

Testimony of ANC-6D Before the Zoning Commission of the District of Columbia

Z.C. Case No. 20-12

October 4, 2021

Good afternoon, Commissioners. My name is Fredrica Kramer. I am Commissioner for ANC-6D05, Vice Chair of ANC-6D, have been on the negotiating committee for the ANC 6D on ZC Case 20-12, and am testifying today on behalf of ANC-6D.

I have lived in Southwest since 1975 and been deeply involved in community efforts for almost my entire SW residency. I sat on the task force on aging created to inform the development of the SW Small Area Plan, have served on the Board of my own River Park Cooperative where I have lived for over 40 years, and on the board of the Near SE/SW Community Benefits Coordinating Council (CBCC), which has been headquartered at Westminster Presbyterian Church. In that last connection, I have worked under and alongside Pastor Ruth Hamilton when she chaired CBCC, revere her unflagging work for our community, and feel deeply connected to the church and its extraordinary mission and role in our community.

Westminster Presbyterian Church has for nearly a century and a half provided exemplary service to the Southwest neighborhood as has been attested to by the many references of support for this development project. From the many service innovations for our community that we have cited in our report to the Commission, to hosting the best of headliner and community discussions on critical issues that both face and bind our community, ANC-6D looks forward to the continuance of Westminster's central and essential role long into the future in Southwest.

Had it not been for two extraordinary concerns within several more manageable issues, ANC-6D may have provided conditional support for the PUD we are discussing.

Instead, for reasons that I will elaborate, ANC 6D, at a properly noticed Special Public Meeting on March 30, 2021, held for the expressed purpose of addressing ZC Case 20-

12 PUD, and with a quorum being present, a quorum being four Commissioners, voted 6-0-1 to oppose this Case.

The Southwest Small Area Plan memorializes the community's commitment to be an "exemplar of equity and inclusion." Thus, redevelopment must serve Southwest residents across the demographic spectrum of income, age, race and households. As density increases, new below market rate units are becoming merely a sliver of the new New Southwest. An even smaller portion of those below market rate units support individuals aging in place—the seniors in our city experiencing dramatically increased need.

So ANC-6D was delighted when Westminster began discussions several years ago about its intention to redevelop its property to include a new all-senior below market rate building in the heart of our new town center. The project was presented to us simply: the church needed major renovation, and as other churches in Southwest have done, the Applicant would have a development partner give them a new church in exchange for property on which the partner would build new market rate structures that could pay for the public benefits in the project.

The most significant community benefit would be an entire building—a net gain of 123 new senior housing units, including a significant percentage at 60% MFI, so seniors could live in our community, age in place, and help maintain the demographic diversity that Southwest cherishes—and that fit right into the dictates of the Small Area Plan.

Today's hearing is only about the Westminster project. But as our discussions on the project have taken shape, this case has become a moving target. We have continued to hear both Westminster and Bozzuto -- partners also in DCHA's Greenleaf Redevelopment -- offering at different times the senior building as an option for Greenleaf seniors Build First units, and most recently the market rate condo units for Greenleaf families (Resident and Stakeholder Meeting, September 8, 2021¹) -- at the

¹ Presentation, "Greenleaf_Revitalization Engagement Sept 8 final deck.pdf," uploaded in ZC Case 20-12 Exhibits.

same time the Applicant has continued the Project as described in its ZC Case 205-12 application to the Zoning Commission.

There are three problems with this. First, ANC-6D has been adamantly and publicly opposed to losing the 123 Westminster senior units since DCHA suggested them as a Build First “option” in December 2020.

So at a Zoom Meeting with the DCHA Greenleaf Advisory Committee on April 8, 2021, which Commissioners Collins, Hamilton and I attended, Jeff Kayce, Sr. Vice President for Bozzuto Development Company, asserted in response to our opposition, that the Westminster 123 senior units would not be used for Greenleaf Build First.

But Mr. Kayce then said that the 99 units in the West Building of the Westminster project may be used instead, affirmed in an attachment (not incorporated into the application) to an April 27, 2021 email from Devon Hastie². That’s the second problem.

This was the first anyone had heard that the Westminster 99 units were in play for purposes other than as proposed in ZC Case 20-12, and this once again turned the project on its head.

The 99 units were proposed as market rate condo units—which Mr. Kayce characterized as only “originally market rate.” In fact, they are proposed in the application before you as condominiums. And whether rental or condos, the 99 units have always been characterized as market rate **because they were needed to support the wholly subsidized 123 units** in the senior building. If Bozzuto has a different plan to pay for the 123, which they understand cannot be traded, that’s great, but clearly it has not been divulged and ANC-6D feels the need to ensure that a project not get underway without the financial underpinnings in order.

Further, since the two buildings are tied together for purposes of IZ, ANC-6D strongly believes that the buildings **must be constructed simultaneously** so that the proffered public benefit of the 123 units and the church cannot risk being put off indefinitely.

² “Westminster Church _PUD _Response to ANC Resolution (005).pdf”, uploaded in ZC Case 20-12 Exhibits.

When Mr. Kayce was asked at our May 10th ANC business meeting if he would support inclusion of this in the Final Zoning Order he said that he would not.

Again, ANC-6D, and you, Chair Hood, have made clear, that the discussion today is only about the Westminster project. But it has also become clear that there is a competing project gumming up the works. As we said in our April 5, 2021 letter to the Zoning Commission reporting on our March 30 Special Meeting, we are committed to ensuring that current Southwest residents can age in place and contribute to the iconic diversity that has made our community unique, and also to ensuring that none of our public housing residents are displaced.

Third, the projects and their needs are different. Westminster has no plans for deeply affordable units. The senior building proposed in Case 20-12 will offer only studios or one bedrooms. We continue to hope that the Project will offer some larger units, since seniors are not all single widows and widowers, and may over time need space for other relatives or caretakers. In any case, the units would not substitute for many senior households currently in Greenleaf. We also hope that the Westminster senior building will provide many services that seniors need or desire, maybe not as extensive as those provided in public housing, but plans and funding for services in the Westminster senior building have not yet been described.

Double counting to solve one need will surely compromise the other, be an abrogation of the application as submitted in ZC Case 20-12 and a profound loss to Southwest.

Finally, ANC-6D is concerned about the extent and limits of the promised affordability.

The units in **the Westminster senior building will not be “forever” affordable**, but only until the proposed financing package changes. After year 40, when the Low-Income Housing Tax Credit (LIHTC) subsidy ends, the portion of below market rate units convert to the IZ requirement of only 8% below market rate at 60% MFI (50% for the habitable penthouse space). To extinguish this tangible community benefit for anything shorter than the life of the building presumes that the need for affordability will diminish over time. If anything, it will increase as people live longer and housing costs

continue to increase. The proposed project will help people stay in the community and help realize the commitment to Southwest's iconic diversity memorialized in our Small Area Plan. We note that the Office of Planning in its Supplemental Report (Case 20-12 Ex. 46A) makes the same recommendation.

While the Project boasts that it is offering 52.9% of affordable housing, far above the IZ requirement, typical of other projects, because there is no affordable housing in the 99-unit market rate building as proposed, when the subsidy ends the Project as a whole will be actually below IZ requirements unless some additional units are suddenly converted. ANC-6D asks whether there could be IZ units in the market rate building to start. OP in its Supplemental Report said IZ units should be distributed between the senior and west buildings to comply with restrictions on over concentration of IZ units.

In addition, in the April 27, 2021 email attachment cited above, the Applicant notes "...should financing allow for it, the Applicant may be able to accommodate households that earn less than the 60% MFI maximum." In other words, **the 60% is not just a cap—the Project is unlikely to serve many, or any, households that do not reach that threshold.**

To reiterate: Our first extraordinary concern is that **we don't know with certainty what is being proposed** by the Applicant and therefore what will be obligated by the final order. Until Bozzuto and partners divulge precisely that this PUD will not compromise the original purpose, ANC-6D must continue to oppose the Application and believe the case should move no further until the ambiguities are clarified. To continue a review of a proposal from an Applicant who has repeatedly and publicly stated intentions contrary to that which is before you in this proceeding makes a sham of the process.

Our second extraordinary concern is that **there is currently no clearly safe curbside management plan** to move seniors into and out the senior building – or to move congregants attending church services or those attending Jazz Nights safely in and out of either building.

Yes, the site is ideally situated. It is in the heart of Southwest, across the street from CVS, several restaurants and our neighborhood Safeway. It is one block from the Metro,

walkable to Arena Stage, The Wharf, Nats Park and Audi Field. But how movement in and out of the building will work, a block away from those wonderful amenities, is somewhat different.

DDOT's own filing in this case admits that it will be constructing a protected bike lane along I Street from 7th St. SW to 4th St. SE, **running directly in front** of this project. The new bike lanes may be constructed as soon as Summer 2022. ANC-6D, while in strong support of protected bike lanes, is reticent to embrace this one as currently proposed since it so significantly impacts this project, and as the filing details, curbside management planning with the development team is a work not even yet in progress.

To quote from DDOT's filing:

*"The Applicant should be aware that **DDOT is currently in the planning process to convert the I Street bike lanes** from conventional ...to protected bike lanes, which may impact on-street parking on the south side of I Street.*

*The Applicant will **need to work with the DDOT Bicycle and Pedestrian team during permitting** to incorporate the final bike lane configuration on I Street SW.*

*The Applicant will **need to work with the DDOT curbside management team during permitting to identify an appropriate curbside management plan** that includes the protected bike lane design for I Street SW and updates to the curbside signage and restrictions accordingly.*

*The **no-parking entrance will likely need to be reduced to 60-ft and may need to shift entirely towards Makemie Place** SW without the breaks as currently shown on the plan."*

The Applicant's Transportation Plan provides only one line, in more than thirty pages, that speaks of nothing other than a loss of two on-street parking spaces, and the April 27, 2021 email attachment reiterates their discussions with DDOT and their commitment to continue to work with DDOT during the public space permitting process.

The Applicant has submitted examples of bike accommodations from *other* sites (Ex. 46E), including raised bike lanes and rumble strips, but no real segregation of bikes from pedestrians going and coming into the buildings. Neither DDOT nor the Applicant knows what the plan is going into *this* project to ensure that bikes and pedestrians,

compromised or otherwise, will enjoy safe curbside management. Without appropriate plans for lay-bys there is no clear way to eliminate active (and dangerous) competition between the buildings' foot traffic and the bicylists.

ANC-6D strenuously objects to embracing any new development where residents – let alone a building full of seniors -- must run the gauntlet of bicycle commuters in order to cross the street, reach a taxi, or provide safe entry back to their homes. We haven't mentioned the kids going thru this maze to get to Amidon Elementary across the street.

Pedestrian safety must not be finessed or left to an afterthought or after-plan.

Rather, the project needs to completely reconsider its relation to the street and how its residents will be able to leave or return safely to their homes. The Applicant has left it up to the Public Space Committee and future discussions with DDOT to ensure their future occupants' safety. And what DDOT envisions as a protected commuter bikeway along very busy I Street seems to have forgotten its responsibility to protect the residents. It is no small wonder that the DC Auditor has undertaken a review of the Vision Zero Project with little success so far in controlling pedestrian deaths.

It should be the obligation of both DDOT and the Applicant's transportation consultant to put on the record the specific proposal for I Street, so how it will affect the operations of this project and impact our residents can be carefully assessed. Before this Commission signs off on this project, we implore that you have a clear understanding, *in writing*, about how the residents will be accorded safe access and egress.

I'd like to touch briefly on six subsidiary concerns that ANC 6D laid out in detail in our report to the Commission on Case 20-12.

1. Balconies. The Applicants have spent considerable effort on the outward architectural portions of this project and made changes after objections were raised by our ANC and the Zoning Commission. ANC-6D greatly appreciates the addition of balconies to the senior building and believe that they will provide enhanced quality of life for those residents lucky enough to have one.

Our Commission also supports OP's suggestion to add balconies to the market rate building – especially facing the SW Duck Pond, a logical placement. We asked for but have not seen detailed drawings that would illustrate why this is not practicable in the West Tower, as alleged in the 4/27/21 email attachment, since we are talking about extremely modest outdoor footage, and a market rate building facing an extremely attractive amenity that one would think begs connection.

2. Construction of affordable units. ANC-6D is pleased that the affordable units will be spread on all floors and among all unit types in the Senior building, not concentrated according to any specific attribute or any floor, will be constructed out of the same high-quality materials as the market rate units, and will have comparable residential amenities. And, they will be constructed as a single building by the same construction company—**concurrently with the market rate units.**

This last point is crucial. Were any units redirected to another project before or apart from the construction of this project, as our earlier discussion alluded, it is very likely because of financial constraints that the rest would never get built, and we would forever be denied our mixed income affordable senior building in the Westminster complex. We urge that the Commission ensure that the project will be built as one high quality development.

3. What makes a senior building a senior building? The senior-only component of the Project is authorized by and in direct response to the Mayor's May 10, 2019 Order 2019-036, requiring the District to provide for senior housing, and restating the District's commitment to “[its] seniors [who] represent the bedrock of our community,” and committed to providing “safe and affordable places for them to age in place.”

We have concerns about how the senior building will be designed on the inside and how it will function. While the Applicant reports interior fixtures that will be energy star certified and have other features for sustainability, nowhere in their filings have they provided clarity about what design features will make the senior building sustainable for seniors, which we ask be explicit in the final order.

Again, we have only the 4/27/21 email attachment, which avows that the senior building will create unit configurations consistent with other senior buildings that Dantes Partners runs "...consistent with...independent senior living...as opposed to senior assisted living, which generally requires larger unit sizes and additional services," and that many accommodations would be too costly.

We don't know what accepted standards they are incorporating in the project's design and specific details would surely help clarify what population this building is likely to serve, and how many seniors at what practical cost will be able to stay over time.

Will the units be ADA compliant, have multi-level cabinetry, wall mounted appliances, electric outlets 22 inches up from the floor, easy entry bathtubs, anti-skid tiles, walk-in showers with adjustable height heads, front loading washer/dryers?

ANC-6D asked specifically whether laundry machines would be in each unit or at least on each floor. The 4/27/21 email attachment states they will all be on the third floor. Zoning Commissioners have stated your preference to have w/d in each unit. If that's too costly, at least one on each floor?

What about the hallways and congregate spaces—railings and flush thresholds to accommodate wheelchairs, senior-friendly door and cabinetry handles for those coping with arthritis? There's a much longer check list but you get the picture.

Home Innovation Research Labs, NAHB 50+ Housing Council and AARP developed the CAPS program to address the growing number of consumers who will soon require modifications in existing housing.

ANC-6D strongly supports incorporating universal design principles into this project. And we strongly urge the Applicants to proceed with this PUD only after consultation with a Certified Aging-in-Place Specialist (CAPS) to help ensure that what is developed – *especially in the senior building* -- will truly address the needs of residents as they age.

Worse, the 4/27 email attachment states that "**Provisions for *future* [my emphasis] accommodations, such as blocking for grab bars in bathrooms [not grab bars**

themselves], will...be incorporated to allow an additional level of flexibility as seniors age in place.”

The future for seniors is **now**. I'm a senior, and as we seniors have joked we don't even buy green bananas. I wouldn't want to move to a building only to have to lobby the management to install grab bars, move electric outlets or change door handles because they prove unworkable.

Our own Commissioner Litsky spent six years on the State Executive Committee of AARP DC. One of the major takeaways was about the importance of universal design - the features in a home that create a safe and comfortable environment to promote independence and enable seniors to age in place. And it's much less expensive to incorporate universal design features into a new home than to retrofit an old one.

Westminster is a new project, we need to make the senior building work as a senior building, and ANC 6D strongly believes that universal design elements must be incorporated at the outset. But we have no details about interiors, or cost parameters, to have a meaningful conversation with the developers.

4. Physical and Functional Delineations. ANC-6D has been supportive of the Applicant's desire to have the Westminster Church building not "look like a church" but rather "be a church." ANC-6D absolutely supports putting many of the functional aspects of the property on the north side of the building, and the Church's primary functions at the "rear" of the building, supportive of its mission and continued programming at the PUD site.

ANC-6D also supports the Applicant's design of the ground floor to accommodate multiple functions at once. The Applicant's Set Down Report states that the building will contain approximately 18,513 square feet of GFA devoted to new facilities, including assembly/congregation space, a kitchen and dining area, conference rooms, offices, and a community and art gallery. Accordingly, ANC-6D supports the Applicant's requirement for overall occupancy beyond what is traditionally allowed for the lot.

ANC-6D also believes that the Westminster senior building should be distinct from the services and activities of Westminster Presbyterian Church. The Senior Building will be

a secular facility open to all. While the church remains the driving force behind the development of this new facility, and we applaud their foresight of activism, the new building should not be perceived as appended to the church's mission and potentially present a confusion with the religious mission of the church.

Accordingly, ANC-6D seeks a more complete understanding of the physical delineation, including signage, between the new church building and the congregate spaces within the senior building. ANC-6D hopes to see protocols for outreach, screening and management that will reinforce it as an independent operation.

As we recommended for the senior building, ANC-6D also encourages the Applicant to add some larger units to the market rate building for its residents to age in place in furtherance of 1914.14 Policy AW-2.5.11 of the Comprehensive Plan Amendments. ANC-6D agrees with OP's analysis –not providing family sized units, especially in the market rate building, is a serious mistake.

5. Lighting. Another concern is the proposed tower of light. ANC-6D has long opposed extraneous signage and lighting on buildings that have come before us for review. We are very cognizant of the impact of lighting especially as it impacts adjacent properties.

At fully 8 foot wide and (what looks to be two stories) taller than the building itself, it makes a very bold architectural statement and is inconsistent with what other churches have designed for their buildings and with what we have insisted for buildings surrounded by residences. We ask that the light tower not “tower” over other buildings in the area, and at a minimum insist on committing to the parameters including width, potential for color and intensity changes under what circumstances, to minimize its impact on the surrounding residential community. ANC-6D agrees with OP's request that the applicant clarify the lighting on the eastern tower (Exhibit 21 A2, Sheet A-2.1), which conflicts with the principal of minimizing lighting on residences and with the intended delineation between religious and secular messaging.

6. Plantings. ANC-6D shares DDOT's concern that the Applicant has not yet hired an arborist to assess the impact on the Special Trees to the south, and agrees with OP that the Applicant needs to provide a complete, including arborist's, assessment of the

impact of the project on the trees and public space in the District-owned land. This linear stretch will be an integral part of the larger Duck Pond project and extended park lane to the SW Library, and the ANC wants to ensure the Project's impact is minimal. We understand that the Applicant has agreed to hire an arborist and work with DDOT to create an approved preservation plan for the Heritage Tree, the Special Trees and the street trees that may be affected on Makemie Place, and request that this be part of the final order. Again, we would like to see the final preservation plan before permitting and work gets underway.

The project will include the public space improvements usually required by DDOT's Public Space Committee. The building would have terraces on at least two levels, include 11,668 square feet of green roof areas, and have shade trees atop lower-level roofs. While the public space improvements may include items not required by DDOT, we request more information so we can understand what should be part of the final order.

In conclusion, ANC-6D appreciates the opportunity to express our concerns in testimony this afternoon on ZC Case 20-12 and hopes that you will give our advice and concerns great weight under law.

I look forward to taking questions.
