

# Holland & Knight

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## VIA ELECTRONIC DELIVERY

Zoning Commission for the District of Columbia  
441 4<sup>th</sup> Street, N.W., Suite 210S  
Washington, DC 20001

Re: Application No. 15-04 Comstock Sixth Street, LLC  
Applicant's Opposition to the Party Status Request submitted by Belinda Bell on  
behalf of concerned citizens of North Michigan Park

Dear Members of the Zoning Commission:

On behalf of Comstock Sixth Street, LLC. (the "Applicant"), we submit this statement in opposition to the party status request submitted by Belinda Bell on behalf of "concerned citizens of North Michigan Park" in connection with the above-referenced case. We believe that Ms. Bell has not met the party status criteria of section 3022.4 of the Zoning Regulations, either as an individual or on behalf of an organization, and as a result should not be granted party status.

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, Ms. Bell has not demonstrated that her interests will be more significantly, distinctively, or uniquely affected than those of other persons in the general public. Further, it is unclear to the Applicant if Ms. Bell is acting as an individual or on behalf of an organization when she references "concerned citizens of North Michigan Park". The Applicant is aware of an organization by that name that participated in the planned unit development application for the property to the immediate north of the subject site in 2004 (Zoning Commission No. 04-11), however, the Applicant is not aware that that organization has maintained an active membership or organization. That organization was denied party status by the Commission in Application No. 14-11 (see Exhibit 29C, Page 28). Ms. Bell also requested party status independent of the Concerned Citizens of North Michigan Park in that application. Her request was denied by the Commission (see Exhibit 29C, Pages 8-9).

As the basis for her argument for party status, Ms. Bell notes that she (and other witnesses she plans to call) are residents located within 200 feet of the project site. She also

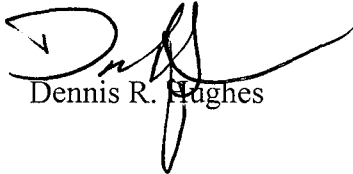
claims to represent residents outside of Emerson Park, which is the name of the townhouse development to the immediate north of the site approved in Order No. 04-11. It is unclear which other residents she represents.

Ms. Bell's property does not abut the project site, rather it is located on the east side of 7<sup>th</sup> Street, NE. Her stated concerns regard her desire that the pedestrian and cycle connection proposed as part of the project instead be opened to vehicular traffic. From her submission and the Applicant's interactions with Ms. Bell at meetings held by Advisory Neighborhood Commission (ANC) 5A, it does not appear that Ms. Bell objects to the proposed residential development of the site. Rather, she mentions concerns regarding increased traffic, criminal activity, emergency access and social and economic impact to the neighborhood. As such, Ms. Bell has not demonstrated that her interests (or those of any organization she may represent) are more significantly, distinctively or uniquely affected than the interests of the general public. Therefore, Ms. Bell has not met the party status requirement of section 3022.4 of the Zoning Regulations and the Applicant requests that the Commission deny the party status request.

While the Applicant opposes the request for party status, it appreciates the input received from Ms. Bell and others in the neighborhood who have commented on the proposed project, and the Applicant has sought to address concerns raised. Should party status not be granted in this case, Ms. Bell and other neighbors will have opportunity under the Commission's rules to participate as persons in support or opposition, pursuant to the order of procedure for contested actions set forth in section 3022.8. The Applicant welcomes that input and an opportunity to address any outstanding concerns at the hearing.

We look forward to the Commission's consideration of this application at its July 30, 2015, public hearing.

Sincerely,



Dennis R. Hughes

cc: Belinda Bell  
Advisory Neighborhood Commission 5A