

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 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

Board of Zoning Adjustment
District of Columbia
CASE NO.18977
EXHIBIT NO.26



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:	EastBanc, Inc.		
Address:	3307 M Street NW, Washington DC 20007		
Phone No(s).:	(202) 737-1000	E Mail:	planier@eastbanc.com
I hereby request to appear and participate as a party in Case No.:		18977	
Signature:			
Date:	3/27/15		
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:	Kinley R. Bray		
Address:	Griffin, Murphy, Moldenhauer & Wiggins, LLP 1912 Sunderland PL Washington DC 20036		
Phone No(s).:	(202) 429-9000	E Mail:	kbray@washlaw.com

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.

**BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

**Application of Weaver Prospect, LLC
BZA Case No. 18977**

Hearing Date: April 14, 2015

APPLICATION OF EASTBANC, INC. FOR PARTY STATUS IN OPPOSITION

On behalf of EastBanc, Inc., owners of 3233-3235 M Street NW and 3246 Prospect Street NW, we hereby submit the following in support of our application for Party Status in Opposition to the above-referenced application:

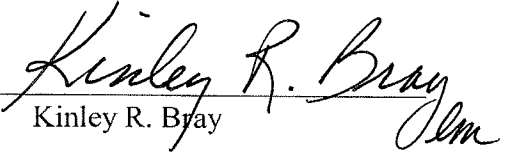
1. EastBanc, Inc. is the owner of two properties within Square 1207. These properties are occupied by commercial tenants who share the alley system in Square 1207 with the property at 3220 Prospect St NW, which is the subject of the above-referenced application. If the requested variance relief is granted, the lack of loading space available to service the proposed development at 3220 Prospect St NW will negatively impact the street and alley traffic surrounding EastBanc's properties, thereby making it more difficult for our tenants to operate, and their vendors and customers to access, their businesses at 3233 M Street and 3246 Prospect Street.
2. EastBanc, Inc. is the owner of 3233-3235 M Street NW and 3246 Prospect Street N.W.
3. EastBanc's properties are within the same square and are each less than 200' from the property that is the subject of this application. 3246 Prospect Street N.W. is approximately 149 feet west of the Subject Property, and 3233-3235 M Street NW is immediately adjacent (to the south) to the Subject Property.
4. EastBanc's property interest is likely to be adversely impacted by the requested variance relief because the operations of its properties in Square 1207 are dependent upon access to and from both Prospect Street and the interior alley system in Square 1207. If the new, large commercial development proposed for the Subject Property is approved without any loading facilities, the commercial tenants of the proposed development will be forced to direct their vendors to idle on Prospect Street or occupy the alley system to provide deliveries to the property. As EastBanc's buildings are historic and do not have loading facilities, they are already forced to compete with myriad cars and trucks for limited on-street space for parking of delivery vehicles. Given the proposed size of the applicant's development, EastBanc feels strongly that loading facilities should be provided so as not to adversely impact the surrounding property owners.
5. EastBanc is more distinctly impacted by the proposed development due to the fact that it owns two properties in the same square, one of which is immediately adjacent to the Subject Property. As compared to other property owners in the square, EastBanc is likely

to be most impacted by the lack of loading facilities for the proposed development because it has twice the number of commercial tenants vying for parking and loading space in the area. EastBanc is a long-standing Georgetown-based business that has a strong track record of working with its neighbors and solving common issues impacting Georgetown property owners; in this case, the Applicant has not even contacted EastBanc about its proposed plans or how it plans to handle loading operations or whether it intends to coordinate with neighboring property owners in this regard.

At this time, EastBanc objects to the requested relief and hereby requests the opportunity to participate as a party in opposition to the Application. We look forward to the Board's consideration of this request at the hearing on April 14.

Respectfully submitted,

GRIFFIN, MURPHY, MOLDENHAUER &
WIGGINS, LLP

By: 
Kinley R. Bray

Cc: DC Office of Planning
ANC 2E