

April 4, 2011

Mr. Anthony J. Hood  
Chairperson  
District of Columbia Zoning Commission  
441 4th Street, NW  
Suite 210-S  
Washington, DC 20001

Re: Zoning Commission Case No. 5-28E: Objection to Eastland Gardens Civic Association Request for Party Status

Dear Chairperson Hood and Members of the Commission:

The Applicant in the above-referenced case objects to the Eastland Gardens Civic Association's ("EGCA") request for party status. The EGCA filed a party status request on March 28, 2011, stating that the Parkside PUD First-Stage modification will negatively affect 4,000 residents living in the Eastland Garden community. The Applicant opposes this request on two bases: (1) the request does not satisfy the requirements of 11 DCMR Section 3022.3(f); and (2) the request is untimely.

*EGCA's Request is Deficient*

Section 3022.3(f)(5) requires a request for party status to demonstrate how the requesting party is likely to be "more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public." EGCA admits by the terms of its own party request that it is not uniquely affected, but rather that 4,000 individuals will be equally affected by the application. Accordingly, EGCA does not satisfy the requirements for party status pursuant to Section 3022.3(f). Moreover, EGCA fails to offer anything other than conjecture with respect to the impacts this modification application will have on the community. EGCA puts forth several unilateral statements that insurance rates "may" rise or that people will be "less inclined" to purchase homes, but they fail to provide any support for these blanket conclusions. Finally, EGCA is not adjacent to the Parkside community but is located on the opposite side of the Mayfair residential development, several blocks away from Parkside. It is physically divorced from the Parkside development and there are intervening residential developments between the two sites. The distance between the two properties makes EGCA's claims tenuous, at best.

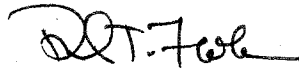
ZONING COMMISSION  
District of Columbia

*The Request is Untimely*

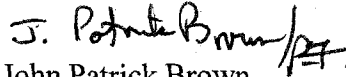
Pursuant to 11 DCMR Section 3022.3, all requests for party status must be filed "not less than fourteen (14) days prior to the date set for the hearing..." Fourteen days prior to April 4, 2011, is March 21, 2011, yet EGCA filed their request on March 28, 2011, seven days after the deadline for filing a request for party status. In light of EGCA's failure to comply with this requirement, the Applicant asks that its request for party status be denied.

Given EGCA's failure to satisfy the requirements for party status, the Applicant asks that its request be denied.

Sincerely,



Phil T. Feola



John Patrick Brown

cc: Chris Lo Piano, City Interests  
Robin Halsband, DCPA

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to the following by first-class mail on April 4, 2011:

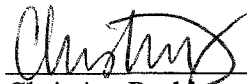
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