

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.

Board of Zoning Adjustment

District of Columbia

CASE NO.18905

EXHIBIT NO.30

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:									
Address:									
Phone No(s):			E Mail:						
I hereby request to appear and participate as a party in Case No.:									
Signature:	Ahmed Ait-Ghezala		Date:						
Will you appear as a(n)	<input type="checkbox"/>	Proponent	<input type="checkbox"/>	Opponent	Will you appear through legal counsel?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
If yes, please enter the name and address of such legal counsel.									
Name:									
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? See Attachment
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
See Attachment
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.) See Attachment
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 Attachment
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. See Attachment
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. See Attachment

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.

Attachment to Form 140 – PARTY STATUS REQUEST

INDIVIDUALS SEEKING PARTY STATUS

Ahmed Ait-Ghezala
915 M Street, NW
Washington, DC 20001

Colleen Corrigan
913 M Street, NW
Washington, DC 20001

George Tittman
927 M Street, NW
Washington, DC 20001

Ramona Bowden
911 M Street, NW
Washington, DC 20001

Carolyn Beebe
931 M Street, NW
Washington, DC 20001

Edward Horvath
929 M Street, NW
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Barbara Schauer
937 M Street, NW
Washington, DC 20001

Russell Sage
931 M Street, NW
Washington, DC 20001

Gemma Sage
931 M Street, NW
Washington, DC 20001

Don Lipinski
937 M Street, NW
Washington, DC 20001

Attachment to Form 140 – PARTY STATUS REQUEST

PARTY STATUS CRITERIA

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?

Floor to area ratio (FAR) Relief:

Granting the requested FAR relief will result in substantial and unnecessary increase in the development density of the lot. We view the increase substantial and unnecessary since the lots are already zoned a very permissive C-2-A within a square that is partially C-2-A and partially R-4. While we are encouraged by the revitalization of the block, we believe that developing over and above what is generously allowed matter of right will lead to straining and overcrowding of the alleyways and streets in and around Square 368. This will have a negative effect on our property values and our quality of life.

As stated by the applicant, construction on this lot is already underway pursuant to Building Permit No. B1403618 and H.P.A. #13-215. The FAR relief is necessary because the applicant wants to increase the scope of the project currently underway. Yet, since the project has already been started, this proves that the lot can be developed in a manner that does not require the sought variances. It is well established that a variance cannot be granted where property conforming to the regulations will produce a reasonable income, but, if put to another use, will yield a greater return.

Parking:

It is our understanding that the applicant was in compliance with off-street parking prior to the proposed change of scope of the Building Permit B1403618. (Otherwise, presumably, the permit could not have been issued). If so, parking variance is triggered by the increased FAR. If FAR relief is not granted, parking relief won't be required.

If our understanding is not correct, and off-street parking is required independent of FAR increase, we are even more opposed to this variance. When developed, this will be a relatively large for this block commercial space. It is hard to imagine that the new tenants and their customers & visitors will generate zero new demand for parking. Any demand for parking over the zero provided will further strain the available parking resources. Short-term visitors to these commercial establishments will take up the zoned residential parking spaces to the detriment of permanent residents of the square.

2. What legal interest does this person have in the property?

We are all property owners located in Square 368, 6 of us are within 200 feet of the proposed development the remaining members are within close proximity of the 200 ft radius.

3. What is the distance between the person's property and the property that is the subject of the application?

Within 200 feet for 6 of the Party and in close proximity of the 200ft radius for the remaining members of the Party.

4. What are the environmental, economic, or social impacts that are likely to affect the person and/or person's property if the action requested of the Commission/Board is approved or denied?

This was largely answered in response to question 1 above.

In short, while vibrant is good, overcrowded is bad. By definition, FAR in excess of what is zoned combined with 100% off-street parking variance leads to overcrowding and violates the zoning plan. Excessive commercial activity will put undue strain and congestion on the square's alleyways, roads surrounding it, parking availability in the area and trash issue. This will be detrimental to our quality of life.

Long term, if unabated, this may lead to stagnant or declining property values.

5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved.

We are particularly concerned by the cumulative effect of variances already granted to and currently pursued by the different applicants within Square 368. It is noteworthy that on January 27th, 2015 there will be two BZA cases seeking variance relief in Square 368. The nature of relief is to further increase the density of development, over and above an already extremely generous C-2-A, especially considering that relatively recently, in 1996, all these lots were still zoned R-4.

This square is located across the street from the Convention Center. We are all too familiar how any large event overflows into and overwhelms the neighborhood when visitors from far and wide descend onto the Convention Center. While the Convention Center is located above a metro station, the streets are nonetheless extremely congested with cars parked seemingly everywhere, even where they are not allowed. If BZA continues to grant relief to all applicants in this square, who all seek to increase density over what is zoned (via increased FAR, increased lot occupancy, reduced setbacks, 100% parking variances) it will ultimately overwhelm the block permanently, in the same way Convention Center events overwhelm the block temporarily on event days.

6. Explain how the person's interest will be more significantly, distinctly, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

We will be more significantly and uniquely affected because of our proximity to the proposed development.