



**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 02-38I	Applicant Name:	WATERFRONT 375 MST, LLC / WATERFRONT 425 MST, LLC
ANC (ex. 1A):	6 D	Date Referred to ANC:	APRIL 11, 2017
Date Setdown Form Due:	MAY 11, 2017		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	05 / 08 / 17	Was proper notice given?:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Description of how notice was given:	PUBLIC ANNOUNCEMENT, POSTED FLERS, PUBLICATION IN COMMUNITY NEWSPAPERS, CONSTITUENT E-MAIL LIST, POSTING ON ANC WEBSITE			
Number of members that constitutes a quorum:	4 of 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 ATTACHMENT 2 OF 2 PAGES

2017 MAY 10 AM 9:18

AUTHORIZATION

Name of the Chairperson or Vice-Chairperson authorized to sign the form:	ANDY LITSKY		
Signature of Chairperson/ Vice-Chairperson:		Date:	5-10-17

ANC-6D Attachment to ZC Form 130 – Recommending no Setdown on Case ZC 02-38I

ANC-6D believes that the request for major modification by the Applicant in Z.C. No. 02-38I is not in the best interest of the of 16,000 residents of Southwest who have depended upon the Applicant to honor their 15 year promise to the District of Columbia and the SW Community through the transfer of the 11 acre RLA property to create a vibrant Town Center by fully developing what had been promised through long negotiation in a series of related actions and PUDs.

The ANC acknowledges that The Southwest Small Area Plan, which the Council incorporated into the Comp Plan in 2015, states on p. 101 that “the developer should have flexibility to incorporate residential uses within the building – whether mixed-use or solely residential – to make the project more economically viable. “

However, that simple contention focuses solely on the economic interest of the Applicant and avoids addressing how such a major modification will impact the ultimate viability a Town Center which the Office of Planning itself has claimed for years will be vastly enhanced with both significant daytime and nighttime uses. Removing the requirement for office and commercial space means that 11 acre site will not need to accommodate an increase residential by 50% on the larger RLA site and – except for the two District office buildings – will be simply create a residential enclave served, primarily, by a restaurant or two, large grocery store and a pharmacy.

That’s not a vibrant town center. That’s Van Ness.

By contrast, the Southwest SAP also states in regard to Fourth Street, “This block-long stretch has the potential to support transit-oriented development with new high density office and residential uses with ground floor retail space along both sides of 4th Street and spilling into the corners of M Street.” That’s precisely the kind of development that RLA envisioned when these 11 acres were transferred to the Applicants for a pittance of its value today.

Indeed, the consultant hired by Office of Planning in preparation of the Southwest SAP strongly stated that in order for Fourth Street to become a thriving SW Town Center, such vibrancy required more than just residential activity. His recommendation was that a central commercial core required additional on-site office tenancy to guarantee the most complete use of that space – especially on space located directly above a Metro Station.

The larger superblock bounded between Eye and M Streets and Sixth and Third Streets, SW already has five sites under residential development on each of the seven available lots -- with another two that will soon be underway. In addition, a plan released just this week to rebuild Greenleaf Public Housing envisions that the only financially viable way to incorporate existing residents in new housing will require a 3 to 1 ratio of new to old units. That means there will be *an additional* 2,800 to 3,200 units of housing located just two blocks from where we are looking for our Town Center to finally emerge.

Forest City has repeatedly told ANC-6D that they do not build office and that their strong preference is to “build and retain residential properties.” They delayed construction on the overall project until the District guaranteed tenants for the two central office buildings. Once constructed, those buildings were summarily sold. The Applicant took no further action or interest in maintaining the greater property except, negligibly on the three remaining parcels controlled by the partnership. Ground floor retail subsequently languished – even though Vornado maintained leasing authority through much of the past ten years.

Accordingly, ANC-6D believes that while everyone expected the Applicant to construct office space on 375 and 425 M Streets, that the Applicant may have simply have made a business decision to wait until The Wharf was completed, thus increasing the value and desirability of their proximity to that development, and then file for residential status which would be easier to finance and fit in their traditional business model.

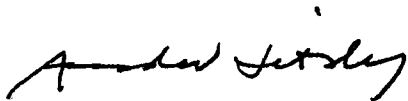
ANC-6D knows that while the office market is off, that there are other developers who right now are constructing "spec" office in Southwest. Still others have told this Zoning Commission that they are planning to construct "spec" office east of South Capitol Street in our very own ANC – including, it would appear as of our last ANC meeting, Forest City itself. The Applicant's contention that they can't build office directly above a Metro Station in the hottest development area in the city would seem to be a specious argument at best. It may not bring the Applicants their most ideal immediate financial return, but if they can't undertake construction others can -- and will.

ANC-6D also believes that proper notice requirements have not been followed as per 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond. Notification has been provided only to property owners within 200 feet of 375 M and 425 M Streets, SW. However, in this case these are not simply two stand alone parcels. This case is a major modification to the remaining two of eight lots within the larger original 11 acre PUD. ANC-6D contends that all of the property owners within 200 feet of the original boundaries of the old parcel must be noticed and granted party status since their interests are also impacted by any decision to make such a modification of significance to the larger property in which they had an original interest.

ANC-6D is prepared to wait until the promise of a Town Center can properly fulfilled. If the Applicants -- two companies whose stocks are traded on the NYSE -- can't accomplish the task, others should be assigned that obligation.

For these reasons, ANC-6D, at a properly noticed and regularly scheduled meeting, held on Monday, May 8, 2017, with a quorum present (4 or 7 Commissioners comprising a quorum), voted by 6-0-0 to request that the Zoning Commission oppose the setdown request for a major modification by the Applicant in Z.C. No. 02-381.

Sincerely,



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