

**TESTIMONY OF JONATHAN BENDER, ANC 3E03**

**September 28, 2017**

Good evening Mr. Chairman and fellow Commissioners. I am Jonathan Bender. I am the Commissioner for the area encompassing the subject property, as well as Chair of ANC 3E. I am here to deliver the testimony of the ANC.

UIP's property is next to the site of the former Babe's Billiards, which sat vacant as a blight on our neighborhood for several years. The last time I was here before you on behalf of my ANC in a PUD proceeding was to offer support for Douglas Development's proposed mixed-use development on that site, a project that has since been named "Tenley View." As was the case then, we believe this is a first-rate project that will create a net significant benefit our community. As was the case then, we worked long and hard with the developer to reach agreement on a set of conditions that allowed us to reach this belief.

The Zoning Commission approved the Tenley View project, and in the relatively short time it has been open it has, as the ANC believed, significantly enlivened what had been a dead block, without corresponding significant problems. We expect the UIP project to enjoy the same success, and to further strengthen the block it shares with Tenley View, and the neighborhood at large.

Tenley View was particularly controversial at the time because the developer provided no onsite parking for residents. This is not the case with the UIP project.

To be sure, the height and density sought for the UIP Project are substantial for our neighborhood. But the Property is less than two blocks from a Metro station and sits within a Medium

Density Residential Development zone. The site is thus appropriate for development of this scope *if* the Applicant provides amenities and mitigation of harms commensurate with the Project's scope. We believe the Applicant has met that burden.

The biggest potential harms associated with development like this are traffic increases and parking shortages. Here, the Applicant's traffic study shows a decrease in traffic predicted from the Project relative to the existing buildings it would replace. Mr. Chairman, we look at claims like this with a critical eye. Here, however, the assertion is credible, because the Project would switch the use of floors above ground level from office to residential.

The Applicant has also committed to a transportation management plan that should reduce car trip generation beyond the mitigation provided by the switch from office to residential use.

Unlike the Babe's project, the UIP project includes more parking than is required by law, per DDOT's report. Nonetheless, we have found that in other buildings within our ANC with underground parking, many residents still prefer to obtain Residential Parking Permits and park on the street for free, rather than pay a monthly fee for underground parking. The block on which the Property is located is not eligible for RPPs. At the ANC's request, the developer has agreed to oppose any effort to change that state of affairs. Moreover, the developer has agreed that it will prohibit tenants from obtaining RPP permits upon pain of mandatory lease termination, in the unlikely event that RPP should become available to the Property. This belt and suspenders approach reduces to near zero the possibility that the new residents of this project will cause parking problems in the neighborhood.

The new residents and attractive retail space the Project will afford will enhance the vibrance of the neighborhood. Furthermore, the Project consists of a mix of unit sizes, some of which should be suitable for small families as well as singles.

At the ANC's request, the Applicant has committed to provide a substantial suite of additional amenities, and I'll summarize the most notable of them.

- a. First, the Applicant will provide 25% more affordable housing than would be required by law, including at least one affordable unit with two bedrooms (like most of the District of Columbia, our neighborhood needs more affordable housing, and we especially need more affordable housing suitable for families);
- b. The applicant will also rehabilitate an historic building known as Chesapeake House in Ft. Reno for community-serving use (the building has been an abandoned shell for decades and multiple attempts to have it rehabilitated outside the context of this PUD have failed; the National Park Service has a massive maintenance backlog, and they've made clear that absent external funds, the building would remain a vacant shell);
- c. The Applicant will reconfigure a hazardous street layout at Brandywine St., 42<sup>nd</sup> St., and River Road, and build a small park, as recommended by the District Department of Transportation's (DDOT) Rock Creek West II Livability Study (although the Livability Study recommended this change more than five years ago, DDOT has been unable itself to fund implementation of the recommendation; as with Chesapeake House, this DDOT recommendation would likely go unfulfilled but for the amenity to be provided with this PUD);
- d. The Applicant will devote 3500 ft.<sup>2</sup> of retail area solely for use as a sit-down restaurant, *even if* other prospective tenants offer to pay more rent (although our neighborhood has attracted many fast casual restaurants, we've had trouble attracting new sit-down restaurants, which residents keenly desire; critically, the Applicant has agreed to much

more than a good faith effort to lease to a restaurant – if the Applicant wants to rent this prime space, it *must* do so to a restaurant);

- e. The Applicant likewise has agreed not to lease commercial space for certain uses many members of the community find undesirable, such as a chain stores)(provided that the developer may seek relief from these restrictions from the ANC for individual tenants that the neighborhood may find beneficial);
- f. The Applicant has agreed to underground utilities in front of the Property *as well as* in front of several adjoining properties if the owners of those properties consent;
- g. Finally, the Applicant has committed to achieving LEED Gold certification.

Taken together, the combination of amenities and mitigation proffered by Applicant are exemplary, and, we believe, justify the relief sought given the Project's location in a Medium Density zone.

We do want to note that the Future Land Use Map designates most of Wisconsin Avenue within our ANC as Moderate Density. and this Project's scope should not be considered as precedential for development in Moderate Density zones.

The Applicant has embodied the foregoing promises and others in a Memorandum of Understanding (MOU) executed contemporaneously with this resolution (attached to our resolution), and has agreed to ask the ZC to embody the terms of the MOU in any ZC order regarding this matter.

For all the reasons I've just described, and for all the reasons set forth in our written submissions, we respectfully urge this Commission to support the present application and to incorporate the terms of the MOU between ANC 3E and UIP into its order regarding the property.

Thank you for the opportunity to testify.