

## MEMORANDUM

**TO:** District of Columbia Zoning Commission  
**FROM:** Karen Thomas, Development Review Specialist  
Joel Lawson, Associate Director, Development Review  
**DATE:** June 10, 2025  
**SUBJECT:** ZC 22-06A: Modification Without Hearing, 899 Maine Avenue SW

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### **I. BACKGROUND**

The Commission, in ZC Order 22-06, approved a consolidated Planned Unit Development (PUD), with a related map amendment, to rezone the site at 899 Maine Avenue SW from the MU-12 zone to the MU-9A zone. The approval allows for mixed-use development of residential and retail uses on the site, which is currently developed with a vacant four-story office building.

The subject modifications include the following changes to the approved PUD:

- **Modification of the Approved Plan** with changes to the ground floor, first floor and parking garage levels.
- **Flexibility** to allow relocation of the retail entrances and entrances to the underground garage and loading facility including potential refinement as the project is further advanced.
- **Modification of Decision No. E. 3. (b)**
  - to allow **for sale** residential units in addition to the approved rental units, with Inclusionary Zoning units consistent with Inclusionary Zoning.

Subtitle Z § 703.6 states that : *For the purposes of this section, a “modification without hearing” is a modification in which the impact may be understood without witness testimony, **including, but not limited to a proposed change to a condition in the final order**, a change in position on an issue discussed by the Commission that affected its decision, **or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission**. Determination that a modification can be approved without witness testimony is within the Commission’s discretion. A request to add or change a zoning map designation to an approved planned unit development shall not be considered without a hearing.*

### **II. RECOMMENDATION**

The Office of Planning recommends the Commission **approve** the requested Modification Without a Hearing to allow modifications as outlined in the Applicant’s submission, including to the Plan, a new condition of flexibility for the design and location of the retail, loading and parking entrances and inclusion of the For Sale option to the IZ units’ affordability levels as stated in the Applicant’s submission.

### III. OP ANALYSIS

Order 22-06 approved a mixed-use residential/commercial building at 130 feet in height with 498 units, with 75 of those units reserved as Inclusionary Zoning (IZ) units reserved for households earning no more than 50% or 60% of the Median Family Income (“MFI”). Approximately 24,168 square feet is assigned as non-residential space with 3,000 square feet dedicated to a neighborhood-serving use—such as a grocer, market, bodega, or prepared food shop and the remaining portion dedicated to a bank branch. The Applicant must apply for a building permit by March 5, 2026, and begin construction of the PUD by March 5, 2027.

#### **MODIFIED PLANS**

The [Decision of the Order](#) (Page 64., [DECISION A 3 \(c\) \(k\), \(m\)](#)) granted the Applicant PUD design flexibility:

1. A.3.c. Parking Configuration. *To make refinements to the approved parking configuration, including layout, number of parking spaces plus or minus 10%, and/or other elements, and to vary the allocation of residential and retail parking spaces, provided that the number of residential parking spaces shall not exceed a ratio of 0.6 spaces per unit;*

The proposed reconfiguration of the parking plan, including elimination of an interim floor level, resulting in reallocation of the residential and retail car parking spaces, is consistent with the flexibility granted under the Order. The loading facility would also be modified under revised plans to better reflect the property’s slope, and allow for separate residential and retail loading areas. In addition, due to the proposed change in retail usage, which could now include a smaller grocery store, the loading facility is better scaled for a reduced retail footprint. ([Exhibit 2D, Sheet 3, Sheet 7](#)). As the project is further refined, design flexibility is also requested to support the design/location of the parking and loading entrances to include (**new flexibility**) :

A 3. The Applicant shall have PUD design flexibility in the following areas: ...

- n. **Loading and Parking Entrances. To shift the location and design of the loading and parking garage entrances, provided that the entrances remain accessible from the private driveway and do not substantially alter the exterior of the building.**

The proposed modifications would not appear to appreciably change the basis for the Commission’s decision for the overall project, as parking would not exceed the ratio of 0.6 spaces per unit and loading would still be provided for each use category in accordance with the Regulations.

2. A.3. k. Conversion of Retail Space: *To convert up to 15,000 square feet of retail space to residential use or any other use permitted in the MU-9A zone, provided that **for any such conversion that requires a modification of the building design, the Applicant shall file an application for a Modification of Consequence for the Commission’s approval of the revised building design...***

Due to the proposed changes to the below grade level, space previously assigned to retail use has been reformatted so that the residential lobby would align better with the exterior grade, with two grade levels and an internal ramp connecting both levels. This has resulted in the overall reduction in retail space.

A.3. m. Retail Frontages. *To vary the final design of retail frontages of the building, including the location and design of entrances, show windows, signage, and size of retail units, in accordance with the needs of the retail tenants.*

The change at the lobby level and reduction of the retail space would cause a shift or relocation of the retail entrances on Maine Avenue, consistent with the flexibility granted under Decision A.3. m.

3. Decision E.3.b. Affordable Units. *To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the total square footage reserved for affordable units is no less than 15% of the residential gross floor area approved for the Project; ...*

The PUD's original residential component was all rental. The proposed changes address the potential of a **For-Sale** option in the mix of affordability. Consistent with the IZ program, this includes for-sale units at 80% MFI with rental units at 60% MFI for each affordable unit type (studio, 1-Br, 2- & 3-Br) as expressed in the Applicant's submission [Exhibit 2, pages 5, 6](#) (compare with [page 70 of Order 22-06](#)).

The proposed changes therefore would add homeownership opportunities into the proposed development, allowing residential units to be offered as both for-sale and rental units at 80% and 60% MFI respectively. This would not affect the Commission's decision and intent of the application of IZ to the project in accordance with the Zoning Regulations.

Overall, the proposed changes outlined in the modification satisfy the balancing test under Subtitle X § 304.3 because they would not significantly adversely impact any aspect of the specific public benefits and project amenities and are not inconsistent with the Comprehensive Plan policies or other public policies reviewed under the original PUD. Furthermore, the public benefits continue to be commensurate with the flexibility gained through the PUD, outweigh the requested changes as well as any potential adverse impacts that are not capable of being mitigated, as expressed by the Commission in its conclusions, and therefore justify approval of the modifications without hearing.

#### IV. AGENCY COMMENTS

DDOT advised OP that they have no objection to the approval of this application. As of the date of this report, no comments had been submitted to the record by any other agency.

#### V. ANC COMMENTS

A report from ANC 6D had not been added to the record at the writing of this report.

#### VI. COMMUNITY COMMENTS

Community comments had not been added to the record as of the date of this report.