

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE
MAYOR'S AGENT FOR HISTORIC PRESERVATION
1100 4TH STREET SW, SUITE E650
WASHINGTON, D.C. 20024

HPA Nos. 14-393 and 15-133

In the Matter of:

**Applications of Vision McMillan
Partners LLC and the District of
Columbia Office of the Deputy Mayor
for Planning and Economic Development (“Applicants”)**

**2501 (2507) First Street NW
(McMillan Sand Filtration Site)
Square 3128, Lot 800**

Order

In response to the remand of this proceeding by the District of Columbia Court of Appeals in its opinion *Friends of McMillan Park v. District of Columbia Zoning Commission* (Nos. 15-AA-0493, 15-AA-0525, 15-AA-0536, 15-AA-0572 and 15-AA-1008) (“the Appeal”), issued on December 8, 2016, the Mayor’s Agent Hearing Officer hereby gives notice of an additional public hearing to be held on March 10, 2017 at 10:00 a.m., at 1100 4th Street SW, Room 650, the scope of which will be limited to following issues:

- 1) Do the proposed project’s historic preservation benefits taken as a whole outweigh its historic preservation harms? Slip op. at 28. In addressing this question, the applicants are requested to provide legal analysis as to how such an inquiry should be conducted consistent with the Historic Landmark and Historic District Protection Act, D.C. Code §§ 6-1102 (10), 1101 (b), 1104 (e), and 1106 (e).
- 2) What are the specific architecture, land planning, and/or community benefits that individually or collectively make this a project of special merit within the meaning of D.C. Code § 6-1102(11)?
- 3) Is the proposed demolition and subdivision necessary to obtain the special merit benefits identified? Could an economically viable mixed-use development meeting the goals of the comprehensive plan be constructed on the site with less demolition and no subdivision?
- 4) Are there reasonable alternatives that would achieve the same special merit benefits that would avoid or reduce the need demolition or subdivision?

The parties in this remand proceeding are the Applicants and the petitioners in the Appeal, namely Friends of McMillan Park, McMillan Coalition for Sustainable Agriculture, and DC for Reasonable Development. The Applicants have the burden of proof as to all issues. All parties may present testimony and evidence supplementary to the existing record and legal argument and in doing so are enjoined to coordinate presentations and remain within the scope of the additional hearing as stated above.

Date: January 11, 2017

Confirmed:



J. Peter Byrne
Mayor's Agent Hearing Officer



Eric D. Shaw
Director, D.C. Office of Planning

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was served this 11th day of January 2017 via electronic mail to the following:

Vision McMillan Partners LLC
c/o Whayne Quin, Esq.
Holland & Knight LLP
whayne.quin@hklaw.com

Vision McMillan Partners LLC
c/o Mary Carolyn Brown, Esq.
Donohue & Stearns PLC
carolynbrown@donohuestearns.com

District of Columbia Office of the Deputy Mayor for Planning and Economic Development
brian.kenner@dc.gov
gilles.stucker@dc.gov

Advisory Neighborhood Commission 5E
5E01@anc.dc.gov
5E02@anc.dc.gov
5E03@anc.dc.gov
5E04@anc.dc.gov
5E05@anc.dc.gov
5E06@anc.dc.gov
5E07@anc.dc.gov
bhollidaypsy@gmail.com
5E08@anc.dc.gov
5E09@anc.dc.gov
dianne.brns@yahoo.com
5E10@anc.dc.gov

Advisory Neighborhood Commission 1B
1B01@anc.dc.gov
1B02@anc.dc.gov
1B03@anc.dc.gov
1B04@anc.dc.gov
1B05@anc.dc.gov
1B06@anc.dc.gov
1B07@anc.dc.gov
1B08@anc.dc.gov
1B09@anc.dc.gov
1B10@anc.dc.gov
1B11@anc.dc.gov
1B12@anc.dc.gov

Advisory Neighborhood Commission 5A
5A01@anc.dc.gov

5A02@anc.dc.gov
5A03@anc.dc.gov
5A04@anc.dc.gov
5A05@anc.dc.gov
5A06@anc.dc.gov
5A07@anc.dc.gov
5A08@anc.dc.gov

Friends of McMillan Park
c/o Andrea Ferster, Esq.
aferster@railstotrails.org

D.C. for Reasonable Development
c/o Aristotle Theresa, Esq.
actheresa@gmail.com

Councilmember Kenyan R. McDuffie (Ward 5)
kmcduffie@dccouncil.us

Councilmember Brianne Nadeau (Ward 1)
bnadeau@dccouncil.us

David J. Maloney
District of Columbia State Historic Preservation Officer
david.maloney@dc.gov

Gretchen Pfaehler, Chair
Historic Preservation Review Board
gretchen.pfaehler@mbakercorp.com

Leah Prescott
Associate Law Librarian for Digital Initiatives and Special Collections
Georgetown University Law Center Library
lp627@law.georgetown.edu

And I HEREBY CERTIFY that a copy of the foregoing Order was mailed this 11th day of January 2017 via U.S. Postal Service first-class mail to the following:

McMillan Coalition for Sustainable Agriculture
c/o Jason D. Klein, Esq.
126 C Street NW, 3rd Floor
Washington, D.C. 20001



Timothy J. Dennee
Certifying Officer