

# Holland & Knight

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March 22, 2023

## VIA IZIS

Zoning Commission  
for the District of Columbia  
441 4th Street, NW, Suite 210S  
Washington, DC 20001

**Re: ZC Case No. 22-06 / 801 Maine Ave SW PJV, LLC  
Amendment to PUD Benefits and Amenities**

Dear Members of the Commission:

This letter is submitted on behalf of 801 Maine Ave SW PJV, LLC (the “Applicant”) in support of the above-referenced application. Specifically, as discussed below the Applicant seeks to amend its proffered PUD benefits and amenities relating to **Environmental/Sustainable Design, Commemorative and Public Art**, and **Uses of Special Value to the Neighborhood** in response to comments received from the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 6D (the “ANC”). The following shall serve as the Applicant’s revised and fully restated proffer of benefits and amenities for the proposed project, which supersedes the benefits and amenities discussion included in the Applicant’s initial application statement. The following information also contains supplemental information in support of the Applicant’s affordable housing proffer.

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 a vacant office building with approximately 498 new dwelling units. This amount of housing far exceeds the amount of housing that could be provided under the site’s existing MU-12 zoning, both as a matter-of-right or through a PUD. *See* 11-X DCMR § 305.5(f)(1); *see also* 11-G DCMR §§ 502.1 and 503.1.

The Applicant will set aside 15% of the residential GFA of the project, or approximately 64,773 square feet of GFA, as affordable units for households earning no more than 60% MFI. The Applicant will also set aside an amount of GFA equal to 15% of any penthouse habitable space devoted to dwelling units to households earning no more than 50% MFI. The Applicant’s affordable housing proffer will help foster a mixed-income community on a site where no housing currently exists and that is within close proximity to transit and numerous amenities.

The Applicant's 15% affordable housing proffer represents a substantial increase in affordable housing 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, matter-of-right redevelopment of the site under 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.

Furthermore, the project will also provide greater affordable housing than would be required had the Applicant been able to pursue a map amendment that was subject to the IZ Plus.

Prior to submitting the application, the Applicant met with OP and the ANC to specifically discuss the potential for a map amendment. Based upon the site's "Medium Density Commercial" Future Land Use Map ("FLUM") designation, the Applicant specifically inquired about the potential for a map amendment to rezone the subject property to MU-10. In response, the ANC expressly stated that it did not support a standalone map amendment, and instead wanted the Applicant to pursue a PUD. OP specifically stated that a rezoning to MU-10 could only be supported in connection with a PUD. OP further stated that if the Applicant still preferred a map amendment over a PUD, that it was likely OP could only support a rezoning to MU-8. Under an IZ+ map amendment from the existing MU-12 zone to the MU-8 zone, assuming full utilization of bonus density, the IZ+ set aside requirement would be approximately 57,880 GFA (Type I construction) and approximately 64,311 GFA (non-Type I construction), not including any additional IZ set aside generated in the penthouse, cellar, or projections. As stated above, the Applicant will set aside approximately 64,773 GFA to IZ units, not including any additional IZ set aside generated in the penthouse, cellar, or projections.

The Applicant's affordable housing proffer also 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. Indeed, 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 the Applicant sought and obtained a substantial public subsidy. Absent these mechanisms, greater affordable housing could be realized on the site by having the Applicant forego a PUD and instead pursue a map amendment that would be subject to the recently adopted IZ+ regulations, which are not applicable to PUDs. However, the ANC expressed to the Applicant that it would not be supportive of such a map amendment on the PUD Site, and desires the Applicant to pursue redevelopment through the PUD process.

Thus, the Project will bring a substantial amount of new housing, including dedicated affordable housing, to the PUD Site in a manner that exceeds what would occur via by-right development and is consistent with the District's housing objectives. The Applicant will provide an IZ unit location plan prior to a public hearing on this Application.

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

Originally, the Applicant proffered a building designed to LEED Gold v4 for BD+C New Construction. The Applicant hereby amends the proffer such that the building will be designed to **LEED Platinum** v4 for H-Multifamily Midrise, which exceeds the LEED Gold threshold that qualifies a PUD benefit under Subtitle X, Sec. 305.5(k) of the Zoning Regulations.

3. Urban Design and Architecture (11-X DCMR § 305.5(a)); Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c)); Streetscape plans, subject to approval by DDOT Public Space Committee (11-X DCMR § 305.5(l))

The Project is designed to be compatible with the overall neighborhood, with the maximum height and the majority of the density focused toward The Wharf. As depicted in the Plans, the massing of the building is configured such that impacts to light and air are minimized, primarily through the use of stepdown techniques. Notably, the height of the building is lowered by two stories at 9th and G Streets, which minimizes the additional impact of shadows on the townhouse development to the north and Jefferson Field to the northeast. Careful consideration also was given to the ultimate height of the Project along Maine Avenue, SW.

The variation in building height also reflects a superior urban design and the proposed heights remain sensitive to the surrounding context. For instance, the southern portion of the Project mirrors the height of the buildings at The Wharf along this section of Maine Avenue.

Integrating a thoughtful urban design, the Project will replace underutilized land with a mixed-use development providing residential and ground floor retail. The existing government 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 replace a use that is not compatible with the surrounding residential community or consistent 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 Medium Density Commercial. Accordingly, the PUD will result in a much more efficient and economical use of the PUD Site, providing an appropriate mix of residential and non-residential uses that achieve the District's planning objectives.

Furthermore, the Applicant is proposing additional seating and landscaping along Maine Avenue that will, together with the Applicant's proposed public art, establish a new gathering area and focal point of activity at a gateway location along the corridor.

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

Originally, the Applicant proffered the installation of artwork in the building courtyard along 9<sup>th</sup> Street SW. Since filing the initial application, the Applicant has engaged an artist, My Ly Design, to further advance the design of the public art proffer. Further, as shown in the enclosed materials on the public art concept, My Ly Design was heavily involved in developing the arts and cultural strategy and recommendations contained within the Southwest Neighborhood Small Area Plan (the "Southwest Plan"). In furtherance of the Southwest Plan, the Applicant has also tasked

My Ly Design with developing a conceptual plan showing how its specific proffered public art installation fits into a larger, connected system of public art / cultural destinations in Southwest.

Upon further evaluation, and as shown in the enclosed public art concept plan, the Applicant now proposes to three sculptures within the public space along Maine Avenue adjacent to the subject property, subject to DDOT review and approval. Consistent with recommendations in the Southwest Plan, the new sculptures will establish an iconic focal point at a gateway location along the Maine Avenue corridor, and will be integrated with other planter beds and seating proposed within adjacent public space. The proposed sculptures are not inconsistent with the Arts and Culture Element of the Comprehensive Plan, and specifically the following policy:

*Policy AC-2.1.1: Emphasizing Public Spaces with Art: Use public art to strengthen and reflect the District's diversity, including its identity as a local cultural and arts center. Public art should accent locations such as Metro stations, sidewalks, streets, parks, and building lobbies. It should be used in coordination with landscaping, lighting, paving, and signage to create gateways for neighborhoods and communities. 10A DCMR § 1406.5*

The design of the sculptures will be informed by Southwest's prominent canopy of old-growth heritage trees, some of which line this particular block of Maine Avenue. Conceptually, the sculptures will comprise a series of simple abstract forms that are symbolic of a tree alley, such as the trunk base, floating canopy and/or the silhouette shape. The art will be integrated with the landscape design, seating, and lighting elements as a vibrant gateway for day and night.

Finally, as shown on the diagram included in the public art concept plan, the proposed sculptures will form an artistic node that could be a catalyst for a new Art Walk comprised of a series of existing and potential cultural / artistic destinations along the I Street SW and Maine Avenue SW corridors.

Indeed, not only is I Street SW a fitting connection for the new Art Walk given its number of existing and potential cultural / artistic destinations, but the roadway itself also contains recent art installations at the intersection with 4<sup>th</sup> Street SW that were implemented under DDOT's Arts in the Right-of-Way program.

#### 5. Uses of Special Value to the Neighborhood (11-X DCMR § 305.5(q))

Members of the ANC have encouraged the Applicant to include neighborhood serving retail and commercial uses within the project. They have expressed a specific need for a bank branch intended to serve residents in the immediate area. In response, the Applicant agrees to expand the PUD benefits and amenities by committing to lease a portion of the retail/commercial area to a bank branch.

Additionally, the ANC has previously expressed an interest in a grocery store use for the PUD. If the ANC still desires a grocery store use, including the loading and truck access required to support said use, the Applicant agrees to commit a minimum of 6,000 GFA of the ground floor for a grocery store use.

6. Other public benefits and project amenities and other ways in which the proposed PUD substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan (11-X DCMR § 305.5(r))

Finally, the Applicant met with the Jefferson Middle School Academy Parent Teacher Organization to begin discussions for a proffer that may be appropriate given the flexibility achieved through the PUD, the project's proximity to the site and the school's need for support.

Conclusion

In light of the foregoing, we submit that, as amended herein, the public benefits and project amenities are commensurate with the development incentives and flexibility achieved through a PUD. As such, we respectfully request the Zoning Commission's favorable review of the application.

Sincerely,  
HOLLAND & KNIGHT LLP

  
Leila Jackson Batties

cc: Certificate of Service (via e-mail; w/ encl.)

**CERTIFICATE OF SERVICE**

I hereby certify that on March 22, 2022, a copy of the foregoing application for a consolidated PUD and related Zoning Map amendment was served on the following:

- |                                                                                                                                                                                                                                                                                                                                 |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <p>1. <b>D.C. Office of Planning</b><br/>Ms. Jennifer Steingasser<br/>Mr. Joel Lawson<br/>Ms. Karen Thomas<br/><a href="mailto:jennifer.steingasser@dc.gov">jennifer.steingasser@dc.gov</a><br/><a href="mailto:joel.lawson@dc.gov">joel.lawson@dc.gov</a><br/><a href="mailto:karen.thomas@dc.gov">karen.thomas@dc.gov</a></p> | <p>VIA E-MAIL</p> |
| <p>2. <b>Advisory Neighborhood Commission 6D</b><br/>c/o Commissioner Edward Daniels, Chair<br/><a href="mailto:6D@anc.dc.gov">6D@anc.dc.gov</a><br/><a href="mailto:6D07@anc.dc.gov">6D07@anc.dc.gov</a></p>                                                                                                                   | <p>VIA E-MAIL</p> |
| <p>3. <b>Dr. Majorie Lightman</b><br/>Single-Member District Representative<br/>ANC 6D-01<br/><a href="mailto:6D01@anc.dc.gov">6D01@anc.dc.gov</a></p>                                                                                                                                                                          | <p>VIA E-MAIL</p> |
| <p>4. <b>District Department of Transportation</b><br/>Ms. Anna Chamberlin<br/>Mr. Aaron Zimmerman<br/><a href="mailto:anna.chamberlin@dc.gov">anna.chamberlin@dc.gov</a><br/><a href="mailto:aaron.zimmerman@dc.gov">aaron.zimmerman@dc.gov</a></p>                                                                            | <p>VIA E-MAIL</p> |

  
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