



**National Trust for
Historic Preservation**

Save the past. Enrich the future

**Testimony of Elizabeth S. Merritt
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Zoning Commission Case No. 13-14, Vision McMillan Partners PUD

On behalf of the National Trust for Historic Preservation, I am here to present our strong opposition to the proposed application for the development of the McMillan Reservoir parcel as a Planned Unit Development (PUD).

In order to approve the application, the Zoning Commission must find that the PUD is consistent with the Comprehensive Plan, 11 DCMR § 2403.4. The Commission must also find that “[p]ublic benefits are superior features of [the] proposed PUD,” and that they would “benefit the surrounding neighborhood or the public in general *to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions*,” *Id.* § 2403.6 (emphasis added). The Commission must also be satisfied that the benefits are not outweighed by the potential adverse effects of the project. *Id.* § 2403.8.

In our view, the proposed PUD is *not* consistent with the Comprehensive Plan. In addition, we strongly disagree with the applicant’s assumption that historic preservation is one of the benefits of the plan. To the extent that some historic preservation elements are incorporated into the proposal, they are not “significantly greater” than would likely result from a matter-of-right development of the site, because historic preservation is required through a legally binding preservation covenant, which applies regardless of the zoning. In fact, we believe the historic preservation component of this plan is *less than* what it would be under matter of right development, because it is less than what is legally required under the preservation covenant. In addition, we believe that the benefits of the project are outweighed by its adverse effects.

The Proposed PUD Application is Not Consistent with the Comprehensive Plan.

Comprehensive Policy MC 2.6.5: Scale and Mix of New Uses provides 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.

In 1990, when the NCPD approved the amendment to the Comprehensive Plan that allowed some development at the McMillan Reservoir site, the NCPD clearly

intended that the development be limited to a dramatically lower scale than what is proposed here. The NCPC staff specifically evaluated the potential adverse visual impact of development on the significant character-defining features of the site, and that analysis included specific recommendations for ensuring that future development would reduce adverse visual impacts:

[W]e find that . . . any structure to be introduced with the District owned part of McMillan Park should be widely spaced, not exceed the 4 story height of the Veterans Hospital, and preferably have lower transitional heights and picturesque roof lines to blend with the immediate landscape and the park environs.¹

Certainly, the massive scale of the proposed development would overwhelm and dominate most of the significant character-defining features of the site, especially the North Service Court, and would obliterate important views of those features as well.

The high density proposed for the site is also inconsistent with Comprehensive Plan Policy MC-2.6.1 which

Requires that reuse plans for the McMillan Reservoir Sand Filtration site dedicate a substantial contiguous portion of the site for recreation and open space . . . consistent with the 1901 McMillan Plan connectivity to nearby open space such as the Armed forces Retirement Home, should be achieved through site design.

The proposed plan also ignores the Mitigating Reuse Impact Policy MC 2.6.3 in the Comprehensive Plan for McMillan:

Any change in use of the site should increase connectivity between Northwest and Northeast neighborhoods as well as the hospital complex to the north.

In contrast, this plan is self contained and has no connection to its neighbors.

The Historic Preservation Benefits of the Project are Not Greater Than What Would Result from Matter-of-Right Development.

As you have heard, the McMillan Reservoir site is subject to a historic preservation covenant, which was imposed by the General Services Administration when it transferred the land to the District of Columbia in 1987. Among other things, that legally binding covenant specifically requires that all rehabilitation and renovation work at the site will comply with the *Secretary of the Interior's Standards for Rehabilitation*.

¹ Memo from Donald E. Jackson, Architect, Planning Services Div., NCPC, to Robert E. Gresham, Ass't Exec Director for Operations, NCPC (Feb. 12, 1990).

Thus, the historic elements of the site that *are* being retained, such as the sand filtration towers along the two service courts, would be retained under matter-of-right development as well, because a binding historic preservation covenant that runs with the land mandates that they be retained. Therefore, it would not be possible for the Commission to conclude that these benefits are “significantly greater” than what would result from matter-of-right development.

In fact, we believe that the historic preservation benefits of the current proposal are *less* than what would result from matter-of-right development, because in our view, the applicant is not even complying with the requirements of the covenant. For example, Standard No. 9 of the *Secretary’s Standards* states:

New additions, exterior alterations, or related new construction *will not destroy historic materials, features, and spatial relationships* that characterize the property. The new work shall be differentiated from the old and will be *compatible* with the historic materials, *features, size, scale and proportion, and massing* to protect the integrity of the property and its environment. [emphasis added]

The proposed plans do not comply with this Standard, because the new construction is *not* compatible with the features, size, scale, proportion, and massing of the historic structures.

More importantly, the “related new construction” on the site “*will destroy*” highly significant historic materials and features of the site—namely, the vast majority of the underground vaults.

The applicants take the position that the *Secretary of the Interior’s Standards* only apply if they voluntarily decide to retain a historic structure, and that the *Standards* only apply to the treatment of that structure, not to anything they decide to destroy, and not to anything new that might destroy or be incompatible with its spatial relationships and setting, or obliterate its views. In other words, under their interpretation, they could choose to demolish everything, and they would not be in violation of the covenant. That interpretation is not defensible, in our view, because the covenant was intended to support a finding by the GSA and the DC federal Advisory Council on Historic Preservation, that the conveyance of the property to DC, and the future development of the site, would have “no adverse effect” on its historic character.

The National Trust was the party that first brought the historic preservation covenant to the attention of the Historic Preservation Review Board last year. Regardless of whether the applicant was unaware of the covenant, or simply hoped the City wouldn’t notice, these plans were not developed with the covenant in mind, and they are not consistent with the covenant.

The Adverse Effects of the Proposed Plan Would Outweigh the Potential Amenities and Benefits.

We are especially opposed to the applicant's plan to destroy virtually all of the underground cells and groin vaults, including those determined by structural engineer Robert Sillman in the best condition. These underground cells are a significant and unique contributing feature of the historic site.

Finally, it is important to point out that the applicant's representatives have erroneously characterized the action of the D.C. Historic Preservation Review Board on Oct. 31, 2013 as being "unanimous approval" of the applicant's plan. On the contrary, the official HPRB documentation states that

The Board: (A) Determined that the proposal will result in *substantial demolition*, as defined in the preservation regulations, and [is] therefore *inconsistent* with the purposes of the Historic Landmark and Historic District Protection Act.

In closing, we urge the Zoning Commission to deny this PUD application, because it is not consistent with the Comprehensive Plan, and because the proffered benefits are not significantly greater than would likely result from matter-of-right development, and the proffered benefits do not outweigh the significant adverse effects of the plan on the historic character of the McMillan Reservoir site.