

**Testimony Before the District of Columbia  
Zoning Commission  
ZC 13- Vision McMillan Partners, LLC & DC Deputy Mayor for Planning &  
Economic Development - May 1, 2014**

Chairman Hood and Commissioners,

My name is Teri Janine Quinn, I currently serve as Vice Chair of Advisory Neighborhood Commission 5E, Commissioner for the 5E06 Single Member District and President of the Bloomingdale Civic Association (BCA) Today, I am here on behalf of the BCA. The BCA comes before you today having never been presented VMP's PUD application at a BCA meeting and not having received a request from VMP for a vote on its PUD application As such, the BCA has not taken a position on the current iteration of the development plan for the McMillan Sand Filtration site (McMillan). Neither VMP nor DMPED came before the BCA to request its support of the current plan prior to filing their application with this Commission The McMillan sits entirely within the boundaries of the BCA, yet ANC 5E did not seek input from the BCA before voting on the current development plan.

When I became aware that the matter would be before ANC 5E without first being considered by the relevant civic associations, I asked the then ANC 5E Chair to delay the vote one month to allow time for the matter to be heard by the BCA My request was consistent with ANC 5E bylaws and with the standard operating protocol the Commission has followed since its inception in January 2013. I also asked the Chair, and the Commissioners present concurred, for a written statement of the proposed motion in advance of ANC 5E's November 2013 meeting and to confirm that there was an urgent need to vote on the matter in November such that the issue could be added to the BCA's November None of my requests were

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honored. When the matter came before ANC 5E last November, I reminded my fellow Commissioners that voting on this development without first seeking input from the civic associations was inconsistent with ANC 5E bylaws and regular practice. During ANC 5E's November 2013 meeting, VMP briefly described and presented visual representations of the latest version of the development plan as presented to HPRB. At the time of the vote, ANC 5E had not received, much less reviewed, the Applicants' PUD application. The Commissioners did not discuss the PUD application during the November ANC 5E meeting. After discussion of the development plan, ANC 5E entertained a motion to support HPRB's decision to send the matter to the Mayor's agent for review – the motion did not include a request for support of the PUD application. Despite my opposition, the motion passed. Weeks later, I was shocked, to say the least, when I finally received a copy of the letter submitted by the then ANC 5E Chair on behalf of ANC 5E, indicating that ANC 5E supported the PUD application, which, again, ANC 5E had neither received nor reviewed prior to the vote.

During its January 2014 meeting, the BCA voted to send a letter to ANC 5E objecting to ANC 5E's vote on the development project and requesting that ANC 5E rescind its vote. ANC 5E did not honor that request. VMP proudly and often notes its significant community outreach efforts over the years. I agree that VMP held many community meetings. However, VMP's prior community outreach efforts do not justify or excuse omission of BCA's input in the PUD voting process. To be clear, I

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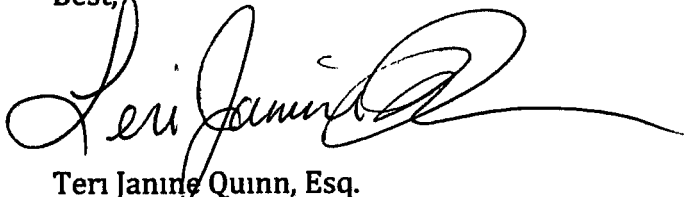
believe the responsibility of ensuring that input from the affected civic associations was sought belongs to ANC 5E as it is the ANCs who are elected by the residents of this community

Even though the BCA was disappointed by ANC 5E's actions, the BCA recognized the need to make sure it was not also omitted from the community benefits agreement discussions and negotiations. The BCA assigned a Board member, Dr. Bertha Holiday, to research CBA procedures and to draft recommendations for the membership's consideration. The BCA held a special meeting which resulted in the BCA's Recommendations of Provisions and Benefits for the McMillan Community Benefits Agreement ("CBA Recommendations"). The BCA membership approved the CBA Recommendations during its March 2014 public meeting. In the resolution that precedes the specific recommendations, the BCA requests that "[t]he civic associations of neighborhoods abutting the Site be included as signatories to the McMillan CBA." Given that the development project sits within the boundaries of Bloomingdale, that Bloomingdale will bear a disproportionate share of the burdens that accompany the development project and that its residents will be significantly impacted by the outcome of the CBA associated with this project, it is appropriate that the Bloomingdale Civic Association be included in the negotiations related to the CBA and included as a signatory of the CBA.

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Other members of the BCA will or have testified in this proceeding as to specific concerns and requests detailed in the CBA. While the BCA's input or support was not sought or considered prior to ANC 5E's decision to support HPRB's action on this development project, I submit to you that the BCA's support of the current development project would undoubtedly be conditioned upon acceptance of and compliance with the BCA's CBA Recommendations. As such, I respectfully request that the Zoning Commission encourage or if permitted under law, require, the inclusion of BCA as a signatory on any future McMillan CBA and that the Zoning Commission lend its full support to the BCA's CBA Recommendations.

Best,

A handwritten signature in black ink, appearing to read "Teri Janine Quinn". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Teri Janine Quinn, Esq.  
President, Bloomingdale Civic Association

**BLOOMINGDALE CIVIC ASSOCIATION, INC.**

Post Office Box 1438  
Washington, DC 20013

January 27, 2014

**TO: ANC 5E01; ANC 5E02; ANC 5E03, ANC 5E04; ANC 5E05, ANC 5E06, ANC 5E07, ANC 5E08; ANC 5E09; ANC 5E10**

**FROM: Bloomngdale Civic Association**

**CC: Kenyan McDuffie; Zoning Commission; Mayor's Agent; DC Council Representatives**

**SUBJECT: Objections to and request to rescind the November 19, 2013 ANC 5E Letter of Support - Stage One of VMP P.U.D. Application of HPRB Submission Subject to Certain Specific Conditions and Modifications**

Dear Chairwoman Barnes (info all other ANC 5E Commissioners),

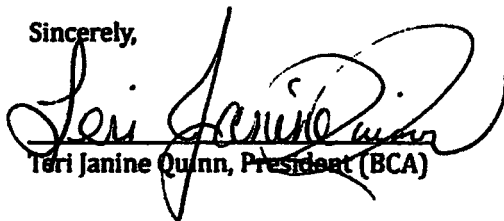
On Tuesday, November 19, 2013, the Advisory Neighborhood Commission (ANC) 5E passed, by a vote of 6-2, a resolution to send a letter of support for Stage One of the VMP P.U.D. Application of HPRB Submission Subject to Certain Specific Conditions and Modifications (signed letter attached). To this end, the PUD statement of support, filed on November 22, 2013, states on page 22 that "On November 19, 2013, ANC 5E voted 5-2 to support the PUD redevelopment." To our knowledge, there was no discussion of the PUD application during the ANC 5E debate on this issue.

This ANC 5E action was taken without the matter being brought before the Bloomingdale Civic Association (BCA). The expectation is that civic associations be afforded an opportunity to hear an issue and take a position prior to the Commission voting on the same issue. Further, this vote took place despite the above concern being raised by two ANC Commissioners: Commissioner Mueller (ANC 5E08), who represents a section of Bloomingdale significantly impacted by the proposed redevelopment, and Commissioner Quinn (ANC 5E06), who serves as President of the BCA; both of whom voted against the letter of support.

The BCA objects to the denial of an opportunity for Bloomingdale to see and discuss the contents of the letter and review the version of the development plan that the ANC voted to support. The BCA further objects to the denial of an opportunity to review and discuss the submitted PUD application, which contains more detailed information than the drawings publicized thus far, prior to a vote of support being taken.

It has been the practice of ANC 5E, prior to this vote, to receive and consider input from affected civic association(s) on any matter seeking ANC 5E support. The Bloomingdale Civic Association strongly objects to the denial to hear and take a position on this matter and thus requests that ANC 5E rescind the letter of support.

Sincerely,

  
Teri Janine Quinn, President (BCA)

  
Mathew Bader, Recording Secretary (BCA)

# **BLOOMINGDALE CIVIC ASSOCIATION**

*servng the Bloomngdale community for more than 90 years*

## **RESOLUTION**

*Recommending specific provisions and benefits  
for inclusion in the  
Community Benefits Agreement (CBA) of the  
Vision McMillan Partners (VMP) Planned Unit Development (PUD) application  
for mixed use development of the  
McMillan Sand Filtration Site*

## **PREAMBLE**

The McMillan Sand Filtration Site (“the Site”), a 25 acre parcel with historic designation that is bounded by First Street NW, Michigan Avenue NW, North Capitol Street NW, and Channing Street NW, has always been an integral part of the culture and character of Bloomingdale due to its innovative water purification technology and its recreational and beautification functions as a park designed by renowned landscape architect Frederick Law Olmsted, Jr. In 1986 the Site was declared as surplus by the Federal Government. In 1987 the District purchased the Site for mix use development and historic preservation. In 2007, Vision McMillan Partners (VMP – “the Developer” ) was identified as planners of the Site, and later as its developers

VMP is in the process of submitting a Planned Unit Development (PUD) application for the development of more than two million square feet of commercial office, retail, and residential space. The application also includes green space and public park space, and limited preservation of historical elements. The PUD process involves a developer’s request for/confirmation of special benefits and zoning variances (e.g., minimal or no payment for land, greater density and occupancy than allowed by law, etc.) from the District in exchange for community benefits that provide compensation to the District and those communities most affected by the proposed development. Development of the required a Community Benefit Agreement (CBA) of a PUD application typically involves input and negotiations among the Developer, the affected communities, the DC Office of Planning and the DC Zoning Commission.

**WHEREAS**, the Site is a significant component of the residential Bloomingdale neighborhood whose boundaries are approximately Michigan Avenue to the north, Florida Avenue to the south, North Capitol to the east, and Second Street, NW to the west, consequently, the Site will impact significantly and potentially negatively the Bloomingdale neighborhood, thus, the Bloomingdale

Commission, 5<sup>th</sup> District Councilman Kenyan McDuffie, other DC Council Members whose districts about the McMillan site, and others upon request

*This Resolution was approved on March 24, 2014 after proper notice and by a vote of 11 yays, 0 nays, and 2 abstentions*

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Teri Janine Quinn, President

*Angela Prentice-Ray*

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Angela Prentice, Corresponding Secretary

benefits were encouraged Prior to the special meeting the preliminary listing was revised. The revised document served as the primary basis for discussion and prioritization at the special meeting

## RECOMMENDED PROVISIONS OF THE McMILLAN CBA

### A. Financial, Administrative, and Accountability Structures

Research consistently notes that the major shortcomings of CBAs involve problems of enforcement. Developers more often than not enter into CBAs in order to receive special benefit from the local government, but do not provide many of the promised benefits. Consequently, local governments increasingly have developed mechanisms for “encouraging” developers to abide by provisions of CBAs. For example, the District has tied award of a PUD’s Certificate of Occupancy (C of O) to the delivery of CBA benefits (although under such circumstances, there may be provision for award of a “temporary” C of O). But this occurs at the end of the development process when denial of occupancy is a lose-lose political and economic proposition for both the District and the developer.

The Bloomingdale Civic Association is adamant that the residential communities adjacent to the McMillan development deserve to receive in full any benefits promised including the means for sustaining such benefits indefinitely. It further believes that receipt of such initial and sustaining benefits is greatly enhanced by specification in the CBA of related financial, administrative and accountability structures. Specifically, the following are recommendations for inclusion in the McMillan CBA.

#### 1. Financial Provisions and Structures

- a. ***McMillan Community Center:*** The District will provide initial funding in the form of community center construction, ongoing center staffing and maintenance costs, and contribution to ongoing programming costs, consistent with funding provided to other DC community/recreation centers of similar size. Other funding streams for community benefits will not supplant such DC contributions.
- b. ***Earmarking of Neighborhood Investment Fund:*** Green Door Advisors (2011) estimated that the development will generate at least \$1.8 million over 30 years for the Neighborhood Investment Fund. Such funds generated by the McMillan Development shall be earmarked solely for use in neighborhoods abutting the development.
- c. ***McMillan Neighborhood Livability Impact Fund for McMillan Park & Center maintenance and program/activity development.*** Modeled after Anne Arundel County’s Neighborhood Impact Fee on building permits, the District (with the leadership of the 5<sup>th</sup> District Councilman) shall consider instituting a McMillan Neighborhood Livability Impact Fund on neighborhoods within a one mile radius of the boundaries of the McMillan development, with revenues designated for continuing McMillan Park facilities maintenance and development of public programs and activities of the McMillan Community Center and



- three attorneys (1 representing the District's General Counsel Office, 1 representing the Developer/Property Manager, 1 representing community interests),
- two (2) independent Certified Public Accountants' (1 representing developer/property manager interests, the other representing community interests)

In addition, the Board shall also include non-voting advisory members and/or periodic consultants with expertise in such areas as historic preservation, landscape architecture, mixed use property management, public art, museum development and design, financial investment, etc

Administrative support of the Board shall be the joint responsibility of the City and Developer/Property Manager, with related non-personnel costs paid from the McMillan Community Benefit Escrow Fund, unless otherwise noted in the McMillan CBA.

The Board shall conduct its inaugural meeting within six (6) months after PUD approval, and shall conduct formal meetings no less than four times per year

b ***Administration of the McMillan Community Benefits Agreement.*** The McMillan Community Benefits Board shall be the sole administrator of the McMillan Community Benefits Agreement. This shall include but not be limited to

- Approval of an annual budget for expenditure of McMillan Community Benefit Escrow funds consistent with the terms of the McMillan CBA
- Approval of a contract for an independent Compliance Monitor
- Implementation of any needed actions that might be required as a result of reports received from the Compliance Monitor, annual independent audit, and others sources.
- Recommend modifications to the CBA necessitated by either (a) changes in community needs over time, and/or (b) actual patterns of over- or under-expenditure of budgeted funds. As necessary, such recommended modifications must be ratified by the organizational signatories of the CBA
- Approve all contracts necessary for efficient and effective administration of the McMillan CBA.
- Provide general oversight of the McMillan Community Benefits Escrow Fund including contracting for its annual independent audit.
- Seek funding for ensuring the sustainability of McMillan CBA benefits, and any special projects that might relate to or enhance the CBA
- Voting McMillan Community Board members shall be expected to secure the input of those entities they represent prior to Board decision-making

### 3. **Accountability Structures**

Successful implementation of the McMillan CBA will largely depend on accountability structures and procedures of the following three entities

a ***McMillan Community Benefits Escrow Fund*** – Previously described

- Community event space in medical or mixed use building(s)
- Reduction and slowing of anticipated auto and truck traffic on First St , NW (Michigan Avenue to New York Avenue)
- Storm water management/Impervious brcks in alleys

Specific suggested benefits of each of these categories were reviewed/modified and in some cases additional benefits were added. Then, each of the categories was prioritized by the meeting's participants by "dot vote", with each person receiving four dots to indicate his/her top four priorities.

## 2. Prioritized Categories and Benefits

Recommended priority categories/benefits will NOT be funded through use of the McMillan Community Benefit Escrow Fund, unless such is specifically stated. The ***identified priority categories and their associated suggested benefits*** are as follow (please note, three (3) of the priority categories received the same number of dot votes and therefore are all listed as Priority 2)

### **Priority 1: Reduce and slow anticipated additional auto and truck traffic on First Street, NW (Michigan Avenue to New York Avenue)**

#### Specific Recommended Benefits

- a. The City shall install mini-roundabouts at all intersections currently controlled by stop signs, and ensure weight limits (no more than 1 1/4 ton) are placed on all trucks on this corridor. The Developer shall ensure that no McMillan construction, delivery or service trucks drive on First Street, NW south of the McMillan North Service Court.
- b. The Developer shall assume all costs related to the purchase and installation of plants (ornamental trees, shrubs, flowers, etc ) in the center of all mini-roundabouts. The Developer and/or Property Manager shall assume all costs and responsibility for maintenance (including plant replacement) of mini-roundabout plants indefinitely (i.e., until the development no longer exists or the mini-roundabouts are removed, whichever occurs first)
- c. Developer/Property Manager and/or its tenants shall provide incentives to the development's tenants and their employees to use public transportation (e.g., partially supplement costs of employee Smart Trip cards and car-sharing, strongly advocate for re-routing of nearby bus routes and upgrading of their scheduling, and initiating rush hour express bus service between development and neighboring Metro stations. In addition, Developer/Property Manager shall donate space for a Transit Store for sell of Smart Trip cards, student passes, bike and car sharing programs, etc ; and seek Restricted Residential Parking Exclusion for all residents of the McMillan development (and their guests)
- d. The City shall seek acceleration of the planning and development of the Catholic University/Columbia Heights streetcar (with a stop at the McMillan site)

**Priority 2C: Beautification**

**Specific Recommended Benefits**

- a Financial assistance shall be provided to several non-profit organizations that directly benefit the community through beautification efforts. Specifically, Twenty Thousand Dollars (\$20,000.00) of the Developer's initial contribution to the McMillan Community Benefits Escrow Fund shall be designated to be shared equally by
  - The Crispus Attacks Development Corporation (which maintains open green space and manages multiple community events in the Crispus Attacks Park, a one-acre green space in the heart of Bloomingdale)
  - Casey Trees for the planting of trees in the neighborhoods abutting the McMillan development
- b A percentage (to be determined by the McMillan Community Benefits Board) of the Developer's annual contribution to the McMillan Community Benefits Escrow Fund shall be designated for distribution to abutting ANC's for neighborhood/community beautification efforts
- c A percentage (to be determined by the McMillan Community Benefits Board) of the Developer's annual contribution to the McMillan Community Benefits Escrow Fund shall be designated for exterior maintenance assistance of residences of low-income senior citizen homeowners in neighborhoods abutting the McMillan development. This program will be operated by a local non-profit organization
- d The Developer and City shall jointly develop an overpass community park over the North Capitol underpass that will span the overpass north of Rhode Island Avenue (as far as architecturally possible) and south to Seaton Place. The overpass community park will serve not only to provide a unique community beautification and recreational space, but also serve to reduce environmental noise and pollutants resulting from increased traffic on North Capitol associated with the McMillan development. Maintenance of this park shall be the City's responsibility. Construction of the overpass community park shall commence prior to the award of building permits for the McMillan site's Phase 2 construction.
- e Until such time as Phase 2 building permits are issued, the Developer will sod, landscape, maintain, and make available for public park use all land reserved for Phase 2 construction (i.e., Parcels 2 and 3 per PUD application). Such beautification of Phase 2 construction land will be initiated prior to award of Phase 1 building permits

**Priority 3: South Service Park and Center Design Issues**

**Specific Recommended Benefits**

Prior to PUD approval, the Developer shall modify its Plan as follows:

- a. Incorporate the South Service Court into the public park by moving the road on the south side of court to north of Court. This will serve to slightly enlarge the park and enable