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Washington, DC 20002

May 1, 2014

Anthony Hood
Chairman
DC Zoning Commission

Subject: Testimony in Opposition and Request to Not Afford Great Weight to Recommendations Presented by ANC5E - Zoning Case 13-14: Vision McMillan Partners, LLC & DC Deputy Mayor for Planning & Economic Development

Dear Chairman Hood and Members of the Zoning Commission:

I currently serve both as Recording Secretary for the Bloomingdale Civic Association (BCA) and as one of two representatives on the McMillan Advisory Group (MAG) on behalf of the Bloomingdale Civic Association . I testify as a resident of the Bloomingdale community and ANC 5E.

I write to you in opposition to the proposed Master Plan for redevelopment of the McMillan Sand Filtration Site and request that the Zoning Commission (Commission) reject the planned unit development (PUD) application presented and not afford great weight to the recommendations presented by Advisory Neighborhood Commission (ANC) 5E.

Request to Not Afford ANC 5E Great Weight

I respectfully request that the Commission **not afford great weight** to the recommendations presented by ANC 5E on the grounds that ANC 5E may not be the source of the recommendations, had no basis for such recommendations and knowingly violated its published bylaws. ANC 5E has further disenfranchised the community by holding closed door meetings to both discuss and negotiate the community benefits agreement.

During the November 19, 2013 ANC 5E public meeting, Commissioner Smith-Steiner proposed the motion to send a letter of support for the Historic Preservation Review Board (HPRB) recommendations for the McMillan Project to move forward to the Mayor's Agent. This motion was seconded and passed. On November 22, Holland & Knight filed a statement of support indicating that ANC 5E voted to support the PUD redevelopment, in effect stating that ANC 5E recommends that the Commission support the Master Plan.

In an email sent by Commissioner Smith-Steiner [see Exhibit 164] on January 22, 2014 with respect to the recommendation letter filed with the Commission, she states:

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“About the letter, VMP wrote it; since the motion was open ended and no friendly amendments occurred, VMP was allowed to write the letter for sign off.”

While this is simply her statement, I believe that it is a strong basis with which to question whether the Commission is in fact the source of the recommendations. As no such letter was available to the general public in attendance of the meeting nor provided immediately following the meeting, upon request, there is no reason to believe otherwise.

In addition, although the contention is that ANC 5E voted on November 19, 2013 to support the PUD application, this application was not filed and made available to the public until November 22, 2013. During the February 2014 ANC 5E public meeting, I asked the commissioners if any of them received the PUD application in advance of the vote. Commissioners responded that they did not receive or review the PUD application prior to a vote taking place. As such, I do not see how ANC 5E could thoughtfully vote in support of an application that it had not seen, reviewed, or taken the time to discuss.

Finally, ANC 5E bylaws [see Exhibit 82], approved in April 2013 and later ratified in May, state in Article VII, Section 8:

“Commissioners shall seek the support/non-support of their respective civic association(s) prior to requesting placement of a developer or anyone seeking ANC 5E support on the ANC 5E agenda for a vote.”

This vote to send a letter in support of the PUD application was approved prior to the matter being brought before the respective civic associations of Bloomingdale and Stronghold, which comprise SMD 5E09. In response, both associations submitted letters to ANC 5E requesting it rescind the vote until such time as the PUD could be reviewed and discussed amongst the association. Both requests were subsequently denied. Further, ANC 5E knowingly violated its bylaws when taking the vote. As Commissioner Mueller stated, according to the approved ANC 5E meeting minutes:

“ANC has not received feedback from Stronghold & Bloomingdale Civic Associations...goes against ANC5E published bylaws which state ‘Article VII---Section 8. Commissioners shall seek the support/non support of their respective civic association(s) prior to requesting placement of a developer or anyone seeking ANC 5E support on the ANC 5E agenda for a vote.’”

Given that the ANC did not allow the civic associations to weigh in on the PUD application or review the application themselves prior to a vote of support taking place, and compounded by the fact that it may not have drafted the very letter it voted to support, I request that you dismiss the recommendations of ANC 5E.

Such behavior is indicative of the care ANC 5E affords its respective civic associations. Most recently, at the April 15, 2014 ANC 5E public meeting, Commissioners announced their intention to discuss the terms of a community benefits agreement on April 26th and hold final negotiations of the agreement with Vision McMillan Partners, LLC (VMP) on April 28th. In the case of both meetings, the chair of ANC 5E, Sylvia Pinkney, responded in writing that the meetings were closed to the public. According to DC Code § 1-309.11:

“Each Commission, including each committee of a Commission, shall be subject to the open meetings provisions of § 1-207.42(a). No meeting may be closed to the public unless personnel or legal matters are discussed.”

As evidenced by prior zoning hearings, the community benefits agreement and discussions of such an agreement do not constitute a legal matter and are made readily available to the public. While

Commissioner Pinkney responded to one individual, 30 minutes prior to the negotiations with VMP, that the meeting would in fact be public, this does not excuse the fact that prior deliberations were closed and that the community believed the negotiations to also be closed.

Request for Adaptive Reuse of Underground Vaults

I request that the Commission support the BCA recommendation to preserve and adaptively reuse additional underground cells for community and retail uses. Specifically, I agree with the BCA request that the Commission require VMP to identify 2 or 3 additional underground cells for preservation, adaptation and re-use. I also agree with its request that VMP define and commit to a specific use both for the cells already planned for preservation and additional cells, were this recommendation put into effect. Although the Office of Planning hearing report states that “the Plan calls for the preservation of a majority of the structures both underground and above ground...” this is not in fact the case.

In the *Summary of Recommendations for Site Revitalization*, jointly issued by the DC Office of Planning and Department of Community Development in February 2002, it states that one of the community revitalization goals for the site is to preserve and adaptively reuse the site features. This goal is further defined as the use of currently stable cells as a historic record of the site and, in areas where the cell structure may be completely or partially removed, an incorporation of references to the removed elements. Conclusions about the site conditions stated that 4 cells were most stable and should be preserved and adaptively re-used as well as the two courts. Further, it suggested that the 8 moderately deteriorated cells be considered for preservation and adaptive re-use above and below grade, as applicable. In each of the five scenarios put forth in the report, at least five cells were to be adaptively reused in some capacity. The effort to arrive at this recommendation was the result of broad stakeholder involvement, to include community participants, technical advisors and elected officials. It is my belief that this recommendation still reflects the sentiments of the Bloomingdale community.

The proposed Master Plan falls short of the intended goals for the site as documented in 2002 and the interests of the Bloomingdale community, as specified in our resolution. The stage one PUD application submitted to the zoning commission proposes preservation for only one and a half of the twenty underground cells. In particular, it plans for the full preservation of Cell 14 and partial preservation of Cell 28, although the report filed by Steven E. Sher of Holland & Knight states that “Cell 28 adjacent to the South Service Court incorporated into park design.” This questions the specific intention for how VMP and the Office of the Deputy Mayor for Planning and Economic Development (ODMPED) plan to reuse this cell.

Further, as stated in the Office of Planning hearing report, Cell 14 will be used for D.C. Water’s Long Term Control Project until 2022. This means that plans for the adaptive re-use of and access to the only preserved cell on site will be restricted until at least five years after the planned completion date for of Stage 1 development. What’s more, there is no firm commitment from the developer or the District for the restoration of this cell if problems arise during the period it is used for the DC Water Long Term Control Project. The development plan calls for erection of a medical office building with multiple levels of underground parking immediately adjacent to this cell. According to the structural engineering report, “where demolitions or excavations are proposed in adjacent areas, additional measures will be required for reinforcement to protect against settlement related damage and instability.” This plan falls short of identifying how reinforcement of the cell will occur and does not commit to restoration of the cell were related damage and instability to occur.

The preservation and adaptive re-use of additional underground cells is as feasible today as anticipated in 2002. In the *Existing Conditions Assessment & Feasibility Evaluation* prepared by Robert Silman

Associates on behalf of VMP, dated April 10, 2014, three underground cells, currently not slated for preservation or adaptive reuse, contain only minor damage. An additional nine cells were classified as containing moderate damage. While the report chooses to focus mostly on the cells already known to have severe deterioration, for the twelve cells with minor and moderate damage, the evaluation found existing damage to be consistent with the conditions observed in prior structural assessments performed in 1944, 1967 and 2000. For example, the report states that “minor damage, noted on previous surveys, appears to have increased only marginally.” Given the findings of this report, it would hold that the same revitalization goals of 2002 are still structurally feasible today. The limiting factor for further cell preservation is not a structural infeasibility but rather a reluctance to pursue this possibility when crafting a master plan for the site. I recognize the finding that prior reports failed to note that “the columns with severe displacement were likely accompanied by significant cracking of the foundation slab which would lead to additional foundation distress” and the subsequent recommendation to probe these conditions in any cells to be retained. Such a probe should be performed before any further action is taken for the demolition of the cells and may have already been performed by ECS Capitol Services, subcontracted by Vision McMillan Partners, LLC for soil excavation. This will at least afford us a starting point for discussions of how to retain and adaptively reuse multiple cells on the site.

Neither VMP nor ODMPED define specific uses for the underground cells and should do so. As reflected in change order #25 for the contract between DMPED and Vision McMillan Partners, LLC, a Retail Business and Merchandising Plan is going to be developed, or its creation has at least been funded. As part of this effort, I would request that the Commission require that VMP include specific uses and purposes for the cells and develop this plan in collaboration with community groups impacted by the project, including the Bloomingdale Civic Association. This concern and request extends to the other historic structures that are to be preserved across the site, most notably the regulator houses and silos.

I believe that VMP and DMPED have failed to consider how much value the adaptive and creative reuse of additional cells could bring to the site in terms of commercial space rent and sales. The High Line in NY for example, demonstrated that adaptive reuse can embrace change and continuity while significantly increasing the value of the properties around it. Additional examples of successful adaptive reuse include San Francisco’s Crissy Field, which was a derelict concrete and asphalt airfield. After a \$34 million transformation in 2001 it is now a must-see destination connecting San Franciscans with their industrial past. Similarly, the 36-acre Point State Park in Pittsburgh was home to the city's two oldest structures. Following design development overseen by landscape architects, this iconic waterfront park opened to the public in 1974. For a more directly analogous use of the McMillan cells, one only need look to Chelsea Market in NY. It has been a huge success story for NY’s development and international reputation as a city; yet it pales in comparison in terms of history and ascetics of McMillan.

Need For Repurposing of the South Service Court

The Office of Planning hearing report states that the Master Plan encourages the reuse of existing historic structures along the South Service Court; however, this statement is at odds with the fact that there are no identified uses for these structures and traffic will be allowed to move along both sides of these structures.

I ask that you support the MAG request for changes in the traffic pattern along the South Service Court, As currently designed, traffic running along both sides of the court, coupled with parking spaces occupied by vehicles, limits the possibility for adaptive reuse of the space. It turns what could effectively be an 8-acre community open space into a disjointed set of open spaces.

According to Gorove/Slade, the subcontractor tasked with traffic and transportation mitigation, the Traffic Impact Study does not anticipate a lot of traffic running along the South Service Court, with most of the

traffic generation occurring in the northern portion of the site. As such, the request to restrict traffic along the South Service Court seems both reasonable and feasible and would go a long way towards helping the site, and historic structures, serve a useful purpose to the community.

Updated Economic Analysis

The *McMillan Redevelopment Fiscal & Economic Impact Analysis: Revised Program*, dated July 2011, needs to be updated before dialogue of community benefits can continue. Since drafting this document, the project has undergone significant revisions and the surrounding neighborhood has changed dramatically, namely the price of housing. For example, this document projects an average sales price for a market rate townhome as \$483,333. Comparable residences within the Chancellor's Row project, already built by EYA, now carry a sales price of between \$750,000 and \$850,000. This economic analysis is outdated and does not help residents to better understand the costs associated with this project or the economic justification for the scale of development being proposed.

Compliance with Comprehensive Plan and Site Planning

The Office of Planning hearing report states that: "The proposed development would include many of these uses and would be consistent with objectives for the CR zone including...600.3 (a) Help create major new residential and mixed use areas in planned locations at appropriate densities, heights, and mixtures of uses." Conversely, the DC Comprehensive Plan, Policy MC-2.6.5: Scale and Mix of New Uses states that "development on portions of the McMillan Sand Filtration site may be necessary to stabilize the site and provide the desired open space and amenities. Where development takes place, it should consist of moderate- to medium-density housing, retail, and other compatible uses. Any development on the site should maintain viewsheds and vistas and be situated in a way that minimizes impacts on historic resources and adjacent development."

The Comprehensive Plan defines moderate density commercial areas as retail, office, and service uses generally three to five stories in height and moderate density neighborhood as areas generally characterized by a mix of moderate density residential and moderate density commercial uses, often used to refer to older row house neighborhoods with pedestrian-oriented centers. Medium density commercial is defined as areas of midrise (typically 4-7 story) office and retail development and medium density residential as areas of midrise (typically 4-7 story) apartment development.

The Master Plan for McMillan does not comply with the Comprehensive Plan definitions for moderate to medium density housing, retail and other compatible uses and therefore is not planning a mixed use area at appropriate densities or heights as the Office of Planning states. In particular, the Master Plan does not propose any commercial development that constitutes 'moderate-density.' Instead, the structure in Parcel 4 will be six stories (excluding parking underground), in Parcel 1 will be eight scaling to ten stories (excluding parking), and in Parcels 2 and 3 will be at least eight stories.

Moreover, the Master Plan does not reflect an appropriate mixture of uses for the site. In a site engineering report prepared by Greenhorne and O'Mara for the Office of Planning and Department of Housing and Community Development [see Exhibit 92], a list of uses recommended as suitable or non-suitable was provided. Suitable include park/open space, historic preservation, recreation facilities, apartments, townhomes, and neighborhood retail. Non-suitable uses for the site and community include high rise office, high rise residential, medical facilities, and uses that require large amounts of parking. The Master Plan inappropriately proposes to build not only high rise (defined in the Comprehensive Plan

as a building eight stories or taller) office space and high rise residential (multifamily structures in Parcel 2) but also medical facilities. Most of these non-suitable uses are a result inclusion of a large medical office building on the site which, in addition to dwarfing the surrounding landscape, is also projected to generate the majority of the vehicular traffic on the site.

A large medical office building was never initially a vision for this project, either when VMP was first selected to serve as Land Development partner or when VMP presented to the community in 2009 a proposal for a 300,000 foot office building on the site. It is instead the result of the inclusion of Trammell Crow Company as part of the VMP team, justified in part by a downturn in the economic market for financing townhomes [see Exhibits 86 and 87]. These economic conditions are no longer as relevant today as they were at the time Trammell Crow Company became involved with the project. The justification for inclusion of such a large medical office building has never been relevant.

I ask that you task VMP with revising its plans so that it provides a space that is appropriate both in height and in use for the site and deny its request to rezone the site C-3-C and CR.

Incorporation of Community Input

Policy MC-2.6.4 of the Comprehensive Plan states that this project should be responsive to community needs and concerns in reuse planning for the site. Amenities which are accessible to the community and which respond to neighborhood needs should be included. To this end, Vision McMillan Partners, LLC has documented its participation in over 200 public meetings and filed with this Commission its most recent communications with the community in 2013 and 2014.

While the sheer volume of community interactions is commendable, the development team and subsequent Master Plan are not responsive to community concerns. Rather, the process is such whereby documentation is submitted to the public for explanation, rather than discussion, after its creation. VMP contends that the Master Plan is a direct result of the community engagement process. However, changes to this plan were often the result of comments posed by the HPRB, an entity that can delay the project. For example, in the PowerPoint presentation submitted by VMP it states, "May 2014 –All 24 historic structures preserved, Cell 14 & portion of Cell 28, existing topography & Full restoration of Olmsted Walk." In June 2013, following submission of the Master Plan, the HPRB documented the following comment: "(1) A consistent perimeter condition (including the topographical plinth and the Olmsted walk) should be retained." This is indicative of the process whereby the community can protest, but changes to the plan are incorporated to pass through the review process and not to address community concerns.

While some of the actions taken in revising the Master Plan to address HPRB comments mirror items that came from the community engagement process, such as the need for the preservation of historic structures, revisions to the plan continually do not reflect larger concerns of the surrounding neighborhoods. Most notably, the plan has taken little effort to reduce the density of the project or increase the level of underground preservation on the site. Further, the District has not taken measures to mitigate the traffic density that will result from the collection of planned unit developments proposed for this area. Rather, traffic mitigation is considered on an isolated case by case basis.

I can respect changes to the grocery store, the housing geared to senior citizens, and the larger park in the current plan, but at nearly every turn the benefits of the plan incorporated since 2008 that positively benefit the community are to be financed not by the development team but by the District. For example, in its list of public benefits, VMP cites that this plan will provide (1) the largest new park system in the District; (2) a Community Center with 25M pool, fitness & multi-purpose rooms, and (3) 130 Affordable Housing Units. The Office of Planning hearing report acknowledges that the District will be responsible

for the development and maintenance of the open space, park and community center. While I appreciate the changes that this additional funding from the District has elicited, this is not a Master Plan that is responsive to and working with the community but rather a plan that has made little effort to concede anything for the benefit of the community unless it is in turn finances that community through District funds.

I thank you sincerely for your time,

A handwritten signature in black ink, appearing to read 'Mathew Bader', with a long horizontal flourish extending to the right.

Mathew Bader
BCA Recording Secretary
McMillan Advisory Group (MAG) BCA Representative