



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:	Brian Brown		
Address:	1241 New Jersey Ave NW WDC 20001		
Phone No(s):	202-255-5495	E Mail:	bbrown@nextgenproperty.com
I hereby request to appear and participate as a party in Case No.:		18676	
Signature:	Brian Brown	Date:	11-25-13
Will you appear as a(n)	☐ Proponent	☒ Opponent	Will you appear through legal counsel? ☐ Yes ☒ No

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

Name:	BOARD OF ZONING ADJUSTMENT		
Address:	District of Columbia		
Phone No(s):	CASE NO. 18676	E Mail:	
	EXHIBIT NO. 25		

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.

Board of Zoning Adjustment
District of Columbia
CASE NO.18676
EXHIBIT NO.25

Party Witness Information

1. Witnesses: Brian Brown will be appearing on the party's behalf

2. Summary of Testimony

My name is Brian Brown and I am owner of three buildings located 15' 130' and 150' feet from the subject application. I have also resided in the Shaw and Ledroit Park neighborhoods for 25 years. I have owned these buildings for over 10 years. In addition I am a project manager and developer involved in the planning and redevelopment of 1406, 1408, 1412, 1414 & 1420 North Capital Street NW all of which are between 15' and 45' from the subject applicant. As part of the redevelopment of 1334/1336 & 1424 North Capital Street NW, I have spent days on P Street, O Street and North Capital. It has been my experience that parking has been extremely tight. Consistently when I have sought Parking on the 1400 block of North Capital has between 10:00am and 3:00 pm it has been unavailable. Parking on P Street and O street has been typically unavailable from 7:30 until 6:00pm

In addition DDOT has historically had a policy of restricting parking in front of schools during school hours for public safety reasons for the children and we anticipate this to be applied for also once the school opens further restricting the available parking.

Traffic in this 1 block radius (P Street & 1st Street & North Capital) has typically become congested from 7:30am-10:00am and 2:00pm - 7:00pm During those periods it has typically taken 7 lights (19 minutes) to progress 2 blocks south on north capital) Two lights (4 minutes) to progress east or west on P Street and 5 lights (12 minutes) to progress south on 1st Street. With this type of congestion DDot has increased parking restrictions on North Capital during rush hour in the last 90 days with no significant improvement in traffic flow so we anticipate further restrictions to be applied.

We are in the process of redeveloping the projects adjacent to the applicant subject. All the properties we have already developed doubled the amount of retail space they had historically and our current plans call for the same types of changes to the buildings being redeveloped further increasing demand for the limited spots available. With the reduced parking on the subject property we believe it will create undue hardship on neighbors and long term residents when searching for parking.

Thank you for your time.

5 -10 Minutes of time are being requested.

PARTY Status Criteria

1. The reduced requirement for private off street parking will aggravate an already difficult street parking situation. This will make it more difficult to attract retail tenants to our buildings forcing us to reduce our rental rates to attract appropriate tenants.

2 & 3 Legal Interest and distance. Mr. Brown is the principle owner of 1424 North Capital Street NW which is 15' feet from the subject application. Mr. Brown is also the principal owner of 1334/1336 North Capital Street NW which is 150' from the subject application. Mr. Brown is also a manager of 1406, 1408, 1412, 1414 & 1420 North Capital which are all 15' - 45' from the subject application.

4 & 5. I am concerned about the reduction of parking in the area. We are currently planning for redevelopment of 1406, 1408, 1412, 1414 & 1420 North Capital. As part of this redevelopment we have been designing housing with a significant component of outdoor space of which 1424 North Capital was a prototype.

Reduced private parking will result in an increased demand for street parking has historically created additional congestion pollution while drivers search for parking. Our tenants have indicated during peak times they have been forced to restrict their use of their outdoor space due to the pollution noise and congestion.

6. If the applicants request is granted we will look at converting the retail space from retail to residential which we can do as a matter of right because of the diminished value for retail. While we would be forced to do this for economic reasons, based on the Office of Planning small area plan draft report that use would not be what is desired or wanted by DCRA office of Planning or the neighbors.