



DONOHUE & STEARNS, PLC

October 27, 2017

VIA IZIS

Chairman Anthony Hood
D.C. Zoning Commission
441 4th Street, N.W., Suite 200S
Washington, DC 20001

Re: Z.C. Case 16-23/Valor Development LLC/Square 1499
Hearing Date: January 11, 2018

Chairman Hood:

On behalf of our clients Citizens for Responsible Development (CRD), we are submitting the attached Request for Party Status. We are requesting the Zoning Commission consider this request on November 13, 2017.

In support of the Request for Party Status, CRD submits the following list of witnesses who will testify at the hearing:

1. Sondra Mills, 4827 Alton Place, N.W., will address the history and character of the area with particular emphasis on the Spring Valley commercial area;
2. Michael Stover, 4817 Butterworth Place, N.W. will address zoning issues as they pertain to the proposal and Design Review, and the underground stream (Murdock Mill Creek);
3. Sheldon Repp, 4704 Windom Place, N.W. will address proposed density of the project and inconsistency of such proposal with the neighborhood and the Comprehensive Plan;
4. Jawahar (Joe) Mehra, P.E. PTOE, a Traffic and Transportation expert, will address traffic issues. Attached is a copy of his professional resume. We are asking the Commission to accept him as an expert.

We are requesting forty-five (45) minutes for our presentation. In addition to the enclosed Form 140, I have attached a three-page document titled Party Status Criteria that is responsive to Items 1 through 6 on Form 140. Thank you for your consideration of the attached.

Sincerely,

Edward L. Donohue

Enclosures

ZONING COMMISSION
District of Columbia
CASE NO.16-23
EXHIBIT NO.79

cc: Jennifer Steingasser, Office of Planning (via email)
Joel Lawson, Office of Planning (via email)
Elisa Vitale, Office of Planning (via email)
Anna Chamberlin, District Department of Transportation (via email)
Aaron Zimmerman, District Department of Transportation (via email)
Advisory Neighborhood Commission 3E (via email)
Advisory Neighborhood Commission 3D (via email)
Christopher H. Collins, Holland & Knight (via email)
Douglas Kudravetz, American University (via USPS)



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:	Barbara and Sheldon Repp / Citizens for Responsible Development		
Address:	4704 Windom Place, NW		
Phone No(s):	202-362-0698	E-Mail:	repper3@aol.com Repper3@aol.com
I hereby request to appear and participate as a party in Case No.:		16-23	
Signature:		Date:	9/8/2017
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:	Edward L. Donohue		
Address:	117 Oronoco Street, Alexandria, VA 22314		
Phone No(s):	703-549-5384	E-Mail:	edonohue@donohuestearns.com

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for: **10x23x07x 11/13/17**

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 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 Applicant (Valor Development) has filed a "Design Review" application pursuant to Subtitle X, Chapter 6 of the 2016 Zoning Regulations seeking Zoning Commission approval of a large project on the site of the former SuperFresh grocery, Record Lot 807. Under the zoning regulations, the purpose of the Design Review process is to provide flexibility to property owners without an increase in density or a map amendment, and after a finding by the Commission that there is no adverse impact. The proposed project exceeds the density allowed, is contrary to the Comprehensive Plan and will adversely affect the neighborhood. Citizens for Responsible Development (CRD) is uniquely positioned to demonstrate the reasons why.

Valor's proposed project consists of two buildings of five to seven stories, counting the penthouse levels in each. Retail space would underlie the project on the back side, where the seven story structure would tower over and detract from the adjacent historically designated Spring Valley Shopping Center. The neighboring community is composed of two story single family homes.

Among the issues CRD intends to address regarding the proposed development are:

First, Valor contends that it can build a structure with 184,514 GFA as a "matter-of-right" on the site (Lot 807), of which 2,606 GFA can be non-residential. In fact, as CRD will show, the Application calls for more residential and nonresidential density than is allowed as a "matter-of-right." In short, much of the density Valor wishes to build on Lot 807 was transferred to Lot 806. The transfer was recorded in May, 1979 to allow for greater density of the building at 4801 Massachusetts Avenue, NW, and to require that parking be provided at the SuperFresh site (lot 807) for the benefit of lot 806.

Second, CRD will show that the proposed project is inconsistent with the Comprehensive Plan. The Future Land Use Map that is incorporated into the Comprehensive Plan calls for this site to be low density commercial (one to three stories). Further, the Comprehensive Plan calls for protection of the low density, stable residential neighborhoods west of Rock Creek Park and specifically provides that the heights and densities of infill development shall be appropriate to the scale and character of adjoining communities.

Third, the updated DC Zoning Map labels the site as MU-4, which permits only moderate-density mixed use development in low- and moderate-density residential areas. Valor's project falls into the category of medium density (4-7 stories), and is out of scale with both its commercial and residential surroundings. The project thus is inconsistent with the Zoning Regulations.

Fourth, CRD will demonstrate through its own expert traffic consultant that the increased density will significantly affect traffic, safety, and parking on local streets.

Finally, CRD will show how the proposed development will undermine the long-standing character of the surrounding neighborhood.

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

CRD is an unincorporated, not-for-profit, neighborhood association, formed in 2016 by neighbors of the proposed site with the mission of ensuring that the redevelopment of the SuperFresh site is conducted in a manner that is consistent with the needs and concerns of the surrounding neighborhood. CRD's members will be adversely affected by the massive scale of the proposed project. About 150 residents are active members of CRD, including a number of individuals whose homes lie within 200 feet of Lot 807. Of the 38 residents who have filed letters of opposition with the Zoning Commission as of September 5, 2017, most are members of CRD. CRD itself has submitted a petition to the Commission that includes the names of 561 residents of Ward 3 who registered their opposition to the scale of the current proposal by signing the petition.

3. What is the distance between the person's property and the property that is the subject of the appeal or application before the Commission/Board? (Preferably no farther than 200 ft.)

As noted above, CRD is composed of neighbors of the proposed project. Included in CRD's membership are persons who reside within 200 feet of the proposed project.

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 scale of the proposed project is too large and exceeds allowable density and the parameters of the Comprehensive Plan, it will have a detrimental impact on the neighborhood. Valor's own transportation consultant will have to acknowledge most project related traffic will enter and leave the site through local streets, endangering both the children and elderly who live nearby, and raising noise and air quality concerns. Parking will inevitably spill over onto neighboring streets. The proposed project also will further strain the local elementary, middle and high schools servicing the area, all of which are already overcapacity. Finally, the seven story "wall" on the back side of the project will detract from the adjacent one story historically designated Spring Valley shopping center that the neighbors use and treasure.

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 narrative above summarizes the major issues currently identified by Citizens for Responsible Development as affecting the neighbors. However, we reserve the right to bring up additional 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.

Citizens for Responsible Development represents the immediate neighbors to the proposed project site, including those residing within 200 feet of the site. This project has been publicly discussed for close to two years. CRD members have been the predominant opponents at all the Advisory Neighborhood Commission and other meetings where the project has been discussed. CRD will provide context to the transfer of density to 4801 Massachusetts Avenue, NW referred to paragraph 1, which is of critical importance to the Commission as it evaluates Valor's claims about matter-of-right development. Finally,

CRD is uniquely positioned to demonstrate to the Commission that the proposed development is so far out of scale as to overwhelm the neighborhood in proximity to the site. As a group, CRD has funded expert assessments and reports. Through its individual members, CRD will show how the character of its neighborhood will be significantly, adversely affected.

Jawahar (Joe) Mehra, P.E. PTOE

President, MCV Associates, Inc

Education

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

Registration/Certification

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

Affiliations

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

Summary

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

Relevant Experience

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

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

