

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

LANO PARCEL 12, LLC - 2ND
STAGE PUD & RELATED MAP
AMENDMENT @ SQUARE 5055

Case No.
05-28C

Wednesday,
May 18, 2011

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 05-28C by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
PETER MAY, Commissioner (NPS)
GREG SELFRIDGE, Commissioner

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
STEPHEN MORDFIN

The transcript constitutes the minutes from the Public Hearing held on May 16 2011.

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APPEARANCES:

On Behalf of the Applicant

of: PHIL T. FEOLA, ESQ
Goulston & Storrs
1999 K Street, N.W.
Suite 500
Washington, D.C. 20006
(202) 721-1114

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1 P-R-O-C-E-E-D-I-N-G-S

2 6:53 P.M.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. I want to apologize for
5 not having a court reporter. What I want to
6 ask tonight is that we speak clearly and
7 hopefully the camera operator will make sure
8 that he's focused on you and hopefully we're
9 getting a good sound. So I'm going to ask
10 everybody to speak clearly into the
11 microphone.

12 This is a public hearing of the
13 Zoning Commission for the District of Columbia
14 for Wednesday, May 18, 2011. My name is
15 Anthony Hood. Joining me are Commissioners
16 Seldridge, May, and Turnbull. Vice Chairman
17 Schlater has recused himself and will not be
18 participating in these proceedings.

19 We're also joined by the Office of
20 Zoning staff, Ms. Sharon Schellin; the Office
21 of Planning staff, Mr. Lawson and Mr. Mordfin.

22 This proceeding is being recorded

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1 by a court -- well, it was going to be
2 recorded, but it's not, but we are webcast
3 live. Accordingly, we must ask you to refrain
4 from any disruptive noise or actions in the
5 hearing room.

6 The subject of tonight's hearing
7 is Zoning Commission Case No. 05-28C which is
8 a request by Lano Parcel 12, LLC for approval
9 of a second stage PUD and related map
10 amendment intended to build a community
11 college on property at Square 55 and it was
12 continued from May 5, 2011.

13 Notice of tonight's hearing was
14 published in the D.C. Register on February 18,
15 2011 and copies of that announcement are
16 available to my left on the wall near the
17 door. The hearing for 05-28C will be
18 conducted in accordance with provisions of 11
19 DCMR 3022 as follows: tonight we will only do
20 ANC presentations, in this case ANC 7D;
21 presentation by the party in opposition, in
22 this case Eastland Gardens Civic Association;

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1 rebuttal and closing by the Applicant.

2 The decision of the Commission in
3 this case must be based exclusively on the
4 public record. To avoid any appearance to the
5 contrary, the Commission requests that persons
6 present not engage the members of the
7 Commission in conversation during any recess
8 or at any time.

9 The staff will be available
10 throughout the hearing to discuss procedural
11 questions.

12 Please turn off all beepers and
13 cell phones at this time so as to not disrupt
14 these proceedings.

15 Would all individuals wishing to
16 testify as part of the ANC and Eastland
17 Gardens Civic Association or on behalf of the
18 Applicant, please rise to take the oath.

19 Michelle, could you please
20 administer the oath?

21 MS. SCHELLIN: Do you
22 solemnly swear or affirm that the testimony

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1 you'll give this evening will be the truth,
2 the whole truth, and nothing but the truth?

3 (The witnesses were sworn.)

4 Thank you.

5 CHAIRMAN HOOD: At this time the
6 Commission will consider any preliminary
7 matters.

8 Does the staff have any
9 preliminary matters?

10 MS. SCHELLIN: No, sir.

11 CHAIRMAN HOOD: Okay, I'm going to
12 call up ANC-7D chairperson, Ms. Seaward, for
13 your presentation.

14 MS. SEAWARD: Good evening. My
15 name is Willette Seaward, ANC-7D chair. Hi,
16 to all of the Board.

17 ANC-7D great weight testimony for
18 05-28C. Since if may include my testimony on
19 behalf of ANC-7D and providing great weight,
20 please allow me to share my thoughts.

21 According to the Applicant's
22 testimony, the project's amenities and public

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1 benefits functionally does not fit into the
2 footprint of Parkside.

3 The Applicant is requesting to
4 modify the already approved residential land
5 use in Parcel 12 to add a 130-foot building
6 next to a 47-foot building which is oversized
7 as an office building in the square footage.
8 The scale of this proposed modification, if
9 approved, will not be in line with the overall
10 plan along Kenilworth Terrace at 9 foot.

11 Also, the convenience store may be
12 redeveloped and by right can become a 65-foot
13 building along Hayes Street. We want and need
14 to keep the market rate housing planned for
15 Parcel 12. That is what the residents agreed
16 on for the land use. A small 47-foot building
17 next to 130-foot building development will cast a
18 shadow on its presence.

19 The proposed CCDC will bring
20 massive traffic to the already over-burdened
21 area. The increased number of students will
22 also be an over-burden in enormous foot

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1 traffic as well as pedest rian and vehicle
2 traffic in Parkside, Eastland Gardens and the
3 Kenilworth community.

4 The proposed CCDC does not fit
5 into the footprint of this community. The
6 proposed CCDC -- I'm not sure how many parking
7 spaces it has, but it may not be enough for
8 what's proposed within the entire buildout for
9 Lano, LLC.

10 According to the Applicant, the y
11 have identified 102 parking spaces along
12 Kenilworth Terrace which are free. Why would
13 someone want to pay market rate f or a parking
14 garage space if they can park along a free
15 space on the street?

16 The design and scale of the
17 building will fit into an area of downtown
18 Deanwood at the corner of Minnesota and
19 Benning or in the Applicant's East River
20 parcel location.

21 The proposed CCDC is out of s cale
22 and the approved land use is residential. The

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1 design of the building , materials are not
2 inviting. The Applicant has mentioned an
3 overlay to their proposed plan for the 47-foot
4 building, as well as the CCDC. And if this
5 happens, why not consider special exception?

6 Why haven't they applied for
7 special exception to develop the 47-foot
8 building next to the CCDC building of proposed
9 130-foot CCDC building tower in the proposed
10 footprint? The DCHA proxy is also
11 available, so chances to develop a state-of-
12 the-art 47-foot building is possible
13 elsewhere.

14 Parcel 12 is approved for
15 residential and the community stands by that
16 decision. It will help offset the over-
17 concentration of affordable and public
18 assistance housing, public assistance living.

19 The proposed building for CCDC is
20 too tall. It's just enormous. And its design
21 is archaic in nature and does not provide an
22 attractiveness, comfort, ease, beauty, and

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1 calm the community requires.

2 The shadow of a proposed 130-foot
3 building will cast on the second stage
4 development along Kenilworth Terrace is
5 enormous. Those buildings will only be 90 -
6 foot tall. Why wasn't a request for special
7 exception considered for the proposed
8 development to place it into one of the 110-
9 foot towers already approved?

10 The design is not appealing and
11 the scale, proposed scale, is not balanced to
12 go from the single 47-foot building to the
13 proposed 130-foot building, CCDC. The
14 residents are in need of quality retail that
15 the approved land use for residential will
16 demand both for housing and market rate will
17 bring the quality of life up to the standards
18 Parkside, Eastland Gardens, and Kenilworth
19 deserve.

20 This proposed modification will
21 impact the current neighbors and with an
22 overkill of Baby New York. This development

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1 should add value to our community and not add
2 additional stress.

3 The land use of residential will
4 add a tax base that is needed in Ward 7 and in
5 this community. Do n't gridlock our
6 constituents into a one-way in and one-way out
7 community that already exists. We want and
8 need responsible development. And if that
9 means the developer needs to hire a better
10 architect, so be it.

11 It is a hodge podge of
12 development. And a holistic approach is
13 needed to understand the negative impact it
14 will have if approved to modify.

15 Mr. Moore Adams is ready to fight
16 for a parking space. How is this an
17 improvement in responsible urban design?
18 Lotus Square at a full capacity of tenants
19 will absorb the on -street parking the
20 Applicant testified that are available.

21 When will we get a clear answer
22 from DDOT if the proposed new pedestrian

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1 bridge is going to be built to help ease foot
2 traffic of all stages in this development?

3 The proposed bridge is open. Who
4 are the Applicants really going to attract as
5 government tenants? Why isn't the proposed
6 bridge a major factor in this development now?

7 The land use for residential is a
8 win-win situation. The proposed CCDC is too
9 tall at 130-foot, proposed 130-foot. It's not
10 even in a downtown area. The Department of
11 Employment Services is only five stories in
12 height. By right, the Applicant has
13 additional parcels on the southeast corner of
14 Minnesota and Benning and the oversized 130-
15 foot tower may fit right into that plan.

16 Additionally, the Applicant has
17 two other projects which broke ground:
18 Victory Senior Housing and Educare. The 96 to
19 98 affordable senior housing doesn't have
20 dedicated parking. Educare, I believe, is
21 sharing parking with Neville Thomas. Also the
22 Pollin Development has broken ground in the

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1 same footprint.

2 The traffic issues are a major
3 concern. They are challenging locations and
4 dangerous access points within the footprint
5 of Parkside.

6 Commissioner Selfridge, he has
7 stated maybe the whole project should be
8 reevaluated. I do agree on behalf of ANC-7D.

9 The people, the residents, who
10 will remain behind will be impacted by the
11 land use as modified from residential to
12 institutional. The uneven scale in height of
13 the buildings don't bring a uniformity to this
14 community or for the development. The
15 decisions you make in this case will have an
16 adverse affect for decades to come.

17 This proposed plan is a
18 dysfunctional modification with several
19 concerns: lack of functionality, vision,
20 scale, urban spacing, height, shading, a
21 warehouse look, stress from additional
22 traffic, RPP on all neighboring streets, cave

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1 in a tunnel vision from the poor architectural
2 design.

3 On the other hand, my
4 constituents, Mr. Rhett, president of Eastern
5 Garden Civic Association, has addressed the
6 hodge podge of social services and lack of
7 market-rate homes that was approved in the
8 first stage PUD.

9 Ms. Singletary, president of the
10 Historic Mayfair has concerns about traffic,
11 building heights, and most of all, the quality
12 of life for long-life residents in Mayfair.

13 We urge Lano, LLC to return to the
14 vision laid out in the first stage PUD.

15 Testimony on June 15, 2008, as Mr. LoPiano
16 said, "we heard repeatedly, repeatedly from
17 residents that they want market-rate housing."

18 The neighborhood currently is dominated by
19 affordable housing with mostly public housing
20 and assisted housing, examples: Mayfair
21 Mansion. Paradise, Kenilworth, Parkside public
22 housing and even the newest Lotus Square.

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1 So this community needs more
2 workforce and market-rate housing.

3 This is what Mr. LoPiano stated in
4 his testimony in 2008: "The project is
5 designed to deliver that," he said. Where
6 has the residents' vision changed? It has
7 not. The greed of Lano LLC to transfer land
8 has clouded the process from the onset of the
9 vision to propose an amendment to modify
10 Parcel 12 from residential to institutional.
11 We believe this Applicant will alter the
12 possibility of home sales and the market will
13 decline further from Baby New York or Baby
14 Atlantic City. This is limited to their three
15 cases, 05-28E, 05-28D, and 05-28C which we're
16 discussing today.

17 The 7D Commission, given great
18 weight, firmly believe that rezoning will have
19 a domino effect on our community, while in the
20 next breath as compared to downtown Deanwood,
21 located at Minnesota and Benning, the new
22 government center, the Department of

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1 Employment Services, is only five stories and
2 in a CR-zoned district.

3 I applaud the efforts of the
4 residents who testified I said today, but you
5 know what I mean, to protect the tranquility
6 and residential fiber of their quality of
7 life. They should never have to fight for a
8 parking space and add additional stress to our
9 everyday lives regarding any proposed
10 development.

11 I urge you to evaluate all areas
12 of their presentation and protect the historic
13 preservation and our life community we all
14 love. Yet, we do want development that is
15 respectful to our needs, desires, and that
16 will add quality to our neighborhood.

17 The First Stage PUD was approved
18 unanimously by many of communities here
19 tonight because it gave a sense of inclusion,
20 added market-rate homes, new office space, and
21 it would attract retail that this community
22 desires. We ask why the proposed height from

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1 90 to 100 and 100 to 130 was not approved in
2 2005? Mr. LoPiano said "because it was too
3 tall." You know what? That
4 statement stands true today.

5 I appreciate the District of
6 Columbia Zoning Commission for your wisdom and
7 foresight, great weight on behalf of ANC-7D,
8 and ANC-7D constituents, Commissioner Willette
9 Seaward, 7D, Chairperson. Thank you.

10 CHAIRMAN HOOD: Thank you,
11 Chairperson Seaward.

12 Let me ask you, your resolution, I
13 know I have it up here. Do you remember what
14 the vote was on the resolution? It was like
15 7-1-1 or something?

16 MS. SEAWARD: Five -zero and then
17 it was -- there was one person that voted -- I
18 don't have that with me.

19 CHAIRMAN HOOD: That's okay. I
20 think I remember now.

21 MS. SEAWARD: It was just the same
22 vote if they had the same people that said

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1 they support it, but all in all, the community
2 does not -- we did vote in the public meeting
3 and some of the Commissioners threw the script
4 out the window.

5 CHAIRMAN HOOD: Okay. I can go
6 with what's on the record. But I'm going to
7 start off right quick because -- okay, so
8 Parcel 12 is approved for residential
9 communities, stand by that decision. It will
10 help offset the over-concentration of
11 affordable and public assistance living.

12 I know there was all-out support
13 for the First Stage PUD which was approved a
14 few years back. And you mentioned about the
15 gridlock. You say that the gridlock -- the
16 gridlock exists now?

17 MS. SEAWARD: Correct.

18 CHAIRMAN HOOD: So what would this
19 -- in your own words, not what everybody else
20 has said, in your own words, what would us, if
21 we were to approve this development, the whole
22 document, what would the -- what would happen

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1 to that gridlock that already exists now?

2 MS. SEAWARD: It would increase.
3 And I would just like to piggyback on your
4 statement --

5 CHAIRMAN HOOD: I'm just thinking,
6 gridlock is gridlock, right?

7 MS. SEAWARD: Right. It's not
8 going to change. It's going to increase. The
9 traffic gridlock will increase.

10 CHAIRMAN HOOD: You're saying the
11 backup will be more?

12 MS. SEAWARD: Correct.

13 CHAIRMAN HOOD: It will be more
14 frustrating to move around.

15 MS. SEAWARD: Correct.

16 CHAIRMAN HOOD: It's already
17 frustrating to move around?

18 MS. SEAWARD: That's correct.

19 CHAIRMAN HOOD: Okay. All right,
20 and you wanted to piggyback on something?

21 MS. SEAWARD: You had mentioned
22 and I don't think we have a DDOT

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1 representative here tonight regarding the
2 Stone Soul Picnic.

3 CHAIRMAN HOOD: Okay. It was only
4 over there one time, right?

5 MS. SEAWARD: Yes, but from that
6 traffic and how it was hard to move around,
7 that was just one event. We're talking about
8 a 50-acre parcel of land, development from the
9 proposed 47-foot building to all the other
10 developments within the community along
11 Kenilworth Terrace and Hayes, all the way
12 through Foote. That is a lot of development
13 and it's also going to be more traffic, more
14 foot traffic and I don't think that it's
15 really thought out. I think it's just too
16 inundated in that concentration of land.

17 CHAIRMAN HOOD: The reason I
18 talked about the Stone Soul Picnic because I'm
19 a witness. I witnessed it. If they ever held
20 it again, I wouldn't come back. So I know
21 what the -- I'm just trying to do what I'm
22 supposed to do here and trying to balance

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1 whether we need to approve it or not.

2 But something else you mentioned,
3 you mentioned about the whole community -- you
4 said something about the whole community as
5 though it was a consensus in the position that
6 7D takes. But that's not what I got at the
7 hearing. It's not a consensus that everybody
8 agrees with the position of 7D which nobody --
9 everybody doesn't always agree with
10 everything.

11 MS. SEAWARD: Right.

12 CHAIRMAN HOOD: In your statement
13 what you're bringing forward tonight, you're
14 saying there was a consensus. Everybody has
15 not actually agreed with the position of 7D,
16 correct?

17 MS. SEAWARD: Correct.

18 CHAIRMAN HOOD: All right.

19 MS. SEAWARD: You have the
20 opposing and you have the --

21 CHAIRMAN HOOD: I'm just going on
22 what you wrote in your statement. It was like

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1 it was unanimous opposition, at least that's
2 the way I read it. I stand to be corrected.

3 MS. SEAWARD: Okay.

4 CHAIRMAN HOOD: Any questions,
5 Commissioners?

6 Commissioner Selfridge?

7 COMMISSIONER SELFRIDGE:
8 Commissioner Seaward, I just want to get
9 clarity and this has gone on a while. I don't
10 remember everything that has occurred. But
11 when did I say that the whole project should
12 be reevaluated? Do you recall that?

13 MS. SEAWARD: Yes. It was in your
14 testimony -- I'm sorry, not your testimony,
15 but your questioning of statements from our
16 last hearing.

17 COMMISSIONER SELFRIDGE: If you
18 could provide that for me. I'm not sure
19 that's in the proper context. I don't recall
20 saying that. I may have, but certainly if
21 we're going to put it on the record then I
22 want to make sure it's in the proper context.

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1 I do not recall saying that.

2 MS. SEAWARD: I will look for
3 that.

4 COMMISSIONER SELFRIDGE: Okay,
5 thank you.

6 CHAIRMAN HOOD: Any other
7 questions?

8 Do you have any cross examination?
9 Mr. Rhett, do you have any cross examination?
10 Okay, thank you very much, Ms. Seaward. We
11 appreciate it.

12 MS. SEAWARD: Thanks.

13 CHAIRMAN HOOD: Okay. Mr. Rhett,
14 Eastland Gardens.

15 MR. RHETT: I was just about to
16 ask that question. I have other neighbors
17 here, so I was going to ask -- I have a
18 statement I wanted to read. And will we have
19 enough time for them also to testify?

20 CHAIRMAN HOOD: We will. Let me
21 ask you this. Let me ask you this, as part of
22 you --

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1 MR. RHETT: Part of the
2 presentation, that's correct.

3 CHAIRMAN HOOD: Is that Mr.
4 Howard?

5 MR. RHETT: And Mr. Clay, yes.

6 CHAIRMAN HOOD: Mr. Clay, okay.

7 MR. RHETT: And Ms. McConnell is
8 also an officer of our association. She just
9 got here.

10 CHAIRMAN HOOD: And forgive me.
11 We seem to be down here every night of the
12 week, but I'm trying to remember. Didn't they
13 testify at the last meeting in this case? Is
14 it going to be anything provided any different
15 or do you all have a presentation? I think we
16 heard from Mr. Clay and Mr. Howard, didn't we?
17 So are we going to hear something different?
18 It's fine, but I just was trying to
19 understand what's going on here.

20 Are they part of your
21 presentation?

22 MR. RHETT: Well, it's kind of a

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1 group thing, so --

2 CHAIRMAN HOOD: Okay, if you got a
3 group presentation, you all come on up.

4 So they testified as individual s
5 when they did the individuals the last time
6 and now they're part of your presentation?

7 MR. RHETT: Correct.

8 CHAIRMAN HOOD: Okay. How much
9 time do you think you need, Mr. Rhett?

10 MR. RHETT: Let me see, it's 7:30
11 now. Kick off is at 8:30. We should be home
12 by the time --

13 CHAIRMAN HOOD: We're in no r ush.
14 We're here to serve.

15 (Laughter.)

16 How much time, what about?

17 MR. RHETT: I would guess about a
18 half hour or so.

19 CHAIRMAN HOOD: Okay, that's fine.
20 Great. You may begin, Mr. Rhett.

21 MR. RHETT: Thank you. And good
22 evening. My name is Greg Rhett. I a m the

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1 President of the Eastland Gardens Civic
2 Association. With me is Ms. Eileen McConnell,
3 our current First Vice President of the
4 Eastland Gardens Civic Association, Mr. Dalton
5 Howard, our immediate past president of the
6 Eastland Gardens Civic Association, and Mr.
7 Herman Clay, past president of the Eastland
8 Gardens Civic Association.

9 I am a homeowner who has resided
10 within this Ward 7 community for 13 years.
11 This historical residential community is where
12 we raise our children, vote, and pay our
13 taxes. Eastland Gardens is officially
14 designated as an African-American Heritage
15 Trail Neighborhood for the District of
16 Columbia and it is so marked with a plaque.

17 Our neighboring community, Mayfair
18 Mansion is also designated as an African
19 American Heritage Trail Neighborhood for the
20 District of Columbia and it, too, is marked
21 with a plaque.

22 First and foremost, we remain

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1 vehemently opposed to the Applicant's request
2 for modifications, amendments, and zoning and
3 mapping changes related to this particular
4 case. It is our belief that these proposed
5 changes are not consistent with many policies
6 of the far Northeast, Southeast elements of
7 the District of Columbia's Comprehensive Plan.

8 These proposed major changes to
9 first stage approvals granted by this
10 Commission are not consistent with the
11 residential character of this community nor
12 are they consistent with the 2006 Ward 7
13 planning and development priorities and
14 specifically the 2006 far Northeast Southeast
15 Area Plan.

16 In order to protect and preserve
17 the long and storied character of our historic
18 neighborhood, we remain strongly opposed to
19 Case No. 05-28C. There has never been an
20 expressed community vision to turn this lot
21 into a community college use. The dreams and
22 desires of this community have always been to

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1 attract additional homeowners and
2 neighborhood-friendly retail on a scale that
3 fits within the existing environment and
4 zoning limitations of our residential
5 community.

6 Ten, 11, and 23 -story
7 institutional skyscrapers simply do not fit
8 within the character of our community and are
9 inconsistent with any written plans ever
10 presented and approved for this community.
11 Our thriving middle-class neighborhood dates
12 to 1928 when a group of developers called
13 Eastland Gardens, Inc. bought some 150 acres
14 of the former Benning Racetrack property and
15 began to construct houses. And more than 80
16 years since, this has remained a combined
17 Parkside, Mayfair, Paradise, Kenilworth,
18 Eastland Gardens and most recently, Lotus
19 Square Apartments, a residential community.

20 Given the architectural legacy
21 defining a unique and historic character of
22 our community, we strongly believe that there

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1 is absolutely no need to permit taller
2 buildings strictly serving institutional uses.

3 To us, approving these proposals does not
4 make architectural and urban design sense.

5 An historic area of Washington,
6 planned by Pierre L'Enfant, height limit
7 changes should be minimal, ranging from no
8 increase to only a couple of stories. When
9 compared with Mr. L'Enfant's plan, these
10 proposals to radically increase building
11 heights in the middle of a residential
12 community is totally inconsistent. In fact,
13 Mr. L'Enfant's design premise was that sites
14 with taller buildings would face wide streets,
15 public open spaces and park land. Obviously,
16 this is not the case with this particular
17 proposal.

18 Under Mr. L'Enfant's plan,
19 allowable building heights will link to street
20 and avenue widths. This proposal, regardless
21 of its proposed use would not be an aesthetic
22 enhancement for our community. Last year, a

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1 Washington City Paper article by staff writer,
2 Lydia DePillis, advocated relaxing height
3 limits in certain parts of the District title
4 "Let It Grow." DePillis summarized the
5 District's history of planning, zoning,
6 political governance, and regulatory oversight
7 related to building heights. It recalled the
8 original urban design aspirations of George
9 Washington and Thomas Jefferson who envisioned
10 an airy, low-scale, light-filled city, akin to
11 Paris and decidedly unlike New York.

12 Those fundamentally aesthetic concerns
13 and aspirations have endured and influence d
14 D.C. zoning policy ever since.

15 We agree wit h these aspirations
16 and clearly do not want this 15 -acre piece of
17 our community to be transformed into a little
18 New York by developers' irrational concept of
19 shoehorning these skyscrapers within our
20 midst.

21 Most important, it is not enoug h
22 to lift the District height's limits. It's to

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1 produce more square footage and taller
2 buildings. Allowing more height also must be
3 a catalyst for lifting the quality of the
4 city's architecture. The Applicant's proposal
5 falls far short of that architectural mark.
6 We believe that current height limits should
7 be kept in place. Raising height limits in
8 neighborhoods away from the historic and
9 monumental core may be easier to enact, but I
10 don't see anybody seriously advocating the
11 need for more community college or university
12 space in Cleveland Park, Palisades, Glover
13 Park, or Crestwood.

14 In fact, in some neighborhoods,
15 local opposition to tall buildings and
16 universities are intense and zoning codes
17 restrict building heights far below the
18 statutory limit imposed by the Heights Act.
19 Advocating for more development near Metro
20 stations is great as long as the transit
21 system doesn't continue to crumble apart
22 before our very eyes. The same can be

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1 said for roads, access to parking, and traffic
2 increases, etcetera.

3 We believe that these issues must
4 be addressed before or in concert with the
5 type of changes proposed by this Applicant.
6 We strongly believe that the Applicant's
7 piecemeal approach, i.e., shoehorning a
8 community college next to a public health
9 clinic to such an important aspect of the
10 zoning laws would certainly open up a
11 Pandora's Box.

12 If some exemptions to the Height
13 Act are made, then everyone will line up,
14 waiting to get their own exemption. How many
15 more worthy projects will stall while
16 developers lobby or sue for their right to
17 build taller buildings on their lots in the
18 middle of residential communities? How much
19 will land values go up out of pure speculation
20 that certain pieces of property may be
21 permitted to build past the current height
22 limits? These factors are already problematic

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1 and we can only imagine what would happen if
2 even more holes and exemptions are poked in
3 the current zoning framework.

4 As such, our desire for new
5 housing affordable for city dwellers may be
6 arrested by increased land values which, in
7 turn, jack up housing costs more than they
8 might otherwise be. This could devastate
9 current and future plans to add new housing
10 opportunities within our community. There are
11 many things that need to be fixed in the
12 District in order to provide a higher quality
13 of life for its residents, however,
14 shoehorning a community college into the
15 middle of our residential community is
16 currently not one of those pressing problems.

17 Mr. Albert Irvin Cassell,
18 considered one of the most prominent and
19 influential black architects in American
20 history, began the fulfillment of a grand
21 vision for this combined residential community
22 approximately 80 years ago. He was much more

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1 than a designer of buildings. He was a
2 builder of hope and fairness and possessed a
3 great vision creating a community where
4 African Americans would have real opportunity
5 at a time when decent housing, affordable
6 housing, was extremely scarce for African
7 Americans. And despite racial discrimination
8 in the housing market, Mr. Cassell worked to
9 fulfill his vision of a showcase African
10 American community that will be elegant,
11 prosperous and self-reliant. From Mayfair to
12 Parkside from Kenilworth to Eastland Gardens
13 to Paradise, Mr. Cassell's vision of a better
14 community reflected the hopes and aspirations
15 of residents.

16 The Applicant's plan simply
17 reflects a simple profit motive of quickly
18 collected cash from the District's tax coffers
19 via this fiscally irresponsible land yield.

20 Two land purchases from the same
21 land owner, financed by District taxpayers.
22 This is not about a suddenly discovered need

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1 for post-secondary educational services. It's
2 about making a buck.

3 In the 1930s, Mr. Cassell
4 conceived of the idea for a major development
5 of quality housing to be located on the site
6 of the old Benning Racetrack near Anacostia
7 River in far Northeast Washington. The
8 horseracing track had been closed down in
9 1908. In 1938, he optioned the land for the
10 project he called Mayfair Gardens on the
11 Parkway. He designed the garden apartment
12 community of over one thousand homes which
13 filled the site of the old racetrack with
14 buildings around the far turn and a beautiful
15 green mall running the length of the complex.

16 He envisioned a complete neighborhood with
17 shops and offices across the street from the
18 new residential community. The housing was
19 for a growing and underserved market of
20 African American households in segregated
21 Washington, D.C.

22 Mr. Cassell was able to secure

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1 enough support to begin development of Mayfair
2 in 1942. Development was not without major
3 financial delays and construction setbacks.
4 The site had a high level of underground water
5 because of its proximity to the Anacostia
6 River. Mayfair Mansion was completed in 1946.

7 It is one of the District's earliest garden
8 apartment complexes.

9 The project which opened with more
10 than 500 units when first opened, had a
11 waiting list of almost 5,000 hopeful
12 residents. This project represented a
13 collective effort to provide affordable
14 housing for black residents. When completed,
15 Mayfair Mansion was a first class complex
16 offering a welcome housing opportunity for
17 working and middle class blacks who were
18 excluded from housing elsewhere because of
19 racially restrictive housing covenants. It
20 was listed on the D.C. inventory of historic
21 sites and the National register for historic
22 sites in 1989.

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1 Mayfair was not the first housing
2 built in this Anacostia neighborhood. In
3 1929, developer Howard Gott created a
4 subdivision on a piece of land known as Beals
5 Adventure for detached single-family homes
6 which became Eastland Gardens. In 1943,
7 Parkside Dwellings, 351 units of housing for
8 families of wartime workers and other families
9 that were displaced by slum clearance, these
10 homes were located across the street from
11 Mayfair Mansion on the site that is now called
12 Parkside.

13 Another housing development, the
14 42-unit Parkside Addition was completed in
15 1957. Today, these four buildings have been
16 demolished to be replaced by another housing
17 development, the Pollin Memorial Townhomes.
18 In 1958, the 422-unit Kenilworth Courts
19 complex was completed. This complex is
20 located a few blocks north of Mayfair and next
21 to the single family homes of Eastland
22 Gardens. Kenilworth Courts was

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1 conventionally-operated public housing,
2 financed by the Federal Government, but
3 managed by local government.

4 In 1982, the tenants of Kenilworth
5 Courts convinced the city and the Federal
6 Government to transfer ownership and the
7 responsibility for management of their homes
8 to them. A new company called Kenilworth
9 Parkside Resident Management Corporation under
10 the leadership of Ms. Kimmi Gray would own and
11 operate Kenilworth Courts and Parkside
12 Addition development. By the early 1990s, Mr.
13 Cassell's vision of a proud, safe, and
14 attractive community was thriving. On the
15 site of the old Parkside Dwellings, streets
16 and infrastructure for a new neighborhood were
17 completed in 1991. In 1992, construction of
18 new, single-family townhomes began. That
19 project hit multiple financial snags and
20 ultimately went bankrupt with the remaining
21 parcels sold at a tax auction. Today,
22 100 townhomes remain surrounded by vacant

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1 parcels. Today, this development is called
2 Parkside Townhomes. Finally, in 1967,
3 Paradise Manor was completed. Paradise
4 completed the original site plan for Mayfair
5 Gardens on the parkway. Six hundred fifty
6 apartments and 15 buildings. Parkside
7 Dwellings was demolished in 1970.

8 Sadly, today, there are those who
9 propose to dismiss and trample upon Mr.
10 Cassell's great vision. Bland, ill-fitting,
11 high rise, institutional buildings are being
12 proposed simply for expediency of profit from
13 shameless land deals negotiated in back rooms.

14 And to add insult to injury, this land bill
15 will be financed by District tax dollars.
16 Today's proposal reflects not vision, but
17 greed and selfishness. This proposal does not
18 reflect the dream, hopes, and aspirations of
19 fellow residents. It simply is the outcome of
20 short-sighted and selfish views of a few who
21 have shown themselves to have no shame and who
22 are willing to exploit, misinform, and forever

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1 splinter this entire community. Mr.
2 Cassell's dream is being turned into our worst
3 nightmare.

4 In researching for relevant facts
5 related to this case, we found that four
6 Comprehensive Plan workshops took place in far
7 Northeast and Southeast during 2005 and 2006.

8 These meetings provided an opportunity for
9 residents to discuss both city-wide and
10 neighborhood planning issues. The Advisory
11 Neighborhood Commissions and groups such as
12 Ward 7 Leadership Council also provided a
13 voice for local priorities and concerns.
14 There have also been many meetings in the
15 community not directly connected to the
16 Comprehensive Plan, but focusing on long-range
17 planning issues.

18 The Ward 7 planning and
19 development priorities states the community
20 delivered several key messages during these
21 meetings summarized below: (a) the low -
22 density character that typifies most far

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1 Northeast and Southeast neighborhoods should
2 be maintained. While it is recognized that
3 the area contains much vacant land with the
4 potential for in-fill development, this
5 development should generally be similar in
6 density to what exists today. This is one of
7 the few areas in the city with opportunities
8 to build three- and four-bedroom homes suitable
9 for families with children. Whereas the
10 neighborhood lost families to Prince George's
11 County and elsewhere in the past, it may gain
12 families from these areas in the future if it
13 builds appropriately-designed housing,
14 provides quality schools and improves public
15 services. While protecting established single
16 neighborhoods is a priority, far Northeast and
17 Southeast recognizes the need to provide a
18 variety of new housing choices. We strongly
19 believe that both the proposed community
20 college is absolutely not consistent with the
21 historic character of our combined
22 neighborhoods or our far Northeast, Southeast

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1 area plan. If allowed, this
2 proposal will completely destroy the
3 neighborhood atmosphere and character of this
4 combined community.

5 Our conclusions re: this case 05 -
6 28C, the Community College of the District of
7 Columbia, as we understand current law and
8 zoning regulations regarding building heights,
9 the Applicant's request to change the current
10 zoning for Block I of the property from
11 residential to educational institution must
12 have zoning approval in order to protect and
13 preserve the neighborhood character of this
14 combined community, we strongly urge this
15 Commission to reject this requested change.
16 We believe that the original Stage 1 PUD
17 Applicant should stay with the original zoning
18 plan that was vetted by the community and
19 approved by this Commission. We beg to differ
20 with the Office of Planning's recommendation
21 that this requested modification is "not
22 inconsistent" with the current Comprehensive

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1 Plan.

2 The generalized policy map depicts
3 the site as within the "neighborhood
4 enhancement areas" designation. And I quote,
5 "the guiding philosophy in neighbor hood
6 enhancement areas is to ensure that new
7 development 'fits in' and responds to the
8 existing character, natural features, and
9 existing planned infrastruc ture capacity."
10 Case No. 05 -28C does not meet the above
11 philosophical criteria in our estimation.

12 The Applicant proposes to not only
13 increase the density and intensify land use
14 within this combined community, it also wants
15 to reduce previously required number of
16 parking spaces and now proposes moving
17 existing street parking spaces below grade.
18 We have yet to see evidence that this is even
19 possible given that this area clearly falls
20 within the Anacostia River watershed.

21 Finally, we believe that this
22 institutional structure would certainly

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1 increase daily gridlock and additional traffic
2 and safety concerns for the residents of this
3 community. The Community College of the
4 District of Columbia will be located on a
5 narrow residential street. To our knowledge,
6 there are no plans to widen said street,
7 Kenilworth Terrace or Hayes Street. We still
8 have not seen the results of the pending DDOT
9 analysis of the submitted traffic impact
10 study.

11 Furthermore to our knowledge, the
12 Applicant has not submitted any recent data
13 that proves their contention that this
14 proposed community college is desired by a
15 majority of this community. No evidence or
16 data has been submitted that proves the
17 Applicant's contention that this community
18 college will be utilized by residents of our
19 combined community, negating their site plan
20 benefits.

21 We believe that this proposed
22 usage and requested amendments for this

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1 particular plot of land is inconsistent with
2 the Comprehensive Plan and is inconsistent
3 with existing character of the surrounding
4 area, land use recommendations set forth
5 within the planning and development priority
6 of the far Northeast/Southeast area plan.

7 Chapter 17, far Northeast far
8 Southeast area elements. Policy 1 .1.1,
9 "conservation of low -density neighborhoods
10 recognize the value and importance of far
11 Northeast and Southeast, stable, single-family
12 neighborhoods of the character of the local
13 community and to the entire District of
14 Columbia, ensure that the Comprehensive Plan
15 and zoning designations for these
16 neighborhoods reflect and protect the existing
17 low-density land use pattern while allowing
18 for in-fill development that is compatible
19 with the neighborhood character."

20 Policy 1.1.2. Development of new
21 housing. "Encourage new housing for area
22 residents on vacant lots and around Metro

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1 Stations within the community and on under
2 utilized commercial sites along the area's
3 major avenues."

4 Policy 1.1.4. Retail Development.
5 "Support the revitalization of the
6 neighborhood commercial areas listed in policy
7 1.1.3 with new businesses and activities that
8 provide needed retail services to the adjacent
9 neighborhood and that are compatible with the
10 surrounding land use."

11 Policy 1.1.9. Congestion
12 Management. "Reexamine traffic control and
13 management programs and develop measures to
14 improve pedestrian safety and mitigate the
15 effects of increased local and regional
16 traffic on residential streets."

17 Policy 1.2.6. Historic Resources.
18 "Protect and restore buildings and place of
19 potential historic significance in far
20 Northeast and Southeast."

21 Policy 2.8.3. Density Transition
22 at Parkside. "Provide appropriate height and

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1 scale transition between new higher -density
2 development in the Kenilworth Parkside
3 neighborhood and the established moderate
4 density townhomes and apartments in th e
5 vicinity. Buildings with greater height
6 should generally be sited along Kenil worth
7 Avenue and Foote Street and s hould step down
8 in intensity moving west towards the river."

9 Again, the Applicants want to
10 convince you and us that t hese proposals are
11 altruistically pure in motive and intent.
12 Based upon the evidence and plans submitted,
13 we strongly believe that the real motive
14 behind these proposals is bottom-line profit
15 potential for quick land deals. After all is
16 said and done, City Interest will be the only
17 entity to reach potential profit of these land
18 deals initiated by them for them. The peace
19 and tranquility, safety, and property value of
20 long-time home owners and residents will be
21 forever tarnished and ruined.

22 In May of 2006, I and ma ny of my

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1 neighbors demonstrated our very sincere
2 enthusiasm and excitement about the
3 possibilities and opportunities that this
4 Parkside planned unit development
5 represented. Like other neighbors, we also
6 wanted realistic and neighborhood -friendly
7 amenities and improved services within our
8 community. We made the time to come before
9 the Zoning Commission to offer our supportive
10 testimony for the record re: the development
11 of Stage 1 proposal. Today, almost five years
12 later, we now come before this body to offer
13 our strong opposition to the overall direction
14 and non-transparent approach that the
15 developer has taken with this requested
16 amendments and modifications re: Stage 2
17 proposal.

18 We'd like to reiterate our four
19 basic reasons for our opposition to these
20 proposals. Number one, if approved, these
21 requested amendments or modifications could
22 negatively impact our property values , our

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1 quality of living , and our peace and
2 tranquility. This compact and isolated
3 historically-designated residential area was
4 never intended to serve as a host of
5 industrial institutional or large commercial
6 enterprises. These requested Stage 2 PUD
7 modifications and amendments will dramatically
8 shift this residential center's history.

9 Number two, we see these requested
10 amendments and modifications as an isolated
11 hodge-podge of profit-driven actions which do
12 not enhance the attractiveness of this
13 community to new residents, renters or
14 homeowners. In fact, these requested
15 amendments, modifications will potentially
16 derail the viability of other planned
17 residential projects within this immediate
18 area, like the Pollin Memorial and Mayfair
19 Mansions. There are already more than 350 tax
20 credit rental units at Mayfair and Lotus
21 Square already online or soon to be online
22 within this immediate area on top of another

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1 142 town homes which are already under
2 construction. The Pollin project received
3 commitments of approximately \$9 million in
4 District tax dollars plus the land for this
5 project was granted to them by the D.C.
6 Housing Authority.

7 The Applicant's proposal, if
8 approved, would put this investment of tax
9 dollars at great risk by making this area less
10 attractive to potential new families. Who
11 would want to purchase a home that will be
12 overshadowed by a Little New York cluster of
13 bland institutional buildings?

14 We absolutely are very fearful of
15 the resulting traffic, parking, and public
16 safety challenges that will most assuredly
17 result from these requested Stage 2 amendments
18 and modifications.

19 Residents are already facing
20 frequent traffic gridlock that virtually traps
21 us within this one-way in and one-way out
22 community. One traffic accident on Route 295

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1 south and it's over. We can only imagine how
2 much worse it will be with the additional
3 vehicular traffic resulting from these
4 unrealistic proposals.

5 Contrary to some previous DDOT
6 analysis, we do not find their traffic impact
7 assessment acceptable.

8 Number four, and finally, in these
9 distressed, economic times for the District of
10 Columbia we find this whole arrangement to be
11 fiscally irresponsible given that the
12 potential land purchasers, the Community
13 College of the District of Columbia, will
14 utilize District and/or federal tax dollars to
15 consummate this land deal that at the end of
16 the day will only profit the Applicant. With
17 so many closed D.C.P.S.-owned buildings and
18 unused plots of land within Ward 7, why should
19 the District government finance land
20 acquisition and construction costs for the
21 Community College of District of Columbia?

22 We will end our testimony with

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1 this historical reminder which can be verified
2 via simply reviewing previous Zoning
3 Commission transcripts. In 2006, at a hearing
4 before this Commission, an expert witness
5 speaking on behalf of the Applicant, Mr.
6 Donald Carter from Pittsburgh, Pennsylvania,
7 president of Urban Design Associates in
8 Pittsburgh, testified that they were able to
9 come up with a very solid proposal plan by
10 initiating a very inclusive resident
11 engagement process. He talked about how for
12 approximately one year they took the time to
13 publicly meet with residents via planning
14 charrettes throughout the impacted area, prior
15 to coming up with any plan or proposal. Mr.
16 Carter testified that at the end of the design
17 charrette, after they had done their work,
18 they had a big public meeting and said to
19 residents, "This is where we think we are
20 going. What do you think about that?" And
21 they stayed as long as needed and heard as
22 many questions as needed. And based upon the

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1 evidentiary list provided to the Commission,
2 they proved that they had pretty much touched
3 every single community development
4 organization, neighborhood groups, social
5 service groups that they could find. And they
6 were just literally hundreds of people
7 involved through the process.

8 Mr. Carter testified about how
9 they built big-scale models that residents
10 could look at so that they could see what kind
11 of ideas the developer had in mind. He spoke
12 about how there was such a tremendous resident
13 turnout at all of these events. Mr. Carter
14 specifically talked about the community vision
15 that they had gained from the process, a
16 vision and "the vision where and we heard this
17 from everybody, mixed income housing of all
18 types so that every one can live here, new
19 retail mixed use including office, affordable
20 housing for people in the neighborhood, not
21 necessarily to attract people from out of the
22 neighborhood, new permanent jobs, better

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1 access to the Metro, access to the river, and
2 it's family-friendly and welcoming just as
3 Ward 7 is."

4 Mr. Carter further testified that
5 "we didn't want to ignore the context of D.C.
6 as well so we investigated recent developments
7 in D.C. in terms of mix use buildings, condos,
8 rental apartments, office buildings, as well
9 as townhome developments. We were looking for
10 the best examples that we could find in D.C.
11 As Phil said earlier, our program was based on
12 hard market studies. On the residential side
13 we used Zimmerman/Volk Associates who are, I
14 think, the best at looking at inner city
15 housing development and they predicted over
16 the next five plus years 1500 to 2000 housing
17 units could be built here, a mix of rental and
18 for sale of all kinds, condos, lofts, and
19 townhomes, everything -- the single family,
20 residential detached. All the other
21 categories are there. And this is a
22 commitment of the developers already, but it

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1 is also justified in the market: 20 percent
2 affordable, 20 percent workforce, and 60
3 percent market. The commercial, as you know,
4 all the three developers are very experienced
5 in the District and this is the commercial
6 development that they determined is
7 justifiable in the market: 500,000 to 750,000
8 feet of office, and technical space, plus
9 30,000 to 50,000 square feet of retail."

10 Not once did Mr. Carter allude to
11 hearing this community express a desire to
12 host a community college. Mr. Carter further
13 went to address retail and marketing
14 principles. "I want to highlight the last
15 speaker because a lot of people have thought
16 this would be a great retail site as a retail
17 shopping center. But in actual fact, the
18 market is telling us that the retail should be
19 neighborhood serving for the people who live
20 in the neighborhood now who will move there
21 eventually and who live in Mayfair, who live
22 in Eastland Gardens, plus the people who will

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1 be working there in the new office building.
2 So combining all the hard information, the
3 soft information, what the market was telling
4 us that we develop design principles before we
5 put on line on paper, we said what is all this
6 telling us what we should use to guide our
7 design and how we can test ourselves at the
8 end? These are the design principles.
9 Provide neighborhood serving retail, develop
10 mixed use income housing, support education
11 improvement and connect the open spaces,
12 amenities, make safety attractive to
13 pedestrian connections and improve vehicular
14 access, buffered from the Pepco plant. It's
15 not going to go away. High quality building
16 streetscape, open space and public art all
17 about what we were hearing from everyone and
18 what the data was telling us."

19 And again, not once did Mr. Carter
20 speak or allude to the marketing data, hard or
21 soft, indicating that a community college fit
22 into the resulting design principles.

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1 And finally, closing statement
2 from Mr. Carter: "Wh en we met with the
3 residents of Parkside Townhomes, we found a
4 very proud and very defensive neighborhood in
5 a sense. What is going to happen? They've
6 maintained their houses. They have townhome
7 associations and around them is all this
8 vacant land. What is go ing to happen around
9 us? What was promised to us in the past? And
10 what we heard o ver and over again is we want
11 townhomes around us. W e want people to own
12 their homes just as we own our homes. We
13 don't want rental apartments nex t to us. We
14 want townhomes and we don't want big buildings
15 looming over our buildings."

16 Thank you for the opportunity to
17 submit this written testimony and I'll be glad
18 to answer any questions.

19 CHAIRMAN HOOD: Thank you,
20 President Rhett. Any questions,
21 Commissioners? Commissioner May?

22 COMMISSIONER MAY: Sure. First of

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1 all, thanks for your testimony. There's a lot
2 of interesting history in it which I was not
3 aware of. I was aware of some of it, but
4 obviously the more recent history. From Kimmi
5 Gray on, I heard much of that, but the earlier
6 parts I had seen old aerial photos of the
7 racetrack so I knew that had existed there.

8 MR. RHETT: Right.

9 COMMISSIONER MAY: But other than
10 that I hadn't heard any of it. And it was
11 very interesting. I'm curious and I should
12 probably know this, but is Albert Cassell or
13 is Charles Cassell who was the architect in
14 Washington -- Mr. Field is nodding his head --
15 is that his son?

16 MR. RHETT: Yes.

17 COMMISSIONER MAY: It's his son .
18 Because I've met Charles Cassell.

19 MR. RHETT: And in fact, some of
20 the information I pulled out was a book that
21 was written by Charles Cassell.

22 COMMISSIONER MAY: Oh, okay.

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1 MR. RHETT: It's the same Cas sell
2 that designed the Howard University campus as
3 well.

4 COMMISSIONER MAY: Right. Next
5 time I see Charles at a Committee of 100 event
6 or something like that maybe I'll ask him
7 about it.

8 Overall, I find your testimony to
9 be kind of curious and I'll explain why. It
10 was clear from what you said in the testimony
11 and what's already -- what we've already heard
12 in this case that in the past your
13 organization has supported this development,
14 in other words, the
15 original First Stage --

16 MR. RHETT: That's correct --

17 COMMISSIONER MAY: PUD. And
18 clearly, this is a deviation from that.

19 MR. RHETT: Yes.

20 COMMISSIONER MAY: But many of the
21 areas in which you are now objecting are areas
22 which are not substantially different from

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1 what was in the original PUD. In other words,
2 I mean yes , for this individual site it's
3 going from 90 feet to 110, but there already
4 were 110-foot buildings in this project
5 immediately adjacent to this and so the idea
6 that somehow these very large buildings are so
7 substantially different because one portion of
8 it is 20 feet higher, it's a little bit
9 difficult to understand and appreciate why
10 that is such a big difference now.

11 And I was hoping that maybe you
12 would, in your testimony be a little bit more
13 explicit about what's changed and why the
14 change makes it impossible for you to support
15 this?

16 MR. RHETT: What's changed is the
17 fact that the actual request to change it from
18 what it's current zoned for residential use to
19 institutional use, to institutionalize those
20 properties sets a dangerous precedent. Once
21 you open that Pandora's Box, then everybody
22 comes in and wants to rezone from residential

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1 to institutional and the next thing you know
2 we're a Little New York.

3 COMMISSIONER MAY: Okay, people
4 live in New York, too.

5 MR. RHETT: I've got nothing
6 against that. Some of my best friends live in
7 New York.

8 (Laughter.)

9 But I live in Washington, D.C.

10 COMMISSIONER MAY: In apartment
11 buildings, right?

12 MR. RHETT: That's right, high-
13 rise apartment buildings.

14 COMMISSIONER MAY: Okay, I
15 understand the difference in the use and I
16 understand the impacts that are associated
17 with an institutional use versus what was --

18 MR. RHETT: And that's the thing.
19 I think, you know, now that we have a chance
20 to testify, the narrative and the premise that
21 this was all about -- we love education. We
22 want education. We want colleges and we love

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1 health care. We want health care. Okay, but
2 that's not the issue before the Zoning
3 Commission. We're for that stuff al so. But
4 just like in real estate, the key three terms
5 are location, location, location. We just
6 don't believe this fits withi n the c urrent
7 character of an 80-year residential community.
8 It's as simple as that.

9 We are all for university use in
10 other places in Ward 7. Don't shoehorn it in
11 our neighborhood.

12 COMMISSIONER MAY: Right. You
13 were previously in fav or though of having
14 commercial use in part of the development?

15 MR. RHETT: Residential.

16 COMMISSIONER MAY: I understand
17 that. But there was a section that was going
18 to be commercial anyway.

19 MR. RHETT: Right. Again,
20 neighborhood-friendly retail. Again, if you
21 go through that area, there is no place for us
22 to shop for anything.

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1 COMMISSIONER MAY: I --

2 MR. RHETT: It's designated as a
3 food desert.

4 COMMISSIONER MAY: I understand
5 that. But the neighborhood serving retail or
6 neighborhood-friendly retail could be a
7 feature of any one of those buildings because
8 that's all pretty much ground floor -- maybe
9 for second floor use. It's not going to be
10 the entire building.

11 MR. RHETT: Right.

12 COMMISSIONER MAY: So the
13 commercial buildings were going to have office
14 space or something like that above it. If
15 this community college were actually located
16 in one of the buildings that had been
17 designated as commercial, would you have the
18 same objection?

19 MR. RHETT: Well, I think again on
20 that premise the whole idea when we talked
21 about -- that was the beauty of a planned unit
22 development, that as you move along, the

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1 community and developers would sit down and
2 say okay, what can we do? What can the market
3 give us? That's what we agreed with. We did
4 not agree with once you -- they got our
5 agreement, then they're free to do whatever
6 they want without consulting with us.

7 I think there's a beautiful
8 example closer up where -- near the Potomac
9 Avenue Metro Station where the Harris Teeter
10 and those houses -- condos are. It's not 90
11 feet. It fits with the character of that
12 community. All we're saying is don't destroy
13 our community simply for land deals. We have
14 to live here. We've gone and this idea was --
15 well, this is what a Councilmember wants or
16 Mayor, well, Mr. Clay, how many mayors have we
17 lived through?

18 (Laughter.)

19 Several. Mr. Clay has been
20 through all of them. Councilmembers, they
21 come and go. Homeowners, taxpayers, we're
22 here.

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1 COMMISSIONER MAY: I think I've
2 been around long enough to live through all
3 the mayors.

4 MR. RHETT: Right.

5 COMMISSIONER MAY: There haven't
6 been that many. But it's enough. I
7 understand the politics and politicians change
8 and the fact that one, the current one is in
9 favor isn't necessarily the be all and end
10 all. And it's certainly not the basis, the
11 sole basis of any of our decision making.

12 You also made arguments about the
13 Height Act itself and that somehow this might
14 be a violation of the Height Act. And that's
15 something I really don't see and I don't
16 understand how that relates here to your
17 testimony. Because you are already going to
18 accept 110-foot buildings on that block in the
19 original Stage 1, why would there be a Height
20 Act violation if now there's another one?

21 MR. RHETT: I think again I'm
22 speaking to the requested additional height.

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1 I think this body, original, also has some
2 questions about the height as well as the
3 Office of Planning.

4 COMMISSIONER MAY: Right. But
5 that's for planning reasons. It's not for
6 Height Act reasons. Height Act is pretty
7 clear. You measure the width of the right-of-
8 way and add 20 feet or whatever it is and then
9 that's your height limit. I didn't see that
10 there was any real grounds for a Height Act
11 argument, not that we're sensitive to Height
12 Act arguments anyway. I just was -- I found
13 that particularly curious.

14 MR. RHETT: Okay.

15 COMMISSIONER MAY: Then there was
16 another thing that really confused me which
17 was having -- relating the parking count to
18 the fact that this was in the Anacostia
19 watershed.

20 MR. RHETT: This whole area is
21 within the Anacostia watershed.

22 COMMISSIONER MAY: Right.

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1 MR. RHETT: And again , that's why
2 I pointed out from a historical stan dpoint
3 that even when Mr. Cassell went into building
4 Mayfair that was one of the reasons that he
5 suffered long delays because they disc overed
6 that you could only go down so far within the
7 watershed.

8 COMMISSIONER MAY: Okay, okay,
9 okay.

10 MR. RHETT: And add soil. And the
11 most recent development, Lotus Square, they
12 also planned to do underground parking, but
13 it's now street parking, street level, because
14 again, they discovered you can only go down so
15 far. You're in the watershed.

16 COMMISSIONER MAY: Right, okay.
17 It has to do with the groundwater level.

18 MR. RHETT: Correct.

19 COMMISSIONER MAY: Okay. Then the
20 last thing I wanted to t alk about was the
21 traffic routes in. I don't want to talk about
22 from the traffic engineer's point of view, but

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1 from the residents' point of view and from
2 what I know about the neighborhood. I know we
3 talk about it as sort of one way in and one
4 way out. I don't think it's quite that. It
5 is something of an island, but as I recall,
6 there's one or two, two ways in off of 295 and
7 then there's Burroughs Ave. And there's
8 Eastern Ave. And those are all ways in,
9 right? Did I get all those right?

10 MS. McCONNELL: My name is Eileen
11 McConnell and I'm First Vice President of
12 Eastland Gardens.

13 COMMISSIONER MAY: Right.

14 MS. McCONNELL: Coming off of 295,
15 you can get off at Hayes Street. That's one
16 entrance, or you can come off of the --
17 there's Eastern Avenue and you come down off
18 of Kenilworth Avenue. But once you come off
19 of that, you're on it. You just can't get
20 back on 295. You can get back on 295 at Nash
21 Street, but once you come down Kenilworth,
22 you're basically stuck on that path. And in

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1 reference to your question, once people start
2 ducking and diving, if the traffic backs up,
3 people start ducking and diving and that's
4 when they start using our side streets and
5 they think they can get out another way from
6 the community. So now you're going in to
7 Eastland Gardens, trying to figure out -- then
8 people are coming around on Anacostia, so
9 traffic backs up on Anacostia Avenue. And
10 that's where we're saying one way in, one way
11 out.

12 And then also at Mayfair Mansion,
13 the loop, you can only go one way. So once
14 you go, I guess it's Hayes Street, you've got
15 to go all the way around.

16 COMMISSIONER MAY: Right.

17 MR. RHETT: Around the racetrack.

18 MS. McCONNELL: Around the
19 racetrack.

20 COMMISSIONER MAY: Around the
21 racetrack.

22 MS. McCONNELL: I wanted to go

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1 back to your question that you asked Mr. Rhett
2 about the traffic. And our agreeing to the
3 project in 2005, well, in -- since then, we've
4 taken on two major construction projects and
5 now the community -- well, Lotus Square went
6 up and now we see the effects of the traffic
7 pattern since Lotus Square went up. And then
8 also we have the 295 reconstruction project in
9 our community and now the community is
10 starting to see the impact of the traffic in
11 our community and that's why we're strongly
12 objecting to some of these projects because we
13 need to see what DDOT has to offer. We really
14 want to be clear on how this is going to
15 affect our community. And that's why we're
16 starting to get more active and more involved
17 with the questions now because these projects
18 have affected our community now.

19 COMMISSIONER MAY: Okay. I just
20 want to go back and finish my line of
21 questioning about the one way in and one way
22 out. The other ways -- I'm sorry, we talked

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1 about ways to get into the community. And the
2 ways to get out, Burroughs Ave. and then down
3 at Benning Road. And is there an exit back on
4 to 295 somewhere along there as well?

5 MS. McCONNELL: There is an exit
6 to get on once you pass -- okay, I guess when
7 you're coming down Nannie Helen Burroughs,
8 coming out of Kenilworth and you go on to -- I
9 believe it's -- I'm not sure of the street
10 next to 295 where the Seven Heaven is.

11 COMMISSIONER MAY: Oh, there's an
12 entrance right there near the convenience
13 store.

14 MS. McCONNELL: Right, but at the
15 same time there's an entrance coming off, so
16 there's an entrance coming off and going on at
17 the same time and that's --

18 COMMISSIONER MAY: You got rid of
19 the coming off one though?

20 MR. RHETT: No.

21 MS. McCONNELL: No.

22 MR. RHETT: That was a discussion

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1 I had with the traffic guy and we talked about
2 the trucks delivering and the y could stop,
3 back in and pull out.

4 COMMISSIONER MAY: Right, right ,
5 right.

6 MR. RHETT: It's a one-way service
7 road. Right at that point where they were
8 talking about the loading dock and driveway,
9 it's the very point where there is a
10 deceleration lane that's going southbound
11 that's an exit, where you could get off the
12 freeway. So it's a deceleration lane.

13 At the same time and this same
14 narrow street, it's an acceleration lane to
15 start getting on the freeway continuing
16 southbound. All of that in one area.

17 COMMISSIONER MAY: I think what
18 happened was that it used to be like that and
19 then they moved them. I know they closed one
20 off.

21 MR. RHETT: They closed them off
22 because what happened was people were getting

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1 off southbound. They were immediately making
2 that right onto Hayes Street.

3 COMMISSIONER MAY: Right, right.

4 MR. RHETT: And that was a real
5 traffic nightmare.

6 COMMISSIONER MAY: A hazard ,
7 right.

8 MR. RHETT: So they just extended
9 the guard thing, I don't know the traffic
10 term.

11 COMMISSIONER MAY: Right.

12 MR. RHETT: So you had to go all
13 the way down to Foote Street and then go down
14 and then come back up to Kenilworth Terrace.

15 MS. McCONNELL: And another point
16 I made also is that -- I know this because I
17 drive that way to get on the highway each day,
18 is that people constantly stop to let people
19 out of their car so that they can go to the
20 Metro. That creates a traffic -- well, I'm
21 thinking with other buildings going up, people
22 are going to be dropping students off and it's

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1 just an accident waiting to happen.

2 MR. RHETT: Serious accident.

3 MS. McCONNELL: Exactly. Somebody
4 coming off, somebody stopping and then
5 somebody trying to get on the parkway. I just
6 don't see where we can take the traffic
7 pattern.

8 COMMISSIONER MAY: And one last
9 question on the access which is that the
10 northern most way out of the neighborhood
11 would be Burroughs Ave., right ? You can't
12 actually get out at Eastern now, right?

13 MR. RHETT: No.

14 MS. McCONNELL: No.

15 MR. RHETT: It's all one way.
16 Southbound is one way. Northbound is one way.

17 COMMISSIONER MAY: Right. Okay .
18 Thank you very much.

19 MR. RHETT: You're welcome.

20 MS. McCONNELL: Thank you.

21 CHAIRMAN HOOD: Any other
22 questions, Commissioners?

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1 All right. Okay. All r ight. I
2 don't have any questions.

3 MS. McCONNELL: Can I just mention
4 one thing in referenc e to Commissioner
5 Selfridge? You had me ntioned to the ANC
6 Commissioner that you don't remember h earing
7 about we should furthe r investigate and I
8 remember on the 18th of April when I was here
9 last we were talking about the DDOT and DDOT
10 coming out and doing a study and I remember --
11 because that was our objection at that point
12 and at that point you did mention maybe we
13 should evaluate it, but it was all entailed
14 with the DDOT investigation. So I just wanted
15 to --

16 COMMISSIONER SELFRIDGE: I
17 appreciate you putti ng that in the proper
18 context. Thank you.

19 CHAIRMAN HOOD: Sometimes when
20 you're here three nights a week -- what time
21 did we leave Monday night, gentlemen, 11:30?
22 It was about 12:15 when I got home. So when

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1 you hear quite a bit, sometimes, these
2 hearings run together for us. Okay, thank
3 you.

4 Let me ask t his, how was this
5 designated on the African America n Heritage
6 Trail, Eastland Gardens, when was that done?

7 MS. McCONNELL: I kn ow our flower
8 club did a recent survey about that. I'm not
9 sure.

10 CHAIRMAN HOOD: When was it put on
11 the Trail?

12 MR. RHETT: It is within the last
13 four years, within the last four years.

14 MS. McCONNELL: It was recently.

15 CHAIRMAN HOOD: Actually, I served
16 on that, so I know. I'm just seeing if you
17 knew.

18 (Laughter.)

19 I served on the Committee.

20 (Laughter.)

21 I remember that so I'm glad to
22 know that that actually happened.

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1 Any cross examination, Mr. Feola?

2 Ms. Seaward, do you have any cross
3 examination?

4 CROSS EXAMINATION

5 MS. SEAWARD: Hi again. My name
6 is Willette Seaward, ANC -7D and I have a
7 question of Mr. Rhett. Regarding the height
8 approved in 2005, did your group know that
9 they were going to ask for an additional 20-
10 foot from 90 to 110?

11 MR. RHETT: No, we did not. There
12 was no communication with us regarding
13 anything since 2006.

14 MS. SEAWARD: That's it. Thank
15 you.

16 CHAIRMAN HOOD: Thank you. I want
17 to thank you all for your presentations. I
18 appreciate it.

19 Mr. Feola, rebuttal and closing?

20 (Pause.)

21 Mr. Feola, can you tell us about
22 how much your rebuttal, how long and closing?

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1 MR. FEOLA: Five minutes max.

2 CHAIRMAN HOOD: Okay.

3 MR. FEOLA: Just a couple of
4 points in rebuttal, just to make -- for the
5 record to make it clear. I think the ANC,
6 Commissioner Seaward kept on referring to the
7 CCD building as 130 feet tall. It is proposed
8 to be 110 feet tall and that's in the record.
9 I just wanted to make sure that the
10 transcript, hopefully, that's being done
11 reflects that.

12 And also I want the record to be
13 clear that I think Commissioner May was
14 getting to that the original Parkside PUD was
15 not a truly residential PUD. It was about 3
16 million square feet of development, about
17 800,000 of which was commercial. So it never
18 was intended to be anything but a mixed use
19 project. And as the presentation we put on in
20 our direct and a slide called Development
21 Vision shows one -- two of the things that
22 were called out in the community charrettes

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1 that took place was number four and I'll read
2 it and it's in the record already, "support
3 education improvements from pre-school to
4 adult education including job training
5 programs for neighborhood residents." That's
6 essentially what's before you to night is a
7 community college that provides adult
8 education with job training programs.

9 So I just want to make sure in
10 rebuttal that that part of what Parkside was
11 about, the quotes that Mr. Rhett used from Mr.
12 Carter, the planner, also had these other
13 visions. We didn't have the opportunity in
14 those days to pick out a community college
15 because none existed.

16 That's all for rebuttal.

17 CHAIRMAN HOOD: Ms. Schellin, help
18 me remember. Did we cross rebuttal? Okay. I
19 was hoping you would say no.

20 Then I need to do cross
21 examination.

22 COMMISSIONER MAY: I just wante d

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1 to add a quick question about -- what was the
2 -- out of the 3 million square feet
3 originally, how much was supposed to be
4 commercial?

5 MR. FEOLA: There was 750,000 was
6 permitted to be office and 50,000 was
7 permitted to be retail.

8 COMMISSIONER MAY: And what is it
9 changing to how, if this is approved?

10 MR. FEOLA: The commercial -- let
11 me get the exact numbers because my memory, I
12 don't remember.

13 CHAIRMAN HOOD: Mr. May, are you
14 finished?

15 COMMISSIONER MAY: That was my
16 only question.

17 CHAIRMAN HOOD: I do want to and I
18 think it was -- I asked for something from the
19 community college. Do you have that?

20 MR. FEOLA: We're going to turn in
21 a couple of things here.

22 CHAIRMAN HOOD: Okay.

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1 MR. FEOLA: That were asked for if
2 there are no more questions.

3 CHAIRMAN HOOD: Okay. A nd then I
4 want to go to cross examination just on the
5 rebuttal we just heard.

6 Mr. Howard, ta lk to Mr. Rhett.
7 Let Mr Rhett ask you question.

8 MR. FEOLA: I can answer M r. May's
9 question now.

10 If the institutional use fo r
11 community college is put into the commercial
12 category along with the health center, then
13 the increase went from about 800,000 square
14 feet to 1.4 million square feet.

15 COMMISSIONER MAY: What is it
16 without the medical?

17 MR. FEOLA: One point one. No,
18 no, no, I'm s orry. You challenged my math.
19 It's 1.4 less 45,000 square feet. The medical
20 clinic is fairly small. The community college
21 is about 260,000 square feet.

22 COMMISSIONER MAY: Two sixty an d

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1 eight puts us at 1,000,060, correct?

2 MR. FEOLA: That's correct.

3 COMMISSIONER MAY: Where did yo u
4 get 1.4?

5 MR. FEOLA: In Zo ning Commission
6 Case 08-28E, the First Stag e Modification
7 which hasn't been approved, as you know, asks
8 for an increase in the office from 750 to 1
9 million.

10 COMMISSIONER MAY: Okay, got it.

11 MR. FEOLA: So the whole pack age,
12 if you will, if that's t urned down, then the
13 numbers drop.

14 COMMISSIONER MAY: Okay, thanks.

15 CHAIRMAN HOOD: Let's do cross
16 examination.

17 COMMISSIONER TURNBULL: I'm jus t
18 trying to get a handle on this. Is that about
19 a 40, 45 percent increase?

20 COMMISSIONER MAY: I think it's
21 more than that. You're adding 550 to what was
22 800. If it's roughly 800, then we're talking

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1 what, 70 percent increase, 65 percent?

2 MR. FEOLA: Without getting into
3 percentages because I'm terrible at math,
4 there will still be at the end of the day 1.6
5 million square feet of residential development
6 on the site, some of which is being built as
7 we speak, some of which is going to be
8 townhouses, some of which will be apartments
9 and condos.

10 So at the end of the day we'll
11 still have a 3 million square feet mixed use
12 development that's bringing in some other uses
13 that we think are beneficial to this community
14 and to the project.

15 COMMISSIONER MAY: But that 1.6
16 compares the original figure 2.2.

17 MR. FEOLA: It was about 2
18 million.

19 CHAIRMAN HOOD: Anything else?
20 Okay. Cross examination just on rebuttal?

21 Mr. Rhett?

22 MR. FEOLA: While they're talking,

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1 we can turn in the CCDC letter?

2 CHAIRMAN HOOD: I already have it.

3 MR. FEOLA: Oh, you have it.

4 CHAIRMAN HOOD: I have a letter
5 from Mr. Gueverra.

6 MR. FEOLA: Mr. Chairman, the
7 Commission also asked for a couple of
8 additional architectural items and we can turn
9 them in tonight if that pleases the
10 Commission. One is the screen wall for the
11 parking garage on Kenilworth Avenue. The
12 second was a corrected shadow study.

13 CHAIRMAN HOOD: Let me get through
14 cross examination.

15 Ms. Seaward, Mr. Rhett's not
16 ready. Do you have any cross examination on
17 rebuttal only?

18 MS. SEAWARD: No.

19 CHAIRMAN HOOD: Okay, Mr. Rhett.
20 Rebuttal only. What he rebutted.

21 MR. RHETT: Right.

22 CROSS EXAMINATION

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1 MR. RHETT: Good evening, sir.
2 You rebutted the transcript readings when I
3 quoted Mr. Carter and you quoted, I guess
4 your rebuttal was that he had more to say or
5 was -- he had it in a different context.
6 Could you clarify that, please?

7 MR. FEOLA: I have no idea where
8 the quote came from, except --

9 MR. RHETT: The quote and I stated
10 in my testimony came --

11 MR. FEOLA: I understand that. I
12 don't know in what context and what else he
13 said that night. I just don't have it in
14 front of me.

15 MR. RHETT: That was my question,
16 so how -- you don't have a transcript in front
17 of you, so how can you speak to the context?

18 MR. FEOLA: I was speaking to
19 what's in the record of what led to that
20 master plan which was the development vision
21 which came out of the charrette with the
22 community. You identified that we showed last

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1 time, there were 12 poi nts, one of which is
2 support education improvements from preschool
3 to adult educ ation, including job tra ining
4 programs.

5 MR. RHETT: And you have that in
6 the transcripts, is that what you're saying?
7 I'm just trying to -- what I'm using is from
8 the transcripts. Are you quoting transcripts?

9 MR. FEOLA: I'm quoting the
10 submission that we made coming from the
11 charrette that -- the charrettes that you were
12 talking about.

13 MR. RHETT: But that was not a
14 part of the transcripts.

15 MR. FEOLA: I don't know if it was
16 part of the transcript.

17 MR. RHETT: Exactly. Thank you.

18 CHAIRMAN HOOD: Okay, thank you .
19 Any other cross? Okay, that's it.

20 Okay, closing remarks.

21 MR. FEOLA: There's one other --
22 two other pieces of information that we'd like

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1 to turn in addressing an issue that DOT
2 raised. I forget which order they're in.

3 One has to do with the 55-foot
4 truck delivery issue. We're proposing an
5 alternative location for the truck delivery.
6 And the second has to do with the -- all
7 right. We ask -- our traffic consultant asked
8 last time that we be allowed or it not be
9 precluded by the Commission's order if the
10 Commission so inclined to approve this project
11 to not preclude us from being able to utilize
12 the Kenilworth Avenue entrance and exit for
13 vehicular traffic.

14 The study hadn't been done. DOT,
15 I believe, agreed to work with us so we would
16 just like to have that opportunity if this
17 Commission goes forward with this project.

18 CHAIRMAN HOOD: Okay. You said
19 you turned in something that changes the
20 difference with the loading. You want to --
21 have you to DOT about the movement?

22 MR. FEOLA: We have not been able

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1 to make contact with DDOT.

2 CHAIRMAN HOOD: We need to do that
3 as soon as possible in what you're proposing.

4 MR. FEOLA: It es sentially moves
5 tractor trailers, the few that will come here
6 to Kenilworth Terrace on off -peak hours as
7 opposed to using the l oading dock off of
8 Kenilworth Avenue.

9 CHAIRMAN HOOD: Okay. Let's mak e
10 sure we run that by DDOT also.

11 And I like the word "few". I
12 don't miss sound words as "few." There's more
13 than a few. And I remember you said a "few."
14 That's how this goes.

15 Any other questions? Is that it ,
16 Mr. Feola?

17 MR. FEOLA: That is it.

18 CHAIRMAN HOOD: I want to t hank
19 everyone.

20 MR. FEOLA: I have closing.

21 CHAIRMAN HOOD: I thought you --
22 I'm sorry.

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1 MR. FEOLA: I'd just like to sum
2 up.

3 COMMISSIONER TURNBULL: I would
4 just like to ask one que stion on the loading
5 dock going to Kenilworth Terra ce. Is this
6 going to be on the street then?

7 MR. FEOLA: Yes.

8 COMMISSIONER TURNBULL: It will be
9 on the street.

10 MR. FEOLA: Right.

11 COMMISSIONER TURNBULL: Okay. I
12 didn't see a plan, so I figured it's got to be
13 on the street.

14 MR. FEOLA: I'm sorry.

15 COMMISSIONER TURNBULL: That's
16 okay. I was just curious. There's going to
17 be a designated area then?

18 MR. FEOLA: The plan would be to
19 utilize it with a per mit from DDOT for
20 specific times. We envision maybe one truck a
21 month that's a 55-foot truck after move -in,
22 after the building is built out.

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1 COMMISSIONER TURNBULL: Okay, I've
2 got you.

3 MR. FEOLA: Thank you. As the
4 Commission is aware, this application is for a
5 Second Stage approval for what we've been
6 talking about, a portion of the 15.5 acre, 3
7 million square foot Planned Unit Development
8 that was approved in 2005 by the Commission at
9 First Stage. If the Commission approves this
10 use change that is now pending in 05-28E, this
11 project will replace previous approval of
12 apartment building of about 250 units with the
13 community college, a state-of-the-art flagship
14 headquarters for the Community College of the
15 District of Columbia.

16 We believe that adding this use ,
17 this mix into the use, uses that are approved
18 by Parkside has tremendous benefit. It will
19 bring activity to the neighborhood that
20 doesn't exist. It will enliven the street and
21 it will help to sustain the retail opportunity
22 that the community, as Mr. Rhett testified,

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1 would like to see. It will bring daytime
2 users, if you will, that will patronize
3 potential retailers that will allow them to
4 thrive.

5 Even the opponents and Mr. Rhet t
6 just said, agreed that community colleges are
7 a good thing. It's a good use. They don't
8 like it here, but they think it's a good use.

9 And the concern center around really three
10 pieces of concerns: too much traffic, the
11 building is too tall, too big, and there's not
12 enough parking. Well, we have shown through
13 the traffic consultant's testimony and the
14 reports and DDOT's report that the CCDC
15 traffic is not that much different from the
16 residential building traffic. It's pretty
17 much a wash, whether you have 250 apartment
18 units or a community college, it comes at
19 different times of the day, but it's pretty
20 much a wash.

21 The building is 20-feet taller.
22 But it is pretty much the same size, if you

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1 will as 260,000 square feet.

2 And with regard to parking, we're
3 providing parking as required by the zoning
4 regulations, underground and in a secure
5 parking facility.

6 So notwithstanding the concerns
7 that have been raised, the project brings, we
8 believe, tremendous benefits. First, it
9 brings a community college to Ward 7 as you
10 heard Carrie Thornhill testify last time. The
11 leaders in this community have been seeking a
12 community college in Ward 7 since the mid-
13 1980s.

14 It will bring real jobs and real
15 job training, as you heard Mr. LoPiano
16 testify, the jobs program involving the
17 community, involving Marshall Heights
18 Community Development Corporation, will be
19 real and substantial. And the CCDC will end
20 the piece of the Promise Neighborhood by
21 providing the adult education to go along with
22 the pre-K, the elementary and high school that

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1 are already there.

2 It brings people to the streets .
3 It brings activity here and daytime support,
4 all by the way on vacant land with a direct
5 connection to a Metro. So we're not in the
6 middle of a neighborhood. We're not in the
7 middle of congested area. We're on vacant
8 land on an interstate highway and with a
9 direct bridge connection to the Metro station.

10 I think because of those benefits,
11 virtually every neutral group that has
12 evaluated this project, OP, DDOT, the Mayor,
13 Councilmember -- Ward 7, Alexander, the Ward 7
14 School Board Member Douglas, Marshall Heights
15 Community Development Organization, the Smart
16 Growth Alliance, Ground Work Anacostia River,
17 all support it.

18 In addition, it does have support
19 from the community. It has opposition, but it
20 has support from the community including the
21 current Single Member District, Mr. Willie
22 Woods whose constituents are part of this SMD,

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1 the former SMD-07, Ms. Alicia Woods, and SMD -
2 03, Mr. Willie Ross, as well as other
3 community leaders, Carrie Thornhill, Althea
4 Felton, Geraldine Bell, and Doris Sarumi.

5 The most effective citizen groups,
6 citizen organizations that most immediately
7 affect the citizen organizations support this:

8 Lotus Square Tenants Association, the
9 Parkside Civic Association, and the Parkside
10 Homeowners Association. And we agree with
11 those entities that on balance the benefits of
12 bringing this community college to this site
13 far outweigh the potential negatives that
14 might occur.

15 We support where the Office of
16 Planning is with regard to the Comprehensive
17 Plan. We submitted many pages of analysis of
18 the Comprehensive Plan in both our application
19 and our pre-hearing submission. The Office of
20 Planning did likewise. We think this project
21 and this approval is consistent with the
22 Comprehensive Plan. It's consistent with the

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1 purposes of the zoning regulations and most
2 importantly, it's consistent with the PUD as
3 it was conceived by the Zoning Commission in
4 that it reinforces this mixed use, mixed
5 income, transit-oriented development which
6 will result in significant benefits of the
7 neighborhood, Ward 7 and the District.

8 Mr. Chairman, I appreciate all the
9 time you spent, that the Commission has spent
10 on this and I appreciate the opponents hanging
11 in there with us for many, many hours of
12 testimony. And I thank you and we conclude
13 our case.

14 CHAIRMAN HOOD: Okay, I want to
15 thank everyone for their participation.

16 Ms. Schellin, do we have any dates
17 or do we need any dates?

18 MS. SCHELLIN: I think that the
19 only thing in terms -- you would like to have
20 DDOT respond to make sure that that's the only
21 thing I think we have other than draft
22 findings of fact, conclusions of law. I think

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1 the only thing we're looking for is maybe a
2 response from DDOT with regard to the memo
3 that they provided tonight regarding the truck
4 deliveries on the street.

5 I think that's probably something
6 DDOT could turn around pretty quickly based on
7 what they told us Monday night, they need two
8 weeks.

9 CHAIRMAN HOOD: Okay.

10 MS. SCHELLIN: So going with that,
11 we could shoot for our June 13th meeting,
12 unless -- if there's no rush from the
13 Applicant, we can wait and go for the June
14 27th if you think DDOT is going to be an
15 issue. I know Karina Ricks is
16 leaving.

17 MR. FEOLA: Can we try for the
18 13th?

19 MS. SCHELLIN: We can try.

20 MR. FEOLA: And if we can't get it
21 in, we'll push as far as we can.

22 MS. SCHELLIN: So other than that,

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1 Chairman Hood, will the record be closed,
2 other than the one submission?

3 CHAIRMAN HOOD: Other than that,
4 the record is closed.

5 MS. SCHELLIN: So all of the
6 parties, the Applicant, the ANC, and Eastland
7 Gardens, if they choose to do so, can
8 certainly submit draft findings of fact and
9 conclusions of law. Other than that, nothing
10 else will be accepted. That would be due by
11 noon on -- I'm sorry, by noon on June 8th.
12 That's a Wednesday. And then if you could
13 work with DDOT and ask them to submit theirs
14 also by that date, June 8th. I'll leave it to
15 you to work with DDOT. And then we can place
16 this on our June 13th agenda for
17 consideration.

18 CHAIRMAN HOOD: Okay, thank you,
19 Ms. Schelling. I want to thank everyone for
20 their participation tonight. Keeping it
21 consistent with open meetings, one of the
22 things, Commissioners, I'm looking at is when

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1 we deal with our campus plan. I know we're
2 not dealing with campus plan tonight, but all
3 this stuff is going to start running together.

4 And we want to make sure when we
5 deliberate we can section it off so we can
6 concentrate on whether it be the campus plan ,
7 whether it would be th is project here or
8 whatever. So I think we'll be watching the
9 schedule real closely to make sure all that's
10 not on the schedule all together, because it
11 will all start running together. And keeping
12 consistent with all the meetings, I wanted to
13 make that announcement tonight.

14 Okay, anything else?

15 I want to ask all who have
16 testified tonight to please give the two
17 witness cards to Ms. Schellin so we can make
18 sure that we have an accurate recording of who
19 testified and Mr. Rhett , do you have a
20 question?

21 Can you come to the microphone?
22 So if everybody can turn in their two witness

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1 cards, please given them to Ms. Schellin so
2 she can give them to the reporter who is going
3 to transcribe from the webcast live.

4 MR. RHETT: Yes, it appears there
5 was additional information submitted. Is that
6 something we can get a copy of, please?

7 CHAIRMAN HOOD: Mr. Feola will
8 give you all a copy of it right now or
9 someone. Anything else?

10 MR. RHETT: Yes, on behalf of our
11 Eastland Gardens Civic Association, we'd like
12 to thank the Commissioners for the opportunity
13 to hear us out and thank you for your
14 indulgence and we are all now going out to
15 become experts in zoning hearings because
16 we've been educated.

17 CHAIRMAN HOOD: Come back and see
18 us tomorrow night.

19 (Laughter.)

20 Okay, with that, this hearing is
21 adjourned.

22 (Whereupon, at 8:36 p.m., the

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1 hearing was concluded.)

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