



BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.  
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.**  
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name: Concerned Citizens of Anacosalia  
Address: 1345 Valley Place SE, Washington DC 20020  
Phone No(s): 2025774109 E Mail: ConcernedCitizensOfAnacostia@gmail.com

I hereby request to appear and participate as a party in Case No.: 08-07A

Signature:  Date: 11/19/2014

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: -

**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 (*Zoning Commission only*);
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 (*Zoning Commission only*); and
4. The total amount of time being requested to present your case (*Zoning Commission only*).

**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.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

# CONCERNED CITIZENS OF ANACOSTIA

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## **Case No. 08-07A / December 4, 2014 Hearing**

### **FORM 140 – Party Status Request**

#### **Party Witness Information**

##### **1. A list of witnesses who will testify on the party's behalf**

1a) Mr. David J White

1b) Mr. Camille Bourguignon

##### **2. A summary of the testimony of each witness (Zoning Commission only)**

2a) Mr. David J White

David J White will testify about the concerns of the Chicago/Shannon Civic Association that the proposed density may create a vacuum for loitering and unwanted congregating on the Corner of Chicago Street and Martin Luther King Jr. Avenue.

2b) Mr. Camille Bourguignon

Camille Bourguignon will present the efforts made by the Concerned Citizens of Anacostia (CCA) to help the developer address issues that render the proposed Second Stage PUD inconsistent with the First Stage PUD, the Comprehensive Plan, and D.C. Municipal Regulations.

These issues are related to: 1) the height, massing, and design incompatibility with the character of the historic neighborhood; 2) Non-compliance with the principles approved under the first stage of the PUD with regard to the “housing type mix”; 3) the absence of retail along an avenue that is expected to become a vibrant commercial corridor; 4) the absence of community agreement benefits and of a clear presentation of the public benefits and amenities; and 6) the complete disregard of the project's impact on the neighborhood historic view of the Capital and downtown D.C.

The aforementioned issues were presented to the Zoning Office in the form of a letter to Maxine Brown-Roberts dated October 13, 2014 (see Exhibit 1) and to the applicant under the form of a letter dated November 13, 2014 (Exhibit 2).

As of November 20, 2014, the CCA has not received a response from the developer, and the response received from the Zoning Office simply specified that they will be addressed in the report for the public hearing. To ensure fair representation, the CCA needs to be a party in this case.

##### **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 (Zoning Commission only)**

# CONCERNED CITIZENS OF ANACOSTIA

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Camille Bourguignon is a Land Administration Specialist (see Exhibit 3)

**4. The total amount of time being requested to present your case (Zoning Commission only).**  
50 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 CCA is composed of homeowners and tenants in the affected Single Member District and the affected ward. The CCA has appeared before governmental agencies as the advocacy arm for several neighborhood organizations, including the Historic Anacostia Preservation Society (HAPS), Historic Anacostia Block Association (HABA), Chicago/Shannon Civic Association (CSCA), Frederick Douglass Community Improvement Council (FDCIC), and the Coalition for Equitable Development East of the River (CEDER). The CCA has also represented ANC 8A. In this matter, CCA appears on behalf of HAPS, CSCA, and ANC 8A.

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

CCA, HAPS, and CSCA are all comprised of numerous Homeowners.

**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.)**

CSCA contains homeowners that live within 200 ft of the property. The Historic District and the PUD site partially overlap, and HAPS homeowners live anywhere from within 250 feet to within half a mile of the property. Historic Anacostia residents are impacted generally by the property's effects on the Historic District, which has been designated among the city's most endangered historic places by the DC Preservation League.

**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?**

Both citizens' associations are comprised of Anacostia homeowners. HAPS is primarily concerned with the developments affecting the surrounding historic neighborhood. The PUD site is partially located in the Historic District and, even though the proposed stage 2 is not within the Historic District, it is adjacent to it and located in the heart of a neighborhood that is characterized by the predominance of smaller historic buildings. Residents are also concerned about the development's height and its diminution of views of the Capitol and the rest of the city. Such impact is incompatible with the Comprehensive Plan, as it calls for the protection of the views along the

## CONCERNED CITIZENS OF ANACOSTIA

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North-South Ridge spanning the area. Preserving such elements that contribute to the neighborhood's unique character is essential to the revitalization of the area.

CSCA is also concerned with the buildings' impact on the human environment. CSCA has homeowners who live within 200 feet of the development, so they are concerned by the loss of sunlight and views. CSCA will also be affected by the proposed apartment buildings' impacts on traffic and loitering.

Both CSCA and HAPS note that the mix of affordable housing is inconsistent with the original PUD, and are concerned with the overconcentration of subsidized, income-capped housing placed in the area without commiserate economic development. CSCA and HAPS do not believe that additional subsidized, income-capped housing should be built without ground floor retail. As it stands, 2255 MLK will have 300 feet of dead space, dead potential retail space, located in one of the city's "grand boulevards". This is inconsistent with the Comprehensive Plan, which calls for a medium-density, mixed-income, retail corridor.

Generally speaking, residents believe this project, as currently proposed, may negatively impact home values and the quality of life.

### **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.**

On July 1, 2013, the applicant had been requested by Charles Lindsay, speaking on behalf of Marion Barry, to sign a community benefits agreement. However, it is our understanding that such an agreement has yet to be proposed, negotiated and signed. At this stage, the public benefits and amenities of the projects (as defined by MR 2403) remain unclear and appear to be unacceptable in a several categories as listed in § 2403.9, including (a) preservation of open spaces; and (d) historic preservation.

### **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.**

Members of the CCA and members of the groups the CCA represent are all comprised of neighborhood homeowners and stakeholders, all of whom are especially affected by the diminution of views and sunlight, and loitering and traffic. The proposed building design also negatively affects the integrity of the historic district, which uniquely impacts Historic Anacostia homeowners. The overconcentration of subsidized, income-capped housing without commiserate economic development also uniquely affects those seeking party status. Anacostia disproportionately shoulders D.C.'s affordable housing burdens without receiving commiserate economic development. This leads to various forms of segregation, which has adverse social and economic effects.

## **ANNEX 1**

**Letter from CCA to Maxine Brown-Roberts dated October 13, 2014**

October 13, 2014

Maxine Brown-Roberts  
Development Review Specialist  
Office of Planning  
Washington DC

**Re: ZC #08-07A - Modification to the First-Stage PUD and Second-Stage PUD to construct Building 1**

Dear Maxine,

On August 26, 2014, Concerned Citizens of Anacostia<sup>1</sup> (CCA) met with Four Points LLC (the applicant) to discuss the proposed modification to the first-stage Planned Unit Development (PUD) and second-stage PUD to construct Building 1. During the meeting, CCA expressed concern about the height, use of materials, colors and design of the proposed building, as they appear to be incompatible with the character of the neighborhood. On October 5, 2014, in an effort to reach consensus on how the PUD should move forward, the Historic Anacostia Preservation Society (HAPS), on behalf of CCA, provided the applicant with a set of pictures of recently constructed buildings that have successfully integrated historical elements.

In this letter, we wish to brief you on our position and explain why we are currently in opposition to the proposed modification to the first-stage PUD and second-stage PUD to construct Building 1.

The first-stage PUD was approved on September 9, 2013, by the Zoning Commission for the District of Columbia (the Zoning Commission). The PUD sets the stage for the redevelopment of approximately eight acres located along Martin Luther King, Jr. Avenue ("MLK Avenue") in the southeast quadrant of Washington DC.

The area in question is partially located in the Anacostia Historic District and adjacent to the latter along MLK Avenue over 1,500 feet (please see Annexes 1 and 2). The eight acres in question were first developed in the late 19<sup>th</sup> century and were formerly known as the Duvall's

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<sup>1</sup> Concerned Citizens of Anacostia include the following citizen groups and ANC: ANC806, Historic Anacostia Preservation Society (HAPS), Historic Anacostia Block Association (HABA) and the Coalition for Equitable Development East of the River (CEDER). Collectively, the Concerned Citizens of Anacostia is dedicated to preserving and protecting the historic character of Historic Anacostia and ensuring its future economic viability.

addition to Union Town and the Talbert Subdivision. Most of the historic structures initially built on the eight-acre lots have been razed, and only a small section of the area was included in the Anacostia Historic District (see Annex 9). However, the site remains in a neighborhood that “represent the same ... period and patterns of development, architectural styles, forms and materials, level of historic integrity, and many of the same architects, builders, and developers” (see Annex 8).

It is not clear to what extent the historic character of the neighborhood was taken into account in the first-stage PUD. The approved massing and height suggest that little attention was paid to the compatibility of the proposed building with the existing fabric of the neighborhood (see Annex 1). Nevertheless, the commission concluded that the applicant had “gone to great length to integrate the proposed construction with the character of the surrounding neighborhood” (see Annex 4). At the same time, there appears to be no clear definition of the character of the surrounding neighborhood and, even though the maps of the approved first-stage PUD show that Building 8 is within the historic district, the PUD was not shown or submitted to the Historic Preservation Review Board (HPRB).

CCA also observes that the Zoning Order appears to be mute on other possible adverse impacts of the proposed building complex, including on the view of the Anacostia River and the Capitol from various points of the neighborhood. As shown in Annex 3, the proposed PUD is likely to block the view to the Capitol and the Anacostia River in nearly half of the Anacostia Historic District, which is likely to have a negative impact on the quality of life of the residents of this area, damage its potential development as a tourist destination, and result in a loss in property values.

In regard to Four Points LLC’s request to amend the first-stage PUD to allow the construction of the proposed Building 1, the applicant proposes, in essence, to construct a larger building on a smaller lot. The requested changes are **not** insignificant, as the proposed volume of the building would be 13.5 percent larger than that initially approved at the first stage. As shown in Table 1 and Annex 6, the proposed building would sit on a lot 5 percent smaller than that initially proposed, while the building footprint would be increased by 5 percent and its height by 8 percent.

As explained by the set down report - ZC #08-07A (see Annex 6), the project and subsequent second-stage applications have to be in accordance with the first-stage PUD. Therefore, the Zoning Commission will expect the applicant to “integrate the proposed construction with the character of the surrounding neighborhood”. In other words, the Zoning Commission will expect the applicant to pursue his effort to compile with the Urban Design Elements of the Comprehensive Plan, including with its goal to “[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identify of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment”.

To our surprise, the author of the set down report considers that the proposed building “would help to preserve neighborhood character as the building height would be reflective of some of those in the historic district across MLK Avenue”. Indeed, this raises the very question of what the “character of the surrounding neighborhood” is, but this concept is not clearly defined in the set down report. In addition, to our knowledge, the proposed 65-foot building would be twice the height of the tallest building within the historic district. Indeed, the proposed building height would **not** be reflective of some of those in the historic district across MLK Avenue.

In the same set down report, the author writes that “The materials and building design proposed is also reflective of some of the more recent developments in the area and would not detract from buildings within the historic district.” On that subject, we wish to bring your attention to the fact that there are very few “recent developments” and that they actually “detract from buildings within the historic district”. CCA does not understand how the author concludes that the proposed building would “preserve the neighborhood[’s] character”. To use the words of the author, the proposed building “would be of a modern architecture, with a style that is seen throughout Washington.” Since the surrounding neighborhood of historic Anacostia has a unique character, such a building would appear to be incompatible.

The fact that, on February 27, 2014, HPRB denied “a concept to construct a six-story residential and retail building” for the redevelopment of the properties located 2226-2252 MLK Avenue (the Big K) shows that the six-story building the applicant proposes to build right across the street is not compatible with the character of the neighborhood. HPRB denied the aforementioned concept “as incompatible with the character of the historic district because it is too large in height and extent relative to the historic buildings in the commercial corridor and out of scale with the historic district”. Considering that the character of the neighborhood is that of the historic district, and taking into account that the size and in height of the applicant’s concept is similar to that proposed for the Big K, one must conclude that the former is also incompatible with the character of the neighborhood (see Annex 7).

Please note that the Zoning Board publicly expressed similar concern on July 28, 2014. While board members liked the concepts of mixed-incomes, Mr. Michael Turnbull specified that he would like to see more renderings that would show how the building will integrate in the existing fabric, and in particular with the adjacent row-houses. Mr. Turnbull added that he would like to see more character from these houses integrated in the proposed building, and had reservations with the proposed roof terrace, mostly because of the lighting (“it should not interfere with the neighbors”). Mr. Turnbull concluded by saying that the proposal “needs some more work”.

In view of all the aforementioned facts, CCA intends to oppose the applicant’s request to increase the building footprint by 5 percent and its height by 8 percent, while reducing the lot size by 5 percent. On the contrary, CCA asks the applicant to review the proposal to minimize incompatibilities with the character of the neighborhood.



*Table 1: Summary of proposed changes*

	Approved at First Stage	Proposed Modifi. at Second Stage	% modified
Lot Area (sqft)	25,300	23,976	-5.2
Residential Use (sqft)	65000	68,263	5.0
Building Footprint (sqft)	10,850	11366	4.8
Building Height (sqft)	60	65	8.3
Building Volume	651000	738790	13.5
Number of Units	58 to 71	71	n/a
Parking spaces	33	26	-21.2

## **ANNEXES**

- 1 – 3-D rendering of the PUD
- 2 – Proposed Redevelopment in Relation to the Historic Neighborhood (1903)
- 3 – Initial Assessment of the Project Impact on the View to the Capitol
- 4 – Zoning Commission Order No. 08-07 Z.C. Case No. 08-07
- 5 – Rendering of the Phase 1 PUD
- 6 – Set down Report - ZC #08-07A
- 7 – HPRB Staff report (February 27, 2014)
- 8 – Anacostia Streetcar Phase 2 Environmental Assessment and Section 106 Evaluation
- 9 – National Register of Historic Places, Nomination Form, Anacostia

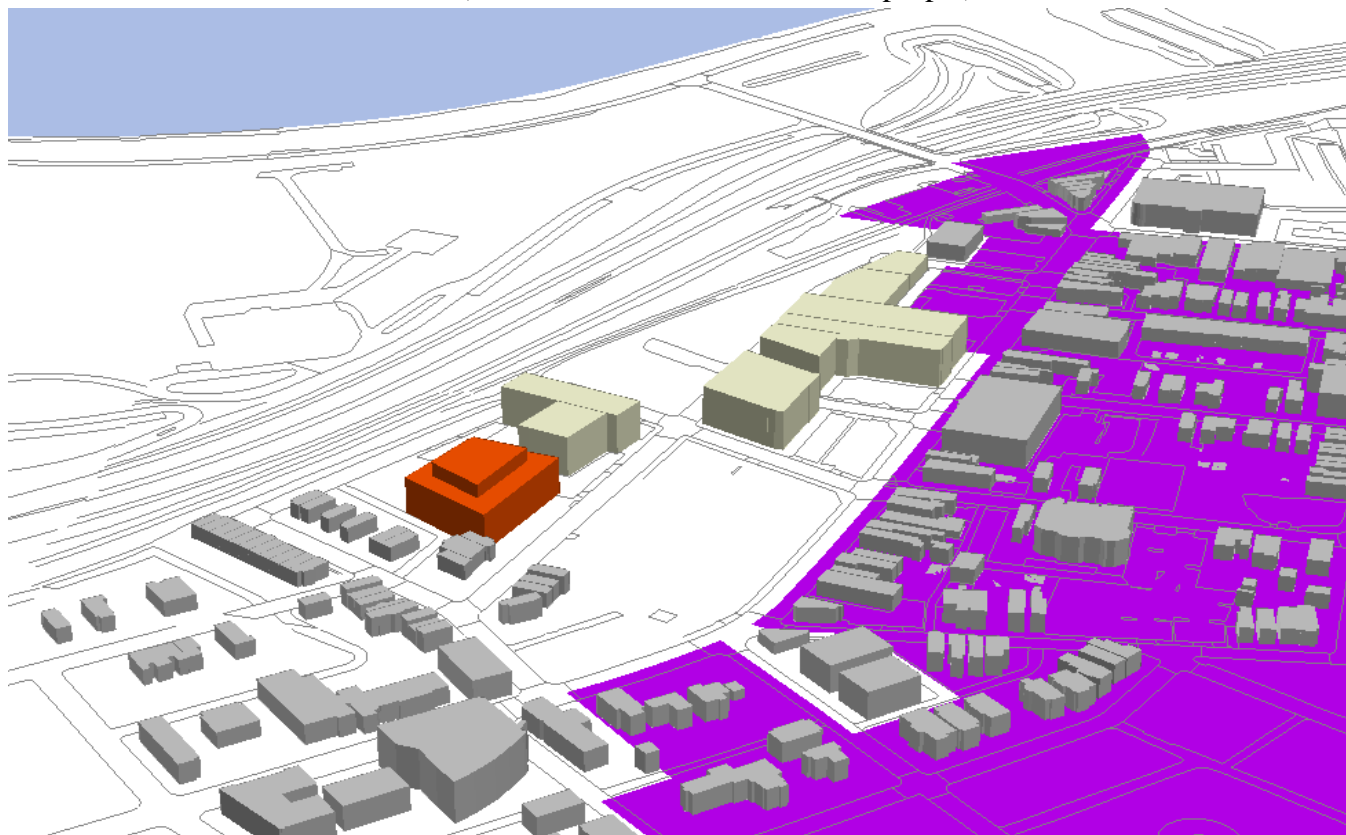
## **CC**

Ellen McCarthy, Director, Office of Planning  
Rosalynn Hughey, Deputy Director, Citywide and Neighborhood Planning  
Evelyn Kasongo, Neighborhood Planning Coordinator - Ward 8  
Tim Dennee, Architectural historian and preservation planner, Historic Preservation Office  
Stan Voudrie, Four Points LLC

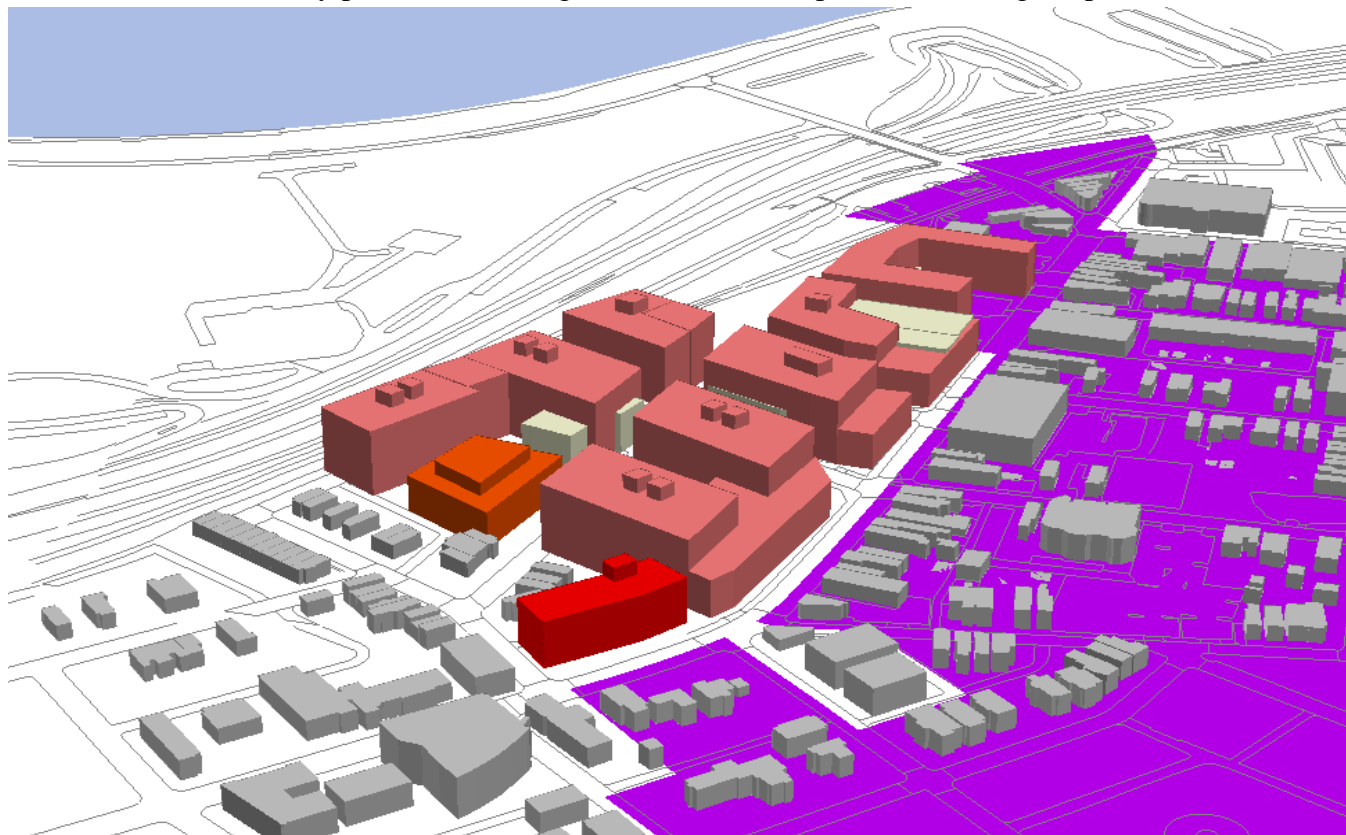
## ANNEX 1

### 3-D rendering of the PUD

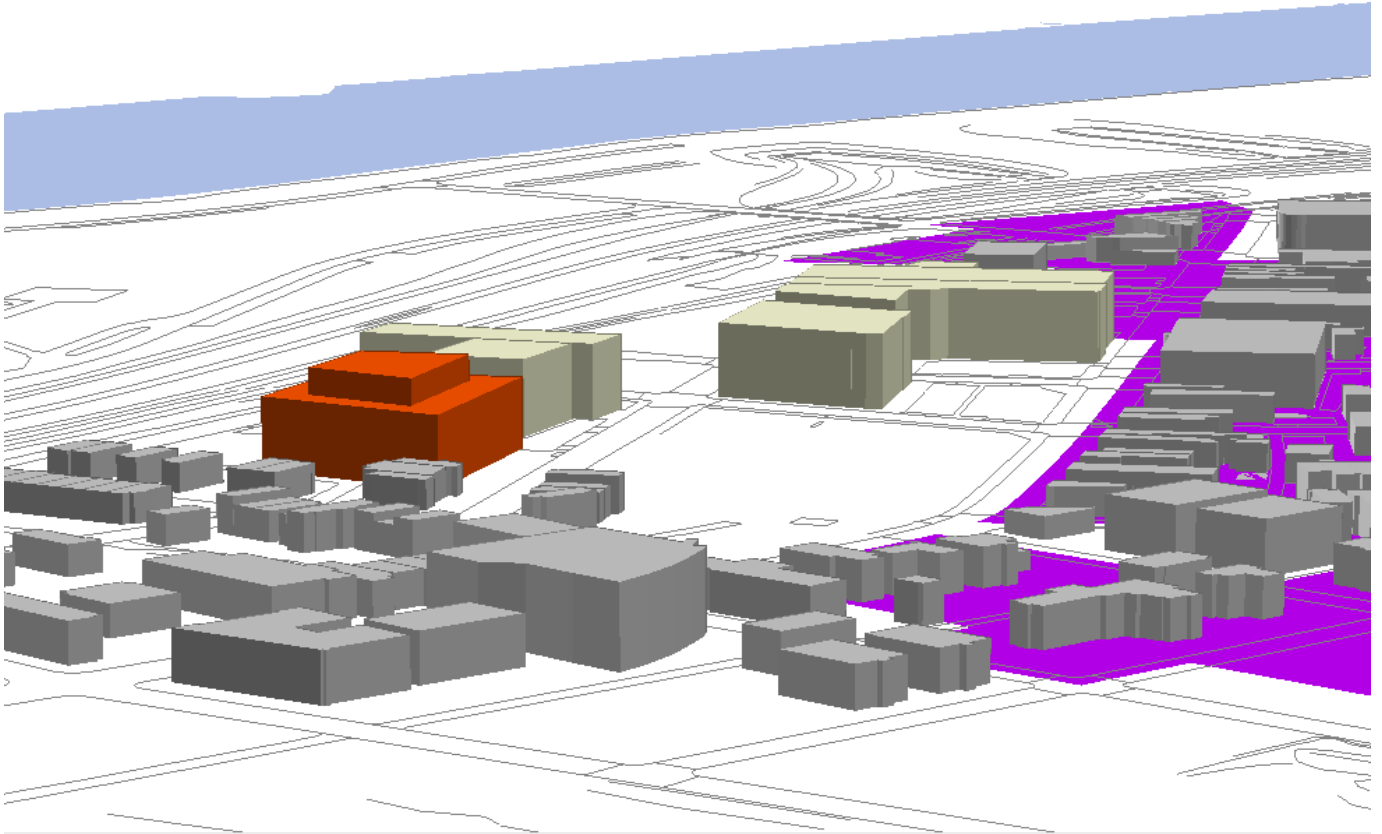
Now (Anacostia Historic District is in purple)



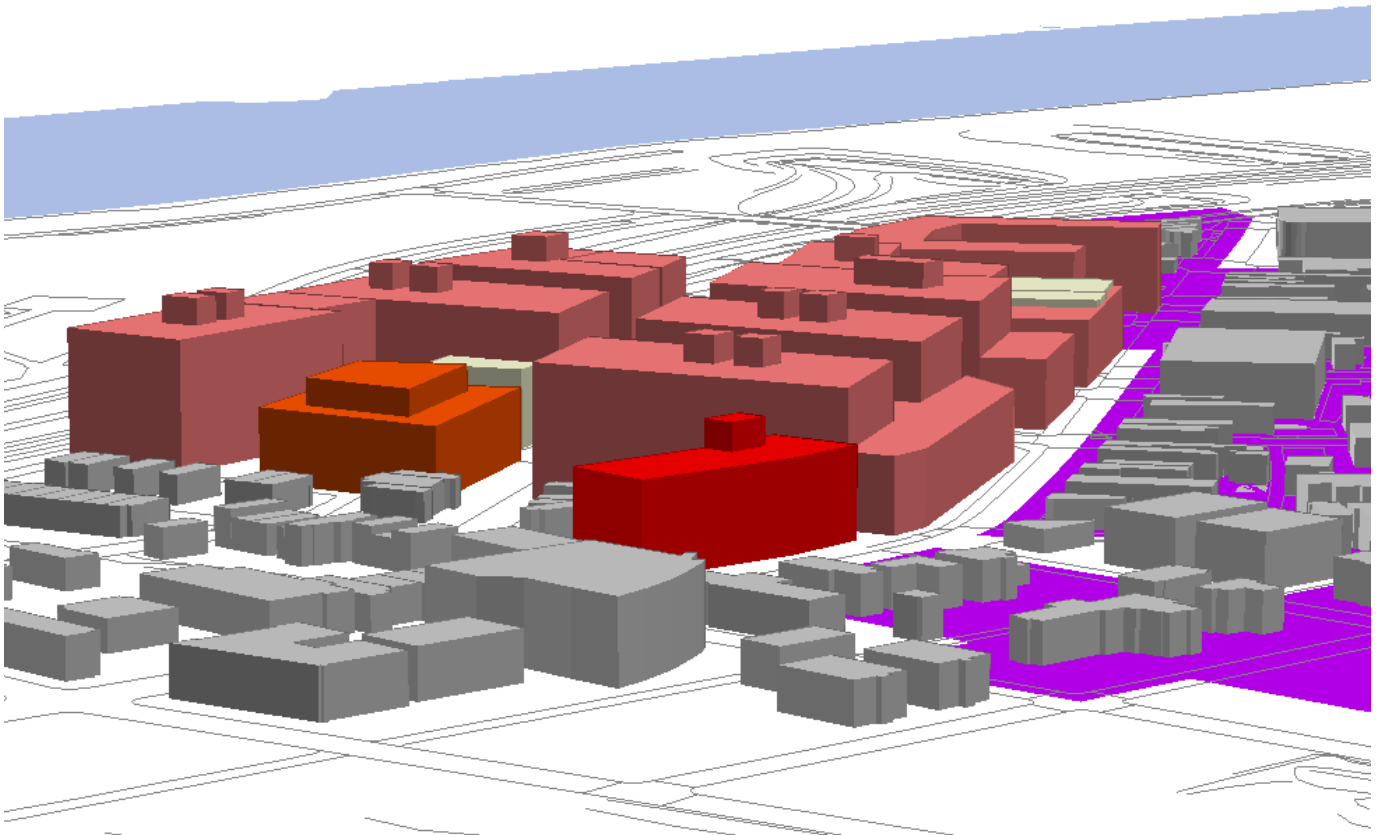
Currently planned (Building 1 in red and other planned buildings in pink)



Now (Anacostia Historic District is in purple)



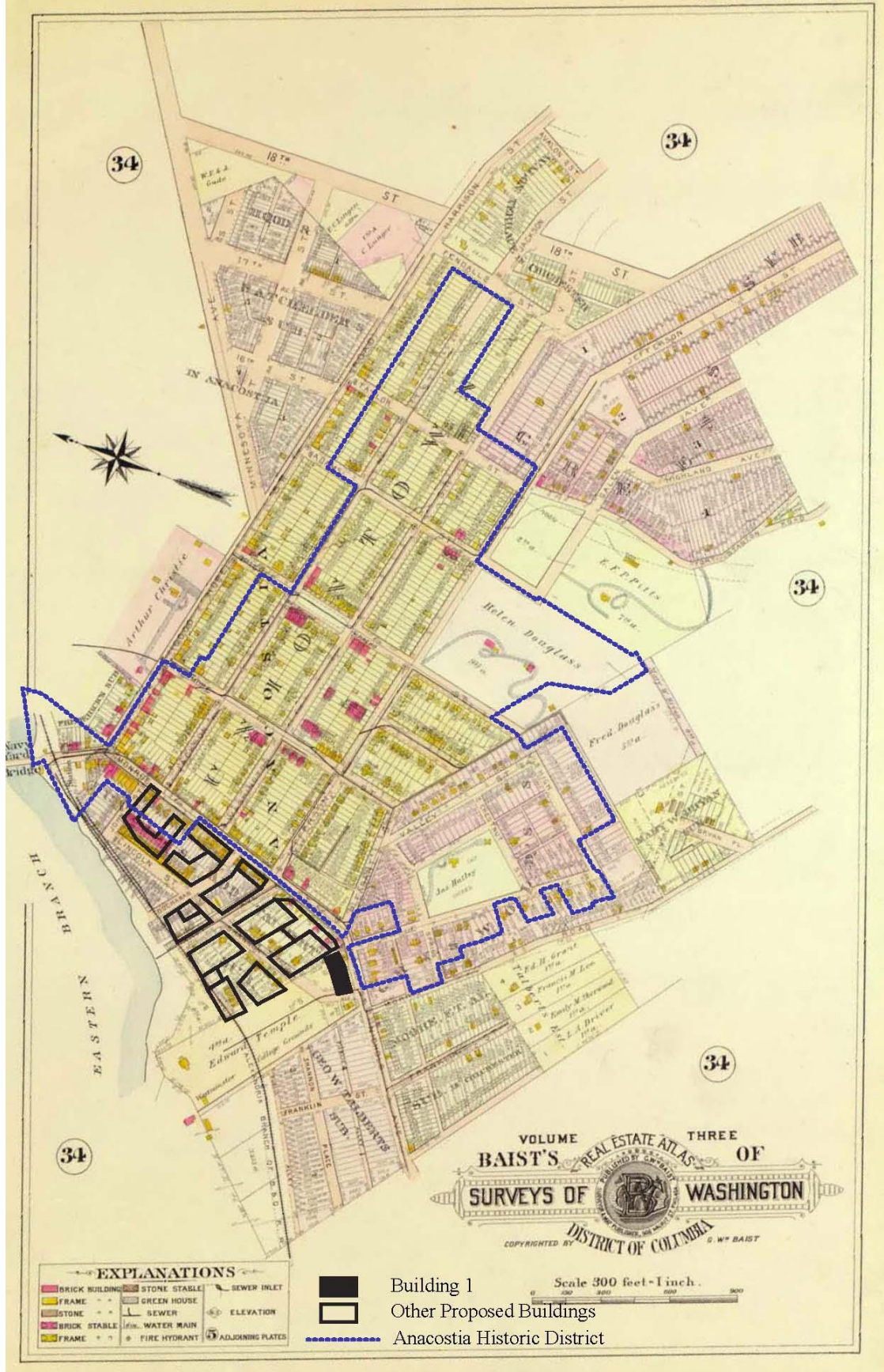
Currently planned (Building 1 in red and other planned buildings in pink)



# ANNEX 2

## Proposed Redevelopment in Relation to the Historic Neighborhood

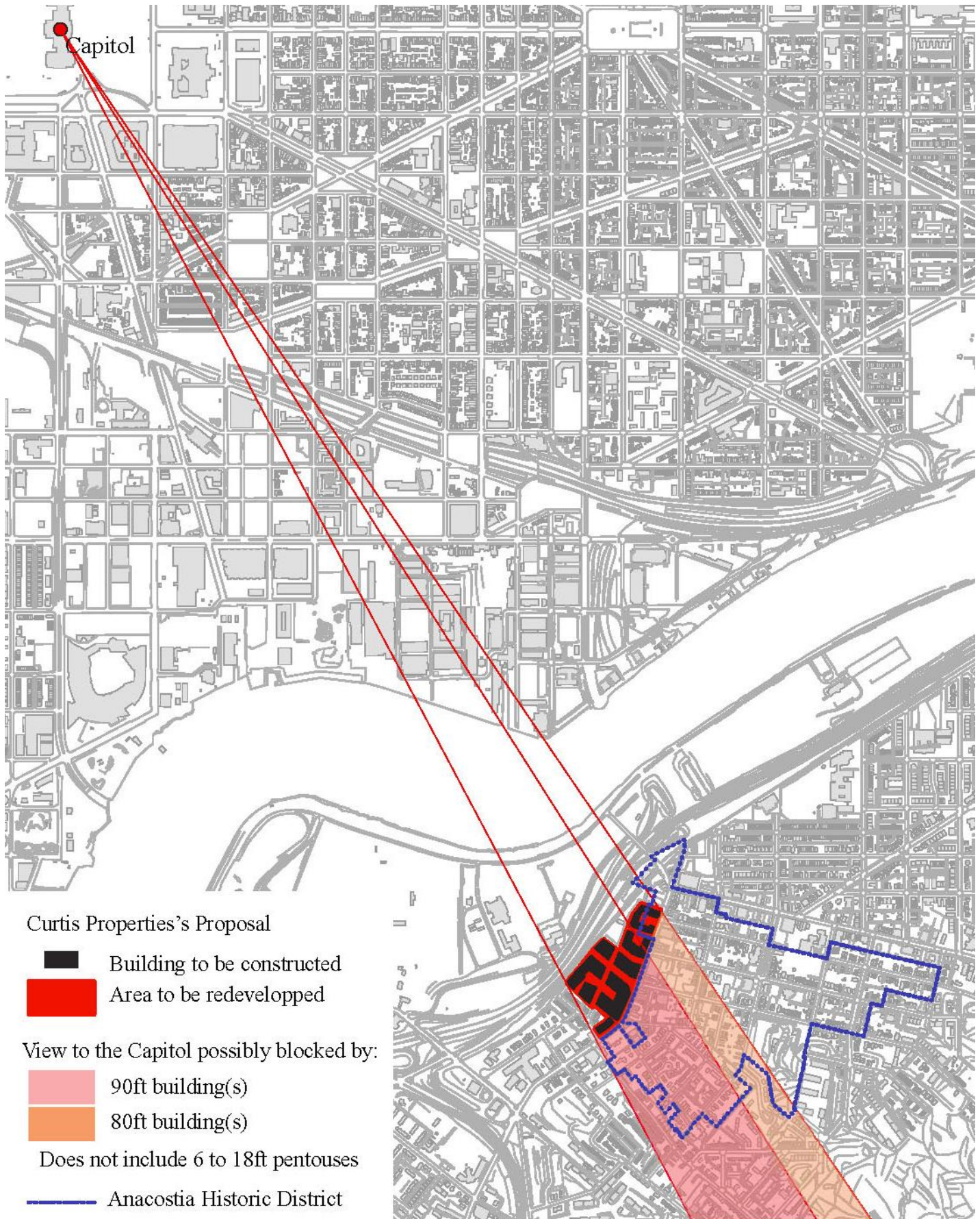
PLATE 33





## ANNEX 3

### Initial Assessment of the Project Impact on the View to the Capitol



## **ANNEX 2**

**Letter from CCA to the applicant dated November 13, 2014**

## CONCERNED CITIZENS OF ANACOSTIA

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November 13, 2014

Stan Voudrie  
Four Points LLC

**Re: ZC #08-07A - Modification to the First-Stage PUD and Second-Stage PUD to construct Building 1**

PLANNING

Dear Stan,

We have received the revised renderings for 2255 Martin Luther King Jr. Avenue (Annex 1). We are pleased to see that you have taken into consideration some of the comments previously presented by Concerned Citizens of Anacostia (CCA) to Ms. Maxine Brown-Roberts on October 13, 2014 (Annex 2). In particular, we welcome the efforts to improve the entrance of the building and the introduction of traditional brick-like material and wood. However, the proposed building still possesses a modern architectural style, ubiquitous throughout Washington, DC. Far more is needed for the building to be truly compatible with the existing fabric of the neighborhood. More specifically, we propose that you:

1. Increase the amount of brick-like material, including in the roof detail, and reduce the use of metal panels;
2. Introduce some architectural details, possibly reflecting similar characteristics to the multiple dwellings with various heights, a set back (as designed by the architect George T. Santmyers), or some traits of the Art Deco buildings that are present in the area. The building still very much has a modern feel that is not compatible with neither the adjacent properties nor the historic district, and Four Points LLC's experience with The Hampshires shows that your company indeed has the capacity to design such a project<sup>1</sup>;
3. Increase the size of the windows that will be visible from the street. The smaller, less prominent windows should be located at the rear of the building or other areas not conspicuous from MLK Jr. Ave. (This comment was made during CCA's initial meeting with Four Points, LLC regarding the design of the proposed building);
4. Consider the request of the Shannon/Chicago Street Civic Association to move the entrance of the building from the corner of MLK Jr. Ave. and Chicago St., which is next to a bus stop, to a location further down on MLK Jr. Ave. This was requested in order to limit the amount of loitering that would occur at the Chicago-MLK corner. As you may already know, loitering is a significant issue along MLK Jr. Ave.

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<sup>1</sup> <http://www.comstockhomes.com/pdf/hampshires/HampshiresBrochure.pdf>

5. Continue to reach out to the residents of Chicago Street, Shannon Place, and the Single Member District (SMD) 8A06 in an effort to keep the residents aware of the continued progress of this PUD.

CCA remains strongly concerned by the proposed height of the building and is not in favor of any increase, as it would further detract from the smaller buildings that are predominant in the neighborhood. The height increase is likely to have an adverse impact on one of the residents' most precious amenities: the view of the Anacostia River and the part of the city that lies to its west. These concerns are not specific to this building in particular, but rather to the entire PUD. With the approval of the first-stage PUD, the maximum height of the buildings that could possibly be developed on the site was increased from 40-65 feet to 45-90 feet. However, we believe that a proper assessment has yet to be executed to correctly define how these buildings would impact the view of the city that the residents of Anacostia have enjoyed ever since the neighborhood was first established (Annex 3).

CCA kindly asks you to confirm that the share of affordable housing units to be built throughout the entire PUD will still be around 8 percent, and that the remaining stock of affordable housing units to be built will be spread out through the entire PUD<sup>2</sup>. While CCA strongly supports mixed-income housing projects, CCA notes that the proposed building will consist mainly of affordable housing. Considering that the Department of Housing and Community Development ("DCHD") and its developer partner plan to build 114 units of affordable rental apartments at 2228-2238 MLK, CCA is highly concerned that the combined developments will only lead to an oversaturation of affordable housing along MLK Jr. Avenue.

CCA also kindly asks you to consider the introduction of retail space along MLK Jr. Avenue, a commercial corridor, in an effort to contribute to the neighborhood's economic viability, and, more generally, to propose solutions to improve the pedestrian experience along MLK Jr. Avenue. A number of residents have expressed concern about the fact that the proposed building does not include any retail space along MLK Jr. Avenue, and believe that the current design does not offer much to the pedestrian experience nor the neighborhood's economic growth.

CCA also requests that you clarify the project's public benefits and amenities, and how they compare to those that would likely result from the development of the site prior to the approval of the PUD stage 1. Stage 1 was presented, discussed, and approved at a time when the

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<sup>2</sup> Zoning Commission Order No. 08-07 Z.C. specifies that "the overall project will contain approximately 481,000 sq. ft. of gross floor area dedicated to residential uses", that "eight percent [or 38,480 sq. ft.] of the gross residential floor area will be devoted to affordable units" and that these units will be dispersed throughout the buildings. For 2255 MLK, CCA understands that the applicant proposes to produce 68,263 sq. ft. of gross floor area dedicated to residential use, and that at most of this area will be used for affordable housing.



commissioner for SMD 8A06 had resigned and her substitute had not yet taken office. Hence, CCA is strongly concerned about the lack of community input. CCA believes that the community should be better informed about the implications of the changes introduced at PUD stage 1, and how the additional development rights granted will result in greater public benefits and amenities.

Lastly, in the future, we suggest that signs used to announce public hearings on Four Points LLC's developments be larger and more visible; and that they include at least a rendering so that residents can be truly aware of the proposed development. The relatively small, dark green signs that were posted are difficult to notice, in particular at night, which is when most residents would have a chance to see them (Annex 4). In addition, we would like to suggest that you create a website with various renderings of the PUD, to be regularly updated in order to keep the residents abreast of the progress of this important development. Many residents are not fully aware of the current development proposed for the 8-acre site. Some of the residents who participated in the meeting related to the PUD stage 2 for 2255 MLK were left with the unfortunate impression that a decision had already been made, and that their future input would only be minimal and not need to be taken into account. Community involvement and awareness are paramount to Anacostia's positive growth. Therefore, we count on you to ensure adequate community participation.

Sincerely,  
Concerned Citizens of Anacostia

**CC**

Ellen McCarthy  
Director, Office of Planning  
[ellen.mccarthy@dc.gov](mailto:ellen.mccarthy@dc.gov)

Rosalynn Hughey,  
Deputy Director, Citywide and Neighborhood Planning  
[rosalynn.hughey@dc.gov](mailto:rosalynn.hughey@dc.gov)

Evelyn Kasongo  
Neighborhood Planning Coordinator, Ward 8  
[evelyn.kasongo@dc.gov](mailto:evelyn.kasongo@dc.gov)

Maxine Brown-Roberts  
Development Review Specialist, Office of Planning  
[maxine.brownroberts@dc.gov](mailto:maxine.brownroberts@dc.gov)

**Annex 1**  
**Initial and revised renderings for 2255 MLK Avenue**

Initial rendering



Revised rendering provided by the applicant on October 31, 2014



## Annex 2

### Correspondence from CCA to Ms. Maxine Brown-Roberts on October 13, 2014

October 13, 2014

Maxine Brown-Roberts  
Development Review Specialist  
Office of Planning  
Washington DC

#### **Re: ZC #08-07A - Modification to the First-Stage PUD and Second-Stage PUD to construct Building 1**

Dear Maxine,

On August 26, 2014, Concerned Citizens of Anacostia<sup>3</sup> (CCA) met with Four Points LLC (the applicant) to discuss the proposed modification to the first-stage Planned Unit Development (PUD) and second-stage PUD to construct Building 1. During the meeting, CCA expressed concern about the height, use of materials, colors and design of the proposed building, as they appear to be incompatible with the character of the neighborhood. On October 5, 2014, in an effort to reach consensus on how the PUD should move forward, the Historic Anacostia Preservation Society (HAPS), on behalf of CCA, provided the applicant with a set of pictures of recently constructed buildings that have successfully integrated historical elements.

In this letter, we wish to brief you on our position and explain why we are currently in opposition to the proposed modification to the first-stage PUD and second-stage PUD to construct Building 1.

The first-stage PUD was approved on September 9, 2013, by the Zoning Commission for the District of Columbia (the Zoning Commission). The PUD sets the stage for the redevelopment of approximately eight acres located along Martin Luther King, Jr. Avenue (“MLK Avenue”) in the southeast quadrant of Washington DC.

The area in question is partially located in the Anacostia Historic District and adjacent to the latter along MLK Avenue over 1,500 feet (please see Annexes 1 and 2). The eight acres in question were first developed in the late 19<sup>th</sup> century and were formerly known as the Duvall’s addition to Union Town and the Talbert Subdivision. Most of the historic structures initially built on the eight-acre lots have been razed, and only a small section of the area was included in the Anacostia Historic District (see Annex 9). However, the site remains in a neighborhood that “represent the same ... period and patterns of development, architectural styles, forms and materials, level of historic integrity, and many of the same architects, builders, and developers” (see Annex 8).

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<sup>3</sup> Concerned Citizens of Anacostia include the following citizen groups and ANC: ANC806, Historic Anacostia Preservation Society (HAPS), Historic Anacostia Block Association (HABA) and the Coalition for Equitable Development East of the River (CEDER). Collectively, the Concerned Citizens of Anacostia is dedicated to preserving and protecting the historic character of Historic Anacostia and ensuring its future economic viability.

It is not clear to what extent the historic character of the neighborhood was taken into account in the first-stage PUD. The approved massing and height suggest that little attention was paid to the compatibility of the proposed building with the existing fabric of the neighborhood (see Annex 1). Nevertheless, the commission concluded that the applicant had “gone to great length to integrate the proposed construction with the character of the surrounding neighborhood” (see Annex 4). At the same time, there appears to be no clear definition of the character of the surrounding neighborhood and, even though the maps of the approved first-stage PUD show that Building 8 is within the historic district, the PUD was not shown or submitted to the Historic Preservation Review Board (HBRB).

CCA also observes that the Zoning Order appears to be mute on other possible adverse impacts of the proposed building complex, including on the view of the Anacostia River and the Capitol from various points of the neighborhood. As shown in Annex 3, the proposed PUD is likely to block the view to the Capitol and the Anacostia River in nearly half of the Anacostia Historic District, which is likely to have a negative impact on the quality of life of the residents of this area, damage its potential development as a tourist destination, and result in a loss in property values.

In regard to Four Points LLC’s request to amend the first-stage PUD to allow the construction of the proposed Building 1, the applicant proposes, in essence, to construct a larger building on a smaller lot. The requested changes are not insignificant, as the proposed volume of the building would be 13.5 percent larger than that initially approved at the first stage. As shown in Table 1 and Annex 6, the proposed building would sit on a lot 5 percent smaller than that initially proposed, while the building footprint would be increased by 5 percent and its height by 8 percent.

As explained by the set down report - ZC #08-07A (see Annex 6), the project and subsequent second-stage applications have to be in accordance with the first-stage PUD. Therefore, the Zoning Commission will expect the applicant to “integrate the proposed construction with the character of the surrounding neighborhood”. In other words, the Zoning Commission will expect the applicant to pursue his effort to compile with the Urban Design Elements of the Comprehensive Plan, including with its goal to “[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment”.

To our surprise, the author of the set down report considers that the proposed building “would help to preserve neighborhood character as the building height would be reflective of some of those in the historic district across MLK Avenue”. Indeed, this raises the very question of what the “character of the surrounding neighborhood” is, but this concept is not clearly defined in the set down report. In addition, to our knowledge, the proposed 65-foot building would be twice the height of the tallest building within the historic district. Indeed, the proposed building height would not be reflective of some of those in the historic district across MLK Avenue.

In the same set down report, the author writes that “The materials and building design proposed is also reflective of some of the more recent developments in the area and would not detract from buildings within the historic district.” On that subject, we wish to bring your attention to the fact that there are very few “recent developments” and that they actually “detract from buildings within the historic district”. CCA does not understand how the author concludes that the proposed building would “preserve the neighborhood[s] character”. To use the words of the author, the proposed building “would be of a modern architecture, with a style that is seen

throughout Washington.” Since the surrounding neighborhood of historic Anacostia has a unique character, such a building would appear to be incompatible.

The fact that, on February 27, 2014, HPRB denied “a concept to construct a six-story residential and retail building” for the redevelopment of the properties located 2226-2252 MLK Avenue (the Big K) shows that the six-storey building the applicant proposes to build right across the street is not compatible with the character of the neighborhood. HPRB denied the aforementioned concept “as incompatible with the character of the historic district because it is too large in height and extent relative to the historic buildings in the commercial corridor and out of scale with the historic district”. Considering that the character of the neighborhood is that of the historic district, and taking into account that the size and in height of the applicant’s concept is similar to that proposed for the Big K, one must conclude that the former is also incompatible with the character of the neighborhood (see Annex 7).

Please note that the Zoning Board publicly expressed similar concern on July 28, 2014. While board members liked the concepts of mixed-incomes, Mr. Michael Turnbull specified that he would like to see more renderings that would show how the building will integrate in the existing fabric, and in particular with the adjacent row-houses. Mr. Turnbull added that he would like to see more character from these houses integrated in the proposed building, and had reservations with the proposed roof terrace, mostly because of the lighting (“it should not interfere with the neighbors”). Mr. Turnbull concluded by saying that the proposal “needs some more work”.

In view of all the aforementioned facts, CCA intends to oppose the applicant’s request to increase the building footprint by 5 percent and its height by 8 percent, while reducing the lot size by 5 percent. On the contrary, CCA asks the applicant to review the proposal to minimize incompatibilities with the character of the neighborhood.

Table 1: Summary of proposed changes

	Approved at First Stage	Proposed Modifi. at Second Stage	% modified
Lot Area (sqft)	25,300	23,976	-5.2
Residential Use (sqft)	65000	68,263	5.0
Building Footprint (sqft)	10,850	11366	4.8
Building Height (sqft)	60	65	8.3
Building Volume	651000	738790	13.5
Number of Units	58 to 71	71	n/a
Parking spaces	33	26	-21.2

#### Annexes

- 1 – 3-D rendering of the PUD
- 2 – Proposed Redevelopment in Relation to the Historic Neighborhood (1903)
- 3 – Initial Assessment of the Project Impact on the View to the Capitol
- 4 – Zoning Commission Order No. 08-07 Z.C. Case No. 08-07
- 5 – Rendering of the first-date PUD
- 6 – Set down Report - ZC #08-07A

7 – HPRB Staff report (February 27, 2014)

8 – Anacostia Streetcar Phase 2 Environmental Assessment and Section 106 Evaluation

9 – National Register of Historic Places, Nomination Form, Anacostia

**CC**

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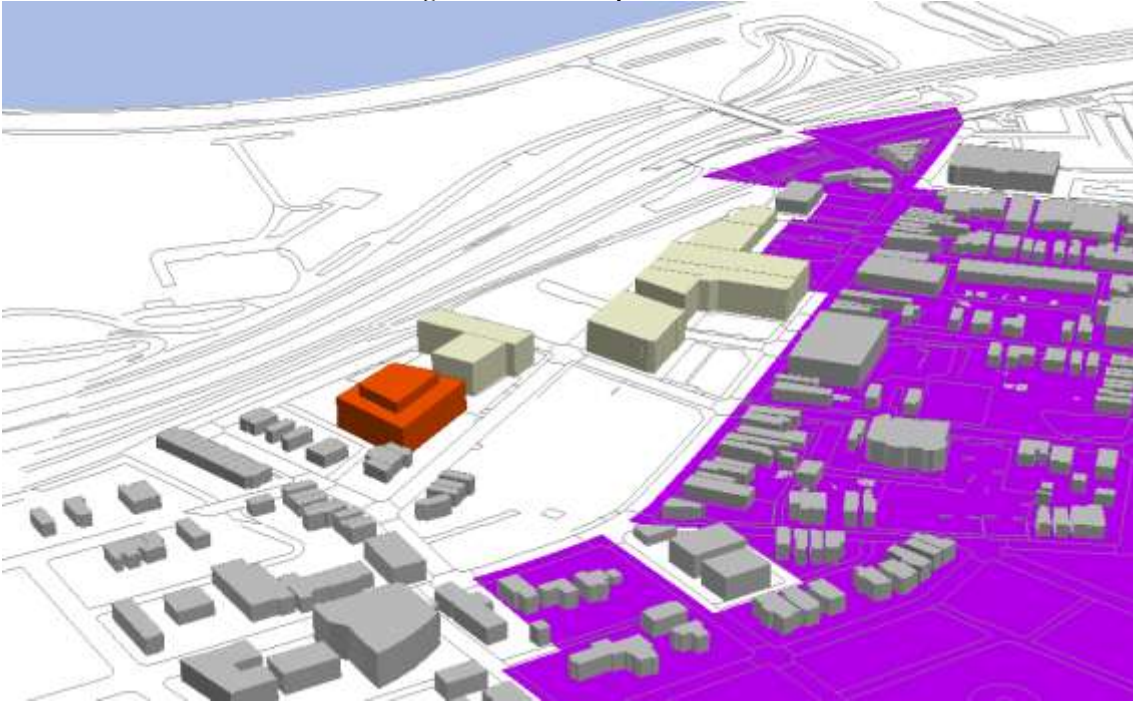
Stan Voudrie  
Four Points LLC  
[svoudrie@fourpointslc.com](mailto:svoudrie@fourpointslc.com)



### Annex 3

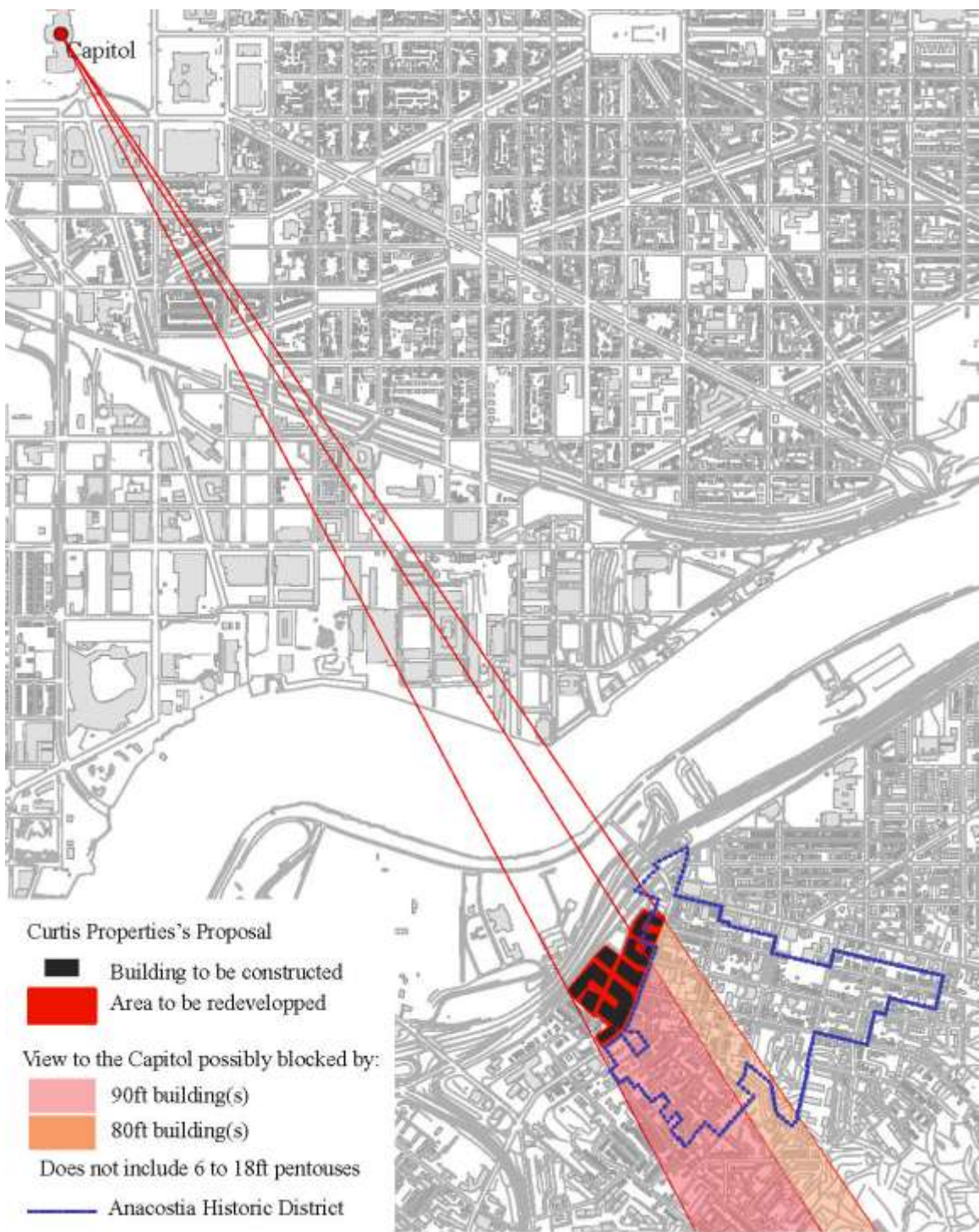
#### CCA's initial impact assessment of the proposed PUD on the view to the Capitol

The 8 acre site in relation to the neighborhood today



The 8 acre site in relation to the neighborhood as proposed by the PUD  
2255 MLK is the red building







Annex 4  
Public hearing notice



## **ANNEX 3**

### **CV of Mr. Camille Bourguignon**

# Camille Bourguignon

## Professional Experience in the field of Land Administration (10 years)

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### **The World Bank, ECSSD / GURDR (2 years)**

*Land Administration Specialist / Washington D.C., USA / January 2013 to present*

- Supervises of the Real Estate and Registration (RER) project in Azerbaijan (P100582)
- Provides support to Reimbursable Advisory Services (RAS) in Kuwait (Reorganization of State Property Department P130029) and Romania (Real Estate, Basis for National and EU Policies in Romania P145716)
- Leads the preparation of a Poverty and Social Impact Assessment (PSIA) of systematic registration in Romania (P150499)
- Contributes to various analytical work including a chapter on World Bank Operations that Support Indigenous Land Tenure Regularization in Latin America (P131247), a paper on Mainstreaming the First Registration of Real Property Rights in Romania, Paper for the 2014 World Bank Conference on Land and Poverty, and contributions to a handbook on the improvement of Roma living conditions in Eastern Europe (P145716)

### **The World Bank, AES (9 months)**

*Land Administration Specialist / Washington D.C., USA / May 2012 to present*

- Contributes to the preparation of the book “Fifty Years of World Bank Lending for Land Tenure”
- Prepared the book’s concept note
- Carried out a review of World Bank-financed land operations since the 1960s
- Prepared a draft chapter on the history of World Bank land operations
- Prepares various analyses and reports as requested by AES management

### **The World Bank, LCSAR (3 months)**

*Land Administration Specialist / Rio de Janeiro, R.J., Brazil / September to October 2010*

- Contributed to the preparation of the Economic and Sectoral Work “Legalizing Brazil”
- Conducted field work to collect original data on informal land tenure and living conditions in informal settlements
- Identified and characterized more than three hundred informal settlements in five Brazilian municipalities
- Analyzed land regularization projects, identified implementation constraints, and provided advice on how to address them

### **The World Bank Institute, ESSD (3.5 years)**

*Land Administration Specialist / Washington D.C., USA / July 2005 to June 2010*

- Designed and managed a program on policy dialog for Land Distribution and Access to Tenure Security in Africa
- Coordinated program activities with the World Bank Regions and Land Thematic Group
- Established partnerships such as with the Southern African development community and UN Habitat
- Organized field missions in Kenya, Malawi, South-Africa, and Tanzania to set up and implement the program
- Organized four regional land workshops in Sub-Saharan Africa (12 participating countries and 500 participants)
- Co-edited the book “Agricultural Land Redistribution: Toward Greater Consensus”

### **The World Bank, ECSPE (3 months)**

*Cartographer / Washington D.C., USA / December 2007 to December 2008*

- Provided technical assistance in the implementation of the Economic Policy/Public Expenditure Management Project
- Participated in missions to Kosovo to help provide advice on health financing reform
- Identified, collected, and processed spatial information on health services, transportation, and human settlements in Kosovo (e.g. Ministry of Health, Ministry of Transportation, and Humanitarian Community Information Center)
- Prepared maps to demonstrate the accessibility of health services to the population and demonstrated how to enhance it

### **The World Bank, ECSPE (3 months)**

*Land Administration Specialist / Washington D.C., USA / July 2007 to May 2008*

- Helped in the supervision of the Kosovo Business Environment Technical Assistance Project’s property rights component
- Participated in missions to Kosovo and monitored Cadastre Reconstruction and Building Construction Cadastre activities
- Organized field work in municipal cadastral offices and helped assess their capacity development needs
- Prepared aide memoires and other mission-related documents

### **French National Geographic Institute – International Branch (2 years)**

*Cartographic Engineer / Phnom Penh, Cambodia and Hanoi, Vietnam / March 2002 to October 2003*

- Managed the Information Technology for Risk Prevention and Emergency Services project in Vietnam
- Led the design and establishment of a Geographic Information System for flood risk prevention and search & rescue

- Trained and supervised staff from the National Search and Rescue Committee of Vietnam
- Collected and processed spatial information (e.g. topographic data, aerial images, GPS field survey)
- Piloted the system in the Thừa Thiên-Huế province
- Produced maps (e.g. flood and search & rescue)
- Effectively managed the budget and reported on project implementation
- Managed the Khmer Application Cadastral Information System project in Cambodia
- Led the establishment of a cadastral web server (Oracle/Arc SDE/Arc GIS/Arc IMS)
- Coordinated with international organizations and donors on project implementation
- Trained and supervised staff from the Municipal Cadastral Office of Phnom Penh
- Piloted the application with data produced by the World Bank's Land Management and Administration Project
- Produced cadastral maps
- Effectively managed the budget and reported on project implementation

### **University of Paris I Pantheon-Sorbonne (6 months)**

*Graduate Assistant /Paris, France / Sept. 2001 to Feb. 2002*

- Provided assistance to students on how to use Geographic Information Systems in various types of research projects
- Monitored daily operations of the computer lab

## **Education**

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### **PhD in Geography (France) and PhD in Geodetic Sciences (Brazil)**

University of Paris 1 Pantheon-Sorbonne (France) / Federal University of Paraná (Brazil)

Thesis: "Urban Land Regularization in Brazil: Issues, Progress and Challenges"

### **MA in Cartography and GIS (2002)**

University of Paris 1 Pantheon-Sorbonne, School of Geography

Relevant coursework: Geographic Information System (Arc Info GIS, database management), Data analysis (geographical data analysis, spatial analysis) and Cartography (general cartography, history of cartography, mapping projects, thematic cartography)

### **BA in Geography (2001)**

University of Rouen, School of Geography

Relevant coursework: Geopolitics, Demography, Climatology, Geology Urban planning, Statistics and Cartography

## **Language Skills and International Experience**

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**Language:** French (native), English (fluent), Portuguese (fluent), Spanish (basic, spoken and written)

**Country experience:** Latin America and the Caribbean (Brazil), Sub-Saharan Africa (Kenya, Malawi, South-Africa and Tanzania), Europe and Central Asia (Azerbaijan, Kosovo, Macedonia, Montenegro, Romania and Serbia) East Asia and Pacific (Cambodia, India and Vietnam), Middle East and North Africa (Kuwait).

## **Publications**

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BOURGUIGNON Camille, Mainstreaming the First Registration of Real Property Rights in Romania, Paper prepared for presentation at the "2014 World Bank Conference on Land and Poverty", The World Bank - Washington DC, March 24-27, 2014

BOURGUIGNON Camille, Leases, concessions, and authorizations: Searching for an Alternative to the Privatization of Federal Domain in Brazil, *Land Use Policy*, no.33, pp.100-110

BINSWANGER-MKHIZE Hans, BOURGUIGNON Camille and VAN DEN BRINK Roger (ed.), *Agricultural Land Redistribution: Toward Greater Consensus*, Washington DC, The World Bank, 2009

BOURGUIGNON Camille and LECLERC Eric, *Defining the Urban Fringe Through Population Mobility: Madhapur and its I.T. Park (Hyderabad)*, New Delhi. C.S.H., Occasional Paper no.17, 2006

BOURGUIGNON Camille, ANTUNES Alzir Felipe Buffara and TENORIO Andrea Carneiro, *Cadastre Brésilien: perspectives d'évolution*, XYZ no.104, 2005

BOURGUIGNON Camille, *Uma Breve História do Cadastro Francês*, IV Brazilian Colloquium of Geodesic Sciences, May 16-20 2005, Curitiba, Brazil