



Brookland Neighborhood Civic Association

**Testimony
of
Caroline Petti, President
Brookland Neighborhood Civic Association
before the
District of Columbia Zoning Commission
Case No. 10-28 January 19, 2012**

Good evening, Commissioners. My name is Caroline Petti. I am testifying this evening on behalf of the Brookland Neighborhood Civic Association (BNCA). BNCA is an all-volunteer association of persons who reside and/or work in the Brookland neighborhood of northeast Washington, DC. BNCA has an interest in Brookland development issues generally because of the effect growth and development can have—both positively and negatively—on the quality of our neighborhood life. Zoning Commission Case No. 10-28 is of particular interest because the proposed project would be located within BNCA's immediate boundaries, we have members who live and work immediately adjacent to the proposed project, and it is the first Planned Unit Development case in Brookland since issuance of the Brookland/CUA Metro Station Small Area Plan less than three years ago.

BNCA has been deeply involved in the 901 Monroe Street project since its inception over two years ago. We have discussed it at innumerable meetings. We have hosted a developers' presentation about it. We have attended developers' meetings. We have attended Advisory Neighborhood Commission meetings. We went through a democratic process for identifying issues and for identifying and prioritizing community amenities and we presented and discussed these issues and amenities with the developers on numerous occasions.

BNCA has held votes related to this project on two separate occasions. The first was on September 13, 2011 when we voted on 901 Monroe Street, LLC's proposed Zoning Map amendment. We voted 12/8 against the requested C-2-B and 17/2 (with one abstention) in favor of a C-2-A map amendment in the alternative.

Our second vote was on December 13, 2011 where we voted 51 to 49 in favor of the proposed project. The primary reasons cited for supporting the proposed project included:

- New services and amenities (e.g., community-driven retail, sitdown restaurant)
- Development close to Metro station is "Smart Growth"

- New residents and increased foot traffic will help support new and existing Brookland businesses
- More activity around this location will help deter crime
- Exemplary architecture and design (e.g., building height of 60'8", 15' setback from exterior property lines, 7' setback of top level)
- And, last but not least, the quality of the proffered community amenities package.

As I mentioned earlier, BNCA went through a process early on to identify community amenities. The 901 Monroe Street development team was quite receptive to the amenities we suggested and we're pleased that many of them are now incorporated in the package before you. We're especially pleased at the win-win decision to underground the utility lines along Monroe Street, the commitment to provide financial support for enhancements at Turkey Thicket Recreation Center, the commitment to superior building design, to a quality "Class A" rental experience and to work with the community to mitigate adverse construction impacts and to select quality retail and sit-down restaurant options for the new space.

The biggest negative issue to emerge over the course of the community conversation about this project is the requested C-2-B Zoning Map amendment.

I mentioned earlier that BNCA voted to oppose the C-2-B request and to support a C-2-A Zoning Map amendment in the alternative. The primary reasons cited for supporting a C-2-A Zoning Map amendment versus a C-2-B Zoning Map amendment included:

- C-2-A's lower height, lower density is more in scale with the surrounding neighborhood
- C-2-B sets an unacceptable precedent for future Brookland development east of the tracks
- C-2-B is more than is needed to be a profitable project
- C-2-A would be possible if minor modifications were made to reduce the project's density
- C-2-A is preferred by residents adjacent to the proposed project (i.e., "200-footers") and their views should be given great consideration
- And, last but not least, that C-2-B is contrary to the Brookland Small Area Plan which specifies a maximum of 50 feet through a PUD

At the very first set down meeting on this proposed project, you expressed many of these same concerns regarding the requested C-2-B zoning for the project. You'll recall that, at that time, the Office of Planning suggested that the C-2-A zone may be "more clearly consistent" with the Comprehensive Plan, Small Area Plan, and site context and recommended that the Zoning Commission consider a C-2-A map amendment (with additional FAR relief) along with the Applicant's requested C-2-B. At that time, you expressed concern about C-2-B's degree of divergence from existing neighborhood conditions, the land use map, and from the Brookland/CUA Small Area Plan. We believe your concerns then were and continue to be well-founded.

We understand that the PUD project that you ultimately approve in this case will dictate the actual height and density of the project. We understand that you will consider future PUDs in the area in a case-by-case manner. But, once we've crossed the C-2-B threshold for this first PUD project east of the tracks in Brookland, it's hard to believe that we won't be setting a

precedent for future PUD projects east of the tracks. Future developers will argue, in the court of public opinion if not to the Zoning Commission, that their proposed re-zoning to C-2-B is "consistent with previous actions of the Zoning Commission". Indeed Jim Steigman, one of the developers in this case, argued that very thing when he was first applying for a zoning change from R-2 to C-1 for his Colonel Brooks Tavern property. He argued that the Commission should support a C-1 zoning for his property because the Commission had already approved C-1 for two Horning Brothers properties in the vicinity: "The Heights" at Hawaii Avenue and Taylor Street and the retail center on Michigan Avenue near Franklin Street.

901 Monroe Street, LLC's unwillingness to consider a C-2-A zoning map amendment has prompted many to wonder what it is that makes a C-2-B zoning so much more appealing, especially since the divergence of the building they propose from what would be permissible under a C-2-A zoning is not that significant. In an attempt to answer this question, BNCA filed a Freedom of Information Act request with the Office of Planning seeking information about the regulatory implications of a C-2-B versus a C-2-A zoning. (As you might imagine, this information is not exactly transparent to the average citizen wondering about the implications of the various zones on things like liquor stores, fast food franchises, cell phone towers, antennas, gun shops, and other regulatory requirements.) It appears that the most significant difference and advantage of a C-2-B zone to the 901 Monroe Street project is the decrease in the affordable/work-force housing that would have to be provided. Oddly enough, the set-aside requirements for "stick-built" projects (i.e., one where the primary method of construction does not employ steel and concrete frame structure), like the 901 Monroe Street project, are less onerous in a C-2-B Zone District than they are in a C-2-A Zone District.

It seems that in the regulatory process associated with the affordable housing requirements, it was argued that, because of differences in construction costs, there should be a lower affordable housing set-aside requirement for steel and concrete frame construction than for "stick-built" construction. That premise was accepted but, apparently in the drafting of the regulations, OP applied the lower set aside requirements both to steel and concrete frame construction "...or any development located in a C-2-B..." and a number of other zones that allow heights that frequently use steel and concrete frame construction. I believe this was a mistake and that it has the unintended consequence of incentivizing developers to pursue C-2-B and higher zones.

In summary, for the reasons I mentioned above, the proposed 901 Monroe Street project has many positive attributes and we urge the Zoning Commission to approve it. But, for the reasons I also mentioned above, we urge the Commission to approve it with a C-2-A, not a C-2-B, Zoning Map amendment.

Thank you for this opportunity to testify.