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Advisory Neighborhood Commission 6D

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Fredrica Kramer
Secretary
Jared Weiss
Treasurer
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Anthony Hood, Chairman
Commissioners May, Miller, and Imamura
DC Zoning Commission
441 4th St. NW, Suite 200S
Washington, DC 20001

Via email: Anthony.Hood@dc.gov and ZCSubmissions@dc.gov

RE: Report on ZC Case 06-22A, Modification of Consequence at Square 705 Lots 804 and 805

COMMISSIONERS

SMD 1 *Marjorie Lightman*
SMD 2 *Jared Weiss*
SMD 3 *Ronald Collins*
SMD 4 *Andy Litsky*
SMD 5 *Fredrica Kramer*
SMD 6 *Rhonda Hamilton*
SMD 7 *Edward Daniels*

Dear Chair Hood and Members of the Zoning Commission:

On September 21, ANC 6D passed a unanimous resolution opposing the Applicant's request for a Modification of Consequence in ZC Case 06-22A, instead urging the Zoning Commission to review this request only through a Modification of Significance at which time, not only ANC-6D but others who have an interest in how public monies are spent would be afforded the opportunity to testify in a full Zoning Hearing on this matter. That request had been denied.

As ANC 6D is now the only party other than the Applicant that will be heard in this case, please consider this letter as testimony in that regard.

The Commission may recall that more than 16 years ago a vastly superior plan than currently exists was supported by ANC 6D, the Office of Planning and the Zoning Commission itself. As the Commission may also recall, it was the Council of the District of Columbia -- at the behest of Major League Baseball -- that, by one vote, overturned that plan which would have included significant housing, retail and activation at the Ballpark than currently exists. ANC 6D

remains concerned that the Applicant -- for yet a second time -- is seeking to significantly diminish the amount of retail space surrounding the Ballpark.

During the intervening 16 years since the Order in ZC 06-22, the Applicant has done little or nothing even to support the smaller level of retail along First Street that the Order in 06-22 had required. Indeed, upon questioning at the ANC 6D meeting on September 21, 2022, the Applicant's retail consultant answered that he had been hired to fill the space just six weeks prior. Six weeks. Further, when the Applicant's General Counsel then addressed the ANC's questions on what other efforts the Applicant had undertaken to fill the retail requirements over the past decade and a half, neither she nor any other Events DC employee in attendance could provide answers as to why no discernable efforts had been made on expected retail, art or activation of either S. Capitol Street or First Street, SE.

ANC6D takes great exception that any entity – let alone one which is largely funded and controlled by our own District Government – can ignore for a decade and a half its responsibilities under a Zoning Order to which they must subscribe, let alone have the temerity to ask how they may now seek to reduce those obligations even further.

On the Applicant's Request to Reduce Promised Retail:

ANC 6D wishes the members of the Zoning Commission to understand that the Applicant's own attorney, in conversations with the ANC, stated that the Applicant was upholding their commitment under the Order to provide street activation and retail as promised. And what was that retail? The attorney boldly told the ANC, "... the team store, Nats ticket booth, and MGM Sports Book ..." each amply demonstrated that the Applicant has more than sufficiently upheld their charge. Seriously?

It is beyond debate that the construction of Nat's Park stimulated significant development in Capitol Riverfront – and for that we are all thankful. That notwithstanding, the question revolves around whether the Applicant should now be granted the ability to remove the expectation that they provide more than the shameful paucity of retail that they so far have exhibited. Plainly, ANC 6D simply encourages that the basic tenets of the Order be upheld.

On the Activation of First Street and South Capitol Street, SE:

As for the promised activation on both the South Capitol Street and First Street, SE, the Applicant has neglected to activate their site as required under the original Order. And nothing has been done to activate those streets within the site itself as per the Order. Not any true retail, not art. Nothing.

It is a blank canvas. Aside from the N Street Façade, it's a big white wall. Nothing stimulates the senses other than the sounds from within the park – when it is active. For all but 81 days a year it is simply a huge dead space. ANC 6D requests that the Zoning Commission admonish

the Applicant and require, as a consequence of granting their request, that they otherwise adhere to the Order.

Indeed, the only activity that can be clearly visible on either First Street or South Capitol Street that can even remotely be considered ‘activation’ would be the five large electronic billboards (down from the dozen originally requested of Zoning years ago) that tout beer sales and Sports Gambling during season and Nat’s Ticket Sales the remainder of the year.

ANC 6D still maintains that this lack of activation creates a large visual dead zone that impacts residential property owners on the Southwest side of South Capitol Street. As well, with the enormous DC Water Parcel that will soon be built directly facing Nats Park along First Street, the residents of nearly 1,000 units of housing (30% of it affordable) will be confronted by a view to the west of a block long white wall. Events DC owes District residents more than that. The Applicant needs to live up to their agreement to activate First Street and South Capitol Street.

ANC 6D is the Advisory Commission in which the Ballpark was built and activated. We acknowledge that Nat’s Park has provided distinct benefits within our ANC, within Ward Six and for the District of Columbia. ANC 6D is not seeking to revisit the debate on Nat’s Park.

ANC 6D recognizes – for myriad reasons far beyond our pay grade – that this request may well be granted to the Applicant. That said, ANC 6D hopes that were that to be the decision of the Commission, that you also voice your concerns regarding the conditions that the Zoning Commission had placed in the original Zoning Order for 06-22 – and that those requirements be upheld as a result.

Thank you for the opportunity to provide testimony as the sole party – other than the Applicant – in this case, and we urge you to provide our advice and counsel Great Weight under law.

Sincerely,

Fredrica Kramer, Vice Chair of ANC 6D