

BEFORE THE DC BOARD OF ZONING ADJUSTMENT
441 4TH STREET NW SUITE 200 SOUTH
WASHINGTON DC 20001

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Response to August 13, 2020 BZA Memorandum Regarding Testimony In BZA
Appeal Case No. 20191

To the Board of Zoning Adjustment, staff, and all parties:

I am co-Appellant in this matter and as a party I am responding as requested by the BZA in the August 13, 2020 memorandum that states: "Parties are hereby notified of their opportunity to respond to the new filings through August 20, 2020. Aside from these responses, the record remains closed.

As a party in this matter, I am responding to Mr. Peloquin's and Mrs. Boykin's testimonials that were put on the record by the BZA.

To ascertain the answer to our concern of asbestos in the over one million (1,350,000) cubic feet of 1900 period concrete to be demolished we were never given the documentation from our DOEE, and they rejected our requests, Daniel Wolkoff, Mel Peffers, Chris Otten, no documents would be supplied to us. DOEE repeatedly brushed us aside and kept telling us we had to FOIA documents on Asbestos Testing. WHY are they not made available to DC residents in full TRANSPARENCY?

We ask the concerns about asbestos contamination in the concrete, be satisfied by the court allowing additional inspection and testing as per EPA requirements?

Ward 5 resident Charles Lockette, US Defence Dept. retiree, Facilities Engineer for The Naval Observatory for 7 Vice Presidents, is knowledgeable about the site, and has visited McMillan and is available to return to the site and inspect the filtration cells and provide his affidavit. Charles Lockette, is qualified and his training includes concrete specialty at Army Corps of Engineers Vicksburg Facility for concrete. He can inspect the filtration cells and the concrete situation at McMillan, could conduct testing with our DOEE. He warns us that the 1900 concrete typically had asbestos added for additional strength. **He is concerned that when pulverized during the planned demolition, there is potential for air borne asbestos contamination.** We have residents and automobile traffic surrounding the site, and our fresh water supply and reservoir are adjacent as well, Bloomingdale residents and general population are very concerned, and request proper testing and all results and documentation be made available and transparent.

I personally called EPA, was directed to Mr. Ralph Knatt (DOEE) our "asbestos air quality specialist", he visited the site to inspect after my request and told me he could not find the construction area. While the entire North end was being excavated he managed to not find it, how ridiculous is that? Then Mayor Bowser lied that it was "just soil testing", a blatant lie, to the media as thousands of tons of soil was being bulldozed into piles exposing the roofs of the cells, perfectly intact, not a crack or depression visible anywhere. We need an independent structural engineer to inspect the cells, as The Silman Structural report, paid for by the developers, said the cells were in danger of

“imminent collapse”, I question the honesty of this report, having been in the cells a number of times myself, and seen how intact and stable they are. These are the strongest concrete structures, which held millions of gallons of water every day for 87 years. Groin arches are specifically constructed as they are the strongest, with 4 ft. supporting columns, all massive and intact in the areas I personally observed.

I request the court allow an expert structural engineer, to examine the cells, and re testing by DOEE, as the local source for Asbestos testing is MR. Ralph Knatt who was very resistant to my questioning and hung up the phone on me. A Mr. Anthony Diallo of DCRA also contacted me, in during our conversation he admitted, “we don’t want to tell our supervisors anything that the Deputy Mayor their superior, “does not want to hear”. It is this office locally that carries out the required EPA asbestos testing for project like McMillan and my experience with these DC officials has been extremely disappointing and we are not given information to allay our concerns, actually we are being stonewalled.

Each and every protection of the public interest is being subverted to force this private corporate WELFARE ABUSE further in its destructive over-urbanization. **This BZA is charged with protecting the people and is required by law, by ethical and professional morality to REJECT the applicants improper demolition permits.**

Subordinate DC agencies and Depts. are in the position of evaluating and regulating their employers, The Mayor and Deputy Mayor WE CANNOT TRUST these agencies all “green lighting” VMP in clear and obvious collusion, corruption and manipulation, Zoning refused to see environmental documentation, HPRB is preneeding the development plan does not violate GSA assigned Federal covenants, David Maloney SHPO has made up a “not standard language” as stated by OP Steingasser, to divert from his responsibility to enforce the GSA covenants, the courts are battling the appeals around like a hot potatoe, each avoiding jurisdiction and so is the BZA. The McMillan land surplus is the biggest land theft since Manhattan and it is plain and obvious subordinate DC agencies must be corrupt as well as the Attorney General, FOR THIS CORRUPT DEAL TO Be rammed down the throats of the people of DC. Its only logical and in the immortal words of former City Council-member At-Large Michael Brown, upon sentencing for accepting bribes for city council contracts, to the Judge at sentencing

“I couldn’t resist the culture of corruption on the DC City Council”.

Along with Mr. Peloquin and Mrs. Boykin, I recognize the conflict between luxury housing and retail and the benefits that public land should have for the public good, the surplus and disposition” that privatizes this historic site violates covenant deeds that GSA assigned to the site in the DEED.

1. The demolition permit was erroneously issued by DCRA. The historic preservation covenants restrict work on the site to Secretary of Interior’s Standards, the McM VMP plan is in violation of federal law.

also it should actually be a raze permit. And the razing of historic public structures extends clearly far beyond its stated application to Parcel 6. In fact, the illegal permit is being used as the basis for starting the implementation of the overall McMillan Master Plan, preparing the entire 25-acre site by razing the 20 acres of underground water cells.

2. The Master Plan for McMillan’s redevelopment clearly requires another review by the Zoning Commission, particularly as it relates to the Second Stage PUD. This is a clear violation of the zoning regulations cited by Mr. Peloquin and Mrs. Boykin in support of our appeal, regulations that require further zoning approvals before the Master Plan can be implemented by the Applicant with the approval of DCRA. DCRA has acted prematurely and unlawfully.

3. The Master Plan needs to thoroughly and openly account for any and all changes in the plans submitted by other agencies, including the Commission on Fine Arts. As a result, the issuance of any permits remains to be premature, until the

McMillan was the first integrated park enjoyed by the city from the early 1900's to WW II. It is part of the Cities Beautiful Movement of true visionaries, an Olmsted designed park that any city would cherish.

We can recover the top spoil and restore the Olmsted landscaping,,,DONE, a desperately needed greenhaven , far less expense, and will produce revenue, as parks are economic developemtn for everybody.

Our own HPO, Kim William's nomination to the National Register describes a fascinating site "remarkably intact", and "undeteriorated", just read the nomination to understand the significance of this National treasure.

National Register of Historic Places nomination (<http://www.nps.gov/nr/feature/places/13000022.htm>)

Because ever since, in blatant racist discrimination, abuse of power and malfeasance of office, successive administrations, have placed no value on the park, or people in this section of the city. DC kept a barbed wire fence around this desperately needed park for 33 years. A park they would have opened for everyone to enjoy, had it simply been located in the upper income predominantly white sections of DC. They want to develop it for revenue, so why has it been a multi-million dollar waste for 33 years?

This process has been dictatorial, a failure, as is the VMP plan, so universally rejected by the community.

Even to this day, our State Historic Preservation Officer, David Maloney is distorting and subverting the Historic Covenants intended to protect McMillan from exactly this kind of destructive development.

Each and every protection of the public interest is being subverted to force this private corporate corrution further in its destructive over-urbanization. This zoning commission is charged with protecting the people and is required by law, by morality and by the merits to REJECT the applicant.

Ward 5 Architect, Eddie Johnson warns us of the negative impacts "The health of ward 5 residents will deteriorate. DC has the highest cancer rate in the United States. Our poor air quality is caused, in part by the volume of trucks and cars congesting our streets everyday, increasing incidences of cancer, respiratory, nasal, sinus problems and asthma in children"

Over 38 developments planned and constructed in Ward 5 will eliminate most of the green space and mature trees in Ward 5, in violation of DC Act 14-614 and in opposition to local and national efforts requiring sustainability and protection and enhancement of our natural environment. The district government is building a new city, for upper income new residents on the failing infrastructure, they have so incompetently mismanaged, the Bloomingdale and other area flooding, the over head power lines, failed automobile transportation, no MASS TRANSIT, miserable urban p[anning, etc.

Why should the public foot the bill? This is the reverse of Eminent Domain, take from the public to give to the rich corporations. Trammel-Crow paid, DC's top lobbyists, The Carmen Group \$10,000 a month to

keep the City Council from representing our interests, to “surplus” this public treasure to private corporate profit.

The business world, mining, power, oil, manufacturing, land development are making profit driven choices destructive to the very survival of life on earth.

The world environment is in catastrophic collapse, it is finally getting to the average guy in the street, and this is a room of educated professionals. We all know carbon and methane emissions have gone beyond critical concentrations; acidification of the oceans will make life unsupportable on this planet.

1/3 to 1/2 all living plant and animal species are going extinct in the next 50 years, and we understand the choices we need to make. WE HAVE TO FIND THE COURAGE TO MAKE THE RIGHT CHOICES! For the sake of our children and grandchildren we have to face this right now, right here. Destruction of this Park, for years of concrete, paving, heavy equipment, truck and construction is NOT NECESSARY and corrupt.

We have seen parallel choices made just the right way, right here in DC. When Whole Foods came to the city, they found a derelict parking garage, not even on a street, behind the old Hechinger, right at the Tenley Metro. They never added a single building, put parking and store together, been operating ever since, successful adaptive re-use existing structure.

"The Monstrosity on Michigan Avenue" 50 massive buildings, 6 private streets, 3000 asphalt parking spaces, will bring 20,000 to 31,000 more cars daily to failed congested N. Capitol and Michigan Avenue, a busy emergency route for ambulances. This illegal development violates our Historic Preservation Laws, our Zoning Laws, "common sense" and the Deputy Mayor and VMP hired "asroturfing" Fontaine PR agency to violate the communities first amendment rights to petition our own government. See this City Council Committee testimony, I testify to adaptive re-use and Landscape Architect Mary Pat Rowan testifies and exposes the PR campaign Deputy Mayor DMPEd paid for to SQUELCH public opposition to the VMP plan, a violation of the First Amendment right to “petition the government for redress of grievances”.aln.video

<http://youtu.be/uXkOgHV7Lhw>

It's really the atrocious job Office of Planning is doing, really. Build a park on the 11th Street Bridge with everything we need here, A DC Central Park, and hand over McMillan to demonstrably inferior designers and blatant corruption.

McMillan Coalition for Sustainable Agriculture supports revenue producing adaptive re-use of the 20 acres underground at McMillan, the same you are planning to demolish to start years of construction, the single most environmentally destructive thing. The hard choice, the wrong choice.

With proven vertical indoor growing technology we could convert the McMillan/Olmsted Park caverns to a fully functional, cooperatively owned local food production facility, making it a truly sustainable site. DC City Council Committee on the Environment supports Sustainable Agriculture, a food, nutrition

and exercise hub that is perfect for McMillan. With preservation of the entire 25 acres above ground, numerous allied activities and services underground, sunset vistas intact as required by the law.

Imagine superior organic fresh fruit, no pesticides, vegetables and Family Farmed Fish freshly produced right here in DC, no longer trucked from California, Florida and Mexico. Thirty five percent of trucks on the road are transporting food!

Please see this fascinating video:

<http://youtu.be/ILzWmw53Wwo>

Our big open green space PRESERVED, a place to meet, take a stroll, sports, festivals and outdoor concerts a DC Wolf Trap. We need a Glen Echo type cultural/art/performance park for our families. The Glen Echo program includes 95 pages of activities and course offerings. Montgomery county and the National Park Service provide this incredible program, and restored the historic site, why aren't we getting the same from the DC govt.? What exactly does a resident of Bethedsda deserve, that we don't?

We can train young people and under-employed to gain healthy careers as masons, carpenters, landscapers, arborists and urban farmers, as we restore the park for a fraction of the cost DC govt. would spend. The program will start an urban conservation corp to rehab, and insulate our aging housing stock. The potential for benefit to DC, and the nation is unlimited.

We own it, and creative adaptive re-use is an international environmental movement of Sustainability, from Paris to Istanbul, and Seattle to the Highline in New York City. Mayor Gray/Bowser's VMP development plan at McMillan will demolish the 20 acres of underground water filtration galleries, and over-urbanize the site with 50 buildings, including 13 story condos. We have to stop Mayor Bowser from "surplussing" the land to VMP, this BZA must show the courage, to protect our city, the environment and our children. We will start a democratic, transparent, community based process for our park, our families, and our kids.

Daniel Goldon Wolkoff







Adaptive Re-Use McMillan Park and Underground



URBAN AGRICULTURE & AQUAPONICS

20 acres of under surface galleries

FOOD/Ted: <http://youtu.be/ILzWmw53Wwo>