



Southwest and Buzzard Point
Advisory Neighborhood Commission 6D

January 12, 2023

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Anthony Hood, Chairman
Commissioners May, Miller, and Imamura
DC Zoning Commission
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OFFICERS

Chairman
Fredrica Kramer
Vice Chairperson
Bob Link
Secretary
Bruce Levine
Treasurer
Ron Collins

Via email: Anthony.Hood@dc.gov

RE: Response to December 15, 2022 Hearing on ZC Case 22-11, PUD at 807 Maine Ave., SW

Dear Chair Hood and Commissioners:

COMMISSIONERS

SMD 1 *Bob Link*
SMD 2 *Ronald Collins*
SMD 3 *Gail Fast*
SMD 4 *Vacant*
SMD 5 *Ashton Rohmer*
SMD 6 *Bruce Levine*
SMD 7 *Fredrica Kramer*
SMD 8 *Rhonda Hamilton*

This is in response to the December 15th Zoning Commission hearing in **Case 22-11, the PUD for the redevelopment of 807 Maine Ave. SW. (Sq. 439S, Lot 15).**

As Chair Hood requested, the ANC 6D submits this letter to provide a clear statement on our current understanding of the Applicant's acceptance in whole or in part of the "conditional approval" requirements previously outlined in our November 10, 2022 report (Ex. 82) and re-confirmed in our December 5, 2022 letter (Ex. 89).

Please also note that ANC 6D, at a duly noticed public meeting on January 9, 2023, with a quorum present, voted 7-0-0 to reach out to the Applicant ahead of this submission to once again discuss the specific ANC 6D "conditional approval" requirements in question. A meeting with the Applicant subsequently occurred on January 11, 2023. While the meeting proved to be a good opportunity to discuss each of the "conditional approval" requirements in detail with the Applicant and the Applicant intends to provide greater clarity in their upcoming response letter to the Zoning Commission on some of the points, no verbal indication of substantial change or modification of the Applicant's final

proffers submitted to the Zoning Commission on January 3, 2023 was agreed upon.

Given this background and context, at the time of this submission, ANC 6D provides our current understanding of the “conditional approval” requirements previously submitted:

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%, and equally divided at 60-80% of MFI to encourage participation by moderate to middle income households.

ANC UNDERSTANDING – Not Accepted by Applicant

2. The Applicant continues to pare back their FAR so that their project falls squarely within existing required limits under law.

ANC UNDERSTANDING – Not Accepted by Applicant, Clarification Expected in Applicant’s Response

3. That this conditional support shall in no way 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 its 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.

ANC UNDERSTANDING – Cannot be Accepted by Applicant

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.

ANC UNDERSTANDING – Not Accepted by Applicant, Clarification Expected in Applicant’s Response

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.

ANC UNDERSTANDING – Not Accepted by Applicant, Clarification Expected in

Applicant's Response

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.

ANC UNDERSTANDING – Not Accepted by Applicant, Clarification Expected in Applicant's Response

Of greatest importance to ANC 6D, its support was **conditioned** on the provision of *very substantial* long-term affordability (our Commission suggested at least 21%, per the filings of the Office of the Attorney General, with the additional 6% over the 15% proffered by the Applicant split between 60% and 80% of MFI to target more of “the forgotten middle” who too cannot afford market rate housing).

Of equal importance to ANC 6D is formal confirmation by the appropriate Authority that any final conditional support, or the override thereof, shall in no way be considered altering the commitment to the Southwest Small Area Plan as the foundation document for all future development in Southwest **or** the primacy of all Small Area Plans adopted elsewhere throughout the District to guide development in local communities in each of the eight wards.

To re-iterate our previous submissions, granting a PUD **must** reflect an extraordinary exception to current zoning limits and ANC 6D has consistently asked the Commission to elevate the condition for granting this PUD to a very substantial expansion; ANC 6D understands that the ultimate arbiter is the Zoning Commission. As ANC 6D presented in its November 10th report, anything less than a very substantial expansion of affordability **and** any perceived or actual precedent set with respect to altering the foundational tenets of the Southwest Small Area Plan puts the standards for redevelopment in all of Southwest at risk, and can create an immediate temptation for other property owners of affordable housing to redevelop those parcels.

Our comments are consistent with the findings and ANC 6D requests, as by law, that its position of opposition in this matter be given **Great Weight** in your final considerations of this application.

Sincerely,



Fredrica Kramer
Chair, ANC 6D