

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

CASE NO. 13-14 (Vision McMillan Partners LLC and the District of Columbia – first Stage and Consolidated PUD and Related Map Amendment @ 2501 First Street, N.W.)

Testimony of Alma Hardy Gates
Neighbors United Trust
May 27, 2014

Good Evening Chairman Hood and Members of the Zoning Commission. I am Alma Gates testifying in opposition to certain aspects of the first stage and consolidated PUD and related map amendment for the McMillan Sand Filtration site.

Introduction

The 2006 Comprehensive Plan for the National Capital: District Elements notes the following:

The District is changing. At this moment, more housing is under construction in the District of Columbia than was built during the entire decade of the 1990s. Enough office space to replicate downtown Denver is on the drawing boards. Federal properties—some larger in land area than all of Georgetown or Anacostia—are being studied for new uses. These changes generate excitement and tension at the same time. Issues of race, class, and equity rise to the surface as the city grows. We strive to be a more “inclusive” city—to ensure that economic opportunities reach all of our residents, and to protect and conserve the things we value most about our communities. ^{100.4}

The prophetic Comprehensive Plan statement above clearly reflects the tenor of the many community meetings and five zoning hearings that have occurred relative to the McMillan development site. The excitement of some and tension of many are in recognition that change is coming to the McMillan site. Change that must balance both the economic benefits sought by Vision McMillan Partners (VMP), the development partners, and a guarantee that the things most valued about the surrounding communities by long-term residents will be protected, respected and conserved.

The Comprehensive Plan Generalized Policy Map shows the McMillan parcel surrounded by Neighborhood Conservation Areas. “These are areas with very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing public facilities, and institutional uses.” On the same map, the McMillan Sand Filtration Site is shown as a Land Use Change Area. “The guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and to promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks and civic facilities.”

The Comprehensive Plan Future Land Use Map shows the McMillan parcel as a Mixed Land Use area surrounded by Moderate Density Residential areas, the McMillan Reservoir and federal property. The McMillan site is designated as a mix of Medium Density Residential, Parks, Recreation and Open Space and Institutional. Residential predominates, followed by Parks, and Institutional is the least prominent future use of the site.

While the McMillian site is currently unzoned, the residential zones that abut the McMillan parcel are zoned R-3 and R-4 with two- and three-story row houses; and, it is against those residential zones that the appropriateness of the CR, CR-PUD and C-3-C PUD zones must be considered. The Zoning Commission must be mindful when considering its decision that currently the development site is an open 25-acre green space, which the Comprehensive Plan notes should be zoned to allow matter-of-right medium density development, which is meant to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial and other miscellaneous uses.¹

The Office of Planning (OP) Set down Report (Page 8) notes, “In conjunction with the PUD, the applicant is seeking to zone the property to the CR and C-3-C zones. OP is supportive of these zone changes to accommodate the proposed development.” The CR PUD would permit height up to 110 ft. and the C-3-C PUD would permit height up to 130 ft. against the modest residential height of homes in

¹ January 17, 2017, Office of Planning. Set Down Report – ZC #13-14 (McMillan), page 10. “The C-3-C zone is proposed for the northern portion of the site. Generally, the C-3 district is designed for major business and employment centers that are supplementary to the Central Business District and should provide substantial amounts of employment, housing, and mixed uses. C-3-C district permit medium-high density development, including office, retail, housing, and mixed-use development.”

Stronghold and Bloomingdale. Even the sand bins, which are 32 ft., in height, will be dwarfed by the proposed height of buildings on Parcel 1.

Questions that Remain

Even after five hearings, questions remain regarding the partnership between the Deputy Mayor for Economic Development and Vision McMillan Partners (VMP).

Is there a clear and sufficient bright line between DMPED and the Office of Zoning in this case or does the *Office of Zoning Independence Act of 1990* need revision if these development partnerships are to become commonplace?

Has the Zoning Commission seen a document that reveals “parcel ownership” at the end of the approval process?"

How is the division of land/labor going to work?

What will DC residents be paying for in perpetuity?

How are impacts being weighed against benefits?

Who will own the preserved historic structures and how will they be maintained and used?

Who will own, maintain and manage the community center -- is it actually a “public facility?”

Who is responsible for infrastructure maintenance such as private streets and fire hydrants?

Who will ensure the long-term integrity of the Olmsted Walk and other open spaces, including access points?

The National Trust and the Committee of 100 raised questions regarding the Secretary of the Interior’s Standards, the necessity of a 106 Process, and compliance with the Comprehensive Plan. Others have cited compliance with Comprehensive Plan elements as well.

Will the Zoning Commission thoroughly address these issues prior to granting any zoning approval for the reuse of the 25-acre historic McMillan parcel?

Guidance and Sensitivity to the History of the McMillan Site

On October 31, 2013, The Historic Preservation Review Board (HPRB) issued its findings on the VMP zoning application and:

(A) Determined that the proposal will result in substantial demolition, as defined in the preservation regulations, and therefore inconsistent with the purposes of the Historic Landmark and Historic District Protection Act;

(B) Found the revised master plan has been developed to retain important character-defining features of the site sufficient to convey its historic characteristics;

(C) Found the revised concept designs to represent an architecturally coordinated and cohesive approach that specifically relates to the character of the McMillan site; and

(D) Asked that the project return for final review after approval by the Zoning Commission and Mayor's Agent.

EHT Traceries, Inc. was retained by VMP to provide research and historic preservation consulting services in order to receive approval for the PUD.

The McMillan Site is within the McMillan Park Reservoir Historic Landmark, which was listed in the District of Columbia Inventory of Historic Sites in 1991. As such, the McMillan site is protected under the District of Columbia's preservation law (Historic Landmark, DC Law 2-144 as amended)...The property is not currently listed in the Register of Historic Places but was recommended for listing by the District of Columbia Historic Preservation Review Board (HPRB) as part of the landmark decision in 1991.²

The Secretary of the Interior's Standards for the Treatment of Historic Properties (1995)³ lists four treatment approaches and notes:

There are Standards for four distinct, but interrelated approaches to the treatment of historic properties – preservation, rehabilitation, restoration, and reconstruction.

- Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)
- Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.

² July 28, 2010, EHT Traceries McMillan Historic Preservation Report. The DC Inventory of Historic Sites lists McMillan Park Reservoir as a Historic District; however, the "Decision of the Historic Preservation Review Board of the District of Columbia for McMillan Park Reservoir (Case No. 90-20)" (August 21, 1991) designates the site a Historic Landmark, not a Historic District.

³ 1995, The Secretary of the Interior's Standards for the Treatment of Historic Properties, Appendix K

- Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.
- Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

The Secretary's Standards lay out guidelines for each of the four areas listed in the above bullets. Although the McMillan development will have a new use and require extensive alterations, preservation of the historic elements is the appropriate course of action for the McMillan development proposal.⁴

Zoning Precedent on Height

This development proposal is about change of use – moving from passive open space to intense institutional, commercial and residential uses; and, from ground zero to 130 ft. in height.

At the May 13, 2014 public hearing, a white cardboard box was placed on the witness table to demonstrate the scale of what is being proposed. While the box clearly demonstrated the relationship between humans, the sand bins and the medical office buildings, the white box could not demonstrate the intensity of use of the proposed new buildings. It could also not demonstrate the impact of the proposed development on the Stronghold and Bloomingdale communities. It could only demonstrate how out-of-scale the proposed development is when compared to the vacant McMillan parcel.

In Case No. 05-42, the Zoning Commission lowered the proposed height of a new Medical Office Building (MOB) for Sibley Hospital. The Commission based its decision on intensity of use, when it considered the application for consolidated review and approval of a PUD and related map amendment from the R-5-A to the SP-1 zone. The Sibley PUD proposed construction of a seven story, 90 ft. MOB and parking garage to accommodate 750 cars. At a public meeting held March 12, 2007, the Zoning Commission discussed the intensity of use of the MOB and its potential to impact the surrounding R-1-B residential neighborhood.⁵ In its

⁴ Standards for Preservation. Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

⁵ dcoz.dc.gov/trans/070312zc.pdf, pps. 51-68.

decision, the Zoning Commission reduced the MOB from seven to five stories (90 ft. to 65 ft.) and reduced the number of doctors in the MOB at any one time from 100 to 62. The height of the adjacent parking garage was lowered one story by placing it underground, but the proposed number of parking spaces was unchanged.⁶

Like the Sibley MOB, restrained zoning relief was granted in the Washington Hospital Center PUD case. Zoning Order No. 784 specifies the Hospital Center's MOB shall not exceed 67 feet and five stories.

The height being requested for the MOB on the McMillan site is taken from the height of Children's Hospital and the Hospital Center, not the Hospital Center MOB, which is the appropriate corresponding use.

The numbers of jobs the MOB proposes to create in combination with the numbers of patients per hour⁷ raises serious concern about intensity of use. Based on previous decisions made by the Zoning Commission, the C-3-C PUD would create excessive intensity of use for the site.

Balancing Zoning Relief and Impacts

As previously noted, the most dramatic zoning change is proposed for Parcel 1 of the McMillan development. An area of 214,555 sq. ft., the location of the C-3-C PUD, Parcel 1 is proposed to have height of 130 sq. ft. While Children's Hospital and the Washington Hospital Center have heights similar to that proposed for Parcel 1, these sites do not abut low-scale residential zones. Children's and the Hospital Center are not directly across from the McMillan site, they are across Michigan Avenue and northwest of Parcel 1.

The Veteran's Affairs Hospital, a federal facility, is directly north and across Michigan Avenue from the McMillan site; and, the McMillan Reservoir, another federal facility, is directly west of the site. These federal facilities, while not considered in this zoning case, deserve sensitivity, respect and consideration as the Zoning Commission deliberates the merits of the VMP zoning application.

⁶ Donald Velsey, AIA, who designs hospitals and MOB's, informed the ANC that typically five parking spaces per office should be provided for an MOB. Sibley provided additional parking to replace some lost in this development as well as in anticipation of its overall expansion/development plan.

⁷ Most doctors' offices schedule a patient every 12 minutes over the course of a day.

The requested relief for Parcel 1 appears excessive and inappropriate given the McMillan parcel is currently unzoned. It is mistakenly designated R-5-B on the Official Zoning Map of the District. Assuming R-5-B is the correct zoning designation for the parcel, the difference in height between the 50 ft. allowed under R-5-B and the 130 ft. proposed height for the C-3-C PUD is 80 ft. The proposed height difference between the two and three story homes in the abutting Stronghold and Bloomingdale neighborhoods, which top out at a height of 40 ft., is 90 ft.

The Comprehensive Plan Mid-City Area Element specifically outlines Policies directed towards the future development of the McMillan site and states: “Whatever the outcome, several basic objectives should be pursued in the re-use of the McMillan Sand Filtration site. These are outlined in the policies listed below.

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- Open Space on McMillan Reservoir Sand Filtration Site;
- Historic Preservation at McMillan Reservoir;
- Mitigating Reuse Impacts;
- Community Involvement in Reuse Planning; and
- Scale and Mix of New Uses.

The Zoning Regulations (§ 720) address the three districts that are included in Community Business Center Districts (C-2):

- The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core;
- The C-2-B District is designed to serve commercial and residential functions similar to the C-2-A District, but with high-density residential and mixed uses.
- The C-2-C District is also designated for those areas previously zoned C-2-B, where the Zoning Commission had permitted a maximum floor area ratio of 6 (6.0). The C-2-C Districts shall be compact and located in or near the Central Employment Area. In the C-2-C District, buildings may be entirely residential, or may be a mixture of commercial and residential uses.

The Zoning Regulations place Major Business and Employment Centers in the C-3 Districts, which are supplementary to Central Business (C-4) Districts.

- All C-3 Districts shall provide substantial amounts of employment, housing, and mixed uses.
- The C-3-C Districts shall permit medium-high density development, including office, retail, housing, and mixed-use development. They shall be compact in area.

The Comprehensive Plan Future Land Use Map shows the McMillan parcel as a Mixed Land Use area surrounded by Moderate Density Residential areas, the McMillan Reservoir and federal property. The McMillan site is designated as a mix of Moderate-to-Medium Density Commercial, Moderate-to-Medium Density Residential, Parks, Recreation and Open Space and Institutional. Institutional use is the least prominent future use of the site.

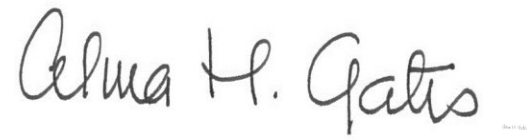
Conclusion

The District of Columbia is changing. Consideration of the redevelopment and reuse of the McMillan Site has been the focus of many community, HBRB and Zoning Commission hearings for an extended period of time. Guiding decisions on the zoning and reuse of this property is the Comprehensive Plan that prescribes the scale of development for the reuse of this historic site.

1. The Comprehensive Plan Generalized Policy Map shows the site surrounded by a Neighborhood Conservation Area and anticipates maintenance of existing land uses and community character over the next 20 years.
2. The Comprehensive Plan Future Land Use Map shows the site developed with medium density residential, parks, recreation and open space and some institutional uses; however the zoning relief requested by VMP for Parcel 1 permits medium-to-high density development.
3. Numerous unanswered questions remain relative to ownership and responsibility for future preservation and maintenance of the site.
4. Preservation of the historic elements on the site is paramount and in keeping with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
5. Overall height proposed for the site far exceeds height in the surrounding residential areas and would overshadow the historic 32 ft. tall sand bins.
6. Proposed height for the MOB on Parcel 1, a C-3-C PUD, would reach 130 ft., and would overwhelm the R-3 and R-4 residential districts that abut the site on two sides.
7. The Zoning Commission has precedent to draw upon, based on intensity of use, to lower the height of buildings specifically on Parcel 1.
8. Generally, commercial zone designation adjacent to R-3 and R-4 neighborhoods citywide is C-2-A.

The overall density and height requested for VMP proposal is inappropriate and out of character for this site. An appropriate starting point would be C-2-A with a maximum height of 50 ft. overall, and 65 ft. for the PUD.

Respectfully submitted,

A handwritten signature in black ink that reads "Alma H. Gates". The signature is written in a cursive style with a small mark at the end of the word "Gates".

Alma H. Gates
Administrator