

THE LAW OFFICE OF JASON KLEIN, PLLC

126 C Street NW, Third Floor
Washington, DC 20001
T: 202.568.6554

December 5th, 2016

District of Columbia Office of Zoning
441 4th St NW
Suite 200-S
Washington, DC 2001

Re: Notice of Appearance in ZC case Nos. 16-11 & 16-12

To the DC Zoning Commission:

Pursuant to the DC Zoning Regulations, I, Jason Klein, Esquire, submit this letter to give notice of my appearance as representative of the Georgia Avenue Corridor Neighbors (GAN) in Zoning Case Nos. 16-11 & 16-12. I have just recently been engaged to represent GAN before in these hearings.

GAN submitted initial party status request documents along with Form 140 in a timely fashion, and have since authorized me to bring forth contested issues related to the zone map amendments and PUD application requests in these inter-related cases. Additional participating GAN members have further substantiated our request for party status in these cases. GAN members will be distinctively and uniquely affected by the PUD projects in both cases due to their proximity to the proposed development site. *See Attached.s*

As such, on behalf of GAN, I ask that you grant us party status and we will be ready to testify with other parties on December 5th, 2016, and December 8th, 2016.

Please contact me with any further questions or for any additional information.

Sincerely,



Jason Klein
DC Bar #1002320

Attachments

Email from GAN Managers

Participant authorization letters

Form 140



d.c. forrd <dc4reality@gmail.com>

Authorized for 16-11 and 16-12

1 message

d.c. forrd <dc4reality@gmail.com>

Mon, Dec 5, 2016 at 2:21 PM

To: Jason Klein <jason@kleinlawsolutions.com>

Cc: Ryan Cummins <ryan.cummins@gmail.com>

Dear Jason,

Per our bylaws, and as empowered by our participating members, GAN facilitators, Ryan Cummins and Chris Otten authorize you to bind GAN to the administrative process of zoning review in both ZC Case Nos. 16-11 and 16-12.

Thank you for your help and consideration.

The hearing for 16-11 begins tonight at 6:30pm. Please submit your notice of appearance.

Regards,
Chris Otten
c/o Georgia Avenue Corridor Neighbors (GAN)
[202 810 2768](tel:2028102768)

cc: Ryan Cummins, co-facilitator GAN

Personal Attestation

I am over 18 years old. Tengo más de 18 años.

I have a family that I am raising nearby the project sites in ZC Case Nos. 16-11 & 16-12.

Tengo una familia que estoy criando cerca de los sitios del proyecto en ZC Case Nos. 16-11 & 16-12.

My family rents our home. Mi familia alquila nuestra casa.

We are fearful the projects will displace us with rising rents and property taxes.

Estamos temerosos de que los proyectos nos desplacen con el aumento de los alquileres y los impuestos sobre la propiedad.

My family and children enjoy Bruce Monroe Park right now.

Mi familia y los niños disfrutan de Bruce Monroe Park en este momento.

The project will eliminate a large portion of the park we use on a regular basis.

Los proyectos eliminarán una gran parte del parque que usamos regularmente.

The park provides my family much needed recreation space in a neighborhood lacking large open public land.

El parque proporciona a mi familia espacio de recreación muy necesario en un barrio que carece de gran terreno público abierto.

We are quite worried about the environmental impacts like more noise and air pollution.

Estamos bastante preocupados por los impactos ambientales como más ruido y contaminación del aire.

These projects will negatively affect the health of my family. Estos proyectos afectarían negativamente la salud de mi familia.

We support GAN in bringing our concerns to the Zoning Commission.

Apoyamos a GAN en llevar nuestras preocupaciones a la Comisión de Zonificación.

We authorize GAN to participate at the hearings. Autorizamos a GAN a participar en las audiencias.

We give approval to GAN managers to pick our representative for the hearings. Damos la aprobación a los gerentes de GAN para elegir a nuestro representante para las audiencias.

Signed,



Date:

11/22/16

Print name:

Maria Medina

202) 997-9087

Address:

768 Irving St NW
Washington D.C 20010

Phone:

Personal Attestation

I am over 18 years old. Tengo más de 18 años.

I have a family that I am raising nearby the project sites in ZC Case Nos. 16-11 & 16-12.

Tengo una familia que estoy criando cerca de los sitios del proyecto en ZC Case Nos. 16-11 & 16-12.

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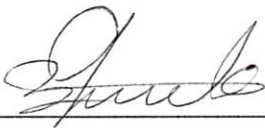
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We give approval to GAN managers to pick our representative for the hearings. Damos la aprobación a los gerentes de GAN para elegir a nuestro representante para las audiencias.

Signed,



Date: 01/22/2016

Print name:

Bertila Arzueta

Address:

749 Irving St NW
Washington DC 20010

Phone:

202 579-7184

Personal Attestation

I am over 18 years old.

I have a family that I am raising nearby the project sites inn ZC Case Nos. 16-11 & 16-12.

My family ^{owns} ~~owns~~ our home. We are fearful the projects will displace us with rising rents and property taxes.

My family and children enjoy Bruce Monroe Park right now. The project will eliminate a large portion of the park we use on a regular basis. The park provides my family much needed recreation space in a neighborhood lacking large open public land.

We are quite worried about the environmental impacts like more noise and air pollution. These projects will negatively affect the health of my family.

We support GAN in bringing our concerns to the Zoning Commission. We authorize GAN to participate at the hearings. We give approval to GAN managers to pick our representative to the hearings.

Signed, *My baby took her first swing ride in that park. She loves the garden. Hopefully she and others can grow there.*

Juan Carlos Caicedo / P.H. Juan

Date: 0 11/27/16.

Print name: *JUAN CAICEDO*

Address: *732 Kenyon St NW*
WDC 20010

Phone: *786 797 0004*

jaicedo@gmail.com

PERSONAL STATEMENT

My name Nicholas Van Dusen, and I am a 30 year old homeowner on the same block as Bruce Monroe Community Park. I attest that my statements below are true and factual to the best of my knowledge.

I attest that the projects in the inter-related Zoning Case Nos. 16-11 and 16-12 will have immense adverse affects on my neighborhood and me.

(1) Environment

The number of high density units which the Zoning Commission has already approved in the Georgia Avenue Overlay District and are currently in various stages of construction and development and are adjacent to Bruce Monroe Community Park are already planned to increase the amount of paved and impervious surfaces in area, and will therefore increase water runoff as well. Reducing the size of Bruce Monroe Community Park will eliminate one of the few remaining green spaces that helps mitigate water runoff issues in the area.

(2) Land Values & Displacement

Our homes will have increased water runoff streaming downhill from east to west given the steep slope of Irving and Columbia between Sherman and Georgia. This increased runoff has the ability to compromise our foundations. In addition, the introduction of a 9 story building will decrease the amount sunlight that reaches our homes and would otherwise help dry the increase moisture that will result from increased water runoff. The 9 story building will destroy the Bruce Monroe Park, the heart of our community, and destroy the character of the neighborhood.

(3) Elimination of the Park at Georgia and Irving Street

The reduction of the park from 2.5 acres to 1 acre exacerbates the “severe shortage” of park space in the Mid City Area Element portion in section 2000.8 of the District’s approved Comprehensive Plan. Bruce Monroe Community Park is a critical asset that serves not only the residents that live in the immediate vicinity of the park, as well as residents of the surrounding neighborhoods that lack access to quality green space.

(3) Negative Impacts on Public Services & Transit

The proposed high density building will exacerbate traffic and congestion on the two busiest one-way, single lane, through streets in all of Northwest DC. While both streets service important bus routes, the impact of any development on this segment of Irving Street NW must be given serious consideration since it is a crucial route for ambulances and emergency vehicles bound for the Washington Hospital Center, the only trauma hospital in DC.

(4) Lack of Adequate Representation on the Matter in the ANC

The residents that live immediately adjacent to Bruce Monroe Community Park were not represented on matters related to the park that were brought before the Advisory

Neighborhood Commission because ANC 1A10 Commissioner, Rashida Brown, recused herself from all discussions and decisions regarding Bruce Monroe Community Park due to the conflict of interest posed by her employment with DMPED. However, Commissioner Brown's constituents did not know that they would not have representation on this issue until Brown's letter of recusal was read aloud by the ANC 1A chairman at the April 13, 2016 meeting where the committee voted on whether to support the surplus designation of the park. In fact, Ms. Brown ignored correspondence sent to 1A10@anc.dc.gov on matters related to Bruce Monroe Community Park. Several attempts were made to reach Ms. Brown via email before and after her opposition to the park was made public, and no reply was made.

For these four reasons, I ask that Georgia Avenue Corridor Neighbors (GAN) and DC for Reasonable Development (DC4RD) facilitate and deliver my contested concerns before Zoning Commissioners in ZC Case Nos. 16-11 and 16-12, as well in any subsequent judicial review on my behalf. And, I support GAN and DC4RD managers in selecting our authorized representative to assist us in seeking protections on the surrounding community.

Signed,

A handwritten signature in blue ink, appearing to read "N. Van Dusen".

11/20/16

Nicholas Van Dusen
761 Irving Street NW
Washington, DC 20010
(917)939-2235

PERSONAL STATEMENT

My name is Nida Chaudhary, and I am 30 year old homeowner on the same block as Bruce Monroe Community Park. I attest that my statements below are true and factual to the best of my knowledge.

I attest that the projects in the inter-related Zoning Case Nos. 16-11 and 16-12 will have immense adverse affects on my neighborhood and me.

(1) Environment

The number of high density units which the Zoning Commission has already approved in the Georgia Avenue Overlay District and are currently in various stages of construction and development and are adjacent to Bruce Monroe Community Park are already planned to increase the amount of paved and impervious surfaces in area, and will therefore increase water runoff as well. Reducing the size of Bruce Monroe Community Park will eliminate one of the few remaining green spaces that helps mitigate water runoff issues in the area.

(2) Land Values & Displacement

Our homes will have increased water runoff streaming downhill from east to west given the steep slope of Irving and Columbia between Sherman and Georgia. This increased runoff has the ability to compromise our foundations. In addition, the introduction of a 9 story building will decrease the amount sunlight that reaches our homes and would otherwise help dry the increase moisture that will result from increased water runoff. The 9 story building will destroy the Bruce Monroe Park, the heart of our community, and destroy the character of the neighborhood.

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The reduction of the park from 2.5 acres to 1 acre exacerbates the “severe shortage” of park space in the Mid City Area Element portion in section 2000.8 of the District’s approved Comprehensive Plan. Bruce Monroe Community Park is a critical asset that serves not only the residents that live in the immediate vicinity of the park, as well as residents of the surrounding neighborhoods that lack access to quality green space.

(3) Negative Impacts on Public Services & Transit

The proposed high density building will exacerbate traffic and congestion on the two busiest one-way, single lane, through streets in all of Northwest DC. While both streets service important bus routes, the impact of any development on this segment of Irving Street NW must be given serious consideration since it is a crucial route for ambulances and emergency vehicles bound for the Washington Hospital Center, the only trauma hospital in DC.

(4) Lack of Adequate Representation on the Matter in the ANC

The residents that live immediately adjacent to Bruce Monroe Community Park were not represented on matters related to the park that were brought before the Advisory Neighborhood Commission because ANC 1A10 Commissioner, Rashida Brown, recused

herself from all discussions and decisions regarding Bruce Monroe Community Park due to the conflict of interest posed by her employment with DMPED. However, Commissioner Brown's constituents did not know that they would not have representation on this issue until Brown's letter of recusal was read aloud by the ANC 1A chairman at the April 13, 2016 meeting where the committee voted on whether to support the surplus designation of the park. I was particularly disappointed that Ms. Brown did not inform me that she was required to recuse herself on matters related to Bruce Monroe Community Park after I sent her an email on March 23, 2016. After attending the ANC 1A meeting on April 13, 2016, I replied to my March 23, 2016 email to Ms. Brown and asked why she had failed to mention that she was recusing herself on the matter. I have yet to receive any response from Ms. Brown.

For these four reasons, I ask that Georgia Avenue Corridor Neighbors (GAN) and DC for Reasonable Development (DC4RD) facilitate and deliver my contested concerns before Zoning Commissioners in ZC Case Nos. 16-11 and 16-12, as well in any subsequent judicial review on my behalf. And, I support GAN and DC4RD managers in selecting our authorized representative to assist us in seeking protections on the surrounding community.

Signed,

 11/29/16

Nida Chaudhary
761 Irving Street NW
Washington, DC 20010
(917)939-2235

Personal Statement

I am over the age of 18. I am a homeowner. I attest that my statements below are the truth as to the best of my information and knowledge.

As a person living nearby Georgia Avenue, a corridor of important local DC history and propelled by local small businesses and longtime residents, the projects I see in the Zoning Case Nos. 16-11 and 16-12 will have a direct adverse affect on me and my interests in my property and that of my neighborhood.

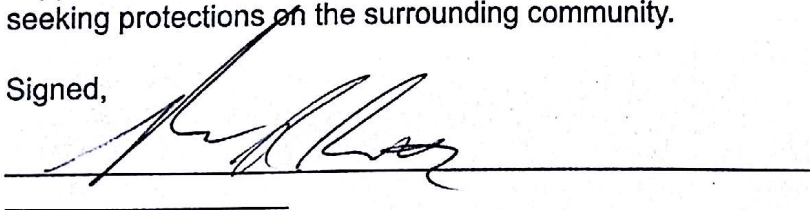
Homeowners like me will face sudden jumps in land values with these very large mostly luxury residential projects. But yet, there's no discussion of increasing gentrification pressures brought on by projects set at densities bigger than anticipated by the DC Comprehensive Plan and other city planning documents. There will be unmitigated tax appraisal increases to my properties as well as those in the surrounding community.

The cumulative densities of the proposed projects are not being considered holistically so to determine a comprehensive impact analysis on the public services that currently serve me and my neighbors. Traffic will climb to untenable levels and with it noise and air pollution. Public on street parking which we enjoy now is already at a premium and will become oversaturated for existing residents with vehicles. Emergency responders will be impacted by jams on Georgia Avenue and Columbia Road, our major emergency thoroughfares. Our buses will see significant increases in use and abuse while Metro threatens transit cuts. None of this has been explored for mitigation planning or to determine if this project is even feasible without significant adverse affects on residents like me.

The interconnected PUD applications in ZC Case Nos. 16-11 and 16-12 present concrete displacement threats, and quality of life impacts to homeowners like me, as well as my neighbors. The people who live here now. I am also worried about the significant loss of park space. I enjoy this open public space now and it will largely disappear under the proposed plans.

I ask that Georgia Avenue Corridor Neighbors (GAN) and DC for Reasonable Development (DC4RD) facilitate and deliver my contested concerns before Zoning Commissioners in ZC Case Nos. 16-11 and 16-12, as well in any subsequent judicial review on my behalf. And, I support GAN and DC4RD managers in selecting our authorized representative to assist us in seeking protections on the surrounding community.

Signed,



Date: 11/21/2016

Print name:

Robert B Leary III

Address:

758 Irving Street NW

Phone: 202-669-8493



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: Georgia Ave. Corridor Neighbors
Address: 40 Chris Otten + Ryan Cummins 2203 Champlain Street NW #202
Phone No(s): 202-763-6901 E-Mail: dc4reality@gmail.com

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

Signature: [Signature] Date: 11/21/16

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: ATTACHED
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? ATTACHED
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) ATTACHED
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.) ATTACHED
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? ATTACHED
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. ATTACHED
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. ATTACHED