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Testimony: BZA Case No. 20191 (McMillan appeal)

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Honorable Members of the Board of Zoning Adjustment:

My name is Jim Schulman and I have been a Registered Architect in the District and Maryland for over 30 years. I have taken multiple opportunities to testify regarding the McMillan Sand Filtration Plant development. I testified as expert witness before the Mayor's Agent for Historic Preservation in the Court of Appeals Remand to the Zoning Commission. My interest in the case relates to my observation that this project is at the opposite extreme from a project of "special merit," as its planning, design, governmental approvals and permit-processing have been incomplete, inconsistent with community and civic needs, and have already wasted precious public resources. This is the *second time* demolition permits have been issued improperly! There is an eagerness to demolish the vaulted underground caverns at this site that might relate to the presence of asbestos in the unreinforced concrete that constitute the walls, columns, and roof structures to be demolished. It is possible that the development team and the Deputy Mayor's Office for Planning and Economic Development worry that an Administrative Law Judge might rightly demand that the historic fabric be thoroughly tested to protect public health and DC drinking water.

The Secretary of Interior's Standards for Historic Preservation are of the essence of this case, as they convey with the Federal Covenants, and nothing in the DC Code indicates that they can be waived on the say so of the Mayor's Agent for Historic Preservation. DC's zoning procedure law is also of the essence. Subtitle Z, Section 702 of the District's Code of Municipal Regulations is very clear. The Appellants pleading demonstrates that demolition and foundation permits have been issued prematurely, in that the project is still undergoing review by the Office of Administrative Hearings, the Commission on Fine Arts, and the P.U.D.'s zoning ought to be reviewed again, for final design purposes, by the Zoning Commission.

I strongly urge the BZA to revoke the permits issued to date. The BZA should then go further and see that a new and fair bidding process is developed for the selection of a development team that will truly engage the citizens of the District in a design development process that is dedicated to providing benefits to the near-by residents and the public at large, including full compliance with Inclusionary Zoning and reviewed through a public health and equity lens.

Thank you for this opportunity to submit my comments.



Board of Zoning Adjustment
District of Columbia
CASE NO.20191
EXHIBIT NO.60