

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

Jerome Peloquin
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August 5, 2020

In re: Testimony BZA Appeal Case No. 20191, McMillan Park Conservancy

My name is Jerry Peloquin.

As a founding member of the McMillan Park Conservancy, and a member of DC for Reasonable Development, a Friend of Lincolns Cottage, Friend of McMillan Park, and McMillan Coalition for Sustainable Agriculture, as well having substantial expertise in urban farming and aquaponics infrastructure, I cannot allow the city throw away this historic site at McMillan Park.

The Zoning Administrator is rushing to help the city demolish what are historically protected water filter cells, 20 acres of them, below McMillan Park. They can obviously be re-purposed and not be turned into rubble during a time of great climate uncertainty.

These water filter cells, that Mr. Legrant calls “things” as the record throughout all administrative hearings now shows, are so unique and so inviting for a future sustainability project as to do anything else is criminal. The risk Mr. Legrant is putting on the city with the push by DMPED is on us and our interests in this historic site.

This is especially true per the zoning regulations. First, in that the existing restrictive covenants that ride with the deed in perpetuity have not been incorporated into the land covenant that is supposed to be recorded before any permits are issued per the zoning regulations. 11-X DCMR § 311.3.

Second, that any demolition of these water filter cells is strictly forbidden by the restrictive preservation deed covenants at McMillan Park, put there by the federal government in 1987. Ignoring them, as now does the Zoning Administrator is unlawful.

The restrictive covenants are found in Exhibit No. 42 on the record, looking under Appellants Attachment E. These are the covenants implemented by the US General Services Administration that requires adherence with Federal Standards of the Secretary of the Interior regarding historically protected sites such as McMillan Park. The Zoning Administrator, along with Mr. Racine at the Office of Attorney General, have completely and unlawfully overlooked these deed restrictions in issuing the permits.

This behavior by an unaccountable government working with private interests clearly fails Zoning Regulation 11-X DCMR § 311.3, among others.

Perhaps the US Commission on Fine Arts will contend with this matter now that we have finally been made aware that administrative processes are unfolding there now too as it regards the Community Center and project as a whole.

The CFA has a definitive role to play in the changes being made to the plans pursuant to Zoning Regulations 11-A DCMR 400.1, 11-Y DCMR 405.8(c), and 11-X DCMR 203.6, among others. To ignore this is complicity with the unlawful unethical breakdown of this entire project.

Upon consideration of the facts and law above, the BZA must affirm this appeal.

Thank you.

/s /n

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