



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5B
1920 Irving Street NE, Washington, DC 20018
Website: anc5B.org

OFFICERS

April 24, 2015

Ursula Higgins
Chairperson

Zoning Commission and Board of Zoning Adjustment (BZA)
District of Columbia Government
441 4th Street, NW
Suite 200S
Washington, DC 20001

Gayle Hall Carley
Vice Chairperson

Michael Morrison
Treasurer

John J. Feeley, Jr.
Recording Secretary

RE: 5B Resolution Letter On Zoning Commission Case #14-18; Brookland Manor Apartments/Brentwood Village Shopping Center Re-Development

Jose L. Barrios, Jr.
Correspondence Secretary

To Whom It May Concern:

Jose L. Barrios, Jr.
Parliamentarian

On Wednesday, April 23, 2015 at a public, duly noticed, 5B Advisory Neighborhood Commission monthly meeting wherein a quorum was convened (Present: Commissioners Higgins, Hall Carley, Morrison, Barrios, and Feeley, Jr.).

COMMISSIONERS

5B01 Gayle Hall-Carley
5B02 Ursula Higgins
5B03 Michael Morrison
5B04 Jose L. Barrios, Jr.
5B05 John J. Feeley, Jr.

Advisory Neighborhood Commission 5B voted to submit a letter in support of the Brookland Manor Apartments/Brentwood Village Shopping Center Re-Development. During the meeting there was major debate in objection to the resolution by Chairman Higgins and Vice Chair Hall Carley. The vote passed 3-2-0 in favor of the resolution.

If there are any questions, please feel free to give me a call at 202-321-5289. Thank you.

Sincerely,

Commissioner Ursula Higgins
Chair, 5B



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**Office of Zoning
Government of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 200S
Washington, DC 20001**

**ADVISORY NEIGHBORHOOD COMMISSION (ANC) 5B RESOLUTION LETTER ON
ZONING COMMISSION CASE #14-18/BROOKLAND MANOR APARTMENTS/BRENTWOOD
VILLAGE SHOPPING CENTER REDEVELOPMENT**

- WHEREAS Mid-City Financial Corporation (Developer) proposes the redevelopment of the Brookland Manor Apartments and Brentwood Village Shopping Center (the development);
- WHEREAS Brookland Manor consists of Section 8 affordable housing;
- WHEREAS the developer is proposing a First Stage Planned Unit Development (PUD) to replace occupied Section 8 housing and the shopping center with a mixed use community containing a variety of housing types, improved urban design and connectivity, open/green spaces, and enhanced retail opportunities;
- WHEREAS the developer has expressed a commitment to continue the existence of affordable housing within the larger mixed use community and to relocate existing residents into the new development;
- WHEREAS the developer's PUD proposes a substantial increase in residential density in comparison to the current development;
- WHEREAS the development is within 200 feet of ANC Single Member Districts 5B03 and 5B04, both of which would be profoundly impacted by the immediate proximity of a higher density development such as the one proposed in the Developer's PUD;
- WHEREAS the Zoning Commission (ZC) identified ANC 5B as one where Case #14-18 would be "of interest" in its notice of the public hearing originally scheduled for Monday March 16, 2015 due to the ANC's immediate proximity to the development;
- WHEREAS the children of many Brookland Manor residents attend school at Noyes Education Campus and M. M. Bethune Day Academy, both of which are located in ANC 5B, and therefore ANC 5B has a vested interest in how the children's families are treated during the relocations that will be necessary during the development's construction;
- WHEREAS ANC 5B has not elected to request party status and participate in the ZC PUD hearing originally scheduled for March 2015 and rescheduled to May 2015;



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WHEREAS Nonetheless ANC 5B has a number of concerns, recommendations, and related advice it would like to bring to the attention of the ZC regarding this case while its record remains open; and

WHEREAS D.C. Code Sec. 1-309.10, as well as Neighbors United for a Safer Community v. District of Columbia Board of Zoning Adjustment, 647 A.2d 793 (1994), provides that each ANC may advise any District of Columbia agency, including the ZC, with respect to all proposed matters of DC government policy affecting the Commission's area and that such advice will be accorded "great weight" even if a proposed development is physically located outside the immediate boundaries of the ANC in question;

BE IT THEREFORE RESOLVED THAT:

ANC 5B generally supports the redevelopment of the Brookland Manor apartment complex campus and the Brentwood Village Shopping Center business area bordering Rhode Island Avenue NE. Still, ANC 5B requests "great weight" consideration of this Resolution Letter in regard to the points of interest enumerated below.

A. Public Benefits/Project Amenities

11 DCMR Secs. 2403.6 and 2403.7 state that "Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title" and that "A project amenity is one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors." Sec. 2403.8 states that the ZC will judge the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse impacts.

Per the District's Comprehensive Plan, Chapter 24 –Upper Northeast Area Element, Planning and Development Priorities Section (h) states that "Growth and development must be carefully managed to avoid negative impacts, and should be leveraged to provide benefits for the community wherever possible."

1. ANC 5B believes that the developer has not proposed amenities and public benefits sufficient to comply with the requirements of 11 DCMR 2403 and its sub-sections. The higher density development being requested by the developer imposes additional burdens on the community in terms of the infrastructure, additional traffic, pollution, loss of sunlight, burdens on the water and electrical grids, burdens on city services, etc. that did not exist prior to the development and which are not compensated for solely by the innate benefits of the new construction by itself. In ANC 5B's view, these additional burdens require a stronger level of commitment by the developer to the immediately surrounding



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community in order to meet 11 DCMR 2403.9 objectives such as urban design, architecture, landscaping, or educational/training opportunities for nearby and on-site residents.

2. ANC 5B urges the ZC to require the developer to provide additional amenities to bring its proposed PUD into compliance with 11 DCMR Sec 2403 and its subsections, in a manner that enhances the economic development, culture, family stabilization, and quality of life for the area surrounding the development.

3. ANC 5B urges the ZC to require the developer to create additional playground and recreational facilities for residents and their children, or alternatively establish a Youth Center in the vicinity of the development. The area immediately surrounding the development is mostly devoid of any youth-focused recreational facilities and the development plan does not adequately address the needs of young residents within and immediately surrounding the development.

B. Comprehensive Plan Issues

1. The Comprehensive Plan's Future Land Use Map (FLUM) identifies the majority of the site as moderate density residential, with the area of the Brentwood Shopping Center (corner of Montana and Rhode Island Ave NE) being for mixed-use moderate density commercial and residential. The proposed PUD causes commercial encroachment into areas marked residential, and ANC 5B urges the ZC to require any PUD it approves to minimize commercial encroachment into residential areas to the greatest extent possible.

2. The Generalized Policy Map designates Rhode Island Avenue as a Main Street Mixed Use Corridor and the surrounding area as a Neighborhood Conservation Area, the latter of which requires that any change that occurs be modest in scale. ANC 5B believes that commercial development associated with the PUD be concentrated on Rhode Island Avenue in keeping with Main Street and economic development objectives, and that development farther from the Avenue be increasingly or exclusively residential in character.

C. PUD Timelines

1. ANC 5B agrees that the developer should be granted a 3 year first stage PUD approval so that planning can commence and continue well in advance of the anticipated expiration of the Section 8 contract on the Brookland Manor property.

2. ANC 5B agrees that, regardless of the resolution of the other issues contained herein, the ZC should approve a stage 1 PUD that includes the developer's Phase 1 construction plan, which calls for the construction of a senior citizen building in a manner that the Commission believes is consistent with the Comprehensive Plan and which minimizes the need to move seniors for subsequent construction phases.

3. ANC 5B urges the Commission to require the developer to develop a time line and schedule for remaining phases of construction, as a condition of approval of the Phase 1 PUD. Both the community



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and the District government have a vested interest in knowing with more specificity the start and end dates of subsequent phases including the anticipated date for final completion of the development.

D. Tenant Relocation Issues

ANC 5B is concerned that no written and enforceable plan exists to address the relocation of Brookland Manor tenants that would inevitably occur as part of the development. Such relocation would include temporary housing during construction and/or moving back to the new development if the resident will continue to live on-site.

Brookland Manor contains residents who are among the District's most vulnerable citizens with limited means and access to legal redress. ANC 5B believes that the District of Columbia government and the ZC have a duty to ensure that tenants being relocated are treated with dignity and in a manner that minimizes the inconveniences and dislocations they will experience.

Furthermore, the children of many residents attend schools located in ANC 5B, and therefore ANC 5B is concerned about the strains on children's mental health and well-being that will occur as a result of uncertain living environments and family stress.

1. ANC 5B urges the ZC to require a written, well-defined, and definitive tenant relocation plan as a condition of approval of any stage 1 PUD. Such a plan should include details about the developer's commitment to cover any financial costs incurred as a result of relocation (including any rent increases, moving expenses, and costs of transferring utilities.)
2. ANC 5B urges that the ZC make the tenant relocation plan a part of the stage 1 PUD ZC Order;
3. ANC 5B urges that the tenant relocation plan cover the entirety of the timeline for all phases of the development project;

E. Affordable Housing Issues

1. ANC 5B urges the ZC to require that any tenant that a) qualified for affordable housing at the time of relocation; b) remains qualified for affordable housing at the time of return; and c) was current on rent and had no written infractions of lease violations, be guaranteed the right to return to the premises upon completion of development without need for burdensome new qualification requirements.
2. ANC 5B agrees with the Office of Planning that the replacement of deep affordable housing subsidies for replacement units should be 1:1 based on the full number of 525 affordable units in existence today, rather than on the number of units actually occupied at the time of redevelopment or at developer's projection of 424 units. To do otherwise leads to the net loss of about 100 affordable housing units in a city that is in desperate need of more affordable housing.
3. In the event that HUD does not renew its Section 8 contract with Brookland Manor in 2017, ANC 5B urges the ZC to require the developer to provide an alternate proposal that preserves the level of



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affordability that currently exists including a substantial number of units at 30% of Area Median Income or below.

E. Traffic Issues

1. ANC 5B urges the ZC to require the developer to complete new traffic impact studies for subsequent development phases so that updated information and assumptions may be used to provide a more accurate traffic model. Subsequent traffic impact studies can also account for the Brookland/Edgewood Livability Study currently being conducted by DDOT for the area, which will include recommendations for the part of Rhode Island Avenue NE impacted by the development.
2. ANC 5B urges the ZC to require the developer to adopt design measures necessary to discourage auto vehicles being owned and used by residents living in the development, including limited parking spots. This is so given the proximity of the development to Metro and the large traffic impacts anticipated throughout the area including well into ANC 5B's jurisdictional boundaries north of Rhode Island Avenue.

Adopted by ANC 5B at its duly noticed meeting on April 22nd, 2015, by a vote of 3 to 2 (a quorum being 3).

Commissioner Ursula Higgins, Chairwoman

Commissioner Jose Barrios, Correspondence Secretary



**BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	14-18	Case Name:	MIDCITY FINANCIAL First Stage PUD
Address or Square/Lot(s) of Property:	VARIOUS LOTS and a Parcel in Squares 3953, 3954, 4024, 4025		
Relief Requested:	Approval of Stage 1 PUD		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	04/22/15	Was proper notice given?:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Description of how notice was given:	By transmitting Notice electronically to a list of residents in the community, and by posting on the ANC SB website in compliance with DC Code § 1-309.11(c)(3) and 1-309.11(c)(4)		
Number of members that constitutes a quorum:	3	Number of members present at the meeting:	5

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

See Attached ANC SB Resolution letter on ZC Case # M-18

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

Approve Stage 1 PUD subject to recommendations in attached ANC SB Resolution letter

AUTHORIZATION

ANC	SB	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	3-2-0
Name of the person authorized by the ANC to present the report:		Ursula Higgins, Chair	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:		Ursula Higgins	
Signature of Chairperson/ Vice-Chairperson:		Date:	4/22/15

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.