

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

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

**DATE:** October 29, 2025

**SUBJECT:** ZC #11-03N – Wharf M Street Landing – Public Hearing 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.

Building 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.

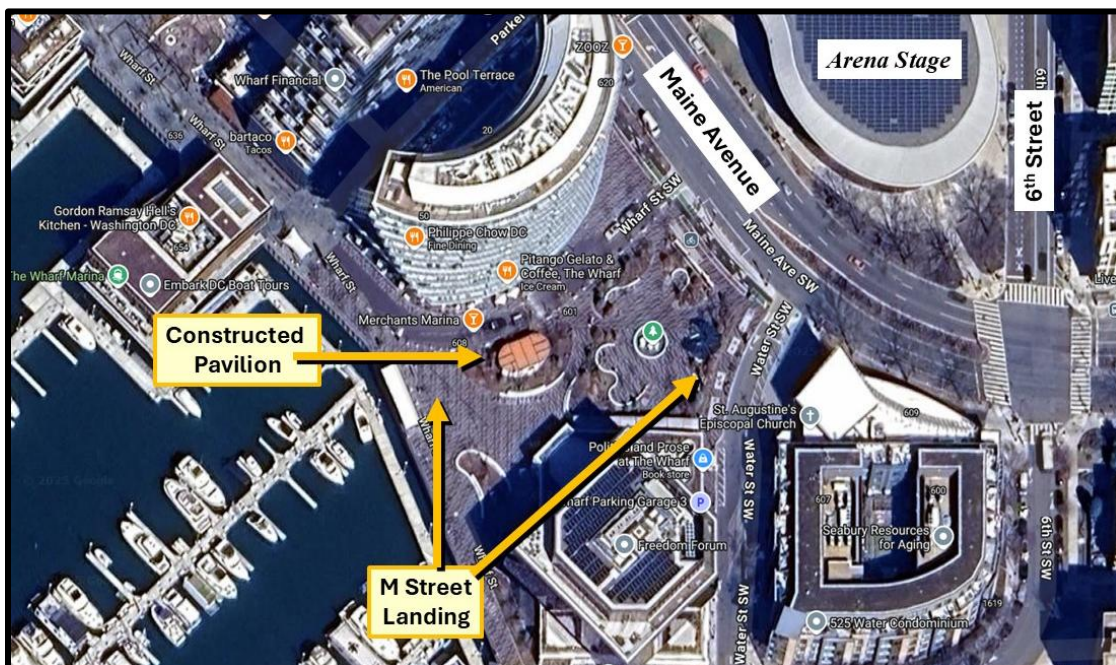
OP has reviewed this PUD modification against the policies of the Comprehensive Plan and against the design and intent of the original PUD approval. OP finds that the application is not inconsistent with the general policy guidance of the Comprehensive Plan or the general intent of

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 also examined the particular policies for this exact site, and the discussion of this location during the Commission’s PUD hearings. OP also finds that, while a building in the park is, on its face, not consistent with prior guidance, this particular design, given its scale, the significant surrounding landscaping, the change in grade, and other view-obstructing structures, does not impair the intent of the original PUD, nor change the facts upon which the Commission made its original decision to a degree that would alter its original conclusions. OP can therefore recommend **approval** of this proposed modification.

## 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. Please see the OP setdown report, Exhibit 10, for a complete analysis of relevant guidance from the 2021 Comprehensive Plan. The proposal would generally not be inconsistent with policies from various elements of the Plan, including the Lower Anacostia Waterfront / Near Southwest, Land Use, Economic Development, Parks, Recreation and Open Space, and Urban Design elements. OP also concluded that the application would have little impact on racial equity outcomes.

For this public hearing report, OP examined in more detail all of the policy guidance regarding this site, generated over many years, as well as precedent set with the prior PUD approvals and the intent of the Commission in granting those approvals. A discussion of that guidance is below.

### IV. PUD MODIFICATION EVALUATION

The purpose and evaluation standards for a Planned Unit Development Modification with a hearing are established in Subtitle Z § 704. OP's analysis of the requested modification is below.

*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.*

The subject park, M Street Landing, was conceived of as being one of the primary open spaces in the Wharf. In addition to providing seating areas and a passive park, M Street Landing was intended to help transition from the more active areas to the northwest to more quiet areas including the existing residential neighborhood to the east. Major principles which directed the location and form of M Street landing were the ideas of continuing the visual axis of M Street to the Washington Channel, and providing views from Arena Stage to the water. This concept of a largely civic park or plaza with a much lesser focus on commercial uses, as well as being a major viewpoint toward the water, were long-standing policies and were incorporated into the PUD as approved by the Commission. The idea of views toward the water formed a basis for approval of the PUD, and was the subject of discussion by the Commission. The design of M Street Landing approved by the Commission in ZC #11-03J was for a mostly passive park used for gathering, seating, slightly raised viewpoints of the Wharf and the water, and minor recreation, with some café seating, but no permanent buildings. The applicant now seeks to have a permanent, enclosable building at the edge of M Street Landing, close to the Parcel 9 building and the multi-modal street at the front of the building.

The present proposal could be seen to go against the intent of the Commission by blocking parts of the viewshed, adding more structured commercial activity to the park, and potentially adding a level of use and activity not intended for a quieter, community-oriented park. In the past, OP has recommended approval of restaurant enclosures along other parts of the Wharf because they “would not change the overall visual impact of the buildings and their urban form” (ZC #11-03L, Exhibit 4). In this case, OP reevaluated the visual impact of the already-constructed Pavillion using that standard as a guide. An examination of the existing Pavillion, including a site visit, demonstrated that it has low visibility from the vantage point of Maine Avenue, especially during the spring and summer months, largely due to the robust landscaping within M Street Landing. Trees closest to the Parcel 9 building, parallel to the multi-modal street, appear to be deciduous. Other landscaping, however, including areas immediately surrounding the Pavillion, appear to contain evergreen trees and shrubs. See example photos as part of Exhibit 3G of this application. And while the original landscape design discussed as part of 11-03J indicated that the trees would be “high branched” for the purpose of “preserving views”, that appears not to have occurred (See transcript in Attachment 1, paragraph 15). Other features serve to obstruct views of the Pavillion, including the fountain stones and the canopy over the stairs down to the parking garage.

OP also examined the grade of M Street Landing, assessing the change in elevation using the grading plan from ZC #11-03J, Exhibit 21AC8, Sheet 5.2. The elevation of the sidewalk and curb at Maine Avenue is identified as 16.6 feet. At the location where the Pavillion is located today, the elevation is shown as being just under 13 feet. This drop of over 3.5 feet, for a building of about 11 feet in height, results in a further diminution of the degree to which the Pavillion impacts the views from M Street and Maine Avenue.

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.

In summary, OP concludes that the Commission intended for M Street Landing to be a park that is open to views from M Street, Maine Avenue, and Arena Stage, and would have a character that is less active than other open spaces to the northwest in the Wharf, thus providing a quiet area for recreation, play and seating, as well as a transition to more residential parts of the neighborhood. In this particular case, however, the Pavillion, including its enclosing elements, does not have an undue visual impact that would impair the intent of the original PUD, nor change the facts upon which the Commission made its original decision to a degree that would alter its original conclusions. Given the landscaping, grade, and relatively small scale of the Pavillion, the extent of views toward the water is not greatly altered. OP can therefore

recommend approval of this proposed modification. Any further commercialization of M Street Landing or construction of buildings in that park, however, would likely be seen as impairing the intent of the PUD.

Please see Attachment 1 for additional background information, including previous planning efforts and relevant information from past PUD approvals.

## **Attachment 1**

### **Background for Recommendation**

The evidence provided below – including Council-adopted plan policies, approved PUD plans, testimony at hearings, and written statements in the record – indicates that the long-standing concept for M Street Landing, both in early planning for the site, and in the developer’s PUD approvals to date, show it as an important view corridor and a mostly passive park with an emphasis on civic functions, with no intention for the inclusion of buildings. It was on this concept that the Commission based its original approval. In this particular case, however, OP concludes that the design and location of the Pavillion do not impair the intent of this guidance.

### **Development Plan and AWI Vision for The Southwest Waterfront (SWW SAP)**

1. **Page 4-10 of the SWW SAP** – The SWW SAP, published in 2003, established the vision for what became the Wharf, including the major goal of linking the existing neighborhood to the water through multiple connections between Maine Avenue and the Washington Channel. Part of that concept was the idea of a major civic park at the location of today’s M Street Landing. The following text from the SAP describes the vision for the park and shows that the thought that M Street Landing would be a quieter, less active space that provides a key view corridor is a long-standing idea. While some of the details about the surrounding uses and the scale of the space have changed over the past 20 years, that overall concept has largely been realized to date.

“The second proposed major public space [after the “Market Square” near the fish market] is a new Civic Park at the southeast end of the site near the intersection of M Street and Maine Avenue. Together with the Market Square, these two major public spaces will anchor the new development and serve as prominent gateways to the waterfront. Flanked by Arena Stage and proposed new cultural and community institutions, the Civic Park will serve as a cultural hub connecting these activities to each other and to the neighborhood.

The park will be extensively landscaped with trees, gardens, open lawns, and plazas to create a green oasis on the waterfront serving as a quieter, less active counterpart to the Market Square. The Civic Park will be enjoyed by visitors seeking a calm place to relax, read a book, or bring their children to play. In addition to being at the cultural heart of the neighborhood, the park’s proximity to the largest existing residential area in the neighborhood will provide the community with significantly more open space for enjoyment of the waterfront.

The location of the Civic Park in the alignment of M Street preserves an important vista over the Washington Channel, while providing a dignified terminus for M Street. The park also provides an appropriate setting for a potential monument or memorial, as anticipated in the NCPC ‘Museums and Memorials Plan’.”



2. **Page 5-6 of the SWW SAP** – The following image is excerpted from the SWW SAP and shows the location of the planned Civic Park.



### 2006 Comprehensive Plan

3. **2006 Comprehensive Plan, Lower Anacostia Waterfront / Near Southwest Area Element (LAW/NSW), p. 19-16** – When ZC #11-03 was approved, the Commission considered its consistency with the Comprehensive Plan as written in 2006. The text of the Comprehensive Plan referenced the then-recently completed SWW SAP, and described the Civic Park as “more passive” than the more active open spaces to the north.

“New public gathering places will include an urban “Market Square” near the Fish Wharf, and a more passive Civic Park at the south end of the waterfront near M Street SW. Between these spaces will be a series of smaller plazas on the Washington Channel that mark the ends of local streets.”

4. **2006 Comprehensive Plan, LAW/NSW Element, Policy AW-2.1.2** – Reinforces the idea that views should extend to the water from terminating streets. This policy has carried through to the 2021 Comp Plan.

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. 1911.8

### **ZC #11-03 – Stage 1 PUD for the Wharf**

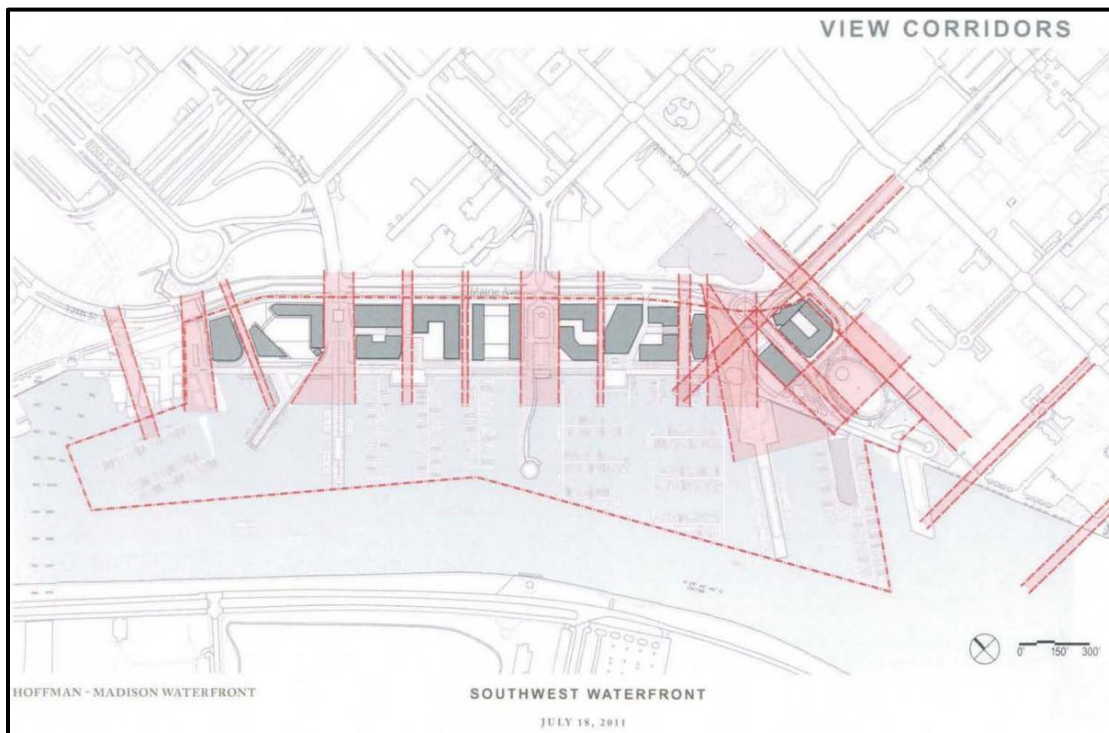
5. **Exhibit 4, Written Statement, p. 10 and p. 15** – Description of M Street Landing, showing that it is intended to help connect the neighborhood and the water.

“the new "M Street Landing" will feature a new urban plaza incorporating water features and showcasing views of the evocative forms of the Arena Stage, bringing the Washington Channel closer to the city.”

“[M Street Landing will be] a significant new public plaza linking Maine Avenue and M Street to the water.”

Page 16 of this exhibit, as well as the accompanying plans at Exhibit 5, state that M Street Landing would include a 20-foot tall, 1-story building encompassing retail pavilions. This proposed kiosk would have been located immediately adjacent to the water. However, it seems to have been removed from the plans by the time case #11-03J was submitted, with its retail functions presumably subsumed into a larger “Water Building 2”.

6. **Exhibit 63A, p. 44, Applicant’s Powerpoint presentation, July 18, 2011** – This View Corridor exhibit shows that three important view corridors cross over M Street Landing.





7. **Transcript, July 18, 2011, p. 73, Master Architect** – Emphasizing the relationship of open space to Arena Stage.

“[The overall low lot occupancy for the Wharf allows for] a full range of open spaces, particularly the largest, as we get closer to where most people live at the eastern end...At the Arena [Stage], we have been able to open up the open spaces to bring the full view of the Arena.”

8. **Transcript, July 18, 2011, pp. 77-78, Master Architect** – Identifying the connection between Arena Stage and the waterfront.

“The M Street landing, the Arena Stage at the top being able to expand [...] and be able to create a plaza, if you will. They are actually putting the Arena Stage onto the waterfront with the great attraction of a plaza environment...”

9. **Transcript, July 18, 2011, p. 191, OP Staff** – Noting for the Commission the importance of maintaining views along the M Street corridor.

“The applicant has also provided view studies that the Office of Planning has asked for, some of which you saw in the PowerPoint and the rest of which are contained in the applicant's submission package. And the view studies show that the development would meet Comprehensive Plan goals of maintaining views, including along major accesses such as M Street, 7th Street and 9th Street.”

10. **Transcript, July 18, 2011, pp. 315-316, ANC Commissioner** – Identifying the importance of views to the Water from the intersection of M Street and Maine Avenue.

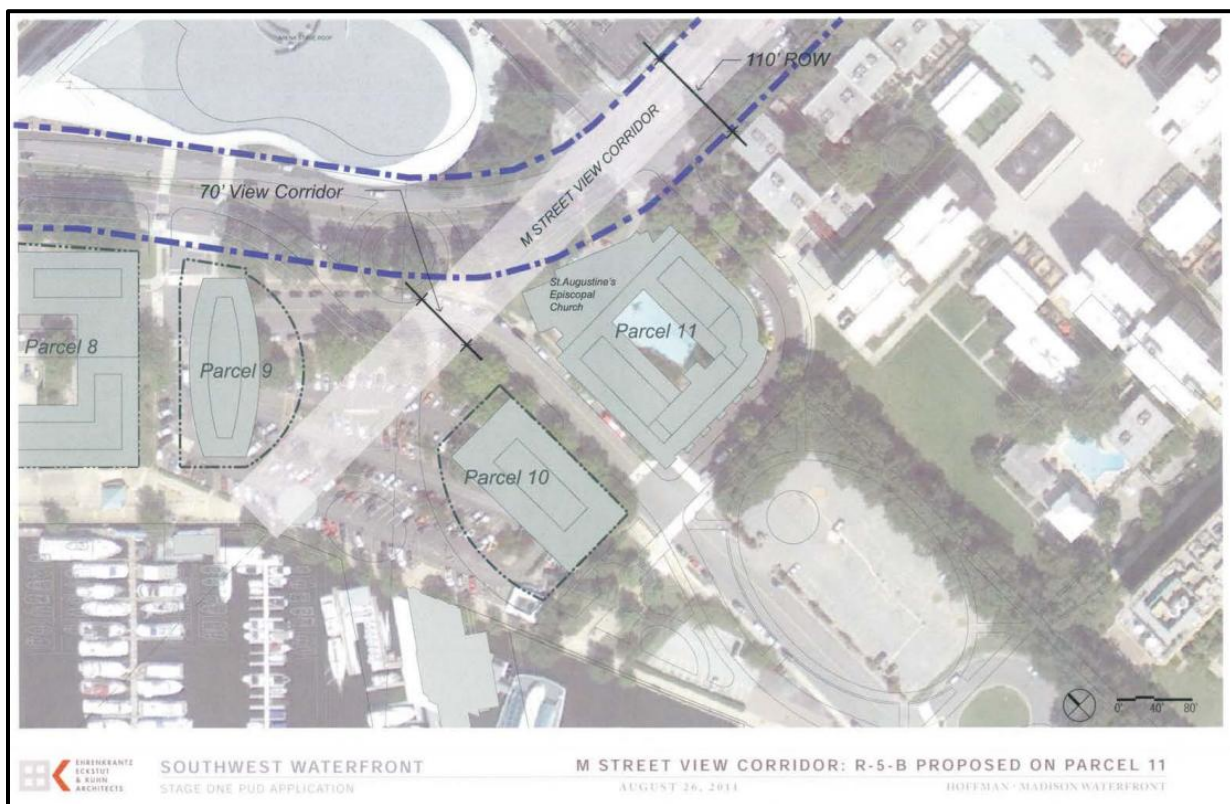
“I'm very concerned with the view corridors of the waterfront at M Street, 7th 10 and 9th and Banneker Park view and the water to Washington Channel. The placement of the pavilion makes them look like ticket booths for the entrance fee... The new front of St. Augustine's church will be setback several feet toward the south, so that it fits with the setback of Tiber Island to the east, but most importantly it does not pinch the view off at this point/nexus of two great streets, Maine Avenue and M Street, with the Washington Canal as grandly proposed.”

11. **Exhibit 105, Applicant's Post-Hearing Submission, pp. 2-3** – In response to Commission questions at the hearing, the applicant described how the view corridor along M Street would be enhanced by the PUD.

“The Commission also requested supplemental information on the view corridors of M Street, which are included with the drawings submitted herewith. As the diagram of the existing conditions shows, the M Street view corridor toward the water is obscured by a mature stand of trees, the curve of the roadway as it transitions to

Maine Avenue at 6th Street, S.W., and the surface parking lot beyond. Therefore, at present, there is no view corridor from M Street to the water except during winter months. Under the proposed PUD development for Parcel 11, an enhanced vista toward the water would be created and this enhanced vista will exist all year round. Only a small portion of the proposed church would extend to the M Street property line, with the majority of the building designed to respect the curve of the roadway, in accordance with sound urban design principles. No part of the church would extend into M Street right-of-way. Matter of right development on Parcel 11 would maintain a reduced view corridor along M Street. Thus, the PUD project proposed for Parcel 11 will create a year-round view corridor to the water and will establish a superior vista than would be achieved under existing matter-of-right R-3 zoning.”

12. **Exhibit 106, Applicant’s Additional Drawings and Diagrams, p. 19** – Accompanying plan view showing the preservation and enhancement of the M Street view corridor to the water.



### **ZC #11-03J – Stage 2 PUD for the Second Stage of Wharf Development**

13. **Transcript, November 2, 2017, p. 28, Master Architect** – Identifying M Street Landing as an important view corridor. (Misspellings in transcript corrected for ease of reading.)

“And M Street Landing provides that [forecourt] that was originally envisioned in the [PUD] Phase 1 for arena stage down to the waterfront.”

**14. Transcript, November 2, 2017, p. 29, Parcel 10 Architect – Identifying M Street Landing as an important view corridor.**

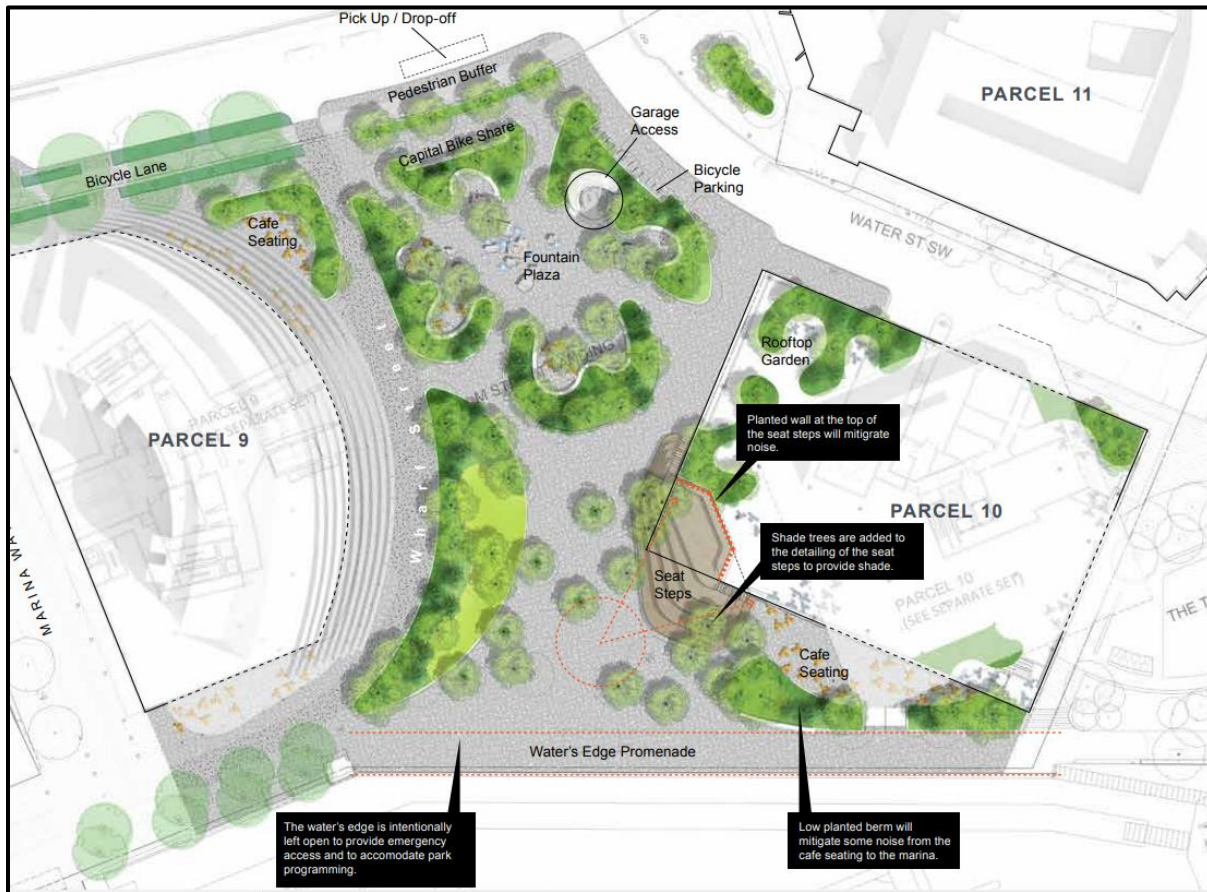
“We’ve sort of compressed that space and rotated the building to address the promenade and provide -- maintain views from the arena stage as well as provide better visibility from parcel 11. Here’s the plan again showing that.”

**15. Transcript, November 2, 2017, p. 50, Landscape Architect for M Street Landing – Identifying M Street Landing as an important view corridor.**

“It’s also important that we preserve views through the space. So all the trees will be high branched so you’ll be able to see through which is good for security as well as preserving the views from Maine to M down to the water and the water up through the space as well.”

**16. Exhibit 82M, Applicant’s Post-Hearing Submission, M Street Landing Plan View –**

This plan shows the proposed design for M Street Landing that was approved by the Commission. It shows the inclusion of raised stairs / an open seating area adjacent to Parcel 10. Although part of the plans approved by the Commission, this feature was never built, but it emphasized that M Street Landing was intended to be a civic space open to the public for free use. While café seating within M Street Landing was approved with the PUD, the construction of a building for café / bar use would raise the degree of commercialization of the park beyond the level anticipated by the Commission. A further concern of OP at the time 11-03J was under review was the prevalence of hardscape in the park, particularly closer to the water’s edge. The proposed building would eliminate a large portion of one of the landscaped areas of the park.



17. **Storefront Design Guidelines, Exhibit 21A3, Sheet 2.9** – Exhibit 2, page 5 of the present application states that the Storefront Design Guidelines “intended for outdoor café spaces to ‘extend retail/restaurant offerings beyond the building plane’ not only adjacent to the primary buildings but also within waterside buildings and kiosks on the west side of Wharf Street / Promenade and within M Street Landing.” OP finds that this conclusion is unclear. The design guidelines on Sheet 2.9 do not reference kiosks or M Street Landing, and the precedent photos later in the same exhibit all feature actual storefronts, rather than small stand-alone buildings. While canopies over outdoor seating attached directly to a major building were anticipated and have been established at the Wharf, the present proposal would create a new standard by building a stand-alone commercial building within a mostly passive and somewhat green park.