BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

In Re: Application of Kass M.A., L.L.C. BZA Application No. 16457

DISTRICT OF COLUMBIA
OFFICE OF ZONING
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MOTION FOR RECONSIDERATION
AND TO REOPEN THE RECORD

I.
Introduction

The Applicant in the above-captioned matter, through KSI Services, Inc. and Vertx/IDS (collectively "KSI"), hereby moves the Board of Zoning Adjustment ("BZA"), pursuant to Section 3332 of the Zoning Regulations, for reconsideration of its decision in BZA Application No. 15342 denying special exception relief for a single family detached house subdivision on theoretical lots and 176 luxury garden apartment project (on theoretical lots) in the R-5-A and R-5-B Zone Districts on Good Hope Road, S.E. Further, KSI moves the BZA to reopen the record in the matter to accept the additional compromises made by KSI in its effort to satisfy community concerns.

II.
Background

KSI is the contract purchaser of the subject property. The subject application, if approved, will permit the creation of a new mixed use, luxury housing community, including single family detached houses, apartments, recreational areas, swimming pool, a clubhouse and open space on theoretical subdivisions in the R-5 Zone Districts. A total of 211 new middle income housing units will be provided in the District of Columbia, east of the Anacostia River.

The subject property is bifurcated by a portion of Fort Stanton Park. The westernmost part of the property ("West Parcel") is proposed to be developed as a single

BZA
Case No. 16457
Exhibit No. 68A

family detached lot subdivision (35 houses) and the easternmost parcel ("East Parcel") is proposed to be developed with garden apartments (176 units) on theoretical lots. Both parcels are depicted on the Comprehensive Plan Generalized Land Use Map in the moderate density residential land use category. The proposed development is consistent with this land use designation from a density and use standpoint. Both housing uses are permitted in the existing zone districts.

A public hearing on the application was held on May 5, 1999. The Applicant presented substantial evidence in support of the special exceptions, including expert testimony from its architects, civil engineers, environmental consultant, traffic consultant and a detailed market report showing the need for these housing products in this area of the District. There was no expert testimony or evidence presented to the BZA which contradicted the Applicant's evidence. The Department of Public Works entered a Memorandum into the record, which stated that no adverse traffic impact would be caused by the proposal. The Department of Housing and Community Development submitted a report in support of the application, noting that the multi-unit apartment buildings will provide a high quality designed addition to the Fort Stanton neighborhood that will add to the stability of the existing adjacent well-maintained garden apartment community and that the single-family detached dwellings will provide a high quality addition to the housing stock that will stabilize the adjacent neighborhood and increase homeownership opportunities in the area. The Office of Planning did not file a report in the case.

At its meeting on June 2, 1999, the Board voted to deny the application despite the fact that the Board made no finding that KSI failed to meet any of the standards articulated in the Zoning Regulations for these special exceptions. Based on the evidence in the

record, the Board could not have made such findings. Apparently, the Board voted to deny the application, in significant part, due to the unsupported evidence presented by laypersons of the community that there are "too many apartments in Anacostia." Transcript excerpts of the June 2 BZA meeting are attached hereto as Exhibit A. The Board's final order in this case, issued November 5, 1999, finds that the application meets the zoning requirements for specific items such as lot occupancy, floor area ratio, and setbacks. The Order concludes that there are significant environmental issues that have not been addressed by the Applicant, but makes a finding that environmental assessments are not within the purview of the Board. The Order finally concludes that the density of the proposed apartments would cause negative impacts as a result of additional vehicles associated with traffic and parking. The record does not support this conclusion. The District of Columbia's traffic expert, the Department of Public Works, and the Applicant's traffic expert provided substantial expert testimony that no adverse traffic impact would be caused by the proposed development.

III.
Basis for Request

The Applicant seeks to reopen the record in this case and asks the Board to reconsider its decision in this matter because the Board's decision to deny the application is legally defective. The Board's failure to apply the standards set forth for special exceptions pursuant to Sections 410 and 2516 of the Regulations, and decide the case in accordance with the evaluation of those standards, underscores the Board's error. Exhibit B, attached hereto, articulates the tests that the BZA must apply to special exception relief in this case pursuant to Sections 410 and 2516 of the Zoning Regulations.

The BZA decision relied solely on the testimony of opponents, not concerning the impact of this development, but concerning the abundance of rental apartment units in Anacostia. By relying on this unsubstantiated "evidence," and ignoring the applicant's expert evidence to the contrary, the BZA erred. It must be pointed out, as it was at the hearing, that the zoning of the property permits apartments and, in fact, the density proposed in the subject application is approximately one-quarter of that permitted under the existing matter-of-right density for the subject property. The application proposes 211 housing units while the matter-of-right zoning density of the property would allow approximately 800 apartments. It is clear that the Board added a "new" test for these special exceptions – i.e., how many apartments should be permitted in a given area of the District. The Board is prohibited by law from adding additional standards to the special exception tests. Nowhere in Sections 410 or 2516 does the Zoning Regulations give the BZA the authority to make a judgment has to how many apartments may, or may not, be built in areas of the District,

The Board's record does not point, nor could it point, to any adverse effect created by the development that is essentially one-quarter of the size that is permitted as a matter-of-right. The Board heard no expert testimony, nor received any expert evidence, on adverse impact created by this development. All expert traffic evidence, including DPW's report, found no adverse impact on the transportation network due to the project. The only evidence on environmental issues, produced by the Applicant's experts, showed that the project would not have a negative impact on the environment. And while the National Park Service, as an adjacent property owner, expressed some concerns initially about the development at the public, it ultimately approved the project in a letter, attached as Exhibit

C, submitted to the record as a post-hearing filing. All of the conditions suggested by the National Park Service have been agreed to by the Applicant (see Applicant's proposed Zoning Order submitted into the record on May 17, 1999). The Board finds that the Applicant has not addressed the preservation of wetland and vistas from the park. This finding fails to consider the Applicant's proposed revision in response to the NPS to decrease the number of single-family homes from 37 to 35 in order to preserve more wetlands, save additional trees and preserve Fort Stanton Park's view shed. This one measure alone addressed the Board's finding, and should lead to a conclusion by the Board that the issues of preservation of vistas and wetlands were addressed and resolved by the Applicant.

Finally, the Board erred by not referring the application to the Office of Planning as required by Section 2516.10 of the Zoning Regulations for its comment and report, which requires that "before taking final action on an application under this section, the Board shall refer the application to the District of Colombia Office of Planing for review, and report . . ." 11 DCMR Zoning Section 2516.10.

Given these defects in the processing of this application and given the inherent value of this project to the District of Columbia and the area east of the Anacostia River, the BZA must reconsider its decision and approve the project.

IV.
Community Outreach and Proposed Changes

Since the Board's apparent sole reason for denying this application was based on the opposition of the community, KSI has worked during the past four months with the community to address its concerns. KSI respectfully requests that the Board reopen the record to accept the additional accommodations made at the community's request.

Immediately following the Board's decision in this case, the Applicant sought to document the community's support of the project because the opposition during the public hearing represented a very small faction of the community. As the Board is aware, the subject site is composed of two parcels, one located in Ward 6 and the other located in Ward 8. The multi-family apartment portion of the project is proposed for Ward 8, within the boundaries of Advisory Neighborhood Commission (ANC) 8B, and the single-family detached homes portion of the project is proposed for Ward 6, within the boundaries of ANC 6C. The Applicant proceeded to document support for the project beginning with the affected ANCs 6C and 8B, both of which are automatic parties to the case. The following information summarizes the Applicant's work in the community and the resolution of community concerns about the project.

The Applicant met with the community surrounding the site on approximately 15 occasions. The early meetings, beginning in June 1999, were convened by the Applicant with the help of community organizations and community leaders in Wards 6 and 8. Although many of the community organizations did not hold regular meetings during the summer months, they facilitated small group meetings with their constituents and members to provide the Applicant opportunities to fully describe the project and hear the residents' concerns and issues. The community organizations also allowed for formal presentations during their regular meetings that typically resumed in August or September 1999. The Applicant made presentations to residents who are constituents or members of the following organizations: Advisory Neighborhood Commission 6C, Advisory Neighborhood Commission 8B, Anacostia Economic Development Corporation (AEDC), Frederick Douglass Community Improvement Council, Anacostia Garden Club, Fairlawn

Civic Association, Concerned Citizens of Anacostia, Anacostia Coordinating Council (ACC), Marbury Plaza Tenants' Association, and Skyland Civic Association. In addition to meeting with members and constituents of the community groups during the summer, the Applicant made formal presentations when the organizations resumed regular meetings in August and September. Presentations were made at the regular meetings of ANC 6C, ANC 8B, AEDC, ACC, Frederick Douglass Community Improvement Council and Skyland Civic Association. The Applicant's request to present to Fairlawn Civic Association went unanswered.

In order to introduce the community to the housing types proposed, the Applicant in conjunction with the ANCs and other civic and community organizations, sponsored four tours to KSI Services, Inc. multi-family developments in Virginia and Maryland and of the Vertx/IDS detached single-family development in Northeast Washington.

The Applicant has garnered the support of many of the organizations listed above by presenting the project, as proposed, and addressing and resolving the issues and concerns voiced by the residents of the surrounding area. The Applicant developed a "Frequently Asked Questions" document that addresses many of the concerns raised by residents of the area. This document was available at all community meetings and appears as Exhibit D. An additional document "Additional Questions Asked By Residents of ANC-8B" was developed to respond to additional issues and is attached as Exhibit E.

The major issues and concerns raised by the area residents include:
Why is KSI proposing to build apartments in the community? Whether KSI can build detached single-family homes on both parcels? What impact will the development have on traffic, parking, transportation and the school in the area? Whether there will be adequate

buffering between the development, the neighborhood and parkland? How will KSI ensure safety and security in the area? Whether KSI is committed to a long-term relationship with the development and the community and what benefits will accrue to the community from that relationship?

The Applicant has responded to the community successfully and has agreed to enter into a binding agreement with ANC 6C and ANC 8B to ensure that their oral agreements are memorialized and enforceable. Both KSI and the community agree that many of the apartment communities East of the River are deteriorated or obsolete and do not offer viable housing choices for individuals and families. The citizens of the area deserve modern fully amenitized apartments. Both KSI and the community are aware that some units in the area need to be renovated or demolished and have agreed to work together to identify dilapidated units and take action. Additionally, the Applicant has addressed the issue of homeownership by proposing 35 detached single-family homes as part of the project and the possibility of a condominium regime for the apartments after an initial 15-year period as rental units.

The technical issues involving the site preparation, traffic, transportation, school capacity and security have been adequately addressed by the Applicant and the Applicant's experts. The community is supportive of the proposed agreement between the Applicant and the National Park Service (NPS) regarding buffering, environmental preservation and improvements to parkland.

Finally, in agreeing to a long-term commitment to the project and the community, the Applicant has addressed issues of local hiring, jobs and training and the investment of a portion of the development's profits into the community-at-large. It is expected that

responses to this motion from ANC 6C and ANC 8B, as well as other organizations and individuals, will provide the Board a comprehensive view of the community's support for this development.

V.
Conclusion

The Applicant respectfully requests that the Board reconsider its decision, determine, based on the record, that the Applicant has meet its burden of proof and approve this application in order to permit this significant private investment in housing be built east of the Anacostia River.

Respectfully Submitted:

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November 8, 1999

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Reconsideration and to Reopen the Record in Board of Zoning Application No. 16457 were hand delivered this 8th day of November, 1999 to the following parties:

Advisory Neighborhood Commission 6C
2019 Ridge Place, SE
Washington, D.C. 20020

Advisory Neighborhood Commission 8B
1809 Savannah Street, SE
Washington, D.C. 20020

Mrs. Thelma E. Jones
President
Fairlawn Citizens Association, Inc.
2217 T Place, SE
Washington, D.C. 20020

Phil T. Feola



GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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WEDNESDAY

JUNE 2, 1999

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The Public Meeting convened in Room 220 South at 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
BETTY KING	Vice Chair
JERRY GILREATH	Board Member

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD	Commissioner
JOHN F. PARSONS	Commissioner

COMMISSION STAFF PRESENT:

John Nyarku, Office of Zoning
Paul Hart, Office of Zoning
Beverly Bailey, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.

C-O-N-T-E-N-T-S

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P-R-O-C-E-E-D-I-N-G-S

(10:07 a.m.)

CHAIRPERSON REID: Good morning. We'll now begin our June 2nd Public Hearing. Please pardon the delay this morning. After our meeting we'll then go into the -- just the public meeting.

MR. HART: Good morning, Madam Chair, members of the Board. For this public meeting, June 2nd, we have for your consideration, public hearing minutes of June 21st, 1999.

VICE CHAIRPERSON KING: I didn't receive any minutes.

MEMBER GILREATH: Nor did I.

CHAIRPERSON REID: I have the --

VICE CHAIRPERSON KING: I didn't receive any. They weren't sent to me.

MEMBER GILREATH: Oh, I don't know the cases. I didn't receive any minutes either. All I got was these.

CHAIRPERSON REID: I received the minutes. Since the other Board members have not then we just --

VICE CHAIRPERSON KING: If you can provide them to me during lunchtime I'll read them and we can vote on them this afternoon. I didn't receive them in my packet.

CHAIRPERSON REID: Okay.

MR. HART: The first case to be decided this morning is Case No. 16457, Application of Kass MA, L.L.C., pursuant to 11 DCMR 3108.1 for special exceptions under Subsections 410 and 2516 to allow the construction of 33 new single-family detached dwellings with garages in a theoretical lot subdivision and 176 luxury garden apartments in the R-5-A and R-5-B Districts at premises bounded by Good Hope Road, S.E., between 24th Street, S.E. to the East and 18th Street, S.E. to the West (Square 5735, Parcels 211/96, 220/31 and Lot 804 and Square 5763, Parcels 219/38).

CHAIRPERSON REID: Mr. Hart, do we have a proxy for Mr. Hood?

MR. HART: Yes, we have a proxy for Mr. Hood.

VICE CHAIRPERSON KING: Was he present?

CHAIRPERSON REID: Yes, but it -- that's a mistake.

VICE CHAIRPERSON KING: Madam Chair, I somewhat reluctantly move that we approve this application. It is troublesome. I think that the provision of quality housing in that part of the city is a laudable goal.

I'm very concerned about the National Park Service concerns and I think that we should make certain when we write the Order that they're -- that the agreement that was entered into between the Park Service and the developer must be incorporated.

CHAIRPERSON REID: Ms. King, I disagree with that motion. I think that -- you made the motion, right, so --

VICE CHAIRPERSON KING: I did make a motion.

CHAIRPERSON REID: -- let's let that be first. Is there a second?

MEMBER GILREATH: I second the motion, that I feel the, as I understand it, the applicants met with the Park Service and the Parks have indicated certain ameliorations and mitigations and so forth, and I feel that if those are adhered to that it will be adequate protection, and I think that area will benefit from quality housing over there. And that Anacostia has been bypassed and to my mind this is a step in the right direction and certainly is compatible with the intent of zoning for the area.

VICE CHAIRPERSON KING: If I could just add one thing to my motion, if Mr. Gilreath agrees. The ANC-8-B has asked that the developers covenant

that they will be the managers of this project for a minimum of 25 years. And if that is somehow enforceable and doable I think we should put that in as a condition.

MEMBER GILREATH: I concur with that.

CHAIRPERSON REID: I think that I would not be in agreement with this motion because I feel that the community came up very strongly opposed to this type of development, yet Ward 8 certainly does need revitalization. We all know that and would like to see that.

However, what I have a problem with is the caliber of the development. They do not want rental housing. They want single-family development, single-family homes which is needed there to try to of course, attract higher income purchasers and to stabilize that community.

And the issues that they raised in regard to there being just a glut of vacant apartments as it were, there, that lends itself to illicit behavior within the community, that as well as the impact of the traffic, the parking -- and particularly I was very much impressed with the testimony by the representative from the National Park Service, Department of Interior, who raised grave concerns

about the environmental issues with regard to the water runoff, flora and fauna, the vista of the Circle Park Ridge.

They seemed to be very opposed to this type development, and then they later softened their position with a letter with some mitigations that they had proffered to the developer and they had agreed to do that.

Given the history of that area in regard to some of the other, what was touted to be luxury apartments that later ended up being a big disappointment to the area, I think that whatever we do we should try to move in such a way that we can better ensure that the people who live there, the people who live in that community, can be protected and that they can expect a higher caliber of living than what has been imposed upon them in the past.

So that's my position. We'll take the vote unless you have other -- do you have more?

VICE CHAIRPERSON KING: I disagree with you but rather than arguing let's take a vote.

MR. HART: Madam Chair, before you proceed, let me make a correction here. Mr. Hood submitted a proxy for another case and he was not involved in this case. He did sit on it but he said

he would be here this morning -- he couldn't make it this morning. This is after I had reported to you.

So since there is no proxy for this case from him, no vote, but there's another case in which he did have a proxy.

CHAIRPERSON REID: Wait a minute. He sat on this case but he didn't submit the proxy same as he did the other one?

MR. HART: No, he said he would be able to make it --

CHAIRPERSON REID: Oh, he thought he would be here?

MR. HART: He thought he would be here this morning, would be able to make it this morning, and as such he would not submit a proxy.

CHAIRPERSON REID: Okay, well --

MR. HART: He knew all that.

VICE CHAIRPERSON KING: Is he going to be here later?

MR. HART: He will not for the --

VICE CHAIRPERSON KING: But you're saying we've got a proxy for another case, so he must not be coming at all.

MR. HART: No, there is -- in the meeting session that we had this morning, the case we're

CERTIFICATE

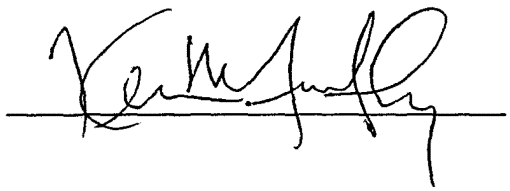
This is to certify that the foregoing transcript in the matter of: Public Meeting
(Excerpt of Case No. 16457)

Before: D.C. Board of Zoning Adjustment

Date: June 2, 1999

Place: Washington, DC

represents the full and complete proceedings of the aforementioned matter, as reported and reduced to typewriting.



GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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WEDNESDAY

JUNE 2, 1999

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BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
BETTY KING	Vice Chair
JERRY GILREATH	Board Member

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD	Commissioner
JOHN F. PARSONS	Commissioner

COMMISSION STAFF PRESENT:

John Nyarku, Office of Zoning
Paul Hart, Office of Zoning
Beverly Bailey, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.

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the record at 11:40 a.m. and went back on the record at 1:13 p.m.)

CHAIRPERSON REID: We will continue the morning's meeting and then we'll go into the afternoon session.

In regard to the case number 16457, Kass MA, we had some discussion earlier about this particular development. And we had a motion -- did you second the motion?

MEMBER GILREATH: Yes, I did.

VICE CHAIRPERSON KING: I withdraw my motion.

CHAIRPERSON REID: We now have the motion withdrawn so we can start over again. I'd like to move that we not approve this application. I feel that the environmental impact testimony and mission by the National Park Service, Department of Interior, that spoke to the adverse impact environmentally of this particular development on the surrounding community and related to the run-off, the drainage, the destruction of the flora and fauna there, as well as the vista being compromised.

In addition, the opposition of Fairline Neighborhood Association has submitted to us their testimony and for their written submission that the

development would not be completely without adverse impact into the community as far as the traffic, parking, as well as the quality of life; and that they did not feel that this type of development would be suitable for what the community is desirous of -- that is, single-family housing.

For that reason, I would like to move that we not approve the application.

COMMISSIONER HOOD: Madam Chair, with that I will second that with the fact that the comprehensive plan insists upon single-family dwellings within that area. And I would also add that the comprehensive plan is a plan, and the people who live in that area who are most affected, also have input into that plan.

And I think due to that nature -- and I hate to vote against that because of a single-family piece which I thought was excellent -- but I think one of the concerns that I know that I had was the density of apartments which, you know, quite a few apartments in that area and the density of the complexes would be an adverse impact.

So with that, I will second the motion.

CHAIRPERSON REID: Mr. Gilreath?

MEMBER GILREATH: Well, I'm going to be

against this, though. I feel that in any kind of community that is vital and economically viable and so forth, you have to have a mixture of incomes and so forth; people of different backgrounds. And I think this development has the potential of bringing in a little bit of a different economic level there, and these people within the community can work up to that and occupy those.

And for a section of the city that needs economic help and so forth, in my judgment I think it's a mistake to turn this down. And as such, I will be voting against the motion.

CHAIRPERSON REID: Ms. King?

VICE CHAIRPERSON KING: Well, my gravest concern is adverse impact on the National Park Service land. And Mr. Hood, I think the issue is difficult on the single-family because the single-family houses are in Ward 6 where the comprehensive plan does call for them to be.

But it is a very intense use of the land when you come to the part where there are 176 units of multi-family dwelling. I find this a very troubling case, frankly. And I probably will -- I'm torn between voting to deny and voting to abstain. But let's continue the discussion if there are any other

points that anyone wishes to make.

MEMBER GILREATH: I can elaborate on the impacts on the Stanton Park; that other development has occurred along Rock Creek Park and other parklands, and to my mind, as long as reasonable and appropriate mitigation can be accomplished, there's nothing inappropriate about allowing certain types of development adjacent to parkland.

So to me, that would not be a basis for --

VICE CHAIRPERSON KING: Well, the people from the National Park Service seem to be deeply concerned about the wetlands, and I don't think it's an analogous situation at Rock Creek Park because the development that occurs on the fringes of Rock Creek Park is so much elevated above the creek that I don't know that it's analogous.

MEMBER GILREATH: Well as I understand it, there's some kind of major fill over it. It's going to come from Metro or whatever its origin is. Apparently it is not receptive to growing plants and so forth and so to simply not allow anything there, you're still going to get some adverse impact. You can always argue, we'll leave the rest of it which grows effectively; fine, let this continue.

But my understanding is in this agreement

with the Park Service, or at least the recommendation, that they would take measures to try to correct this fill area and the lack of the fertility of that particular portion, so there would be some improvement there.

CHAIRPERSON REID: Also, I think that the ANC representative has sent a letter and also testified to their position, and that was that they wanted to have single-family housing because what they feared, the adverse impact would be ultimately in allowing development of this nature and that at this time they did not feel that going forward with additional rental housing would be suitable or in their best interest because of the fact that there were several blocks of boarded-up rental housing there already, and that had contributed to blight and to illicit activities within the area. That was a grave concern.

MEMBER GILREATH: Well, this boarded-up rental housing though, are those gated communities? If they're comparable it seems to me it's a logical argument, but if this is a unique kind of development over there where it's gated and controlled, to me that suggests there could be some evidence it could succeed, rather than say it's doomed to failure.

CHAIRPERSON REID: No, it's -- and I think that the idea of the gated community was well taken and I think that was good. However, it's still a sidewall development, it's very dense, and it's rental housing rather than single-family detached homes; so single-family even, townhouses. And that's what the problem here to be.

And with regard to the gated aspect of it, there has been experience of that nature before, that does not necessarily solve the solution to the problems in that community.

MEMBER GILREATH: Well, if Anacostia can somehow have a policy in saying, any future residential development has to be single-family houses, wouldn't that effectively limit a major portion of the population? They say, we cannot afford a single-family home but we can afford a nice apartment?

CHAIRPERSON REID: I don't think that that's the issue. I think that the issue is that again, there's a considerable amount, significant amount of apartments there now that are boarded up, and that what they were saying is that they would like to see those houses be revitalized or renovated; brought back into the market, rather than build more

rental houses -- a glut apparently in their opinion -- a glut of rental properties there.

MEMBER GILREATH: Well, and you think turning this down is going to encourage the refurbishing of these buildings and what-have-you? If we turn this down is this going to have a positive effect? Are there going to be more single-family houses and so forth over there? If we turn it down what's going to be the positive effect on the community?

CHAIRPERSON REID: Well, I can't speak to what --

COMMISSIONER HOOD: I think we're getting into speculation.

CHAIRPERSON REID: Yes.

COMMISSIONER HOOD: I mean, I think we need to stick with the regulations and then climb for the special session and we just need to move forward.

MEMBER GILREATH: Okay, well I, you know, I said what I think about it and I will vote against the motion.

CHAIRPERSON REID: Okay. All in favor, aye?

(Chorus of ayes.)

All opposed?

MEMBER GILREATH: No.

MR. HART: The staff will record the vote as three to one to deny: Mrs. Reid, Mr. Hood, Ms. King to deny; Mr. Gilreath against the motion to deny.

CHAIRPERSON REID: This is the end of the June 2nd meeting and we'll now go into the afternoon hearing.

(Whereupon, the public meeting was concluded at 1:25 p.m.)

CERTIFICATE

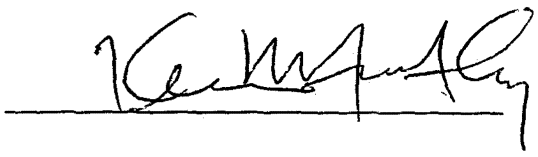
This is to certify that the foregoing transcript in the matter of: Public Meeting
(Excerpt of Case No. 16457)

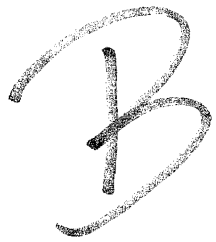
Before: D.C. Board of Zoning Adjustment

Date: June 2, 1999

Place: Washington, DC

represents the full and complete proceedings of the aforementioned matter, as reported and reduced to typewriting.





410 EXCEPTIONS FOR R-5 DISTRICTS

410.1 In an R-5 district, if approved by the Board of Zoning Adjustment, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls erected from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title; Provided, that the requirements of §§410.2 through 410.11 shall be met.

410.2 All buildings in the group of buildings shall be erected simultaneously.

410.3 All front entrances of the group shall abut a street, front yard, or front court.

410.4 No rear or service entrance shall abut a street, front yard, or front court unless below the main floor.

410.5 No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.

410.6 No subdivision of the property shall be authorized until the Board has determined that the following requirements are met:

(a) There shall be adequate free access to the street from each separate dwelling, group of dwellings, or buildings resulting from the subdivision;

(b) Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street; and

(c) There shall be adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.

410.7 The height of an individual building in a group of buildings may be measured as follows:

(a) Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building; and

(b) Any building that has another building between it and the public street may have its height measured from the proposed finished grade at the center of the front of the building, and the front shall be that side of the building providing access to the majority of the dwelling units within the building.

410.8 The front entrances of not more than four (4) one-family dwellings, nor more than four (4) dwelling units per floor, shall face any street that abuts the lot.

410.9 All front entrances of the group shall abut a street, front yard, or front court; Provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located no nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court.

410.10 No rear or service entrance shall abut a street, front yard, or front court, unless located below the main floor.

410.11 No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group.

410.12 In the R-5-A and R-4 districts, if approved by the Board of Zoning Adjustment, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and be deemed a single building for the purpose of this title, when the group does not comply with the provisions of §§410.1 through 410.11, subject to the following conditions:

(a) The provisions of §§410.4 and 410.5 shall be complied with; and

(b) The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

410.13 In an R-5-B district, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title; Provided, that the following requirements shall be met:

(a) All buildings in the group shall be erected simultaneously;

(b) All front entrances of the group shall abut a street, front yard, or front court;

(c) No rear or service entrance shall abut a street, front yard, or front court unless located below the main floor; and

(d) No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.

410.14 In an R-5-B district, if approved by the Board of Zoning Adjustment, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title, when the group does not comply with the provisions of §410.13, subject to the conditions specified in §§410.15 and 410.16.

410.15 Vehicular access to all or part of the group shall be provided when the Board deems the access is necessary in the interest of public convenience and safety.

410.16 The erection of the group of buildings shall not affect adversely the present character of future development of the neighborhood.

SOURCE: §3307 of Regulations effective May 12, 1958.

411 ROOF STRUCTURES (R)

411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses and, when not in conflict with the Act of June 1, 1910 (36 *Stat.* 452), penthouses for storage and toilets incidental and accessory to roof swimming pools shall be subject to conditions and variable floor area ratio credit specified in this section.

2515.11 In commercial buildings, an open arcade shall include retail and service uses fronting on at least sixty percent (60%) of the arcade, with these uses directly accessible from the open arcade.

2515.12 The additional gross floor permitted under §2515.3 shall not be counted in determining the number of off-street parking spaces or loading berths.

SOURCE: §§7614.1, 7614.2 and 7614.3 of Regulations effective May 12, 1958.

2516 EXCEPTIONS TO BUILDING LOT CONTROL (Residence Districts)

2516.1 If approved by the Board of Zoning Adjustment in accordance with the conditions set forth in §3108 of this title, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.

2516.2 The provisions of this section shall apply to construction on a lot that is located in, or within twenty-five feet (25 ft.) of, a residence district as designated in §105 of this title.

2516.3 In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans, for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; Provided, that the following requirements are met:

(a) The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans, and two (2) sets of typical floor plans and elevations; and

(b) If the applicant elects to submit the plans referenced in §2516.3(a) at a later date, the Board's original approval shall be conditioned, subject to a later public hearing and final decision on the project as a whole.

2516.4 The number of principal buildings permitted by this section shall not be limited; Provided, that the applicant for a permit to build submits satisfactory evidence that all requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to §2507), and §§3202.2 and 3202.3 are met.

2516.5 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

(a) The front of the building shall be the side upon which the principal entrance is located;

(b) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;

(1) Public safety relating to police and fire concerns;

(2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;

(3) Public education;

(4) Recreation;

(5) Parking, loading, and traffic;

(6) Urban design; and

(7) As appropriate, historic preservation, and visual impacts on adjacent parkland;

(b) Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear yards; density and open space; and the location, design and screening of structures;

(c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;

(d) The impact of the proposed development on neighboring properties; and

(f) The findings, considerations, and recommendations of other District government agencies.

2516.11 The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

SOURCE: Final Rulemaking published at 36 DCR 5847 (August 11, 1989); as amended by Final Rulemaking published at 42 DCR 2494 (May 19, 1995).

2517 EXCEPTIONS TO BUILDING LOT CONTROL (Other Than Residence Districts)

2517.1 This section shall permit two (2) or more principal buildings or structures to be erected as a matter of right on a single subdivided lot that is not located in, or within twenty-five feet (25 ft.) of, a residence district.

2517.2 The number of principal buildings permitted by this section shall not be limited; Provided, that the applicant for a permit to build submits satisfactory evidence that all requirements of this chapter (such as use, height, bulk, open spaces around each building), as provided by §§3202.2 and 3202.3 are met.

2517.3 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

(c) A rear yard shall be required; and

(d) If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.

2516.6 In providing for net density pursuant to §2516.11, the Board shall require at least the following:

(a) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;

(b) Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;

(c) If there are not at least two (2) entrances and/or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and

(d) The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width and/or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; Provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.

2516.7 Where not in conflict with the Act of June 1, 1910 (36 *Stat.* 452), as amended, the height of a building governing by the provisions of this section, in all districts, shall be measured from the finished grade at the middle of the front of the building.

2516.8 The provisions of this section shall also apply to buildings erected under the terms and conditions of §410 of this title.

2516.9 The substantive provisions of this title shall be complied with, and the proposed development shall not be likely to have an adverse effect on the present character and future development of the neighborhood.

2516.10 Before taking final action on an application under this section, the Board shall refer the application to the District of Columbia Office of Planning for coordination review, and report, which coordination, review, and report shall consider the following:

(a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; Provided, that the planning considerations that are addressed shall include, but not be limited to the following:



L30 (NCR-NACE)

May 24, 1999

Ms. Sheila Cross Reid
Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

Re: BZA Case No. 16457, Good Hope Road, S.E.
"The Homes at Woodmont"

Dear Ms. Reid:

We are in receipt of the post-hearing submission dated May 17 from Mr. Feola, attorney for the applicant for the subject development. Since the original BZA hearing on May 5, we have met with the applicant and his staff at our office, conducted an extensive joint field assessment of National Park Service (NPS) concerns and the applicant's opportunities to address them, and had subsequent telephone discussions based on the contents of the May 17 submission.

We believe that our various discussions with the applicant have been productive, and that the "National Park Service Accommodations" offered in Exhibit E of the applicant's submission (modified on May 21; copy enclosed) show an understanding of our concerns and represent a reasonable effort to address them. We appreciate the applicant's willingness to work with us.

However, we remain concerned that, given the unique nature of Fort Stanton Park's resources, significant adverse impacts could still easily result from this development. Fort Stanton Park is listed on the National Register of Historic Places; it was a critical link in the Civil War Defenses of Washington. Further, it contains significant sensitive natural habitat, provides important local recreational opportunities, and is an important element of the larger cityscape of our nation's capital. Therefore, the utmost care must be exercised in any adjoining development.

Because the applicant's eastern parcel contains massive amounts of fill material, the garden apartments will be artificially elevated significantly above the natural tree line of

Fort Stanton Park and the contiguous Fort Circle Parks. The Fort Circle Parks provide the signature "topographic bowl", the forested ridgeline that is a critical element of the larger landscape of our nation's capital. It is inevitable that some visual intrusion into this historic landscape will result from this construction. Since intrusive structures already exist nearby, it is most important that extensive mitigative landscaping be provided to (1) visually separate the development from adjoining structures, and (2) soften or "break up" the architectural lines of the buildings as viewed from the many historical areas down-gradient. Critical viewsheds include, but are not limited to, Anacostia Park, the Pennsylvania Avenue corridor, the 11th Street bridge, Lincoln and Stanton Parks in Capitol Hill, and the Mall. Significant further analysis will be necessary to develop such a landscaping plan, which the applicant has agreed to in concept. The reviewing authority for the site landscaping should be instructed to give special emphasis to the rapid and permanent mitigation of long-range viewshed impacts when reviewing the applicant's detailed plans. Likewise, final approval of architectural details, building materials, colors, etc. should be primarily based on the cumulative mitigative effect they will provide.

Similarly, views from the adjacent Fort Circle Trail inevitably will be impacted by this development. In reviewing the applicant's detailed plans for augmentative plantings along the eastern parcel's property line, the reviewing authority should emphasize (1) providing conditions (particularly soil depth and composition) which will support long-term reforestation, and (2) immediate screening of the most highly impacted views from the trail. These reforestation plantings should be permanently protected by a forest conservation easement.

In developing a detailed landscaping and reforestation plan for this project, the applicant should be directed to continue to consult closely with the National Park Service. Reforestation specifications should be compatible with existing NPS specifications for reforestation areas along other scenic viewsheds, such as the Suitland and Baltimore-Washington Parkways. "Whip" plantings at a density of 1,700 plants per acre, with a 10% component of two-inch caliper stock, is required for historic landscape reforestation. All landscape plans should be subject to the review and concurrence of the National Park Service.

It is hoped that the ongoing long-term storm water, erosion, and sedimentation problems from the fill site will be corrected in the execution of development plans. The applicant has offered to remove accumulated sediments from park land and to provide minor restoration work to the Fort Circle Trail; we consider this an appropriate direct mitigation to ongoing impacts from the fill site.

Adjoining the single-family homes parcel, several important wetland "seeps" exist in Fort Stanton Park. These are homes to sensitive plant communities, as well as rare microfauna. The applicant has agreed to work with us to protect these areas from immediate construction impacts, as well as from secondary impacts such as the spread of invasive plants. We will also coordinate with staff from the D.C. Department of Health, Division of Health & Environment, in this regard.

Thank you for the opportunity to comment on this matter, and for the evident concern the BZA continues to show for the important public resources that we manage in our nation's capital city.

Sincerely,

John Hale
Superintendent
National Capital Parks-East

Enclosure

EXCERPT

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ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND
WALDORF, MARYLAND

May 24, 1999

Hand Delivery

Sheila Cross-Reid
Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

Re: BZA Application No. 16457, Proposed Order

Dear Chairperson Reid:

Enclosed please find the Applicant's Proposed Order in the above-referenced BZA application.

Sincerely,

Phil T. Feola

Richard S. Nero, Jr.
Urban Planner

Enclosure
CC: Richard Knapp
Gene Edgecomb

apartments testified in support of the application. The witness believed that the subject application would be of great benefit to the youth of the Anacostia community.

22. The Board received a letter from Advisory Neighborhood Commission 8B, dated April 24, 1999, in support of the application. The ANC support was conditioned on the Applicant's agreeing to manage the property for 25 years. The letter states that home ownership is needed in Ward 8 to build the economic tax base needed to improve schools, encourage influx of businesses, and improve the job market.

23. The Board received into the record a letter dated April 12, 1999, from the District of Columbia Department of Housing and Community Development in support of the application. The letter states that " The multi-unit garden apartment buildings to be erected in the R-5-A zoned east portion of the project will provide a high quality designed addition to the Fort Stanton neighborhood that will add to the stability of the existing adjacent well maintained garden apartment community."

24. At the conclusion of its public hearing, the Board asked the Applicant to supply it with relevant recommendations found in the newly adopted Comprehensive Plan which specifically relates to the use of the subject property, and to address Councilmember Ambrose's letter of May 5, 1999, regarding the same. The Board also asked the Applicant to provide an analysis of the Fair Housing Act as it relates to its prohibition of discrimination by age, as well as its Environmental Evaluation and evidence of continued work with NPS and the community.

25. The Applicant complied with the above requests of the Board with its post-hearing filing dated May 17, 1998, supplementing the record with a researched response to each of the above issues. Further, as a result of its continued discussions with NPS, the Applicant proposed a number of additional mitigation measures including:

(a) a ten (10) foot wide use and conservation easement will be placed on the rear yards of the single family homes abutting the Park;

(b) enhanced landscape buffers;

(c) a reduction in the density of the single family detached housing component of the project from 37 to 35 houses;

(d) that large existing trees will be "directionally cut" away from NPS property to avoid tree damage on NPS property from tree fall;

(e) a drainage swale will be constructed adjacent to the NPS property line and the West Parcel's 18th Street entrance road in order to collect excessive drainage runoff;

(f) a super silt fence" will be placed on all NPS property lines adjacent to the proposed development;

(g) that NPS and the Applicant will jointly provide construction monitoring during all phases of construction, especially during the site clearing and rough grading operations;

(h) a site-clearing plan will be presented to NPS for review prior to site clearing;

(i) the Applicant will provide limited trail enhancements to the existing Fort Circle Trail per the direction of NPS in mitigation of prior impacts from the Applicant's property.

(j) that "whips" plantings of native plant material will be placed in a natural scalloped edge planting area on the East Parcel's property line adjacent to the NPS property, with tree quantity and species types to be determined, with proper soil testing and soil amendments to be provided to increase plant material survival. Certain planting areas will have larger caliper trees in high impact view sheds from the Fort Circle Trail in order to provide long-term augmentation of existing forested areas.

(k) the Applicant will place a combination of evergreen and deciduous trees adjacent to the proposed apartment buildings facing the NPS property in order to help soften the buildings' architectural lines from views from the Fort Circle Trail;

(l) the Applicant will place a meadow grass planting area between the apartment retaining walls and the scalloped edge planting, in order to insure acceptable runoff quality/quantity directed towards the Park;

(m) the Applicant will create a neighborhood liaison committee to monitor any construction violations;

(n) fencing along all NPS property lines abutting the property will be made of material to allow for maximum transparency in order to assist in limiting direct private access to the NPS property in lieu of the existing trail;

(o) an arborist will be used by the Applicant to review and provide guidelines for tree preservation of tree save areas adjacent to Park property;

(p) the Applicant will address long term impacts of the development in respect to the NPS property;

(q) that there will be "surgical grading' along the NPS/East Parcel property line will be done by the Applicant under the supervision of NPS to remove the existing fill currently on NPS property, with an arborist review of this operation;

(r) the Applicant will control concrete truck wash waste and not allow it to drain onto the NPS property;

(s) the Applicant will not advertise the views from the apartments since the goal is to screen these long term with vegetation;

26. At the request of the Board, the Department of Public Works ("DPW") provided an analysis of the traffic and parking impact of the application. By memorandum dated May 14, 1997, DPW concluded that from a transportation standpoint the proposed development will not create an adverse traffic impact, therefore, it has no objection to the project. DPW opined that it believes that parking should be provided at a ratio of 1.1 spaces per dwelling unit. DPW stated, therefore, that the Applicant should provide 22 more spaces, to the 216 it was proposing, for a total of 238 spaces for the project.

27. In response to DPW's memorandum, the Applicant clarified, by letter dated May 24, 1999, its parking plan. It pointed out that DPW had miscounted the number of Applicant's off-street parking spaces. The application proposes 246 off-street spaces, a ratio of 1.2 spaces per unit, higher than that requested by DPW.

in harmony with existing uses on neighboring properties, including the Fort Stanton Park system. The application is not inconsistent with the policies set forth in the Comprehensive Plan. The subject site is well served by public facilities, including transportation, and shopping opportunities. The Board concludes that the application will not impair the intent, purpose or integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that it is cognizant of ANC 8B's position in this matter, but is not required to give either ANC 8B or 6C great weight since ANC 8B did not present is position to the Board as its duly authorized position as required by the Board and ANC 6C did not participate substantially in this application.

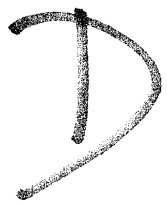
Accordingly, it is hereby ordered that the application be **GRANTED**, SUBJECT to the following Conditions:

1. The single family component of the project shall be developed in accordance with the site plan submitted with Applicant's post-hearing submission dated May 17, 1999 with no more than 35 dwelling units as shown on Exhibit 57A of the record.

2. The Applicant effectuate the proffers made to the NPS as listed in Summary of Evidence No. 25 of this Order.

VOTE: _____ (_____- to approve).

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 15 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISOINS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.



The Homes at Woodmont

Frequently Asked Questions

Who is KSI Services, Inc?

KSI Services, Inc. (KSI) is a 22-year old local real estate company that has developed communities that are home to more than 25,000 people throughout the Washington Metropolitan region. KSI is actively involved in the ownership, management and development of more than 5,000 multifamily rental apartments in Virginia and Maryland. Both KSI Services, Inc. and KSI Management Corporation (its management arm) have earned many awards for their planned communities and multifamily developments. KSI has been ranked one of the TOP 10 Builders in the country by Builder Magazine.

Why is KSI interested in developing housing in Anacostia?

KSI actively seeks to develop housing in Washington D.C. Anacostia possesses many untapped resources for long-term, quality growth. Because Anacostia is located between the City's central business district and the Maryland suburbs, it is ideally situated for people who work downtown but do not want a long commute. The community's natural beauty, incredible vistas towards the Capitol, large public parks and green spaces, and strong historic character make it an attractive place to live.

Additionally, the community's commitment to improving the quality of life for its residents and to expanding the area's economic vitality will help ensure that the neighborhood is a good and safe place for people to live, and a viable market for businesses to invest their resources.

What is KSI proposing to develop?

KSI proposes to build a luxury housing community on two parcels of land located along Good Hope Road, SE. The development will consist of 176 two- and three-bedroom rental apartment units (may be converted to condominiums after 15 years, if the community desires) and 35 detached, single-family homes. The multifamily complex will contain two swimming pools, a clubhouse, a computer/business center, a fitness center, and after-school programs for youth. The detached, single-family homes will contain garages, all modern amenities and landscaped open spaces.

Why is KSI proposing to build apartments in the community?

KSI's core business is the development and management of multifamily housing. Our market studies (copies provided to ANCs 8B and 6C) of the area show that a strong market exists for fully amenitized, upscale rental housing among middle-class working households in the area. The proposed apartment complex will also provide an alternative for those residents who want to remain in the community but no longer are willing or able to maintain their detached, single-family homes.

Many of the apartment communities East of the River are deteriorated or obsolete and do not offer viable housing choices for individuals and families. Many are small, lack modern amenities,

appliances, and adequate wiring for modern electronic technology. A few of the deteriorated apartment buildings have been renovated, however, there have been no new apartments constructed East of the River in 25 years. New construction provides the opportunity to include modern amenities, energy efficient and environmentally sound building technologies and to address modern household technology needs.

Can KSI build detached, single-family homes on both parcels of land?

After considerable study, KSI has determined that building detached, single-family homes on both parcels is not financially viable because of the extremely high costs of land preparation for the eastern parcel. We estimate that the eastern parcel could hold approximately 25 detached, single-family homes. The associated land preparation costs can only be covered by spreading them over a larger number of units than can be attained on the eastern parcel by building 25 detached, single-family homes.

The higher site preparation costs are largely attributable to the fill materials placed on the eastern parcel during the construction of the Anacostia Metro Station. These materials must be compacted in order to create a ground surface that will support foundations for buildings. Site preparation costs would increase construction costs by $20,000 for each detached, single-family home, whereas, that cost for each apartment would be approximately $2,840.

What is the current status of the Homes at Woodmont development?

In May 1999, KSI presented its case for zoning approval at a public hearing before the Board of Zoning Adjustment (Board). On June 2, 1999, at its monthly public meeting, the Board denied KSI's application. The Board has not yet issued its final order explaining its decision. Based on the transcript of the June decision meeting (public record), and conversations and meetings with community representatives, KSI has concluded that it must garner more community support for and participation in the proposed development in order to gain reconsideration from the Board.

What impacts will the proposed development have on local roadways and transportation resources?

KSI contracted O.R. George and Associates, Inc. to undertake a traffic and transportation analysis (copies provided to ANCs 8B and 6C) of the proposed development on surrounding roadways. The study concludes that future levels of service within the roadway network will continue to be acceptable with minor modifications in the signal phasing at the intersection of Good Hope Road at 25th Street, SE and Good Hope Road at Marbury Plaza, SE. O.R. George and Associates, Inc. also found that the capacity of transit service along Good Hope Road will accommodate potential demand from the proposed development. These findings have been confirmed by the D.C. Department of Public Works in its report to the Board of Zoning Adjustment (public record).

Will there be adequate parking for tenants and homeowners?

Each detached, single-family home will have its own garage for off-street parking. Each apartment unit will also have its own parking space. The parking ratio of one space per unit (1:1) exceeds that of other apartment complexes in the area. KSI will consider ways to increase available parking to residents of its housing.

Will local schools be able to accommodate additional school children generated by the development?

All surrounding schools report that they are not operating at capacity and would welcome additional students. Good schools are one of the primary decision points for families who are considering moving to an area. KSI is committed to working with local schools to create the best environment possible for families with school-aged children.

Will there be adequate buffering between the development, the neighborhood and Fort Stanton Park?

KSI is committed to providing landscaped buffering between the Homes at Woodmont and its neighbors. We are also working with the National Park Service to ensure that the development will protect and enhance all of the natural resources located at the adjacent Fort Stanton Park.

How will KSI ensure the continued safety of residents living at the Homes at Woodmont and the surrounding neighborhood?

KSI will hire security professionals to design a strong security program for the development. As always, KSI will carefully screen all applicants to ensure that the appropriate caliber of individuals and families become residents of the development. KSI's superior management of its properties enables it to ensure that all problems arising at the property will be immediately and adequately resolved.

KSI will be pro-active in its work with the Metropolitan Police Department, will provide youth programs on-site, will participate in community safety programs and neighborhood watch programs. KSI's experience in developing and managing more than 5,000 units of multifamily rental housing in the Washington Metropolitan Area has shown that a property that is well maintained and secured can help to increase the overall safety of the neighborhood.



The Homes at Woodmont
Additional Questions Asked by Residents of ANC-8B

1) **What impact will this project have on the surrounding community?**

KSI Services, Inc. has hired expert consultants to undertake a variety of studies to determine the impact that the proposed development will have on the community. Many of the potential impacts raised by the community including traffic, schools, security and environment are summarized in the enclosed "The Homes at Woodmont: Frequently Asked Questions" pamphlet.

Some of the positive impacts that are not discussed in that pamphlet include the significant economic development benefits that the development will have in the community. The proposed development will generate annual revenues to the City of approximately $1,000,000. The apartment buildings will generate approximately three time more in real property taxes than the single family homes and approximately four times more in individual income taxes than the single-family homes.

Retail expenditures by on-site residents will be approximately $2.5 million annually which will help provide added incentive to retailers who are considering opening stores in Anacostia. Retailers who focus on the demographic make up of a community will be pleased to see the additional middle to upper middle income buying power generated by the proposed development.

The Homes at Woodmont will create jobs for local businesses and individuals. KSI Services, Inc. will sign a Memorandum of Understanding with the local ANC's to implement a local hiring plan that gives first priority to businesses and individuals residing East of the River. It is estimated that approximately 283 jobs (temporary and permanent) will be created through construction and operations of the Homes at Woodmont.

2) **Why is KSI Services, Inc. proposing to build a mix of multifamily housing and single family housing as part of this proposed development?**

KSI Services, Inc. has undertaken significant study of housing conditions and demand in Anacostia. A recent Washington Area Housing Partnership Study (portions of which are included with this letter) shows that more than 1,500 new homes (almost exclusively townhomes and cooperatives) are in the construction pipeline East of the River. These numbers will be even greater with the recent HOPE VI grants that were awarded for demolition and reconstruction of the Frederick Douglas Stanton Homes and Wheeler Creek Estates . This is a significant homeownership pipeline in a community whose population has been decreasing over the past ten years and therefore which may not have adequate demand for the supply. Only time will tell whether sufficient demand for this pipeline of homeownership opportunities exists.

Nonetheless, KSI, through conversations with the community about its Homes At Woodmont, has been told that the creation of new homeownership opportunities remains a priority for the community. In response, KSI proposes to build 35 single-family homes as part of its development. These houses will be different than the majority of the housing stock for homeownership that is currently in the pipeline. First, these houses will be single-family homes rather than townhomes. Second, the product that we propose has been market tested and successful in Washington DC. Third, these homes will include the features, sizing and amenities that middle to upper-middle income households have formerly only found in the suburbs, and are priced at comparable levels. Finally, we believe that the Good Hope Corridor is one of the most dynamic and attractive neighborhoods in Anacostia. We believe that all these factors will contribute to the successful development and sale of a limited number of new single family homes in the neighborhood despite the existing pipeline of new homeownership opportunities.

While the market for single family homes remains somewhat uncertain in Anacostia, market studies show that there continues to be a strong market demand in the community for rental housing – there is an average 98% occupancy in all of the higher-end rental apartment units East of the River. Currently, several high profile renovations of multifamily housing are underway. However, no new multifamily housing units are in the pipeline and none have been constructed in Anacostia in twenty-five years.

KSI's proposed new construction, multifamily apartments will provide a housing opportunity that currently does not exist in the Anacostia marketplace – fully-amenitized, modern, energy-efficient and spacious, apartments that cater to the needs of middle and upper-middle income households. These are the types of apartments that households who work in the District often move to the suburbs to find. The apartments will offer an attractive housing alternative to empty-nesters, elderly households who are no longer able to maintain their single family homes, working households, and to individuals or households who do not want to be homeowners. As a developer, KSI sees an opportunity to address an unmet need.

By providing a mix of new housing options at the Homes at Woodmont, we believe that we can serve wider range of middle to upper-income households East of the River and help spur economic growth in the area.

3) **Can KSI Services, Inc. provide homeownership opportunities on the western parcel that is located in Ward 8?**

Yes. KSI Services, Inc. has revised its plans so that the proposed multifamily apartments can be converted to condominiums after a minimum period of fifteen years. KSI will publicly record the multifamily apartments as condominiums prior to initial occupancy in order to facilitate this eventual transition. During the initial fifteen years, KSI will operate the condominiums as rental housing. Renters who wish purchase a unit upon conversion to condominiums will be given purchase price reductions that correspond to the length of their tenancy.

4) Is it possible for KSI Services, Inc. to operate all of the multifamily apartments as condominiums rather than rental housing from the beginning?

KSI has examined this and found it to be economically infeasible for several reasons. First, the financing that KSI has worked hard to bring to this project is conditioned on developing an apartment project that serves as rental housing for a minimum of fifteen years. Second, KSI Services has a great deal more experience in the development multifamily rental housing than it does in developing condominiums. Third, there is not a strong market demand for condominiums in Anacostia and therefore makes condominium development a particularly risky proposition for KSI and its financing partners. Finally, the immediate operation of the housing as condominiums does not provide any economic benefits to KSI -- and in fact the deal does not break even (at reasonable market sales prices) in this scenario which means that KSI loses money. While KSI is willing to assume a considerable amount of risk in its developments, the lack of a clear market for condominiums coupled with the non-existent financial rewards makes it impossible for KSI to move forward with this scenario.

5) Is it possible for KSI to set aside one or two of the buildings to be operated as condominiums from Day One?

KSI has considered this option and found it to be infeasible for the following reasons: 1) operating cost efficiencies are lost when you start reducing the number of multifamily rental units managed by the management company; 2) there are no operating efficiencies in managing less than 50 units of condominium housing and therefore condominium fees will be very high. This scenario provides no advantages to the rental housing nor to the condominiums.

6) Why does KSI feel that it cannot build single family homes on the Eastern Parcel located in Ward 8?

KSI hired an engineer to explore the possibility of building single family homes on the Eastern parcel who concluded that approximately 25 single-family homes could be built on this site. However, the engineer also found that the site requires significant site work because of fill materials that have been dumped on the site over the past thirty years. These materials which include large pieces of concrete, asphalt and other construction debris are environmentally safe but make the site unsuitable for residential construction in its current state. These materials must be compressed through a process called "dynamic compaction" in order to make the site buildable for single family homes or apartments. Without this compaction, it will be extremely difficult to provide a stable foundation or any building. The cost of dynamically compacting the site is $500,000 -$750,000.

The estimated cost of dynamic compaction spread over 25 single-family homes would add a cost of approximately $20,000 per unit. This in turn would increase the sales price of each home by $20,000, significantly jeopardizing their affordability and competitiveness in the marketplace.

The estimated cost of dynamic compaction spread over 176 apartment units is $2,840 per unit. It is clearly much more economic and prudent to develop the site as apartment units. In addition to the significant costs associated with dynamic compaction, KSI negotiated a price for the purchase of the land that was based on the construction of multifamily apartments. By radically reducing the number of units built on the two Homes at Woodmont parcels to 60 single family homes, the land cost per unit rise by approximately $10,000 per unit. Combined with the added costs of dynamic compaction, this means that each single family unit will have additional hard costs of approximately $30,000 which will increase the sales prices by at least the same amount. This means that these homes whose comparable cost $160,000 -$220,000 in the broader Metropolitan Washington community will cost homebuyers $190,000 - $250,000 in Anacostia. We do not believe that the demand for single family housing in Anacostia will support these above market costs.