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VIA MESSENGER

July 5, 2011

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
One Judiciary Square
441 4th Street N.W.
Second Floor
Washington, D.C. 20001

Re: Party Status Request for Zoning Commission Case No. 11-03

Dear Chairman Hood and Members of the Commission:

The attached request for party status is submitted on behalf of the Vestry of St. Augustine's Parish ("Church") pursuant to 11 DCMR 3022.3 and Office of Zoning Form 140. The Church requests party status in order to appear and participate at the public hearing as a party in support of the PUD Application, the subject of Zoning Commission Case No. 11-03. The requisite form and supporting documentation are attached.

If you have any questions regarding the application please ask the Office of Zoning to call the undersigned at 202-452-1400.

Sincerely,

Jacques B. DePuy/kmo
Jacques B. DePuy

Kate M. Olson
Kate M. Olson

Enclosures

cc: Hoffman-Struever Waterfront, L.L.C.
Elizabeth A. Karmin, DLA Piper LLC
Jennifer Steingasser, Office of Planning
ANC 6D

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

11-03
34

**BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA**

Vestry of St. Augustine's Parish
Square 473, Lots 83 and 814

Z.C. Case No. 11-03
Hearing July 18, 2011

**REQUEST FOR PARTY STATUS AS A PARTY IN SUPPORT OF THE
PLANNED UNIT DEVELOPMENT APPLICATION AND RELATED MAP
AMENDMENT ("PUD APPLICATION") OF HOFFMAN-STRUEVER
WATERFRONT, L.L.C. ("APPLICANT")**

July 5, 2011

I. REQUEST FOR PARTY STATUS

This request for party status is submitted on behalf of the Vestry of St. Augustine's Parish ("**Church**") by its land use attorneys Greenstein DeLorme & Luchs, P.C., by Jacques B. DePuy and Kate M. Olson, pursuant to 11 DCMR 3022.3 and Office of Zoning Form 140. (Form 140 is attached as Exhibit "A".) The Church requests party status in order to appear and participate at the public hearing as a party in support of the PUD Application.

The Church owns property at 600 M Street S.W. (Square 473, Lots 83 and 814) which contains approximately 35,750 square feet of land ("**Church Property**"). (A plat of the Church Property is attached as Exhibit "B".) The Church Property is improved with a building containing a sanctuary, classrooms for religious education and facilities used for community service and outreach ("**Church Building**"). The Church Property is referred to in the PUD Application as Parcel 11 ("**Parcel 11**"). The PUD Application requests that Parcel 11 be mapped C-3-C or, in the alternative, R-5-B.

The Church and the Applicant executed a Purchase, Sale and Development Agreement (“**Agreement**”), a brief summary of which is set forth below:

- the Church has agreed to sell a large portion of the Church Property to the Applicant for the development, by the Applicant, of an apartment house (“**Apartment House**”) on the parcel acquired by the Applicant;
- the Church has agreed to raze the Church Building and to build a new building (“**New Church Building**”) on a portion of the Church Property, consisting of approximately 11,225 square feet, that will be retained by the Church (i.e., not sold to the Applicant); and
- the New Church Building and the Apartment House will be constructed on a single lot of record and, as a result, the New Church Building will be an “addition” (pursuant to the Building Code) to the Apartment House if the latter is constructed first or the Apartment House will be an addition to the New Church Building if the latter is constructed first. (A plat that depicts the “footprint” of the New Church Building is attached as Exhibit “C”.)

Because (i) the Church plans to build the New Church Building upon approval by the Zoning Commission of the PUD Application and (ii) the New Church Building will be designed and constructed in coordination with the design and construction of the Apartment Building by the Applicant, the decision by the Zoning Commission to grant or deny the PUD Application will have significant financial and other consequences to the Church. In addition, the Church has an interest in ensuring that no conditions of the Zoning Commission Order that approves the PUD Application adversely affect the Church or its rights, title or interests in the Church Property. As a result, the Church will be more

significantly, distinctly and uniquely affected by Zoning Commission action to grant or deny the PUD Application than that of other persons or entities.

II. BRIEF DESCRIPTION OF THE CHURCH, WITNESS INFORMATION AND TIME REQUEST

The Church is a part of the Episcopal Diocese of Washington, was founded in 1961 and has been at the Church Property since 1965. The Church offers a range of programs and outreach to the diverse neighborhood including a breakfast program. It also allows groups, such as the Southwest Neighborhood Assembly, condo associations, Alcoholics Anonymous and redevelopment agencies to conduct meetings at the Church Building and offers space for free monthly chamber music concerts and a children's reading camp.

Mr. Kwasi Holman, Junior Warden of the Vestry, will testify on behalf of the Church at the public hearing. (An outline of Mr. Holman's testimony is included as Exhibit "D".) Mr. Holman will be accompanied by Jacques B. DePuy, Esquire, Greenstein DeLorme & Luchs, the Church's land use attorney.

The Church requests ten (10) minutes to present its case.

Specific responses to the requirements for party status are provided below:

III. 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?

The Church Property is located within the boundaries of the PUD. Therefore, the Church Property will be subject to the conditions of any Zoning Commission Order that approves the PUD Application. In addition, any rezoning of Parcel 11 will affect the Church and the Church Property.

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

The Church is the owner of the Church Property.

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.)

The Church Property is located within the boundaries of the proposed PUD.

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?

The Church will be directly affected by the approval or denial of the PUD Application. Should the PUD be denied, the Church will be unable to implement the Agreement it executed with the Applicant and, specifically, would be unable to build a New Church Building from funds provided by the Applicant as a result of the sale of a portion of the Church Property. If the PUD is approved, the Church has an interest in ensuring that no conditions of the Zoning Commission Order that approves the PUD Application adversely affect the Church or its rights, title or interests in the Church Property.

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.

The Church and the Applicant negotiated a "Zone of Influence" which demarks a certain valuable view shed the Church will have of the marina area. (See Exhibit "E"). Since the Zoning Commission does not enforce private agreements, the Church desires party status to ensure that this view shed is reflected in public records and plans.

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.

By its inclusion within the PUD boundaries the Church is more significantly, distinctively and uniquely affected by the Zoning Commission action in this case than that of other persons in the general public. The Church will be subject to the Zoning Commission Order and its accompanying conditions, whereas other entities in the general public will not be subject to such conditions. The Church Property is subject to a Map Amendment Application that seeks rezoning of Parcel 11 to C-3-C or, in the alternative, R-5-B.

IV. CONCLUSION

For all of the above reasons the Church believes it is entitled to, and hereby requests, party status as a party in support of the PUD Application in Zoning Case No. 11-03.

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Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

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