

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

FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side. 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. (Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name: Daniele Golden Wolkoff
Address: 1231 Randolph St NE, Washington DC 20017
Phone No(s): 202-232-8391 E Mail: dangoldon@gmail.com

I hereby request to appear and participate as a party in Case No.: 13-14 McMillan Public Park

Signature: Daniele Golden Wolkoff Date: April 22, 2014

Will you appear as a(n) [] Proponent [X] Opponent Will you appear through legal counsel? [] Yes [X] No

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

Name: N/A
Address:
Phone No(s): E Mail:

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 (Zoning Commission only);
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 (Zoning Commission only); and
4. The total amount of time being requested to present your case (Zoning Commission only).

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?
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.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

(Revised 3/5/12)

Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 • (202) 727 5072 fax • www.dcoz.dc.gov • dcoz@dc.gov

McMillan Coalition for Sustainable Agriculture

1231 Randolph Street, NE, Washington, DC 20017, Katrina Lee, (202) 526-6653 Email: slipstreamqueen@icloud.com

Re: Form 140 Supplement for DC Zoning Commission Case No. 13-14; McMillan Public Park

McMillan Coalition for Sustainable Agriculture submits this application to the DC Zoning Commission requesting party status for ZC Case No. 13-14 per the DC Zoning Regulations.

McMillan Coalition for Sustainable Agriculture is an unincorporated non-profit association located in the District of Columbia with participating members who are deeply concerned about this zoning case, with some members who will be directly and concretely impacted by this project due to the location, magnitude, and site land use as being proposed by the Applicant in this zoning case. [Party Status Criteria 1]

The Mayor's plan for SustainableDC recommends retention of green space, increased and enhanced park space. Elimination of the 25 acres of green pastoral and recreational land contravenes the stated goals of SustainableDC. The applicants also intend to demolish 20 acres of stable underground caverns without any attempt for adaptive reuse. Preservation and adaptive reuse of these unique and valued assets will permit the creation of high efficiency urban agriculture producing both green vegetables and quality high protein seafood. Thus providing both food security and a local source of fresh nutritious food as supported by the Mayor's SustainableDC plan.

McMillan Coalition for Sustainable Agriculture consists of participants who own their homes or rent units located just adjacent to the park, as well as those who will be uniquely affected by the traffic, noise, pollution, storm water runoff, and other adverse environmental impacts directly within the surrounding residential blocks located near the site, all impacts which the general public would not be affected by unless they lived within the area nearby McMillan Park and by which clearly and uniquely will be felt by our participants. [Party Status Criteria 1, 2, 3, 6]

McMillan Coalition for Sustainable Agriculture formed in 2013 to review lingering concerns not being answered by the Applicant as well as to project forward thinking urban sustainability concepts that would reuse the McMillan Park site without weighing it down with massive wasteful development that will produce huge carbon emissions pointed directly at us. We also have been working together to deliberate and propose ways this site could be developed that creates a much more efficient and economically viable project at this centrally located park located in ward 5. [Party Status Criteria 1, 4, 5]

McMillan Coalition for Sustainable Agriculture participants have issues and concerns that extend beyond other possible parties to this case. For example, the environmental impacts from a project in this context and of this size will greatly exacerbate air pollution, and the massive buildings as proposed eliminates our historic view shed, and the significant increases to traffic will affect the emergency response time to our homes, and gutting the slow-sand filtration technologies currently located on the site will short circuit emergency water supplies in case of any terrorist attack on DC's current chemical-based water supply. [Party Status Criteria 1, 4, 5, 6]

Further, if this project moves forward as it is currently proposed, it would wrongly dismiss specific interests of our association and participants which have explored urban underground agricultural development as well as solar collection technologies to be used at this site. Our ideas have been largely ignored due to the fact that the project has been developed through an exclusive development-rights agreement resulting in behind the scenes discussions by the Applicant, and as such represents a civic failure which can be facially determined to result in serious harm to the stability of our properties and concretely diminish our civic interest in the future of this important neighborhood green space, both above and below ground. [Party Status Criteria 1, 4, 5, 6]

Acceptance of Tardy Party Status Form

McMillan Coalition for Sustainable Agriculture recognizes that the Zoning Commission expects applications for party status at least fourteen days before the hearing. We are submitting this application five days late for several important reasons and would ask Zoning Commissioners to consider these circumstances and accept our request for party status as we understand that the ZC does have the power to waive rules in good faith for good reason.

Explanation

First, we would ask that the Zoning Commission to excuse our misunderstanding of the zoning rules which describe first and second stage PUD's. As laypeople, we made the wrong assumption that we could submit party status for the second-stage in this process, but we only were recently alerted to the fact that there is a consolidated issue here as well as a first stage process which dictates the calendar for party status. Hence we submit this application for approval now instead of waiting for the second-stage.

Second, we also found it difficult to grasp when the Office of Planning would produce a roll-up report of all the parameters of this project using what they may have learned given their required planning coordination with other District agencies. OP's final report, dated April 21, 2014, regarding the "Master Plan" and "Parcels 6 and 7" located close to surrounding residents, was just delivered to the Office of Zoning yesterday. Our participants have quickly reviewed this document and it is clear the impacts and interests that our civic group is most concerned about (as described earlier) were left out of OP's evaluation and report.

Our group has found this zoning case is happening prematurely, before the City Council's disposition of this public land. More time is needed and warranted for City Council and ANC review and OP's April 21st report on Page 23, which states that OP was notified by ANC-5E that they seeking "additional time for further consultation and a recommendation."

Further, OP's January 17, 2014 report describes the planning coordination with other City agencies that was to happen if the project was set-down. But on page 22 of OP's April 21, 2014 report, OP states unequivocally that these City agencies have not weighed in yet.

McMillan Coalition for Sustainable Agriculture and our participants were relying on OP's planning coordination with other City agencies to elicit more information so we could determine whether to proceed as a party to this matter. Without this information, we felt it was too early to submit Form 140. Perhaps we were naïve in thinking this type of planning would have happened, but clearly we need to be a party to this case in order to ask the questions required to explore and investigate these cross-agency planning issues hence why it is imperative that we submit this application for party status to the ZC, even if late.

Given the circumstances noted above, our inexperience with the zoning rules of procedure, and the significant concrete impacts this project will have on participants in our association, we would ask the Zoning Commission to accept grant us party status to this very important zoning case.

We can and will follow-up with any additional information as required.

As submitted on this the 22nd day of April, 2014, to the Office of Zoning and Zoning Commission.

Daniel Wolkoff, Coordinator
McMillan Coalition for Sustainable Agriculture
1231 Randolph Street, NE Washington, DC 20017 email dangoldon@gmail.com
phone (202) 232-8391

McMillan Coalition for Sustainable Agriculture
1231 Randolph Street, NE
Washington, DC 20017

Names of Those Who Will Give Testimony

1. Daniel G. Wolkoff
2. Jerome Peloquin
3. Katrina Lee
4. Jean-Christophe Devrine
5. Andrea Rosen
6. Jane Huntington
7. Kevin Garvey