues to represent, victims of civil rights violations.

In 1999, the then-owners of Greystone Manor, the property that is the subject of the BZA application, sold us a lot where we built the home where we have lived since 2001. We had lived in Crestwood for many years and proximity to Rock Creek Park was, and still is, important to us, and we were very excited about having the park as our neighbor when the opportunity arose. We also chose this neighborhood because it permitted us to live in a quiet, rural-like enclave with historic features separate from but near the center of Cleveland Park. It is so special to live on the quaint gravel lane, which we share with our neighbors. Because there are only five homes on the gravel lane, with a dead end at the Greystone property just beyond our

home, traffic in our neighborhood is minimal. Over the years, we have also cherished the intimate community formed by our neighbors living along the gravel lane along with those residing on Williamsburg Lane and Quebec Street. We gather for community meetings, look after each others' welfare and have created a safe space where our children can play with each other without risk of harm.

Our children, Danny and Sara, were born in the District of Columbia and were brought up in our home on Porter Street. They walked to neighbors' homes to play and study and made life-long friends. As there are no fences separating our neighboring properties, our children played throughout our neighborhood without regard to property boundaries. We all use the gravel lane to walk or drive to the paved section of Porter Street. For many years, Joe has walked our dog along the gravel lane daily, often more than once a day. Laurie frequently walks down the gravel road toward the paths in Rock Creek Park and Klingle Valley and on her way to the zoo. Laurie also spends time gardening in our yard, watching our neighborhood fox and the owl that lives in the trees on the gravel road, and enjoying the sounds from the many birds that live in our neighborhood. In short, our home and this neighborhood have been the center of our lives for 25 years.

We first learned about the proposed Rock Creek Club when Adam Vitarello contacted Laurie in early June to say he had purchased Greystone. They met for coffee on June 11, and Laurie was quite surprised when Adam explained that rather than moving his family into Greystone he planned to establish a private club for 250 families. A few days later on June 15, Joe met with Adam at our home where Adam presented a version of his plans for the club. We offered to host a meeting at our home with our entire neighborhood at which Adam, accompanied by his wife, presented a modified version of his plan and responded to questions and doubts expressed by our neighbors. The meeting was on June 28. Again, at Adam's request, we met with him at our home on September 17 at which he presented yet another version of his plan.

While we appreciate that Adam has attempted to make some revisions to his plan in response to concerns that we and our neighbors have raised, it became clear to us as the meetings with Adam progressed and the plans evolved that the sheer size of the club membership, the broad range of activities planned, the inevitable noise and the increased pedestrian and vehicular traffic would have a transformative impact on our neighborhood and our personal space. We are also concerned about the impact the proposed club would have on the flora and fauna of our enclave

and question whether it is in any way consistent with the historic designation of our community. We have no doubt the club that Adam has proposed will be attractive to the people who live near him in Mt. Pleasant, or in other neighborhoods beyond ours, who he has approached about membership. But they won't have to live next to a club where hundreds of people will congregate day in and day out for 14 hours a day and experience its disruptive effect on our neighborhood and our daily life. It is almost impossible to view the conversion of the historic Greystone Manor into a private membership club as an asset for our community.

EXHIBIT B

October 26, 2026

Re: BZA Case No. 21510
Personal Statement of Julia and Lowell Schiller in Opposition

Dear Chairperson Pourciau and Honorable Members of the Board:

We are residents and property owners in the immediate vicinity of Greystone. Our home, located at 2323 Porter Street NW, shares a common property line with Greystone along our entire side and rear property lines and fronts the private gravel road that we share with Greystone and several neighboring homes.

We have lived in the District for nearly 20 years, and moved into our current home earlier this year. We purchased this home after a long search for a home that could accommodate the needs of our family, which includes school-aged children, a wheelchair-bound parent who often stays with us, and two professionals who frequently work from home. While we considered moving to the Maryland suburbs, we chose to stay in the District, where we have built our lives with our family.

Shortly after moving into our new home, we learned that a large group had formed an LLC to purchase the adjacent property in order to turn it into a private club for 270 households called the Rock Creek Club.

As adjoining property owners, we have very serious concerns about the impacts these activities will have on our property and our family. Our concern is not simply that the proposed use will generate more traffic and noise than the property has during its use as a single-family residence, but that the record does not establish that these impacts will not have objectionable impacts on neighbors under the proposed conditions.

We believe the conditions proposed by the Applicant fall short in many ways, but we would like to focus the BZA's attention on several specific issues.

1. Pedestrian safety from increased traffic on the mixed-use gravel path;
2. Impacts of the proposed Porter Street Entrance; and
3. Objectionable noise impacts from padel.

1. Objectionable impacts on the private gravel path

The only vehicular access to Greystone — which the Applicant is proposing to use for commercial deliveries, ride-share dropoffs, catering, and other new uses — is a narrow, winding gravel path. This is not a public road; it is a private right of way that runs across land owned by several adjoining property owners, including land we own at 2323 Porter Street.

Given the neighborhood's topography, the path is narrow and winding, provides only a single lane of travel in many places, and crosses a culvert that further limits its capacity to accommodate heavier vehicles and increased intensity of use.

The only turnaround on the path would be constructed by the applicant and can accommodate only 3 cars — raising serious questions about whether it can accommodate multiple vendors or clustered pick up and drop off activity at the beginning or end of events such as the twice-weekly 100-person family dinners the applicant proposes to host. If the 3-car turnaround's capacity is exceeded, we are concerned there will be queuing on the narrow gravel path, potentially blocking access to our home on a regular basis.

The application also leaves important questions unanswered regarding emergency vehicle access, which are particularly significant if the property is to accommodate substantially greater numbers of visitors than its existing residential use.

a. Pedestrian safety

The gravel path is not used solely for vehicular access. It is a mixed-use trail that also provides the only pedestrian access to and from our house. Our school-aged children use this path to walk to and from their school bus. We use it to bring our trash to the curb on Porter Street, access the Metro and Cleveland Park commercial district, and use the Rock Creek Park trails. Four our wheelchair-bound parent, this path provides the only way to leave the house other than in a car.

The only reason the trail is able to provide this multi-modal access is that vehicular traffic has historically been extremely light. There are only five residential properties that use it for vehicular access. Converting one of those properties into a facility used by 270 households and their guests, and directing all ride-share and commercial traffic onto the path, will significantly intensify traffic on a narrow, private lane that is not designed for that intensity of use.

The Applicant acknowledges that its use would increase vehicular traffic on the gravel path, but it provides assurances that the increase would be modest based on assumptions that most people will access the club using other modes of transportation. These assumptions are not backed up by any enforceable conditions, and if it turns out that they are incorrect, our family and others along the gravel path will face the safety risks.

b. The traffic impacts are intensified because all vehicular access to the club would traverse our property.

Because 100% of the traffic generated by the club would drive across our land on a private road, our property will be burdened by objectionable traffic impacts in a uniquely concentrated way.

First, because this is not a public road, we will not be able to rely on enforceable traffic measures — such as speed limits and policing for reckless driving — that can provide mitigation in other special exception cases. The burden of managing dangerous driving and traffic conditions that block access to our home will fall to us as landowners to negotiate with the club, without the usual public support.

This concern is not just hypothetical. In the report submitted today by the District Department of Transportation (DDOT), the Department noted that the gravel path does not meet the requirements for two-way travel under Subtitle C, Section 711 of the zoning regulations, but nonetheless "did not request the Applicant evaluate the design or operations of the shared private gravel driveway." Because DDOT is not evaluating safety on the gravel path, our family is

reliant on the BZA, and the special exception standard, to ensure that the proposed use does not put our safety at risk, or compromise access to our home. But we have not seen any studies from the Applicant that analyze pedestrian safety or the other elements required under Section 711.11. Because DDOT is not evaluating the impacts to our family on this private road, we respectfully ask the BZA to ensure that our safety and access needs are not overlooked in this process.

In addition, we are also worried about other risks to us as land owners that are raised by the proposed use of our land to support a new private club. For example, we are worried the risk of us being unfairly named as defendants in a lawsuit if club members, vendors, or guests get into accidents on our land.

The special exception standard should not force us to shoulder these unique burdens.

2. Impacts of the Proposed Porter Street Entrance, Including Trash Collection

The application proposes to construct a new main entrance on a narrow portion of land fronting Porter Street, situated between the rear property line of our home and National Park Service land. According to the application, this entrance is intended to serve as the club's principal pedestrian and bicycle entrance. We understand that the applicant also proposes to use this new entrance for private trash collection and e-bike storage.

Building this new access point would not reduce the neighborhood impacts; it would redistribute and intensify them to an area immediately behind our house:

- As the main pedestrian and bicycle entrance, it would bring substantial foot traffic, including pedestrian congregation (particularly during parties, events, and other gatherings) and likely vehicle drop-offs right behind our home, with significant noise, lighting, and loss of privacy.

- The applicant proposes to have commercial trash pickup at this new entrance several days a week. This would require 16 or more large trash cans to be hauled up and down the steep stone access path, generating substantial noise. Pickup of these cans is also likely to create traffic backups, since that stretch of road is one-lane exit ramp from Beach Drive to Connecticut Ave and into Cleveland Park.

- The proposed entrance would also require construction across a large ditch that runs alongside the Porter Street sidewalk in front of both our property and the Greystone property and is bounded by a continuous retaining wall. The application does not explain how that work could affect drainage, stormwater runoff, the stability of the retaining wall, or neighboring properties.

The proposed new entrance would introduce a new concentration of activity at a constrained location on Porter Street. The proposed entrance is located on a narrow, one-way section of Porter Street that provides the westbound exit from Beach Drive and Rock Creek Parkway to Connecticut Avenue and into Cleveland Park.

When we've asked the applicant for concrete measures to mitigate impacts, the response has been that it will take "reasonable" steps. But what, specifically, are those steps? Who decides what is reasonable? When we have asked for specifics, the Applicant has been unwilling to provide them. We are being asked to accept vague assurances without concrete and enforceable limits. At this point, we do not even know how many people will be allowed on the site at once, how many organized activities there will be in a week, or other basic details that would allow us as neighbors to understand and evaluate the impacts that are being proposed immediately next to our home.

3. Objectionable noise impacts from padel.

The current proposal would expand the existing tennis court to include both an additional tennis court and two padel courts. The application, however, does not contain any acoustic studies or other evidence that a club would be able to manage the noise impacts from these expanded racquet facilities. This is particularly worrisome with respect to the new padel facilities, because there is considerable evidence that they would generate severe and objectionable noise for neighboring properties.

Padel is a relatively new sport, and we understand that there are currently no padel facilities in the District. It was recently announced that DC's first padel facility will open this spring, with three outdoor courts located between the Anacostia Freeway and the Anacostia River, away from nearby homes. We understand that the Applicant is proposing the District's first padel facilities near neighboring homes.

Because we were not familiar with padel, we began researching it online. We learned that it is more popular in Europe, and that is has generated substantial controversy there due to its significant noise impacts. As explained in a 2026 study published in the journal *City and Environment Interactions* (attached as an exhibit to the Prehearing Statement), "the sport's acoustic signature, comprising dry, impulsive sounds from ball-racket and ball-glass impacts, metallic clangs on the wire-mesh fence, and players' vocalizations, generates substantial annoyance for nearby residents and has become a leading cause of legal disputes in several countries."

The study found that "comparisons with tennis indicate higher perceived annoyance for padel" and found that, in jurisdictions that have evaluated the impacts, a minimum setback of 100 meters (328 feet) from neighboring dwellings has become the standard recommendation. The padel courts proposed by the Applicant would be much closer to our house than that.

When we raised our concerns about the noise with padel with the Applicant's representative, we were told not to believe what we read online and that padel does not actually generate substantial noise. Following that conversation, one of us visited a padel facility in Maryland to see for ourselves. Unfortunately, it confirmed our fears: The noise from padel is substantial and involves repeated percussive impacts similar to pickleball. Building padel courts next to our house would significantly diminish our ability to use and enjoy our outdoor spaces, and would make it difficult for us to work from home.

The Applicant has not conducted any acoustic studies or submitted any evidence as to how it would avoid objectionable noise impacts despite locating multiple padel facilities much closer to nearby dwellings than the recommended 100 meters. Instead, the Applicant in proposing to keep the noise from becoming objectionable by complying with applicable District noise regulations. But avoiding objectionable impacts must mean more than simply complying with existing regulations, or that standard has no real meaning.

In addition, given the topography, we are also concerned about the visual impact of two padel courts on the property, particularly without foliage during fall and winter.

We do not believe padel is an appropriate use near other homes in an R1-A zone. Given the high likelihood that it will generate objectionable noise impacts, we request that the proposed conditions be updated to prohibit padel in addition to pickleball.

* * *

We hope that this statement provides the Board with a richer understanding of our concerns as neighbors and the objectionable and unusually significant impacts that the proposed use would have on our family. We respectfully request that the Board decline to approve the special exception unless the Applicant provides the information necessary to more fully evaluate the proposed use's impacts and ensures there are meaningful, enforceable conditions that adequately protect us as neighbors.

Thank you for your consideration of our concerns and your service to the community.

EXHIBIT C

Matter	Population served	Size / limit
Asian American LEAD (BZA 17080, 2004 [Exhibit C1]; 17942, 2009 [Exhibit C2])	Low-income Asian-American youth and refugee families; tutoring, ESL, mentoring	About 160 served; capped at 60 participants and 11 staff
Unique Learning Center (BZA 17742, 2008 [Exhibit C3])	Shaw children, mostly from single-parent households	About 40 children / 24 families
YOUR (BZA 16532, 2000 [Exhibit C4])	Neighborhood youth; fees based on ability to pay, no child turned away	15–20 students on average
McKendree-Simms-Brookland UMC (BZA 16491, 1999 [Exhibit C5]; 17758, 2008 [Exhibit C6])	Food and clothing distribution to residents in need	Weekday hours only (1999 order)
William C. Smith Co. (BZA 15880, 1993 [Exhibit C7])	Clients in an apartment-building basement	No more than 75 clients at a time
Our Lady of Perpetual Help (BZA 14594, 1987 [Exhibit C8])	Community events, open to neighborhood residents	Hall capacity 960 standing / 430 seated; 3-year term
Lenore Pool & Tennis Club (BZA 14619 et seq.; 18718, 2014 [Exhibit C9])	Member families living near the site	15 families, then 20, then 25

EXHIBIT C1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 17080 of Asian American LEAD pursuant to 11 DCMR § 3104.1 for a special exception to allow the establishment of a community center under section 209 in the R-4 District at premises 1323 Girard Street, N.W. (Square 2855, Lot 828).

HEARING DATE: December 2 and December 9, 2003
DECISION DATE: January 20, 2004

DECISION AND ORDER

This application was submitted on September 9, 2003 by Asian American LEAD ("Applicant"), the owner of the property that is the subject of the application. The self-certified application requested a special exception to establish a community center at 1323 Girard Street, N.W. (Square 2855, Lot 828). Following a hearing conducted on December 2 and 9, 2003 and a public meeting on January 20, 2004, the Board granted the special exception for a term of five years by a vote of 3-0-2.

PRELIMINARY MATTERS:

Notice of Application and Hearing. By memoranda dated September 10, 2003, the Office of Zoning mailed notice of the application to the Office of Planning ("OP"), the Department of Transportation ("DDOT"), the Councilmember for Ward One, Advisory Neighborhood Commission ("ANC") 1B, and Single Member District/ANC 1B08. Pursuant to 11 DCMR § 3113.13, the Office of Zoning mailed letters or memoranda dated September 25, 2003 to the Applicant, ANC 1B, and all owners of property within 200 feet of the subject property, providing notice of the hearing. Notice of the hearing was also published in the *D.C. Register* on October 3, 2003 (50 DCR 8174).

Requests for Party Status. ANC 1B was automatically a party in this proceeding. The Board granted requests for party status in opposition to the application from Gary Imhoff and Dorothy Brizill, residents of the property abutting the subject property.

Applicant's Case. The Applicant presented testimony from witnesses including the executive director and co-chair of the board of directors of Asian-American LEAD, who described the proposed community center use, and an architect, who described proposed modifications to the building and parking area to accommodate the community center use.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17080
EXHIBIT NO. 43

Board of Zoning Adjustment
District of Columbia
CASE NO. 17080
EXHIBIT NO. 43

Government Reports. By report dated November 13, 2003 and through testimony at the public hearing, the Office of Planning recommended approval of the requested special exception for a period of five years. According to OP, DDOT expressed no objection to the Applicant's proposed use of the subject property.

ANC Report. By letter dated November 9, 2003, ANC 1B indicated that, at a public meeting with a quorum present, the ANC voted unanimous support for the application.

Parties in Opposition. The parties in opposition to the application did not request denial of the application, but did express concerns about the concentration of community-based facilities and social service institutions already located in the residential neighborhood in the vicinity of the subject property, adequate parking for the Applicant's proposed community center, adequate adult supervision of its clients, and an adequate fire escape and modifications of the exterior building that might adversely affect the residential character of the neighborhood. The parties in opposition also requested that the BZA review after 2 years any exception or variance that might be granted.

Persons in support or opposition. The Board received several letters in support of the application and heard testimony in support from Bill Shortinghouse, a resident of a dwelling directly across the street from the subject property. No persons testified in opposition to the application.

FINDINGS OF FACT

1. The subject property is located at 1323 Girard Street, N.W. (Square 2855, Lot 828) in the Columbia Heights neighborhood of Ward One. The site is improved with a brick three-story detached building built as a single-family residence in 1895. A driveway is located on the east side of the lot.

2. The subject property is an interior lot on the north side of Girard Street. The square is bounded by 13th Street to the east, 14th Street to the west, Harvard Street to the north, and Girard Street to the south. A public alley parallel to Girard and Harvard Streets abuts the subject property at the rear of the lot. The rear yards of rowhouses fronting on Harvard Street are located across the alley from the subject property. A parking lot abuts the subject property to the east, while a single-family detached dwelling is located on the property abutting the site to the west.

3. The subject property is zoned R-4. Nearby properties are zoned R-4, R-5-D, and C-2-B.

4. The Applicant proposes to renovate the existing building on the subject property for use as a community center. An exterior egress will be constructed at the rear

of the building, with a staircase connecting the basement and three above-grade floors and a handicap lift providing access to the first floor.

5. The subject property was previously owned by Sojourners, a nonprofit Christian ministry, which operated a neighborhood center that provided child care and after-school programs, parenting support groups, and summer programs and recreational activities.

6. Certificate of Occupancy No. B138348, issued April 13, 1984 to Sojourners, authorizes use of the first, second, and third floors of the building on the subject property as a church. After purchasing the subject property from Sojourners, the Applicant filed a change of ownership request and on November 15, 2002 was issued Certificate of Occupancy No. CO 44577 authorizing church use.

7. The Applicant is a 501(c)(3) nonprofit organization organized for charitable, educational, and social service purposes "to nurture Asian American youth and families, to develop leadership, and to strengthen community building through a partnership between youth and adults."

8. The proposed community center will serve the needs of Asian-American youth and families, particularly in the Columbia Heights and Mount Pleasant communities, through three core programs: (i) an after-school academic enrichment/tutoring program for students ages 6 to 19; (ii) a family-strengthening program that will provide educational, social, and parenting support services; and (iii) a mentoring program. Activities at the community center will be provided with adult supervision.

9. The Applicant previously operated similar programs in leased space at 3045 15th Street, N.W.

10. The hours of operation of the community center are expected to be 10:00 a.m. to 7:00 p.m., Monday through Friday. The Applicant will occasionally host meetings (such as meetings of the community center staff or board of directors) and special events (such as parent nights, volunteer receptions, holiday parties, and art or other exhibits or performances) in the evening or on weekends.

11. No articles of commerce will be offered for sale or sold at the subject property.

12. The community center will have a staff of 11 employees. The Applicant's current programs cater to approximately 160 people, with 50 to 60 people on site at any given time. Participants in the mentoring program typically arrange meetings at locations other than the community center.

13. Because the community center is intended to serve the neighboring community, most participants in the programs are expected to walk to the subject property or arrive by public transportation. The subject property is located near a well-served bus route and within walking distance of the Columbia Heights Metrorail station.

14. The rear portion of the subject property will be graded and paved so as to provide four parking spaces accessible from the alley. A fifth space, reserved for handicapped use, will be located in the driveway and accessed from Girard Street.

15. The parking lot abutting the subject property is owned by Easter Seals Child Development Center, located at 1325 Girard Street, N.W. By letter dated December 4, 2003, Easter Seals indicated its willingness to extend its agreement with the Applicant for the lease of two parking spaces in the lot "for as long as [the Applicant] needs them." The letter stated that the two spaces are solely for the Applicant's use and are not also rented to any other organization.

16. Under chapter 21 of the Zoning Regulations, the parking requirement applicable to a community center use is the same as the parking requirement for a church, the use for which a certificate of occupancy was issued to the prior owner of the subject property. Therefore, a change in use of the subject property to community center does not generate a requirement to provide additional spaces under 11 DCMR § 2100.4

17. The Board credits the Office of Planning's conclusion that the community center's activities will not likely become objectionable to neighboring property because the center's programs will cater to a small population residing in the immediate neighborhood.

18. The Board credits the testimony of ANC 1B that the Applicant is a nonprofit organization formed to promote the well-being of a targeted community within Columbia Heights, that a community center located at the subject property would be convenient to the targeted population, and that, based on its design and expected activities, the proposed community center would not become objectionable to neighboring properties.

CONCLUSIONS OF LAW

The Applicant seeks a special exception pursuant to 11 DCMR § 3104.1 to establish a community center in an R-4 zone under § 209. The Board is authorized to grant special exceptions where, in the Board's judgment, a special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and

would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. 11 DCMR § 3104.

The Board concludes that the Applicant has met its burden of proof with respect to the application for a special exception to establish a community center in accordance with the provisions of § 209. The Applicant is not organized for profit and will not offer articles of commerce for sale in the community center, but will promote the social welfare of its neighborhood, particularly with respect to Asian-American youth and families. The Board is persuaded by the Applicant's testimony that the community center is both reasonably necessary and convenient to the neighborhood where it will be located, since the activities offered at the community center will provide needed services primarily to a targeted population in the surrounding neighborhood.

The Applicant's community center is not likely to become objectionable because of noise or traffic. The center's activities will be supervised and will take place indoors, primarily during the day and early evening hours. The community center is not likely to generate substantial traffic, given its location convenient to public transportation and the likelihood that many participants will arrive on foot. The center will provide parking for seven vehicles, with five spaces on the subject property and two more rented on an abutting parking lot.

The requested special exception is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and would not tend to affect adversely the use of neighboring property. The building on the subject property was originally constructed as a residence but has been used for church or community center purposes for several decades. The modifications to the building proposed by the Applicant will not greatly alter its residential appearance.

The Board has accorded ANC 1B the "great weight" to which it is entitled. The record reflects that the affected ANC voted unanimously to support the Applicant's request for a special exception to establish a community center at the subject property. The Board credits the unique vantage point held by the ANC with respect to the effect of the requested special exception on its constituents. The Board has also accorded great weight to the recommendation of the Office of Planning. The Board credits OP's conclusion that a five-year term is appropriate for the requested special exception.

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to the application for a special exception to establish a community center in an R-4 zone pursuant to 11 DCMR §§ 209 and 3104. Accordingly, it is therefore **ORDERED** that the application is **GRANTED** for a term of five years from the effective date of this order.

VOTE: **3-0-2** (Geoffrey H. Griffis, Ruthanne G. Miller, and David A. Zaidain to grant the application; Curtis L. Etherly, Jr., not voting, having recused himself; Anthony J. Hood, not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: MAR 0 5 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE

DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. MN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 17080

As Director of the Office of Zoning, I hereby certify and attest that on MAR 0 5 2004 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Kerri R. Sikorski
Hogan & Hartson LLP
555 13th Street, N.W.
Washington, D.C. 20004

Doroth Brazill
1327 Girard Street, N.W.
Washington, D.C. 20009

Gary Imhoff
1327 Girard Street, N.W.
Washington, D.C. 20009

Chairperson
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Single Member District Commissioner 1B08
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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

EXHIBIT C2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17942 of Asian American LEAD, pursuant to 11 DCMR § 3104.1, for a special exception to allow the continued operation of a community center under § 209 in the R-4 district at premises 1323 Girard Street, N.W. (Square 2855, Lot 828).

HEARING DATE: July 14, 2009
DECISION DATE: July 28, 2009

DECISION AND ORDER

This application was submitted March 2, 2009 by Asian American LEAD ("Applicant"), the owner of the property that is the subject of the application. The self-certified application was filed pursuant to 11 DCMR § 3104.1 for a special exception under § 209 to continue operation as a community center in the R-4 district at 1323 Girard Street, N.W. (Square 2855, Lot 828). Following a public hearing, the Board voted 3-0-2 on July 28, 2009 to grant the application subject to conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated March 6, 2009, the Office of Zoning sent notice of the application to the Office of Planning ("OP"); the District Department of Transportation; the Councilmember for Ward 1; Advisory Neighborhood Commission ("ANC") 1B, the ANC for the area within which the subject property is located; and the single-member district ANC 1B08.

A public hearing was scheduled for July 14, 2009. Pursuant to 11 DCMR § 3113.13, the Office of Zoning on April 24, 2009 mailed notice of the hearing to the Applicant, the owners of property within 200 feet of the subject property, and ANC 1B. Notice was published in the D.C. Register on May 1, 2009 (56 DCR 3480).

Requests for Party Status. In addition to the Applicant, ANC 1B was automatically a party in this proceeding. The Board granted a request for party status in opposition to the application from Dorothy Brizill and Gary Imhoff, who live in the residence immediately abutting the subject property to the west.

Applicant's Case. The Applicant presented evidence and testimony from Rosetta Lai, executive director of AA LEAD; Ellen McCarthy, an expert in planning and zoning; and Kendra Lee, the Applicant's program director. The Applicant described its activities at the community center and asserted that the application should be granted because the center has been operating for the past five years without causing any adverse impacts on neighboring property due to noise, traffic, parking, or other objectionable conditions.

Government Reports. By report dated July 7, 2009 and through testimony at the public hearing, the Office of Planning recommended approval of a special exception to continue the existing community center use for five additional years, subject to conditions requiring the Applicant to stripe the required on-site parking spaces in accordance with the Zoning Regulations, and to place in the record an updated agreement allowing the Applicant to use two parking spaces in the parking lot of the Easter Seals child development center, which is located immediately east of the subject property. According to OP, the application satisfied the requirements of § 209.

ANC Report. By letter dated July 6, 2009, ANC 1B indicated that, at a public meeting on July 2, 2009 with a quorum present, the ANC voted 7-0 to support the Applicant's request for a five-year extension of its special exception. The letter stated that ANC 1B had "received extensive oral and written testimony from the applicant … and neighboring residents," leading to the ANC's conclusion that "the applicant has been an asset to the neighborhood and is performing an important public service of benefit to the residents of ANC 1B."

Party in opposition. The party in opposition stated that they did not oppose approval of the application. However, the party expressed concern about the lack of an exterior egress from the building, which the Applicant had proposed to construct as part of its application for a special exception in 2004, and complained about students congregating on the front porch of the community center as well as playing in the abutting street and sidewalk, noise and accumulations of trash associated with unsupervised gatherings of students outside the building, and the Applicant's staff members driving in the rear yard of the party's residence while exiting the parking area on the subject property.

Persons in support. The Board received a number of letters and a petition in support of the application, which commented favorably on the services provided by the Applicant.

FINDINGS OF FACT

The Subject Property and Surrounding Area

1. The subject property is a rectangular parcel located on the north side of Girard Street between 13th and 14th Streets, N.W. at 1323 Girard Street, N.W. (Square 2855, Lot 828). The lot is 40 feet wide and approximately 150 feet deep, with a lot area of 6,000 square feet.

2. The subject property is improved with a three-story plus basement detached brick building. The building is located close to the property line to the west; on the east, a driveway provides access from the street to a paved parking area at the rear of the building.

3. A public alley abuts the subject property along the rear lot line, although vehicular access to the alley is unavailable due to a difference in elevation between the alley and the lot. The rear yard of the subject property is bounded by a wooden fence approximately six feet high.

4. The subject property is located approximately three blocks from the Columbia Heights Metrorail station.

5. Before its acquisition by the Applicant in 2002, the subject property was owned by Sojourners, which had a certificate of occupancy to use the property as a church.

6. The abutting property to the east is occupied by the Easter Seals child development center, which operates from 7:00 a.m. until 6:00 p.m., Monday through Friday. The Easter Seals property contains a parking lot immediately abutting the subject property.

7. Properties in the vicinity of the subject property are generally improved with one-family and multi-family row dwellings to the north across the alley, one-family row dwellings to the south across Girard Street, and one-family detached dwellings to the west. The surrounding neighborhood is characterized by predominantly moderate-density residential development.

The Applicant's Project

8. The Applicant is a § 501(c)(3) non-profit organization founded in 1998, whose mission is to help low-income Asian-American youth and families in the Washington area through education, leadership development, and community building.

9. The Applicant proposed to continue to use the subject property as a community center for Asian-American youth and families in the Columbia Heights, Mount Pleasant, and Chinatown neighborhoods. In 2004, the Applicant was authorized to establish the community center by special exception valid for a term of five years (*see* Application No. 17080; order issued March 5, 2004). The Applicant did not propose any changes to the current community center use, or to the improvements on the property.

10. The Applicant offers after-school academic enrichment and tutoring for students in kindergarten through 12th grade, a mentoring program, and a family strengthening program. The community center is used primarily for the Applicant's program for secondary school students, ages 14 through 18, and for staff offices. Other programs are conducted off-site at various locations.

11. The number of students at the community center on average ranges from 10 to 30 per day, and does not exceed 60. Most students arrive at the center on foot or via public transportation.

12. The hours of operation of the community center are 10:00 a.m. to 7:00 p.m., Monday through Friday. The Applicant also uses the subject property occasionally in the evening or on weekends to host board and staff meetings, special events, and training.

13. The community center has a staff of 11, whose offices are on the second and third floors of the community center. The staff supervise the activities at the community center, indoors and outside, during program hours.

14. The majority of the center's program activities take place inside the building. The use of the outside grounds is limited to a few annual events, such as a volunteer appreciation day for the Applicant's volunteers and guests.

15. The first floor of the building houses a main gathering space for student activities, as well as a kitchen; the second floor houses a computer lab and staff offices; the third floor is used exclusively for staff offices. The basement is used for storage.

16. No commercial sales are conducted at the subject property.

17. The subject property contains five parking spaces. The Applicant currently has an agreement with the Easter Seals child development center that makes two parking spaces in the Easter Seals parking lot available for the Applicant's use.

Zone Plan

18. The subject property is located in the R-4 zone district, which "is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two or more families." 11 DCMR § 330.1.

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks the renewal of a special exception under § 209 to allow the continued operation, for another five-year term, of a community center in the R-4 district at 1323 Girard Street, N.W. (Square 2855, Lot 828). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001), to grant a special exception as provided in the Zoning Regulations where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to

affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific provisions. 11 DCMR § 3104.1. In accordance with the Zoning Regulations, use as a community center may be permitted by special exception in the R-4 District provided that the center is organized not for profit but for the promotion of the social welfare of the neighborhood where the center is located, the center does not offer articles of commerce for sale and is not likely to become objectionable because of noise or traffic, and the use of the community center is reasonably necessary or convenient to the neighborhood where it is located. 11 DCMR § 209.

The Board concludes that the Applicant has satisfied the requirements of the Zoning Regulations and that the application should be granted, subject to certain conditions intended to ensure that the use of the subject property as a community center will not tend to create adverse impacts on the use of neighboring property. The Board was not persuaded that the community center use is creating objectionable conditions in its current operation that would require denial of the application, but adopts conditions in this order to address concerns expressed by the party in opposition about the upkeep of the subject property as well as noise potentially caused by students outside the community center, and to ensure that no objectionable conditions are likely to result from the community center use in the future.[1]

The Board concludes that the community center use will not tend to create objectionable conditions due to noise, in light of the relatively small number of students in attendance daily, the center's hours of operation, the types of activities offered at the community center, and the supervision of those activities by the center's staff. In addition, most of the center's programs

[1] The Board was not persuaded by the party in opposition's contention that the Applicant had failed to comply with the 2004 order that initially authorized the community center use by failing to construct an exterior staircase originally planned for the building. Findings of fact in the 2004 order reflected the testimony by the Applicant in that proceeding regarding certain improvements to the building that were planned at that time, but the Applicant testified in this proceeding that not all the planned improvements had been made due to budget constraints. The 2004 order granted the requested special exception subject to a five-year term but the approval was not otherwise conditioned; the findings of fact cited by the party in opposition described the Applicant's then plans but did not create a condition of approval of the special exception adopted by the Board. The party in opposition did not allege in this proceeding that the Applicant's decision not to build the exterior staircase was inconsistent with any provision in § 209 or any other zoning regulation.

The Board's discretion in reviewing an application for a special exception to establish or continue operation of a community center use is limited to a determination of whether an applicant has complied with the requirements of §§ 209 and 3104.1 of the Zoning Regulations. If an applicant meets its burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981). The scope of the Board's authority is defined by statute. *See* D.C. Official Code § 6-641.07 (2001). Where permitted by the Zoning Regulations, the Board may grant a special exception "subject to appropriate principles, standards, rules, conditions, and safeguards *set forth in the regulations*." D.C. Official Code § 6-641.07(d) (emphasis added). Even if the party in opposition had presented evidence of noncompliance with the prior order, the Board lacks the legal authority to deny an application for a special exception solely on the ground that the applicant had failed to comply with provisions of a prior grant of zoning approval. By statute, the authority to enforce the Zoning Regulations, including compliance with special exceptions granted by the Board, rests in the Mayor. D.C. Official Code § 6-641.10 (2001).

occur inside the building. The Board also concludes that the community center use will not tend to create objectionable conditions due to traffic. The subject property is well served by public transportation, and most students attending the center arrive by public transportation or on foot, since the use of the community center is reasonably necessary and convenient to its neighborhood. The community center therefore does not generate a substantial amount of traffic or demand for parking. The Applicant can provide at least five parking spaces on site, and has the use of two additional spaces in the neighboring lot, to serve the 11 employees and any visitors who drive to the community center.[2]

The Board is required to give "great weight" to the recommendation of the Office of Planning and to any issues and concerns raised by ANC 1B in this proceeding. The Board notes that both OP and the ANC were in support of this application. The Office of Planning recommended two conditions, both related to parking; the Board agrees that the Applicant should be required to stripe the parking spaces available on the subject property in accordance with the Zoning Regulations, and notes that the record includes an updated agreement allowing the Applicant to use two parking spaces in the parking lot of the Easter Seals child development center. ANC 1B did not indicate any issues or concerns about the Applicant's community center use in its resolution recommending approval of the Applicant's request for a five-year extension of the special exception.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the written report of ANC 1B, the Board concludes that the Applicant has satisfied the requirements for renewal of a special exception under § 209 to allow the continued operation, for another five-year term, of a community center in the R-4 district at 1323 Girard Street, N.W. (Square 2855, Lot 828). Accordingly, it is hereby **ORDERED** that the application is **GRANTED** subject to the following **CONDITIONS:**

1. The special exception shall be valid for a term of five years from the effective date of this Order.

2. The normal hours of operation of the community center shall not exceed 10:00 a.m. to 7:00 p.m., Monday through Friday.

3. Except for occasional special events, the number of persons in attendance at the community center shall not exceed 11 staff and 60 participants.

4. The Applicant shall conduct programs and activities associated with the community center primarily inside the building.

5. The Applicant shall provide five parking spaces on the subject property, and shall maintain the spaces in accordance with the requirements of chapter 21 of the Zoning

[2] The Board notes that, since a new fence has been erected around the rear yard of the subject property, vehicles will not be able to drive onto the adjoining neighbors' rear yard.

Regulations, including with respect to the size of the spaces, maintenance of the parking area, and access to the parking area.

6. The Applicant shall place a trash receptacle on the front porch of the subject property, and shall empty the trash daily.

7. The Applicant shall designate a member of the staff of the community center as the person responsible for addressing complaints and concerns raised by the public or Advisory Neighborhood Commission 1B.

8. The Applicant shall attend at least one public meeting of Advisory Neighborhood Commission 1B each year to provide an opportunity for the public to express concerns related to the operation of the community center, and to describe how the Applicant addressed any complaints received from the public during the prior year.

VOTE: 3-0-2 (Marc D. Loud, Shane L. Dettman, and Konrad W. Schlater (by absentee vote) voting to APPROVE; two Board members not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of Board members approved the issuance of this Order.

ATTESTED BY: Jamison L. Weinbaum
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: OCT 26 2009

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

MN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 17942

As Director of the Office of Zoning, I hereby certify and attest that on **OCTOBER 26, 2009**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

Kinley Dumas Bray, Esq.
Arent Fox LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

Rosetta Lai
1323 Girard Street, N.W.
Washington, D.C. 20009

Gary Imhoff
Dorothy Brizill
1327 Girard Street, N.W.
Washington, D.C. 20009-4915

Chairperson
Advisory Neighborhood Commission 1B
P.O. Box 73710
Washington, D.C. 20056

Single Member District Commissioner 1B08
Advisory Neighborhood Commission 1B
P.O. Box 73710
Washington, D.C. 20056

Jim Graham, Councilmember
Ward One
1350 Pennsylvania Avenue, N.W., Suite 105
Washington, D.C. 20004

Bennett Rushkoff, Esquire
Acting General Counsel
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 9400
Washington, D.C. 20002

ATTESTED BY: Jamison L. Weinbaum

JAMISON L. WEINBAUM
Director, Office of Zoning

TWR

EXHIBIT C3

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17742 of Unique Learning Center, pursuant to 11 DCMR §§ 3104.1, and 3103.2, for a variance from the court requirements under § 406, a variance from the nonconforming structure provisions of § 2001.3, and a special exception under § 209, to operate a community center in the R-4 District at premises 1251 – 1253 4th Street, N.W. (Square 523, Lot 858).

HEARING DATE: April 1, 2008
DECISION DATE: May 6, 2008

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under section 209. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 209, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving

under 11 DCMR §§ 3103.2, 406 and 2001.3 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT to the following CONDITIONS:**

(1) Activities of the Unique Learning Center shall be limited to those that serve its mission of providing academic, recreational, cultural, and moral enrichment programs to at-risk children in the inner-city community of Washington, D.C., including programs for the children's parents.

(2) The lighting on the property shall include a downward-focused, motion-sensor light that will illuminate the entirety of the back parking lot and rear entrance to the building. Additional subdued lighting shall be located on the outside of the building.

(3) A wrought-iron fence in the style of other fences in the surrounding neighborhood will attach near the southwest corner of the building and will run along the property line, encompassing the parking lot, and reattach at the southeast corner of the building. The fence will be between 6 to 8 feet high when surrounding the open parking lot and will be shorter when running along the building. The main entrance to the parking lot will be secured nightly and during hours/days that the property is not in use.

VOTE: **4-0-1** (Ruthanne G. Miller, Michael G. Turnbull, Mary Oates Walker, and Shane L. Dettman to approve; no other Board Member participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: MAY 16 2008

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

TWR

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 17742

As Director of the Office of Zoning, I hereby certify and attest that on **MAY 16, 2008**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

Dennis K. Moyer
Goulston & Storrs
2001 K Street, N.W. 20006

Sherry L. J. Woods
Director, ONE Ministries
Unique Learning Center
P.O. Box 16089
Washington, D.C. 20001

Chairperson
Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, D.C. 20013

Single Member District Commissioner 6C02
Advisory Neighborhood Commission 6C
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Washington, D.C. 20013

Matthew LeGrant, Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002

Tommy Wells, City Councilmember
Ward Six
1350 Pennsylvania Avenue, N.W., Suite 408
Washington, D.C. 20004

Jill Stern, Esquire
General Counsel
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 9400
Washington, D.C. 20002

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

TWR

EXHIBIT C4

Government of the District of Columbia
OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

Application No. 16532 of Joyce Madyun/Youth Organizations United to Rise (YOUR), pursuant to 11 DCMR 3104.1, for a special exception under Section 209 for a community service center which consists of an educational and recreational before and after school program, an employment support program for teens and young adults and a summer program for all ages on the first floor and basement in an R-1-B District at premises 4913 14th Street, N.W. (Square 2807, Lot 24).

HEARING DATE: **January 19, 2000**
DECISION DATE: **January 19, 2000** **(Bench Decision)**

CORRECTED SUMMARY ORDER*

*This **CORRECTED SUMMARY** order replaces the **SUMMARY ORDER** issued on February 8, 2000, which inadvertently omitted the **CONDITIONS.**

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, submitted a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 209. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

BZA
Case No. 16532
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16532
EXHIBIT NO.41

1. The enrollment at the center shall not exceed 40 children, ages from six to 12 years.

2. The number of staff shall not exceed four.

3. The community center's hours of operation shall be from 6:45 a.m. to 6:15 p.m.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Sheila Cross Reid, Kwasi Holman and Robert N. Sockwell to grant).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: SEP 18 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9 "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16532/JKN/012400/0612000

Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

BZA APPLICATION NO. 16532

As Director of the Office of Zoning, I certify and attest that on SEP 18 2000 a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Sheila Bedi and Shawna Wilson
Washington College of Law
Clinical Program
4801 Massachusetts Avenue, Suite 417
Washington, D.C. 20016-8184

The Chairperson
Advisory Neighborhood Commission 4C
WMATA Bus Barn
P.O. Box 6087
Washington, D.C. 20039

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20009

Attested By: Jerrily R. Kress

JERRILY R. KRESS, FAIA
DIRECTOR

Attest16532/JKN/012400

EXHIBIT C5

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16491 of McKendree-Simms Brookland United Methodist Church, pursuant to 11 DCMR 3108.1 (new 3104.1), for a special exception under Subsection 209.1 to establish at the church annex, a meeting place for a temporary community service center for the distribution of food and clothing in an R-1-B District at premises 2411 Lawrence Street, N.E. (Square 4290, Lot 802).

HEARING DATE: October 6, 1999
DECISION DATE: October 6, 1999

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 5A. ANC 5A, which is automatically a party to this application, did not submit a written statement on the application.

As directed by 11 DCMR 3324.2 (new 3119.2), the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR Subsection 209.1. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108.1 (new 3104.1), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

BZA
CASE No. 16491
EXHIBIT No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16491
EXHIBIT NO.24

1. Approval shall be for **FIVE (5) YEARS.**

2. The days and hours of operation shall be Monday through Friday, 9:00 a.m. to 4:00 p.m., and 6:00 p.m. to 9:00 p.m., one evening per week for meetings.

Pursuant to 11 DCMR 3301.1 (new 3101.6), the Board has determined to waive the requirement of 11 DCMR 3331.3 (new 3125.3) that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0-1 (Sheila Cross Reid, John Parsons and Jerry Gilreath to grant; Robert Sockwell not present, not voting.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: OCT 25 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.6, "A DECISION OR ORDER OF THE BOARD SHALL BE AND BECOME FINAL UPON FILING IN THE RECORD AND SERVICE UPON THE PARTIES."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BAB/10-13-99

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16491

As Director of the Office of Zoning, I hereby certify and attest that on OCT 25 1999 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Dorsey Evans
8455 Colesville Road, Suite 1080
Silver Spring, MD 20910

Edwin W. Williams, Pastor
McKendree-Simms Brookland
United Methodist Church
2421 Lawrence Street, N.E.
Washington, D.C. 20018

Joseph Bowser, Chairperson
Advisory Neighborhood Commission 5A
14th and Irving Streets, N.E.
Washington, D.C. 20017

ATTESTED BY: Jerrily R. Kress

JERRILY R. KRESS, FAIA
Director

EXHIBIT C6

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17758 of McKendree Simms Brookland United Methodist Church, pursuant to 11 DCMR § 3104.1, for a special exception for a community center under section 209, in the R-1-B District at premises 2411 Lawrence Street, N.E. (Square 4290, Lot 802).

HEARING DATE: July 29, 2008
DECISION DATE: July 29, 2008 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5A, which is automatically a party to this application. ANC 5A did not participate in the application. The Office of Planning (OP) submitted a report in conditional support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 209. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 209, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS:**

1. Approval shall be for **TEN (10) YEARS**.

2. The days and hours of operation shall be Monday through Friday, 9:00 a.m. to 4:00 p.m., and 6:00 p.m. to 9:00 p.m. one evening per week for meetings.

VOTE: **5-0-0** (Ruthanne G. Miller, Marc D. Loud, Mary Oates Walker, Shane L. Dettman and Curtis L. Etherly, Jr. to Approve.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: JUL 31 2008

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING

BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 17758

As Director of the Office of Zoning, I hereby certify and attest that on July 31, 2008, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

John E. Arness II, Esq.
4725 Wisconsin Avenue, N.W.#250
Washington, D.C. 20016

Mary J. Harris
Donald G. Coates
McKendree-Simms Brookland United Methodist Church
2411 Lawrence Street, N.E.
Washington, D.C. 20018

Chairperson
Advisory Neighborhood Commission 5A
1322 Irving Street, N.E.
Washington, D.C. 20017

Single Member District Commissioner 5A10
Advisory Neighborhood Commission 5A
1322 Irving Street, N.E.
Washington, D.C. 20017

Harry Thomas, Jr., City Councilmember
Ward Five
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Matthew LeGrant, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E. # 2000
Washington, D.C. 20002

General Counsel
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

rsn

ATTESTED BY:
JERRILY R. KRESS, FAIA
Director, Office of Zoning

EXHIBIT C7

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15880 of the William C. Smith Co., pursuant to 11 DCMR 3108.1, for a special exception under Section 209 to establish a community center in the basement of an existing apartment building in an R-4 District at premises 3320 Stanton Road, S.E. (Square 5902, Lot 3).

HEARING DATE: December 15, 1993
DECISION DATE: December 15, 1993 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 8B. ANC 8B, which is automatically a party to this application, submitted written issues and concerns in support of this application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 209. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

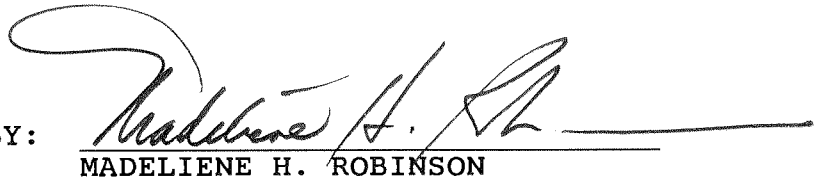
1. Approval shall be for a period of **TEN YEARS.**

2. The number of clients on the premises shall not exceed 75 at any time.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0 (Maybelle Taylor Bennett, Laura Marie Richards, George Evans, Craig Ellis and Angel F. Clarens to grant).

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

ATTESTED BY: 
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: DEC 30 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15880Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15880

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 30 1998 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Brenda H. Jones
3320 Stanton Road, S.E.
B-Level
Washington, D.C. 20020

William C. Smith Co.
1220 L Street, N.W.
Washington, D.C. 20005

Frank Hilton
2000 Savannah Street, S.E.
Washington, D.C. 20020

Virginia Yarborough
3442 25th Street, S.E.
Washington, D.C. 20020

Jacqueline Shillings, Chairperson
Advisory Neighborhood Commission 8B
2027 Alabama Avenue, S.E.
Washington, D.C. 20020

MADELIENE H. ROBINSON
Director

DATE: DEC 30

15880tt/bhs

EXHIBIT C8

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14594, of James A. Hickey, Archbishop, Catholic Diocese of Washington, pursuant to Sub-section 8207.2 (11 DCMR 3108) of the Zoning Regulations, for special exception to continue to use premises as a community center building (Paragraph 3101.45, 11 DCMR 209) in an R-5-A District at premises 1600 Morris Road, S.E., (Square 5817, Lot 803).

HEARING DATE: June 10, 1987
DECISION DATE: July 1, 1987

FINDINGS OF FACT:

1. The subject property is located on the north side of Morris Road at its intersection with 16th Street and is known as premises 1600 Morris Road, S.E. It is zoned R-5-A.

2. The property contains approximately sixteen acres of land and is currently improved with buildings housing a church, church school, rectory, and community center. A large 275-car parking lot serves the community center and the school.

3. The property is situated on a high bluff which offers views of the Anacostia River and Downtown. The Lucy E. Moten Elementary School is located opposite the site across Morris Road. The newly-opened Anacostia Neighborhood Museum is located two blocks north of the site. The community center building is separated by a considerable distance from the nearest residential dwelling.

4. The applicant is requesting permission to continue to operate a community center at the subject site. The existing community center was established pursuant to BZA Order No. 10409, dated July 29, 1969, for a period of three years. The center has operated continually since that time. The last certificate of occupancy was issued on March 25, 1987.

5. The community center is operated by Our Lady of Perpetual Help Church and School. The community center is operated as a non-profit community service which hosts events for the residents of the community ranging from bingo games, wedding receptions, luncheons, youth dances, adult cabarets and community gatherings. Rental fees received for the use of the facility are applied to the costs of maintaining the facility.

6. No articles of commerce are offered for sale at the center except that refreshments are offered for sale during some events.

7. The considerable distance between the center and the nearest residential dwellings will minimize the impact of noise from activities taking place within the community center building.

8. The proposed capacity for the center will be 960 persons standing, 430 persons seated. The Zoning Regulations require one parking space for every ten seats or 43 parking spaces. The existing parking lot has a capacity of 275 parking spaces, far in excess of the number of spaces required.

9. By letter received June 10, 1987, and through a representative at the public hearing, the adjacent Advisory Neighborhood Commission (ANC) 8A, opposed the continuance of the community center. ANC 8A contended that the use of the facility for bingo games, cabarets and similar activities does not constitute a community center. ANC 8A further noted that patrons of cabarets and similar activities at the site disturb the peace, litter the area with beer cans and empty bottles, deface property by parking on private lawns, trespass by parking in private driveways, play loud music, and use profanity at 3 or 4 A.M.

10. By letter dated May 28, 1987, the affected Advisory Neighborhood Commission (ANC) 6C indicated that it had no opposition to the continued use of the premises as a community center building. ANC 6C did not set forth specific issues and concerns related to zoning standards, as required by 11 DCMR 3307.1.

11. The Office of Planning, by memorandum dated June 3, 1987, recommended conditional approval of the application. OP was informed by the Metropolitan Police Department (MPD) that there have been disturbances created after dances have concluded by youths congregating in the parking lot and in public space along Morris Road including an incident involving the shooting of four youths near the premises after attendance at such a dance. MPD recommended that the following conditions be imposed if the application is approved:

a. The Center shall be required to provide adequate security for the monitoring of the grounds and adjacent public spaces during and after all events. This condition is particularly important during youth dances for the orderly dispersal of guests after events.

b. The Center shall contact the Seventh District Police Station for notification of the starting and ending times of such events.

12. OP was of the opinion that the majority of the Center's activities comply fully with the strict special exception criteria to allow its continued operation. However, the information provided by MPD raised doubts as to the ability of the Center to adequately handle the orderly dispersal of crowds after certain events. OP, therefore, recommended that approval of the application be further conditioned as follows:

a. The Center shall demonstrate to the Board its ability to chaperone and provide security for 960 standing, 430 seated vouth patrons.

b. The youth dances shall conclude at an hour determined by the Board as necessary to preserve the residential tranquility of the neighborhood not to exceed 12 midnight.

The Board concurs with the recommendation of OP as reflected by the conditions hereinafter imposed.

13. The Board finds that the Center is an established institution in the neighborhood which has a history of hosting events beneficial to the community and providing cultural enhancement to the city. The Board is of the opinion that the facility does fill a vital neighborhood need. The Board notes that the concerns raised by ANC 8A and the report of OP relate to a specific type of event and that the description of the disturbances seems to indicate that many of the incidents occur in the surrounding area after patrons have left the subject site. The Board further notes that the majority of the center's activities comply with the requisite criteria. The Board finds that the occurences described can be acceptably reduced or eliminated with the imposition of the conditions hereinafter attached to this order.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires the demonstration of substantial compliance with the criteria set forth in Section 209 and that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The Center is operated by a non-profit organization promoting the welfare of the neighborhood in which it is located. The Center is reasonably necessary and convenient to the neighborhood. There are no articles of

commerce for sale. The Center, as hereinafter conditioned, will be less objectionable due to noise or traffic.

The Board further concludes that, as hereinafter conditioned, the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan.

Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS.

2. Any evening event at which patrons under the age of eighteen years are permitted to enter shall conclude no later than 12 o'clock midnight. The operator shall require that all patrons at the facility shall provide proof of age at the door before admission to any evening event.

3. The operator shall not sub-lease or contract the facility out for youth oriented evening dances or events in excess of once per month.

4. The operator shall notify the Seventh District of the Metropolitan Police Department of all evening events scheduled at the facility. The operator shall provide the police representative with information as to the date and type of event, the number of patrons expected to attend, and the time that the event is scheduled to begin and conclude.

5. The operator shall provide adequate security, both inside and outside the premises, for all evening events. The minimum number of security personnel for events with a capacity of 430 patrons shall be ten. The minimum number of security personnel for events with a capacity of 960 patrons shall be twenty-five. Security personnel shall remain on the site until all patrons have been dispersed from the area.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant).

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

ATTESTED BY: Edward L. Curry by BC
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 28 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14594order/LJP25

EXHIBIT C9

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14619 of Lenore Partnership, pursuant to Sub-section 8207.2 (3108.1, 11 DCMR) of the Zoning Regulations, for a special exception under Paragraph 3101.45 (209.1, 11 DCMR) to permit construction of a community center building including a tennis court and a swimming pool in an R-1-A District at premises 4201 Lenore Lane, N.W., (Square 2246, Lot 27).

HEARING DATE: June 24, 1987
DECISION DATE: June 24, 1987

FINDINGS OF FACT:

1. The site, known as premises 4201 Lenore Lane, N.W., is located adjacent to the intersection of Lenore Lane and Linnean Avenue. The site is located in an R-1-A District.

2. The site is quadrilateral in shape with an area of approximately 18,000 square feet. It is unimproved.

3. The R-1-A District extends in all directions from the site. The immediate neighborhood is developed with single-family detached houses, the Hillwood Mansion / Museum and the Royal Netherlands Embassy.

4. The site is owned by a non-profit group of neighboring families that have formed a partnership known as Lenore Partnership.

5. Pursuant to Sub-section 8207.2 of Zoning Regulation's Lenore Partnership is seeking a special exception to construct a swimming pool, bath house, deck, and tennis court facility on the site for the use of the membership and their families.

6. The partnership is a local community organization which was formed exclusively for the promotion of the social welfare of the neighborhood in which the pool and tennis court are proposed to be located.

7. No articles of commerce will be offered for sale on the grounds of the facility.

8. The facility will be limited to a single tennis court, a twenty foot by fifty-five foot swimming pool, bath house with changing, shower, toilet, maintenance, storage,

and other necessary facilities, and surrounding deck. Facilities are to be used by the members of the homeowners association and their guests. There will be no parking facilities provided on site.

9. The proposed tennis court and pool will be constructed in accordance with the Building Code and other District of Columbia requirements. The swimming pool will have a cover to provide additional safety.

10. Membership in the Partnership will be limited to no more than fifteen families. All but two of the families will live within approximately 1000 feet of the facilities.

11. Landscaping around the perimeter of the facilities on Lenore Lane and Linnean Avenue, N.W. will include evergreens and/or other plantings as recommended by a landscape architect to provide screening from the street.

12. There will be no artificial lighting of the facilities at night except for lighting required for security and safety.

13. There will be an integrated architectural solution for the storage of trash and a plan for trash removal.

14. By letter dated June 1, 1987 Advisory Neighborhood Commission 3F reported that it voted not to oppose the application.

15. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.45 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof in demonstrating that the proposed recreation facilities will be operated by a local community association which is not organized for profit, but is exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located. There will be no articles of commerce for sale on the premises. It is not likely to become objectionable because of noise or traffic since there is a limitation on members in number and geographic area and no on-site parking provided. The lack of on-site parking is to encourage walking to the site. The use is reasonably convenient to the neighborhood in which it is proposed to be located.

The Board further concludes that the use will not tend to affect adversely the use of the neighboring property. The Board is further of the opinion that the relief requested can be granted as in harmony with the general purpose and intent of the zone plan. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

A. The membership of the association, Lenore Partnership, or any successor entity that will use the recreational facilities shall be limited to no more than fifteen families. No more than two of the member families may reside in excess of 1,000 feet from the subject site.

B. There shall be no illumination of the recreational facilities at night except for security lighting.

C. No parking shall be provided on the site.

D. The layout of the recreational facilities shall be as shown on Exhibit Number 3 of the record.

E. Final building plans shall include an architecturally designed trash collection site within the facility. The applicant shall provide for private trash collection service from the site on a regular basis.

F. Evergreen landscaping shall be provided along the boundaries of the site bordering public rights-of-way to screen the facilities from the streets.

VOTE: 4-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh and Charles R. Norris to grant)

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

ATTESTED BY: _____
EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 15 [illegible]

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order14619/DEE2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 18718 of Lenore Pool and Tennis Club, Inc., as amended, pursuant to 11 DCMR § 3104.1, for a special exception under § 209 for a community center building including a tennis court and swimming pool, and **Order Modification No. 14619-C,** pursuant to 11 DCMR § 3129.7 for modification of a condition in BZA Order No. 14619-B, for property located in the R-1-A District at premises 4201 Lenore Lane, N.W. (Square 2246, Lot 27)

HEARING DATE: March 4, 2014
DECISION DATE: March 4, 2014

SUMMARY ORDER ON 3rd REQUEST FOR MODIFICATION

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113 2

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D C Register* and by mail to Advisory Neighborhood Commission ("ANC") 3F and to owners of property within 200 feet of the site

By its order No. 14619, dated September 15, 1987 ("the original Order"), the Board granted the Applicant herein approval to establish a community center building, including a tennis court and a swimming pool at the Subject Property Subsequent orders were issued, to wit, No. 14619[1] (issued May 5, 1988 modifying the plans) and 14619-B (issued June 15, 2010 modifying one condition) The instant order relates back to the most recent modification – 14619-B.

In Order No. 14619-B, Condition A provides as follows "The membership of the Lenore Pool and Tennis Club, or any successor entity that will use the recreational facilities, shall be limited to no more than 20 families. No more than three of the member families may reside in excess of 1,000 feet from the subject site." The Applicant herein has requested a modification of this condition to increase the number of memberships from 20 to 25 and to increase the number of families that can live more than 1,000 feet from the site from three to five. Given the true nature of the Applicant's request, the Board, on its own motion amended this application to include a

[1] Ostensibly, this order which first modifies the original Order should have been labeled "14619-A"

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18718
EXHIBIT NO. 29

modification of the previous Order – No 14619-B pursuant to § 3129.7, *et seq* , which provides as follows:

3129 MODIFICATION OF APPROVED PLANS

3129 7 A request to modify other aspects of a Board order may be made at any time, but shall require a hearing.

3129.8 The scope of a hearing conducted pursuant to § 3129.7 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.

3129 9 The filing of any modification request under this section shall not act to toll the expiration of the underlying order and the grant of any such modification shall not extend the validity of any such order.

Addressing the impact test of § 3129.8, the Applicant noted in testimony at the hearing of March 4, 2014 that the change would not create an adverse impact on the community and that neighbors have raised no issues related to the facility In light of this testimony, the Board concludes that the Applicant has met the requirements for a modification under § 3129.7.

Regarding the special exception aspect of the relief, the Applicant maintains that the previously-approved use remains unchanged

The Board notes that the site of this application is located within the jurisdiction of ANC 3F, which is automatically a party to this application ANC 3F filed a report, dated March 4, 2014. In the report, the ANC stated that at a regularly scheduled public meeting on February 18, 2014, with a quorum of Commissioners present, the ANC voted to approve the application. (Exhibit 26.)

The Office of Planning ("OP") submitted a timely report, dated February 25, 2014, recommending approval of the application with the modified condition. (Exhibit 24)

The District Department of Transportation ("DDOT") submitted a report, dated February 25, 2014, stating that the proposed project will have no adverse impacts on the travel conditions of the District's transportation network. (Exhibit 25.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for a special exception for continuing a community center use under § 209. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR §§ 3104 1 and 209 that the requested special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map The Board further concludes that granting the requested special exception will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application be **GRANTED WITH THE FOLLOWING CONDITIONS, AS MODIFIED by the Board[2]:**

A. The membership of the Lenore Pool and Tennis Club, or any successor entity that will use the recreational facilities, shall be limited to no more than 25 families. No more than six of the member families may reside in excess of 1,000 feet from the subject site

B. Except for security lighting, the recreational facilities shall not be illuminated at night.

C No parking shall be provided on the site

D. The Applicant shall provide for private trash collection service from the site on a regular basis

E The Applicant shall provide evergreen landscaping along the boundaries of the site bordering public rights-of-way to screen the facilities from the streets

VOTE: **4-0-1** (Lloyd J. Jordan, S Kathryn Allen , Marcie I. Cohen, Marnique Y. Heath, and Jeffrey L. Hinkle to Approve.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of Board members approved issuance of this order

ATTESTED BY: _____
SARA A. BARDIN
Director, Office of Zoning

[2] All conditions approved at the Public Hearing of March 4, 2014 are presented here rather that incorporating by reference Pertinent revisions to Condition A are underlined

FINAL DATE OF ORDER: March 12, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C HUMAN RIGHTS ACT OF 1977, AS AMENDED, D C OFFICIAL CODE § 2-1401.01 *ET SEQ* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

EXHIBIT D

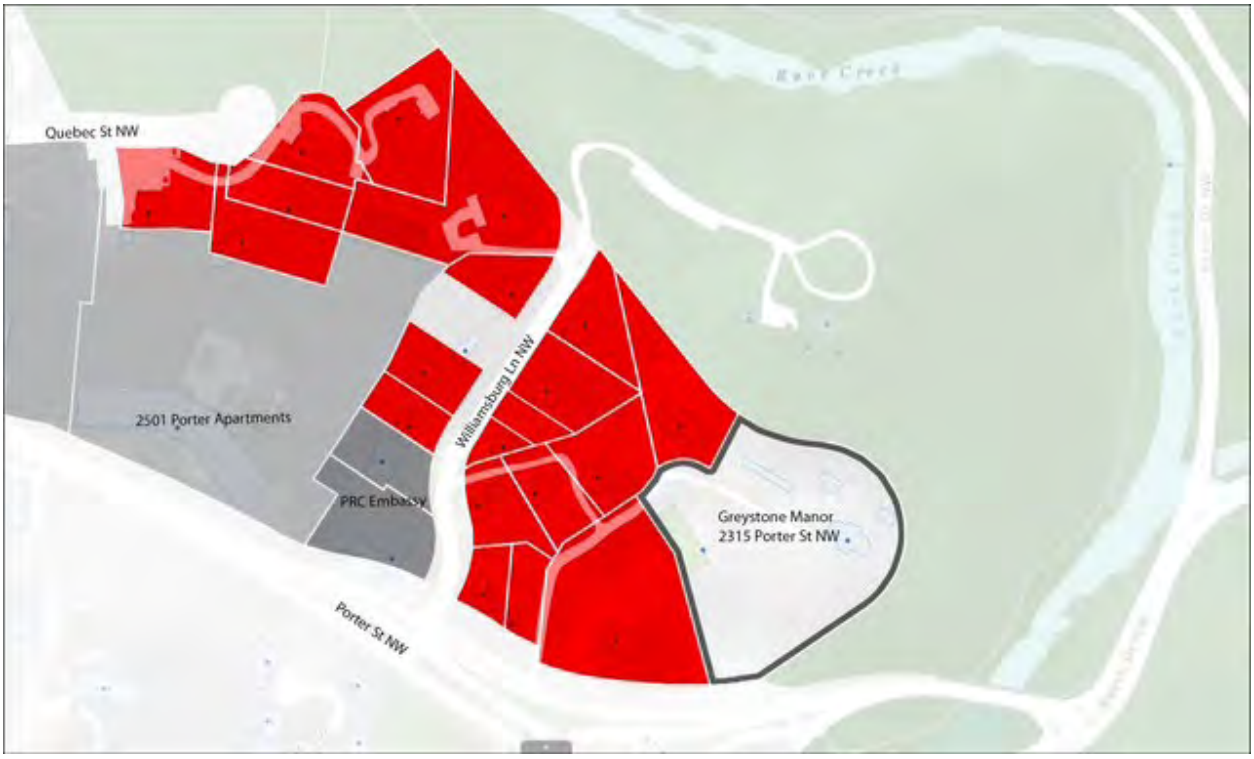

Quebec St NW
2501 Porter Apartments
PRC Embassy
Williamsburg Ln NW
Greystone Manor
2315 Porter St NW
Porter St NW

EXHIBIT E

symmetra design

MEMORANDUM

TO:	District of Columbia Board of Zoning Adjustment	
CC:	Laurie Davis	Resident of 2331 Porter Street
	Joseph Sellers	Resident of 2331 Porter Street
	Julia Schiller	Resident of 2323 Porter Street
	Lowell Schiller	Resident of 2323 Porter Street
	Erkin Ozberk	District Department of Transportation (DDOT)
	Madeline Sanders	District Department of Transportation (DDOT)
FROM:	Nicole White, P.E., PTOE	Symmetra Design
	Cece Wu, P.E., PTOE	Symmetra Design
DATE:	**October 26, 2026**	
RE:	BZA Case No. 21510 | 2325 Porter Street NW – Transportation Impacts and Recommended Operating Conditions	

Purpose and Scope

This memorandum consolidates the transportation concerns identified in Symmetra Design's October 14, 2026 review of the proposed Rock Creek Club at 2325 Porter Street NW and summarizes recommended operating conditions for consideration by the Board of Zoning Adjustment (BZA). It also considers the Applicant's Transportation Management Plan (TMP), including the Event Management and Monitoring Plans filed October 20, 2026. The seven principal topics and ten recommended conditions are presented below.

The October 14 transportation review, previously transmitted to DDOT and the ANC and included here as Appendix A, provides the detailed technical basis for these concerns. Appendix B documents the physical and operational conditions of the shared gravel road. The proposed conditions respond to deficiencies identified in those materials; they do not imply that the Applicant has resolved those deficiencies.

These recommended conditions are intended as additional restrictions to the Applicant's TMP commitments, not replacements for those commitments. In particular, organized activities whose transportation impacts have not been demonstrated should not be included in the initial operating authorization.

Principal Transportation Issues

A. Transportation Demand and Permitted Community Center Programming

Principal concern: The Applicant has not adequately documented the transportation demand associated with organized community center programming or substantiated the travel assumptions used to estimate vehicle trips, parking demand, and pickup/drop-off (PUDO) activity.

- The estimates rely on one comparison facility, Cleveland Park Club, without demonstrating comparable amenities, scheduling, attendance and overlapping uses.
- The assumed average vehicle occupancy of 3.0 and bicycle/scooter mode share of 30% have not been adequately supported by comparable observed travel data. These assumptions materially affect projected vehicle trips and parking and PUDO demand.
- The Applicant has not provided sufficient information regarding the types, anticipated frequency, and attendance levels of organized programming, including group tennis and swimming lessons, yoga and fitness classes, meeting, childcare, padel lessons, clinics, camps, group dinners, and social events, or assessed the transportation implications of overlapping activities.

Recommended operating restrictions and conditions

1. Organized programming, including group tennis and swimming lessons, yoga and fitness classes, meeting, childcare, padel lessons, clinics, camps, recurring group dinners, and organized social activities, shall be excluded from the initial operating authorization until the Applicant provides a reasonable description of the anticipated activities, their general frequency and attendance levels, and an assessment of associated vehicle-trip generation, parking demand, pickup/drop-off activity, and shared gravel-road access impacts, including the potential for overlapping activities.

B. Shared Gravel Road and Site Access

Principal concern: The narrow shared private gravel road and constrained Porter Street entrance present concerns regarding opposing-vehicle movements, pedestrian safety and residential access, particularly given the uncertainty surrounding the anticipated level of Community Center-generated traffic. These concerns are not resolved by relying on the legal easement width.

- As documented in Appendix B, the approximately 800-foot shared gravel road includes traveled widths of approximately 12 to 16 feet, limited sight distance, and intermittent passing opportunities. Field observations demonstrate that opposing vehicles must yield or reposition at certain locations. The Applicant has not demonstrated how the proposed Community Center traffic would operate within these constraints, including at the Porter Street entrance, while maintaining safe conditions for pedestrians and motorists and preserving residential access. The absence of roadway lighting also raises concerns regarding pedestrian visibility and interactions between pedestrians and vehicles during evening Community Center operations.

Recommended operating restrictions and conditions

2. Community Center-related vehicular use of the shared gravel road shall not be permitted unless the Applicant first submits a roadway access and operations assessment demonstrating that the

proposed level of Community Center-generated traffic can be safely accommodated within the existing roadway constraints while maintaining pedestrian and motorist safety and unobstructed residential access. The assessment shall evaluate anticipated opposing vehicle encounters, including passenger vehicles and delivery/service vehicles, the adequacy and spacing of available passing areas, sight distance, and the potential need for yielding or reversing maneuvers. It shall also consider periods of concentrated Community Center arrivals and departures.

3. Community Center-related vehicles shall not use neighboring private driveways or other private property for passing, turning, waiting, or reversing without the property owner's authorization. The Community Center shall establish and implement procedures, consistent with the approved roadway access and operations assessment, to manage opposing vehicle movements along the constrained roadway, including yielding at designated passing areas and maintaining unobstructed access for existing residents.

C. On-Site Circulation, Parking and PUDO

Principal concern: The Applicant has not provided a dimensioned circulation plan or demonstrated that the 14 parking spaces, vehicle gate, and PUDO turnaround can function concurrently without adding unnecessary movements or queues on the shared road.

- The TMP identifies categories of persons authorized to park on-site, but does not establish the number of members who may receive parking authorization, allocation of spaces among staff, owners, vendors and members, or a method to prevent trips by drivers who arrive only to discover that no space is available.
- The Applicant has not provided a final dimensioned parking and circulation plan demonstrating the location and operation of the 14 spaces, gate, and PUDO turnaround could function concurrently, including the potential impacts of parked service and food delivery vehicles on available parking, circulation and turnaround capacity.

Recommended operating restrictions and conditions

4. Before approval, the Applicant shall provide a dimensioned site circulation and parking plan and a parking allocation and management plan identifying eligible users, allocation and simultaneous occupancy limits, and a means of confirming availability before authorized drivers use the shared gravel road. The plans shall account for parked service vehicles, including food trucks, and their effects on available parking, circulation and turnaround capacity. The plans shall demonstrate that denied or excess parking demand will not cause additional unnecessary movements or obstruction of residential access.
5. On-site PUDO shall be limited to the number and pattern of vehicle movements demonstrably accommodated by the proposed turnaround without queues extending onto the shared gravel road or conflicts with the gate, parking, and residential access.

D. Off-Site Parking and Porter Street Operations

Principal concern: The Applicant has not quantified projected on-street parking accumulation using substantiated travel assumptions and duration of stay. In addition, potential curbside PUDO along Porter Street has not been adequately evaluated.

- The Applicant anticipates approximately 15% of trips using on-street parking, but does not translate that share into an estimated number of parked vehicles by time period, accounting for a supported vehicle occupancy, duration of stay, and overlapping activities.
- The observed Saturday parking supply was nearly fully occupied (42 of 43 spaces at 1:00 p.m.); weekday parking observations ended at 6:00 p.m. and do not establish conditions during later Community Center operations.
- The Applicant has indicated that some routine pickup/drop-off may occur at the Porter Street pedestrian entrance; the operational implications of that activity have not been demonstrated.

Recommended operating restrictions and conditions

6. Before approval, the Applicant shall provide an on-street parking demand and accumulation assessment using a supportable estimate of actual vehicle occupancy and mode split, anticipated member dwell time, and concurrent programming. The assessment shall compare projected demand with parking availability during relevant weekday evening and weekend periods. If projected demand exceeds available parking supply, the Applicant shall reduce or adjust Community Center activities, programming, and/or membership levels as necessary to ensure that parking demand can be accommodated without adversely affecting existing neighborhood parking conditions.
7. The Community Center shall not designate or direct routine PUDO to the Porter Street pedestrian entrance unless the location and expected activity have been evaluated and any necessary curbside management restrictions or arrangements have been established in coordination with DDOT.

E. Recurring Programming and Special Events Management

Principal concern: The request for up to six annual special events is not supported by a defined attendance limit or quantified event transportation demand. Similarly, the Applicant has not established how recurring large dinners and organized social events would be managed to address their transportation impacts.

- The Event Management Plan does not establish maximum event attendance, vehicle trips, parking accumulation, PUDO demand, peak arrivals and departures, or vendor parking needs.
- Proposed staggered arrival windows and traffic attendants do not establish whether events of unspecified size can be accommodated. The proposed location and circulation arrangements for event PUDO along Porter Street also remains unclear.
- The proposed recurring dinners with up to 100 attendees, potentially twice weekly, and social events with up to 49 attendees are not addressed by transportation management measures, despite their potential to generate concentrated arrivals and departures and additional parking and PUDO demand.

Recommended operating restrictions and conditions

8. The six annual special events shall be excluded from the initial operating authorization. No special event shall be authorized without a defined maximum attendance and operating parameters supported by evaluation of peak arrivals and departures, parking, PUDO, vendor activity, and shared gravel-road access and circulation impacts.
9. Recurring group dinners and organized social events shall be subject to transportation management measures addressing anticipated attendance, parking, PUDO, and peak arrival and departure activity, including potential overlap with other Community Center operations.

F. Deliveries, Loading and Trash Collection

Principal concern: The Applicant has not demonstrated that delivery and loading activities can be accommodated within the physical constraints of the shared gravel road and site, or that the proposed trash collection arrangements along Porter Street can be accommodated without adversely affecting pedestrian and roadway operations.

- The submitted 28-foot delivery vehicle turning diagrams should be checked against the final measured traveled way and fixed features; the existence of a wider legal easement does not establish usable vehicle clearance.
- The Applicant proposes trash collection along Porter Street at the Community Center's pedestrian entrance. However, the collection vehicle stopping location, container staging and movement, and potential impacts on pedestrian access and roadway operations have not been adequately demonstrated. Any future use of the shared gravel road for trash collection or container rollout would introduce additional access and circulation concerns.

Recommended operating restrictions and conditions

10. The Applicant shall demonstrate that delivery and loading vehicles and operating procedures can be accommodated within the actual physical constraints documented in Appendix B, including the required approach, turning and departure movements, without obstructing residential access. The proposed trash collection arrangements along Porter Street shall be demonstrated to accommodate collection vehicles without obstructing pedestrian access or roadway operations. Any movement of trash containers along the shared gravel road shall be conducted manually and shall not obstruct residential access.

G. Transportation Monitoring, Corrective Actions and Limited Approval Term

Principal concern: Although the TMP establishes a daily vehicle-trip monitoring threshold, daily totals alone do not capture concentrated peak-period opposing movements, and the plan does not establish enforceable consequences when limits are exceeded or documented operating problems occur.

- The TMP proposes a threshold of 68 Community Center-related daily vehicle trips on the gravel road. The threshold is a proposed monitoring trigger, not automatically an enforceable trip cap; approved daily and peak-hour limits and corrective-action triggers should be expressly stated in the BZA order.

- Counts should identify traffic entering and exiting the Community Center in 15-minute intervals and separately distinguish parking, PUDO, and vendor/service vehicle movements so that peak-period activity and its effects on residential access can be evaluated.
- Monitoring and corrective-action documentation should be retained in the BZA case record so that performance can be evaluated at the end of a limited approval term.

Recommended operating restrictions and conditions

11. The BZA order should establish enforceable daily and peak-hour Community Center vehicle-trip limits, monitoring and reporting requirements, and specified triggers for corrective action. Vehicle trips shall be counted by direction in 15-minute intervals, with separate identification of PUDO, parking, and delivery/service activity, excluding trips associated with existing residences. The TMP's proposed 68-trip daily monitoring threshold should not be treated as an enforceable maximum unless expressly adopted as such.
12. If an approved limit is exceeded or a documented access or circulation problem occurs, the Applicant shall implement corrective measures and report the issue, action, implementation date, and follow-up results. Monitoring and corrective-action reports shall be submitted through the procedure established in the BZA order, with copies to affected neighboring property owners.
13. The Board should consider a limited initial approval term. Any application for renewal or extension should include monitoring reports, corrective-action documentation and an assessment of whether the measures adequately addressed identified impacts. These materials should be considered as part of the BZA record before any continuation or modification of the approval.

Additional Information and Further Review

This memorandum is based on the information and documentation available at the time of review. Additional information, supporting documentation, and analysis may be necessary to fully evaluate the transportation impacts of the proposed Community Center as the Applicant responds to the issues identified herein. Accordingly, the findings, conclusions, and recommended operating conditions are subject to further review and refinement based on the completeness and adequacy of the Applicant's subsequent submissions and responses.

Appendices

Appendix A — Symmetra Design Transportation Statement Review Memorandum, October 14, 2026

Appendix B — Shared Gravel Road Field Assessment

symmetra design

MEMORANDUM

TO:	Laurie Davis	Resident of 2331 Porter Street
	Joseph Sellers	Resident of 2331 Porter Street
	Julia Schiller	Resident of 2323 Porter Street
	Lowell Schiller	Resident of 2323 Porter Street
CC:	Erkin Ozberk	District Department of Transportation (DDOT)
	Madeline Sanders	District Department of Transportation (DDOT)
FROM:	Nicole White, P.E., PTOE	Symmetra Design
	Cece Wu, P.E., PTOE	Symmetra Design
DATE:	**October 14, 2026**	
RE:	BZA Case No. 21510 | 2325 Porter Street NW – Transportation Statement Review	

This memorandum provides an independent transportation review of the Rock Creek Club's October 5, 2026 Transportation Statement and the Board of Zoning Adjustment (BZA) Application – Proposed Special Conditions. While the Transportation Statement concludes that the proposed Club would not result in adverse transportation impacts, our review identified concerns regarding the scope and assumptions underlying the transportation analysis, as well as missing information needed to evaluate proposed operations. Accordingly, we believe additional information and revised analysis are needed before the transportation impacts of the proposed use can be fully evaluated.

PRINCIPAL TRANSPORTATION ISSUES

1. **The Project Meets the CTR Trip Threshold, but the Basis for the Limited Study Scope Is Not Documented**
   - **The project exceeds the stated CTR trip threshold, but the basis for limiting the study scope is not documented.** The Transportation Statement projects 103 person trips during the Friday facility peak hour, exceeding the 100-person-trip threshold identified in the DDOT Scoping Form. The Scoping Form identifies a Transportation Statement as the selected study type; however, the materials reviewed do not document the basis for limiting the study to a Transportation Statement despite the projected person-trip generation exceeding the stated threshold.
   - **The limited study scope is particularly significant given the complexity of the site's surrounding access conditions.** Access to the shared gravel road occurs within a multi-lane, multi-directional roadway environment near the Porter Street/Williamsburg Lane intersection, which has unconventional geometry and multiple vehicle, pedestrian, and bicycle movements. Nearby residents have also reported concerns regarding stop-control

compliance at the intersection. The Transportation Statement does not document existing traffic operations, sight distance and visibility, stop-control compliance, or how additional Club-related vehicle, pedestrian, and PUDO activity could interact with these conditions. These are the types of existing network and operational conditions that warrant consideration in determining the appropriate scope of transportation analysis, particularly for a project exceeding the stated CTR person-trip threshold.

2. **Trip-Generation Estimates Rely on a Single Comparison Facility and Assumptions Require Further Support**
   - **The study relies on one comparison club without sufficiently establishing that its activities and travel patterns represent the proposed Club.** Cleveland Park Club is used as the sole basis for estimating the proposed Club's person trips, but the comparability of the two facilities has not been sufficiently established. The proposed Club's racket courts, swimming and wellness facilities, café/bar, meeting and work spaces, and anticipated programming may result in different attendance levels, lengths of stay, travel patterns, and peak periods. The 1.69 household-membership scaling factor accounts for the difference in household memberships but does not account for potential differences in programming and operations.
   - **Limited case-study count data were used to establish activity projections for the proposed Club without sufficient documentation of the activities observed or adjustments for differences in operations.** Counts at Cleveland Park Club were conducted on one Friday and one Saturday in July. The Transportation Statement does not identify the programming or activities occurring at Cleveland Park Club on the count days or sufficiently compare those activities and operating hours with those proposed at Rock Creek Club. If Cleveland Park Club's operating hours were shorter than the proposed Club's 9:00 or 10:00 PM closing times, the daily projections should account for the additional operating period at the proposed Club.
   - **The daily trip estimate uses the lower Saturday count without explaining why the higher Friday count was excluded.** The scoping table uses 242 daily person trips at Cleveland Park Club, matching the Saturday count, although the Friday count was 342. Applying the stated 1.69 scaling factor to the Friday count produces approximately 578 daily person trips, compared with 409 in the scoping table. The basis for selecting the lower count for the column labeled “Average Daily Traffic” is not explained, and daily person-trip estimates are not carried forward into the final trip-generation tables.

3. **Vehicle Occupancy and Mode Shares Are Not Sufficiently Substantiated**
   - **The assumed average vehicle occupancy of 3.0 is not sufficiently substantiated and materially reduces the estimated vehicle trips.** The Transportation Statement attributes the assumed average vehicle occupancy (AVO) of 3.0 to the Club's household membership structure rather than observed occupancy data or another documented source. The assumed AVO also exceeds the nationwide social/recreation reference value of 2.10 presented in DDOT's May 2024 CTR Guidelines. Because higher vehicle occupancy results

in fewer calculated vehicle trips, the basis for the 3.0 AVO should be further substantiated through observed data or another appropriate source.

- **The cited sources do not quantitatively support the percentages assigned to each travel mode, and available comparison-site data were not used to substantiate the bicycle/scooter assumption.** DDOT initially questioned the proposed auto and ride-hailing shares and requested additional supporting information before subsequently concurring with the revised assumptions. However, the Transportation Statement does not document how the adopted mode shares were derived from the cited Census, park-visitation, tourism, and travel-preference data. In particular, the NRPA surveys allow respondents to select multiple travel modes and therefore cannot be directly translated into mutually exclusive mode shares. Moreover, the raw Cleveland Park Club count data provided in the Technical Appendix (page 60) identify only two bicycle/scooter person trips during the facility peak hour, representing approximately 3% of the observed person trips during that period. This observed comparison-site share is substantially lower than the 30% bicycle/scooter share assumed for the proposed Club, yet it is not presented or discussed in developing the adopted mode-share assumptions. Given that Cleveland Park Club serves as the sole comparison facility for the trip-generation analysis, the basis for not considering its observed bicycle/scooter activity in developing the mode split should be explained. The resulting assumption that 50% of Club trips will occur by walking or bicycle/scooter materially reduces the number of calculated vehicle trips.
- **The treatment of Census data and its relationship to the adopted mode shares is not sufficiently explained.** The Census percentages presented in the Transportation Statement total 74%, with "Other" and "Work from Home" excluded. Excluding categories that are not directly applicable to Club travel may be reasonable; however, the Transportation Statement does not explain whether or how the remaining percentages were normalized or otherwise considered in developing the adopted mode shares. More broadly, the analysis does not document how journey-to-work Census data and public park-visitation data were translated into travel assumptions for a private membership Club. As a result, the basis for the ultimate mode-share assumptions is not readily reproducible from the information presented.
- **The assumed 50% combined walking and bicycle/scooter share is not evaluated in the context of site topography and access conditions.** The analysis does not sufficiently connect the assumed walking and bicycling shares to the grades and physical characteristics of the routes approaching the site. Given the significance of the 50% active-mode assumption to the resulting vehicle-trip estimates, the reasonableness of that assumption should be evaluated in the context of actual site access conditions.

4. **Programming is Not Clearly Reflected in Trip Generation**
   - **The analysis does not establish whether the trip estimates account for the full range of proposed Club programming and overlapping activities.** The materials do not provide sufficient information regarding proposed programming, anticipated attendance, or frequency of activities to determine whether the trip estimates account for lessons, camps, food and beverage service, conference-room use, guests, and other Club activities. The

Proposed Special Conditions also define regular Club operations to include indoor member events of up to 49 people, but it is unclear whether or how these events are reflected in the trip-generation and parking estimates, particularly when they occur concurrently with other Club activities.

- **Unrestricted food deliveries to Club members would add vehicle trips and compete for space in the pickup/drop-off area.** Delivery vehicles would enter and exit the site and occupy the pickup/drop-off area while completing deliveries, potentially increasing queues when they overlap with member pickups and drop-offs. The study does not account for these additional trips, delivery dwell times, or their effect on queues and the adequacy of the three-vehicle holding area.

5. **Special Event Demand and Transportation Arrangements Remain Undefined**
   - **The study does not estimate transportation demand for the proposed special events.** The Proposed Special Conditions allow up to six special events annually and identify the traffic plan as "TBD." Event-specific attendance, person and vehicle trips, PUDO demand, parking demand, and vendor/service activity are not established in the Transportation Statement.
   - **The materials do not demonstrate how special event transportation demand would be accommodated.** Special events may represent some of the Club's highest transportation demand conditions, yet the materials do not establish how associated parking, PUDO, deliveries/loading, and vehicle activity on the shared gravel road would be managed without interfering with resident access. The event transportation arrangements and responsibility for implementing them remain undefined.

6. **Pickup and Drop Off Trips and Operations Are Incompletely Evaluated**
   - **The final study does not provide the detailed pickup and drop-off operational assessment identified during scoping.** DDOT requested an evaluation of anticipated PUDO demand, dwell times, vehicle accommodation, queue lengths, loading/unloading operations, impacts on through traffic, pedestrian and ADA conflicts, and procedures to prevent waiting outside the designated area. Following DDOT's concerns regarding curbside PUDO on Porter Street, the Applicant relocated the designated PUDO area to the on-site turnaround accessed via the shared gravel road. Although the revised circulation plan identifies the turnaround and gate, the Transportation Statement does not demonstrate how the PUDO area would operate under overlapping vehicle arrivals and departures, whether queues could extend onto the shared gravel road, or how conflicts with other vehicles and pedestrians would be managed.
   - **Potential pickup and drop-off activity at the Porter Street pedestrian entrance raises the same constrained-roadway concerns identified by DDOT during scoping.** During the October 5 ANC presentation, the Applicant acknowledged that some ride-hailing pickups and drop-offs may occur on Porter Street near the pedestrian entrance. Assigning all such activity to the gravel road may conservatively estimate gravel-road traffic volumes, but it leaves the effects of curbside activity on Porter Street unaddressed. DDOT previously raised concerns about the roadway's constrained width and the originally proposed loading

area's location immediately before the roadway divergence, prompting the Applicant to relocate PUDO activity to the on-site turnaround. If PUDO activity is nevertheless anticipated at the Porter Street pedestrian entrance, the Transportation Statement should evaluate the operational and safety implications of that activity rather than relying solely on the on-site PUDO configuration.

- **The mode-split assumptions do not account for the potential for different arrival and departure modes.** A member may, for example, walk downhill to the Club but choose ride-hailing for the uphill return trip, particularly after exercising, swimming, or spending an extended period at the Club. The study does not evaluate the potential for different arrival and departure modes or demonstrate that Cleveland Park Club's access conditions are sufficiently comparable in this regard. To the extent that members use ride-hailing for only one direction of a trip, pickup/drop-off demand could be greater than reflected in the adopted mode-share assumptions.

7. **The Parking and Turnaround Configuration Is Not Demonstrated**
   - **The materials do not demonstrate that 14 parking spaces and turnaround can function together under simultaneous operating conditions.** The Transportation Statement states that 14 on-site parking spaces will be retained, with some spaces reconfigured to accommodate the turnaround. However, the final parking configuration and its simultaneous operation with occupied parking spaces, PUDO activity, the vehicular gate, and delivery/service vehicles are not demonstrated. Individual vehicle turning diagrams do not establish that these activities can occur concurrently without operational conflicts.
   - **The potential for PUDO vehicle accumulation to affect operations on the shared gravel road has not been evaluated.** The proposed turnaround is described as accommodating up to three vehicles, but the Transportation Statement does not evaluate how the area would function when multiple PUDO vehicles arrive or remain in the turnaround while additional vehicles approach along the gravel road. If the turnaround is occupied or operating at capacity, arriving vehicles may be required to wait on the narrow gravel road, potentially interfering with opposing vehicle movements and residential access. The analysis does not establish where vehicles would queue, how entering and exiting vehicles would maneuver under these conditions, or whether waiting or backing movements could extend along the shared road.

8. **The Shared Gravel Road and Porter Street Entrance Have Not Been Adequately Evaluated**
   - **The study does not demonstrate how opposing vehicles would navigate the approximately 800-foot-long, narrow gravel road while maintaining access to existing residences.** The gravel road is generally approximately 14 to 16 feet wide, narrowing to approximately 12 to 14 feet at certain chokepoints, with limited wider sections measuring approximately 19 to 20 feet. The road serves five properties and would accommodate recurring Club PUDO, employee, authorized-member, owner, vendor, and delivery/service traffic in addition to existing residential vehicle traffic. The study does not identify clear passing locations or evaluate sight distance at critical locations along the roadway. Although certain sections of the roadway are wider, the study does not establish whether

these locations provide adequate space for opposing vehicles to pass safely, particularly where the usable roadway width is constrained by adjacent structures or roadside conditions. Low hourly trip estimates and on-site vehicle turning diagrams therefore do not demonstrate how opposing vehicles would navigate constrained sections of the shared road or interact with residential driveways. Routine passing, waiting, and backing operations have not been established, including whether they can occur without relying on neighboring driveways or other private property.

- **The study does not evaluate pedestrian safety along the shared gravel road, which also serves as the pedestrian access route for existing residences.** The gravel road accommodates both vehicular and pedestrian activity and provides the only pedestrian access to the residences along it. With an existing traveled way generally approximately 14 to 16 feet wide and no separate pedestrian facility, residents walking along the road would share the available roadway space with Club-related vehicles, including pickup/drop-off, employee, vendor, and delivery/service traffic. The Transportation Statement does not evaluate how pedestrians and vehicles would safely navigate constrained sections of the road, particularly when opposing vehicles meet or when vehicles are required to wait, pass, or back up. The adequacy of the shared roadway to accommodate both pedestrian and vehicular movements under the proposed operating conditions has not been demonstrated.
- **The turning analysis does not demonstrate that delivery/service vehicles and opposing traffic can navigate the constrained Porter Street entrance.** The diagrams depict a 28-foot delivery vehicle but do not evaluate simultaneous entering and exiting movements or clearly account for fixed constraints, including the stone entrance pillars and raised median on Porter Street. If vehicles cannot pass at the entrance, the analysis does not identify where they would wait without obstructing Porter Street or the shared road. Although the analysis uses a 28-foot delivery vehicle, the materials do not establish a corresponding restriction limiting delivery and service vehicles to that size or smaller.
- **The truck maneuvering diagrams do not accurately represent the existing physical roadway and its constraints.** The diagrams identify a 25-foot ingress and egress easement over land owned by neighboring property owners and illustrate truck movements within that area without adequately depicting the substantially narrower existing gravel roadway. The traveled way is constrained by steep slopes, drainage ditches, a culvert and associated stone bridge, and existing stone entrance pillars, which limit the area physically available for vehicle maneuvering. The illustrated truck paths extend beyond the existing gravel roadway, including at a location where the easement narrows to approximately 15 feet. Accordingly, the diagrams do not demonstrate that the 28-foot delivery vehicle can navigate the shared road within its existing physical limits. Although potential widening was referenced by the Applicant during the ANC presentation, the location, extent, viability and feasibility of such improvements have not been established. A revised maneuvering analysis reflecting the actual roadway geometry and physical constraints is needed to demonstrate adequate truck access.

- **The turning analysis does not demonstrate that a 28-foot delivery vehicle can complete the key approach movements needed to reach the site.** The diagrams show only right-turn entry and exit at the gravel road. They do not evaluate southeastbound vehicles on Porter Street turning left at Williamsburg Lane and immediately right onto the Porter Street service road, or northwestbound vehicles turning right at Williamsburg Lane and then right onto the service road. For vehicles approaching from the Klingle Road ramp, the turning analysis should extend to the left turn before the crosswalk and the subsequent approach to the gravel road. The analysis also does not establish a feasible delivery vehicle approach route that accounts for applicable truck restrictions based on the DC Truck and Bus Map, including those affecting Beach Drive and Piney Branch Parkway. A delivery vehicle access plan should be provided identifying the proposed approach and departure routes, applicable truck restrictions, and maneuvering analyses demonstrating that the proposed delivery vehicles can complete the required turning movements within the available roadway geometry.

9. **Parking Demand and Availability Are Not Adequately Established**
   - **The study does not calculate how many Club vehicles would be parked at the same time.** The Transportation Statement provides vehicle-trip estimates but no corresponding parking-demand or accumulation analysis accounting for arrivals, departures, and length of stay. Existing availability of approximately 10–19 on-street spaces during the weekday observations does not establish that Club parking demand can be accommodated. Demand associated with overlapping programming, small events, and special events is not separately established.
   - **Saturday observations identify periods when little or no on-street parking is available.** Approximately 42 of the 43 identified spaces were occupied at 1:00 PM on Saturday. The Transportation Statement attributes the elevated demand to nearby religious services and identifies greater availability later in the day. However, the observation demonstrates that concurrent neighborhood activity can substantially reduce available parking and does not establish how Club parking demand would be accommodated under those conditions.
   - **The parking surveys do not adequately capture evening parking conditions.** The weekday survey ends at 6:00 PM, while the Club would remain open until 9:00 or 10:00 PM. DDOT's May 2024 CTR Guidelines identify 6:00–10:00 PM as the typical weekday evening peak-demand period for residential uses. Because the surrounding neighborhood is residential, the survey ends just as this typical evening peak-demand period begins and therefore does not establish parking availability during the period when residential and Club parking demand may overlap.
   - **The availability of the 14 on-site spaces for authorized users is not established.** The Proposed Special Conditions restrict the 14 spaces to members with accessibility needs, employees, vendors, and property owners. The anticipated number of employees and other authorized users who may require parking at the same time is not identified. Accordingly, the materials do not demonstrate whether the 14-space supply is sufficient to accommodate the anticipated peak demand among authorized on-site users or, if that

demand exceeds the available supply, whether additional parking demand could be displaced to surrounding on-street spaces.

10. Delivery and Trash Operations Lack Necessary Detail

- **The proposed Tuesday delivery schedule does not address all deliveries that may occur during Club operations.** The Proposed Special Conditions state that regular weekly deliveries would occur on the weekday the Club is closed, but the anticipated frequency and timing of other deliveries and service activity are not established, including food and beverage, event-related, vendor, and maintenance activity. A 28-foot vehicle limit and individual turning diagrams do not demonstrate how deliveries occurring during Club operations would interact with PUDO, occupied parking, opposing vehicles on the shared gravel road, and resident access.
- **The proposed trash collection plan does not establish the scale or logistics of the operation.** The plan calls for trash to be stored in rollable containers and moved to the Porter Street Main Entrance for collection. However, the anticipated number and size of containers associated with the Club's operations, including food and beverage service and events, are not identified. Accordingly, the materials do not establish the anticipated collection needs or how the proposed arrangement would function at the scale of the Club.

11. Transportation Performance Monitoring and Corrective Action Are Undefined

- **The plan does not establish a defined process for monitoring actual transportation conditions or addressing conditions that materially exceed the assumptions supporting the Transportation Statement.** The commitment to monitor member travel behavior and transportation conditions "as appropriate" does not establish a monitoring schedule, duration, or measurable performance standards for conditions such as gravel-road traffic, PUDO activity, and on-street parking. The plan also does not identify thresholds for corrective action, the party responsible for implementing corrective measures, or the timeframe for doing so.
- **The revised parking commitment would allow Club-related parking on Williamsburg Lane, and RPP would not exclude members with permits for the same parking zone.** The September 23 Transportation Statement prohibited members and guests from parking on Williamsburg Lane; the October 5 revision instead "strongly discourages" members from doing so. At least half of the Club's one-mile membership area lies within the same ANC, indicating substantial overlap with the surrounding residential community. Members holding valid permits for the applicable RPP zone could still park on Williamsburg Lane. Supporting an RPP petition therefore does not replace the earlier prohibition or establish that Club-generated parking would be excluded from the block.

APPENDIX B: Gravel Road Constraints Documentation and Operational Assessment

B.1 Purpose and Existing Conditions

This appendix documents the existing conditions and observed vehicle interactions along the approximately 800-foot private gravel road southeast of Williamsburg Lane NW, connecting to Porter Street NW. The roadway serves five properties, including the proposed Rock Creek Club at 2325 Porter Street NW, and provides the sole vehicular, pedestrian, and bicycle access for the existing residences. Its variable traveled width, curves, vegetation, and intermittent two-way passing locations affect how opposing vehicles negotiate the route. Pedestrians and bicyclists also share this constrained roadway with motor vehicles.

Field photographs document vehicles yielding and positioning close to roadside vegetation where the traveled way is too narrow for comfortable simultaneous two-way passage. The assessment below evaluates the significance of these conditions for vehicle operations and residential access under additional Community Center-related traffic, while recognizing the need to maintain pedestrian and bicycle access.



Figure B-1. Site access, approximate roadway widths, and roadway condition locations (C-01 – C-04).

B.2 Documented Roadway Constraints

C-01 | Restricted-width Porter Street entrance (~16 feet). Historic stone entrance pillars constrain the available traveled width, limiting simultaneous passage by opposing vehicles. Figure B-2 shows two opposing vehicles negotiating the entrance, with one positioned close to roadside vegetation. A residential garage entrance located approximately 20 feet beyond the pillars further constrains vehicle maneuvering and creates potential conflicts between garage access and through movements. As shown in Figure B-4, an inbound vehicle must wait on Porter Street when the garage access is occupied. Similarly, an inbound vehicle encountering an outbound vehicle may need to wait on Porter Street until the entrance is clear, given the limited internal storage available.



Figure B-2. C-01 entrance: opposing vehicles positioned within limited clearance between stone pillars and vegetation.



Figure B-3. C-01 entrance: inbound driver perspective illustrating the restricted entry width.



Figure B-4. C-01 entrance: vehicle waiting to access gravel road when residential garage is in use

C-02 | Lower narrow segment (~14–16 feet). The constrained traveled way does not consistently accommodate comfortable simultaneous opposing passage. When two vehicles meet, one may need to yield at a wider location or reposition. Figure B-5 illustrates the limited lateral clearance.



Figure B-5. C-02 lower narrow roadway: opposing vehicles occupying the constrained traveled way.

C-03 | Lower passing area (~18-22 feet). The roadway widens near the first horizontal curve and can accommodate two passenger vehicles passing simultaneously. This wider segment provides an opportunity for opposing vehicles to pass or yield before entering the adjacent narrower roadway sections.



Figure B-6. C-03 roadway widening at first curve.

C-04 | Upper passing area and narrow approaches. Near the second horizontal curve, an approximately 20-foot-wide area connects approaches measuring approximately 12 feet. Vegetation and the curve restrict advance views between approaching drivers. Although vehicles[1] can pass at the wider area, if opposing vehicles enter the narrow approaches before recognizing one another, the outbound vehicle would need to stop or reverse toward the wider passing area to allow the opposing vehicle to proceed. Currently, only one residence is accessed via roadway segment C-04. The proposed Community Center would introduce additional traffic through this constrained segment. Figure B-7 illustrates the narrow approach conditions.

[1] Passing at this location may be more constrained for larger trucks due to their greater width and maneuvering requirements.



Figure B-7. C-04 passing area with narrow approaches. (left photo is inbound, right photo is outbound)

The adjoining dirt/grass areas at C-04 should not be counted as reliable all-weather passing space without confirming usable width, surface stability, and permission for use.

B.3 Design Guidance and Operational Implications

The shared gravel road is a private access facility, and the applicability of District roadway and driveway design standards has not been established. Nevertheless, these standards provide useful benchmarks for evaluating the physical constraints of the roadway and its entrance, particularly given the additional vehicle activity associated with the proposed Community Center.

The District's transportation and zoning guidance provides useful benchmarks for evaluating the shared gravel road and its entrance. DDOT's Design and Engineering Manual (2009), Section 31.2.3.2, identifies a minimum width of 20 feet for two-way commercial driveways. In addition, Zoning Administrator Interpretation ZA-008 (2019), addressing 11 DCMR Subtitle C §711.6, identifies an 18-foot minimum width for certain two-way driveways. The approximately 16-foot entrance documented in this appendix is narrower than these referenced widths. However, the applicability of these provisions to the existing shared private gravel road has not been established, and this comparison does not constitute a determination of regulatory noncompliance.

The adequacy of the shared gravel road under the proposed Community Center operations depends on whether opposing vehicles can identify one another and safely yield at available passing locations. The approximately 12-foot approaches near C-04, combined with horizontal curvature and roadside vegetation, raise concerns regarding sight distance and potential reversing movements. As documented in this appendix, the approximately 12-foot roadway approaches near C-04, combined with horizontal curvature and roadside vegetation, raise concerns regarding available sight distance and the potential need for reversing movements when opposing vehicles encounter one another.

The Applicant has not demonstrated how the proposed additional Community Center traffic would operate within these existing conditions, including whether the locations and spacing of passing areas and available sight distances are sufficient to accommodate anticipated opposing vehicle movements while maintaining reasonable access for existing residences.

B.4 Maneuvering Diagrams and Conflict Points

Vehicle maneuvering diagrams were prepared to illustrate potential conflicts between opposing vehicles along the shared gravel road under existing physical conditions. Two scenarios were evaluated: (1) opposing passenger vehicles and (2) a passenger vehicle encountering an opposing 28-foot delivery truck. The diagrams identify locations where the available traveled width and roadway geometry constrain simultaneous two-way movements and where yielding or reversing maneuvers may be necessary.

Opposing Passenger Vehicles

As illustrated in Figure B-8, opposing passenger vehicles cannot pass simultaneously along several narrow roadway segments. Although wider sections provide passing opportunities, vehicles encountering each other between these locations may need to stop or reverse to allow the opposing vehicle to proceed. Limited sight distance along horizontal curves may further restrict drivers' ability to identify approaching vehicles before entering a constrained section.



Figure B-8. Opposing Passenger Vehicle Maneuvering and Potential Opposing Conflict Area

Opposing Passenger Vehicle and Delivery Truck

Figure B-9 and Figure B-10 illustrates potential conflicts between an passenger vehicle and an opposing 28-foot delivery truck. The larger vehicle dimensions and swept path further constrain the available space for opposing movements, particularly along narrow roadway segments and horizontal curves. Where simultaneous passage cannot be accommodated, the passenger vehicle may need to yield or reverse to an available passing location to allow the truck to proceed.



Figure B-9. Inbound Passenger Vehicle and Outbound 28-Foot Truck Maneuvering and Potential Opposing Conflict Area



Figure B-10. Outbound Passenger Vehicle and Inbound 28-Foot Truck Maneuvering and Potential Opposing Conflict Area

These diagrams illustrate the limitations of simultaneous two-way movements within the existing roadway geometry. The operational implications depend on the locations of vehicle encounters, available sight distance, and accessibility of passing areas. While the diagrams do not establish the frequency of conflicts or resulting delays, they identify potential vehicle conflicts that warrant further evaluation before additional Community Center -related traffic is authorized.

B.5 Conclusion

The shared gravel road has variable traveled widths, limited visibility at certain locations, and intermittent passing opportunities. Field documentation indicates that opposing vehicles rely on yielding and repositioning maneuvers to navigate portions of the roadway. While these operating characteristics may be appropriate for a very-low-volume residential access road, their adequacy under the proposed Community Center operations has not been established. The vehicle maneuvering diagrams presented in Section B.4 further illustrate locations where opposing passenger vehicles and delivery trucks may be unable to pass simultaneously within the existing traveled way, potentially requiring yielding or reversing movements.

Of particular concern is whether drivers approaching constrained roadway segments can identify opposing vehicles and yield at suitable locations without reversing through areas with restricted visibility. The Applicant should demonstrate that the existing passing locations, available sight distances, and roadway geometry can accommodate anticipated Community Center-related vehicle movements without obstructing residential access, creating pedestrian conflicts, or causing vehicle queues to extend onto Porter Street.

The Applicant's roadway access and operations assessment should evaluate the anticipated frequency and circumstances of opposing vehicle encounters, identify locations where yielding or reversing may be required, and determine whether operational measures or physical improvements are necessary to maintain safe pedestrian and vehicle operations and unobstructed residential access. The assessment should specifically evaluate potential queuing at the Porter Street entrance when the driveway is occupied. The Applicant should identify and justify maximum daily and peak-hour Community Center-related vehicle trip limits, together with any necessary operational restrictions, that can be safely accommodated within the roadway's physical and operational constraints.

symmetra design

NICOLE A. WHITE, P.E., PTOE



Ms. White has over 30 years of experience in transportation planning and traffic engineering projects. She brings extensive management skills and expertise ranging from intersection safety and operational studies to parking studies and Transportation Management Plans.

Ms. White specializes in Traffic Impact Studies, master planning and transportation management for community facilities and redevelopment studies. Experience includes preparing master plans, examining parking demand, conducting Traffic Impact Studies, and developing access and circulation improvements for vehicles and pedestrians. Nicole has experience preparing Parking Master Plans and Transportation Management Plans. Her experience with TMP's includes developing measurable goals and objectives as well as implementation and monitoring plans.

Ms. White has significant experience coordinating with project stakeholders and local officials. She is a certified Charrette Planner through the National Charrette Institute.

EDUCATION

Master of Engineering in Civil Engineering – Transportation, University of Maryland

Bachelor of Science in Civil Engineering, University of Maryland

REGISTRATIONS

Licensed Professional Engineer
DC & MD

Professional Traffic Operations Engineer

PROFESSIONAL AFFILIATIONS

Institute of Transportation Engineers

Lambda Alpha International

AWARDS

Top 100 MBE

Minority Enterprise Advocate Leadership & Excellence

RELEVANT EXPERIENCE

Expert Testimony

Ms. White has provided expert testimony before the District of Columbia Zoning Commission, District of Columbia Board of Zoning Adjustment, Prince George's County Planning Board, and Montgomery County Hearing Examiner associated with transportation planning and traffic engineering projects. Project experience includes:

- Soles Montessori Child Development – Washington, DC – DC Board of Zoning Adjustment
- 245 Peabody Street Child Development – Washington, DC – DC Board of Zoning Adjustment
- George Washington University Health and Wellness Center – Washington, DC – DC Board of Zoning Adjustment
- Meadow Green Courts – Washington, DC – DC Board of Zoning Adjustment
- Park Morton, Washington, DC – DC Zoning Commission
- West End Parcel Square 37, Washington, DC – DC Zoning Commission
- Washington Episcopal School, Bethesda, MD – Montgomery County Hearing Examiner
- Sycamore Hill, Mitchellville, MD – Prince George's County Hearing Examiner

Traffic Impact Studies

Ms. White has directed a significant number of Traffic Impact Studies for various jurisdictions in the Baltimore-Washington Metropolitan area. Traffic studies have been prepared for various land-use types ranging from commercial and mixed-use to community and institutional. Studies have ranged in size and scope from 2 intersections to greater than 20 intersections. Analyses for traffic studies include the following methodology: Critical Lane Volume, Highway Capacity Manual, and SYNCHRO. Traffic Impact Studies also include assessment of pedestrian, bicycle, parking, transit and loading conditions.

EXHIBIT F

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MEMORANDUM

Date: October 26, 2026

From: Emily Hotaling Eig

Subject: Opposition to the Special Exception Approval for the Rock Creek Club (2325 Porter Street NW)
BZA – Case #21510

The following memo outlines my opposition to the Board of Zoning Adjustments (BZA) application of the Rock Creek Club. This application seeks Special Exception Approval for 2325 Porter Street, NW, a portion of the District of Columbia historic landmark property known as Greystone. This case is scheduled to be heard at BZA's November 4, 2026 hearing.

This application specifically addresses a change in use for the property that comprises Greystone Mansion – a property that consists of three lots (Lot 004, Lot 823, and Lot 826) of Square 2224, which is the legal boundary for one house, its associated accessory structures and features, and site within the whole of the landmark property known as Greystone.[1] The Applicant seeks Special Exception approval to convert a portion of the landmark identified in its historic designation as a rural enclave, which is zoned R-1A (detached residential), into a membership-based recreational facility that it characterizes as a "private community center," with associated alterations to the landmark property to accommodate, among other things, multiple swimming pools, children's play space, tennis courts, padel courts, and racquet courts, hot tub, cold plunge, a new pedestrian path from Porter Street to the Greystone Mansion, parking to accompany the new use, and significant alterations to the historic lane that connects Porter Street to the three houses that are also historic resources located within the landmark boundary.

The significance of the historic landmark rural enclave known as Greystone and its four associated houses, outbuildings, and private lane warrants serious consideration. Unfortunately, due to the lack of detailed drawings and inconsistency between the drawings and narrative as submitted to BZA, it is difficult to ascertain the full impact of this proposal on the historic landmark. However, the program as depicted in the most recent BZA submission will adversely affect the site, vistas, and its natural setting.

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[1] The property that comprises Greystone Mansion historically consisted of Lots 3 and 4. At some point after 1999, Lot 3 was subdivided into Lots 823, 825, and 826. Lot 825 was sold and a new house was developed on the property. Lots 823 and 826 remained under the same ownership as Greystone Mansion, which sits on Lot 4. A formal plat recording the subdivision of Lot 3 was not uncovered during my research conducted in preparation of this meeting.

A 1907 deed documenting the sale of a larger piece of land, including the area defined today as Greystone, references the existence of a subdivision identified as Coleman Park that was surveyed privately and filed with the now defunct Columbia Title Insurance Company. The DC Office of the Surveyor does not have any document that identified Coleman Park as a recorded subdivision.

This memo provides a summary of the significance of the landmark and addresses the anticipated adverse impacts to Greystone Mansion and the landmark rural enclave as a whole that would result from the changes as proposed by the applicant.

Summary of the Significance of the Landmark

In June 1989, the Greystone Enclave, which includes four houses (Linnean Hill, Pine Crest Manor, Gearing Bungalow, and Greystone Mansion), was designated as a historic landmark and listed in the DC Inventory of Historic Sites for its association with significant individuals (horticulturalist Joshua Pierce and inventor Thomas Armat), for its architecture and site design, and as the work of notable architects Waddy B. Wood (Greystone) and Gordon MacNeil (Pine Crest Manor).

The landmark documentation specifically described the architecture and site plan for Greystone Mansion as both academic and formal:

> The site plan is laid out on a long axis unifying the house, pergola, and spring house. The major axis appears to be a cross axis to the central axis of Linnaean Hill with the point of intersection at the central dome of the pergola. A secondary axis, adjusted to the natural contours of the land, extends out at an angle from the pergola to the tennis courts. **Vistas from the house seem carefully controlled to overlook only land owned by Greystone and Rock Creek Park. Even the tennis court is placed beyond the view from the house.** While the stone and older stone used in the house connect it with an earlier period and with Linnaean Hill, the careful articulation of the façade and use of academically correct architectural detailing place it within a formal approach to design and landscape that is characteristic of architect Waddy Wood's work.[2] (Emphasis added.)

The landmark decision confirms the significance of the property as a unified whole composed of a site originally associated with the nineteenth century Linnean Hill, a property owned by Josiah Peirce on which a stone house was constructed in 1823, and the three additional stone houses constructed to the south of the Linnean Hill Mansion between 1913 and 1929. The decision states that the "houses and surrounding land are not only unified by their materials and **relationship to the natural contours of the site**, but also by the placement of within the original grounds of the Linnean Hill estate."[3] (Emphasis added.)

Opposition to the Special Exception

Of major consideration in a review of any changes proposed to Greystone and/or Greystone Mansion is that the historic designation was based on the character of the rural landscape, siting of the architecture in relation to Linnean Hill and the overall topography, vistas from and to Linnean Hill and Rock Creek Park, as well as the architecture of the buildings and structures. It is with this understanding that I oppose the proposal.

The following presents a summary of my concerns about the submitted plans (BZA Exhibit 22) as it relates to the proposed new use, as explained in the Statement of the Applicant (BZA Exhibit 6), the Applicant

[2] Betty Bird, Historic Landmark Application, District of Columbia: Greystone, 2329 Porter Street, NW, Linnean Hill, and Pine Crest, October 1988.
[3] Historic Preservation Review Board of the District of Columbia Decision: The Gearing Bungalow, Greystone, Linnean Hill, and Pine Crest Manor (Case No. 88-9), June 21, 1989.

Prehearing Statement (BZA Exhibit 21), and the Applicant's Transportation Study prepared by Wells + Associates on October 5, 2026 (BZA Exhibit 21C).



Figure 1: Updated redevelopment site plan submitted with Wells + Associates 2026 Transportation Study (Richardson & Associates)

A. **Additional Tennis Court and New Padel Courts:** The landscape plans show that the existing tennis court will be expanded to add a second tennis court and that new pedal courts will be installed. The expansion of the existing tennis courts, which are currently approximately 30' below the elevation of the mansion, will result in significant regrading of the northern portion of the site adjacent to the shared driveway (the area of the new tennis courts currently has a change of grade of approximately 10'). Additionally, the introduction of two new padel courts below the mansion will not only adversely affect the views and vistas from the mansion house, but also the views and vistas from Linnean Hill. The applicant's statement specifies that "the balance of the Property closest to Rock Creek Park will remain wooded and unimproved." This statement appears to be in direct conflict with the plans submitted, which indicate that new courts could be located within the wooded zone in the southeastern portion of Lot 826.

   Installing new courts in this location would be extremely problematic for several reasons.

   1) The removal of trees and foliage and the flattening out of the topography would be detrimental to the landmark, which is significant in part due to the natural contours of the site. The historic designation was based in part on its landscape.

2) The landmark documentation explains that "[t]he site plan is laid out on a long axis unifying the house, pergola, and spring house. The major axis appears to be a cross axis to the central axis of Linnaean Hill with the point of intersection at the central dome of the pergola. A secondary axis, adjusted to the natural contours of the land, extends out at an angle from the pergola to the tennis courts." The addition of a second court within the current wooded zone will result in the courts being directly within the line of sight of the Greystone Manor. This will adversely impact the views from the historic mansion. It is also possible that the courts at this location would adversely affect the views from Linnean Hill.

The applicant fails to provide site-line studies for these proposed improvements, which are critical to understanding the visual impacts not only to the Greystone Enclave, but also to the individually designated Klingle Mansion and Rock Creek Park.

B. **Reconfigure Pool and Pool Terrace to Allow for Lap Pool.** The existing pool will be enlarged and there is a possibility of the addition of additional pools along the northern end of the property (including a children's pool, spa pool, and plunge pool). The plan does not specify to what extent the pool/s and pool terrace will also need to be enlarged. It is, therefore, impossible to assess the effect of this change. There is also no information about required fencing around the pool and pool terrace, which is highly likely to have adverse impacts on the landmark as a whole.
C. **Replace Existing Vegetable and Flower Garden with Accessory Aquatic Activities.** The vegetable garden/flower garden located to the north of the pool will be removed and replaced by other accessory aquatic amenities, including a kids pool, cold plunge, and/or a hot tub. The exact configuration of these amenities is unknown. It is, therefore, impossible to assess the effect of this change.
D. **Existing Additional Unpaved Spaces to Remain.** No documentation has been provided to understand what this entails. Currently, it appears that the area designated for the unpaved spaces is open lawn, so any type of formal use as a parking zone would be inconsistent with current use.
E. **Create Entrance from Porter Street.** A new pedestrian pathway will be added along the eastern boundary of the site; however, the treatment of the pathway is not described. Paved pathway in this location would be an inappropriate treatment for the landmark. Additionally, the significant grade change between Porter Street and the mansion house is approximately forty feet. Retaining walls and other modifications to the natural landmarked area would be required to build this pedestrian path. The physical distance between Porter Street and the mansion house at the top of the hill, in addition to the change in grade, brings into question the practicality of using this as the main method for site access.
F. **Additional Improvements.**
    a. **New Hardscaping:** The plans show that a significant amount of new hardscaping, particularly the northern section, in order to accommodate a widened roadway, the expanded pool area, new connections between the auxiliary buildings behind the mansion, and the pathway between Porter Street and the mansion. The widening of the driveway, which in

turn will result in the loss of foliage, is particularly troubling as the landmark documentation specifically calls the "stately ceder trees" that flanked the drive. [4]

b. Vehicular Turnaround and Gravel Drive Implements: The applicant has proposed adding a vehicular turnaround within the property to provide members and guests vehicular access to the property. It is also assumed that the shared gravel drive will also be the route that delivery and emergency vehicles take to reach the property. The gravel drive is a contributing feature to the landmark, and details regarding the potential need to widen, reinforce, and possibly pave the gravel drive has not been provided.

i. A 1907 deed recorded a metes and bounds easement which referenced the Coleman Park subdivision (we have not been able to find a survey plat for the subdivision). The deed language establishes that ownership of the gravel right of way should be split equally by abutting neighbors (12.5' each). While this establishes a 25' right-of-way by easement, in reality due to the topography of the enclave, the road is narrower (averaging about 16'-20'). This condition is consistent with the condition of the gravel road when it was designated. Establishing an actual 25' right-of-way through the majority of the road (with the exception of the section just before the private driveway leading to Greystone Mansion where there is an easement that allows only for a 15' right-of-way) would result in the removal of foliage and site features, significant trees, and likely would necessitate some degree of leveling out the site. The applicant has stated his intention to widen the road to meet the requirements of changing the use and increased the safety requirements to meet his proposed increased usage seems to be a specific threat to the historic character of the Enclave.

ii. There are several historic features along the drive, including a historic bridge and two sets of stone entrance pillars, that are narrower than the actual 25' right-of-way. If the overall driveway requires widening, there would be adverse impacts on these features. Additionally, if code requirements associated with providing emergency access to this new club requires the private drive to be paved and curbs laid, this would be incompatible with the character of the historic landmark.

iii. There is a historic bridge at the top of the shared right-of-way that provides access to Greystone. On-site investigation indicates that the bridge is old and not up to current structural standards (this has not been investigated), which could pose a concern for increased trips required for delivery, drop-off, and FEMS. Beyond this, the bridge is less than 25' wide. The applicant does not state whether the bridge will need to be removed; however, given its condition and width, there are concerns that this historic feature may need to be reconstructed.

c. Trash Storage Area: A fenced trash storage area is proposed to be placed behind the existing garage (which will be converted into a pool house). Even though this area will be obscured from the Greystone Mansion, it will be in direct view of the Linnean Hill estate.

[4] Betty Bird, Historic Landmark Application, District of Columbia: Greystone, 2329 Porter Street, NW, Linnean Hill, and Pine Crest, October 1988.

d. Perimeter Fencing: In order to control access to the property, it is likely that additional fencing will be required. This is not discussed in the applicant's statement nor is it indicated on the plans. The installation of a perimeter fence would be inappropriate for this landmarked site. It is also my understanding that the U.S. Commission of Fine Arts has denied all proposals for fencing on or around the Greystone property under the rationale that it would be visible from Linnean Hill and/or Rock Creek Park.

Unfortunately, due to the inconsistency between drawing and narrative, it is difficult to ascertain the full impact of this proposal on the historic property. However, in reviewing the transportation study and included drawings, it can easily be assumed that the impact of this conversion to the property will be great. It is thus premature to even consider or provide support for a change in use of this nature that could have adverse effects on this historic site.

Adverse Special Requirements Not Presented in the BZA Application

Of great importance to this BZA application is that the impact of physical changes to the landmark due to the amount and timing of patronage associated with the proposed change in use from private residence to either a private club or a "private community center" has not been discussed in the application. This omission leaves what is probably the strongest of many strong reasons to oppose the application unsaid. It is critical to note that in 1997, the Mayor's Agent on Historic Preservation denied a proposal for subdivision of the lots associated directly with Greystone Mansion to allow the construction of a small number of town houses. A critical reason for the denial was the change in character to the private lane (misidentified in the BZA application as Porter Street) required to meet safety standards for emergency health and fire services. The Mayor's Agent Decision is very clear that the rural appearance, including width and materiality, of the historic lane is a character-defining feature of the landmark. These and other changes required to meet the requirements for this proposed would destroy that historic character.

As stated in the Mayor's Agent's order:

> The opponents to the subdivision, including ANC 3C, correctly pointed out that the criteria established in the National Bulletin for documenting rural historic landscapes, which are consistent with the purposes of D.C. Law 2-144 to retain and enhance historic landmarks, have not been met by the applicant. Specifically, the applicant has failed to show that the widening and resurfacing of historic gravel roadways, diminution in the size and shape of open space, the erasure of boundary demarcations, the flattening of land contours, the loss of trees and vegetation, the construction of new structures that are not accessory in nature, and the loss of views and rural setting enhances or restores the historic enclave. Exh. 20/O at 23. Indeed, the very designation of the historic enclave by the 1989 Board indicated:
>
> > "This landmark reflects an unusual relationship of each structure to its site and within this context, an overall dynamic relationship between the four structures that simultaneously respects each house and site while allowing the

> group to function as an harmonious rural enclave within the metropolitan boundaries of Washington."[5]

This makes clear thar retention of the property's use as a private residential rural enclave which allows the historic character as private lane to remain is critical to retaining the historic character of the overall historic landmark.

Conclusion

To conclude for the reasons set forth above, it is my professional opinion that the proposed change in use, regardless of the definition of "club" requested by the applicant will cause harm to the Greystone Mansion property, as well as to the whole of the historic landmark known as Greystone. The use itself will result, by both choice and legal necessity, will result in the diminishment of the historic landmark to a degree that would be of great harm to its integrity was a rural enclave within the District of Columbia.

[5] Government of the District of Columbia, DC Mayor's Agent Order on the matter of Lot 3, Square 2224 – Application to Subdivide Greystone, HPA 96-307, Findings of Fact Conclusions of Law, and Order, December 30, 1997.

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EMILY HOTALING EIG

President and Chief Executive Officer

Emily Eig is the founder and president of EHT Traceries, a women-owned company incorporated in Maryland and headquartered in Washington, D.C. As the head of EHT Traceries, she combines management of a fifteen-person firm with her work as an architectural historian and preservation consultant. Her technical knowledge is focused on late 19th- and 20th-century buildings and the integration of new buildings into historic settings, including historic sites, campuses, and districts. It includes a thorough understanding of current historic preservation issues. Her work with federal and local architecture is well known and she has worked in the District of Columbia, Maryland, Virginia, New York, Texas, Louisiana, Pennsylvania, Massachusetts, Illinois, Michigan, Utah, and Hawaii. Further, through her role as the head of EHT Traceries since 1989, she has participated in an exceptional number of preservation-related projects around the country.

AREAS OF EXPERTISE

Ms. Eig specializes in late 19th- and 20th-century buildings and the integration of new buildings into historic settings, including historic sites, campuses, and districts. She focuses on public, institutional, military, religious, commercial, theater, commercial, and residential architecture, as well as the history of city planning and 19th and 20th century cultural landscapes. Her expertise in historic and contemporary documentation, construction techniques, building materials, on-site investigation complements her ability to provide creative preservation solutions for individual resources as well as for large-scale settings. As a preservation specialist, she provides direction for compatible new design related to historic buildings, sites, and districts, advises on the interpretation of preservation laws and regulations, and regularly assists owners, developers, architects, and preservation technicians with the interpretation and analysis of historic resources. Her strength related to handling complex projects, including public-private partnerships, is well known.

Over the last thirty years, Ms. Eig has served as Project Architectural Historian and Preservation Planning Consultant for numerous major historic projects in Washington, DC and in other cities around the US. In these roles, she has directed research; prepared Historic Structures Reports and Historic Preservation Plans; advised on local and federal preservation reviews including Determination of Eligibility and Section 106 Memorandum of /Programmatic Agreements; guided efforts to rehabilitate historic buildings using the Secretary of Interior's Standards; and advised on the design compatibility of major new additions to historic buildings and new construction in historic districts. She works on a regular basis with the State Historic Preservation Offices.

She is a considered an expert in architectural history, resource evaluation, preservation planning, federal and state Historic Preservation Certification processes, Section 106 mitigation, and the

Secretary of Interior's Standards for the Treatment of Historic Properties. Ms. Eig meets professional qualifications prescribed by the Secretary of the Interior (36 CFR 61 - Appendix A). She has been accepted as an expert witness before the D.C. Historic Preservation Review Board; the Montgomery County (MD) Historic Preservation Commission; the Prince George's County (MD) Historic Preservation Commission; the Old Georgetown (DC) Board; the Coral Gables (FL) Historic Preservation Commission; the DC Mayor's Agent for Historic Preservation; the DC Zoning Commission; the DC Board of Zoning Adjustment; Superior Court of the District of Columbia; the National Capital Planning Commission; the Maryland-National Capital Park and Planning Commission; and the U.S. Commission of Fine Arts. She has appeared before the Montgomery County (MD) Board of Appeals as a member of the County's Historic Preservation Commission. Ms. Eig has served on Urban Land Institute panels, and was a member of the City of Baltimore Urban Design and Architectural Review Panel for four years. She was previously a member of the Board of Visitors for the Dean of the University of Maryland School of Architecture, Planning and Preservation and the University of Maryland's Department of Historic Preservation's Technical Advisory Committee. Ms. Eig is currently a member of the Board of the DC History Center and of the National Preservation Institute. Ms. Eig is also a member of the Lambda Alpha International (honorary land economics society), GW Chapter.

SELECTED PROJECT EXPERIENCE

Selected individual preservation projects in the Washington, DC area include:

- Pentagon 9/11 Memorial Visitor Education Center, Arlington, VA (Pentagon Memorial Fund), Fentress Architects, 2022-onging
- Lord & Taylor Chevy Chase Branch Store, 2022-2026
- Mary Church Terrell House (Howard University), R. McGhee & Associates, 2020-2024
- Warehouse at 3401 Water Street, NW (CitizenM and CityPartners), Concrete, 2021-2026
- Society for Science (Society for Science), ZGF Architects, 2020-2023
- Embassy Building No. 10 (Junior Achievement), Gensler, 2020-2024
- Children's National Hospital at Walter Reed (Childrens) with Elkins Manfredi,2017-2022
- Bond-WRECO Buildings (Howard University and Five Squares) with Studios, 2019-ongoing
- Folger Shakespeare Library (Folger) with Kieran Timberlake, 2018-2024
- Martin Luther King Jr Memorial Library (DCPL), Martinez+Johnson and Mecanoo, 2014-2017
- The Yards: The Boilermaker Shops; The Foundry; The Lumbershed; Historic Wall and Tower; Parcels D, O, P, N, L1, L2 (Forest City Washington) Various architects, 2007-ongoing
- The Fish Market at The Wharf (PN Hoffmann), McGraw Bagnoli, 2015-ongoing
- Howard Theatre (Howard Theatre Restoration), Martinez+Johnson, 2008-2012
- Georgetown Library, (DC Public Library), Martinez+Johnson, 2008-2010
- C&P Telephone Warehouse (NPR), Hickok Cole Associates, 2008-2013
- Arena Stage, (Arena Stage), Bing Thom Associates, 2003-2004; 2007
- Studio Theatre, (Studio Theatre), William Bonstra Associates, 2002-2005

Selected preservation projects and studies related to higher education include:

- Howard University's Mary Church Terrell House with R McGhee and Associates, 2021-ongoing
- Howard University Master Plan with Page 20219-2021
- Howard University Historic District Study, 2019-2020
- Howard University Freedman's Hospital Study, 2019-2020
- Howard University's Rankin Study Chapel with R McGhee, 2018

- Lovett Hall Preservation Plan, Rice University, Houston, TX, Kieran Timberlake, 2017
- Goldwin Smith Hall, NY (Cornell University), Koetter Kim and Associates, 2008-2014

Selected historic preservation planning projects related to Site Master Plans in Washington, DC include:

- Howard University Campus Master Plan (Howard University) with Page
- Zone A/Armed Forces Retirement Home-Washington (Urban Marquette) with Perkins and Will
- East Campus/Howard University (Howard University/FLGA) with R McGhee
- The Parks at Walter Reed (Urban Atlantic/Hines/Triden) with TortiGallas
- The Yards (Forest City/Brookfield) with Shalom Baranes
- The George Washington University (GWU) with Perkins Eastman
- The University of Maryland in Baltimore (UMB)with Donald Kann
- Armed Forces Retirement Home-Washington (GSA) with KoetterKim

Selected embassy projects in Washington, DC include:

- Chancery of the Embassy of Hungary (Embassy of Hungary), KCCT, 2018-2022
- Chancery of the Embassy of Australia (Embassy of Australia), BatesSmart, KCCT, 2017
- Chancery of the Embassy of South Africa, (Embassy of South Africa), Davis Brody Bond, 2009-2014
- Spanish Cultural Center, (Embassy of Spain), KCCT 2008-2009; 2011
- Residential Embassy Building (Embassy of the People's Republic of China), Philip Esocoff, 2008-2010
- Chancery of the Embassy of Oman, (Embassy of Oman) Dhiru Thadani, 2005

Selected preservation projects around the United States include:

- Bay View Association Design Guidelines Update, Bay View, Michigan (Bay View Association), 2022-2024
- Belward Farm, Rockville, Maryland (Johns Hopkins University), 2021-ongoing
- Statler Hilton Hotel, Buffalo, NY (Douglas Development), Antunovich Associates, 2020-ongoing
- Hall House, Charlotte, NC (Inlivian) 2020
- Hudson Theatre, Manhattan, NY (Ambassador Group), Martinez+Johnson, 2015-2017
- Loew's Kings Theatre, Brooklyn, NY (ACE Enterprises), Martinez+Johnson, 2010-2015
- Safenger Theatre, New Orleans, LA (ACE Enterprises), Martinez+Johnson, 2009-2014
- Goldwin Smith Hall, NY (Cornell University), Koetter Kim and Associates, 2008-2014
- Plaza Theatre, El Paso, TX (Community Foundation of El Paso), Martinez+Johnson, 2001-2006

Selected projects related to the integration of new architecture into historic settings:

- Lisner-Louise-Dickson-Hurt Home, Urban Atlantic with Wiencek Associates, 2021-2022
- Building 53, 53, 54/Walter Reed Army Medical Center Historic District, Children's National Medical Center, Elkis Manfredi, 2017-ongoing
- Building IJ and VU/Walter Reed Army Medical Center Historic District (Hines-Urban Atlantic – Triden), TortiGallas, 2017 – ongoing
- West Heating Plant/Georgetown Historic District (29K Georgetown Acquisitions), David Adjaye, 2015-2026

- Whitman-Walker/Greater Fourteenth Street Historic District (Whitman Walker), Seldorf Architects, 2016-ongoing
- The Yards: Parcels D, O, P, N, L1, L2 (Forest City Washington), Various architects, 2007-ongoing
- 650 Massachusetts Avenue/Downtown Historic District (Gould Properties), CORE, 2010-2017
- Marriott Marquis-Courtyard Residence Inn/Shaw Historic District (Quadrangle Associates), CooperCarry and TVSDesign, 2014-2017
- Goldman Smith Hall/Cornell University Historic District (Cornell University) KoetterKim, 2014-2016

Selected Sections 106, 110, and 111 projects include:

- Hall House (Inlivian [Charlotte Housing Authority]), 2020
- Carnegie Library Rehabilitation (EventsDC/NCPC/Apple), 2016-2020
- Martin Luther King Jr Memorial Library (DCPL/NCPC), 2014-2017
- U.S. Institute of Peace, Buildings 6 and 7 Rehabilitation (USIP/DOS/NCPC), 2014-2015
- Union Station – Washington, DC (FRA/USRC/USInvestco), 2010-2022
- Southeast Federal Center (GSA/Forest City Washington), 2003-07; 2010-ongoing
- Walter Reed Army Medical Center (US ARMY/DC/HinesUrban Atlantic), 2014-ongoing
- AFRH Cultural Resource Manager (AFRH) 2008-2014
- O Street Market (HUD/Roadside Development), Shalom Baranes Associates, 2010-2014
- Progression Place (HUD/Four Points Development), Eric Colbert Architects, 2010-2014
- Ford's Theatre Society Educational Center (Ford Theatre Society/National Park Service), Martinez+Johnson, 2010-2012
- Ford's Theatre, (Ford Theatre Society/National Park Service), ASD, Inc., 2003-2004

EDUCATION

The George Washington University, Washington, DC
Master of Arts in Teaching in Museum Education, 1975; Field of study: Architectural History
Brandeis University, Waltham, Massachusetts
Bachelor of Arts, Fine Arts (Art History), *cum laude* with departmental honors, 1974.
Honors Thesis: Urban Open Space: A Comparison of Lafayette Square and Judiciary Square