

District of Columbia
Court of Appeals



No. 14-AA-1348

FREDERICK DOUGLASS COMMUNITY
IMPROVEMENT COUNCIL,

Petitioner,

and

No. 14-AA-1354

CONCERNED CITIZENS OF ANACOSTIA,

Petitioner,

v.

2014 HPA 221

2014 HPA 222

DISTRICT OF COLUMBIA OFFICE OF PLANNING,
HISTORIC PRESERVATION OFFICE,

Respondent,

and

2228 MLK, LLC,

Intervenor.

BEFORE: Glickman and Fisher, Associate Judges, and Nebeker, Senior Judge.

J U D G M E N T

On consideration of petitioner Concerned Citizens of Anacostia's motion to stay an order of the Mayor's Agent for Historic Preservation granting respondent and intervenor's application to relocate two historic homes; respondent's opposition thereto; respondent's motion for summary affirmance; Concerned Citizens of Anacostia's opposition thereto; Concerned Citizens of Anacostia's brief; petitioner Frederick Douglass Community Improvement Council's motion for leave to file its lodged brief and appendix; intervenor's brief, appendices, and statement in lieu of reply brief; and the record on appeal, it is

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ORDERED that Frederick Douglass Community Improvement Council's motion for leave to file its brief and appendix is granted and the Clerk shall file the lodged brief and appendix. It is

FURTHER ORDERED that respondent's motion for summary affirmance is granted. *See Oliver T. Carr Mgmt., Inc. v. Nat'l Delicatessen, Inc.*, 397 A.2d 914, 915 (D.C. 1979). Contrary to petitioners' assertions, the Mayor's Agent considered all relevant factors in determining whether relocation of the historic homes was necessary to a project of special merit, and his determination was supported by substantial evidence. *See generally* D.C. Code § 6-1102 (11) (2012 Repl.) (defining the term "special merit"); *Gondelman v. District of Columbia Dep't of Consumer and Regulatory Affairs*, 789 A.2d 1238, 1244 (D.C. 2002) (explaining that the standard for granting a permit is the same regardless of whether an application seeks demolition or alteration); *Kalorama Heights Ltd. P'ship v. District of Columbia Dep't of Consumer and Regulatory Affairs*, 655 A.2d 865, 868 (D.C. 1995) (explaining that this court "must uphold the Mayor's Agent's decision if the findings of fact are supported by substantial evidence in the record considered as a whole and the conclusions of law flow rationally from th[o]se findings" (citations omitted)); *Citizens Committee to Save Historic Rhodes Tavern v. District of Columbia Dep't of Housing and Community Dev.*, 432 A.2d 710 (D.C. 1981) (setting forth the considerations relevant to whether a proposed action is necessary to a project of special merit). It is

FURTHER ORDERED that Concerned Citizens of Anacostia's motion for stay is denied as moot. It is

FURTHER ORDERED and ADJUDGED that the order on appeal be and hereby is affirmed.

ENTERED BY DIRECTION OF THE COURT:



JULIO A. CASTILLO
Clerk of the Court

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