

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



D.C. OFFICE OF PLANNING

2007 FEB 02 11:23:22

Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *J.S. for*
Jennifer Steingasser, Deputy Director, Office of Planning
DATE: February 2, 2007
SUBJECT: **Setdown Report for ZC 02-38A**
Waterfront (Waterside Mall Redevelopment)
Zoning Map Amendment, First Stage PUD Modification and Second Stage PUD

I. SUMMARY RECOMMENDATION

The Office of Planning recommends that the Zoning Commission set down for a Public Hearing Case #02-38A, Waterfront, as a PUD-related zoning map amendment, a first stage PUD modification and a partial second stage PUD.

II. APPLICATION-IN-BRIEF

Location: Square 542, Lot 89
Ward 6, ANC 6D

Applicants: Waterfront Associates and RLARC

Current Zoning: C-3-B, C-3-C

Property Size: 13.42 acres (584,655 square feet))

Proposed Development: Redevelop the Waterside Mall site with a total of eight new or reskinned buildings housing a mix of uses including residential, office and ground floor retail.

Relief and Zoning: Pursuant to 11 DCMR Chapter 24, the applicant is seeking a PUD-related map amendment from C-3-B to C-3-C. The applicant has also asked for zoning relief from requirements for rooftop structures (§§411 and 770) and residential recreation space (§773).

ZONING COMMISSION
District of Columbia

CASE NO. 02-38A
EXHIBIT NO. 13

ZONING COMMISSION
District of Columbia
CASE NO. 02-38A
EXHIBIT NO. 13

III. Executive Summary

The following summarizes the three segments of this application. Following the summary is an abridgment of the Office of Planning's analysis.

Zoning Map Amendment

In 2003, the Zoning Commission approved a PUD-related map amendment with the original first stage PUD. That remapping changed the zoning from C-3-B on the entire property to C-3-B and C-3-C, with the more intense zoning only at the corners of the subject site. The applicant is now seeking to rezone the entire site to C-3-C in order to allow taller building heights with additional stories in the center of the site.

First Stage PUD Modification

The applicant is seeking to modify the approved first stage PUD in three ways.

1. *Change the overall use program from seven office buildings and one residential building to four office buildings and four residential buildings* – This represents a decrease in the commercial FAR from 3.64 to 2.22 and an increase in the residential FAR from 0.69 to 2.11. The overall FAR will remain constant at 4.33. A minimum of 110,000 square feet of retail will be provided. As described later in this report, the applicant is requesting flexibility to potentially convert one residential building to office use.
2. *Reconfigure buildings and redistribute floor area* – The applicant is seeking to break up the continuous mass of the buildings along 4th Street and create more public open space near the Metro entrance. Public open space will increase from 25,000 square feet in the original PUD to approximately 50,000 square feet in modified PUD. As opposed to the approved PUD, all parking in the modified PUD will be underground. Because of the change in use program, the proposed number of spaces decreases from 1,335 to 1,087.
3. *Increase building heights* – The applicant proposes to increase the height of the east and west 4th Street buildings from 79 feet to 94 feet. The number of floors will go from six to eight and the retail height on the ground floor will increase from 12 to 14 feet. The height of the four corner buildings is also proposed to increase from 112 feet to 114.

Second Stage PUD

The applicant is seeking approval for the specific design of the four central buildings in the development and the associated private and public open spaces. Two of the buildings are the existing office towers that will be reskinned and converted to residential buildings. The other

two buildings are new office and retail structures along 4th Street, referred to as the east and west 4th Street buildings. Major features of the 2nd Stage PUD proposal include a potential 55,000 square foot grocery store, landscaped public plazas near the metro entrance and east and west of 4th Street, private courtyards for the residential buildings and building façades of terra cotta, glass and metal panels. In conjunction with the 2nd Stage PUD, the applicant is asking for variances from rooftop structure and residential recreation space requirements.

Summary of Office of Planning Recommendation and Analysis

The Office of Planning recommends that the application be set down for the public hearing. Redevelopment of the site is consistent with several specific policies in both the existing Comprehensive Plan and the pending 2006 Comprehensive Plan that call for the redevelopment of Waterside Mall and the reopening of 4th Street. The proposal is also consistent with basic principals of the Comprehensive Plan such as redevelopment of underutilized sites, increased density near Metro stations, provision of affordable housing and environmental protection. Should the Commission choose to set down the application, OP will continue to work with the applicant to refine aspects of their proposal including LEED features in the buildings, provision of neighborhood-serving retail, and the details of the amenity package.

IV. SITE AND AREA DESCRIPTION AND HISTORY

The subject property is located north of and adjacent to M Street, S.W., south of Eye Street, S.W. and between 3rd and 6th Streets. Please refer to the Vicinity Map and Aerial Photo in Attachments 2 and 3. The site was formerly two lots – Square 499, Lot 60 and Square 542, Lot 88 – but they were combined into Lot 89 in Square 542. The property is essentially flat but slopes slightly from south down to north and from west down to east. The mostly vacant Waterside Mall, two office buildings and parking currently occupy the site. The mall varies from one to four stories tall and has both underground and surface parking totaling over 1,250 parking spaces. The total FAR on the site is 2.14. An existing conditions plan is shown on Sheets 6.0 and 6.1 of the applicant's Stage One Modification packet. The only three operating retail users left in the mall are a Safeway grocery, a Bank of America and a CVS Pharmacy. The entrance to the Waterfront/SEU Metro Station is on the property, near M Street in what was once the 4th Street right-of-way. The Town Center apartments are located between the subject site and 3rd Street, and the Marina View apartments are located between the subject site and 6th Street. Two churches are located between the subject site and Eye Street. 4th Street approaches the property from the south but terminates at M Street, only to begin again north of Eye Street.

To the south of M Street, which has a 120 foot right-of-way in this location, a number of rowhouses face internal courtyards that are framed by apartment towers. The towers generally reach 90 feet in height. The Town Center and Marina View apartments, to the east and west of the mall, respectively, reflect each other in layout and both reach nine stories and 90 feet in height. The Zoning Commission has scheduled a public hearing for February 15, 2007 on a proposed expansion of the Marina View development from two to four buildings (ZC #05-38). The two new buildings in Marina View have a proposed height of 112 feet. In addition to the two churches, three small parks under federal ownership are located to the north, northeast and

northwest of the subject site. A branch of the DC Public Library is also located northeast of the property. The zoning in the area follows the building types; The apartment towers are zoned R-5-D and the rowhouses, churches and library are zoned R-3. A map showing the zoning and existing and proposed building layouts for the neighborhood can be found on Sheet 1.3 of the applicant's Stage One Modification packet.

Southwest was significantly redeveloped pursuant to an urban renewal plan in the 1960s. The current site of the mall was envisioned as the economic and social heart of the redeveloped neighborhood and a number of plans were proposed showing it as such. Most of the early plans included open-air pedestrian connections along the old 4th Street alignment, but these plans were never implemented. Instead, the mall was developed in stages over a few decades and in a traditional indoor shopping mall format. The associated office buildings were occupied primarily by the Environmental Protection Agency until 2002. After the urban renewal plan expired in 1996, the Zoning Commission adopted Final Order No. 807 that established C-3-B zoning on the subject property. This zoning remained intact until the Commission approved application #02-38, a first stage PUD that included a related map amendment to zone the four proposed corner buildings C-3-C. The subject site is currently owned by the Redevelopment Land Agency Revitalization Corporation (RLARC), a subsidiary of the National Capital Revitalization Corporation (NCRC), and Waterfront Associates is the lessee. Under an agreement between those two parties, Waterfront Associates will become the owner of most of the site and RLARC will own and develop the northeast building.

V. PROJECT DESCRIPTION AND OP ANALYSIS

First Stage PUD Modification and Related Zoning Map Amendment

The applicant is proposing to construct or redevelop eight buildings housing a mix of uses. In the approved First Stage PUD, the applicant planned to reuse sections of the mall building and mall parking. In the proposed PUD, the mall building will be completely demolished and new underground parking structures and new buildings constructed instead. The only buildings proposed to remain on the site are the 130 foot tall towers at the east and west side of the property.

The uses are also changing from the approved PUD. The original application called for one residential building – at the northwest corner of the subject site – and seven office buildings. In the modified PUD, the applicant's proposal calls for four residential buildings and four office buildings. The residential buildings include the east and west towers, which to date have been used as office buildings, and the northeast and northwest buildings. The office buildings will be the east and west 4th Street buildings and the two M Street buildings. The applicant is asking for flexibility to allow conversion of the northwest building to office use.

Building heights are changed from the original PUD. The four corner buildings have marginally increased in height from 112 feet to 114 feet. This will allow higher retail ceilings in the ground floor. The east and west 4th Street buildings have increased in height by 15 feet and two stories. This change brings more FAR to the middle of the site but requires a zoning change. The

proposed 94 foot height is achievable under the PUD regulations for the C-3-C district, so the applicant has requested a change in the zoning on the site from C-3-B and C-3-C to C-3-C in its entirety. The FAR remains unchanged from the original PUD at 4.33 or 2,526,500 square feet. This is below the matter of right density allowed in the C-3-B zone.

Access

The primary pedestrian access point for the development will be the reopened 4th Street. Vehicular entrances to garages will be distributed around the development. Some garages will connect directly to 4th Street and others will be from the public plazas extending east and west from 4th Street that act as mixed mode corridors. The remaining garages will be accessed from either M Street or from private drives at the north end of the site. The application provides the required number of loading docks and all loading will be from the private alleys on the east and west side of the site. The Office of Planning asked the applicant if the garage entrances from M Street could be moved to an alternate location. The applicant responded that there is not enough room for entrances on the side of the office buildings because of the loading docks. The applicant is also hesitant to put more vehicular traffic on the mixed mode corridors north of the M Street office buildings.

Phasing

The original First Stage PUD included specific provisions for the phasing of the development between residential and non-residential uses. In this modification, significantly more residential space is proposed. The applicant has asked that any approval of the First and Second Stage PUDs currently submitted be valid for a period of three years. They further propose that prior to five years after approval of this application they must submit another Second Stage PUD for another segment of the project. The rest of the project must then receive Second Stage approval prior to December 31, 2020, the date that Safeway's lease expires. Prior to a public hearing, the Office of Planning will work with the applicant to refine the phasing and the provision of uses within each phase. OP wants to assure that residential, office and retail uses are brought online as concurrently as possible.

OP notes that two scenarios are possible within the first phase of development. One is the construction or redevelopment of the four central buildings with the inclusion of a new Safeway store. If, however, an agreement cannot be reached between the applicant and the grocer on a new lease, the existing Safeway building could continue to operate until their lease expires. In this case circulation patterns are adjusted but the four buildings would still be constructed at their proposed locations. Please refer to page 5.0 of the applicant's First Stage packet for a diagram of the phasing plan. In the original PUD the applicant committed to provide a grocery store as long as no other grocery store located in the neighborhood, with "neighborhood" defined as the area south of Interstate 395 / 295 in southwest and near southeast. With the rapidly increasing population in both those areas, OP feels that more than one grocery store would be viable south of the freeway. Therefore the grocery store condition of the original approval could be modified so that this project's "neighborhood" is more narrowly defined.

Office of Planning Analysis

Overall, OP does not object to the form, massing or use mix proposed in the First Stage PUD modification and the related map amendment. The rezoning allows taller building heights at the center of the site and increased public open spaces while maintaining the originally approved FAR of 4.33. The greater balance of residential and office uses in the modified PUD is also an improvement over the original PUD.

Second Stage PUD

The partial Second Stage PUD includes the four “middle” buildings in the development: the two remaining 130 foot towers, retrofitted for residential use, and two new 94 foot office buildings. The Second Stage PUD also includes the reopened 4th Street, the Metro plaza, public plazas extending east and west from 4th Street and private courtyards adjacent to the towers. This represents about 564,900 square feet of office space, 438,000 square feet of residential space and 50,000 square feet of public open space. A portion of the 110,000 square foot total retail area, including the potential 55,000 square foot grocery store, is also included in the Second Stage PUD.

Because of the location of the Metro escalator, the new 4th Street alignment must bend to the west. This in turn displaces the west 4th Street office building. The east 4th Street building responds with its main wall following the original right-of-way while a six story bay follows the new angle of the street. The penthouses of both buildings are elliptical in shape. Primary entrances for the offices will be at the middle of the block. Materials for the buildings include metal panels, terra cotta and brick. The applicant has stated that these two buildings will achieve a LEED Silver designation. The two residential towers will be reskinned with glass and metal panels reflecting interior partitions. The massing of the buildings will remain largely unchanged, with the exception of a new rooftop structure. The principal entrance for each building will be at its southern end.

The bend of 4th Street provides an opportunity to create a large public plaza on the east side of the Metro escalator. For this space and the east-west mixed mode corridors, the applicant proposes an array of landscaping, benches and lighting, all on colorful pavers. The applicant’s Second Stage plan set contains a full array of elevations, renderings and precedent photos for both the buildings and plaza areas.

Retail uses will line the 4th Street façades of the buildings. The potential grocery store site is located partially underneath the east 4th Street building and would have its entrance near 4th Street facing into the public plaza. The bulk of the store would be underneath the private landscaped terrace serving the east residential tower.

Automobile circulation will primarily use 4th Street. Cars can either enter two garages directly from 4th Street or turn into the side plazas to access two other garages or the front entrances of the residential towers. The plazas will accommodate different travel modes and different pavement colors will distinguish the areas meant primarily for pedestrian or auto traffic. On the eastern side, where greater pedestrian movement is anticipated, bollards separate the drive aisle

from pedestrian areas. The Office of Planning will work with the applicant and DDOT prior to a public hearing to ensure that traffic demand management (TDM) methods are employed in the Second Stage PUD as required by the original approval.

OP is generally supportive of the architecture and design of the proposal. With benches, landscaping, innovative hardscapes and retail surrounding them, the public spaces have the chance to be very active focal points for not just this development but also the larger community. The architecture of the buildings is appropriate and attractive.

VI. COMPREHENSIVE PLAN

The proposal would further the following Major Themes of the Comprehensive Plan, as outlined and detailed in Chapter 1, the General Provisions Element:

- (a) *Stabilizing and improving the District's neighborhoods* – The proposed development will transform a bleak and underused property in the heart of the southwest neighborhood into an area with activity at all times of day due to the mix of uses and the retail along the street face. Existing parking lots along M Street will be replaced with buildings and retail on the ground floor. Furthermore, the re-opening of 4th Street will aid pedestrian and vehicular circulation through the neighborhood.
- (b) *Increasing the quantity and quality of employment opportunities in the District* – The subject site was previously a large employment center for the Federal government. By reintroducing office uses to the neighborhood, the proposal will allow residents of southwest to walk to work. The presence of the Waterfront / SEU Metro Station will provide convenient access.
- (e) *Respecting and improving the physical character of the District* – The project will improve the physical character of the District by creating the new 4th Street, providing significant public plazas, replacing an unsightly and underused structure and enhancing the streetscapes of both M Street and the private street at the north side of the property.
- (h) *Reaffirming and strengthening the District's role as the economic hub of the National Capital Region* – Southwest is a neighborhood with a unique history, but one that since urban renewal has lacked a real core. The development will create a vibrant retail and employment center for the community.
- (i) *Promoting enhanced public safety* – The development and mix of uses will significantly increase the street activity of the neighborhood at all times of day. Extra eyes on the street will enhance public safety.
- (j) *Providing for diversity and overall social responsibilities* – By providing affordable dwelling units, the project will support a range of income groups in the neighborhood.

The Comprehensive Plan also includes a number of specific sections of relevance to the application, including ones related to Housing, Environment, Transportation, Urban Design and Land Use. The proposal to develop this site also addresses a number of goals and objectives specific to Ward 2, where the subject site was located prior to the change in ward boundaries. Relevant goals, objectives and policies can be found Attachment 1. OP believes that the proposal is generally consistent with or furthers those Comprehensive Plan objectives.

Chapter 3 Housing Element

The application meets the housing policy guidance of the Comprehensive Plan by creating housing for a variety of income levels on a property that is underdeveloped and yet very accessible to Metro and bus service.

Chapter 4 Environmental Protection Element

The application addresses environmental policy guidance for minimizing impacts to water and air quality. The east and west 4th Street buildings will be certified as LEED Silver, and other buildings may have LEED features. The public plazas and the reopened 4th Street will include landscaping so overall impervious surface area will decrease significantly from the current condition.

Chapter 5 Transportation Element

The application addresses transportation policy guidance for transit-oriented development by creating an efficient transportation system through a mix of land uses near Metro stations.

Chapter 7 Urban Design

The proposed development supports the urban design objective to assist areas in need of new or improved character. Redevelopment of the underutilized Waterside Mall site is encouraged, and the project will have a strong identity and fill in vacant areas along streets that are now only parking.

Chapter 11 Land Use Element

The proposal is not inconsistent with the major policies and objectives of the Comprehensive Plan's Land Use Element. The proposal will help provide needed neighborhood-serving commercial and provide housing to residents with a range of income levels.

Chapter 13 Ward 2 Plan

Although now in Ward 6, Waterside Mall was in Ward 2 when the existing Comprehensive Plan elements were last updated. A number of policies in the Ward 2 element apply to the subject site. The project is not inconsistent with objectives of the Ward plan including ones related to Economic Development, Housing and the Environment. The application proposes to redevelop

Waterside Mall, reconnect 4th Street, create housing for a variety of income levels and create a vibrant shopping area with large public places, all as called for by the Ward 2 Plan.

2006 Comprehensive Plan

The pending 2006 Comprehensive Plan specifically calls for the redevelopment of Waterside Mall with a mix of uses and the reconnection of 4th Street. The plan states that new development should have residential, office and locally serving retail, and should be connected to the surrounding community while improving the aesthetics of the site. The proposed development would further those policies.

VII. COMPREHENSIVE PLAN GENERALIZED LAND USE MAP AND LAND USE POLICIES MAP

The Generalized Land Use Map recommends the subject site for medium density commercial use which is characterized by “shopping and service areas that generally offer a large concentration and variety of goods and services outside the Central Employment Area.” Section 1100.11 of the Comprehensive Plan notes that “The Land Use Element does not identify or fix every use, height, and density on every block in the District. The text and the maps construct a guiding framework within which public and private land use and zoning decisions are to be made.” The Office of Planning is supportive of the redevelopment of the site for a mix of uses and the scale of the project is consistent with plan policy encouraging development near Metro stations.

The Land Use Policies Map designates the Waterside Mall as a Multi-Neighborhood Commercial Center. Multi-neighborhood centers are typically located at intersections, along major arterial streets, and along transit routes. These areas will often have “Variety stores, drugstores, supermarkets, and specialty shops” and “frequently have one (1) or more restaurants, a hardware or paint store, and one (1) or more gasoline stations” (§1107.4). These centers usually have a small amount of office associated with them. The retail component of the proposed development is not inconsistent with those policies. While the amount of office proposed is greater than prescribed for a typical multi-neighborhood center, the location of this site on a Metro station and within close proximity to the central city makes the amount of office space appropriate.

The pending 2006 Comprehensive Plan has two associated maps, the Generalized Policy Map and the Future Land Use Map. The Generalized Policy map shows this site as a Land Use Change Area and an Enhanced/New Multi-Neighborhood Center. The Future Land Use Map indicates that the site is suitable for a mix of High Density Residential and High Density Commercial uses. The proposed development and the proposed C-3-C zoning are consistent with these designations.

VIII. ZONING

Existing and Proposed Zoning

The subject site is currently zoned C-3-B and C-3-C, pursuant to Zoning Commission order #02-38. C-3 districts are “designed to accommodate major business and employment centers supplementary to the Central Business (C-4) District” and “provide substantial amounts of employment, housing and mixed uses” (§§740.1 and 740.2). C-3-B and C-3-C permit medium density and medium-high density development, respectively (§§740.6 and 740.8).

To allow additional height, the applicant proposes a PUD-related map amendment so that the entire site will be C-3-C. The change in zoning is not required because of a change in density for the project; The overall FAR for the project remains unchanged between the original PUD and the proposed PUD modification. The table below contains a comparison of the heights and densities allowed in both districts and under both matter-of-right and planned unit development scenarios, as well as the applicant’s proposed project parameters. The proposed map amendment is appropriate because it will allow greater public open spaces through the reallocation of FAR.

Zoning Regulations for Waterside Mall

A few unique zoning regulations apply to the subject site. Section 2521.1(e) states that a building conforming to the urban renewal plans for the area shall be considered a conforming structure under Zoning. Also, §2521.1(h) states that if part of the “Waterside Mall property” is demolished to allow the reconstruction of 4th Street as a public right-of-way, the remaining parts of the building, although not connected above grade, shall be considered a single building.

The application uses these sections to draw height for the entire project, for the purposes of the Height Act, from M Street, which has a 120 foot right-of-way. The application also shows a single measuring point for the entire project at the midpoint of the entire property’s M Street frontage. The application also states that because of these sections, the existing side and rear yards are not nonconforming. The Office of Planning agrees that the regulations allow these modifications to the normal zoning evaluation. It is also OP’s position that any new construction must meet side and rear yard requirements.

Zoning Relief

The applicant is asking for the zoning changes and relief listed below. A summary of each item follows. OP will provide a complete analysis of each area of relief prior to a public hearing.

1. Zoning map amendment from C-3-B to C-3-C;
2. Residential or office use flexibility in the northwest building;
3. Flexibility to provide between 53% and 63% lot occupancy;
4. Variance to rooftop structure requirements;
5. Variance to residential recreation space requirements.

1. Zoning Map Amendment

In conjunction with the original First Stage PUD, the corners of the property were rezoned from C-3-B to C-3-C in order to allow building heights of up to 112 feet. In that plan the part of the property remaining as C-3-B contained the existing 130 foot towers and the new east and west 4th Street buildings that were six stories with a height of 79 feet. In the C-3-B district, the height is limited to 90 feet as a PUD. In the proposed modification, however, the east and west 4th Street buildings are to be 94 feet in height and eight stories. The applicant requests, therefore, that the entire C-3-B portion of the property be rezoned to C-3-C.

Total FAR is not increasing as a result of the rezoning, and in fact the redesign has the effect of creating additional open space. By moving FAR from the ground to the two additional stories in the east and west 4th Street buildings, the lot occupancy decreases and more space is available for public plazas and private courtyards. The rezoning is appropriate because the Comprehensive Plan encourages denser development near Metro stations and the Pending 2006 Comprehensive Plan calls for high density mixed use residential and commercial development on the site. The Office of Planning also welcomes the effort to create more public plaza space near the Metro.

2. Residential or Office Use Flexibility

The applicant has asked that flexibility be provided to allow either office or residential as the main use in the northwest building. In either scenario retail would be provided in the building along 4th Street. The applicant stated that the market will determine what use is ultimately chosen. The Office of Planning feels that either use in that location is acceptable. Residential uses will bring more evening and weekend activity to the neighborhood. But in this highly residential neighborhood it would also be beneficial to create additional employment opportunities and daytime activity.

3. Lot Occupancy Flexibility

The application indicates that a range of lot occupancy between 53% and 63% is possible. One reason cited by the applicant for the range is the possible change in use in the northwest building described above; The office building would have a larger floor plate than a residential building. Also, the RLARC will own and develop the northeast building and the exact design of that structure is not known at this time. The applicant may also have to respond to future clients with certain specifications for their buildings. No public open space or private courtyards included in the Second Stage PUD will be reduced in size should the lot occupancy increase.

4. Rooftop Structures

The applicant has requested relief from rooftop structure requirements. The mechanical penthouses on both the east and west 4th Street buildings do not have a uniform height. Both penthouses are 18.5 feet tall at their northern end and step down to 13.5 feet. The applicant states that the step down reduces the appearance of mass of the penthouse and thereby improves the design.

The Office of Planning also notes that the retrofitted east and west towers will have new mechanical penthouses. In both cases the structures extend to the northern wall of the building. On sheet 6.6 of the Second Stage packet, the roof plan, the structures that abut the northern wall are labeled architectural embellishments. But examination of the elevation drawings and other figures in the submitted plans leads OP to believe that relief would be needed for the structures. OP will continue to work with the applicant to refine their rooftop plan.

5. Residential Recreation Space

The applicant is requesting relief from the C-3-C requirement for 10% residential recreation space. While at this time such relief is still technically required, OP notes that the Zoning Commission has taken final action to eliminate the regulation. The proposal includes 70,000 sf of outdoor recreation space, equivalent to 5.6% of the maximum proposed residential floor area. This does not include any interior open space or the public plazas included with the project. The Office of Planning does not object to granting the requested relief.

IX. PURPOSE OF A PLANNED UNIT DEVELOPMENT

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public benefits.” Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

The application, including the related C-3-C map amendment, exceeds the minimum site area requirements of Section 2401.1(c) to request a PUD, and the applicant is requesting a First Stage PUD modification and Second Stage PUD review. The PUD standards state that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project” (§2403.3). Based on the information provided, OP believes that the project will have an overall positive impact on the neighborhood and the District. A more comprehensive analysis of the proposal against specific PUD standards and requirements will be provided prior to a Public Hearing.

X. PUBLIC BENEFITS AND AMENITIES

Sections 2403.5 - 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that “the Commission shall 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.” To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§2403.12).

Amenity package evaluation is based on an assessment of the additional development gained through the application process. In this case, the application is not approaching the PUD limits for FAR. In fact, the proposed total FAR of 4.33 is less than the 5.0 allowed in the C-3-B district as a matter of right and a PUD in the C-3-C district could theoretically go up to 8.0 FAR. The height allowed through a PUD is required for the proposed 114 foot maximum height proposed in this project. That is 44 feet above the maximum height allowed in the C-3-B district as a matter of right and 24 feet above the 90 foot maximum allowed in the C-3-C. The applicant has listed a number of areas which they feel contribute towards their amenity package:

1. *Reopening of 4th Street* – Following demolition of the existing mall, the applicant will provide a 90 foot right-of-way so that 4th Street can be connected from north to south through the property. According to the applicant the new street will allow for street-oriented retail, an active pedestrian environment, a safe passageway through the site and improved architecture.
2. *Major Local Development Initiative* – The application states that the revitalization of the Waterside Mall site is a public amenity. Redevelopment will create an active mixed use environment where currently the underused mall and its parking lots are currently located. The applicant states that this project will be a vital component to the redevelopment of the entire southwest and near southeast.
3. *Retail and Establishment of a Town Center* – The applicant is proposing a minimum of 110,000 square feet of retail in the development. This will create an active multi-neighborhood commercial center as called for by the plan. The applicant’s stated goal, though at this point not a commitment, is to “construct a new, approximately 55,000 square foot grocery store” (Application, pg. 24). A grocery store would be a major amenity item for the community.
4. *Housing* – The project site will have a minimum of 800,000 square feet of residential development, and could have more than 1,200,000 square feet. 400,000 of that will be constructed as part of the first phase of development. The infusion of many residents will help assure an active streetscape, will support neighborhood retail and will maximize the use of Metro and other infrastructure.

5. *Urban Design* – The applicant claims as a public amenity the streetscape design, pedestrian amenities, public plazas, the introduction of vertical elements, connections to the community, the use of buildings to define public space and the deconstruction and refragmentation of a super block.
6. *Maintenance of Public Park* – The applicant has agreed to maintain the Federal lands north of the PUD site in perpetuity. Maintenance will include items such as trash removal, mowing and planting.
7. *First Source Agreement and Use of LSDBE* – The applicant will enter into a First Source Agreement with the District and will utilize LSDBE businesses in the development of the project.

The applicant has not listed what in OP's opinion is its entire list of benefits. In addition to the above list, the applicant has committed, through its agreements with RLARC and the District, to significant public benefits. These include 20% affordable housing in the first 400,000 square feet of residential development in the initial development phase, a commitment to LEED Silver in the east and west 4th Street buildings, and the provision of leaseable space for an LSDBE. Furthermore, the RLARC residential building, which is 400,000 square feet in size, will also be providing 20% affordable units. OP does not object to the inclusion of these items as public benefits. The Office of Planning feels that the proposed amenity package is sufficient for setdown. Additional details will be provided prior to the public hearing and OP will provide a more detailed analysis at that time.

XI. AGENCY REFERRALS

If this application is set down for a public hearing, the Office of Planning will refer it to the following District government agencies for review and comment:

- Department of the Environment (DOE);
- Department of Employment Services (DOES);
- Department of Housing and Community Development (DHCD);
- Department of Public Works (DPW);
- Department of Transportation (DDOT);
- DC Public Schools (DCPS);
- DC Water and Sewer Authority (WASA);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD); and
- Office of Planning – Historic Preservation (HP)

XII. COMMUNITY COMMENTS

ANC 6D has not taken an official position on the remapping, modification and Second Stage PUD, but they have been meeting regularly with the applicant. The Office of Planning met with

representatives from the neighborhood in 2006. They expressed support for some aspects of the development such as the height and reservation about other aspects such as building form. A recurring concern from neighbors in both the face to face meeting and community meetings has been their desire to retain a grocery store in their community.

XIII. RECOMMENDATION

The Office of Planning recommends that this application be set down for public hearing. The proposal is consistent with goals and objectives of the Comprehensive Plan by redeveloping an under-utilized property near a Metro station with a mix of uses. Redevelopment of the site is consistent with several specific policies in both the existing Comprehensive Plan and the pending 2006 Comprehensive Plan that call for the redevelopment of Waterside Mall and the reopening of 4th Street. The development will provide housing options for a range of incomes and residents will have access to mass transit and neighborhood-serving retail. In addition to the increased height gained through the PUD process, the applicant is also seeking relief and flexibility from other zoning standards. OP will continue to work with the applicant to address community issues and ensure that the public benefit package is commensurate with the requested flexibility.

XIV. ATTACHMENTS

1. Applicable Comprehensive Plan Policy
2. Vicinity Map
3. Aerial Photo

JS/mrj

**ATTACHMENT 1
APPLICABLE COMPREHENSIVE PLAN POLICY**

Chapter 3 Housing Element

§300 Declaration of Major Policies

§300.2 ...the District must stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units for a wide variety of household types...

§302 Housing: General

§302.1 The general objectives for housing are to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations.

§302.2 The policies established in support of the general objectives for housing are as follows:

- (a) Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives...;
- (e) Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized, or unused...;

Chapter 4 Environmental Protection Element

§402 Improving Water Quality

§402.1 The objectives of improving water quality are to improve the quality of water in the rivers and streams of the District to meet public health and water quality standards, and to maintain physical, chemical, and biological integrity of these watercourses for multiple uses, including recreation.

§403 Improving Air Quality

§403.1 The objective of improving air quality is to improve the quality of air in the District and the region so as to meet public health and environmental standards.

§403.2 The policies established in support of the improving air quality objective are as follows:

- (c) Promote land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips. (Measures which reduce dependence on automobiles for a significant number of trips are essential to a reduction of regional air pollution. Clustering of residences, shopping, and work places where they can be served efficiently by Metrorail or frequent bus service promotes this essential independence.);

Chapter 5 Transportation

§502 Transportation: General

§502.1 The general objectives for transportation are to support District policy to preserve and improve neighborhoods, to facilitate the commerce of the District, and to support District growth and development objectives to expand business and job opportunities.

§502.2 The policies established in support of the general transportation objectives are as follows:

- (a) Support land use arrangements that simplify and economize transportation services, including mixed use zones that permit the co development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations;

Chapter 7 Urban Design

§712 Areas in Need of New and Improved Character

§712.1 The areas in need of new and improved character objective is to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.

§712.2 The policies established in support of the areas in need of new and improved character objective are as follows:

- (a) Encourage well designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;

Chapter 11 Land Use Element

§1100 Declaration of Major Policies

§1100.2 District neighborhoods are the cornerstones of the District's social and physical environments:

- (a) Land use policies must ensure that all neighborhoods have adequate access to commercial services within the District and sufficient housing opportunities to accommodate a range of needs.

§1105 Objective for Commercial Areas

§1105.1 The objectives for commercial areas are to promote the vitality of the District's commercial areas, including Downtown, and to provide for the continued growth and vitality of the District's economy and its employment base.

§1106 Commercial Land Use Categories

§1106.3 The medium density commercial land use category includes shopping and service areas that generally offer the largest concentration and variety of goods and services outside the Central Employment Area as the predominant uses. Most customers arrive at medium density commercial land use areas by car, bus, or subway.

§1107 Commercial Center Classifications

§1107.4 Multi neighborhood centers contain many of the same activities as local neighborhood centers, but in greater depth and variety. These centers generally locate at intersections, along major arterial streets, and along transit routes:

- (a) Variety stores, drugstores, supermarkets, and specialty shops are usually principal elements of multi neighborhood centers. These centers frequently have one (1) or more restaurants, a hardware or paint store, and one (1) or more gasoline stations. A small amount of incidental office space is generally included for doctors, dentists, lawyers, realtors, banks, savings and loan associations, and other professional and financial uses; and
- (b) In summary, retail use is usually the predominant commercial use in a multi neighborhood center.

§1108 Policies in Support of the Commercial Areas Objectives

§1108.1 The policies established in support of the commercial areas objectives are as follows:

- (d) Encourage the District's network of multi neighborhood commercial centers to provide a satisfactory range of retail and office services for their market areas;
- (j) Promote the establishment and growth of mixed use commercial centers at appropriate Metrorail stations and major transportation interchange points to reduce automobile congestion, improve air quality, increase jobs, reduce reliance on the automobile...

Chapter 13 Ward 2 Plan

§1300 Ward 2 Economic Development

§1301 Ward 2 Objectives for Economic Development

§1301.1 The objectives for economic development are as follows:

- (a) Enhance the image of Ward 2 as a place to do business and to reside;
- (b) Maintain sound areas of the ward and rebuild and develop other areas of the ward where economic development actions are needed;
- (c) Increase total employment in the ward, especially in the Central Employment Area, and at appropriate locations and levels in other areas of the ward;

§1303 Ward 2 Housing

§1304 Ward 2 Objectives for Housing

§1304.1 The objectives for housing are as follows:

- (a) Stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations;
- (b) Provide for the housing needs of low and moderate income households;

§1306 Ward 2 Environmental Protection

§1307 Ward 2 Objectives for Environmental Protection

§1307.1 The objectives for environmental protection are as follows:

- (a) Improve the quality of water in the rivers and streams of the District to meet public health and water quality standards, and maintain physical, chemical, and biological integrity of these watercourses for multiple uses, including recreation;
- (b) Improve the quality of the air of the District and its region so as to meet public health standards;

§1343 Ward 2 Neighborhood Shopping Areas

§1343.2 The Waterside Mall in Southwest has not become a vital commercial center due to high rents and poor marketing. The opening of the Waterfront Metrorail Station may allow the mall to operate at least as a multi neighborhood shopping center.

§1344 Ward 2 objectives for Neighborhood Shopping Areas

§1344.1 The objectives for neighborhood shopping areas are as follows:

- (a) To protect and enhance the vitality of neighborhood and commercial areas, to provide economic development benefits and adjacent retail services to residents of adjacent neighborhoods;
- (b) To develop new neighborhood shopping services in areas that are unserved or underserved; and

§1345 Ward 2 Actions in Support of Neighborhood Shopping Areas Objectives

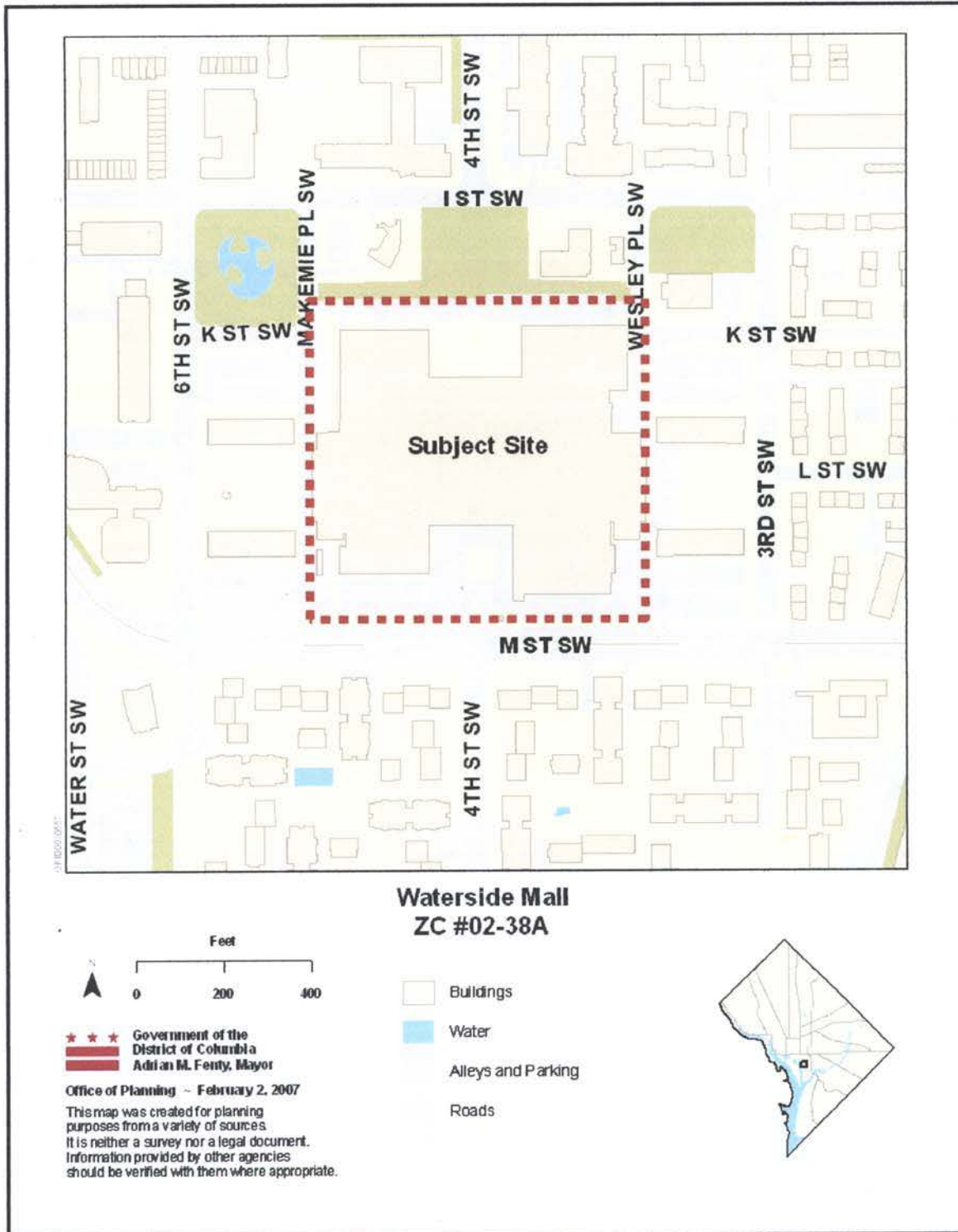
§1345.1 The actions in support of the neighborhood shopping areas objectives are as follows:

- (c) Improve Waterside Mall in Southwest to ensure that new businesses will service the adjacent residential neighborhood;

§1367 Ward 2 The Neighborhood Ring: Southwest

- §1367.2 Forty years after urban renewal began, Southwest provides a mature and pleasant environment. Appropriate steps are needed to protect and enhance the character of the area. Attention needs to be directed to key problems in the area, including improving retail services at Waterside Mall, improving the attractiveness and amenities along the Maine Avenue waterfront, and improving housing maintenance in the Greenleaf Gardens and James Creek public housing projects.
- §1367.3 To protect and enhance the character of the Southwest community, the Southwest Neighborhood Assembly commissioned the Urban Land Institute to study concepts that would improve the neighborhood, including the potential for redeveloping Waterside Mall and the Southwest waterfront. The Urban Land Institute met with residents and other stakeholders in 1998 and recommended the following improvements:
- (a) Reuniting the two halves of 4th Street by opening up Waterside Mall. A completely new Main Street-oriented retail center, at least fifty percent (50%) larger than today's, will have the kinds of places that enhance the quality of life -- stores that serve community needs -- a hardware store, a bookstore, a bakery, a copy center, coffee shops and cafes;
 - (d) Bold new initiatives to strengthen jobs, education, and economic development for community residents...
 - (e) Between ninety-five and one hundred seventy-five (95 and 175) units of new, market-rate housing targeted to younger adults;
 - (g) Improved security measures...
 - (h) New roads and pedestrian paths to link Southwest with the monuments, museums, and Downtown; new street patterns with more green space, squares, and parks;
 - (l) A standard of architectural excellence for the one-half million square feet of new construction that will be built in the next few years;

**ATTACHMENT 2
 VICINITY MAP**



**ATTACHMENT 3
 AERIAL PHOTO**

