

December 9, 2022

VIA E-MAIL

The Honorable Charles Allen
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 2004
callen@dccouncil.gov

**Re: Zoning Commission Case No. 22-06
PUD Proposed at 9th and Maine Avenue, SW**

Dear Councilmember Allen:

In response to your letter to the Zoning Commission dated December 5, 2022, Jair Lynch Real Estate Partners ("JLREP") requests a meeting to provide you with a complete understanding of the proposed planned unit development ("PUD") and detail our extensive efforts to resolve the concerns raised by ANC 6D and the Capitol Square Place HOA. Respectfully, the positions expressed in your letter are premised upon several inaccuracies, which the information below is intended to clarify.

"Bare Minimum for Inclusionary Zoning"

Your letter indicates that the PUD is providing the "bare minimum for inclusionary zoning." However, 15% of the residential gross floor area in the PUD, or approximately 65,171 square feet, will be reserved as affordable housing. This proffer represents a tremendous increase in affordable housing when compared to the base amount of affordable housing that would be required for a matter-of-right development under the site's current MU-12 zoning. Specifically, matter-of-right redevelopment of the site under its existing MU-12 zoning would require approximately 21,500 GFA of affordable housing. Thus, the project will provide over three times more affordable housing than under existing zoning. Under the Zoning Regulations, affordable housing that exceeds what would have been required through matter-of-right development under existing zoning is considered a PUD benefit.

This affordable housing proffer is among the highest of all recent PUDs that do not involve a public subsidy, public financing, and/or public land disposition or ground lease. The only regulatory mechanisms that would yield greater affordable housing would be if the site was subject to a District or Federal mandatory affordable housing requirement, or if JLREP sought and obtained a substantial public subsidy. Absent these mechanisms, greater affordable housing could be realized on the site by foregoing the PUD process and instead pursue a map amendment that would be subject to the recently adopted IZ Plus regulations, which are not applicable to PUDs.

However, ANC 6D specifically stated that it would not be supportive of a map amendment for the property, and advised us to pursue redevelopment through the PUD process.

“Height Limitations”

Your letter also states that “height limitations” are set forth in both the Southwest Small Area Plan (the “SW Plan”) and the Comprehensive Plan Future Land Use Map (“FLUM”). This is incorrect. The various land use categories of the FLUM, as described in the Framework Element, do not prescribe height permissions. Rather, a FLUM designation will provide typical density ranges and identify certain zones as being compatible.

The property's FLUM designation is Medium Density Commercial, which cites the MU-8 and MU-10 zones as being consistent, and that other zones may apply. (emphasis added). The Framework Element expressly states “[t]he goal of a PUD is to permit development flexibility greater than specified by matter-of-right zoning, such as increased building height or density, provided that the project offers a commendable number or quality of public benefits, and protects and advances the public health, safety, welfare, and convenience.” The SW Plan does not impose any height limitations; it cites the 2006 version of the FLUM, which also designated the site as Medium Density Commercial.

The 90-foot height of the northern portion of the building falls well within the permitted PUD heights of the MU-8 and MU-10 zones. JLREP is requesting a PUD-related map amendment to the MU-9A zone only to permit construction of the southern portion building up to 130 feet. Further, the MU-9A zone is being sought to shift height and density away from the Capitol Square Place townhomes and toward the higher-scale Wharf development along Maine Avenue. This point has been reflected in our application filings and through testimony at the public hearing. Thus, the proposed PUD is not “pushing beyond height limitations” to create a design that would be incompatible with Southwest, nor is it inconsistent with the Comprehensive Plan.

“More Dramatic Stepdown”

Third, your letter calls for “a more dramatic stepdown” at the northern portion of the building “to more appropriately correspond” to the scale of the Capitol Square Place townhomes and to preserve sunlight. However, the height and design of the northern portion of the building was previously adjusted to directly address the feedback and concerns raised by the community.

Our initial submission to the Zoning Commission proposed a building height of 100 feet for the northern portion of the building along G Street, and a building height of 120 feet for the southern portion of the building along Maine Avenue. Upon receiving feedback from OP, ANC 6D and the Capitol Square HOA, the building was redesigned. The height at the northern portion

of the building was lowered to 90 feet; and the height of the southern portion of the building (fronting on Maine Avenue) was increased to 130 feet, with a small section at the southeast corner remaining at 120 feet. Thus, the building already incorporates a significant stepdown that complements the 50-foot townhomes to the north and mirrors the higher-scale Wharf development along Maine Avenue. The reduced height proposed stepdown minimizes any impacts to light and air for the townhomes and the Jefferson Middle School playing fields, to the extent feasible. We are pleased to report that the Jefferson Middle School Parent-Teacher Organization testified in support of the PUD and also filed a letter in support of the project with the Zoning Commission.

On balance, the proposed heights are not inconsistent with the FLUM or the policies of the Comprehensive Plan. The scale and massing of the building also furthers the goals and objectives of the SW Plan, which recognizes that "a variety of high and low building heights is unique to Southwest" and "an intentional mix of townhouses and high-rise towers" is a "defining feature of Southwest [that] is valued by the community." In an effort to further enhance the building's relationship with the townhome community, the base of the building along the 9th Street frontage closest to G Street is expressed as attached rowhouses, with porches, stoops, and landscaping that activate the pedestrian environment. Thus, the massing of the building is consistent with the current mixture of high-rise and low-rise buildings surrounding the site and throughout Southwest.

“Mitigation Plan Addressing [Neighbor] Concerns”

Finally, your letter expresses support for the community’s request “to see a mitigation plan addressing their concerns around traffic patterns[.]” The potential traffic impacts resulting from the PUD are outlined in the comprehensive transportation review (“CTR”) report for the project, which were prepared pursuant to local and national guidelines for assembling transportation studies for site development review. Based on the findings in the CTR report, the traffic engineer, with input from DDOT, provided a transportation demand management (“TDM”) plan that was found to be robust and acceptable to encourage non-auto travel. Furthermore, as indicated in its report, DDOT thoroughly reviewed the CTR including the assumptions on data collection and study area, and stated that it has no objection to approval of the PUD contingent upon the JLREP’s agreement to three conditions.

JLREP representatives have had more than 50 meetings with the ANC 6D Subcommittee, the Capitol Square Place HOA, and other stakeholders and we appreciate their concerns about existing traffic and the traffic that may be generated by the proposed PUD. In response, we have agreed to four measures:

1. The HOA agrees that one strategy to mitigate the traffic that *currently* cuts through their community is the installation of gates that restrict traffic. According to the HOA, the cost of installing two gates is approximately \$67,000. JLREP is willing to contribute \$100,000

to the HOA, which can be used for the installation of gates, further transportation studies, and/or additional mitigation measures.

2. JLREP proposes to relocate the PUD's curb cut on G Street, approximately 36 feet west of its current location in order to maximize the offset with the curb cut serving Capitol Square Place, which will deter drivers cutting through Capitol Square Place to access the private drive for the PUD.
3. JLREP agrees to fund a Signal Warrant Study for the intersection of 9th and G Streets, SW, which is estimated to cost up to \$30,000 at this time. The purpose of this study will be to provide information to DDOT needed to determine whether a traffic signal is warranted at this intersection. The study will build upon the analyses already provided in the JLREP's CTR report.
4. JLREP agrees to modify the grocery store proffer so that the use is limited neighborhood-serving grocer, market, bodega, corner store, or prepared food shop instead of a large format grocer that will generate traffic from people who live outside of the immediate neighborhood.

It is also worth noting that the proposed PUD is a transit-oriented development. The PUD site is within 0.25 miles of the L'Enfant Plaza Metro station, and within 0.5 miles of the Waterfront Metro station. In addition, the PUD Site is served by the 52 and 74 Metrobus routes, which are both designated Priority Bus Corridors. The site is also located in close proximity to the Circulator and multiple Capital Bikeshare docks. It is estimated that approximately 65% of the residential trips generated by the project will be made on transit, bike, or walking. This is due to the high-quality, walkability of the pedestrian realm surrounding the PUD site, which has an impressive Walk Score of 94 (Walker's Paradise). The site is located within walking distance of various neighborhood-serving amenities, such as the commercial and recreational uses at The Wharf, the Southwest Town Center, and the National Mall.

Conclusion and Meeting Request

We trust that this information is helpful to your understanding of the PUD and demonstrates that JLREP has worked diligently to address to the concerns that have been raised. We appreciate the opportunity to discuss the project with you directly and in more detail, and believe that a meeting will provide additional insight on how the proposed PUD advances important policies particularly related to housing, affordable housing, and transit oriented and sustainable development.

Sincerely,



Ruth U. Hoang
Senior Vice President- Development

cc: Zoning Commission for the District of Columbia (via IZIS)