

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

Z.C. Case No. 20-12

June 14, 2021

Good afternoon, Commissioners. My name is Fredrica Kramer. I live at 387 O Street, SW and am Commissioner for ANC-6D05. I am also Vice Chair of ANC-6D, have been on the negotiating committee for the ANC 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 Coop where I have lived for over 40 years, and on the board of the Near SE/SW Community Benefits Coordinating Council (CBCC), which met at and still maintains its address at Westminster Presbyterian Church. In that last connection, I have worked under and alongside Pastor Ruth Hamilton, revere her unflagging work for our community, and feel deeply connected to the church and its extraordinary mission and role in the 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 the community 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 in our community.

But ZC Case 20-12 is not simply about the construction of a new church and preserving their good works. It is a PUD, and as such, requires additional benefit to the community for building beyond what existing zoning allows. For several reasons that I will elaborate, Advisory Neighborhood Commission (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, ANC-6D voted 6-0-1 to oppose ZC Case 20-12.

Had it not been for two extraordinary concerns within a list of other more manageable issues, ANC-6D may have provided conditional support for this project. Instead, we are forced to oppose it, as I will describe.

The Southwest Small Area Plan defines 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 household types. This is an increasing challenge. As density in Southwest increases, new below market rate units are becoming a dramatically smaller percentage of the whole. An even fewer proportion of those below market rate units support individuals aging in place. And it is in that senior population where our city is experiencing a dramatically increased need.

So ANC-6D was delighted when Westminster began discussions several years ago about its intention to redevelop the church's property and include a new all-senior below market rate building in the heart of our new town center. When the project was initially discussed with the ANC, it was presented simply: the church required significant renovation, and as other churches in Southwest have similarly done, the Applicant would have a development partner give them a new church in exchange for church property upon which the partner would build additional market rate structures that could pay for the public benefits in the project.

What was so admirable about this project as initially presented was that the most significant community benefit from this PUD would be an entire building that would create **net gain of 123 new** senior housing units, at a range of income levels including a significant percentage at 60% MFI, and thereby would permit seniors to live in our community, age in place, and help maintain the demographic diversity that Southwest cherishes—a real community benefit that fit right into our realization of the dictates of the Small Area Plan.

Since our discussion more than a year ago as the project took shape, this case has become a moving target. We have continued to hear reports that both Westminster and Bozzuto -- partners also in DCHA's Greenleaf Redevelopment project -- have at various times been offering the senior building for Build First units for Greenleaf seniors, and most recently offering the market rate condo units for that purpose -- at the same time the Applicant has continued the Project—as described, in its application for ZC Case 20-12 to the Zoning Commission.

ANC-6D has been adamantly and publicly opposed to losing the 123 senior units since DCHA suggested them as an “option” for Build First in December 2020. During a Zoom Meeting with the DCHA Greenleaf Advisory Committee on April 8, 2021, which Commissioners Ron Collins, Rhonda Hamilton and I attended, Jeff Kayce, Sr. Vice President, Managing Director, DC Metro, Bozzuto Development Company, asserted that the 123 units in the Westminster Senior Building would not be used for Greenleaf Build First units.

But Mr. Kayce followed by saying that the 99 units in the West Building of the Westminster project may be used instead. This was the first anyone had heard that the 99 units were in play for purposes other than as proposed in Case 20-12, and this entirely new prospect once again turned the project on its head.

The 99 units were proposed as market rate condo units and necessary to pay for the below market rate senior rentals. Mr. Kayce characterized these 99 units as “originally market rate” although they are proposed in the application before you as condominiums. Whether rental or condominium, 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 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.

Additionally, 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 are not put off indefinitely.

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

The discussion today is only about the Westminster project, but it has been made clear that there is a competing project gumming up the works, and ANC-6D, as you, Chair Hood, have also made clear, would like to separate the two. We look forward to all Southwest seniors being properly supported, and double counting to solve one need will surely compromise the other, an abrogation of the application as submitted in ZC Case 20-12 and a profound loss to the community.

As we said in our April 5, 2021 letter to the Commission reporting on our March 30 Special Meeting, we are committed to both ensuring that current Southwest residents can age in place and contribute to the iconic diversity that has made our community unique, and to ensuring that none of our public housing residents are displaced, but the projects and their needs are different.

Westminster will be offering a portion of the units at 60% of MFI with no plans for deeply affordable units. The senior building as proposed in Case 20-12 will offer only studios or one bedrooms. We think the current configuration is short-sighted when aiming to facilitate aging in place and hope that the Project will offer some larger units, since seniors are not universally single widows and widowers, and may over time need space for other relatives or caretakers. We also hope that the Westminster senior building will provide many services that seniors need or desire, although perhaps not as extensive as those provided for seniors in public housing, but plans and funding for services have not yet been described.

In addition to the confusion over which units and for whom, ANC-6D is concerned that the affordable units provided 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 continued 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 maintain Southwest's iconic diversity.

We might add that the Project boasts that it is offering 52.9% of affordable housing, far above the IZ requirement and what is typical of other projects. But because there is no affordable housing in the 99-unit market rate building as currently proposed, when the subsidy ends, the Project will be 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.

In addition, in an April 27, 2021 untitled email attachment not yet submitted for the record in Case 20-12¹ but in response to the ANC's opposition to potentially losing the 123 units to another project, the Applicant suggests "...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, but 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 precisely *what* is being proposed at this time by the Applicant. Until such time as Bozzuto and partners divulge precisely what they are proposing with this PUD, and that it 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 is that there is currently no safe and effective 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.

¹ 4/27/21 email to ANC6D Commissioners from Devon.Hastie@bozzuto.com, which has not been incorporated into the application).

Yes, the site is ideally situated. It is without question in the heart of Southwest, across the street from CVS, several restaurants and our neighborhood Safeway. It is one block from the Metro. It is walkable to Arena Stage, The Wharf, Nats Park and Audi Field. On paper this is a perfect site. The reality of how this project will function as it pertains to movement in and out of the building 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, which will run directly in front of this project. The new bike lanes may be constructed as soon as Summer 2020. ANC-6D, while in support of protected bike lanes, is reticent to embrace this one as currently proposed since it so significantly impacts this project.

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. In the April 27, 2021 email response to ANC6D Commissioners just referred to, the Applicant continues to cite their discussions with DDOT and a variety of possible options, and their commitment to continue to work with DDOT during the public space permitting process.

So, neither DDOT nor the Applicant knows what the plan is going into this project to ensure bikes and pedestrians, compromised or otherwise, will have safe curbside management. We don't think this should be left to an afterthought or after-plan. Pedestrian safety must not be finessed or hashed out after-the-fact.

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. Without appropriate plans for lay-bys, the project needs to completely reconsider its relation to the street and the manner in which its residents will be able to leave or return safely to their homes. What DDOT envisions as a protected commuter bikeway along very busy I Street seems to have forgotten its responsibility to protect the residents.

It should be the obligation of both the District's Department of Transportation and the Applicant's transportation consultant to put on the record what is being proposed on I Street, so it can be assessed, not conceptually but specifically, as it will affect the operations of this project and impact our residents. 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 a few of the ANC-6D's subsidiary concerns that we laid out in detail in our report to the Commission on Case 20-12 but remind you and the Applicant of our issues.

1. Balconies. The Applicants have spent considerable time and energy on the outward architectural portions of this project and have made changes to the original design 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 the suggestion of OP to add balconies to the market rate building – especially on its western face looking at Town Center Park – the SW Duck Pond. Absent this feature, a logical and important opportunity will be missed. We

have yet to see any detailed drawings to understand why this is not practicable in the West Tower, as alleged in the 4/27/21 email attachment referred to earlier, since we are talking about extremely modest outdoor footage.

2. Construction of affordable units. ANC-6D is pleased that all the affordable units will be spread on all floors and among all unit types within the Senior building and will not be overly concentrated according to any specific attribute, or on any floor of the senior building, in compliance with 11-C DCMR §§ 1005.4 and 1005.5. They will also be constructed out of the same high-quality materials as the market rate units, and have comparable residential amenities as the market rate units. 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 in relation to the earlier discussion about potentially redirecting the senior units to another project. Were that to happen before and apart from the construction of the rest of the project, 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 take note and 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 Mayor's May 10, 2019 Order 2019-036, which describes the "Housing Framework for Equity and Growth" and requiring the District to provide for senior housing. The District is committed to "[its] seniors [who] represent the bedrock of our community," and committed to providing "safe and affordable places for them to age in place." For that we all must be grateful.

But we have concerns about how the senior building will be designed on the inside and how it will function. While the Applicant properly reports aspects of the interior fixtures that will be energy star certified and have other features for sustainability, nowhere in their filings have they provided clarity about what features will make the senior building sustainable to seniors.

We trust that the intention is to be fully responsive to seniors' needs as they age in place but ask that these design features be explicit in the final order.

To date, we have only the 4/27/21 email, which avows that the senior building will create unit configurations consistent with others that Dantes Partners, which runs senior buildings in the District and that their buildings are "...consistent with...independent senior living...as opposed to senior assisted living, which generally requires larger unit sizes and additional services." The email states additionally that "Provisions for future 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."

Whether what they have developed is sufficient for this Project is hard to know. ANC-6D would hope to set a standard for senior housing in the District and that Dantes Partners would approach this build with more than "sufficiency."

More details of the interior spaces 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.

For example, will the units be ADA compliant? Will that have multi-level cabinetry, wall mounted appliances, electric outlets 22 inches up, bathrooms with easy entry tubs, anti-skid tiles, walk in showers with adjustable height heads (we know they won't have grab bars to start), 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 states they will all be on the third floor. The Zoning Commissioners have stated that it is your preference to have w/d in each unit. While that may not be financially feasible, ANC-6D believes that only one laundry room for an entire senior building is insufficient and would prefer that there be laundry facilities on each floor.

What about the hallways and congregate spaces—railings and flush thresholds to accommodate wheelchairs, senior-friendly door and cabinetry handles throughout the

building, particularly for those coping with arthritis? There's a much longer check list but you get the picture.

Commissioner Litsky, on our Commission, spent six years on the State Executive Committee of AARP DC. One of the major takeaways was about 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.

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.

The 4/27/21 email suggests both that this is independent living, not assisted living (we understand), and that many accommodations would be too costly. But it's a lot easier, and much less expensive, to incorporate universal design features into a new home than to retrofit an old one. Westminster is a new project, and universal design elements should be incorporated at the outset. But we have no details about interiors or cost parameters to be able to have a meaningful conversation with the developers.

4. Physical and Functional Delineations. ANC-6D has been supportive of the Applicant's desire to develop their property in a manner that provides the Applicant an opportunity 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, which incorporates the Church's primary functions at the "rear" of the building, supportive of its mission and their 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 for the Church, including assembly/congregation space, a kitchen and dining area, conference rooms and 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 Westminster 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 the foresight of activism of the church in this regard, the new building ought not to 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, architecturally, 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 earlier in regard to the senior building unit sizes, ANC-6D also encourages the Applicant to add a number of larger units to the market rate building as those residents may also be supported 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 – and supports the contention that 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 surrounding residences. Accordingly, ANC-6D asks for more information about the lighted tower at the easternmost corner of the property.

At fully 8 foot wide and taller than the building itself, it makes a very bold architectural statement. It is also inconsistent with what other churches have designed for their

buildings and inconsistent with what we have insisted for buildings surrounded by residences. The approximately 95-foot-high cross embedded in the north and eastern façade with embellishment on the senior building has been retained. Exhibit 23 A2 Sheet A-2.1 shows that the cross would be backlit by the glass tower and lighting behind the cross' left arm. 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. At a minimum we would insist on understanding exactly the parameters of the light tower, its potential for color and intensity changes under what circumstances, and its impact on the surrounding residential community.

6. Plantings. ANC-6D is also concerned about building's impact on the plantings in the linear park to the south of the Project. We share DDOT's concern that the Applicant has not yet hired an arborist to assess the impact to the Special Trees to the south, and agree with OP that the Applicant needs to provide a more complete assessment and should provide an arborist's assessment of the impact of the project on the trees and public space in this District-owned land. This stretch of property will be an integral part of the larger Duck Pond project and the ANC wants to ensure that 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, these have not been highlighted and we would request more information so that we might also 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.