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VIA IZIS AND HAND DELIVERY

Zoning Commission of the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Z.C. Case No. 08-07A - Applicant's Opposition to the Party Status Request
submitted by the Concerned Citizens of Anacostia

Dear Members of the Commission:

On behalf of Four Points, LLC and Curtis Properties, Inc. (together, the "Applicant"), we submit this statement in opposition to the party status request submitted by the Concerned Citizens of Anacostia ("CCA") in connection with the above-referenced case. We believe that CCA has not met the party status criteria of Section 3022.4 of the Zoning Regulations because CCA has not demonstrated that its interests will be significantly, distinctively, or uniquely affected by the proposed development at 2255 Martin Luther King Jr., Avenue, S.E. (Lot 839 and a portion of Lot 906 in Square 5785) ("Building 1").

Pursuant to Section 3022.4 of the Zoning Regulations, the Commission shall grant party status *only* if the person requesting party status has clearly demonstrated that the person's interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public (11 DCMR § 3022.4 *emphasis added*). In this case, CCA has not demonstrated that its interests will be more significantly, distinctively, or uniquely affected than those of other persons in the general public.

First, CCA states that it is composed of "homeowners and tenants of the affected single member district and ward," and in this matter "appears on behalf of the Historic Anacostia Preservation Society ("HAPS"), the Chicago Shannon Civic Association ("CSCA"), and Advisory Neighborhood Commission ("ANC") 8A" (*see* Party Status Request page 2, section 1, included in the record as Exhibit 23). CCA's representation of homeowners and tenants within the entire ward, and members of three different organizations with different boundaries and purposes, demonstrates that CCA's interests are not unique and instead apply to residents of all of the neighborhoods surrounding the PUD Site.

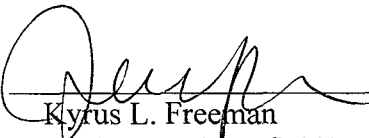
ZONING COMMISSION
District of Columbia
CASE NO.08-07A
EXHIBIT NO.72

Second, CCA bases its party status request on overall design considerations, including the building's height, massing, design components, housing type mix, absence of ground floor retail, and impacts on views (*see* Party Status Request page 1, section 2b). CCA also states that CCA members and members of the groups that CCA represents "are especially affected by the diminution of views and sunlight, and loitering and traffic" (*see* Party Status Request page 3, section 6). Moreover, CCA asserts that its members and members of other neighborhood organizations will be "impacted generally," and admits that the people it represents live anywhere from 200 feet of the PUD Site, to a half mile from the PUD Site, to "Historic Anacostia residents" (*see* Party Status Request page 2, section 3). However, CCA does not indicate how people that live anywhere from 200 feet of the PUD Site to all of Historic Anacostia can be more significantly, distinctively, or uniquely affected by the development of Building 1 than other persons in the general public. All of CCA's concerns apply to residents of all of the neighborhoods surrounding the PUD Site, the general public, and the city as a whole; they do not significantly, distinctively, or uniquely affect CCA or any of its members.

As the Zoning Commission has stated, "the critical aspect of the test for party status... is how is the [Applicant] more uniquely affected than the general public?" *See* Z.C. Case No. 05-38, Transcript dated February 28, 2007, p. 11; *see also* Z.C. Order No. 10-32, Finding of Fact No. 6 "[t]he Commission denied the requests for party status because the individuals' interests were not sufficiently unique;" Z.C. Order No. 13-04, Finding of Fact No. 6 "[t]he Commission denied the request for party status... as it failed to demonstrate that its interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public." In this case, CCA has not demonstrated that its members' interests are more significantly, distinctively, or uniquely affected than the interests of the general public. Therefore, CCA has not met the party status requirement of section 3022.4 of the Zoning Regulations and the Applicant requests that the Commission deny CCA's party status request.

Thank you for your attention to this matter. We look forward to making a full presentation at the December 18, 2014, public hearing on this application.

Very truly yours,

By: 
Kyrus L. Freeman
Jessica R. Bloomfield*

cc: Advisory Neighborhood Commission 8A (with enclosures, Via U.S. Mail)
Maxine Brown-Roberts, D.C. Office of Planning (with enclosures, Via Hand)

*Admitted to practice in Pennsylvania. Practicing in the District of Columbia pursuant to D.C. Court of Appeals Rule 49(c)(8).