



BEFORE THE ZONING COMMISSION AND  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



**FORM 130 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) SETDOWN FORM**

Before completing this form, please review the instructions on the reverse side.

Pursuant to Subtitle Z §§ 400.7 and 400.8 of Title 11 DCMR Zoning Regulations, the ANC Setdown Form shall contain the following information:

IDENTIFICATION OF PETITION OR APPLICATION:

Case No.:	ZC 17-21	Applicant Name:	As You Like It LLC
ANC (ex. 1A):	6 D	Date Referred to ANC:	November 16, 2017
Date Setdown Form Due:	December 18, 2017		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	11/16/17	Was proper notice given?:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Description of how notice was given:	electronically and posted on ANC's website		
Number of members that constitutes a quorum:	7	Number of members present at the meeting:	6
Does the ANC recommend the application/petition to be set down for public hearing?:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Recorded vote on the motion to adopt the report (i.e. 4-1-1):	6-0-0		

MATERIAL SUBSTANCE

Please provide feedback below on whether the above case should be set down for hearing or not (a separate sheet of paper may be used):

See attached

AUTHORIZATION

Name of the Chairperson or Vice-Chairperson authorized to sign the form:	Andy Litsky		
Signature of Chairperson/ Vice-Chairperson:		Date:	12/11/17

## ANC 6D Attachment to ZC Form 130 – Recommending no Setdown on Case ZC 17-21

ANC 6D believes that the request for a consolidated planned unit development (PUD) by the Applicant in Z.C. Case No. 17-21 is not in the best interest of the residents of Southwest who have considerable concern about the Applicant's proposed mix-use development that is inconsistent with the a) current Land Use Map; b) framework of the Comprehensive Plan; and c) vision in the Southwest Small Area Plan.

In referring to the Southwest Small Area Plan, which the Council incorporated into the Comp Plan in 2015, states on page 97 that, "the site itself is currently designated "institutional" on the Comprehensive Future Land Use Map (FLUM) which is keeping within its historic education and nonprofit uses. It is zoned R-3 which permits low density residential uses such as townhouses."

While the ANC recognizes the Applicant's desire to convert the property into a new headquarters and consolidate "backstage" departments and provide rehearsal space for its actors – the idea of building a mixed use 5-story residential property focuses solely on the Applicant's financial interests and not that of the community who have voiced their concerns in numerous community meetings during and after the Southwest Small Area Plan was finalized.

The Comprehensive Plan requires that for land use changes, "in all cases, such changes require formal public hearings before the DC Council, and ample opportunities for formal public input (10A DCMR § 226.1(k)). ANC 6D is unaware of any public hearings that have gone before the DC Council and, it is our understanding none have been planned. Since the Zoning Commission does not have the authority to approve a PUD that changes the land use designation in the FLUM, this alone should be cause for no setdown.

In the development of the Southwest Small Area Plan, the Office of Planning (OP) held numerous community meetings where over 700 Southwest residents participated. Based on feedback from the residents at these meetings, OP stated that it considered whether to recommend changing the land use designation of the site but in the view of community opposition decided **not to recommend** a change (page 97). The SAP did recommend land use changes for only for three church sites in Southwest and for public land owned by the District of Columbia government or its Housing Authority.

ANC 6D has met with the Applicant and clearly stated that their PUD proposal is not comparable in density or intensity to the immediate vicinity **nor** will it "benefit the District through exemplary architecture, sustainable design, affordable housing, and attractive place-making development." It is bordered by the historic Duck Pond to the south; Amidon-Bowen playground and soccer field to the east; and 3-story townhomes to the west and north. As for the current design, well... it looks like a prison and is inconsistent with the streetscape – a view

the ANC echoed to the Applicant when it presented its last modification. For an Applicant who is using the premise of “bringing art” to Eye Street, the building has absolutely nothing artistic about it. Comparing its design to the Arena Stage or Blind Whino, it is “What We Don’t Like It” —a warehouse for a costume shop, rehearsal space and dorm rooms.

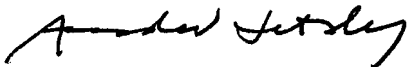
As part of the PUD, the Applicant is requesting flexibility from the side yard requirement on the Northwest corner for their 5-story Annex. On that side yard sits one of two stressed concrete light poles that illuminate Amidon-Bowen’s school playground at 401 I Street, SW. The lights are both controlled by a green timing box affixed to the school building and are maintained and repaired by DCPS. Installed approximately 20-years ago the North light sits on school property however is outside the fence line but inside the property line.

Page 3-9 of the development plan shows 44’-2” as owned by the Applicant which would include the school’s light pole and 3’ x 185’ strip of land on which it sits. While the Applicant has claimed in community meetings ownership of the land, they have not provided any formal proof and, if they do in fact own it, the Applicant has not paid for repairs or cost to illuminate it.

In 2014, The Shakespeare Theatre Company signed a Neighborhood Cooperation Agreement with the Southwest Neighborhood Assembly (SWNA) that in agreement with SWNA’s withdrawal of their nomination of historic designation of Southeastern University to provide a variety of community benefits prior to- and upon PUD approval to the community. While community benefits have no bearing on a setdown hearing it is important to note that the Applicant agreed to provide a variety of programs and services, tickets and camps to the residents, with an emphasis on the students of Amidon-Bowen and Jefferson Middle School. While there is no timetable for when the benefits were to be provided, ANC 6D residents have had little communication from the Applicant since the CBA was signed and nothing since the original PUD was pulled.

ANC 6D is prepared to wait until the community and the Applicant can come to agreement. For these reasons, ANC 6D, at a properly noticed and regularly scheduled meeting, held on December 11, 2017, with a quorum present (4 of 7 Commissioners comprising a quorum), voted 6-0-0 to request that the Zoning Commission oppose the setdown request for a consolidated planned unit development by the Applicant in Z.C. No. 17-21.

Respectfully submitted on behalf of ANC 6D,



**Andy Litsky**  
**Chairman, ANC-6D**  
**Southwest, Navy Yard & Buzzard Point**