

Dear Mr. Mendelson,

This is an omnibus reply to the letters you have written back in response to many of those who have written to you about the McMillan Park amendment that has exempted this contested project from all District laws.

We would highlight a reply to one of your constituents, saying that your intent was, after all (as we have been saying), to put your thumb on the scale and thereby pull the legs out from under an in-process judicial proceeding. As your reply reads: “I was clear that this would affect the court case. I said it would not ‘cancel’ any proceedings or take it away from the court, but it would be ‘constructive to the city’s position...’” You also wrote that at one point you answered Councilmember Mary Cheh by saying, “Sure it puts a thumb on the scale.”

This conflicts with the many other times you answered Councilmembers Cheh, Robert White and Elissa Silverman that the amendment did not put a thumb on the scale, that it was simply a show of support — just a little bit more than a hope. I don’t know how you, yourself, a self-professed nitpicker in the public interest, could possibly listen to the recordings of ALL of the Council debates on this subject and think you were “clear” about what you were saying — or to claim that Council members or your constituents thought you were doing anything but bobbing and weaving, engaging in a kind of political “rope-a-dope” strategy.

So, since you contend that we mistook your statements on the dais, we want to make sure we cover some of the basic un-refuted facts, followed by questions we hope you will respond to directly. We have numbered each fact and question to make it easy for you in this continuing dialogue. See below:

Facts

1. Currently, no pedestrian barricades have been constructed at the perimeter of the massive 25-acre McMillan demolition site, barricades required during excavations like this (you’ve seen them at development projects around the city) to protect pedestrians in transit around the site, walking, riding bikes, and using bus stops nearby. There are families in the neighborhood with kids and elders who use these sidewalks just adjacent to the giant 30-ton excavation machines inside McMillan Park now.
2. There are no asbestos-testing reports that have been made publicly available despite [expert testimony](#) showing the likelihood that the concrete structures at the site (due to the era of construction) has asbestos fibers woven in. We have been told that everything is ok by Tommy Wells, Director of DOEE (“DOEE has determined there is no asbestos hazard” in an email dated Oct. 5, 2021), but when asked for the documentation to substantiate his statement, Wells remains silent. FOIA’s have also not produced the full file/record of DOEE/DCRA files, especially regarding asbestos-testing documents and reporting. We’ve been asking you for help on this critical environmental issue [since April](#), and CM McDuffie for months before that.
3. The Mendelson-McDuffie McMillan exemption amendment has resulted in the DC Court of Appeals prematurely lifting a stay of demolition at the site, and immediately DMPED has gone in with machines and begun excavating and smashing the historic concrete structures at McMillan. [Video here](#) Demolition has started without the above two safety issues ameliorated -- asbestos testing/mitigation & pedestrian safety barricades -- key life-safety claims found in [Court of Appeals briefing documents filed by neighbors](#) living around the park, along with McMillan Park supporters.

4. These basic life-safety claims, and all claims pending before the Court have now been rendered likely moot by the Mendelson-McDuffie McMillan amendment, and with the lifting of the stay, the Mayor is now carrying out demolition without heed of the basic safety laws requiring pedestrian barricades built around the site and without asbestos testing/mitigation planning, before demolition begins.

5. There are two legislative Council meetings where the Mendelson-McDuffie McMillan exemption amendment was discussed (quietly introduced as an amendment to the Budget Support Act with no public hearings as an 'emergency').

- July 10, 2021
<http://video.oct.dc.gov/VOD/>
- Aug 10, 2021 -- aug 10 2021
<http://dc.granicus.com/>

Upon consideration of the above facts, and the two videos where the Council discusses the McMillan exemption amendment, we would like to ask you the following:

A. Please tell us at what marks in the above two videos (July and August Council hearings) is it where you explain to your colleagues that by voting for the McMillan exemption amendment they would be supporting the lifting of the stay of demolition by the Court?

B. Please tell us where in the videos above you discuss at all the neighbors' basic life-safety claims that are before the Court -- asbestos and pedestrian safety -- that are part of the neighbors' appeals?

C. Please tell us where in the above videos you inform your colleagues and the public that the intent of the amendment was more than signal of support, and that it was to constructively exempt the McMillan project from any and all laws, including basic life safety laws so that the project could proceed expeditiously -- to the imminent threat of the public health and welfare of neighbors and the environment (all of increasing public interest)?

D. Do you believe your colleagues voted with you on the McMillan exemption amendment because they knew that it would kickstart demolition and set it apace in haste because it allows the project and developers to ignore local construction safety codes, and threaten the well being of District residents. Or, did they vote with you thinking it was an amendment showing support of the project generally?

Some say omissions of intent and facts are considered lies. But certainly, given the tone of your note in response to our letters, and out of general respect for the Chair of the Council, we want to hear your straightforward answers to the questions above.

Moreover, and regardless of any answers you may provide, now fully knowing the life-safety issues and facts above – lack of asbestos testing/reporting/mitigation planning and lack of pedestrian barricades around the site — we 'd like to ask you to immediately call on the Mayor to stop demolition activities and to ensure that the life-safety issues are dealt with openly and transparently.

Will you do that? Please advise.

The Save McMillan Action Coalition

Peter, Ed, Debby, John, Kerry, Carole, Olivia, Joanne, David, Chris, Linwood & *many more on behalf of those who are deeply concerned about our neighbors, our well being, and our environment around the Park*

SaveMcMillan.org/stopthedemo

smac.dc@gmail.com

202-656-3012