

# **SPECIAL COMMITTEE STATUS REPORT ON THE JANNEY ELEMENTARY/TENLEY-FRIENDSHIP LIBRARY PPP**

**Presented at ANC 3E's November 13, 2008 Public Meeting**

## **CHEH-BROWN LETTER #4**

On October 29th, Council members Mary Cheh and Kwame Brown (chair of the Committee on Economic Development) wrote to Mayor Adrian Fenty asking him to terminate negotiations with LCOR and allow the reconstruction of the Tenley-Friendship branch to move forward.<sup>1</sup> Their letter requested a response from the Mayor by November 7th. It is our understanding that the Mayor has not yet responded.

That said, the day after the Cheh-Brown letter was released, Deputy Mayor Neil Albert indicated to the media that his office plans to move forward with the project. And DMPED refused ANC 3E's request to cancel or postpone a previously-scheduled meeting with LCOR until after November 7th.

## **MEETINGS WITH LCOR/DMPED (October 17<sup>th</sup> and November 3<sup>rd</sup>)**

Since our last report, ANC Commissioners and Special Committee Member have met twice with LCOR at DMPED's request. These meetings were held on October 17<sup>th</sup> (attended by Matt Frumin and Sue Hemberger) and November 3<sup>rd</sup> (attended by Anne Sullivan, Danny Carozza, and Sue Hemberger). The site plans shown at those meetings included a number of changes from the plans viewed in September.

### **CHANGES:**

1. The underground garage now extends 50 feet beyond the edge of the residential building which has implications for construction and subsequent land use for the school.

This means that the edge of excavation/construction will be no more than 30 feet from the eastern façade of Janney's historic building. Longer-term, it probably also means that the remains of the soccer field will be land that is of very limited utility to the school. Presumably, it can't be built on, nor can it be used as a playing field. About all that it could be used for is a playground and it's not a great location for a playground, given proximity to both classroom and residential windows as well as the presence of a stairwell providing teachers with access to the garage.

2. At this point, DMPED is talking about 1:1 replacement of Janney's parking spaces – "approximately 50 spaces, give or take a few" was the way they put it. Janney will not gain parking; its parking will

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<sup>1</sup> The Cheh/Brown letter is available online at <http://www.dctrack.com/issues/westend081029.htm>

simply be inconveniently relocated, as will the library's (which will now have 9 spots in the underground structure).

3. The mixed use library/residential building has now been shifted at least 10 feet toward St. Ann's. It is built up to the property line, covering what used to be the driveway for the library. The building's southern façade appears to be about 20-30 feet from St. Ann's Academy.

4. Most of the library will now be covered with and surrounded by apartments. Except for a 20 foot edge along Wisconsin and a 10 foot sliver on the eastern edge of Albemarle, the library will be located underneath residences. As a result, the airy interiors of the previous design must now be riddled with columns to provide structural support for the interior walls of the apartments above. And the roof terrace option no longer seems possible. The design images aren't detailed enough to indicate how incorporation of the library into a mixed-use building will affect the number and location of library windows. Ceiling heights are being preserved. So two library floors will be the equivalent to three residential floors.

Special Committee Members pointed out that the site plans appeared to be sales tools rather than realistic attempts to solve problems or even to show that the schools needs could be met once the residential/library building was constructed. We pointed out three crucial fictions that seemed to underlie these representations.

#### **FICTIONS:**

1. LCOR, relying on dated images, substantially overestimated the amount of land on Janney's campus currently devoted to parking. Its site plan claimed that the parking lot was 17,450 SF when, in fact, it was including land that is used as hardtop play space and for a demountable. The plan also indicated that the footprint of LCOR's building would consume 14,800 SF of Janney's soccer field.

While the Special Committee has always pointed out that "no net loss of green space" is the wrong standard – the issue is athletic/playground facilities (not green space) and these facilities need to be increased (not simply preserved) to accommodate an increase in Janney's student population – even this standard is clearly not being met. Previously, LCOR has always acknowledged that their project meant a loss of green space, but they discounted it by claiming the loss was minimal. Now, without changing the footprint of the building, they are spinning a different tale. The footprint of its building hasn't changed – just the rhetoric.

Since our meeting, new images have been posted on the web.<sup>2</sup> LCOR has downwardly revised its already lowball<sup>3</sup> estimate of how much of Janney's land it will consume. (Now the same area is represented as 14,500 SF). And it has reconfigured the outline of the current parking lot to exclude some play space but it still seems to include the land around and under the demountable. Given that

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<sup>2</sup> [http://www.dcbiz.dc.gov/dmped/frames.asp?doc=/dmped/lib/dmped/20081104\\_TenleyDesign1.pdf](http://www.dcbiz.dc.gov/dmped/frames.asp?doc=/dmped/lib/dmped/20081104_TenleyDesign1.pdf)

<sup>3</sup> The area outlined/measured, does not extend to the actual property line, nor does LCOR treat any land as a buffer between its building and the school.

the demountable is not going to be located in the underground garage, the inclusion seems to be motivated by the need to assert that Janney is getting more than it gives up.

This is symptomatic of what we're dealing with at this point. The only material change in LCOR's project since January is that LCOR will no longer be renovating the school or building its addition. In each new site plan, LCOR just moves the massing of the building around; it hasn't budged on the residential building's footprint or number of units. We're being treated to endless spinning and re-spinning of essentially the same universally condemned project. And the response to any critique is not to solve the problem but to find a better way to obscure it.

2. The second fiction we pointed out was that LCOR's "optional soccer field locations" were located on land with steep changes of grade and thus were costly and unrealistic options (and, of course, held out a promise LCOR itself wouldn't be keeping. Allen Lew would be saddled with these unrealistic expectations.) One layout had a height differential of 9 feet between the two goals; another looked closer to 12. Since LCOR's own image had contour lines, this information was available to them. This was an intentional attempt to mislead – not a mistake based on ignorance.

The newest site plans show the soccer field relocated to a flatter area bordering Bon Secours where a swing set and play equipment are now located. However, the proposed soccer field size is smaller than the current one, as has been true in all of LCOR's scenarios.

3. LCOR's current site plans are premised on the assumption that the library's driveway (which provided access to fewer than 10 parking spaces) will now serve as the sole vehicular access (for both entry and exit) to a 200+ car garage and loading dock area for a 174 unit apartment building.

Given the facts that this curb cut is located on Wisconsin Avenue just south of the Wisconsin and Albemarle intersection and that it abuts St. Ann's driveway, it seems unfathomable that DDOT would allow such an arrangement. More likely, the driveway would be relocated to the site LCOR previously proposed – the "green space" between Janney and the residential building. But such realism would interfere with the "no net loss of green space" claim and so it's been excised.

LCOR's claim that the pre-existence of this curb cut shields the project from DDOT's oversight is specious. This project will require a PUD and the Zoning Commission will not allow the requisite upzoning without working out a different traffic plan.

## **FOIA RESULTS**

We are in the midst of receiving and reviewing documents from DCPS that are belatedly being produced in response to a July 18<sup>th</sup> FOIA request. What we've learned thus far is that on September 8<sup>th</sup>, two days before the release of the MFP, Janney's addition was moved to the end of the modernization queue and scheduled for 2014, a year after its classrooms were to be renovated.

Prior to September 8<sup>th</sup>, Anthony DeGuzman (DCPS/OOC) and Eric Lerum (DME) had recommended a 2010 date for Janney's addition, with classroom renovations to follow in 2012

or 2013. These dates are consistent with the March 31<sup>st</sup> consultant's draft of the MFP, and the proposed sequencing was a crucial element of the swing in place strategy because the addition would need to be available before the classrooms in the old building could be vacated for renovation.

When DeGuzman saw what happened to Janney on September 9th, he pointed out that the school's new place at the end of the queue violated the fundamental principles (e.g. rightsizing) articulated in this MFP by saying: "Schools with lesser space needs have leapfrogged them (Janney). This contradicts the guiding principles." He was told that the change was made "per DME." We suspect that this means Reinoso personally, given that Lerum, VR's chief of staff, had been arguing for 2010 just a few days previously.

To put it bluntly, there is clear evidence that the decision to move Janney to the end of the queue was based on politics rather than principle and that the move was designed to accommodate the PPP. Michelle Rhee indicated on September 3<sup>rd</sup> that "Allen Lew is modifying the plan assuming a PPP for Janney." There is no indication that prior plans made such an assumption.

The documents also show that DCPS (including Rhee's office, Lew's office, and Reinoso's office) were unfamiliar with LCOR's proposal when Mayor Fenty made his July 10<sup>th</sup> developer selection announcement. Yet DCPS reassures the Janney SIT that everything is under control and the school's needs are being protected even as it scrambles internally to figure out who knows what, if anything, about the proposal.

We have not yet found any documents explaining when or why the decision was made to sever Janney's modernization from the rest of the PPP. In July, DMPED contemplated an arrangement in which LCOR would be a "fee developer" for the school.

And, once again, we see no evidence of any planning regarding facilities needs, land use, campus design, logistics, or swing space related to this project.

When all of the documents have been delivered and analyzed, we will post the most significant ones and an explanatory timeline on the ANC website and on the listservs.

## **ACTION ITEMS:**

1. **AUDITOR** – The Special Committee plans to renew its request to the DC Auditor to investigate DMPED's decision-making regarding the disposition of public lands. Last Spring, in response to our submission, the Auditor acknowledged the importance of the issue, but said she lacked the resources to investigate because of her office's heavy workload during the Council's annual agency Oversight Hearings. We believe that new events and new evidence underline the increasingly urgent need for a comprehensive evaluation of deal-making involving public land. No Commission action is required on this item; any citizen has the right to request an audit.

**2. ANC RESOLUTION ADDRESSED TO THE COUNCIL** – The Special Committee suggests that the Commissioners adopt a resolution urging the Council to reassert its status as a co-equal branch of government and a steward of public lands by supporting CM Cheh and Brown’s call to abandon public-private partnership negotiations and to enable DCPL to commence rebuilding the Tenley-Friendship Branch and by moving legislation to reform Title X out of committee.