



Southwest, Navy Yard & Buzzard Point

MEMORANDUM

VIA IZIS

TO: Chairman Anthony Hood
DC Zoning Commission

FROM: Andy Litsky
Chairman, ANC-6D

DATE: January 30, 2017

SUBJECT: ANC -6D Response Applicant's Post-Hearing Submission and
Report of Meetings with Applicant on ZC Case No. 16-02 – DC United Stadium

Dear Chairman Hood and Commissioners,

At its December 14, 2016 public hearing in the above mentioned case, the Zoning Commission requested that ANC-6D meet with the Applicant to address two issues of on-going concern addressed by the ANC in testimony and report back to the Commissioners on any progress achieved. The following document is a digest of those discussions as well as our response to the Applicant's Post-Hearing submission. As directed by Chairman Hood, ANC-6D is pleased to have held two meetings with DC United during which issues related to the environment and transportation were discussed.

On Environmental Issues

ANC-6D met with the Applicant and their consultants on January 5, 2017 to discuss environmental and health issues raised by the ANC at the public hearing. The ANC was pleased that progress was made in details of a commitment that the Applicant had made to contribute \$50,000 to BreatheDC (an organization selected by the Applicant) for the acquisition and distribution of air purifiers for impacted residents living nearby the construction site. After considerable follow-up discussion with BreathDC and the Applicant, ANC-6D is now ready to sign on to this agreement. The Applicant has agreed to provide this contribution immediately once that occurs.

ANC-6D applauds that contribution but is similarly discouraged that neither the District of Columbia nor PEPCO/Exelon has stepped up to the plate to match this \$50,000 contribution as had been originally anticipated and discussed at numerous meetings. That additional money would have gone a great distance in providing additional enhanced health protections for at-risk residents in the near Buzzard Point neighborhood. We expect that the District can always claim budget issues prevent them from

living up to that responsibility and PEPCO/Exelon has chosen to ignore that request now that they have already gotten what they want on Buzzard Point

For the remainder of the meeting, the ANC sought clarity about site remediation and additional health protections for the residents in the nearby Buzzard Point neighborhood as well as the workers on site. The Applicant states in their Post-Hearing Response that both parties recognized “that much of the concern is about fugitive dust generation from other sites in the neighborhood over which the Applicant has no control.”

However, ANC-6D continues to believe that the Applicant’s analysis in their air quality reports should take into account the pre-existing conditions, not just the site-specific activities. Of course they can’t take responsibility for other emissions, but the ANC continues to believe that District agencies have abrogated their larger responsibilities to the community in this regard. Fugitive dust, in particular, remains an abiding health hazard as construction happens all across Buzzard Point. Unless the city addresses Buzzard Point writ large, the problem will continue to be minimized on a site-by-site basis as extraordinary development continues to occur on one of the most polluted land masses in the District of Columbia. DOEE needs to step up to the plate and place monitors closer to the community so that the quality of the air that the community is breathing daily is gauged through real-time monitoring.

ANC-6D continues to question the justification for DOEE not doing its own independent air monitoring overall on Buzzard Point especially since the agency performed air quality reports prior to the city turning over the land to the Applicant for construction and since, by their own assessments as part of the Voluntary Clean-up efforts, Buzzard Point is a highly contaminated industrial site as indicated in the concentrations of chemicals at the site.

Indeed, the Applicant’s air quality reports show the difference in PM10 upwind and downwind from the site. The thinking in the air quality reports appear to show that the difference is indicative of what is coming from the site itself. Accordingly, ANC-6D requests weekly reporting of the PM2.5 data and not just the difference. ANC-6D has requested air quality reports that specifically include the PM2.5 readings so the levels of small particles being released into the community through fugitive dust can be more clearly delineated.

Enhanced air quality reporting is critical to reduce health impacts of the remediation of this contaminated industrial site. ANC-6D finds no clear justification for the placement of only 4 monitors on such a large site especially with the health risk that have been raised by this Commission and documented in the CHASS and by Department of Health. The ANC asked that these monitors be active 24/7 and not just during the construction day. Pop up monitoring at this site is insufficient. ANC-6D request that these monitors be fixed and permanently placed until remediation and construction has ended. Also, we have requested that dust/soil is covered each day construction is stopped, securing it to prevent it from blowing into the community from where it’s been piled up.

ANC-6D has also asked the Applicant to address neighborhood concerns regarding control of vermin since the rat population has increased significantly. While the Applicant’s construction firm checks and baits the traps twice monthly, we believe that more attention is required.

On Transportation Issues

On January 10, 2017 ANC-6D met with the Applicant and its transportation consultant to discuss transportation issues raised by the ANC at the public hearing. The meeting was productive and both parties agreed that a Preliminary TOPP would be helpful in helping to respond to some of the ANC's outstanding transportation concerns. ANC-6D appreciates that in their Post-Hearing Submission that the Applicant prepared a first draft of a Preliminary TOPP to address some of these issues.

Ticketing and Enforcement of Unpermitted On-Street Parking

One of the issues that the Applicant claims to have addressed in the Preliminary TOPP is a ticketing and enforcement of unpermitted on-street parking. This is already an on-going concern in the blocks particularly close to Nats Park and will become even more stressful if DC United opens their stadium. ANC-6D proposed to the Applicant -- since they are assuming the cost of TCOs throughout the area on game/event days as well as MPD officers and vehicles for blocking First Street -- that it would be extremely helpful to assume the cost of enforcement during these times too. Intention is nothing if it is not backed up by enforcement. We have not yet heard back from the Applicant.

In that regard, ANC-6D concurs with the Applicant's Preliminary TOPP with the suggestion that TCOs would be placed at M and Fourth Streets, SW; South Capitol and N Streets, SW; South Capitol and P Streets, SW; Second and R Streets, SW; and South Capitol Street, SW and Potomac Avenue. Clearly, this placement would be at a minimum and would require additional TCOs placed elsewhere as the Frederick Douglas Bridge construction gets underway and also as the TOPP is amended annually.

ANC-6D also recommends to all parties that instead of using the ambiguous term "high attendance events" as the determinant for enhanced TCO placement and other measures that the measure be *any time that First Street, SW requires closure as a consequence of stadium use*. It doesn't get clearer than that.

Status of Agreements with the Nationals

ANC-6D understood that the Applicant had been directed by the Commission to provide status of their discussion with The Nationals organization particularly (a) with regard to their use of the Nats' own parking facilities, (b) formal written agreement about a prohibition of holding simultaneous events, and (c) signed agreement that will provide an understanding for how events scheduled on the same day at both parks may be allowed to occur. The ANC has seen no such update. This is of particular note since the 2017 schedules have already been announced and on three separate dates this year (May 13, August 26 and September 9) DC United and the Nats play on the same day. Since 2017 DC United play continues to occur at RFK, this is not problematic, but it does demonstrate the difficulty in getting both MLB and MLS to make appropriate arrangements. ANC-6D expects a proper strategy in place as well as clarifying written agreement as a requirement of their Certificate of Occupancy.

List of signed LOIs

ANC-6D had understood that there would be a complete list of *signed* LOIs provided to account for the actual number of parking spaces that the Applicant requires. We do not have that list. As well, we seek a clarification of the LOI put forward from Forest City the wording of which appears to provide rather significant latitude as to when or whether their significant number of parking spaces may be available.

Anacostia River Transit Options

ANC-6D is pleased that the Applicant has had initial discussions with Potomac Riverboat Company as requested by the Chairman. During the intervening period, ANC-6D has met with the federal Department of Transportation to discuss an urban river transit grant that is currently available. Ultimately, ANC-6D hopes that those monies may be used to help provide the necessary infrastructure to enable our waterfront ANC to have proper docking facilities for vessels on the Anacostia at Buzzard Point as well as at Diamond Teague.

One Does not Just Arrive at The Oval or Second Street – You need to get there from someplace first

ANC-6D continues to have concern about the Applicant's insistence that the yet-to-be-constructed traffic oval on South Capitol Street will be the solution for the preponderance of vehicular traffic arriving at the Stadium. The notion that the vast majority of vehicles will arrive on Potomac Avenue from Capitol Riverfront or from the South over Frederick Douglass Bridge is strains credulity.

- The plan does not provide a realistic portrayal of how traffic may ultimately arrive from the Southeast/Southwest Expressway and down South Capitol Street toward the Potomac, where traffic is now already significantly conflicted.
- The plan does not adequately address the impact of traffic that will emerge from the Fourteenth Street Bridge (to avoid Expressway backups) and travel down Maine, to M Street to either South Capitol – soon to be 'at grade' – or to Fourth Street to P Street to Second Street to the Stadium.

ANC-6D's Greatest Concern is Routing of Traffic Through the Existing Residential Neighborhood

The ANC's greatest concern continues to be that existing access routes will negatively impact current residents on Second, Half, First and Fourth Streets, SW. Potomac Ave. and 1st and 2nd Streets are shown to be principal vehicular in-routes. ANC-6D sees no justification for supporting any new vehicular traffic through the residential streets north of the stadium and requests that net-based way-finding strategies, physical signage and TCO placement be coordinated by DDOT and the Applicant to provide every assurance that vehicular traffic to the stadium will not be directed through north/south residential streets.

Minimizing traffic through the residential streets is supported by the Gorove/Slade September 16 report, which recommends "pedestrian and traffic barriers...to deter patrons from walking through the adjacent residential neighborhood" (p. 3). True barriers to allow access to residents but prevent Stadium-directed vehicular through-traffic should be implemented in conjunction with the TOPP.

ANC-6D Must be at the Table During TOPP Planning and During Follow-up Discussions

The Applicant states that they will involve 'the surrounding community' in the TOPP. ANC-6D expects to be at the table as their representative. This is especially important since DDOT's response to the ANC that "the TOPP will evaluate how to best provide service to Buzzard Point in conjunction with stadium events" insulates our District's Transportation Department from direct responsibility for providing a range solutions from them in that regard prior to award of the PUD. That said, ANC-6D greatly appreciates the work that the Applicant has done in preparing an initial TOPP that begins to outline that greater discussion. ANC-6D reminds DDOT and the Applicant that during the establishment of the Washington Nationals' TOPP, ANC-6D was at the table as a partner from the very beginning and hosted with Councilmember Ambrose the initial meeting at Tiber Island and at several follow-ups at Westminster Presbyterian Church.

ANC-6D expects no less a formal involvement in a DC United TOPP.

Signage

DC United's post hearing submission defines stadium signage as a critical component to stadium functionality, revenue generation and the fan experience. ANC-6D vigorously disputes that advertising beer on the outside of their building will either provide increased stadium functionality or enhance the fan experience. What it does do is increase the bottom line for DC United while inflicting noise, light and disturbance upon the general community that will locate adjacent to the stadium – considerably beyond the boundaries of the patrons it serves inside the venue itself. The objection of the ANC to this plan was part of our original opposition to this project and is completely consistent with the history of ANC-6D opposition restricting signage outside the Nationals Park during deliberations on that PUD more than a decade ago.

Indeed, ANC-6D reminds the Commission that during ANC cross examination that the Applicant agreed that outside digital advertising signage would not be part of their PUD and that they understood that at some future date (indeed, the record will show that the Applicant stated "ten years" as a possibility of when they might reconsider) should they want to include it as an option that they would need to return to the Zoning Commission to amend their PUD. We find it extremely disturbing now, that in their post-hearing report they completely abjure this very public declaration made on November 28, 2016 by the DC United Vice President of Development and Stadium Operations. We are appreciative that Office of Planning similarly supports our objections to such signage on the outside of this building.

Conclusion

ANC-6D appreciates that our Commissioners have had an additional opportunity to hold these discussions with the Applicant and hear the responses of the District Agencies to our stated concerns. That said, our ANC is not ready to fully embrace this plan until solutions can be found to the rather significant transportation challenges to and from the site.

We remain open to holding additional discussions with the Applicant and sitting down with DDOT, OP and DMPED in an attempt to resolve these challenges prior to the Commission Meeting on February 16, 2017.
