



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

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November 28, 2022

**OFFICERS**

Chairman  
*Edward Daniels*  
Vice Chairperson  
*Fredrica Kramer*  
Secretary  
*Jared Weiss*  
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*Ron Collins*

Anthony Hood, Chairman  
Commissioners May, Miller, and Imamura  
DC Zoning Commission  
441 4<sup>th</sup> St. NW, Suite 200S  
Washington, DC 20001

Via email: [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov)

**RE: Response to November 21, 2022 filings on ZC Case 22-06, PUD at 899 Maine Ave., SW**

**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*

Dear Chair Hood and Commissioners:

As requested by Chair Hood, this is in response to the November 21<sup>st</sup> post-hearing supplemental filings in **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.

The Zoning Commission heard this case on October 6, 2022 and, following the Chair's request, the ANC 6D negotiating committee has since met with the Applicant, heard the concerns of the Capitol Square HOA, which has party status, and reviewed the November 21<sup>st</sup> submissions from these parties as well as from the Office of the Attorney General. As ANC 6D opposed the case in its September 21<sup>st</sup> Report to the Zoning Commission in preparation for the October 6<sup>th</sup> hearing, the ANC 6D negotiating committee has found no justification to reverse our Commission's opposition, and offers the following detailed comments based on these recent reviews.

ANC 6D's opposition in its September 21<sup>st</sup> letter to the Zoning Commission and its testimony on October 6<sup>th</sup>, was based principally on two concerns: the building was too high and too dense to meet the standards for development north of Maine Avenue, which have been

observed since the adoption of the Southwest Small Area Plan (SW SAP), without significant community benefits to justify a major exception; and the building posed significantly increased traffic and safety challenges, particularly at the intersection of 9<sup>th</sup> and G streets, which demanded mitigation *before* the proposal could be approved.

Little has changed since ANC 6D's opposition to warrant a change in position.

## **Height and Density**

The Applicant has offered nothing to rebut the position of ANC 6D and the neighboring homeowners that the height and density violate the guidelines in the Southwest Small Area Plan and will create significant challenges to the community should this exception be granted.

The Applicant refers to ZC 20-06, a development in SE that permitted a PUD and upzoning to MU-9, and refers in the current case to The Wharf and a Medium Density Commercial area. We state again that the reference to the Wharf is not relevant to the north side of Maine Avenue. The Wharf very specifically was not a part of the mandates of the SW SAP. The Applicant's site does fall under the SW SAP. In addition, should this dramatic increase in height and density be permitted, it would put other parcels at risk for redevelopment, particularly those built before 1975 and now under rent control that provide affordable housing in low and moderate density complexes.

As to density, other buildings included in the Southwest Small Area Plan typically have similar or even fewer units than those in the proposed building, but have managed to have a significant component of open space. The gardens of the apartment complexes in the Southwest are among its most unique attributes. Newer buildings have followed the tradition with plaza and pocket parks. These spaces provide the area with verdant greenery that is beneficial for the environment and the well-being of the inhabitants. This proposed building has no significant open space and, moreover, diminishes the value of the 25 feet of public green space now available on Maine Avenue.

The Applicant offers no justification other than to argue that a further decrease in height and density would be "economically infeasible", and produce fewer affordable units than the number they have proffered. We remind the Zoning Commission that this parcel was purchased for redevelopment of an extremely challenging site and with current limits attached, with the expectation that these limits would be overcome by exception. That the Applicant's ability to develop the parcel at all is dependent on that exception amounts to a coercion inappropriate to a consideration before the Zoning Commission.

## **Social and Economic Diversity**

As ANC 6D also argued in its September Report to the Zoning Commission, a building of this size, and with little affordable housing and common spaces, flies in the face of Southwest's, and indeed the Zoning Commission's concern with addressing racial, social and economic diversity. The proposed building is a gross violation of Southwest's efforts to maintain this diversity. The proffer of 15% affordable units is not better than the IZ set-aside, and is below the 18% required for a map amendment to support the increase in density in a matter-of-right development.

The size of the proposed building matters. As noted above and cited in the OAG November 21<sup>st</sup> filing (Ex. 111), the FLUM's conception of the Southwest waterfront as an attractive transition between the Wharf and Southwest, with high density only on the south side of Maine Avenue, contradicts the Applicant's continued use of The Wharf as the reference point for the proposed building. Moreover, the OAG in its November 21<sup>st</sup> filing has calculated a requirement of 22% of affordable units based on the additional two stories beyond the MU-10 zone specified in the FLUM (110 feet). Extending that calculation to 130 feet—or the actual height of 140 feet at the lowest point in the incline of the proposed site along Maine Avenue, the Zoning Commission should require even more below market units (calculated at 33%) to balance the MU-9A inconsistency with the FLUM's site designation of Medium-Density Commercial.

## Traffic Issues

At the intersection of 9<sup>th</sup> and G streets, the proposed building could transform an already dangerous intersection into a deadly intersection. This intersection poses a challenge for the District since it involves the exit ramp from a federal highway, 395, and the exit from the 9<sup>th</sup> Street tunnel under the Mall. Ninth Street is also a major road into The Wharf, and the closest entrance to the Anthem. Finally, it is a route used by traffic heading to the baseball and soccer stadiums. In its current state, the intersection already experiences an average of two accidents per month, as documented in videos and presented to the Zoning Commission at its October 6, 2022 hearing. The additional traffic from the proposed building, including deliveries and customers of a possible grocery store in the building at the corner of 9<sup>th</sup> and Maine Avenue, would add an intolerable burden to the intersection.

The Applicant has not demonstrated by whom or in what manner the problems of the intersection will be mitigated. The Applicant has proposed a redesign of the corner adjacent to the proposed building and other plans for 9<sup>th</sup> Street along the front of the building. These plans **do not** mitigate the dangers of the intersection. To approve this PUD *before* there is a plan for moderating the intersection is a violation of the ANC's responsibility to the community, and the responsibility on the part of the Zoning Commission to ensure the future safety of the community through the application of zoning requirements. It is also a violation of common sense to move forward with the proposed plan supported by DDOT. The most recent efforts of the Applicant to work with DDOT to effect a moderation of the challenges at the intersection have not led to any commitment on the part of DDOT, and there is no formal indication that the Applicant can influence DDOT or that the Applicant will aggressively seek to influence DDOT after receiving Zoning permission to build.

There are traffic issues in addition to the dangerous intersection. The Applicant has now agreed to move the curb cut on G Street further west, which is an improvement from the earlier curb cut proposal, but as the Capitol Square HOA has argued, this will still not prevent all cars from cutting through the Capitol Square private streets. The Applicant has requested from the DDOT Public Space Committee a curb cut on Maine Avenue that would allow entry along the back of the proposed building on the side adjacent to Jefferson Middle School. The proposed alley would move traffic from the new building's garage, including customers and delivery trucks to the proposed grocery store, to an exit on G Street, which is an eastward one-way street. Not only will this new traffic exacerbate an already crowded street when there are games at the stadium or events at the Wharf, it will also provide an alternative route when Maine Avenue traffic is slow.

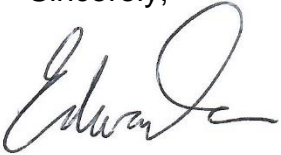
Cars and trucks using the alley and turning right onto G Street toward 7<sup>th</sup> Street can again turn left at 7<sup>th</sup> Street to enter 395 or move north across Constitution Mall into the center of the city.

## Summary

As said, little has changed since ANC 6D's opposition to warrant a change in position. The proposed height and density will have negative impacts on the surrounding community. Traffic issues will be exacerbated by the proposed project. The green space will be diminished not increased, and the treasured value of racial, social, and economic integration memorialized in the SW Small Area Plan and adopted by the Council will be challenged. To these powerful concerns, the Applicant has offered no compensatory benefits.

Although our comments are based on the review of the November 21<sup>st</sup> filings and cannot be submitted for a vote by the entire 6D Commission, which will meet again on December 12<sup>th</sup>, they are consistent with the findings and vote of ANC 6D in its prior filings, and as by law, ANC 6D requests that its position of opposition in this matter be given Great Weight in your considerations of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Daniels". The signature is fluid and cursive, with a large initial "E" and "D".

Edward Daniels,  
Chair, ANC 6D