

October 30, 2014

To: Members of the District of Columbia's Zoning Commission:
Anthony J. Hood, Chairman
Marcie Cohen, Vice-Chairman
Robert Miller, District Resident
Michael G. Turnbull, Architect of the Capitol Designee
Peter G. May, National Park Service Designee

From: Stronghold Civic Association
LaToria Brent, President

Re: Case 13-14, Exhibit #864, "Cover Letter from Applicant Enclosing Revised Proposed Proffers of Public Benefits and Amenities"

Dear Chairman Hood:

As the elected president of the Stronghold Civic Association (SCA), I write this letter on our organization's behalf. We respectfully request that the docket be reopened for Case 13-14 and that you consider the following information regarding Exhibit #864: Vision McMillan Partners' revised proffers of public benefits and amenities. The SCA is very disappointed in your decision, acting as duly appointed sworn stewards of Washington, DC real properties for its citizenry, to move forward with VMP's plan. We, in fact, are the neighborhood that is most affected by the McMillan Project. Yet, we have found that most of our longstanding concerns and recommendations remain unmitigated or addressed in VMP's plan and proffers. The SCA discussed and unanimously voted at our October monthly meeting to draft and send this letter for your consideration. We also ask that you not look at the McMillan Project in isolation. We ask you to consider it in conjunction with the three developments approved by you, the Commissioners. And we would also remind you that stated in your Zoning Handbook, referring to "Zoning Act of 1938" provided a stipulation that, "Zone districts should be suitable to the character of the respective precincts and should encourage stability in districts and in land values..."

Stronghold strongly objects to VMP's proffers and requests that the Zoning Commission not accept this version as the final one for the project should it move forward. We make this request because VMP's proffers were submitted without SCA review, discussion or endorsement. SCA had multiple meetings over several months and provided thoughtful and specific input into the McMillan Advisory Group (MAG) CBA process. We collected and submitted all of this to the Zoning Commission (See Exhibit #79). Now we find that this long and onerous negotiation was for naught. Given VMP's submission, it is clear that they did not sit down with us in good faith. In comparing the elements of the SCA input with VMP's proffers, significant and important agreements were ignored.

Our concern is that the public interest be served, especially considering that it is such an important disposition of public property and one that could establish a new pattern of authentic community engagement – with residents having a real sense of government of, by and for the people. Indeed, we have been told time and again that the city is the real developer here, and if that is so, then we are asking our city officials to strike a balance in favor of the residents.

We strongly request that continued discussions on McMillan CBA include the following topics:

- A regional traffic study to be conducted that includes not only McMillan but also the multiple other developments planned within a one mile radius from the site. We discourage approving additional developments for our area until meaningful and successful traffic mitigation strategies are developed and fully implemented.

In fact, the recommendations of VMP's own limited Traffic Impact Study will not be mitigated by DDOT (Exhibit #866; October 28, 2014) since "presently, because of funding horizon limitations, the planned bus improvements are not fully funded." Although VMP is claiming that they can provide supplementary shuttles to accommodate the unmet bus capacity, by then it's too late, as the buildings will be built. What happens if VMP does not have the funding or is unsuccessful in its claims/promises? The only solution is to have the funding dedicated PRIOR to PUD approval.

- Perhaps the most egregious are VMP's proffers for workforce and educational development. Job opportunities for local residents can be life-changing for individuals and their families. Why then are these benefits not being initiated until AFTER the buildings are built and not offered in full until five years after the project has been completed? By that time, the construction job opportunities will be long gone and the commercial business likely will have already hired to capacity. If VMP and the District were sincere about job creation and opportunities for existing local residents, those funds should be in place, in full, BEFORE any construction begins.
- Reduction in commercial density, including building heights, in scale with the District's Comprehensive Plan (medium and moderate residential and commercial buildings, five stories tall and under). In the absence of an adequate traffic mitigation strategy, the only solution remains to be substantial reduction in the number of planned residential and commercial spaces.

In addition to the overwhelming heights of the planned commercial and mixed use buildings, we have growing concerns about the recent changes in the heights of the row homes. Early in the process, the row homes were slated to be 40 feet tall; in the revised proffers, the height has jumped to 48 feet. In comparison, existing homes on North Capitol Street average 25 feet or less. If 48 foot row homes are built on the elevated plinth, they will be imposing compared to existing homes across the street and dramatically reduce sunlight and existing views. One solution is to reduce the row home heights to the originally planned 40 feet and zone the land plot for the row homes as R5-B as proposed by VMP in its Stage One PUD Application to HPRB.

- To date, VMP has not presented or discussed a Construction Impact Plan to Stronghold or in any public forum to our knowledge. We expect that such a plan be forthcoming and that it require the support of SCA, not just ANC 5E. VMP states that its filed plan to Zoning was “generic” and that specifics would be added later with community input. Based on past lack of good faith on the part of VMP, we do not trust that such discussions will be held unless Zoning mandates them.
- We strongly request that the Park and Community Recreation Center be governed by a public/private partnership similar to NYC’s Central Park. We would expect that there would be significant community representation and disagree with VMP’s proposal of a business-only model. In addition, we believe that it is most important to have Department of Parks and Recreation activities offered as part of the assurance of community access and engagement. We would expect that the Center would be open to the public BEFORE the first certificate of occupancy for any building on the site.

In addition, the specifications for the Community Recreation Center have been altered in the revised proffers. Early, VMP was planning, in addition to the pool/locker rooms, a fitness space with weight and cardio machines. Based on community input, we proposed and VMP agreed (verbally) to a multi-purpose recreational space that could accommodate: indoor basketball court, indoor volleyball court, martial arts/dance/fitness classes. There is no longer mention of any recreational space beyond that of the pool!

Regarding the South Service Court, VMP is proposing amenities for the court. Of concern is that these amenities are not funded until 10 years after the project is built and there is no mechanism for community input in the choice of those amenities as it will be under the control of the project business association.

- We remain disappointed by the lack of specifics VMP has offered regarding the extent and purpose of preserved/repurposed sand filtration cells. Given the vast opportunities for both historic preservation and beneficial community amenities, we believe that a successful CBA would include: preservation of additional cells and full details regarding to what extent and how cells will be revitalized.
- We believe that a successful CBA must have specific structures in place for accountability, sustainability, and transparency. The proposed business association concept does not provide details of how funds will be spent, who will make allocation decisions, how they will be sustained into the future, and corresponding timelines with project milestones (e.g., certificate of demolition, occupancy, etc.) to ensure that benefits/amenities will be provided in advance and, in some cases, prior to project completion. We strongly urge that business association model be replaced with a multi-stakeholder association that includes majority community representation, much like the membership for the McMillan Advisory Group (MAG).
- VMP continues to offer \$500,000 (over a ten year period) to hire high school and senior residents to give onsite tours. Although the intent may be right, there is currently no accountability for a proposed sum that is unusually high with respect to other offered

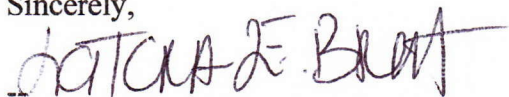
amenities. The proposal was not put forward by any community as part of the MAG CBA process, and has no details about who will be responsible for the hires. This proposal is too large of a fund without transparency and accountability as it opens the door to misuse. Why does VMP consistently push for this option in the absence of community support? What are those funds really being used for?

- Funds for neighborhood beautification were previously allotted in an unfair manner, with Stronghold although closest to the site, received only 25% of benefits as neighborhoods more than a mile from the site. Now, VMP proposes a lump sum for all the neighborhoods and limits the use of funds to tree boxes and other projects in which Stronghold residents previously expressed low. Given past inequitable treatment of Stronghold, we strongly request that the funding be divided by neighborhood and that each neighborhood have greater choice in community beautification options beyond tree boxes.
- We are severely disappointed that the proffers make no mention of the process and assurance that damage to existing homes as part of construction on the site will be mitigated by VMP. Unlike the DC Water project, there is no mechanism of pre-inspection requirements or that VMP is responsible for developing a plan and covering the expense of such inspections.

In closing, we request that the Zoning Commission will reconsider and require VMP to work with the civic associations directly affected by this project and the McMillan Advisory Group, to negotiate, and endorse a final CBA for the project. To be successful, a coalition of community groups, not just ANC 5E, should be included in all phases of the CBA process, including both negotiations and final voting.

These important concerns are expressed as a result of our civic association's many meetings and discussions with all interested parties. We ask that you give it great weight and thank you for your consideration.

Sincerely,



President
Stronghold Civic Association