



Metropolitan Community Church of Washington, DC  
474 Ridge St. NW  
Washington, DC 20001  
mccdc.com

December 31, 2019

Anthony J. Hood  
Chairman Zoning Commission for the District of Columbia  
441 Fourth Street, NW, Suite 200S  
Washington, DC 20001

**RE: Form 140, Application for Party Status in Opposition, Case No. 19-16 Regarding Application of MCF WALP Phase 1, LLC to the District of Columbia Zoning Commission for a Consolidated Planned Unit Development Application for 1200 5th Street, NW (Square 481, Lot 23), Hearing, January 16, 2020.**

Dear Chairman Hood:

On behalf of the Metropolitan Community Church of Washington, DC (MCCDC), we submit the attached application to request party status in opposition to the above referenced case and to appear and participate as a party.

Pursuant to authority vested in the Clerk of the Board of Directors in Article VI of the Bylaws of MCCDC (*see attached provision*), this letter is to certify that the MCCDC Board of Directors has authorized the filing of the request for party status in opposition in Case No. 19-16 and has authorized such filing and representation to be carried out by members of the MCCDC Board of Directors, individually and/or collectively, including Senior Pastor, Rev. Elder Dwayne Johnson, as Moderator of the Board of Directors, Johanna Hardy, At-Large Member, MCCDC Board of Directors, and myself. Such representatives have the power to bind MCCDC.

Thank you for your attention to this matter.

Sincerely,

Jim Garner

Clerk, MCCDC Board of Directors



**FORM 140 - PARTY STATUS REQUEST**

Before completing this form, please go to [www.dcoz.dc.gov](http://www.dcoz.dc.gov) > IZIS > Participating in an Existing Case > Party Status Request for instructions. Print or type all information unless otherwise indicated. All information must be completely filled out.

**PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.**

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Jim Garner on behalf of Metropolitan Community Church of Washington, DC (MCCDC)		
Address:	474 Ridge Street NW, Washington, DC 20001		
Phone No(s):	202-827-4620	E Mail:	jimgarner@hotmail.com

I hereby request to appear and participate as a party in Case No.:	19-16
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Signature:		Date:	31 Dec 2019
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Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If yes, please enter the name and address of such legal counsel.

Name:			
Address:			
Phone No(s):		E Mail:	

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for:	January 16, 2020
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**PARTY WITNESS INFORMATION:**

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

**PARTY STATUS CRITERIA:**

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

**To Accompany FORM 140 – Party Status Request  
Metropolitan Community Church of Washington DC  
Regarding Case No. 19-16  
Regarding Application of MCF WALP Phase 1, LLC to the District of Columbia Zoning  
Commission for a Consolidated Planned Unit Development Application for 1200 5th Street,  
NW (Square 481, Lot 23), Hearing, January 16, 2020.**

**PARTY WITNESS AND REPRESENTATIVE INFORMATION**

1. List of Witnesses and Representatives

Jim Garner, Clerk, MCCDC Board of Directors\*  
474 Ridge St. NW  
Washington, DC 20001  
[jimgarner@hotmail.com](mailto:jimgarner@hotmail.com)

Rev. Elder Dwayne Johnson, Senior Pastor, Metropolitan Community Church of  
Washington DC (MCCDC)  
474 Ridge St. NW  
Washington, DC 20001  
[RevDwayne@mccdc.com](mailto:RevDwayne@mccdc.com)

Johanna Hardy, At-Large Member, MCCDC Board of Directors\*  
474 Ridge St. NW  
Washington, DC 20001  
[Johannahardy93@gmail.com](mailto:Johannahardy93@gmail.com)

\*While these individuals are attorneys they are only appearing in their capacities as members of the MCCDC Board of Directors and not as legal counsels to MCCDC.

2. Summary of Testimony of each witness

Rev. Elder Dwayne Johnson, Senior Pastor, Metropolitan Community Church of  
Washington DC (MCCDC)

Rev. Elder Dwayne Johnson will provide the historical context of the design of MCCDC's building to explain the social impact of the design of the proposed development. He will detail the steps MCCDC has taken to work with MidCity to obtain information and address concerns.

Johanna Hardy, At-Large Member, MCCDC Board of Directors

Johanna Hardy will detail critical information missing or inaccurate in the filings for the development that are relevant to analyzing the impact of the development on MCCDC and other adjacent properties especially those in or near the Mount Vernon Historic District. She will also detail the access concerns and impacts, how MCCDC is uniquely impacted, potential steps MCCDC may be required to take to mitigate the impact, and other potential impacts MCCDC would request be mitigated.

Jim Garner, Clerk, MCCDC Board of Directors

Jim Garner will provide a summary of concerns and potential impact on activities and community events that occur at MCCDC.

3. Expert Witnesses

None anticipated.

4. Total amount of time requested to present case

15 minutes or equal time as applicant, whichever is greater.

**PARTY STATUS CRITERIA**

1. *How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?*

The developer proposes a new apartment complex that will include 363 units at 1200 5<sup>th</sup> Street NW. While the proposal appears to conform with most of the restrictions and limitations on the design and construction of such a new development, the proposed development exceeds the maximum lot occupancy allowed in the RA-2 zone. This significant development, density, and occupancy will have a direct impact on the Metropolitan Community Church of Washington, DC (MCCDC) property. MCCDC is located at 474 Ridge St. NW -- the corner of 5<sup>th</sup> and Ridge Streets NW -- directly across 5<sup>th</sup> Street from the proposed new development. MCCDC also owns a residential property at 472 Ridge St. NW. MCCDC's property will be directly affected in several ways, including:

- a. **Impact on Natural Light** – MCCDC's building is uniquely designed with a glass façade intended to provide a natural lighting solution for our main space within the facility. The space is not only used for worship services but is designed as a multi-purpose space that is frequently used not only for church events, but community events, meetings, and activities. Based on a review of the new development's Shadow Study

and other information, the natural light into the church will be impacted which may require MCCDC to make internal improvements to MCCDC such as to its building systems to mitigate the impact on the natural lighting into the facility. In addition, there remains outstanding questions regarding the impact of any night lighting proposed for the new development that may flow into the main MCCDC space.

- b. **Visual and Noise Pollution** – Given the proximity of MCCDC property to the planned development, MCCDC will be impacted by noise generated during and after construction. In addition, especially given the design of MCCDC’s property, what is built will be clearly visible from within the church facility during worship and community events, providing us with a unique interest in the density, exterior aesthetics, and tree preservation.
- c. **Access** – Entrances to two parking areas owned by MCCDC on 5<sup>th</sup> Street are directly across from the planned development and, more specifically, across from one of the planned loading docks proposed in the development plans. 5<sup>th</sup> Street is a narrow, one-way street and the addition of a new loading dock will impact access to these access points to MCCDC property.
- d. **Related road/sidewalk improvements** – As a result of this major development, improvements are proposed to be made to the corner of 5<sup>th</sup> and Ridge Streets, including the installation of new crosswalks. These improvements impact both the new development side of 5<sup>th</sup> Street as well as MCCDC’s side of 5<sup>th</sup> Street, right in front of MCCDC property and its main pedestrian entrance.
- e. **Traffic/Parking** – In addition to the access impacts, MCCDC and the organizations utilizing MCCDC’s facilities will be directly impacted by changes in traffic and parking patterns generated by the new development. The planned development will require the removal of some existing street parking next to or adjacent to MCCDC property and facilities and the increase in traffic will impact vehicular, pedestrian and bicycle traffic to and from MCCDC.

2. *What legal interest does the person have in the property?*

MCCDC owns 474 Ridge Street NW, the adjacent parking lots, as well as a residential property on 472 Ridge St, adjacent to the main MCCDC facility. Rev. Elder Dwayne Johnson, as Senior Pastor, serves as the Moderator of the Board of Directors. Johanna Hardy and Jim Garner are the At-Large member and Clerk of the Board, respectively, which pursuant to MCCDC By-Laws and decision of the MCCDC Board are responsible and authorized to protect and assert the legal interests of MCCDC.

3. *What is the distance between the person’s property and the property that is the subject of the application before the Commission/Board?*

Curb-to-curb, the distance is less than 20 feet. Accounting for potential setbacks for the main structures, less than 50 feet. The sidewalk and cross walk improvements would abut MCCDC's property.

4. *What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?*

Approval of the development will potentially have environmental, economic, and social impacts that will affect MCCDC's facilities. MCCDC and the design of its facility serves a unique purpose and role in the community. We are not only a faith community with the typical types of programming found at other faith communities such as worship services, Bible studies, concerts, rather our purpose and history have led our facilities in becoming a hub for the greater community to use to serve under-served communities. Many people today still quote Rev. Dr. Martin Luther King Jr.'s observation that Sunday morning is the most segregated time in America. At MCCDC, that is far from the truth. With a special ministry for the LGBTQIA community, MCCDC is proud of the diversity it has – racial, gender, sexual orientation, socio-economic, etc... MCCDC has become the go-to facility for many people and organizations that may be turned away from other facilities and MCCDC finds today 7 days a week, MCCDC is able to support the broader community by providing space for such people and organizations.

Since our founding in 1970, MCCDC has strived to provide a welcoming and safe home for worship and community. We have strived to be a good neighbor and community hub for many organizations and groups. For example, in addition to our own ministries, we provide space for another faith community, NA meetings, We Are Family that provides meals to those in need (recently spotlighted in the Washington Post for their work), low-income child care services, and rehearsal spaces for area musicians and artists who in turn often volunteer their time to share their talents in the community. We have hosted local ANC meetings, social impact art displays such as the Our Heroes photography recognizing those who have worked to fight the HIV/AIDS epidemic. Annually our facilities provide space to host key Pride events related to a host of Pride activities. And, MCCDC has become the host site for the annual Transgender Day of Remembrance.

MCCDC has called Washington, DC home since its founding and our current neighborhood has been MCCDC's home since the 1980s, first at 415 M Street NW and, in 1992, our current location at 5<sup>th</sup> and Ridge Sts. NW.

One of the significant moments in our church history is the development of our current location at 5<sup>th</sup> and Ridge Sts. and the construction of our current church home. Our church was specifically designed for MCCDC to incorporate the symbolism and significance of openness to our community. Given our special ministry to the LGBTQIA community the open glass – an

integral part of the sanctuary – sends a powerful message that we are no longer going to be in the shadows. In fact, our unique architecture is what led to *USATODAY* in 2017 to name our church building as one of 25 must-see buildings in Washington, D.C.

This is a critical message even today as our society has grown more open and affirming. Still today, people in our Trans Community continue to be murdered. People in our community continue to be subjected to hate crimes and hate speech, job loss, and harassment and turned away from other places of worship. We have had an important and supportive role in the ongoing work to end HIV/AIDS with so many of our congregants impacted over the decades. Still today, we host funerals, memorial services, and weddings for those other churches will not host. We have become the host for critical events such as the Transgender Day of Remembrance each year which draws over-flow attendance. An integral part of all of these has been the openness and visual access via the glass design of our church. Because of our unique design, our building systems, including our internal lighting and HVAC systems are designed in a way that assumes a certain amount of natural light will warm and fill the space.

The issues highlighted in answer to Question 1 all potentially impact access to MCCDC for the community, the symbolic and utilitarian design of the MCCDC facility, and potentially an increased reliance of power consumption with reduced natural light.

5. *Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.*

Given the use of MCCDC facilities as a community hub for many events and organizations, many serving vulnerable communities that may already have limited options for the events and activities, ensuring the potential impact on access, traffic, parking, noise, and design of MCCDC facilities are mitigated is critical to ensuring the availability to MCCDC remains viable.

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

As described in answer to the previous questions, MCCDC will be more significantly, distinctly, and uniquely affected in a number of ways including, the proximity of the new development to the church property; the location of the proposed new loading dock across the street from access points to church property; the shared, narrow one-way street on which the loading dock is proposed and associated increase in traffic; the potential impact on parking and pedestrian and bicycle circulation; the planned addition of crosswalks abutting MCCDC property; and the impact on internal natural lighting within the MCCDC building.

**The Metropolitan Community Church of  
Washington DC, Inc.**

**BY-LAWS updated 11/23/14**

**Article I – Name**

The name of this church shall be The Metropolitan Community Church of Washington DC, Inc., also known as MCCDC.

**Article II – Affiliation**

This church is a member congregation of the Metropolitan Community Churches (MCC); ascribes to the government, doctrine, vision, mission, and values of MCC; and agrees to abide by the MCC Bylaws and decisions made by General Conference.

- A. Successor Corporation –The Metropolitan Community Churches is the not- for-profit organization designated to receive the church's property in the event of dissolution or abandonment of the church or disaffiliation from the MCC, in accordance with MCC Bylaws.
- B. Disaffiliation- A decision to disaffiliate from the MCC shall require a two-thirds (2/3) vote of the Members present at a Congregational Meeting called for the purpose of disaffiliating and shall be decided in accordance with MCC Bylaws.

**Article III - Purpose**

The purpose of this church is Christian fellowship, worship, witness, and service, borne in the cooperation, program development, and implementation of MCC and local church Bylaws, Standard Operating Procedures, and Policies.

**Article IV - Members and Friends**

A. Criteria for Membership- Any baptized Christian may become a Member by participating in the Rite of Membership. A Member in good standing is a Member who attends, contributes financially, and/or demonstrates interest and loyalty.

- 1. Membership List- The list of Members in good standing shall be maintained by a member of the church staff. Upon request the Board of Directors will be provided the list.
- 2. Membership Review-A Member shall continue in membership until such time as the Member requests to be removed from the list of Members in good standing, until death, or until action by the Board of Directors to remove the Member from membership. The list of Members to be considered for removal from the list of Members in good standing will be compiled with input from the Pastoral Care Ministry and the Office Staff. Such action by the Board of Directors shall be done in accordance with the procedure as shown below:
  - 2.a. A Member who does not have registered attendance, identified financial support, and/or demonstrated interest and loyalty within the preceding period of one (1) year may be removed from the list of Members in good standing and placed on a list of inactive Members.



2.b. The Board of Directors shall ensure that this Member is notified in writing that the Member will be placed on a list of inactive Members and will not be eligible to vote at any business meeting of the church unless they resume activity.

2.c. If the inactive Member has not attended, provided identifiable financial support; and/or demonstrated further interest or loyalty for a period of two (2) months immediately following notification, the Board of Directors shall have the authority, at its discretion with a majority vote, to drop any such Member from the local church membership roll.

2.d. The inactive Member may be restored to the list of Members in good standing by a vote of the Board of Directors without a public reception into membership.

2.e. The inactive Member who is not restored during the period of thirty-six (36) months immediately following notification shall be considered a former Member.

2.f. A former Member may be restored to the list of Members in good standing after completing a membership class and participating in the Rite of Membership. Under some circumstances a former Member may be restored to the list of Members in good standing by a vote of the Board of Directors without a public reception into membership.

3 Right to Appeal. A decision by the Board of Directors to drop an inactive Member from the local church membership roll may be appealed.

4. Appeal process.

a. The request for an appeal shall be submitted to the Clerk of the Board of Directors within thirty (30) days following the date when the inactive Member was dropped from the local church membership roll.

b. The Board of Directors may consider the appeal and reverse its earlier decision without taking the matter to the Congregational Meeting.

c. Should the Board of Directors sustain its earlier decision and the inactive Member wish the appeal to continue, the request shall be included as an agenda item for the next regular Congregational Meeting or a Special Congregational Meeting called for the purpose of considering the appeal.

B. Friends of the Church- A person who, for one reason or another, feels unable to become a Member but who supports the goals of the church and wants to be a part of the work of the church may be designated as a "Friend of the Church."

1. List of Friends of the Church- The list of Friends of the Church shall be maintained by church staff.

2. Limitations on Friends of the Church- Friends may serve on appointed committees and may participate in all activities of the church. Friends may not vote at Congregational Meetings or serve on the Board of Directors. Friends shall not be considered in determining the number of Lay Delegates.

C. Discipline of Members and Friends- The church cannot condone disloyalty or unbecoming conduct as defined in the MCC Code of Conduct on the part of any Member or Friend. The Board of Directors is empowered to remove by majority vote any Member or Friend or take other appropriate disciplinary action.

1. Right to Appeal. A decision by Board of Directors to drop a person from the local church roll of Friends of the Church may be appealed.
2. Appeal process.
  - 2.a. The request for an appeal shall be submitted to the Clerk of the Board of Directors within thirty (30) days following the date when the Friend of the Church was dropped from the roll.
  - 2.b. The Board of Directors may consider the appeal and reverse its earlier decision without taking the matter to the Congregational Meeting.
  - 2.c. Should the Board of Directors sustain its earlier decision and the Friend wish the appeal to continue, the request shall be included as an agenda item for the next regular Congregational Meeting or a Special Congregational Meeting called for the purpose of considering the appeal.

#### Article V- Congregational Meetings

Government of the church is vested in its Congregational Meeting, which exerts the right to control of its affairs, subject to the provisions of the UFMCC Articles of Incorporation, Bylaws, or documents of legal organization, and the General Conference.

- A. Time and Place – An annual Congregational Meeting shall be held each year in the month of November. The time and place of the annual Congregational Meeting shall be determined by the Board of Directors.
- B. Notification-The Board of Directors shall provide notification to Members at least three (3) weeks in advance. The notification may be made by e-mail, Sunday News, and/or announcements during Sunday services.
- C. Voting Rights - Each Member in good standing has the right to vote. Proxy or any other form of absentee voting shall not be allowed.
- D. Votes Required for Approval- Decisions require approval by a vote of more than fifty percent (50%) of those Members present and voting, unless otherwise required by UFMCC Bylaws or otherwise stated in these local church Bylaws.
- E. Quorum -In order to transact business, no less than ten percent (10%) of the Members in good standing must be present.
- F. Agenda- The agenda for Congregational Meetings shall be determined by the Board of Directors.
  1. Content- The agenda shall include, but not be limited to, election of members to the Board, election of Lay Delegates in the appropriate year, presentation of financial report, approval of budget, and receiving reports from the Board of Directors and the Pastor.
  - 2 Additions to Agenda- Members may request the Board of Directors to add agenda items by submitting additional agenda items to the Clerk no later than two (2) weeks prior to the meeting.
- G. Elections- All votes for positions shall be taken by secret ballot. Votes of affirmation from the floor are permitted only when there are no positions with nominees in excess of the number of available

positions and all positions have the same term length. When there are tenures of various lengths for a position, the person with the most votes shall be assigned to the position with the longest term; the person with the next highest number of votes shall be assigned to the position with the next longest term, etc. If there is a tie in the vote, the Board shall determine which member shall be assigned to which position.

H. Special Congregational Meetings- In addition to the annual Congregational Meeting, special Congregational Meetings may also be held. Special Congregational Meetings are governed by the same rules as those pertaining to the Annual Congregational Meeting.

1. Calling a Special Congregational Meeting- A special Congregational Meeting may be called either by (a) majority vote of the Board, (b) the Pastor, or (c) a petition signed by at least ten percent (10%) of the Members and submitted to the Clerk.
2. The nature and purpose of the special Congregational Meeting shall be stated in the petition and in announcements and be written into the agenda.
3. With a majority vote of the Board, a special Congregational Meeting may be scheduled with less than three (3) weeks notice.

#### Article VI- Local Church Administrative Body

A. Name-The local church administrative body shall be the Board of Directors, which is authorized to provide administrative leadership for the Metropolitan Community Church of Washington DC, Inc., MCC-DC, subject to approval of the Congregational Meeting.

B. Responsibilities- The Board of Directors shall be responsible for providing the church with a set of Bylaws, which are subject to approval by Congregational Meeting and the MCC Office responsible for Bylaw changes. The Board of Directors shall also have charge of all matters pertaining to the documents of legal organization and incorporation, risk management, and physical and financial affairs of the church. The Board of Directors shall also be responsible for collecting and disbursing funds, keeping adequate church records, and making timely reports to the Congregation and MCC. The Board of Directors shall appoint separate Trustees of the Buchanan Memorial Building Fund to be responsible for matters pertaining to maintenance and subject to the approval of a Congregational Meeting, the acquisition and disposal of church real property.

C. Qualifications- Members of the Board of Directors must be Members in good standing of The Metropolitan Community Church of Washington DC, Inc., MCC-DC, for at least six (6) months and have experience in the areas of financial planning, administration, or policy development.

1. Conflict of Interest — More than one person from a household, family, or committed relationship; someone who is a church employee; or someone who is a Clergy Candidate, Trustee or active Deacon shall not be eligible to serve on the Board of Directors.
2. Nomination and Election – The Board of Directors may adopt procedures for the creation of a Nominations Committee to recruit and slate qualified candidates for the Board of Directors and Lay Delegates. The slate of candidates will be presented to the Board of Directors for approval and then presented at the Congregational Meeting. A member of the congregation, who meets the criteria listed in Article 6, Section C of the By-Laws and is not slated during this process, may also be nominated at the Congregational Meeting. Procedures adopted under this section and amendments to such procedures shall be noticed, through all communication mediums feasible,

to the congregation no later than 60 days prior to effect. Such procedures shall address the qualifications of members of the nominations committee and address potential conflicts of interest.

- D. Composition-There shall be seven (7) members, including the Pastor who shall serve as Moderator.
- E. Term of Office-The term of office for members of the Board of Directors, except the Pastor, shall be three-year staggered terms, with one third being elected at each annual Congregational Meeting. Terms shall be concurrent with the Church's fiscal year.
- F. Meetings- The Board of Directors shall hold no fewer than ten (10) monthly meetings a year. Except for executive sessions, meetings shall be open to the congregation and to the public to attend. Only members of the Board of Directors may vote on issues presented at the meeting.
1. Minutes -Minutes and financial reports shall be available to Members of the church within two (2) weeks after each meeting. Minutes shall include a record of those present and decisions made. A copy of the minutes shall become part of the permanent church records. Minutes of all regularly scheduled and special Board meetings shall be posted on the church's web site within two (2) weeks after each meeting. The Board shall also ensure that the current version of the MCCDC Bylaws is posted on the church's web site at all times.
  2. Electronic and Telephone Voting – Voting on time-sensitive matters which requires action prior to the next Board meeting may be conducted by (telephone) or email, provided that such action be affirmed by the Board at the next regular meeting and that the action taken be recorded in the minutes of that meeting.
- G. Quorum- No less than a majority of the members of the Board of Directors, including the Moderator, must be present in order to transact business. If the Moderator is unable to attend, a meeting of the Board of Directors may be conducted with the consent of the Moderator; in such instance, no less than a majority of the members of the Board of Directors must be present. If the Moderator is incapacitated or otherwise unable to consider granting consent, no less than a majority of the members of the Board of Directors, including the Vice-Moderator, must be present.
- H. Official Officers – The official officers of the church are Moderator, Vice-Moderator, Clerk, Vice-Clerk, the Treasurer, and Vice-Treasurer.
1. Election of Officers – During the first meeting following elections to the Board of Directors, the Board of Directors shall elect from among its members persons to fill the positions of Vice-Moderator, Clerk, Vice Clerk, Treasurer and Vice-Treasurer. The term of officers, except for Moderator, shall be one (1) year.
    - (a.i.1.a) Moderator- The Pastor shall serve as Moderator of the Board of Directors.
    - (a.i.1.b) Vice-Moderator – The Vice-Moderator shall serve as Moderator of the Board in the absence or upon the request of the Pastor.
    - (a.i.1.c) The Clerk is the office authorized to receive petitions submitted to the Board of Directors. The clerk shall act as the legal signatory for the church. Only the clerk, acting pursuant to the directive of the Board, may sign documents creating a legal liability or obligation for the Church. If the Clerk is not available, the Vice-Clerk may sign on his or her behalf, so long as

they are acting pursuant to the directive of the board.

(a.i.1.d) Vice-Clerk – The Vice-Clerk shall assist the clerk and serve as the Clerk of the Board in the absence or upon the request of the Clerk.

(a.i.1.e) Treasurer – The Treasurer shall be responsible for ensuring the preparation and maintenance of all financial records. This shall include a monthly financial report to the Board and an annual financial report to the Congregation. The monthly and annual financial reports shall reflect receipts, disbursements, and outstanding financial obligations.

(a.i.1.f) Vice-Treasurer- The Vice-Treasurer shall assist the Treasurer and serve as the Treasurer of the Board in the absence or upon request of the Treasurer.

I. Vacancies – In the event of a vacancy on the Board of Directors, the Board may appoint a qualified Member to fill the vacancy until the next Congregational Meeting, when an election shall be held to fill the unexpired term.

J. Discipline- The church cannot condone disloyalty, unbecoming conduct, or dereliction of duty as defined in the UFMCC Code of Conduct on the part of any member of the Board of Directors. Therefore, the Board of Directors may remove by a majority vote of the full Board of Directors any of its members guilty of the above, with the exception of the Pastor who must be disciplined in accordance with the UFMCC Bylaws. A petition submitted to the Clerk and signed by twenty percent (20%) of the Members in good standing of the congregation may also initiate such a procedure.

1. Right to appeal – A disciplined member of the Board of Directors may appeal the action to the congregation at its next regular Congregational Meeting or at a Special Congregational Meeting which may be called for this purpose. The decision of the Congregational Meeting is final. Until the Congregational Meeting to consider the appeal, the position held by the disciplined member of the Board of Directors shall be considered vacant.

K. Limitation of Liability- No director or officer of the church shall be liable for any act or failure to act by any other director or officer of the Church or by any employee of the Church. No director or officer of the Church shall be liable for any loss arising from any fault in the title to any property acquired by the Church. No director or officer of the Church shall be liable for any loss arising from any fault in any security in which the Church might invest, or from bankruptcy, insolvency, or wrongful act by any person to whom the Church might entrust any of its property. No director or officer of the church shall be liable for any loss due to error of judgment or oversight on his/her part, or for any other loss whatsoever occurring in the carrying out of the duties of his/her office, unless this loss arises from the director's or officer's own willful neglect or fraudulent or criminal actions.

L. Indemnity- The church shall protect every director and officer of the church against all costs arising in relation to his/her relations with the Church, unless they are occasioned by his/her own willful neglect or fraudulent or criminal actions.

#### Article VII- Trustees of the Buchanan Memorial Building Fund

A. Responsibilities- The Trustees of the Buchanan Memorial Building Fund are responsible for matters pertaining to the maintenance and subject to approval of a Congregational Meeting, the acquisition and disposal of church real property. Trustees of the Buchanan Memorial Building Fund shall keep

adequate records and make timely reports to the Board of Directors and .the Congregation.

- B. Qualifications- Members of the Trustees of the Buchanan Memorial Building Fund must be Members in good standing of The Metropolitan Community Church of Washington DC, Inc., MCCDC, and have experience in the areas of property management, and/or administration.
  - 1. Conflict of Interest - Someone who is a church employee, a Clergy Candidate, or Member of the Board of Directors, shall not be eligible to serve as a Trustee of the Buchanan Memorial Building Fund.
- C. Composition- There shall be at least five (5) and no more than seven (7) members of the Trustees of the Buchanan Memorial Building Fund appointed by the Board of Directors.
- D. Term of Office- The term of office for members of the Trustees of the Buchanan Memorial Building Fund shall be two-year staggered terms,
- E. Meetings- The Trustees of the Buchanan Memorial Building Fund shall meet at least six times a year. Except for executive sessions, meetings shall be open to the congregation and to the public. Only members of the Trustees may vote on issues presented at the meeting.
  - 1. Minutes -Minutes and financial reports shall be available to Members of the church within two (2) weeks after each meeting. Minutes shall include a record of those present and decisions made. A copy of the minutes shall become part of the permanent church records
- F. Quorum- No less than a majority of the members of the Trustees of the Buchanan Memorial Building Fund must be present in order to transact business.
- G. Officers- The official officers of the Trustees of the Buchanan Memorial Building Fund are Chairperson, Vice-Chairperson, and Secretary. The Board of Directors shall appoint the Chairperson.
  - 1. Chairperson- The Chairperson shall moderate meetings of the Trustees of the Buchanan Memorial Building Fund.
  - 2. Vice-Chairperson- The Vice-Chairperson shall moderate meetings of the Trustees of the Buchanan Memorial Building Fund in the absence or upon the request of the Chairperson.
  - 3. Secretary - The Secretary shall be responsible for ensuring the maintenance of the official correspondence of the Trustees, and for ensuring that accurate records are kept of all meetings of the Trustees of the Buchanan Memorial Building Fund. This shall include an annual report to the Congregation.
- H. Vacancies- In the event of a vacancy in the number of Trustees of the Buchanan Memorial Building Fund, the Board may appoint a qualified Member to fill the unexpired term.
- I. Discipline-The church cannot condone disloyalty, unbecoming conduct, or dereliction of duty as defined by the UFMCC Code of Conduct on the part of any member of the Trustees of the Buchanan Memorial Building Fund. Therefore, the Trustees of the Buchanan Memorial Building Fund may recommend by a majority vote of the full Trustees of the Buchanan Memorial Building Fund that the Board of Directors remove a member from the Trustees of the Buchanan Memorial Building Fund. Action by the Board of Directors or a petition submitted to the Clerk and signed by twenty percent (20%) of the Members in good standing of the congregation may also initiate such a procedure. A trustee may

also be removed for good cause based on a 2/3 vote of the Board of Directors, providing that notice of the vote has been provided to the congregation before it is taken.

1. Right to appeal- A disciplined member of the Trustees of the Buchanan Memorial Building Fund may ask the Board of Directors for reconsideration.
- J. Limitation of Liability-No member of the Trustees of the Buchanan Memorial Building Fund shall be liable for any act or failure to act by any director, officer of the Church, other member of the Trustees of the Buchanan Memorial Building Fund, or any employee of the Church. No member of the Trustees of the Buchanan Memorial Building Fund shall be liable for any loss arising from any fault in the title to any property acquired by the Church. No member of the Trustees of the Buchanan Memorial Building Fund shall be liable for any loss arising from any fault in any security in which the Church might invest, or from bankruptcy, insolvency, or wrongful act by any person to whom the Church might entrust any of its property. No member of the Trustees of the Buchanan Memorial Building Fund shall be liable for any loss due to error of judgment or oversight on his/her part, or for any other loss whatsoever occurring in the carrying out of the duties of his/her office, unless this loss arises from the member's own willful neglect or fraudulent or criminal actions.
- K. Indemnity- The church shall protect every member of the Trustees of the Buchanan Memorial Building Fund against all costs arising in relation to his/her relations with the Church, unless they are occasioned by his/her own willful neglect or fraudulent or criminal actions.
- L. Funds in the Buchanan Fund – The Board of Directors may adopt procedures for expenditures from the Buchanan Fund to be made by the Trustees without Board approval, providing that the expenditure does not exceed guidelines. Expenditures in excess of that amount must be made by a vote of the Board of Directors in consultation with the Trustees.

#### Article VIII- Pastor

- A. Role — The Pastor is the MCC clergy person with a license to practice who has been called by God and elected by the congregation to be responsible for the duties of teacher, preacher, and spiritual leader until such time that the relationship is terminated. The Pastor shall also fulfill such other roles and responsibilities as are stated in the MCC Bylaws and the policies of the church.
  1. Interim Pastoral Leader- In the event that a MCC clergy person is not available to serve as Pastor, the Board of Directors may request the appropriate MCC Office to appoint an Interim Pastoral Leader, who shall be subject to a background check. The term of office of the Interim Pastoral Leader shall be one (1) year. The Interim Pastoral Leader shall have the authority to fulfill all of the roles and responsibilities of Pastor, except –
    - 1.a. The Interim Pastoral Leader shall serve on the Board of Directors and at Congregational Meetings, with voice and no vote; and
    - 1.b. The Interim Pastoral Leader may serve as Moderator, with voice and no vote, of the Board of Directors and Congregational Meetings only upon approval by a majority of the Members of the Board of Directors.
- B. Responsibilities- The Pastor shall have authority for ordering all worship services of the church; determining when other worship services will be held, subject to approval of the Board of Directors; appointing compensated and uncompensated church staff, subject to the approval of the Board of Directors; and determining compensation, vacation periods, and titles of office of the church staff,

subject to approval of the Board of Directors. The Pastor shall serve as a voting member of the Board of Directors, Moderator of the Board of Directors and of Congregational Meetings, personnel director, and as the primary spokesperson of the church to the community. The Pastor may delegate such duties as seem wise, including but not limited to the duty of serving as Moderator of the Board of Directors and of Congregational Meetings.

C. Pastoral Covenant-The Board of Directors and Pastor shall develop a covenant between the Pastor and the church. The covenant shall include a job description and address such matters as compensation that is consistent with equitable local standards, benefits, allowances, and leave. All provisions of the covenant shall be subordinate to the Bylaws of the MCC.

1. Conference Expenses- To the best of its ability, the congregation shall fund the Pastor's transportation, registration, and per diem at General and Regional Conferences.

D. Pastoral Vacancy- In the event of a vacancy in the position of Pastor, a Pastoral Search Committee shall be responsible for presenting a qualified candidate for election at a Congregational Meeting. The Pastoral Search Committee shall develop and implement the pastoral search process, in consultation with the responsible MCC Office.

1. Composition of Pastoral Search Committee-The Pastoral Search Committee shall consist of eleven (11) members, including the six (6) members of the Board of Directors and five (5) additional members elected at a Congregational Meeting.

2. Election of Pastor- To be elected, the candidate presented by the Pastoral Search Committee must receive more than seventy-five percent (75%) of the votes cast during a Congregational Meeting.

E. Termination of Relationship-The Pastor and congregation may choose at any time to terminate their relationship through mutual agreement. Unilateral failure to renew the Pastor's contract shall not constitute removal of the Pastor from office. No petition for removal of the Pastor based on irreconcilable differences is valid unless preceded by the process of conflict resolution, as referred to in Article IX.

#### Article IX- Conflict Resolution

When there are conflicts or difficulty within the church that cannot be resolved (including conflicts between the Pastor and congregation), the Board of Directors, the Pastor, any Lay Delegate, or a petition signed by a minimum of thirty-three percent (33%) of the Members in good standing may invite intervention by the responsible MCC Office to resolve the conflict, in accordance with MCC Bylaws.

A. Removing the Pastor from Office- The church shall follow the process as outlined in the MCC Bylaws for removing the Pastor from office for disloyalty, unbecoming conduct, dereliction of duty, or when irreconcilable differences arise that cannot be resolved through mutual agreement.

1. Any petition to initiate the process of removing the Pastor from office must be submitted to the Clerk of the Board of Directors and be signed by at least twenty-five percent (25%) of the members in good standing.

2. The Board of Directors may initiate the process of removing the Pastor from office by a vote of two-thirds (2/3) of the full Board of Directors.

3. The Clerk shall send a copy of the completed petition or motion of the Board of Directors to the responsible MCC Office within three (3) days.



4. The Pastor shall remain fully compensated until the final action of the congregation.

#### Article X- Lay Delegate

The church shall elect one (1) lay person for every one hundred (100) Members in good standing, or part thereof, to serve as Lay Delegate. The Lay Delegate shall be a Member in good standing of this church.

- A. Election- The Lay Delegate shall be elected at the next regular Congregational Meeting following each General Conference. A majority of the votes cast shall be required to elect.
- B. Term of Office- The term of office of Lay Delegate shall be two (2) years.
- C. Duties -The duties of the Lay Delegate shall be to represent the congregation at General and Regional Conferences, and to communicate with the congregation regarding MCC concerns and policies.
- D. Funding- To the best of its ability, the congregation shall fund the Lay Delegate's transportation, registration, and per diem at General and Regional Conferences.
- E. Alternate Lay Delegate-The church shall elect three (3) Alternate Lay Delegates. The election, term of office, and funding shall be the same as for Lay Delegates.
  1. Notification to Alternate Lay Delegate-When a Lay Delegate is unable or unwilling to perform the duties of Lay Delegate, the Lay Delegate shall immediately inform the Clerk of the Board of Directors. The Board of Directors shall select which of the Alternate Lay Delegates shall serve in the absence of the Lay Delegate. If an Alternate Lay Delegate is unable to serve, the Board of Directors shall appoint another person to serve in the absence of the Lay Delegate.
  2. Duties- The duties of the Alternate Lay Delegate shall be to stay informed of MCC concerns and policies and to be prepared to assume the duties of any Lay Delegate who is unable or unwilling to perform the duties of Lay Delegate, including but not limited to representing the congregation at General and Regional Conferences.
- F. Discipline- The church cannot condone disloyalty, unbecoming conduct, or dereliction of duty as defined by the MCC Code of Conduct on the part of any Lay Delegate or Alternate Lay Delegate. Therefore, the congregation may remove any Lay Delegate or Alternate Lay Delegate by a majority vote at a regular or special Congregational Meeting called for that purpose. A petition presented to the Board of Directors and signed by twenty-five percent (25%) of the Members in good standing of the congregation may also initiate such a procedure. A Lay Delegate may also be removed for good cause based on a 2/3 vote of the Board of Directors, providing that notice of the vote has been provided to the congregation before it is taken.
  1. Appeal of Discipline-A disciplined Lay Delegate or Alternate Lay Delegate shall not have a right to appeal the decision of the congregation.

#### Article XI- Church Finances

- A. Authorized Signatures – Any note or check drawn on a church bank account or other financial account shall require the signature of two current members of the Board of Directors. No signatory

may sign a check for which they are the payee. Expenditures made must be consistent with the approved budget or any amendments to the budget adopted in accordance with these bylaws. Transfers may be made between the Church's accounts by the bookkeeper, so long as he or she is acting consistently with the policies and procedures adopted by the board

**B. Limit on Expenditures-**

1. The Pastor shall have the authority to commit church funds within the approved budget in any amount not to exceed five percent (5%) of the annual budget; any expenditure greater than that amount requires the approval of the Board of Directors.
2. The Board of Directors shall have the authority to commit church funds within the approve in any amount not to exceed ten percent (10%) of the annual budget; any expenditure greater than that amount requires congregational approval.
3. Fiscal Year- For the purpose of reporting to MCC, the fiscal year of the church shall be the calendar year.
4. Church Budget- The Board of Directors shall be responsible for presenting to the Congregational Meeting for approval an annual operating budget that reflects anticipated receipts and disbursements. The approved budget may be amended, as needed, by two-thirds (2/3) vote of the Board of Directors, which shall immediately notify the Members of the Church that such amendment has been made.
5. Budget Year-The annual budget of the church shall cover the period from January through December.
6. Assessments -The Board of Directors shall report quarterly to the MCC the number of members in good standing for each month within the quarter and shall remit the Board of Pensions assessments as set by General Conference. The report and remittance are due to the Board of Pensions on or before the tenth ((10th) day of the month following the quarter reported.
7. Tithes- The Board of Directors shall report all church receipts each month to the MCC, and with that report shall remit a percentage of the funds reported. The percentage of funds to be remitted shall be determined by General Conference.

**Article XII- Adoption and Amendments**

- A. Adoption-These Bylaws shall become effective immediately upon adoption by the Congregational Meeting and approval by the responsible MCC Office.
- B. Amendments – These Bylaws may be amended or repealed at any duly convened Congregational Meeting in consultation with the responsible MCC Office. Proposals to amend the bylaws may be placed before the Congregational Meeting by a majority vote of the Board of Directors taken at least 30 days before Congregational Meeting. Alternatively, a proposal to amend the bylaws shall be placed before the Congregational Meeting if the Clerk of the Board of Directors is presented with a petition at least 30 days prior to the Congregational Meeting, signed by at least 10% of the members in good standing of the Congregation. A 2/3 vote in the affirmative by those present and voting at the congregational meeting shall be required for any amendment to these bylaws to be adopted.

**IN THE ZONING COMMISSION of the DISTRICT OF COLUMBIA**

**Regarding Application of MCF WALP Phase 1, LLC to the District of Columbia Zoning Commission for a Consolidated Planned Unit Development Application for 1200 5th Street, NW (Square 481, Lot 23), Hearing, January 16, 2020.**

***CASE NO. 19-16***

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**CERTIFICATE OF SERVICE**

I hereby affirm and certify that a true and correct copy of Form 140, Request for Party Status *in Opposition* along with a copy of this *Certificate of Service* in the above referenced matter were delivered via electronic mail, on this 31st day of December, 2019, addressed to:

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