

**FORM 140 – PART STATUS REQUEST – ATTACHMENT**

**APPLICATION NUMBER 18272**

The PARTY:

Helen A White, Secretary

Board of Directors

The Richmond Condominium Inc.

1410 17<sup>th</sup> Street NW

Washington, DC 20036

**WITNESS INFORMATION**

**QUESTION 1**

Witnesses who will testify:

- 1) Ms. Susan Ervin, Esq., Richmond Condominium unit 1007
- 2) Mr. Abdo Yazbeck, Richmond Condominium unit 1001

**QUESTION 2**

Summary of Testimony

- 1) Ms. Ervin owns unit 1007 within the Richmond Condominium .The unit is located on the 10th floor of the building and is considered a penthouse unit overlooking the garden and O Street. Ms. Ervin will be testifying that the requested height variance will affect her view and will ultimately affect her enjoyment of her home.
- 2) Mr. Yazbeck owns unit 1001 within the Richmond Condominium. The unit is located on the 10th floor of the building and is considered a penthouse unit overlooking the garden and O Street. Mr. Yazbeck will be testifying that the requested height variance will affect his view and ultimately affect his enjoyment of his home.

**QUESTION 3**

Witnesses indicated as expert witnesses.

- 1) There will be no witnesses submitted as expert witnesses.

**QUESTION 4**

Total amount of time being requested to present case.

- 1) No more than 15 minutes.

**PARTY STATUS CRITERIA**

**QUESTION 1:**

The Richmond residents will be affected by the action/variance requested of the Commission/Board:

- 1) Proposed height of the building will negatively impact the green space of the Park between the Richmond Condominium and Resources for the Future and shared by all, causing long shadows and limiting exposure of direct sun for mature trees and plants. Additionally, owners above the 7th floor will be directly affected by the loss of view and sun which can dramatically affect resale value and marketability.

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OFFICE OF ZONING

- 2) The proposed rooftop recreation area will cause unnecessary noise and possible disturbances. There is no reason other than density and profit that it cannot be incorporated in the interior design of the building.
- 3) It is our understanding that the First Baptist Church will be leasing the site property to Keener-Squire Properties. Therefore, we find no reason for "Hardship" on behalf of the Church based on developer profit.

**QUESTION 2:**

The Richmond Condominium has no legal interest in the proposed property. Further we believe that the First Baptist Church should be able to capitalize on their asset, yet not to the extent that it negatively impacts the surrounding environment and residents.

**QUESTION 3:**

The distance between the proposed property and The Richmond Condominium is less than 100 feet.

**QUESTION 4:**

Again, we believe the environmental impact is related to the height variance request which will ultimately allow for a 90 foot building, plus mechanical room and rooftop recreational facility that would dramatically reduce the necessary sun light for the plants and trees in the existing garden on O Street (picture attached). The current zoning restriction for building height on O Street is 65 feet. At this height there would be less impact on the garden. We request that the Commission/Board enforce the current zoning law.

The rooftop recreation area plans will increase noise levels for residents of The Richmond with loss of quiet and peaceful environment.

The height of the building will negatively and possibly monetarily impact the 8th, 9th and 10th floor units overlooking O Street and the park. Current zoning law would prohibit the encroachment of any building on O Street limiting it to 65 feet or at minimum offset from O Street that would not obstruct the current views and sunlight of these units.

**QUESTIONS 5:**

Other relevant matters that may negatively affect the Richmond residents include: increase traffic on 17<sup>th</sup> Street with delays in the ability to turn left on Massachusetts Avenue during work hours. The density of the building is significantly high based on the proposed space. The required recreational facility could be incorporated into the design of the interior of the building.

**QUESTION 6:**

The proposed zoning action will have a direct impact on the Richmond residents more so than other persons in the general public because it will 1) impact available sunlight in Richmond units facing O Street; 2) increase noise level roof top recreational events disturbing night time O Street quiet; 3) increase truck and sanitation traffic and noise on 17<sup>th</sup> and O Street to support density; 4) no significant plans for green space in proposed development that is consistent with the Dupont Circle area horticultural plans.



FORM 140 - PARTY STATUS REQUEST

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.)

NAME: Last White First Helen Middle I. A  
ADDRESS: Street 1401 17<sup>th</sup> ST NW Apt. # (if any)  City WASHINGTON State DC Zip Code 20036  
Phone No. 202-234-1744 Fax No.  E-Mail THE.Richmond@RCN.com

I hereby request to appear and participate as a party.

Signature

Date

Helen White

10/31/2011

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: Last  First  Middle I.   
ADDRESS: Street  Ste. # (if any)  City  State  Zip Code   
Phone No.  Fax No.  E-Mail

WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the person'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:

On a separate piece of paper, 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 appeal or application before the Commission/Board? (Preferably no farther than 200ft.)
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.

### ***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, 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 for action 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 4<sup>th</sup> 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](http://www.dcoz.dc.gov) \* [dcoz@dc.gov](mailto:dcoz@dc.gov)