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August 30, 2024

VIA IZIS

Mr. Anthony J. Hood, Chair
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: Z.C. Case No. 23-29: Application of Martin's View LLC ("Applicant") for a Consolidated PUD & Map Amendment from the RA-1 to RA-2 Zone at 4337-4347 and 4353-4363 Martin Luther King Jr. Avenue SW, 201-211 and 200-210 Elmira St. SW (Parcels 252/0082, 252/0083, 252/0092, and 252/0086) ("Property") – Post-Hearing Submission

Dear Chair Hood and Members of the Commission:

On July 22, 2024, the Zoning Commission held a public hearing on the above-referenced application to redevelop the Property with four multi-family residential buildings comprised of approximately 821 units, including 17% set aside as IZ affordable units at 60% of the Median Family Income ("MFI"), the right to return at existing rents for current residents, approximately 276 below-grade parking spaces, a daycare, and additional amenity space and other public benefits (the "Project").

On behalf of the Applicant, we hereby submit this post-hearing submission in response to request from the Commission and issues raised at the public hearing.

I. Additional Information

A. Street and Park Signage

In response to comments regarding the conceptual design of the proposed Fort Greble Park and wayfinding signage, included herein as Attachment A are revised conceptual images of the proposed signs showing the types of architectural materials – included in the proposed buildings – that may be incorporated into the signs. The Applicant will finalize the designs of the signs in consultation with and approval from DPR and DDOT.

ZONING COMMISSION

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District of Columbia
CASE NO.23-29
EXHIBIT NO.40

B. Occupancy Rate

The current occupancy rate of the existing buildings at Martin's View is 143 of 156 units are occupied. As previously described, all current tenants will have the right to return to the new development.

C. Zoning Flexibility for Community Service Center

As described at the public hearing, the Applicant is proffering as a public benefit to reserve a 1,000 square foot space in the Project to be occupied by a locally based jobs partner nonprofit organization that will provide job-search and job-training assistance to residents of the Project and the broader neighborhood ("Workforce/Job Training Space"). Accordingly, the Applicant requests flexibility to permit a community service center use for the Workforce/Job Training Space. A "community service center" use is defined as a "not-for-profit use established primarily to benefit and serve the population of the community in which it is located." 11-B DCMR § 100.2.

Pursuant to its authority under Subtitle X § 303.1(b), the Zoning Commission may permit specific uses within a PUD that are not otherwise permitted by the PUD-related zone if the Commission determines the use is compatible with the PUD, which shall be considered a type of development flexibility against which the Commission shall weigh the benefits of the PUD. Community service center use is not a matter-of-right use in the proposed RA-2 zone. Accordingly, the Applicant requests flexibility to permit the use in this PUD. The use is compatible with the PUD because it offers a public benefit that has been identified by the ANC as an asset to the community. The Workforce/Job Training Space is one of the commitments made by the Applicant in the Community Benefits Agreement, at Exhibit 26 of the record. The provision of job-search and job-training assistance furthers the goals of the Comprehensive Plan, particularly the Economic Development Element, by providing a workforce development program at the neighborhood level.¹ Accordingly, the flexibility weighs as an additional public benefit provided by the Project and is not inconsistent with the Comprehensive Plan.

II. Community Engagement Updates

Since the Fall of 2023, the Applicant has actively participated in significant community outreach and engagement with the community that has had meaningful input into the Project. As was described more fully during the public hearing and in the record at Exhibits 12B and 21, the Applicant, together with its community outreach consultant that specifically engaged for this Project, participated in at least 20 meetings with the community. Additionally, the Applicant conducted multiple door-to-door and phone efforts to further engage the community, and maintained a dedicated website to disseminate Project information. This consistent and substantial community engagement resulted in a letter of support from the ANC, found at Exhibit 37 of the

¹ See ED 4.1.4, ED-4.2.1, ED-4.2.2, ED-4.2.3, ED-4.2.4, ED-4.2.9.

record, and a Community Benefits Agreement. Since the public hearing, the Applicant has continued this community engagement as explained below.

A. Bellevue Neighborhood Civic Association (“BNCA”)

Following the public hearing, the Applicant met with the BNCA multiple times to address their concerns and reach an agreement. In addition, the Applicant has had several phone calls and many email exchanges with BNCA in working toward these goals. As of the date of this letter, the Applicant has been unable to reach agreement with the BNCA as BNCA has insisted on an extremely large proffer that is of an unprecedented magnitude for any PUD and is well out of proportion with the development incentives sought in the PUD, particularly considering the other benefits and amenities proffered by the Applicant. It is noteworthy that while BNCA’s concerns expressed at the hearing related to the Project size and number of units, these concerns were not mentioned once during the Applicant’s post-hearing communications with BNCA. Notwithstanding, the Applicant remains open to further discussion with BNCA, and to reaching a reasonable agreement by September 30, 2024.

B. ANC 8D

Following the Commission’s questions about the ANC’s initial support letter, the ANC 8D completed a revised Form 129, which is included in the case record at Exhibit 37.

III. Applicant’s Rebuttal

The following information is a rebuttal to the points raised by opponents at the public hearing and in their written submissions to the record. As described below, the proposed PUD will not cause adverse impacts that outweigh both the mitigation measures and the significant public benefits that the Project will provide. Accordingly, the Project will not result in the unacceptable impacts that opponents raised below.

A. Density/Scale of Project

At the hearing, concerns were expressed regarding the density and scale of the Project, and the potential impacts on views, light and air, infrastructure, open space, and other city services. There were also concerns expressed regarding the proposed increase in dwelling units and its impact on the current lack of basic neighborhood amenities, and particularly the lack of grocery store access.

As discussed below, the Project – including its density and scale – satisfies the technical standard for approval for a PUD on the site. First, the Project’s density and scale are what allow it to be overwhelmingly not inconsistent with the Comprehensive Plan (“Comp Plan”) and the Bellevue Small Area Plan. Notably, the Project will advance numerous Comp Plan housing-related policies. Second, the development incentives requested by the Applicant are far outweighed by the Project’s significant public benefits, which were all informed by Comp Plan policies and the

Applicant's extensive community engagement process. Finally, as the Applicant discussed at the hearing, the potential impacts of the Project are overwhelmingly favorable. As discussed below, the Project will not cause any impacts that are unable to be mitigated or deemed acceptable given the extent of the public benefits offered.

1. The Project density and scale are not inconsistent with the Comp Plan.

In its initial application, the Applicant submitted a thorough evaluation demonstrating that the Project is not inconsistent with the Comp Plan when read as a whole using a racial equity lens. *See Exhibit 2F.* Not only does the Applicant's evaluation identify a substantial number of Comp Plan policies that will be advanced by the Project, it also specifically looked for policies with which the Project might be in conflict. As the evaluation states, upon careful review, the Applicant did not identify any instances where the proposed PUD and PUD-related map amendment to RA-2 was categorically inconsistent with applicable Comp Plan policies. Thus, not only are the Project's density and scale outright consistent with the Comp Plan, they also do not cause any inconsistencies that require Applicant acknowledgement and balancing of competing Comp Plan policies and other considerations.

The PUD-related map amendment and the Project's density are not inconsistent with the Future Land Use Map ("FLUM") and Generalized Policy Map ("GPM"). The GPM shows the site within a Neighborhood Conservation Area ("NCA"). Consistent with the Framework Element's guiding principle for NCAs, the Project will help address citywide housing needs through preservation and creation of affordable housing and provision of new market rate housing in a manner that is compatible with the existing scale and character of the surrounding area. The Project will maintain the diversity of uses in the neighborhood, avoid displacement of existing residents, and broaden the socio-economic characteristics of the area that can help attract long sought after basic neighborhood amenities.

Per the Framework Element, densities within NCAs are guided by the FLUM, and both the proposed RA-2 zone and the Project density are not inconsistent with the FLUM. First, the RA-2 zone is expressly referenced by the Framework Element as being consistent with the site's Moderate Density Residential FLUM designation. *See 10-A DCMR § 227.6.* Consistent with this description, the Zoning Regulations describe the RA-2 zone as providing "areas developed with predominately moderate-density residential" Emphasis added. 11-F DCMR § 101.5. Further, as described in the Framework Element, typical matter-of-right densities in Moderate Density Residential areas can reach up to 1.8 FAR, with greater density allowed through IZ or a PUD. As a matter-of-right, the RA-2 zone permits up to 1.8 FAR (2.16 FAR w/ IZ), which can be increased to 2.592 FAR under a PUD. The proposed density of the Project is 2.592 FAR.

The density and scale of the Project are also not inconsistent with Comp Plan policy guidance that speak to refurbishment of deteriorating housing; increases in density to address citywide housing goals and affordable housing needs; increases in density to promote mixed-income neighborhoods; and context sensitive design to avoid overpowering contrasts in scale. For example, the Far Southeast and Southwest Area Element specifically encourages the replacement

of deteriorating apartment complexes in the Bellevue neighborhood with mixed-income housing that avoids resident displacement. (FSS-2.6.3: Bellevue/Washington Highlands Infill). The Project also will help preserve existing low-density residential areas by placing additional density where it is appropriate under the FLUM, and on a site that is already zoned for and developed with multi-family use. (FSS-1.1.2).

The density and scale of the Project are consistent with Land Use Element policies regarding development along corridors and neighborhood conservation, enhancement, and revitalization. As discussed below, the Project respects the character, scale, and integrity of the adjacent neighborhood through building design and buffers while balancing against the District's broader need for housing. (LU-1.4.6: Development Along Corridors, LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods).

The density and scale of the Project are consistent with Housing Element policies that support zoning incentives and flexibility, such as through the PUD process, to build affordable housing beyond underlying requirements while minimizing impacts on neighborhood character (H-1.2.7: Density Bonuses for Affordable Housing), and that encourage build-first, one-for-one, on-site, and in-kind replacement of affordable units when projects redeveloping affordable housing seek additional density beyond that permitted by existing zoning (H-1.2.10: Redevelopment of Existing Subsidized and Naturally Affordable Housing). All of these policies are advanced by the Project.

Finally, the density and scale of the Project are not inconsistent with Urban Design Element policies concerning neighborhood compatibility and building transitions. The Project design maintains the general site plan of the existing Martin's View development while accommodating additional height and density that will allow the Applicant to preserve existing affordable housing, and deliver new affordable and market rate housing (UD-2.2.1: Neighborhood Character and Identity). The Project's density and scale are similar to the scale and massing of the existing school to the north and hospital to the south, and will be substantially separated from existing residential uses to the east by Martin Luther King, Jr. Avenue, which has a right-of-way width of 110 feet. (UD-2.2.4: Transitions in Building Intensity, UD-2.2.5: Infill Development). Thus, the scale and height of Project will be appropriate for its neighborhood context and will be consistent with these policies.

2. Compared to the existing zoning, the Project's requested modest increases in density and height are modest, and they are necessary to deliver the proffered set of significant public benefits and project amenities.

Notwithstanding that the Project's density and scale are fully aligned with the Comp Plan and other District policies and programs applicable to the site, the proposed increase in density and height is modest compared to the site's existing RA-1 zoning. If the site were redeveloped under the current zoning, the Applicant could achieve a maximum density and height of 1.08 FAR and 40 feet (not including penthouse), respectively. If redeveloped under an RA-1 PUD, the

Applicant could achieve a maximum density and height of 2.08 FAR and 60 feet (not including penthouse). As proposed, the Project has a density of 2.59 FAR, and a maximum height of 60 feet (not including penthouse). As presented by the Applicant at the public hearing, the increases in density and height being requested are minimal compared to the Applicant's substantial depth and quantity of public benefits proffer. As shown in the table below, which was included in the Applicant's presentation, compared to the matter-of-right density and height of the site's existing RA-1 zoning the Applicant is only requesting an increase of 1.51 FAR and 20 feet of additional height. Compared to what is achievable through a PUD under existing zoning, the Applicant is only requesting 0.51 FAR of additional density, and no additional height. Thus, the density and height of the Project is not substantially different than what can already be constructed on the site under existing RA-1 zoning.

PUD- related zoning map amendment				
RA-1 to RA-2				
PUD Flexibility	RA-1 (Permitted MOR / PUD)	RA-2 (Permitted MOR / PUD)	RA-2 (Proposed)	Flexibility
Height	40 ft. (3 stories) / 60 ft.	50 ft. / 60 ft.	60 ft.	+20 ft. / +0 ft.
Density	0.9 (1.08 w/ IZ) / 2.08	1.8 (2.16 w/ IZ) / 2.59	2.59 FAR	+1.51 / +0.51

When this additional height and density is weighed against the proffered benefits and amenities, the benefits and amenities weigh heavily in favor. The Project proposes a considerable number of public benefits and project amenities. In addition to the preservation of the existing 156 naturally occurring affordable units, the Applicant is proposing an additional 665 units of new housing, of which approximately 113 units, or 17% of residential floor area, will be reserved as Inclusionary Zoning Units devoted to households earning no more than 60% MFI. The Project is also providing significant environmental benefits (LEED Gold, green roofs, rooftop solar), a day care center, workforce / job training space, and a Community Benefits Agreement that includes other benefits. It would be impossible for the Applicant to deliver anywhere near the same extent of public benefits if it had to reduce the density of the project by even just 0.51 FAR, which would amount to nearly 110,000 square feet of gross floor area. If this were required, then nearly all this square footage would likely need to come out of the proposed market rate units, which are essential to the viability of the Project, and the Applicant's IZ proffer would need to be reduced.

3. The Project's density and height are compatible with the identity of the surrounding neighborhood.

At the hearing, opponents raised concerns relating to the potential for the Project to impact light, air flow, and views of Fort Greble Park. Other concerns were expressed about the potential impact of the Project on the neighborhood's cultural fabric and aesthetic. None of the concerns raised by the opponents were substantiated through evidence submitted to the record.

The Project successfully balances the need for greater density that is essential to addressing citywide housing needs without causing physical and economic displacement and to attracting neighborhood amenities, with the need to preserve the scale and character of lower-density areas.



This is accomplished through the sensible placement of greater height and density on a site that is already planned and zoned for moderate density multi-family development in a manner that takes into consideration the scale of adjacent buildings, aligns with existing streets and sightlines, and takes advantage of considerable separation provided by adjacent rights-of-way (namely, 110-foot wide MLK Jr. Ave.). Due to these factors, the Project will not have unacceptable impacts on light, air flow, and the character of the existing neighborhood. To the extent there is any potential for impacts to the lower-scale residential area to the east, such impacts will be minimal due to the design of the Project and the width of MLK Jr. Ave.

The Project will be located on the west side of MLK Jr. Ave., and its height and massing are commensurate with Leckie Elementary School and Bridgepoint Hospital to the immediate north and south of the Project site. The scale of the Project is also appropriate in relation to the lower-scale residential area to the east. The Project's massing and orientation, site circulation, and sightlines toward Fort Greble Park align with the current site plan, and with the adjacent street

grid to the east, and the Project even opens an additional site line to Fort Greble Park with the addition of the private driveway between future Buildings 3 & 4. Consequently, sightlines through

the site toward Fort Greble Park will be better defined and more open than the status quo. Further, as demonstrated in previous filings and at the hearing, the Project will include significant open space to ensure that ample light and air are available to the Project and the surrounding properties. While the height of the Project will increase compared to the existing buildings on the site, the proposed height will not overwhelm the lower-scale residential uses due to the proposed site plan (i.e. shorter facades of buildings facing lower scale residential and ample open space around the buildings) and the separation provided by MLK Jr. Avenue, which has a right-of-way width of approximately 110 feet. As shown in **Figure 1**, within this distance, the width of the actual roadway is approximately 42 feet, with the remaining 68 feet (34 feet on either side of the roadway) comprised of tree box area, sidewalks, and landscaped public parking that provides substantial buffering for light and air between the Project and the lower-scale residential area to the east.

The arrangement and design of the proposed buildings further minimize impacts to light, air, and neighborhood character. The buildings are oriented lengthwise in an east-west configuration that reduces the massing of the Project along Martin Luther King, Jr. Avenue, and when viewed from Fort Greble Park. As shown in **Figure 1**, rather than reading like a solid wall, the site plan and building massing are broken down into separate volumes that read like four separated slender apartment buildings to create a porous development with ample open space and strong visual connections to Fort Greble Park. The scale of the Project is further reduced through façade articulation, bays, balconies, and a varied, high-quality material palette. Altogether, the substantial separation provided by Martin Luther King, Jr. Avenue, site plan and building orientation, reductions in building massing and façade articulation, and differentiation of materials successfully mitigate any potential for the Project to overpower the lower-scale residential uses to the east, adversely impact light, air, and view, and diminish neighborhood character.

4. The Project density is critical to attracting and supporting basic neighborhood-serving amenities.

At the hearing, an opponent stated that the Bellevue neighborhood lacks basic amenities, and that the additional housing provided by the Project could worsen this condition. To the contrary, however, density is a key factor to attracting higher-quality retail and service amenities to a neighborhood. In addition to a neighborhood's income profile, accessibility, safety, and existing competition, retailers are also often attracted to neighborhoods with higher population density because they offer a steady flow of potential customers. This is especially true for the more well known mid- to large-size grocery stores. Population density and the resulting steady stream of customers is critical to these stores due to profit margins in the grocery industry historically being well below other retail sectors. Indeed, the Comp Plan Economic Development even promotes the “vitality and diversity of Washington, DC’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, *supporting a strong customer base through residential density*, and improving the mix of goods and services available to residents (ED-3.1.1: Neighborhood Commercial Vitality).

Bellevue, like many neighborhoods east of the Anacostia River, currently lacks basic retail and service amenities, including a grocery store. The lack of competition and high demand has not been enough to attract even some of the basic retail and service uses that neighborhoods need to thrive. The large amount of low density residential and lower income profile of the Far Southeast and Southwest Planning Area have undoubtedly contributed to the lack of these uses in some neighborhoods. On a site that is already deemed appropriate for moderate-density multi-family development, the additional market rate and affordable housing provided by the Project will expand the Bellevue neighborhood's mix of incomes and increase the pool of shoppers that can help attract and support new neighborhood retailers to the area.

B. Parking Congestion

The Project will not have an unacceptable impact on parking availability and congestion in the neighborhood, as some opponents stated. The Project proposes a total of 273 below-grade vehicular parking spaces, which satisfies that required by the Zoning Regulations while providing a few spaces less than the maximum number of spaces recommended by DDOT. Therefore, the Project provides the optimal number of parking spaces (see table below). The Zoning Regulations would allow the Project to provide as few as 137 spaces – approximately half of the number of spaces proposed – so the Project will provide more than the zoning minimum to ensure sufficient on-site parking availability to Project residents. The Project's significant reservation of affordable (IZ) units (17% of residential floor area) indicates that automobile ownership and the associated need for parking will be less than for a similar project with more market rate units. Finally, the as part of the Community Benefits Agreement with the ANC, the Applicant has committed to supporting the adjacent neighborhood with seeking RPP parking restrictions for neighborhood public streets, and the Project's residents would not be eligible to receive RPP permits per the terms of the Community Benefits Agreement.

Land Use	Size	Vehicle Parking Spaces				
		Proposed	Required (ZR-16)			DDOT-Preferred Rate ³
			Ratio	Space ¹	Space ²	
Residential (du)	822 dus	1 per 3 du in excess of 4 du	272.6 (273)	136.3 (136)	0.35/du (288 spaces)	
Daytime care (sf)	5,500 sf	0.5/ksf (1 space min.)	2.8 (3)	1.4 (1)	90% of ZR16 (2 spaces)	
Total	-	-	276	137	290 spaces	273

¹ The ZR16 minimum vehicle parking supply is calculated based on the table of Subtitle C § 701.5. Per 702.1(a) without taking a 50% reduction based on the proposed development's proximity to priority transit. This reduction is allowed but not required.

² ZR16 minimum vehicle parking supply with a 50% reduction based on the proposed development's proximity to priority transit

³ Rates are proximate to Priority Transit with the development being located less than ¼ miles from a Priority Transit Corridor

C. Traffic Congestion

As found by the Applicant in its Comprehensive Transportation Review (“CTR”) (Exhibit 19A in the case record) and supported by DDOT in its report (Exhibit 24 in the case record), the Project’s impacts on traffic, including those from the proposed daycare, in the surrounding area can be adequately mitigated with the transportation demand management (“TDM”) plan and other mitigation measures to which the Applicant has committed. The Applicant worked with DDOT to develop a robust TDM plan for the Project that will reduce reliance on vehicle ownership/use and mitigate traffic congestion near the Project resulting from this development. An updated TDM plan submitted to DDOT (consistent with that the Applicant agreed to during the July 22 public hearing) includes pedestrian improvements that will be funded and constructed by the Applicant to further mitigate any traffic impacts from the Project.

Moreover, the proposed daycare will be relatively small at 5,500 SF, meaning that traffic impacts will be limited in any event. With approximately 821 dwelling units in the Project, it is likely that a large portion of the daycare’s students will come from within the Project, which will result in the majority of pick-up/drop-off occurring as pedestrians rather than with automobiles. Otherwise, in order mitigate any automobile traffic impacts from the daycare during pick-up/drop-off times, a short-term parking zone is proposed along the MLK Jr. Ave. frontage of the Project; this zone is proposed for only pick-up/drop-off times and will be available for other uses during the day. Further, the proposed curb extensions are part of the mitigations to which the Applicant agreed will frame in the curbside space to provide more efficient parking operations along the side of the road that will further mitigate any potential traffic congestion impacts.

D. Water/Sewer Infrastructure

Based on the Applicant’s civil engineer’s analysis, the current stormwater, sanitary, and water infrastructure system can sustain Project and the expected residents, and it will not overburden the system. Further, the DOEE stormwater requirements that will be incorporated into the Project will retain and detain water to reduce the flow exiting the site into the sanitary sewer system. There is a 10” sanitary sewer line under the sidewalk on the west side of MLK Jr. Ave. and an additional 10” sanitary sewer line on the east side of MLK Jr. Ave. The Project site is generally the only property that will drain into the existing 10” sanitary sewer on the west side, so this sanitary sewer line can accommodate the expected number of residents in the Project.

E. Costs to Returning Residents

For the current residents who opt to return to the Project – up to 156 apartments – they will not assume significantly greater costs than they currently have. As previously described, for all returning residents, their rents will be the same as they are currently paying, with annual increases

only as permitted by rent control laws. While residents will be responsible for paying for utilities and parking in the Project, these costs will not be high.

1. Utilities

As the Applicant described at the public hearing, the utility bills for residents are expected to be affordable. While the average electric cost for a studio and one-bedroom apartment is \$0.10 per square foot, the expected electricity cost for the Project is much lower. First, because the Project will be designed to the LEED Gold standard, it will be energy efficient. As shown in Attachment B, LEED Gold buildings have been found to reduce energy consumption by approximately 48%. Second, the Applicant intends to use the proposed solar panels on the Project for a community solar project, which will reduce energy costs for all residents (by up to 50%). Finally, to ensure that no Project resident is burdened by utility bills, D.C. offers utility discount programs that can provide up to \$475 annually on electric bills and over \$962 annually on water bills, and the Applicant will assist eligible residents apply for these programs.²

2. Parking

Returning current residents will be offered parking at a discounted rate that is 50% less than will otherwise be charged to new residents in the Project. Parking rates will be market rates, which are currently approximately \$100 per month, but market rates may differ at the time that the Project delivers.

3. Mixed Income Community

The Project will be a mixed income community with market rate and affordable units, but this will not result in materially higher costs to current residents who return or to residents in the broader community. As described above, current rents for returning residents will be retained while utility and parking costs will be limited. Furthermore, the Project's additional commitment to 17% of residential floor area devoted to IZ units will ensure that ample affordable and below-market rate units – a total of approximately 36% of the units when combined with the units for returning residents – are available in the Project for many Bellevue residents. Accordingly, there is no basis to conclude that property taxes or other costs to current Martin's View and/or Bellevue residents will materially increase.

IV. Conclusion

For all the reasons described above and based on the Applicant's prior submissions, satisfies the standards of approval for the requested PUD and Zoning Map amendment to allow construction of a project that will deliver numerous and significant public benefits. Accordingly, the Applicant respectfully requests that the Commission approve the application.

² Information about utility discount programs is available at doee.dc.gov/udp.

The Applicant looks forward to the Commission's consideration of the Application at its October 10, 2024, public meeting. Please do not hesitate to contact Cary Kadlecak at (202) 721-1113 if you have any questions regarding this submission in the meantime.

Sincerely,

/s/ Cary Kadlecak
Cary Kadlecak

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document and accompanying materials were sent to the following by email on August 30, 2024:

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