



Southwest / Navy Yard / Buzzard Point Advisory Neighborhood Commission 6D

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September 21, 2022

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Jared Weiss
Treasurer
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Anthony Hood, Chairman
Commissioners May, Miller, and Imamura
DC Zoning Commission
441 4th St. NW, Suite 200S
Washington, DC 20001

Via email: zcsubmissions@dc.gov

RE: Report on ZC Case 22-06, PUD at 899 Maine Ave., SW

Dear Chair Hood and Commissioners:

COMMISSIONERS

SMD 1 *Marjorie Lightman*
SMD 2 *Jared Weiss*
SMD 3 *Ronald Collins*
SMD 4 *Andy Litsky*
SMD 5 *Fredrica Kramer*
SMD 6 *Rhonda Hamilton*
SMD 7 *Edward Daniels*

ANC 6D, at a duly noticed public meeting on September 21, 2022, with a quorum present, a quorum being four Commissioners, **voted 7-0-0 to oppose Case 22-06, the PUD for the redevelopment of 899 Maine Ave. SW.** as a new mixed-use residential development on 9th Street SW between Maine Avenue and G Street, SW.

As the Zoning Commission will recall, ANC 6D has largely supported such developments in the past, and recognizes the economic value of development to our neighborhood and to the District of Columbia. However, ANC 6D's support has *always* rested on the Applicant's proposal demonstrating first and foremost, a respect and understanding of the unique character of the Southwest delineated and incorporated into law as the Southwest Small Area Plan (SW SAP), and recognition of consequential community benefits, negotiated with the ANC, which will contribute to enhancing the long-term well-being of the community.

The Applicant has purchased a small parcel of land upon which they wish to construct a very large building. The project is, further, on an extremely challenging site—an odd triangle bounded by the major traffic arteries of 9th Street and Maine Ave., fed by the exits from I-395 and the 9th Street tunnel and a route to events at the Wharf and Nats and Audi stadia. On the north side is a community of 90 townhouses, and on the east the

playing fields of Jefferson Academy Middle School. All together, they require a nuanced approach toward any development on this parcel—one which the Applicant has steadfastly avoided.

Recognizing the challenges posed by the site, ANC 6D has met repeatedly with the Applicant over the past several months in order to remedy some of our Commissioner's concerns. Commissioner Lightman, in whose SMD the proposed PUD sits, has also met several times with interested community residents potentially impacted by the project. We thank the Applicant for their willingness to continue the discussions on some of the very knotty problems presented.

Despite these continued efforts to find agreeable solutions, ANC 6D has been disappointed to find that the Applicant's proposal is unchanged in ways that might minimize its significant Impact on the adjacent homeowners, will exacerbate significant traffic challenges, will continue to contravene the SW Small Area Plan, and proffer no meaningful and substantial community benefits *including* a significant increase in affordable housing.

In summary,

1. The Applicant's PUD violates the spirit and intent articulated by community residents within the Southwest Small Area Plan;
2. The Applicant's PUD violates the vision of Maine Avenue that is incorporated within the Small Area Plan;
3. The Applicant's PUD would deleteriously affect the social and economic diversity of the community and fly in the face of the District's racial equity guidelines;
4. The Applicant's PUD would create unsafe traffic conditions detrimental to the community and provides no adequate plan their amelioration;
5. The Applicant's PUD offers no significant community benefits to warrant such an extraordinary exception to the Small Area Plan.

Violations of the Southwest Small Area Plan

As ANC 6D has recently testified to the Zoning Commission, the Comprehensive Plan, augmented by a community's Small Area Plan (SAP), creates an overall vision of the city with attention and sensitivity to individual communities and how they function, and acknowledges the variety, character, and individuality that give the District its distinctive character. Small Area Plans represent a compact between the city and its citizens, and the foundation documents upon which ANCs, neighborhood associations, District agencies and property owners establish an agreed upon roadmap and legal and moral basis upon which DC residents can rely for fairness, equity, and accountability in the development process.

Southwest's SAP, approved by the Council in 2016, is one of more than a score of small area neighborhood plans developed in concert with the Office of Planning and hundreds of residents in each of these neighborhoods throughout the District, and are in process or already adopted by the Council. Pennsylvania Avenue has a SAP, Chevy Chase now has one, Congress Heights' is in review, and North Capitol Crossroads and the comprehensive Community Development Model for the eastern end of Ward 7 will serve similar purposes. So residents across the District will now pay close watch on how their visions for their neighborhoods, encoded into law, are upheld by development decisions going forward. Contravening the guidelines of any one SAP, without

irrefutable benefit to the community, erodes the legitimacy of all. Reaffirming their guidelines, in conjunction with the Comprehensive Plan, represent the most enlightened approach to guide the future of the District of Columbia.

In the case of Southwest, the proposed PUD violates both the spirit and intent of the SW SAP and the vision of Maine Avenue articulated within the SAP. Adhering to the guidelines with regard to height and density for this PUD offers the Zoning Commission an opportunity to affirm the contract between the city and its citizens, and reinforce the legitimacy and integrity of all SAPs.

First, the Applicant's justification for the requested height and density references The Wharf buildings on the south side of Maine Avenue, and proposes that the portion of the building bordering Maine Avenue be equal in height to the buildings of the Wharf. As ANC 6D has reminded the Commission, the Wharf was specifically *not* included by the Office of Planning within the SW SAP. On the other hand, the SW Small Area Plan has always and without conditions included the north side of Maine Avenue and disavowed the creation of Maine Avenue as an alley of tall buildings.

The height requested in the PUD for the north side of Maine Avenue is 130 feet, twice the current zoning limit of 65 feet. As our Commission has recently reviewed for the Zoning Commission, except for the two former EPA towers that were converted to residential in the SW Town Center, *nowhere* on the north side of Maine Avenue, within the immediate area of the proposed PUD or further into residential Southwest are there any buildings of height or density comparable to the Wharf or to the proposed PUD.

On the parcel proposed for redevelopment in this PUD at the corner of Maine Avenue and 9th St., there is currently a 4-story building. Next to it on Maine Ave. are open space and several playing fields of Thomas Jefferson Academy Middle School, which anchor the predominantly low-rise and open space of the block. At the corner of 7th and Maine is another 4-story building, and across 7th Street is Riverside Baptist Church, a cluster of two-story rental and rent-controlled town houses, part of the Waterside complex built in the early 1960s. Behind the Baptist Church is The Banks—built five years ago with a PUD supported by ANC 6D and assured the financial future of a Church with a nearly 100-year history of providing important services to vulnerable community residents. On the east side of 7th Street across from Jefferson is the 700 7th Street condominium, a gem of mid-century architecture and less than 100 feet high.

The area within the SW SAP has maintained much of what made SW unique. It was, and is, a landscape of intentional variations and limitation in height and density, townhouses nestled amidst 8 and 9-story apartment houses, surrounded and interspersed with greenery and common space.

Second, a central tenet of the SW Small Area Plan, and what has made Southwest unique, is that it is and should remain among the most successful socially and economically diverse communities in the District of Columbia. Southwest has already achieved what the Zoning Commission's racial equity analysis is attempting to achieve as part of all zoning actions. Frequenters of the Duck Pond, Lansburgh Park, Jefferson playing fields and tennis courts, the Farmers Market, the Channel promenade, among its many common spaces, are all visible testament to Southwest's demographic diversity and strikingly successful social integration.

A new building of nearly 500 units with only the absolute minimum of affordable units would fly in the face of the SW SAP's intent to maintain Southwest's iconic demographic diversity. The Applicant's proposal would reduce the number of low and moderate income families to a mere sliver of the whole. Apart from not redressing the severe shortage of affordable housing in the District, there is no shortage of market rate housing in Southwest. In fact, vacancy rates in new developments reiterate the need for more below market rate, not market rate, housing.

Southwest does have a large number of rent-controlled apartments in buildings constructed before 1975, other low income and public housing units and new buildings built under PUD agreements that include significantly higher than required numbers of below market units. The challenge for Southwest is to protect what affordable housing we have, and as density increases in new development, ensure that new development continues to reflect the demographic diversity that the SW SAP memorializes and the community cherishes. A development of this size with an extreme disproportion of affordable to market rate units would intensify a growing polarization between low and high income strata, a threat to future economic diversity and continued social integration, and a threat to the stated goals of both the SW SAP and the Zoning Commission.

Traffic Issues

The Applicant's proposed design will not ameliorate but will in fact exacerbate traffic problems that already exist at the intersection of 9th and G Streets at the north corner of the project. one of the most dangerous intersections in Southwest, perhaps matched only by the intersection at I and South Capitol streets. It is here that traffic coming southbound through 9th Street Tunnel, all converge with the intersection of G Street. ANC 6D regards it as completely irresponsible to approve any PUD that does not address the intersection.

Currently, these streams are controlled by two stop signs, one at the end of the 395 exit ramp and second at the intersection of 9th and G Streets. ANC 6D and the residents of the townhouses along 9th and G streets have repeatedly voiced their concerns to DDOT. DDOT has not acted or indicated when it would act to alter the intersection. Although the Applicant shares the ANC's concerns and has proposed modifications along 9th Street in front of the new building, the Applicant offers no alternative solutions to the intersection of 9th and G. Moreover, despite the obvious increased pressure that will be wrought by traffic generated by the proposed building on an already dangerous intersection, the Applicant has refused to undertake a leadership role with a financial commitment to secure DDOT's installation of a stoplight.

There is a now a 4-story office building with no retail space on the site. A building with nearly 500 units and several proposed commercial venues including a grocer will create a substantial increase in traffic, from private vehicles, large trucks delivering groceries or moving tenants in and out, and smaller vehicles delivering the now constant stream of Uber, Uber Eats and other personal services. All those vehicles will empty onto narrow G St. facing the Capitol Square townhouse community. The Applicant's traffic studies are insufficient. They measure traditional rush hour traffic at a time when the majority of commuters have still not returned to offices. They fail to account for the traffic flows at the intersection and on G Street when there are events at The Wharf or game days at the Nats and Audi stadiums. And they ignore the inadequacy of the stop signs that control current traffic, let alone the additional traffic that will flow from a bigger, higher, and larger mixed use building.

In addition to the problems posed by the intersection on G Street, the current design proposes a new vehicular alley along the hypotenuse (rear) of the parcel, which would allow one-way traffic coming from Maine Ave. to the mid-point of the building for parking and deliveries, and two-way traffic from the mid-point north, permitting entrance to and from G Street. Because of the current median on 9th St. there is no vehicular access to the building other than through the proposed new alley. ANC 6D finds that the Applicant has inadequately investigated the effects of traffic on to G Street from the new alley.

The new alley will require two new curb cuts, one on Maine Ave., as well as moving the current curb cut on G Street slightly farther to the west and closer to the intersection of 9th and G streets. Commissioner Lightman testified to the DDOT Public Space Committee on May 5th to share ANC 6D's support of the proposed curb cut on Maine Avenue **but if and only if** it includes moving the existing curb cut on G Street SW closer to the intersection of 9th and G streets.

As Commissioner Lightman explained, not moving the current G St. curb cut westward toward 9th Street will exacerbate an already untenable traffic situation affecting the 90 Capitol Square townhouses across G St. The current curb cut allows cars to enter the private streets of the townhouse community off 7th Street, and speed through the small and unprotected roads to exit opposite the entry into the current structure's garage, which is now used by patrons of the Wharf. These private streets are not policed, nor constructed or signed for through traffic. More than just a nuisance, cars barreling through the townhouse community threaten the lives of residents walking and children playing around the townhouses. Although it is impossible to construct gates, the community has employed numerous tactics to discourage the use of their private streets, including signs and speed bumps.

Under the Applicant's plan, the Applicant will not allow public parking in the new building except for patrons of a new grocery store promised for the large ground-floor retail space. But as we have seen with other public parking dedicated to a retail operation and discounted for a limited time, those spaces are inevitably used by other patrons, and would be a particular lure when compared to high priced or limited parking availability on the Wharf. So the problem may continue though at a lower volume.

In addition, the exit on G Street will be used by all other traffic exiting the building's garage or using the new alley for deliveries. The traffic will include large trucks, especially if the grocery store comes to fruition. Although moving the curb cut will alleviate the problem now faced by the townhouses, it will create a new problem because G Street is not wide enough for large, grocery delivery trucks to make the necessary turn without blocking an already overburdened street.

Finally, the new alley and a new curb cut on Maine Avenue with an exit onto G Street may still create an escape route going north, when congestion or gridlock is the result of an event at the Wharf. So even if the garage is ostensibly principally not for public use, some number of "poachers" may continue to use the garage for visiting the Wharf, and others may use the new alley to escape Maine Ave. gridlock, creating additional traffic.

Lack of Meaningful Community Benefits

ANC 6D has concluded that the proposed project offers no public benefits that warrant an extraordinary exception to the SW Small Area Plan. It *could* proffer a grocer store as it has suggested, but only at a price point that would serve a broad section of our community and

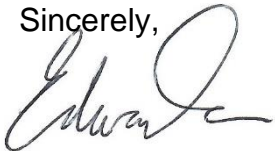
provide a meaningful alternative to our one grocer on 4th Street, and only if it did not create delivery issues that added to the traffic challenges noted. It *could* proffer significantly more affordable housing, but only if that increase did not also come with the increase in height and density that carries with it the other ills detailed.

Our Commission has detailed the potential harm to the community from traffic congestion and disproportionate increase in market rate housing. It bears repeating that the increase in height and density will also threaten other moderate income housing that our community is struggling to protect.

As described above, moderate income housing is scattered throughout Southwest including, importantly, a cluster of two-story rental and rent-controlled town houses, part of the Waterside complex, which sit on valuable land and open space on Maine Avenue between Arena Stage and the Riverside Baptist Church/Banks complex. Should the proposed exception from the SW SAP for this PUD prevail, these as well as several other moderate income developments scattered throughout the community would be attractive finds at risk of redevelopment—and with that the loss of existing affordable housing that the community is trying to hold onto. ANC 6D considers this not a hypothetical but a realistic outcome of disregarding the height limitations imposed on current Southwest development.

As by law, ANC 6D requests that its positions in this matter be given Great Weight in your considerations of this application. ANC 6D assures the Commission that the decision to oppose the requested PUD reflects extensive discussions with the Applicant and deliberation on the part of our Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Daniels". The signature is fluid and cursive, with a large loop at the end.

Edward Daniels,
Chair, ANC 6D