



Chairman Hood and Members of the Zoning Commission. My name is Gail Fast, and I am the President of the Council of Co-Owners of Town Square Towers. I have been authorized by the Town Square Towers Board of Directors to provide written and verbal testimony on behalf of our residents.

Town Square Towers sits on 7<sup>th</sup> Street SW and encompasses the entire block between G Street SW and I Street SW. In addition to the 14 units that are within 145ft of this project, there are 130 units that directly face on to 7<sup>th</sup> Street SW. So, while the Applicant has challenged our party status, we are affected neighbors and have serious concerns with regards to this project.

Therefore, Town Square Towers is in opposition to Zoning Case 22-11 for the following reasons:

**1. Inconsistency with the Southwest Small Area Plan and Comprehensive Plan and its FLUM.**

This project is inconsistent with both the Southwest Small Area Plan (SW SAP), which was passed by the DC City Council, and Comprehensive Plan's Future Land Use Map (FLUM). The Applicant is seeking relief in both height and density. The SW SAP shows the 2006 FLUM for this parcel as Low Density Commercial and zoned as W-1. When the SAP was incorporated into the 2021 Comprehensive Plan, the parcel was rezoned to MU-12 with a maximum height of 65' to maintain the consistency and character of the neighborhood. The Applicant is also requesting increasing the lot occupancy from 80% to 87%. This will increase the buildings footprint and density. An increase in density means a loss of something else, usually green or open space, and is especially troubling since the Zoning regulations for the lot occupancy of a MU-10 project is 80%.

The Advisory Group and all the residents of Southwest who helped shape the SAP were adamant that the north side of Maine Ave/M Street remain consistent with the neighboring residential buildings so as not to create a cascading effect of a "wall" along Maine and M to South Capitol St. This is critical in keeping with design principles of high/low that is the hallmark of Southwest.

The second inconsistency is with the number of 3-bedroom IZ units. The SAP specifically details that PUDs should recalculate their GFI to ensure that there are more 3-bedroom IZ units offered. Given that the community benefits in the Applicant's submission certainly do not out-weigh the negatives, they are proposing only four IZ 3-bedrooms out of 16. To add insult to injury, they are only proffering one 1-bedroom unit and two studios at 50% MFI, with the rest at 60- or 80%. Based on the MFI table produced by DCHCD, an individual can make up to \$59,750 to qualify for a IZ unit at 60%; a family of 4's income of \$85,400 qualifies them for a 3-bedroom. How can this be a benefit to Southwest residents? The SAP is steeped in maintaining Southwest's economic, cultural, and social diversity. And how does this pass the racial equity test? Given the lackluster community benefits proffered, the Applicant should be held to providing 30% IZ and at MFI levels of 50- and 30%.

Finally, as it pertains to the SAP and Comp Plan, if the Office of Planning and Zoning Commission agree that this project is not inconsistent with either Plan, why did over 200 Southwest residents and an Advisory Group made up of local civic leaders, waste their time and energy creating and cultivating the Southwest Small Area Plan? Why does the Office of Planning spend



countless hours and hold numerous community meetings to get feedback when revising Comprehensive Plans?

Should we tell Congress Heights and Pennsylvania Avenue East – STOP, DON'T BOTHER because these plans mean nothing when they can be overturned by an Applicant at whim? Why ask residents to go through a process to create Vision Frameworks or Development Guidelines when all developers need are land use attorneys who know how to navigate through the zoning regulations to get their desired developments built?

## **2. The Community Benefits being Proffered are not Community Benefits at all!**

The first proffer offered is not really a proffer. The *Urban Design and Superior Landscaping* are on areas that are already landscaped and located in public space. The idea that they would proffer a “re-do” of an already perfectly fine landscaped area is a mitigation, not a proffer. It is merely gobbledygook from the Applicant to make the community believe they are turning an ugly duckling into a swan.

The next proffer, *Transportation Infrastructure*, the Applicant is installing a protected bike lane on 7<sup>th</sup> Street SW. Protected bicycle lanes are not proffers as they are part of the District Department of Transportation's Protected Bike Lanes project.

Moving on to the proffer, *Commemorative Works of Public Art*, is one of two of the community benefits being proffered through the Southwest BID. Southwest is lucky that it has a great BID and Town Square Towers does not want to diminish the work they do. The SWBID was a critical part of Southwest surviving during the pandemic, so we do not want to be critical in any way.

However, BIDs are Membership Organizations and are funded through self-imposed assessments on property owners within their BID borders. Even if the Applicant is not a current member of the SWBID, they will be -- and therefore they are in essence paying themselves. This proffer will contribute \$75,000 to the SWBID to commission a local artist to design, fabricate, and install public art in the public space along Maine Avenue, SW. The other proffer to the SWBID, *Uses of Special Value to the Neighborhood*, will contribute an additional \$100,000 to bring E-Tricycles to the neighborhood. And we are shocked that the Applicant's attorney would offer this last initiative as a proffer given that the E-Tricycles is a research study and part of the SWBID's Mobility Innovation District initiative, is an initiative that is being funded through a \$5M (yes, that is 5 Million) investment from the Mayor's office and DMPED. Town Square Towers cannot believe that the Applicant can honestly say these two proffers are true community benefits.

Another proffer in the *Uses of Special Value to the Neighborhood*, is putting a few ads in rental guides and publications such as AARP, and other senior magazines. etc. While the Applicant says they are targeting seniors as potential residents, this is not proffered as a senior building and does not come equipped with any amenities or interior unit design features that are useful to



seniors. Proffering that you will install grab bars should a resident request it should be a standard practice for any resident, senior or not. This is another example of gobbledygook.

Zoning regulations state the purpose of a PUD process is supposed to be a trade-off. Higher "quality" development when there is a "commendable number or quality of meaningful public benefits." Town Square Towers opposes this project because this Application lacks both quality and quantity of community benefits.

### **3. Where is the Construction Management Plan?**

Exhibit E, which is referenced in the Applicant's submission package is a DRAFT. Nothing as it pertains to a construction management plan has been shared with Town Square Towers, whose building is across from the construction site. Since the opening of Phase I of the Wharf, and the increase of traffic on 7<sup>th</sup> Street, our residents have been subjected to excessive car, truck, bus and construction vehicle exhaust, and an increased amounts of dust on our windows, balconies, and patio furniture. We want a Construction Management plan where the Applicant uses Maine Ave as the entrance and exit to their site. The development of Riverside Baptist Church and the Banks had their trucks come in from the east on Maine and exit to the west on Maine. This route mitigated disruption to residents at Waterside Towers and could be easily duplicated here. Jefferson Middle School drop off and pick up also occurs on 7<sup>th</sup> Street SW. There is no reason that students should have to dodge construction vehicles when an alternative is possible.

### **4. This is a Mixed-Use Project and there is No Mention of the Retail Space**

At one ANC meeting the Applicant mentioned it's proposed plans for the retail space. Town Square Towers is opposed to any restaurant or late-night venue which would have patrons exiting the space at midnight, 1 am or 2 am. Less than 200 ft from the Applicant's project are residential communities; less than 100ft is a school, and Town Square Towers feels this has not been addressed at all. The Applicant mentioned a possible market, along the lines, they said, "of a Foxtrot." Well, Foxtrot has a high price point; again, failing to provide an inclusive retail experience.

Based on our comments and concerns, Town Square Towers asks the Zoning Commission to oppose Case 22-11.

Thank you.

President, Town Square Towers Council of Co-Owners