

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.

Previously submitted written testimony addresses a number of questions that remain unanswered in the applicant's submission; and, questions whether the *Office of Zoning Independence Act of 1990* needs revision if the Deputy Mayor of Planning and Economic Development (DMPED) plans to enter into partnerships routinely that must come before the Zoning Commission.

Currently, the McMillan site is unzoned. The residential zones that abut the site are zoned R-3 and R-4 with two- and three-story row houses; and, it is against those residential zones that the scale and massing of the proposed CR, CR-PUD and C-3-C PUD zones should be considered. In reaching its decision, the Zoning Commission must be mindful that currently the development site is an open 25-acre green space, which the Comprehensive Plan Future Land Use Map designates as matter-of-right medium density residential and moderate density commercial development.

The Comprehensive Plan seems to take a back seat in zoning cases although it is the conscience that must be obeyed; and, sets out the policies meant to direct planning and development decisions. It seems to get in the way and too often it is simply acknowledged and then ignored.

The Committee of 100's testimony on McMillan noted:

The Comprehensive Plan is unusually prescriptive in outlining basic objectives for any reuse of McMillan in recognition of the intense pressure to develop a large site, despite its historic significance. The Land Use Element cautions that large sites, like McMillan, should not be developed as self-contained and isolated communities, and instead should utilize existing city street grid patterns and model the scale and massing of adjacent developed areas.¹

The Zoning Regulations reinforce the Comprehensive Plan's prescriptive policies when setting out the PUD review process;² and, reference that zoning approval shall not result in action that is inconsistent with the Comprehensive Plan.³

The Union Station North (USN) proposal might serve as a point of comparison with the proposal to develop Parcel 1 of the McMillan Site. By reconnecting the established street network laid out in the L'Enfant Plan, USN was proposed *to heal an urban scar* left by the railroad tracks; and, "create a catalytic development, providing a connection between neighborhoods west of the railroad tracks and east of the railroad tracks with an active streetscape."⁴

Both USN and VMP Parcel 1 are Shalom Baranes' designs, the scope of the two developments appear somewhat similar, given their respective development parcels, but that is where the similarities end. The lack of connectivity and height of the VMP proposal have the potential *to create an urban scar* between the established surrounding residential neighborhoods that have never known anything on the McMillan site except open green space.

Height on Parcel 1 of the VMP proposal does not relate directly to Children's Hospital or the Washington Hospital Center, which are off a distance to the

¹ Policy LU-1.2.6: New Neighborhoods and the Urban Fabric. On those large sites that are redeveloped as new neighborhoods (such as Reservation 13), integrate new development into the fabric of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings. 305.11

² Title 11, Chapter 24, Section 2400.3. A comprehensive public review by the Zoning Commission of the specific development proposal is required in order to evaluate the public benefits offered in proportion to the flexibility or incentives requested and in order to establish a basis for long-term public control over the specific use and development of the property

³ Title 11, Chapter 24, Section 2400.4. While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, nor to result in action that is inconsistent with the Comprehensive Plan.

⁴ Title 11, Chapter 29, Section 2902.1(a)(1).

northwest across Michigan Avenue. Rather, it is the lower scale Veterans Affairs hospital complex that would directly face the proposed 10-story Medical Office Building (MOB) across Michigan Avenue.

The Stronghold community to the east will look across North Capitol Street into 130 feet of building mass. The difference in height between the residential neighborhood of Stronghold at 40 ft. and the proposed MOB at 130 ft. is a whopping 90 ft. Even the historic 32-ft. sand bins along the North Service Court, would be overwhelmed and appear more like bollards when up against such tall structures.⁵

Overall, the proposed zoning for the McMillan site is incompatible with the existing built environment in terms of height, density and intensity of use. Under the VMP development plan, the existing vacant site would be substantially occupied with office, retail and residential uses in buildings that increase from two stories up to 10, and from 26 ft. up to 130 ft. in height. Each segment of the proposed three-part plan has its own architectural identity, is self-contained and isolated. The VMP plan lacks cohesiveness and connectivity between the existing neighborhoods and institutional uses it is meant to complement.

In conclusion:

1. Unanswered questions remain in the VMP application.
2. Does the Office of Zoning Independence Act of 1990 need revision?
3. The Comprehensive Plan Generalized Policy Map shows the site surrounded by a Neighborhood Conservation Area, which anticipates maintenance of existing land uses and community character for the next 20 years.
4. The Comprehensive Plan Future Land Use Map shows the McMillan site developed with moderate density residential, parks, recreation and open space and some institutional uses.
5. The proposed C-3-C PUD would permit height of 130 ft. The proposed MOB would tower over the R-3 Stronghold residential as well as the Veterans Affairs complex, the abutting institutional neighbor it is meant to complement.
6. The central CR zone with proposed 110 ft. in height would also far exceed the height found in surrounding residential areas.

⁵ ZC Case No. 05-42 Sibley Hospital consolidated review and approval of a PUD and related map amendment from the R-5-A to the SP-1 zone. The SP-2 request was changed to SP-1, and, the MOB height was lowered by two stories to lessen intensity of use

7. Generally, commercial zone districts adjacent to R-3 and R-4 neighborhoods citywide are C-2-A, which the zoning code describes as medium density development.⁶

Overall, the scale, density and intensity of use proposed for the VMP development is inappropriate for the 25-acre McMillan site. A less intense and more appropriate starting point for establishing zoning for the historic site would be R-4, C-2-A and a C-2-A PUD.

⁶ Title 11, Chapter 7, Section 720, Community Business Center Districts (C-2).

720.1. The Community Business Center (C-2) District is divided into C-2-A, C-2-B, and C-2-C Districts

720.2. 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 the central core.

720.3. The C-2-A Districts shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers.

720.4. The C-2-A District shall permit development to medium proportions.

720.5. The C-2-A District shall accommodate a major portion of existing commercial strip developments