

**ATTACHMENT TO FORM 140 PARTY STATUS REQUEST
IN BZA CASE NO. 20348**

- (a) Garrison Associates, LLC
- (b) 5151 Wisconsin Associates, LP

NOTE: Garrison Associates, LLC and 5151 Wisconsin Associates, LP, abutting property owners to the proposed development at 5151 Wisconsin Avenue, N.W., request ***undeclared party status*** in BZA Case No. 20348. The abutting property owners are generally supportive of the redevelopment but they are presently in discussions with the applicant to ensure their respective interests are protected. They anticipate resolving all matters amicably prior to the hearing date, which is to be rescheduled sometime in late March 2021. Because the Board of Zoning Adjustment rules of practice and procedure require party status requests to be filed 14 days prior to the original hearing date of January 27, 2021, Garrison Associates, LLC and 5151 Wisconsin Associates, LP must file undeclared party status requests at this time in order to preserve their rights. The abutting owners are hopeful they may declare themselves as parties in support at the time of the actual hearing.

1. *How will the property owned or occupied by such person, or in which the person has an interest be affected by the action request of the Commission/Board?*

(a) Garrison Associates, LLC (“Garrison Associates”) is the owner of Lot 804 in Square 1666 at 5101 Wisconsin Ave., N.W., which is immediately south of and abuts the proposed development site at 5151 Wisconsin Avenue, N.W. (Lot 807 in Square 1666). Lot 804 is improved with a five-story structure built circa 1974 as an addition to the existing building 5151 Wisconsin Avenue, N.W., constructed circa 1962. The two structures are connected and deemed a single building for zoning purposes, with all zoning calculations based on the commercially-zoned portion of underlying Record Lot 3. At the time the 5101 Wisconsin addition was constructed, the adjacent properties were located in the C-2-A District, which permitted a maximum nonresidential density of 2.0 FAR.¹ The addition availed itself of all unused commercial density from the 5151 Wisconsin Avenue site as well as 0.4 FAR from the 35-foot strip along the R-2 District boundary line to the east. The properties are now located in the MU-4 District.

While 5101 Wisconsin Avenue has a separate below-grade parking garage, it also has surface spaces and dumpsters at the rear of the property that are accessed from Lot 807 via an easement. More important, a required fire egress door and pathway from the rear of 5101 Wisconsin also requires access across Lot 807. The 5101 Wisconsin building also has windows along its north and east walls that it seeks to protect. Finally, Garrison Associates may also have concerns about parking, traffic circulation, and site access for the proposed new development but will understand those issues better when the transportation study becomes available.

¹ Subsequent zoning text amendments have reduced the permitted non-residential density to 1.5 FAR and increased the total amount of residential density to 2.5 FAR, or 3.0 FAR through inclusionary zoning (“IZ”) bonus density.

(b) 5151 Wisconsin Associates, LP (“Wisconsin Associates”) is the owner of Lot 806 in Square 1666, which is immediately east of and abuts the proposed development site at 5151 Wisconsin Avenue, N.W. (Lot 807 in Square 1666). Lot 806 is located in the R-2 District and is presently improved with a parking lot that is used by the 5151 Wisconsin Avenue building. Wisconsin Associates is currently the ground lessee of Lot 807 and the 5151 Wisconsin Avenue building. That ground lease expires at the end of June 2021, at which time 51 Friendship Development Partners, LLC, the applicant in this BZA Case No. 20348, is expected to have control of the property through a new lease with the owner of Lot 807. Upon termination of the lease, Donohoe anticipates developing Lot 806 with rowhouses, as permitted as a matter-of-right in the R-2 District, to a maximum height of 40 feet and three stories. Presently, the portion of Lot 807 immediately to the west of the Donohoe property is limited to the same design parameters. However, if the zoning relief is granted for Lot 807 to extend the MU-4 development parameters 35 feet and the proposed development allowed to proceed, the light and air to the Donohoe property will potentially be unduly affected by the much larger building. Donohoe may also have concerns about parking, traffic circulation, and site access for the proposed new development but will understand those issues better when the transportation study becomes available.

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

(a) Garrison Associates, LLC is the 100% owner of Lot 804 in Square 1666.

(b) 5151 Wisconsin Associates, LP is the 100% owner of Lot 806 in Square 1666.

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 distance is zero feet. Both Lot 804 and Lot 806 directly abut the property that is the subject of BZA Case No. 20348.

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?*

See Item #1 above.

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 Item #1 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 interests of Garrison Associates, LLC and 5151 Wisconsin Associates LP will be more significantly, distinctively, and uniquely affected in character and kind by the proposed development because they are the sole property owners that abut the development site. The project will affect access to existing parking, emergency egress, light and air, traffic circulation, and trash removal. It may also affect zoning computations for the 5101 Wisconsin Avenue building given its construction as an addition to the building proposed for demolition. No other property is directly affected like these two properties.

7. *List of Witnesses*

- Edward Lenkin on behalf of Garrison Associates, LLC
- Jad Donohoe and/or Laurie Ballenger on behalf of 5151 Wisconsin, LP

8. *Outline of Testimony*

- Description of Lot 804 in Square 1666
- Description of Lot 806 in Square 1666
- History of Development of 5101 and 5151 Wisconsin Avenue, N.W.
- Potential Impacts of Proposed Development on Lots 804 and 086

9. *Expert Witnesses*

- None designated at this time; the requesters reserve the right to supplement their list of witnesses no later than 14 days in advance of any hearing

10. *Time to Present Case*

- 30 minutes