

**TESTIMONY BEFORE THE DC ZONING COMMISSION**  
**MONDAY, APRIL 4, 2011**  
**BEFORE ZONING HEARING AT 441 4<sup>TH</sup> ST, NW, SUITE 220-S**  
**REGARDING ZONING CASE #'S 05-28B, 05-28C, AND 05-28E**  
**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.

As to our specific standing in this matter, Parkside, Mayfair, Lotus Square, Paradise, Eastland Gardens, and Kenilworth are all served by ANC7D and by the 6<sup>th</sup> District Patrol Service Area 601. Consequently, we are all directly and immediately impacted by any proposed plans/projects within this area.

For the record, the Eastland Gardens neighborhood consists of approx 350 units of single family-detached housing. Our Civic Association was founded in 1935. Our Association is the oldest neighborhood entity within the entirety of this impacted community. Our boundaries: to the South, is the Watts Branch Tributary (**approx 1.5 blocks from the parcels under discussion this evening**); to the North, it is Eastern Ave (MD/DC border); to the West, the Anacostia River; and to the East, it is the 295/Kenilworth freeway. Our boundaries cover not just Eastland Gardens, but, also Kenilworth (approx 240 units of both Public and Private Housing) and the Aquatic Gardens, and a large portion of the National Kenilworth Park.

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. 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.

Basic reasons for opposition from the Eastland Gardens Civic Association:

1. If approved, these 3 sets of 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 City Interest 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. This 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.
3. City Interest, by **aggressively pushing forth THEIR vision for OUR community** demonstrates that they have no consideration of mitigating factors that could potentially destroy the long-term economic value and quality of this community. Mitigating factors such as what happens if the Pollin Project goes into default because no one will purchase a market rate townhome (plans already underway for 142 units) **overshadowed by 12-story buildings and an Urgent**

**Care Center all shoe-horned into such a compact residential area....**

Mitigating factors such as how difficult will it be for the owner of the recently defaulted 5 buildings within Mayfair Mansions to rent out 109 apartments units overshadowed by 12-story buildings and an Urgent Care Center all shoe-horned into such a compact residential area. These potential defaults will certainly increase in the costs of homeowners and renters insurance; will spur a tremendous increase in traffic and grid-lock; and will ultimately result in the very real possibility of decreased home values, which, in-turn will increase the difficulty of any of us getting equity lines of credits or refinancing loans, **no matter how good our personal credit ratings may be!**

4. 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 DDOT analysis we do not find their traffic impact assessment acceptable.**
5. Fellow residents and neighbors are **absolutely insulted and overwhelmed by the demonstrated arrogance and divisive approach taken by the developer** and their potential buyers. They have been as non-transparent, non-inclusive, and uncooperative as they could possibly be (**i.e., convening “secret” meetings; non-response to written questions; providing 4 different presentation materials at 4 different community meetings, etc**) in their desire to impose their individual wills and **turn a quick profit from associated land deals and developers fees** (we had to publicly embarrass a City Interest representative into publicly disclosing that they in-fact had a financial interest in the EDUCARE deal as the paid developer for the project (currently under construction)).

6. Finally, in these **distressed economic times for the District of Columbia**, we **find this whole arrangement to be fiscally irresponsible...given that both potential land purchasers (DCPCA and CCDC) will utilize District and/or Federal tax dollars to consummate these land deals that at the end of the day will only profit City Interest.** With so many closed DCPS owned buildings, why should the District finance land acquisition and construction costs for the CCDC? Why can't the DCPCA simply utilize their funds to simply build out a more appropriate space at the DC General Health Campus...? Approximately 1 mile south of this area?

**In a review of the Transcripts from a 2010 Zoning Commission "Sit-Down" Hearing, wonder if this Zoning Commission ever received adequate responses to various member questions and concerns:**

1. "All along, residents have been led to believe, and the zoning in place for these parcels suggests that the initial stages of this PUD would be a series of additional townhomes. What is being proposed is much more dense than that."
2. "The original Office of Planning's recommendation condition was that no 2<sup>nd</sup> Stage development beyond a matter of right should be approved until the new bridge was built, or at least under construction. The original PUD tied the development directly to the bridge construction; then it appears the developers changed their approach and or the Office of Planning inexplicably backed off of this recommendation."
3. "Without that bridge, exactly how can the developer justify framing this development as pedestrian oriented? Where will that additional pedestrian traffic come from?"
4. "So, whatever happened to the plans to construct offices and neighborhood friendly retail? No potential tenants were ever presented to the Commission."

5. "Has the developers adequately explored the potential for Benning road access, given that there's basically still only one-way-in and one-way-out of this area?"
6. "Parkside Homeowners Association was clearly opposed to this PUD and not comfortable with, nor has the Commission been provided with detailed traffic studies and DDOT analysis of how this all will fit in with the Stage 2 proposals."
7. "Has the developer submitted a revised and updated traffic impact analysis regarding the adequacy of pedestrian and vehicular access to this site if it includes a Community College and an Urgent Care/Health Center?"
8. At a previous ZC hearing/meeting on this 2<sup>nd</sup> stage proposal, the Commission also asked the applicant about the affordability proffer, the period of affordability for the affordable housing proffer, and the applicant was very straightforward in answering in terms of the rental units. But for "for sale," "we're not exactly clear what is being proposed here." They're clearly tying this to like HPAP programs and various programs that really set the affordability periods, and letting that be the driver.

**Questions/Concerns arising from the May 15, 2006 Public Zoning Commission Hearing re the 1<sup>st</sup> Stage PUD:**

Mr. Phil Feola with Pillsbury Winthrop Shaw Pittman, on behalf of the Applicant, clearly stated that the purposes of this **PUD** are really the completion of the **Parkside** Master Plan, a 26-acre tract of land that was started in the mid 1980s but never completed. This project would include all aspects of good neighborhood planning. It will have at the end of the day affordable housing and market rate housing. It will have rental housing and home ownership opportunities. It will have **retail and service opportunities** that don't

exist in this neighborhood, and it will provide an opportunity for a major employment facility in this area so we are able at the end of the day to develop 1,500 to 2,000 housing units, 500,000 to 750,000 square feet of employment office space, 30,000 to 50,000 square feet of neighborhood serving retail.

**Not once, in his sworn testimony, did he mention a Health/Urgent Care Clinic. Not once did he mention a Community College.**

Another 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 charrette, 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."*

**For this 2<sup>nd</sup> Stage application, this successful and transparent charette process was totally abandoned. There were very limited attempts by the developer or their agents to get true community input, or gain community buy-in for these modifications and amendments submitted before this body today. This 2<sup>nd</sup> Stage application simply represents the developer's isolated and divisive attempt to simply impose their will and profit-driven desires upon the residents of this community.**

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 an Urgent Care/Health Clinic. Not once in his testimony on behalf of the applicant 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 or an Urgent Care/Health Care center 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 building.**"*

In conclusion, it is clear that in order for these amendments/modifications to be implemented, the construction will have to dig 2 to 4 stories beneath the surface; in fact, the plan appears to indicate that there will be 2 below-ground levels of parking for

approximately 60 vehicles. Given this, what are the outcomes of recent soil bearings? What are the results from the research regarding some admitted issues with the water-table within this area? Has the Commission received this data, or an updated report/finding?

Thank You for the Opportunity to Submit this Written Testimony