

DC for Reasonable Development

Contested Issues & Testimony

Re: Zoning Commission Case No. 13-08

Date: January 22, 2015

DC for Reasonable Development, consisting of participating members within the impacted community, presents the following contested issues in Zoning Commission Case No. 13-08.

HEIGHT & DENSITY:

Correlating Comprehensive Plan policies Future Land Use Map designations

10-DCMR-1814.3

Policy FSS-2.4.1: Congress Heights Metro Station Mixed Use

Encourage reuse of the Congress Heights Metro station site and its vicinity with mixed use medium density residential and commercial development through the use of planned unit developments that promote new economic development. Development on the site should be cognizant of the adjacent lower density neighborhood to the west and south, provide a connection to the future development on the St. Elizabeths Campus, and create a stronger sense of identity and gateway for the Congress Heights neighborhood. Medium density development on the portions of the northwest quadrant of Square 5814 would be compatible with the adjacent lower density neighborhood to the west and south with appropriate design review through a Planned Unit Development process. Strongly encourage WMATA to make its land available for joint development around the Congress Heights Metro Station.

10-DCMR-225

FUTURE LAND USE MAP AND CATEGORIES

225.1 Purpose of the Land Use Map

The Future Land Use Map is part of the adopted Comprehensive Plan and carries the same legal weight as the Plan document itself. The Map uses color-coded categories to express public policy on future land uses across the city. Preparation of this map is explicitly required by DC Law; its purpose is to "represent the land use policies set forth in the proposed Land Use Element," using "standardized colors for planning maps." (1-246, D.C. Code). 225.1

225.5 Medium Density Residential: This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone districts are generally consistent with the Medium Density designation, although other zones may apply. 225.5

225.10 **Medium Density Commercial:** This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. 225.10

The Applicant is proposing heights and densities that don't match what the DC Comprehensive Plan and FLUM expect.

The Applicant's proposal suggests connected buildings that max out at nine and 10 stories across a many properties located at the crown of the surrounding impacted community. This is not “cognizant” of the surrounding community.

And, the Applicant proposes to provide the minimum IZ units required by law, plus allegedly a few more units supposedly for people who may return to the subject site who are currently living at the buildings now at the site. As testified by the Applicant this means at least 16 IZ units, but perhaps no more than 16 “affordable” units out of the 200+ units the Applicant intends to construct.

This is unacceptable given the level of flexibility being requested.

The surrounding community consists of buildings which are 1.5 story homes or 2 to 4 story garden apartments. The surrounding community, as well as the current occupied buildings consist of largely affordable units serving generations of DC families.

This means this PUD application is asking for public entitlements to develop at heights and densities nearly three times that of the prevailing neighborhood character, and is providing only the minimum affordability requirements.

Thus, the height and density is inconsistent with the Comprehensive Plan and FLUM no matter what word play either the Applicant or OP wants to try apply here. And, the affordable housing being provided is absolutely unacceptable.

NO INFRASTRUCTURE ANALYSIS:

In contravention of the DC Zoning Regulations, the DC Office of Planning has not coordinated proper review and has not provided good planning around the proposed development which will be the largest development in the impacted community.

OP has not sought to analyze how a project of this size will adversely impact the existing infrastructure that will serve this development, and continue to serve the surrounding impacted community.

OP has not sought to use this PUD process to coordinated commitments from the Applicant to contribute to the public infrastructure that will serve this humongous building.

Now is the time, during this PUD review to do this planned development coordination so that financial commitments pertaining to infrastructure can be included in the Final Order as approved by you, the Zoning Commission.

Infrastructure analysis of stormwater, sewer, electrical and gas must be completed at the earliest stages of development discussion, as the stress put on the surrounding infrastructure affects the entire impacted community. These infrastructure concerns must be examined as required by Chapter 13 of the DC Comprehensive Plan.

10-DCMR-1317.5

Policy IN-6.1.3: Developer Contributions

Require that private developers fund the necessary relocation or upgrading of existing utilities to address limitations with existing infrastructure on or adjacent to proposed development sites. For necessary upgrades to water and wastewater infrastructure, developers should contribute to the cost of extending utilities to the project site or upgrading existing utilities to the specifications necessary for their proposed project. 1317.5

DESTABILIZATION OF LAND VALUES:

The DC Office of Planning has also not coordinated review and analysis of this proposed project as it pertains to the destabilization of land values of the properties in the surrounding district.

It is not specious to argue that a huge new commercial and residential project with nearly all market-rate high-end units won't affect the land value of the surrounding impacted community.

This is especially true due to the prevailing heights and affordability of the surrounding community.

The Applicant proposes a project that is three times the size of the surrounding community and entirely market rate.

There are no reports or analysis on the record of how the proposed PUD project, with its contrasting qualities of size and housing value, will move surrounding landlords to push for bigger more expensive housing units as well.

This land value destabilization will increase displacement pressures, but it would seem the DC Office of Planning cares not for the surrounding community or residents who may have lived in this community for generations.

OP has not conducted coordinated study with DHCD or other City agencies to determine mitigation of land value destabilization. This is poor planning and contravenes the DC Zoning Regulations and DC

Comprehensive Plan.

And, this terrible planning contravenes DC Code regarding map amendments, such as being proposed in this case.

§ 6-641.02. Zoning regulations -- Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. ***Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.***

DISPLACEMENT:

The Office of Planning may want to ignore how the Applicant's proposed project will directly displace residents as well as increase displacement pressures on the surrounding impacted community. The Zoning Commission cannot not let OP get away with this bad planning.

First, there is no analysis of the Housing Linkage requirements found in the DC Zoning Regulations. Clearly the office space being proposed is above and beyond that allowed by the underlying zoning district. *See 11-DCMR-2404. Why?*

Further, the new housing units promised to be held for current residents occupying the subject site will not be the same bedroom sizes as these families are living in right now. The developer is not building a project suitable for families, especially those who will be directly displaced by this project. This is unacceptable and in contravention of the Comprehensive Plan.

There are many tools and policies in the DC Comprehensive Plan that should be guiding the Office of Planning in coordinating their review of this project and to mitigate any displacement. They have fallen down on this job.

10-DCMR-500 Housing Element

Policy H-1.2.1: Affordable Housing Production as a Civic Priority

504.6 Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city.

Policy H-1.2.5: Workforce Housing

504.12 In addition to programs targeting persons of very low and extremely low incomes, develop and implement programs that meet the housing needs of teachers, fire fighters, police officers, nurses, city workers, and others in the public service professions with wages insufficient to afford market-rate housing in the city.

Policy H-1.3.1: Housing for Families

505.6 Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.

10-A508. H-2 Housing Conservation: Retaining Our Housing Stock.

508.1 Preservation of housing in the District--especially affordable housing--is perhaps an even higher priority than increasing housing supply. This section focuses on two aspects of housing conservation: (1) retaining affordable housing units specifically and (2) retaining existing housing stock generally.

Policy H-2.1.1: Protecting Affordable Rental Housing

509.5 Recognize the importance of preserving rental housing affordability to the well-being of the District of Columbia and the diversity of its neighborhoods. Undertake programs to protect the supply of subsidized rental units and low-cost market rate units.

Policy H-2.1.3: Avoiding Displacement

509.7 Maintain programs to minimize displacement resulting from the conversion or renovation of affordable rental housing to more costly forms of housing.

Policy H-2.1.4: Conversion of At-Risk Rentals to Affordable Units

509.8 Support efforts to purchase affordable rental buildings that are at risk of being sold and converted to luxury apartments or condominiums, in order to retain the units as affordable. Consider a variety of programs to manage these units, such as land banks and sale to non-profit housing organizations.

Policy H-2.1.7: Direct Rental Assistance

509.11 Develop and fund programs that provide direct rental subsidies for extremely low-income households (earning less than 30% of areawide median income), including homeless individuals and families in need of permanent shelter. Continue support for federally funded rental assistance programs, including public housing, project-based Section 8, and the Housing Choice Voucher Program.

10-A512. H-3.1 Encouraging Home Ownership.

Action H-2.1.B: Local Rent Subsidy

509.13 Implement a local rent subsidy program targeted toward newly created public housing units, newly created extremely low income housing units, and newly created units of housing for formerly homeless individuals and families.

Action H-3.1.G: Tenant Purchase Program

512.12 Increase assistance to tenants seeking to purchase their units. Review the effectiveness of the city's existing Tenant Purchase program and enhance the ability of this program to provide technical, financial, legal, organizational, and language assistance to tenants in exercising their purchase rights.

CONCLUSION

For the reasons aforementioned, the DC Office of Planning has done a poor job at coordinating review of this proposed PUD application.

The Zoning Commission has not been given the information needed to make an informed decision in the PUD balancing act.

Displacement pressures are real. Infrastructure stress is real. These issues need coordinated review, but OP has not done that.

These contested issues are put before you Zoning Commissioners, as DC for Reasonable Development expects OP to be asked to step up and meet the bar of good planning to help you properly evaluate this PUD application.

Until this coordinated planning occurs, per the DC Zoning Regulations, we ask the DC Zoning Commission to deny this PUD.

Finally, the PUD cannot be approved at the proposed heights and densities and it contravenes the DC Comprehensive Plan and Future Land Use Map.

Respectfully submitted on this the 22nd day of January, 2015,

/s/n Chris Otten

DC for Reasonable Development