

Frederick W. Guinee  
2121 Leroy Place, NW  
Washington, DC 20008

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January 15, 2018

The District of Columbia Board of Zoning Adjustment  
The Federation of State Medical Boards, c/o Martin Sullivan  
The District of Columbia Office of Planning, c/o Joel Lawson  
The District of Columbia Department of Transportation, c/o Anna Chamberlin  
Advisory Neighborhood Commission 2D, c/o David Bender  
Advisory Neighborhood Commission 2D, c/o Ellen Goldstein  
Sheridan-Kalorama Neighborhood Council, c/o Meredith Moldenhauer  
Sheridan-Kalorama Historical Association, c/o Meredith Moldenhauer

Re: BZA Case No. 19659 (2118 Leroy Pl. NW)

To the above-named entities and parties:

Please find attached a completed Form 140 – Party Status Request (including the supplemental statement that forms a part of the form) submitted today to the DC Board of Zoning Adjustment.

Sincerely,



Frederick W. Guinee

Attachments:  
Form 140  
Supplemental Statement  
Certificate of Service



**BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



**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:	Frederick W. Guinee		
Address:	2121 Leroy Place, NW, Washington, DC 20008		
Phone No(s):	202-808-2988	E Mail:	rickguinee@hotmail.com

I hereby request to appear and participate as a party in Case No.: **19659**

Signature:		Date:	January 15, 2018
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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:	N/A		
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 31, 2018**

**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.

Supplemental Statement of Frederick W. Guinee in Support of his Party Status Request  
in Case No. 19659 (2118 Leroy Place, NW, Washington, DC 20008)

**Party Witness Information**

1. **A list of witnesses who will testify on the party's behalf:** Frederick W. Guinee.
2. **A summary of the testimony of each witness:**

Mr. Guinee will testify in opposition to the application of the Federation of State Medical Boards of the United States, Inc. (the "Applicant"). Mr. Guinee's testimony will address the following matters:

- the lack of harmony of the Applicant's requested relief with the general purpose and intent of the Zoning Regulations and Zoning Maps, including the area of Mr. Guinee's family residence which is immediately across Leroy Place from the subject property and fewer than 50 feet from it;
- the actual reliance of Mr. Guinee and his family on the Zoning Regulations and Zoning Maps and the residential, non-business, non-commercial character of Leroy Place when they considered the acquisition of their family residence on Leroy Place;
- the Guinee family process of considering where to relocate the family residence in 2013-14, which did not include consideration of properties across the street from or near office buildings of 8000-10,000 square feet, or office buildings of any size;
- the adverse effects the requested relief would have on the use of the neighboring property, including Mr. Guinee's family residence;
- the false and inaccurate statements of the Applicant concerning the alleged prior use of the subject building by the military attaché of the Republic of Colombia;
- the actual prior use of the subject property by the government of the Republic of Colombia and Mr. Guinee's direct, personal, first-hand observation of that use, which should be particularly helpful to the zoning authorities in light of the Applicant's concession that that "the Applicant does not have first-hand knowledge of the exact level of use by the Colombian government" (pp. 9-10 of the Applicant's Pre-Hearing Statement);
- the lack of *any* use of the property for commercial purposes, contrary to the blatantly false and unsupported assertion of the Applicant (page 4 of its Prehearing Statement) that the subject property was used for "commercial purposes for 70 years";
- the current actual residential, non-business, non-commercial character of the neighborhood and Leroy Place in particular;
- the lack of any likelihood that the subject property would become dilapidated or destroyed if the requested relief were not granted, based on Mr. Guinee's personal observations and understanding of recent building uses in the neighborhood;
- the lack of anything exceptional or unique about the subject property that would prohibit its ready return to residential use (for one or more residences); and
- Mr. Guinee's concerns about the Applicant's truthfulness and veracity and the extent to which its proffered conditions should be accepted – or not accepted – in particular in light of the Applicant's changing representations during the period in which its application has been under consideration.



- 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:**

Mr. Guinee does not propose to offer any expert witnesses.

- 4. The amount of time being requested to present your case:**

5-7 minutes, not including cross-examination and rebuttal.

#### **Party Status Criteria**

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

The requested relief will result in a lack of harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, on which Mr. Guinee relied in acquiring his home in the R3 residential neighborhood. Further, the requested relief will adversely effect the neighboring properties, including Mr. Guinee's family home, by inserting a business enterprise mid-block on a street with an entirely residential character. The insertion of a large office building across the street from Mr. Guinee's family home will have the adverse safety, economic, traffic, parking, congestion, and social impacts as described herein.

- 2. What legal interest does the person have in the property (i.e., owner, tenant, trustee, or mortgagee)?**

Mr. Guinee and his spouse are the owners of the dwelling immediately across the street from the subject property, and they use the dwelling as their principal and only family residence (Mr. Guinee, his spouse, and their two children).

- 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 further than 200 feet.)**

Fewer than 50 feet (immediately across the street).

- 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 by the Commission/Board is approved or denied?**

If the action requested by the Applicant is approved, Mr. Guinee's family residence mid-block on Leroy Place will be opposite a large office building where certainly 25 people will work and where up to 118 people could be authorized to work. The residential character of the area where Mr. Guinee and his family live -- and where many other families and retired people live -- will deteriorate and perhaps be destroyed. The use of a former dwelling as a large office structure is incompatible with a residential neighborhood. A deterioration of the residential character will result in decreases in the value of Mr. Guinee's residential property and the residential properties throughout the neighborhood, since potential residential purchasers will

not be interested in relocating to a street or neighborhood with mixed uses of not only residential use but also office and/or commercial uses.

**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?**

A lack of residential use of the subject building could result in decreased safety in the neighborhood. If people do not reside in the building, there will be fewer neighbors watching the streets, walking with their families and pets on them, and caring for the safety of their neighbors and friends.

Notwithstanding the Applicant's representations and proffered conditions, office use will result in parking, traffic and congestion concerns on Leroy Place, which has only a single lane for travel and only about 6 spaces for parking without a residential zone parking permit. The parking, traffic and congestion concerns will be particularly acute on the portion of Leroy Place between the subject property and Mr. Guinee's family home, which are directly opposite each other on the street and onto which Mr. Guinee's entry walkway and driveway enter (there is no alley behind Mr. Guinee's home). Applicant is not in a position to dictate the driving and parking patterns of the regular contractors (such as daily cleaning services), maintenance and repair providers, and visitors who will come and go on Leroy Place. They will certainly drive on Leroy Place (in their own cars or trucks or by taxi cab or commercial ride-sharing services such as Uber or Lyft) and seek to park in the limited number of legal spots and perhaps illegally in the spots requiring permits as well; and the taxis and ride-sharing cars will block the street in much greater numbers and at much greater frequency than they do now.

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

Other persons in the general public do not live in the immediate vicinity of the subject building. Other persons in the general public do not live directly across the street from the subject property. Other persons in the general public did not rely specifically on the zoning regulations and the zoning maps with their R3 designations when purchasing their family homes. Other persons in the general public will not suffer from a lightly-used diplomatic building being converted into a very large office space. Other persons in the general public will not experience the same or similar safety, parking, traffic, congestion and social impacts as the family living across the street from the subject property. The impact on Mr. Guinee as an immediate neighbor would be more direct and substantially greater, and more distinctive and unique, than the impact or effect on members of the general public who do not live across the street, nearby, or on Leroy Place.

CERTIFICATE OF SERVICE

CASE NO. 19659

I hereby certify that on January 15, 2018, I had served a copy of this Form 140 - Party Status Request in opposition to the application of the Federation of State Medical Boards (Case No. 19659) via e-mail, to the following:

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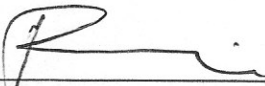
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Frederick W. Guinee