

LAW OFFICES OF

**KNOPF & BROWN**  
401 EAST JEFFERSON STREET  
SUITE 206  
ROCKVILLE, MARYLAND 20850  
(301) 545-6100

FAX: (301) 545-6103  
E-MAIL [BROWN@KNOPF-BROWN.COM](mailto:BROWN@KNOPF-BROWN.COM)  
WRITER'S DIRECT DIAL  
(301) 545-6105

DAVID W. BROWN  
SOLE PRACTITIONER

February 3, 2017

Sara Benjamin Bardin, Director  
District of Columbia Office of Zoning  
441 4th Street NW Suite 200S  
Washington, DC 20001

Re: ***SUPPLEMENT to Advanced Party Status Consideration Request***  
**BZA Case No. 19450 – Ward 3 Homeless Shelter Project**  
**D.C. Department of General Services**

Dear Director Bardin:

The Applicant, District of Columbia Department of General Services (the “District”), has filed an Opposition to the Party Status Request of Neighbors for Responsive Government (“Neighbors”), alleging that Neighbors has failed to demonstrate entitlement to be a party in this proceeding. The asserted deficiencies in Neighbors’ Request are without merit. Neighbors nevertheless submits this Supplement to its Request, addressing the claimed deficiencies.

1. The District asserts that “less than half” of the members of Neighbors live within 200 feet of the project, and that multiple members reside in other neighborhoods. But as shown on Exhibit A to the Request, 12 households (comprising 17 property owners) live within the 200-foot range. Two of those households (4 property owners) are directly abutting residents (the Witties and the Stavropouloses). The remaining 16 households (comprising 23 property owners) are identified by property addresses that the Request states are “within 2-3 blocks of the proposed shelter” and, like the 200-footers, are “in close proximity to the proposed shelter.” The District has presented no evidence to dispute Neighbors’ showing that it represents at least 40 residents who reside in the area most directly impacted by the proposed shelter.

2. The District asserts that the interests of Neighbors’ members “are patently general ones, including traffic, parking inadequacy, overcrowding of the Newark Street community playground, and overcrowding of a nearby elementary school.” Their concerns, however, are self-evidently very localized to the immediate vicinity of the proposed shelter. To cite one obvious example, concern about inadequate parking in the vicinity of the shelter would be important to those wanting to park locally, not a widespread concern among the general public. Similarly, Neighbors’ concern about loss of light and air due to the size and bulk of the proposed shelter will be a very localized effect, especially for the many 200-footers who are Neighbors members, and most especially those who live in residences abutting the shelter site.

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 19450  
EXHIBIT NO. 52

3. Denying Neighbors' Request would be counter to established Board practice to facilitate the proper development of a decisional record for a contested case by granting party status to individuals and groups in close proximity to the property that is the subject of the Board proceeding. *E.g., Lovendusky v. District of Columbia Board of Zoning Adjustment*, 852 A.2d 927, 929 (D.C. 2004) (party status accorded (1) to individual adjacent to a school seeking a special exception, (2) to those across the street from the school, and (3) to "an organization of property owners who lived near the school site and who were represented by [counsel].").

4. The District also complains that Neighbors' designation of witnesses is deficient, but offers no rationale for why a more detailed statement than has been provided is necessary for the District to prepare for the Board hearing in this case. Nevertheless, Neighbors is at present able to provide a more detailed witness designation statement. It is attached.

5. Counsel for the District has requested 15-20 minutes to further argue against Neighbors' Request at the Board hearing on February 8, 2017. In fact, Neighbors sought an advanced determination of their Request to provide ample time for the Board to resolve any such dispute, in order to facilitate hearing preparation. Undersigned counsel will attend the hearing and requests equal time to respond. Further argument by either side, however, should not be necessary for the Board to conclude that Neighbors' Request is proper and should be granted.

6. The District also alludes to a "supplemental briefing schedule" should the Board grant Neighbors' Request. Neighbors will be prepared to address this point on February 8<sup>th</sup> as well. More specifically, if the Request is granted, Neighbors will explain its intent to assist the Board in deciding this case by providing the Board, in advance of the hearing, a legal memorandum setting forth the deficiencies in the District's requests for special exception and variance relief.

Respectfully submitted,



David W. Brown

/enclosure (supplemental witness list)

cc (via email): Meredith H. Moldenhauer, Esq. [mmoldenhauer@washlaw.com](mailto:mmoldenhauer@washlaw.com)  
Evelyn Israel, D.C. Department of Transportation [evelyn.israel@dc.gov](mailto:evelyn.israel@dc.gov)  
Maxine Brown, D.C. Office of Planning [Maxine.brownroberts@dc.gov](mailto:Maxine.brownroberts@dc.gov)  
Nancy MacWood, ANC3C [nmacwood@gmail.com](mailto:nmacwood@gmail.com)  
Angela Bradbery, ANC3C06 [3C06@anc.dc.gov](mailto:3C06@anc.dc.gov)

**Supplemental Party Status Application**  
**Neighbors for Responsive Government in BZA 19450**

**SUPPLEMENTAL PARTY WITNESS INFORMATION**  
**February 3, 2017**

**Supplemental Witness Designation and Testimony Description -**

1. David Brown of Knopf & Brown –will identify the deficiencies, both legal and factual, in the materials furnished by the Applicant in support of both the special exception request and the three variances sought. He will also address any similar deficiencies found in the recommendations of any ANC report and the Office of Planning Report. Mr. Brown’s participation will be in the form of legal argument, not witness testimony.

2. The following residents included in Exhibit A are expected to testify. Each will focus on one or more of the adverse effects flowing from grant of the Application identified in response to question 1 of the Party Status Criteria.

- a. Yvonne Thayer
- b. Nora Stavropoulos
- c. Pat Wittie
- d. Chris Sweeney
- e. Dede Sweeney
- f. Tara Stanton
- g. Arlene Holen
- h. Brian Powers
- i. Arnie Lutzker
- j. Therese Fergo
- k. Any other witness as deemed necessary in addition or substitution to the foregoing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3<sup>rd</sup> day of February 2017, a true and correct copy of the Supplemental Advanced Party Status Consideration Request and Supplemental Witness List were emailed to the following:

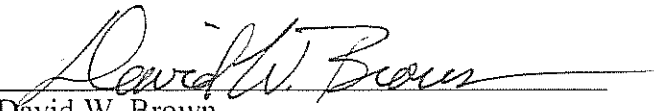
Maxine Brown Roberts  
D.C. Office of Planning  
[Maxine.brownroberts@dc.gov](mailto:Maxine.brownroberts@dc.gov)

Evelyn Israel  
D.C. Department of Transportation  
[Evelyn.israel@dc.gov](mailto:Evelyn.israel@dc.gov)

Nancy MacWood  
Advisory Neighborhood Commission 3C  
[nmacwood@gmail.com](mailto:nmacwood@gmail.com)

Angela Bradbery  
Advisory Neighborhood Commission 3C06  
[3C06@anc.dc.gov](mailto:3C06@anc.dc.gov)

Meridith H. Moldenhauer, Esq.  
Griffin, Murphy, Moldenhauer & Wiggins LLP  
[mmoldenhauer@washlaw.com](mailto:mmoldenhauer@washlaw.com)

  
David W. Brown