

## **SOUTHWEST WATERFRONT PLANNED UNIT DEVELOPMENT**

### **DISCUSSION OF THE PROJECT'S COMPLIANCE WITH THE DISTRICT OF COLUMBIA COMPREHENSIVE PLAN**

**Holland & Knight LLP**

#### **I. Comprehensive Planning Documents for the Southwest Waterfront**

The Council for the District of Columbia, the Deputy Mayor for Planning and Economic Development, the Office of Planning and several other federal and District agencies have worked collaboratively over the last decade to develop a comprehensive planning tool to guide the development of the Southwest Waterfront. In 2003, the Council adopted the Draft Development Plan and Anacostia Waterfront Initiative Vision for the Southwest Waterfront ("Southwest Waterfront Plan") as supplemental guidance to the Zoning Commission and other District agencies for carrying out the policies of the Comprehensive Plan. The Southwest Waterfront Plan was designed to create a "true urban waterfront where commercial, cultural, residential and neighborhood life can come together" and build upon the "maritime legacy of the Washington Channel as a premier designation for local residents and regional and national visitors alike."<sup>1</sup>

Since the time of its adoption, however, market conditions have changed significantly and the planning guidelines for the Southwest Waterfront Plan have been revised accordingly through new legislation. First, in late 2006, the Council adopted a new Comprehensive Plan that incorporates many of the objectives of the Southwest Waterfront Plan but also refines and reshapes them in response to the overall planning objectives for the city. Second, in late 2010 and early 2011, the Council enacted specific amendments to the Southwest Waterfront Plan in its most recent legislation amending the Comprehensive Plan. The recent amendments recognize that

[w]hile the Southwest Waterfront Plan provides important guidance, the specific development square footage and housing-unit targets should be interpreted as illustrative, as they were developed in 2003 under different market conditions. Final development plans for the Southwest Waterfront should respond to guidance of the Southwest Waterfront Plan, as well as new policies in the Comprehensive Plan that support sustainable and compact development that enhances access to transit.

58 D.C. Reg. 908 (2011) (D.C. Act No. 18-711, "Comprehensive Plan Amendment Act of 2010").

The proposed PUD significantly advances the updated planning goals and objectives for the development of the Southwest Waterfront, as set forth in the Comprehensive Plan and as described below.

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<sup>1</sup> Development Plan and AWI Vision for the Southwest Waterfront, February 6, 2003, at ii.

## **II. The Future Land Use Map and the Generalized Policy Map.**

The Future Land Use Map of the Comprehensive Plan designates the PUD site for high density commercial and high density residential land uses. The high density residential designation defines neighborhoods and corridors where high-rise buildings, generally eight stories or greater in height, are the predominant use. The proposed C-3-C district is consistent with this designation. 10A DCMR § 225.6.

The high density commercial designation defines the central employment district of the city and other major office employment centers on the downtown perimeter. It is generally characterized by office and mixed office/retail buildings greater than eight stories in height, although lower scale buildings may be interspersed. The proposed C-3-C zone district for the site is identified as an appropriate zone classification for the high density commercial designation. 10A DCMR § 225.11.

The Generalized Policy Map of the Comprehensive Plan designates the PUD site as a Land Use Change Area, where the present land uses are anticipated to change to different ones in the future. These areas are designated “to encourage and facilitate new development” and “have the capacity to become mixed-use the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks and civic facilities.” 10A DCMR § 223.11. The proposed PUD, with its proposed mixed of residential, commercial, retail, recreational, parks, institutional and civic uses fits exactly the designation on the Generalized Policy Map. The project will create a high quality environment that includes exemplary site and architectural design and that are compatible with and do not negatively affect nearby neighborhoods. 10A DCMR § 223.12.

## **III. Compliance with the Guiding Principles of the Comprehensive Plan**

The project is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities.

### **A. Managing Growth and Change (Section 217)**

The guiding principles of this element are focused on ensuring that the benefits and opportunities of living in the District are equally available to everyone in the city. The project is fully-consistent with a number of the goals set-forth in this element. The project will help to sustain and promote the Southwest Waterfront as a redefined neighborhood by attracting a diverse population with the inclusion of a mix of housing types for households of different sizes and incomes. (§§217.2 and 217.3). The Applicant's proposal to develop a significant amount of both residential and nonresidential uses is also consistent with the Comprehensive Plan's acknowledgement that the growth of both residential and nonresidential uses is critical, particularly since nonresidential growth benefits residents by creating jobs and opportunities

for less affluent households to increase their income. (§ 217.4). In addition, as shown on the Plans, the proposed development also helps reconnect the Southwest Waterfront to the rest of the community and the overall urban fabric of the city by continuing and improving the existing street patterns, and by developing a vibrant mixed-use development on the water. (§§ 217.5 and 217.6).

B. Creating Successful Neighborhoods (Section 218)

The guiding principles for creating successful neighborhoods include both improving the residential character of neighborhoods and encouraging commercial uses that contribute to the neighborhood's character and make communities more livable. (§§218.1 and 218.2). In addition, the production of new affordable housing is essential to the success of neighborhoods. (§218.3) Another guiding principle for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the plan's elements. (§218.8). The proposed development furthers each of these guiding principles with the construction of market-rate and affordable housing, as well as commercial uses that will create additional housing, retail and employment opportunities. In addition, the Applicant has held hundreds of meetings with the community over the last several years and will continue to work with the public as the project advances through the PUD process to ensure that the development provides a positive impact to the immediate neighborhood.

C. Increasing Access to Education and Employment (Section 219)

The Increasing Access to Education and Employment element includes a number of policy goals focused on increasing economic activity in the District, including increasing access to jobs by District residents (§219.1); encouraging a broad spectrum of private and public growth (§219.2); supporting land development policies that create job opportunities for District residents with varied job skills (§219.6); and increasing the amount of shopping and services for many District neighborhoods (§219.9). The project is fully consistent with these goals. The proposed development includes a significant amount of retail and office space which will help to attract new jobs to the District, as well this specific neighborhood. The Applicant's First Source Employment and CBE agreements will also significantly advance employment and training opportunities for District residents.

D. Connecting the City (Section 220)

One of the most significant elements of the PUD project is to reconnect the Southwest Waterfront to the rest of the city, in fulfillment of the Connecting the City guiding principle of the Comprehensive Plan. As shown on the architectural drawings, the project includes significant new circulation patterns and multi-modal transit rights of way. The Wharf, which will act as a centerpiece of the development, as well as other pedestrian walkways, piers, cycling trails, trolley routes, water taxis and street systems will create new transportation options to improve mobility throughout the site, the adjacent neighborhoods and the rest of

the city. (§220.2) In addition, the access points for the required parking and loading facilities have been designed to appropriately balance the needs of pedestrians, bicyclists, transit users, autos and delivery trucks as well as the needs of residents and others to move around and through the city. *Id.* New streets will align with the north-south streets of the L'Enfant Plan while the Wharf will create a new promenade that celebrates the waterfront. (§220.3).

E. Building Green and Healthy Communities (Section 221)

The proposed development is fully consistent with the guiding principles of the Building Green and Healthy Communities element. The project is intended to achieve a Gold LEED certification, and the extensive open space, parks and landscaping will contribute significantly to the "greening" of the District. The proposed development will also minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (§221.2 and 221.3) In addition, the project will facilitate pedestrian and bicycle travel. The existing site consists of significant areas of surface parking lots the removal of which will be of significant benefit from an environmental standpoint.

IV. The Land Use Element of the Comprehensive Plan

For the reasons discussed below, the project supports a number of the policies of the Land Use Element:

A. Policy LU-1.2.2: Mix of Uses on Large Sites (Section 305.7)

The project, which includes residential, retail and office uses on a large site, is consistent and compatible with adjacent uses and will provide a number of benefits to the immediate neighborhood and to the city as a whole. In addition, as discussed above, the proposed mix of uses on the PUD site is consistent with the Comprehensive Plan Future Land Use Map's designation of the property.

B. Policy LU-1.2.5: Public Benefit Uses on Large Sites (Section 305.10)

As a public-private development between the Applicant and the District, the proposed project will incorporate significant benefits for the public, in fulfillment of this land use policy. They include affordable housing, new parks and open spaces, civic facilities, and marinas on a waterfront development. (§305.10).

C. Policy LU-1.2.8: Large Sites and the Waterfront (Section 305.13)

The redevelopment of the Southwest Waterfront will achieve related urban design, open space, environmental, and economic development objectives along the Anacostia Waterfront and significantly promote the Large Sites and Waterfront policy. The proposed PUD creates a water-focused recreation, housing, commercial, and cultural development, with

activities that are accessible to residents throughout the District. The PUD will enhance the physical and environmental quality of the river, as contemplated by the Comprehensive Plan.

D. Policy LU-1.3.4: Design to Encourage Transit Use (Section 306.13)

The project has been designed to encourage transit use and helps enhance the safety, comfort and convenience of passengers walking to the L'Enfant Plaza and Waterfront-SEU Metrorail Station or transferring to and from local buses. The project incorporates multi-modal transitways, streetscape improvements, including lighting and landscaping, and ground floor retail uses that will activate and animate the street frontages and encourage transit use.

E. Policy LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings (Section 310.4)

This policy encourages a reduction in the number of vacant and abandoned buildings and land in the city through renovation, rehabilitation, and where necessary, demolition. Consistent with this policy objective, the Applicant proposes to replace a number of vacant buildings and surface parking lots with a new development that rival waterfront developments throughout the world.

V. Transportation Element of the Comprehensive Plan

A. Policy T-1.1.4: Transit-Oriented Development (Section 403.10)

The proposed project is an excellent example of transit-oriented development and includes various transportation improvements, including the proposed extension of L'Enfant Streets to the water, multi-modal rights of way that emphasize the pedestrian, a new internal system of mews and alleys, bike routes, street car lines, sidewalk improvements, water taxis and pleasure-boat travel.

B. Policy T-2.2.2: Connecting District Neighborhoods (Section 408.6)

The project will significantly improve connections between District neighborhoods through completion of the final segment of the Anacostia Riverwalk trail, installation of a multi-use pathway along Maine Avenue to promote safe bicycle connections through the site, extension of the L'Enfant Plan streets to the waterfront, and expansion of the streetcar service to the new development.

C. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning (Section 409.8)

One of the key design features of the development is the successful integration of bicycle and pedestrian transit in a safe environment within the project. Maine Avenue will be the location for a ten-foot wide, grade-separated, multi-use trail that will serve as an extension

of the Anacostia Riverwalk Trail. It will also connect with the rest of the District's bicycle network.

D. Policy T-2.4.1: Pedestrian Network (Section 410.5)

The proposed project will help to improve the city's sidewalk system to form a network that links residents across the city. The project includes the construction of new thoroughfares where pedestrian traffic has the right of way over motor vehicles. Maine Avenue will be transformed and the Wharf will introduce a new promenade geared toward the pedestrian with a variety of uses and access points to connector roadways to other parts of the city.

E. Action T-2.3-A: Bicycle Facilities (Section 409.11)

This action element encourages new developments to include bicycle facilities. The Applicant proposes to include secure bicycle parking and bike racks as amenities within the development that accommodate and encourage bicycle use. The project will provide a variety of bicycle storage options, including groupings of bicycle racks at building entrances and public spaces, as well as secured and covered facilities.

VI. Housing Element

The overarching goal of the Housing Element is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." 10A DCMR § 501.1. The proposed project will help achieve this goal by advancing the policies discussed below.

A. Policy H-1.1.1: Private Sector Support (Section 503.2)

The proposed PUD will create new housing and home ownership opportunities consistent with the goals of the Comprehensive Plan. The housing will be offered for rent and for sale at a mix of price points, including low income housing (30 percent of the Area Median Income ("AMI") or lower), moderate income housing (60 percent of AMI or lower), workforce housing (100-120 percent of AMI or lower) and market rate housing. The project will provide at a minimum 160,000 square feet of low and moderate income housing, which represents approximately eight to ten percent of the housing component of the project. Additionally, the Applicant will set aside as workforce housing 20 percent of the units built over and above a threshold of 500 units. The provision of new housing at this particular location is in direct fulfillment of the District's housing policies.

B. Policy H-1.1.4: Mixed Use Development (Section 503.3)

The project is consistent with the goals of promoting mixed use development. The project will contain retail, residential, and office uses on commercially zoned land in close

proximity to two Metrorail stations. This project represents exactly the type of mixed-use development contemplated by Policy H-1.1.4.

C. Policy H-1.1.5: Housing Quality (Section 503.4)

Between eight and ten percent of the residential uses will be devoted to affordable housing. Consistent with this policy goal, the affordable units will meet the same high-quality architectural standards provided for the market-rate housing and will be indistinguishable from market rate housing in their exterior appearance.

D. Policy H-1.2.3: Mixed Income Housing (Section 503.5)

The proposed development is mixed-income and includes both market-rate and affordable housing units. The project will further the District's policy of dispersing affordable housing throughout the city in mixed-income communities, rather than concentrating such units in economically depressed neighborhoods.

E. Policy H-1.2.5: Workforce Housing (Section 503.7)

The Applicant has agreed to set aside 20 percent of the units over and above 500 units for workforce housing. The project will further the District's policy of leveraging private development to create new affordable housing within the city.

**VII. Environmental Protection Element (Chapter 6)**

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element provides policies and actions on important issues such as energy conservation and air quality, and specific policies include the following:

Policy E-1.1.1: Street Tree Planting and Maintenance- encourages the planting and maintenance of street trees in all parts of the city;

Policy E-1.1.3: Landscaping - encourages the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity;

Policy E-2.2.1: Energy Efficiency - promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses through mixed-use and shared parking strategies to reduce unnecessary construction of parking facilities;

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - calls for the promotion of tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction; and

Policy E-3.1.3: Green Engineering - has a stated goal of promoting green engineering practices for water and wastewater systems.

As discussed in both the Environmental Benefits and Building Green and Healthy Communities sections above, and in the PUD statement, the project includes street tree planting and maintenance, landscaping, energy efficiency, methods to reduce stormwater runoff, and green engineering practices, and of which will help the project attain the goal of Gold LEED certification. The PUD is therefore fully consistent with the Environmental Protection Element.

#### **VIII. Economic Development Element**

A. Policy ED-1.1.5: Use of Large Sites (Section 703.13)

The Southwest Waterfront is among the District's last remaining large development sites. In fulfillment of the Economic Development Element of the Comprehensive Plan, the PUD site has been designed to ensure that its economic development potential will be fully realized through the provision of a comprehensive mixed-use development that will rival waterfront cities throughout the world. The PUD will not only revitalize the Southwest quadrant, it will diversify the District's economy over the long term.

B. Policy ED-2.2.4: Destination Retailing (Section 708.8)

The proposed PUD will encourage "destination" retail districts that specialize in unique goods and services, including the maritime economy and waterfront history of the city. The PUD Applicant will work collaboratively with business and community organizations throughout the District to identify and, where possible, mentor potential small restaurateurs and retailers to help them lease and successfully operate these designated retail spaces. The Applicant also plans to have kiosks along the promenades, and in parks and other public spaces, where even smaller local businesses can try out their retail concepts on a low-risk basis; those kiosk operators who are successful will have the opportunity to move indoors, into one of the spaces reserved for unique and local business enterprises, thereby growing their business.

C. Policy ED-2.3.2: Visitor Attractions (Section 709.6)

The PUD will introduce an exceptional new visitor attractions and entertainment venues in the District focusing on the waterfront, which will complement the traditional museums and monuments and draw more international visitors and young adults to the city. These new attractions will create a clear identity for the District as the region's major entertainment center.



**IX. Urban Design Element (Section 901)**

The goal of the Comprehensive Plan's Urban Design Element is to “[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.”

In keeping with this objective, the Applicant has gone to great lengths to create a new mixed use development that, consistent with Policy UD-2.1.3, incorporates variations in height and massing to allow for significant amounts of open space. (Section 909.10). The plan features special treatment of the base of the buildings to reinforce the pedestrian experience and livability of the spaces throughout the new community.

The project is also consistent with the improved streetscape design and sidewalk management goals of Policy UD-3.1.1 and Policy UD-3.1.2 since the Applicant proposes to install street trees and the sidewalks and plantings adjacent to the Subject Property that will enhance the visual character of these streets.

**X. Compliance with the Lower Anacostia Waterfront/Near Southwest Area Element of the Comprehensive Plan (Chap. 19)**

The Comprehensive Plan's Near Southwest Area Element is the blueprint for the PUD project and the project's design components directly advance the policies, goals and objectives of this element. The Comprehensive Plan recognizes the benefits of redevelopment of the Southwest Waterfront in providing improved access to the shoreline, new creation of amenities, new housing and transportation choices, and a cleaner, natural environment, all of which are accomplished by the PUD. (§1900.2). The project enhances connectivity between neighborhoods and the river by extending streets to the waterfront, adding waterfront promenades and public piers, and providing new forms of transportation such as water taxis. (§1900.5).

**A. Policy AW-1.1.2: New Waterfront Neighborhoods (Section 1908.3)**

The proposed PUD will create a new mixed use neighborhood on vacant and underutilized waterfront lands, particularly a large contiguous publicly-owned waterfront sites. The project includes a substantial amount of new housing and commercial space, reaching households of all incomes, types, sizes and needs in direct fulfillment of this policy.

B. Policy AW-1.1.3: Waterfront Area Commercial Development (Section 1908.4)

The proposed PUD directly and significant advances commercial waterfront development policy by bringing more retail services and choices, as well as space for offices and hotels to the Southwest Waterfront. Commercial development has been strategically focused along key corridors, particularly Main Avenue, and includes maritime activities such as cruise ship operations that will be maintained and supported as the waterfront redevelops.

C. Policy AW-1.1.4: Waterfront Development Amenities (Section 1908.5)

Through this public-private partnership between the District and the Applicant, the project will create such project amenities and public benefits as parks, job training and opportunities, and transportation and infrastructure improvements that will greatly enhance this new waterfront community.

D. Policy AW-1.1.5: River Basins as a Planning Guide (Section 1908.6)

The PUD has been designed to recognize and be responsive to the distinct settings and environments created by varying conditions along the shoreline. Consistent with the Anacostia Framework Plan, the project reflects the unique physical and visual characteristics of a more urban environment adjacent to the Washington Channel and the Central Employment Area of the city.

E. Policy AW-1.1.6: Pedestrian Orientation of Waterfront Uses (Section 1908.7)

The proposed PUD is consistent with this policy for Pedestrian Orientation of Waterfront Uses by providing a high level of pedestrian amenities along the shoreline, including informational and interpretive signs, benches and street furniture, and public art, as well as large waterfront venues for festivals, public events or simple passive enjoyment of the riverfront and sunsets.

F. Policy AW-1.1.7: Multi-modal Waterfront Streets (Section 1908.8)

The PUD embraces the concept of multi-modal waterfront streets. The streets within the project along the waterfront, and the Wharf, in particular, have been designed to be truly multi-modal, meeting the needs of pedestrians, bicyclists, and transit users as well as motor vehicles. Safe pedestrian crossings, including overpasses and underpasses, have been provided throughout the site to improve waterfront access.

G. Policy AW-1.1.9: Strengthening the M Street and Main Avenue Corridors (Section 1908.10)

The PUD project strengthens the connection between Central Washington and the Anacostia Waterfront by rebuilding Main Avenue as a graciously landscaped urban boulevard.

Maine Avenue has been designed with generous pedestrian amenities, public transit improvements, landscaping, and ground floor uses that create a vibrant street environment.

H. Policy AW-1.2.4: Anacostia RiverParks (Section 1909.4)

The proposed PUD will provide over twelve acres of open space and parks that will be part of a larger, connected network of waterfront parks from Hains Point to the Sousa Bridge, and continuing through adjacent upriver Planning Areas to the Maryland border. The parks will be easily accessible to surrounding neighborhoods and accommodate the need for more local and regional serving recreational activities in the city. The parks will include a variety of active and passive recreational settings.

I. Policy AW-2.1.1: Mixed Use Development (Section 1911.7)

Consistent with this policy and the 2010-11 amendments to the Comprehensive Plan, the proposed development will be developed with high density housing, commercial and cultural uses. It will capitalize on high density height opportunities to provide public spaces and, where appropriate, a mix of medium development density in order to transition to the surrounding neighborhoods. The development will celebrate its waterfront location, preserving views and enhancing access to and along the shoreline.

J. Policy AW-2.1.2: New Public Spaces and Open Space (Section 1911.8)

The PUD will create numerous new dynamic public spaces and plazas at the waterfront, including the Wharf, an exceptional and expanded public promenade at the water's edge. Public piers will extend from each of the major terminating streets, providing views and public access to the water.

K. Policy AW-2.1.3: Connecting to the Southwest Waterfront (Section 1911.9)

Consistent with this policy, the PUD will enhance pedestrian connections from the Southwest neighborhood and L'Enfant Plaza area to the Washington Channel by creating new public spaces and trails, eliminating Water Street, reducing surface parking, linking the Banneker Overlook to Maine Avenue, and providing safer pedestrian crossings across Maine Avenue.

L. Policy AW-2.1.4: Maine Avenue (Section 1911.10)

The proposed PUD will transform Maine Avenue into a landscaped urban street that has direct access to waterfront uses, provides a pedestrian-friendly street environment, and accommodates multiple modes of travel including bicycles.

M. Policy AW-2.1.5: Washington Channel Maritime Activities (Section 1911.11)

As part of the redevelopment project, the Washington Channel's maritime activities, including cruise ship berths and marinas, will be reorganized to provide more appropriate relationships to landside uses and provide opportunities for water taxis, ferries, and other forms of water transportation. In implementing this policy, cruise ship operations will be retained and supported, recognizing their economic benefits to the city and their recreational and cultural value for residents and tourists.