

DC for Reasonable Development

Re: ZC Case 13-14A, December 17, 2015

DC for Reasonable Development (DCRA) has the mission to engage on major projects that affect our participants around the City. In this case, the destruction of McMillan Park to be replaced by a large and dense suburban town-center (minus the metro) is one of the biggest projects in DC history, and affects at least two participating DC4RD members.

Here we are at the second stages of the McMillan PUD in ZC Case 13-14A.

At this point, District residents expect DC's Department of Transportation, DC's Department of Housing and Community Development, DC's Fire and Emergency Management and DC's Department of the Environment, *inter-alia*, would have contributed to the impact analysis of this project on the community and the City.

The Office of Planning is charged with coordinating a robust and comprehensive planning review and impact analysis so that the Zoning Commission can conduct a fair and informed balancing of the PUD amenities versus the project's impacts.

But what if those impacts have not been analyzed? How then will the Zoning Commission ensure in their Order to mitigate the adverse impacts presented by this mammoth project including:

OP staff (AICP certified) have not sought out agency review of these issues in their reporting to the Zoning Commission, as such the Zoning Commission cannot put mitigation measures into any final order.

This lack of coordinated review and impact analysis flies in the face of both the Zoning Regulations and DC Comprehensive Plan.

For example, as a series of contested issues for DC4RD, why hasn't the Office of Planning coordinated analysis with other agencies of the project's expected impacts:

- on Air Pollution and Air Quality (Comprehensive Plan Policy E-4.1, E-4.1.3, *inter-alia*) -- This project will bring thousands of new vehicles to the streets surrounding the site, what of the air quality impacts for an area known for its childhood asthma.
- on Noise Impacts created by the project and construction thereof (Policy E-4.3.E)
- on local Infrastructure and Upgrades as such (Policy IN-6.1.3) -- This project exacerbate wastewater & stormwater problems already existing south of the site.
- on the affordability of surrounding residential housing (Policy MC-1.1.7; H-1.3.1, H-1.2.4, *inter-alia*) -- This project is so large and so overwhelming in terms of luxury housing units, it is clear it will affect the existing surrounding properties in terms of increasing taxes, rents, etc.

- on emergency response services to the surrounding community (Policy CSF-4, CSF-4.2, CSF-4.2.A, *inter-alia*) -- The traffic increases, the amount of new people, the already overwhelmed surrounding right-of-ways all presents a dire emergency situation for existing residents and those residents going to the surrounding medical facilities.
- on the loss of most of the public-ownership of the PUD site (Policy CSF-1.1.3) -- The PUD application will privatize most of this publicly owned site to the negative consequences of the community in terms of constitutional rights and future control of the site for community needs.

Conclusions

It is clear that "all pertinent information about the effects of the project on the human environment," is actually data that is, "available when a development is proposed and is available to the public and decision-makers before any decision are made" so to be as transparent as possible to mitigate these issues. (Policy E-3.4, E-3.4.2, E-3.4.3, *inter-alia*). This hasn't happened.

It is clear the required reports and analysis from DC agencies, like DHCD, have not been coordinated by the Office of Planning in contravention of PUD Zoning Regulations. Particularly disgusting is the fact that the Comprehensive Plan states that, "a substantial percentage of housing units be built on publicly owned sites." (Comprehensive Plan Policy H-1.2.4).

The analysis of the affordability on both the PUD site, as well as the adverse impacts of increased displacement pressures of the surrounding community has not been conducted in contradiction of the Comprehensive Plan and Zoning Regulations.

The analysis of the proposed PUD's impacts on public safety, health, and emergency preparedness has not been completed per Comprehensive Plan Policy CSF-4, *inter-alia*.

Unless but if the Zoning Commission is simply a corporate rubber-stamp that seeks the destruction and privatization of McMillan Park without analyzing the adverse impacts highlighted throughout the Comprehensive Plan, then otherwise Commissioners must vote no in approving the Second-Stage PUD in 13-14A and all inter-related cases.

Respectfully submitted,

/s/n Chris Otten

Chris Otten, co-facilitator

DC for Reasonable Development

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DC Zoning Commission
441 41th Street NW, Suite 200 South
Washington, DC 20001

To: DC Zoning Commissioners
Re: Zoning Commission Case No. 13-14; McMillan-Olmsted Park

I am opposed to the McMillan Park PUD.

There has been no findings as to how destabilizing a project of this magnitude, and luxury, will be on me and to my property interests.

The large number of luxury residences and commercial spaces included within the PUD proposal will on it's face affect the affordability of the surrounding community, including my home.

It is clear, when you propose construction of significant expensive housing in such a dramatic way, property taxes and rents will increase and the overall affordability of my community will decrease. This will directly affect me and push out the cultural and economic diversity of my neighborhood affecting my quality of life which I enjoy right now.

There has been no analysis or evaluation of the economic and cultural impacts that this project will foist onto me. Why?

I am working with DC for Reasonable Development to challenge the lack of analysis and evaluation of the destabilizing aspects this PUD will bring to me and my community. I want the Zoning Commissioners to know that it is their job to demand the Office of Planning do these studies and provide findings as to the land value destabilization at play here.

OP has not performed their legal duty in this regard and as such, I am asking Zoning Commissioners to reject the proposed Planned Unit Development because of the direct and injurious impacts it will have on my quality of life and property interests.

Respectfully,



5/24/14

Johnson Doerue
2424 North Capital Street, NW

DC Zoning Commission
441 4th Street NW, Suite 200 South
Washington, DC 20001

To: DC Zoning Commissioners
Re: *Zoning Commission Case No. 13-14; McMillan-Olmsted Park*

I am intently opposed to the proposed PUD regarding the destruction of McMillan Park before you in this zoning case.

I want to protect my property interests from the destabilizing aspects of the proposed plans.

Paving over our open vegetative public space will destroy the heat and carbon sink benefits this park currently conveys to me and my home. The air I breathe is much cleaner thanks to this open air park land. My home is cooler in the summer months thanks to this public space. It would seem the City is trying to eliminate these important environmental benefits to me in contradiction of the Sustainable DC planning and findings.

The proposed numerous luxury apartments and condos and commercial spaces the City is proposing as part of this PUD will explode my property taxes and affect the overall affordability of my community, and thus unfairly push out the cultural and economic diversity of my neighborhood. Why has there been no study of the gentrification pressures a proposed project of this magnitude will bring to me and my community?

The PUD proposal to tear out the historic vaults underneath McMillan Park is so short-sighted as to be ignorant of local and global climate changes underway. In times of drought, DC may need to clean and store rainwater in these vaults to serve our municipal water needs, including the needs of me and my home.

As a participating member with DC for Reasonable Development, I am seeking reasonable development at this site, one which is backed up by much deeper evaluation of the impacts and seeks to mitigate as such. I am asking Zoning Commissioners to reject the proposed Planned Unit Development because of the direct and injurious impacts it will have on my quality of life and property interests.

Sincerely,

MARY Judd

5-24-14

Mary Judd
2428 North Capitol Street, NW
36-year Ward 5 resident

DC for Reasonable Development

Testimony Re: Zoning Commission Case No. 13-14

May 13, 2014, and as continued to May 27, 2014

DC for Reasonable Development has already submitted initial contested issues and concerns regarding the McMillan Park PUD, ZC Case No. 13-14 now before the Zoning Commission, which can be seen on the record as Exhibit #524 and as a series of other exhibits, including #725 through #736.

Today, DC for Reasonable Development submits a review of the concerns, as well demonstrates additional contested issues that have arisen as new information has come from the several hearings prior to May 27, 2014.

We would like to verbally testify to these issues tonight, however we have come to understand that Zoning Commissioners, with the complicity of Office of Zoning staff, have chosen in a most arbitrary way to prevent the public from testifying in person tonight, particularly those who did not happen to sign up at the May 13th hearing. This sad bureaucratic aversion to public input challenges basic open-government processes around what should be open information sharing at such a critical hearing and about such a game-changing project as presented by the PUD application.

The decision to prevent further public input is undemocratic on its face and is an act especially hostile in its lack of notice to those who may have left the May 13th hearing before such an edict was commanded by the Zoning Commission or noticed for anyone in the public who may not have actually been at the May 13th hearing.

Further, tonight during the May 27th hearing, the Applicant was allowed to bring “expert” witnesses for rebuttal, but the opposition parties were unfairly prevented from cross-examining these witnesses who appeared for the first time at these hearings on the evening of May 27th.

Limiting public discussion and fact-finding opportunities flies in the face of the DC Comprehensive Plan and the DC Administrative Procedures Act both which call for open hearings, open records, full public disclosure and fair notice of administrative decisions, especially ones that deny open public engagement.

Further Briefing on Contested Issues

- *This is not a popularity contest; Deeper Cultural, Economic, and Environmental Impact Evaluation Required*

Despite the letters of opposition coming into the zoning record at far greater ratios than those letters in support of the PUD application in ZC Case No. 13-14, the job of the Zoning Commission is not to take straw polls of people in the hearing room. The Zoning Commission must make it a priority to truly examine the studies, reports and full scope of the economic, cultural, environmental impacts that may adversely affect the surrounding community before having the needed information in balancing the equities and making decisions.

Impact review must go much further beyond traffic impacts and job/taxes creation, especially for a project of this magnitude (The Applicant has put a limited study on the record; The Applicant has put a limited fiscal impact study on the record).

Much deeper study and reports must be conducted to determine the full panoply of adverse impacts which fall under zoning and planning review at this decision-making stage. DC Municipal regulations, DC development policies, and City initiatives and programs encourage, and in many cases require a deeper review, analysis and evaluation by the Zoning Commission. Unfortunately the DC Office of Planning has not helped Zoning Commissioners by dismissing their legal duty requiring as such. The time is now for much more deeper analysis of the adverse impacts in this matter.

- *Affordability and Adverse Fiscal Impacts Not Evaluated*

There has been no fiscal impact studies or analysis of how a project of this magnitude and luxury residential and commercial units will have on the surrounding neighborhoods and Wards. The project offers a minimal amount of

“affordable” units, which to our knowledge is not permanent. Department of Housing and Community Development reports and studies have not been prepared and submitted to the record in this matter. These issues show that the PUD application is incomplete. This is unacceptable per the PUD evaluation and review standards.

- *Loss of Public Property Not Evaluated*

There has been no analysis of the loss of this public open-to-the-air vegetative green space will have to the City in terms of its current positive benefits – environmental, cultural, and economic -- to the surrounding communities and to the City. There has been no recent appraisal of the public land value. There has been no analysis of the constitutional impacts of privatizing this space. There has been no efficacy analysis of the so-called nonprofits that will control the park’s amenities. There has been no environmental studies showing how paving over this public space will impact the benefits this park currently provides to the surrounding neighbors and Wards. There is a terrible lack of infrastructure impact study. There has been no analysis of future City needs this space can fulfill, i.e. no examination this project vis-à-vis DC’s Master Facilities plan.

Conclusion

Tonight, DC for Reasonable Development representatives were told they could not testify in person. Secretary Schellin did say we could supply these written comments through IZIS tonight to follow-on submissions we made earlier today, including two letters from residents living in close proximity to the subject site, the historic McMillan-Olmsted park.

DC for Reasonable Development expects at least one thing from this PUD process – a legally founded and much more relevant evaluation of the zoning impacts this project will have on our participants, especially those living in close proximity to the subject site. These impacts go beyond traffic and what fiscal tax gains and low-paying jobs this project will give to the City. Environmental impacts, gentrification impacts, real affordability analysis, loss of public property impact, light and air impacts, noise, air quality, etc. are impacts that thus far have been identified but not given any review and meaningful evaluation, and all without broad inter-agency study and robust review. These facts show an arbitrary and unlawful review by the Applicant, without due diligence by the DC Office of Planning, and is unacceptable for what is supposed to be an transparent and critical administrative process.

Without these studies, evaluation, and public review of the bigger scope of the zoning impacts, the Zoning Commission cannot perform an adequate or lawfully role in reviewing this PUD application, especially the ZC’s primary role in weighing the so-called benefits versus the potential adverse impacts before making any administrative decisions that will permanently injure the people and property interests of the surrounding communities and Wards.

This PUD application must be rejected for these administrative failures.

Submitted this, the 27th day of May, 2014 by Chris Otten through the IZIS system as instructed by Secretary Schellin, and on behalf of the DC for Reasonable all-volunteer team.

Chris Otten, Coordinator
DC for Reasonable Development