



**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](http://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:	1250 4 <sup>th</sup> ST EDENS LLC / UNION MARKET APARTMENTS LLC	
Address:	7200 WISCONSIN AVE, Ste 400, BETHESDA, MD 20814 / 1530 WILSON BLVD, Ste 330, ARNINGTON VA 22204	
Phone No(s):	301-652-7400	E-Mail:

I hereby request to appear and participate as a party in Case No.: **ZC CASE NO. 15-27**

Signature:		Date:	10/4/2016
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Will you appear as a(n)	<input checked="" type="checkbox"/> Proponent	<input type="checkbox"/> Opponent	Will you appear through legal counsel?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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If yes, please enter the name and address of such legal counsel.

Name:	DAVID AVITABILE	
Address:	GOLUSTON & STORRS, 1999 K ST NW, 5 <sup>th</sup> FL WASHINGTON DC 20006	
Phone No(s):	202-721-1137	E-Mail:
E-Mail: davitabile@golustonstors.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: \_\_\_\_\_

**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.



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Name:	1250 4 <sup>th</sup> ST EDENS LLC	UNION MARKET APARTMENTS LLC
Address:	7200 WISCONSIN AVE, SK400, BETHESDA, MD 20814	1530 WILSON BLVD, Ste 330, ARLINGTON VA 22209
Phone No(s):	301-652-7400	E-Mail:

I hereby request to appear and participate as a party in Case No.: ZC CASE NO. 15-27

Signature:  Date: 10/5/14

Will you appear as a(n)	<input checked="" type="checkbox"/> Proponent	<input type="checkbox"/> Opponent	Will you appear through legal counsel?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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If yes, please enter the name and address of such legal counsel.

Name:	DAVID AVITABILE	
Address:	Goulston & Storrs, 1999 K ST NW, 5 <sup>th</sup> FL, WASHINGTON DC 20006	
Phone No(s):	202-721-1137	E-Mail: davitable@goulstonstorr.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: \_\_\_\_\_

**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.

In support of the attached Party Status Application Form, UNION MARKET APARTMENTS LLC and 1250 4<sup>TH</sup> ST EDENS LLC (together, "Party Status Applicant") hereby submit the following information:

**Party Witness Information**

1. *A list of witnesses who will testify on the party's behalf*

The Party Status Applicant may present one or more witnesses familiar with the previous PUD approval in Z.C. Case No. 14-07.

2. *A summary of the testimony of each witness (Zoning Commission only)*

If testimony is provided, the witness will testify regarding the previous PUD approval in Z.C. Case No. 14-07

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*

No experts anticipated at this time, but the Party Status Applicant reserves the right to call additional witnesses, including experts, if necessary.

4. *The total amount of time being requested to present your case (Zoning Commission only).*

Approximately five minutes.

**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 proposed PUD is adjacent to a planned development already approved by the Zoning Commission in Z.C. Case No. 14-07. Generally, the proposed PUD will deliver an attractive, sustainable, and welcome addition to the emerging Union Market neighborhood, but the Party Status Applicant wants to call attention to the fact that the proposed design of the alley between the projects conflicts with the design previously approved in Z.C. Case No. 14-07 and it will potentially impact the vehicular and service/delivery network of the previously approved development.

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

Together, the Party Status Applicant is the owner of portions of the "South Parcel" property subject to the approved PUD in Z.C. Case No. 14-07. 1250 4<sup>th</sup> ST EDENS LLC is also the owner of the retail portion of the "North Parcel" property, which is also subject to the approved

PUD in Z.C. Case No. 14-07. Another residential developer is the owner of the residential portion of the approved “North Parcel” building.

- 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.)*

The proposed PUD is approximately 48 feet from the Party Status Applicant’s property; the 48-foot distance is a private alley.

- 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 party status applicant welcomes the addition of an exciting, dynamic, and sustainable building and use to the Union Market neighborhood.

The two PUDs are separated by a 48-foot wide private alley. The design and use of that alley was the subject of considerable discussion in Case No. 14-07, and the Zoning Commission’s approval was conditioned on the buildout of the alley consistent with the designs submitted by the Party Status Applicant and approved by the Commission. The PUD applicant in this case has submitted a design for the alley that diverges from the previously approved alley design, creating the potential for:

- Conflicting and overlapping PUDs requirements that could inhibit the party status applicant from constructing the alley improvements required in Z.C. Case No. 14-07.
- Potential impacts on service/delivery access to the approved PUD in Z.C. Case No. 14-07
- Potential impacts on vehicular access to the approved PUD in Z.C. Case No. 14-07

The Party Status Applicant wishes to ensure that the Zoning Commission approval of the proposed PUD does not conflict with its prior approval in ZC Case No. 14-07.

- 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.*

See 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.*

The Party Status Applicant’s impact is unique because of the proximity of the two properties as well as because of the importance of coordinated development of the two parcels and within the shared private alley.