

January 22, 2015

District of Columbia Zoning Commission
441 4th Street, NW
Suite 210-8
Washington, DC 20001

RE: Statement of the Party Opponent: Zoning Commission Case No. 13-08.

Honorable Members of the Zoning Commission,

Good Evening, my name is Will Merrifield- I am a Staff Attorney at The Washington Legal Clinic for the Homeless and am here tonight as the authorized representative of the Alabama Avenue/13th Street Tenants Coalition (the "Coalition"). We are appearing tonight in opposition of the proposed PUD. All members of the Coalition are current tenants of Sanford Capital and live in the buildings that the proposed PUD seeks to demolish. The addresses of the buildings that comprise members of the Coalition are 1309, 1331 and 1333 Alabama Avenue SE Washington DC as well as 3210 13th Street SE Washington DC

I want to begin my testimony tonight by briefly reiterating the issues raised in the Coalition's Motion to Postpone this hearing. As submitted, the Proposed PUD cannot be considered complete and therefore cannot move forward at this time. Furthermore, if the proposed PUD is approved, there is a substantial risk that the Zoning Administrator will be prevented from implementing any associated permit applications for the property. Clearly the issues raised in the motion may also prevent the applicant from securing financing for the development as planned. The significance of these issues cannot be understated for the Alabama Avenue/13th Street Tenants Coalition. The Coalition has been and continues to be engaged in negotiations with Sanford Capital. However, the Coalition's current position is that without clarity around these issues, it is impossible for them to be able to enter into a meaningful relocation and right to return agreement because it is not clear whether this project will ever come to fruition. The Coalition's greatest fear at this point is that they will enter into an agreement, the Project will be delayed because the Zoning Administrator will not be able to approve permits, and the tenants will have given up their TOPA rights for a right to return that is essentially meaningless.

With respect to TOPA, the Applicant has made it a pre-condition that any re-location and right to return to the redeveloped property be premised on the tenants giving up their TOPA rights. This would mean that the Coalition would be prohibited from being able to explore their option to collectively purchase the building themselves or assign their right to purchase to third party. This would close off numerous possibilities for the tenants to seek more progressive development options that would guarantee their continued residency at the current metro accessible property or a future redeveloped property. Furthermore, by giving up their TOPA rights, the Coalition would be precluded from seeking alternative forms of development that guarantee broader affordability than that proposed in the PUD before the Commission this evening.

To this point, the Coalition has been unwilling to give up their TOPA rights due to their concerns with the overall project's feasibility as well as their concerns with the Applicant as a partner. Unfortunately, these concerns have been exacerbated by the way the redevelopment process has played out thus far. First, the tenants were not made aware of the potential redevelopment before Sanford Capital applied for the proposed PUD. Secondly, the proposed PUD makes no mention of the existing tenants or their future involvement in the redeveloped property; and thirdly, the Applicant negotiated a Community Benefits Agreement without any of the Coalition members being involved in the process.

Further adding to the Coalition's distrust of the process has been their history as tenants in the current buildings owned by Sanford Capital. Members of the Coalition will testify as part of our presentation about the housing code violations they have had to endure while living in Sanford owned buildings. Currently, there are overarching security issues that literally put Coalition member's safety at risk daily. Specifically, there are a number of vacant units at all three buildings that squatters routinely enter to engage in criminal activity. The squatters are encouraged to do this by the lack of security at the property that includes a history of unsecured front doors as well as Sanford Capital's failure to properly secure the vacant units inside the properties.

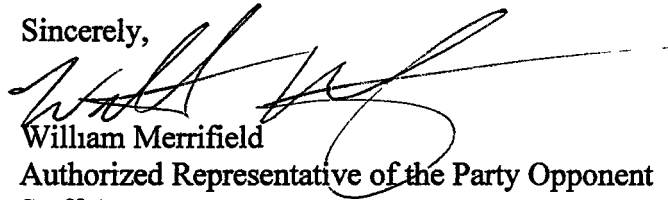
Lastly, from its inception, the Coalition has made broad affordability at the redeveloped project a priority. Furthermore, as pointed out in the Coalition's Motion to Postpone, the Property at 3200 Thirteenth Street SE is covered by a Covenant with the District of Columbia and its Department of Housing and Community Development that limits occupancy of its residential units to Extremely Low Income tenants. That Covenant is attached to the Motion to Postpone as Exhibit 5. The housing affordability described in the PUD application does not detail compliance with this Covenant nor does it describe the type and distribution of any affordable units. As members of the community concerned with affordable housing we would ask the commission to help provide clarity regarding the status of this Covenant as well as address the issue of what will become of the approximately 920,000 dollars that is outstanding on the loan that the Covenant is premised upon.

In conclusion, we are asking the zoning commission to put this proposed PUD on hold until the issues raised in the Coalition's Motion to Postpone are resolved. Right now, the Coalition believes they are being given an ultimatum to either give up their TOPA rights and rely on the good faith of the Applicant or be left out of the deal altogether. We are only seeking transparency around this project so that we can begin to exercise our options with clarity and negotiate with all parties in good faith.

I will now turn it over to our panel. As stated earlier, our witnesses will consist of members of the Coalition that reside in the buildings that the proposed PUD seeks to demolish as well as

Eugene Puryear Mr. Puryear is a Congress Heights resident and will testify to his affordable housing concerns at the proposed Project I would be happy to answer any questions at this time or at the conclusion of the testimony of all witnesses.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Merrifield', with a long horizontal flourish extending to the right.

William Merrifield

Authorized Representative of the Party Opponent

Staff Attorney

Affordable Housing Initiative

Washington Legal Clinic for the Homelessness