

am unsure how vague a flood plain map can be, which I attached to my Motion for Summary Reversal. Also, I believe the Intervenor purposely ignored the fact that I attached the transcript from the Zoning Hearing when I testified about the flooding issues, and I wasn't the only one who testified about this contested issue. And, surely the Intervenor must be aware of the risk of developments in flood plains represent by the issuance of Executive Order NO. 11988: Floodplain Management.

Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. *Description and Intent* - Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, "each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities" for the following actions.

Attachment 1.

And, although this order applies to Federal lands, the environmental, safety, health and welfare judgments apply to private development as well and fall exactly within the scope of the Commission's enabling statutes and PUD regulations as I

cited in my Motion for Summary Reversal. 11-DCMR §2400.2, 11-DCMR §2400.3, 11-DCMR 2403.3, 11-DCMR §2403.8, 11-DCMR §2407.3, 11-DCMR §2408.4, and D.C. Code § 6- 641.02.

According to the Zoning Regulations it was the Applicant's burden to explain why, during all of it so called exhaustive hearings before the Commission, the serious issue of flooding and siting a stadium in a floodplain could be disregarded by the Commission. In fact, the Commission made absolutely no findings or conclusions as to this critically important planning and safety issue, especially due to this PUD location at a time of obvious climate change. Not considering alternative projects or even conditioning the site in preparation of flooding threatens dangerous conditions for all of Buzzard Point and imperils the health and welfare of me and my Southwest/Buzzard Point neighbors.

And to that end, the Intervenor erroneously states that I reside over a mile from the soccer site. Just as these criminals lied about the type of facility they were planning to construct when they were testifying before the DC City Council, this too is obfuscation and misinformation. According to the Zoning Commission's own estimate, the PUD site is a 1/3 mile in distance from the metro stop. I live inside the distance from the metro, closer to the soccer site!

The disregard for the health and quality of life for me and

my neighbors extends to the sloppy, paid-for-science that the DC United and their sycophants in the Zoning Commission use to betray us, or to ignore our concerns completely. The people of River Park, where I live, have complained of increased asthma attacks, increased breathing problems, and health troubles and raised this to our Ward Six Councilmember, Charles Allen. I was present at a recent meeting and will myself along with others attest that Mr. Allen has heard from many residents, besides those of River Park, those living in the area of 2nd st & N St., voicing similar complaints. At this point, I believe the Court should be made aware, that DC United has already started construction on this site, illegally. When I filed my appeal at the Clerk of the Court, I was told that filing my appeal would definitely result in any and all construction from taking place. DC Stadium and the DC United development team are moving quickly to make moot our claims and to make moot our lives and quality of life.

Moreover, the Intervenor claims that there was an exhaustive review of transportation issues, yet in the Commission's declaration that WMATA and Metro will be the primary route used by stadium goers, the Intervenor fails to point to anywhere on the record the Commission could reliably say WMATA can handle this type of new stadium development, especially under the cumulative transportation impacts of the nearby baseball stadium

and many new residents moving into many new developments in the area. There is not one WMATA report on the record relied upon to support the Commission's conclusions. Not one, period and this is no misreading of the record or misunderstanding of what's at stake here. I rely on Metro to get me out of Buzzard Point in daily tasks or in an emergency. The lack of validation by WMATA regarding the Commission's decision here is unacceptable and shows the Commission has made a arbitrary and capricious decision.

The decision of the Commission must be set aside if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or if it is unsupported by substantial evidence in the record." *Cathedral Park Condo.Comm. v. District of Columbia Zoning Comm'n.*, 743 A.2d 1231, 1239 (D.C. 2000).

We must affirm such legal conclusions if they rationally flow from findings of fact supported by substantial evidence in the record as a whole. *Citizens Ass'n of Georgetown v. District of Columbia Zoning Comm'n.*, 402 A.2d 36, 41-42 (D.C. 1979).

I, William Shickler, have shown the facts are clear and so is the law, and the Commission has not acted in good faith and their conclusions do not flow from evidence on the record, and must ask, respectfully, the Court reverse Zoning Commission Order No. 16-02.

I submit this Reply to the Intervenor's Opposition on

Monday, August 7, 2017, to the Court, and to all parties.

William Shickler
1301 Delaware Avenue, SW
Apartment N-305
Washington, DC 20024
202 484 4148

CERTIFICATE OF SERVICE

I, William Shickler, attest that copies of the included Reply to Intervenor's Opposition was put in the regular post mail to the following parties on August 7, 2017.

RESPONDENT

Charles Thomas & Todd Kim,
Esquire, District of Columbia,
Office of Attorney General
441 4th Street NW, Suite 1100S
Washington, DC 20001

PETITIONER

Aristotle Theresa, Esq.
c/o CSRL-CRO, 1530 P Street NW
Washington, DC 20005

INTERVENOR

DC Stadium, LLC
Phil Feola and Cary Kadlecek,
Goulston & Storrs
1999 K Street, NW , Suite 500
Washington, DC 20006

Signed,

William Shickler
1301 Delaware Avenue, SW
Apartment N-305
Washington, DC 20024
202 484 4148