

Submitted by: The McMillan Coalition for Sustainable Agriculture, on April 17, 2015
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Motion to Waive Rules and Accept Reconsideration and Re-argument – ZC Case No. 13-14

The McMillan Coalition for Sustainable Agriculture (MCSA) seeks to redress a faulty decision of the Zoning Commission, in that it has denied our duly constituted community organization, party status at the McMillan PUD hearings. Further, with new information from the recent Mayor's Agent Order, the Commission must reconsider this decision as the PUD is inconsistent with the DC Comprehensive Plan.

Pursuant to 11-DCMR-3029.5, within ten days of an order becoming final, parties can file a Motion for Reconsideration and Re-argument. Despite the fact that MCSA was mistakenly denied party status to this critical case, pursuant to 11-DCMR-3000.8 MCSA asks Commissioners to take up our Request for Re-consideration and Re-argument.

Commission's Reasons for Exclusion:

The Commission, on May 1, 2014, denied party status to MCSA for all hearings regarding this case due to "timeliness" and "duplicative" interests. But then on May 8, 2014, without informing MCSA leaders, Commissioners, particularly Chairman Hood, seemed ready to grant party status to MCSA for the May 8th hearing. Given that MCSA had been denied party status at the first hearing, our leaders were not prepared to be in the hearing room, nor were noticed that questions would be directed to MCSA by the Commission. On the evening of May 8th, Mr. Peloquin and Mr. Wolkoff were called up by the Chair but had not yet arrived. Upon arriving to the hearing room Mr. Wolkoff was told they were too late because although he was present, he was not in the room when called. On that same night, Mr. Wolkoff submitted a hand written letter protesting the exclusion of MCSA. Despite the protest, Commissioners chose not to entertain party status after MCSA members arrived that evening, wrongfully depriving us of our ability to fully participate as a party in the process, even if but only by paper filings. We maintain that there is no rule that permits such exclusion and therefore no basis for that decision and that such exclusion arbitrarily disenfranchises us.

MCSA's Interests are Not Duplicative

MCSA has members that are 200 footers and our program to develop urban agriculture in the 20 acres of subterranean historically protected masonry galleries, does not overlap and is not duplicative of the concerns of Friends of McMillan Park. See TED video: <http://youtu.be/LLzWmw53Wwo>

Our program is inspired by the global environmental movement of sustainable adaptive re-use of existing historic sites and conforms to The Mayor's Plan for Sustainable DC, and co-ordinates with Council Member Cheh and Grosso's proposed legislation for urban agriculture. MCSA's plan for use of our public land will produce millions of pounds of fresh vegetables and healthy farmed fish, creating a food, nutrition, and exercise hub for resident's quality of life.

MCSA participants living within 200 feet of the PUD site and will be directly impacted

In addition to the above, our organization seeks to reinforce the compelling testimony already on record, to reject this destructive development plan, so discordant with the community and the environment. The District and the Nation, and particularly the neighborhoods of Ward 5, desperately need green park space that benefits the people of DC, visitors, and the environment. The misguided demolition of the 20 acres of valued, historic and productive space, for so many reasons, is inconsistent with good urban planning. The millions of tons of concrete, 3000 asphalt parking spaces, and pollution and congestion from 20,000 additional auto trips a day, is atrocious, at the very place with the worst measured air quality in DC. The pollution and radiant ozone and heat presented by this mammoth construction, will contribute to asthma and respiratory disease like asthma, as well as cancer in our children, and increase the local radiant heat. This is especially true for the families living directly next to this heat and carbon sink – McMillan Park is an open public space serving as an important environmental amenity we enjoy right now which will be permanently destroyed by the proposed PUD project.

Further, MCSA seeks to ensure McMillan Park and its underground water chambers can serve us and the Capital in an water emergency not unlike what we are seeing happen with the mega droughts persisting throughout our Nation and globally.

New Information Concludes this PUD is Inconsistent with the Comprehensive Plan

In the recent HPA Order No. 14-393 dated April 13, 2015, on page 8, the Mayor's Agent doesn't disagree or refute that there are "substantial amounts of high density in both housing and medical offices." This contravenes the Future Land Use Map ("FLUM") for the PUD site.

Further, the PUD approval distinctly contradicts **Policy T-1.1.2: Land Use Impact Assessment**, "Environmental and climate change impacts, including that of carbon dioxide, should be included in the assessment to land use impacts." **Action T-1.2.A: Cross-Town Boulevards & Policy T-1.3.1: Transit-Accessible Employment & PROS-3.3 Other Significant Open Space Networks**, "Several sites in the McMillan to Fort Totten open space network are currently under consideration for development. As detailed plans are developed for these sites, the District must take an active role in conserving the connected open space network as an historic, ecological, aesthetic, and recreational resource."

We ask the Commission to reconsider the decision in ZC Case No. 13-14 and allow us to re-argue key contested issues as a rightful party with unique interests to this case as such.

Respectfully submitted by hand to the staff of at the Office of Zoning, on this the 17th day of April 2015, and delivered to all other parties to this case by electronic mail.

Daniel Wolkoff 4-17-15

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