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November 11, 2015

Marnique Heath, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

**Re: Application No. 19055 – 4409 Minnesota Avenue NW (Square 3118, Lot 52)
Update Submission**

Chairperson Heath and Honorable Members of the Board:

On behalf of the Applicant, Valor Minnesota, LLC, and pursuant to the attached Form 150, requesting leave under 11 DCMR §3100.5 to late file, please find enclosed the Update Submission for the above-referenced application. At the conclusion of the July 28, 2015 hearing, the Board continued the case to allow the Applicant to prepare revised architectural plans and financial analyses. The Board also encouraged the Applicant to use the additional time to continue working with the community to address their concerns.

The Applicant submitted a Supplemental Submission with revised architectural plans and revised financial analyses on October 9, 2015. The Applicant also informed the Board of the substantial community outreach that was conducted following the initial hearing. However, to continue working with the community on certain issues, the Applicant requested a postponement on October 15, 2015. The Board postponed the hearing to November 17, 2015.

The Applicant has used the additional time granted by the Board to continue working with the community to address their concerns. The Applicant presented before the Executive Committee of ANC 7D on October 27, 2015, and presented before the full ANC for a third time on November 10, 2015. This Update Submission serves to inform the Board of the result of the community outreach which was finalized following the postponement request.

A. Resolution in Support from Advisory Neighborhood Commission 7D

The Applicant, for the past six months, has worked extensively with ANC 7D, and specifically SMD 7D03 Commissioner, Dorothy Douglas. As mentioned above, the Applicant presented before the

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Executive Committee of ANC 7D on October 27th. At this meeting, the Applicant provided the ANC Commissioners with binders of the entire record and discussed the project in detail. The Applicant presented to the full ANC for the third time on November 10th. As a result of the continuous dialogue, revisions to the architectural plans, and efforts made by the Applicant to address and answer community questions regarding the environmental condition of the Property and the proximity of the Property to CSX railroad tracks, ANC 7D voted to support the Applicant's application before the BZA contingent on the following conditions:

- 1) Finalize and provide to ANC 7D the HUSH report regarding noise from CSX tracks;
 - 2) Provide ANC 7D structural information about vibration from CSX and structural integrity;
 - 3) Provide ANC 7D Phase II Environmental Report; and
 - 4) Provide home owners insurance that will insure properties in close proximity to CSX tracks.
- See, ANC 7D Report at **Exhibit A**.

The community's primary concerns regarding the development of this Property are not zoning related. The conditions listed above reflect the primary concerns of the community regarding this project: 1) The environmental condition of the Property and 2) Proximity to CSX railroad tracks. To address the issues raised, the Applicant retained Professional Industries, Inc. to perform a Phase II, even though Phase II's are typically not performed until after entitlements are granted. Professional Industries, Inc. obtained boring samples in October and the results of the Phase II will be forthcoming. The Applicant has agreed to share the results of the Phase II upon receipt. The community also questioned the effectiveness of a sound wall for reducing noise produced by CSX trains. The Applicant plans for the sound wall to be one of the first items constructed on site. As such, the Applicant has agreed to continue working with the community and acoustic professionals during the construction process to ensure that the sound wall mitigates some of the noise from the CSX railroad tracks. The Applicant is committed to ensuring that this project has a positive impact in the community. In furtherance of that goal, the Applicant will continue to provide ANC 7D development updates in an effort to continue to be open and transparent.

B. Community Stakeholders

At the hearing on July 28, 2015, it was apparent that the Applicant had not sufficiently communicated the goals of the proposed development with leaders and stakeholders in the Deanwood community. Representing his congregation and other stakeholders, Pastor Bennett of Good Success Christian Church and Ministries, spoke in opposition of the Applicant's application. Following the initial hearing, the Applicant has had several meetings with Pastor Bennett and other religious leaders in the Deanwood Community, in order to fully articulate the plans and goals of this development project. Please find enclosed a letter of support from Good Success Christian Church and Ministries at **Exhibit B**.

C. No Substantial Detriment to Public Good or Inconsistency with Zone Plan

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the Zone Plan by approving the requested zoning relief. The proposed project replaces an unproductive vacant lot with 30 semi-detached homes with 2-car garage parking and a community playground. The project provides the community with a 16-foot sound wall and will vastly improve the streetscape. Furthermore, the proposed project redevelops a site that is very challenging to develop due to its shallow depth. The Applicant notes that the Office of Planning, pursuant to the revisions the Applicant has made, is supportive of the proposed areas of relief. See, **BZA Exhibit 41**. For the reasons stated above, and in prior submissions, approval of the zoning relief requested will not cause a detriment to the public good or zone plan.

Included with this Supplemental Submission are the following documents:

Exhibit A: Form 129 Advisory Neighborhood Commission Report

Exhibit B: Letter of Support from Good Success Christian Church and Ministries.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS,
LLP



By: Meridith H. Moldenhauer

Cc: Advisory Neighborhood Commission 7D
c/o Sherice Muhammad, Chair (via email)
SMD 7D03 Dorothy Douglas (via email)
Office of Planning (via email)

Exhibit A



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



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	19055	Case Name:	Valor Minnesota, LLC
Address or Square/Lot(s) of Property:	Square 5097, Lot 846		
Relief Requested:	Special exception for lot width, variances from lot area, lot occupancy, side and rear yard		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	0	/	1	1	/	1	5	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	Website												

Number of members that constitutes a quorum:	4	Number of members present at the meeting:	4
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MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

Approval was subject to the following four (4) contingencies:

- 1) Finalized Hush Report regarding noise from CSX track
- 2) Structural information about vibration from CSX and structural integrity
- 3) Phase II Environmental Report
- 4) Home owners Insurance that will ensure properties in proximity to CSX tracks.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

ANC 7D supports a special exception for the lot width, and variances for lot area, lot occupancy, rear and side yard, to permit the Applicant to develop 4409 Minnesota Avenue, a vacant parcel, into 30 semi-detached homes with 2-car parking garages and a community playground.

AUTHORIZATION

ANC	7	D	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	3-0-1	
Name of the person authorized by the ANC to present the report:					
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Chairperson, Sherice Muhammad		
Signature of Chairperson/ Vice-Chairperson:				Date:	11/10/15

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

Exhibit B



REACHING PEOPLE AND HELPING THEM GROW INTO GOOD & GODLY SUCCESS!

Dr. William H. Bennett II

Senior & Founding Pastor

Dr. Michele C. Bennett

Pastor & Co-Founder

MAILING ADDRESS

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October 19, 2015

To Board of Zoning Adjustments Chairman, Mr. Lloyd Jordan and
all Commissioners,

After several meetings with Mr. Will Lansing, Principal of Valor Development and his Builder/Partner, we have received an expressed agreement of his willingness to work collaboratively with Deanwood Community stakeholders, in an on-going manner, as Valor moves their proposed development project forward. Therefore, we are pleased to offer our support of this project: Case No. 19055: Application of Valor Minnesota, LLC.

Mr. Lansing has had several communications with the Executive Director of our Good Success Community Development Corporation, Mr. Paul Watkins that centered on how to become an active and helpful partner in the community alongside various stakeholders seeking to address the multiplicity of needs of the community the Valor development project is coming into. As well Mr. Lansing has met with several Pastors in the Deanwood community who have called upon he and his company to let us help introduce them to the community members, faith institutions, educational institutions and other stakeholders by coming alongside our community network and supporting an initial project to provide Thanksgiving groceries and meals to the hungry, homeless and needy families of our community.

We applaud their willingness to demonstrate goodwill and care for those we care for all the time through our various need meeting programs in effect by various stakeholders.

The Good Success Church and Community Development Corporation along with the coalition of Pastors and community stakeholders look forward to a productive long term commitment with Valor Development to enhance the quality of life of our beloved Deanwood community.

We are also pleased that negotiations are ongoing to facilitate a partnership to expand the proposed footprint of the affordable aspect of this project by potentially building 3 to 5 additional houses on parcels of land owned by our Church and/or CDC that are adjacent to the proposed development site.

For all of the above reasons and the confidence we have in the character of Mr. Will Lansing, we are pleased again to express our support for this project with the anticipation that our collective cooperative on-going efforts will make this a great beginning for all involved to help facilitate a new and compassionate step of progress toward welcomed housing and community development.

Sincerely,

Dr. William H. Bennett II

Dr. William H. Bennett II
Pastor
Good Success Christian Church and Ministries

Paul A. Watkins, Sr.

Paul A. Watkins, Sr.
Executive Director
Good Success Community Development Corporation