

Written Testimony Case No. 22-03 (WCP 1207 H Street LLC - Zoning Map Amendment)

To the Zoning Commission Members and concerned community members:

I am opposed to the rezoning of 1207 H Street NE from the existing NC-14 zoning to NC-15 as I do not believe it fits with the goals of the city or the neighborhood based on my understanding of zoning overlays, the DC Code, and public statements from officials about the housing affordability crisis in the city. This is a significant change that requires more time for community input. The average lifespan of a commercial building in the US is 40+ years, so whatever is eventually approved, it will be around for the duration and every effort should be made to get it right from the beginning.

1. There is no guarantee that rezoning will result in any redevelopment. As of November 2021, WCP (the developer) has extended Autozone's lease by at least one year. There is no reason to think they won't extend it again: <https://dc.urbanturf.com/articles/blog/whats-next-for-one-of-h-streets-last-large-developable-plots/18963>. There is no urgency to rezoning at this time unless the developer has an actual plan and a timeline to develop the site.
2. The rezoning is predicated on a change to the Future Land Use Map (FLUM) requested by the developer and does not reflect the needs of residents or the city.
 - If this rezoning represented the interests of the city and residents, I would have expected the request to come from the Office of Zoning or the ANC. I see no new submissions for FLUM changes to the 1200-1500 blocks of H ST NE, so it appears neither the ANC nor the city have any interest in upzoning those blocks of H Street NE implying this change was only in the interests of the current property owner.
 - Speaking to members of the Economic Development and Zoning Committee (EDZ) of ANC6A back in March, it appears there was very little public discussion on the FLUM change at that time, in part due to the esoteric nature of the topic and the non-obvious implications of a change to the FLUM.
 - The FLUM amendment was also made during the pandemic lockdown when residents justifiably had other concerns, and so was made without the opportunity for adequate community discussion.
3. Contrary to the Applicant's Statement of Support, the rezoning will effectively create "spot zoning" and result in an island of development. Asserting that the rezoning "will provide an appropriate transition point" is inaccurate. The current NC-14 zoning of the large lot at 1207 H ST NE already provides an "appropriate transition point" from the NC-17 zoning of small lots to the west of 12th Street on H ST NE, to the NC-14 zoned lots to the east of 1207 H ST NE. Refer <https://maps.dcoz.dc.gov/zr16/#l=18&x=-8570430.302397199&y=4707309.85046864&mms=24!21!22!4!2!1!8!11>
 - Due west is zoned NC-17, which while allowing for 5 feet greater height actually allows a much lower FAR, so you end up with a smaller building for the same footprint (I think). At any rate, the lots on the 1100 block of H are so much smaller than the

Autozone lot that they will never approach the height potential of 1207 H under an NC-15 zoning.

- Northwest is zoned NC-16 which is a close match to the current zoning of NC-14
- Due east are 4 small lots zoned as NC-14. These have the same problem. You can end up with 30 foot buildings next to a 90+ foot building if the rezoning goes through which has clear and obvious problems with proportions.
- Most of the 1400 block is also pure NC-14 with a mix of small and medium sized lots, so none of the building would come close to the height potential of an NC-15 zoned 1207 H ST NE.
- Due north all the lots are small and NC-14. These are guaranteed to be overshadowed (literally) by a building with NC-15 zoning.
- Due south is obviously residential, zoned RF-1 and limited to 35 feet. These will be dwarfed by a building with NC-15 zoning, which potentially wouldn't be so bad if *all* of H street was zoned consistently. But its not. See item 2.

4. Some arguments have been made that increasing the zoning will provide more affordable housing. I believe the opposite is true:

- The only way a building with more than the minimum required number of Affordable Dwelling Units could likely be built is either by the current owner under the current zoning, or by the city. In the March 2022 meeting of the EDZ Committee of ANC6A, Ben Miller expressed doubts about securing financing for a building with anything other than the minimum number of affordable dwelling units under the proposed NC-15 zoning (<https://anc6a.org/wp-content/uploads/EDZM0322.pdf>). According to DC Urban Turf, the current owner is already looking to potentially sell the lot, which would mean only the minimum number of ADUs required by law would be built:
<https://dc.urbanturf.com/articles/blog/whats-next-for-one-of-h-streets-last-large-developable-plots/18963>
- Commissioner Chatterjee suggested that DC could buy the property in the same EDZ meeting to build more affordable housing. I don't think this has been fully explored by the city, but if the lot is rezoned now, it will cost the city significantly more to acquire the land should it choose to go that route. I would much rather see 120 units of affordable housing in NC-14 than 40 affordable units in NC-15.

Thank you for your consideration,

Pierce O'Connor

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