



DONOHUE & STEARNS, PLC

April 27, 2021

Chairman Fred Hill
D.C. Board of Zoning Adjustment
441 4th Street, N.W., Suite 200S
Washington, DC 20001

Re: BZA Case No. 20472
Hearing Date: July 21, 2021

Chairman Hill:

On behalf of our clients, Tenleytown Preservation Association (TPA), we are submitting the attached Request for Party Status. We ask that the Board of Zoning Adjustment consider this request on May 12, 2021.

In support of the Request for Party Status and pursuant to 11-Y DCMR §404, TPA submits the attached Form 140 and Statement of Justification/ Proposed Witnesses. The attached Statement includes a list of witnesses and the resumes for the experts that TPA plans to call.

We are requesting forty-five (45) minutes for our presentation.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. L. Donohue". The signature is fluid and cursive, with a large initial "E" and "D".

Edward L. Donohue

Enclosures

Board of Zoning Adjustment
District of Columbia
CASE NO.20472
EXHIBIT NO.32

DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

TPA REQUEST FOR PARTY STATUS
BZA Case No. 20472

CERTIFICATE OF SERVICE

I certify that on April 27, 2021 I emailed a true copy of the foregoing Request for Party Status to Advisory Neighborhood Commission 3E (3E@anc.dc.gov ; jonbender@gmail.com; jmchughdc@gmail.com) and the counsel for the Applicant, Meghan Hottel-Cox at mhottel-cox@goulstonstorrs.com.



Edward L. Donohue
Attorney for Tenleytown Preservation Association

Dated: April 27, 2021

Donohue & Stearns, PLC
117 Oronoco Street
Alexandria, Virginia 22314
Telephone: (703) 549-1123

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: Tenleytown Preservation Association c/o

Address: 4222 42nd St, NW Washington DC 20016

Phone No(s): E Mail:

I hereby request to appear and participate as a party in Case No.: 20472

Signature: *Michael Morgan* Date: 7/26/21

Will you appear as a(n) Proponent Opponent Will you appear through legal counsel? Yes No

If yes, please enter the name and address of such legal counsel.

Name: Edward L. Donohue

Address: 117 Oronoco Street, Alexandria, Virginia 22314

Phone No(s): (703) 549-1123 E Mail: EDonohue@DonohueStearns.com

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: July 21, 2021

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;
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? Please see attached statement.
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) Please see attached statement.
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.) Please see attached statement.
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? Please see attached statement.
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. Please see attached statement.
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. Please see attached statement.

April 26, 2021

D.C. Board of Zoning Adjustment
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: BZA Case No. 20472 – 4220 Nebraska Avenue, N.W.

Dear Board Members:

I hereby authorize Edward L. Donohue, Tracy L. Themak and the law firm of Donohue & Stearns, PLC to file the attached Request for Party Status and associated documents with the Board of Zoning Adjustment to allow for Tenleytown Preservation Association's ("TPA") participation in the above-captioned case. We further authorize Mr. Donohue, Ms. Themak and Donohue & Stearns to represent TPA in all proceedings for this case.

Sincerely,

TENLEYTOWN PRESERVATION ASSOCIATION

By: *Mechan Mier*

Title: *President*

**Request for Party Status
Tenleytown Preservation Association
River School – 4220 Nebraska Avenue, N.W.
BZA Case No. 20472**

Introduction

Tenleytown Preservation Association (“TPA”) submits this Request for Party Status in accordance with 11-Y DCMR §404. Tenleytown Preservation Association has authorized Edward L. Donohue, Tracy L. Themak and the law firm of Donohue & Stearns, PLC to act as its authorized agents for the purposes of this request and as counsel to represent them before the Board of Zoning Adjustment should the request be granted. A letter of authorization is attached to this request.

TPA can be contacted through its counsel at:

Edward L. Donohue
117 Oronoco Street
Alexandria, Virginia 22314

(703) 549-1123

EDonohue@DonohueStearns.com
TracyThemak@Donohuestearns.com

TPA will appear as an opponent to the application.

Witnesses/ Summary of Testimony

1. Jawahar (Joe) Mehra. P.E. PTOE, a traffic and transportation expert, will address traffic issues. Mr. Mehra’s resume is attached in accordance with 11-Y DCMR §404.1(h).
2. _____
3. _____

TPA reserves the right to add to the list of witnesses and expert witnesses and it develops its case and reviews additional submissions by the Applicant.

Statement in Support of Request

Property Affected & Legal Interest

The members of TPA are all owners of the residences in the neighborhood comprising the subject parcel. They own the homes closest in proximity to the subject parcel and will be the most directly impacted by the proposed development.

Proximity of Affected Property

There are a number of TPA members in close proximity to the subject parcel, including residents and TPA members as follows:

- Jon and Elyssa Larranga - 4124 Warren Street, N.W.
- Jonathan Hamilton - 4256 Nebraska Avenue, N.W.
- Gregory and Victoria Ferenbach - 4300 42nd Street, N.W.
- Ruth M Wimer - 4200 42nd Street, N.W.
- Michelle and Michael Miller - 4210 42nd Street, N.W.

Impacts

The proposed development is too large for the site, will result in the removal of significant greenspace and will endanger the safety of the residents and the neighborhood children and seniors aging in place in particular, by adding another large school of more than 350+ students, a fully staffed 9,300 SF clinic open to the public and a 20,000 sq. foot child care facility, as well as a summer camp, to an already heavily-trafficked residential neighborhood. It will undoubtedly disrupt the neighborhood with multiple years of construction, overwhelm current traffic patterns, create significant noise and add new, imposing and unsightly, non-residential buildings to a residentially-zoned part of the neighborhood.

Parking and traffic issues are already overwhelming the streets near the property. Most importantly, the plans do not appear to fully take into consideration the safety of our local children, aging-in-place seniors, those who are physically-challenged and commuters walking to Janney, Deal, Wilson, GDS, NPS, St. Columba's and other neighborhood schools, senior centers and child care centers, the metro and businesses in our already heavily-trafficked area. Traffic in Tenleytown and AU Park is already heavy and dangerous. With all of the construction in the Tenleytown area over the past several years, as well as the large number of people living in the area who walk or bike to work or walk their children to the 12+ schools and child care centers in the area, traffic and the number of cars in the neighborhood has become a huge issue. Traffic patterns and parking for residents has been significantly negatively impacted and DDOT has not rectified most of issues or has put in place measures that are inadequate to the safety of drivers and pedestrians. Many of the effects of these changes have not been tested in normal, post-pandemic traffic volumes.

TPA's residents will be the most directly impacted by the removal of the greenspace and the parking and traffic issues created by the proposed development. At pick up and drop off times for all of the proposed activities, access to and from these residents' homes will be made more difficult and the demand for on street parking in front of their homes will spike given the inadequate parking provided on site.

Service

A copy of this request has been provided to Advisory Neighborhood Commission 3E and the Applicant in accordance with 11-Y DCMR §404.1(h).

Jawahar (Joe) Mehra, P.E. PTOE

President, MCV Associates, Inc

Education

- MS/1972/Industrial Engineering
- BS/1969/Mechanical Engineering

Registration/Certification

- Professional Engineer: TX, VA, MD, DE
- PTOE

Affiliations

- Fellow, Institute of Transportation Engineers
- Member, Transportation Research Board

Summary

Mr. Mehra has fifty years of experience in the areas of project management, traffic engineering and transportation planning. He has managed numerous traffic engineering/operations studies including traffic analysis, impact studies and data collection. He has managed several traffic engineering studies in the Washington DC including the K Street Busway Study, the EISF preparation for Logan Circle residential development, EIS for PEPCO Project, The Bus rapid Transit Study, TIS for various land uses, traffic data collection projects for DDOT, Klingle Road Traffic Study, Field School Traffic Impact Study, etc. He has testified as an expert witness for several projects in Washington, DC and these include Georgetown University, George Washington University, Hine Jr. High PUD, American University, Shadow Night Club, Skyland Development, Sanctuary 21, St. Patrick School, Edmond Burke School, Field School, Tilden Street Residential Development, etc.

Relevant Experience

Traffic Engineering. He has managed several traffic engineering studies with extensive experience in traffic simulation models such as Synchro, CORSIM and TRANSYT-7F. He managed the traffic analysis study for Fort Meade that used the CORSIM Model to evaluate roadway improvements to accommodate security measures implemented after September 11, 2001. He was also the Project Manager for a three year transportation planning “on-call” contract with VDOT for Region 2. As part of this contract the Tysons Corner area was analyzed using the Synchro model. Approximately 40 signalized intersections were analyzed for the existing conditions and future conditions. CORSIM Model was also used on several other projects to evaluate corridors such as the Route 207 corridor in Caroline County, the Eisenhower Avenue corridor for the Patent and Trademark Office in Alexandria, etc. Other traffic engineering studies that he has managed include the Route 58 (Pennington Gap Bypass) Traffic Engineering Study for VDOT, Route 1/123 Interchange Study, etc.

Transportation Planning/Forecasting. He was the Project Manager for the Dulles Corridor Metrorail Project - Station Traffic Circulation Study For Preliminary Engineering Extension To Dulles Airport / Route 772 to validate the station layouts and the traffic forecasts as they relate to station access issues for the Metrorail Extension. He has conducted statewide, regional, corridor and subarea planning studies in Washington, DC, Fauquier County, Warren County, Fairfax County, Loudoun County (using COG’s Version 2 Model and VIPER that resulted in the County’s Comprehensive transportation plan), Chesterfield County, Richmond area, Hampton Roads, Tri-Cities, Prince William County, etc. in Virginia; Montgomery County, Baltimore County, St. Mary’s County, Charles County, Prince George’s County, Germantown, Silver Spring, etc. in Maryland; York County, Pennsylvania; St. Louis, Missouri; Denver, Colorado; New York City, Connecticut, etc. using MINUTP, TMODEL2, EMME/2 or QRSII. He has managed multimodal planning studies for a broad range of clients. He was the Project Director for the New Approach Study for Integrating Transportation and Development in the National Capital Region using the MINUTP model. He was the Principal Investigator of a FHWA study on Analysis and Use of Trip Generation Rates resulting in S.I.T.E. Handbook and updated NCHRP 187 trip rates. He was MCV’s Project Manager on a multi-disciplinary team to prepare the Georgetown Branch Transitway MIS in Maryland. He managed the Charles Town Circulation Study and the Leesburg Downtown Courts Transportation Study. Corridor EIS, etc.