



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



FORM 140 - PARTY STATUS REQUEST

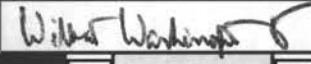
Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

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: 1800 R Condominium Unit Owners Association
Address: 1800 R Street, NW, Washington, DC 20009
Phone No(s): (703) 352-1900 E Mail: wwashington@chadwickwashington.com

I hereby request to appear and participate as a party in Case No.: 19262

Signature:  Date: May 10, 2016

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: Wilbert Washington II
Address: Chadwick, Washington, 3201 Jermantown Rd, Suite 600, Fairfax, VA 22030
Phone No(s): (703) 352-1900 E Mail: wwashington@chadwickwashington.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.

RECEIVED
OFFICE OF ZONING
MAY 11 PM 3:07
CASE NO. 19262
EXHIBIT NO. 29

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

SUPPLEMENT TO FORM 140 PARTY STATUS REQUEST

Party Witness Information

1800 R Condominium Unit Owners Association intends to call its president, Richard Grossman, to testify on its behalf.

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?

1800 R Condominium is a 9-story mixed use condominium. It has professional offices on the first floor and residential condominium units on the eight remaining floors of the building. If the Board of Zoning Adjustment grants the requested variance, then all of the unit owners comprising the 1800 R Condominium will be exposed to the inclusion of a commercial enterprise that is inconsistent with current zoning and contrary to the recorded covenants governing the Condominium. The unit owners of the Condominium Association bought with the expectation that the Condominium would be comprised of residential units with a small number of professional suites on the first floor. They did not invest in homes that were to be shared with a massage parlor.

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

1800 R Condominium Unit Owners Association is the governing body that regulates 1800 R Condominium. The applicant's unit is located within and governed by the Condominium Association.

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

The applicant's unit is located within 1800 R Condominium.

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?

Approval of the requested variance will adversely affect the property values of the residential units located within the Condominium Association. It would also adversely affect the perception and reputation of the Condominium and its units. Moving from exclusively professional commercial uses to the inclusion of a Thai massage parlor will dramatically alter the image of 1800 R Condominium to the residents, tenants, guests and prospective purchasers of the residential units and will also adversely affect the image of the professional units located on the first floor.

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.

Applicant seeks a variance to allow it to use the condominium unit for a purpose that is not permitted by the covenants that govern that unit. Pursuant to Article VI, Section 6.8(B)(2) of the Bylaws of 1800 R Condominium, states that: "All Units shall be used only for private residential purposes, except those units on the first floor which may be

used for professional office purposes, if such use is consistent with and in compliance with all valid laws, zoning ordinances and regulations of all governmental agencies having jurisdiction.” That provision restricts use of the first floor units to professional office purposes, period. A zoning variance won’t alter the restrictions, and therefore one should not be granted to confuse the issue concerning the permitted uses of the unit.

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.

The residents and occupants of the units comprising 1800 R Condominium Unit Owners Association are unquestionably the most clearly affected persons in the District of Columbia. The unit in question is located on the first floor of the Condominium and is governed by 1800 R Condominium. The proposed use of the unit as a Thai massage parlor is in direct contravention of the Bylaws of the Condominium Association which the Board of Directors is duty-bound to uphold and enforce.