

Testimony of ANC-6D
Before Zoning Commission of the District of Columbia
ZC Case No. [REDACTED], 02-38J
Second Stage PUD for NE Parcel at Waterfront Station
January 31, 2019

Good evening Commissioners. My name is Andy Litsky. I live at 423 N Street, SW and I've been designated to deliver testimony this evening on behalf of ANC-6D.

I have been part of my ANC negotiation team on the 11 acres that comprise the old Waterside Mall since the land that it occupied was under the direct control of NCRC. I have testified before this Commission over the course of the past seventeen years on at least four occasions regarding various parcels located within the boundaries of the First Stage PUD that was approved as part of ZC Case No. 02-38A. I am pleased to attend tonight to provide our Commission's support for this second stage PUD for construction of the final phase of development and final development parcel on this project. It has been a very long time coming.

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.

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 PTA 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 PTA 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.

Our goal in our motion of conditional support was to ensure that PN Hoffman very clearly understood the concerns that we had with the process in which AppleTree was incorporated within the project and, most importantly, began to understand that simple pro forma notification of the immediate neighbors – and not including our elementary school leadership and the very active PTO as part of that process -- was a great mistake.

We also have some significant operational concerns that have been included in our ANC Report and wanted to ensure that the Applicant had a chance to address them with the Amidon-Bowen PTA. We believe that the benefit of some additional time for discussion is indicated. So the ANC has strongly suggested to PN Hoffman that they work with the Amidon-Bowen PTA 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 also during that time, AppleTree will reach out to ANC-6D to answer some of the questions that we've raised in our report.

That said, absent these stated AppleTree concerns, our ANC is very favorably disposed to the what the Applicant has placed before you this evening. Let me briefly provide our

ANC's reasons for support and then follow up with two additional thoughts that didn't exactly fit into our report.

Affordable Housing

This is the final part of a larger project that has been in process for nearly two decades. At the very beginning of this process, the affordability aspects of what would eventually rise at the old Waterside Mall was of somewhat less concern than it is now. Our community and our ANC was focused on absorbing eight massive new buildings smack in the center of Southwest, preserving our supermarket which then was in very real danger of disappearing and opening up Fourth Street to physically reconnect our community after nearly forty years.

Had we the benefit of the way back machine, our ANC would have demanded more overall affordable housing throughout this entire project in the First Stage PUD. But that deal – with the NCRC, Bressler & Reiner, DMPED, Forest City and Vornado -- was the first major PUD that that our ANC encountered. We've learned a lot since those early days.

Given the dynamics of the first stage PUD, which provided very limited affordability in each of the other residential buildings – and remember, The Eliot has NO affordable units at all -- **our ANC is particularly pleased that the Applicant is going well beyond the requirements of the first-stage PUD by providing significantly deeper levels of affordability and duration.** Thirty percent of the units are set aside as affordable. Of those, for the next hundred years half of those will be at least 30% and 50% MFI.

ANC-6D 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 this Commission knows, our ANC has long affirmed that healthy neighborhoods must accommodate families and families frequently require larger units. Our Commission would be grateful if such an accommodation could be made to provide a number of three bedroom units in this project, a percentage of them affordable.

Architecture and Materials

ANC-6D 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. Our premier waterfront developer, PN Hoffman should well understand the social construct that all boats must be lifted equally.

Parking and Loading

Parking, loading and for hire vehicles is going to be tight at this site. Let's not kid ourselves. 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 ongoing 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 analysis by DDOT to ensure that what is planned will be adequate both architecturally and operationally sufficient. 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 they operate in Southwest considerably beyond 3:00pm.

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 by the Applicant and analyzed by their traffic consultant about how that private drive may operate. The ANC has continuing concerns that this may clash with the ease of residential and commercial entry to and exit from the building through the garage. Let's get this nailed down.

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.

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.

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.

After significant discussion with the ANC, the Applicant sent 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. Actually, this wording below is a correction to what the ANC has sent in our Report which was an earlier version. I will make a written correction in the actual file if necessary.

Retail Use: The Applicant will reserve 11,000 square feet of the Project's ground floor for neighborhood-serving uses in the retail, general service, financial service, and eating/drinking establishment use categories.

- a. For a minimum of two years after the date of issuance of the first certificate of occupancy for the Project, the Applicant will reserve a minimum of 1,200 square feet of the Project's ground floor for a restaurant use serving three meals a day with typical hours of operation beginning not later than 7:00 a.m. ("**Preferred Restaurant Use**"), or other use as approved by ANC 6D. The Applicant will ensure that the Project is designed to accommodate kitchen equipment functions for the Preferred Restaurant Use (e.g. exhaust systems and grease traps). After the expiration of this period, the Preferred Restaurant Use may be used for any other use in the retail, service, financial service, or eating/drinking establishment use categories.
- b. Following the issuance of a building permit for the Project, the Applicant will provide ANC 6D representatives with quarterly updates on retail marketing and leasing efforts for Preferred Restaurant Use as well as other retail space.

As well, the Applicant has now agreed to engage in a much broader outreach than they had previously to solicit interest from the greater Washington metropolitan theater community. The Commissioners may recall that the original theater partner put forward by the Applicant had financial difficulties and went under last year. These are arts organizations. They have very particular requirements including affordability as well as length of contract so that they can properly ensure their long term viability. "Well, we'll give you a contract for five years and see how it goes," doesn't really work for a theater. They require greater commitment and partnership, which is something that our ANC hopes that the Applicant has now realized. Accordingly, the ANC is pleased that the Applicant will now include ANC-6D Commissioner Edward Daniels, SMD-07, a theater professional, to work with them to help develop solicitations and review proposals.

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.

Impact Upon Parks and Open Space

The Applicant puts forward as a community benefit a 3,000 sf playground area that will be made available to neighborhood children outside of school hours. Unfortunately, we've discovered that AppleTree operates their school in Southwest until 6:30. If school runs until 6:30pm, 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. This issue must still be resolved.

The ANC is pleased, though, 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.

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.

Two more points

Preservation of affordable housing stock in Southwest is vitally important to our ANC. While it is not part of this direct project, the ANC recognizes that this Applicant has also expressed strong interest in redeveloping public housing at Greenleaf. Although that project has been handled in fits and starts by our city government, we understand that PN Hoffman may be one in a field of three still be in contention for that redevelopment. Why does the ANC raise this as an issue for consideration in this case?

Our Southwest Community has embraced the notion of Build First when it comes to the redevelopment of any public housing in our Community. We don't want to embrace new development if it simply sweeps aside those who have made Southwest their home for many years. Toward that end, our ANC – and our neighborhood – strongly supports the notion that no public housing stock should be removed before housing is constructed to accommodate those residents so impacted. Thus, no existing public housing residents would be swept away only to be invited back once new housing stock is available – if ever. We've seen how well that works with the Arthur Capper Dwellings. It does not.

The Hoffman interests, it would seem to us, would derive significant benefit were they to win the right to redevelop Greenleaf in that they hold the rights to develop this property at Waterfront Station. It could, conceivably, be swapped out for a Build First site in order to jump start the development at Greenleaf. Most educated observers anticipate that the largest and easiest of these existing public housing properties to replace would be Greenleaf Senior. Were that the case – as it we may well find it becoming -- our ANC would want to ensure several things: 1) that the promised affordable housing in this existing PUD

before you would be matched or exceeded elsewhere in immediate Southwest over and above any affordable housing promised as a consequence of such a Greenleaf build. 2) that the promised ground level amenities currently promised at this site will remain. 3) that the time frames imposed within the PUD for finding businesses to occupy those ground level spaces will be appropriately lengthened.

It is vitally important for the applicant to participate in joined effort to integrate the impacts of their construction with the other developers working on parcels that are also under construction at the same time. Just so you are aware, the 375 M Street Forest City parcel will be underway, the DC Public library will be under construction, the massive Phase II at The Wharf will be in full swing, perhaps the last of the lots owned by the Bernstein Company – a long approved PUD and located directly adjacent to 1000 Fourth – may be under shovel. As well, we anticipate Westminster Presbyterian Church, located diagonally across the street at Fourth and Eye from 1000 Fourth Street, to file their PUD development plans within the next few months and as you know, Shakespeare is still on tap. **Virtually every last space of zoned, buildable land within the very heart of Southwest will now be under construction if not at exactly the same time significantly overlapping.**

We are glad that the Applicant has formally stated that they will participate with these other developers to lessen the concerns that we have this situation. But this is the least of what should occur. Again, just so you are aware, neither DMPED nor DDOT have stepped up to the plate to help lessen our concerns. Apparently, they feel that since these plans have been vetted individually – development by development – that of course there will be no problem knitting them together in a workable whole. Think again. Southwest needs help from our city government. **We cannot be playing whack-a-mole for the next five years.** That is not in our job description. I never asked for this before, but I'm asking for it now: **Southwest needs help to manage all of this construction.** We hope that this testimony will provoke some clearer thinking at DDOT, OP and DMPED and that they will at long last participate in a meeting with the ANC to discuss this critical area of concern.

Thank you, Commissioners, for the opportunity to testify this evening.