

July 18, 2014

To: Members of the District of Columbia's Zoning Commission:  
Anthony J. Hood, Chairman  
Marcie Cohen, Vice-Chairman  
Robert Miller, District Resident  
Michael G. Turnbull, Architect of the Capitol Designee  
Peter G. May, National Park Service Designee

From: McMillan Advisory Group

Re: Rejection of Submission of Community Benefits Agreement by Advisory Neighborhood Commission 5E/Vision McMillan Partners for the McMillan Planned Unit Development

Dear Chairman Hood:

We write to request that the Zoning Commission deny the McMillan planned unit development (PUD) application until such time as Vision McMillan Partners, LLC (VMP) collaboratively works with the civic associations, the McMillan Advisory Group (MAG), and other community groups to discuss, negotiate, and endorse a final Community Benefits Agreement (CBA) for the project that reflects principles of partnership, sustainability, and accountability. We also request that the docket be reopened for Case #13-14 so that you consider the following information regarding Advisory Neighborhood Commission (ANC) 5E's submission of a CBA for the McMillan project (Exhibits #832G1 and 832G2).

We respectfully make this request as the CBA was submitted after the record was closed and without presentation, discussion, or voting by the MAG or neighboring civic associations. In particular, the ANC 5E CBA was made public only hours before being voted upon at the ANC 5E meeting on June 17, 2014. The request to send this letter to reject the CBA submitted by ANC 5E and reopen the docket for additional information was discussed at MAG's regularly scheduled public meeting on July 10<sup>th</sup>, and supported by a unanimous vote of eight in favor with no abstentions.

In summary, the MAG held multiple meetings over several months to provide thoughtful and specific input into the MAG CBA process. We solicited input and feedback from all of the neighboring civic associations, both electronically and in public meetings, and posted multiple draft documents on the web for individuals to provide feedback and make recommendations/comments. This information was collected and submitted to the Zoning Commission (Exhibit #79). In comparing the elements of the MAG CBA with the one passed by ANC 5E, many significant and important topics were either marginalized or excluded.

MAG is very disappointed in the final CBA approved by ANC 5E and submit that the process followed by ANC 5E violates the charter put forth when the District formed the MAG.<sup>1</sup> During negotiations between ANC 5E and VMP, the community, including members of the MAG, was repeatedly barred from both attendance and engagement. As a result of the exclusion of MAG and the community from the negotiating process, the CBA agreed upon between ANC 5E and VMP inadequately represents the interests and needs of the community. It further ignores the benefits and amenities deemed a high priority by the surrounding communities, focusing instead on amenities of a lower priority. It should be noted that some items in the CBA were also never put forward by MAG or the result of community input. Overall, CBA agreed upon with ANC 5E differs significantly in scope and detail from the MAG CBA. Problematic disparities between the two CBAs are summarized below.

The MAG does not accept the ANC 5E/VMP CBA and requests that the Zoning Commission not accept this version as the final one for the project should it move forward. We strongly request that continued discussions on a McMillan CBA include the following topics:

- Structural and accountability elements: we believe that a successful CBA must have specific structures in place for accountability, sustainability, and transparency. The ANC 5E CBA notes these concepts but does not provide details of how funds will be spent, who will make allocation decisions, how they will be sustained into the future, and corresponding timelines with project milestones (e.g., certificate of demolition, occupancy, etc.) to ensure that benefits/amenities will be provided in advance and, in some cases, prior to project completion. Most important, the ANC 5E CBA as written is virtually non-enforceable, and fails to build consultation, bridges, and relationships between affected communities and the proposed development.
- Transportation: a regional traffic study must be conducted which includes not only McMillan but also the multiple other developments planned or already completed within a one mile radius from the site (e.g. Monroe Street Market). Such a comprehensive traffic study could be conducted by a Transportation Pact comprised of the District Department of Transportation, Wards 5 and 1 Council members, and the Washington Metropolitan Area Transit Authority. The study would identify current and future transportation needs, outline amelioration plans, and ensure a timeline for the implementation of these plans *before* the approval of additional development projects. The ANC 5E CBA does not acknowledge the horrendous impact the development will have on traffic in the development's abutting neighborhoods – but instead ‘passes the buck’ to the District without assurance that all regional traffic needs have been identified and with no specific plan that mitigation strategies will actually be enacted in a time-appropriate manner.
- Buildings: reduction in commercial density, including building heights, in a scale consistent with the District's Comprehensive Plan. In the absence of an adequate traffic

---

<sup>1</sup> Letter of Commitment entered into between (1) Vision McMillan Partners (VMP) and (2) the District of Columbia Government, acting by and through the Office of the Deputy Mayor for Planning and Economic Development (the District) and (3) the McMillan Advisory Group (MAG) as constituted by the National Capital Revitalization Corporation (NCRC) and continued by the District. This letter was signed by then project manager for the District, McClinton Jackson, Tony Norman, and two representatives for VMP. This document can be found on the MAG website at, [http://mcmillanadvisorygroup.files.wordpress.com/2013/10/mag\\_ltr\\_of\\_commitment.pdf](http://mcmillanadvisorygroup.files.wordpress.com/2013/10/mag_ltr_of_commitment.pdf).

mitigation strategy, the only solution remains substantial reduction in the number of planned residential and commercial spaces. Furthermore, the scale of the proposed structures are out of character with and will dwarf the neighboring community residences, instead reflecting more the character of the medical buildings north of the site, rather than the surrounding neighborhoods and onsite historic structures.

- Parking: implementation of successful mitigation strategy(s) for on-street parking and prevention of vehicles using alleys within Stronghold when traffic on North Capital Street becomes a parking lot.
- Construction Management Plan (CMP): to date, VMP has not presented or discussed a Construction Impact Plan with the MAG, the civic associations, or in any public forum to our knowledge. We expect such a plan to be forthcoming and that it require the support of the MAG and neighboring civic associations, not just ANC 5E. Included in the CMP must be specific details for prevention and accountability for damage to surrounding homes and structures during construction. This concern is especially true for residents on North Capitol Street and the unit block of Channing Street NW. The MAG CBA requires VMP to establish a multi-million dollar renewable escrow fund or bond for the purpose of mitigating and repairing any structural damage and for VMP to bear the cost of a pre- and post-inspection report by a third party inspector to gauge possible damage to homes as a result of construction. Such a structure and approach can easily leverage similar work already conducted by the DC Water and Sewer Authority in advance of the First Street Tunnel project.
- Park and Community Center: we strongly request that the Park and Community Recreation Center be governed by a public/private partnership similar to NYC's Central Park. We would expect that there be majority community representation on such an entity and disagree with VMP's proposal of a business-only governance model which is likely to lack community representation. In addition, we believe that it is most important to have Department of Parks and Recreation activities offered as part of the assurance of community access and engagement, and reiterate our request that the District, as co-submitter of the McMillan PUD application, be a signatory to the CBA.
- Adaptive re-purposing of underground cells: we remain disappointed by 1) the lack of specifics VMP has offered regarding the extent and purpose of preserved/repurposed sand filtration cells along with 2) the number of cells planned for preservation. Specifically, the MAG requested that 2 or 3 additional underground cells be preserved, adapted and re-used, a request with high priority from the surrounding communities (e.g. one of the top three priorities voted on by the Bloomingdale Civic Association). This request aligns with the initial goals for the site, set by the District, community participants and technical experts (Exhibit# 72)<sup>2</sup>, whereupon site features were to be adaptively reused. This report focused in particular on the 4 'stable' cells and 8 'moderately deteriorated' cells. The McMillan PUD falls well short of this intended goal and the CBA negotiated by ANC 5E fails to address this gap. Instead, VMP has argued that stabilization of additional cells is not feasible and efforts to retain the cells would undermine the historic integrity of those same structures. However, the structural

---

<sup>2</sup> Government of the District of Columbia, Office of Planning & Department of Housing and Community Development, *McMillan Sand Filtration Site: Summary of Recommendations for Site Revitalization* (February 2002).

engineering report subcontracted to Robert Silman Associates<sup>3</sup> for VMP shows that preservation and adaptive re-use of additional underground cells is as feasible today as when the goals were established in 2002. Specifically, this report (Exhibit# 786) states that three underground cells, currently not slated for preservation or adaptive reuse, contain only minor damage and found existing damage to be consistent with the conditions observed in prior structural assessments performed in 1944, 1967 and 2000. The 2000 report in particular proposed financial solutions that would allow for restoration of these cells while the Robert Silman report omitted such a discussion and instead focused on cells with more significant deterioration. In our opinion, the limiting factor for further cell preservation is not a structural infeasibility but rather reluctance on the part of the District and VMP to entertain the idea of additional cell retention when crafting a Master Plan for the site. Given the vast opportunities for both historic preservation and beneficial community amenities, we believe that a successful CBA would include: preservation of additional cells and full details regarding to what extent cells be preserved, how cells will be revitalized and activities to take place in these cells, and a timeframe for when these structures will be open for public use.

- Funds for neighborhood beautification were allotted in an unbalanced manner. Neighborhoods more than a mile from the site are to receive the same or more monies than communities which are directly across the street from the site. In addition, neighborhood improvements (e.g., placing a park above the tunnel on North Capitol Street, widening of sidewalks along North Capitol Street NE) were not included or discussed.

In closing, we hope that the Zoning Commission will deny the McMillan PUD application until such time as VMP collaboratively works with the civic associations, the McMillan Advisory Group, and other community groups to discuss, negotiate, and endorse a final CBA for the project that reflects principles of partnership, sustainability, and accountability. To be successful, a coalition of community groups, not just ANC 5E, should be included in all phases of the CBA process, including both negotiations and final voting.

Thank you for your consideration.

Sincerely,

The McMillan Advisory Group

---

<sup>3</sup> Robert Silman Associates, *Existing Conditions Assessment & Feasibility Evaluation: McMillan Slow Sand Filtration Plant Site*, (Apr. 10, 2014).