

# SULLIVAN & BARROS, LLP

Real Estate | Zoning | Litigation | Business Law

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January 8, 2013

**Via E-mail**

[bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)

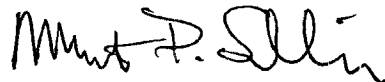
Lloyd Jordan, Chairperson  
D.C. Board of Zoning Adjustment  
Office of Zoning  
441 4<sup>th</sup> Street, NW  
Suite 210S  
Washington, DC 20001

**Re: Party Status Application and Request to Waive a Late Filing Therof; BZA  
Application No. 18486 of AG Georgetown Park Holdings I LLC.**

Dear Chairman Jordan and Board Members:

Please see enclosed an Application for Party Status in the above-referenced case submitted on behalf of the Georgetown Park Unit Owners' Association. We respectfully request that the Board waive the filing deadline requirement under 11 DCMR § 3106.2. The Association has just recently hired counsel and was not previously aware of the filing deadline. Thank you.

Sincerely,



Martin P. Sullivan

cc: Allison Prince, Goulston Storrs  
Ronald Lewis, ANC 2E  
Maxine Brown-Roberts, Office of Planning

Enclosures

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18486

EXHIBIT NO. 35

Board of Zoning Adjustment  
District of Columbia

(202) 503-1700 [www.sullivanbarros.com](http://www.sullivanbarros.com)

EXHIBIT NO.35



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

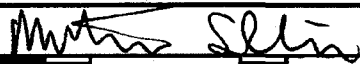


**FORM 140 - PARTY STATUS REQUEST**

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:	Georgetown Park Unit Owners' Association		
Address:	1080 Wisconsin Avenue, NW		
Phone No(s):		E Mail:	
I hereby request to appear and participate as a party in Case No.:			
Signature:			Date: January 8, 2013
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please enter the name and address of such legal counsel.			

Name:	Martin Sullivan; Sullivan & Barros, LLP		
Address:	1990 M Street, NW, Suite 200, Washington, DC 20036		
Phone No(s):	202-503-1704	E Mail:	msullivan@sullivanbarros.com

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.

**The Georgetown Park Unit Owners' Association**

**Attachment to Party Status Application in BZA Application No. 18486 of AG Georgetown Park Holding LLC for Special Exception approval to operate a bowling alley.**

**A. Party Witness Information.**

**1. A list of witnesses who may testify on the Association's behalf.**

Matt Golden or Steve Marshall, Scantek, Inc. Acoustic Engineers

Ruth Darling, Association Board Member

Lara Worm, Resident

Various Residents and Owners within the Georgetown Park Residential Condominium

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

- a. Matt Golden/Steve Marshall will address potential noise impacts of the bowling alley operations, including noise from the bowling alley exiting through the outdoor patio space, as well as use of the outdoor space itself.
- b. Residents and Board Members will address various issues of concern with the application.

**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**

- a. Matt Golden and/or Steve Marshall will be offered as an expert witness in acoustical engineering. Steve Marshall resume is attached. Matt Golden's resume is forthcoming.

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

The GP Unit Owners' Association expects that there will be a significant number of its members that wish to testify, and therefore requests the full one (1) hour provided for in §3117.4; provided there are no other parties in opposition.

**B. 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 Georgetown Park Unit Owners' Association (the "Association") represents the 128 unit owners in the residential portion of the Georgetown Park complex. Such units are located both directly on top of, and across the C & O Canal from, the premises within the Georgetown Park Mall which are the subject of this Application (the "Bowling Alley"). The Applicant's proposal seeks approval to establish a bowling alley under Section 908, including bowling lanes and bocce courts, along with a restaurant and event space.

The proposed use presents significant concerns for the Association regarding likely noise and other operational impacts from the bowling alley. The Association has residential units located directly on top of the proposed bowling alley space, and across the Canal from such proposed space. All unit owners, some more than others, have a significant that will be affected by the Board's action in this case.

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

The Association represents the residential condominium unit owners within Georgetown Park.

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

No distance. Some residential units are within the same building as the proposed Bowling Alley. Other residential units are just across the C & O Canal from the proposed Bowling Alley.

**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?**

The Association's unit owners and resident are likely to be affected by noise disturbances, and possibly vibration as well. There are also concerns regarding negative impacts on the privacy of unit owners on top of or across from the proposed use. If noise from the bowling alley use intrudes on residential units on a regular basis, there could be significant economic impacts on the property value of such units.

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 described in Questions 1, 4, and 6, the Association's residents are likely to be affected by the noise and operations of the Bowling Alley. The privacy of certain residents may also be negatively impacted by the Bowling Alley use just below and across from their homes.

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 unit owners are on top of and directly across the canal from the proposed Bowling Alley. As such, they are obviously uniquely affected by the proposed zoning action in comparison to the general public.

Georgetown Park Unit Owners' Association  
1080 Wisconsin Avenue, NW  
Washington, DC 20007

January 5, 2013

Lloyd Jordan, Chairperson  
D.C. Board of Zoning Adjustment  
Office of Zoning  
441 4<sup>th</sup> Street, NW, Suite 200S  
Washington, DC 20001

**Re: Authorization Letter for Party Status Applicant, in Application No. 18486 of  
AG Georgetown Park Holding LLC**

Dear Chairperson Jordan and Members of the Board:

The Georgetown Park Unit Owners' Association hereby authorizes the law firm of  
Sullivan & Barros, LLP to represent it in all proceedings before the D.C. Board of Zoning  
Adjustment concerning the above-referenced BZA application.

Sincerely,

Georgetown Park Unit Owners' Association

By: 

Name: JOHNNY ABEDRABBO

Title: VICE PRESIDENT

**STEVEN E. MARSHALL**  
6661 Windsor Court  
Columbia, MD 21044

Home: 410-997-0737  
Mobile: 443-766-0365  
Email: Steve.Scantek@gmail.com

## **WORK HISTORY AND ACCOMPLISHMENTS**

**Scantek Inc.,** (Norsonic AS, Norway), Columbia, Maryland

President

(June 2012 to Present)

- Oversees *Operations, Marketing, Finance, and Human Resources* while reporting to Board of Directors and principals as well as leading to rebuild out-dated company infrastructure.

**Baltimore Aircoil Company,** (Amsted Industries Incorporated), Jessup, Maryland

Manager – Performance Optimization

(July 2006 to Present)

- Generated sound ratings and developed marketing strategy for selling products in the international marketplace including the Americas, Europe, Asia, Africa, and Australia.
- Constructed a business plan to create a profit center for sound & vibration control options.
- Led a multi-discipline team to develop and offer low-sound options for the open-circuit cooling towers, close-circuit cooling towers, and refrigeration products.
- Planned, purchased, and implemented capability in sound & vibration measurement including capital budgeting and training laboratory personnel.

**Bristol Compressors, Inc.,** (York International), Bristol, Virginia

Principal Engineer

(August 1999 to March 2006)

- Led a company initiative to reduce sound & vibration levels across all current product lines resulting in regained unit sales previously lost to competitor compressors.
- Developed a new family of reciprocating compressors (*Benchmark*) that set the industry standard for low sound levels while also achieving new energy efficiency requirements.
- Led a program to upgrade laboratory capability including psychrometric rooms, calorimeters, and acoustic facilities while managing a \$300,000 per year capital budget.
- Served as a consultant to customers (domestic and international) in the air conditioning and heat pump industry resulting in improved company goodwill and increased product sales.
- Represented Bristol and York UPG on the Air Conditioning and Refrigeration Institute (ARI) Technical Committee on Sound while influencing test standards and legislation.

**Boeing Commercial Airplanes,** (Boeing Company), Seattle, Washington

Engineering Manager

(June 1996 to July 1999)

- Managed the *Data Systems & Test Methods Group* in the Flight Test Division consisting of twenty professionals ranging in disciplines from instrumentation to software development.
- Served as the Boeing designated site manager on the Next Generation 737 certification flight test program for the U.S. Federal Aviation Administration.

**Boeing Commercial Airplanes – Engineering Manager (continued)**

- Represented the ANP Lab on the Boeing-McDonnell Douglas transition team to consolidate laboratory capability and shutdown the Douglas laboratory facility in Long Beach, California.
- Managed a group responsible for all Boeing industrial noise control and community noise issues associated with airplane production operations and airfield engine testing.
- Co-led a team of managers that redesigned the process for proposing and managing laboratory capital projects including a method for estimating return on investment.

**Project Engineer**

(April 1989 to June 1996)

- Conducted laboratory and flight tests for noise diagnostics, specification compliance, and certification while coordinating with the FAA, airline customers, and equipment vendors.
- Led a multi-functional team to configure the aft-cabin payload systems of the 737-600 airplane for Scandinavian Airlines and subsequently received a Boeing Recognition Award.
- Served on design teams during the 777 and 737NG programs to develop engine mounting configurations and balancing techniques to prevent engine vibration problems; subsequently received multiple recognition awards from Boeing, United Airlines, and Pratt & Whitney.
- Developed innovative methods for reducing the sound generated by airplane vacuum lavatory and drainage systems (issued U.S. Patent No. 5,588,617).
- Served as the Lead Engineer of the group responsible for sound generated by airplanes during servicing on the airport tarmac (an important airline union issue).

**Research Engineer**

(January 1986 to April 1989)

- Conducted structural-acoustic analyses (SEA, FEM, and CFD) of airframes and equipment; developed an innovative method for dynamically balancing turbofan engine rotors.
- Developed a numerical procedure for predicting sound transmission through an airplane sidewall that subsequently became the Boeing standard for digital airplane design.
- Participated on the Advanced Turboprop Flight Demonstration Team by configuring instrumentation and analyzing test data; received a recognition award from NASA.

**Delco Products Division, (General Motors Corporation), Dayton, Ohio**

**Project Engineer**

(July 1979 to September 1985)

- Represented the Delco Products Division at the Sound & Vibrations Laboratory, GM Milford Proving Grounds, while conducting test programs on prototype vehicles.
- Championed the purchase of a \$2 million DC motor balancing machine for production.
- Served as the project engineer for the Cadillac Allante headlamp washer system, the 1984 C-car windshield wiper system, and the power accessories for the 1982 C and B-cars.

**Ray W. Herrick Laboratories, (Purdue University), West Lafayette, Indiana**

**Research Assistant**

(August 1982 to June 1984)

- Under the auspices of NASA, researched noise propagation in aerospace structures.
- Configured instrumentation and dynamic data acquisition for testing HVAC systems.
- Consulted for local businesses in noise control, acoustics, and sound systems (audio).



## TECHNICAL SKILLS

Numerical analysis: finite element method, boundary element method, statistical energy analysis, computational fluid dynamics, impedance and transfer matrix methods.

Experimental Analysis: modal analysis, order analysis, sound intensity, sound power, power flow, modal density, pressure pulsation, transient analysis, and strain gage.

Software: MS Office Suite, FORTRAN, Visual Basic, MathCAD, MATLAB, LabView.

## EDUCATION

Master of Business Administration, Seattle Pacific University, March 1996

Master of Science in Mechanical Engineering, Purdue University, August 1984

Bachelor of Science in Mechanical Engineering, University of Cincinnati, June 1979

## RECOGNITION

Awarded Fellow of the Institute of Noise Control Engineering, USA

Received 'Bronze Star Award' for Exceptional Accomplishment, Baltimore Aircoil Company

Appointed Treasurer by the Board of Directors, the Institute of Noise Control Engineering

Twice Elected to the Board of Directors, the Institute of Noise Control Engineering

Served as General Chairman, the 1996 National Conference on Noise Control Engineering

*Sigma Beta Delta*, National Honor Society in Business, Management, and Administration

Recipient of nine Recognition Awards, Boeing Commercial Airplane Group, 1986-1996

Vice-Chairman of Membership, Dayton Section of the Society of Automotive Engineers

*Received national SAE award for outstanding contribution to the society.*

## LICENSES

Registered Professional Engineer in the State of Maryland

Board Certified Member of the Institute of Noise Control Engineering

TYPE UNIVERSAL Refrigeration Technician, Certified by the ARI and EPA approved

## OTHER

Author of over twenty technical articles and inventor on four patents.

# Matthew V. Golden

616 4<sup>th</sup> Street NE, Washington DC 20002, (202) 714-0600, mvgolden@gmail.com

## SUMMARY

Talented acoustician with 10 years of experience and a foot in sales who takes initiative to solve business-critical issues. Qualifications include degrees in Mechanical Engineering & Acoustics, a LEED AP, several issued and filed patents along with extensive computer skills.

## EMPLOYMENT

**Scantek Inc.**, Columbia MD: Laboratory Instrument Sales Manager – 10/06 to 4/12

- Provide technical support for all instrumentation
- Promote the use of Scantek instrumentation
- Create and manage Scantek's on-line presence
- Technical consulting in building acoustics and vibration

**Kinetics Noise Control Inc.**, Dublin OH: Acoustical Product Engineering Manager – 10/06 to 4/12

- Oversaw new product development, from concept to market, including patents and third party testing
- Developed corporate response to LEED and other green building issues
- Spearheaded development of mission-critical in-house software
- Modernized engineering laboratory
- Represented company at industry trade shows and technical conferences
- Created technical marketing materials
- Provided technical sales assistance

**Serious Materials LLC**, Sunnyvale CA: Senior Acoustical Engineer – 6/03 to 6/06

- Started acoustical engineering department
- Developed products, application methods, and inexpensive facilities for acoustical measurements
- Co-authored patents
- Provided technical sales support and created, implemented, and conducted product demonstrations
- Prepared technical marketing materials, including data sheets, application notes, and CSI specifications
- Developed and implemented production processes for new products
- Designed, obtained permits, and brought new production facility on-line

**Wilson, Ihrig & Associates Inc.**, Oakland CA: Assistant Consultant – 4/01 to 6/03

- Obtained measurements, analyzed data, prepared reports and consulted with clients regarding many aspects of acoustics including transit noise and vibration, product noise testing, and multi-family dwelling noise mitigation.

## EDUCATION

M.S. Acoustics: Pennsylvania State University – 5/01

Thesis: An Acoustical Analysis of Infant/Toddler Rooms in Child Care Centers

B.S. Mechanical Engineering: Pennsylvania State University – 5/98

Minor: Science, Technology, and Society

LEED Accredited Professional: US Green Building Council

# Matthew V. Golden

616 4<sup>th</sup> Street NE, Washington DC 20002, (202) 714-0600, mvgolden@gmail.com

## COMPUTER SKILLS

Extensive computer skills including but not limited to Microsoft Office, VBA for Excel, Google Sketch Up, Matlab and AutoCAD

## PROFESSIONAL AFFILIATIONS

Acoustical Society of America  
Institute of Noise Control Engineering  
American Society of Testing and Materials (E33 committee)

## PATENTS, PUBLICATIONS & PRESENTATIONS

M.V. Golden et al, "Vibration Isolation Mounting Clip",  
U.S. 12/419,293, Filed Apr 7, 2009, Pending

K.J. Surace, M. U. Porat, B. D. Tinianov, M. V. Golden, "Acoustical ceiling panels",  
U.S. 7798287, filed Jan 20, 2005, Issued Sep 21, 2010

K.J. Surace, B. D. Tinianov, M. V. Golden, "Soundproof assembly",  
U.S. 10/996,509, Filed Nov 24, 2004, Issued Mar 22, 2011

M. Golden "WAVE Hanger: A Revolutionary Noise Control Wood Frame Ceiling Hanger"  
Invited Paper, Proceedings of NoiseCon11, July 25 – 27, 2011, Portland, OR.

M. Golden "Understanding the Acoustical Implications of Underwriters Lab (UL) Listings"  
Invited Paper, 156th Meeting Acoustical Society of America, Nov 10 – 15, 2008 Miami, FL,  
Published in Proceedings on Meetings on Acoustics, Vol. 5

M. Golden and T. Paige "Effect of Lagging on Material on Duct Breakout Noise"  
Invited Paper, Proceedings of NoiseCon07, October 22 – 24, 2007, Reno, NV.

M. Golden and T. Frank "Further Acoustical Analysis of Infant/Toddler Rooms in Daycare Centers"  
Presentation, 139th Meeting of the Acoustical Society of America, May 30 – June 3, 2000, Atlanta, GA.

T. Frank and M. Golden "Acoustical Analysis of Infant/Toddler Rooms in Daycare Centers"  
Presentation, 138th Meeting of the Acoustical Society of America, Nov. 1 – 5, 1999, Columbus, OH.

M. Golden, R. Keolian, and S. Garrett "Sonic Gas Analyzers"  
Presentation, 135th Meeting of the Acoustical Society of America, June 20 – 26, 1998, Seattle, WA.

S. Garrett, M. Golden, and R. Keolian "Sonic Gas Analyzers"  
Proceedings, Resonance Meeting, May 11 – 15, 1997, Asilomar Conference Center, Pacific Grove, CA.