

April 4, 2022

**VIA IZIS**

Anthony Hood, Chairman  
D.C. Zoning Commission  
441 4<sup>th</sup> Street NW, Suite 200-S  
Washington, DC 20001

Re: **Z.C. Case No. 21-18** – Application of Dance Loft Ventures LLC (the “**Applicant**”) for 4608-4618 14<sup>th</sup> Street, NW (the “**Property**”) – Opposition to Party Status Request from David Hollis

Dear Chairman Hood and Members of the Commission:

The Applicant opposes the March 28, 2022 Party Status Request from David Hollis, submitted into the record as Exhibit 342 (“**Party Status Request**”). The Applicant does not oppose the Commission allowing Mr. Hollis five (5) minutes to speak in opposition to the application at the May 5 public hearing, which appears to be Mr. Hollis’s primary interest.

The Zoning Commission should deny the Party Status Request because (i) it does not satisfy the important requirements of the Zoning Regulations, (ii) it appears to seek only an opportunity to speak at the hearing to oppose the application rather than to allow full participation as a party, and (iii) interests of the Party Status Request are not significantly, distinctly, or uniquely affected by the application.

**I. The Commission Should Deny the Party Status Request Because It Does Not Meet the Requirements of 11-Z DCMR § 404**

The Party Status Request does not satisfy the requirements of a party status request under Section 404 of Subtitle Z. The D.C. Court of Appeals has previously determined that failure of a party status request to satisfy the Zoning Commission’s rules is a *per se* justification for the Commission denying such a request (*see Tiber Islands Cooperative v. D.C. Zoning Commission*, 975 A.2d 186 (D.C. 2009)). The Commission should deny the request here.

In violation of Subtitle Z Sections 404.7 and 404.8, the Party Status Request was not served to the Applicant, and there is no evidence in the request or in the record of this proceeding that it was served on ANC 4C, which is the only other party in this proceeding.

**II. The Commission Should Deny the Party Status Request Because Full Participation as a Party Does Not Appear To Be the Intent of the Request**

The Party Status Request does not seem to truly contemplate Mr. Hollis's participation as a party. Mr. Hollis references Subtitle Z, Section 408.3, which relates to rules relating to non-party persons and organizations wishing to testify. The Commission will not prejudice the interests stated in the Party Status Request by denying it here.

In the event Mr. Hollis is seeking five (5) minutes to speak in opposition to the application at the Commission's May 5 hearing, the Applicant does not oppose such a request even though the ordinary time limit is three (3) minutes for an individual to speak at a hearing.

Mr. Hollis states that he does not seek to call any witnesses, does not seek to be represented by counsel, and seeks only five minutes to present. Rather than seeking party participation, Mr. Hollis intentions are consistent with appearing as a person in opposition, which the Applicant does not oppose, and which does not require party status as requested.

Combined with the failure to adhere to procedural aspects of filing materials noted above, we suspect that true party status is not the aim of the Party Status Request, which should be denied in the interests of an efficient hearing.

**III. The Commission Should Deny the Party Status Request Because the Interests of the Party Status Request are not Uniquely Affected**

The Party Status Request also does not represent unique interests. Although Mr. Hollis was served with a notice of the application, his property is slightly more than 200 feet from the nearest lot line of the Property. In the interests of reaching a broader segment of the community and intentionally employing more extensive outreach, the Applicant delivered notices to more neighbors and nearby residents than it was required to serve under the Zoning Regulations. Mr. Hollis is among those who received such a notice.

The Applicant has worked to focus on engagement with the surrounding community, which has resulted in numerous meetings with the community, particularly neighbors in the near vicinity of the project. As a result of these meetings, the Applicant made several changes to the project in response to comments and concerns from neighbors. The Applicant appreciates that Mr. Hollis has attended and been active at many of these meetings. The Applicant hopes to continue to discuss the project with Mr. Hollis.

Although Mr. Hollis lives close to the Property (i.e., across Crittenden Street, NW from the block containing the Property), he is not more likely to be impacted by the application than many other residents similarly situated. As a result, the Party Status Request should be denied.

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Very truly yours,

/s/ Jeff Utz

/s/ David Lewis \_\_\_\_\_

Enclosures

## Certificate of Service

I certify that on or before April 4, 2022, I delivered a copy of the foregoing document and attachments via e-mail or first-class mail to the addresses listed below.

/s/ David A. Lewis

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