



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

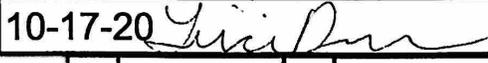


FORM 140 - PARTY STATUS REQUEST

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: | Palisades Community Association | | |
| Address: | P.O. Box 40603, Palisades Station, Washington, DC 20016 | | |
| Phone No(s): | 202-363-7441 | E Mail: | |
| I hereby request to appear and participate as a party in Case No.: | | BZA Case No. 20308 | |
| Signature: | 10-17-20  | Date: | 10-17-20 |
| Will you appear as a(n) | <input type="checkbox"/> Proponent | <input checked="" type="checkbox"/> Opponent | Will you appear through legal counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

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

| | | | |
|---------------------|--|----------------|----------------------------|
| Name: | Andrea Ferster | | |
| Address: | 2121 Ward Court NW 5th Fl., Washington, DC 20037 | | |
| Phone No(s): | 202-669-6311 | E Mail: | afenster@railstotrails.org |

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.

Party Witness Information:

1. List of witnesses who will testify on the party's behalf:

- Tricia Duncan, President, Palisades Community Association
- Joe Mehra, MCV Associates, Inc. (See expert witness statement below)

2. A summary of the testimony of each witness:

The Palisades Community Association witnesses identified above will testify as to why they oppose the request for special exceptions because the area served by the Palisades Community Association will be adversely impacted by:

- Decreased parking in a major neighborhood commercial and residential area;
- Loss of mature trees and greenery;
- Increased traffic, noise, and congestion;
- Overall degradation of the neighborhood at its commercial core on MacArthur Boulevard; and
- Adverse effects on light, airflow and privacy, thereby decreasing immediate residents' enjoyment of their homes.
- Displacement of and impacts on the Palisades Farmer's Market, operated by the Palisades Community Association, which operates on public space immediately adjacent to the project site property line.

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:

Mr. Mehra will be offered as an expert in the area of transportation planning and traffic engineering.

Joe Mehra, P.E., P.T.O.E., is the President and founder of MCV Associates, Inc. He has over 30 years of experience in transportation planning, traffic impact studies, traffic engineering and environmental planning. His experience includes local, state, federal governments, as well as the private sector. He has managed and contributed to projects requiring multi-disciplinary teams and multi-year assignments. The scope of his studies ranges from small site access studies to state- and district-wide and national level studies.

Mr. Mehra's testimony will focus on his review of the Applicant's traffic study, which was prepared by Gorove Slade and submitted with their BZA application. Mr. Mehra's testimony will show that the study prepared by Gorove Slade is seriously flawed leading to significantly underestimated parking demand. The parking analysis was based on

erroneous assumptions and incorrect use of Institute of Transportation Engineers data. Mr. Mehra will note that this flawed analysis will lead to inadequate project design, insufficient parking for the project and increased traffic, noise and congestion.

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

We request one hour to present our case.

Party Status Criteria:

1. How will the property in which we have an interest be affected by the action requested of the BZA?

Many of the members of the Palisades Community Association live and own property within 200 feet of the subject property. The Palisades Farmers Market, operated by the Palisades Community Association, operates on public space immediately adjacent to the project site property line. If the BZA grants the Applicant's request for special exceptions, the property in which we have an interest will be adversely impacted by increased traffic, noise, congestion, decreased parking, loss of greenery and overall degradation of the quality and character of the neighborhood.

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

The Palisades Community Association serves the neighborhoods bounded by the Potomac River, Foxhall Road, Loughboro Road and the District Line in Ward Three. The proposed development on MacArthur Boulevard will be in the center of the main commercial district of the Palisades. The Palisades Community Association also serves the immediate neighbors and businesses that surround the development site, many of whom live and own property within 200 feet of the subject property. This project will adversely affect our property, our residents, businesses and schools.

3. What is the distance between the person's property and the property that is subject of the application before the BZA?

The Palisades Community Association and its members surround the immediate property, many of whom live and own property within 200 feet of the subject property. The Palisades Farmers Market, operated by the Palisades Community Association, operates on public space immediately adjacent to the project site property line.

4. What are the environmental, economic or social impacts that are likely to affect the person or the person's property if the action requested of the BZA is approved or denied?

- a. *Traffic:* The proposed project will exacerbate existing traffic problems in the immediately surrounding neighborhood, especially on V Street, U Street and MacArthur Boulevard. The Rock Creek West Area Element of DC's Comprehensive Plan notes that MacArthur Boulevard already has major problems with traffic congestion and pedestrian safety. A proposed parking lot accessed through a curb cut on V Street will convert a residential street into a commercial thoroughfare. 48th Place, a side street off MacArthur Boulevard, will be the location of the sole entrance to the facility and placing the entrance on such a narrow street will create traffic backups and congestion, idling vehicles and unsafe conditions.
- b. *Parking:* The proposed project will exacerbate an already difficult parking situation in the immediate neighborhood during the estimated two-year minimum construction phase and permanently. The immediate surrounding community will lose approximately 30 parking spaces during the construction period, and parking arrangements for the project once constructed are short of reasonable minimums established by our independent traffic consultant. Commercial neighbors rely on street parking for their patrons' use. The proposed 135-unit facility would adversely affect the availability of on-street parking for residents and visitors, which is already difficult. The measures proposed by the Applicant during the construction phase of the project will not be sufficient to accommodate current neighborhood parking demands.
- c. *Noise:* Once constructed, noise related to the proposed project will have considerable impact on neighboring properties, especially those located on neighboring V Street, Our Lady of Victory Church and School and MacArthur Boulevard businesses and restaurants. This includes sounds associated with delivery trucks, garbage trucks, and moving trucks that will be servicing the 135 unit Continuing Care Retirement Facility. These increases will result from residents of the facility, employees, and visitors as well.
- d. *Vibrancy and the Loss of a Major Commercial Corridor:* The proposed project, with a main building roughly twice as tall as any other building in the area, is located in the heart of the Palisades commercial corridor and is considered to be a neighborhood gathering place. The proposed project replaces a neighboring-serving retail use with a high density commercial residential facility and does not add to the vibrancy of the vital Palisades commercial corridor.
The Palisades Farmers Market, a community gathering space with over 21 vendors operated by the Palisades Community Association, is open every Sunday on public space immediately adjacent to the project site property line. The market will be disrupted and displaced by the proposed project.
- e. *Construction impacts:* The Palisades Community Association and its members will be adversely affected by traffic, congestion, noise and overall inconvenience during the construction process, estimated to take more than two years.

Members of the Palisades Community Association, because they reside in area immediately surrounding the subject site, will be directly adversely affected and aggrieved by the reduced parking, increased traffic, noise, and impacts on the Palisades

Farmer's market, in a manner greater in character and impacts from those experienced by the general public.

5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the BZA is approved or denied?

Furthermore, the proposed project's size will dwarf surrounding and abutting neighborhood residences and buildings, resulting in a loss of air, sunlight and airspace – as well as mature trees and greenery - that contribute to the unique character of our neighborhood.

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?

Businesses and neighbors that surround the project, and members of the Palisades community, including members who live immediately adjacent to and within 200 foot of the subject site, will be the primarily disadvantaged party if this project is allowed to proceed. For the reasons discussed above, the Palisades Community Association and its members will be will be more significantly, distinctively, and uniquely affected in character and kind by the proposed zoning action than other persons in the general public.

THE PALISADES CITIZENS ASSOCIATION



POST OFFICE BOX 40603 PALISADES STATION WASHINGTON, DC 20016
PHONE/FAX: 202-363-7441 WWW.PALISADESDC.ORG

October 15, 2020

Sara Bardin
Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, NW
Room 210
Washington DC 20001

Re: BZA Application No. 20308 (Application of 4865 MacArthur Landlord, LLC, through Trammell Crow Companies on behalf of NAI Saturn Eastern, LLC)

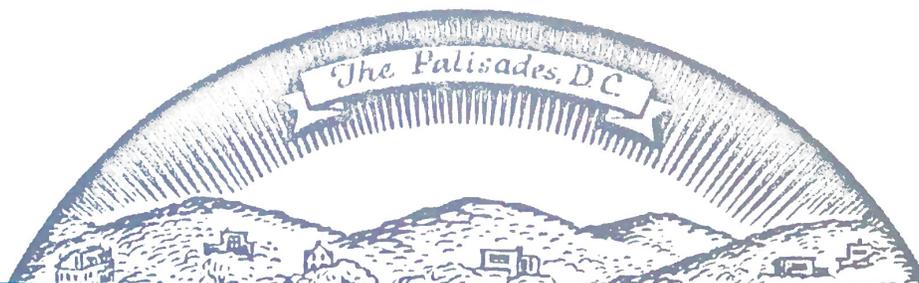
Dear Ms. Bardin:

Attached hereto is a letter from the Secretary evidencing a vote by the Board of Directors of the Palisades Community Association authorizing the Palisades Community Association to participate as a party in opposition to the above-referenced action.

Please be advised that Andrea C. Ferster and our Association President Tricia Duncan are authorized to represent the Palisades Community Association Board of Directors in the above-referenced proceeding, including the power to bind the Association in this proceeding.

Very truly yours,

Tricia Duncan
President
Palisades Community Association



Serving the neighborhoods bounded by the Potomac River, Foxhall Road, Loughboro Road and the District Line.

THE PALISADES CITIZENS ASSOCIATION



POST OFFICE BOX 40603 PALISADES STATION WASHINGTON, DC 20016
PHONE/FAX: 202-363-7441 WWW.PALISADESDC.ORG

October 15, 2020

Sara Bardin
Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, NW
Room 210
Washington DC 20001

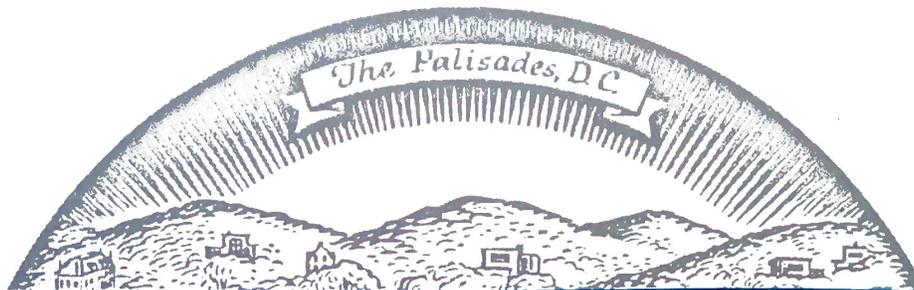
Re: BZA Application No. 20308 (Application of 4865 MacArthur Landlord, LLC, through Trammell Crow Companies on behalf of NAI Saturn Eastern, LLC)

Dear Ms. Bardin:

On October 14, 2020, at a duly noticed Board of Directors meeting of the Palisades Community Association, with a quorum of board members voting, the Board voted unanimously to participate as a party to in opposition to 4865 MacArthur Landlord, LLC, through Trammell Crow Companies on behalf of NAI Saturn Eastern, LLC's application, and to retain and authorize legal counsel to represent the Association, which authority includes the power to bind the Association in the proceeding.

Sincerely,

Mary Ann Floto
Secretary
Palisades Community Association



Serving the neighborhoods bounded by the Potomac River, Foxhall Road, Loughboro Road and the District Line.

Certificate of Service

I hereby certify that, on October 19, 2020, a copy of the foregoing request for party status was served by email on the following:

Mary Carolyn Brown
The Brown Law Firm PLLC
1750 K Street, N.W., 12th Floor
Washington, D.C. 20006
(202) 763-7538 work
(202) 664-6472 cell
cbrown@BrownLaw.law

Commissioner Chuck Elkins, Chair
ANC3D
PO Box 40846 Palisades Station
Washington, DC 20016
3D@anc.dc.gov

District of Columbia Office of Planning
c/o Jennifer Steingasser
1100 4th Street SW, Suite E650
Washington, DC 20024
Jennifer.steingasser@dc.gov



Andrea C. Ferster