

# **Testimony of Eugene Puryear On Behalf of the Organization Justice First Concerning Zoning Case 14-18A**

The following testimony is being given in opposition to the approval of the second stage Planned Unit Development (PUD) being presented by the Applicant--Mid-City Financial Corporation, Brentwood Associates Limited Partnership, and MCF Brentwood SC, LLC--this evening in Z.C. case number 14-18A.

In particular it is the opinion of our organization, Justice First, that the PUD does not, as is required by the governing title, comply with the intent and purposes of said title.<sup>1</sup> More directly we hold that the PUD incorrectly presents its affordable housing component as a “public benefit,” and as such does not present either a “commendable number” or “meaningful” set of public benefits as required by the PUD evaluation standards.<sup>2</sup>

The Applicant lists “new and much needed” affordable housing as the number one reason by which the proposed project would have an impact either favorable or capable of being mitigated to the surrounding area.<sup>3</sup> Any examination of the demographics of the area, in conjunction with the proposed affordable units in the project at large casts significant doubt on this claim.

First and foremost the Applicant misleadingly describes the extent of affordability by disconnecting the conversation on affordability from their presentation in the First-stage PUD approved by this commission. The Applicant states that in this block there will be 331 units of housing at varying levels of affordability. The Applicant’s proposed development would limit 200 of those 331 units purely to seniors.

In the approved First-stage PUD the Applicant is held to only 373 units assuming the Section 8 program is continued at the property. The Applicant is projecting 424 units based on their consideration of how many replacement units will be needed. However that number should not truly be considered at all since, as was detailed by other testimony, clearly the Applicant has engaged in a displacement campaign to reduce that number.

There are currently 438 occupied units and the property and 147 seniors. Given that 200 units are devoted entirely for seniors, that would mean there are only 173 units left for the occupants of the other 238 units during the entire project, not simply the block in question in this first phase of the second-stage PUD application. Clearly this implies a certain level of displacement, with even the best case scenario leading to dozens of people being displaced, hundreds in the worst case.

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<sup>1</sup> Zoning Regulations, Title X Section 302.2(b).

<sup>2</sup> Zoning Regulations, Title X Section 300.1(b); Section 304.4(b); Section 305.5

<sup>3</sup> Applicant Statement in Support, p.32

There are currently 535 units total on the property itself, all of which meet some standard of affordability.

In other words it is impossible to claim the project is addressing a “dire” affordable housing shortage as the Applicant claims given that in the absolutely best-case there would be a reduction of 111 affordable units (if there are 424 affordable units). Which, again, could actually mean more than 111 people depending on unit occupancy.

The Office of Planning itself noted this. As it is stated in the Zoning Order following the first-stage PUD, they recommended the Applicant produce more affordable units in line with the current 535 on the property now. Something that the second-stage application does not speak to. Further, of the 331 units in this block, the Applicant notes that of the 131 non-senior units that will be used to rehouse current residents, some number will revert to market rate to provide a “mixed income” environment. So in fact there will only be 265 truly affordable units in this block, 200 of which are demographically restricted.

As it concerns the project itself, without yet considering the surrounding neighborhood, clearly this does not meet the standard laid out by the governing Title. The Applicant, undoubtedly is using Section 305.5(f) of the Zoning Regulations to justify this. This subsection states that affordable senior housing is a benefit. However, given that there is no evaluation of how many Seniors live alone, or would want to continue too, it is unclear how many Seniors would accept that housing. This means those who move-in could, in fact, be coming from other areas. The combination of Senior units and the overall lack of affordable units could in fact mean Seniors choose to move from Brookland Manor rather than have their families broken up.

This fact is clearly out-of-step with the Upper Northeast Area Elements of the comprehensive plan where the integrity and stability of the neighborhood as well as preventing displacement are key factors.<sup>4</sup> So while, perhaps, under the regulations the senior housing could be construed as a benefit the way the units are proffered puts it in contradiction with the Comprehensive Plan where the maintenance of stable, family oriented development is highlighted. This seemingly negates the value of the proffered senior units.

Further, when one considers the context of the surrounding community it is clear this project will exacerbate growing income inequality and its accompanying racial polarization. First and foremost the size of this project speaks to its overall impact. If just 20% of the units proposed in the first-stage PUD have more than one person in them, that would be equal to 40% of the number of people currently living in the census tract in which this project sits.

In said Census tract there has been significant change over the past 16 years. The Black population has decreased 11% since the year 2000, from 99% to 88% of the population. The white population has increased roughly 7% in the same period. From 0.3% to 7.2%. The median household income for whites is \$101,000. While for Blacks it is \$41,000. There are only 7 white

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<sup>4</sup> Comprehensive Plan for the National Capital, Chapter 24, Upper Northeast Area Elements 24-9 to 24-11.

households receiving SNAP benefits compared to 660 Black households. 81.2% of whites had a bachelor's or higher as compared to 17% of Blacks. These trends mirror the broader development trends in the District of Columbia during that time, a decrease in Black population, particular on the low-income side, and a marked increase in White population on the higher-income side.

The Applicant is proposing somewhere north of 1,200 market rate units. Recent studies have pegged the median rent for a one-bedroom apartment at \$2,270.<sup>5</sup> This essentially means they are adding market-rate and fairly affluent tenants equal to 22% of the current population of the census tract - a massive increase. Given that as we noted above this comes with a displacement of several hundred people most likely, this clearly exacerbates the trend in the census tract, and the subject area of the comprehensive plan significantly.

Which returns us to the Title itself. In Section 305.2 of Title X of the Zoning Regulations it is stated that public benefits are “superior features.” As we also noted above they must also be either “meaningful” or providing a “commendable” amount of said benefit to qualify as a public benefit.

First and foremost, the number, and increased affluence of the new residents brought to the area by this property is clearly out of step with the priorities for the area described in the Comprehensive Plan. Secondly the number of affordable units to market-rate units does not in fact address the affordable housing crisis in the District. It reduces the number of affordable units by at least roughly 100 units, and adds well over 1000 of units at much higher market rates. Thus it in fact exacerbates the District's affordable housing crisis.

Based on the above we urge the Zoning Commission to refuse approval to this second stage PUD until the number of affordable units is increased to require one-to-one replacement for every unit at the existing bedroom-sizes. In other words, 535 units of affordable housing designed so that every person can remain based on their existing needs and additional residents in need of affordable housing can be brought into the property.

Thank You,

Eugene Puryear  
Director of Field Operations  
Justice First

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<sup>5</sup> <http://dc.curbed.com/2016/6/23/12013024/apartment-rent-washington-dc>