

Holland & Knight

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January 30, 2014

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Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N W , Suite 210S
Washington, DC 20001

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J.C. OFFICE OF ZONING
2014 JAN 30 PM 1:23

Re: **BZA Application No. 18702**
View 14 Investments LLC -- 2303 14th Street, N.W.
Applicant's Request to Deny Party Status to Concerned Residents and
Neighbors of View 14

Dear Board Members

This letter is submitted on behalf of View 14 Investments LLC in connection with the above-referenced application (the "Application"), which is scheduled to be heard before the Board on February 4, 2014. An informal group referring to themselves as the "Concerned Residents and Neighbors of View 14" ("Concerned Residents") filed a request for party status to the Application on January 23, 2014. The group consists of nine persons, three of whom are tenants of View 14 and six of whom live in the surrounding neighborhood. We submit that their request for party status should be denied on three grounds.

1. Request not timely filed. Under Section 3106.2 of the Zoning Regulations, a request for party status must be filed no less than 14 days prior to the date set for hearing. In this case, the hearing date is February 4, 2014, which means that the request for party status should have been filed with the Board no later than January 21, 2014. Due to weather, the District was closed on January 21, therefore, the request was due to the Board on January 22. According to the Exhibit Log for the case, the request for party status was filed on January 23, 2014, one day after the filing deadline. The Board should not waive the timing provisions of Section 3106.2 in this case because Concerned Residents is represented by legal counsel that regularly appears before the Board and is familiar with the Zoning Regulations and procedures.

2. Statement Does Not Demonstrate Adverse Impact. The written statement submitted by Concerned Citizens does not explain how the impacts from uses proposed under the Application will likely affect their interests. The statement provides nothing to substantiate the claim that noise and odor generated by the proposed uses would impact their residences, particularly in light of the measures to address noise and odor discussed in the Applicant's prehearing statement.

BOARD OF ZONING ADJUSTMENT
District of Columbia

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CASE NO. 18702
EXHIBIT NO. 32

Board of Zoning Adjustment
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CASE NO.18702
EXHIBIT NO.32

3. Persons Not Significantly, Distinctively or Uniquely Affected The following persons named in the request for party status do not reside within immediate proximity to the subject property:

Brian Romanowski, 1451 W Street, NW, Apartment A -- more than 670 feet from subject property

Josh Cohen and Eric Katz, 1451 W Street, NW, Apartment A -- more than 670 feet from subject property

Nicholas Dryfuse, 1208 V Street, NW -- more than 1160 feet from subject property

Denny Horner, 1208 V Street, NW, #A -- more than 1160 feet from subject property

Daren Phillips, 2000 16th Street, NW #402 -- more than 1,760 feet from subject property

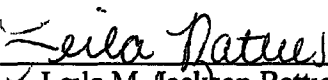
Randy LiVorsi, 2000 16th Street, NW #402 -- more than 1,760 feet from subject property

As such, it does not appear that they are not significantly, distinctively or uniquely affected in character or kind by the proposed zoning relief than those of other persons in the general public, and nothing provided in the written statement for Concerned Residents suggests anything to the contrary.

For the reasons outlined above, we respectfully request that the Board deny the request for party status filed by Concerned Residents

Very truly yours,

HOLLAND & KNIGHT LLP

By. 
Leila M. Jackson Batties

cc Mr. Richard Nero, Office of Zoning (via email)
Advisory Neighborhood Commission 1B c/o Chair James Turner
(via electronic email: 1b09@anc.dc.gov)
Commissioner Deborah Thomas (via email: 1b04@anc.dc.gov)
Stephen Gyor, Office of Planning (via email)
Martin P. Sullivan, Esq. Sullivan & Barros, LLP (via email)