

Z.C. Case No. 13-14 – McMillan Sand Filtration Site
Applicant's Post-Hearing Submission
June 23, 2014

VMP Response to Questions Raised
By Alma Gates (Z.C. Exhibit 770)

1. *Even after five hearings, questions remain regarding the partnership between the Deputy Mayor for Economic Development and Vision McMillan Partners (VMP). Is there a clear and sufficient bright line between DMPED and the Office of Zoning in this case or does the Office of Zoning Independence Act of 1990 need revision if these development partnerships are to become commonplace?*

A: The Applicant is unaware of any interaction between DMPED and the Office of Zoning that would call into question the independence of OZ. This case is no different from any other DMPED or District project brought before the Zoning Commission.

2. *Has the Zoning Commission seen a document that reveals “parcel ownership” at the end of the approval process?*

A: The Applicant is unaware of any document in the record that shows ownership of the individual parcels at the end of the approval process. Parcel ownership will be determined through the Land Disposition Agreement process. The Applicant notes that zoning issues are before the Zoning Commission, not land ownership, which can change.

3. *How is the division of land/labor going to work?*

A: Please refer to the roles and responsibilities chart submitted to the record as part of Exhibit 785.

4. *What will DC residents be paying for in perpetuity?*

A: The Applicant is uncertain as to the meaning of this question; moreover, it is not germane to the PUD process. Please refer to the roles and responsibilities chart submitted to the record as part of Exhibit 785.

5. *How are impacts being weighed against benefits?*

A: Under the PUD regulations, the Zoning Commission evaluates public benefits in proportion to the flexibility or incentives requested and in order to establish a basis for long-term public control over the specific use and development of a property. 11 DCMR § 2400.3. The Commission must find that impact of the project on the surrounding area and the operation of city services and facilities are either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project. 11 DCMR § 2403.3.

6. *Who will own the preserved historic structures and how will they be maintained and used?*
- A: As shown on Exhibit 785, the District will own the preserved historic structures. The non-profit association or a business improvement district to be established will be responsible for maintenance of the historic structures. Proposed uses for the regulator houses and silos are shown on the architectural drawings submitted with the Applicant's post-hearing submission, and include possible retail uses and storage.
7. *Who will own, maintain and manage the community center -- is it actually a "public facility?"*
- A: The District will own, maintain and manage the community center, which will be a public facility. Please refer to Exhibit 785.
8. *Who is responsible for infrastructure maintenance such as private streets and fire hydrants?*
- A: The non-profit association or a business improvement district to be established will be responsible for maintenance of the on-site infrastructure such as private streets and fire hydrants.
9. *Who will ensure the long-term integrity of the Olmsted Walk and other open spaces, including access points?*
- A: The non-profit association or a business improvement district to be established will be responsible for the maintenance of the Olmsted Walk and other open spaces, including access points.
10. *The National Trust and the Committee of 100 raised questions regarding the Secretary of the Interior's Standards, the necessity of a 106 Process, and compliance with the Comprehensive Plan. Others have cited compliance with Comprehensive Plan elements as well. Will the Zoning Commission thoroughly address these issues prior to granting any zoning approval for the reuse of the 25-acre historic McMillan parcel?*
- A: The Applicant anticipates that the Zoning Commission will thoroughly address compliance with the Comprehensive Plan elements in its order. The Applicant anticipates that the Zoning Commission will address the Secretary of Interior Standards and the Section 106 process to the extent it is relevant to its decision. The Applicant notes that the questions regarding Section 106 review were addressed by the D.C. Historic Preservation Officer by memorandum dated May 22, 2014, and filed in the record as Exhibit 776.