



**REVISED SUPPLEMENTAL COMMENTS**  
**Bellevue Neighborhood Civic Association**  
**October 21, 2024**

The Bellevue Neighborhood Civic Association (BNCA) asks the D. C. Zoning Commission to reopen the hearing and the notification process in Case 23-29 to allow Martin's View tenants, Bellevue homeowners, and Bellevue stakeholders an opportunity to express their views on the record before the Zoning Commission votes on October 24, 2024, on the Martin's View LLC application for a PUD/map amendment to demolish the Martin's View Apartments and construct four, five-story, buildings of 821 units.

On Saturday, September 28, 2024, BNCA held a Community Meeting to discuss the proposed Martin's View LLC zoning application filed in Zoning Commission Case 23-29. Approximately 65-70 people attended in person. Another 15-20 attended the meeting via Zoom. Most of the attendees were Martin's View (MV) tenants and Bellevue homeowners and stakeholders. The Applicant was represented by **Alex Bensahel** and **Jason Stern** who attended the meeting in person.

Following the meeting, Martin's View developer Jason Stern sent an email to BNCA President Morten stating that this was by far the largest meeting of Bellevue residents that he had seen.

Ward 8 Councilmember Trayon White did not attend the BNCA meeting or send a representative. **Mayor Bowser** sent a representative, **Wendy Glenn**, who stated that other officials from the Mayor's office had attended the September 28<sup>th</sup> BNCA meeting via Zoom.

During the September 28<sup>th</sup> meeting, **BNCA Vice President Sheila Bunn**, a homeowner living within 200 feet of the project, repeated her July 22, 2024 testimony to this Commission that she opposes the size and scale of the 821-unit project. Vice President Bunn also repeated her concerns about the safety, traffic, environmental, and parking problems that will ensue if the ZC approves the application at that size.

The Zoning Commission should consider that the **10-story**, Wingate House, located a couple of blocks south of the proposed Martin's View project at 4660 MLK Avenue, S.W. has **only 387 units. Wingate House provides its tenants with ample, free, off-street parking, and provides a 24-hour security guard at the front gate controlling ingress and egress.** The Martin's View project does not provide ample parking or 24-hour manned security. The Applicant proposes to provide a day care center. The D. C. Department of Transportation stated in its comments to this Commission that the lack of adequate parking will pose a serious danger to children and parents using the daycare center during drop offs and pickups.

To address the concerns of opponents BNCA Vice President Bunn, Wanda Nettles, and Anna Hamilton about the size and scale of the proposed project, in preparation for the September 28<sup>th</sup> meeting, the BNCA Executive Committee asked the Applicant to email a detailed comparative cost benefit analysis of constructing 400 or 500 units rather than 821. Leading up to the September 28<sup>th</sup> meeting in emails to BNCA President Morten and Bellevue homeowner Anna Hamilton, the Applicant's representatives, Alex Bensahel, Jason Stern, and Jesse Kaye agreed to produce the cost benefit analysis for presentation to the community during the September 28<sup>th</sup> meeting. The Applicant never produced the requested cost-benefit analysis.

BNCA asks the Zoning Commission to order the Applicant to produce a detailed comparative cost benefit analysis of constructing 400 or 500 units rather than 821 to address the community's valid traffic, safety, and congestion concerns before voting on the Application.

**During the BNCA September 28<sup>th</sup> meeting, many Bellevue residents echoed Vice President Bunn's concerns.** They said they oppose the size and scale of the 821-unit project because of the safety, traffic, environmental, and parking problems it presents to the Bellevue community.

The only persons who spoke in favor of the MV application during the 28<sup>th</sup> meeting were **ANC8D Commissioner Wendy Hamilton** and **Jauhar Abraham**, who identified himself as a close associate of Councilmember Trayon White. Mr. Abraham stated that he does not live in Bellevue.

The first Bellevue resident who spoke during the September 28<sup>th</sup> BNCA meeting was **a senior resident who has lived at Martin's View since 1973 (51 years).** She testified that she and other seniors living on fixed incomes were afraid that if the Zoning Commission granted the Application, they would not be able to afford to return because the Applicant proposes to require the returning tenants, who presently do not pay for utilities, parking, and pet fees, to pay those additional costs upon their return. She also stated that she was not informed about the July 22<sup>nd</sup> Zoning Commission hearing. Other senior Martin's View tenants, some of whom have lived at the property for decades and who live on fixed incomes, also expressed fear that if they returned, they would not be able to afford to pay the rent plus utilities and parking, which are currently included in their rent.

Martin's View tenants who attended the September 28<sup>th</sup> meeting, including **Fred Nelson, a MV tenant organizer, and Bellevue homeowners** testified that they shared the same concerns about the utilities and parking costs raised by the seniors. **BNCA President Morten** agreed and asked the Applicant's representatives to consider these concerns. After hearing these concerns, *for the first time*, during the September 28<sup>th</sup> BNCA meeting Martin's View LLC representatives **Alex Bensahel and Jason Stern** announced that **Martin's View returning senior tenants would not be required to pay utilities in addition to their rent upon their return.** Bensahel and Stern told the audience that during their discussion with him, Martin's View tenant Fred Nelson had asked the Applicant to exempt all returning MV tenants, irrespective of age, from paying separate utilities. Bensahel and Stern announced, the Applicant had not yet agreed to that request and was taking it under advisement.

President Morten thanked Alex Bensahel and Jason Stern for agreeing to exempt seniors. She asked them to clarify whether a "senior" was defined as a person **55 or older.**

Bensahel and Stern responded that a senior was defined as a person aged **65 or older.** The Mayor's Office of Community Relations and Services (MOCRS) Manager Wendy Glen for Ward 8, disagreed, announcing that a senior in D. C. was defined as **aged 60 or older.**

To make sure there was no confusion, BNCA President Morten asked Bensahel and Stern to reduce their agreement to exempt seniors aged 60 and over from paying utilities to writing and email it to her so that she might include it in BNCA's

Supplemental Comments to the Zoning Commission. Before everyone present at the September 24<sup>th</sup> BNCA meeting, Bensahel and Stern agreed.

Applicant's concession to exempt seniors from paying utilities happened because on July 22, 2024, the D. C. Zoning Commission postponed a vote on the Application for two reasons. First, noting the absence of a vote count on ANC8D's June 2024 letter of support "with reservations" for the MV Application, the Zoning Commission asked ANC8D to provide the Commission with the actual vote. ANC8D submitted a letter on July 23<sup>rd</sup> claiming the vote was 4 to 2.

The Zoning Commission postponed the vote for a second reason. The Commission directed the Applicant to meet with all four opponents, the Bellevue Neighborhood Civic Association, Wanda Nettles, Fred Nelson, and Anna Hamilton, to try to address their concerns and report back to the ZC by September 30<sup>th</sup>.

**From July 31<sup>st</sup> through September 28<sup>th</sup> BNCA Executive Committee members Kemi Morten, Sheila Bunn, Thomas Samuel, Douglas Diggs, Sherwood Ward, and Jaren Hill met approximately 10 times by Zoom with the Applicant to try to reach a resolution of their concerns. BNCA Executive Committee members, Bellevue homeowners Wanda Nettles, Anna Hamilton and Leslie Thompson, and Martin's View resident Fred Nelson, also met separately and with the Applicant toward that end.**

During the September 24<sup>th</sup> BNCA meeting President Morten explained that in August 2024, Applicant representatives Bensahel and Stern told BNCA that after conferring with their legal counsel in this case, Ghouliston Storrs, the Applicant wanted to enter into a separate Community Benefits Agreement (CBA). The CBA would be

separate from the CBA that the Applicant had signed with ANC8D. The Applicant invited BNCA to draft the CBA.

President Morten explained that BNCA drafted a CBA that would require the Applicant to contribute approximately \$3 million in grants to the Bellevue community (\$100k a year for 30 years over a 10-year period for grants to Bellevue residents, students, athletes, artists of all ages and a micro-loan program for Bellevue homeowners, nonprofits, churches, and businesses for capital improvements and administrative costs for BNCA). This represents 1% of the projected \$300 million MV project cost. President Morten explained to the audience that all grants and loans would NOT be awarded by BNCA but by a panel of grant/loan reviewers elected by Bellevue residents, pursuant to grant-making rules approved by the community. President Morten explained that no one who serves on the BNCA Grants Review Committee would be eligible to apply for a grant or a loan.

The Applicant countered with a CBA drafted by Ghouliston Storrs, consisting of a one-time contribution of \$200,000 in total grants that Bellevue could distribute as it sees fit, but only on the condition that BNCA signed an agreement to support the Application and not oppose Martin's View application for construction permits or other applications.

The BNCA Executive Committee informed the Applicant it would not sign any CBA, including the CBA proposed by the Applicant, until after the September 28<sup>th</sup> meeting to allow the community an opportunity to review and comment on the proposed CBA.

To that end, on September 28, 2024 BNCA convened a community meeting to discuss a single agenda item – the Martin’s View LLC Application for a PUD/Map Amendment in ZC Case 23-29.

**The Applicant and BNCA jointly issued a press release and flyer announcing the meeting.** The Applicant offered to underwrite the cost of organizing the meeting, printing flyers, circulating flyers, and providing lunch for all attendees.

During the September 28<sup>th</sup> meeting Bellevue residents, including homeowners living within 200 feet of the MV project, stated they oppose the size and scale of the project. BNCA expressed support for a project with fewer units

To memorialize the main points discussed during the September 28<sup>th</sup> meeting, **BNCA President Kemi Morten**, sent an email to BNCA Executive Committee members **Sheila Bunn, Thomas Samuel, Douglas Diggs, Sherwood Ward, and Jaren Hill**; to the Applicant’s representatives **Alex Bensahel, Jason Stern, and Jesse Kay**, and to **Fred Nelson, and Bellevue 200-foot homeowner Anna Hamilton**.

The following email chain (which BNCA will provide to the Zoning Commission upon request) best summarizes the concerns of the Bellevue community as expressed to the Applicant, Martin’s View, LLC, during the September 24, 2024 meeting:

Dear BNCA Executive Committee Members Sheila Bunn, Thomas Samuel, Douglas Diggs, MV Developers Alex Bensahel and Jason Stern, MV Tenant Association Representative Fred Nelson, and Bellevue Homeowner Anna Hamilton,

Thank you for attending today's BNCA General Meeting. The meeting was very productive.

Interesting alliances emerged, but the overall consensus expressed by the Bellevue residents present (homeowners and tenants) is that the community opposes the size and scale of the 821-unit project and has concerns about the protecting the rights of MV tenants who will be affected by the demolition of their homes.

I asked Covenant UCC Church to provide seats and food for 65 people. Nearly all seats were taken with about 6 or so people standing. No food went to waste. Others attended via Zoom.

Our BNCA was a tremendous success, and I received many congratulations and thanks after the meeting which I now convey to you.

I arrived early and introduced myself to most attendees as they entered. Most attendees were Bellevue homeowners and MV tenants.

During his remarks Alex said he wishes he could have gotten such a large community turnout from MV tenants and Bellevue homeowners during the series of community engagement meetings that LaToya Thomas held on behalf of the developers.

Alex said only about 6 to 7 MV residents turned out on average to attend the developers' community engagement meetings.

The attendance of nearly 10 times the number of stakeholders than those attending the MV meetings is evidence of BNCA's vastly superior ability to organize Bellevue residents to attend important community engagement meetings. I intend to inform the Zoning Commission about this fact in our September 30th comments.

I attended the ANC8D meeting on Thursday, September 26, 2024. There, I counted about 6 MV tenants in attendance and a handful of homeowners. Many attendees complained to me today [September 28<sup>th</sup>] that they are not routinely notified in advance of ANC8D meetings.

A senior tenant who has lived at MV since 1973 was the first to speak today about the fear and insecurity that senior MV tenants are feeling about being removed from their homes.

During today's BNCA meeting everyone who spoke, including tenants, homeowners, and other stakeholders stated that they oppose the size and scale of the proposed MV project.

Jahar (sp?) introduced himself as an associate of Councilmember Trayon White during today's meeting. He explained that he had met the MV developers Alex and Jason through his work with General Contractor Tim Lawson who also works with the developers on another project. Mr. Lawson was also present.

Jahar told us that it was he who had suggested that the developers donate \$100,000 To Johnson Athletics program as part of the ANC8D CBA agreement.

Jahar said he did this because he has expertise in negotiating CBAs that he believes Bellevue residents lack. Jahar said he has negotiated other CBAs including Redbrick. I asked Jahar whether he lives in Bellevue. He said he did not.



I told Jahar that, in my view, Jahar erred by sidestepping the Bellevue community in awarding \$100,000 to a school not located in Bellevue. I also stated my belief that Bellevue residents have ample knowledge and expertise to negotiate a CBA that protects their interests.

VP Sheila Bunn spoke about her testimony to the DC zoning Commission opposing the size and scale of the project. She shared her concerns that ANC 8D's votes to support the project and to approve the CBA were taken during an ANC8D meeting that was closed to the public. She expressed concern that ANC 8D Commissioners cast both votes without first considering input from Bellevue residents.

The DC Office of Tenant Advocate representative attended and announced that she is working with the tenants to form a tenants' association to exercise their TOPA rights.

During their presentation, Alex and Jason on behalf of Martin's View LLC announced that after meeting with Fred Nelson yesterday, the developers now agree to a new concession namely, that all returning MV seniors will NOT have to pay utilities when they return. This is a major victory for the tenants that was made possible by the work of our BNCA civic association working in tandem with MV tenants and the Developers.

Alex and Jason added that they are currently negotiating with Fred Nelson about the possibility of exempting ALL returning MV tenants from paying utilities, irrespective of their age.

I asked Alex whether seniors are anyone 55 and older. Alex said 65. The Mayor's rep said a senior is 60 or over, and Alex and Jason agreed to reduce to writing and email to me their announced concession that no returning senior 60 or older would be required to pay utilities in the new proposed development.

Alex, please email this language in writing to me by Monday at noon as I want to include it in BNCA's September 30th written comments filed with the ZC.

I then discussed the terms of the original BNCA proposed CBA, as amended by Fred Nelson's CBA Addendum, that we are currently negotiating with the developers.

Our original CBA, I told the gathering, totaled \$3 million (\$100k a year for 30 years for grants to Bellevue residents, students, athletes, artists and a micro-loan program for Bellevue homeowners, nonprofits, churches, and businesses for capital improvements and administrative costs for BNCA). This represents 1% of the total project cost of \$300 million.

I stated that grants and loans would NOT be awarded by BNCA but by a panel of grant/loan reviewers elected by Bellevue residents during BNCA meetings pursuant to grant-making rules approved by the community.

I explained that no one who serves on the BNCA Grants Review Committee would be eligible to apply for a grant or loan.

I explained that the developers had rejected that offer and counteroffered a one-line capital contribution of \$200,000 to BNCA to be used for the programs cited above.

I explained that BNCA had not agreed to the one-time \$200,000 offered by the developers and had not signed a BNCA CBA agreement because we wanted to hear the concerns of the Bellevue community during today's meeting before proceeding with negotiations.

ANC8D Chair Wendy Hamilton objected that BNCA had no right to negotiate or sign a CBA with the developers.

Of course, that is incorrect. I responded that civic associations in DC have every right to execute CBAs with developers, as demonstrated, among other things, by the Ft. Totten Civic Association CBA provided by Alex and Jason during our negotiations.

I added that unlike ANCs who CANNOT sue the developers under DC law, civic associations have the legal right to sue the developers to enforce the CBA under District law.

Fred Nelson testified that despite the developers' concession on senior utilities, he and the MV Tenants association, which is still in the process of being formed, oppose the zoning variance application.

Wendy from the Mayor's Office was present. She told me that other officials from the Mayor's office had attended today's BNCA meeting via Zoom."

On behalf of the Applicant, Jason Stern responded to BNCA by sending the following email on September 28, 2024, 6:57 p.m.:

Kemi,

I think it is a little disingenuous to compare our efforts of engaging MV tenants with the turnout of MV tenants today. As you stated there were 6 mv resident there today. Historically we have had between 5-20 residents show up to events where we have engaged directly. I would guess we have interacted with well over half the residents through our many, many engagements over the last 14 months.

Two of the tenants today had concerns over the cost and process of moving out and back. Those concerns were addressed completely and satisfactorily. Specifically, that the developer would bear the cost of packing and moving, with no increase in rental rate even in a temporary location. One tenant complained that people were asking questions that have been answered time and time again at our events. Fred and one other tenant expressed a broad rejection of the project.

We are not convinced that two tenants represent the other 150 or so. Additionally, Fred represented himself as the president of the tenants' association but we have yet

to receive documents we requested to prove that. Being able to negotiate directly with a tenants' association is much easier and something we have requested since day one but have not yet confirmed that there is one in place.

Finally, on the senior utility agreement, we will be submitting that with our documentation to the ZC.

Thanks,  
Jason

On behalf of BNCA Kemi Morten responded by email on September 28, 2024, 7:45 p.m.

Hi Jason,

You mistake what I wrote in my last email. I stated that there were about 6 MV tenants at the ANC8D meeting on Thursday, September 26th. I was NOT referring to today's BNCA General Meeting. I said that today, most of the 65 or so attendees at our BNCA General Meeting were MV residents and Bellevue homeowners.

That is far more than the 6 or 7 MV residents that Alex stated today, as the recorded Zoom meeting will reflect. You and Alex never stated today that an average of 20 MV residents attended your community engagement meetings. Again, the recorded Zoom meeting will reflect that fact.

And the number of MV residents attending today's BNCA Meeting was far more than 20.

I agree that one of the many MV residents said that the developers covered some of the issues raised today during your earlier community engagement meetings. The problem is that as developers you did not inform the vast majority of MV residents (and Bellevue homeowners) in writing about the July 22nd ZC hearing date or afford them a chance to express their concerns.

We received complaints that MV tenants received NO letters from you or ZC informing them about the zoning application hearing even though you provided the names and addresses of all tenants to the ZC as reflected in the record in Case 23-29.

My point is that had you worked with BNCA in reaching out to MV tenants and Bellevue homeowners beginning last year, your community outreach and engagement efforts would likely have been far more successful. Most importantly, Bellevue residents and stakeholders would have felt more included in the zoning application process.

At 8:24 p.m. on September 28<sup>th</sup> Jason Stern responded in an email addressed only to BNCA President Morten with a copy to Alex Bensahel and Jesse Kay (and not the other addressees on Morten's original email):

One point of clarification. I am not claiming the average was 20. I am saying that it ranged from about 5-20. Across all the meetings, we interacted with way more than 5-7. **I do not think we had one meeting was as large as the one today.**

We of course disagree with notifying the MV tenants about the zoning hearing given that for 6 weeks the signs were displayed in many parts of the property and that photographic evidence is in the record. **As you mentioned we did submit the names and addresses to the ZC. So if your issue is with their noticing of the hearing, you may decide to take that up with them in your comments.** (Emphasis added)

On Sep 28, 2024, at 8:27 p.m., BNCA President Kemi Morten sent the following response to Jesse Stern, Alex Bensahel, and Jesse Kay:

Question – are you saying the Zoning Commission failed by not notifying the tenants about the July 22<sup>nd</sup> hearing after you provided their names and addresses?

Stern responded less than an hour later:

No I am not commenting on what the zoning commission did or did not do.

During the September 28<sup>th</sup> meeting BNCA believed that the Applicant's agreement to exempt seniors aged 60 and older from paying utilities, *announced for the first time during BNCA's September 28<sup>th</sup> community meeting*, was a step in the right direction.

Based on the concerns raised by the community during the 28<sup>th</sup> meeting, BNCA intended to inform the Zoning Commission in its September 30<sup>th</sup> Supplemental Comments that the only remaining unresolved issues were:

- 1) reducing the size and scale of the project from 821 to 400 or 500 units;
- 2) whether the utilities exemption for seniors would apply to all returning residents, irrespective of their age, and
- 3) the signing of a meaningful BNCA/Martin's View LLC Community Benefits Agreement that benefits Bellevue residents and that is commensurate with the \$310 million estimated project cost.

*Martin's View Reneged on Its Promise to Seniors Made During the September 28<sup>th</sup> BNCA meeting.*

Martin's View assured returning seniors and the Bellevue community during the September 28<sup>th</sup> meeting that the Applicant would exempt seniors aged 60 and older from paying **all** utilities. Through counsel, in its September 30, 2024 letter to the Zoning Commission, the Applicant reneged on that promise. Martin's View stated: ...[T]he Applicant now agrees to subsidize the utility costs, up to \$100 per month, for all senior returning Martin's View residents 65 years of age or older in the Project.

In bad faith and contrary to its assurances to the community during the September 28<sup>th</sup> BNCA meeting, the Applicant increased the eligibility age from 60 to 65 and reduced the utilities exemption benefit to up to \$100 per month. On this basis alone, the Zoning Commission should deny the Application, or, at a minimum, as BNCA requests, reopen the hearing before voting to allow for greater community input before voting on October 24, 2024.

## DOCUMENT REDACTED FROM THIS POINT

THIS DOCUMENT WAS REDACTED BY DCOZ STAFF TO REMOVE INFORMATION THAT WAS NOT REQUESTED BY THE ZONING COMMISSION. THE REMAINDER OF THIS PAGE (P.13) THROUGH P.19 WERE REMOVED ON 10/2.



SHARON S. SCHELLIN  
SECRETARY TO THE ZONING COMMISSION

Respectfully submitted,

/s/Kemi Morten  
Kemi Morten, President, BNCA