

Statement of

GEORGE H. F. OBERLANDER, AICP

On behalf of

THE FRIENDS OF MCMILLAN PARK

On Z.C. Case No. 13-14

First Stage and Consolidated PUD and Related Map Amendment @ 2501 First St. NW

Square 3128, Lot 800, the McMillan Reservoir Sand Filtration site

May 13<sup>th</sup>, 2014

Chairman Hood and members of the Commission, my name is George Oberlander. I have been a qualified expert witness before this Commission on several zoning cases over the years since I retired as Assoc. Exc. Director of the NCPC in 1996. My statement is on behalf of The Friends of McMillan Park (Friends) in opposing the Application before you tonight, and addresses solely the issue of the PUD and related Map Amendment's relationship and compatibility with the adopted Comprehensive Plan for the National Capital, DC Elements (Comp.Plan)

The Office of Planning's January 17, 2014 Report lists the various Comp. Plan policies it believes the Application "is not inconsistent with". While the proposed zoning could be viewed as being "not inconsistent" with a number of general policy statements, I **strongly disagree that the requested C-3-C/CR zoning is appropriate in relation to the Comp. Plan's Future Land use Map designation**, for the subject site, which is the primary and controlling inquiry.

The site is designated in the Land Use Map for "mix of uses: **medium density residential, moderate density commercial and parks, recreation and open space**". (Comp. Plan Future Land Use Map, and OP Report Jan. 17, 2014, page 13). Translating that directly into zoning classifications means that medium density residential calls for R-5-C, and the moderate density commercial "are generally C-2-A, C-2-B, and C-3-A,." 10A DCMR 225.9. **The requested C-3-C /CR represents High Bulk and completely out of character with the surrounding neighborhoods and is inconsistent with the medium density land use designation of the Comp. Plan.** (See proposed zoning map OP Report page 8, January 17, 2014). Comprehensive Plan, 225.11

Specifically, the proposed C-3-C zoning allows an FAR of 6.5 (8.0 FAR with PUD flexibility) and height of 90 ft (130 ft. with PUD flexibility). Likewise, the CR zone district permits an FAR of 6.0 (8.0 FAR with PUD flexibility) and a height of 90 feet (110 ft. with PUD flexibility). These heights and densities are inconsistent with the **moderate density** land use designation for commercial

uses and medium density designation for residential uses in the Comp. Plan. The Comprehensive Plan specifically notes that, for moderate density commercial land uses, “Buildings are larger and/or taller than those in low density commercial areas **but generally do not exceed five stories in height.**” 10A DCMR 225.9.

The Generalized Policy Map does identify the site as a “Land Use Change Area” and Comp. Plan policy 223.11 does indicate that the Element “provide(s) additional policies to guide development and redevelopment within the Land Use Change Area, including the desired mix of uses in each area”. (Comp. Plan page 2-30) OP concludes from this that the proposal is not inconsistent with both of the Maps.

I disagree. If one reads the words describing the color code “key” on the Generalized Policy Map, Land Use Change Areas, you will find the following descriptive language: “As Land Use Change Areas are redeveloped, the District aspires to create high quality environments...**that are compatible with and do not negatively impact nearby neighborhoods**”. (Emphasis added) OP did not adequately assess that granting a High Bulk density in this area would not be in keeping with the surrounding existing zoning.

**The Generalized Policy Map indicates that the site is surrounded by Neighborhood Conservation Areas.**

**The Future Land Use Map policy for the surrounding neighborhoods is Moderate Density Residential. Establishing a C-3-C along Michigan Ave. and North Capitol is out of character with the existing surrounding R-4/R-5 residential uses.** As noted above, C-3-C allows a density and height not in keeping and/or compatible with the moderate density residential neighborhoods of Stronghold to the east and Bloomingdale to the south

Representatives from OP testified, at a previous hearing on this case, that in their interpretation of the Comp. Plan review process, the Application “does not have to be not inconsistent with” **every portion of** the Comp. Plan. That may certainly be the case in the context of general policies relating to specific elements (such as Historic Preservation or Housing). However from a planning and zoning perspective, **specific** density designations and specific land use policy statements on the official maps, are paramount and should be adhered to, observed and applied to zoning classification decisions and Comp. Plan findings as required by the Home Rule Act.

As I researched and prepared for this case, I reviewed the NCPC McMillan Park Visual Analysis as part of early Park and Open Space Comprehensive Plan studies. (NCPC File No. CP19, February 12, 1990 attached) A number of schematic sightlines between Soldiers’ Home hill and the Capitol dome, the Old Post Office tower and the Washington Monument are identified.

“Close visual relationships with the hospital complex, McMillan Reservoir and the District-owned portion of McMillan Park can be readily interpolated”.

Eleven reciprocal sight lines are indicated and mapped. The document concludes:

“From this analysis we find that (1) a distinctly open-space character of McMillan Park is still scenically desirable as a Federal interest, and (2) any structures to be introduced with the District-owned part of McMillan Park should be widely spaced, **not to exceed the 4-story height of the Veterans Hospital**, and preferably have lower transitional heights and picturesque rooflines to blend with the immediate landscape and the park environs”. (Emphasis added)

The OP Reports are silent on any current McMillan Park Visual Analysis. However, it is evident that the building height proposed for parcels 1, 2, and 3 are all to the maximum heights permitted for **high-density zone districts with PUD flexibility**.

As is required, the NCP Federal interest review will take place when and if the Commission proposes any requested zoning changes. I feel confident that visual impacts of the Application will be a major Federal interest for this location.

As stated earlier, my testimony today is limited to the fundamental Home Rule Act question that “zoning shall not be inconsistent with the Comprehensive Plan”. To that end, I would like to endorse statements presented by:

- architectural expert Professor Miriam Gusevich, of Catholic University, concerning the applicant’s failure to fulfill certain PUD evaluation standards; and
- endorse the statements by Anne Sellin, Preservation Expert, concerning **Comp. Plan Policy MC-2.6.5: Scale and new uses**.

Among others the Office of Planning has not adequately or directly addressed the “not inconsistency of” the application with the Comp. Plan policy (**Comp. Plan Policy MC-2.6.5**) that:

“Recognize that development on portions of the McMillan Sand Filtration site may be necessary to stabilize the site and provide the desired open space and amenities. **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**”. (2016.9) (Emphasis added)

**Policy (MC-2.6.5), because it is a more detailed and specific Mid-City Element policy for the site in question, must be given more weight than the more general policies within the City Wide portion of the Plan.**

Thank you for considering my testimony this evening. I would be pleased to answer any questions you may have.

# George H.F. Oberlander, AICP

## Urban & Regional Planner

- Over fifty years of extensive, comprehensive urban-regional planning and development administration at the city, metropolitan and federal government level.
- Thirty-one years with the National Capital Planning Commission (NCPC) Washington, DC, developing planning policy recommendations; directing professional staff; coordinating DC and Federal agencies development projects in the National Capital Region.

### **SPECIAL EXPERTISE IN:**

Zoning regulations, project development, environmental and comprehensive planning;  
Foreign Mission and International Organization locations in Washington DC;  
Capital programming;  
Intergovernmental relations and community participation:  
Federal & DC Government building projects.

### **EXPERIENCE:**

1997 – Present; **GO Consulting**, part-time urban planning and zoning advisory services.  
(Client list attached)  
1995 – 1996 Director, Planning Review and Implementation; NCPC (Retired 1996)  
1990 – 1995 Director, Technical Planning Services, NCPC  
1979 – 1990 Associate Executive Director, DC Affairs, NCPC  
1975 – 1979 Director, Federal Review, NCPC  
1968 – 1980 Lecturer, School of Architecture & Planning  
The Catholic University of America  
1966 – 1975 Director, Long Range Planning and Regional Affairs, NCPC  
1965 – 1966 Director, National Capital Regional Planning Council, Washington, DC.  
1958 – 1965 City Planning Officer (Director), City of Newark, New Jersey  
1956 – 1957 Resident Planner, George M. Raymond Associates, White Plains, N.Y.  
1954 – 1956 Assistant Planner, Earl Morrow Associates, Ridgewood, New Jersey.  
1955 William Kinne Fellows Memorial (six month traveling) Fellowship,  
School of Architecture, Columbia University

### **GO Consulting CLIENTS:**

- Hine School North Neighbors, SE Washington, DC, PUD DC Z.C. 11-24, 2012
- Citizens Association of Georgetown & Burleith Citizens Association, Washington, DC, 2010-2011

**GO Consulting: 11750 Old Georgetown Road, N. Bethesda, Md. 20852**  
**301- 816-1153 Fax: 301- 816-1168 e-mail: [goberland@verizon.net](mailto:goberland@verizon.net)**

- Woody Park Community Association property owners and ANC 3C, NW Washington DC, DC BZA #18108, 2010
- Westbard / River Road Coalition, Bethesda, Md. (2008-2009)
- Friendship Neighborhood Association, NW Washington, DC (2007)
- Sibley Neighbors for Responsible Growth, NW Washington, DC (2007)
- Eckington Citizens for Responsible Development, NE Washington, DC (2007)
- Tilden Street Neighbors, NW Washington, DC (2006)
- Foggy Bottom Association, NW Washington, DC (2005-2008)
- Watergate Cooperatives – East/West, NW Washington, DC (2003-2004)
- Q Street Neighborhood Association, NW Washington, DC (2003)
- Friendship Heights Org. for Responsible Development, NW Washington, DC (2002)
- Penn-Branch Citizens/Civic Association, SE Washington, DC (2001)
- Tenleytown Neighbors Association, NW Washington, DC (2000)
- McKissack & McKissack Architects, Washington DC (NIH Day Care & Fire Station 1999)
- Wisnewski Blair Associates Ltd. Architects, Alexandria, Va. (Suitland Federal Center Security perimeter 1998)
- The Kennedy Center for the Performing Arts, Washington DC (Site & garage additions 1997-1998)

#### **PROFESSIONAL AFFILIATIONS & MEMBERSHIPS**

National Coalition to Save Our Mall, Washington DC, Vice President, 2000-present  
 Trustee/Member, Committee of 100 on the Federal City, Washington, DC, 1996-present  
 Trustee, DC Preservation League, Washington, DC 1996-2006  
 American Planning Association, American Institute of Certified Planners, 1964-present  
 President, National Capital Area Chapter 1970-1972  
 Lambda Alpha International, 1974-present (Honorary land economics society)  
 President, George Washington Chapter 1982-1984  
 The American Society of Landscape Architects,  
 • Accreditation Board, 1978-1981  
 • Council on Education, 1981-1984  
 Site Visit Team, Planning Accreditation Board, American Institute of Certified Planners  
 Board of Directors, United Planning Organization, Washington, DC, 1967-1979  
 National Association of Housing and Redevelopment Officials  
 Metropolitan Committee on Planning, New York, N.Y.  
 Executive Committee, Council of Social Agencies of Newark, Irvington and West  
 Hudson, New Jersey  
 Newark Junior Chamber of Commerce, Newark, New Jersey “Outstanding Executive”  
 New Jersey State Board of Professional Planners, original 1967 Board member

#### **COMMUNITY/CITIZEN PARTICIPATION & REPRESENTATION**

Montgomery County Historical Society, History Day Competition Judge, 2012-2013  
 Rules Committee, White Flint Station Condominium Association, 2012-2013  
 Huntington Parkway Citizens Association, Bethesda MD, 1965-2007  
 National Institutes of Health, Bethesda, MD, Community Liaison Council 1996-2013  
 National Coalition to Save Our Mall, Rockville MD, 1999-present  
 Committee of 100 on the National Capital, 1997-present  
 White Flint Station Condominium, North Bethesda, MD, Transition Committee, 2010-2011