



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5B
WEBSITE: www.anc5b.org

June 23, 2025

Mr. Anthony Hood, Chairman
Zoning Commission
441 4th Street SW, Suite 210
Washington, DC 20001

Letter in Opposition to Party Status for the Brookland Neighborhood Civic Association (Case 24-15)

Dear Chairman Hood,

On behalf of Advisory Neighborhood Commission 5B,¹ we encourage the Zoning Commission to deny the Brookland Neighborhood Civic Association (BNCA) request for party status in case 24-15, for the reasons detailed below.²

The BNCA cannot meet the legal requirements to obtain party status

Under 11 DCMR 404.1(h), an applicant for party status must submit a “written statement setting forth why the person should be granted party status.” The written statement must include all five of the following pieces of information:

- “(1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
- (2) The legal interest the person has in the property, such as owner, tenant, trustee, or mortgagee;
- (3) The distance between the person's property and the property that is the subject of the application before the Commission;

¹ ANC 5B designated Commissioner Jingwen Sun (SMD 5B03) and Commissioner Ra Amin (SMD 5B04) to be its representatives for matters related to this zoning case. Comm. Sun is the chairman of the ANC 5B Standing Committee on Development, Zoning, and Land use, and 901 Monroe Street is located in Comm. Amin's single-member district.

² BNCA's party status request is Exhibit 70 in this docket.

(4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and

(5) An explanation of how the person's interests as identified in response to paragraph (4) 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.”

The BNCA did not provide all of this information as legally required, as it simply does not possess the requisite interest to obtain party status.

First, the BNCA does not identify any specific property address that it has a legal interest in. Instead, it invokes the general fact that the development is within the BNCA’s membership area and that some—although they do not say how many—members’ properties will be affected. The BNCA does not give the address of any property that will be especially affected, and indeed the address it provides on the cover page of its application is the post office box that is the Association’s mailing address.

Second, the BNCA’s statement fails to describe any concrete legal interest of the Association itself. It relies on the fact that some of its members would be able to satisfy the legal interest requirement, and extrapolates that the BNCA therefore has a legal interest. As a practical matter, this is unpersuasive. As a legal matter, it misunderstands what constitutes a legal interest under DC law. The regulation gives examples of the types of legal interests that would suffice: owner, tenant, trustee, or mortgagee. These are all property interests that are well-defined and well-understood in law, and the BNCA’s purported interest falls far short of what the regulation envisions. While the BNCA points to the fact that some of the “200 footers” are members, these adjacent property owners have filed their own separate party status request (see Exhibit 69 in the docket), so the BNCA cannot rely on them to justify its legal interest.

Finally, the BNCA cannot point to any significant, distinctive, or unique ways it is affected by the development. While it lists a number of impacts, all the impacts it identifies are ones that the general public in and around the greater Brookland area would face. Perhaps because of this, the BNCA’s answer to this question largely fails to address the substance. It can only point to how some “immediate neighbors” face heightened impacts; again, the BNCA is not authorized to speak for these immediate neighbors.

The BNCA cannot submit the evidence required for a non-individual person

Under 11 DCMR 404.1(f) & 404.2, the BNCA is required to submit proof that the Association authorized the entity’s participation in the proceeding, as well as proof that the BNCA has designated a specific officer, employee, or agent to act on its behalf and bind it in the proceeding. It has submitted neither. This is not a simple clerical error or oversight, as the BNCA is unable to provide proof that it is duly authorized to participate in the proceeding. The BNCA announced via a June 10 [email](#) to its members (see Appendix 1) that it had submitted a request for party status for the 901 Monroe zoning case. In the email, it noted that the deadline was prior to the next regular BNCA meeting, so the officers submitted the request without seeking a member vote. The BNCA [constitution and by-laws](#) (see Appendix 2) do not authorize

the officers of the Association to take such an action. Furthermore, they contain a mechanism for exactly this situation: Article VII.C states that “a special meeting may be called upon the recorded vote of 20% of the total voting membership of the Association.”

DC law recognizes the ANC as the appropriate entity to represent the immediate neighborhood in zoning cases

Based on its party status request, the BNCA would have the Zoning Commission believe that the specific interests of the Brookland community will not be represented if the Association is not a party. However, this is not the case. The Zoning Commission recognizes the community’s interest in contested development cases by automatically granting party status to the ANC within which the property is located—in this case, ANC 5B. A comparison of the maps of the BNCA membership area and ANC 5B show they are largely coterminous.³

As a matter of principle, the democratically elected ANC 5B Commissioners are the appropriate representatives of the Brookland neighborhood’s general interest in this case. The ANC Commissioners are public officials, elected by their constituents to represent ANC 5B’s approximately 14,000 residents.⁴ By contrast, the BNCA is a dues-based, member organization representing a few hundred residents.⁵ Indeed, ANC 5B took pains to ensure that its position on 901 Monroe was based on feedback from across the community, including from BNCA members. The ANC’s consultation process on its resolution explicitly relied on BNCA members’ input, most notably from the BNCA’s April 15 meeting devoted to 901 Monroe. For the BNCA to now assert that its interests would not be protected absent party status willfully disregards ANC 5B’s efforts to accurately represent the position and interests of the wider Brookland community.

As a matter of practice, the ANC conducted a transparent public consultation process, including four duly noticed meetings regarding and a public vote on the ANC’s resolution in support of the consolidated Planned Unit Development (PUD) and Map Amendment.⁶ As discussed above, the BNCA pursued party status in opposition to the development without placing the issue before its membership.

³ The only ways in which the boundaries differ is that BNCA includes single member district 5A3 and excludes 5B07 and parts of 5B01, 5B02, and 5B06. (see Appendix 3).

⁴ According to the DC Office of Planning, ANC 5B has 14,009 residents based on the 2020 Census. See https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/2023%20Single-Member%20Districts%20by%202020%20Census%20Population.xlsx.

⁵ A 2024 BNCA document states the group has “roughly 200 members.” See https://cdn-610befd2c1ac181114e136f7.closte.com/wp-content/uploads/2024/06/brooklandcivic.org_bnca_budget_and_oversight_letter_2024.pdf

⁶ On October 16, 2024, the 901 Monroe Street development team presented at the ANC 5B Commission meeting, and there was a public forum on the proposed plan. The ANC 5B Development, Zoning, and Land Use Standing Committee discussed and held public forums on the 901 Monroe Street development and draft resolution at its meetings on April 10 and May 13, 2025. and May 19 meetings. The full Commission reviewed, held a public forum on, and voted unanimously to approve the resolution at its May 21, 2025 meeting.

While the Commission respects the BNCA's role in the Brookland community and its right to participate as a person in this case, it does not have a valid claim to interests greater than those of the general public.

Respectfully,

Commissioner Jingwen Sun (SMD 5B03)

Commissioner Ra Amin (SMD 5B04)

Appendix 1: BNCA Email to membership on June 10

From: **Dawn Amore, Brookland Civic**
<brooklandcivic@71610390.mailchimpapp.com>
Date: Tue, Jun 10, 2025 at 12:48 PM
Subject: BNCA Officer Update on 901 Monroe Street Development



Dear BNCA Members,

We want to share an important update regarding the proposed 901 Monroe Street development project and BNCA's involvement in the zoning review process.

The 901 Monroe development team submitted slightly revised plans to the Zoning Commission on May 23. Because the deadline to apply for party status was June 9 -- prior to our next scheduled member meeting on June 17 -- the BNCA Officers took timely action to preserve the association's ability to participate fully in the zoning process.

Party status grants BNCA the right to submit testimony, present evidence, submit Proposed Findings of Fact and responses to any future Applicant submissions, and ensure community concerns are part of the official record in the case.

As part of the application, the BNCA was required to indicate whether it supports or opposes the project as currently proposed. After reviewing the revised materials, the Officers held a formal vote and voted to oppose the project in its present form, with six votes to oppose and one abstention.

This decision reflects the Officers' position that, while there have been some positive changes, additional improvements are needed for the project to better align with the community's priorities. Concerns raised at our April 15 Community Listening Session -- including those related to scale, safety, traffic, and community benefits -- remain central to our evaluation.

It's important to note that BNCA's opposition is not a rejection of development in Brookland. On the contrary, we believe in constructive engagement that leads to projects which reflect the values and vision of the neighborhood. Encouragingly, sustained advocacy by individual residents in the community has already helped shape aspects of the project -- including the addition of a retail-ready space. This shows that when the community speaks up, change is possible.

Our position is intended to be part of that ongoing dialogue. We see this as a call for further refinement, not a final judgment.

We'll discuss this topic at our next member meeting on June 17, where we welcome your questions and feedback. Your voice matters, and we look forward to hearing from you as we prepare for the June 23 Zoning Commission hearing. Should you wish to view the case file it is located here:

https://app.dcoz.dc.gov/Home/ViewCase?case_id=24-15

If you would like to send a letter of support or opposition for the project, you may email it to zcsubmissions@dc.gov and put ZC No. 24-15 in the subject line.

Thank you for your continued dedication to Brookland.

Sincerely,

Dawn Amore

President, Brookland Neighborhood Civic Association

Appendix 2: BNCA Constitution and By-Laws

Constitution and Bylaws of the

Brookland Neighborhood Civic Association

CONSTITUTION

Article I. Name

The name of this Association shall be the "Brookland Neighborhood Civic Association", hereinafter referred to as the Association.

Article II. Mission

The mission of the Association is to provide a forum for considering and advancing the interests of Brookland residents on issues affecting the Brookland community.

Article III. Geographic Boundaries

The Association shall encompass the following area in the northeast quadrant of the District of Columbia:
North: Buchanan Street, South Dakota Avenue, Michigan Avenue
South: Rhode Island Avenue
East: 18th Street
West: Metro tracks

Article IV. Membership

A. Any person is eligible for membership in the Association who:
-has paid the annual membership dues established by the Association; and
-is at least sixteen (16) years of age; and
-resides within the boundaries defined in Article III; or

-owns property within the boundaries defined in Article III; or
-owns and is licensed to operate a business within the boundaries defined in Article III; or
-represents a legally registered non-profit organization within the boundaries as defined in Article III.

B. Associate memberships are available to persons who reside outside the boundaries defined in Article III, provided that such person has paid the annual membership dues established by the Association.

C. Voting members may hold office in the Association, may attend any meeting of the Association, may present resolutions and amendments to this Constitution and By-Laws, and may speak and vote on matters presented at meetings. Associate members may attend any meeting of the Association and may speak, but they may not vote, hold office or present resolutions or amendments to this Constitution and By-Laws.

D. The Association shall maintain an up-to-date list of all members and associate members, their addresses, and voting status. This list will be made available for inspection to any member upon request within 10 business days.

Article V. Voting

Persons as defined in Article IV. A. (hereinafter referred to as voting members) are eligible to vote on any business before the Association, *provided* there is/are:

-no more than one (1) voting member per non-resident property as designated by the owner of such property;
-no more than two (2) voting members per business as designated by the owner of such business;

-no more than two (2) voting members per non-profit organization as designated by the director of such organization; and -voting members joining for the first time or after a lapse in membership of more than one year shall be eligible to vote on any business before the Association only after thirty (30) calendar days from the date of payment of dues.

No person shall be eligible for more than one (1) vote on any issue put to the vote.

Votes shall take place at Association meetings without proxies permitted.

Article VI. Dues

For Calendar Year 2009, dues shall be \$5.00 for each membership. Beginning in Calendar Year 2010, dues shall be \$10.00 for each membership. All memberships expire at the end of each Calendar Year regardless of when dues were paid.

Article VII. Meetings

A. Regular meetings shall be held on the third Tuesday of every month, except that in November the regular meeting shall be held on the second Tuesday of the month, and no regular meeting will be held in August or December. Special meetings may be called by the President, as needed.

B. Meetings shall be conducted in an orderly and democratic fashion and shall be noticed at least 10 business days in advance by written communication.

C. A special meeting may be called upon the recorded vote of 20% of the total voting membership of the Association. All members must be notified of the meeting at least 5 business days in advance, and at least two elected officers must be in attendance, including the President, or, in his/her absence, the Vice-President. The

quorum requirements of Article VIII shall otherwise apply.

Article VIII. Quorum

A quorum must be present for the valid transaction of Association business. A quorum shall consist of ten (10) voting members or twenty percent (20%) of the total Association voting membership (whichever is the smaller number) including two elected officers.

Article IX. Officers

A. The elected officers of the Association shall be a President, Vice President, Treasurer, Membership Coordinator, Corresponding Secretary, Recording Secretary, and Member At-Large. Only voting members are eligible to become officers.

B. Duties of Officers: All officers of the Association must meet the fiduciary duties of careful and prudent judgment, adherence to organizational purpose and rules, and avoidance of conflicts of interest.

C. The President shall preside at all meetings, appoint *ad hoc* committees and delegates as needed, perform such other duties as usually pertain to that office, and shall at the expiration of the term of office turn over to the successor all the records, money, and other property of the Association that may be in his/her possession.

D. The Vice President shall perform the duties of the President in the President's absence or resignation, and shall at the expiration of the term of office turn over to the successor all the records, money, and other property of the Association that may be in his/her possession.

E. The Membership Coordinator shall maintain the membership list and handle requests for its inspection, and shall perform other functions as determined to maintain and strengthen membership in the Association.

F. The Corresponding Secretary shall handle the general correspondence of the Association, including notice of meetings and other events and opportunities that may be of interest to the Association and its members.

G. The Recording Secretary shall record and maintain the proceedings and records of the Association, make necessary arrangements for meeting space, and shall at the expiration of the term of office turn over to the successor all the records, money, and other property of the Association.

H. The Treasurer shall collect all funds due the Association. S/he shall record the amount of each payment, with the name, address, phone and e-mail address of the person so paying. He shall faithfully care for all funds entrusted to his keeping, shall ensure such funds are expended in the best interests of the Association, and at the expiration of this term of office turn over to the successor all records, money, and other property of the Association that may be in his/her possession.

I. The Member At-large shall assist the other officers in the performance of their responsibilities.

Article X. Elections

Voting members shall annually elect a President, a Vice President, a Treasurer, a Membership Coordinator, a Corresponding Secretary, a Recording Secretary, and a Member At-large. The annual election of officers shall be done at

the February regular meeting. Vacant positions shall be filled by election at the next regular meeting not less than 21 calendar days after notice of the election is given to the Membership. Election shall take place by majority vote (of those in attendance) in secret ballot.

Article XI. Amendments to Constitution and By-Laws

Amendments to this Constitution and By-Laws must be submitted by the meeting prior to the one at which they are to be acted upon. Amendments shall require a two-thirds (2/3) vote of voting members present and voting to be adopted. All other actions of the Association shall require a simple majority of voting members present and voting.

Article XII. Principal Office and Records

A. The Association shall maintain a principal office within the geographic boundaries of Article III. The address of such office will be the address of record for the receipt of correspondence.

B. The Association shall make available for inspection records it is required to maintain by law, and shall make such records available for members to inspect or copy upon reasonable request.

Record of Amendments

Duly considered and approved by unanimous vote at the regular meeting of the Association on April 14, 2009.

Amendments duly considered and approved at the regular meetings of the Association on July 17, 2012, September 18, 2012, February 18, 2014, March 18, 2014, and October 17, 2017.

Appendix 3: BNCA and ANC 5B Maps



