

Holland & Knight

800 17th Street, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

CHRISTOPHER H. COLLINS
202-457-7841
chris.collins@hklaw.com

January 2, 2018

VIA IZIS

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

Re: Z.C. Case No. 16-23
Valor Development, LLC – Applicant’s Opposition to Party Status Request
from Spring Valley Wesley Heights Citizens Association/Neighbors for a
Livable Community/Spring Valley West Homes Corporation

Dear Members of the Zoning Commission:

Applicant hereby opposes the joint party status request captioned above, as further set forth below. The request for party status in Ex. 115 was served upon Applicant’s counsel on Saturday, December 23, 2017. See Attachment A. Therefore, per 11-Z DCMR, Sec. 404.9 and 204.3, this response is timely filed.

The Party Status Request Does Not Meet The Party Status Requirements of 11-Z DCMR Sec. 404.1

A request for party status before the Zoning Commission must meet all of the requirements of 11-Z DCMR, Sec. 404.1. This joint party status request does not meet all of those requirements, and party status should therefore not be granted.

A. The joint party status request does not provide satisfactory evidence that each of the separate entities has authorized that entity’s participation in the public hearing. 11-Z DCMR, Sec. 404.1(f)(1). Exhibits 110 And 111 of the record are the resolutions of Spring Valley Wesley Heights Citizens Assn (SVWHCA) and Neighbors for Livable Community (NLC), respectively. The NLC resolution at Ex. 111 copied verbatim the SVWHCA resolution at Ex. 110. Those two resolutions are identical, even to the point where NLC did not change the reference to SVWHCA in the two “Resolved” paragraphs on p. 5 of the NLC resolution at Ex. 111. SVWHCA and NLC appear to be the same group, based on their filings. There is no such resolution in the record for Spring Valley West Homes Corporation (SVW).

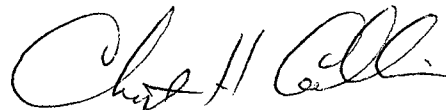
B. The joint party status request does not name any “specific officer, employee or agent to act on its behalf and bind the entity at the proceeding”, for any of the three entities. 11-Z DCMR, Sec. 404.1(f)(2). This requirement is separate from the requirement to list witnesses, at 11-Z DCMR, Sec. 404.1(g). None of the entities listed this information.

C. The joint party status request does not provide any substantial information as to “how the ... interests [of these entities] would be more significantly, distinctly, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public” (emphasis added). 11-Z DCMR, Sec. 404.1(h)(5). The joint request simply says in response to that criterion that “because of the proximity of the development to residents of Spring Valley, including Spring Valley West, the residents represented by the [proposed] parties in this application will be more impacted by the general public”. As shown on the map at Attachment B, depicting the general boundaries of Ward 3 neighborhoods, obtained from the website of Ward 3 Councilmember Mary Cheh, the Spring Valley neighborhood includes the area across Massachusetts Avenue, to the west and southwest of the project site, and generally bounded by Massachusetts Avenue, Dalecarlia Parkway, Loughboro Road, and Nebraska Avenue, an area extending as far as a mile away from the project site. The residents of Spring Valley are members of the general public in that part of the District. In granting party status to Citizens for Responsible Development (CRD) in this case, the Commission nonetheless required CRD to submit a list of its individual members. No such information was submitted by any of the entities in this joint party status request. Thus, there is no way to ascertain how the generalized interests regarding bulk, height, and scale; traffic; and mix of dwelling types expressed in this joint party status request would more significantly, distinctly or uniquely affect the entities in this joint party status request compared to other persons in the general public.

For the above reasons, party status should not be granted.

Respectfully Submitted,

HOLLAND & KNIGHT LLP



Christopher H. Collins

CHC:jma

Attachments

CERTIFICATE OF SERVICE
Z.C. Case No. 16-23

I HEREBY CERTIFY that on January 2, 2017, a copy of the attached Applicant's Opposition to Party Status from Spring Valley Wesley Heights Citizens Association/Neighbors for a Livable Community/Spring Valley West Homes Corporation was served by email on the following:

Elisa Vitale
Office of Planning
1100 4th Street, SW
Washington, DC 20024
elisa.vitale@dc.gov

Spring Valley Wesley Heights Citizens Assn.
4601 Tilden Street, NW
Washington, DC 20016
jlkcraskin@rnc.com

Spring Valley West Homes Corp.
5106 52nd Street, NW
Washington, DC 20016
scottlparker@comcast.net

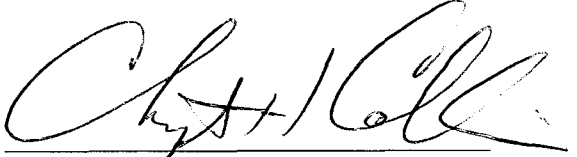
Neighbors for a Livable Community
3700 University Avenue, NW
Washington, DC 20016
dennis.paul@verizon.net

Advisory Neighborhood Commission 3E
c/o Lisner Home
5425 Western Avenue, NW
Suite 219
Washington, DC 20015
3E@anc.dc.gov

Advisory Neighborhood Commission 3D
PO Box 40846 Palisades Station
Washington, DC 20016
3D@anc.dc.gov

Edward L. Donohue, Donohue & Stearns, PLC,
representative for Citizens for Responsible Development
117 Oronoco Street
Alexandria, VA 22314
edonohue@donohuestearns.com

Citizens for Responsible Development
Barbara & Sheldon Repp
4704 Windom Place, NW
Washington, DC 20016
repper3@aol.com



Christopher H. Collins