



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:	UNITED NEIGHBORS OF SOUTHWEST (UNSW), BY PETER EICHER		
Address:	600 H ST. SW, WASHINGTON DC 20024		
Phone No(s):	202 554-3634/202 390-5579	E-Mail:	PETEREICHER@HOTMAIL.COM
I hereby request to appear and participate as a party in Case No.:		17-21, PROPOSED POD AT 501 I ST. SW	
Signature:		Date:	Nov. 30, 2018
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: **DECEMBER 17, 2018**

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; **SEE ATTACHMENT**
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? **SEE ATTACHMENT FOR ALL QUESTIONS**
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 REQUEST FOR ADVANCE PARTY STATUS, Form 140

We request that our application for Advance Party Status to be considered by the Zoning Commission at its public meeting on December 17, 2018.

Name

United Neighbors of Southwest (UNSW) is an informal association of homeowners and residents. The application is submitted for UNSW by Peter Eicher, Martin Harwit, and Andrea Pawley on behalf of themselves and 33 other homeowners and long-term residents within 200 feet of the development, as well as 31 additional homeowners and residents in the immediate neighborhood (see attached email authorizations from individuals).

Peter Eicher
600 H St. SW, Washington DC 20024
202 554-3634
petereicher@hotmail.com

Martin Harwit
511 H St. SW, Washington DC 20024
202 479-6877
harwit@verizon.net

Andrea Pawley
504 H St. SW, Washington DC 20024
202 279-0978
andrea.pawley@gmail.com

Party Witness Information

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

Our witness list is still being developed. It will be finalized after the developer submits its final, modified plans to the ANC and the ZC. We anticipate that most of our witnesses will be neighbors to the development.

2. A summary of the testimony of each witness.

To be finalized after the developer submits its final, modified plans to the ANC and the ZC.

3. An indication of which witnesses will be offered as expert witnesses.

The following individual may be called as an expert witness. We may seek additional expert witnesses, pending the finalization of documents and testimony still to be presented by the applicants.

Nancy Kuhn
 Jackson & Campbell, P.C.
 1120 20th Street NW, Suite 300S
 Washington, DC 20036

Resume attached. Expert on taxes and non-profit corporations.

Summary of testimony: Shakespeare Theatre Company and Erkiletian Development appear to have provided contradictory information in official filings in the course of their attempts to promote "The Bard" and gain approval from the District of Columbia for their project (see Case file 17-21, Exhibits 16-16G).

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

To be determined, but we request one hour.

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 BZA or ZC?

The proposed development will have a range of negative effects on the homes owned and occupied by the applicants for party status. Among many concerns, the development would bring a sizeable office/apartment building to a neighborhood and lot which are currently zoned R-3 for row houses. It would transform a property designated in the Comprehensive Plan for institutional use into commercial/mixed use without the required hearing before the City Council. It would be inconsistent with a great many specific provisions of the Comprehensive Plan and the SW Small area plan, upsetting homeowners' reasonable expectations for stability in their neighborhood. The proposed project would transform the character of a quiet, residential neighborhood. It would bring congestion, traffic, noise, and parking problems, as well as safety concerns for the neighboring school. It would be substantially out of scale with the surrounding homes, park, and school. It would block sunlight to neighboring properties. It would reduce the amount of open space required by current zoning. It would set a precedent that developers could use to rezone other parts of the neighborhood, which has remained intact since the major SW urban redevelopment of the 1960s.

2. What legal interest does the person have in the property, such as owner, tenant, trustee, or mortgagee?

Homeowners and residents. United Neighbors of Southwest (UNSW) is an informal group of likeminded homeowners, plus a few long-term residents, who are neighbors to the proposed development. At present, over 60 homeowners have asked to be part of this UNSW party status application.

3. What is the distance between the person's property and the property that is the subject of the application before the BZA or ZC;

At least 35 UNSW homeowners are within 200 feet of the proposed development. Several of these are directly on the property line and many others are directly across the street. The rest are in the immediate row house neighborhood.

4. What are the environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?

Environmental impact: If the proposed project were approved, it would appreciably decrease the open space currently existing and required under current zoning. It would substantially increase noise pollution in the neighborhood, especially through much augmented truck traffic. It would block sunlight to the neighboring elementary school playground (the homeowners' local school) and to neighbors' windows and gardens. It would fly in the face of the Southwest Small Area Plan's vision of Southwest as a "Green Oasis" in the city.

Economic impact: Approving the erection of a sizeable apartment/office block in an area zoned for row houses would make neighborhood row houses less attractive to potential buyers and could substantially reduce the property values of current homeowners, especially those within 200 feet.

Social impacts: Building offices and apartments rather than row houses on a lot zoned R-3 would reduce the opportunities for families to move into the neighborhood, especially considering that this is the last undeveloped lot in all of Southwest DC that is zoned R-3 for row houses. Having a sizeable building directly on the property lines to the north and west of the neighboring school would make the already struggling elementary school a less attractive choice for prospective parents, which could reduce its enrollment and funding.

5. Describe the 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 set out in the responses to questions 1 and 4 above, Commission approval of the proposed project would have a range of negative effects on UNSW homeowners and residents, and on the broader neighborhood.

6. An explanation of how the person's interests as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

As adjacent property owners and neighbors within 200 feet of the proposed development, UNSW homeowners would be far more directly affected by each of the factors set out in response to paragraph 4 than other persons in the general public. UNSW homeowners and residents would be more directly and daily affected by noise from garbage trucks, delivery services, moving vans, and other vehicle traffic than other members of the public. They would have a commercial building rather than individual residential homes with front gardens – in the current style of the neighborhood – on their property lines. They would

have light blocked to their windows and gardens and one neighbor's solar panels would be obstructed. Their children's elementary school would be negatively affected, as would their children's safety from the increased truck traffic. The already serious street parking shortage in the neighborhood would further worsen. Their property values could decrease. Their expectation of long-term stability of their neighborhood would be upended.

Please note, at the time of filing you will be required to serve a copy of your request on the Applicant and the affected Advisory Neighborhood Commission. The request will not be considered complete unless accompanied by an affidavit of service to all parties.