



*Southwest / Navy Yard / Buzzard Point*  
Advisory Neighborhood Commission 6D

1101 Fourth Street, SW  
Suite W 130  
Washington, DC 20024  
202.554.1795  
Email: 6d@anc.dc.gov  
Website: www.anc6d.org

January 28, 2019

Anthony Hood, Chairman  
Board of Zoning  
441 4th Street, NW,  
Washington, DC 20001

**OFFICERS**

Chairperson  
*Gail Fast*  
Vice Chairperson  
*Andy Litsky*  
Secretary  
*Rhonda Hamilton*  
Treasurer  
*Ronald Collins*

VIA E-MAIL: zcsubmissions@dc.gov & IZIS

**RE: Report of ANC-6D on ZC Case # 02-38J**

**COMMISSIONERS**

SMD 1 *Gail Fast*  
SMD 2 *Anna Forgie*  
SMD 3 *Ronald Collins*  
SMD 4 *Andy Litsky*  
SMD 5 *Anthony Dale*  
SMD 6 *Rhonda Hamilton*  
SMD 7 *Edward Daniels*

Dear Chairman Hood & Members of the DC Zoning Commission:

At a regularly scheduled and properly noticed public business meeting on January 23, 2019, with a quorum being present, a quorum being four Commissioners, Advisory Neighborhood Commission ("ANC") 6D voted 7-0-0 for a motion of support on ZC Case 02-38J for the plans presented the Applicant on the condition that they meet with the Amidon-Bowen PTO within the next ten days and enter into a CBA no later than 30 days thereafter. At that same meeting, the ANC also voted 7-0-0 to authorize Commissioners Litsky, to testify on behalf of the ANC at the Zoning Commission hearings.

Accordingly, the ANC ANC-6D is pleased to submit its Report on ZC Case No 02-38J for the Second Stage PUD Application for 1000 Fourth Street, SW and urges the Commission to provide great weight to our comments as you deliberate this case.

Overall, ANC-6D is very pleased with what has been proposed by the Applicant and believes that the project is consistent with the Southwest Neighborhood Small Area Plan and is an appropriate final puzzle piece that will complete the larger Waterfront Station development comprising our Southwest Town Center. It has been a long time coming.

### **Affordable Housing**

The ANC is particularly pleased that the Applicant is going well beyond the first-stage PUD by providing significantly deeper levels of affordability and duration. Thirty percent of the units are set aside as affordable. For the first fifty years, of the project the Applicant will set aside half of those affordable units at 30% MFI and half of those units at 50% MFI. After those fifty years and for the remainder of the ground lease the Applicant will set aside 25% of affordable units at 30% and 75% of the units at 50% MFI.

The ANC would appreciate if the Applicant would give some additional thought to making at least a portion of those affordable units larger than two bedroom. As our ANC has long affirmed healthy neighborhoods must accommodate families and many families require larger units. Our Commission would be grateful if such an accommodation could be made to provide three bedroom units, a percentage of them affordable.

### **Architecture and Materials**

The ANC is pleased with the overall design of the project. In particular, we applaud that the Applicant listened to the ANC and OP by adding balconies to the both the north facing and west facing units. These are no mere architectural embellishments. Balconies significantly enhance the quality of life for residents occupying those apartments. They also improve public safety by placing more eyes on the street. This is precisely the kind of people-centric architecture that helps create a greater sense of community.

The ANC also hopes that these balcony units will be made available, in proper percentages, as part of the number that will be set aside for affordable housing. All boats must be lifted.

The ANC has approved the designs -- on paper -- for the materials but eagerly anticipates seeing a materials board when it is presented at the Zoning Hearing.

## **Parking and Loading**

There is no question that parking and loading is going to be tight at this site. Not only will it need to accommodate residents at 450 apartments but 150-200 nightly theater patrons and, to a lesser extent, patrons of whatever neighborhood restaurant will be situated at the corner.

The ANC has had continuing discussions with the Applicant about how they will manage pick up , drop off and transit through the private drive to their garage for 175 AppleTree parents each morning and afternoon. We would appreciate a broader discussion from the Commission and DDOT representatives to ensure that what is planned will be adequate both architecturally and operationally. Since AppleTree itself has not been part of any of our discussions, we have been depending only upon the Applicant's representation of the daily operations at a facility that will need to safely handle transit of nearly 175 very young children none of whom walk to school themselves. Further, the Applicant has stated that the AppleTree operation will be during "usual school hours." However, a search of the AppleTree website shows that the following operates in Southwest,

*"AppleTree Schools offer an Extended Day program Monday- Friday from 3:30 pm – 6:00pm. Our Extended Day program aligns with our mission to close the achievement gap for children before kindergarten, while supporting the social, emotional, and cognitive development of young children."*

What is being provided at this proposed facility and during what hours needs to be further clarified since extended hours definitively alter the original operation and traffic patterns presented on the private drive and may clash with the ease of residential and commercial entry to and exit from the building through the garage. Further, it would seem that this would also eliminate daytime hours that would be made available for SW kids to use the playground equipment on this private way. If school runs until 6:30pm, it would appear as though the 3,000 sf playground area would be available **only** on weekends and holidays. If that is the case, this is not a community amenity but a public irritant. If anything, this arrangement removes a good deal of potentially active public space and keeps it under private control. ANC-6D is not ready to buy into that paradigm at all. Questions remain.

## **Landscaping and Streetscaping**

Most of the ANC's discussions about streetscape revolved around the private drive and its multitude of uses. The ANC would appreciate hearing more of what the Applicant proposes in the design of the

private street itself as well as what DDOT would recommend to ensure that the physical paving and design will provide a space and surface that will safely accommodate pick up and drop off many pre-school children during a school day that may extend well beyond “usual” school hours, potentially conflicting with other early evening uses.

The ANC is pleased that we have received verbal commitments from the Applicant to support and participate in planning of a major SW Neighborhood initiative, funded by a grant of \$250,000 from the Southwest Community Foundation and managed by the SW BID, to link Southwest parks from the Duck Pond to Lansburgh Park. As this “link” will run directly adjacent to the Applicant’s property on the north, connecting public spaces on Fourth Street to the library park and beyond, we look forward to their input and active involvement.

### **Bicycles**

The ANC is pleased that there is considerable secured bike parking in the building. More bike parking is always encouraged and now that Southwest has been on the receiving end of multiple bike thefts in many of our high rise communities, we hope that the Applicant’s security plan will be robust and well defined.

We are also pleased that the Applicant has accepted DDOT’s recommendation that, as a consequence of their build, they will incur the cost of a new Capital Bikeshare station close to the property. While DDOT and DPR have been in discussions about precisely where this is to be located, the ANC has had little involvement. We wish to ensure that before making a precise determination about placement, that they share any data they have on demand levels for our area with the ANC and collaborate with us before selecting a precise location.

### **Retail**

From the beginning of this process, ANC-6D stated its support for the PN Hoffman plan – above those of three competing developers that had been presented to the SW Community as options by DMPED - - because of the neighborhood retail plan that they promised to provide. In particular, our Southwest neighborhood embraced an additional theater and especially a diner. These exactly fit with our need to both expand our neighborhood’s brand as an arts and cultural destination as well as return affordable breakfast/lunch/dinner dining to our Neighborhood’s Town Center.

Accordingly, and after significant discussion with the ANC, the Applicant send the following wording in a memorandum to our Commission stating that is to be included in the Zoning Order to clarify their intent in this matter. We believe that the timing issues must have prevented it from appearing in their pre-hearing submission and we wanted to ensure that it included as part of the record and also included within the final zoning order.

#### **RESTAURANT USE CONDITION TO PUD ORDER**

*For the first two (2) years following the issuance of the initial construction permit for the project that is the subject of Z.C. Case No. 02-38J, the Applicant shall reserve no less than 3,000 square feet of ground floor space (the “**Restaurant Space**”) for one or more restaurant operators (i) serving breakfast, lunch, and dinner, and (ii) with typical hours of operation beginning at no later than 7:00 a.m. daily (together (i) and (ii) being the “**Preferred Restaurant Use**”).*

*In the event the Applicant has not secured a tenant for the Restaurant Space satisfying the foregoing Preferred Restaurant Use requirement by the date that is one (1) year from the issuance of the initial construction permit to commence work for the project, provided the Applicant demonstrates that it has used best efforts to lease the Restaurant Space to a tenant satisfying the Preferred Restaurant Use requirement, then notwithstanding anything to the contrary contained herein, the Applicant shall reserve Restaurant Space for any restaurant use permitted under the Zoning Regulations.*

*In the event that the Applicant has not secured a tenant for the Restaurant Space satisfying the foregoing restaurant use requirement by the date that is two (2) years from the issuance of the initial construction permit to commence work for the project, provided the Applicant demonstrates that it has used best efforts to lease the Restaurant Space to a tenant satisfying the Preferred Restaurant Use requirement, then notwithstanding anything to the contrary contained herein, the Restaurant Space requirement shall be no longer applicable and the Restaurant Space may be used for any lawful use permitted under the Zoning Regulations.*

#### **Impact on the Library**

Over the course of the next two years DCPL will have completed a brand new free standing public library that the SW Community has long sought. The ANC anticipates that the addition of residents living in the 450 units in the 1000 Fourth Street Building will add many additional patrons who will use the library and its services. That is a goal that we all embrace.

The ANC also recognizes that placing AppleTree directly across Wesley Place from the brand new Southwest Public Library provides an irresistible enticement to the school so that they may consider – and use -- our new Southwest library as part of their campus. **It is not.** Until we can reach an understanding of how AppleTree anticipates running their operation, we cannot ensure that AppleTree will not place an undue burden on staff and resources at what is now and will become an even more a very active facility.

## **Why the condition?**

When the notion of an AppleTree venue at this site was put before the ANC during initial conversations with the Applicant, we were surprised because nowhere in any of the previous iterations did an enterprise of this nature arise as even the faintest of possibilities. We (both the ANC and the Community) *were* sold however -- as the Applicant stated in their pre-hearing submission -- on PN Hoffman. What sold us was that they put forward a plan with very significant affordable housing that contained a theater and an affordable breakfast/lunch/dinner restaurant right in the heart of our community. It met three major needs that we'd expressed for a very long time and added a note of completion to our ever evolving Southwest Town Center. A charter school – or any other educational institution for that matter -- was never in that mix of options that we initially embraced.

When the Applicant met with the ANC prior to set down, we clearly instructed PN Hoffman to reach out to the Amidon-Bowen staff and PTO leadership to ensure that they understood precisely what was being proposed. This case was set down in May, 2018. It was disheartening to learn that Amidon PTO was never contacted until very late in the game, a distinctly different approach from the exemplary community outreach efforts that the Applicant had made as part of their Wharfs I and II projects.

And while ANC-6D has had contact with several potential “suitors” interested in occupying the theater space and we twice met with the prominent leasing agent to assure us that over the course of the construction and for some time beyond there would be more than adequate time to develop a plan to provide a diner-like restaurant on the property, at no time did the Applicant ever provide AppleTree to meet with the ANC.

Indeed, AppleTree itself has never reached out to ANC-6D during this discussion nor, as a matter of fact, during the entire time that they have occupied space in our community – first at Riverside Baptist and now in trailers on the campus of Jefferson Middle School -- except to insist sometime last fall that the city remove significant residential parking adjacent to their location for pick-up and drop off on Seventh Street. Never have they attended an ANC meeting, nor to my knowledge, a civic association meeting. They may provide educational services in Southwest, but they have made no

effort at all to be part of the Southwest neighborhood. It concerns us that they now may be provided such a prominent placement at our Town Center.

More to the point, ANC-6D had always been led to believe that AppleTree was a fait accompli. A done deal. It wasn't until the ANC directly questioned the Applicant at our public meeting on January 23 that they admitted that no lease had ever been signed. Perhaps had this been made more clear, we'd have been more insistent having AppleTree at the table to answer our questions.

Further confusion has been sown by the AppleTree website which states:

*“AppleTree Southwest must vacate the Jefferson Middle School Academy site and remove our modular classrooms on or before July 31, 2019, in order for the modernization of Jefferson Middle School Academy to continue on schedule. A potential new site less than a mile from our current site has been located. **We are optimistic we will be able to welcome students to our new Southwest home in August of 2019; however, we still very early in the process and a lease/purchase agreement has not been secured.**”* [Bolding by the ANC for emphasis]

The ANC needs to understand what AppleTree means when they refer on their own website to a new Southwest home that they will occupy in **August 2019**. And where is that going to be – precisely? More specifically, we seek to clarify their mention of a “lease/purchase agreement,” considering that any space that the Applicant has spoken about with the ANC has only been in terms of a lease for a given period of time. Is this to become a retail condominium? If so, how may AppleTree's rights and privileges be different in this new arrangement? How does any such ownership and control of their space impact the understanding that the ANC has developed with the Applicant about how the site will be activated and maintained? AppleTree's own website seems to be at odds with what we understand to be so.

It would be an understatement to say that ANC-6D and our Community is strongly supportive of Amidon-Bowen Elementary, the District of Columbia public elementary school serving 350 students from PrK3 through grade five. **It is the last remaining public elementary school in Southwest.**

Amidon-Bowen is a hub of community activity in our neighborhood with participation by our residents in tutoring programs, fund raising, coaching, clean-ups and ensuring safe routes to school

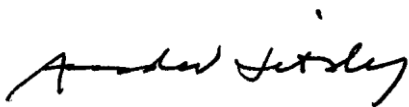
through our rapidly developing neighborhood. Southwest was thrilled this November that Mayor Bowser presented the 2019 DC Teacher of the Year Award to Amidon-Bowen's own 3<sup>rd</sup> grade teacher, Ms. Kelly Harper. And just this week we learned that Amidon-Bowen has the best girls track team in the District. Go Tigers!!

We want to make it clear that ANC-6D makes no distinction between a charter schools and DCPS. Each has its place in our educational system. However, in our community – as in many communities – it's the local neighborhood schools that have the most lasting and significant impact. They dramatically contribute to community stability, desirability and growth. Here in Southwest it is so with Amidon-Bowen --- and Jefferson.

It is also clear that Amidon-Bowen and AppleTree are not *really* in direct competition with each other. AppleTree serves 3 and 4 year olds and Amidon-Bowen pre-K through fifth grade. But there is a palpable concern among Amidon-Bowen parents that AppleTree tends to steer parents whose children graduate their school to attend other charter schools with which they may have relationships. If Southwest kids are to be steered anywhere once they are graduated from AppleTree it ought to be directly across the street to their local community school.

So it is, that the ANC has strongly suggested that the Amidon-Bowen PTO and PN Hoffman work together to develop a Community Benefits Agreement. ANC-6D looks forward to some positive written understanding as a result of those discussions over the course of the next several weeks. Perhaps during that time, AppleTree will also reach out to ANC-6D to answer some of the questions that we've raised in our report.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Litsky". The signature is fluid and cursive, with a small dot above the 'y'.

Andy Litsky

Commissioner, ANC-6D04

At the Direction of ANC-6D



