

*** PARCEL ***
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To: Chairman Hood & DC Zoning Commissioners:
From: DC for Reasonable Development (DC4RD)
Re: ZC Case # 13-14 -- Contested Issues & Concerns
Date: May 6, 2014

Background

ZC Case #13-14 contends with McMillan Reservoir Park, a 25-acre open to the air public parcel located at the boundary of Ward One and Ward 5 in Northeast Washington, DC. The subject site contains a technological marvel from more than 100 years ago -- historically-designated and elegantly vaulted underground sand filtration cells which cleaned DC's tapwater straight into the 1980's.

DC for Reasonable Development is a unincorporated non-profit located in the District of Columbia (<http://www.dc4reality.org>). Our participating members, some whom live within sight of the McMillan Park, are astonished at the lack of civic planning which has gone into the review of the PUD application at question. We have also been working along side McMillan Coalition for Sustainable Agriculture in their attempt to be included in this zoning process and review.

Parcel 1 is a key portion of the overall proposed PUD application and is under review

Inter-related planning issues arising from review of Parcel 1 exist across the whole McMillan site and demonstrate unacceptable impacts and other concerns which have yet to be evaluated by the Applicant or the City and therefore cannot be mitigated or balanced as part of the PUD process

Key Conclusions

- Neither of the Co-Applicant parties, the Deputy Mayor's Office for Economic Development and Planning (DMPED), nor Vision McMillan Partners (VMP) have presented required evidence to meet the core purpose of PUD regulations -- to balance and judge the amenities versus adverse impacts of the proposed project.
- Further, the Mayor's lead municipal agency that deals with zoning matters, the DC Office of Planning (OP) has not fulfilled its legally required duty to coordinate agency review of the PUD application to represent the public interest before the DC Zoning Commission.

Contested Issues & Concerns (emphasizing key issues as they arise):

District Agency Conflict of Interest in Evaluating the PUD Application

According to PUD regulations and DC law, the DC Office of Planning is tasked with evaluating the PUD application before the Zoning Commission on behalf of the public. However, in this case there is a serious conflict of interest in that OP staff are directly accountable to the man who signed the Application that started ZC Case #13-14, Deputy Mayor Victor Hoskins, director of DMPED. This conflict begs the question, can OP independently evaluate the proposed PUD in a way that seeks to protect the public from the myriad of adverse impacts generated by the proposed project? In this case, the answer is no

Dereliction of Required Municipal Planning

The lack of inter-related planning studies and issues here deserves broad review by the panoply of associated District agencies. But, OP has not coordinated this inter-agency evaluation in any meaningful way. The one agency that has weighed in, the DC Department of Transportation (DDOT) has provided reports for the record that present a lot of what-ifs and future planning possibilities which may be evaluated and implemented after the project is complete. That is simply unacceptable under the PUD evaluation standards. The Zoning Commission is required to know now, under the current zoning review, to understand the full scope of impacts and actual capacity of the Applicant and the City to mitigate such impacts.

Poor Urban Planning

It would seem that the poor urban planning being exhibited by planning officials at OP in this case is also a pattern found across other PUD hearings and major zoning decisions. A recent example is OP's Zoning Rewrite Review (ZRR) process that has caused substantial condemnation by ANC's and residents around the City.

But focusing back on McMillan, DC for Reasonable Develop raises these specific contested issues and concerns regarding ZC Case #13-14:

- **Rezoning the Site to C-3-C and CR-PUD is High Density Development**
The Applicant is arguing that the proposed 13-story medical building and other tall and dense buildings being proposed at the site somehow are moderate or medium density development. Neither the Applicant nor OP give any explanation as to why its acceptable to destroy the viewshed to the historic McMillan Park and Reservoir to those existing residents living north and east of the site with these large buildings. Documents on the record show that the current site and underground vaults can currently be adaptively refit to build four-story structures on top without destroying the historic filtration cells below. The Applicant has not put anything on the record to determine the need to build such massive buildings which results in the removal of the nationally recognized historic waterworks sitting below.
- **Unacceptable Environmental Impact Evaluation & Mitigation**
No environmental review or agency reports have been put on the record at these early stages of this zoning decision-making process. Measurements of increased pollution, noise, waste emissions, carbon footprint, municipal water/electric/gas/sewer use, and other environmental parameters must happen now so that Zoning Commissioners can bind mitigation techniques and impact-lessening expectations into the final order for this case. The ZC's Final Order is supposed to then inform the next planning stage after zoning review, which is when the Applicant will seek permits from the DC Department of Consumer and Regulatory Affairs (DCRA). There has been no analysis of the proposed project and how it relates to the City's Sustainable DC planning documents.
- **Unacceptable Review of Impacts on Housing Affordability**
There are no reports on the record showing how the significant number of luxury units proposed to be built on McMillan Park will affect the land values -- property taxes, fees, and rents -- of the affected communities and those projecting outwards from the site. What is the duration of the proffered affordable units, and is it in writing? Define "for the life of the project" please? How

will the proffered affordability affect the 70,000-person waiting list for affordable housing? Is there any truly affordable housing for those making less than \$30,000 a year and below in this project? Where is the Department of Housing and Community Development studies and evaluation of these issues? There are no answers on the record. The DC Comprehensive Housing Taskforce and City affordable housing initiatives have not been used to evaluate this project despite the City's a-number-one priority to build an inclusive City which seeks to mitigate gentrification pressures brought on by large civic projects like this McMillan PUD application.

- **Unacceptable Elimination of Public Control of the Site**

The Comprehensive Plan is very clear in its guidance, and in some cases its requirements, that giving up control of development rights to public property is not encouraged at all. Yet, the Applicant in this case is asking the Zoning Commission to grant a PUD application that would result in the City turning over 25 acres of public property, and doing so without any fair market appraisal of what this public land is valued at. This is simply unacceptable in terms of meeting the main purpose of the PUD review – balancing the incentives and impacts from this deal. There has been no comparison of the proposed project to the Play DC, a master plan focused on DC's open spaces and parks so to determine the public need for this open public space that exists now.

- **Privatization Impacts Not Reviewed: Unacceptably Limited Fiscal Impact Study Scope**

Further, the privatization of our public space is new information on the record. It would mean that the public would no longer have the same constitutional rights on what-would-be private streets and plazas, which the Applicant still expects the public should maintain on the taxpayer dime. This represents a fundamental adverse impact of the PUD application and is neither explained as to its need or fiscal impact to the City. And, none of the fiscal impact statements provided by the Applicant take into account the cost of the resultant environmental and health impacts foisted on the surrounding communities by a project of this magnitude and proposed land use, let alone account for the loss of public value which comes from open air and land and how its removal will affect the well being of the surrounding communities and their quality of life. Why hasn't the amount of funding the City is putting up to rehabilitate the site to prepare for vertical construction not being accounted for in the balancing of the incentives being offered. Where is DC's Chief Financial Officer report for this case? This is unacceptable and demonstrates the quite limited urban planning underway in this case.

- **Basics of Zoning Review -- Safety from Fire, Panic, Overcrowding, etc – Remain Unevaluated**

Neither the Applicant nor the Office of Planning have coordinated any review and study of how a project of this magnitude and proposed land use will affect safety to the surrounding neighborhood, such as an evaluation of impacts to emergency response times, emergency access routes, and other emergency-scenarios demanding attention in the 21st Century. For example, there's no analysis of how DC will respond to a terrorist attack on DC's current water supply if the existing sand filtration components of the McMillan site are removed and cannot be used as a backup for water security in the Nation's Capital. Further, how will all of the additional traffic impact emergency response time for the existing neighbors and surrounding Wards.

Conclusion

The civic planning demonstrated by DMPED and OP in this case is inadequate as to make this PUD application impossible to evaluate in terms of the full scope of adverse impacts and project incentives.

Until as such time proper and adequate civic studies and municipal planning is meaningfully completed, the PUD application must be deemed premature for any consideration.

The Zoning Commission cannot balance the equities here without the legally required reports and study on the record. Otherwise, any such decision is arbitrary, capricious, and not in accordance with DC law.

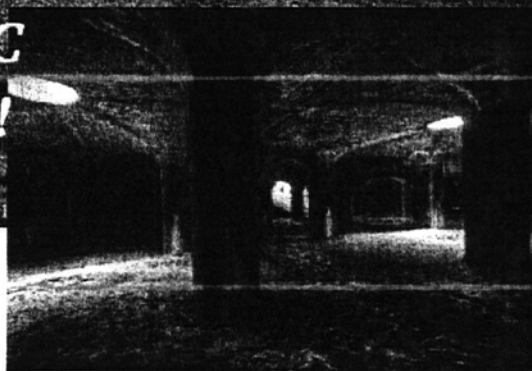
And, if and when these civic studies are legally fulfilled by OP and other inter-related agencies, the public must be granted time to review any additional studies to develop any additional arguments for, or against this proposed project, and to develop any mitigation requirements to be included in the final order.



**PROTECT
MCMILLAN
& REJECT
THE PUD**



**DON'T DESTROY
THIS HISTORIC
DESTINATION!**



Submitted on behalf of DC for Reasonable Development, on this the 6th day of May, 2014, by,

A handwritten signature in black ink, appearing to read "Chris Otten". The signature is stylized and cursive.

Chris Otten, Coordinator
202-810-2768