

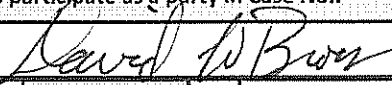
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BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA
★ ★ ★

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:	Neighbors for Responsive Government		
Address:	3847 Macomb Street, NW, Washington, DC 20018		
Phone No(s):		E-Mail:	pwittie@wittielawdc.com
I hereby request to appear and participate as a party in Case No.:		19450	
Signature:		Date:	1/24/17
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

Name:	David W. Brown, KNOFF & BROWN		
Address:	401 E. Jefferson Street, Suite 206, Rockville, Maryland 20850		
Phone No(s):	301-545-6100	E-Mail:	brown@knopf-brown.com; joy@knopf-brown.com

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: February 8, 2017

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? Please see attached for answers to these questions
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.

Board of Zoning Adjustment
 District of Columbia
 CASE NO. 19450
 EXHIBIT NO. 32

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DAVID W. BROWN
SOLE PRACTITIONER (2017)

January 24, 2017

Sara Benjamin Bardin, Director
District of Columbia Office of Zoning
441 4th Street NW Suite 200S
Washington, DC 20001

Re: ***Advanced Party Status Consideration Request***
BZA Case No. 19450
D.C. Department of General Services

Dear Director Bardin:

This letter supplements the attached Form 140, Party Status Request of Neighbors for Responsive Government, a District of Columbia non-profit corporation ("Neighbors"). Pursuant to Subtitle Y §404.3, Neighbors requests advanced party status consideration at the next hearing, currently scheduled for February 8, 2017.

Neighbors was formed and organized by a group of District of Columbia residents who reside in the vicinity of the 2nd District Police Station ("Station"), following adoption by the City Council and approval by the Mayor of the Homeless Shelter Replacement Act of 2016 (the "Act"). Among other matters, the Act authorized the Mayor to pursue implementation of plans to construct a homeless shelter on Lot 849, Square 1818, i.e., 3320 Idaho Avenue, N.W., the location of the Station. It is pursuant to that authority that the D.C. Department of General Services now seeks in BZA Case No. 19450, approval of a special exception and of variances for construction of a homeless shelter on the Station property.

Advanced Party status is sought for Neighbors and the District of Columbia residents shown on Exhibit A. All persons included in Exhibit A are owners or residents of real property in the immediate vicinity of the Station. As indicated on Exhibit A, some of the individuals own or reside in property within the 200-foot range for individual notice of this proceeding. Subtitle Rule Y §300.8(g). All persons included in Exhibit A are either officers or supporters of Neighbors; all

Sara Benjamin Bardin, Director
District of Columbia Office of Zoning
January 24, 2017
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have advised Neighbors of their desire to be included with Neighbors as parties in opposition to the relief requested in this case; and all consent to representation in this case by undersigned counsel. If necessary, formal documentation of the foregoing will be provided upon request.

Respectfully submitted,


David W. Brown

/enclosures (Form 140; Exhibit A; Party Witness Information; Party Status Criteria)

Party Status Application
Neighbors for Responsive Government in BZA 19450

PARTY WITNESS INFORMATION

Expert Witness Designation -

Neighbors has no present intention to call any expert witnesses, but reserves the right to identify one or more such witnesses before the hearing.

Witness Designation -

1. David Brown of Knopf & Brown – Neighbor’s lawyer, who will identify the deficiencies, both legal and factual, in the materials furnished by the Applicant in support of both the special exception request and the three variances sought. He will also address any similar deficiencies found in the recommendations of any ANC report and the Office of Planning Report.

2. As time permits, a few of the residents included in Exhibit A will also testify. Their focus will be on the adverse impacts that are anticipated to flow from grant of the requested relief, and how such impacts warrant denial of the application under the applicable standards.

Time Requested

Neighbors will plan for a combined presentation lasting no more than one hour, exclusive of cross-examination. If there are other witnesses in opposition not represented by undersigned counsel, Neighbors will attempt to coordinate presentations in an effort to stay within the one-hour standard.

Party Status Application
Neighbors for Responsive Government in BZA 19450

PARTY STATUS CRITERIA

1. How will the property owned or occupied by such person, or to which the person has an interest, be affected by the action requested of the Board?

ANSWER: Properties near the Police Station, including those where the residents listed on Exhibit A reside, will be adversely affected by the proposed homeless shelter, which cannot be built as contemplated absent the special exception and variance relief sought from the Board. Adverse effects include increased (1) traffic, noise and general congestion from adding up to 200 residents/staff to a single residential block; (2) parking inadequacy for residents of the facility, their visitors, and staff and parking inadequacy for the police; (3) loss of light and air and existing, open sight lines, due to the proposed height and bulk of the building; (4) overcrowding and degradation of the Newark Street community playground (due to the very limited on-site outdoor play area for the many shelter children); (5) overcrowding and degradation of the already overcrowded John Eaton Elementary School (due to the potentially substantial influx of children from the shelter); and (6) loss of multiple old-growth trees that are important to the character and livability of this residential neighborhood.

Neighbors for Responsive Government (“NRG”) further states: (7) The proposed shelter is wholly out of character with the neighborhood and inconsistent with the City’s Zoning Plan for this area, which is low-to-moderate density development, including detached dwellings, row houses and low-rise apartments. (8) If the request to be excused from providing a loading dock for the building is granted, this will result in double-parked vehicles multiple times each day when food is delivered to the shelter, as well as double-parking for trucks that are making deliveries, providing repairs or new equipment for the building, or performing routine landscaping work. (9) The residents of the neighborhood and their properties will also be adversely affected by the co-location of two disparate, largely incompatible uses on one lot, given that shelter operations foreseeably may compromise the carrying out of essential police operations and those operations foreseeably may compromise shelter operations.

The foregoing listing of concerns is not necessarily exhaustive. At the Board hearing, counsel for Neighbors will detail, on the basis of the legal requirements for approval of the requested special exception and each of the three requested variances, why these requests should not be approved by the Board. Many of these legal requirements relate directly to the concerns expressed above.

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

ANSWER: NRG is a non-profit D.C. corporation organized by of D.C. residents whose properties are located near the proposed shelter site. The individuals identified as parties in Exhibit A are NRG officers or owners of their own properties in the immediate neighborhood, or both.

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

ANSWER: Several of the individuals identified in Exhibit A own and reside in properties that are located within the 200-foot boundary, of the lot on which the shelter is proposed to be placed. The others on Exhibit A are located within 2-3 blocks of the proposed shelter.

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 Board is approved or denied?

ANSWER: See answer to question 1 above.

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 or denied.

ANSWER: See answer to question 1 above.

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.

ANSWER: See answers to questions 1-3 above, which demonstrate that those included in this application reside in close proximity to the proposed shelter and that their concerns are a function of that proximity. Thus, the adverse impacts they foresee from the proposed zoning action result in Neighbors being much more significantly, distinctively and uniquely affected than will be the case for other persons in the general public that live or work significantly further away in the District of Columbia.

Party Status Application
Neighbors for Responsive Government in BZA 19450
EXHIBIT A

Name and Address – Within 200 Feet of Lot 849 ¹	Name and Address – Other Interested Neighbors
Yvonne Thayer 3308 Idaho Ave., NW	Julie Lazar 3801 39 th Street, NW -- #D80
Robert and Patricia Wittie 3847 Macomb St, NW	Fresia Betancourt and Jose Luis Guasch 3850 Macomb St, NW
Brian and Antoinette Wilkinson 3315 Idaho Ave., NW	Steven and Joanne Lamm 3201 Idaho Ave., NW
Ronald and Betty Natalie 3307 39 th Street, NW	Marcel and Ann Scoffier 3111 Idaho Ave., NW
Tara Stanton 3821 Macomb Street, NW	Mali Jimenez 3540 39 th Street, NW -- #F648
Vsev Horodyskyj 3541 39 th Street, NW -- # E509	Arnold and Susan Lutzker 3215 Idaho Ave., NW
Alexander Schmemann 3881 Newark St, NW -- #B476	Brian and Alice Powers 3212 38 th Street, NW
Therese Fergo 3980 Langley Court, NW -- #F612	Bruce Joseph 3814 Woodley Road, NW
Ashley Stone 3856 Porter St., NW -- #D370	Hannah Kamenetsky 3871 Porter Street, NW -- #D292
Nora and George Stavropoulos 3310 Idaho Ave., NW	Judith Kennedy 3038 Newark St, NW
Christopher Tynan 3551 39 th Street, NW -- #511	Scott Jaeckel 3420 36 th Street, NW
Christopher and Dede Sweeney 3804 Idaho Ave., NW	Katie Wiegmann 3600 Ordway St., NW
	Ken and Susan Weinstein 2905 38 th Street, NW
	Suzanne Presto 3731 39 th Street, NW
	Linda Fisher 3225 Idaho Ave., NW
	Sheldon and Arlene Holen 2938 Macomb Street, NW

¹ Per Exhibit 8, "200-footers" attachment to BZA Application.