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

<b>Name:</b>	Citizens for Responsible Options		
<b>Address:</b>	2913 17th Street, NE, Washington, DC 20018		
<b>Phone No(s):</b>		<b>E-Mail:</b>	david@davidrforrest.com
<b>I hereby request to appear and participate as a party in Case No.:</b>		19452	
<b>Signature:</b>		<b>Date:</b>	1/24/17
<b>Will you appear as a(n)</b>	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	<b>Will you appear through legal counsel?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If yes, please enter the name and address of such legal counsel.

<b>Name:</b>	David W. Brown, KNOPF & BROWN		
<b>Address:</b>	401 E. Jefferson Street, Suite 206, Rockville, Maryland 20850		
<b>Phone No(s):</b>	301-545-6100	<b>E-Mail:</b>	brown@knopf-brown.com; joy@knopf-brown.com

**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:** February 8, 2017

**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? Please see attached for answers to these questions
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.

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 19452  
EXHIBIT NO. 27

LAW OFFICES OF  
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DAVID W. BROWN  
SOLE PRACTITIONER (2017)

January 24, 2017

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

Re: ***Advanced Party Status Consideration Request***  
**BZA Case No. 19452**  
**D.C. Department of General Services**

Dear Director Bardin:

This letter supplements the attached Form 140, Party Status Request of Citizens for Responsible Options, a District of Columbia non-profit community association ("Citizens"). Pursuant to Subtitle Y §404.3, Citizens requests advanced party status consideration at the next hearing, currently scheduled for February 8, 2017.

Citizens was formed and organized by a group of District of Columbia residents who reside in the vicinity of the proposed site, 1700 Rhode Island Avenue, N.E. ("Site"), following adoption by the City Council and approval by the Mayor of the Homeless Shelter Replacement Act of 2016 (the "Act"). Among other matters, the Act authorized the Mayor to pursue implementation of plans to construct a homeless shelter on Lot 0800, Square 4134, 1700 Rhode Island Avenue, N.E.. It is pursuant to that authority that the D.C. Department of General Services now seeks, in BZA Case No. 19452, approval of a special exception and of seven variances for construction of a homeless shelter on the Site.

Advanced Party status is sought for Citizens and the District of Columbia residents shown on Exhibit A. All persons included in Exhibit A are owners or residents of real property in the immediate vicinity of the Site. As indicated on Exhibit A, some of the individuals own or reside in property within the 200-foot range for individual notice of this proceeding. Subtitle Y §300.8(g). All persons included in Exhibit A are either officers or members of Citizens or nearby

Sara Benjamin Bardin, Director  
District of Columbia Office of Zoning  
January 24, 2017  
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home owners; all have advised Citizens of their desire to be included with Citizens as parties in opposition to the relief requested in this case; and all consent to representation in this case by undersigned counsel. If necessary, formal documentation of the foregoing will be provided upon request.

Respectfully submitted,



David W. Brown

/enclosures (Form 140; Exhibit A; Party Witness Information; Party Status Criteria)

**Party Status Application**  
**Citizens for Responsible Options in BZA 19452**

**PARTY WITNESS INFORMATION**

**Expert Witness Designation -**

Citizens has no present intention to call any expert witnesses, but reserves the right to identify one or more such witnesses before the hearing.

**Witness Designation -**

1. **David Brown of Knopf & Brown** – Citizens’ lawyer, who 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 seven variances sought. He will also address any similar deficiencies found in the recommendations of any ANC report and the Office of Planning Report.

2. As time permits, a few of the residents included in Exhibit A will also testify. Their focus will be on the adverse impacts that are anticipated to flow from grant of the requested relief, and how such impacts warrant denial of the application under the applicable standards.

**Time Requested**

Citizens will plan for a combined presentation lasting no more than one hour, exclusive of cross-examination. If there are other witnesses in opposition not represented by undersigned counsel, Citizens will attempt to coordinate presentations in an effort to stay within the one-hour standard.

**Party Status Application**  
**Citizens for Responsible Options in BZA 19452**

**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?**

ANSWER: Properties near the Police Station, including those where the residents listed on Exhibit A reside, will be adversely affected by the proposed homeless shelter, which cannot be built as contemplated absent the special exception and variance relief sought from the Board. Adverse effects include: (1) increased traffic, noise and general congestion from adding up to 200 residents/staff to a single residential block; (2) parking inadequacy of only four spaces for 200 residents of the facility, their visitors, and staff; (3) loss of direct sunlight, ambient light, and air and existing, open sight lines, due to the proposed height and bulk of the building and its proximity to the surrounding homes; (4) destruction of a significant portion and degradation of the remainder of the architecturally significant colonial revival 12<sup>th</sup> Precinct Police Station, designed by renowned municipal architect Albert L. Harris, and one of only two of its kind remaining in the city; (5) overcrowding and degradation of the already overcrowded Burroughs Elementary School (due to the potentially substantial influx of children from the shelter); (6) parking with inadequate clearance for cars to turn into the narrow alley for the four proposed parking spots making parking difficult or impossible; (7) The proposed shelter is wholly out of character with the neighborhood and inconsistent with the City's Zoning Plan for this area, which is mixed use commercial properties and housing (Rhode Island Ave. is one of 8 designated Main Streets in the District); (8) If the request to be excused from providing a loading dock for the building is granted, this will result in double-parked vehicles multiple times each day when food is delivered to the shelter, as well as double-parking for trucks that are making deliveries, providing repairs or new equipment for the building, or performing routine landscaping work; and (9) Though technically outside the 500-foot minimum legal requirement, the facility will be sited 600 feet from an existing community-based housing unit (1545 Girard St. NE), and therefore violates the spirit if not the letter of the law designed to limit the density of community-based housing in this residential area;

In addition, Citizens notes the following concerns relating to the internal operation of the homeless shelter itself (10) exposure of the resident children to volatile organic compounds from the auto paint shop two doors away as well as to automotive exhaust from the heavily trafficked major thoroughfare of Rhode Island Ave; (11) insufficient and claustrophobia-inducing outdoor space for the residents (e.g. an 11 foot wide full-shade corridor sandwiched between a 69 foot exterior wall and a 40 foot tall condo unit); (12) insufficient assessment of the effects of electromagnetic radiation on young residents from the cell phone and emergency radio 100+ foot tower immediately adjacent to the proposed structure; and (13) inadequate security plans for the tower's restricted area to prevent curious and determined children from climbing the cell tower which represents a significant safety hazard.

The foregoing listing of concerns is not necessarily exhaustive. At the Board hearing, counsel for Citizens will detail, on the basis of the legal requirements for approval of the

requested special exception and each of the three requested variances, why these requests should not be approved by the Board. Many of these legal requirements relate directly to the concerns expressed above.

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

ANSWER: Citizens is a non-profit D.C. community association organized by D.C. residents whose properties are located near the proposed shelter site. The individuals identified as parties in Exhibit A are Citizens officers or owners of their own properties in the immediate neighborhood, or both.

**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.)**

ANSWER: Several of the individuals identified in Exhibit A own and reside in properties that are located within the 200-foot boundary, of the lot on which the shelter is proposed to be placed. Most of the others on Exhibit A are located within 2-3 blocks of the proposed shelter.

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

ANSWER: In addition to the issues provided in 1 above, if approved, the siting of the 69-foot structure within 12 feet of the 40-foot condo project that is still under construction will significantly reduce the selling price and future value of these units because the shelter will completely block the sun from all of the south-facing windows and there are very few other windows. When the units are sold, this light blockage will negatively impact 16 future residents, denying them completely of southern sun exposure. Residents of houses within at least a three-block radius will have significantly increased difficulty parking near their own homes on a regular basis because of the competition with the shelter parking. This is already a problem for residents because of commuters parking on the streets in this area to catch buses on Rhode Island Avenue and will be further compounded by the 16 future residents who will be parking near the condos next door to the shelter.

**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.**

ANSWER: See answer to questions 1-4 above.

- 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.**

ANSWER: See answers to questions 1-4 above, which demonstrate that those included in this application reside in close proximity to the proposed shelter and that their concerns are a function of that proximity. Thus, the adverse impacts they foresee from the proposed zoning action result in Citizens being much more significantly, distinctively and uniquely affected than will be the case for other persons in the general public that live or work significantly further away in the District of Columbia.

**PARTY STATUS APPLICATION  
CITIZENS FOR RESPONSIBLE OPTIONS IN BZA 19452  
EXHIBIT A**

David Forrest*	2913 17 <sup>th</sup> Street, N.E. Washington, D.C. 20018
Dina Mukhamedzhanova*	2913 17 <sup>th</sup> Street, N.E. Washington, D.C. 20018
Frederick and Delores Wilkes	2916 17 <sup>th</sup> Street, N.E. Washington D.C. 20018
Carolyn E. Warren*	2904 17 <sup>th</sup> Street, N.E. Washington, D.C. 20018
Jeff Steen	1620 Hamlin Street, N.E. Washington, D.C. 20018
Stephanie Coleman and Tony Tomelden	3004 17 <sup>th</sup> Street, N.E. Washington, D.C. 20018
Fred and Cheryl Nicely	1907 Jackson Ave. N.E. Washington, DC 20018
James Buckley	633 Girard St. N.E. Washington, DC 20017
Thomas Kirlin	1414 Girard St. N.E. Washington, DC 20017
Matt Turley and Tad Czyzewski	3008 17 <sup>th</sup> St N.E. Washington, DC 20017
John Iskander and Sandra Campbell	3304 20 <sup>th</sup> St N.E. Washington, DC 20018
Reza Damani and Faraz Khan	2009 17 <sup>th</sup> St N.E. Washington, DC 20018
Joseph Cassidy	1921 Kearney St. N.E. Washington, DC 20018

\* Within 200' Feet of 1700 Rhode Island Avenue, NE, Washington DC