



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




FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to www.dcoz.dc.gov > IZIS > Participating in an Existing Case > Party Status Request for instructions. 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.

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Marshall Heights Civic Association		
Address:	4807 B St SE		
Phone No(s):	240-340-2198	E Mail:	admin@marshallheightsdc.org
I hereby request to appear and participate as a party in Case No.:	19677		
Signature:		Date:	03/09/2018
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Name:			
Address:			
Phone No(s):		E Mail:	

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for: [REDACTED]

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;
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; and
4. The total amount of time being requested to present your case.

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.

PARTY WITNESS INFORMATION:

1. A list of witnesses who will testify on the party's behalf;
 - a. Dr. Orlando Barker
 - b. Keith R. Towery
 - c. Members of the Civic Association
2. A summary of the testimony of each witness;
 - a. Please see the attached document titled, "FINALAstorPlaceLONS.docx"
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; and
 - a. At this time, there are no expert witnesses.
4. The total amount of time being requested to present your case.
 - a. Each eligible person listed as a witness requests at least 5 minutes to present their case.

PARTY STATUS CRITERIA:

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?

The Marshall Heights Civic Association have received calls and emails regarding our members and community resident's dissatisfaction at large regarding this program being operated in the neighborhood. Currently, ANC7E has submitted their disapproval of the request for special exemption to be granted to "Plant the Seed" to be able to expand the amount of beds from 6 to 15. The commission made this decision after SMD 7E06 commissioner, Dontrell Smith, spoke with his constituents and received a resounding desire that "Plant the Seed" not be given the expansion. If the Commission or Board approves the request of the Plant the Seed, they will be ignoring the will of community, their elected officials, and ANC7E commission great weight powers. The property is within ANC-7E. The ANC, at its January 9, 2018 meeting voted to recommend denial of the proposal (Exhibit 36). The Marshall Heights Civic Association stands in solidarity with the ANC7E and the members of the community, which are members of the civic association and have voted at our publicly advertised meeting that our active participation in this matter.

What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

The Marshall Heights Civic Association (MHCA) is a 501(c)(4) Non-Profit Limited Cooperative Association that represents the interest of the Marshall Heights and Civic Betterment neighborhoods of Washington, District of Columbia. MHCA holds monthly general membership meetings every first Saturday, and its Board of Directors typically meet on the last Sunday of each month. The mission of the MHCA is to empower, protect, and advocate for the residents of the Marshall Heights neighborhood. The Marshall Heights Civic Association stands in solidarity with the ANC7E and the members of the community, which are members of the civic association and have voted at our publicly advertised meeting that our active participation in this matter.

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.)

MHCA covers the entire neighborhood of Marshall Heights. Similar to the proximity exemption granted to the SMD representative of 200ft due to his duly elected position, we ask that BZA bestows the official neighborhood civic association that represent the community the same 200 ft exemption. The physical address for MHCA is 4807 B St Se, which is 0.4 miles away from the location. However, the boundaries of

Marshall Heights are defined as being bounded by East Capitol Street SE to Central Avenue SE. Central Avenue SE to Southern Avenue SE and the Northern portion of Fitch Street SE/G St SE connecting to Benning Road SE northward towards East Capitol Street SE; Including Civic Betterment, which is defined as the southern portion of Fitch Street SE/G St SE to Southern Avenue SE southbound connecting to Benning RD SE. This area contains all of 7E SMDs 04, 05, 06 and 03; and portions of 7E SMDs 01 and 03. MHCA members consist of SMD representatives, businesses and residents that are within the Marshall Heights neighborhood. This is stated in our "Article of Association" as well as our ratified and approved bylaws.

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?

Present Safety Concerns of the Immediate Area

The proposed location of this treatment facility is within PSA 604. Like many neighborhoods in the District, PSA 604 on paper is experiencing a decrease in overall violent and property crimes. However, Marshall Heights still has several active "open drug markets" and few safe places that youth are able to assemble without incident. Our community has an abundance of blighted and abandoned properties around the Astor Place property, and many residents still feel uncomfortable leaving their homes at night due to the congregation of youth and other substance abuser in the immediate area. There are few data collected regarding drug arrest made available without a FOIA request. Nevertheless, members in our community, as well as the Officers that patrol the area, would tell BZA instantly that there are multiple well-known open-drug markets on Astor Place as well as some of the surrounding streets of Astor Place. At one point in the history of our community, our open-drug markets were so prevalent that we were designated as a "Weed and Seed" community from the Department of Justice. If funding was still available for this program, we would still be an active community in this initiative.

Property has a history of leasing or renting property to various group homes in the community.

This property has housed various type of programs in the community prior to the application fo this special exemption to increase capacity from 6 beds to 15. The last program that operated out of this address was called, "Metropolitan Education Solutions". Another example prior to that, is "David Tents USA Inc".

Prevalence of non-profit, for-profit and government managed service facilities designed for high risk populations concentrated in one geographical area.

1. RCM of Washington
2. Umbrella Therapeutic Services
3. Life Deeds Inc
4. Individual Development Inc
5. Make a Difference House-Nha
6. All Faith Consortium
7. Empowerment Center
8. Transitional Living Program- Sasha Bruce
9. Bedford Falls
10. (Projected October 2018) Ward 7 Short-Term Family Housing Facility
11. Marshall Heights Youth Development Program
12. Oxford House C St
13. Federal City Recovery Services 5525

To name a few, there are over ten (10) known active non-profit, for-profit or government sponsored transitional, residential treatment or service organization type of homes located within the boundaries of Marshall Heights. The Marshall Heights community is composed of several DC Housing Authority managed properties, and despite the fact that our community (ANC7E) holds a poverty rating of 44%. There has not been an increase in funding or government provided services in our particular area despite the influx of service facilities.

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.

Misleading the General Public about purpose of facility and improper collection of signatures

At recent meetings and through outreach from the 7E06 SMD Commissioner and MHCA representation, we have asked various community members if they recall giving their signatures in favor of the Organization's request for special exception to increase the occupancy of the program. Of the neighbors consulted, in almost every instance, none of the residents either recalled giving their signatures or stated that they did not realize they were giving their support for the facility to increase its occupancy and/or operate at 5212 Astor PL SE Washington DC 20019. The forms that the Organization used to collect "Signatures of Support" do not contain any information regarding this current request to increase the amount of program recipients that will be allowed to occupy the leased property. Therefore, we believe that these signatures should be invalidated and the resolution from the ANC should be used as the factual opinion of the community.

The only text on the form reads, "Substance Abuse Treatment For Our Youth Right Here! Right Now! Astor Place Residence, SE Washington, DC". This text is more reminiscent of a campaign slogan than an exercise to collect signatures of support from an informed community. We strongly believe these signatures should be invalidated because (1) the Organization failed to provide the actual street address or cross street (in the event they were trying to protect the precise location of the juveniles in the facility) on their form, (2) it does not provide a program description of the services or a detailed ask, (3) it does not give the current max occupancy number of program recipients (e.g. the proposed increase from 6 to 15), (4) nor does it properly inform the resident that their signature or handwritten name and address combination implies that they willingly and knowingly support this requested special exception. Based on the materials uploaded to BZA's website, the Organization failed to also provide any scripts/protocols that their alleged canvassers used while engaging the community or any subsequent information, such as a separate handout provided in order to properly inform the public and obtain such signatures of support. The level of confusion that this exercise has caused in the community greatly echoes the concerns that the community has expressed during ANC and MHCA meetings. It is disingenuous, heartbreaking and unnerving that this Organization fabricated a form to allegedly collect signatures of support from seniors and other ill-informed neighbors to counter the argument of their duly elected SMD representative and the entire weight of the commissioners of 7E.

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 submitted question and answers did not satisfy the commissioners of ANC7E inquiries or concerns regarding the current space. This request for special exemptions does not include additional request to

expand the building to properly accommodate the additional perspective clients. The Civic Association is worried in conjunction with ANC that the space is limited currently and believe that the program should first operate with its current capacity restriction and if they can demonstrate they their program is effective, then seek to add more clients. The service provider has not provided any justification or program benefits to expanding the capacity from 6 to 15 clients.

The community at large has expressed its discontent and dissatisfaction with the plans and responses provided by the Organization. During two (2) publicly advertised meetings held by ANC7E, several residents in attendance voiced their reservations and disapproval of the facility in the neighborhood. Those concerns ranged from the safety of the juveniles in the current neighborhood, to the utility of such a facility in Marshall Heights and Ward 7, to the abundance of similar service-based structures concentrated in Marshall Heights, to the ill-attempted canvas to garner support for the program and its requested occupancy increase and general misinformation regarding the Organization. In the December and January MHCA meetings, residents that reside on or near the 5000 blocks of Astor Place SE vocalized their objections with the Organization and motioned the Association to vote submit both written and verbal testimony to BZA to formally support at that time, the pending ANC 7E resolution.