

BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA

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

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

Statement of the Applicant

March 7, 2022

Submitted by:

HOLLAND & KNIGHT LLP
800 17th Street, NW, Suite 1100
Washington, D.C. 20006
(202) 955-3000
Kyrus L. Freeman, Esq.
Christopher S. Cohen, Esq.

Table of Contents

Development Team..... iii

Table of Exhibits..... iv

I. INTRODUCTION1

 A. PUD OVERVIEW1

 B. THE PUD SITE1

 C. DESCRIPTION OF THE SURROUNDING AREA1

 D. ZONING2

 1. Development Under Existing MU-12 Zoning2

 2. Development Under Proposed MU-10 Zoning2

 E. COMPREHENSIVE PLAN MAP DESIGNATIONS3

 F. SOUTHWEST NEIGHBORHOOD PLAN3

II. DESCRIPTION OF THE PROJECT4

 A. PROJECT SUMMARY4

 B. ZONING SUMMARY AND TABULATION OF DEVELOPMENT DATA4

 C. DESIGN APPROACH4

 D. CIRCULATION, PARKING, AND LOADING5

 E. STREETScape AND LANDSCAPE6

 F. SUSTAINABILITY6

 G. FLEXIBILITY UNDER PUD GUIDELINES6

 1. PUD Zoning Flexibility6

 2. PUD Design Flexibility7

III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS8

 A. PUD REQUIREMENTS UNDER SUBTITLE X, CHAPTER 3 OF THE ZONING REGULATIONS8

 1. Area Requirements under Subtitle X § 301.18

 2. Height and FAR Requirements Under Subtitle X §§ 303.3 and 303.78

 3. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(a)8

 4. Impacts of Project Under Subtitle X § 304.4(b)10

B.	PUBLIC BENEFITS AND PROJECT AMENITIES	12
1.	Housing (11-X DCMR § 305.5(f) and Affordable Housing (11-X DCMR § 305.5(g)).....	12
2.	Urban Design and Architecture ((11-X DCMR § 305.5(a)); Superior Landscaping (11-X DCMR § 305.5(b); and Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c))	13
3.	Environmental and Sustainable Benefits (11-X DCMR § 305.5(k)).....	14
4.	Streetscape Plans (11-X DCMR § 305.5(l)); Superior Landscaping, or Creation of Preservation of Open Spaces (11-X DCMR § 305.5(b)).....	14
5.	Commemorative Works or Public Art (11-X DCMR §305.5(d)).....	14
6.	Uses of Special Value to the Neighborhood or the District of Columbia as a Whole (11-X DCMR §305.5(q)).....	14
IV.	APPLICANT’S OUTREACH TO COMMUNITY, OFFICE OF PLANNING, AND OTHER DISTRICT AGENCIES	14
V.	CONCLUSION.....	15

Development Team

Applicant: MCRT Investments LLC
6701 Democracy Boulevard
Suite 500
Bethesda, MD 20817

Architect: SK + I Architecture
4600 East-West Hwy
Bethesda, MD 20841
Washington, DC 20005

Traffic Consultant: Gorove Slade
1140 Connecticut Avenue, NW
Suite 600
Washington, D.C. 20036

Landscape Architect: LandDesign, Inc.
200 S Peyton Street
Alexandria, VA 22314

Civil Engineer: Bowman Consulting
888 17th Street, NW
Suite 510
Washington, DC 20006

Dry Utility Consultant: 12216 Parklawn Drive
Suite 200
Rockville, MD 20852

Land Use Counsel: Holland & Knight LLP
800 17th Street, NW
Suite 1100
Washington, DC 20006

Table of Exhibits

<u>Description</u>	<u>Exhibit</u>
Architectural Plans and Drawings for Consolidated PUD Application (the “Plans”)	Submitted Separately
Authorization Letters	A
Form 100 – Application Signature Page	B
Certified Surveyor’s Plat	C
Portion of Zoning Map Showing Existing Zoning for PUD Site	D
Portion of Zoning Map Showing Proposed Zoning for PUD Site	E
Portion of Future Land Use Map	F
Portion of Generalized Policy Map	G
Evaluation of Consistency with Comprehensive Plan	H
Certificate of Notice, Notice of Intent (NOI), and List of Owners of Property with 200 feet of the PUD Site	I

I. INTRODUCTION

This statement and attached documents are submitted by MCRT Investments LLC (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia (the “Commission”) for approval of a consolidated planned unit development (“PUD”) and a related Zoning Map amendment. 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”).

A. PUD Overview

As detailed herein, the Applicant proposes to construct 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 a significant affordable housing proffer (15% of the total residential GFA), with a majority of the affordable units set aside at 60% of the median family income (“MFI”).

B. The PUD Site

The subject property is an irregular, triangular shaped parcel located in the southwest quadrant of the District located at premises 807 Maine Avenue, SW and more particularly known as Lot 15 in Square 439-S (the “PUD Site”). The PUD Site contains approximately 23,664 square feet (\pm 0.54 acres) of land area, and is generally bounded by 7th Street on the east, Maine Avenue to the south,¹ and the Thomas Jefferson Middle School Academy to the north/northwest. To the southwest the PUD Site are three lots that are owned by the District of Columbia that are not included in the PUD Site – e.g., Lots 812 (abutting), 813, and 814 (abutting) in Square 439-S. Accordingly, any proposed improvements on any of these lots are subject to District approval.

The PUD Site’s immediate surroundings, which are further detailed below, include the Goddard School of Washington DC and the Banks Apartments to the east, across 7th Street, and The Wharf and the Capitol Square PUDs to the south, across Maine Avenue.² The PUD Site currently is improved with an office building known as the Denvel D. Adams National Service and Legislative Headquarters for Disabled American Veterans.

C. Description of the Surrounding Area

The PUD Site is located in the northwestern portion of the Southwest-Waterfront neighborhood, which is generally bordered by the Francis Case Memorial bridge to the west, the Southwest Freeway to the north, and the Navy Yard neighborhood to the east. The PUD Site is generally surrounded by a mix of residential and non-residential uses. The character of the area

¹ In between the PUD Site and Maine Avenue lies District-owned property known as Lot 814 in Square 439-S.

² The Wharf was the subject of ZC Case Nos. 11-03 and 11-03A – J; Capitol Square was the subject of ZC Case No. 98-10.

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. Further to the west, along Maine Avenue, is Benjamin Banneker Park and the site of the proposed PUD being processed as Z.C. Case No. 22-04.³ A medium-density condominium building exists to the northeast of the PUD Site across 7th Street (i.e., Town Square Towers).

The PUD Site is also well-served by public transit options. The L'Enfant Plaza Metrorail station is located approximately 0.5 miles to the north of the PUD Site and services the Blue, Orange, Silver, Green, and Yellow lines. In addition, the Waterfront Metrorail is located approximately 0.4 miles to the southeast of the PUD Site and services the Green line. Both stations are approximately 0.5 miles away about a 10-minute walk from the PUD Site. The PUD Site also is served by the 52 and 74 Metrobus routes.

D. Zoning

1. Development Under Existing MU-12 Zoning

The PUD Site is currently zoned Mixed Use (MU)-12, as shown on the current zoning map attached as Exhibit D. The MU zones provide for mixed use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities. 11-G DCMR § 100.1. The MU zones are also designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers. 11-G DCMR § 100.2. The purposes of the MU Zones are, among other things, to: (i) reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses; (ii) encourage safe and efficient conditions for pedestrian and motor vehicle movement; and (iii) preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities. 11-G DCMR § 100.3.

Specifically, the MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront. 11-G DCMR § 500.3. The maximum permitted density in the MU-12 zone is 2.5 FAR, with up to 3.0 FAR for IZ projects, and with a maximum non-residential FAR of 1.0. 11-G DCMR § 502.1. The maximum permitted building height, in the MU-12 zone is 45 feet, with up to 50 feet for IZ projects. 11-G DCMR § 503.1. The MU-12 zone permits a maximum penthouse height of 12 feet and one story, except 15 feet and a second story is allowed for mechanical space. 11-G DCMR § 503.2. The maximum permitted lot occupancy for residential use in the MU-12 zone is 80%. 11-G DCMR § 504.1.

2. Development Under Proposed MU-10 Zoning

The Applicant proposes to rezone the PUD Site to the MU-10 zone, as shown on the proposed zoning map attached as Exhibit E. Some of the specific goals of the MU-10 zone are to: (a) permit medium- to high-density mixed-use development with a balance of uses conducive to a

³ This PUD application proposes approximately 498 new residential units above approximately 22,600 of ground-floor retail use.

higher quality of life and environment for residents, businesses, employees, and institutions; (b) be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality; and (c) require a level of public space at the ground level. 11-G DCMR § 400.9.

The matter-of-right permitted density in the MU-10 zone is 6.0. with up to 7.2 FAR for IZ projects, and with a maximum non-residential FAR of 3.0. 11-G DCMR § 402.1. The maximum permitted building height in the MU-10 zone is 110 feet and no limit on the number of stories. 11-G DCMR § 403.1. The MU-10 zone permits a maximum penthouse height of 20 feet and one story plus a mezzanine, except a second story is allowed for mechanical space. 11-G DCMR § 403.3. The maximum permitted lot occupancy for residential use in the MU-10 zone is 75%, and 80% for IZ projects. 11-G DCMR § 404.1. In the MU-10 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17. 11-G DCMR § 408.1.

For a PUD the MU-10 zone permits a maximum FAR of 8.64, with up to 4.02 FAR permitted for non-residential use, and a maximum building height of 110 feet. 11-X DCMR §§ 303.3, 303.4, and 303.7.

E. Comprehensive Plan Map Designations

As shown on the Comprehensive Plan Future Land Use Map (“FLUM”) attached hereto as Exhibit G, the PUD Site is designated as Mixed Use (Medium Density Commercial / Medium Density Residential). According to the Framework Element of the Comprehensive Plan, the Mixed Use designation is indicated “where the mixing of two or more land uses is especially encouraged.” 10A DCMR § 227.20. Moreover, the Mixed Use designation generally applies in circumstances involving development that includes residential uses, particularly affordable housing ... typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses.” 10A DCMR § 227.20.

As shown on the Generalized Policy Map attached hereto as Exhibit H, the PUD Site is designated as a Neighborhood Conservation Area. The guiding philosophy for Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. 10A DCMR § 225.5.

As set forth below in Section A.3 and further detailed in the Applicant’s “Evaluation of Consistency with the Comprehensive Plan” (Exhibit H), the proposed MU-10 zone is not inconsistent with the PUD Site’s designations on the FLUM and GPM. The proposed MU-10 zone facilitates development and permits uses that are appropriate for the PUD Site, compatible with the surrounding neighborhood, and consistent with District policies and planning objectives.

F. Southwest Neighborhood Plan

In addition to the Comprehensive Plan, the PUD Site is within the boundaries of and subject to the policies set forth in the Council-approved Southwest Neighborhood Plan (the “SW Plan”), which is the Small Area Plan applicable to the PUD Site. As further addressed below and analyzed

in the Applicant’s “Evaluation of Consistency with the Comprehensive Plan” (Exhibit H), the proposed PUD advances the goals and policies outlined in the SW Plan.

II. DESCRIPTION OF THE PROJECT

A. Project Summary

As shown on the enclosed Architectural Plans and Elevations submitted herewith (the “Plans”), the Applicant proposes to redevelop the PUD Site with a mixed use building consisting of approximately 204,457 square feet of GFA devoted to residential and retail uses. The Project will provide approximately 207 new residential units above approximately 5,585 square feet of ground-floor retail space. Approximately 30,044 square feet of GFA will be set aside for affordable housing, which amounts to 15% of the overall residential GFA. The proposed building will achieve a maximum height of 110 feet (11 stories), plus a 20-foot penthouse that will consist of residential units, amenity space, and a second story for mechanical space. The roof level will also include a pool and terrace. The Project will include a two-level underground garage consisting of 70 spaces.

As further detailed below, the Project is designed to activate the streetscape along 7th Street and Maine Avenue. The double-height ground floor will be set back approximately 6 feet from the PUD Site’s lot line on Maine Avenue and approximately 20 feet from the PUD Site’s lot line along 7th Street, and will result in a plaza that includes public art, terraced seating, and other improvements. Residents and visitors will be able to access the main lobby from 7th Street.

B. Zoning Summary and Tabulation of Development Data

The Tabulation of Development Data for the Consolidated PUD is on Sheet 004 of the Plans submitted herewith. The Project complies with all of the development standards set forth in the MU-10 zone in Subtitle G of the Zoning Regulations (i.e., height, side yard, rear yard, lot occupancy, courts, and green area ratio (“GAR”)), with the following exceptions: (1) the Applicant proposes a lot occupancy of 88.7%, although a maximum of 80% is permitted, in order to accommodate the proposed bay projections; (2) the Applicant proposes a minimum side yard of five (5) feet, although a maximum of 18.33 feet is required, due to the irregular, triangular shape of the PUD Site, as well as the existence of a WMATA easement on the northern side yard between the Project and the adjacent school property to the north; and (3) the Applicant proposes a rear yard of seven (7) feet, although 22.92 feet is required, also due to the irregular, triangular shape of the PUD Site. These deviations are described in detail in Section I.G.1 below. In addition, the Project meets or exceeds the minimum requirements for vehicle parking, bicycle parking, and loading.

For the PUD site, the overall permitted density is 8.64 square feet, and the Project provides a density of 8.40 FAR, thus below the maximum permitted FAR.

C. Design Approach

The design approach is focused on creating a dynamic, sustainable, and signature building that leverages the visible location and irregular configuration of the PUD Site. As detailed above, the PUD Site is relatively small and irregular triangular site, but is well-positioned as a potential

gateway entrance to the Southwest-Waterfront neighborhood from the west – i.e., the approach along Maine Avenue, and from the north – i.e., the approach along 7th Street. Accordingly, the Applicant’s goal is to create an integrated and visually appealing three-sided building that is engaging from every approach, but is also appropriately scaled and approachable to foster a comfortable pedestrian experience. The design elements implemented to achieve this effect are further detailed below.

The base of the building is double height around the entire ground floor and will be activated by retail and residential amenity uses. The proposed building is setback an additional 6 feet along the Maine Avenue street section to provide additional space for outdoor pedestrian and retail use. The additional 20-foot setback along 7th Street is even more significant, as this will allow for a significant expansion of this existing street section that is currently very tight and narrow. Thus, the proposed setbacks reflect deliberate efforts to enhance pedestrian circulation on the PUD Site and establish continuity with the streetscape on Maine Avenue. In addition to facilitating a walkable community, the proposed setbacks also provide additional room for new public space elements to be integrated with new landscaping and potential art installations.

Above the ground level the building is horizontally differentiated by three, three-level building forms, which serve to break down the building height into smaller, more pedestrian-friendly proportions. Within this horizontal expression, the Applicant has articulated the building such that the corners produce an interlocked wave that peaks visual interest at every major corner of the Project. This wave also creates a context-sensitive design that relates to the shape of the PUD Site, but also to the Potomac River directly to the south. The wave design is also intended to overcome the PUD Site’s limitations, which result in shorter façades along the prime elevations. The interlocking wave is intended to convey the impression that the building is ever-changing, and creates a minimalist aesthetic that prevents each façade of the building from feeling too overbearing or repetitive. Furthermore, the tone-on-tone coloring and change in material pattern within the façade help to subtly emphasize the changing elements and accentuate the fluid nature of the building.

This combination of design strategies at the base and core of the building will ultimately produce a simple, integrated, and dynamic mixed-use building. Thus, the design approach ensures that the Project maximizes the advantages and overcomes the disadvantages of the PUD Site, creates visual interest, and effectively welcomes motorists and pedestrians from the west and north approaches to the Southwest-Waterfront.

D. Circulation, Parking, and Loading

The proposed circulation, parking, and loading for the Project is designed to limit impacts to surrounding properties and to leverage existing infrastructure. The Project will utilize an existing curb cut off on 7th Street that will enable access to loading facilities and two levels of below-grade parking. The Project has been designed such that all loading turn movements can occur within the building. Moreover, the Project includes a service delivery space to accommodate smaller deliveries. The Project will provide approximately 70 parking spaces, 40% of which will be configured for compact vehicles. The parking garage at the first level of the building will provide immediate access to long-term bicycle storage. The Project will provide 68 long-term bicycle parking spaces and 16 short-term bicycle spaces in accordance with the residential and

retail use requirements of Subtitle C § 802.5. Furthermore, in accordance with the loading regulations in Subtitle C, Chapter 9, the Project will provide one loading berth (30' x 20' x 200 sq. ft.) accompanied by an adjacent service platform in an internal loading area that will support residential and retail loading and trash/recycle operations.⁴

E. Streetscape and Landscape

As shown on Sheets L2, L4, and L7 of the Plans, the streetscape and landscape features proposed for the Project will enhance the existing pedestrian environment. Importantly, such improvements will be provided in accordance with DDOT standards. Improvements include bike racks, benches along planters, a potential public art installation, sculptural seating, and an on-site plaza near the entrance to the main residential lobby. Special paving and tree boxes also will be installed to distinguish the Project site from other neighboring properties and foster a safe and inviting pedestrian environment alongside the ground-floor retail. Furthermore, with the inclusion of approximately 8,092 square feet of vegetated or “green” roof space, the Project will achieve a minimum GAR of 0.2.

F. Sustainability

The building will be designed to satisfy the LEED-H Multifamily Midrise v4 Gold rating level. The Project will implement a holistic and integrative approach to sustainable design strategies. Some of the sustainable elements proposed for the Project include innovative storm water management techniques, high performance mechanical and ventilation systems, high performance building envelope systems. The LEED Scorecard is on Sheet 041 of the Plans.

G. Flexibility Under PUD Guidelines

Under the Zoning Regulations, a PUD-related Zoning Map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD. 11-X DCMR § 303.12. As discussed above in Section I.E.2, the Applicant is seeking to rezone the PUD Site to the MU-10 zone.

In addition to the requested rezoning, the Applicant also seeks technical and design flexibility to enable construction of the Project as proposed, as further detailed below.

1. PUD Zoning Flexibility

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. In this application, the Applicant has attempted to comply with all requirements and/or permissions in the Zoning Regulations applicable to the MU-10 zone; however, the Applicant requests technical flexibility for the following:

- **Maximum Lot Occupancy.** The Applicant seeks flexibility from the maximum lot occupancy permitted for residential use in the MU-10 zone, which is 80%. For this

⁴ Pursuant to Subtitle C § 901.8, where two (2) or more uses share a building or structure, the uses may share loading as long as internal access is provided from all shared uses requiring loading.

Project, the Applicant proposes a lot occupancy of 88.7% to accommodate the proposed bay projections.

- **Minimum Side Yard.** The Applicant seeks flexibility from the minimum side yard requirement applicable to the Project. Pursuant to Subtitle C § 406.1, the Project must provide a minimum side yard of 18.33 feet; however, the Applicant proposes a side yard of only five (5) feet to overcome the irregular, triangular shape of the PUD Site, as well as constraints posed by the WMATA easement on the northern side yard between the PUD Site and the Jefferson Middle School Academy.
- **Minimum Rear Yard.** The Applicant seeks flexibility from the minimum rear yard requirement applicable to the Project. Pursuant to Subtitle C §§ 405.3 and 405.7, the Project must provide a minimum rear yard of 22.92 feet; however, the proposed building will provide a rear yard of only seven (7) feet to overcome the irregular, triangular shape of the PUD Site.

2. PUD Design Flexibility

In addition, the Applicant has made every effort to provide a level of detail that conveys the architectural significance of the Project and only requires minimal flexibility from the requirements of the Zoning Regulations. Nonetheless, some flexibility is necessary to address potential issues that arise during construction and other issues that cannot be anticipated at this time. Design flexibility is commonly granted with PUD approvals because it enables efficient development of the Project despite potential changes in market demands, opportunities, and/or constraints. Thus, the Applicant requests flexibility in the following areas:

- Number of Dwelling Units. To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%);
- Interior Components. To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
- Garage Configuration. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
- Exterior Materials. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed by the Plans;
- Exterior Details. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railing, and skylights;

- Signage. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Plans;
- 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 location and proportionate mix of the inclusionary units will substantially conform to the layout shown on the Plans;
- Streetscape Design. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division; and
- Sustainable Features. To vary the sustainable elements of the Project, provided the total number of LEED points achieved by the PUD does not decrease below the minimum number specified by the order, and further provided that the Project meets the minimum 0.2 GAR requirement required under 11-G DCMR § 407.3.

III. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS

A. PUD Requirements Under Subtitle X, Chapter 3 of the Zoning Regulations

1. Area Requirements under Subtitle X § 301.1

The PUD site is approximately 23,664 in land area, or 0.54 acres. The Zoning Regulations require a minimum land area of 15,000 square feet for a PUD in the MU-10 zone. 11-X DCMR § 301.1. Thus, the PUD application complies with the minimum area requirements.

2. Height and FAR Requirements Under Subtitle X §§ 303.3 and 303.7

The Project has been evaluated under the PUD guidelines for the MU-10 zone. A PUD in the MU-10 zone permits development of up to 8.64 FAR, of which no more than 4.02 FAR may be devoted to non-residential use, and a maximum height of 110 feet. 11-X DCMR §§ 303.3 and 303.7. The proposed mixed use building will have a total FAR of 8.64, of which 0.24 will be devoted to non-residential use. The maximum building height will be 110 feet as measured to the highest point of the roof or parapet in accordance with Subtitle B § 307.6. Accordingly, the Project complies with the FAR and height guidelines for a PUD in the MU-10 zone.

3. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(a)

The proposed PUD advances the purposes of the Comprehensive Plan, is consistent with the PUD Site’s designation on the FLUM (Exhibit F) and the Generalized Policy Map (“GPM”) (Exhibit G), complies with the guiding principles in the Comprehensive Plan, and further a number of major elements of the Comprehensive Plan. Overall, the proposed PUD is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens.

The FLUM designates the PUD Site as Mixed Use (Medium Density Commercial / Medium Density Residential). For areas with a Mixed-Use designation, the general density and intensity of development is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other, the FLUM may note the dominant use by showing it at a slightly higher density than the other use in the mix. The Comprehensive Plan Area Elements may also provide detail on the specific uses envisioned. 10A DCMR § 227.21. The proposed mixed use building, which will consist of both residential and retail components, is not inconsistent with the PUD Site's FLUM Designation. In addition, the Applicant's proposal to rezone the PUD Site to MU-10 is not inconsistent with the FLUM designation given that "many Mixed Use areas may have MU zoning." 10A DCMR § 227.23. The Framework Element also expressly states that the "MU-10 Zone District [is] consistent with the Medium Density [Commercial] category." 10A DCMR § 227.12. Furthermore, MU-10 zones are "intended to permit medium- to high-density mixed-use development with a balance of uses[.]" 11-G DCMR § 400.9(a). Indeed, the proposed rezoning will facilitate a redevelopment of the PUD Site with a mixed-use building that aligns with a stated purpose of the MU-10 zone. The proposed redevelopment will also bring significant improvements to the public streetscape at the ground level, furthering another intent of the MU-10 zone. *See* 11-G DCMR § 400.9(c). In light of the foregoing, the proposed PUD and related map amendment is not inconsistent with the FLUM.

The GPM identifies the PUD Site within a Neighborhood Conservation Area. The guiding philosophy for Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the FLUM and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. 10A DCMR § 225.5. The proposed PUD-related map amendment the MU-10 Zone District will help implement the policies embodied in the GPM by allowing for a new residential development that is not inconsistent with the densities prescribed by the FLUM and fits in well with surrounding development patterns and land uses.

As mentioned above, the PUD Site is within the boundaries of and subject to the policies set forth in the SW Plan, which is the Small Area Plan applicable to the PUD Site. Small Area Plans are prepared with community input, to provide more detailed planning guidance, and typically are approved by resolution of the Council. Unless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the Comprehensive Plan. 10A DCMR § 224.5. Similar to the Lower Anacostia Waterfront / Near Southwest Area Element of the Comprehensive Plan, the SW Plan emphasizes the need for varied housing choices and economic and racial diversity. The SW Plan also promotes enhanced neighborhood-serving retail; public realm updates, including sidewalk and bicycle infrastructure improvements; and open space and community facility improvements.

A detailed discussion of the Project’s compliance with the Comprehensive Plan, including the Citywide Elements, the Lower Anacostia Waterfront/Near Southwest Area Element, and the SW Plan, is provided in the evaluation attached as Exhibit H.

4. Impacts of Project Under Subtitle X § 304.4(b)

Pursuant to Subtitle X § 304.4(b), the Zoning Commission shall find that the proposed development does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities, but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project. Overall, the Project will have a favorable impact on the surrounding area and the larger Southwest Waterfront neighborhood. The proposed redevelopment of the PUD Site will transform an underutilized office site into a mixed use community that is compatible with immediate and surrounding uses. The Project also involves critical improvements to the adjacent streetscape, significantly improving conditions for pedestrian, vehicular and bicycle traffic. The Project will benefit the area by contributing approximately 207 residential units, including affordable housing units, in an area designated for medium density uses.

Additional potential impacts of the Project are further analyzed below, by topic area:

- **Land Use.** The Project will result in a more efficient and economical use of underutilized land. As mentioned above, the PUD Site is currently improved with an office building. As the long-term effects of the COVID-19 pandemic begin to settle, and the traditional, “in-person” five-day work week continues to evolve, the existing office building at the PUD Site will become increasingly antiquated. As such, the PUD Site’s current use does not maximize its close proximity to transit and is incompatible with surrounding uses, particularly the family-friendly amenities provided by The Wharf. The Project includes substantial new housing (market-rate and affordable) that is appropriate for the PUD Site given the District’s planning goals. Thus, potential impacts to land use are favorable.
- **Transportation.** The proposed development will not have a detrimental impact on the surrounding transportation network. Importantly, the Applicant is not proposing any new curb cuts to the enable new forms of access or egress to or from the Property. Accordingly, current transportation patterns along the abutting public rights-of-way – i.e., 7th Street and Maine Avenue – will not be significantly altered. Any potential adverse impacts can be mitigated through implementation of a transportation demand management (“TDM”) plan. The Applicant is preparing a Comprehensive Transportation Review, which will include an evaluation of TDM measures and will submit to those to DDOT and the Commission in accordance with 11-Z DCMR § 401.8. The Applicant will also continue to work with the community to address the traffic considerations. Thus, potential impacts to transportation are acceptable given the quality of public benefits or capable of being mitigated.
- **Housing.** The Project will have a positive impact on housing, providing approximately 207 new housing units where no housing is currently provided.

Moreover, the 15% of the residential gross floor area (approximately 29,828 square feet) will be set aside for affordable housing, which is well above that required under the IZ program and well-above that provided by recently approved, unsubsidized PUDs. The Project also does not involve the demolition of existing housing or displacement of existing residents. Thus, potential impacts to housing are favorable.

- **Environmental Protection.** The Project is designed to LEED-H Multifamily Midrise v4 Gold rating level and will transform a dated office building with a sustainable mixed-use development. The Project also includes new bio-retention and intensive green roof areas. Thus, potential impacts to the environment are favorable.
- **Economic Development.** The PUD will result in the redevelopment of an underutilized site in a transit-oriented location that also is well-positioned to complement uses within the immediate area. An influx of residents will support the diverse range of existing commercial and retail uses of The Wharf development and further establish the Southwest-Waterfront neighborhood as a preeminent community in the city. Additionally, the PUD has the potential to accommodate new, neighborhood-serving retail uses, which will lead to new employment opportunities and additional tax revenues for the District. Thus, potential impacts to the economy are favorable.
- **Urban Design.** The Project reflects a high-quality, context-sensitive design that leverages an opportunity to make an architectural statement on a corner lot (located at the intersection of 7th Street and Maine Avenue), yet remains respectful of surrounding uses. Through the use of façade undulation and significant ground level setbacks, the massing of the building will not create an undesirable “superblock” along Maine Avenue or 7th Street. The double-height ground floor plaza will also create a hospitable environment for residents and visitors of the Project, and distinguish the PUD from The Wharf buildings on the south side of Maine Avenue. Furthermore, the Applicant’s shadow studies indicate that the proposed construction will have minimal impact on neighboring properties, particularly Jefferson Middle School Academy to the north. *See Plans, Sheets 038-040.* Thus, potential impacts to urban design are favorable or acceptable given the quality of public benefits.
- **Community Services and Facilities.** The Applicant does not anticipate any adverse impacts to community services and facilities. Residents and visitors of the Project are likely to utilize the tennis courts and/or the baseball field located on Jefferson Field. This type of activity is desirable, as it will increase opportunities for community engagement and interaction. Thus, any potential impacts are favorable or acceptable given the quality of public benefits.
- **Educational Facilities.** The Applicant does not anticipate any adverse impacts to educational facilities. The PUD Site falls within the following DCPS boundaries:

Amidon-Bowen Elementary School, Jefferson Middle School Academy, and Eastern High School, which have utilization rates of 79%, 65%, and 67%, respectively.⁵ Any potential impacts to educational facilities are therefore favorable or acceptable given the quality of public benefits.

- **Infrastructure.** The Project results in significant infrastructure improvements with the construction of new sidewalks along Maine Avenue and 7th Street, NW. Thus, any potential impacts to infrastructure are therefore favorable or acceptable given the quality of public benefits.

B. Public Benefits and Project Amenities

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as “superior features of a proposed planned unit development that benefit the surround neighborhood or the public in general to a significantly greater extent than would likely result from the development of the PUD Site under the matter-of-right provisions[.]” 11-X DCMR § 305.2. A project amenity is further defined as “one type of public benefit, specifically a functional or aesthetical feature of the proposed development that adds attractiveness, convenience, or comfort of the project for occupants and immediate neighbors.” 11-X DCMR § 305.10. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to “judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11-X DCMR § 304.3. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with a furthering of the policies and goals of the Comprehensive Plan.

The Project will help achieve several goals of the PUD process by creating a mixed-income, sustainable development with a thoughtful, high-quality design that provides important neighborhood amenities. These and the other significant public benefits and amenities, described in more detail below, reflect and implement the goals of the PUD process, enhance the surrounding community, and benefit the District.

1. Housing (11-X DCMR § 305.5(f) and Affordable Housing (11-X DCMR § 305.5(g))

The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the FLUM. Overall, the Project will replace an underutilized office site with approximately 207 units. This amount of housing exceeds the amount that would have been provided if the PUD Site was developed as a matter-of-right under the existing MU-12 zoning, which permits an FAR of only up to 2.5 (3.0 with IZ) and allows a maximum height of 45 feet (50 feet with IZ). *See* 11-X DCMR § 305.5(f)(1); *see also* 11-G DCMR §§ 502.1 and 503.1.

The Applicant will set aside approximately 15% of residential GFA, or approximately 31,000 square feet, as affordable units for households earning no more than 60% of MFI (50% MFI for any penthouse-generated IZ requirement). The Applicant’s 15% proffer will help foster a

⁵ *See* DCPS SY2020-21 Enrollment Data, *available at:* <https://dme.dc.gov/node/1573491>.

mixed-income community on a site where no housing currently exists and that is within close proximity to transit and numerous amenities.

In addition, the Applicant's 15% affordable housing proffer represents a substantial increase in the amount of affordable residential floor area when compared to the base amount of affordable housing that would be required for a matter-of-right development in the MU-12 zone. *See* 11-X DCMR § 305.5(g) ("Affordable housing; except that affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C, Chapter 10, shall not be considered a public benefit except to the extent it exceeds what would have been required through matter-of-right development under existing zoning.") Specifically, a matter-of-right redevelopment of the site under the existing MU-12 zoning with a similar amount of ground floor retail space would require approximately 8,874 square feet of GFA devoted to affordable housing. **As such, the Project will provide over three times more affordable housing than under existing zoning.** Furthermore, the Applicant's affordable housing proffer is greater than the maximum set aside that would be required under the recently adopted IZ Plus regulations if the PUD site was redevelopment under an MU-10 map amendment.

Thus, the Project will produce a significant amount of new housing, including dedicated affordable housing, to the PUD Site in a manner that exceeds what would occur via by-right development or an IZ Plus scenario, and is consistent with the District's housing objectives.

2. Urban Design and Architecture ((11-X DCMR § 305.5(a)); Superior Landscaping (11-X DCMR § 305.5(b); and Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c))

As detailed above in Section II.C, the Project is designed to be compatible with the overall neighborhood and reflects a superior design. The use of high-quality building materials (*see* Sheet 018 of the Plans), coupled with the implementation of certain architectural nuances – e.g., undulation and ground-floor setbacks, will result in an attractive building that will revitalize an underserved, yet prime location. As illustrated by the Plans, the proposed building will significantly enhance the northwest corner of the Maine Avenue / 7th Street intersection, and will create visual interest from three primary approach points toward The Wharf.

In addition to integrating a thoughtful urban design, the Project will replace underutilized land – at a prime location, nonetheless – with a mixed-use development providing residential and ground floor retail use. The existing office building is incompatible with the surrounding area and neighboring uses. The replacement of underutilized sites constitutes a significant benefit because it will enhance safety, result in aesthetic improvements to the community, and accommodate uses that will better complement the surrounding community and better align with the goals of the Comprehensive Plan. More specifically, the PUD Site's current MU-12 zoning is inconsistent with the PUD Site's FLUM designations as Mixed Use (Medium Density Residential / Medium Density Commercial).⁶ Accordingly, the PUD will result in a much more efficient and economical use of

⁶ As further detailed in the Evaluation of Consistency with the Comprehensive Plan (Exhibit H), the MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront, which is inconsistent with the PUD Site's FLUM designation.

the PUD Site, providing an appropriate mix of residential and non-residential uses that achieve the District's planning objectives.

3. Environmental and Sustainable Benefits (11-X DCMR § 305.5(k))

The Project is designed to LEED-H Multifamily Midrise v4 Gold rating level. *See Sheet 041* of the Plans. The sustainable elements proposed for the Project include, but are not limited to, energy and water efficiency measures, the use of environmentally preferable products, and the implementation of indoor air quality controls and enhancements.

4. Streetscape Plans (11-X DCMR § 305.5(l)); Superior Landscaping, or Creation of Preservation of Open Spaces (11-X DCMR § 305.5(b))

The Applicant is focused on creating a safe and pedestrian-friendly streetscape. The proposed streetscape improvements are intended to leverage the PUD Site's corner location and complement the energy and activity of The Wharf, but provide a comfortable space for pedestrians and patrons of the Project's ground-floor retail. In addition, the on-site plaza will provide opportunities for community interaction and enliven 7th Street. Importantly, the on-site plaza will also foster a hospitable environment where the building is oriented towards the Goddard School and the Banks Apartments to the east. The landscape improvements associated with the Project, such as the 8,092 square feet that will be allocated to an intensive green roof, are also commendable.

5. Commemorative Works or Public Art (11-X DCMR §305.5(d))

The Applicant will commission artwork to be installed in the on-site plaza. The Applicant will engage with the ANC to help determine the process and artist selection of the art installation. Information on the specific location, medium and process for commissioning the art piece will be provided prior to the public hearing on the application.

6. Uses of Special Value to the Neighborhood or the District of Columbia as a Whole (11-X DCMR §305.5(q))

The Applicant is continuing to engage with the ANC to identify any additional uses of special value are needed in the neighborhood, and will submit a final list of proffers prior to the public hearing on this application.

IV. APPLICANT'S OUTREACH TO COMMUNITY, OFFICE OF PLANNING, AND OTHER DISTRICT AGENCIES

Pursuant to 11-Z DCMR § 300.7, the Applicant mailed a Notice of Intent ("NOI") to file subject application to the owners of all property within 200 feet of the perimeter of the PUD Site as well as to ANC 6D on December 8, 2021, more than 45 days prior to the date of this application. Within the 45-day notice period, the Applicant presented the proposed PUD to ANC 6D at its duly-noticed, regularly scheduled public meeting on February 14, 2022. In addition, the Applicant has presented to project to ANC 6D's Executive Committee, and has met with the affected Single-Member District Representative for the PUD Site (ANC 6D-01), Dr. Majorie Lightman. The

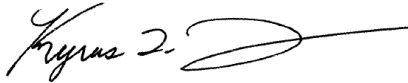
Applicant will continue to work with the Office of Planning, DDOT, the ANC, and other stakeholders throughout the PUD process.

V. CONCLUSION

For the foregoing reasons, the Applicant submits that the PUD plan meets the standards of Subtitle X, Chapter 3 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be approved by the Zoning Commission. Accordingly, the Applicant requests that the Zoning Commission approve the PUD application and the concurrent change in zoning.

Respectfully submitted,

HOLLAND & KNIGHT LLP
800 17th Street, NW, Suite 1100
Washington, D.C. 20006
(202) 955-3000

By: 
Kyrus L. Freeman

By: 
Christopher S. Cohen