

AS. OFFICE OF ZONING
2011 APR 14 PM 12:22

1120 42nd Street, NE
Washington, DC 20019
April 14, 2011

Mr. Anthony Hood, Chairman
DC Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

Re: Case Numbers: 05-28B, 05-28C & 05-28E

Dear Chairman Hood,

I am a resident of Eastland Gardens and I am opposed to the CCDC project being built in the Parkside community by CityInterests and/or other partners for several reasons.

I do not feel that they have given adequate consideration to our environmental future. While CityInterests has developed a traffic study, it does not encompass all building components (i.e., Victory Senior Housing, proposed DCPCA medical facility, proposed new construction of up to 2,000 residential housing units, proposed CCDC and the EduCare facility). It only references and measures the traffic being generated from the community college at odd times of the day, which I do not feel is directly correlated with reality. I have not seen an all inclusive study that shows the effect on the community once all vacant land parcels have been developed. Given that this development will closely border the Anacostia River, there have been no comprehensive studies (to my knowledge) that show the impact on the Anacostia Watershed. By Mayor Gray's recent admission, "...the Anacostia River is one of the ten most polluted in the country." See Attachment. This is major cause for concern. It has been my understanding that the area slated for this proposed development is located in a designated flood zone; therefore, an underground parking garage (allegedly to alleviate some of the parking problems) is not feasible or advised. If allowed to continue without prudence, the environmental impact can be devastating for all. Additionally, with the recent Consent Decree between PEPCO and the District of Columbia, which provides absolution of liability in many cases, I feel obliged to better protect the future of my community and its residents.

I hope that the DC Zoning Commission will give my concerns ample weight and deny CityInterests' request for modifications. I also wish to have this letter entered and distributed to the members of the Zoning Commission for the 4/18/11 hearing record. Thank you.

Sincerely,

Javier Barker
Javier Barker

ZONING COMMISSION
District of Columbia

CASE NO. *05-28*

EXHIBIT NO. *49*

ZONING COMMISSION
District of Columbia
CASE NO. 05-28E
EXHIBIT NO. 49

District of Columbia

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- District of Columbia v. Pepco Consent Decree*

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Pepco and the District Agree on Environmental Investigation and Cleanup Study at Benning Road Facility

Consent Decree Filed Regarding Pepco's Benning Road Property

WASHINGTON – The District of Columbia Department of the Environment (DDOE) announced today that it has entered into a Consent Decree with Pepco Energy Services Inc. (PES) and Potomac Electric Power Co. (Pepco), under which Pepco and PES have committed to launch an environmental investigation and cleanup study of Pepco's Benning Road facility. Under the Consent Decree, filed in Federal District Court yesterday, Pepco will investigate the facility and adjacent portions of the Anacostia River to determine if historical Benning Road facility operations have contributed to contamination of the Anacostia River sediments and if so, what – if any – additional response actions should be taken.

Pepco and PES are cooperating fully with DDOE in this matter and support the District's efforts to protect the Anacostia River, a valuable resource for the District of Columbia and its residents. Pepco's Benning Road facility is one of six publicly and privately owned sites along the Anacostia that DDOE has identified as potential sources of pollutants impacting the river.

"I applaud the parties for swiftly bringing their negotiations to closure, and committing their resources towards fixing the problem," said Mayor Vincent C. Gray. "It is simply unacceptable that the Anacostia River is one of the ten most polluted in the country. I expect that this settlement will inspire others to follow Pepco's example, and do their part in returning this important asset to the community."

The Benning Road facility has been in operation since 1906, providing electric generation, transmission and distribution services to residents, businesses and government entities in the greater metropolitan Washington area. The electric generating station at Benning Road has been managed by Pepco Energy Services as an intermittent, peak demand electric plant since 2000.

"Compliance with environmental and safety requirements is a top priority for all Pepco and PES employees," said Wesley L. McNealy, director of environmental services. "We are committed to full compliance with environmental laws and regulations with respect to all of the operations at our Benning Road facility. Today's agreement is indicative of the common goals and spirit of cooperation on environmental stewardship shared by Pepco and the District of Columbia Government."

Thomas H. Graham, Pepco region president, added, "We are committed to the health and safety of our customers, our employees and the community we serve, and we are proud of our employees' continual pursuit of operational excellence at the Benning Road facility." According to Graham, Pepco intends to study carefully the impact of past industrial practices and will do its share to improve the environmental quality of the Anacostia River. "As we begin our investigation," Graham said, "we remain committed to open dialogue with neighbors, customers and other stakeholders and will keep the public informed regarding this very important issue."

Acknowledging the significance of the agreement, Acting Attorney General Irvin B. Nathan said, "This settlement, achieved in record time, sends a strong message that we value the River and that we intend to work vigorously to address any harmful impacts to this precious resource. We thank PEPCO for supporting the District's efforts to improve the health of the River."

DDOE Director Christophe A.G. Tulou, agreed, stating, "This settlement is an essential component in our strategy to restore the Anacostia River to its full vitality. This is the fourth site where we will have transparent, enforceable commitments to improve the Anacostia. We look forward to additional successes at additional sites."

The Consent Decree will be made available for a 30-day public comment period. At the conclusion of the public comment period, the parties will evaluate all comments received, and then move to enter the Consent Decree as a Final Court Order.

Contact: Donna Henry (DDOE) 202.299.3338

Mary Beth Hutchinson (Pepco) 202.872.2691

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