

**BEFORE THE ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA**

**899 Maine Avenue, SW**

**Lot 53 in Square 0390**

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**Application for a Consolidated Planned Unit Development and  
Related Zoning Map Amendment**

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**Statement of the Applicant**

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**February 11, 2022**

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**Table of Exhibits**

<b>Description</b>	<b>Exhibit</b>
Architectural Plans and Drawings for Consolidated PUD Application (the “Plans”)	Submitted Separately
Authorization Letter	A
Form 100 – Application Signature Page	B
Certified Surveyor’s Plat	C
Portion of Zoning Map Showing Existing Zoning for PUD Site	D
Portion of Zoning Map Showing Proposed Zoning for PUD Site	E
Portion of Generalized Policy Map	F
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Response to Advisory Neighborhood Commission 6D, dated January 25, 2022	I
Certificate of Notice, Notice of Intent (NOI), and List of Owners of Property within 200 feet of the PUD Site	J

## **I. INTRODUCTION**

This statement and attached documents are submitted by 801 Maine Ave SW PJV, LLC (the “Applicant”) in support of its application to the to the Zoning Commission for the District of Columbia (the “Commission”) for approval of a consolidated planned unit development (“PUD”) and a related Zoning Map amendment from MU-12 to MU-9A for Lot 0053, Square 390 (the “PUD Site”). This application is submitted in accordance with Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations, 11 DCMR (September 2016), as amended (the “Zoning Regulations”).

### **A. The Applicant**

The Applicant is 801 Maine Ave SW PJV, LLC, a sub-entity of Jair Lynch Real Estate Partners (“Jair Lynch”). Specializing in the responsible transformation of urban places, Jair Lynch is an urban regeneration company. Headquartered in Washington, DC, Jair Lynch combines social responsibility with sound economic development in pursuit of creating sustainable, extraordinary neighborhoods that connect to the soul of a place. The Applicant’s mission is accomplished by providing advisory and development services for third party clients, as well as the sponsorship and execution of institutional grade projects with investment partners, including affordable housing and mixed-income multifamily housing. The goal for Jair Lynch is to be a catalyst for transforming neighborhoods that will create value for its development service clients, investors, and the community. In the Applicant’s 24-year history, Jair Lynch has developed over 5.5 million square feet of real estate projects valued at over \$1.9 billion, with a future pipeline of 3.5 million square feet valued at more than \$1.6 billion. Currently, Jair Lynch has over \$2.8 billion of assets under management.

### **B. Overview**

As detailed herein, the Applicant proposes to construct a mixed-use building consisting of approximately 454,442 square feet of gross floor area (“GFA”), including ground floor retail use and approximately 498 new dwelling units (the “Project”). In response to the surrounding context, the height of the Project will range between 100 – 120 feet; the Project density will be approximately 7.92 floor area ratio (“FAR”); and the Applicant proposes to set aside 15% of the residential gross floor area for affordable housing.

## **II. THE PUD SITE AND SURROUNDING AREA**

### **A. The PUD Site**

The PUD Site is a triangular shaped parcel located in the southwest quadrant of the District and contains approximately 53,363 square feet (1.23 acres ±). The PUD Site is generally bounded by G Street on the north, Maine Avenue on the south, and 9th Street on the west. The PUD Site's immediate surroundings, which are further detailed below, include Benjamin Banneker Park to the west, Thomas Jefferson Middle School Academy and Jefferson Field are located to the east, and The Wharf and the Capitol Square PUDs to the south.<sup>1</sup> The PUD Site is improved with an office building that was recently leased by the the National Institute of Food and Agriculture, an agency of the U.S. Department of Agriculture. The building is now occupied with a concierge and building maintenance services, as well as a few temporary uses. The PUD Site also includes an underground public parking garage that is being actively used.

### **B. The Surrounding Area**

The PUD Site is located in the northwestern portion of the Southwest-Waterfront neighborhood, which is generally bordered by the Francis Case Memorial bridge to the west, the Southwest Freeway to the north, and the Navy Yard neighborhood to the east. The PUD Site is generally surrounded by a mix of residential and non-residential uses. The character of the area is largely defined and impacted by the activity generated by The Wharf, which includes medium- to high-density residential uses and a diverse range of commercial and recreational offerings. A moderate-density townhouse development exists to the north of the Property across G Street. Thus, the Project is intended as compatible transition from lower-intensity uses to the north to The Wharf development to the south.

The PUD Site is also well-served by public transit options. The L'Enfant Plaza Metrorail station to the northeast and services the Blue, Orange, Silver, Green, and Yellow lines; and the Waterfront Metrorail to the southeast services the Green line. Both stations are approximately 0.5 miles away about a 10-minute walk from the PUD Site. In addition, the PUD Site is served by the 52 and 74 Metrobus routes.

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<sup>1</sup> The Wharf was the subject of ZC Case Nos. 11-03 and 11-03A – J; Capitol Square was the subject of ZC Case No. 98-10.

### **III. ZONING**

#### **A. Existing MU-12 Zoning**

The PUD Site is currently zoned Mixed Use (MU)-12, as shown on the zoning map attached as **Exhibit D**. The MU zones provide for mixed use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities. 11-G DCMR § 100.1. The MU zones are also designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers. 11-G DCMR § 100.2. The purposes of the MU Zones are, among other things, to: (i) reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses; (ii) encourage safe and efficient conditions for pedestrian and motor vehicle movement; and (iii) preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities. 11-G DCMR § 100.3.

Specifically, the MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront. 11-G DCMR § 500.3. The maximum permitted density in the MU-12 zone is 2.5 FAR, with up to 3.0 FAR for IZ projects, and with a maximum non-residential FAR of 1.0. 11-G DCMR § 502.1. The maximum permitted building height, in the MU-12 zone is 45 feet, with up to 50 feet for IZ projects. 11-G DCMR § 503.1. The MU-12 zone permits a maximum penthouse height of 12 feet and one story, except 15 feet and a second story is allowed for mechanical space. 11-G DCMR § 503.2. The maximum permitted lot occupancy for residential use in the MU-12 zone is 80%. 11-G DCMR § 504.1.

#### **B. Proposed MU-9A Zoning**

The Applicant proposes to rezone the PUD Site to the MU-9A zone, as shown on the proposed zoning map attached as **Exhibit E**. The MU-9 zones are specifically intended to (a) permit high-density mixed-use development including office, retail, and housing, with a focus on



employment and residential use; and (b) be located in or near the Central Employment Area,<sup>2</sup> on arterial streets, in uptown and regional centers, and at rapid transit stops. 11-G DCMR § 400.8. The maximum permitted density the MU-9A zone is 6.5 FAR, with up to 7.8 FAR for IZ projects, and with a maximum non-residential density of 1.0 FAR. 11-G DCMR § 402.1. The maximum permitted building height, not including the penthouse, in the MU-9A zone is 90 feet, with up to 100 feet for IZ projects. 11-G DCMR § 403.1. The MU-9A zone permits a maximum penthouse height of 20 feet and one story plus a mezzanine, except a second story is allowed for mechanical space. 11-G DCMR § 403.3. There is no lot occupancy limitation for residential use in the MU-9A zone. 11-G DCMR § 404.1.

Under the PUD guidelines for the MU-9A zone, the maximum permitted building height is 130 feet and the maximum density is 9.36 FAR, with a maximum non-residential density of 1.34. 11-X DCMR §§ 303.7 and 303.3.

#### **IV. DESCRIPTION OF THE PROJECT**

##### **A. Overview**

As shown on the enclosed plans submitted herewith (the “Plans”), the Applicant proposes to redevelop the PUD Site with a mixed use building consisting of 454,442 square feet of GFA devoted to residential and retail uses. The first through twelfth levels of the new building will contain approximately 431,818 square feet of GFA devoted to residential use, resulting in approximately 498 residential dwelling units ( $\pm$  10%). Of the residential gross floor area, 15% will be set aside for affordable housing, for households with incomes not exceeding 60% of the median family income (“MFI”). Approximately 22,600 square feet of GFA will be programmed with ground-floor retail. As further discussed below, the Applicant’s design approach is intended to accentuate the residential character of the building, while simultaneously activating the pedestrian level with hospitable retail entrances and courtyard elements. The massing and scale of the building is configured to mitigate any adverse impacts to neighboring properties and achieve compatibility with the surrounding area. The maximum height of the building will be 120 feet,

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<sup>2</sup> The Central Employment Area (CEA) is the core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The graphic boundaries of the CEA are detailed in the Comprehensive Plan. 11-B DCMR § 100.2.

which will achieve a symmetry with buildings of The Wharf on the south side of Maine Avenue, SW.

## **B. Zoning Summary and Tabulation of Development Data**

The Tabulation of Development Data for the Consolidated PUD can be found on Sheet 11 of the Plans submitted herewith. The Project complies with all of the development standards set forth in the MU-9A zone in Subtitle G of the Zoning Regulations (i.e., height, side yard, rear yard, lot occupancy, courts, and green area ratio (“GAR”)).

For the PUD site, the overall permitted density is 9.36 FAR square feet, and the Project provides a density of 7.92 FAR, well below the maximum permitted FAR.

## **C. Design Approach**

The ground level design is responsive to the building frontages and character of the surrounding context. Much of the ground floor of the building is devoted to retail use that fronts along Maine Avenue – directly across from The Wharf – and wraps around the southwestern corner of the PUD Site onto 9<sup>th</sup> Street. The primary residential lobby, apartments, amenities, and support spaces (e.g., resident lounge, mail room, leasing and management offices) extend north on the west elevation along 9<sup>th</sup> Street culminating to the primary residential entrance. A break in the massing of the building along 9<sup>th</sup> Street reduces the length of continuous building façade and creates a landscaped entry court leading to the primary residential lobby. The design of the pedestrian entry court creates a unique arrival experience for residents and visitors, and provides visual interest at the pedestrian scale along 9<sup>th</sup> Street leading to and from The Wharf.

A primary retail entry, including vertical access points to and from below-grade parking, is located near the corner of Maine Avenue and 9<sup>th</sup> Street. Additional retail entrances would be located along Maine Avenue building frontage with the number and location of entrances to reflect the size and number of retail tenants. Along Maine Avenue and 9<sup>th</sup> Street, the retail facades have an open design to optimize views into retail establishments and activate the ground floor along pedestrian pathways. Retail entrances will be identified by building-mounted blade-type and/or building-mounted graphic signage with provisions for entrance canopies to be installed at entry

points. The canopy design allows for mounting of retail and address signage. Stone and brick masonry piers reflecting the building's structural bays and infill metal accent panels are used in complementary ways to break down the length of the retail frontage, to create a pedestrian scale and to maximize transparency of the retail environment.

Above the double-height volume of the retail level along Maine Avenue are two residential wings that create an elevated south-facing courtyard. This element reduces the building's overall scale and interrupts its continuous building length along Maine Avenue while preserving a continuous edge at the pedestrian level. The elevated courtyard will include individual terraces for residential units that wrap the space, but the majority of the court will support on-building rainwater management with intensive bio-retention green roof systems. The bio-retention landscaping will enhance the character of the roof surface and provide a visual amenity for the units surrounding the court at all levels.

Moving up the building, the penthouse will contain penthouse habitable space devoted to communal recreation for building residents and their guests, adjacent outdoor recreation space including a pool, and residential apartments. The penthouse habitable space will have a maximum height of 14 feet. The penthouse has a second story and a maximum height of 20 feet to accommodate an elevator override and screen walls around mechanical equipment.

The overall massing of the building has been carefully sculpted to reduce the shading impact of the proposed development and to reduce the scale of the building. The building height is intentionally tapered from the tallest segments along Maine Avenue, relating to the existing height and scale of The Wharf, and stepping down as the building extends north toward G Street. The open court along 9<sup>th</sup> Street and along the east elevation facing Jefferson Middle School Academy serves to visually break the building, creating the perception of distinct structures with unique architectural character and scale. The relationship of the lower wing of the building nearest to G Street and the townhouse development to the north follows a repeated development pattern in Southwest characterized by tall buildings adjacent to low rise towers and townhouses.

The design of the building is contemporary in style and relates to the evolving architectural character of the Southwest Waterfront neighborhood, including the buildings recently completed and under construction at The Wharf. Building façades are designed to be compatible with, yet distinctive from, the façades of existing and proposed development in Southwest Washington. Each façade responds to its adjacent context, solar orientation, and potential view corridors to maximize daylight into the units, enhances views, and controls against solar heat gain.

The building's primary exterior materials are brick masonry and terracotta rainscreen, with metal accent panels. Material colors for the retail façades along Maine Avenue and 9<sup>th</sup> Street will complement the color and texture of the residential tower above. The northern section of the building will have a distinct architectural character from the southern section of the building along Maine Avenue, to support the design intent of reducing the perceived scale of a single building occupying the PUD Site.

#### **D. Circulation, Parking and Loading**

The Project will contain 12 parking spaces at the first level of the building, and two additional levels of below-grade parking with approximately 222 spaces. In addition to the two full levels of below-grade parking, a partial level of below-grade short-term parking directly below the residential lobby. The parking at the first level of the building will provide immediate access to long-term bicycle storage and short-term off-street parking for delivery and pick-up / drop-offs. Access to the garage will be made available from G Street and a 20-foot wide private alley along the east side of the building.

The building contains two 30-foot loading bays and a 20-foot service bay in the loading area to support residential loading and trash/recycling operations. Access to the loading facilities also will be provided from the private drive accessed from G Street. There will also be a curb cut from Maine Avenue that will provide access to a loading berth suitable for WB-67 trucks typically required for retail operations.

## **E. Streetscape and Landscape**

The streetscape and landscape features proposed for the Project will integrate seamlessly with the surrounding public space and improve the existing pedestrian environment. Importantly, such improvements will be provided along both building facades on Maine Avenue and 9<sup>th</sup> Street, and in accordance with DDOT standards. Improvements on Maine Avenue include new sidewalk, landscape beds with seasonal interest, seating areas and bicycle racks. The improved streetscape will also capitalize on the existing mature street trees and the shade they will provide to enhance the pedestrian experience. Significant landscaping and paving materials at the “Lobby Plaza” along 9<sup>th</sup> Street will highlight and announce the presence of the main residential entrance, distinguishing the Project from public space. This orientation allows a visual connection with the Benjamin Banneker Park to the west, bringing a sense of openness and direct relationship to the enhanced landscape. The Lobby Plaza is proposed to be an inviting access path with places for residents and neighbors to sit at the streetscape level. The grade elevation change between the public sidewalk and the lobby presents an opportunity for this pedestrian access to become very engaging, universally accessible, and a visually dynamic juxtaposition of landscape plant beds, low walls, rich materials, and lighting.

## **F. Sustainable Design Elements**

The building will be designed to satisfy the LEED v4 for BD+C New Construction Gold rating level. The Project will implement a holistic and integrative approach to sustainable design strategies. Some of the sustainable elements proposed for the Project include innovative storm water management techniques, high performance mechanical and ventilation systems, high performance building envelope systems. The LEED Scorecard is on Sheet 86 of the Plans.

## **G. Design Flexibility Under PUD Guidelines**

The Applicant has made every effort to provide a level of detail that conveys the architectural significance of the Project and only requires minimal flexibility from the requirements of the Zoning Regulations. Nonetheless, some flexibility is necessary to address potential issues that arise during construction and other issues that cannot be anticipated at this

time. Design flexibility is commonly granted with PUD approvals because it enables efficient development of the Project despite potential changes in market demands, opportunities, and/or constraints. Thus, the Applicant requests flexibility in the following areas:

- Number of Dwelling Units. To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%);
- Interior Components. To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
- Garage Configuration. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
- Exterior Materials. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed by the Plans;
- Exterior Details. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railing, and skylights;
- Signage. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Plans;
- Affordable Units. To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on the Plans;<sup>3</sup>
- Streetscape Design. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division; and
- Sustainable Features. To vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the PUD does not decrease below the minimum proposed for the Project as specified by the order; and

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<sup>3</sup> The IZ plan will be submitted prior to the public hearing on the application in accordance with 11-Z DCMR § 401.

- Conversion of Retail Space. To convert up to 10,000 square feet of retail space to residential use or any other use permitted in the MU-9 zone, provided that for any such conversion that requires a modification of the building design, the Application shall file an application for a Modification of Consequence for the Commission’s approval of the revised building design, and any additional residential square footage shall be subject to the IZ requirement approved for the PUD.

## **V. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND PUD REQUIREMENTS**

### **A. PUD Requirements Under Subtitle X, Chapter 3 of the Zoning Regulations**

#### **1. Area Requirements Under Subtitle X § 301.1**

The PUD Site is approximately 53,363 square feet in land area, or ± 1.23 acres. The Zoning Regulations require a minimum land area of 15,000 square feet for a PUD in the MU-9A zone. 11-X DCMR § 301.1. Thus the PUD application complies with the minimum area requirements.

#### **2. Height and FAR Requirements Under Subtitle X §§ 303.3 and 303.7**

The Project has been evaluated under the PUD guidelines for the MU-9A zone. A PUD in the MU-9A zone permits development of up to 9.36 FAR, of which no more than 1.34 FAR may be devoted to non-residential use, and a maximum height of 130 feet. The proposed mixed-use building will have a total FAR of 7.92 (of which approximately 0.39 FAR will be devoted to non-residential use); and the maximum height of the building will be 120 feet.

Accordingly, the Project complies with the height and FAR guidelines for a PUD in the MU-9A zone.

#### **3. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(a)**

The proposed PUD advances the purposes of the Comprehensive Plan, is consistent with the PUD Site’s designations on the FLUM (**Exhibit G**) and the Generalized Policy Map (“GPM”) (**Exhibit F**), complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. Overall, the proposed PUD is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens.

The FLUM designates the PUD Site as Medium Density Commercial. This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with IZ or when approved through a PUD. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply. 10A DCMR § 227.12 (emphasis added). Further, although the predominant use is commercial, housing is permitted in the Medium Density Commercial category (and all Commercial Categories on the FLUM). 10A DCMR § 227.9. Therefore, the proposed rezoning to MU-9 is not inconsistent with the PUD Site's FLUM designation, as it would permit the uses that are contemplated by the Comprehensive Plan, and at densities that are considered appropriate under a PUD.

The GPM identifies the PUD Site within a Neighborhood Conservation Area. The guiding philosophy for Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the FLUM and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. 10A DCMR § 225.5. The proposed Zoning Map amendment will help implement the policies embodied in the GPM by allowing for a new residential development that is not inconsistent with the densities prescribed by the FLUM and fits in well with surrounding development patterns and land uses.

A detailed discussion of the Project's compliance with the Comprehensive Plan, including the Citywide Elements and the Lower Anacostia Waterfront/Near Southwest Area Element, can be found in the analysis attached as **Exhibit H**.



#### 4. Impacts of Project Under Subtitle X § 304.4(b)

Pursuant to 11-X DCMR § 304.4(b), the Zoning Commission shall find that the proposed development does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities, but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project. Overall, the Project will have a favorable impact on the surrounding area and the Southwest Waterfront neighborhood. The Project will transform an underutilized office site into a mixed use community that is compatible with immediate and surrounding uses. The Project also involves critical improvements to the surrounding road network and the adjacent streetscape, significantly improving conditions for pedestrian, vehicular and bicycle traffic. The Project will benefit the area with the addition of approximately 496 residential units, including affordable housing units, in an area designated for medium density uses.

Additional potential impacts of the Project are further analyzed below, by topic area:

- **Land Use.** The Project will result in a more efficient and economical use of underutilized land. As mentioned above, the PUD Site is currently improved with a government office building. As the long-term effects of the COVID-19 pandemic begin to settle, and the traditional, “in-person” five-day work week continues to evolve, the existing office building at the PUD Site will become increasingly antiquated. As such, the PUD Site’s current use does not maximize its close proximity to transit and is incompatible with surrounding uses, particularly the family-friendly amenities provided by The Wharf. The Project includes substantial new housing (market-rate and affordable) that is appropriate for the PUD Site given the District’s planning goals. Thus, potential impacts to land use are favorable.
- **Transportation.** The proposed development will not have a detrimental impact on the surrounding transportation network. Any potential adverse impacts can be mitigated through implementation of a transportation demand management (“TDM”) plan. Based on discussions with DDOT, the Applicant is preparing a Comprehensive Transportation Review, which will include an evaluation of TDM measures and will submit to those to DDOT and the Commission in accordance with 11-Z DCMR § 401.8. The Applicant will also continue to work with the community to address the traffic considerations and concerns that have been raised.

Thus, potential impacts to transportation are capable of being mitigated.

- **Housing.** The Project will have a positive impact on housing, providing approximately 498 new housing units where no housing is currently provided.

Moreover, the 15% of the residential gross floor area (64,773 square feet) will be set aside for affordable housing, which is well above that required under the IZ program and well-above that provided by recently approved, unsubsidized PUDs. The Project also does not involve the demolition of existing housing or displacement of existing residents. Thus, potential impacts to housing are favorable.

- **Environmental Protection.** The Project is designed to LEED Gold standards under the LEED v4 for BD+C New Construction and will transform a dated office building with a sustainable mixed-use development. The Project also includes storm water management improvements. Thus, potential impacts to the environment are favorable.
- **Economic Development.** The PUD will result in the redevelopment of an underutilized site in a transit-oriented location that also is well-positioned to complement uses within the immediate area. An influx of residents will support the diverse range of existing commercial and retail uses of The Wharf development and further establish the Southwest Waterfront as a preeminent community in the city. Additionally, the PUD will include anchor retail, which will lead to new employment opportunities and additional tax revenues for the District. Thus, potential impacts to the economy are favorable.
- **Parks, Recreation, and Open Space.** While the PUD Site currently has no parks, recreation, or open space elements; but it is adjacent to Jefferson Field to the east and directly across from Benjamin Banneker Park to the west across 9<sup>th</sup> Street. Thus, potential impacts to open space are acceptable.
- **Urban Design.** The Project reflects a high-quality, context-sensitive design that is respectful of the townhouse community to the north and the Jefferson Middle School Academy to the east, as a majority of the building density is oriented toward Maine Avenue. Through the use of stepdown techniques the building creates a compatible transition from lower-density residential uses to The Wharf project.

Importantly, the Applicant completed a comparative shadow study of the PUD Site to understand the impact of shadows resulting from the proposed development, as compared to the shadows resulting from existing development on and surrounding the PUD Site. *See **Exhibit I***. The existing structures on and surrounding the PUD Site cast shadows on the existing townhouse development, Jefferson Middle School Academy, and Jefferson Field, to varying degrees depending on the time of day and year. Any proposed development on the PUD Site that is taller and has a larger footprint than the existing structure will unavoidably change existing shadow patterns. The building is lowered by two stories at 9th and G Streets in order to minimize the impact of shadows on the townhouse development to the north and Jefferson Field to the east. The additional shading on the courts and a portion of the open field areas during the hot summer months will provide relief from direct sun. Finally, any direct impact on the Jefferson Middle School Academy building is generally limited to times of the day when school is not in session.

Thus, potential impacts to urban design are favorable or acceptable given the quality of public benefits.

- **Historic Preservation.** The proposed development does not have any impacts on historic preservation.
- **Community Services and Facilities.** The Applicant does not anticipate any adverse impacts to community services and facilities. Residents and visitors of the Project are likely to utilize the tennis courts and/or the baseball field located on Jefferson Field. This type of activity is desirable, as it will increase opportunities for community engagement and interaction. Thus, any potential impacts are favorable or acceptable given the quality of public benefits.
- **Educational Facilities.** The Applicant does not anticipate any adverse impacts to educational facilities. The PUD Site falls within the following DCPS boundaries: Amidon-Bowen Elementary School, Jefferson Middle School Academy, and Eastern High School, which have utilization rates of 79%, 65%, and 67%, respectively.<sup>4</sup> Any potential impacts to educational facilities are therefore favorable or acceptable given the quality of public benefits.
- **Infrastructure.** The Project results in significant infrastructure improvements with the construction of new sidewalks along Maine Avenue and 9<sup>th</sup> Street, NW. The Project will also involve the replacement and relocation of an aging storm sewer along 9<sup>th</sup> Street. Thus, any potential impacts to educational facilities are therefore favorable or acceptable given the quality of public benefits.

## **B. Public Benefits and Project Amenities**

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as “superior features of a proposed planned unit development that benefit the surround neighborhood or the public in general to a significantly greater extent than would likely result from the development of the PUD Site under the matter-of-right provisions[.]” 11-X DCMR § 305.2. A project amenity is further defined as “one type of public benefit, specifically a functional or aesthetical feature of the proposed development that adds attractiveness, convenience, or comfort of the project for occupants and immediate neighbors.” 11-X DCMR § 305.10. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to “judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.”

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<sup>4</sup> See DCPS SY2020-21 Enrollment Data, available at: <https://dme.dc.gov/node/1573491>.

11-X DCMR § 304.3. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with a furthering of the policies and goals of the Comprehensive Plan.

The Project will help achieve several goals of the PUD process by creating a mixed-income, sustainable development with a thoughtful, high-quality design that provides important neighborhood amenities. These and the other significant public benefits and amenities, described in more detail below, reflect and implement the goals of the PUD process, enhance the surrounding community, and benefit the District.

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 government office building with approximately 498 units. This amount of housing far exceeds the amount that would have been provided if the PUD was developed as a matter-of-right under the existing MU-12 zoning that permits an FAR of only up to 2.5 (3.0 with IZ) and allows a maximum height of 45 feet (50 feet with IZ). *See* 11-X DCMR § 305.5(f)(1); *see also* 11-G DCMR §§ 502.1 and 503.1.

Importantly, the Applicant will set aside approximately 15% of the residential GFA of the Project, or 64,773 square feet, as affordable units for households earning no more than 60% of MFI. The Applicant's 15% 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.

In addition, the Applicant's 15% affordable housing proffer represents a substantial increase in the amount of affordable residential floor area 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 devoted to affordable housing. Thus, the project will provide over three times more affordable housing than under existing zoning.

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))

The Project is designed to LEED Gold standards under the LEED v4 for BD+C New Construction. The Applicant will provide additional detail about the various environmental and sustainable features that will be integrated with the proposed building prior to public hearing.

3. Urban Design and Architecture (11-X DCMR § 305.5(a)); Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c))

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 9<sup>th</sup> 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.

In addition to 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.<sup>5</sup> 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.

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

The Applicant will commission artwork to be installed in the courtyard of the Project. Information on the specific location, medium and process for commissioning the art piece will be provided prior to the public hearing on the application.

## **VI. COMMUNITY OUTREACH**

Pursuant to 11-Z DCMR § 300.7, the Applicant mailed an Amended Notice of Intent ("NOI") to file subject application to the owners of all property within 200 feet of the perimeter of the PUD Site as well as to ANC 6D on December 1, 2021,<sup>6</sup> more than 45 days prior to the date of this application. Within the 45-day notice period, the Applicant presented the proposed PUD to ANC 6D at its duly-noticed, regularly scheduled public meeting on January 10, 2022.

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<sup>5</sup> As further detailed in the Evaluation of Consistency with the Comprehensive Plan (Exhibit H), the MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront, which is inconsistent with the PUD Site's FLUM designation.

<sup>6</sup> This amended NOI was issued in order to change the zone that will be requested by the Applicant as part of the PUD. The original notice of intent that was issued on November 9, 2021, indicated that the Applicant would request a PUD-related Zoning Map amendment to rezone the PUD Site to MU-10.

The Applicant met with community stakeholders related to the proposed Project on the following dates:

- August 13, 2021: Meeting with Commissioner Andrew Bossi, the then Single Member District (“SMD”) representative of ANC 6D01
- September 6, 2021: ANC 6D Administrative Meeting
- September 13, 2021: ANC 6D Public Meeting
- October 18, 2021: Meeting the Jefferson Middle School Academy Principal
- October 18, 2021: Meeting with Southwest Business Improvement District
- November 1, 2021: ANC 6D Administrative Meeting
- November 2, 2021: Meeting with Capitol Square at the Waterfront Townhomes
- December 6, 2021: ANC 6D Administrative Meeting
- January 7, 2022: Meeting with Commissioner Marjorie Lightman, SMD ANC 6D01
- January 10, 2022: ANC 6D Public Meeting
- January 25, 2022: Meeting with The Wharf Development
- February 7, 2022: Meeting with Commissioner Major Lightman, SMD ANC 6D01 and Commissioner Frederica Kramer, SMD ANC 6D05

Prior to the Applicant’s meeting with the full ANC on January 10, 2022, the Applicant met with the Capitol Square Homeowners Association and the Jefferson Middle School Parent Teacher Organization.


## **VII. CONCLUSION**

For the foregoing reasons, the Applicant submits that the PUD plan meets the standards of Subtitle X, Chapter 3 of the Zoning Regulations; is consistent with the purposes and intent of the

Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be approved by the Zoning Commission. Accordingly, the Applicant requests that the Zoning Commission approve the PUD application and the concurrent change in zoning.

Respectfully submitted,

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