



Cary Kadlecik
ckadlecik@goulstonsturrs.com
(202) 721 1113

September 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: Applicant's Report on Meetings with Opponents

Dear Chairman Hood and Members of the Commission:

At the conclusion of the July 22, 2024 public hearing on this case, the Zoning Commission asked the Applicant to meet with the few opponents who testified and/or submitted written testimony at the hearing. Since then, the Applicant has had many meetings and communications with the opponents, as described in more detail below.

I. Frederick Nelson

The Applicant met twice with Mr. Nelson, most recently on September 26 after he filed his update in the record. During these meetings, Mr. Nelson reiterated his concerns about higher utility and parking costs for current tenants who will return to the Project.¹

As the Applicant explained in its Post-Hearing submission (Exhibit 40), the Applicant also described to Mr. Nelson that the expected utility costs for returning tenants are low because of the LEED Gold energy-efficient nature of the project and the utility assistance programs offered by the District that covers up to \$450 per year in electricity. In addition, the Applicant reiterated that parking will be offered at half the normal rate to returning tenants, a concession made by the Applicant after hearing initially from Mr. Nelson. Finally, the Applicant has taken his concerns into account, so the 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.

¹ The Applicant notes that, according to Martin's View's current management company, all but approximately 10 units have lease provisions that require an extra payment of \$50 per month per window air conditioning unit to cover the energy cost. This charge would be eliminated for returning residents in the Project.

II. Anna Hamilton

The Applicant met or talked with Ms. Hamilton several times, most recently on September 26. During those discussions, Ms. Hamilton reiterated the same objections that were in her testimony: size of the buildings, on-street parking, impacts on homes during construction, and site cleanliness. She asked for homeowners to get compensated for the inconvenience of construction. She also asked that driveways and parking be built for each homeowner in the area near the Project.

The Applicant understands Ms. Hamilton's concerns and described to her that these issues have been addressed in both the Applicant's Post-Hearing Submission (Exhibit 40) and the Community Benefits Agreement ("CBA") with the ANC (Exhibits 26 & 26A). The Post-Hearing Submission described why the scale and massing of the Project are appropriate (pages 3-9) and why there will not be unacceptable impacts on on-street parking in the neighborhood (page 9). In addition, the CBA and related Construction Management Agreement provide neighborhood assistance for obtaining Residential Permit Parking ("RPP"), provides for pre-construction inspections of all residences within 200 feet, requires that all construction workers park in off-street locations, and requires construction site cleanliness. In further response to Ms. Hamilton's concerns, the Applicant now agrees that for those residents within 200 feet of the PUD property where RPP is established, for three (3) years after the first phase of the Project opens, the Applicant will cover the cost of the RPP.

III. Wanda Nettles

The Applicant met with Ms. Nettles on September 12. During that meeting, Ms. Nettles expressed her concerns that are stated in her testimony: project size, unhealthiness caused by living in apartment buildings, obscuring of her views, amount of on-site parking, and traffic. The Applicant understands her concerns and discussed with Ms. Nettles how these issues are addressed, which is reflected in the Post-Hearing submission (Exhibit 40) and the CBA. As described in the Post-Hearing submission, the scale and density of the project are appropriate and will not have unacceptable or adverse impacts (pages 3-9), the amount of provided off-site parking in the project is adequate and will not result in adverse neighborhood on-street impacts (page 9), and there will not be unacceptable impacts on traffic due to mitigation and other measures that the Applicant will implement (page 10). Further, the Applicant will ensure that construction workers do not use on-street parking and will assist nearby residents to obtain RPP.

IV. Bellevue Neighborhood Civic Association (BNCA)

Since its last update in the Post-Hearing submission (Exhibit 40), the Applicant has continued to meet and communicate with the BNCA numerous times (30+ emails, calls, and meetings) to understand and respond to their concerns. While communications have been helpful in some ways, many have not been productive. At the most recent meeting on September 28 that Applicant paid for at UCC Covenant Church – which BNCA officers, Martin's View tenants, and ANC members attended – no meaningful progress was made. The Applicant has sincerely attempted many times to reach resolution with the BNCA and remains amenable to supporting

BNCA a means to address many of their concerns, but reasonable terms from the BNCA for an agreement have not been offered. The BNCA continues to insist on a large and unprecedented payment, which most recently was a request for \$2.75 million, an amount to which the Applicant is unable to agree. This request remains well out of proportion with the development incentives sought in the PUD in light of the numerous and significant public benefits that this PUD will deliver. Furthermore, while BNCA's concerns expressed at the hearing related to the Project's size and number of units, these concerns have gone mostly unmentioned in the many meetings and communications with the BNCA since the hearing. For these reasons, despite the Applicant's best efforts, an agreement with the BNCA is not possible.

V. Conclusion

Based on the evidence contained in the case record, the testimony delivered at the public hearing, and the subsequent information provided post-hearing, this application satisfies the standards for PUD approval. The Applicant has engaged in widespread and meaningful community and tenant engagement about this Project, and the Applicant has responded to the few objections raised about this Project. The Applicant is committed to continuing its community and tenant engagement as the Project progresses to construction and delivery. This Project has broad support, including that of ANC 8D – which clarified its process and position and reiterated the Applicant's extensive outreach in its submission at Exhibit 41 – the Office of Planning, and DDOT. In order to deliver the PUD's many and substantial public benefits as soon as possible – which include 17% IZ, right to return at existing rents for existing tenants, 8% 3-bedroom units, a daycare, and Fort Greeble Park entrance improvements – the Applicant urges the Commission to proceed with taking proposed action at its October 10, 2024 public meeting.

Sincerely,

/s/
Cary Kadlecak

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to the following by email on September 30, 2024:

Michael Jurkovic
Office of Planning
michael.jurkovic@dc.gov

Erkin Ozberk
District Department of Transportation
Erkin.ozberk1@dc.gov

Wendy Hamilton, Chairperson – ANC SMD 8D06
8D06@anc.dc.gov

Natasha Yates – ANC SMD 8D07
8D07@anc.dc.gov

/s/
Cary Kadlecek