

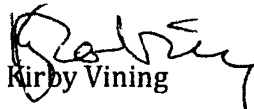
McMillan Advisory Group (MAG)

March 9, 2017

MAG Testimony for the Zoning Commission Limited Scope Public Hearing, Thursday, March 23, 2017, 6:30pm, re: issues remanded by the DCCA to the ZC in case 13-14 (McMillan development).

The McMillan Advisory Group at its regular monthly meeting on March 9, 2017, voted to approve the attached testimony for presentation to the Zoning Commission on the remand of ZC case 13-14, and voted to approve Ms. Elizabeth Floyd, MAG Vice Chair, to present this testimony at the March, 23d hearing on behalf of the MAG.

McMillan Advisory Group Chair


Kirby Vining

McMillan Advisory Group (MAG)

MAG Testimony for the ZC Limited Scope Public Hearing, Thursday, March 23, 2017, 6:30 pm, re: issues remanded by the DCCA to the ZC in case 13-14 (McMillan development);

Thank you for reading the McMillan Advisory Group (MAG) testimony. We offer this testimony in the spirit of fulfilling our obligation to the District of Columbia and our constituent communities.

The MAG was formed in 2006 under District government auspices to join representatives of several nearby communities, VMP, and the District government (represented by DMPED) to foster a consensus-based development project for the McMillan Site. According to the founding charter, the MAG “acts as voice for the community in its interaction with the development partners, throughout the pre-development and land development phases for the McMillan Sand Filtration Site”, “communicates the community’s perspective throughout the master planning of the Site”, and “serves as a mechanism for shaping the creation of the master plan by participating in the on-going dialogue with the development partners.”

Throughout years of proposals and community engagement, the MAG has witnessed and recorded a consistent desire by most residents that development of the site comply with recommendations of the Comprehensive Plan and the McMillan Sand Filtration Site Summary of Recommendations for Site Revitalization February 2002¹. The MAG advocated for those principles, and included related topics in the MAG’s previously submitted draft Community Benefits Agreement; VMP and DMPED largely ignored those inputs. The following comments address specific points of the order called for in this hearing.

Issue #2: Do these or other Comprehensive Plan policies cited in the record of this case weigh against approval of the PUD?

In the MAG’s opinion, yes. In seeking the “flexibility” granted to Planned Unit Developments (PUDs), the proposed PUD is inconsistent with the following recommendations of the Comprehensive Plan for the McMillan site, and arguably weighs against the approval of the proposed PUD. In general, the recommendations of the Comprehensive Plan are consistent with the scale and character of the development that the local community has expressed interest in seeing.

Three important Mid-City (MC) Area Element Policy points and MAG’s commentary follow:

¹ Published by Government of the District of Columbia Office of Planning & Department of Housing and Community Development. Please see Zoning Commission Case #13-14, exhibit 72.

MC-2.6.1, concerning open space at McMillan, states that the Plan “Require(s) that reuse plans for McMillan.... dedicate a substantial contiguous portion of the site for recreation and open space...”

- Regarding MC-2.6.1: The park, while welcomed by the MAG communities, has been touted as an amenity provided by the development team. However, given that the park is DC government-owned land and the community center on it is to be built and maintained with DC tax dollars, how is this in any sense an amenity that can be accepted as part of an adjacent, private development? The development plans suggest that this park is an amenity granted to offset the adverse impact of the density and height of new construction; however, because it is not owned, built, or financed by the development team, this should not be allowed to substitute for a requirement that the development include open space.

MC-2.6.3, Mitigating Reuse Impacts states that any plan “Ensure(s) that any development on the site is designed to reduce parking, traffic, and noise impacts on the community; improve transportation options to the site and surrounding neighborhood”

- Regarding MC-2.6.3: Unmitigated traffic increase is the most consistent concern voiced by MAG member communities. The MAG believes that the proposed development has not provided solutions that would convincingly mitigate the increased traffic burden.² These excerpts from MAG documents are offered to cite specific concerns that development beyond the Comprehensive Plan recommendations could result in traffic increases that could not be mitigated.

MC-2.6.4, Community Involvement in Reuse Planning, states that the development process “Be responsive to community needs and concerns in reuse planning for the site. Amenities which are accessible to the community and which respond to neighborhood needs should be included.”

- Regarding MC-2.6.4: As prior MAG documents³ illustrate, the MAG made consistent efforts to fully engage with the development team during each step in the process. Despite MAG efforts, VMP and DMPED did not engage with the MAG for substantial periods of time during critical periods of the PUD development process. In particular, the lack of engagement during the development of the Community Benefits Agreement weighs against fulfillment of the Policy for Community involvement for Reuse Planning.

Attached excerpts from prior MAG testimony to the Zoning Commission address these specific neighborhood concerns as they relate to the aforementioned Comprehensive

² Please see attached graphics for traffic impact from McMillan and neighboring developments. In total, these developments will bring an additional 5,000 vehicle trips to North Capital per hour during peak travel times and more than 60,000 additional vehicle trips per day.

³ Please see attached communication to Jeff Miller, DMEP, sharing that VMP ceased communication with the MAG for over a year and during the critical time of the CBA negotiations.

Plan elements. Furthermore, the DC Court of Appeals decision in this case and in the Durant case both cite guidance that *specific* recommendations of the Comprehensive Plan should take precedence over more general policies unless deviation from those recommendations is justified.

Issue #3: Is the high-density development proposed for the site the only feasible way to retain a substantial part of the property as open space and make the site usable for recreational purposes?

In MAG opinion, the development team has not demonstrated that high density is mandatory for a successful project at McMillan or that the PUD is in accordance with MC-2.6.5, concerning the Scale and Mix of New Uses.

MC-2.6.5 states that “Where development takes place, it should consist of moderate-to medium-density housing, retail, and other compatible uses. Any development on the site should maintain viewsheds and vistas and be situated in a way that minimizes impacts on historic resources and adjacent development.”

The proposal that the proposed high-density is the only feasible way for a successful project is an unsubstantiated argument where the answer may rely on financial analysis yet to be shown in an open and public setting. Initial proposals from the development team included less dense/less tall versions of the plan, which argues for the feasibility of a successful project with less density.

As indicated in the Summary of Recommendations for Site Revitalization, the PUD submitted does not comply with key provisions, including restrictions for large, high rise commercial buildings. Maintaining “viewsheds and vistas” is furthermore complicated by high and dense development.

The development team has shown ability to rework plans when confronted with needed change, such as the DC Water 1st St. Tunnel Project, and the MAG is optimistic that the development team will be able to address this question satisfactorily with some modification to the proposed density

Issue #4: Will the PUD result in environmental problems, destabilization of land values, or displacement of neighboring residents or have the potential to cause any other adverse impacts identified by the FOMP in the record of this case?.

Based on repeated past opinions of MAG members, the MAG believes that adverse impacts in terms of traffic burden and housing destabilization are anticipated and are of great concern. Also of concern is that the PUD was approved by the ZC without an Environmental Impact Study being conducted!

On July 18, 2014, the MAG submitted a letter, exhibit 843, to the Zoning Commission for case 13-14 (see attached excerpt from that letter). A reference to traffic on page 2 of that letter makes clear the MAG's position on the failure of the proposed development to realistically assess the comprehensive impact the proposed development would have on traffic conditions, which in turn relates to environmental impact. The development team has stated that the development would increase local daily trips adjacent to the site by about 31,000 vehicle trips per day. Exhibit 696 is expert testimony presented in this case by a traffic engineer concerning the failure of the proposed plan to mitigate traffic problems (see attached).

The MAG has long held that a comprehensive study of traffic for current and approved developments within a radius of one mile of the site is necessary to estimate actual traffic impact. This has not been done, and the MAG asserts that this is a key element of the adverse environmental impact of the proposed development. (This is also stated in another MAG presentation to Zoning in exhibit 79 as part of the MAG proposed Community Benefits Agreement.)

On page 5 of exhibit 79, the MAG's Community Benefits Agreement and Position, the MAG notes that (the PUD) may "result(s) in overwhelming existing and proposed infrastructure" and may "continuing and increasing inconvenience and misery to nearby residents, especially those whose families have deep roots in the community over many generations." The MAG respectfully urges the Commission to keep these concerns in mind as it considers the proposed development plans.

McMillan

Proposed Development

Use	Sq Ft
Health Care	860,000 sq ft 1900 parking spaces
Retail + Grocery	70,000 sq ft 330 parking spaces
Rental Units	280 units
Row Homes	146 units, 1 or 2 car garages
Phase II	Plan not included

- VMP summary and revised proffers to Zoning (10/14)



TRAFFIC IMPACT

ATTACHMENT 1
P 1

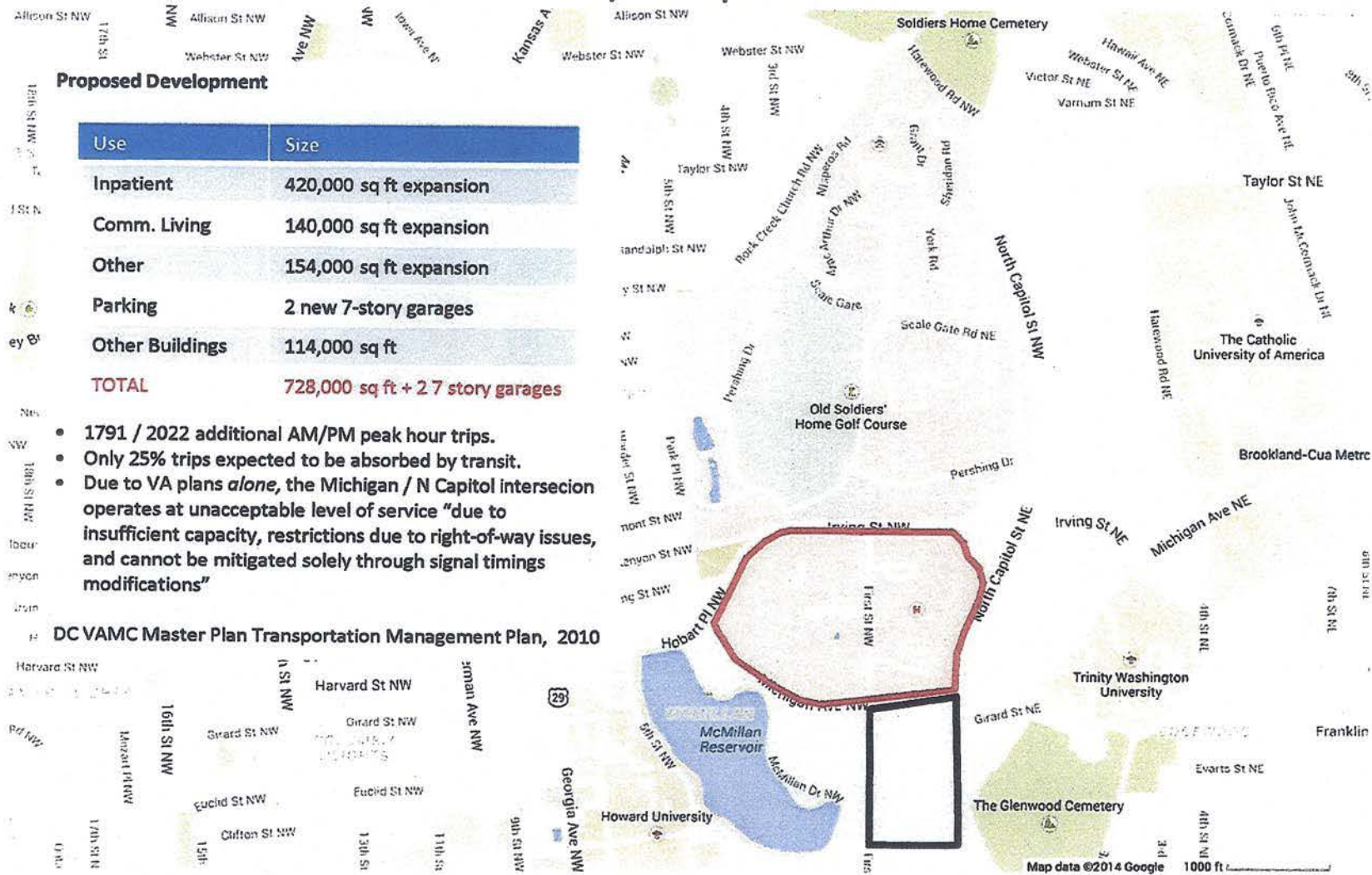
Tri-Hospital Complex and VA Hospital Expansion

Proposed Development

Use	Size
Inpatient	420,000 sq ft expansion
Comm. Living	140,000 sq ft expansion
Other	154,000 sq ft expansion
Parking	2 new 7-story garages
Other Buildings	114,000 sq ft
TOTAL	728,000 sq ft + 2.7 story garages

- 1791 / 2022 additional AM/PM peak hour trips.
- Only 25% trips expected to be absorbed by transit.
- Due to VA plans *alone*, the Michigan / N Capitol intersection operates at unacceptable level of service "due to insufficient capacity, restrictions due to right-of-way issues, and cannot be mitigated solely through signal timings modifications"

DC VAMC Master Plan Transportation Management Plan, 2010



Armed Forces Retirement Home (Soldier's Home)

Proposed Development

Use	Sq Ft
Residential	3,818,234
Office / R&D	1,383,573
Retail	243,562
Medical / Institutional	590,974
Hotel	123,026
TOTAL	6,165,369 Sq Ft

- Bulk of development in red area on N Capitol and Irving
- Over 5,000 parking spaces for project!
- USAFRH Record of Decision, Master Plan Selected Alternative 3A. AFRH COO.

Map data ©2014 Google 1000 ft

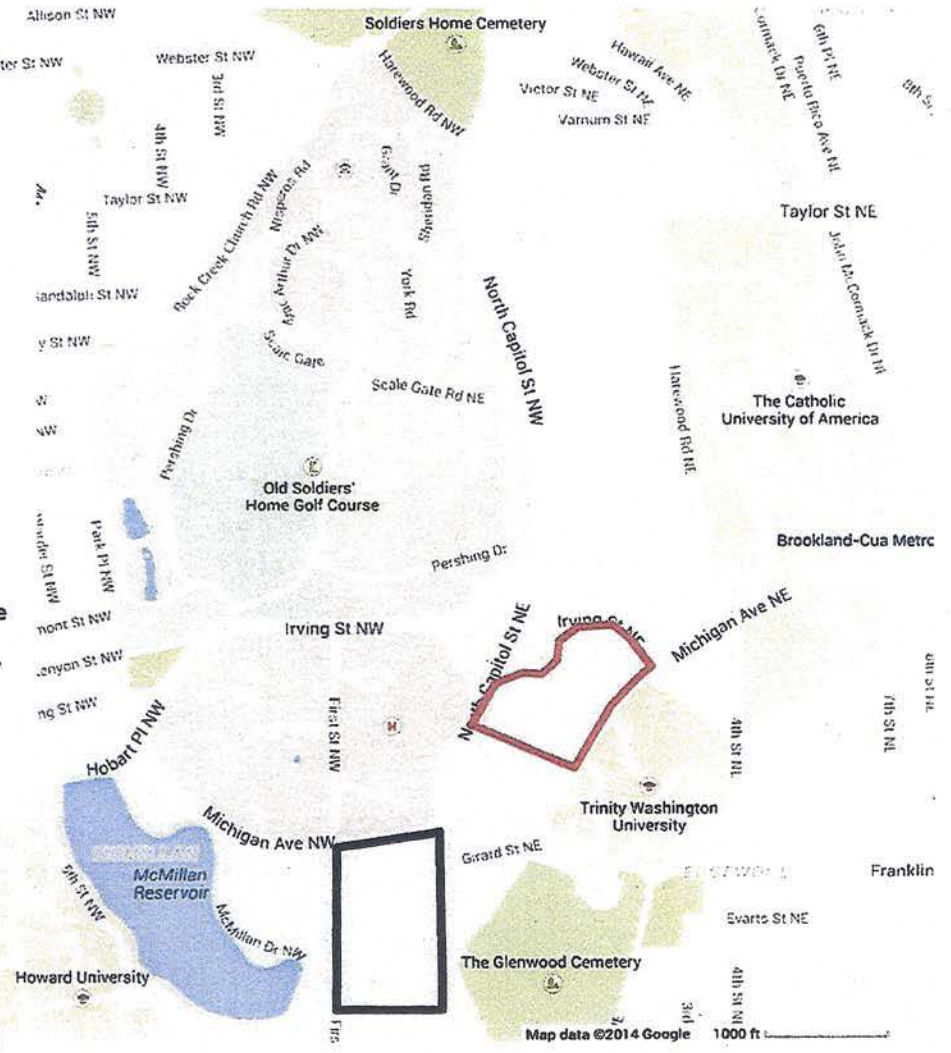
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Clover Leaf Development on North Capitol

Proposed Development

Use	Size
Hotel	9 stories, 314 rms, 95 feet
Conference Cntr	37,346 sq ft
Restaurant	
Parking Deck	4 story, 400 spaces, Michigan Av
Surface Parking	200 spaces
Retail	20,000 sq ft
Potential grocery	

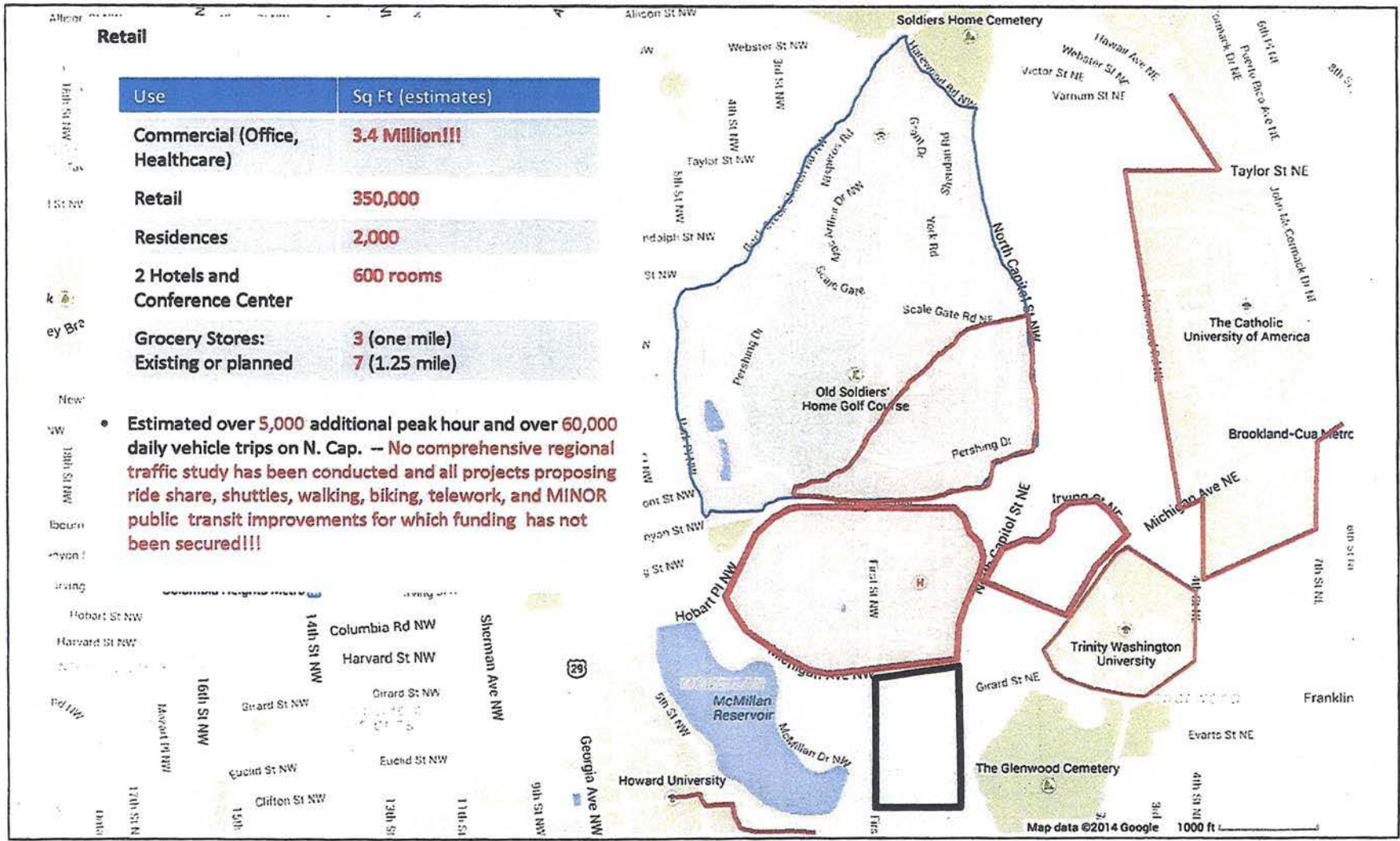
- Traffic study explicitly ignores other development.
- DDOT concerned that trucks will unload from Michigan Ave despite available designed loading facility.
- Left hand turns from Michigan "of paramount importance"
- ZC Order 08-33



P4

Overall landscape in less than one mile from McMillan.

Do we need to destroy almost all of the historic features of a District and National Landmark?
 What is the net balance of claimed benefits vs unmitigated and longstanding negative impacts?



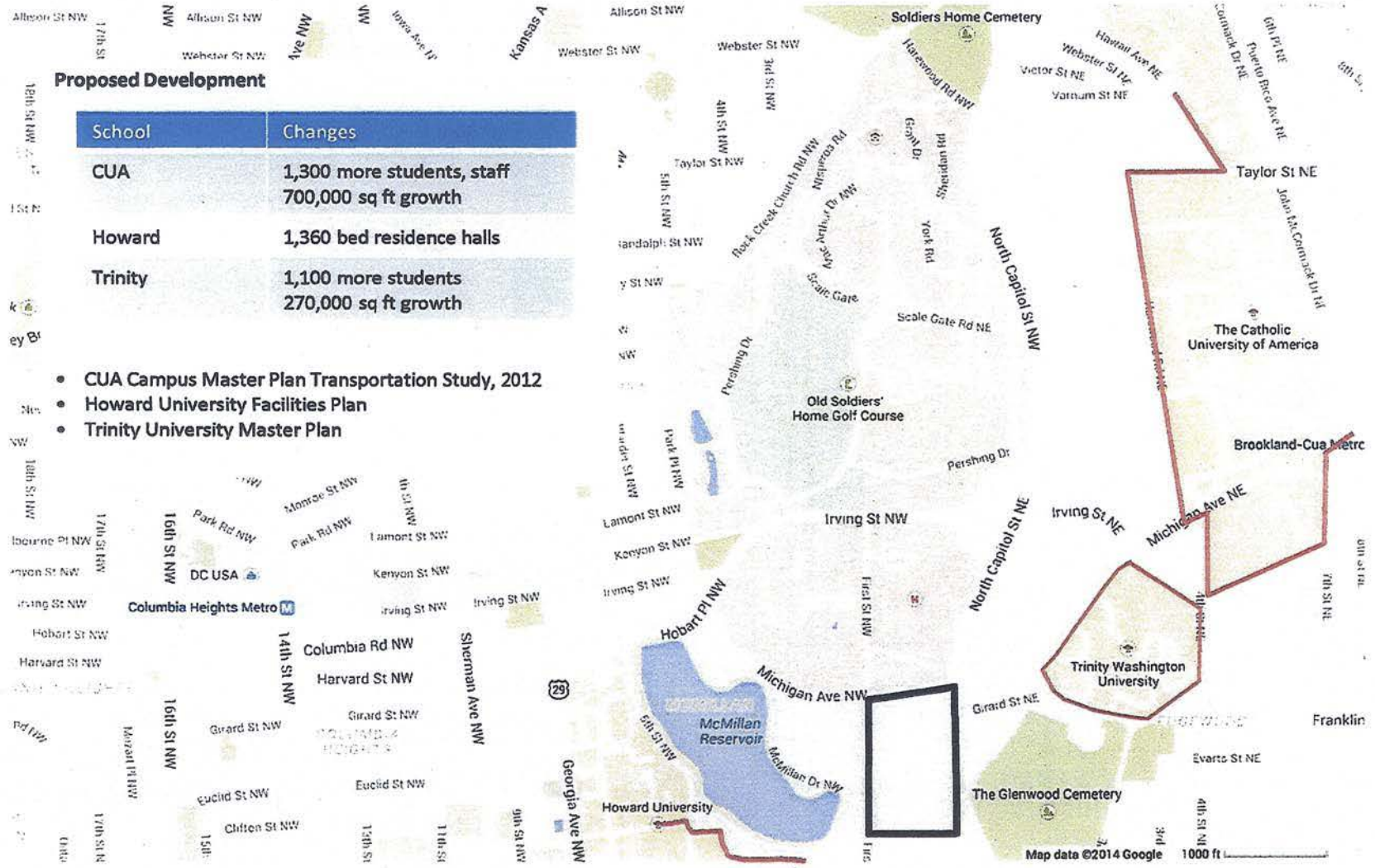
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University Expansions

Proposed Development

School	Changes
CUA	1,300 more students, staff 700,000 sq ft growth
Howard	1,360 bed residence halls
Trinity	1,100 more students 270,000 sq ft growth

- CUA Campus Master Plan Transportation Study, 2012
- Howard University Facilities Plan
- Trinity University Master Plan



P 5

October 29th, 2014

To: Mr. Jeffrey Miller
Interim Deputy Mayor for Planning and Economic Development (DMPED)
Dmped.com@dc.gov

From: Chris Leptak
Vice-chair, McMillan Advisory Group
McMillanAdvisoryGroup @

RE: McMillan site development and community input

Mr. Miller:

We write to share the following information RE Vision McMillan Partners, LLC (VMP) engagement with the McMillan Advisory Group (MAG) and to seek clarification of DMPED's point of contact (POC) for the McMillan Project and representative to the MAG. This is an open letter and we have cc'ed parties that have a vested interest in the MAG based on membership or related activities.

The MAG was founded in 2006 as an unincorporated non-profit through the support of the District of Columbia via the National Capital Revitalization Corporation (NCRC). According to the founding charter, the MAG "acts as voice for the community in its interaction with the development partners, throughout the pre-development and land development phases for the McMillan Sand Filtration Site," "communicates the community's perspective throughout the master planning of the Site," and "serves as a mechanism for shaping the creation of the master plan by participating in the on-going dialogue with the development partners."

The MAG signed a letter commitment with VMP and Office of the Deputy Mayor for Planning and Economic Development to endorse the selection of VMP as the Land Developer for the Project on the basis of certain terms. These terms, among other items, (1) include the development—in conjunction with the MAG, and other parties—of a detailed community amenities package, which may include open space, historic preservation, mixed-income housing, job creation, neighborhood serving retail options, infrastructure upgrading, broad-based LSDBE participation, support for local community organizations, and other similar objectives and (2) afford the MAG, and other parties, the opportunity to review and comment on the PUD before submission to regulatory agencies;

To date, VMP has not been held accountable for not fulfilling its commitment to the MAG as part of its selection as land developer for the site. Because a central tenet of the MAG's function is to represent and to advocate for community interests, nothing justifies VMP's exclusion of the MAG or affected civic associations from participating directly in the CBA process including creation, negotiation, and signing the final CBA for the PUD. In addition, VMP has not afforded the MAG an opportunity to review and comment on the PUDs it has filed to either the Historic Preservation or the Zoning Commissions.

Recently, Anne Corbett, the project manager for VMP, has not responded to multiple attempts at communication. After no returned email correspondence, I confronted Anne at an event to seek clarification.

In follow up to our conversation on Oct 17th, I wrote an email to Anne on Oct 23rd to share my understanding of VMP's future engagement with the MAG. During the conversation, Anne shared that VMP will no longer be participating in the MAG nor corresponding with it. Anne shared that this decision came from the Mayor's Office and was made since the MAG did not support the VMP plan for the site. Anne also shared that she would not be sharing this significant change in community engagement in writing as she has been instructed to cease communication with the MAG.

As this disengagement on the part of VMP after seven years of MAG activities represents a longstanding and pivotal loss of community voice in the project, we believe that it warrants written confirmation from VMP to the MAG. Although we have asked for clarification if we have not understood VMP's intentions accurately, we have not received a response.

As part of the exchange on Oct 17th, Anne also shared that Shiv Newaldass is no longer with DMPED and no longer the POC for the McMillan project. As the MAG was not informed of this change and do not know who the new POC is for the project, we write you to seek clarification on this and the other information shared in this letter.

We appreciate your time and look forward to your response. MAG has been engaged for over 7 years in this project and is committed to continuing that engagement throughout the planning and construction phases of the project as outlines in the founding charter.

Sincerely,

Chris Leptak
Vice-chair, MAG on behalf of the MAG

Cc
Kenyan McDuffie
Jim Graham
Anne Corbett
VMP reps
SCA
BCA
ECA
Edgewood
Hanover
Park Place
Pleasant Plains Civic Assn
ANC 5E09
Community Blog sites

Attachments:

Letter of Commitment
Revised Summary Term Sheet

**Attachment 3 to MAG Testimony for ZC Limited Scope Public Hearing:
Notes from MAG documents submitted to Zoning for the MAG testimony before the March 23
Zoning 'limited scope hearing.'**

These notes are excerpted points from the three documents the MAG has submitted to Zoning for the original Zoning hearing, offered as points to refer to as we justify testimony text.

The MAG submitted two documents, all visible on the record of case 13-14, here:

https://app.dcoz.dc.gov/Content/Search/ViewCaseReport.aspx?case_id=13-14

(hit 'view full log' and the numbered exhibits will be visible, 24 pages of them)

Exhibit 843 Letter from McMillan Advisory Group Re: Rejection of Submission of Community Benefits Agreement

Exhibit 79 McMillan Advisory Group Community Benefits Agreement and Position

(hit 'view full log' I propose that any testimony we submit on behalf of the MAG be related to these earlier submissions, and so I've prepared a list below of points from them (referenced by the exhibit number, 843 or 79):

79 – Medical center inclusion in the project was an economic decision unilaterally raised by EYA. Pg. 2

79 The project would “significantly and negatively impact the abutting Bloomingdale and Stronghold neighborhoods, thus, those communities are deserving of receipt of targeted CBA benefits/amenities (and) those communities are to be given special consideration with regard to proposed changes to the development plan for those items that are of greatest negative impact.

79 – There is broad agreement among the neighboring communities on many of the core issues (e.g., traffic, site density, repurposing of historic structures, etc.) as outlined in the Summary of Recommendations for Site Revitalization¹, included in the Solicitation for Land Development Partner (“Solicitation”)¹ when the District decided to develop the Property, and confirmed by a subsequent door-to-door McMillan Survey conducted in 2012 (“the Survey”)¹; pg. 3

79— VMP did not provide the MAG an opportunity to review and comment on the PUD before submission to either the Historic Preservation or the Zoning Commissions

79 -- ...(The PUD) results in overwhelming existing and proposed infrastructure and when it is not based on smart growth principles—primary among them building dense, mixed-use developments around vibrant, existing, rapid transit transportation hubs— and thus causing continuing and increasing inconvenience and misery to nearby residents, especially those whose families have deep roots in the community over many generations . pg 5

79 -- The CBA total dollar amount requested is justified given the significant net negative impact the community anticipates this proposed development will cause in terms of much worsened traffic, residential and commercial density out of scale with existing neighborhoods, and five plus years of construction activities dramatically impacting the quality of daily family life

79 -- the MAG remains committed to create a broader community coalition that would work with VMP and the District to draft, negotiate, and sign a CBA as part of the PUD process for the Property. Pg. 5

79 -- In accordance with the Summary of Recommendations for Site Revitalization¹, February, 2002, issued by the Office of Planning & Department of Housing and Community Development, the following uses should **not** exist on the Property:

- ☒ Big Box Retail
- ☒ **High Rise Office**
- ☒ High Rise Hotel
- ☒ **High Rise Residential**
- ☒ Fast Food Restaurants
- ☒ **Hospital/Medical Facilities**
- ☒ Vehicle Service Facilities
- ☒ Liquor Store
- ☒ Department Store
- ☒ Warehouse
- ☒ Uses that require large amounts of surface parking . Pg. 14

79 -- The District shall reduce the commercial density, including building heights, of the Project Plan to meet the District Comprehensive Plan, thus decreasing the overall number of new vehicular trips to the site for the new development. In the absence of an adequate traffic mitigation strategy, the only solution is substantial reduction in the number of planned residential and, especially, commercial spaces. Pg. 15

79 -- The buildings on the site must abide by the intent of DC's Comprehensive Plan for McMillan including medium density residential and moderate density commercial spaces (less than five stories). The site should be zoned with distinct residential and commercial areas as was proposed in the Stage One PUD (2/24/12). Land covenants should be put in place that state that no further increase in building heights or changes to the exteriors will be allowed without community and Historic Preservation Review Board approval. Pg. 22

79 -- The current plan identifies two cells – Cell 14 and Cell 28 – for preservation, adaptation and reuse. Prior to award of any building permit, at least or 2 or 3 additional underground cells must be identified for preservation, adaptation and re-use along with the proposed specific use of each included in an amended PUD. Since the cells are historically significant and distinguishingly unique, we expect that more creative commercial and community uses for these spaces be developed, presented, and included in an amended PUD filing (e.g., unroofing parts of a cell to create an open-air courtyard with surrounding restaurants/performance spaces). VMP shall repurpose sand filtration cells for active public uses (e.g. a “Union Market” _type of local vendor market). Part of the repurposed spaces to serve as business incubators for new and small entrepreneur commercial opportunities (e.g., restaurants, cafes, bars, IT centers, bakeries, art galleries, ice cream parlor). Pg. 22, 23

843 -- Rejection of Submission of Community Benefits Agreement by Advisory Neighborhood Commission 5E/Vision McMillan Partners for the McMillan Planned Unit Development. Pg 2.

843 -- 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:

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 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.

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)2, 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. Pg. 3