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**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:**  Jennifer Steingasser, Deputy Director

**DATE:** January 20, 2012

**SUBJECT:** **Setdown Report** for ZC #04-14B, Florida Rock Properties, Inc., et al – PUD Modification @ Square 708, Lot 14

**I. RECOMMENDATION**

OP recommends that the Zoning Commission set down the requested modifications to the approved Consolidated PUD (04-14) as petitioned by Florida Rock Properties, Inc., *et al*, (FRP, the Applicant) for property located at 25 Potomac Avenue, S.E., also known as Square 708, Lot 14.

**II. REQUEST**

The applicant requests the following:

- Modification of Second-Stage approval for the first phase of development, approved to be an office building and now proposed to be a new residential building, plus modification of the associated open space design;
- Reversion to First-Stage approval for the remainder of the site; and
- Modifications to building layout and overall site plan.

**III. BACKGROUND**

The development of this site has a long history dating back to 1999, which is outlined in Attachment I to this report. Most recently, in 2008, the Zoning Commission gave Second Stage (final) approval for a mixed-use (residential, office, hotel, and retail) development in four phases, with about 1,100,000 sq. ft. (4.4 FAR) of development in buildings ranging in height from 92 – 130 feet, as well as significant open space including a waterfront esplanade. In October 2009, an extension was approved for this PUD, which now expires on June 27, 2012.

Subsequent to the extension, a new development partner was added to the team and new building and landscape architects were hired. This new team reconsidered the use mix, building layout, and site plan, particularly for the East Office Building which is intended to be the first building developed. Following numerous discussions with OP and DDOT, the current application was filed.

The current proposal is similar to the approved PUD in that it continues to provide the following:

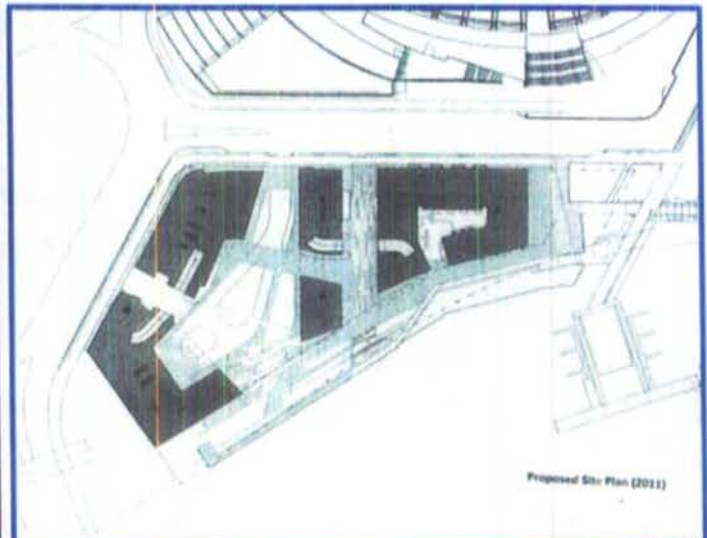
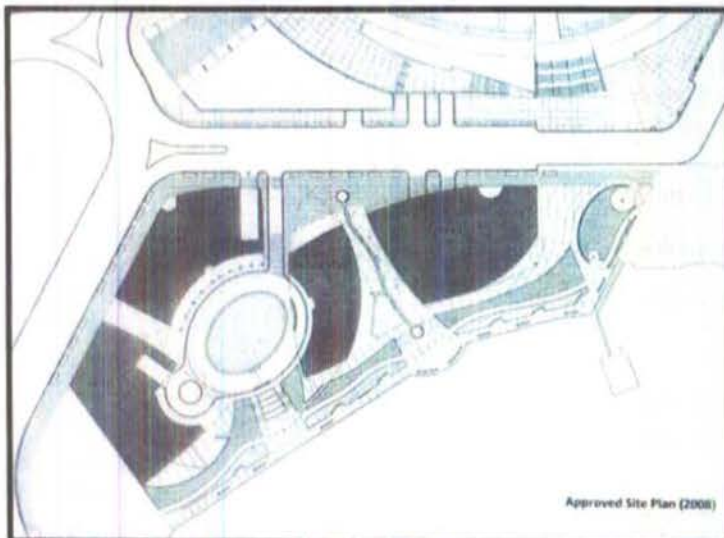
- A mixed use development in four phases, including residential, retail, office and hotel uses;
- Extensive open space and an accessible riverfront esplanade.
- Underground parking.
- Height and density that are generally consistent with the previous approval – as noted below, some modifications to the height, density, and lot occupancy are proposed.

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- Important viewsheds through the site, from the ballpark, First Street, Frederick Douglass Bridge, and the waterfront would be retained or possibly improved through slightly narrower building footprints.
- No change to the previously approved PUD-related map amendment to C-3-C is proposed.

Modifications from the previous approval include the following:

- Change in use for the East Office Building (Phase I of development) from office to residential with ground floor retail. This increases the number of residential units by 324, including almost 23,000 additional square feet of affordable housing. The amount of square footage devoted to residential / hotel use has increased to 69% of the total square footage of the development (50% in previous approval); residential alone now accounts for almost half of the total development area.
- A reduction in the amount of retail, from about 80,000 sq.ft. to about 23,400 sq.ft. maximum.
- A simplified building footprint, with elimination of most of the curved or lozenge shaped building forms and a somewhat more defined streetwall along Potomac Avenue.
- A slight increase in the total square footage of development of about 50,000 square feet, or about 0.2 additional Floor Area Ratio (FAR). The applicant is also proposing to increase the height of the first building from 92 feet (approved) to 94.85 feet (proposed), and the second building from 112 feet (approved) to 130 feet (proposed) while the approved height of 130 feet for the third and fourth building would be retained. Lot occupancy for the site, however, would decrease significantly from about 58% to 44.42%, mainly through smaller building footprints and the "skylighting" of previously proposed covered walkways.
- Building materials, as shown on the elevations, have evolved to minimize the "office campus" effect.
- Curb cuts have been reduced, and pedestrian connectivity throughout the site has been generally improved.
- Loading for the first building has been moved off Potomac Avenue, to be accessed via the internal mews. Other previously below grade loading has been changed to be at-grade.
- Extensive open space and landscape improvements, including the Anacostia Plaza and the Esplanade, which better complement the existing Diamond Teague and Yards Parks.



The applicant has submitted this modification as a Second-Stage PUD approval request for the portion of the site described as the East Office Building (Phase I), and a reversion to First-Stage PUD request for the portion of the site to the west of that building (Phases II- IV). As such, all future phases of development would require future Second Stage approval by the Zoning Commission.

In conjunction with the modification, two areas of zoning flexibility would also be required, from penthouse (Section 411) and number of buildings on one lot (Section 2517) regulations.

The applicant has also requested flexibility to use 7,500 square feet of ground floor space in the Phase I residential building as residential amenity space until the retail market is better established in the immediate neighborhood. In addition, at OP’s request, the land for future Phases II through IV is proposed to be used for interim, temporary uses, such as a farmers market, beer garden, or similar “pop-up” retail with only a small number of parking spaces, to enliven the space until construction of those phases of development. However, the 75 foot setback from the bulkhead or railing will be maintained in this area during the life of the temporary uses.

**Table I. Development Data<sup>1</sup> Comparison (Approved vs. Requested Modification)**

Approved PUD	Use/Building Type	Gross Floor Area	FAR	Height	Parking
	<b>Mixed Use</b> <ul style="list-style-type: none"> <li>• Residential and hotel                             <ul style="list-style-type: none"> <li>○ Affordable housing (80% AMI)</li> </ul> </li> <li>• Commercial                             <ul style="list-style-type: none"> <li>○ Retail and service</li> </ul> </li> </ul> Phase I - East Office Building Phase II - Residential Building Phase III - West Office Building Phase IV - Hotel Building	1,115,400 sf 569,623 sf 29,000 sf (min) 545,777 sf 80,840 sf 228,532 sf 291,223 sf 236,425 sf 278,400 sf	4.4 2.25 2.15	130 ft. (max) 92 ft. 130 ft. 112 ft. 130 ft.	1,010
Requested Modification (2012)	<b>Mixed Use</b> <ul style="list-style-type: none"> <li>• Residential and hotel                             <ul style="list-style-type: none"> <li>○ Affordable housing</li> </ul> </li> <li>• Commercial                             <ul style="list-style-type: none"> <li>○ Retail and service</li> </ul> </li> </ul>	1,164,640 sf 814,595 sf 43,507 sf 350,045 sf (max) 23,370 sf	4.6 3.21 1.38	130 ft	1,144
	<b>Phase I (consolidated) Residential with ground floor retail</b> <ul style="list-style-type: none"> <li>• Residential                             <ul style="list-style-type: none"> <li>○ Affordable housing (8%)</li> </ul> </li> <li>• Retail                             <ul style="list-style-type: none"> <li>○ Flex space until retail market is established.</li> </ul> </li> </ul> Phase II - Residential Building <ul style="list-style-type: none"> <li>• Residential                             <ul style="list-style-type: none"> <li>○ Affordable housing (8%)</li> </ul> </li> <li>• Retail</li> </ul> Phase III - Office Building <ul style="list-style-type: none"> <li>• Retail</li> </ul> Phase IV – Hotel Building <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Ground floor retail</li> </ul>	299,560 sf 287,040 sf 22,963 sf 12,520 sf 7,500 sf 262,645 sf 256,795 sf 21,012 sf 5,850 sf 326,675 sf 0 sf 275,760 sf 270,760 sf 5,000 sf		94.85ft 130 ft 130 ft 130 ft	286 178 341 339

Phase I’s development is anticipated to begin in 2013, with completion by 2015.

<sup>1</sup> information from the application and the previous approval

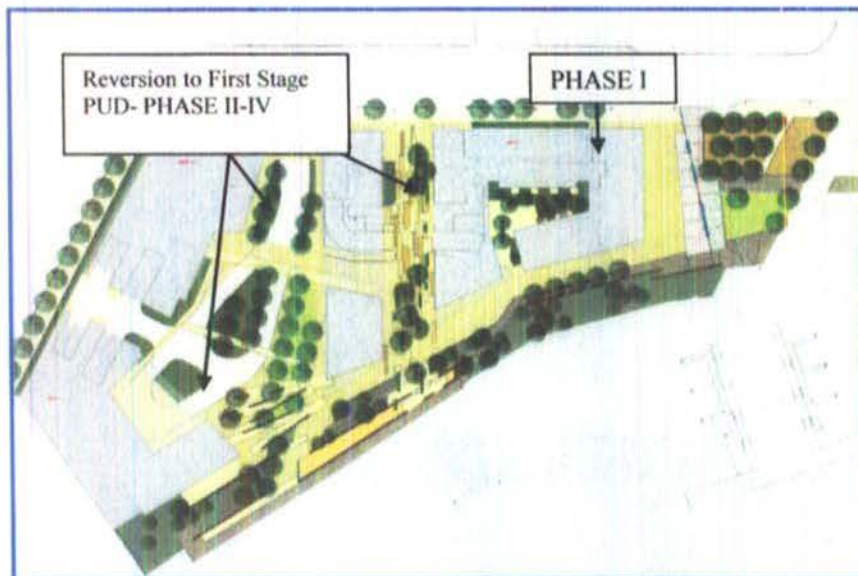
### III. SITE AND AREA DESCRIPTION

As shown on the maps below, the 5.8 acre (253,500 sq.ft.) subject site is adjacent to the Anacostia River to the south, and is generally bounded on the north by Potomac Avenue and Nationals Park, on the east by the Diamond Teague Park, and on the west by South Capitol Street and the Frederick Douglass Bridge. ZC Order 04-14 in 2008 included a PUD-related map amendment to the C-3-C Zone District.



Potomac Avenue, which connects to First Street to the east and South Capitol Street to the west, provides the main vehicular access to the site. The Navy Yard Metro station is two blocks north at Half and M Street SE. The surrounding neighborhood now includes the Nationals Ball Park and a mix of private and federal office buildings, and apartment buildings. Significant mixed-use redevelopment is currently underway to the north and east of the site, including new residential and retail at the Yards in the Capitol Riverfront neighborhood, currently under construction. (See L1.01 of the plan set)

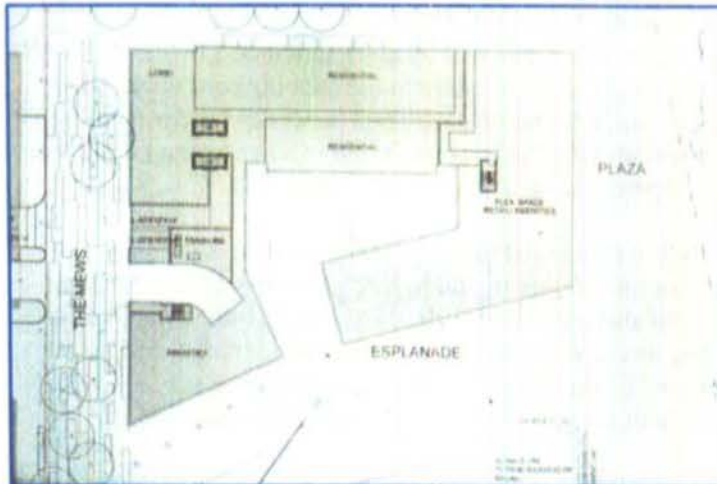
### IV. PROJECT DESCRIPTION



The proposal continues to consist of four buildings, a waterfront esplanade, and public and private open space features. The application proposes a modification to the previously approved East Building of Phase I, with revision of the open space features including the Anacostia Plaza and Esplanade and a reversion to a First Stage PUD for Phases II through IV.

### **A. Modification of Phase I of Development –East Building**

The East Office Building is now proposed to be a predominantly residential building at 94.85 feet in height, 46% lot occupancy and 1.2 FAR<sup>2</sup>. The ground floor would have 12,500 sf of space dedicated to retail uses, although, initially, 7,500 sf of that space is being requested as residential amenity flex space until the neighborhood retail market is more firmly established.



*Proposed Residential Building from Potomac Avenue*

The residential building would include about 324 residential units. Eight percent of the residential gross floor area would be assigned to households making no more than 80% of the Annual Median Income (AMI). The affordable housing would be for the life of the project in accordance with the Inclusionary Zoning (IZ) provisions. The applicant will provide details of the distribution of the affordable units prior to a public hearing.

The building's U-shaped design is oriented towards the river to afford favorable views for the maximum number of units. The residential portion of the ground floor along Potomac Avenue would have residential entrances and small outdoor spaces intended to animate the street and improve the residential character of the building. The plan set provides various perspectives of the design (Pages 1.501- 1.504).

Vehicular parking would be located in two levels of below-grade parking with 289 spaces, well in excess of the 98 required spaces for both the retail and residential uses, and would be accessed from the 60-foot wide mews proposed between the Phase I and II residential buildings.

The plan set shows that bicycle parking spaces would be provided within the parking garage on the first level. The current regulations require a number of bike spaces as a percentage of automobile parking on site. While 98 automobile spaces would be required, no indication was given about the number of bicycle spaces provided in this phase. OP encourages the applicant to provide significantly more bike parking than the required 5% of automobile spaces as an incentive for residents to vary their transportation options and to take advantage of the Anacostia Bike Trail.

Loading would be accessed via Potomac Avenue and the Mews and would be located at grade level. The required number and size of loading facilities would be provided.

As noted in the application, the first phase of development also includes the plaza on the east side of the property and the corresponding portion of the esplanade along the riverfront. The plaza and esplanade designs have been revised in light of the completion of the Diamond Teague Park adjacent to the development to the east and the popular Yards Park further east of the site. Up to 20,000 square feet of green space shown as the Anacostia Plaza would be dedicated to open space for passive recreation use

<sup>2</sup> Based on the entire site; or an FAR, as calculated by the applicant, of about 4.2 for the portion of the site associated with this building.

and pedestrian access to the river. The paving design and the new materials would visibly connect the site, the ballpark, adjacent parks, and the river. Shade trees would strategically be planted in the plaza to maintain viewsheds from and to the Grand Stair of the Ballpark and from First Street. Seating in this area would also be provided to enhance both the visitor's and resident's experience of the development.

Along with the Plaza, the riverfront esplanade is intended to serve as the primary pedestrian circulation path, connecting the site with other development along the waterfront. OP supports the effort to redesign this area to include materials, lightings and improved environmental features anticipated by the Anacostia Waterfront Initiative and the Comprehensive Plan and complementary to the ongoing park development of the waterfront in this neighborhood. The Esplanade would be developed in portions corresponding to each phase of the development. The plan set illustrates the landscaping, lighting, environmental features and furniture examples anticipated for the development at each phase (1.2.01 to 1.2.14).

OP supports the conversion of the office building to residential use as it would provide additional population to support the retail uses proposed, not just on this site but would also support the near term retail development to the east of the site. It would also provide an increase in the nighttime population around this area, which would also act as further incentive to the site's development. It also addresses some concerns regarding the use mix, as expressed by the Zoning Commission as part of the previous PUD review. OP also supports the revised design of the east plaza and the waterfront esplanade.

#### ***B. Reversion to Stage I PUD - Phases II, III, IV***

##### ***Height, Density and Uses***

The remaining phases are being submitted for a First-Stage PUD approval, unlike the previous Second-Stage approval. The modification of the site design better utilizes the site's natural features, as it appropriately draws the visitor to the water's edge. OP is supportive of this modification, as it will allow Zoning Commission review of future phases of development which better respond in design specifics to the changing character of the area.

The approved Second-Stage PUD uses have generally not significantly changed for these phases. The overall density of Phases II-IV approved by the Second-Stage PUD (3.4 FAR) has been minimally increased in the proposed modification to a First-Stage PUD (3.5 FAR), and the proposed height of the office building in Phase II has been increased from 112 feet to 130 feet.

The amount of area devoted to retail has been reduced significantly, from over 80,000 sq.ft. in the approved plan to just over 23,000 sq.ft. in the current proposal. The applicant has hired a retail consultant to assess the viability of retail in the area. OP has encouraged the applicant to take a very proactive approach in the creation of vibrant retail space, but is supportive of the currently proposed amount as it provides for activation of the riverfront and the area across from the Ballpark entrance, and will compliment other retail nodes in the vicinity, particularly in the Yards development to the east. Should the future market warrant it, the applicant could request additional retail in future phases of development, particularly in the Phase III office building, as part of Stage 2 applications. OP is also very supportive of the applicant's desire to animate the waterfront with temporary market or retail spaces on portions of the site intended for future development. OP has advised that extensive surface parking on this land would not be supported.

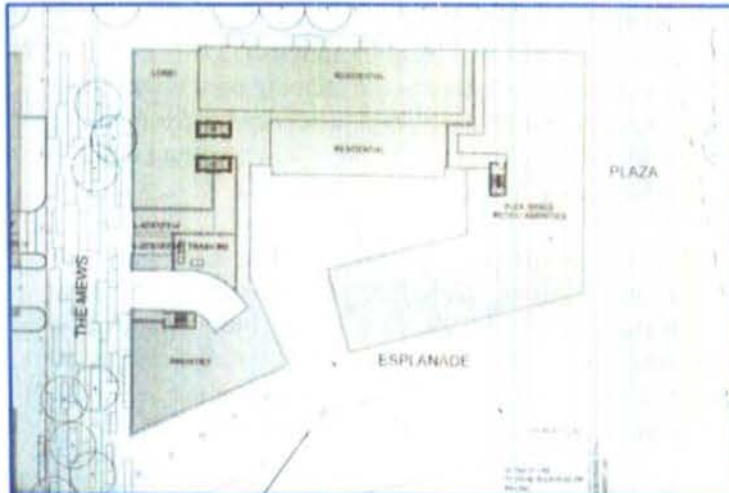
In summary, OP supports the redesign of these phases, including the open space areas, as it reduces the visual massing and provides improved pedestrian and visual opportunities to the public in accessing the river's edge.

##### ***Parking and Loading***

The plan is in some respects more efficient in terms of the proposed vehicular circulation, as only two curb cuts would be required to facilitate parking ingress, egress and loading for the buildings. Loading

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<sup>2</sup> Based on the entire site; or an FAR, as calculated by the applicant, of about 4.2 for the portion of the site associated with this building.

previously proposed to be underground and centralized has been proposed to be moved above grade, but would be internal to the buildings. Pedestrian circulation is improved through better connectivity among the buildings, and an appropriate variety of materials included in the walkways, landscaping and lighting would enhance the pedestrian experience throughout the development.

**Development Timeline**

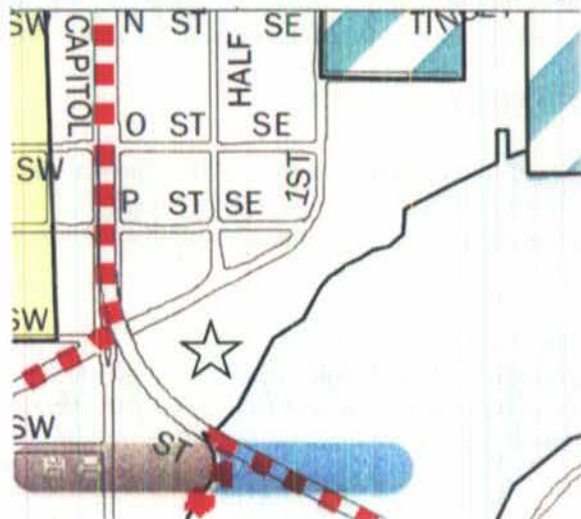
The following table is a comparison between the approved order and the applicant’s proposal for the development of the proposed Stage I PUD:

Approved Timeline Second-Stage PUD –Phases II-IV	Proposed Timeline First-Stage Phases II-IV
<p><b>Phase II</b> Building permit (BP) for Phase II must be filed within 2 years of the issuance of a certificate of occupancy (c/o) for Phase I. Construction to commence within three years of the issuance of a c/o for Phase I.</p>	<p><b>Phase II</b> An application for <i>Second-Stage approval</i> must be filed for Phase II within 2 years of issuance of a BP for Phase I.</p>
<p><b>Phase III</b> BP application to be filed within one year after the completion of the Fredrick Douglass Bridge renovation or the completion of the construction of the South Capitol Street Oval. Construction of Phase III must begin within one year of BP issuance for Phase III.</p>	<p><b>Phase III</b> An application for <i>Second-Stage approval</i> for Phase III shall be filed <i>within two years after the later of</i> completion of the Fredrick Douglass Bridge renovation or the completion of the construction of the South Capitol Street Oval or issuance of c/o for Phase II.</p>
<p><b>Phase IV</b> A BP must be filed for Phase IV within 2 years of c/o for Phase III. Construction to begin within 3 years of issuance of c/o for Phase III.</p>	<p><b>Phase IV</b> An application for <i>Second-Stage approval</i> must be filed for Phase IV within two years of the issuance of a c/o for Phase III.</p>

**V. COMPREHENSIVE PLAN**

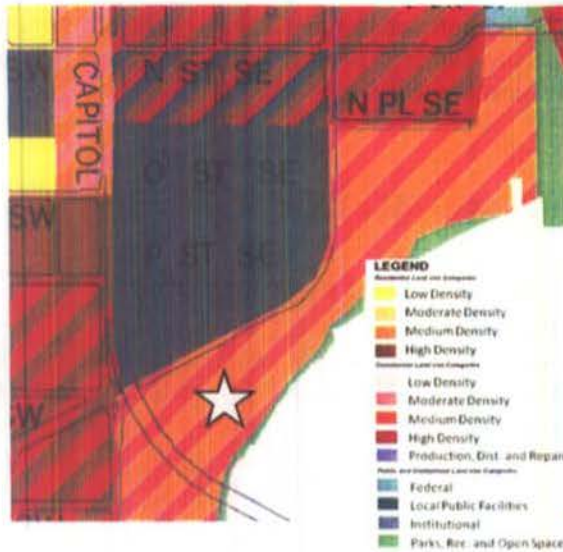
The requested modification remains not inconsistent with major policies from various elements of the Comprehensive Plan, particularly those related to the provision of more housing, and job opportunities, new open space and better connectivity to the waterfront. Recently adopted amendments to the Comprehensive Plan in 2010 would not directly impact development on the FRP site.

The proposal would also further objectives and action items contained within the Lower Anacostia Waterfront / Near Southeast Area Element (Chapter 19), as detailed in **Attachment II**.



The Comprehensive Plan’s Generalized Policy Map describes the subject site as a Land Use Change Area. Land Use Change Areas are anticipated to become “high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods” (Comprehensive Plan, § 223.12).





The Future Land Use Map indicates that the site is appropriate for mixed *medium density residential* and *medium density commercial* use, and *open space* along the riverfront.

The existing PUD approval for the site concluded that the project was not inconsistent with the Comprehensive Plan. The proposed modification does not significantly alter the approved development program, and the changes continue to reflect the goals, objectives, and direction of the Plan.

## VII. ZONING

The Zoning Commission's approval in 2008 included a related map amendment from the CG/W-2 District to the C-3-C District. The current modification would require relief from the specific zoning regulations summarized below.

### Multiple Buildings on a Single Lot (§ 2517)

Four buildings are proposed for construction in four phases. The proposed buildings are located on one lot that would be divided into theoretical lots. OP supports the spatial development as proposed, since it breaks up the massing on the lot and provides open space for light and air to the buildings as well as improved views and access to the riverfront. Therefore, multiple buildings on the subject lot are preferred to massive, denser structures.

### Roof Structure

According to the applicant's statement, the buildings would not meet the requirement of Section 411 that all roof structures be within one enclosure and setback a distance equal to the height from the exterior walls. The roof plan (Pg. 1.107) shows heights and setbacks of Phase 1's roof structures that do not meet these requirements. The reduction in the required setback reflects the design attempts to maximize the internal space of the building to enable river views and private open space features of the design. The proposed deviations would not impact light and air as there are no existing adjacent buildings.

A more comprehensive review by the applicant of the proposal against these requirements and standards is expected prior to the public hearing, and OP will provide a more comprehensive analysis at that time.

## VIII. PURPOSE AND EVALUATION STANDARDS OF A PUD

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.

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.” Sections 2403.9 and 2403.10 state that... “a project must be acceptable in all the listed proffer categories, and must be superior in many.” 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 partially based on an assessment of the additional development gained through the application process. The following table compares base zone, previous approved, and currently proposed densities and heights:

	Density	Non-residential Density	Height	Lot Occupancy
Former CG/W-2 zone	FAR of 4.8 maximum with IZ. The CG Overlay includes provisions that allow this to increase to an FAR of 5.0 with Zoning Commission approval.	2.0 FAR maximum	80 feet maximum with IZ.	75% maximum residential; 100% non-residential
Existing approved PUD	FAR of 4.4 <sup>1</sup> , or 0.4 FAR over permitted under the base zone.	2.15 FAR	92 – 112 - 130 feet	approximately 58%
Current Proposal	FAR of about 4.6, or 0.2 over that previously approved.	Approximately 1.38 FAR	94.85 - 130 feet	approximately 44.4%

As such, the project gains no additional density through this PUD modification over what would be permitted in a by-right project. However, additional height is being gained, both through the approved PUD and through this modification request. OP is very supportive of the additional height of this site, which allows for a lower lot occupancy, significantly improved open space design, and much greater public access to and along the waterfront than a conforming development would be able to provide within the height limits of the underlying CG/W-2 zone.

The order issued for the approved PUD stated that “the Commission found the project qualified for approval by being acceptable in all proffered categories or public benefits and amenities and superior with respect to housing, affordable housing and environmental benefits.” It also concluded that the number and quality of the project benefits and amenities were sufficient for the flexibility and development incentives requested.

The current proposal includes the following public benefits and amenities:

- *Urban Design, Architecture, Site Planning, Landscaping and Open Space* – The redesign of the open space to the east of the site creating:
  - a. the Anacostia Plaza;
  - b. improved pedestrian access to the waterfront;
  - c. more pronounced viewsheds;
  - d. increased bio-filtration; and
  - e. improved public gathering areas.

These changes would provide increased recreational opportunities for neighborhood residents and visitors to the District. The landscaped features will be privately owned but open to the general public and this is a public benefit to the District. The creation of a mixed use waterfront neighborhood in close proximity to future development proposed along the waterfront, including

<sup>1</sup> At the time, IZ was not in place.

to the east and west of the site would ensure the waterfront's development comparable to other world-class waterfront districts. The overall urban design for Phases II-IV is addressed in the First-Stage PUD process; the details of the architecture, landscaping, and details of the open spaces would be fully evaluated as part of Second-Stage PUD submitted for each Phase.

- *Housing and Affordable Housing* – The project as modified would include market rate housing, as well as increased affordable housing for residents at 80% AMI, for the life of the project. The applicant should describe how the affordable units will be distributed throughout the Phase I development prior to a public hearing. Overall, the applicant estimates that the project would include about 606 residential units, with 324 units to be delivered in Phase I. The provision of new housing and affordable housing at a desirable location on the waterfront represents a public benefit.
- *Transportation Management Measures* – The applicant previously agreed to implement a transportation management program. Since its original approval, much has changed in transportation options for the city, including the increased use of the Capital Bikeshare program, and car sharing. The applicant is currently developing a transportation management plan with DDOT's input and would provide additional details prior to a public hearing.
- *Environmental Benefits* - the applicant has stated that the project will be LEED certifiable for each phase of the project. Extensive efforts have been included to reduce run-off and pollutants into the Anacostia River, including an environmentally sensitive landscaped plan with rain gardens and multiple vegetative bio-swales. All water from the site would filter through the rain gardens and be recaptured for reuse. In addition, some of the material from the former concrete plant would be reused on the site.
- *Employment and Training Opportunities:*
  - a. The applicant has executed a First Source Employment Agreement with the Department of Employment Services (DOES).
  - b. *Certified Business Enterprises (CBE) Agreement* – The applicant intends to abide by the former CBE agreement with the Department of Small and Local Business Development to achieve a target goal of 35% participation by CBEs.
- *Contribution to Diamond Teague Park* - The applicant has fulfilled its contribution of \$800,000 to the Park's development. OP considers this a significant public benefit.
- *Space for interim/retail or recreation uses* – The applicant has agreed to provide temporary recreation and retail space in the area to the west of Phase I until development is able to proceed. OP considers this a public/environmental benefit to mitigate potential runoff and the heat island effect of such large surface area due to potential parking lots, until such time as development occurs at those locations.

The Office of Planning finds that the detail provided related to the benefits and amenities package is sufficient for setdown.

## **XI. AGENCY REFERRALS**

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

- Department of the Environment (DDOE);
- Department of Transportation (DDOT);
- Department of Housing and Community Development (DHCD);

- Department of Public Works (DPW);
- Fire and Emergency Medical Services Department (FEMS); and
- DC Water.

## XII. COMMUNITY COMMENTS

The site is located in ANC 6D. The applicant indicates that they have had some preliminary discussions with ANC members, and intends to more formally present this proposal to the ANC at its regularly scheduled meeting in February 2012. OP encourages the applicant to continue its outreach efforts to the neighborhood.

## XIII. CONCLUSION

Notwithstanding this site's prolonged development delays, the Applicant has taken steps since the effective date of Order No. 04-14 to move the project forward, including:

- Subdivision of the property, consolidating multiple lots on multiple squares into a single lot of record in a single square (Lot 14, Square 708) and the creation of the single lot of record.
- Contribution of \$800,000 to the District of Columbia for the construction, installation, and ongoing maintenance of the adjacent Diamond Teague Park, in accordance with Condition No. 8 of Order No. 04-14;
- Recordation of the required PUD Covenant in the Land Records for the District of Columbia on September 4, 2008, as required by Condition No. 14 of Order No. 04-14 and § 2409.3 of the Zoning Regulations;
- Continued participation in public meetings for the South Capitol Street Improvement Project regarding the future improvements to South Capitol Street and the relocation of the Frederick Douglass Bridge (the "Bridge"); and
- Working with DDOT to effectuate the land exchange required to accommodate the new Bridge realignment and roadway expansion to facilitate future development of Phase III and Phase IV in accordance with the PUD.

The Office of Planning (OP) **recommends that the proposed modification of the approved PUD be set down for public hearing.** The development and the proposed changes are not inconsistent with the Comprehensive Plan. The changes also better reflect the Commission's expressed desire for more residential units on the site and current conditions of the neighborhood.

## ATTACHMENTS

1. PUD History
2. Comprehensive Plan Policies

JS/kt; Karen Thomas, project manager

ZC 04-14B: FRP – Riverfront on the Anacostia

**ATTACHMENT I**

FRP: Riverfront on the Anacostia - PUD HISTORY

<b>Date</b>	<b>Order / Application</b>	<b>Type</b>	<b>Action</b>
June 8, 1998	Order 850; ZC # 95-16P	1 <sup>st</sup> Stage PUD	Approved
November 8, 1999	Order 910, ZC # 98-17F	2 <sup>nd</sup> Stage PUD	Approval for 1.5 million square feet of commercial development in two buildings ranging from 110 – 130 feet in height
May 13, 2002	Order 910-A ZC # 01-31TE	Extension request	Zoning Commission denied extension request
February, 2003			Applicant submitted revised plans and design guidelines
May 23, 2003	Order 910-B  ZC 01-31TE/98-17F/95-16P,	Reconsideration of extension denial	Zoning Commission voted to not extend Second Stage approval, but voted to extend First Stage approval for one year, subject to adopted set of design guidelines
September 13, 2004	ZC # 04-14	2 <sup>nd</sup> Stage	Second Stage review set down in accordance with the revised guidelines approved in 2003
May 25, 2005 and November 18, 2005.			Applicant filed pre-hearing submissions
December 5, 2005			Commission agreed to a request to postpone a hearing on this case
August 25, 2006			Applicant submitted a modified pre-hearing statement, showing an amended design and amenity proffer.
September 18, 2006			Public hearing. Commission requests further information. Materials submitted on November 17, 2006
November 27, 2006			Further public hearing on post-hearing materials submittal. New submittals were made on December 17, 2007 – Modified Revised Applications.
February 22, 2007			Public meeting and the Commission discussed concerns in the Modified Revised Applications. Applicant asked to revise plans
March 12, 2007			Public Meeting – Commission summarized concerns.
June 1, 2007			Applicant submits a modified site plan proposing changes in use allocation, density, and height. Commission is favorable and asks the applicant to submit a revised PUD application.

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Date	Order / Application	Type	Action
September 21, 2007, and Nov. 8, 2007			Applicant files a revised application.
November 19, 2007			Public meeting and the Commission sets the hearing for February 28, 2008
March 20, 2008			Public hearing on the final PUD application. At the conclusion of the hearing, the Commission took proposed action to approve the Final PUD application
May 22, 2008			Commission took final action to approve the Final PUD application.
June 27, 2008			ZC Order 04-14 final and effective.
November 9, 2009	04-14A	Extension	Zoning Commission public meeting Extension request granted. Order 04-14A expires June 27, 2012.
December 1, 2011	04-14 B	Modification of Approved PUD	Applicant requests modification, including modification of First-Stage PUD for Phase I and reversion to and modifications to First-Stage approval for Phases II-IV.
January 30, 2012			OP presents the request for setdown to the ZC at public meeting.

## **ATTACHMENT II.**

### **COMPREHENSIVE PLAN**

The proposal would also be not inconsistent with, or would further, the 2006 Comprehensive Plan, including a number of guiding principles

#### ***Managing Growth and Change: Guiding Principles 217***

- (4) The District needs both residential and non-residential growth to survive. Non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. 217.4*
- (5) Much of the growth that is forecast during the next 20 years is expected to occur on large sites that are currently isolated from the rest of the city. Rather than letting these sites develop as gated or self-contained communities, they should become part of the city's urban fabric through the continuation of street patterns, open space corridors and compatible development patterns where they meet existing neighborhoods. .... 217.5*
- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7*
- (28) .. creation of new parks along the Anacostia River ... should be supported to connect communities and enhance "green infrastructure" in the city. 220.4*
- (36) .. increased access to open space and recreation across the city are basic elements of the city's vision .... 221.5*

The proposal would also further objectives and action items contained within the Lower Anacostia Waterfront / Near Southeast Area element (Chapter 19), including:

#### ***Planning and Development Priorities 1907***

- (d) ... A variety of park environments should be created, from lively urban waterfront plazas to serene natural settings. Trails and promenades are needed to provide better access along the shoreline, and to make the waterfront more accessible to surrounding communities. New parks, recreational areas, and cultural facilities should be developed.*
- (e) Urban development and natural resource conservation should not be mutually exclusive but should go hand in hand. Development on the waterfront—and throughout the watershed—should be environmentally sustainable and designed to minimize negative effects on water quality and ecological resources. . . More density near the waterfront can also be used to leverage the creation of additional waterfront parks and open spaces.*

#### ***Guiding Growth and Neighborhood Conservation 1908***

- Policy AW-1.1.2: New Waterfront Neighborhoods - Create new mixed use neighborhoods on vacant or underutilized waterfront lands, particularly on large contiguous publicly-owned waterfront sites. ... A substantial amount of new housing and commercial space should be developed in these areas, reaching households of all incomes, types, sizes, and needs. 1908.3*
- Policy AW-1.1.6: Pedestrian Orientation of Waterfront Uses - Provide a high level of pedestrian amenities along the shoreline, including informational and interpretive signs, benches and street furniture, and public art. 1908.7*
- Policy AW-1.1.8: Barriers to Shoreline Access – Minimize the visual and accessibility impacts of railway and highway infrastructure, surface parking, and industrial uses along the Anacostia River shoreline .... 1908.9*

#### ***Conserving and enhancing Community Resources 1909***

- Policy AW-1.2.4: Anacostia RiverParks - Create a connected network of waterfront parks from Hains Point to the Sousa Bridge, and continuing through adjacent upriver Planning Areas to the Maryland border. These parks should be easily accessible to surrounding neighborhoods and accommodate the need for more local and*

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*regional serving recreational activities in the city. New parks should be an integral part of any new waterfront neighborhood, and should showcase the remarkably diverse landscape along the Anacostia River. A variety of active and passive recreational settings should be provided. 1909.7*

#### **South Capitol Street/ Buzzard Point Policy Focus Area 1912**

*Policy AW-2.2.2: Ballpark Entertainment District - Leverage the construction of the Washington Nationals Ballpark to catalyze development of the South Capitol Street corridor with retail, high density residential, entertainment, and commercial uses. 1912.8*

*Policy AW-2.2.5: South Capitol Open Space - Create additional open space in the South Capitol Street corridor, including an oval traffic rotary and South Capitol "commons," and a new waterfront park along the Anacostia shoreline 1912.11*

#### **Near Southeast Policy Focus Area 1913**

*Policy AW-2.2.2: Ballpark Entertainment District - Leverage the construction of the Washington Nationals Ballpark to catalyze development of the South Capitol Street corridor with retail, high density residential, entertainment, and commercial uses 1912.8*

*Policy AW-2.3.2: Near Southeast Shoreline Access - Improve shoreline access and movement to and through the Near Southeast by eliminating real and perceived barriers, improving public space and street corridors, reducing the amount of land occupied by surface parking and industrial uses, and encouraging new land uses that maximize public activity near the waterfront. 1913.8*

*Policy AW-2.3.3: Near Southeast Housing Opportunities - Significantly increase residential land uses in the Near Southeast .... Consistent with the existing zoning for these areas, mixed use development that includes housing as well as commercial uses should be strongly encouraged. The mix of housing should accommodate residents of all incomes and household types. 1913.9*

*Policy AW-2.3.6: Near Southeast Urban Amenities - Leverage new development in the Near Southeast to create amenities such as parks, trails, child care facilities, civic uses, and retail space that serve the area's residents and workforce 1913.12*

#### **Land Use Element**

The Land Use Element calls for the reuse of large, publicly owned sites, and says that their redevelopment should improve their neighborhoods, provide improved waterfront access, where applicable, and provide new parks (Policy LU-1.2.1) Policy LU-1.2.2 says that the mix of uses on such sites should be compatible with existing uses and provide benefits to the immediate and larger communities. In conformance with Policy LU-1.2.6, the proposed design seeks to integrate into the existing urban fabric to the greatest extent possible. The Land Use Element also encourages infill development and development near metro stations (Policies LU-1.3.1 and LU-1.3.2).

#### **Transportation Element**

The Transportation Element supports transit-oriented development and discourages auto-oriented uses (Policies T-1.1.4 and T-1.2.3). The proposed development would concentrate housing within walking distance of Metro and bus service, and provide a walkable and bikeable environment. This element also seeks to improve major boulevards through "transportation, economic development, and urban design improvements" (Policy T-1.2.1) The proposed design would also improve the pedestrian network and pedestrian safety, as called for in Policies T-2.4.1 and T-2.4.2

#### **Economic Development Element**

Development of the subject site would help achieve the several Economic Development Element policies. A mix of uses along the waterfront would help draw visitors away from the Mall, and the waterfront itself would be an attraction for tourists. New retail opportunities and the new hotel combined with others within the Ballpark area would provide more hotel rooms in the District and near major attractions. (Policies ED-2.3.1 through ED-2.3.4)

#### **Parks, Recreation and Open Space Element**

The Parks, Recreation and Open Space Element calls for the creation of parks on large sites (Policy PROS-1.4.3), and seeks to improve connections between the waterfront and nearby neighborhoods (Policy PROS-3.2.3). The development would achieve those goals.



***Urban Design Element***

Policy UD-1.1.1 calls for the District to enhance its “image, character and outstanding physical qualities...in a manner that reflects its role as the national capital.” The proposed development would improve the southwest waterfront to a state that it could not only be an amenity for residents but would also improve the city’s image in the eyes of visitors to the District. The Urban Design Element also calls for the general improvement of waterfront areas, including improving access and strengthening the civic identity as a waterfront city (Policies UD-1.3.1 and UD-1.3.2). Policy UD-1.3.5 also states that views toward the rivers should be protected and enhanced.

The proposed development would provide many ground level views, and has the potential to provide many upper-story views toward the Anacostia River. The applicant has presented some preliminary view studies from several vantage points.

***Lower Anacostia Waterfront / Near Southwest Area Element***

The Lower Anacostia Waterfront/Near Southwest Area Element encourages the creation of new waterfront neighborhoods on large, contiguous, publically owned sites, including the Southwest Waterfront (Policy AW-1.1.2) Policy AW-1.1.3 states that development should be “consistent with the Future Land Use Map”, provide space for offices and hotels, and focus development along corridors ....

The proposed mix of uses would meet that policy and the placement of buildings along Potomac Avenue and in the vicinity of the Fredrick Douglass Bridge would reinforce that important corridor.

New developments in this area should provide amenities, such as parks and transportation and infrastructure improvements (Policy AW-1.1.4), and should provide significant pedestrian and multi-modal access along the shoreline (Policies AW-1.1.6 and .7). The design of the proposed Espalande supports that policy direction.

The proposed PUD also follows the more specific guidance of Southwest Waterfront policies. The development would likely preserve views, though the Office of Planning has requested that the applicant develop view studies from several different vantage points. The project would also improve open spaces and “capitalize on height opportunities at a medium development density”, including housing, commercial and cultural uses (Policy AW-2.1.1). The design also contemplates numerous public plazas, a major promenade, and piers extending into the water (Policy AW-2.1.2), as well as major improvements to the pedestrian environment. The proposed redesign of the Second Stage PUD should also increase the safety of pedestrians with the reduction in the number of curb cuts.

In summary, the proposal is consistent with the policies of the Lower Anacostia Waterfront / Near Southwest element of the Comprehensive Plan.