

ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA

RE: Application of Stonebridge Associates, )  
5401,LLC, on behalf of 5401 Western )  
Avenue Associates, LLC, and the Louise ) Z.C. Case. No. 02-17  
Lisner Home for Aged Women, for )  
Approval of a Consolidated Planned Unit )  
Unit Development and Zoning Map )  
Amendment for Property at Western Ave, )  
N.W., and Military Road, N.W. )  
Square 1663, Lots 7 and 805. )  
)

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REQUEST OF FRIENDSHIP HEIGHTS ORGANIZATION FOR RESPONSIBLE  
DEVELOPMENT TO APPEAR AS A PARTY  
AND MOTION FOR SUMMARY DISMISSAL

Pursuant to 11 DCMR § 3022.3, Friendship Heights Organization for Responsible Development ("FHORD"), a neighborhood association with over 300 members and supporters, hereby petitions to appear as a party in opposition to the above-captioned application by Stonebridge Associates 5401, LLC, on behalf of 5401 Western Avenue Associates, LLP, and the Abraham and Louise Lisner Home for Aged Women (collectively, "Applicants") to this Commission for approval of a Consolidated Planned Unit Development ("PUD") and Map Amendment to change the zoning of Lot 805 within the subject area from R-5-B to R-5-C.

FHORD also moves for summary dismissal of the application, on the grounds that the application, as revised, is based on "amenities" that do not meet the standards for approval of PUD. Specifically, it is not within the power of this Commission to approve the provision of a child development center in an R-2 zone as an off-site "amenity" outside the boundary of the requested R-5-C/PUD. This proposed child development center requires approval by the

ZONING COMMISSION

District of Columbia

Case 02-17

Exhibit 94

- 1 -

ZONING COMMISSION  
District of Columbia  
CASE NO.02-17  
EXHIBIT NO.94

Board of Zoning Adjustment under the applicable special exception standards. If the Applicant requests a PUD in the R-2 zone (Lot 7), and the Applicant is requesting that this Commission waive the applicable special exception standards, the application must be dismissed because the requested PUD does not satisfy the two-acre the minimum lot area requirements applicable to PUDs in an R-2 zone, and no waiver of this requirement has been requested by the Applicant. Second, the so-called “affordable housing” is such a vague and unspecified nature that it is impossible for the Commission to determine whether this constitutes an appropriate “amenity” for such a PUD. Moreover, the application as filed includes a mechanical penthouse with no setback whatsoever, resulting in a building height of 98 feet, without requesting any waiver of the applicable setback requirements. FHORD hereby requests that this motion to dismiss be addressed as a preliminary matter prior to the hearing.

#### I. Request for Party Status

FHORD (address: Post Office Box 5624, Washington DC, 20016) is an unincorporated community-based organization of Friendship Heights DC citizens dedicated to preserving the quality of residential life in our neighborhood and evaluating proposed developments to ensure that they serve local and citywide public interests. FHORD hereby requests that it be granted leave to participate as a party in opposition to the above-referenced application at the hearing on the application, which is presently scheduled for November 14, 2002. FHORD will be represented in this proceeding by the following legal counsel: Andrea C. Ferster and Cornish F. Hitchcock, 1100 17<sup>th</sup> Street, N.W. 10<sup>th</sup> Fl., Washington, D.C. 20036. A letter authorizing the undersigned counsel to represent FHORD in this proceeding is attached hereto as Exhibit 1.

FHORD members and supporters include two hundred ninety-nine local residents who have signed a petition opposing the upzoning of this site as requested by Stonebridge. Eleven of these people live within 200 feet of the site proposed for redevelopment. FHORD's membership includes sixty-nine people, including the following persons who live within 200 feet of the proposed redevelopment:

Mary Lindquist  
5368 43rd St. NW  
Washington DC 20015

Betsey & Steven Kuhn  
4211 Military Rd. NW  
Washington DC 20015

Jackie L Braitman  
5343 43rd St. NW  
Washington DC 20015

Meridith & Susan Haddock  
5360 42nd Pl. NW  
Washington DC 20015

Hazel F. Rebold  
4228 Military Rd. NW  
Washington DC 20015

Martin D. Rojas  
5347 43rd St. NW  
Washington DC 20015

Ann and William Janson  
4224 Military Rd. NW  
Washington, DC 20015

In addition to FHORD, the following individual members of FHORD who live within 200 feet of the subject site, have elected to also request party status in their individual capacities: Hazel F. Rebold, Steve and Betsey Kuhn, Jackie L Braitman, and Martin Rojas.

These individual members of FHORD have requested party status in their individual capacities in order to ensure that their interests in participating in this proceeding are fully protected. Letters from Hazel F. Rebold, Steve and Betsey Kuhn, and Jackie L Braitman seeking party status in their individual capacity, and stating how these individuals will be adversely affected and aggrieved more significantly, distinctively, and uniquely affected in character and kind by the proposed zoning action than other persons in the general public, were filed on October 28, 2002. A letter from Martin Rojas requesting party status is attached hereto as Exhibit 2. FHORD and its members seeking individual party status will present their cases jointly, and anticipate that their case can be presented in 90 minutes.

As these letters indicate, FHORD, through its members, including members seeking individual party status, will be adversely affected and aggrieved if the subject application is approved by this Commission. FHORD's members, including the above members who are requesting individual party status, will be more significantly, distinctively, and uniquely affected in character and kind by the proposed zoning action than other persons in the general public. FHORD members believe that the development of the upzoned Washington Clinic site with a high-rise residential apartment building will exacerbate the already deteriorating traffic and parking conditions in this neighborhood resulting from the rapid, intensive commercial and residential development of Friendship Heights in both the District of Columbia and Maryland. Many of the FHORD's members have children who walk and/or bicycle in the neighborhood, who will be endangered by the additional traffic and turning movements that will be generated by the proposed development. FHORD's members will also be adversely effected by deterioration in week-end traffic conditions, which are already a problem due to shopping trips

to the nearby commercial area. This is a particular concern to neighbors and will be exponentially worsened over the *status quo*, as the present use of the site by the Washington Clinic does not generate traffic on week-ends.

The replacement of the Washington Clinic, which consists of a low-scale building surrounded by a wooded and landscaped open space area, with a massive, 78-foot high apartment building, will visually confront the nearby single family homes and overshadow them, and forever alter the low-density residential character of the neighborhood. The proposed apartment building would be out of scale and out of character with the surrounding neighborhood, and the project would intrude on their privacy, and contribute to already deteriorating traffic and the lack of on-street parking for neighbors. The project would have a de-stabilizing effect on the character of the neighborhood where FHORD's members live, reduce the value of their property, and erode the character and quality of life in this stable residential neighborhood.

Pursuant to 11 DCMR § 3022.3(e), FHORD provides the following list of witnesses who will testify at the hearing on its behalf:

1. George Oberlander, AICP, expert in zoning and planning.
2. Jawahar (Joe) Mehra, P.E., an expert in traffic engineering.
3. Hazel F. Rebold, abutting homeowner (4228 Military Road, N.W.) - To testify on impacts to immediate neighborhood and to her home; inadequacy of construction management plan.
4. Marilyn Simon, neighbor and economist, 5241 43rd Street, N.W. - To testify about quality of life impacts resulting from prior PUD developments. To testify about

traffic, parking, and impact of existing day care operations. Will compare tax revenue generated by Stonebridge development proposal to the tax revenue resulting from matter-of-right development under current zoning.

5. FHORD member, to be identified later, will testify about FHORD involvement in reviewing development proposal, the community's concerns with the Stonebridge proposal, and concerns about short and long-term detrimental effects of Stonebridge proposal.
6. Architect or FHORD member, to be identified later, to testify about matter of right development at this site, and how "smart growth" and "Transit oriented development" principles apply to Friendship Heights core.

The curriculum vitae of FHORD's expert witnesses, and an outline of their respective testimonies, is attached as Exhibit 3. FHORD reserves the right to supplement this list of witnesses and the scope of their testimony after FHORD has had an opportunity to consider in more detail the Applicant's revised October 25, 2002 pre-hearing submission, which identifies new witnesses and a drastically altered proposal.

The testimony presented by these witnesses will demonstrate that Stonebridge's request to re-zone this single site, dismantle this transition zone and convert it into high-density, and then deem the adjoining parcel of land the new transition zone is both immediately harmful to the neighborhood and a harmful precedent for the neighborhood. Expert witness George Oberlander will testify that the current zoning was put in place by the Zoning Commission in 1974 to implement the National Capital Planning Commission's recommendations for a Friendship Heights Sectional Development Plan and related zoning text amendments, re-zoned

this specific site (Square 1663, Lot 805) to be a “moderately density residential development around the edges of the [Friendship Heights commercial] core area to provide a compatible transition in order to protect the surrounding low-density residential area.” See ZC Order 87 (Feb. 12, 1974). In Zoning Commission Order 75, the Commission resolved:

it is imperative that the Zoning Commission immediately rezone in accordance with the zoning proposal contained in the (SDP). Without such action development may occur in conflict with the Plan which *may not be in the best interest of the health, safety, and general welfare* and may nullify the current effort to arrive at a development plan for the Friendship Heights area.

(Emphasis added). That zoning, which fully reflects the proximity to the Friendship Heights Metrorail station, was based on extensive inter-agency work and sound planning principles and has now been in effect 28 years, and which has not been superceded by any Small Area Plan or other comprehensive planning efforts. This planning history demonstrates that the current zoning was established to contain high density development along Wisconsin Avenue, and provide protection to the very nearby low density one-family housing, the predominate land use within the neighborhood on the District side.

The vehicular traffic assumptions of the 1974 plan were that the total number of trips during the p.m. peak hour to and from the D.C. and Maryland sites of Friendship Heights Uptown Center should not exceed 9,500. As a result of intensive development of Friendship Heights in the past 20 years, including a number of PUDs, it is likely that the 1973 traffic allocations have been exceeded. However, neither the Applicant nor the D.C. Department of Transportation have identified the exact extent to which the current trip generation in this area have exceeded the maximum capacity specified in the 1974 plan. This information, however, may be developed as a result of two important, ongoing traffic studies now underway by D.C.

Department of Transportation — the Friendship Heights Traffic Study, and the Military Road-Missouri Avenue crosstown Traffic Study – which studies are likely to yield valuable baseline date that will enable planning and zoning officials to better evaluate the traffic impacts of proposed new development. Significantly, neither the Applicant nor the D.C. Department of Transportation provided this important data about current trip generation and traffic characteristics for this area. These important traffic studies should precede consideration of this PUD application, to ensure that development is made consistent with planning and to avoid *ad hoc*, market-driven development that disregards a deliberate and extensive planning goals for the area.

It is noteworthy that the Washington Clinic site is not specifically identified in the Comprehensive Plan specifically as one of the three sites near the Friendship Heights Metrorail station where new housing should be developed to fulfill the Housing Opportunity Area (one of which is already developed, and one of which is going to be densely developed). Residential development at this site within existing R-5-B zoning would permit 78,912 square feet of residential development, a density three and one-half times that of the existing Washington Clinic building. This approach is entirely consistent with the designation of this area as a Housing Opportunity Area: an institutional use would be converted to a residential use, a very significant amount of new housing (especially for a 1+ acre site) would be created, and thus “Transit Oriented Development” and “Smart Growth” principles will be well served within the ability of our neighborhood and infrastructure to absorb the impact.

Development of the site under the current zoning would best serve the dual goals of the Comprehensive Plan to encourage housing in this Housing Opportunity Area, as well as

further the oft-repeated goals for Ward of protecting the Ward's "most outstanding characteristic" - "its low density, stable residential neighborhood." The Comprehensive Plan for Ward 3 also emphasizes that the "single greatest concern is the possibility of unrestrained development diminishing the quality of life" in Ward 3. See Comprehensive Plan, Sections 1400.2 (a), (b), <sup>(c)</sup>, 1402.1(h), (g), 1406.2(d). The question is a matter of degree of density. As the Office of Planning Preliminary Report sets forth, there is no method in place "for determining the appropriate increase in density for housing opportunity areas," but to determine the appropriate increase there should be recognition that the site is 250 feet from a Metro station and recognition that "[i]t is also 150 feet or less from a neighborhood of single family houses, that is already experiencing traffic and parking congestion, and can expect considerably more from the approximately 2 million square feet of new development that will be built in the Maryland section of Friendship Heights." That is exactly the balance that the Zoning Commission, with full inter-agency and community support, already made, and there is no reason to revisit it.

The Applicant's analysis of traffic impacts is seriously flawed. In particular, the Applicant's assertion that the new development of up to 125 apartment units and a day care facility for 44 children and 10 staff member will have fewer traffic impacts that is based on a number of erroneous assumption that the new development will generate fewer vehicles during the peak hour than the present use by the Washington Clinic. In particular, the Applicant fails to undertake any traffic assignment study to assess the obvious differences between the traffic flows generated by a 125 unit apartment and the current commercial use, including the reversal of peak in bound and out-bound hours, and the impact of these traffic flows on intersection

level of service. The traffic study underestimates the number of vehicular trips that will be generated by the apartment building, particularly in light of the lack of any real or substantial incentives or inducements to use public transportation beyond providing generally available information about car sharing/public transportation alternatives .

Likewise, the assumption that a day care center for 44 children will have no traffic impact is not credible. The study grossly under-estimates the number of vehicle trips that will be generated by the day care center, and fails to address the impacts on neighborhood traffic from children being dropped off during the morning peak hour, particularly since the shared loading dock and driveway/parking area is simply to small to accommodate drop off and pick up of children, most of whom are likely to be driven to the center.

The on-site parking for the apartment building is also likely to be insufficient, and the apartment is likely to adversely affect the availability of on street parking in the neighborhood. The Applicant assumes that approximately 30 percent of the units will not own a vehicle. This assumption has not supported by data for the census tract in which the site is located (1.3 cars/unit), or by census data including multi-family residences that are approximately the same distance from the Friendship Heights Metro (1.1 cars/unit), which shows a much higher level of car ownership.

The project falls short of the “superior” architecture required by the PUD standards. The massive high-rise structure lacks the set-backs needed for such a large development facing low-scale single family residences, and provides for no transition between the high density commercial area at Wisconsin Avenue, and the low-density residential neighborhood at 43<sup>rd</sup> Street. Its size is substantially out of character with the surrounding low-rise neighborhood of

single family houses. The Application as filed also includes a mechanical penthouse with no setback whatsoever – in fact, it appears to extent beyond the roof-line of the proposed building. The Applicant has failed to disclose that the height of the residential building is 98-feet as result of this penthouse, and has failed to request relief from the applicable setback requirements. The building also appears to encroach on a designated right of way for an (unbuilt) extension of 43<sup>rd</sup> Street. FHORD has been unable to locate any record that this street was ever closed by the D.C. Council, as required by law.

The Construction Management Plan in the Stonebridge pre-hearing submission of August 19, 2002 is inadequate to deal with the possibility of annoyance and inconvenience to the neighborhood in general, and it is also completely inadequate to address the possibility of damage to the nearby homes that may result from construction activity on this site. FHORD will be presenting an alternative plan (or plans) to address the pre-construction, construction, and post-construction issues of concern to the neighborhood. These documents will be prepared for the possibility that the Zoning Board will decide to grant a PUD that is conditional, in part, on the developers meeting the concerns of the neighborhood and these individuals regarding annoyance, inconvenience, and damage to property, such plan to be incorporated in and become a condition of any Zoning Commission approval of the applications of Stonebridge.

## II. Motion to Dismiss

FHORD also moves, as a preliminary matter, to dismiss the application because on its face it fails to satisfy the requirements lacks the information necessary for Commission consideration of the PUD. Stonebridge has two purportedly significant amenities – a new day

care center and “affordable housing,” neither of which can appropriately be considered in the context of this request.

First, as noted in FHORD’s motion to postpone, one of the primary amenities proffered by the Applicant is the proposal to locate a day care center, now to be located in a separate structure on Lot 7, which will retain its R-2 zoning. At the same time, the Applicant suggests, in August 19, 2002 pre-hearing submission, that the day care center can be approved by the Commission pursuant 11 DCMR §§ 2405.7, 2405.8, without regard to the fact that a child development center can be located in an R-2 zone only subject to approval as a special exception, and based on a finding that it will not create an objectionable traffic condition, and includes sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. Id. §§ 205, 302.1. The Commission would be authorized to approve the day care center without regard to the applicable special exception standards for such a use in an R-2 zone *only* if the day care center was included within the PUD site. However, inclusion of the portion of Lot 7 containing the day care center within the PUD site would mean that the proposed PUD development must satisfy the two (2) acres minimum lot area applicable to PUD’s that are proposed for any R-2 area. Id. § 2401.1(a). The subject site is less than two (2) acres, and yet the Applicant has not requested any waiver of this requirement.

The Applicant cannot have it both ways. The day care center cannot be proposed as an off-site “amenity” since it cannot be located in the R-2 zone as a matter of right, and there is no guarantee that the Board of Zoning Adjustment would approve a special exception for this use, particularly given the traffic problems already associated with this area. If, however, the

Applicant proposes for the Commission to waive these special exception requirements pursuant to 11 DCMR § 2405.8, a waiver of the minimum lot area must be properly requested and evaluated, and notice of this request be provided to members of the public and abutting property owners. No such waiver request has been made.<sup>1</sup>

In any event, there is no indication that the proposed day care center would be a neighborhood amenity at all. In a prior PUD, this day care center was expected to be 100 % neighborhood serving, with an enrollment goal of 50 % neighborhood children who would walk to it, and 50 % of children of the Abram's PUD office employees. The Stonebridge proposal, though, offers no assurance of how many spaces would be available for immediate neighborhood children or, of the approximate \$72,000 financial benefit per year of free rent, how much if any would be passed through to neighborhood children, Ward 3 children, ,or D.C. children, or on what basis such benefits would be provided. Thus, as it stands, apart from the generalized interest in additional market rate day care in Ward 3, there are no identifiable neighborhood benefits, and significant detriments, or the proposed day car center.

Moreover, a new “amenity” proposed in the October 25<sup>th</sup> pre-hearing submission – the so-called “affordable housing” component of the new condominium building – is completely devoid of any of the required details (including the rents that will be charged for these units, or indeed, whether these units will be sold or leased as “affordable housing”) that would enable the public to determine whether this so-called “amenity” satisfies the standards set forth in the zoning regulations. There is no information regarding the market cost of the proposed

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<sup>1</sup> Nor has the Applicant requested a waiver of the bar against locating more than one principle structure on a single lot of record. 11 DCMR § 3202.3.

“affordable housing,” the sale or lease price of it, the selection process for potential residents, or even the duration of this housing, i.e., whether it would convert to market rate after the initiate renter or owner. The “affordable housing” amenity has never appeared in any prior submission by Stonebridge, and has never been presented to the community or discussed publicly as of October 31, 2 002.

The revised proposal also lacks information specifically required by the Zoning Regulations to be included in the Applicant’s pre-hearing submission. For example, the Zoning Regulations require the submission of an “annotated table that shows . . .[t]he extent to which the proposed development would comply with the standards and requirements that would apply to a matter of right development *under the zone district classification of the site at the time the application is filed*,” “[t]he specific relief that the applicant requests from the matter of right standards and requirements,” and, if a map amendment is also requested, “the matter of right standards and requirements of development under conventional zoning.” 11 DCMR § 2403.11 (emphasis added). However, the table attached to the revised pre-hearing statement filed on October 25, 2002, fails to provide any comparisons for matter-of-right zoning under the current, R-5-B zoning. See Letter from Marilyn Simon, attached as Exhibit 1 to FHORD’s motion to postpone.

Indeed, the only tangible neighborhood “amenity” that is not a design feature of the project is the \$30,000 to \$40,000 for improvements to Chevy Chase Playground. However, this is meager given the fact that the Washington Clinic land and improvements are now assessed at \$2.5 million, and the Stonebridge Project as proposed generate millions of dollars in profit for the developer, representing windfall profits at the expense of the neighborhood.

Clearly, an amenity this meager does not justify approving such a radical increase in density for this fragile, transitional site and thereby compromising the values and quality of life in the abutting low-density residential neighborhood.

Conclusion

FHORD respectfully requests that it be granted party status and that this motion to dismiss be granted.

Respectfully submitted:



Andrea C. Ferster  
Cornish F. Hitchcock  
1100 17th Street, N.W. 10<sup>th</sup> Fl.  
Washington, D.C. 20036  
(202) 974-5142

Counsel for FHORD, Hazel F. Rebold, Stephen and Betsey Kuhn, Martin Rojas, and Jackie L. Braitman

October 31, 2002

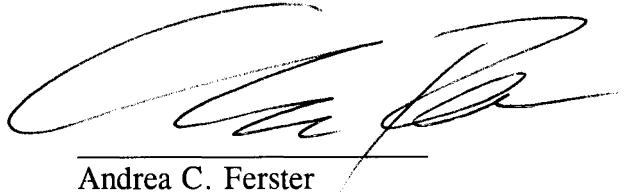
CERTIFICATE OF SERVICE

I hereby certify that, on October 31, 2002, a copy of the foregoing Motion for Party Status and For summary dismissal was served by first-class mail on:

Whayne Quin  
Holland and Knight  
2099 Pennsylvania Ave., N.W. suite 100  
Washington, D.C. 20006

Andrew Altman, Director  
Office of Planning  
801 North Capitol Street, N.W. Suite 4000  
Washington, D.C. 20002

Jill Diskan, Chair  
ANC 3E  
P.O. Box 9953  
Friendship Station  
Washington, D.C. 20016



Andrea C. Ferster

## **EXHIBIT 1**

Friendship Heights Organization  
for Reasonable Development

FhORD

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Washington, D.C. 20015

October 31, 2002

Carol Mitten, Chairman  
District of Columbia Zoning Commission  
441 4th Street, N.W., Suite 210-S  
Washington, D.C. 20001

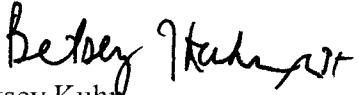
Re: Zoning Commission Case No. 02-17C, A Proposed One-Stage Planned Unit  
Development and Map Amendment at 5401 Western Avenue, NW

Dear Chairman Mitten:

We are writing to authorize Andrea C. Ferster, Esq. and Cornish F. Hitchcock, Esq. to represent the Friendship Heights Organization for Reasonable Development (FhORD) in the above-captioned proceeding. FhORD is an unincorporated association and the undersigned members of FhORD have retained Ms. Ferster and Mr. Hitchcock to represent FhORD.

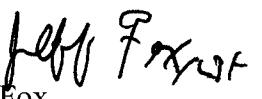
Very truly yours,

  
Stephen Kuhn

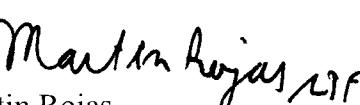
  
Betsey Kuhn

  
Elinor Green Hunter

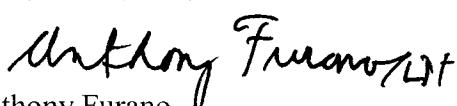
  
Mary Lindquist

  
Jeff Fox

  
Hazel F. Rebeld

  
Martin Rojas

  
Laurence Freedman

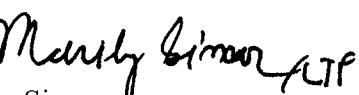
  
Anthony Furano

  
Joel Hunter

  
Mardi Mellon

  
Jennifer Nielsen

  
Cristine Romano

  
Marilyn Simon

## **EXHIBIT 2**

October 29, 2002

Carol Mitten  
Chair, Zoning Commission  
DC Office of Zoning  
441 4th Street, NW  
Suite 210 South  
Washington, DC 20001

Dear Commissioner Mitten:

As a neighbor who lives within 200 feet from the Washington Clinic property, a site being proposed for a new development by Stonebridge Associates (ZC 02-17), I am writing to request that the Zoning Commission grant me party status in this case.

The potential planned development of this site by Stonebridge could have a very negative impact on the quality of life of not just my family, but of all the rest of our neighborhood and community, and especially on those who live in close proximity to the site. Such negative impacts include not only the potential effects of the proposed development if constructed and completed (especially as it relates to traffic congestion and parking problems, which are already bad enough), but also the very real effects of the construction process for such a large building.

Considering the proximity of my property to the Washington Clinic site, I expect the Zoning Commission will grant me party status on the above referenced matter. In addition, once granted party status, I will be represented by legal counsel during the Zoning Commission's proceedings on this issue. Below are the names of the legal counsel that will be representing my position:

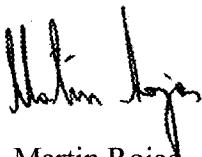
Andrea C. Ferster and Cornish F. Hitchcock  
1100 17<sup>th</sup> Street, NW  
10<sup>th</sup> Floor  
Washington, DC 20036.

My wife and I moved a little over two years ago to this neighborhood after living in Adams Morgan for almost six years. One of the reasons we chose this area was due to the unique combination of low density residential quality of life co-mingled with an urban environment located on Wisconsin Avenue and the proximity to downtown DC via metro rail and bus.

Every day as we exit our house, we are greeted by the green space and large trees located on the Washington Clinic and Lisner Home sites. The concept of possibly having in the future a massive building, which under its present design would be completely out of context within this neighborhood and way beyond the appropriate type of development allowed by present zoning, is utterly senseless, selfish and irresponsible by the developer. The zoning regulations were established for the purpose of avoiding such unhinged development and to protect the character of neighborhoods such as this one from unreasonable development.

I look forward to working with the Zoning Commission in ensuring that the zoning regulations that are in place in the District of Columbia continue to protect and support the character of our neighborhoods and the quality of life of this city's residents. I want to be very clear that I do not oppose the construction of new residential and/or commercial developments, as long as they are done within the parameters of our city's zoning regulations and that they do not undermine or infringe upon our community's everyday life and our well being.

Sincerely,



Martin Rojas  
5347 43<sup>rd</sup> Street, NW  
Washington, DC 20015  
(202) 237-7899

## **EXHIBIT 3**

**OUTLINE OF TESTIMONY of  
GEORGE H. F. OBERLANDER, AICP  
On behalf of  
The Friendship Heights Organization for Reasonable Development  
DC Zoning Case No. 02-17**

**1. PLANNING HISTORY SUPPORTING THE CURRENT ZONING**

The current zoning for the site in question, R-5-B, was deliberately placed on this area as part of an extensive planning and zoning process in 1972-73. This process included the District of Columbia government, the Montgomery County Planning Board and the NCPC, (before Home Rule the City and Federal planning agency). See "FRIENDSHIP HEIGHTS PROPOSED SECTIONAL DEVELOPMENT PLAN" (SDP)

The Zoning Commission considered the NCPC Sectional Development Plan (SDP) and approved the zoning changes as proposed on October 18, 1973 (Z.C. Order No. 75). The property of the subject application was re-zoned from C-3-A to its current R-5-B designation as a transition medium density housing area, stepping down from the greater office intensity and height at and along Wisconsin Avenue. Re-zoning to R-5-C with a PUD height of 79 feet, would be contrary to the intent and purpose of the planning and zoning established in 1974.

**2. OVERVIEW OF DEVELOPMENT PROPOSALS - 1970's**

**3. ACTION SUBSEQUENT TO THE 1974 REVISED ZONING**

**4. CHANGES IN VEHICULAR TRAFFIC VOLUMES**

**5. RETENTION OF THE CURRENT ZONING CONFORMS TO THE COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL**

The Generalized Land Use Map contained in the Comprehensive Plan for the National Capital (Comp. Plan) shows the site in question as institutional, and as part of a generalized Housing Opportunity Area # 29 .

The Ward 3 Plan portion of the Comp. Plan is much more detailed and permits moderate density housing as a matter-of-right, which development should be consistent with Plan objectives of preserving low to medium development densities as the prevailing characteristic throughout the Ward. See Comprehensive Plan, Sections 1400.2 (a), (b), (c), 1402.1(h), (g), 1406.2(d).

**6. OFFICE OF PLANNING TO PREPARE SMALL AREA PLAN**

**7. CONCLUSIONS**

## George H.F. Oberlander, AICP

Over forty years of extensive, comprehensive urban-regional planning Administration at the city, regional and Federal government level. The last thirty-one years with the National Capital Planning Commission (NCPC), Washington, D.C., making planning policy recommendations, supervising and directing staff.

### Special Expertise In:

- Zoning, development, environment and comprehensive planning
- Foreign mission and international organization matters
- Capital programming
- Intergovernmental relations - community participation

### Education

Master of Science in Planning and Housing, Columbia University, 1955

Bachelor of Arts, New York University, 1952

Executive Leadership & Management Course, Federal Executive Institute, 1981

Executive Program for Agency Heads, New York University, 1964

### Experience

	SINCE JAN. 1997 PART-TIME CONSULTANT (GO CONSULTING)
Sept. 30, 1996	Retired NCPC
1995-1996	Director, Planning Review and Implementation, NCPC
1990-1995	Director, Technical Planning Services, NCPC
1979-1990	Associate Executive Director, D.C. Affairs, NCPC
1975-1979	Director, Federal Review, NCPC
1968-1980	Lecturer, School of Architecture & Planning, The Catholic University of America
1966-1975	Director, Long Range Planning and Regional Affairs, NCPC
1965-1966	Director, National Capital Regional Planning Council, Washington, D.C.
1958-1965	City Planning Officer (Director), City of Newark, New Jersey
1957-1958	Principal/Senior Planner, Central Planning Board, Newark, New Jersey
1956-1957	Resident Planner, George M. Raymond Associates, White Plains, New York
1954-1956	Assistant Planner, Earl Morrow Associates, Ridgewood, New Jersey
1955	William Kinne Fellows Memorial Fellowship, School of Architecture, Columbia University

### Professional Affiliations

American Planning Association, American Institute of Certified Planner 1964-

President, National Capital Area Chapter, 1970-1972

Landscape Architectural Accreditation Board, The American Society of Landscape Architects, 1978-1981

Council on Education, ASLA, 1981-1984

Member, Site Visit Team, Planning Accreditation Board, American Institute of Certified Planners, 1988

Board of Directors, United Planning Organization, Washington, D.C., 1967-1979

International Fraternity of Lambda Alpha 1974-Present,

Treasurer, George Washington Chapter, 1978-1982;

President, George Washington Chapter 1982-1984

National Association of Housing and Redevelopment Officials

Metropolitan Committee on Planning, New York, New York

Executive Committee, Council of Social Agencies of Newark, Irvington and West Hudson, New Jersey

Newark Junior Chamber of Commerce, New Jersey

New Jersey State Board of Professional Planners, License Number 6

**SUMMARY OF  
QUALIFICATIONS**

Over 40 years of extensive, comprehensive urban-regional planning Administration at the city and Federal government level. The last twenty-five years with the National Capital Planning Commission, Washington, D.C., making policy recommendations and supervising and directing staff.

**Special Expertise:**

- Zoning and development
- Foreign mission and International organization matters
- Capital programming
- Intergovernment relations

**PROFESSIONAL  
HISTORY**

October 1979  
to 1990

**Associate Executive Director, D.C. Affairs**  
National Capital Planning Commission, Washington, D.C.

Directed and managed all Commission planning and review functions located within the District of Columbia. Acted as principal liaison and development planning coordinator with all Federal and District government agencies located in the Nation's Capital. Coordinated District of Columbia citizen participation on Commission Federal planning and review activities.

October 1975 to  
September 1979

**Director, Federal Review**  
National Capital Planning Commission, Washington, D.C.

Conducted Federal review functions of the Commission, including Master Plans and Projects, Zoning, Special Projects, and Historic Preservation.

October 1966 to  
October 1975

**Director, Long Range Planning and Regional Affairs**  
National Capital Planning Commission, Washington, D.C.

Provided technical and administrative direction and coordination for all phases of the comprehensive planning and regional affairs activities of the Commission.

July 1965 to  
September 1966

**Director**  
National Capital Regional Planning Council, Washington, D.C.

Managed all aspects of the administrative and technical regional planning program of the National Capital Region. The Council, established by Congress through the National Capital Planning Act of 1952, was responsible for preparing and adopting a general plan for the region which would interrelate the future Federal needs with the planning programs of the individual political jurisdictions in the region. Council abolished by Presidential Reorganization Plan No. 5 of 1966.

October 1958  
to June 1965

**City Planning Officer**  
City of Newark, New Jersey

September 1957  
to October 1958

**Principal/Senior Planner**  
Central Planning Board, City of Newark, New Jersey

1956 to 1957

**Resident Planner**  
George M. Raymond Associates, White Plains, New York

1955

**William Kinne Fellows Memorial Fellowship**  
School of Architecture, Columbia University, New York  
Travelling fellowship in Europe and the Near East.

## EDUCATION

**Master of Science in Planning and Housing - 1955**  
Columbia University School of Architecture, New York  
Master's thesis: "Core Redevelopment, Village of Tarrytown, N.Y."

**Bachelor of Arts - 1952**  
New York University, Bronx, New York

**Executive Leadership and Management Course - 1981**  
**Federal Executive Institute, Charlottesville, Virginia**

**Executive Program for Agency Heads - 1964**  
New York University, Graduate School of Public Administration

## PROFESSIONAL AFFILIATIONS

American Planning Association, American Institute of Certified Planners 1964-  
President, National Capital Area Chapter, 1970-1972  
Landscape Architectural Accreditation Board, The American Society  
of Landscape Architects, 1978-1981  
Council on Education, ASLA, 1981-1984  
Member, Site Visit Team, Planning Accreditation Board,  
American Institute of Certified Planners - 1988  
Board of Directors, United Planning Organization,  
Washington, D.C., 1967-1979  
International Fraternity of Lambda Alpha 1974-  
Treasurer, George Washington Chapter, 1978-1982  
President, George Washington Chapter, 1982-1984  
National Association of Housing and Redevelopment Officials  
Metropolitan Committee on Planning, New York City  
Executive Committee, Council of Social Agencies of Newark,  
Irvington and West Hudson, New Jersey  
Newark Junior Chamber of Commerce, New Jersey  
New Jersey State Board of Professional Planners

## LECTURER

The Catholic University of America, Washington, D.C. 1968-1980  
Yale University, New Haven, Connecticut  
Rutgers, The State University, New Brunswick, New Jersey  
Newark College of Engineering, Newark, New Jersey  
Fairleigh Dickinson University, Teaneck, New Jersey  
University of British Columbia, Vancouver, British Columbia  
University of Maryland, College Park, Maryland

## **GUEST SPEAKER**

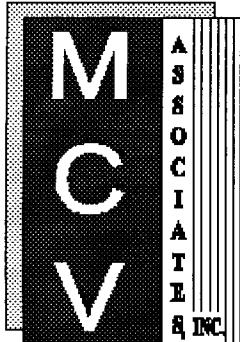
At numerous professional and civic functions, programs, seminars and international conferences.

## AWARDS AND HONORS

U.S. Secret Service - Plaque of Appreciation - For Outstanding Assistance and Support, August 1988  
Various letters of commendation - 1980-1989  
"Man of the Year" Award, Newark Junior Chamber of Commerce, 1958  
William Kinne Fellows Memorial Fellowship, Columbia University, New York, 1955-1956

## MILITARY

Served during the Korean War as Infantry Officer, U.S. Army



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**Planning . Engineering . Information Technology**

## MEMORANDUM

**TO:** Andrea Ferster

**FROM:** Joe Mehra

**SUBJECT:** Outline of Testimony

**DATE:** October 30, 2002

**JOB:** J-368

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My report and testimony will focus on the Traffic Analysis and various reports prepared by O.R. George & Associates. This will include comments on

- . Existing traffic data
- . Methodology for computing Levels of service analysis for existing conditions
- . Vehicle Trip Generation for existing use and proposed uses
- . Traffic from other adjacent developments
- . Traffic assignment for proposed uses
- . Levels of service for future conditions
- . Parking supply and demand
- . Conclusions

Please call me if you have any questions.

**JAWAHAR (JOE) MEHRA, P.E.**  
**President, MCV Associates, Inc.**

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### **Education**

- State University of New York, Buffalo, M.S. Industrial Engineering/Operations Research, 1972
- Indian Institute of Technology, Bombay, India, B.S. Mechanical Engineering, 1969

### **Previous Positions**

- Callow Associates, Inc., Principal, 1988 - 1990
- Kellerco, Inc., Vice President, 1982 - 1988
- BKI Associates, Inc., Senior Transportation Engineer, 1978 - 1982
- Alan M. Voorhees and Associates, Associate Engineer, 1970 - 1978

### **Experience**

He has over twenty five years experience in the areas of traffic engineering and transportation planning. He has managed several traffic engineering/operations studies in Maryland including traffic analysis, impact studies, accident analysis and data collection. He has extensive experience with SHA standards and procedures having participated in several SHA contracts and related studies.

- **Traffic Analysis.** He has managed several traffic engineering studies in Maryland using SHA approved procedures including the Georgetown Branch Transitway MIS/DEIS for MTA (traffic forecasts, traffic impact, capacity/levels of service, queue/jumper analysis), the Route 28 Corridor in Montgomery County (existing conditions, traffic forecasts, capacity/levels of service, geometric improvements, conceptual plans), Post Office Road Study in Charles County, MD (data collection, capacity/levels of service, traffic forecasts, signal design, pavement marking, signing), Suitland Parkway Study (Prince George's County MD), etc. He has conducted numerous traffic impact studies in Maryland using SHA format. All these studies were reviewed and approved by SHA. Some of these studies include the Villages of Piscataway Study (1000 acres), The Clinton/Townshend Property (800 acres), Expansion of Clinton Plaza, The Shady grove Life Sciences Center Traffic Study, The Heards Estates Traffic Study in St. Mary's County, College Park TDOZ, Waters Landing Corporate Park in Germantown, Milestone Property in Germantown, MD, etc. He is the Project Manager on two traffic engineering retainers – with Montgomery County and Prince George's County. These studies include traffic analysis, signal design, data collection, capacity/levels of service, TCPs, etc. Other traffic engineering studies that he has managed include the Route 58 Traffic Engineering Study, Route 123 Corridor study in Fairfax City, TOPICS study for Buffalo, New York; TSM study for East End of Pittsburgh, Pennsylvania; etc.
- **Traffic Signal Design/Operations.** Most of the studies related to traffic signal design were prepared using SHA standards and specifications and include Middlebrook Road, Post Office Road and currently preparing as-built signal plans for twenty intersections in Montgomery County using SHA standards. He has managed the Route 30 corridor study that included the TRANSYT-7F analysis for the signal system study and timing development for 11 signals and the NETSIM analysis for the Springfield Mall subarea to conduct queuing and timing analysis.
- **Traffic Control Plans.** He has managed the preparation of traffic control plans for 46th Avenue Reconstruction in the Town of Edmonston (MD), TCP for Boyds Road in Calvert County, etc.
- **Traffic Data Collection/Analysis.** He has managed eight contracts to conduct various types of traffic data collection activities for SHA. Mr. Mehra is the Project Manager for SHA Contract BCS 97-02 to conduct portable machine counts for Maryland.

### **Professional Affiliations**

- Fellow, Institute of Transportation Engineers, Chairman, ITE Technical Council Committee 6A35, "Use of Transportation Planning Models to Monitor and Review Growth Impacts"; Member TRB

Mehra, Continued

## Publications

"People Mover System for New Towns/Communities" Presented at the Second International Conference on Automated People Movers (APM's) in Miami, Florida, March, 1989.

"The Public Presentation of Traffic Impacts: Strategies and Procedures", presented at the Development Impact Analysis Conference, Washington, D.C., May, 1986.

"Site Impact Traffic Evaluation Handbook", co-authored with C.R. Keller. Prepared for Federal Highway Administration, January, 1985.

"Development and Application of Trip Generation Rates", co-authored with C.R. Keller. Prepared for Federal Highway Administration, January, 1985.

"Crisis Relocation Movement Plan for the Tidewater Risk-Host Conglomerate", co-authored with D. Takacs and C.R. Keller. Prepared for presentation at the TRB meeting in January, 1984.

"A Cost-Effectiveness Model for the Analysis of Trade-Offs of Stationary Vs. Transportation Emissions Control in Baltimore", co-authored with A. Lago et al. Presented at the TRB Meeting in January, 1984.

"Study of Alternative Methodologies for Apportionment of Air Quality Control Requirements", co-authored with K. Hollenbeck et al. U.S. DOT, February, 1983.

"Study of the Cost-Effectiveness of Stationary Source, Mobile Source and Transportation Controls to Improve Air Quality", co-authored with S. Bellomo. U.S. DOT, November, 1981.

"Traffic Problems in the Bombay CBD." Presented at the ASCE International Conference in New York, held in May, 1981.

"Energy Impacts of Transportation: Some Relationships and Results", Prepared for presentation at the ASCE Portland Convention Energy Considerations in Transportation, 1980.

"Stationary and Mobile Source Controls and Trade-Offs". Prepared for presentation at the ASCE Speciality Conference Transportation and 1977 Clean Air Act Amendment, San Francisco, November, 1979.

"Evaluating Options in Statewide Transportation Planning/Programming Techniques and Applications;" co-authored with S. Bellomo, et al. NCHRP Report 199, March, 1979.

"Fuel Consumption and Emissions as Related to Vehicle Operations and Highway Design;" co-authored with P. Brach. Presented at the ASCE Speciality Conference on Energy Conversation, May, 1978.

"An Overview of a Methodology to Determine Fuel Consumption and Emissions as a Function of Traffic Operations and Road Geometry", co-authored with P. Brach. Presented at TRB Meeting, January, 1978.

**Mehra, Continued**

"Evaluation and Application of Priority Programming Methodologies in Maryland", co-authored with M. Stein, J. Cichy and S. Bellomo. TRR 610, 1979.

"Evaluating Options in Statewide Transportation Planning/Programming. Issues Techniques, and Their Relationships", co-authored with S. Bellomo, et al. NCHRP Report 179, 1977.

"Analysis of Weekend Travel", co-authored with S. Bellomo. Prepared for presentation to the Committee on Statewide Transportation of the Transportation Research Board, Washington, D.C., 1975.

"Statewide Travel Forecasting Procedures, Including Activity, Allocation and Weekend Travel - Phase II Weekend Travel Mode", co-authored with S. Bellomo, U.S. DOT, Federal Highway Administration, Washington, D.C., 1974.

"Statewide Travel Forecasting Procedures, Including Activity Allocation and Weekend Travel - Phase II Statewide Activity Allocation Model", co-authored with C. Schiappi and S. Bellomo. U.S. DOT, Federal Highway Administration, Washington, D.C., 1974.

"Simplified Statewide Travel Forecasting Procedures, Including Supply-Demand Relationships", co-authored with A. Lemer et al. U.S. DOT, Federal Highway Administration, Washington, D. C., 1973.