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:	Spring Valley-Wesley Heights Citizens Assn/Neighbors for a Livable Community/Spring Valley West Homes Corporation		
Address:	4601 Tilden St NW, Washington, DC 20016/3700 University Ave NW, Washington, DC 20016/5106 52nd St NW, Washington, DC 20016		
Phone No(s).:	(202) 263-4450/(202) 669-1500/(301) 807-0706	E Mail:	jlkraskin@rcn.com/dennis.paul@verizon.net/scottlparker@comcast.net
I hereby request to appear and participate as a party in Case No.:	Z.C. Case No. 16-23		
Signature:	/s/ Jane L. Kraskin / /s/ Scott L. Parker	Date:	December 18, 2017

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:			
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?
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.

Form 140 – Party Status Request

Party Witness Information

1. The following witnesses may testify:
    - William Krebs
    - Dennis Paul
    - Thomas M. Smith
    - Scott L. Parker
2. Summary of Testimony

Spring Valley-Wesley Heights Citizens Association, Neighbors for a Livable Community, and Spring Valley West Homes Corporation are filing a joint application for party status in support of mixed use development of the former SuperFresh site, including the addition of retail services, such as a neighborhood full-service grocery store, but oppose the project as currently planned by Valor and its application for Design Review on the basis that the development:

- Will exacerbate existing traffic congestion and result in traffic safety issues for motorists, pedestrians, and bicyclists;
- Fails to provide for a mix of residential, shopping, and service opportunities for the neighborhood within an MU-4 zone given that 95 percent of the proposed project is new residential development;
- Is inconsistent with Valor's claim that the residential development is intended to enable current neighborhood residents who may want to downsize remain in the neighborhood given that the skewed mix toward smaller units lowers their attractiveness to current area residents and the overwhelming number of units proposed are rentals;
- Proposes a massive footprint – the bulk and height of which is excessive, out of character and scale, and incompatible with the surrounding neighboring residential and commercial buildings;
- Shall result in an adverse impact on neighboring property; and
- Is inconsistent with the Future Land Use Map definition of the Low Density Commercial Land Use Category (for which the site is classified) in the Comprehensive Plan and with Land Use, Urban Design, and Rock Creek West Elements of the Comprehensive Plan and with provisions of ZR 16.

3. No expert witnesses are anticipated to testify. However, all witnesses are long time leading activists in the Spring Valley neighborhood.
4. Time requested: Approximately 20-30 minutes.

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 project, as proposed, would result in adverse traffic and parking impacts for residents of Spring Valley, including new traffic safety issues; a loss of nearly 28,000 gsf of existing retail space and fails to provide for a mix of residential, shopping, and service opportunities for the neighborhood within an MU-4 zone given that 95 percent of the proposed project is new

residential development; and proposes a massive footprint – the bulk and height of which is excessive, out of character and scale, and incompatible with the surrounding neighboring residential and commercial buildings, including the historically landmarked Massachusetts Avenue Park and Shops (often referred to as the Spring Valley Shopping Center)

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

The Spring Valley-Wesley Heights Citizens Association (SVWHCA) was incorporated in 1952. The SVWHCA includes in its membership all residents of Spring Valley. Because Spring Valley homes abut the project site and fall within 200 feet of the project site, Spring Valley residential homeowners are directly impacted by the actions and activities of the American University. The Association has continued throughout the years to be involved in a wide range of land use issues as advocates for neighborhood interests, including historic designation, campus planning, and other zoning issues. In fact, the association took the lead in the proceedings designating the Massachusetts Avenue Park and Shops as a historic landmark in 1989 and has worked to preserve the historic nature of the property since that time.

The Board of Directors of the Spring Valley-Wesley Heights Citizens Association met on December 13, 2017 to authorize participation in this case as a party in support of the multi-use development of the SuperFresh site but in opposition to the Valor project, as proposed. The resolution to file for party status in this case, as approved by the Board, reads as follows:

> *"The Board of the Spring Valley – Wesley Heights Citizens Association authorizes the filing of a party status application individually or jointly in Z.C. Case No. 16-23 in support of a multi-use development at the SuperFresh site, but in opposition to the Valor proposal."*

The Board is authorized under Article III, Section 3 of its Articles on Incorporation to act on business of the Association when the Association is not in session. Article III, Section 3 reads as follows:

> *"It (the Board) shall be authorized to act upon all business of the Association when the Association is not in session and upon urgent matters requiring action prior to any meeting of the Association."*

Neighbors for a Livable Community (NLC), a D.C. non-profit corporation, was established in 1987 by concerned neighbors of AU to protect the quiet, long-established neighborhoods surrounding American University, including Spring Valley and American University Park. This mission of the corporation as outlined in its Articles of Incorporation includes the following: "to promote the planning and use of commercial property adjoining residential property in Ward 3 of the District of Columbia, and in particular the neighborhoods of Spring Valley, Wesley heights, and American University Park so as to ensure that those uses do not adversely affect the stability and serenity of the neighboring residences and residential communities." Like SVHWCA, the NLC has been actively involved in zoning issues in the neighborhood, including AU's campus planning process, for decades. The NLC was granted party status for the 1990 AU Campus Plan, the 2001 Campus Plan, and the 2012 Campus Plan proceedings and in zoning cases involving the Wesley Theological Seminary. The Association also participated in zoning cases

involving Sibley Hospital expansion. The NLC's purpose is to provide a broad perspective relating to community concerns regarding objectionable impacts resulting from development and growth in the neighborhoods within the vicinity of universities, non-profit institutions, and commercial properties.

The Board of Directors of the NLC met on December 13, 2017 and agreed unanimously to file an application for party status in this proceeding in support of the multi-use development of the SuperFresh site but in opposition to the Valor project, as proposed. Article IV, Section 4.01 of the NLC Bylaws gives the Board authority to "manage the business and affairs of the Corporation" and "exercise any and all powers" of the Corporation. The resolution to file for party status in this case, as approved by the Board, reads as follows:

> *"The Board of Directors of Neighbors for a Livable Community authorizes the filing of a party status application individually or jointly in Z.C. Case No. 16-23 in support of a multi-use development at the SuperFresh site, but in opposition to the Valor proposal."*

The Spring Valley West Homes Corporation (SVW) is a D.C. non-profit corporation that was established over 20 years ago when the 157-home Spring Valley West development was built. There are nine elected Board members – all of whom are resident homeowners – and they are charged with ensuring that Spring Valley West streets and all other capital assets – which are owned by the community – are well maintained and that the interests of Spring Valley West homeowners are represented on local issues. The Board meets quarterly in open meetings, and it also interacts with other groups and residents of the neighboring communities in Spring Valley and AU Park on matters that extend beyond the Spring Valley immediate boundaries, but impact Spring Valley West homeowners.

On December 18, 2017, the Board members of the Spring Valley West Homes Corporation approved the following consistent with the authority outlined in the Corporation's bylaws/covenants:

> *"The Board of the Spring Valley West Homes Corporation authorizes the filing of a party status application individually or jointly in Z.C. Case No. 16-23 in support of a multi-use development at the SuperFresh site, but in opposition to the Valor proposal."*

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

The SuperFresh site falls within 200 feet of residential homes in Spring Valley and Spring Valley West and the commercial corridor that is the subject of this application. The impacts of the development, however, would be so egregious as to impact residents even beyond 200 feet.

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 of the massive footprint for the proposed project – the bulk and height of which is excessive, out of character and scale, and incompatible with the surrounding neighboring residential and commercial buildings – and exceeds what is allowable under the Comprehensive Plan, it would result in adverse impacts on residents of Spring Valley and Spring Valley West and their neighboring property. It would exacerbate existing traffic congestion and result in traffic safety issues for motorists, pedestrians, and bicyclists in the neighborhood. It also will result in reduced retail in the neighborhood and will not, as proposed by the developer, provide a purchasable means for residents interested in downsizing remain in the neighborhood.

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 density of the proposed development with its massive footprint is exacerbated by heights from the ground of approximately 73 feet (88 feet including the penthouse), that border single family residential homes limited to 40 feet in height and the one-story historically landmarked Massachusetts Avenue Park and Shops (often referred to as the Spring Valley Shopping Center); and that such density will create both parking and traffic issues for the surrounding Spring Valley neighborhood, especially residents of Spring Valley West, inconsistent with ***Subtitle X, Section 604.6 of Chapter 6 of ZR 16***. Moreover, the increased density does not result in additional services or amenities for residents despite Valor's claims.

Amenities proposed by the developer will add to the traffic congestion in the neighborhood and have a particularly egregious impact on Spring Valley residents who live closest to the proposed site, including but not limited to residents of Spring Valley West, and residents who rely on the services provided by existing retail at the Spring Valley Shopping Center. This traffic congestion also will result in additional cut through traffic through quiet residential streets of Spring Valley and Wesley Heights.

The failure to provide sufficient parking for residents and shoppers will exacerbate existing parking shortages in the 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.

Because of the proximity of the development to residents of Spring Valley, including Spring Valley West, the residents represented by the parties in this application will be more impacted by the general public.

Certificate of Service

We hereby certify that on December 18, 2017, copies of the attached were sent by email to the following:

Ms. Jennifer Steingasser
DC Office of Planning
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Washington, D.C. 20024

Valor
c/o Mr. Christopher Collins
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Washington D.C. 20006
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Citizens for Responsible Development
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Donohue and Stearns, PLC
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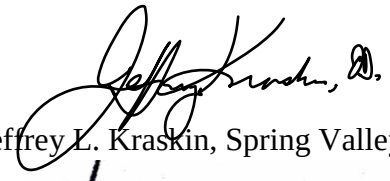
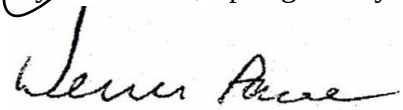
Washington, D.C. 20016

Advisory Neighborhood Commission 3E
c/o Lisner Home
5425 Western Avenue NW, Suite 219
Washington, D.C. 20015


12/18/2017
Jeffrey L. Kraskin, Spring Valley-Wesley Heights Citizens Association


12/18/2017
Dennis Paul, Neighbors for a Livable Community

12/18/2017
Scott Parker, Spring Valley West Homes Corporation