

PRELININARY STATEMENT OF BENOIT BROOKENS

Dorchester Tenants Association

Before the D.C. Zoning Commission

April 13, 2006

Case 04-34 Dorchester House Apartments Expansion

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D.C. OFFICE OF ZONING

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I. OVERVIEW

Dorchester owners, are proposing a zoning map amendment and Planned Urban Development (PUD) that are required to comply with PUD Evaluation Standards (11 DCMR 2403) which, in essence, provide public benefits—"superior features"—(2403.6) that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site as a matter of right. This Commission, in deciding this application, has to balance the relative benefits of the project amenities and public benefits offered against the development incentives requested—to the potential adverse effects of the specific proposal (2403.8).

The Dorchester owners, in their July 2005 pre-hearing submission (p.12) indicated that it will provide 145 new residential rental units to the D.C. rental housing stock, and, in essence, make available 30 of those units as affordable housing to be distributed throughout the existing apartments and the new construction. The rents for those units, projected as of 2005, were as follows:

Number of Bedrooms	Efficiency	1 Bedroom	2 Bedroom
Rent (before utility allowance)	\$1,088	\$1,233	\$1,508

The landlord further indicated in its "Summary of Affordable Housing Program" Exhibit B, that "approximately forty-five rental units that are restricted by the rent-control law to rents that are materially below market rent. Those units will remain subject to all applicable rent-control limitations. Those units are not counted toward the affordable housing program." However, the landlord, to date, has not identified those apartment units which are a critical component to its PUD proposal.

II. DISCUSSION

A. Summary of the Landlord's Recent Information Filing

Yesterday, on April 12, 2006, the Dorchester House Apartment owners filed its response to the information request at the Commission's March 30, 2006 hearing as follows:

1. The landlord stated its intended use of its \$100,000 voluntary contribution for the Jubilee Housing renovation; However, this contribution fails to provide any binding requirements or any enforcement authority—governmental or private sector—for the making or disposition of that contribution;

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2. The landlord's temporary parking plan was withdrawn—and the landlord indicated (a) that it would make a \$125 monthly financial contribution to the current Dorchester tenants for approximately 20 months for the loss of the parking lot and (b) would present the specifics of that proposal at today's April 13, 2006 hearing. This change would be overseen by the D.C. Rent Administrator (DCRA) (Timothy Handy, Esq. Acting) as a change in services and facilities to the existing rental property;

3. The apartments to be affected by the construction were just identified in yesterday's filing as units 114, 116, 214, 216, 314, and 316; However, the units' identification yesterday in the landlords filing of April 12, 2006, was well after the Dorchester Tenants Association's March 22, 2006 meeting with the landlord on this important subject;

4. The present value calculation of the landlord's contribution of \$10,940 per year totaling \$218,800 was discounted to be \$138,797, a reduction to sixty-three percent (63%) of its initial proffered value;

5. The landlord has yet to identify the 45 rent controlled apartment units that are referenced in its affordable units proposal under the Planned Unit Development. Again, the owners indicated that the details, if any, would be provided at today's hearing. The Commission's hearing, unfortunately, is not the forum or even an appropriate venue to discuss this matter or engage in a meaningful dialogue with the residents whose lives and housing would be specifically affected by the proposal—e.g. Preserving and Ensuring Community Input (January 13, 2006 "Supplemental Pre-Hearing Statement" (p.21). The 45 tenants who would retain rent controlled apartment units, and the six (6) residents whose units to be disrupted by the nexus connection for both buildings, may have been better able to discuss the proposal—and the effects-- in the March 22, 2006 scheduled tenants' association meeting with the owners.

B. The Landlord's Proposal Has Not Been Commented Upon by the D.C. Department of Consumer and Regulatory Affairs nor the D.C. Department of Housing

Although the Acting Rent Administrator, Timothy Handy, Esq. attended the March 30, 2006, hearing, the Commission recessed before the D.C. Department of Consumer and Regulatory Affairs' (DCRA) report was represented—or before Mr. Handy could comment upon that report. The absence of this information denies the Zoning Commission valuable-and necessary—"official" information regarding an agency's view of the adequacy of the landlord's "affordable housing component" and their linkage to the "rent controlled" and /or proposed subsidized Dorchester House Apartment units that these two agencies, DCRA or the DCHA, oversee.

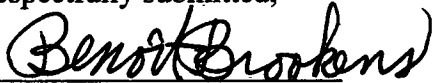
C. The Affordable Housing Component of the Landlord's Proposal is inadequate.

The Landlord's housing component, therefore appears to be legally inadequate, and does not meet the requirements of the PUD for sufficient detail, enforceability, and community benefit to offset the added height and density over a matter-of-right construction.

D. Other Components

Other impact and aesthetic components of the landlord's proposal will be addressed by Ms. Eleanor Johnson, the Dorchester Tenants Association President, Mr. Rudolph Douglas, Advisory Neighborhood Commission (ANC) officials, and other community representatives in their statements.

Respectfully submitted,

A handwritten signature in black ink that reads "Benoit Brookens". The signature is written in a cursive style with a large, stylized 'B' and 'B'.

Benoit Brookens
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