

McMillan Testimony for Zoning April 28, 2014
Commissioner Mark Mueller
ANC5E08 Bloomingdale

Dear Office of Zoning,

Please consider my points below regarding Vision McMillan Partner's (VMP) consolidated PUD, master plan, and proposed rezoning of the McMillan Historic Landmark to CR and C3C Zone Districts (Case #13-14):

- Community Benefits Agreement (CBA) should be negotiated with the McMillan Advisory Group (MAG), not the ANC alone. DC Government formed MAG to represent the community and negotiate such things as CBAs. MAG is a community based group with more subject matter knowledge and better overall representation than the ANC. The MAG should also have funding to allow legal review. CBA's for Government-owned property should not be negotiated solely by a government body like the ANC—especially not in closed door meetings. I believe DC government and VMP decided to make our ANC the sole deciders on the CBA because they recognize the MAG will be more effective negotiators resulting in lower real estate profits and city revenue. Our ANC held 2 closed meetings: The first meeting's objective was to make a CBA within 5 hrs. It was approached with little to no research and ended up a marathon of shouting and bewilderment due to lack of understanding and guidance. The second closed meeting was meant to finalize the CBA within a few hours of negotiations with VMP (who had an attorney present). The final CBA could then be quickly voted on at the next public ANC meeting with little chance for community input.

Hours before our second meeting began, a community member complained to city officials about the closed door CBA negotiations. Thirty minutes before the meeting began, the ANC opened negotiations to the public. Obviously, 30 minutes is not adequate time to notify the public. Negotiations stopped a couple hours into the meeting because the ANC was not able to argue the community's side due to lack of time and expertise, while VMP was well versed in what they wanted to offer. The ANC decided to delay CBA negotiations and try to get an approved CBA formed before the last zoning hearing.

Out of 10 ANC Commissioners, 8 showed up for the first meeting, 6 stayed the entire meeting. One Commissioner found out that day that there are 20 acres of underground caverns on the site. The majority of our ANC has little or no knowledge of McMillan history, development plan or alternative possibilities. The choice to give my ANC sole accountability for developing the largest CBA to ever hit our community without adequate knowledge, time, guidance or legal representation is unacceptable and has great potential for gaining far less benefits for surrounding communities.

- I ask the Zoning Commission to help fix this problem by allowing MAG to negotiate a CBA with input from ANC and legal counsel.
- Help the community achieve necessary changes to the current plan.

- Majority of the community demands changes. This is government owned land. VMP received rights to vertically develop the land before an approved plan was in place. Therefore, the incentive for the developer and the government became financial profit from more density. The majority of the community throughout the years has demanded a focused development around the historic landmark's incredibly unique qualities, such as the vaulted underground and above ground open green space punctuated by the historic structures.

Although government and developers often state that the majority of the community supports their plan, they are never tasked with proving it. At every public meeting such as HPRB testimonies, Council round tables, Civic Association, ANC, Land Surplus, MAG, etc, the vast majority of attendees show up to demand significant changes to the current VMP plan. The majority of the community continually proves that they want changes as demonstrated by their meeting attendance, testimonies, hundreds of door to door surveys and thousands of petitions. The community concerns have been, and continue to be, ignored. It is imperative to request tangible quantifiable evidence when considering a claim of what the community wants rather than just taking peoples' word for it. Recognize that the surrounding Civic Associations have never stopped fighting for change; change that never comes. The few recent changes to the plan have only come due to pressure from HPRB and DC Water's First Street Tunnel project. The changes were not made out of VMP's concerns for community demands.

ANC5E Letter of Support is only from a handful of Commissioners. The letter does not represent the surrounding community. The letter should be dismissed because it went against 5E Bylaws, which require input from affected Civic Association's before being presented for a vote. The Single Member District Commissioner pushed a letter through the ANC without approaching her Civic Associations, because she was made aware that her Civic Associations, like the MAG did days before, would protest such a letter. Both surrounding Civic Associations submitted letters requesting the ANC rescind that letter. Furthermore, the ANC letter, submitted to zoning, was not voted on. Official minutes will show that ANC voted to support only "HPRB recommendations". But after the vote, the Chair allowed VMP to write their own letter of support for the entire PUD, which the Chair then signed without review and submitted to zoning. PLEASE NOTE that the PUD was not even released at the time of the ANC vote and Commissioners admit in official minutes that they never had or read the PUD before voting. How can anyone condone approval of a PUD of this magnitude without a single community member or representative reading it?

Another deeply concerning issue is that VMP and Office of Deputy Mayor contracted with PR firm Fontaine & Company to actually fight against the community to "shift community dialogue and general perception to that of majority local support for VMP plans" and to "Neutralize opposition" and bolster perception that "a small minority is currently misrepresenting the views of the larger community" and that anyone in opposition to VMP are "special interest" and "non-local". (*I've attached VMP/Fontaine & Company document for reference*). Rather than working to meet community wishes, they actively have and continue to fight against the community.

Note that at least three ANC Commissioners are listed potential leaders for “central focus of the organizing efforts to lend credibility, be the face of the coalition and establish the effort.” For example, Commissioner Barnes sends emails asking community members to testify in support of VMP, hands out yard signs for VMP/Fontaine & Company’s “Sign & Rally Call” (meant to oppose community yard signs to “Save McMillan Park”) and was Chair of my ANC when she pushed through ANC5E letter of support for VMP’s PUD before we had a PUD and against her Civic Associations’ wishes and ANC bylaws.

Tactics such as these and various other corruptions and conflicts of interest that go against ethics and laws, without accountability are the reason I decided to step down from the ANC today.

- I ask the Zoning Commission to recognize informed concerns from community members who are not on a government or VMP payroll.
- Community Survey - I’m sending you statistically analyzed results from the only non-biased, door to door community survey (888 completed surveys). This is the only survey in 30 years made by the community-for the community. It indicates 85% of surrounding residents want a minimum of 50% of McMillan preserved as park. Residents rank the value of amenities as follows (From Most to Least Important): Public Park, Preserve Caverns, Rec Center, Restaurant, Grocery Store, Retail, Housing and then Offices.

The biggest concerns are traffic congestion, too much density, and the loss and conversion of a wondrous, unique, historic place, which is our last large green space, into an ordinary development.

The community’s wish for at least 50% park falls in line with the 2002 “*Summary of Recommendations for Revitalization of McMillan*”. The community has been consistent with its recommendations for many years. The 2002 study was a city-led effort to identify community priorities and provided the following recommendations for McMillan, which the current VMP plan continues to disregard:

- “Minimum of 50% (approximately 12.5 Acres) of the McMillan site should be revitalized as publicly accessible open space.”
- “The remainder of the site should be developed with low and moderate intensity uses.”
- “Vistas from the site are significant and should be preserved in conjunction with development of public open space.

In closing, I knew McMillan was a hot topic when I joined the ANC. I had friends on both sides. As a scientist, I decided to conduct an unbiased survey to measure the community’s wishes for McMillan. Outcomes of such a survey should be respected, as it is based on data and not personal opinion or potential monetary gain. My community respected the survey, but I was disappointed to find our representatives had no interest in seeing the data and only looked to discount it, because data indicated that the community overwhelmingly supports development of only 50% of the landmark and wanted more vaulted caverns creatively preserved.

- I ask the Zoning Commission to consider lessening the density to preserve more of the landmark, bringing it more in line with community wishes and help Ward 5 produce one of DC's most unique developments.

There is too much to put in one testimony. The main point is that the current design has an overall adverse and unacceptable impact on the community. This plan creates too much traffic. It destroys too much of our last large green space, too much of our national historic landmark, and too much potential for a more profitable world class development. Until there are significant, creative changes to the plan along with proper recognition of community demands, the adverse impacts far outweigh the benefits. I hope your Commission can be unbiased and exemplify what government oversight is supposed to be.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Mueller", written in a cursive style.

Commissioner Mark Mueller

ANC5E08

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