

Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

ZONING COMMISSION
District of Columbia
CASE NO. 15-15
EXHIBIT NO. 25



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
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.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

| | | | |
|--------------|---------------------------------------|---------|----------------------------|
| Name: | Jennifer Nieratko | | |
| Address: | 229 R Street NE, Washington, DC 20002 | | |
| Phone No(s): | 267-257-2578 | E Mail: | jennifernieratko@gmail.com |

| | |
|--|-------|
| I hereby request to appear and participate as a party in Case No.: | 15-15 |
|--|-------|

| | | | |
|------------|--|-------|------------|
| Signature: | | Date: | 04/27/2016 |
|------------|--|-------|------------|

| | | | | | |
|-------------------------|---|-----------------------------------|--|------------------------------|--|
| Will you appear as a(n) | <input checked="" type="checkbox"/> Proponent | <input 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: | |

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

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.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

Attachment to Form 140 – Party Status Request for Case No. 15-15

Party Witness Information

1. Jennifer Nieratko
2. The witness will express support for the project with an emphasis on the following aspects:
 - a. The addition of nearly 700 residential units to the District of Columbia’s housing supply
 - b. The inclusion of two and three bedroom residential units suitable for families
 - c. The inclusion of affordable housing
 - d. The portion of the project dedicated to retail uses
 - e. The commitment to sustainable design elements
 - f. Improved streetscapes along Eckington Place and Harry Thomas Way
 - g. Improved east-west connectivity in the southern portion of Eckington
 - h. Appropriate density in close proximity to the NoMa station
 - i. The applicant’s efforts to engage and inform the community
3. N/A
4. Three minutes

Party Status Criteria

1. The party status applicant will be impacted by the zoning change and PUD approval that will allow demolition of existing structures on the subject property, an extensive period of six days per week construction, and replacement structures that are significantly larger in scale than those currently in place.
2. The party status applicant owns a property north of the subject property.
3. There is a 20 foot public alley separating the subject property from the party status applicant’s property.
4. The project will have a substantial impact on the party status applicant both during the construction phase (noise, harmful dust and debris, increased vehicle and worker traffic, utility disruptions, potential for property damage) and once complete (increased density, loss of privacy, loss of sunlight, limitations in property use compared to current status, increased security concerns, improved access to retail, improved streetscapes, increased neighborhood vibrancy).
5. Covered under number 4.
6. The party status applicant resides within 200 feet of the subject property.