

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, AICP, Deputy Director, Development Review and Historic Preservation
 Karen Thomas, Development Review Specialist
DATE: November 7, 2022
SUBJECT: Supplemental Report for Zoning Commission Case No. 22-11, Consolidated Planned Unit Development and Related Map Amendment from MU-12 to MU-10 at 807 Maine Avenue, S.W. / Square 439-2, Lot 15

I. RECOMMENDATION

The Office of Planning (OP) recommends the Commission **approve** this PUD and related map amendment application as amended by the Applicant in response to the Commission’s and Community’s concerns. On balance, the proposed development remains not inconsistent with the Comprehensive Plan text and maps and the Southwest Neighborhood Plan.

The application includes requested flexibility **as amended**:

PUD-related map amendment from MU-12 to MU-10:

	Existing MU-12 Zone	Proposed MU-10 Zone	<u>As Amended</u>
Floor-area Ratio	3.0 (IZ)	8.64 (IZ and PUD)	8.21
Gross floor area	70,992 gfa	204,457 gfa	194,839 sf
Non-residential		3.0	0
Height	50 feet (IZ)	110 feet (PUD)	110 ft

Flexibility from MU-10 Development Standards:

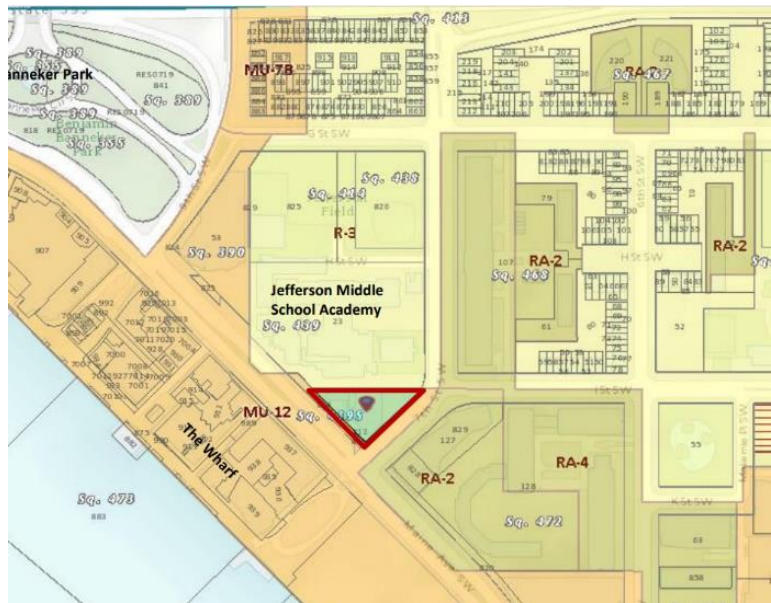
Section	Required Standard	Requested Flexibility	<u>As Amended</u>
G § 404 Lot occupancy	80% maximum permitted	90.78%	82%
G § 406 Side yard	18.33 ft. required	5 ft. and 6 ft.	5 ft ,6 ft, 2.23 ft, 4.32ft
G § 405 Rear yard	22.92 ft. required	7 ft.	7 ft.
C § 1003.7 (a) MFI max. for IZ rental units	60% MFI maximum	80% MFI	50%, 60%: None required

Design flexibility as modified in [the OP Hearing report of Exhibit 35](#).

II. BACKGROUND

The Site

The subject site is located at 807 Maine Avenue, S.W. The triangular-shaped property has frontage along 7th Street and Maine Avenue, a land area of 23,664 square feet, and is currently developed with the two- to three- story high Denvel D. Adams National Service and Legislative Headquarters for Disabled American Veterans. The site is in northwestern portion of the Southwest-Waterfront neighborhood. The character of the area surrounding the site is defined by a mix of uses, including residential, retail, hotel, and a mix of densities, including medium- and high-density buildings, including The Wharf development to the south. A more



complete description of the site is provided in the OP setdown report dated May 2, 2022 ([Exhibit 14](#)).

Public Meeting: May 12, 2022

At its May 12, 2022, public meeting, the Zoning Commission set down for a public hearing, the request by MCRT Investments LLC (the “Applicant”) for a Consolidated PUD and related zoning map amendment from MU-12 to MU-10 to allow the construction of a new mixed-use project with a total of 204,457 square feet of gross floor area, a floor area ratio of 8.64, and a maximum building height of 110 feet.

Public Hearing: September 15, 2022

At the start of the Public Hearing, the Commission expressed concerns that several issues were not fully addressed to help the Commission in its review of the proposal, especially noting those expressed by the community, as well as the Commission’s own concerns with the density, lot occupancy and gross floor area for this site. The Commission voted to continue the hearing on November 14, 2022, providing time for the Applicant to address the concerns.

Subsequently, the application has been amended, principally to reflect the comments, as submitted by the Applicant in its [Supplemental Statement at Exhibit 69](#), [Revised Plans at Exhibits 69A1, 69A2, and 69A3](#); [Updated SW Plan Analysis at Exhibit 69D](#) and [Updated Public Benefits at Exhibit 69E](#)

III. CHANGES SINCE SETDOWN

	Comment	Applicant Response	OP Analysis
	<u>Revisions</u>		
ZC	The building’s design should be reviewed – including its density, lot occupancy and gross floor area	<p>The design was revised accordingly:</p> <ol style="list-style-type: none"> 1. <u>Decrease in density</u> overall from 8.64 to 8.21 with the GFA reduced from 204,459 sf to 194,839 sf. The density was removed primarily from the northeast corner of the site and replaced with sustainable landscaping accessible to the public. 2. <u>Ground floor retail</u> converted to residential use. 3. <u>A decrease</u> in lot occupancy from 90.78% to 82%. 4. <u>Decrease</u> in number of units from 202 to 195 <p>See Exhibits 69A1, 69A2, 69A3 for a comprehensive view of the revised plans.</p>	<p>OP supports these revisions for the reasons stated by the Applicant to address the “bulk” concerns by both the ZC and the community. While there are site encumbrances due to the WMATA easement, the building’s height and density presented a bulky appearance. With the revised design the Applicant was able to reduce the lot occupancy at the ground level closer to the permitted and reduce the density within limits anticipated for the PUD in the requested zone, without a significant decrease in the number of units.</p> <p>The revisions would also include accessible on-site open space, which would create a visible sense of space and place typical of SW apartment buildings, and consistent with the SW Plan’s vision. The PUD is located in a neighborhood with immediate access to amenity-rich outdoor spaces including the Wharf, and with bike access along the waterfront to river parks and outdoor/recreation spaces.</p> <p>OP supports the design changes to reduce overall density with a modest decrease in the number of units.</p>
ZC, Community	The Applicant should better address the affordable housing and racial equity components of the project.	<p>The Applicant’s proffer is a set-aside of 15% of the residential GFA for IZ units, with approximately 1% of the residential GFA reserved for households earning up to 50% MFI and approximately 14% of residential GFA for households earning up to 60% of the MFI.</p> <p>The unit mix was revised to include 44 two- and three-bedroom units to provide family-sized housing. Of the 44 units provided:</p> <p>16 units: two-bedrooms. 19 units: two-bedroom plus a den, and 9 units: three-bedrooms.</p> <p>Three of the three-bedroom units would be devoted to IZ. (See Table of Unit Mix Comparison)</p>	<p>The project’s IZ generated by the base building and penthouse together will provide 30,455 square feet of IZ, whereas a matter-of-right project with the same penthouse would only provide 9,375 square feet of IZ. The increase could not be realized with a building within a lower density zone or as currently exists. The proposed MU-10 zone is not inconsistent with the Comp Plan’s designation for the site and the project would provide housing, <u>including affordable units where none currently exists on a high land value site/location</u>. A lower building height would not provide comparable number of IZ units dedicated to households at 50% and 60% MFI, which represent very low-income households on the</p>

	Comment	Applicant Response	OP Analysis
		<p>The Applicant has also agreed to contribute \$100,000 to Habitat for Humanity to be used towards the production of new for-sale units in Ward 6.</p>	<p>DHCD’s income scale of affordability, well below the median household income of \$106,193 for the <u>Planning Area</u> where median rent is approx. \$2,065 and the median home value is approx. \$455,920. (ACS 2020) For Ward 6 the median home value is \$720,400 and median household income is \$117,752. OP would support the contribution for the provision of housing for two low-income residents in the Ward as a supplement to the housing affordability of this project within the wider Ward 6, as the median home value for the Ward well exceeds that of the Planning Area.</p>
	<u>Benefits and Amenities</u>	Updated Public Benefits at Exhibit 69E	
<p>The ANC, Town Square Towers and SW Action</p>	<p>Concerns were raised regarding the dollar contribution to the SW BID for the art installation and mobility study.</p>	<p>The process for selecting, designing, fabricating, and installing the public art was initially proposed to be managed by the SW BID with feedback from the community. The Applicant had agreed to contribute \$75K to the SW BID to manage the art installation project in the space along 7th Street prior to the issuance of a COO for the PUD. See Exhibit 28A2 Sheet L02. As amended, the Applicant would now contribute the funds to MYLY Design, a minority-owned, women-owned, certified business entity based in Washington, D.C., to design, fabricate, and install public art on Maine Avenue, SW, between 7th and 9th Streets, SW. The mobility study was replaced with the direct contribution to affordable housing to Habitat for Humanity due to raised objections by the community.</p>	<p>The art installation will be directly managed by the design team originally involved with the landscape recommendations for the SW SAP and with experience of public art in the neighborhood. The direct contribution to Habitat would benefit District households at 50% and 60% MFI who would not qualify to purchase a new home in Ward 6, which has a high median home value.</p>
	<p>Contribution to Jefferson Middle School Parent Teachers Organization</p>	<p>The Applicant has agreed to provide an additional \$50K to the initially proposed \$100K to the school’s Parent Teachers Organization (PTO) to fund off-campus learning and field trips.</p>	<p>OP supports this contribution to assist the school’s PTO’s fundraising efforts for the specific needs identified. According to DCPS’s website, the school is 87% Black with 52% of enrollees identified as At-Risk; 25% are special education students and 44% are in boundary. Assistance to PTOs with this student demographic would benefit the low-income students of the neighborhood who attend this school. This is also supportive of equity principles anticipated by the Comp Plan.</p>

	Comment	Applicant Response	OP Analysis
	<u>Public and Private Space Improvements</u>		
Community Comment:	The landscaping proposed on Maine Avenue adjacent to the Project did not rise to the level of a public benefit pursuant to 11-X DCMR § 305.5(b).	<p>The Applicant has proposed:</p> <ul style="list-style-type: none"> i) Approx. 3,524 sf of new landscaping in public space; and ii) Approx. 3,520 sf of additional new landscaping on private property where the building is setback, for a total of approximately 7,044 square feet of total landscape improvements. <p><u>Proposed improvements valued at approximately \$1M include:</u></p> <ul style="list-style-type: none"> - new trees and tree boxes, plantings and planting beds, bioretention areas, special and permeable paving, benches, and public art, and will be a significant upgrade from existing conditions. 	<p>OP supports the improvements as requested by the community. The additional landscaping of the site would be an improvement over what exists and what may be provided for a matter-of-right development.</p> <p>This amenity of the PUD is consistent with the goals anticipated under the SW Plan. (See Exhibit 69D)</p>
	<u>SW Plan Consistency</u>		
Community Comment:	The project is not consistent with the SW Plan’s visions	The Applicant has submitted another analysis to the record at Exhibit 69D	<p>OP is satisfied that the Applicant has thoroughly addressed this item in its recent submission, pointedly outlining where and how the goal that Maine Avenue provide an attractive transition from the Southwest neighborhood to the Wharf development is satisfied.</p> <p>OP continues to maintain that the project as amended is consistent with the SW Plan.</p>

Other notable benefits to mitigate impacts on the community include:

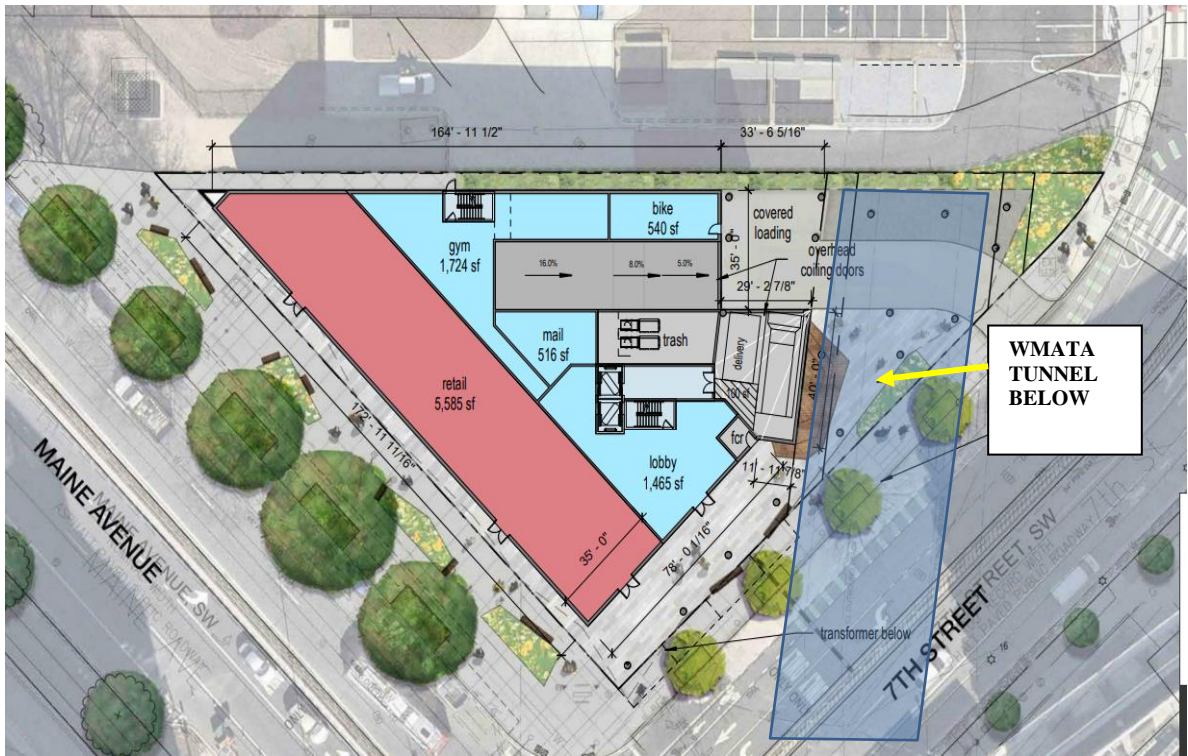
- **Construction Management Plan:** A CMP would be provided to address concerns regarding dust and truck traffic through the community during construction.
- **Bicycle Lane:** A protected bicycle lane would be designed, funded, and constructed on the west side of 7th Street, SW, between I Street and Maine Avenue, SW, as well as any infrastructure determined necessary by DDOT to manage the conflicts between buses and bicycles, subject to DDOT approval.

Appendix I: A: Ground Floor Comparison:
B: Unit Mix Comparison

APPENDIX I

A: Ground Floor Comparison

Ground Floor at Initial Public Hearing



Current Ground Floor Proposal as amended ([Exhibit 69A2 Sheet 31](#))



B **Initial Unit Mix:**

MFI LEVEL	Studio	1BR	2BR	3BR	Total
60%	6	13	2	4	25
50%	2	1	0	0	3
80%	1	1	0	0	2
Total IZ	9	15	2	4	30
Market	53	86	21	12	172
TOTAL Project	62	101	23	16	202

Unit Mix as amended ([Exhibit 69A2 Sheet 37](#))

MFI LEVEL	Studio	1BR	2BR	3BR	Total
60%	8	11	4	3	24
50%	1	0	0	0	1
Total IZ	9	11	4	3	27
Market	60	71	31	6	168
TOTAL Project	69	82	35	9	195