



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:	Gustavo Mathias Alves Pinto		
Address:	817 G St SW		
Phone No(s):	202-469-1043	E Mail:	gumathias@gmail.com

I hereby request to appear and participate as a party in Case No.:	Z.C. Case No. 22-06
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Signature:		Date:	
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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
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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:	Thursday, October 6, 2022 at 4pm
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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.

VIA EMAIL

zcsubmissions@dc.gov

District of Columbia Zoning Office
One Judiciary Square
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: PARTY STATUS APPLICATION

Gustavo Mathias Alves Pinto
Z.C. Case No. 22-06

To Whom It May Concern:

Please find enclosed one (1) copy of the Party Status Application for Gustavo Mathias Alves Pinto with regards to the hearing set for October 6, 2022 at 4:00 p.m. on the Consolidated Planned Unit Development and Related Zoning Map Amendment application (the "PUD") submitted by 801 Maine Ave SW PJV, LLC, a sub-entity of Jair Lynch Real Estate Partners (the "Applicant"), for the property located at 899 Maine Avenue, S.W., Square 390, SW ("Site").

I am the owner of 817 G St SW, a townhouse in the Capitol Square at the Waterfront community (sometimes referred to by its main private drive, Capitol Square Place, or CSP), located across the street from the Site (see Exhibit A). My house is within 200 ft of the Site, as acknowledged by the Applicant's letter addressed to my home dated November 9, 2021, titled "Notice of Intent to File a Zoning Application" (see Exhibit B).

I have been discussing the Applicant's PUD for the Site with the CSP Homeowners Association (the "Association") and have attended meetings organized by the Association with the Applicant's legal and technical representatives to discuss my and the Association's concerns with the PUD and its impact on my home and the CSP community. The Association filed a Party Status Request application on August 16, 2022 and listed me as a witness to their Party Status Request. However, on September 7, 2022, the Applicant filed a request with the Zoning Commission opposing the Association's Party Status.

It is unfortunate that the Applicant is trying to prevent the Association from obtaining Party Status and participating in the hearing, but its efforts are pointless, given that my house is located within 200 ft of the Site, and I fully support the Association's position regarding the PUD. My responses to the questions listed on the party status application form (Form 140) are entirely aligned with the points already raised by the Association in its Party Status Request.

I hereby respectfully submit my Party Status Request for the October 6, 2022, public hearing in this case.

Attachment: Party Status Criteria Response for Z.C. Case No. 22-06

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?

Response:

I am the owner of 817 G St SW, a townhouse in the CSP community, located across the street and within 200 ft from the Site. I believe that my house and the CSP community will be materially impacted by the Applicant's proposed redevelopment of the Site as follows:

Size and Density. The development would bring a sizeable high-rise, high-density building directly next to my house and other CSP townhouses, which are zoned as MU-7, mixed-use, medium density. Currently, the Site is zoned MU-12 which permits mixed-use of moderate density. However, the Applicant requests a change of the Site to MU-9A which allows for mixed-use, high-density. So, if approved, there will be a high-rise, high-density building directly next to a medium density development which would upset my and the CSP community's reasonable expectations for zoning stability in the neighborhood.

Because of the close proximity of the high-density project to my house and the CSP community, I have legitimate concerns about residents of the Site trespassing on CSP common area courtyards and using the CSP common area for pet relief. The Applicant has not proposed measures to mitigate trespass on the CSP property.

Ingress and Egress. The Applicant's proposed garage access and loading and service bay entrances on G Street are a major concern for me and the CSP community. The Applicant is seeking approval for two 30-foot loading bays and a 20-foot service bay off of G Street. G Street, which is a 1-way street, is one of the main forms of ingress and egress for me and other residents within CSP. I am very concerned about not only increased traffic on G Street into and out of the proposed garage, but trucks and other high-density vehicles using G Street to access the Site's loading and service entrances causing congestion on the small drive and high traffic volume. I do not believe that the 20-foot street can accommodate that type of access without adversely impacting my house and the CSP community. The traffic from the existing office building already adds undue congestion to G Street. Vehicles from the existing office building also cut through CSP's private drives, often at speeds exceeding the posted limits, in order to access the G Street parking garage entrance. Now, with the proposed high-density development, that traffic will increase even further. These entrances should be relocated away from CSP off of G Street and mitigation measures to keep traffic from coming through the CSP's alleys, such as angled entry, traffic barriers on G Street to make cutting straight through CSP impossible, and other traffic flow measures.

Removal of Street Parking. I and the CSP community are concerned about the removal of street parking on G Street to accommodate the new building entrances. The Applicant has not adequately addressed restoration of critical street parking.

Proposed alleyway. The Applicant is proposing a cut-thru/alleyway between G Street and Maine Avenue. This is a major concern for me and the CSP community. My house would be particularly impacted as it is adjacent to the private driveway access to CSP on G Street, and the Applicant's proposed alleyway access on G Street would be located almost directly across the street from CSP's private driveway, sending traffic from the proposed building to G Street and CSP. I request that traffic be redirected back out of Maine Street.

Building Design. I and the CSP community are concerned about the project design. As presented, the height of building is too high. It needs to be reduced down in order to integrate better with the townhome nature of the CSP community and rest of the neighborhood. I and the CSP community are also concerned about access to light and air based on the results of the shadow study conducted. The

shadow study seems to significantly underestimate the impact of shadows on my house, the CSP community, and Jefferson Field (which is used as the neighboring school's athletic field), particularly during wintertime. Sunlight will be severely reduced for me and CSP residents.

Construction Activity. I and the CSP community are concerned about the construction activity during development, in particular excess traffic in the construction zone, noise and dust, and potential structural damage to my home, which is located across the street from the Site, as well as other CSP townhomes, from pile driving and vibration. I and the CSP community are concerned about construction crews cutting through the CSP community to access the Site and taking up critical parking on G Street and 9th Street. The Applicant has not adequately addressed these concerns.

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

Response:

I am the owner of 817 G St SW, a townhouse in the CSP community, located across the street from the Site (see Exhibit A).

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.)

Response:

My house is within 200 ft of the Site, as acknowledged by the Applicant's letter addressed to my home dated November 9, 2021, titled "Notice of Intent to File a Zoning Application" (see Exhibit B).

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?

Response:

Please see the concerns addressed above. All of the my and the CSP community's concerns have environmental, economic, and social impact. From an environmental standpoint, the project, if approved, would significantly increase traffic congestion in the neighborhood and also on Maine Avenue and I-395. The project also blocks sunlight to my house, the CSP community and the neighboring school athletic field.

From an economic standpoint, having a high-density, high-rise building would negatively impact the values of my house and the other townhomes in the CSP community. It would make the neighborhood less attractive to those potential purchasers looking to live in the existing medium-density area.

From a social standpoint, the Applicant fails to adequately address crosswalks and sidewalks surrounding the proposed building, particularly around the west side of 9th Street. The Applicant has not adequately addressed the increased number of residents the proposed high-rise will bring and how to accommodate better pedestrian access.

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.

Response:

Please see the concerns addressed above. I and the CSP community will be adversely affected if the Applicant's request is granted.

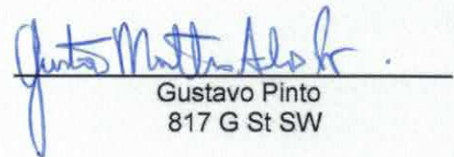
Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Response:

The situation for me and the CSP community is distinctly unique due to its location on G Street and the current quiet, residential nature of the townhome community. I and the other owners and residents of the CSP community would be far more affected by noise from garbage trucks, delivery services, moving vans and other vehicle traffic to the project Site than other members of the public. I and the owners and residents of the CSP community would be situated directly next to a high-density building in an otherwise medium-density area. We would have our light blocked, as would the neighboring areas. There is already a serious street parking shortage in the neighborhood that would further worsen. Property values could decrease.

Please contact the undersigned if there are any questions regarding this Party Status Application.

Sincerely,


Gustavo Pinto
817 G St SW

Enclosures

- Certificate of Service
- Witness List
- Exhibit A
- Exhibit B

Certificate of Service
Z.C. Case No. 22-06

I hereby certify that on SEPTEMBER 13, 2022, a copy of the foregoing party status application was served on the following via email:

801 Maine Ave SW PJV, LLC, Applicant
c/o Holland & Knight LLP

Leila Jackson Batties
Via Email: Leila.batties@hklaw.com

And

Christopher S. Cohen
202.469.5127
christopher.cohen@hklaw.com

Advisory Neighborhood Commission 6D
c/o Commissioner Edward Daniels, Chair 6D
Via Email: 6D@anc.dc.gov
Via Email: 6D07@anc.dc.gov

Dr. Marjorie Lightman
Single-Member District Representative
ANC 6D-01
Via Email: 6D01@anc.dc.gov

By:



Gustavo Pinto
817 G St SW

Attachment: Party Witness Information for Z.C. Case No. 22-06

Public Hearing Date: October 6, 2022, at 4PM ET

List of Witnesses and Testimony Summary

1. Gustavo Pinto

Description of testimony: Mr. Pinto lives across the street from the site of the proposed development and will summarize his concerns with the existing traffic issues on G St SW and traffic problems the new development will cause or exacerbate to his house and the CSP community.

2. Patricia Giorno Ramos (Expert Testimony, Resume Attached)

Description of testimony: Ms. Ramos is an architect and will review the findings from the shadow study she conducted, which shows significant shadow impact on the CSP community and neighboring areas.

3. Erin Berg

Description of testimony: President of the CSP Board of Directors, a homeowners' association of 93 townhomes directly to the north of the proposed development. Ms. Berg will testify to the effect the construction and future proposed building will have on the community. She is primarily concerned with the impact of a long construction period in a complicated, awkward lot, the visual impact in terms of shadows and alignment to the rest of the block, and the use of CSP property as a thoroughfare for vehicle and pedestrian traffic during the construction and after the building is completed. During the testimony she will explain these concerns and suggest some mitigation possibilities.

4. Corinne Carroll

Description of testimony: Ms. Carroll will testify that the developer's request to re-zone for ZC 22-06 is inconsistent with the existing Comprehensive Plan, the FLUM and the SW Small Area Plan. Their rezoning proposal will negatively impact the surrounding area in terms of traffic flow, parking issues, pedestrian and bicyclist safety, and excessive shading of the public school and homes located nearby. The proposed building currently offers no public benefits other than the addition of housing units on the site. The proposed project is not aligned to the Future Land Use Map and the Small Area Plan for the neighborhood, which is focused on preserving the residential portions of the area as being low or medium density. This designation was made by design to preserve the history, integrity, and quality of life in the Southwest community while planning for appropriate future growth and development.

5. Gail Fast

Description of testimony: Ms. Fast will provide testimony in opposition to 899 Maine development due to negative community impacts.

Requested amount of time: 30 minutes

PATRICIA GIORNO RAMOS

SUMMARY

Architect and Urban Planner with 16+ Years of experience in exterior and interior project planning, design and management, including 3D design and rendering.

CAREER HISTORY

3D Designer Architect, Washington, DC/ Shanghai, China/ Sao Paulo, Brazil.

2016 - 2022

Self-Employed

Prepared 3D models of interior and exterior architectural designs for clients in three different countries, including renderings for client presentations, always ensuring maximum level of satisfaction.

- 3D model interior and exterior design
- Photorealistic 3D renderings.
- Walkthrough animation.
- 3D visualization.
- Proficiency in key architectural and business software packages, including:
 - AutoCAD
 - SketchUp
 - VRay
 - Microsoft Office Suite
 - Adobe Photoshop
 - Illustrator

Cultivare Architecture and Landscape, São Paulo, Brazil.

2006 - 2016

Owner / Architect and Project Manager

Responsible for preparing architectural landscape projects and supervising on site project implementation, including quality assurance oversight, leading site meetings with different stakeholders, managing design changes, project documentation, as well as overall administration.

- Involved in the planning, design, and construction of landscape projects.
- Met with clients weekly to ensure high level of satisfaction.
- Compiled data for architectural plans, specifications, cost estimates, reports etc.
- Prepared layouts, drawings, and preliminary sketches.
- Provided clear direction to members of the project team.
- Prepared sub-contractor order documentation.
- Developed & sustained working relationships with private & public sector partners.
- Visited sites and built relationships with site managers.

EDUCATION & CERTIFICATIONS

Education: B.Arch., Architecture and Urban Design, Mackenzie Presbyterian University, 2007, Sao Paulo, Brazil.

Certifications: Project Management
Construction Management
Interior Design
Landscape Design
LEED (Leadership in Energy and Environmental Design)
3D Modeling

Exhibit A

Mail to:
Federal Title & Escrow Company
5335 Wisconsin Ave., NW, #700
Washington, DC 20015

Pinto/170302PD

THIS DEED is made on the 30th day of March, 2017, by and between Nicholas G. Cavarocchi and Bridget V. Cavarocchi, Tenants by the Entirety by virtue of Deed recorded 11/1/01 at Instrument No. 2011105635 among the Land Records of the District of Columbia, parties of the first part, and Gustavo Mathias Alves Pinto, party of the second part:

WITNESSETH, that in consideration of Nine Hundred Eighty Five Thousand Dollars (\$985,000.00), the said parties of the first part do grant and convey unto Gustavo Mathias Alves Pinto, party of the second part, his heirs, successors and assigns, in fee simple as Sole Owner all that piece or parcel of land situate, lying and being in the District of Columbia described as follows to wit:

All of that certain lot of land being all of Lot 72 (882) in Square 43 situate and lying in the District of Columbia, said land being a portion of the tract of land conveyed by District of Columbia Redevelopment Land Agency, an agency of the Government of the District of Columbia to Capitol Square Homes LLC, a District of Columbia Limited Liability Company.

Commencing at a set steel rebar where the Western Right of Way line of 7th Street, S.W. intersects the Northern Right of Way line of G Street, SW, said point also marks the Southeast corner of Square 413; thence running with the said Northern Right of Way line of G Street, SW.

Due West 390.71 feet to a point; being the true point of beginning; thence continuing with said G Street, SW

Due West 18.17 feet to a point; thence departing the said Northern Right of Way of G Street, SW

Due North 49.00 feet to a point; thence

Due South 18.17 feet to a point; thence

Due South 49.00 feet to the point of beginning, containing 890 square feet or 0.02043 acres of land, more or less.

NOTE: At the date hereof the above described land is known for assessment and taxation purposes as Lot numbered 882 in Square numbered 413

AND the said parties of the first part covenant that they will warrant specially the property hereby conveyed; and that they will execute such further assurances of said land as may be requisite.

WITNESS their hand and seal the day and year hereinbefore written.

Nicholas G. Cavarocchi
Nicholas G. Cavarocchi

Bridget V. Cavarocchi
Bridget V. Cavarocchi

DISTRICT OF COLUMBIA, ss:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Nicholas G. Cavarocchi and Bridget V. Cavarocchi, known to me as the person(s) who executed the foregoing Deed bearing date on the 30th day of March, 2017, personally appeared before me in said jurisdiction and acknowledged the same to be their act and deed.

Given under my hand and seal this the 23rd day of March, 2017.

My Commission Expires:

6/30/2020

CC
Notary Public

Christopher Joseph David
Notary Public, District of Columbia
My Commission Expires 6/30/2020



Exhibit B

November 9, 2021

NOTICE OF INTENT TO FILE A ZONING APPLICATION

Application to the District of Columbia Zoning Commission for a Consolidated Planned Unit Development and Related Zoning Map Amendment

801 Maine Ave SW PJV, LLC (the "Applicant"), hereby gives notice of its intent to file an application for approval of a consolidated planned unit development ("PUD") and related Zoning Map amendment with the Zoning Commission of the District of Columbia pursuant to Subtitle Z § 300 of the 2016 District of Columbia Zoning Regulations (ZR16) (11 DCMR Z § 300 *et seq.*). The application will be filed with the Zoning Commission not less than forty-five (45) days from the date of this notice. This notice is given pursuant to 11 DCMR Z § 300.7.

The subject property consists of Lot 0053 in Square 0390 (the "Property"). The Property is a triangular shaped parcel located in the southwest quadrant of the District and contains approximately 53,363 square feet (1.23 acres ±). The Property is generally bounded by G Street SW on the north, Maine Avenue SW on the south, and 9th Street SW on the west. The Property's immediate surroundings include Benjamin Banneker Park to the west, Jefferson Middle School to the east, the Wharf PUD to the south (Z.C. Case No. 11-03, 11-03A-J), and the Capitol Square PUD (Z.C. Case No. 98-10). The Property is located in Ward 6 within the boundaries of Advisory Neighborhood Commission 6D and Single Member District 6D01.

The Applicant seeks approval of a consolidated PUD and a related Zoning Map amendment from MU-12 to MU-10 for the Property to develop a mixed-use project consisting of approximately 442,958 square feet of gross floor area, including ground floor retail use and approximately 500 - 530 residential dwelling units (the "Project"). The Project will have a maximum building height of 110 feet, not including penthouse, and a density of approximately 7.7 FAR.

The Property is designated Medium Density Commercial on the Comprehensive Plan Future Land Use Map, and is designated Neighborhood Conservation Area on the Comprehensive Plan Generalized Policy Map.

The Applicant's architect is Perkins Eastman DC. The Applicant's land use counsel is Holland & Knight LLP. Should you need additional information regarding the application, please contact Leila Batties at leila.batties@hklaw.com or 202-419-2583.