



**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:	Jordan P. Cox		
Address:	1025 1st ST SE, Unit 1111, Washington, DC 20003		
Phone No(s):	281-851-3232	E Mail:	JordanCox72@gmail.com

I hereby request to appear and participate as a party in Case No.: **19-23**

Signature:	<i>Jordan P. Cox</i>	Date:	1-7-2020
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Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If yes, please enter the name and address of such legal counsel.

Name:	
Address:	
Phone No(s):	
E Mail:	

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; **Please see attached for party witness information.**
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 party status criteria.**
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.

Attachment to Form 140 – Party Status Request

Party Witness Information:

1. List of Witnesses who will testify on the party's behalf
 - Jordan P. Cox, Homeowner at 1025 First ST SE, Unit 1111
2. Summary of the testimony of each witness
 - In my testimony, I intend to assert the proposed addition of the two additional floors and habitable penthouse space would likely substantially reduce the light that reaches many of the residential units in the building I live in, potentially change the look and feel of the area, potentially reduce the privacy of my residence, and reduce the amount of light that reaches part of the First and L ST SE intersection at various times of the year.
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
 - No expert witnesses will be offered
4. The total amount of time being requested to present your case.
 - 20 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 design plans of Wells REIT 80 M Street LLC include a proposal to add an additional two floors and a habitable penthouse, raising the height of the building from its current height of 90 feet in most locations by 51 feet, minus the existing penthouse of 15.7 feet, according to the design review package and Applicant Exhibit 2E1.

If the Commission approves the design plans of Wells REIT 80 M Street LLC, the proposed additional floors will cast a larger shadow on the south side of the building I live in at various points of the year, most noticeably during the winter months, however also at varying degrees at other points in the year. This is according to a shadow study conducted by Hickok Cole dated December 20, 2019, which was prepared at the request of Area Neighborhood Commissioner 6D02, Anna Forgie, and I believe paid for by the Applicant. I have attached this study as Exhibit 1. The same shadow study shows the shadow cast by the proposed additional floors will cover part of the First and L ST SE intersection, which is directly adjacent to the property I live in, at the 3pm phase of the spring and fall seasons. This is an intersection that I believe is already dangerous as it lacks any stoplights, and motorists (as I've witnessed) run the existing stop signs, which at times are hard to see. This project might make the intersection more dangerous, as the shadows from the additional floors would begin to cover part of the intersection earlier in the afternoon, potentially making it even more difficult to see pedestrians and cyclists, which is additionally concerning because the shadows would begin to cover part of the intersection at a time when many residents, including individuals in my household, might be returning home from work. As such, the proposed project may make it more dangerous to enter and exit the main entrance of the property I live at.

2. What legal interest does the person have in the property?

I own and live in a condominium at 1025 First ST SE, the building directly north from the proposed project at 80 M ST SE. 1025 First ST SE and the proposed project are separated by L ST SE. Specifically, my wife and I own 1025 First ST SE, Unit 1111.

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

The building I live in, located at 1025 First ST SE, is approximately 100 feet away from the property considered in this case, at 80 M ST SE.

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?

If the Commission approves the project at 80 M ST SE, the additional 2 floors and habitable penthouse proposed by the developer will likely cast a larger shadow on the building I live in, 1025 1st ST SE, at various times of the year. According to the shadow study conducted by Hickok Cole (Exhibit 1), a larger shadow will be cast on multiple floors on the south side of the building I live in during the winter months. This will cause less light to reach many residential units during the daytime hours. As mentioned previously, the same shadow study shows the shadow cast by the proposed additional floors will cover part of the First and L ST SE intersection around the 3pm phase of the spring and fall seasons, which could make pedestrians, cyclists, and motorists less visible.

The additional floors and habitable penthouse with their open design and floor to ceiling glass windows, as depicted in Applicant Exhibit 2E1 will also likely substantially reduce the privacy of residents living in 1025 First ST SE. The design would potentially reduce privacy for residents living at 1025 First ST SE to a greater extent than the current design of 80 M ST SE, which predominantly consists of a brick and glass window design on the north facade, the part of the building facing many residential units in my building.

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.

As mentioned above, adding additional floors to 80 M ST SE may obstruct light from reaching many residential units in my condo building, make people and cars potentially less visible, and potentially permanently reduce privacy. Moreover, privacy would also be reduced during the construction phase, as construction workers on the roof of the building would have a clear view into several floors of residential units at my condo building, and potentially cause a large amount of noise during the construction phase.

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.

As a resident of 1025 1st ST SE, I am uniquely impacted by the proposed project, as the property I live in is directly north from the proposed project, across L ST SE. Furthermore, as I live on the 11th floor of 1025 1st ST SE, the proposed additional floors would be directly across from my unit, potentially casting shadow on my unit at various times of the year, as well as reduce the

privacy of my residence. The residents in my household and I also use the intersection of First and L ST SE on nearly a daily basis, which would be partly covered in shadow at various of year.

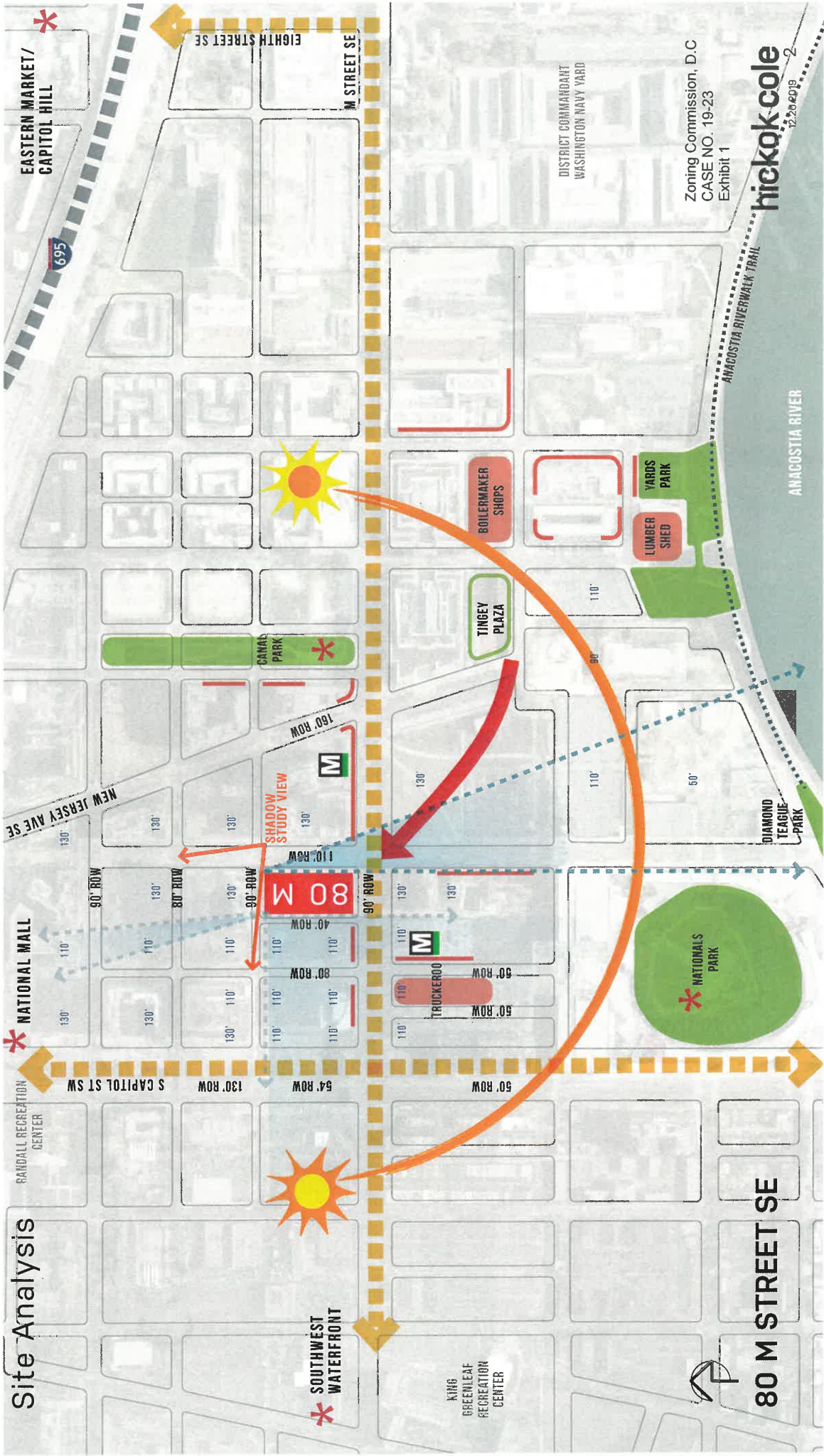
80 M ST, SE



Zoning Commission, D.C.
CASE NO. 19-23
Exhibit 1

SHADOW STUDY 12.20.2019 hickokcole

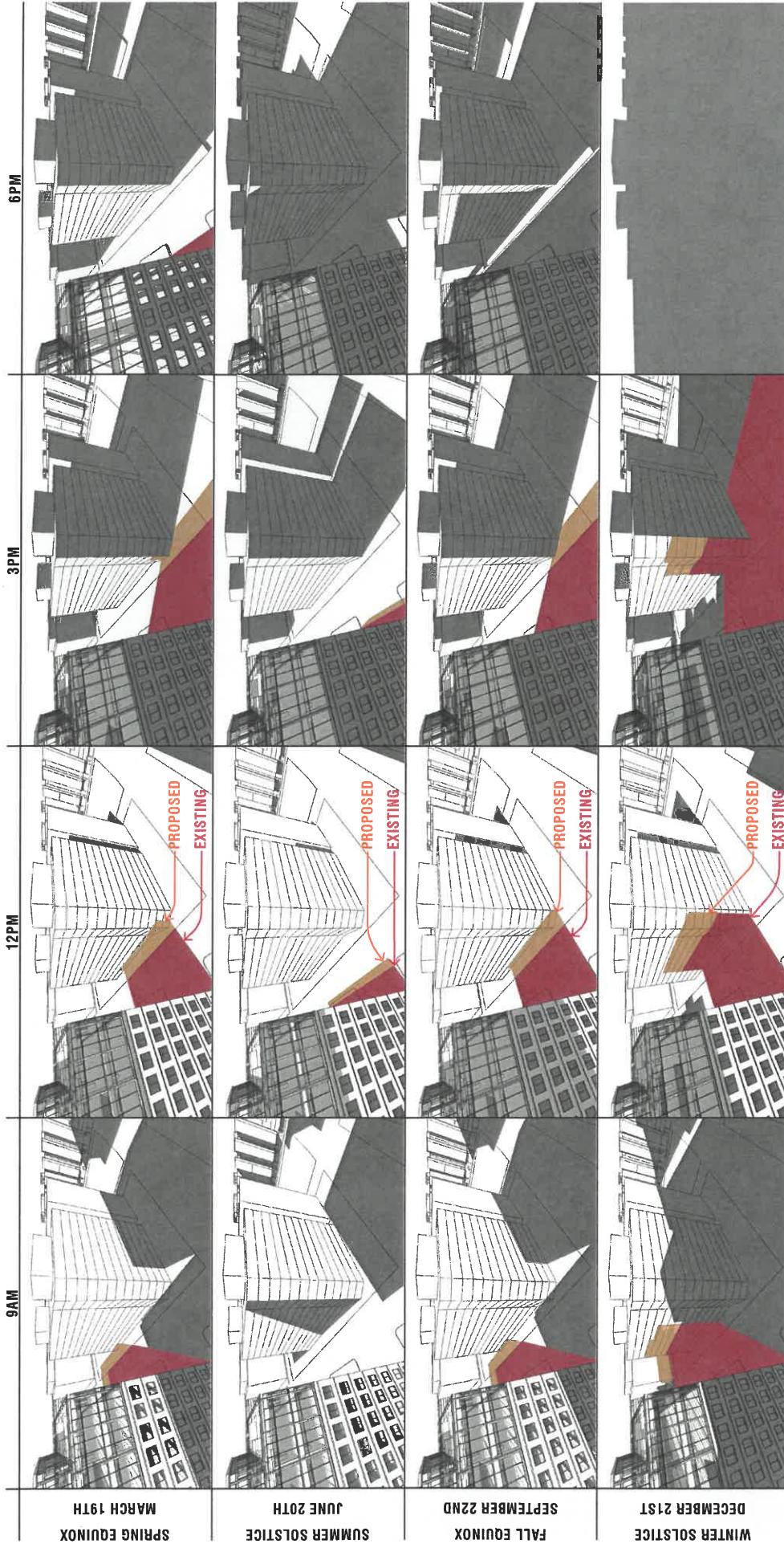
Site Analysis



Zoning Commission, D.C.
CASE NO. 19-23
Exhibit 1

hickok cole
12.20.2019

Shadow Study



80 M STREET SE

Zoning Commission, D.C.
 CASE NO. 19-23
 Exhibit 1

Certificate of Service

The undersigned hereby certifies that copies of the above Form 140 and Attachment to Form 140 were delivered by electronic mail to the following electronic mail addresses on January 7, 2020.

Elisa Vitale (Elisa.Vitale@dc.gov)
DC Office of Planning

Aaron Zimmerman (aaron.zimmerman@dc.gov)
Anna Chamberlin (anna.chamberlin@dc.gov)
District Department of Transportation

ANC 6D (6d@anc.dc.gov)

Anna Forgie, ANC 6D02 (6D02@anc.dc.gov)

Allison C. Prince (aprince@goulstonstorrs.com)
Christine A. Roddy (croddy@goulstonstorrs.com)
Lawrence Ferris (lferris@goulstonstorrs.com)

Goulston & Storrs, Counsellors at Law, representing the Applicant, Wells REIT II 80 M Street,
LLC



Jordan Cox