

STOOP LAW

A COMMUNITY JUSTICE PROJECT

1604 V St SE
Washington DC, 20002
Ph: (202) 651-1148

March 20, 2019

Dear Commissioners,

Bootz on the Ground Community Coalition is a group of residents with membership living within one half block of Applicant's proposed 109-unit apartment building. It is expected that Dorothy Davis (1416 Saratoga Ave NE Apt 1), Minnie Elliot (1320 Saratoga Ave NE Apt 1), and Yvonne Johnson (1289 Brentwood Rd. NE Apt 2), along with supporters will testify on their behalf. The named petitioners have long term leases of 24 months or more. All of the named members have lived near the site for 15 years or more.

Party Witness Information

Bootz on the Ground will testify as to the adverse impacts of allowing significant upzoning, gaps in screening for parking, bulk expansion, and a multifamily use with only IZ and limited, if any, family housing, such impacts include traffic intensification, parking concerns, increased pollution from emissions, inconsistency with the comprehensive plan, and displacement pressures.¹

Under 11 X DCMR 901.1:

901.1 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

¹ ¹Does Upzoning Boost the Housing Supply and Lower Pricing? Maybe Not, City Lab, Richard Florida <https://www.citylab.com/life/2019/01/zoning-reform-house-costs-urban-development-gentrification/581677/>. (“[I]nstead of falling prices, as the conventional wisdom predicts, the study finds the opposite. Housing prices *rose* on the parcels and in projects that were upzoned, notably those where building sizes increased. Freemark identifies two key mechanisms by which upzoning acts to increase prices. First, the fact that upzoning registered so quickly in higher prices is a signal that land prices respond rapidly to the ability to build more units... what the [MIT] study does show, he added, is what happens on specific lots and areas that are upzoned. And that’s “where we should be concerned,” ...[Freemark] continued, because “those who worry that upzoning will increase prices in certain neighborhoods are likely being reasonable.””)

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

The general purposes and intent of the Zoning Regulations is:

To promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development. D.C. Code § 6-641.01.

The regulations in in title II and the Zoning Maps are designed with consideration of the following:

- 1. (a) Character of the respective zones;
- 2. (b) Suitability of each zone for the uses permitted in each zone under this title;
- 3. (c) Encouragement of the stability of zones and of land values in those zones; and
- 4. (d) Requirement that zoning shall not be inconsistent with the Comprehensive Plan for the National Capital.

II-A DCMR 101.1.

The changes to the existing zoning maps undermine II-A DCMR 101.1 because the changes are not in harmony with the general purposes and intents of the zoning regulations and maps pursuant to D.C. Code § 6-641.01. Each witness will testify to various aspects of how the proposed upzoning does not meet the requirements of special exception relief.

No experts have been ascertained yet, but Bootz on the Ground Community Coalition (BGCC) reserves the right to bring experts at the hearing. To the extent possible BGCC will provide expert resumes prior to the hearing date.

Party Status Criterion

The majority of BGCC’s members have significant interests in their rental properties as they have lived in the neighborhood for over 15 years and have developed strong attachments to their friends and neighborhood. Their interests will be impacted by the increased density of the site and all of the adverse impacts that accompany such development. Which are as stated before, traffic intensification, parking concerns, increased pollution from emissions, inconsistency with the comprehensive plan, and displacement pressures.² BGCC’s membership will be impacted by these impacts

² ²Does Upzoning Boost the Housing Supply and Lower Pricing? Maybe Not, City Lab, Richard Florida <https://www.citylab.com/life/2019/01/zoning-reform-house-costs-urban-development-gentrification/581677/>. (“[I]nstead of falling prices, as the conventional wisdom predicts, the study finds the opposite. Housing prices *rose* on the parcels and in projects that were upzoned, notably those where building sizes increased. Freemark identifies two key mechanisms by which upzoning acts to increase prices. First, the fact that upzoning registered so quickly in higher prices is a signal that land prices respond rapidly to the ability to build more units... what the [MIT] study does show, he added, is what happens on specific lots and areas that are upzoned. And that’s “where we should be concerned,” ...[Freemark] continued, because “those who worry that upzoning will increase prices in certain neighborhoods are likely being reasonable.””)

uniquely because they are very close to the property. One member only one-half block away and arguably within 200 ft of the site.³

The lack of parking screening will expose members to unnecessary particulate, noise, and increase the heat sink in Summer months leading to higher energy costs, the introduction of luxury rental units will increase displacement pressures⁴, and the expansion of bulk will change the character of their neighborhood, totally eliminating open space, air, and flow. All of BGCC's membership will feel these impacts more acutely than the general public and thus are uniquely impacted by the proposed application.

Additionally, BGCC members are part of the Brookland Manor site which is slated for redevelopment but a part of litigation in the Court of Appeals and Federal Court due to inadequate replacement housing for families. Upon information and belief this application is being proposed by the same developer – Mid-City – and the proposed building is to be built in synergy with the indeterminately delayed Brookland Manor redevelopment. That being the case, the lack of family housing present in this application is particularly injurious to BGCC membership concerned with return family housing.

Respectfully Submitted,

s/ Aristotle Theresa

Aristotle Theresa

Stoop Law

1604 V St SE

Washington DC, 20020

Attorney for Boots on the Ground Community Coalition

Enclosure – Party Status Form 140 /Agent Authorization Letter

³ Though she did not received mailed notice.

⁴ See Footnote 2



**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 > 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:	Bootz on the Ground Community Coalition		
Address:	1320 Saratoga Ave NE Apt.1		
Phone No(s):	202-441-5172	E-Mail:	

I hereby request to appear and participate as a party in Case No.:	19960	Board of Zoning Adjustment
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Signature:	See Agent Authorization Letter	Date:	3/20/2019
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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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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If yes, please enter the name and address of such legal counsel.

Name:	Aristotle Theresa, Esq.		
Address:	1604 V St. SE Washington DC, 20020		
Phone No(s):	202-651-1148	E-Mail:	acltheresa@stoooplaw.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:	n/a
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PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

- A list of witnesses who will testify on the party's behalf; See attachment
- A summary of the testimony of each witness; See attachment
- 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 See Attachment
- The total amount of time being requested to present your case. See Attachment

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

BOOTZ ON THE GROUND COMMUNITY COALITION

March 17, 2019

Re: Board of Zoning Adjustment Case No. 19960
1400 Montana Ave NE
Washington, DC 20018

Dear Members of the Board,

Agent Authorization Letter

This letter hereby authorizes the law firm of Stoop Law to represent “Boots on the Ground Community Coalition” in the above-referenced application and to represent us in all proceedings before the Board of Zoning Adjustment relating to such application.

Minnie Elliott
1320 Saratoga Ave NE, Apt 1
Washington, DC 20018



Boots on the Ground Community Coalition
President