

**McMillan Coalition for Sustainable Agriculture**  
1231 Randolph Street, NE – Washington, DC 20017

**ZC Case No. 13-14 :: Request for Zoning Commission Party Status Review**  
**and Approval for the May 8th and May 13th hearings**

On Thursday, May 1, 2014, the DC Zoning Commission began hearings on ZC Case No. 13-14. At the start of this hearing, Commissioners denied party status to our citizens group, the McMillan Coalition for Sustainable Agriculture (MCSA).

Despite the frustration and injury of not being granted party status for the May 1st hearing, MCSA submits this Party Status Request to recall our timely filed April 22, 2014 submission and ask Zoning Commissioners to review and consider granting party status to MCSA for the upcoming May 8th and May 13th hearings.

**May 1, 2014 Zoning Commission Holding**

Denial of party status for the May 1, 2014 hearing was based on Commissioner comment after review of MCSA's Form 140, shown as Exhibit 42 on the record, with Commissioners providing general comments about their party status criteria, and only noting two specific concerns, duplicative interests and timeliness of the filing.

Zoning Commissioner Marcie Cohen specifically mentioned that MCSA's interests are “duplicative” as that of the other party, Friends of McMillan Park (FOM). Other commissioners agreed with her position. Further, Zoning Chairman Anthony Hood calculated that MCSA's Form 140 was not timely filed and counted that as another reason for party status denial.

Per the Zoning Regulations and specific rules for this case, MCSA presents the following **two points** for Commission review to determine party status at the May 8th and May 13th hearings:

- 1) MCSA's interests are concretely impacted in unmitigatable adverse ways that are not significantly duplicative of that of other parties in this case***

(continued)

***II) MCSA Timely Filed Form 140 to the Zoning Commission for May 8th and May 13th Hearings***

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***I) MCSA's interests are concretely impacted in unmitigatable adverse ways that are not significantly duplicative of that of other parties in this case***

At the May 1, 2014, Zoning Commissioners deliberated and then denied party status to MCSA specifically on the basis that MCSA's interests were "duplicative" with that of the Friends of McMillan Park (FOM).

While there exist a few broad interests about McMillan Park which overlap between these two citizen groups, it must be clear that MCSA's specific contested issues and concrete injuries are not significantly duplicative of FOM's and represent unique impacts on our participating members and directly affected District residents, some living as close as 100 feet to the subject site.

At the May 1st hearing, Commissioners provided no sense or scope of how MCSA's interests duplicate those of FOM, who was later granted party status in this matter.

**MCSA CONTESTED ISSUES**

To clarify the record about the little, if any, duplication which may exist between MCSA's specific interests and those of other parties, we ask the Zoning Commission to review the following list of specific contested issues being raised and noticed for all planning officials involved in ZC Case No. 13-14 regarding the McMillan-Olmstead Park (this list is not exhaustive):

**Poor site planning and urban development review**

- Recent City initiatives and programs that encourage sustainable urban agricultural, such as that being proposed by MCSA in the adaptive reuse of McMillan's historic underground waterworks, will forever be eliminated if the proposed PUD application is granted. Adaptive

reuse of McMillan Park seeking to secure DC from water and food scarcity and protect against terrorist attack was discussed as recently as this March at a City Council hearing which MCSA participants attended and testified.

- The proposed PUD application suggests that more than 60% of the historic McMillan-Olmstead Park be paved over with impervious surfaces, burying our open park grass land under scored-concrete sidewalks and verandas, asphalt streets, and very large building rooftops. Despite this major use and land changing proposal, no studies have been conducted either the Applicant or City agencies to determine current heat sink quotients and carbon filtration capacities of the open park versus the proposed project in this PUD application. Further, there has been no analysis of how the parks current beneficial cooling of the City's heat island effect will be adversely affected by a project of this magnitude and proposed land use. There has been no analysis of the financial implications of the health impacts that may be brought on by the potential pollution this project represents to the surrounding DC neighborhoods and Wards. There's been no meaningful evaluation of the emissions and waste stream impacts this project will bear.
- Despite DC Municipal Regulations and Comprehensive Plan policies that guide, and at some points require, the Office of Planning to coordinate with other District agencies so to review the scope and details of the proposed plans, this work has not been done. Poor civic planning around a project of this magnitude and proposed land use is not acceptable. The record currently does not consist of any meaningful probative evidence to assist Commissioners in employing the required fundamental evaluation standards needed to balance and judge this PUD application.
- Structural engineering studies currently found on the record show contradictory information and a level of factual omission which prevents the Zoning Commission and public to truly determine the efficacy of the underground sand filtration cells sitting below the McMillan-Olmstead Park. Therefore the proposed destruction of these spaces is arbitrary and capricious. Together, the park and these beautiful vaulted spaces under our park act as an all encompassing public space that is nationally recognized as an historic site and technological waterworks marvel. MCSA seeks to retain this special place, particularly the underground spaces to continue to serve our collective water and food security concerns now, and as we move into a period of more climate unpredictability and water scarcity locally and globally.

## **Unacceptable Housing & Affordable Housing Proffers**

- The “affordable housing” being proffered as an amenity by the Applicant meets the bare minimum standards legally required under the Inclusionary Zoning regulations and thus cannot be considered an amenity. Further, as noted by Commissioners at prior hearings regarding the DC Zoning Regulations Rewrite, the current Area Medium Income (AMI) levels actually allow developers to advertise their studio/one-bedroom units to people making \$60,000 a year, affordable to those who can pay about \$1,500 a month in rent or mortgage and other fees. Current IZ rules allow the Applicant to hide behind an obviously disingenuous definition of “affordability” and is not an acceptable PUD amenity. Further, there has been no coordinated studies conducted by DC housing agencies with DC's planning officials which discusses and shows findings on how the significant volume of luxury residential units and office space being proposed in this PUD application may destabilize land value – increased property taxes, rents, and other quality of life costs – for the surrounding neighborhoods and City Wards.

## ***(II) MCSA Timely Filed Form 140 to the Zoning Commission for May 8th and May 13th Hearings***

Zoning Regulations and Zoning Commission rules particular to this case, require Form 140 to be submitted at least fourteen days (14 days) before each contested hearing.

MCSA's April 22, 2014 Form 140 filing on the record as Exhibit 42, demonstrates that MCSA did indeed timely file for party status per the DC Zoning Regulations for the May 8th and May 13th hearings.

Despite timely filing for the May 8th and May 13th scheduled hearings, MCSA continued to seek party status for all hearings in ZC Case No. 13-14.

On April 30, 2014, MCSA filed a Supplemental Form 140 Document shown as Exhibit 148 on the agency record. This document was forwarded by email from the Office of Zoning Secretary, Sharon Schellin to the Zoning Commissioners on May 1, 2014. Commissioners noted that they only had time to “peruse” it, some may have not even seen it.

MCSA's April 30, 2014 submission requests the Zoning Commission to grant “party status [to MCSA] for each hearing in this case” including that of May 1st and May 5th.

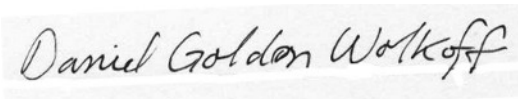
MCSA's interests will be concretely and adversely affected across all parcels and contested matters raised by the McMillan PUD proposal – a proposal that will destroy most of the underground historic caverns, and result in the construction of large buildings coupled with the installation of roads and concrete pavilions paving over most of the green parkland. None of this is acceptable or can be easily mitigated by Applicant.

Please see Exhibit 148 for additional information pertaining to this request for party status, particularly:

- **MCSA Mission and Governance Document (Appendix A)**
- **MCSA reference documents (Appendix B; B.1 Founders, B.2 Organizational Partners, B.3 Press Release, B.4 The Alternative McMillan Plan)**
- **Documents from MCSA participants authorizing Mr. Jerome Peloquin to represent MCSA before the Zoning Commission regarding ZC Case No. 13-14 (Appendix C)**

Please contact us with any additional questions or information that may be required for Zoning Commission review.

Regards,



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