



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



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:	Spring Valley-Wesley Heights Citizens Assn and Neighbors for a Livable Community		
Address:	c/o Dr. Jeffrey L. Kraskin, President, SVWHCA, 4601 Tilden Street NW, Wash. DC 20016		
Phone No(s):	(202) 364-7130	E Mail:	jlkkraskin@rcn.com
I hereby request to appear and participate as a party in Case No.:	19-10		
Signature:		Date:	9-20-2019
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Name:			
Address:			
Phone No(s):		E Mail:	

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:

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?
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.

Form 140 – Party Status Request (Z.C. 19-10)

Party Witness Information

1. The following witnesses may testify:

- Dr. Jeffrey L. Kraskin
- Dennis Paul
- Alma Gates
- Thomas M. Smith

2. Summary of Testimony

The D.C. Zoning Commission previously approved the joint application for party status filed by the Spring Valley-Wesley Heights Citizens Association (SVWHCA) and Neighbors for a Livable Community (NLC) in Z.C. 16-23 in which Valor Development sought Design Review approval for a project that is now the subject of an application by Valor in Z.C. 19-10 for approval of a Consolidated Planned Unit Development (PUD). The Parties are filing a joint application for party status in Z.C. 19-10 in support of the development of the former SuperFresh site, but oppose the project as currently planned by Valor and its application for a Consolidated Planned Unit Development (PUD) for the following reasons:

- The proposed density is out of scale with the surrounding low-density residential neighborhoods of American University Park and Spring Valley;
- The project, as proposed, will include infrastructure changes that will have the effect of jeopardizing public safety;
- The public benefits package, as proposed, does not meet the requirements for approval outlined in the PUD regulations in Subtitle Z Chapter 3 to offer meaningful public benefits, especially given the excess density of the proposed project; and
- Will exacerbate existing traffic and parking issues in the surrounding neighborhoods and create new traffic safety risks, especially for pedestrians.

3. All witnesses are long time leading activists in the Spring Valley community.

4. Time requested: Approximately 15-20 minutes.

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 project, as proposed, would result in adverse traffic and parking impacts for residents of Spring Valley, including new traffic safety issues, especially for pedestrians; a loss of nearly 28,000 gsf of existing long-establish neighborhood-serving retail space despite the proposed addition of a small organic grocery store and fails to provide for a mix of residential, shopping, and service opportunities for the neighborhood within an MU-4 zone given that the bulk and height of the project is excessive, out of character and scale, and incompatible with the surrounding neighboring residential and commercial buildings, including the historically landmarked Massachusetts Avenue Park and Shops (often referred to as the Spring Valley Shopping Center)

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

The Spring Valley-Wesley Heights Citizens Association (SVWHCA) was incorporated in 1952 and has been recognized as a party in many zoning cases impacting the Spring Valley and Wesley Heights neighborhoods. Because Spring Valley homes fall within 200 feet of the project site, Spring Valley residential homeowners are directly impacted by the actions and activities planned for the multiple lots that comprise the proposed project site. The Association has continued throughout the years to be involved in a wide range of land use issues as advocates for neighborhood interests, including historic designation, campus planning, and other zoning issues, as well as public space, alcoholic beverage licensing, and public safety issues. In fact, the association took the lead in the proceedings designating the Massachusetts Avenue Park and Shops (Project Lots 802 and 803 in this case) as a historic landmark in 1989 and has worked to preserve the historic nature of the property since that time.

Over the years, SVWHCA has joined previously with other neighborhood organizations having common concerns in various zoning cases and to address other issues affecting the Spring Valley neighborhood.

The Board of Directors of the Spring Valley-Wesley Heights Citizens Association met on July 31, 2019 to authorize participation in this case as a party in opposition to the Valor PUD project, as proposed. The resolution to file for party status in this case, as approved by the Board, reads as follows:

“SVWHCA Resolution on Valor PUD Application (ZC 19-10)

Whereas, Valor Development has submitted an application to the DC Zoning Commission for approval of a consolidated planned unit development (PUD) for property located in Square 1499 (Lots 802, 803, 806, and 807); and

Whereas, the proposed project will consist of a new mixed-use development consisting of 214 residential apartments, five townhomes, and approximately 18,000 square feet of retail space;

Therefore Be It Resolved, the Spring Valley-Wesley Heights Citizens Association supports the development of the SuperFresh site for additional housing, but does not support the application as proposed on the basis that it does not meet the requirements for approval outlined in the PUD

regulations in Subtitle Z, Chapter 3 to offer meaningful public benefits, especially given the excess density of the project; that it will exacerbate existing traffic and parking issues in the surrounding neighborhoods; and create new traffic safety risks, especially for pedestrians;

Be It Further Resolved, *the Spring Valley-Wesley Heights Citizens Association supports Mayor Muriel Bowser's efforts to build new additional housing throughout the city, including in Ward 3 and believes the SuperFresh site is an appropriate location for new housing; and*

Be It Resolved, *the Spring Valley-Wesley Heights Citizens Association could support the proposed project if (a) its density is reduced so as to be more compatible with the surrounding neighborhoods and (b) infrastructure improvements are made to the alley system for improved circulation that, unlike what is now being proposed, do not jeopardize public safety; and*

Be It Resolved, *the Board of the Spring Valley-Wesley Heights Citizens Association authorizes the filing of a joint party status application with Neighbors for a Livable Community in opposition to the project as designed."*

The Board is authorized under Article III, Section 3 of its Articles on Incorporation to act on business of the Association when the Association is not in session. Article III, Section 3 reads as follows:

"It (the Board) shall be authorized to act upon all business of the Association when the Association is not in session and upon urgent matters requiring action prior to any meeting of the Association."

Neighbors for a Livable Community (NLC), a D.C. non-profit corporation, was established in 1987 by concerned neighbors of American University (AU) to protect the quiet, long-established neighborhoods surrounding AU, including Spring Valley, American University Park, Fort Gaines, the Palisades, and Wesley Heights. Like SVHWCA, the NLC has been actively involved in zoning issues in the community, including AU's campus planning process, for decades. The NLC was granted party status for the 1990 AU Campus Plan, the 2001 Campus Plan, and the 2012 Campus Plan proceedings and in zoning cases involving the Wesley Theological Seminary. The Association also participated in zoning cases involving Sibley Hospital expansion.

The NLC's purpose is to provide a broad perspective relating to community concerns regarding objectionable impacts resulting from development and growth in the neighborhoods within the vicinity of universities, non-profit institutions, and commercial properties.

The Board of Directors of the NLC met on July 31, 2019 and approved a resolution to file an application for party status in this proceeding in opposition to the Valor project, as proposed. The resolution to file for party status in this case, as approved by the Board, reads as follows:

**“RESOLUTION OF NEIGHBORS FOR A LIVABLE COMMUNITY
ON THE APPLICATION OF VALOR DEVELOPMENT FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT**

WHEREAS, on March 20, 2019, Valor Development filed a Notice of Intent to File a Zoning Application on behalf of Apex Real Estate Company, American University and FW DC-Spring Valley Shopping Center LLC for a Consolidated Planned Unit Development (PUD);

WHEREAS, the Valor Application for a PUD was assigned ZC Case No. 19-10 and a hearing scheduled for October 7, 2019;

WHEREAS, the proposed mixed-use development project is located on property consisting of Lots 802, 806, 806 and 807 in Square 1499, the Project Site;

WHEREAS, the Project Site, comprising approximately 160,788 square feet of land area, is bounded by Yuma Street on the north; Massachusetts Avenue of the south; 48th Street on the east, and the Spring Valley Exxon Station on the west;

WHEREAS, Project Lots 802 and 803 are currently owned by FW DC-Spring Valley Shopping Center LLC and are currently improved with the historic Massachusetts Avenue Parking Shops (MAPS); Lot 806 is currently owned by American University and is improved with the former American University Law School (the AU Building); and LOT 807 is currently owned by Apex Real Estate Company and is improved with a vacant grocery store building, other retail and service uses and above and below-grade parking;

WHEREAS, the Project Site is zoned MU-4, a zone district in which residential and retail uses are permitted as a matter of right; and

WHEREAS, the Project Site will retain the existing MAPS and AU Building and will incorporate a new apartment building (Building 1) and five attached row dwellings (Townhouses 1-5) on Lot 807.

NOW THEREFORE BE IT RESOLVED, Neighbors for a Livable Community opposes the project on the basis that the (a) proposed density is out of scale with the surrounding low-density residential neighborhoods of American University Park and Spring Valley; (b) the project as proposed has the potential to jeopardize public safety; and (c) the public benefits package required as part of a PUD application does not compensate for the negative impact of the increased density, including traffic and parking impacts; and

BE IT FURTHER RESOLVED, Neighbors for a Livable Communication is authorized to file a joint party status application with the SVWHCA in opposition to the project as designed.”

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

The SuperFresh site falls within 200 feet of residential homes in Spring Valley and the commercial corridor that is the subject of this application. The impacts of the development, however, would be so egregious as to impact residents even beyond 200 feet.

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?

Because the bulk and height of the project is excessive, out of character and scale, and incompatible with the surrounding neighboring residential and commercial buildings, it would result in adverse impacts on residents of Spring Valley and their neighboring property. In fact, several Spring Valley residents closest to the site have recently listed their homes for sale partly in response to the proposed development at the site. It would exacerbate existing traffic congestion and result in traffic safety issues for motorists, pedestrians, and bicyclists in the neighborhood. It also will result in reduced retail in the neighborhood and, contrary to the characterization of the developer, the project will not provide a means for residents interested in downsizing to remain in the neighborhood.

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.

The density of the proposed development is exacerbated by heights from the ground of approximately 73 feet (88 feet including the penthouse), that border single family residential homes in Spring Valley that are limited to 40 feet in height and the one-story historically landmarked Massachusetts Avenue Park and Shops (often referred to as the Spring Valley Shopping Center); and that such density as well as so-called infrastructure improvements will actually create both parking and traffic safety issues for the surrounding Spring Valley neighborhood. Moreover, the public benefits package will not result in meaningful benefits for residents despite Valor's claims and in fact will trigger added traffic safety concerns.

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.

Because of the proximity of the development to residents of Spring Valley, the residents represented by the parties in this application will be more impacted than the general public.

Certificate of Service

We hereby certify that on September 20, 2019, copies of the attached were sent by email to the following:

Ms. Jennifer Steingasser
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Washington, D.C. 20024
Jennifer.steingasser@dc.gov

Valor
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Citizens for Responsible Development
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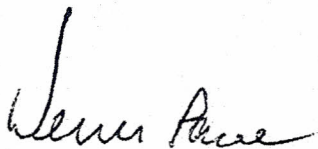
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9/20/2019

Jeffrey L. Kraskin, President, Spring Valley-Wesley Heights Citizens Association



9/20/2019

Dennis Paul, President, Neighbors for a Livable Community