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Testimony of Andy Litsky, Chairman, ANC 6D

Before the Zoning Commission of the District of Columbia
Application of

The District of Columbia Sports and Entertainment Commission for Review of a
Ballpark for Major League Sports and Entertainment and Related Uses
Square 702 through 706 and Reservation 247

June 26, 2006

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My name is Andy Litsky and I am Chairman of ANC-6D, representing the Southwest Waterfront and Near SE. I've lived at the Southwest Waterfront for 27 years. The stadium will be constructed four blocks from my home. Thank you for allowing me to testify on behalf of ANC-6D this evening and ask that you give great weight to the concerns raised by the Commission.

On Monday, June 12, ANC-6D, at a regularly scheduled meeting, where a quorum was present – with four of seven members comprising a quorum – voted unanimously (7-0) to oppose the application of the DC Sports and Entertainment Commission for review of a ballpark for a major league sports and entertainment complex and related uses on Squares 702 through 706 and Reservation 247. Our ANC vote, it should be noted, was held prior to the submission of the supplement to the application which we received – as you did – only this past Friday afternoon after 5pm.

The area where the stadium is now under construction is virtually at the geographic center of our ANC. Although the actual stadium will cover only 20 acres or so, there is no question that its impact will extend considerably beyond the site on which it sits. Its impact will be felt not only throughout our entire ANC, but – by virtue of ill-conceived parking and transportation plans – much of Capitol Hill as well as areas directly east across the Anacostia River.

Parking Garages

One of the greatest concerns that we have as an ANC and as a community is the location of above grade parking on the stadium district site. ANC-6D, for a wide variety of reasons, opposed locating the stadium on this site from the very beginning – but by a one vote on the City Council, that debate was settled. One of the main reasons why it was settled was the promise by the Mayor and his economic development team that the stadium site would create a dynamic mixed-use environment of apartments, restaurants, shops, and public spaces that would contribute not only to our city's tax base, but to the expedited redevelopment of this emerging neighborhood. If a zoning plan for this stadium is approved that allows two above-grade parking lots as the applicant proposed in the originally filed application, there is little hope of achieving anywhere near the level of positive social and economic benefits coming out of this stadium project that we've been led to believe will occur.

We are very grateful that Western Development has stepped up to the plate with a plan that ameliorates some of our concerns on this issue. Clearly, their foresight in

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minded approach is something that we hope will eventually be rubbed off on the Lerner Organization. We hope that they will take heed

Since ANC-6D was presented with only the original parking option to publicly review, we can make no formal statement now in support or opposition to the proposal of the compromise position presented in the supplement. ANC-6D will meet on July 5th to publicly review and vote on that proposal. A response to that supplementary plan will be presented to the Zoning Commission prior to your July 6th meeting at 5:30pm

However, we do strongly reject the notion that two parking options be approved – the original proposal and the new “preferred alternative,” with the wrap-around residential, retail and hotel components. We firmly believe that as much space as possible be devoted to such positive amenities. Above ground parking detracts from the space that can be devoted to those amenities. We urge you to reject the request that the original above grade parking plan be approved, concurrently, as a fallback option to the revised plan

Environmental design

ANC-6D is still greatly troubled by the fact that when DCSEC came before our commission, other public bodies and the public at large, this city was promised an environmentally friendly stadium. Since the stadium complex will have the largest footprint of any building along the Anacostia River, this is a critical point

We do acknowledge that the applicant has incorporated a few environmentally friendly elements including the construction of phase water going to Blue Plains, a system for handling washdown water, and will be using some recycled and locally purchased materials

HOWEVER, the stadium application currently does not incorporate a clearly articulated environmental plan that follows District law under the Ballpark legislation of 2004 requiring demonstration of “best practice environmental design.” MLB and the Mayor insisted on a waterfront stadium but the project currently has a business as usual approach for storm water management and recycling – a concern intensified by this week’s torrential rains – and don’t appear to be doing anything over and above core District requirements. And as for LEED certification – six points is a long way off

The groundwater study commissioned by the DCSEC has not been made public, although it is widely acknowledged that the groundwater at the site is contaminated with a broad range of toxic pollutants because of prior light industrial use. Since portions of the site will be below river level, groundwater will continually pour into and need to be pumped out of the stadium complex.

The stadium will have to “dewater” - pump the groundwater - not only during the construction phase (where it is being “pre-treated” and sent to Blue Plains) but forever. But to this date no one in the public nor at any regulatory agency appears to have been shown its precise design let alone determine the adequacy of the underground filtering system. Moreover, no plans are in place to provide for on-going maintenance and monitoring of this filtration system over time

Strong steps must be taken to ensure that this toxic water is treated properly – most effectively at Blue Plains. However, it is still unclear whether even WASA can be

required to take water and treat it at Blue Plains. What is clear, though, is that the current plan for carbon filtering is insufficient and will expose the Anacostia and Potomac Rivers and the Chesapeake to inadequately treated ground water, threatening the long term viability of those fragile waterways

Yet on June 12, two weeks before the Zoning Commission hearing, the Sports Commission testified before ANC-6D that the architects were “working on a plan for run-off that *might* include recycling, and were looking at making the stadium LEED-certified.” Their General Counsel added, in later comments that although they were complying with Health Department standards – certainly an encouraging sign – that they were not legally obligated to make this a green building.

What is clearly a legal requirement is that DCSEC must obtain an EPA NPDES discharge permit in order to discharge contaminated water into the municipal stormwater system. Yet there is no indication at this time that the city has any plans to follow federal law and seek the required permits from EPA which sets water quality standards under the Clean Water Act that conditions the manner in which contaminated groundwater is disposed from new construction. Perhaps the city figures, once the stadium is built, it will be too late. “What are they going to do, *sue* us?” Well, perhaps

The stadium must incorporate best practice environmental design. Currently, it does not. The Anacostia Watershed must be protected

Traffic and Pedestrian Neighborhood Impacts

Twenty months into the process there is still no final traffic plan. The consultant’s preliminary Traffic Operations Plan is narrow in scope and flooded with inconsistencies. It is clear that neither the DC Sports and Entertainment Commission nor the DC Department of Transportation nor the Mayor’s Office of Economic Development are willing to acknowledge, illuminate and realistically plan to remedy the negative impacts that the stadium entertainment district will have on our SW/SE neighborhood, District and regional traffic patterns

Further, there is no overarching traffic plan that cohesively analyzes and knits stadium traffic and its impact on the massive amount of development occurring within blocks of the stadium to the east or how it will relate to the massive development to the west, including the redevelopment of the Southwest Waterfront, the proposed Omnibus Parking Garage at Banneker Overlook and the reopening of Fourth Street, SW at Waterside Mall. Lack of a formalized traffic plan for this area is a recipe for disaster and one we’ve decned for years

Gorove-Slade makes a preposterous assumption that because off-site stadium parking will be located south, north, and east of the stadium that this will minimize vehicular traffic in adjacent neighborhoods to the west. Patrons driving from the west, including most Virginians, will come off of 395 to Maine Avenue/M Street, SW. People driving from the north will come through the 11th Street Tunnel, down 7th Street, and a newly

reopened 4th Street and follow that same route. This is a blatant inconsistency. Where stadium patrons park is not the same as how they get arrive at the destination, a fact that has been deliberately obfuscated. This is statement also directly in conflict with the preliminary TOP which, on page 11, states:

“Due to lack of alternative pathways to enter and exit the Ballpark area, it may be beneficial to identify and enhance the secondary roadway network. This would involve coordinating with the private sector on development plans and community residents, since some neighborhood roads may be required to be designated as secondary circulation paths.”

In other words: The neighborhood streets are going to be used. We're going to get slammed.

The most stunning pronouncement in this preliminary TOP is that a final plan could not be completed until other decisions were made about infrastructure improvements along South Capitol Street and Potomac Avenues. Clearly, this had no impact on the applicant's reluctant embrace of a plan that requires access to stadium parking along South Capitol Street itself. Are we to expect that after the extraordinary plans developed by the multi-jurisdictional task force headed by John Deattrich for the South Capitol Street Gateway, that we are going to turn part of this grand boulevard into a parking lane leading to the stadium 81 days a year?

The Remote Parking section of the preliminary TOP gives further credence to our contention that parking on-site or close to the stadium is simply insufficient. It's jaw-dropping to now learn that there will be a reliance on shuttling patrons to parking spots at RFK "where ample parking exist." This serves to highlight our contention that traffic problems will also result in areas significantly further than our own neighborhood or close in Capitol Hill.

Taxi Operations are minimized in the preliminary TOP even though it is estimated that between 400 and 600 patrons may come by taxi when the stadium is full. This is a third to half of the entire number of parking spots that are devoted on-site to automobile parking. However, there is no plan for designating an area on site for pick-up or drop-off of passengers. The preliminary TOP minimizes this concern inferring that since regulation of such taxi traffic can't be easily regulated, it ought not to be addressed. Nonsense. A designated plan for taxis must be incorporated in this application. Regulations can then be adopted by the Taxi Commission and enforced by MPD or hack inspectors to ensure that they are followed. We should expect nothing less.

The On-Street Parking section of this preliminary TOP also boldly states that the "site is surrounded by thousands of on-street parking spaces," a fact that is very far from the truth unless we accept the fungible concept of a 'regulation zone' for the stadium district – and that seems to vary depending upon who is talking about what aspect of the build. At the bottom of the same page 7 of that report on which that statement was made, there is a call to examine current on-street parking inventories. Why is there such a need, when it has already been declared that thousands of spaces exist?

The inconsistencies in the preliminary TOP are palpable.

Stadium scoreboard & naming rights

We are concerned about the ultimate height of the stadium scoreboard and naming rights signage. Although heights of the naming rights signs along the southern façade and the N Street entrance have been clearly articulated in the supplemental application, the additional height intended for naming rights above the scoreboard sign is not delineated. It needs to be

We are also concerned that although the supplemental application states that any naming rights signage as well as exterior signage visible from the stadium will be designed so as not to cause glare or otherwise impair the vision or distract drivers passing the stadium, there is another concern. Plain and simple, the stadium is located on South Capitol Street, our grand entrance to the Nation's Capital. ANC-6D is greatly concerned that stadium signage may overwhelm what would otherwise be a world class view of the Capitol Dome from the South. Please examine closely precisely where this signage would be placed and at what height. Wouldn't it be a shame for the one of the great symbols of our democracy to be visually overwhelmed by a neon advertising sign?

A Pedestrian Experience

The original plan states that "fans should have a pedestrian experience." I'm curious what that means especially if patrons are going to be traveling by Metro or parking their cars in two above grade garages. What plans are in place to incorporate that a pedestrian experience and meld with the neighborhoods west toward the SW Waterfront and north through Capitol Hill? I attended graduate school in Boston and lived in Kenmore Square directly beside Fenway Park. I can tell you what a pedestrian experience meant to my neighborhood – especially after games let out. It wasn't particularly pleasant.

I ask the Zoning Commission to closely examine this larger concept of pedestrian experience especially because the AWI Plan – because of security concerns at Ft McNair – calls for the Riverwalk to cut straight through the heart of residential Southwest along P Street. Additionally, since neither the Office of Economic Development, nor the Office of Planning, nor DDOT has followed through with Robert Bobb's pledge to oversee development projects in SW/Near SE at the macro level, we are rightly concerned that this "pedestrian experience" may soon overwhelm our neighborhood once the Southwest Waterfront is redeveloped.

Conclusion

The applicant was provided with a rare opportunity to create a signature stadium for the Nation's Capitol providing a grand entrance was worthy of its location on the South Capitol Street and highlight its relationship to the Anacostia River. It did not

The applicant had an opportunity to deliver an environmentally friendly stadium which, by DC law, requires it to demonstrate "best environmental practice." It did not

The applicant had an opportunity to provide fans entering from the Metro and N Street an exciting and unobstructed view of the stadium that they were about to enter. If, as requested, the base option is adopted a fallback position and provides only

two buildings containing ten stories of above grade parking as requested, it most certainly will not

Hoping against hope – and especially because ANC-6D fought so hard against placing the stadium at this site – we wanted to be proven wrong. We wanted an architectural triumph. Unfortunately, what we have is an opportunity lost. It's not a disaster. It is simply a great disappointment.

We understand the financial constraints that the City Council imposed upon this project to cap what would otherwise would have been astronomical cost overruns. For that we are thankful. We also acknowledge that the unfortunate agreement that the Mayor negotiated with MLB obligates the city to deliver a completed project by date certain. However, these obligations must not provide the justification for constructing a stadium that will neither be environmentally sound nor capable of serving as a catalyst for the revitalization of a dynamic new neighborhood and especially since it provided the primary rationale for the selection of the South Capitol Street site.

We hope that whatever plan finally is approved will minimize the negatives and maximize the positives, truly providing our neighborhood, our city, and our region with a stadium of which we can justifiably be proud. Until those conditions are met, ANC-6D urges the Zoning Commission to disapprove the stadium application at this time.

I appreciate the opportunity to testify and respectfully request that you give great weight to the concerns articulated by the Commission this evening. Thank you.