

March 21, 2019

VIA IZIS

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street NW, Suite 200S
Washington, DC 20001

Re: The Bard, Z.C. Case No. 17-21 –
Applicant’s Opposition to Party Status Application from Martin Welles

Dear Chairman Hood and Members of the Commission:

As You Like It LLC (the “Applicant”) respectfully opposes the granting of party status in the above-referenced case to Martin Welles. Mr. Welles filed his party status application on March 14, 2019 (Exhibit 40 in the record).¹ As the Commission is aware, a person requesting party status in a contested case has to clearly demonstrate that the person’s interests would be more significantly, distinctively or uniquely affected by the proposed zoning action than that of the general public. Mr. Welles has not met this burden.

First, does not appear to have a cognizable legal interest in the Amidon Bowen Elementary School (“ABES”) property, which is adjacent to the subject property, nor has he demonstrated that he is an authorized representative of the school or its Parent-Teacher Association (PTA). While the Applicant respects Mr. Welles’ long involvement with ABES, that involvement does not give rise to status as a party to this case. Further, although Mr. Welles lives in Southwest within a couple of blocks of the Project, his residence does not appear to be “more significantly, distinctively, or uniquely affected” than other residences that abut or are across from the Project, such as those of UNSW’s members. Therefore, Mr. Welles’ property interests would not be more significantly affected by the Project.

¹ The Applicant notes that it was not served with the party status request, as required under Subtitle Z, Sections 404.7 and 404.8.

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Second, Mr. Welles does not have concerns that are unique to him or distinct from other residents in the general vicinity of the project. While he notes he is a coach and practices with his team at the ABES fields and is an invested community member in ABES, this does not distinguish his interests from those of the general public, which may utilize the ABES play areas and be involved with the school. Moreover, Mr. Welles' children are no longer students at ABES. Therefore, Mr. Welles has not alleged, with any specificity, any impact that the proposed zoning action might have on his interests.

The Applicant notes that the Zoning Commission process certainly provides Mr. Welles with an opportunity to provide testimony and evidence regarding his concerns about the project. However, as detailed above, there is no evidence that Mr. Welles is differently impacted or affected than the general public in a manner that should give him the benefits of party status, such as an opportunity to cross-examine or respond to post-hearing filings. The most immediately impacted residents and authorized representatives of ABES have been actively involved in the case and can represent their own interests before the Zoning Commission.

Therefore, the Applicant respectfully requests that the Commission deny Mr. Welles' request for party status.

Sincerely,

/s/ David M. Avitabile

David M. Avitabile

/s/ Meghan Hottel-Cox

Meghan Hottel-Cox

cc: Gail Fast, ANC 6D01
Anna Forgie, ANC 6D02
Ronald Collins, ANC 6D03
Andy Litsky, ANC 6D04
Anthony Dale, ANC 6D05
Rhonda N. Hamilton, ANC 6D06
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Melinda MacCall, DC Public Library, Southwest Neighborhood Library

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