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Board of Zoning Adjustment

Subject: Case # 16457

Madam Chairman and Distinguished Panel:

Good afternoon! My name is ***Howard L. Terry, Sr.,*** a member of the ***Fairlawn Citizens Association***, homeowner and resident of 1932 Good Hope Road SE since November 10, 1972. Based upon my experiences and knowledge of this community, I rise in opposition to this development as proposed by KSI. During the KSI presentation, I found some of the ***Environmental*** issues fundamentally vague. Therefore, my enumerated points of opposition will stress a specific concern that will be followed by questions:

1. **SOIL SOUNDINGS** - Based upon my observations and knowledge of the content of the waste and debris deposited in that ***Land Fill***, I am not overwhelmingly convinced that this soil has the stability to support the type of development and this gives rise to the following questions:
   A. Was this land periodically ***tamped*** over the past twenty years to offer it a stable composition to offset decomposition of deposited waste?
   B. Was it power drilled down to the **bedrock** to ensure sound footings?
   C. If so, when and where is the report filed and what is the finding.
   D. If so, who regulated it and who verified its accuracy?
   E. What are the guarantees being offered by KSI for periods ***ten, fifteen*** or ***twenty years*** from now, when and if there is land shift resulting from an unstable base or erosion?
   F. What will their reparations be to the Tenants and City?
2. **WETLAND CONTAINMENT SAFEGUARDS** ***(Erosion)*** - The area down through and to ***19th Place*** and ***Good Hope Road*** is known for its underground water flow. The great pressure caused by that underground flow has created great open trenches at ***19th Place*** and ***Good Hope Road*** that has been capped off several times. Last year apartment buildings located at ***1907, 1978, and 2000*** experienced flooding following the Autumn rains. Even now there is periodic leakage from that source which requires **DPW** oversight and repairs.

Across the street on the apartment side between ***18th Street*** and ***19th Place***, there is significant erosion on the hillside where underground streams have eroded the soil. An apartment building at ***1855 Good Hope Road*** underwent extensive repairs within the last two years as a result of this erosion. Just below it is an area of ***standing water*** that looks like a ***swamp***. This water runs across the sidewalk both in summer and winter. In the summer there is a slippery green growth (infested with tiny insects). In the winter there are patches of ice across the sidewalk.

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Exhibit No. 117

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The underground flow affects the private homes across on the north side of Good Hope Road where I dwell. Many of the private home owners in these low-lying areas are required to have ***Sump Pumps*** in their basement because of this uncontrolled underground water flow. Over the years, it has been proven that a simple containment cap will not suffice.

A. Once development begins and attempted ***Wetland Containment*** begins, who is going to guarantee that the underground flow is properly contained?

B. Who pays for the repairs when a new or low-lying property is eroded or flooded, the ***tenants,*** the ***city,*** or the ***developer?***

3. **LAND FILL** - I also believe that starting from scratch in this ***Land-Fill*** area has the potential of introducing unanticipated developmental problems. Once ***seven or eight*** feet of top soil is scaled off of this site as proposed by the developer, it will expose some of the ***old refuse*** and ***debris*** deposited there. Hypothetically, once the developer sees the enormity of it, that may create an impetus to take short cuts to prevent cost overruns. Should such an instance occur, the city, the new residents and the community will be short changed.

4. TRAFFIC - I significantly disagree with the Developer's categorization of the traffic on ***Good Hope Road.*** As a resident homeowner whose house centers on the **"T"** intersection of ***19th Pl.*** and ***GHR.*** My home is centrally located in the area where the ***speed peaks*** to its highest point and unequivocally where ***most*** of the ***accidents occur.*** I believe the developer's statistics have been skewed to favor their own developmental concerns.

A. ***Speed*** - Most drivers tend to drive well in excess of ***40 mph.***

B. ***Accidents*** - My personal automobiles while properly and legally parked have been hit by speeding drivers at least ***six times*** *(two of them were totaled).* My son's cars have been hit ***four times*** and ***two vehicles were totaled*** (one while parked and the other while in operation within the last thirteen months). My neighbor's new car was struck less than a month after purchase. There are accidents weekly (sometimes several) on this stretch of road between ***25th Street and 18th Street*** of ***Good Hope Road.*** Many of the private homeowners have also experienced similar problems with their cars and property due to these types of accidents. My grandson was injured on ***Tuesday, January 19, 1999*** because of a speeding driver attempting a left turn during rush hour traffic at ***19th Place.***

C. ***Volume*** - Based upon its design, the flow of traffic Monday through Friday during Rush Hours Periods is comparable to that of Branch Avenue (most drivers are in a hurry).

D. ***Traffic Controls*** - There are ***seven*** major entries (streets) feeding into and across ***Good Hope Road,*** yet there is only ***one*** traffic signal (located at ***Marbury Plaza)*** between ***25th Street*** and ***16th Street.*** ***Nineteenth Place is a Hot Spot*** for accidents. It has the greatest need for a traffic signal because drivers traveling in a southwesterly direction frequently attempt left turns into the path of the oncoming northeasterly bound traffic. This happens at all times of day but most frequently during the morning rush hours as drivers attempt a short cut to the eleventh street bridge. This short street will have a direct feed into "U" Street and the proposed Development Area. Failure to consider the value of a traffic signal and trivialize its impact on the community by the developer shows a significant disregard for the interests of the Fairlawn Citizens and even the new potential residents.

5. **CRIME** - Over the past ***twenty-seven years***, there have been countless acts of violence (to include homicides as recently as January 2000) in the vicinity of ***19th Place*** and ***Good Hope Road***. Many altercations have ended in my front yard. There was an instance whereby a victim ran up into my enclosed front porch to avoid the attackers. My front car window and the jalousie window on my front porch were broken out by someone throwing a brick. Specifically, ***Tuesday, January 19, 1999***, my son's car was totaled directly in front of my house and my grandson, an occupant at the time was injured. The driver of the vehicle, got out of his car, walked across the hood of my son's car and ran over to ***1907 GHR*** where he lived across the street. ***Thursday***, ***June 24, 1999***, a bullet penetrated my left front jalousie window, traveled through my porch, piercing the aluminum casing, penetrating two screens, breaking three panes of glass, and exiting the screen on the other side of my porch onto my neighbor's property. All of these acts of violence and incidents were initiated and caused by persons residing in the apartments across the street.

Though my testimony may seem otherwise, I want it clearly understood that I am not opposed to apartments or its tenants per se. But, I do share Fairlawn's interest in maintaining a ***proper balance between private homes and apartments.*** This community already has its fair share of apartment buildings. The overwhelming incidence of crime originated by apartment tenants leads me to believe that building new apartments will not add to the integrity of the community. I have no knowledge of even a fraction of any such activity caused by private home-owners in this neighborhood. Home-owners because of their long term investment, are prone to take a greater interest in their homes and the community. Why? By virtue of ownership, they have a vested interest with the city to offer stability to the community.

As a general rule the apartment dwellers who tend to be more transient (generally residing in one area between ***three*** to ***five*** years), do not have a compelling interest in most instances to maintain someone else's property. After all, some of them are just starting out and are striving to become homeowners themselves. Others simply do not have the resources and drive to properly maintain property where they reside. Based upon news reports and general observations, it is in that latter group that initiates most of the crime.

My specific opposition to this development is that I am opposed to the building of new apartment buildings. A proper balance is what the community requested of KSI on the initial presentation of ***Tuesday, January 19, 1999.*** I believe there are enough standing apartment structures here already that could benefit from KSI's expertise. However, I draw from KSI's presentation that it would be ***cost prohibitive*** to renovate these buildings because the company could not make any money. That position alone reinforces my belief that they do not have the community interest in their plans. According to their presentation ***February 16, 2000***, they stipulated that they have renovated older apartments in other areas and did a magnificent job. Why then are they unwilling to do so in Anacostia? In my opinion, it would be more beneficial to the community for those units to be renovated than to leave them vacant just for the sake of building new ones.

As a resident of the Fairlawn community, I do not believe that the ANC's have fully kept the best interest of this community in mind in their presentations to the board. I believe that the bulk of their testimony is simply conjecture based upon their potential gain from the developer. I know that I have not received any information from them regarding the timing of their meetings. Aside from Mrs. Thelma Jones, I don't know of any other Fairlawn member who knows anything about the ANC's.

The testimony that I have heard from the ANC's, expert Community Representative and Consultants, etc., does not offer a true picture of KSI's interaction with the community. Even though the developer had the opportunity to work directly with Fairlawn, they chose the periphery (the ANC's and others), who did not interact with the populace to effectively present community concerns. Based upon my understanding of their testimony, one of those who testified was devious at best in misrepresenting Fairlawn's position to the Board. Those parties seemed to be driven by an ulterior motive which alienates most of the community.

As the Board weighs all of the Fairlawn Citizens Association testimony and other information, I respectfully request that the Board will reject the KSI proposal, because KSI's financially driven proposal has failed to offer a proper balance with the needs and overwhelming concerns of the neighborhood.

Respectfully submitted,

Howard L. Terry, Sr.
Fairlawn Citizens Association