



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

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November 10, 2022

OFFICERS

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

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 20-11, Consolidated PUD 807 Maine Ave., SW (Sq. 439S, Lot 15)

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 Special public meeting on November 10, 2022, with a quorum present, a quorum being four Commissioners, **voted 6-1-0 to provide conditional approval Case 20-11, the Consolidated PUD for the redevelopment of 807 Maine Ave. SW.** and the construction of a new mixed-use residential development at the corner of 7th Street and Maine Avenue, SW (See ATTACHMENT A for the full body of the resolution voted by the ANC).

At the direction of the Zoning Commission on October 3rd, ANC 6D has been meeting with the Applicant over the ensuing many weeks, and recognizes several proffers and design changes that will benefit the community that the Applicant has made as a result of this dialogue.

During these discussions we also considered several ideas for rent relief suggested by the Applicant to expand the reach of affordability in rental housing. While we encourage developers to consider new innovative approaches on their own, we hope to pursue this avenue in the coming term as the District considers options for expanding long-term affordable housing.

We also note areas in which more should be expected. Several proffers are not the result of community input. As we have reported in earlier filings, when ANC 6D has supported developments under PUDs, it has required that an Applicant demonstrate an understanding of the unique character of the Southwest neighborhood, and include a consequential list of community benefits, negotiated with the ANC. Should the Applicant anticipate a long-term relationship, and an exception to the guidelines of our Small Area Plan as this PUD proposal is requesting, several of the proffers enumerated here should reflect that understanding.

- A substantial portion of the building at the corner of 7th and I streets has been pulled back, creating a new view shed toward The Wharf and the river for the residences to the east in Southwest, and creating a new landscaped public space at the ground level.

However, this density reduction has resulted in a lot occupancy of 82%, still above the maximum requirement of 80%. Since ANC 6D is being asked to support the increase in height above the guidelines of the Southwest Small Area Plan (SAP), we request that the Applicant pares back the FAR so that the project fits squarely within the existing limits under law.

- The Applicant has proffered \$75K to support a public art project on Maine Avenue under the direction of a minority- and women-owned local business with, according to the Applicant's filing, extensive experience in public art in Southwest and involvement in the landscape recommendations in the SW SAP. We note that the community was not consulted in the choice of recipient, and therefore request that this public art project be undertaken in consultation with a community group selected by the Commissioners of ANC 6D.

In addition, at the request of the ANC the Applicant has offered to provide these funds directly to the named firm rather than through the SW BID as first proposed. Should this contribution be directed through any entity for management purposes, that involvement should be considered a pro bono contribution by that body and no fees will be extracted as a result.

- The Applicant has proffered 44 2- and 3-BR units to accommodate family-sized housing, and 3 of the 3-BR units will be offered as IZ units.
- The Applicant has proffered a financial contribution of \$150K to Jefferson Academy Middle School, and \$100K to Habitat for Humanity for developing new homes in Ward 6 generally.

ANC 6D supports the proffer of a financial contribution to the PTO of a local Southwest school, but requests that instead of an additional financial contribution to support an initiative to satisfy a racial equity goal across Ward 6, that the \$100K be redeployed and equally split between the PTOs of Amidon-Bowen Elementary School and Richard Wright Public Charter School for Journalism and Media Arts, the only high school in Southwest.

ANC 6D further requests that all three cash contributions be made immediately upon recorded publication of the approved PUD. At the request of the ANC and other

community voices, these financial contributions should be made directly to Southwest entities rather than through the SW BID.

The most substantial condition on which ANC 6D bases its conditional support is the provision of long-term affordability of at least 21% of the residential units (no less than 42 units), as recommended and justified by the Office of the Attorney General (Ex. 75 and 75A). This would be 6% more than the 15% that the Applicant has already proffered, and the total 21% IZ units would remain in place for the life of the building.

- Without the expansion of the number of affordable units for the life of the building, ANC 6D finds that increasing the height of the building neither meets the “High Priority” public benefit of affordable housing for a PUD (Comprehensive Plan 224.9 as cited in Ex. 75A), nor sufficiently justifies the violation of the goals of limited and varied height and density delineated within the Southwest Small Area Plan.

Of the 15% IZ units the Applicant has proffered, 14% would be up to 60% and 1% up to 50% of MFI. ANC 6D appreciates the Applicant’s prior attempt to offer some units at 80% of MFI to target what it has described in recent discussions as “the forgotten middle”—the teachers, police officers and firefighters, for example, who are frequently priced out of market rate units and overresourced for subsidized rentals. ANC 6D therefore requests that the additional 6% of IZ units be equally divided at 60-80% MFI.

Finally, this PUD will increase the height of the building to 110’—above current zoning and the guidance in the SW Small Area Plan. As ANC 6D detailed in its September 12, 2022 report to the Zoning Commission, violating the existing height limit without an extraordinary and indisputable benefit to the community, such as a proffer of more and deeper affordability, would create precedent to put other projects that now provide just the affordable housing we seek to preserve (e.g., the rent-controlled townhouses in the Waterside complex that back onto Maine Avenue next to Arena Stage) at risk of redevelopment.

Therefore, this conditional support must in no way be considered as altering the commitment to the SAP as the foundation of all future development in Southwest, or the primacy of Small Area Plans as adopted elsewhere throughout the District to guide development in local communities in each of the eight wards.

As by law, ANC 6D requests that its positions be given Great Weight in your considerations of this application.

Sincerely,



Edward Daniels,
Chair, ANC 6D

ATTACHMENT A: Resolution of Conditional Support

Attachment A:

MOTION FOR CONDITIONAL SUPPORT

11.10.22

[I] move conditional support for the Applicant's PUD proposal,

- 1. Conditioned upon a commitment of no less than 42 below market rate units - approximately 21%, per recommendation of the Office of DC Attorney General -- to remain in place for the life of the building. Those units that would be in addition to the 15% already proffered, to total 21%, would be equally divided at 60-80% of MFI to encourage participation by moderate to middle income households, and**
2. The Applicant continues to pare back their FAR so that their project falls squarely within existing required limits under law, and
3. That this conditional support shall in no way is to be considered altering the commitment of ANC-6D to the Southwest Small Area Plan as the foundation document for all future development in Southwest or for support for the primacy of all Small Area Plans as adopted elsewhere throughout the District to guide development in local communities in each of the eight wards, and
4. That ANC 6D supports the proffer of a financial contribution of \$150,000 to the PTO at Jefferson Academy Middle School, but requests that instead of an additional financial contribution to Habitat for Humanity (an organization chosen by the Applicant as their commitment to achieving racial equity) that that \$100,00 be redeployed and equally split between the PTOs at both Amidon-Bowen Elementary School and Richard Wright Public Charter School for Journalism and Media Arts, the only high school in Southwest **and** that all three of those cash contributions be made immediately upon recorded publication of the approved PUD, and
5. That ANC 6D supports the proffer of \$75,000 for a public art project on Maine Avenue under the direction of a minority and women-owned local business in consultation with a community group selected by the Commissioners of ANC 6D **and** that should this contribution be directed through any entity for management purpose, any such involvement be considered a pro bono contribution by that body and that no fees will be extracted as a result.
6. That the final zoning order shall include an approved construction management plan between affected parties of Jefferson Middle School, Town Square Towers Condos, The Wharf, The Banks, and the Applicant; in addition to a dog waste management plan.