

DC Zoning Commission ZC13-14A McMillan

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The first amendment constitutional rights of the people of DC, to petition their govt. for redress of grievances, violated by Vision McMillan Partners/DMPED. Then covered up by Bowser, Chairman Mendelson, DMPED, and every official who's role in this "democracy" is to inform the electorate and govern with the consent of the governed, but colluded with well connected mega development conglomerate VMP to steal McMillan.

The issue is the theft from the people of District of Columbia, and the Nation of a significant work of landscape architecture and industrial design, by it's own Mayor and City Council and submissive agencies who have failed to protect the people of Washington, and violated the law.

These officials have committed theft, of the historic protected work of turn-of- the- century master designers, brought to Washington by senator McMillan, an important historic site, a critical public amenity, and a potentially lifesaving backup system for clean water.

Finally, our DC Auditor recognizes the illegal collusive relationship between major developers VMP and the Deputy Mayor for Planning and Economic Development (see letter to City Council Chairman Mendelson and Attorney General Racine)

VMP made up of EYA, Jair Lynch(\$1.5 billion in DC), and Trammel Crow (\$2billion in DC) has partnered with successive mayoral administrations to effectively steal 25 acre McMillan Park. The arrangement ended any regulatory or evaluative objectivity and the DC govt. is working for the developers, and against the interests of it's own people, supposed to be protecting the "commons"

All evaluative agencies have run their hearings, and decisions, "the entitlement", and "approval process", concurrently. Before HPRB even heard a single testimony from the public, their staff had

reported the development was “inconsistent” to the historic preservation of the Sand Filtration Site, A nationally and DC, Registered Historic Site’ but, since “the developers tell us, the site is too deteriorated to restore, they unfortunately support development”.

The HPO, and HPRB are charged with protecting, enhancing and encouraging public access by the federal and DC historic Preservation Act. Which they failed to do for 28 years. When they held hearings on the historic preservation, the chairperson, and commissioners napped during public comment, and smugly referred to the applicant as to how their development (PROPOSED!) would be done, streets, buildings, etc. Experts in historic preservation including Anne Sellin, and National Trust were ignored, as the colors of the brutalist architecture was considered adequate to make 50 ultramodern building relate to the “gilded Age” Olmsted designed hybrid utility/open outdoor recreation space, and it’s silos, and Arts and Crafts pump houses, and mystical underground masonry filtration cells,, absurd!

All the agencies evaluating the DMPED/VMP partnership are in the same dept. Office of Planning, HPO, HPRB, Mayor’s Agent ,,,,a joke.

The Zoning Commission had its hearings and its decision, before the HPRB/Mayor’s Agent process was finished. The ZC was evaluating and deciding, before the Mayor’s Agent had held a hearing to hear the public comment, and decide “Special Merit”, and eliminate HPRB role of enforcing the Historic Preservation Act.

The Mayor’s agent started his hearing, putting Interim Deputy Assistant Mayor for Real Estate, Martine Combal under oath. She introduced the DC govt. perjuring herself, saying “GSA searched for a buyer for the property specifically requiring that it be commercially developed” Which is flatly false, as the Federal govt. offered the site to DC for free, if it kept it as park and greenspace, adjacent to the active dc water filtration system and reservoir. The Mayor’s agent said he did not read The Federal Covenants placed on the land from GSA, and agreed to, by DC govt. when they bought it, rejecting the free offer, paying \$9.3 million. The Covenants are binding and apply to all owners into the future, since they clearly restrict VMP from demolishing the site, to develop “The Monstrosity on Michigan Avenue”, totally in violation of the covenant’s requirements, VMP/DMPED and all subservient DC agencies are choosing which ones to manipulate and which covenants to “just ignore!”

No. 9 “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 it’s environment.”

Also, Interior Standard no. 9 also states “construction will not destroy historic materials, features, and spatial relationships that characterize the property”

The Covenant that requires all rehab, and alteration of the historic site and its structures, be conducted in accordance with the Secretary of Interiors Standards for Rehabilitation Guidelines, simply ignored, as if not even on the page. But since it is convenient, to pretend to follow this covenant, on the rows of

sorry historic structures not demolished, the Applicant parades around how they are adhering to the Sec. of Interior's Guidelines.

Section 106 protects the entire site, and its context which is obliterated by the massive development, and even the Traceries Historic Survey paid for by the Developers, said "this amount of development is inconsistent with historic preservation of the site".

Mayor's Agent Byrne, empowered to designate this mundane "National Harbor" a "Project of Special Merit", to greenlight the demolition of 20 acres of historic underground structures, mystical masonry arched water filtration galleries, declared during his proceedings, "I haven't read the covenants!"

The covenant that is being manipulated to get around the other strict covenants and get the go ahead, rubber stamp, states

"Sec. of Interiors guidelines apply, but "any and all final plans and specifications for work will be submitted to the DC HPO for review and approval prior to implementation. If the DC HPO does not agree with the preliminary or final plans and specifications for work at the Parcel, and the disagreement cannot be resolved, the HPO will open a review at the Federal Advisory Council on Historic Preservation.

Why should DC HPO start doing their job now? SHPO David Maloney garbled his agree/ disagree, answer in a sentence not even in English,

"the HPO recommends that the HPRB find that the subdivision of the McMillan Sand Filtration Site is INCOMPATIBLE with the character of the landmark but reconfirms to the Mayor's Agent that the master plan has been developed to mitigate many of the adverse effects of the subdivision in the event the project is found to be one of special merit," He says he "does not disagree with the plans, not the English language, and he did contact the Federal Advisory Council, opened a case, did nothing for a year and closed the case, covering his ass? Anticipating someone would want to follow the law, and the covenants, perhaps do his job, protecting DC historic sites. He should be fired.

What mitigations? The color of the paint? What adverse effects?

Each agency, bounces the ball back and forth. The Mayor's agent says HPRB and ZC approved it, so he will. ZC says the Mayor's agent approved it so they will.

Everything is anti-democratic. Years of expense in the millions, and public hearings and massive time spent, especially for the public, unpaid, and totally ignored. Then finally a remotely democratic event, the DC City Council vote to "Surplus and dispose of the property", The biggest land theft since Manhattan!

But at least "elected" officials, so-called representatives of the people voted, in 30 seconds, in silence, no questions or comments on a billion dollar deal, in the center of town, unanimously, against all public opposition to "Surplus" a \$billion property to VMP for -\$3.65 million, what a deal in the last minutes of the Gray administration. A fixed deal, Marion Barry was counted as voting yes, who had died weeks before!

So why would you run ZC hearings for over a month, HPRB for years, Mayor's Agent, DMPED, City Council Committees, spend millions of dollars, keep VMP, and every landscape architect, planning group, everyone is in on this, devoting full time to this, if the City Council could have voted to REJECT!

How is this protecting the "commons", our tax dollars, the real estate manager is selling off our property.

The Surplus law requires "increased competition", but VMP is getting this massive corporate welfare deal, with no competition (see DC Auditors Letter).

The law requires a "Mayor's public hearing", which was conducted by DMPED illegally with no video, or audio recording in a church basement, when 40 people testified to how much they wanted the Park, and the open recreational space, people cried, and there was Cheryl Cort of the Coalition for Smarter Growth, funded by EYA, one or two in favor of surplus.

The surplus legislation requires the Mayor to declare "there is no public need for the property"

So why have the hearing if the Mayor ignores the overwhelming preferences of the people?

FONTAINE:

Then if this hasn't been anti democratic enough, VMP and Asst. Deputy Mayor for Real Estate, a former Trammel Crow executive, E. Jeffrey Miller, hire a Baltimore based "astroturf" specialist PR firm Jamie Fontaine.

Their stated goals include "neutralize opposition", "shift perception in the public to community support for the development", and run cover for elected officials, and they even "muzzled the press".

Jeff Miller pays the bill for them on Dec. 23, 2013, \$28,456,

Feb. 11, 2014, at a City Council Economic Development Committee Oversight hearing with future Mayor Muriel Bowser Mary Pat Rowan, Landscape Architect, long time McMillan Park activist, testifies on the payment in Dec.

Jeff Miller, required by law to be under oath, testifies to Bowser that the City government did not pay for the PR campaign. a lie.

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