



**BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**

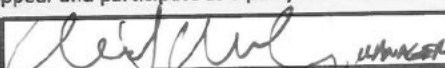


**FORM 140 - PARTY STATUS REQUEST**

Before completing this form, please go to [www.dcoz.dc.gov](http://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:	1101 South Capitol LLC c/o Ruben Companies		
Address:	600 Madison Ave., New York, New York 10022-1615		
Phone No(s):	212-293-9404	E Mail:	rruben@rubenco.com
I hereby request to appear and participate as a party in Case No.:	[REDACTED] ZC 20-14		
Signature:		Date:	11.3.20
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

If yes, please enter the name and address of such legal counsel.

Name:	Carolyn Brown, The Brown Law Firm PLLC		
Address:	1750 K Street, N.W., 12th Fl., Washington, D.C. 20006		
Phone No(s):	202-763-7538	E Mail:	cbrown@brownlaw.law

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

**PARTY WITNESS INFORMATION:**

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

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. 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
4. The total amount of time being requested to present your case.

**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 ATTACHED RESPONSES TO QUESTIONS 1-6**
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
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.)
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?
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.
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.

**ATTACHMENT TO FORM 140 PARTY STATUS REQUEST  
IN Z.C. CASE NO. 20-14**

1101 South Capitol LLC  
c/o The Ruben Companies  
600 Madison Avenue  
New York, New York 10022-115

1. *How will the property owned or occupied by such person, or in which the person has an interest be affected by the action request of the Commission/Board?*

1101 South Capitol, LLC (“1101 Owner”) is the owner of Lot 47 in Square 649 (“1101 Property”), which abuts the proposed development at 5 M Street, S.W. (“5M Project”) on the west (at Lot 45) and south (at Lot 48). The revised plans for the 5M Project, first presented to Advisory Neighborhood Commission 6D on October 27, 2020, now indicate that (i) the east wall of “Phase B” of the 5M Project would extend over the private drive at L Street that is proposed to be shared between the 5M Project and 1101 Property, and (ii) the width of the proposed private drive would be reduced from 22 feet to 20 feet. The extension of this east wall results in the placement of columns running along the private drive for entire north-south length of the 1101 Property. The revised placement of these columns creates an obstacle course that does not provide sufficient space for trucks and cars to enter, maneuver within, or exit from a future development on the 1101 Property. The revised plans will therefore make it impossible to achieve proper loading and parking at the 1101 Property, consistent with applicable law and policies, when the 1101 Property is developed in the future. The purpose of the proposed private drive (and the attendant easement) is to comply with the District’s Department of Transportation (“DDOT”) desire to permit only one curb cut on L Street for the entire Square (see Exhibit 16 to the record) and with the Zoning Regulations prohibition against curb cuts on South Capitol Street. See 11-IDCMR § 616.7(e) (“There shall be no openings in building frontages adjacent to South Capitol Street that provide entrances or exists for vehicular parking or loading”). The revised construction of “Phase B” over the private drive also does not leave sufficient vertical clearance for PEPCO vaults to be placed on either property.

1101 Owner is generally supportive of the 5M project and has been begun discussions with the applicant in Z.C. Case No. 20-14 (“Applicant”) to ensure that the proposed project does not adversely affect the future use or development of the 1101 Property. 1101 Owner is encouraged by the discussions with the Applicant thus far and is hopeful that the issues identified above can eventually be resolved. However, because (i) the recent changes to the plans were first shared with the public on October 27 (and with 1101 Owner on a call on October 29), (ii) the numerous inter-related issues will take time to study and resolve, and (iii) the Zoning Commission decision in this case will also have a substantial impact on the use and development of the 1101 Property as well, 1101 Owner requests party status to protect its interests and to highlight certain critical issues that otherwise might not be brought before the Zoning Commission.

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

1101 South Capitol, LLC is the 100% owner of Lot 47 in Square 649.

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.)*

The distance is zero feet. The 1101 Property directly abuts the property that is the subject of Z.C. Case No. 20-14.

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 Item #1 above.

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.*

(a) The revised plans in Z.C. 20-14 for the 5M Project do not adequately address vehicular access, circulation, transformer location, construction timing and staging, and other inter-related issues that will affect the future development of the 1101 Property, as well as the streetscape and traffic in the surrounding neighborhood.

(b) The scope of the proposed easement area, as well as the provisions for operating within the easement area, have not been fully studied and developed, and have not even been proposed.

(c) The location and operation of the private drive will have a permanent impact upon the use and development of the 1101 Property. As is customary in a situation like this, the affected parties should agree upon and finalize a formal easement agreement before the 5M Project is allowed to proceed.

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.*

The interests of 1101 South Capitol, LLC will be more significantly, distinctively, and uniquely affected in character and kind by the proposed 5M Project because the revised plans directly and adversely affect parking and loading access to the 1101 Property, safe transportation circulation generally within Square 649 and on adjacent public streets, and other matters such as the location of vaults. This unique impact was specifically identified by DDOT in its report dated September 18, 2020 (Exhibit 16). No other property is directly affected like the 1101 Property.

**List of Potential Witnesses:**

1. Richard Ruben, on behalf of 1101 South Capitol LLC
2. Jamie Milanovich, Wells & Associates, expert in transportation engineering