

SEC. SCHELLIN  
for the RECORD

Testimony of DC for Reasonable Development  
DC Zoning Commission Case No. 14-18A  
February 23, 2017

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Commissioners, what does the Applicant mean by attrition when referring to the numbers of people leaving Brookland Manor for good?

- To us it seems like attrition means the Applicant seeking evictions of folks and families that owe as little as \$25.00.
- Attrition means harassment by the Applicant's security forces.
- Attrition means building residential units that are far smaller in bedroom sizes so that families won't be able to come back.
- Attrition is knocking down affordable retail and family service businesses, like a dentist, general store, and laundromat in the surrounding community injuring Brookland Manor and the surrounding community.

Attrition is the euphemism being used by the Applicant to mean purposeful displacement of the longtime Brookland Manor residents and some of our favorite families.

DC for Reasonable Development and Ward 5 Alliance for Equity participating members, some of whom will be directly affected by this PUD modification and PUD approvals stand in opposition to this ongoing displacement and disrespect, both a seriously subtle form of violence against DC families.

The Comprehensive Plan supports our anti-displacement of existing residents and businesses.

The Applicant and the Office of Planning does not use the Comprehensive Plan to protect us. The Zoning Commission can, but chooses not to.

The McMillan Court has showed that this body, the Zoning Commission, does indeed have to take up displacement as a fundamental effect of land use, zoning, and planning. Its intuitive, no matter how many times the Chair may want to say its not in your purview. It is per attached.

- We want a future that is built on reasonable development that meaningfully takes into consideration the existing DC residents and businesses, environment, and current community infrastructure and assets.
- We want a future with a cleaner environment (better air & water quality, less pollution, less noise, less refuse). We want a future with better functioning public services (infrastructure, transit, utilities, access to emergency and recreational services, quality of life).
- We want a future that welcomes development that is actually planned in a way that doesn't destabilize land values without mitigation and doesn't displace existing people and culture.

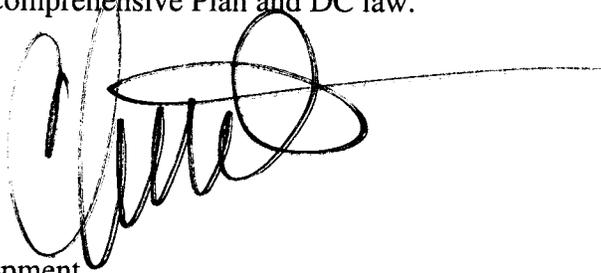
On these fundamental land use issues, you as individual members of the Zoning Commission and as a body can no longer ignore.

Vote this PUD modification and application down, because the proposed project as a whole, along with its various component parcels present concretely deleterious adverse affects and is otherwise inconsistent with the DC Comprehensive Plan and DC law.

Regards,

*/s/n Chris Otten*

Chris Otten, co-facilitator  
DC for Reasonable Development  
202 810 2768

A handwritten signature in black ink, appearing to read 'Chris Otten', with a long horizontal line extending to the right from the end of the signature.

**Relevant Comprehensive Plan Policies, among others:** *H-2.1; H-2.1.3; H-2.1.1; H-2.1.4; H-2.1.A; H-2.1.E; H-2.2.3; H-2.2.E; H-1.1.3; H-1.2; H-1.2.1; H-1.2.7; CSF-1.1; CSF-1.1.1; CSF-1.1.2; CSF-1.2.2; CSF-1.2.6; CSF-3.2; CSF-4; CSF-4.2; IN-1.2; IN-1.2.2; IN-2.1.1; IN-5; IN-6; IN-6.1.3; E-4.1; E-4.1.3; E-4.2; E-4.3; E-4.3.5; E-4.5.C; E-4.8.2; ED-3.2; ED-3.2.1; ED-3.2.6; ED-3.2.7; ED-3.2.A; ED-3.2.D; ED-4.2.4; ED-4.2.7; ED-4.2.12; UD-2.2.1; UD-2.2.2; UD-2.2.4; UD-2.2.8; LU-2.3.2; LU-2.3.3; LU-2.3.4; LU-2.4.8; H-1.3.A*

## **MCMILLAN PARK COURT: WHAT DOES THE JUDGMENT DO?**

**Washington, DC, December 8, 2016** – The highest court in the city, the District of Columbia Court of Appeals, wholly vacated and remanded decisions by the DC Zoning Commission and Historic Preservationists regarding the highly controversial McMillan Park privatization and demolition proposal. [www.savemcmillan.org/legal](http://www.savemcmillan.org/legal)

In the Judgment of Case No. 15-AA-0493, *inter-alia*, the McMillan court shines the light on the role of the DC Zoning Commission. Right now the five (5) Commissioners largely limit their development review to parking, traffic impacts and determining the color of the brick and plastic. However, the McMillan court affirms the PUD regulations which require evaluation of potential adverse impacts on the surrounding community, including those of displacement pressures and negative environmental effects.

- Page 16 of the Judgment – The McMillan court illustrates that the Zoning Commission, "must consider environmental impacts, both in deciding whether a PUD is consistent with the Comprehensive Plan and in deciding whether a PUD would have adverse effects."
- Page 18 of the Judgment – The McMillan court delineates that, "The Comprehensive Plan specifically addresses the topics of property values and displacement . . . therefore must appropriately address those topics when deciding whether a PUD is consistent with the Comprehensive Plan and whether a PUD would have adverse effects."

Moreover, the McMillan court wants the Commission to fulfill a comprehensive public review that includes interagency planning that accounts for impacts to the city's existing infrastructure like pipes and utilities, as well as impacts to the city's capacity to provide community facilities and emergency services to the surrounding affected community.

- Page 20 of the Judgment – "It appears that a number of relevant District agencies were invited to provide written reports concerning the PUD but did not do so. It also appears that, with the exception of a discussion of traffic impacts, the Commission's order did not address whether the PUD would place an undue strain on public services."

Besides the Zoning Commission, in a significant rebuke the McMillan Court completely vacates the decisions by the Mayor's Agent on Historic Preservation (J. Peter Byrne of Georgetown University <https://www.law.georgetown.edu/faculty/byrne-j-peter.cfm>).

For example, the McMillan court explores the concept of historic design alternatives and pushes past the word play in the Mayor's Agent decisions attempting to hide the level of destruction of McMillan's historic structures, including the underground caverns.

- Page 29 of the Judgment – The McMillan court suggests the Mayor's Agent and Zoning Commission not solely redraft the Order but to, "conduct further hearings" and possibly, "reach a different result" or decision about the McMillan PUD.

The recent posture of the Zoning Commission to limit the scope of any upcoming scheduled hearings is wrong. So too has been the messaging from the Mayor and DMPED, who believe the recent court ruling is just a small roadblock to their ultimate suburban town center style redevelopment proposal. This posture is wrong. The McMillan court vacates the agency decisions by the Zoning Commission and the Mayor's Agent in their totality because they were decided not in accordance with the law.

The Mayor and Council must listen to the Court and to DC's Auditor, it's time for a creative design competition. There's time to reopen a portion of the park to the public for the public good. Now is the time for a "Fresh Start" on McMillan.