★ ★ ★ **Advisory Neighborhood Commission 6D**

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April 14th, 2003

Chairperson Carol J. Mitten
DC Zoning Commission
441 4th Street, NW • Suite 210 South
Washington, DC 20001

ANC Final Report re: Case No. 02-38, the Southwest Waterfront PUD Application

Dear Chairperson Mitten and Zoning Commission Members:

At a duly noticed public meeting on April 14, 2003, Advisory Neighborhood Commission 6D voted 7-0 to formally approve the submission of the March 31 report, and voted 7-0 to formally approve the submission of the March 31 testimony as presented to the Zoning Commission in case 02-38, the Southwest Waterfront PUD. ANC 6D also voted 6-1 to adopt the clarifications included in this letter. The ANC has seven Commissioners, and four Commissioners comprise a quorum.

As stated in its March 31 submission, ANC 6D specifically opposes the PUD in its present form, as well as the application for an amendment to the Zoning Map that would rezone the site from C-3-B to C-3-C.

After a thorough review of the applicant's rebuttal to the testimony of the ANC as well as individual members of the community (not received until late on Thursday, April 10, 2003), we are disappointed — but not surprised — by the applicant's continuing unresponsiveness to community concerns, indicating an unwillingness to engage in any substantive dialogue or negotiation with the affected SW Community. While the "rebuttal" responded to questions raised by Zoning Commissioners — questions that they were unprepared to answer at the public hearing — it fails to address any of the critical issues presented by the ANC and members of the community.

Chief among our concerns, the applicant requests a special exception that would virtually double the current amount of office space, cut the retail space to about 50 percent of what it was when the current office space was occupied, and reduce by approximately one-third the number of residential units allowable under existing matter of right. A recent *Washington Post* article (February 24, 2003) (attached) cites information, provided by the CoStar Group, that the asking commercial rent for Capitol Hill/Southwest is currently $33.98 per square foot. Under the PUD, at that rate the applicant stands to make a substantial profit. In the ANC's opinion that makes the applicant's failure to include commensurate public amenities even more significant.

Because the applicant's rebuttal failed to address the concerns in our report and testimony, the ANC has no reason to modify its earlier position. However, below is clarification of ANC 6D's position relative to specific issues and questions raised at the hearing:

Re: Project Height: There was some question about the ANC's view that the planned buildings along the proposed re-opened 4th Street will create a claustrophobic environment (what was referred to as a "canyon" effect), rather than a light and airy atmosphere that will attract local residents. The Mall is on a super block, and the PUD calls for extending buildings much closer to the edges of the property and for sidewalks along 4th Street to be built to the minimum width of typical urban walkways, creating a steel and glass canyon along the two blocks of Fourth Street, that will, except for two to three hours during the day, be in virtual shadow. Given the residential character of the community, and the original intent of the Mall as a local community resource, this is a significant reason why the ANC opposes rezoning the site from C-3-B to C-3-C.

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Re: Size and Density: The PUD calls for removing most of the at-grade, outdoor parking currently providing access to the Safeway and other shops at the Mall. As emphasized by Ms. Black of Safeway, this will have a substantial negative impact on access to the grocery store and other community-oriented retail establishments. The ANC cannot approve any plan that does not take into account the accessibility needs of a community that includes numerous seniors, families, and low-income residents who rely on such essential services. The new Fresh Fields on P Street demonstrates ways that grocery stores in urban areas can be made more accessible, using elevators and escalators for access to parking adjacent to the stores.

Further, the applicant has stated in their rebuttal that they would make "every effort" to accommodate Safeway when their lease expires in 17 years. "Every effort" isn't good enough for a community of over 12,000 people who require access to grocery services. Consequently, we would request that as part of any approved PUD, the applicant be required to provide continuous supermarket services to the citizens of Southwest for the duration of their lease agreement with the RLARC with a facility equivalent or greater in actual retail square footage that is now offered. Further, if in the event that another supermarket retailer would occupy that space, that except for a period of 120 days (for construction and renovation of any new supermarket) that equivalent supermarket services continue to be provided or the applicant shall pay monthly to the propose Fund (see below) a fee equal to the value of the new monthly supermarket lease or $25,000 per month, whichever is greater.

re: Proximity to M Street: At numerous community meetings, citizens have proposed that the setback for the towers along M Street be equivalent to the 39' setback of the Tiber Island building across M Street. This is vital for several reasons:

1. The current setback does not allow for any future easements to accommodate the burgeoning traffic along M street (the 4th Street intersection is already given a "D" rating by DDOT) such as turn lanes or bus stops.
2. The setback does not allow for the WMATA-proposed tram that would include a stop and possible terminus at the Mall.
3. A greater setback would also allow for more at-grade parking or could serve as the location of a public plaza that would be located to the immediate west of the reopened Fourth Street (located, itself, west of the entrance to the Metro).

Re: The Re-opening of 4th Street: In the applicant's amended plans, they call for the two access roads on the West and East sides of the Mall property to be opened as public roads with two lanes of traffic each. If 4th Street was also re-opened, this would create six lanes of traffic, plus a seventh turn lane. The ANC recognizes the advantages of a vehicular North-South connection, but believes the opening of the access roads without reopening 4th Street would adequately accomplish that goal without jeopardizing the safety of the residents, particularly seniors and school children, who would have to cross the re-opened 4th Street. If these access roads are opened, the same traffic calming measures proposed by DDOT for 4th Street should be made mandatory for the access roads in the PUD. This should not left to the discretion of the applicant.

Re: Public Amenities / Community Involvement and Jobs: As mentioned above, the community has given the applicant literally dozens of suggestions on the types of public amenities and benefits this community needs, including but not limited to:

1. A significant increase in the square footage of retail space, not only to be commensurate to the huge amount of added office space, but also to ensure that the needs of the local community, the daytime office workers, and new Waterfront development residents, are adequately served.
2. A written, detailed agreement that would guarantee jobs and provide a job training program for residents living within the 6D boundaries. These jobs should not be limited to entry-level construction positions and should appeal to applicants with a broad range of skills and education.
3. The formation and adoption of a community task force comprised of community representatives. This task force would serve as an advisor to the applicant on issues affecting the community from

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construction to daily operations. The Task Force's responsibilities would extend to assisting in the selection of retailers and overseeing the applicant's landscape selections. A representative would be drawn from each sector of the Southwest community, e.g., the ANC, civic groups, businesses, homeowner and tenant associations, the religious community, public housing, and schools. The ANC would nominate the initial task force members and that body would be then become responsible for creating a self-governing body.

4. A Community Benefits Account that the applicant will fund at a rate of $100,000 a year until the final Certificate of Occupancy called for in the PUD is issued. The purpose of this Fund is to help further local community development, including such efforts as youth training, scholarships, micro-loans and to provide for community relief against adverse actions stemming from the construction project.
5. A multi-use Community Center.
6. A written commitment to plant and maintain landscaping adjacent to the Mall, including the traffic islands along M Street and the green space along the sidewalks, with plantings and water, to accommodate the "broad boulevard" concept advanced by Department of Planning in numerous presentations before the Southwest community.

Re: Timetables and conditions: The overall timetable of 17 or more years is unacceptable. We believe that construction of the residential component should begin first, and be done in a single stage in order to promote the retail necessary to meet community needs.

While the ANC has initiated meetings with the applicant in a continuing attempt to reach resolution of community concerns, the applicant has shown an insensitivity to community needs that extends even to the current operation of the Mall. For example, most of the existing merchants are now operating on month-to-month leases, effectively forcing them out of the Mall because of the uncertainty of time, and the doors to the Mall are now locked two to four hours before Metrorail ceases operation, forcing many residents to walk through an ill-lit, unsecured parking lot. We should also note that the overall condition of the Mall has been allowed to deteriorate.

In conclusion, we want to emphasize once again that this community is as eager as the applicant to have a new and better Mall. Unfortunately, because the applicant has failed to do more than make *pro forma* appearances at meetings, has not developed a plan to ensure the continuation — let alone any increase — of vital grocery and other retail services, and stands to make substantial private profits at the community's expense without providing any substantive public amenities, we ask that, until these failings are addressed, the zoning change they request be denied.

Sincerely,

Ahmed Assalaam

Commissioner Ahmed Assalaam
Chairman, Advisory Neighborhood Commission 6D

PS Errata in the March 31 testimony and report:

1. In both documents, all references to "110' towers" should be replaced by "112 foot towers with 18.5 foot penthouses"
2. Paragraph 6 of the report should read "drive retail development" instead of "rental"

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