

**BEFORE THE ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA**

**807 Maine Avenue SW  
Lot 15 in Square 439-S**

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**Application for a Consolidated Planned Unit Development and  
Related Zoning Map Amendment**

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**Z.C. Case No. 22-11  
Statement of the Applicant**

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**May 13, 2022**

Submitted by:

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**Certification of Compliance**  
**with 11-Z DCMR § 401 of the Zoning Regulations**

Pursuant to Subtitle Z § 401.4, the undersigned, on behalf of MCRT Investments LLC, certifies that this Supplemental Filing in support of Zoning Commission Case No. 22-11 complies with the provisions of Subtitle Z § 401.1 of the 2016 Zoning Regulations of the District of Columbia, as set forth below. In accordance with Subtitle Z § 401.5, the application shall not be modified less than twenty (20) days prior to the public hearing.

<b><u>Subtitle Z Subsection</u></b>	<b><u>Description</u></b>	<b><u>Tab</u></b>
401.1(a)	Information requested by the Zoning Commission and the Office of Planning	Submitted herewith
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	B
401.1(c)	Written summary of testimony of all witnesses and resumes of expert witnesses	C
401.1(d)	Additional information introduced by Applicant	Submitted herewith
401.1(e)	Reduced plan sheets	None
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	D
401.1(g)	Estimated time required for presentation of Applicant's case	B
401.3(a)	Names and addresses of owners of all property within 200 feet of the PUD site	E
401.3(b)	Names and addresses of each person having a lease with the owner for all or part of any building located on the property involved in the application	N/A
401.8	Transportation memorandum prepared by Applicant's traffic consultant	To be submitted no later than 30 days prior to the hearing

Respectfully submitted,



Christopher S. Cohen  
Holland & Knight LLP

**List of Exhibits**

<b><u>Description</u></b>	<b><u>Tab</u></b>
Updated Landscape Plans	A
List of Witnesses Prepared to Testify on the Applicant's Behalf and Estimated Time Required for Presentation of Applicant's Case	B
Outlines of Testimony for Witnesses and Resumes of Expert Witnesses	C
List of maps, plans, or other documents readily available that may be offered into evidence	D
List of names and addresses of all owners of property within 200 feet of the PUD Site (plus two sets of mailing labels submitted separately)	E
Hearing Fee Calculator Form 116	F

## **I. INTRODUCTION**

This prehearing statement and accompanying documents are submitted on behalf of MCRT Investments LLC (the "Applicant") in support of its application to the Zoning Commission for the District of Columbia (the "Zoning Commission") for a consolidated planned unit development ("PUD") and a related Zoning Map amendment from the MU-12 to the MU-10 zone for property located at premises 807 Maine Avenue, SW and more particularly known as Lot 15 in Square 439-S (the "PUD Site").

This application is submitted in accordance with Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations, 11 DCMR (September 2016), as amended (the "Zoning Regulations").

## **II. SUMMARY OF APPLICATION**

The PUD Site is located in the northwestern portion of the Southwest-Waterfront neighborhood and currently is improved with an office building known as the Denvel D. Adams National Service and Legislative Headquarters for Disabled American Veterans. The character of the neighborhood surrounding the PUD Site is defined by a mix of uses, such as residential, retail, hotel, and a mix of densities, including medium- and high-density buildings, including The Wharf development to the south.

The Applicant proposes to redevelop the PUD Site with a new mixed-use development that will provide a total of approximately 204,457 square feet of gross floor area ("GFA") (8.64 FAR) and a maximum building height of 110 feet. The building will contain approximately 198,852 square feet of GFA devoted to residential use and approximately 5,585 square feet of GFA devoted to ground floor retail use (the "Project"). The Project includes an affordable housing proffer of 15% of the total residential GFA, with the majority of affordable units devoted to households earning no more than 60% of median family income ("MFI"). As further detailed below, the PUD will provide additional benefits and amenities, including environmental and sustainable benefits, superior architecture, streetscape and landscape improvements, and a public art feature.

The PUD Site will revitalize an underutilize site in a transit-oriented, mixed-use location in Southwest Washington, DC. Consistent with the racial equity objectives of the Comprehensive Plan, the proposed development will facilitate access to new market rate and affordable housing, employment, and retail opportunities for residents of the District.

## **III. SETDOWN RECOMMENDATION**

By report dated May 2, 2022, the Office of Planning ("OP") recommended setdown of the application. *See* Ex. 14. OP found that "[o]n balance, the project is generally not inconsistent with the Comprehensive Plan Elements and Map and the Southwest Neighborhood Plan." *Id.* at p. 1. At its public meeting of May 12, 2022, the Zoning Commission ("Commission") voted to schedule the case for a public hearing (4-0-1). The Commission concurred with OP's request that the Applicant should enhance its public benefits and amenities package. OP also made requests for additional information, which is provided in Section V below.

In addition to responses to comments from the Commission and OP, this Prehearing Submission also includes the information required by Subtitle Z § 401. Accordingly, the Applicant respectfully requests that the Commission schedule a public hearing for consideration of this application.

**IV. INFORMATION REQUESTED BY THE ZONING COMMISSION**

At its public meeting of May 12, 2022, the Commission reiterated OP's comments that the Applicant should develop a more comprehensive benefits and amenities package. The Applicant will continue to collaborate with OP, Advisory Neighborhood Commission 6D (“ANC 6D”), and the community to develop a benefits and amenities package that is commensurate with the flexibility requested. The Applicant’s final proffer of benefits and amenities for the PUD will be provided no less than twenty (20) days prior to the public hearing in accordance with 11-Z DCMR § 401.5 (the "20-Day Filing").

**V. INFORMATION REQUESTED BY THE OFFICE OF PLANNING**

The following chart identifies the Office of Planning's comments on the application and the Applicant's responses thereto.

<b>OP Comment</b>	<b>Applicant's Response</b>
1. The proposed benefits and amenities of the PUD should be increased.	The Applicant is working to enhance its benefits and amenities package and will continue to collaborate with OP and ANC 6D on this matter. Among other things, the Applicant is evaluating improvements to its sustainability improvements and commitments, and potential transportation infrastructure and open space improvements identified in the Southwest Neighborhood Plan. The Applicant will provide its final proffer of benefits and amenities for the PUD with its 20-Day Filing.
2. The Applicant should address how resilience strategies will be incorporated into the project.	The Applicant has incorporated several resilience strategies into the design of the proposed PUD, including strategies that are included in the Climate Ready DC Resilient Design Guidelines. The Applicant will look for opportunities to expand upon the resilience strategies included in the PUD as part of its continued evaluation of the PUD’s sustainability benefits. A detailed analysis of such resilience strategies with its 20-Day Filing.
3. The Applicant should maximize private outdoor space where possible and provide balconies or interior balconies for individual units.	While developing the proposed design, the Applicant carefully considered the provision of balconies for individual units. However, the PUD Site's unique shape, small land area, and adjacent constraints require the Applicant to balance opportunities for on-site, private open space with the interest in slightly larger average unit sizes. As discussed below,

	<p>these factors have informed the building's massing and design and, to an extent, prevent the inclusion of balconies.</p> <p>The PUD Site's advantageous location enables the Project to serve as a gateway into the Southwest-Waterfront neighborhood from the north (southbound on 7th Street) and from the west (eastbound on Maine Avenue). This potential, coupled with the unique shape of the PUD Site, has led to a building design that is three-sided in nature, but will function as a unified front façade. The "wave" nature of the massing helps break down the scale of the longer facades by limiting the apparent face of the elevations, but also creates a sense of movement around the entire building.</p> <p>The triangular configuration of the PUD Site also presents challenges with respect to the unit layout and the provision of balconies. Indeed, a "traditional" floor plan becomes especially difficult when trying to execute the "wave" dynamic of the façade. The Applicant has determined that the Project would benefit from incorporating larger, deeper units that offer additional indoor space. Further, balconies oriented towards Jefferson Middle School (to the north) may be disfavored due to privacy considerations.</p> <p>Furthermore, projecting balconies along Maine Avenue are prohibited under the D.C. Construction Code. The Applicant considered placing balconies on the 7th Street façade; however, doing so would undermine the desired "wave" aesthetic and the unified façade of the building. This is particularly true given the lack of balconies on the other two façade of the building. The Applicant's design team determined that integrating even only a nominal number of balconies on the 7th Street elevation would distract from the design concept and appear out of place.</p> <p>Of note, every unit will have large operable windows in living rooms and bedrooms that will provide residents with fresh air. Although the building does not include balconies, the design team has incorporated additional outdoor space at the ground level by setting back both the Maine Avenue and 7th Street ground floor facades. The setback on 7th Street is substantial in order to provide more outdoor space and cultivates a pedestrian-friendly environment in a location that lacks adequate sidewalk space. The Applicant is also providing a pool deck and other additional outdoor terrace</p>
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	<p>areas on the penthouse level that will be accessible to all residents of the Project.</p> <p>Finally, there are several outdoor areas that are in close proximity (i.e., walking distance) to the PUD Site, including Benjamin Banneker Park that is just a block to the west, the Southwest Duck Pond and Lansburgh Park. The Wharf development, which consists of various public recreation areas along the waterfront, is also immediately to the south of the PUD Site across Maine Avenue. Thus, residents of the Project will have immediate access to numerous public open spaces and recreation opportunities.</p>
<p>4. The requested design flexibility requests a 10% +/- difference in the number of dwelling units. This flexibility should not impact the number of or total square feet of IZ units that are provided in the PUD.</p>	<p>The Applicant confirms that the requested design flexibility will not impact the number of, or total square feet of IZ units provided in the PUD, and proposes the following revisions:</p> <ul style="list-style-type: none"> <li>To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, <b><u>so long as the total square footage reserved for inclusionary units (15% of the residential gross floor area) is not reduced, and</u></b> provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on the Plans.</li> </ul> <p><i>See Applicant's Statement in Support, Ex. 3, p. 8.</i></p>
<p>5. Additional information regarding the commissioned artwork should be provided prior to the public hearing. (See OP Setdown Report at p. 19.)</p>	<p>The Applicant is in the process of engaging a consultant to assist with the commissioned artwork and will provide more specifics to OP and the Commission with its 20-Day Filing.</p>
<p>6. Additional information regarding the plaza, including the commemorative artwork, seating arrangement, and materials should be provided prior to the public hearing. (See OP Setdown Report at p. 19.)</p>	<p>Provided under <u>Tab A</u> are the Applicant's updated landscape plans showing additional information regarding the plaza and the proposed streetscape elements, including locations for outdoor dining areas, seating, and bioretention plant beds. The Applicant is continuing to refine the plaza based on its discussions with ANC 6D and DDOT. The Applicant will provide a final version of the plaza with its 20-Day Filing.</p>

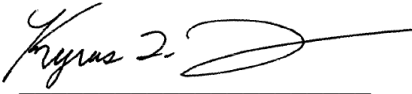


**VI. CONCLUSION**

This Prehearing Submission along with the original application meets the filing requirements for a consolidated PUD and related Zoning Map amendment, as required by Subtitle X, Chapter 3 and Subtitle Z of the Zoning Regulations. For the reasons set forth in the application and this Prehearing Submission, the Applicant respectfully requests that the Zoning Commission schedule a hearing on the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

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