

**TESTIMONY BEFORE THE DC ZONING COMMISSION
WEDNESDAY, MAY 18, 2011
PUBLIC HEARING AT 441 4TH ST, NW, SUITE 220-S
REGARDING ZONING CASE #05-28C**

**PRESENTED BY MR. GREG RHETT
PRESIDENT, EASTLAND GARDENS CIVIC ASSOCIATION**

Good evening Commissioners, staff, and neighbors, my name is Greg Rhett. I am the President of the Eastland Gardens Civic Association. I am a homeowner who has resided within this Ward 7 community for 13 years. This historical residential community is where we raise our children, vote, and pay our taxes. Eastland Gardens is officially designated as an African-American Heritage Trail Neighborhood for the District of Columbia... and it is so marked with a plaque. Our neighboring community, Mayfair Mansions, is also designated as an African-American Heritage Trail Neighborhood for the District of Columbia... and it too is marked with a plaque.

First and foremost, we remain vehemently opposed to the applicant's request for modifications, amendments, and zoning and mapping changes related to this particular case. It is our belief that these proposed changes are not consistent many policies of the Far Northeast/Southeast Elements, of the District of Columbia's Comprehensive Plan. These proposed "Major Changes" to first-stage approvals granted by this Commission, are not consistent with the residential character of this community, nor are they consistent with the **2006 Ward 7 Planning and Development Priorities and specifically, the 2006 Far Northeast/Southeast Area plan.**

In order to protect and preserve the long and storied character of our historic neighborhood, we remain strongly opposed to Case #05-28C. There has never been an expressed community vision to turn this lot into community college use. The dreams and desires of this community have always been to attract additional homeowners and **neighborhood friendly retail**; on a scale that fits within the existing environment and zoning limitations of our residential community. Ten, 11, and 12-story institutional

skyscrapers simply do not fit within the character of our community and **are inconsistent with any written plans ever presented and approved** for this community.

Our thriving middle-class neighborhood dates to 1928 when a group of developers called Eastland Gardens, Inc bought some 150 acres of the former Benning Racetrack property and began to construct **HOUSES**. In the more than 80 years since, this has remained a combined (Parkside, Mayfair, Paradise, Kenilworth, Eastland Gardens, and most recently, Lotus Square Apartments) residential community.

Given the architectural legacy defining the unique and historic character of our community, we strongly believe that there is absolutely no need to permit taller buildings strictly serving institutional uses. To us, approving these proposals does not make architectural and urban design sense.

In the historic area of Washington planned by Pierre L'Enfant, height-limit changes should be minimal, ranging from no increase to only a couple of stories. When compared with Mr. L'Enfant's plan, these proposals to radically increase building heights, in the middle of a residential community, is totally inconsistent. In fact, his design premise was that sites with taller buildings would face wide streets, public open spaces and parkland. Obviously, this is not the case with this particular proposal. Under Mr. L'Enfant's plan, allowable building heights were linked to street and avenue widths. This proposal, regardless of its proposed use would not be an aesthetic enhancement for our community.

Last year, a Washington City Paper article by staff writer Lydia DePillis advocated relaxing height limits in certain parts of the District. Titled "Let It Grow," the piece summarized the District's history of planning, zoning, political governance and regulatory oversight related to building heights. It recalled the original urban design aspirations of George Washington and Thomas Jefferson, who envisioned an airy, low-scale, light-filled city akin to Paris **and decidedly unlike New York**. Those fundamentally aesthetic concerns and aspirations have endured and influenced D.C. zoning policy ever since. We agree with these aspirations, and clearly do not want this

15 acre piece of our community to be transformed into a “little New York” by a developer’s irrational concept of “shoe-horning” these sky-scrapers within our midst.

Most important, it’s not enough to lift the District’s height limits just to produce more square footage and taller buildings. Allowing more height also must be a catalyst for lifting the quality of the city’s architecture. The applicant’s proposals fall far short of that architectural mark. We believe that current height limits should be kept in place. Raising height limits in neighborhoods away from the historic and monumental core may be easier to enact, but I don’t see anybody seriously advocating the need for more community college or university space in Cleveland Park, Palisades, Glover Park, or Crestwood. In fact, in some neighborhoods, local opposition to tall buildings and universities are intense and zoning codes restrict building heights far below the statutory limits imposed by the Heights Act.

Advocating for more development near Metro stations is great as long as the transit system doesn’t continue to crumble apart before our very eyes. Same can be said for the roads, access to parking, and traffic increases, etc. We believe that these issues must be addressed before or in concert with the type of changes proposed by this applicant.

We strongly believe that the applicant’s piecemeal approach (i.e., shoe-horning a Community College next to a Public Health Clinic) to such an important aspect of the zoning laws would certainly open a Pandora’s Box. If some exemptions to the Height Act are made, then everyone will line up waiting to get their own exemption. How many more worthy projects would stall while developers lobby/sue for their right to build taller buildings on their lots in the middle of residential communities? How much will land values go up out of pure speculation that certain pieces of property may be permitted to build past the current height limits? These factors are already problematic and we can only imagine what would happen if even more holes and exemptions were poked in the current zoning framework. As such, our desire for new housing affordable for city dwellers may be arrested by increased land values which in turn jack up housing costs more than they might otherwise be. This could devastate current and future plans to add

new housing opportunities within our community.

There are many things that need to be fixed in the District in order to provide a higher quality of life for its residents; however, “shoe-horning” a community college into the middle of our residential neighborhood is currently not one of those pressing problems.

Mr. Albert Irving Cassell considered one of the most prominent and influential Black architects in American history began the fulfillment of a grand vision for this combined residential community approximately 80 years ago. He was much more than a designer of buildings. He was a builder of hope and fairness, and possessed a greater vision of creating a community where African-Americans would have real opportunity. At a time when decent, affordable housing was extremely scarce for African-Americans and despite pervasive discrimination in the housing market, Mr. Cassell worked to fulfill his vision of a showcase African American community that would be elegant, prosperous, and self-reliant. From Mayfair to Parkside, from Kenilworth to Eastland Gardens, to Paradise, Mr. Cassell’s vision of a better community reflected the hopes and aspirations of residents. The applicant’s plan simply reflects a simple profit motive of quickly collecting cash from the District’s tax coffers via this fiscally irresponsible land deal. Two land purchases from the same land owner, financed by District tax payers. This is not about a suddenly discovered need for post-secondary education services, it’s about making a buck.

In the 1930’s, Mr. Cassell conceived of the idea for a major development of quality housing to be located on the site of the old Benning Race Track, near the Anacostia River in far Northeast Washington. The horse racing track had been closed down in 1908. In 1938, he optioned the land for the project he called Mayfair Gardens on the Parkway. He designed a garden apartment community of over 1,000 homes which filled the site of the old race track with buildings round the far turn and a beautiful green mall running the length of the complex. He envisioned a complete neighborhood with shops and offices across the street from the new residential community. The housing was for the growing and underserved market of African-American households in segregated

Washington, DC. **Mr. Cassell was able to secure enough support to begin development of Mayfair in 1942. Development was not without major financial delays and construction set backs. The site had a high level of underground water because of its proximity to the Anacostia River.** Mayfair Mansions, completed in 1946, is one of the District's earliest garden apartment complexes. The project, which opened with more than 500 units, when first opened had a waiting list of almost 5,000 hopeful residents. This project represented a collective effort to provide AFFORDABLE HOUSING for black residents. When completed, Mayfair Mansions was a first-class complex offering a welcome HOUSING opportunity for working-and-middle-class blacks who were excluded from housing elsewhere because of racially restrictive housing covenants. It was listed on the DC Inventory of Historic Sites and the National Register for Historic Sites in 1989.

Mayfair was not the first housing built in this Anacostia neighborhood. **In 1929, developer Howard Gott created a subdivision on a piece of land known as Beall's Adventure for detached, single-family homew which became Eastland Gardens. In 1943, Parkside Dwellings, 351 units of housing for the families of wartime workers and other families that were displaced by slum clearance. These homes were located across the street from Mayfair Mansions on the site that is now called Parkside. Another housing development, the 42-unit Parkside Addition, was completed in 1957. Today, these 4 buildings have been demolished, to be replaced by another housing development, the Pollin Memorial Townhomes.**

In 1958, the 422 –unit Kenilworth Courts complex was completed. This complex is located a few blocks north of Mayfair and next to the single family homes of Eastland Gardens. Kenilworth Courts was conventionally operated public housing, financed by the federal government, but managed by local government. In 1982, the tenants of Kenilworth Courts convinced the city and the federal government to transfer ownership and the responsibility for the management of their homes to them. A new company called Kenilworth Parkside Resident Management

Corporation, under the leadership of Ms. Kimi Gray, would own and operate the Kenilworth Courts and Parkside Addition developments.

By the early 1990's, Mr. Cassell's vision of a proud, safe and attractive community was thriving. On the site of the old Parkside Dwellings, streets and infrastructure for a new neighborhood were completed in 1991. In 1992, construction of new single-family townhouses began. That project hit multiple financial snags and ultimately went bankrupt, with the remaining parcels sold at a tax auction. Today 100 townhomes remain, surrounded by vacant parcels. Today, this development is called Parkside Townhomes.

Finally, in 1967, Paradise Manor was completed. Paradise completed the original site plan for Mayfair Gardens on the Parkway – 650 apartments in 15 buildings. Parkside dwellings was demolished in 1970.

Sadly, today, there are those who propose to dismiss and trample upon Mr. Cassell's great vision. Bland, ill-fitting, high-rise institutional buildings are being proposed simply for expediency of profit from shameless land deals negotiated in back rooms; and to add insult to injury, this land deal will be financed by District tax dollars. Today's proposal reflects not vision, but greed and selfishness. This proposal does not reflect the dreams hopes, and aspirations of fellow residents, it simply is the outcome of short-sighted and selfish views of a few, who have shown themselves to have no shame and who are willing to exploit, misinform, and forever splinter this entire community. Mr. Cassell's dream is being turned into our worst nightmare.

In researching for relevant facts related to this case, we found that four Comprehensive Plan workshops took place in Far Northeast and Southeast during 2005 and 2006. These meetings provided an opportunity for residents to discuss both citywide and neighborhood planning issues. The Advisory Neighborhood Commissions and groups such as the Ward 7 Leadership Council also provided a voice for local priorities and

concerns. There have also been many meetings in the community not directly connected to the Comprehensive Plan, but focusing on long-range planning issues.

The Ward 7 Planning and Development Priorities states:

The community delivered several key messages during these meetings, summarized below:

a. **The low density character that typifies most Far Northeast and Southeast neighborhoods should be maintained.** While it is recognized that the area contains much vacant land with the potential for infill development, **this development should generally be similar in density to what exists today.** This is one of the few areas in the city with opportunities to build three- and four bedroom homes suitable for families with children. Whereas the neighborhood lost families to Prince George's County and elsewhere in the past, it may gain families from these areas in the future **if it builds appropriately designed housing,** provides quality schools, and improves public services.

“While protecting established single family neighborhoods is a priority, Far Northeast and Southeast recognizes **the need to provide a variety of new housing choices.**”

We strongly believe that both the proposed Community College is absolutely **not consistent** with the historic character of our combined neighborhoods or our Far Northeast/Southeast Area Plan. If allowed, this proposal will completely destroy the neighborhood atmosphere and character of this combined community.

Our Conclusions Re Case #05-28C: Community College of the District of Columbia:

As we understand current law and zoning regulations regarding building heights, the applicant's request to change the current zoning for Block I of the property from residential to educational institution must have zoning approval. In order to protect and preserve the neighborhood character of this combined community, we strongly urge the

Commission to reject this requested change. We believe that the original stage-one PUD applicant should stay with the original zoning plan that was vetted by the community and approved by this Commission. We beg to differ with the Office of Planning's recommendation that this requested modification is "not inconsistent" with the current Comprehensive Plan.

The **Generalized Policy Map** depicts the site as within the "Neighborhood Enhancement Areas" designation. *"The guiding philosophy in Neighbor Enhancement Areas is to ensure that new development "fits in" and responds to the existing character, natural features, and existing/planned infrastructure capacity.* Case # 05-28C does not meet the above philosophical criteria, in our estimation.

The applicant proposes to not only increase the density and intensify land use within this combined community, they also want to reduce the previously required number of parking spaces (102), and now propose to move existing street parking spaces (63) below grade. We have yet to see evidence that this is even possible given that this area clearly falls within the Anacostia River Watershed. Finally, we believe that this institutional structure will certainly increase daily grid-lock and additional traffic and safety concerns for the residents of this community. The CCDC will be located on narrow residential streets. To our knowledge, there are no plans to widen said streets (Kenilworth Terrace or Hayes St). We still have not seen the results of the pending DDOT analysis of the submitted traffic impact study.

Furthermore, to our knowledge, the applicant has not submitted any recent data that proves their contention that this proposed CCDC is desired by a majority of this community. No evidence or data has been submitted that proves the applicant's contention that this CCDC will be utilized by residents of our combined community – negating their "Site Planning" benefit.

We believe that this proposed usage and requested amendments for this particular plot of land is **inconsistent with the Comprehensive Plan, and is inconsistent with the**

existing character of the surrounding area land use recommendations set forth within the Planning and Development Priorities of the Far Northeast/Southeast Area Plan:

Chapter 17: Far Northeast & Southeast Area Element:

Policy FNS-1.1.1: Conservation of Low Density Neighborhoods

Recognize the value and importance of Far Northeast and Southeast's stable single family neighborhoods to the character of the local community and to the entire District of Columbia. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect and protect the existing low density land use pattern while allowing for infill development that is compatible with the neighborhood character.

Policy FNS-1.1.2: Development of New Housing

Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues.

Policy FNS-1.1.4: Retail Development

Support the revitalization of the neighborhood commercial areas listed in Policy FNS-1.1.3 with new businesses and activities that provide needed retail services to the adjacent neighborhoods and that are compatible with the surrounding land use.

Policy FNS-1.1.9: Congestion Management

Re-examine traffic control and management programs.....and develop measures to improve pedestrian safety and mitigate the effects of increased local and regional traffic on residential streets.

Policy FNS-1.2.6: Historic Resources

Protect and restore buildings and places of potential historic significance in Far Northeast and Southeast.....

Policy FNS-2.8.3: Density Transitions at Parkside

Provide appropriate height and scale transitions between new higher density development in the Kenilworth-Parkside neighborhood and the established moderate density townhomes and apartments in the vicinity. Buildings with greater heights should generally be sited along Kenilworth Avenue and Foot Street, and should step down in intensity moving west toward the river.

Again, the applicants want to convince you and us, that these proposals are altruistically pure in motive and intent. Based upon the evidence/plans submitted, we strongly believe that the “real” motive behind these proposals is bottom-line profit potential for quick land deals. After all is said and done, City Interest will be the only entity to reap the potential profit of these land deals, initiated by them, for them. The peace and tranquility, safety, and property values of long time homeowners and residents will be forever tarnished and ruined.

In May of 2006, I and many of my neighbors demonstrated our very sincere enthusiasm and excitement about the possibilities and opportunities that this Parkside Planned Unit Development represented. Like other neighbors, we also want realistic and neighborhood friendly amenities and improved services within our community. We made the time to come before this Zoning Commission to offer our supportive testimony for the record re the developer’s Stage 1 proposals.

Today, almost 5 years later, we now come before this body to offer our strong opposition to the overall direction and non-transparent approach that the developer has taken with their requested amendments and modifications re their Stage 2 proposals.

We’d like to reiterate our four Basic reasons for our opposition to these proposals:

1. If approved, these requested amendments and modifications could **negatively impact our property values, our quality of living, and our peace and**

tranquility. This compact and isolated historically-designated residential area was never intended to serve as a host of industrial, institutional, or large commercial enterprises. These requested Stage 2 PUD modifications and amendments will dramatically shift this residential centered history.

2. We see these requested **amendments and modifications as an isolated hodge-podge of profit-driven actions which do not enhance the attractiveness of this community to new residents** (renters or homeowners). In fact, these requested amendments/modifications could potentially derail the viability of other planned residential projects within this immediate area (Pollin Memorial and Mayfair Mansions). There are already more than 350 tax-credit rental units (Mayfair and Lotus Square) already on line, or soon to be online within this immediate area, on top of another 142 townhomes (Pollin), which are already under construction. The Pollin project received commitments of approximately \$9M in District tax dollars, plus, the land for this project was granted to them by the DC Housing Authority. The applicant's proposal, if approved, would put this investment of tax dollars at great risk, by making this area less attractive to potential new families. Who would want to purchase a home that will be overshadowed by a "little New York" cluster of bland institutional buildings?
3. We absolutely are **very fearful of the resulting traffic, parking, and public safety challenges that will most assuredly result from these requested Stage 2 amendments and modifications.** Residents are already facing frequent traffic grid-lock that virtually traps us within this "one-way-in and one-way-out" community. One traffic accident on Rt 295 South.... And it's over! We can only imagine how much worse it will be with the additional vehicular traffic resulting from these unrealistic proposals... **Contrary to some previous DDOT analysis we do not find their traffic impact assessment acceptable.**
4. Finally, in these **distressed economic times for the District of Columbia, we find this whole arrangement to be fiscally irresponsible...given that the**

potential land purchasers, CCDC, will utilize District and/or Federal tax dollars to consummate this land deal that at the end of the day will only profit the applicant. With so many closed DCPS owned buildings, and unused plots of land within Ward 7, why should the District Government finance land acquisition and construction costs for the CCDC?

We will end our testimony with this historical reminder, which can be verified via simply reviewing previous Zoning Commission transcripts.

In 2006, at a hearing before this Commission, an expert witness, speaking on behalf of the applicant, Mr. Donald Carter, from Pittsburgh, Pennsylvania, President of Urban Design Associates in Pittsburgh testified that they were able to come up with a very solid proposal/plan by initiating a very inclusive resident engagement process. He talked about how for approximately 1yr they took the time to publicly meet with residents via planning charettes throughout the impacted area, **PRIOR** to coming up with any plan or proposals. Mr. Carter testified that at the end of the design charette, after they had done their work, they had a big public meeting, and said to residents: “this is where we think we are going, what do you think about that?” And, they stayed as long as needed, and heard as many questions as needed, and based upon the evidentiary list provided to the Commission – the proved that they had pretty much touched every single community development organization, neighborhood group, Social Service group, that they could find, and there were just literally hundreds of people involved throughout the process. Mr. Carter testified about how they built “big-scale” models that residents could look at, so that they could see what kind of ideas the developer had in mind..... He spoke about how there was such a tremendous resident turnout at all of their events.....

Mr. Carter specifically talked about the “community vision” that they had gained from the process.... A vision: *“the visions were, and we heard this from everybody, mixed-income housing of all types, so that everyone can live here, new retail mixed use,*

including office, affordable housing for people in the neighborhood, not necessarily to attract people from out of the neighborhood, new permanent jobs, better access to the Metro, access to the river, and it's family friendly and welcoming, just as Ward 7 is."

Mr. Carter further testified that *"we didn't want to ignore the context of D.C. as well, so we investigated recent developments in D.C., in terms of mixed-use buildings, condos, rental apartments, office buildings, as well as townhouse developments. We were looking for the best examples that we could find in D.C. As Phil said earlier, our program was based on hard market studies. On the residential side, we used Zimmerman-Volk Associates, who are, I think, the best at looking at inner-city housing developments, and they predicted over the next five plus years 1,500 to 2,000 housing units could be built here, a mix of rental and for sale, of all kinds, condos, lofts and townhouses, everything but single-family residential, detached. All the other categories are there. And, this is a commitment of the developers already, but it also is justified in the market, **20 percent affordable, 20 percent workforce, and 60 percent market.** Under commercial, as you know, all three developers are very experienced in the District, and this is the commercial development that they've determined is justifiable in the market, 500,000 to 750,000 square feet of office and technical space, plus 30,000 to 50,000 square feet of retail."*

Not once, did Mr. Carter, speak or allude to hearing this community express a desire to host a Community College.

He further went on to address retail and marketing principles: *"I want to highlight the last, because a lot of people have thought this would be a great retail site, as a retail shopping center, but in actual fact, the market is telling us that the retail should be neighborhood serving, for the people who live in the neighborhood now, who will move there eventually, who live in Mayfair, who live in Eastland Gardens, plus the people who will be working there in the new office building. So, combining all of the hard information, the soft information, what the market was telling us, we developed design principles. Before we put one line on paper we said, what is all this telling us, what we*

should use to guide our design, and how can we test ourselves at the end? These are the design principles. Provide neighborhood-serving retail, develop mixed-income housing, support education improvements, and connect to open space amenities, make safe and attractive pedestrian connections, and improve vehicular access, buffer from the PEPCO plant. It's not going to go away. High-quality building street-scape, open space and public art, all about what we were hearing from everyone and what the data was telling us."

Not once did Mr. Carter speak or allude to the marketing data (hard or soft) indicating that a Community College fit into the resulting "design principles."

*And finally closing statement from Mr. Carter: "when we met with the residents of **Parkside Townhomes** we found a very proud and a very defensive neighborhood in a sense, what is going to happen, they've maintained their houses, they have a townhome association, and around them is all this vacant land, what is going to happen around us? What was promised to us in the past? And, what we heard over and over again is, we want townhomes around us. We want people to own their homes, just as we own our homes. We don't want rental apartments next to us, we want townhomes, and **we don't want big buildings looming over our buildings.**"*

Thank you for the opportunity to submit this written testimony, and I would be glad to answer any questions.