

DC For Reasonable Development: Ward 6 Study Group Contested Concerns & Comments on ZC Case No. 07-13, March 29, 2018

After many unsubstantiated extensions and more than a decade after initial approval, the caselaw and understanding of the overdevelopment in the District and in Ward 6 has dramatically changed and accelerated. The reality on the ground in the community around the PUD site shows that the request for a Modification of Significance now especially raises up many planning issues otherwise not contended with along the way and remain so in this most recent application.

The Office of Planning Report dated, March 19, 2018, states, "The proposal is not inconsistent with the Comprehensive Plan, would not result in unacceptable impacts on the area or on city services, and includes public benefits and project amenities that balance the flexibility requested." This statement is unsubstantiated for many reasons as the record across all inter-related applications on this project:

a) Demonstrates a unlawful lack of a thorough and thoughtful impact study that 400 new housing units (+/- 10%), office space (new use with this application), a museum, and retail will have on the public services serving the surrounding community where Ward 6 Study Group members live, work, and play. There's no study on the infrastructure impacts (transportation, parking, utilities, pipes, etc.), the environmental impacts (noise, refuse, emissions, air/water, construction nuisance, etc.), the gentrification impacts on surrounding vulnerable affordable housing (no surveys of housing-cost burdened residents in the area now), and the impacts on public service capacities/needs that serve our members and community now (schools, libraries, clinics, rec centers, truly affordable housing, police/fire, etc.). Without an impartial and meaningful impact assessment, the Commission cannot reconcile the benefits in determining approval. Despite the duration and extensions of these collective cases, including the significant modifications now, the planning agencies have failed to understand the project impacts. See applicable zoning regulations and Comp Plan policies to this regard, which without protections and mitigations of impacts thus imminently harms the surrounding community where the DC4RD: Ward 6 Study Group members live and enjoy their quality of life.

b) Demonstrates a lack of statutory recognition and duty to mitigate the affordable housing crisis in the city, not exacerbate it. 80% of the project and the significant density granted and now modified will for luxury uses, residential and otherwise. The 20% that the Applicant considers "affordable" will be set at 80% AMI, already determined by the city and the Commission as not "affordable" housing. The Applicant states, "[A]fter a thorough investigation of multiple alternatives, the Applicant proposes to maintain the affordable housing commitment as 20% of the residential units in the Project at 80% of the Area Median Income." There is no evidence on the record of this "thorough

investigation” as to why bringing the project up to applicable laws (affordability at 60% AMI) can logically reduce the numbers of “affordable” units that can be built by the Applicant (unless by for profit motives). Further, their argument that the current Application, “pre-dates the Commission’s recent change to a 60% AMI standard for the District’s Inclusionary Zoning requirements, and the Project is therefore vested under the prior regulation,” is not true. Exhibit 22. This application of modifications falls after these regulations and the law were passed as we understand.

c) Demonstrates a misunderstanding that family-sized units affordable are not at least 3+ bedrooms in size. “[T]he Project will provide approximately 19 two-level 'townhouse-style' units, which are located on the ground floor of the Project. . . . The units will be configured as either three-bedroom or two-bedroom plus den units, depending on the final configuration of the lower-level den.” Exhibit 22. This conditional discretion to build 2-bedroom units is unjust against the plain language of the Comprehensive Plan and common-sense, especially at a time of an affordable housing crisis for families in Ward 6.

d) Demonstrates harm to existing area affordability, in that the Applicant's so-called affordable studio/one bedrooms will be renting at \$1500/month. These are not affordable. ANC 6D seems to have tried to represent these issues, but without substantiation from the Applicant were backed off the critical concern of inclusivity and equity in Ward 6 and the surrounding area for families who live here now but face displacement. **This project could serve as a site for Build-First units for the surrounding public housing families and DC4RD: Ward 6 Study Group members and public housing residents who are imminently facing displacement by the threatened redevelopment of their homes.** Neither the Applicant nor the Office of Planning deal with this issue in any real way despite the tremendous need. There is no “Whole Neighborhood Approach” here, a failure of city planners that cannot be affirmed by the Commission.

e) Demonstrates a lack of of acknowledgement of recent laws passed before this Application for significant changes was reviewed, such as the law regarding substantial affordable housing for families on land/assets that were formerly public, a law that is backed by Comprehensive Plan policies. It also ignores the Commercial-Affordable housing linkage of the zoning regulations despite the application seeking use changes that include new commercial uses.

f) Demonstrates a lack of seeking to support local budding entrepreneurs and small businesses in Ward 6 by bypassing any conversation in having a portion of the commercial/retail uses dedicated as affordable or free for our affected community and residents. This disregard to employ local residents and encourage local businesses from the ground up in Ward 6 flies in the face of basic planning policies.

CONCLUSION

This will be largely a luxury project for single professional residents paying significant sums of rent/condo housing costs that will destabilize the area's existing affordability where DC4RD: Ward 6 Study Group members live, work, and play. The amount of luxury units is a net harm, especially since no gentrification studies were done. This project is 10-years on since its inception. Many things have changed in the City and the area around the PUD site in Ward 6. One of these drastic changes is the massive displacement of black families, such as those we represent in the area. The lack of recognition of this fact, along with the approval of this project, and its modifications, shows a huge inconsistency with the fundamentals of the Comprehensive Plan and ignores the affordability crisis we are under in Ward 6.

Further, the Commission cannot claim a project has such benefits to warrant approval without reconciling the project impacts, which even now have still yet to be analyzed, not in accordance with the law.

The DC4RD: Ward 6 Study Group (elders, families, working residents and low-income longtime District people in the area) asks the Commission to meet their statutory duty to protect the surrounding community and Ward 6 residents from overdevelopment impacts according to the rules, policies, and principles that have been a part of the purpose of zoning and planning for decades.

Sincerely,
Chris Otten, DC4RD co-facilitator
Coy McKinney, DC4RD: Ward 6 Study Group

Referencing Comp Plan policies, among others:

LU-2.3.2; LU-2.3.3; LU-2.3.4; LU-2.4.8
H-1.1.3; H-1.2; H-1.2.1; H-1.2.7; H-1.2.B (office)
H-1.3.A; H-2.1; H-2.1.3; H-2.1.1; H-2.1.4; H-2.1.A; H-2.1.E; H-2.2.3; H-2.2.E
E-4.1; E-4.1.3; E-4.2; E-4.3; E-4.3.5; E-4.5.C; E-4.8.2
ED-3.2; ED-3.2.1; ED-3.2.6; ED-3.2.7; ED-3.2.A; ED-3.2.D; ED-4.2.4; ED-4.2.7; ED-4.2.12
UD-2.2.1; UD-2.2.2; UD-2.2.4; UD-2.2.8
CSF-1.1; CSF-1.1.1; CSF-1.1.2; CSF-1.2.2; CSF-1.2.6; CSF-3.2; CSF-4; CSF-4.2;
IN-1.2; IN-1.2.2; IN-2.1.1; IN-5; IN-6; IN-6.1.3