Southwest Neighborhood Assembly
Washington, DC 20024

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June 28, 2005

Carol J. Mitten, Chair
D.C. Zoning Commission
441 4th Street, NW
Washington, D.C. 20001

Re: Zoning Commission Case No. 05-08
Capital gateway Overlay District
Text Amendment, Squares 702-708 & Res. 247

[redacted]
Case No. 05-08
Exhibit No. 19

Dear, Ms. Mitten and Members of the Commission:

At the Board meeting of the Southwest Neighborhood Assembly (SWNA) on June 6, 2005, the Board authorized the preparation of a report outlining its position and recommendations on the above references text amendment.

This report was to be prepared and submitted for the Zoning Commission case record by June 30. It had to be prepared due to the denial of the SWNA Board's request to extend the hearing of June 2nd in order to consider the Board's position and recommendation on this case.

A summary of the text amendment was presented at the SWNA General Meeting of May 23, 2005, along with three other neighborhood proposals, as information items regarding our changing SW community. The Board took no action on any of the proposals at that time.

Previous Actions

The SWNA Board considered the public funding and location of a ballpark at the South Capital Street Site at its meeting of October 25, 2004 A copy of the board's approved motion from that meeting were presented and made available to the Zoning Commission at its June 2nd hearing, along with other materials, for the case record.

The approved motion is as follows:
"The Southwest Neighborhood Assembly would support the construction of a publicly funded baseball stadium in or near our neighborhood if—

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1 We had confidence the current proposal would produce tax revenues to match the city's expenditures, and-
2. We received—
    a Convincing answers to serious questions about—
        1) Parking, street traffic, and public transportation
        2) Noise; and-
        3) Displacement of current residents and businesses, and-
    b Guarantees that-
        1) Construction would yield increased employment for Southwest residents,
        2) Funds would be specifically earmarked for Southwest recreation and youth activities."

President Maceda offered, as a friendly amendment, to replace 2b 2)(the part beginning "Funds would be specifically earmarked") with the following:

"2) The team would commit to an eight-week summer camp free for southwest boys and girls; and –
3) The team would commit to refurbish playing fields at Jefferson Junior High School and Amidon, Bowen, and Van Ness Elementary Schools."

Feldman and Sobelsohn accepted this as a friendly amendment.
The motion passed 6-3, as follows: For—Maceda, Feldman, Heinemann, Klein, MacIver, Sobelsohn, Thomas Against—Churchville, Davis.

Board's Concerns and Recommendation

The Board finds that the proposed text amendment does not fully address the above questions. Therefore, the Board recommends that the Zoning Commission take no action on the amendment until it is determined that the South Capitol site is the most suitable and financially beneficial for our city and the ball team.

Additional concerns relative to the proposed ballpark site have recently been voiced since the Board's motion of October 25, 2004
These are as follows:

1. **Conformance with the Comprehensive Plan-**

    The current land use designation calls for a mix of medium to high-density uses including residential on the subject site. It does not include "local public facility" such as indicated for the RFK Stadium, UDC Campus and Judiciary Square all currently under DC jurisdiction. An amendment to the Generalized Land Use Map is needed to permit a ballpark at the subject site.

2. **Current and future DC Tax revenues-**

Current tax revenues from the approximately 14 acres of privately owned property within the ballpark site have been requested but have not been made available.

Future taxes from permitted developments under the current zoning have been estimated in the Florida Rock PUD application of May 2, 2005. Estimates are for $19.35 million per year on the PUD site of 5.8 acres at full development (FAR of 4.28). This results in tax revenues of approximately $3.66 million per acre. Based on these estimates a potential of at least $51 million can be expected from the 14 acres of taxable land within the ballpark site. (FAR's of up to 7.0 are currently allowed in the Capital Gateway Overlay District).

3. **Eminent Domain and "Spot Zoning"-**

The recent Supreme Court decision in Kelo v. City of New London confirms the 1954 Court's decision in Burman v. Parker which allowed for the implementation of approved urban renewal plans here in the Southwest Urban Renewal Area. Burman's property was at 814 4th Street SW, the site of the Potomac Place Apartments approved for Project B of the SW Urban Renewal Plan in 1952. In over a four-decade period of planning for the Capitol Gateway area, neither ballparks nor stadiums were ever considered for this area. Permitting a ballpark here would be inconsistent with the Comprehensive Plan (both Federal and District elements) and the high density mixed use developments permitted under current zoning.

The term "Spot Zoning" is typically used when changes in zoning primarily benefits a single owner. It has often been determined illegal. The text amendment permitting the ballpark for the future owner of the subject site-the D.C. Government-may also, and possibly will be determined illegal. This "taking" by eminent domain may also be detrimental to the financial interest of current property owners based on the possibility of the high-density developments ~~are~~ permitted in this area.

Thank you for your consideration of these concerns and the SWNA Board's recommendation to defer the action on the text amendment.

Marge Maceda
President, SWNA

Richard B. Westbrook
Vice President SWNA