



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:	HOMEOWNERS WITHIN 200 FEET OF LOTS 826 AND 827		
Address:	1701 SEATON ST NW, WASHINGTON, DC 20009		
Phone No(s):	202-387-3681	E Mail:	FESKANICHA@GMAIL.COM
I hereby request to appear and participate as a party in Case No.:		CASE # 23-02	
Signature:	Arlene Feskanich		Date: 10-30-2023
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

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: NOVEMBER 20, 2023

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.

## **FORM 140 – PARTY WITNESS INFORMATION**

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

Arlene Feskanich

Representing the Homeowners Within 200 Feet of Lots 826/827 party, and herself a homeowner living within 200 feet of the subject site. (See attached list of party members agreeing to Ms Feskanich as their representative)

Bridget Hunnicutt

A member of the party who, along with her husband, is raising her two children here.

TBD

A witness to provide expert testimony on the impact of the proposed rezoning

*2. A summary of the testimony of each witness.*

Ms. Feskanich will introduce the Homeowners Within 200 Feet of Lots 826/827 party. She will give a general presentation about why MU10 zoning is inappropriate for this site. She will also show how the Office of Planning's Setdown Report mischaracterizes the general area and is inconsistent with parts of the Comprehensive Plan and the DC Zoning Handbook.

As a member of the party and a mother who is raising her two children directly across the street from the subject site, Ms. Hunnicutt will present on the surrounding community and the importance of the current zoning to children and families, and the adverse impacts specifically to homeowners with families.

We also intend to provide testimony to show how a rezoning to MU10 will negatively impact the property and homeowners of our party as to planning topics including: scale, traffic, parking, safety, access to light, and historic preservation/neighborhood conservation.

*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.*

TBD. We intend to engage a certified planner to provide expert testimony on the effects a rezoning to MU10 would have on the neighborhood. He/She would provide impact studies and show outcomes from similar rezoning requests.

*4. The total amount of time being requested to present your case.*

Estimate: 15 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?*

All members live in and own their homes within 200 feet of the subject property. This includes homeowners on Seaton Street, 17th Street, and 16th Street NW (see attached list of members and their addresses).

Unlike the general public and also unlike other potential parties to this matter, we as homeowners within 200 feet of the subject property, will bear a direct brunt of the high-density rezoning approval at this site.

As homeowners we specifically invested here in a low-rise, quiet, historic, and well-established residential neighborhood. Some of us have spent decades here maintaining our historic homes, raising our families, and contributing to the historic nature of the Strivers Section and 16th Street Historic District, both of which are designated local and federal historic districts.

We are a diverse, well-established community of elders, young people, families with children, people who have lived here for generations, and people who are relatively new to the neighborhood. We all came here purposefully because of the charm, diversity, walkability, and scale of the neighborhood, with its narrow one-way streets and small businesses that serve the nearby community.

The application is proposing a rezoning that would completely transform this area into one that represents a high-rise, high-density downtown district. MU10 rezoning would be unprecedented and is not found anywhere in the area.

If the rezoning to MU10 is approved, the largest building anywhere in the area, standing more than 100 feet tall, could be built, as DMPED says, "by right". The impact of the construction of such a building alone would be directly and permanently harmful to our health, especially the health of our elders and children. Furthermore, the structural integrity of our one-hundred year old homes would be put at risk by years of heavy construction and years of ongoing operation of heavy vehicles adjacent to our homes.

Some would say that rezoning these lots to MU10 won't necessarily result in a 100+ foot tall building of immense bulk. But, if this rezoning is approved, there is absolutely no guarantee that a building this size won't be built "by-right." Zoning is the only way to guarantee reasonable development on this site. Zoning dictates development, not the other way around.

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

Members of the Homeowners Within 200 Feet of Lots 826/827 party all own and reside in their homes, and are all within 200 feet of the subject site.

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

All members reside within 200 feet of the subject site.

*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?*

As previously cited in Point 1 above, the Homeowners Within 200 Feet of Lots 826/827 are put at imminent risk by this application for rezoning by:

- \* Destabilizing our property values and increasing property tax costs, thus increasing displacement pressures

- \* Setting precedent for other high-rise, high-density rezoning in this protected Neighborhood Conservation Area

- \* Precipitating "by-right" construction of buildings, the size and bulk of which are found in downtown districts, thus directly harming us with adverse impacts on already limited street parking; traffic congestion on our single-lane, narrow, almost exclusively residential, one-way streets; diminishing pedestrian safety, especially for elders and young children using these streets to walk to school; increasing air and noise pollution, both during and after the years long construction period (this is an especially critical issue for those who work from home); and blocking access to direct sunlight.

- \* Increasing displacement pressures on our lower-income neighbors that will unjustly diminish our social and economic diversity in the community we love.

*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.*

All of our members will bear undue stress about the uncertainty of our future and that of our community with this dramatic rezoning. The absolute disruption of our members' work-life balance due to the noise and congestion will bring emotional and physical distress that does not seem to have been taken into account.

We can accomplish all of the goals set forth in the OP Setdown Report under the current MU4 zoning.

*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 general public does not live within 200 feet of this subject site. The magnitude to which our daily lives will be affected by this rezoning is far greater than that of the general public. The general public does not live in this community and will not be affected by the repercussions of this action, which include:

- \* substantial by-right construction
- \* substantially increased congestion, pollution and noise
- \* blocking of direct sunlight
- \* imminent risk to the structural integrity of our homes and properties, to which we hold the deeds

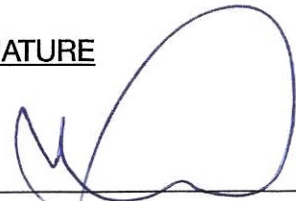
The general public did not invest sums of money and time in this community with purpose. The rezoning dramatically shifts the outlook for this community we have deeply invested in socially and economically, unlike the general public. And unlike other potential parties to this case, we are homeowners. Our investment and the harms to therein are concrete, direct, and unique, even in contrast to nearby renters.

Signed by: Arlene Feskanich, as representative of the Homeowners Within 200 Feet of  
Lots 826 and 827

*Arlene Feskanich*

I support party status for Homeowners Within 200 Feet of Lots 826/827, in OZ Case 23-02.

I agree to support Arlene Feskanich, our neighbor at 1701 Seaton St NW, to represent our collective interests in this case.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
MARK MITCHELL	1935 17th St NW	
Charles Bier	2022 16th St NW	Charles Bier
SUSAN BIER	2022 16th St NW	Susan Bier
Bridget Hunnicutt	2034 17th St NW	Bridget Hunnicutt
Roy Hunnicutt	2034 17th St NW	Roy D. Hunnicutt
Danielle Brian	2100 17th St NW	Danielle Brian
JOSEPH GORMAN AKA	1708 SEATON ST NW	Joe Gorman
HOSSAIN MOUSAVI	1701 SEATON ST NW	Hossain Mousavi
Linda Watson	1710 Seaton St NW	Linda Watson
BRET BARTLETT	1703 Seaton St. NW	Bret Bartlett
Frank McGinn	1703 Seaton street N.W.	Frank McGinn
Elena Monob	2036 17th Street NW	Elena Monob

SIGNED BY: Arlene Feskanich

REPRESENTATIVE OF "HOMEOWNERS WITHIN 200 FEET  
OF LOTS 826 AND 827"

Affidavit of Service, Case 23-02

Dear Office of Zoning:

I hereby certify that on this day, October 31, 2023, I emailed a copy of the request for party status filed by Homeowners Within 200 Feet of Lots 826 and 827 to:

ANC 1b SMD 07	1b07@anc.dc.gov
ANC 1b	1b@anc.dc.gov
ANC 2b.	2b@anc.dc.gov
Daniel Lyons, DMPED	<a href="mailto:daniel.lyons@dc.gov">daniel.lyons@dc.gov</a>
Jennifer Steingasser, OP	<a href="mailto:jennifer.steingasser@dc.gov">jennifer.steingasser@dc.gov</a>
Joel Lawson, OP	<a href="mailto:joel.lawson@dc.gov">joel.lawson@dc.gov</a>

Sincerely,  
Homeowners Within 200 Feet of Lots 826 and 827

Arlene Feskanich, Representative