

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Matt Jesick, Development Review Specialist  
Jennifer Steingasser, Deputy Director, Development, Design and Preservation

**DATE:** July 18, 2025

**SUBJECT:** ZC #11-03N – Wharf M Street Landing – Setdown Report for a Modification with Hearing

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### **I. BACKGROUND AND RECOMMENDATION**

In 2024 a restaurant tenant at the Wharf applied for a modification without hearing, ZC #11-03M, in order to obtain Commission approval for a café building already permitted and constructed at M Street Landing. The Commission considered the item at their June 27, 2024 public meeting, and directed the applicant to instead file an application for a modification with hearing.

The result is the present application, 11-03N, filed by the landowner, which is a request to modify 11-03J, the second stage PUD approval for Phase 2 of the Wharf, including the design of M Street Landing. This application is specifically for a building, referred to as the Pavilion, which would enclose an eating and drinking establishment use. The applicant is not requesting approval of the use, which has already been fully permitted.

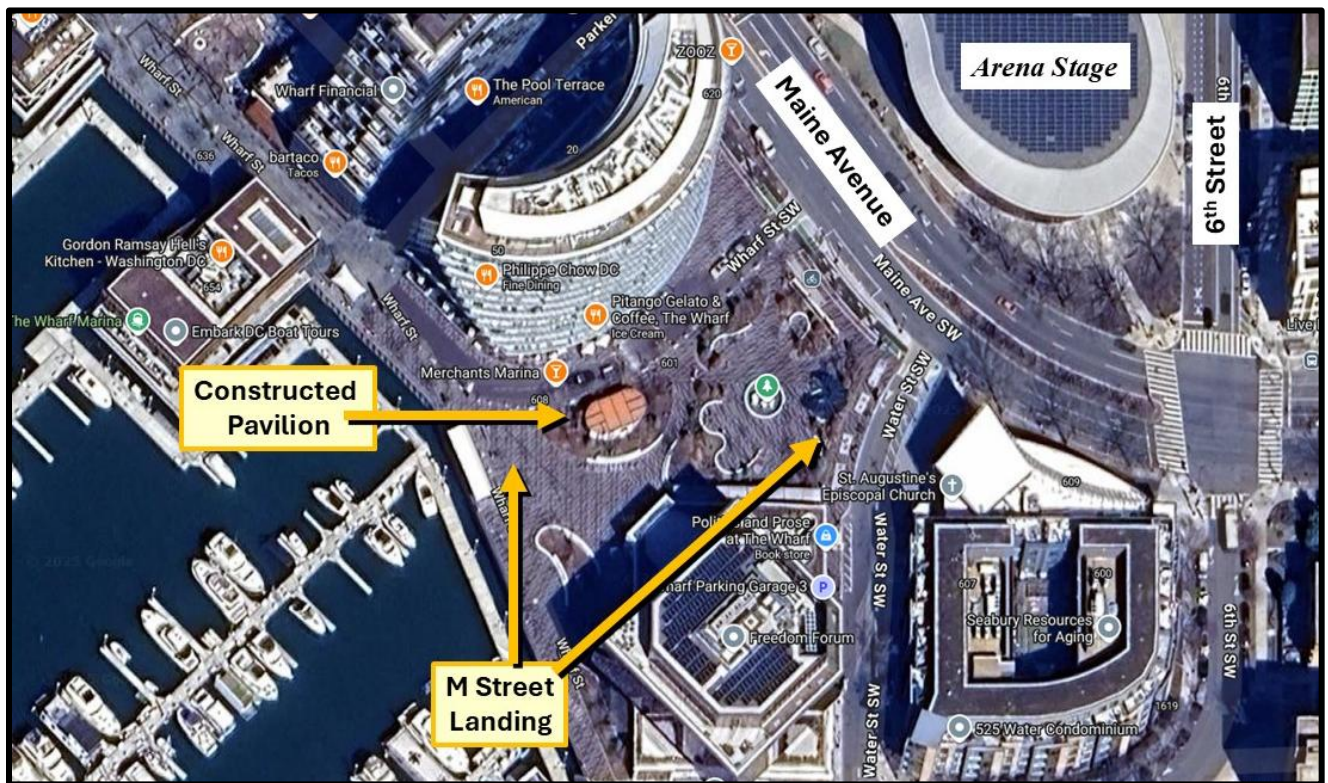
Permit approval of the Pavilion occurred on three separate occasions, from 2022 to 2024, and the restaurant tenant proceeded forward toward construction based on the first two permits. According to the record in this case, Exhibit 3, p. 6, the tenant was directed by DOB to apply for the third permit so that DOB could review the structural design. It was during the zoning review for the third permit that it was determined that the Pavilion required Zoning Commission review. The third permit was approved, and construction allowed to advance, subject to the applicant securing Zoning Commission approval of the Pavilion, including certain features known as the Enclosing Elements. The Enclosing Elements are the operable louvers on the roof of the building and operable shades on the sides of the building, and they appear to have been determinative in the ZA's decision that the Pavilion required ZC approval.

For the purposes of setdown, OP has reviewed this PUD modification against the policies of the Comprehensive Plan and against the design and intent of the original PUD approval. OP finds that the application is not inconsistent with the general policy guidance of the Comprehensive Plan or the general intent of the original PUD approval, both of which seek to create an active,

mixed use Southwest waterfront with open spaces and eating and drinking establishments. OP finds the degree of consistency sufficient for setdown and therefore recommends that the Commission **set down** the application for a public hearing. Prior to a hearing on this case OP will provide a more detailed analysis of the specific policy guidance impacting this exact location as well as the specific design intent of the PUD as it envisioned M Street Landing.

## II. APPLICATION-IN-BRIEF

<b>Applicant</b>	Wharf Phase 3 REIT Leaseholder, LLC
<b>Location of Project</b>	M Street and Maine Avenue, SW (M Street Landing Park); Square 473, Lot 1008; Ward 6, ANC 6D
<b>Application Type</b>	Modification with hearing to ZC #11-03J
<b>Proposal</b>	<p>The application form, Exhibit 1, states that the application is to “authorize a retail pavilion containing an eating and drinking establishment that has been constructed on the Property”.</p> <p>Pavilion total floor area – 754 square feet Pavilion height – 11’3”</p> <p>No additional zoning relief or flexibility is required or requested.</p>



Vicinity Map

### III. COMPREHENSIVE PLAN

The proposal would generally not be inconsistent with the policy guidance of the Comprehensive Plan, including the Plan’s land use maps and written policies. OP finds the degree of consistency sufficient for setdown, and will conduct a more detailed policy analysis prior to a public hearing. An analysis of the proposal’s general conformance with the Plan is below.

#### COMPREHENSIVE PLAN MAPS

During its review of ZC 11-03J, the Commission found that the PUD would not be inconsistent with the Comprehensive Plan, including the Plan’s land use maps. At the time of the PUD in 2017, the Generalized Policy Map (GPM) designated the area of the Wharf as a Land Use Change Area. In the 2021 Comprehensive Plan amendments the Council amended the designation to a Regional Center. The proposed pavilion would not be inconsistent with that designation, as Regional Centers have a “range of commercial functions” including “major department stores, many specialty shops, concentrations of restaurants, movies, and other leisure or entertainment facilities” (Comp. Plan Framework Element, § 225.19).

The proposed PUD modification should not alter the PUD’s conformance with the Future Land Use Map (FLUM), which did not change for the Wharf as part of the 2021 Plan update. The area of M Street Landing appears to be primarily designated for a mix of Low Density Commercial and Parks, Recreation and Open Space. The construction of a small retail pavilion in a park would not be inconsistent with that designation.



Future Land Use Map

### **COMPREHENSIVE PLAN ANALYSIS THROUGH A RACIAL EQUITY LENS AND THE ZONING COMMISSION’S RACIAL EQUITY TOOL**

The Commission created a Racial Equity Tool to assist in its evaluation of zoning actions through a racial equity lens. The tool asks OP to provide analysis of the relevant policies from the Comprehensive Plan and provide analysis of factors related to equity. The relevant information is provided below. The applicant also provided a racial equity analysis as part of Exhibit 3.

#### **Comprehensive Plan Guidance**

The Comprehensive Plan requires the Zoning Commission and staff to examine city policies through a racial equity lens. Racial equity is a broad and encompassing goal of the entire District government. As explained in the Framework Element of the Plan,

*[t]he District seeks to create and support an equitable and inclusive city. Like resilience, equity is both an outcome and a process. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Framework Element, § 213.6*

Section 2501.8 of the Implementation Element calls for “the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis.” That analysis is intended to be based on the policies of the Comprehensive Plan and whether a proposed zoning action is “not inconsistent” with the Comp Plan. Whenever the Commission considers Comprehensive Plan consistency, the scope of the review and Comprehensive Plan policies that apply will depend on the nature of the proposed zoning action.

The proposed zoning action could further policy objectives related to Equity from the Lower Anacostia Waterfront / Near Southwest (LAW/NS), Land Use, Economic Development, Parks, Recreation and Open Space (PROS), and Urban Design elements of the Comprehensive Plan. The LAW/NS element calls for the Southwest waterfront to be an amenity-rich, mixed use neighborhood with publicly accessible open spaces and ample access to the waterfront. Similarly, the Land Use element calls for a mix of uses and amenities on large redevelopment sites. The Economic Development element supports the growth of the food services industry as well as the enhancement of major waterfront destinations such as the Wharf, while the PROS element calls for public plazas and open spaces in new developments. The Urban Design element calls for active public space, in particular parks and land uses that enliven waterfront sites. The following policies are applicable to setdown of the proposed modification. Should the Commission set the application down for a public hearing, OP will conduct a more detailed review of the specific policies applicable to this exact location.

#### **Chapter 19 – Lower Anacostia Waterfront / Near Southwest Element**



**Policy AW-1.1.2: New Waterfront Neighborhoods**

Create new mixed-use, mixed-income neighborhoods on vacant or underused waterfront lands, particularly on large contiguous publicly owned waterfront sites. Within the Lower Anacostia Waterfront/Near Southwest Planning Area, new neighborhoods should continue to be developed at the Southwest Waterfront, Buzzard Point, Poplar Point, and Navy Yard/Capitol Riverfront. These neighborhoods should be linked to new neighborhoods upriver at Reservation 13, and Kenilworth-Parkside via trails, additional water recreation opportunities, and improved park access points along the Anacostia shoreline. A substantial amount of new housing and commercial space should be developed in these areas, reaching households of all incomes, types, sizes, and needs. Opportunities for grid interconnected neighborhood-scale energy utilities systems as part of the development of these areas should be evaluated, using renewable energy sources to provide greater environmental benefits for the community. The new waterfront neighborhoods should integrate new parks and amenities, enhance public access to the waterfront, and incorporate resilient design to mitigate flooding. 1907.3

**Policy AW-1.1.7: Waterfront Area Commercial Development**

Encourage commercial development in the waterfront area in a manner that is consistent with the Future Land Use Map. Such development should bring more retail services and choices to the Anacostia waterfront, as well as space for government and private sector activities, such as offices and hotels. A mix of high-density commercial and residential development should be focused along key corridors, particularly along Maine Avenue and M Street SE and SW, along South Capitol Street, and near the Waterfront and Navy Yard Metro stations. Maritime activities, such as cruise ship operations, should be maintained and supported as the waterfront redevelops. 1907.8

**Policy AW-2.1.1: Mixed Use Development**

Support the redevelopment of the Southwest Waterfront with medium- to high-density housing, commercial and cultural uses, and improved open space and parking. The development should be designed to make the most of the waterfront location, preserving views and enhancing access to and along the shoreline. 1910.8

**Policy AW-2.1.2: New Public Spaces and Open Space**

Create new public spaces and plazas at the Southwest waterfront, including an expanded public promenade at the water's edge. Public piers should extend from each of the major terminating streets, providing views and public access to the water. 1910.9

**Chapter 3 – Land Use Element**

**Policy LU-1.3.2: Mix of Uses on Large Sites**

Ensure that the mix of new uses on large, redeveloped sites is compatible with adjacent uses and provide benefits to surrounding neighborhoods and to Washington, DC as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map and more fully described in the Comprehensive Plan Area Elements. Zoning should be compatible with adjacent uses but need not be identical. 306.8

**Policy LU-2.4.6: Scale and Design of New Commercial Uses**

Develop new uses within commercial districts at a height, mass, scale, and design that is

appropriate for a growing, densifying Washington, DC, and that is compatible with surrounding areas. 313.14

## **Chapter 7 – Economic Development Element**

### **Policy ED-1.1.1: Core Industries**

Continue to support and grow the District’s core industries, particularly the federal government; professional, scientific and technical services; religious, grantmaking, civic professional, and similar organizations; postsecondary education; accommodation and food services; health care and social assistance; and administrative support services. 703.12

### **Policy ED-2.2.1: Expanding the Retail Sector**

Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers, and visitors, and that will meet the retail needs of communities across the District and particularly in underserved communities. 708.6

### **Policy ED-2.2.5: Business Mix**

Reinforce existing and encourage new retail districts by attracting a mix of businesses, including local companies, regional chains, and nationally recognized retailers. 708.10

### **Policy ED-2.3.10: Waterfront Destinations**

Promote the Anacostia and Potomac waterfronts as destinations for District residents and visitors in an effort to capitalize on the amenities and economic benefits of tourism in neighborhoods adjacent to the rivers. 709.14

## **Chapter 8 – Parks, Recreation, and Open Space Element**

### **Policy PROS-4.3.2: Plazas in Commercial Districts**

Encourage the development of high-quality, multifunctional, and publicly accessible outdoor plazas around Metro station entrances, in neighborhood business districts, around civic buildings, and in other areas with high volumes of pedestrian activity. Design plazas to reflect neighborhood preferences, to serve as gathering spaces, and to function as green infrastructure. Use the PUD process to promote such spaces for public benefit and to encourage tree planting, public art, sculpture, seating areas, and other amenities within such spaces. 819.4

## **Chapter 9 – Urban Design Element**

### **Policy UD-1.3.2: Waterfront Public Space**

Develop public gathering spaces along the Potomac and Anacostia waterfronts, including promenades, viewpoints, boating and swimming facilities, and parks. Such space should be designed to promote continuous public access along the rivers and to take full advantage of site topography and waterfront views. Design treatments should vary from hardscape plazas in urban settings to greener open spaces that are more natural in character, and spaces that provide access to outdoor recreation. Encourage the density and mix of land uses that enliven waterfront sites with pedestrian activity, provide a sense of safety, create visual interest, and draw people to the water. 905.6

### **Policy UD-2.2.7: Preservation of Neighborhood Open Space**

Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to minimize the loss of sunlight and maximize the usability of neighborhood parks and plazas. Buildings adjacent to parks or natural areas should orient their entrances or other community-serving functions toward these shared resources. 909.13

**Policy UD-3.2.5: Safe and Active Public Spaces and Streets**

The design of the built environment should encourage public activity throughout the day and help minimize the potential for criminal activity. Design measures include active building frontages (such as windows, balconies, and frequently spaced entrances) adequate lighting that avoids glare and shadow, maintaining clear lines of sight and visual access, and avoiding dead-end streets. Where feasible consider closing streets to vehicular traffic to enhance pedestrian and cycling uses of streets. 914.7

**Policy UD-3.3.1: Neighborhood Meeting Places**

Provide places for neighborhood public life through the creation of public plazas at existing Metro stations or urban squares in new development. Encourage the activation of such spaces through the design of adjacent structures, including the location of shop entrances, window displays, awnings, and outdoor dining areas. 915.3

**Policy UD-3.3.2: Small Parks for Recreation**

Leverage small parks, including triangle parks, linear parks, and medians, to serve as places for recreation, community gathering, and play by encouraging greater resident and community design and management of these spaces through grant and partnership programs. 915.4

**Policy UD-3.3.3: Plazas for Diverse Uses**

Design plazas to accommodate physical activities like dancing or ball play, passive activities like sitting and chess, and cultural events like concerts, exhibits, and historical celebrations. Plazas can also provide space for café style seating and farmers markets. When programming plazas, consider the needs of users with varying mobility levels. 915.5

*Zoning Commission Evaluation Factors*

The Commission’s Racial Equity Tool lays out certain criteria, themes and questions which the Commission may use in its evaluation of a zoning action’s consistency with the Comprehensive Plan, as viewed through a racial equity lens. Among these are what Comprehensive Plan policies related to racial equity will potentially be advanced by approval of the zoning action, and what policies related to equity would potentially not be advanced. As noted above, several overarching Plan policies would potentially be advanced by the requested modification. OP will examine, prior to a public hearing, which of the more detailed policies would be advanced or hindered by the application.

In terms of specific factors examined by the tool, the zoning action would have no impact on direct or indirect residential displacement, as the Pavilion has been constructed in a park. Allowing the construction of the Pavilion would also have no impact on the production of housing or affordable housing. While the PUD anticipated café seating at the edge of M Street

Landing and this use has already been permitted, permission to construct the Pavilion could affect the degree of light, noise, and traffic impacts due to an increase in intensity of the use of the space and potential extended hours of use. However, it is unlikely that the degree of impact would rise to an undue level, given the general location in a very active neighborhood and given the already-executed ABCA agreement with the ANC (see Exhibits 3O and 3P), which addresses items such as noise, lighting, hours of operation, trash, rodent abatement and security. The application cites additional eyes on the street, which would improve security, as a positive outcome of the modification (Exhibit 3, p. 21). The application also suggests that there could be a modest positive impact on access to opportunity, through the creation of job opportunities at a transit accessible location. Regarding community outreach, the applicant indicates that there have been numerous discussions with the community and the ANC about the project dating back to 2023, with the most recent ANC meetings occurring in May 2025. See Exhibit 3, pp. 19-20.

#### **IV. PUD MODIFICATION EVALUATION STANDARDS**

The purpose and evaluation standards for a Planned Unit Development Modification with a hearing are established in Subtitle Z § 704.

*704.3 If the application is for the modification of a second-stage PUD, it shall meet the requirements for, and be processed as, a second-stage PUD application.*

*704.4 The scope of a hearing conducted pursuant to this section shall be limited to impact of the modification on the subject of the original application and shall not permit the Commission to revisit its original decision.*

Regarding Z § 704.4, the application to allow a Pavilion building could result in a change in the degree of impacts above the permitted café use on the site. However, it is unlikely that the degree of impact would rise to an undue level given the general location in a very active neighborhood and given the already-executed ABCA agreement with the ANC (see Exhibits 3O and 3P), which addresses items such as noise, lighting, hours of operation, trash, rodent abatement and security. The Commission previously found that the benefits associated with the PUD were sufficient given the degree of flexibility gained for the project. Approval of the Pavilion, a small alteration given the overall scale of the PUD, should not result in any change to that conclusion. Should this project move forward to a public hearing, OP will provide further analysis concerning the application's consistency with specific policy direction for the site.