

Dear Zoning Commissioners,
Re: ZC Case Number 18-18 and 18-19

My name is Aiyi'nah Ford. Presently, I am a Hillside resident, I also work in Historic Anacostia as Executive Director of The Future Foundation. I appreciate the time taken to hear from myself and others regarding this matter. However, I am clear this hearing is a farce. The decision to change current zoning for square 5860 and 5861 to the NHR Zone has already been made. Despite what you may believe this was done without the opportunity for community input. (Exhibit A). While these tactics are underhanded, this behavior is customary for developers within the city.

I am vehemently opposed to the manner in which this process-or more so lack thereof-is progressing. I know this map amendment should and could be executed as a PUD related Map Amendment. This is the appropriate course of action as opposed to a Rulemaking map and text amendment.

The jargon used to describe high density and mixed use zoning are terms used to perpetuate a myth that building is limited at squares 5860 and 5861. The application of numerous studies, inclusive public input, and a collaborative Comprehensive Planning process would further prove the contrary.

This proposed rulemaking merely allows what Redbrick has tried to achieve in an earlier PUD (ZC Case No 16-29). Redbrick development's has sought and received the cooperation of the Mayor's Office of Planning. Once the agency became bedfellows with Redbrick they sought to increase height limits in an attempt to raise profits on the backs of the people.

You may argue that the land belongs to Redbrick and is private. Lest not forget, when Redbrick purchased the land the site's use intensity was dictated by existing zoning laws. I am aware that changing those laws - or working to circumvent them - represent public land entitlements worth tens of millions of dollars to Redbrick. This profit will come at cost to the surrounding community. Issue experts have proven that upzoning increases rent. Property taxes will also rise exponentially impacting Seniors who purchased their homes before the new-found interest in Ward 8.

You know this will lead to long-term resident displacement as land prices respond to the upzoning before production of any affordable housing.¹ There is a formal

¹Does Upzoning Boost the Housing Supply and Lower Pricing? Maybe Not, City Lab, Richard Florida <https://www.citylab.com/life/2019/01/zoning-reform-house-costs-urban-development-gentrification/581677/> ("[I]nstead of falling prices, as the conventional wisdom predicts, the study finds the opposite. Housing prices rose on the parcels and in projects that were upzoned, notably those where building sizes increased.

Freemark identifies two key mechanisms by which upzoning acts to increase prices. First, the fact that upzoning registered so quickly in higher prices is a signal that land prices respond rapidly to the ability to build more units... what the [MIT] study does show, he added, is what happens on specific lots and areas

process to grant public land entitlements. It is called the PUD process. It can not be confused or conflated with rulemaking. This is thievery should it move forward.

Your Zoning Commission deviously addressed Redbrick's request to upzone squares 5860 and 5861 as a PUD. That matter is now being contested in the Court of Appeals and Federal District Court. I believe this rulemaking procedure is meant to evade judiciary input and stifle governmental checks and balances. This proposed rulemaking is an adjudicatory proceeding done under legislative pretense and involves the rights of parties more than broad policy decisions. I know this proceeding is illegal. I am confident that there will be more judicial action if this proposed rulemaking becomes final.

I engage my neighbors regularly. It is common knowledge that neither ANC 8A nor ANC 8C is comfortable with moving forward. They have also asked to be given an opportunity to draft a mutually beneficial Community Benefits Agreement. Currently, an equitable CBA that represents the community does not exist. ANC's represent the voice of the community and are the people that we elected to represent us.² In response to these Advisory Neighborhood Commissions' requests for a stronger, equitable CBA reflective of the community's need, Redbrick lets known yet another manipulative motive, beyond even dodging litigation, for handling this matter as a rulemaking proceeding:

“A Map Amendment is solely evaluated on its consistency with the Comprehensive Plan and may not be conditional on benefits and amenities”. March 4, 2019, Letter from Applicant.

Redbrick does not want to negotiate with the community. This hearing is also direct evidence of that. This company will make millions of dollars in profit they through *public* land entitlements resulting from this Map Amendment decision.

Redbrick would rather negotiate a CBA based on meaningless jargon such as a “design review”. I am fully aware of how a design review impacts the community from whence I was bred. Negotiations based on a design review put less of Redbrick's capital at stake. All of the details are subject to negotiation in Design Review approval. Major decisions with catastrophic impacts can be recategorized as a discussion about how the building looks or function. This process will address nothing like major matters such as the 44% additional height and 25% additional density Redbrick is *requesting*, and importantly, is not entitled to.

that are upzoned. And that's “where we should be concerned,” ...[Freemark] continued, because “those who worry that upzoning will increase prices in certain neighborhoods are likely being reasonable.””)

² On the other hand the zoning commission is an unelected body and should not be adjudicating under legislative pretense.

I think it is racist and classist that the Mayor and the Office of Planning is making it policy to do these sorts of rulemaking proceedings in black and transitional communities. I am aware black and transitional neighborhoods are the only sorts of areas these sorts of “Rulemakings”, which are a lot like PUD’s, are being proposed—areas such as on Chicago St. SE (19-03), High St. SE (ZC Case 18-10), K St NE (ZC Case 18-07), and here at Poplar Point (ZC Case 18-19). I believe this is akin to theft from our communities as it takes away our ability to negotiate strong CBA’s with developers, even as they displace residents, and begin re-segregating our communities to all white ones. By approving this application and others like it, the Zoning Commission is complicit in stealing from our community. Residents of Wards 1, 2, 3 and 6 would not tolerate 25% increases in density and 44% increases in height without the opportunity to be meaningfully heard. As a Ward 8 resident, I will not tolerate it either.

Redbrick should build “by-right” as any increases in zoning will destabilize my community. DHCD has not conducted a study on how this will impact the surrounding neighborhoods, especially as it relates to other coming development on MLK and near Anacostia Metro. Moreover, there have been no studies done on this proposals environmental impact. The re-mapping will greatly intensify use on a flood plain contrary to active policy documents making it inconsistent with the Comprehensive Plan³. Nor has any DDOT study been done as to how the re-mapping will interact with the Frederick Douglass bridge which was designed for existing zoning. The lack of reports from agencies belies that this matter is not policy oriented and really only meant to effectuate the wishes of Redbrick to increase heights and density as set forth in ZC Case No 16-29. I strongly oppose this Map Amendment being executed as rulemaking. I hope that you make the right decision but I’m prepared to do all I can to ensure an equitable outcome for all Ward 8 residents.

Respectfully Submitted,
Aiyi’nah Ford

³ Climate Ready DC, pg 10, paragraphs 4 and 5.