

TESTIMONY OF ANC 6D
before the
ZONING COMMISSION OF THE DISTRICT OF
COLUMBIA

Zoning Case No 11-03
Hoffman Madison-Marquette (HMW)
Southwest Waterfront PUD

My name is Andy Litsky. I have live at 423 N Street, SW for the past 31 years. I am the elected ANC Commissioner for ANC 6D-04 and represent the each of the landside residential communities situated directly adjacent to the Washington Channel as well as the Gangplank Slipholders Association – the residential liveaboards – who are the only residents living completely within the boundaries of this PUD.

Tonight, I represent and speak for Advisory Neighborhood Commission 6D on which I have served since 1998, seven of those years serving as Chairman or Vice Chairman. The PUD under discussion falls completely within the boundaries of ANC 6D. I ask that you give our comments great weight as you deliberate this case.

The residents of Southwest have long waited for a plan that will adequately address the redevelopment of our waterfront and other areas in Southwest. So serious have we been, that beginning in the mid-1990s the residents of Southwest put our money where our mouths were raising more than \$110,000 for the Urban Land Institute to undertake a study determining the best use of this incredibly valuable resource for our neighborhood, the city and the greater Washington metropolitan area.

Now, nearly a decade and a half since, we've had four mayors, three councilmembers, the creation and dissolution of the Anacostia Waterfront Development Corporation, the passage the Southwest Waterfront Small Area Plan and it's incorporation within the

ZONING COMMISSION
District of Columbia
CASE NO. 11-03
EXHIBIT NO. 517

Comprehensive Plan, the absorption of NCRC into the Deputy Mayor's Office, and dramatic fluctuations in the DC real estate and capital markets. Today we are ready to conclude a portion of the conversation in which Southwest residents – and this ANC -- have been a part since the very beginning. This has been a long time coming.

The Waterfront is the predominant reason why many of us live in Southwest. This confluence of sea and sky along with our tree canopy – it's our primary resource. We wish to see it preserved to the extent that it can be and developed thoughtfully as it must be acknowledging that it will adjoin an existing community of 10,000 residents.

Hoffman Madison-Marquette has put forward an ambitious and visionary proposal to construct a waterfront project where boats, public piers, pedestrians, cyclists, retail users, cultural programs come together in a comprehensive, mixed use, mixed income development that reconnects the Southwest Waterfront to adjacent residential areas, the National Mall and reclaims our proud maritime heritage.

Accordingly, on Monday, July 11, 2011, at a regularly scheduled meeting at which a quorum was present and all Commissioners voting, by a unanimous vote of 7-0, ANC 6D voted to support the Hoffman Madison-Marquette Southwest Waterfront First Stage PUD, Case No. 11-03 with a number of concerns and conditions. During the past week, my fellow commissioners and I have met with HMW every day for at least two hours to discuss our concerns and conditions. Toward that end, we are submitting a signed document addressing each of the 28 concerns and signed by Monty Hoffman on behalf of the partners on July 15, 2011. [Please mark as Exhibit #1]

This document shows that the applicant is in complete agreement on a significant number of points. We urge the Commission to incorporate and memorialize within your order those items where such agreement has been reached. These items reference concerns regarding these specifically bolded sections within our resolution dated July 11, 2011 and include: Bus Traffic, Gangplank Marina, Dedicated Walkway Along the Washington Channel, The Waterfront Park, Construction Staging, Street Cars, Parking South of M

Street and East of Sixth Street, Transportation Embellishments, Maintaining Existing Tree Canopy, Internet Gaming, Liquor Licenses, Office Space, Parks within the Development and the Titanic Memorial.

The final three items in our July 11 resolution reflect ideas brought forward by our Near SE/SW Community Benefits Coordinating Council. We appreciate that the developer has addressed these concerns and ask that the applicant responses in the attached document under the topics Ward Six, Implementing and Monitoring of Benefits, and District/ Developer/ Community Partnership be given great weight as well.

There are a number of issues where we are closer to agreement than not, but timing precludes us from altering the content of our ANC resolution to reflect the progress that I believe we've made in these areas. I request that the Zoning Commission provide ANC 6D with additional time for us to schedule a formal meeting to enable us an opportunity to revise our list of concerns and conditions, specifically related to Pier Four Residential Structures, The Commercial Pier, Parcel 11, Massing, the Parcel 7 setback and M Street Landing.

The ANC does have ongoing concerns over the following issues: Transportation, Plan B, Environmental Issues, and Parcels 6, 7 & 8.

Transportation

Those of us who live in Southwest know the challenges that increased traffic along Maine Avenue and M Street has brought over the past several years with the tremendous amount of construction east of S. Capitol Street – much of which isn't yet populated and with more to be constructed. This fall, after ten years of lobbying by this ANC, DDOT finally set aside in this year's budget money to undertake a comprehensive traffic study from the Fish Market to the Eleventh Street Bridge. No time like the present.

So the concern that we have is that the District's Department of Transportation in this matter has simply punted. On one of the largest projects ever to be built in the District of

Columbia – 2 million square feet -- the only major concern that they raised, such as it is, was about the traffic circle at Sixth and M Street. Further, for them to assert that a transportation review should better be left to the Stage Two PUD seems incredibly careless and cavalier.

There's one transportation matter, though, that didn't arise until we heard it last Monday night. That relates to the number of people who will be accommodated at the theater on north end of the project. We'd been told all along that this building would accommodate 2,500 people. Monday we heard that it would hold 4,200 people. Greater clarification on site use as well as anticipated access, egress, alternative transportation options and parking for that facility is necessary.

Plan B – ANC 6D is keenly aware that the ultimate approval of this project as it is presently before you is not solely dependent upon this Zoning Commission, but upon the U.S. Congress. Presently, HR 723 will allow for a reconfiguration of the Washington Channel and will, if adopted, provide the kind of vibrant SW Waterfront that our neighborhood has long wanted and that The Wharf is promising. We fervently hope that legislation will pass. However, ANC 6D requests that the Zoning Commission ensure that, should an alternate waterfront plan be necessary, that the needs of our community will be fully considered by ensuring that the ANC be involved in any discussions going forward regarding the matter.

Environmental Issues –The Wharf is a LEED Gold project. As such, ANC 6D is puzzled why the applicant is seeking a waiver on the 3.2" storm water system required by the District. This is a waterfront project with profound effects on the Washington Channel, an underground waterway, two rivers and, ultimately, the Chesapeake Bay. While the limitations may be reasonable, we've not been told precisely why they may be. We understand that the applicant has recently met with the DOE and we would like to be apprised going forward by that department to ensure that the development is sustainable and consistent with the goals intended by the Anacostia Waterfront Initiative.

Parcels 6, 7 & 8 - We understand why flexibility is helpful as it pertains to the ultimate use of this space. However, this proceeding is to determine height and massing. We fully support a mixed use development and clearly understand the developer's desire to maximize the capital and future real estate markets going forward. We also acknowledge, upon further discussion with the applicant, these parcels may actually be closer to 50% residential and 50% commercial and retail. As such, there will be not an inconsiderable amount of parking at that location emptying onto Maine Avenue at rush hour and, one might assume, then serving Arena Stage patrons or other portions of The Wharf with recently vacated space. We feel that the plans need to more adequately address this prospect.

The Wharf is a project that has excited the residents of Southwest and our city since they were selected to develop the site five years ago. Since then it has evolved as all good developments do, taking into consideration a full range of neighborhood and District concerns. Hoffman Madison-Marquette have sought our input every step of the way. They have held scores and scores of community meetings engaging virtually every segment of our community. No developer, no city agency, has ever made such a thorough outreach to Southwest. The team at Hoffman Madison-Marquette is to be commended.

The concerns and conditions that we put forward in our ANC resolution have been our opportunity to clarify and put things on the record. Some are yet to be resolved. That is our job. Trust but verify. Accordingly, on behalf of ANC 6D, I ask that this Commission move expeditiously to allow us to address and clarify our remaining concerns at which time, I urge you to adopt this first stage PUD as clarified.

Thank you for the opportunity to testify and for giving great weight to our ANC 6D testimony.

**HOFFMAN-MADISON WATERFRONT
7/15/2011 RESPONSES TO:**

**ANC 6D Resolution in Support of
Hoffman Madison-Marquette Southwest Waterfront First Stage PUD
Case No. 11-03**

Whereas the residents of Southwest have been working toward and looking forward to a redeveloped SW Waterfront for more than twenty years, and

Whereas, Hoffman Madison-Marquette has put forth an ambitious and visionary proposal to construct a waterfront project where boats, public piers, pedestrians, cyclists, retail users, and cultural programs come together in a comprehensive, mixed used, mixed income development reconnecting Southwest to adjacent residential areas, the Mall and Riverfront trails, and

Whereas this development, known as The Wharf, is the most ambitious development project ever undertaken in the District of Columbia,

That on July 11, 2011, at a regularly scheduled duly noticed meeting, where a quorum was present and all Commissioners voting, by a unanimous vote of 7-0, ANC 6D voted to support the Hoffman Madison-Marquette Southwest Waterfront First Stage PUD, Case No. 11-03, with the following concerns and conditions to be further elaborated during written and oral testimony:

Bus Traffic - Direct bus transport to and from the Spirit Ships, Odyssey or their successors shall be moved from in front of Pier 4 and away from the existing residential sections of Southwest including Tiber Island Cooperative Homes, Tiber Island Condominiums, Harbour Square Cooperatives and any residential units as may be built on the site presently occupied by St. Augustine's Episcopal Church. All buses and/or passenger vehicles carrying more than 8 persons and serving the large boats will be limited to the bus lay by area so designated on page 3.8 of the Updated PUD Submission of June 28, 2011. In any event and regardless of whether residential structures may be permitted at Pier 4, bus traffic will be banned from the above existing residential neighborhood locations to free it from the forty year plague of bus traffic serving the large boats. In addition, should the big boats remain on Pier 4 for any reason, vehicles ferrying passengers between Pier 4 and the bus lay-by as depicted on page PUD 3.8, will be prohibited from travel on Sixth Street, SW.

HMW in concert with DDOT and the ANC will develop guidelines to ensure that busses do not park within residential areas. HMW will provide a more precise diagram to demonstrate how tour busses will arrive and depart from on site to discharge and pick up passengers at the big boats. If additional bus lay bys are required, they will not be located east of the existing sites as demonstrated on page 3.8.

HMW Response – HSW agrees with the above commitments and will provide the following assurances to the ANC:

- 1) Lay-by areas for buses (to the extent more are needed or the location is refined) will be located no closer to the existing residential areas than the Bus Drop Off identifies on page 3.8 of the Updated PUD Submission.
- 2) HMW agrees to remove all bus traffic southeast of the completed M Street Landing, by prohibiting via signage along Park Road (the extension of the old Water Street), 6th Street SW, and M Place SW, or upon commencement of redevelopment of Pier Four, irrespective of its intended use.
- 3) HMW will create a bus operations plan that details bus lay-by operations, drop-off, pick-up, and bus traffic control as a part of the Stage 2 submission for Parcel 9 or M Street Landing, whichever comes first.
- 4) HMW will cooperate with ANC 6D and DDOT in mitigating bus impacts in the Southwest community.

Transportation – ANC 6D recommends further review and analysis of the transportation, design and safety elements proposed by HMW. The District's Department of Transportation has specifically avoided addressing any of these elements in their letter to the ANC on July 11. DDOT's recommendation is to handle transportation and attendant concerns at the Stage Two submission. This is one of the largest projects ever undertaken in the District of Columbia in an area that has now considerable and growing transportation challenges. Indeed, there is in the present budget – after ten years of ANC 6D requesting it – the money to do a comprehensive traffic and transportation study of the area from the Historic Fish Market at Maine Avenue along Maine Avenue and M Street to the Eleventh Street Bridge. Yet, in their response to this project, DDOT has done nothing but punt. This is a blatant abrogation of their responsibilities as a District department.

HMW Response – HMW has provided all necessary information to the District Department of Transportation (DDOT). HMW has also hired third party transportation expert to conduct its own comprehensive transportation and traffic study. The results of this study were utilized in designing plans for the Stage One PUD application. HMW will continue to work with the DDOT.

Plan B – HR # 723 is currently before the Congress and will allow for significantly longer docks and reconfiguration of the Washington Channel providing the SW Waterfront neighborhood with the kind of vibrant marine environment we have long envisioned. Should the congressional legislation not prove successful, the current marine aspects of the PUD will need to be reworked. ANC 6D urges that the Zoning Commission request that HMW to develop a Plan B – to be vetted by the ZC and the Southwest community -- to ensure that The Wharf will maintain a balanced and not lopsidedly land-oriented, yet waterfront, development. In any event, HMW will abide by their commitments to maintain the same number of slips in any revised marine plan to

ensure approximately the same number of live-aboard slips as exist in June, 2011 (a minimum of 94 slips) with provisions for retention of existing live-aboard slip holders.

***HMW Response** – HMW does not have a Plan B currently for waterside programming. Approval of legislation narrowing the channel is anticipated to be complete prior to the hearing for the Stage Two PUD application by the Zoning Commission expected to be toward the middle to end of 2012. This will allow the full development to be constructed on schedule as contemplated and will also provide for an ANC review process for plan B should it arise. In the event the channel cannot be narrowed, HMW will create an alternate waterside plan that balances the requirements and commitments to Gangplank and Capital Yacht Club slip holders and the desire for public access, public use piers, and a vibrant active harbor for the District. In the event of an alternate plan, HMW will present such plan to ANC 6D for its review and guidance to the zoning commission.*

Gangplank Marina - HMW will provide for a live-aboard community at the redeveloped Gangplank Marina on the Southwest Waterfront for approximately the same number of live-aboard slips as exist on June, 2011 (a minimum of 94 slips) with provisions for retention of existing live-aboard slip holders.

HMW has completed a transition plan that it has shared with the Gangplank Marina Slipholders Association (GPSA) Development Advisory Group. The plan provides for reasonable continuity of existing services (including water, electric, trash, pump-outs, security, showers/restrooms, US mail and package receipt, and vehicle access) and amenities (including parking, laundry, and Cable/Internet), and accommodates the current Gangplank Marina slip holders in the Washington Channel during the redevelopment, consulting with GPSA to prioritize vessel moves.

***HMW Response** – HMW has worked with the GPSA to form the plan taking into consideration their interests and needs. GPSA supports this plan. HMW agrees with the ANC and will carry out this provision.*

Dedicated Walkway Along the Washington Channel – As intriguing as have been the descriptions of “chaotic” mix of pedestrian, automobile, bicycle and street car uses of the 60 feet of space along the Washington Channel, ANC 6D is obligated to raise safety concerns. ANC 6D would request that this concept be further elaborated -- and with the very specific and detailed endorsement of DDOT, which they have thus far refused to provide -- including their clear understanding and delineation of traffic flow and enforcement. Further, ANC 6D would like assurances that HMW will provide a continuous, dedicated pedestrian pathway of approximately 20 feet with the aforementioned 60 that will be maintained -- from the Titanic Memorial to the historic Fish Market (with the exception of temporary interruption for construction) -- to allow safe passage for walking and jogging and access by both wheelchairs and strollers.

***HMW Response** – HMW agrees with the above statement with the following clarifications. HMW agrees to maintain “continuous pedestrian flow” within the Promenade Zone between Parcel 2 and the Titanic Memorial. At Parcel 1 to the Fish Market which is a unique design situation as shown on 4.5 of the June 28, 2011 pre-hearing submission, HMW agrees to maintain a dedicated ten foot pedestrian walkway with no obstructions and with separation (for safety, such as bollards, planters, etc.) provided between travel and pedestrian areas. The intent of this statement is to provide continuous flow for pedestrians for the entire length of the Wharf, from the Fish Market to the Titanic Memorial, without relying on the adjoining 20’ active “shared area”, while maintaining the ability to provide active vibrant uses along the waterfront including but not limited to café tables, trees, planters, push carts, kiosks, etc. that do not impede this flow.*

Pier 4 Residential Structures – ANC 6D does not favor townhouses to be built on Pier 4. However, should residential structures on Pier 4 be approved by the US Army Corps of Engineers, such structures will maintain a minimum 10 foot setback from the existing waterside edges of the Pier. There is great concern about the height of these structures (as depicted in Section (e-e) on Page 5.9 of the PUD) impacting the views of the Washington Channel not only from adjacent Waterfront residences but from the Waterfront Park itself. Should they be allowed, such structures will not exceed a height greater than 45 feet from current finished Pier surfaces, including all architectural elements, mechanicals, and/or equipment rooms. The developer will incorporate the existing brick head house at the entrance to the Pier as well as incorporate all parking and infrastructure support (trash pick-up, deliveries, etc.) internally within the design and not exposed to view, and maintain “front doors” on the North, West and South sides of the existing Pier. All lighting elements whether architectural or safety in manner will not in any season illuminate any portion of Harbour Square, Tiber Island or the Waterfront Park. Marina docking for small boats will be included on the three sides of the Pier.

***HMW Response:** HMW agrees with the above statements regarding Pier 4 residential design with the following clarifications. HMW will provide an approximately eight foot pedestrian walkway on both sides of the pier. The eight foot dimension is derived from the need to provide parking internal to the building obscured from view and corresponds with the existing structure on the pier today. Projections beyond the eight feet occur only for balconies, bays, architectural features or roof projections (which add to the quality of the town homes) and not at the pier level and are limited to four feet. All other restrictions as described above remain as stated.*

The Commercial Pier – As referenced on page 5.9, except for the two story office structure (as indicated by marking dd on the landside portion of the map), the height of the remaining buildings covering the extended Commercial Pier should not exceed the height of the similar existing structure on the current Pier 4.

***HMW Response:** HMW proposes keeping the Section shown on Page 5.9 as is for the new dinner boat support building/terminal but agrees to limit the length of this building to 150' long. The extension of Pier 3 is considerably narrower than Pier 4 and the entire first floor will be used by vessel operations, support, maintenance, and catering. The second floor of the pier is necessary to provide the embarking/disembarking zone and waiting area for dinner boat patrons. If all facilities were on a single story, the pier building would occupy nearly the entire pier and severely limit the amount of public access. HMW agrees to limit the rebuilt Odyssey/MSI office structure to approximately the same height of the existing buildings today.*

The Waterfront Park – The Waterfront Park, as depicted in the Open Space Plan indicated on page 4.20 of the Revised PUD, will be constructed in the first phase of the development so that an immediate benefit may be obtained for the existing residential community. The vending and food service pavilion as depicted on Section (H-H) on Page 5.9 needs to be lowered from the currently depicted 34.5 feet tall to no higher than 20 feet tall inclusive of architectural embellishments, mechanicals, and/or equipment rooms so as to preserve as much visual access to the waterfront as possible within and around the park. Further, HMW will work with neighboring properties to locate the pavilion on a site within the park closer to the private street that provides access to the Harbor Patrol and away from existing neighborhood residences. Maintenance and daily trash removal at the Waterfront Park including removal of any trash from vendor will be the responsibility of HMW.

***HMW Response:** Agree*

Massing - The massing shown in illustrations 2.10 and 4.16, which is also pictured in rendering 5.23, appears to dwarf pedestrians who are trying to access the site from Maine Avenue, particularly the route from Waterfront Southwest Metro station. According to OP's Comprehensive Plan Policies, "Development ... must be designed to respect the broader community context" and "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 the existing neighborhood." While HMW has given verbal assurances about setbacks and pedestrian friendly access to the water side amenities, the massing shown in the PUD extends to the maximum heights and widths of the parcels giving an overwhelming impression from sidewalk level and suggesting that pedestrians might find it awkward getting to the promised amenities.

***HMW Response:** HMW believes the composition of proposed massing and open space optimizes views and access from public spaces in addition to extending the District's open space corridors and street patterns. The major public rights-of-way Banneker Overlook, 9th Street, 7th Street, and M Street are all celebrated with abundant civic spaces and ample view corridors. In fact the land use pattern of taller, skinnier buildings on small city blocks optimizes the access and views from Maine Ave and other existing public spaces allowing the creation of eleven pedestrian and vehicular access openings to the waterfront. These public*

openings are comprised of parks, streets, alleys, and sidewalks. In fact, this composition provides numerous pedestrian experiences throughout the waterfront with over 60% of the entire site having little to no massing. The referenced section on Page 4.16 is for the mews streets – these streets are special conditions that are purposefully built between the major view axis and are between 10 and 40 feet in width to allow for intimate pedestrian experiences and unique retail environments as depicted in these sections.

Parcel 11 - The redevelopment of Parcel 11 into a dense residential development is a concern. While ANC 6D is prepared to accept this change, the resultant development must not be inconsistent with the existing residential fabric. Preservation of the height limitations within the R-3 district is necessary to ensure Parcel 11 is sensitively integrated within the existing successful, well-knit fabric of low-rise townhouses that defer to the public space by exhibiting generous setbacks. In particular, setbacks on residential (South) side of M Street from Sixth Street to Second Street, SW share generous setbacks that the design on Parcel 11 does not appear to embrace. Further, the lack of setbacks within the design on Maine Avenue provides a stark counterpoint to the significant lush setbacks provided by the lawns on the Maine Avenue side of The Meade Center.

***HMW Response:** HMW recognizes the concern and has recently improved its plans to demonstrate that the proposed use and structure is compatible with the existing neighborhood. It should also be understood that the height limitations for a church in existing R-3 is sixty feet, and for other structures it is 40 feet. The effective height of the existing residential along 6th Street SW, the area of most impact, is +/- 40' with the grade change which makes the proposed residential development compatible with the existing Tiber 4 story townhomes and not significantly different than the existing zoning height requirements. The existing setback at Tiber Island from the curblineline is approximately 22' to the garden wall and approximately another 20' to the building face of the four story townhomes for a total of 42'. The proposed development will allow a 12' setback from the curblineline to the landscape fence (3' tall) and a total of approximately 30' to the building face of the proposed residential structure. The building separation between the face of closest Tiber townhomes and the face of the new residential building will be approximately 100'. The section along 6th Street SW looking south will be similar on the Tiber / HMW sides of the street making the development compatible with the existing fabric. (See Exhibit A). The proposed Church setback along Maine Avenue/M Street is similar to all existing structures along the south side of the street and will not significantly inhibit views along the view corridor and out to the water (See Exhibit B).*

M Street Landing – ANC 6D believes that Parcel 9 and 10 need to be brought down to 90 and 45 feet high, respectively, and that Parcel 11 be set back within the M Street corridor. This crucial area anchoring the waterfront development needs to more successfully exhibit sensitivity to the existing residential neighborhood. As proposed, these buildings create a jarring transition. The St. Augustine Episcopal Church bulges

out on Parcel 11 eliminating views on the southern half of the grand boulevard leading to the Southwest Waterfront from points east. This violation of the L'Enfant Plan is inconsistent with existing and proposed buildings lining M Street and should be brought in line to successfully create a sense of arrival at the Waterfront – as promised in plans for the Waterfront going back more than eight years -- among other urban design objectives. ANC 6D needs to be assured that the height of the buildings on Parcel 11 will be no higher than 45 feet so that it fits within its waterside and low-rise residential context. The height of Parcel 9 should be tapered so that it's in line with buildings on the opposing side of the Landing and provides a transition to the taller buildings to the north. Most importantly, topping out Parcel 9 at 90 feet would ensure it doesn't diminish the landmark Meade Center for American Theater.

***HMW Response:** The proposed Church setback along Maine Avenue/M Street is similar to all existing structures along the south side of the street and will not significantly inhibit views along the view corridor and out to the water (See Exhibit B). The height of Parcel 11 will be no higher than 45' for the residential and 49' for the church as indicated in the Updated PUD Submission Page 5.7. Parcel 9 and 10 have been carefully shaped and positioned in close coordination with the Arena stage and their architect Bing Thom. Arena Stage is our closest and most impacted neighbor (Tiber Island residences are approx. 550 feet away). The primary concern was not building heights but setbacks to allow for a grand Maine Avenue terminus at M Street landing and a framed view of the theater looking back. The setbacks were achieved by diminishing the building floor plate significantly and reducing the square footage of program on Parcel 9 and 10. The approved outcome, which was created in working closely with Bing Thom and Arena Stage, was very specific and is now reflected in our PUD application. This design won the support of Arena Stage. Additional reduction of program through height or additional setbacks is not acceptable. The Arena Stage letter of support and supporting diagrams is attached as Exhibit C and the Illustrative plan before the negotiations is attached as Exhibit D.*

Construction Staging – Neither Parcel 10, Parcel 11, the Waterfront Park nor any area South of M Street from Sixth Street to the Titanic Memorial shall be used as a construction staging area during any portion of the build.

***HMW Response:** HMW agrees that these parcels will not be used for construction staging until such time that they are under construction.*

Street Cars – Overhead wires will not be allowed on the portion of the street car line that runs along the Washington Channel. Since HMW will be installing the tracks on the wharf and Maine Avenue, ANC-6D requests that flange fillers be put in place as a protective measure until such time as the street cars become operative.

***HMW Response:** Agree*

Parking South of M Street and East of Sixth Street –Parking will not be allowed at the Waterfront Park nor along the private road leading to Pier 4. Parking in this area will be reserved a small visitor parking lot which may be located on Pier Four should that be approved for residential use and for the DC Harbor Patrol.

HMW Response: HMW agrees to the above statement with the following clarification. The referenced visitor parking will not be located on Pier 4 but will be located landside in a location similar to the existing smaller Spirit lot and will not impede pedestrian flow to and from the Titanic Memorial (as prescribed in the agreement with Harbor Square).

Transportation embellishments – While the PUD has a variety of multi-modal transit options, there is no space set aside for car sharing. It must be added. As well, ANC 6D requests that HMW provide an appropriate number of electric car recharging stations throughout the development.

HMW Response: Agree

Maintaining Existing Tree Canopy – There is no clearly articulated plan to preserve and maintain the extensive and lush tree canopy that is a hallmark of the Near Southwest. ANC 6D is keenly aware that when the Southwest was redeveloped fifty years ago, a great number and variety of trees were lost never to return. In particular, we are concerned about the majestic stands of 50 year old pin oaks along Maine Avenue and on either side of the pedestrian walkway between the Washington Channel and Tiber Island and Harbour Square. They must be maintained. ANC 6D requests that a dedicated arborist be hired to provide a detailed plan for preservation and plantings. While plantings are usually a function of a Stage Two PUD, if the massing is such that our tree canopy is greatly affected, it needs to be addressed now.

HMW Response: HMW will use commercially reasonable efforts to save existing trees along Maine Avenue. Buildings have been set back twelve feet from the property line to make this possible. HMW also agrees to maintain the allee of trees between Tiber Island/Harbour Square and Spirit Cruise lines. HMW agrees to hire an arborist as a consultant to the project to create a survey of existing trees.

Internet gaming – Within the boundaries of the PUD, internet gaming shall be prohibited in any spaces other than private residences. ANC 6D and the Southwest neighborhood has been opposed to gambling on the Waterfront and is on record going back more than 16 years. We feel that gambling is totally incompatible and inconsistent with the kind of wholesome and welcoming development that has been promised at this site.

HMW Response: Agree

Liquor Licenses – HMW will abide by current and customary practices as regards the licensing of alcoholic beverages and neither seek nor endorse the creation of a zone under which new or existing licenses may be (re)issued or amended without the involvement of the ANC.

HMW Response: Agree

Office Space – For a period of twenty years commencing in January of 2019, HMW or its assigns will provide free and equipped office and shared conference space for Advisory Neighborhood Commission 6D and the neighborhood civic association, the Southwest Neighborhood Assembly, comparable to that which is being currently provided at 1101 Fourth Street, SW.

HMW Response: Agree

Parks within the Development – ANC 6D urges that kinetic, programmable recreational spaces for people of all ages be maximized within the development, particularly toward the western end and the many mews and passageways.

HMW Response: HMW agrees to provide kinetic programmable recreational spaces for people of all ages and will conduct a design charrette for the east end park as part of the Stage 2 design. The 7th Street Landing will be generally passive in nature and City Square and Market Square are urban plaza with limited recreational opportunities given their civic prominence and high level of active programming. The project will have a variety of public spaces and experiences that are available to be used by a broad group of residents and visitors alike.

Environmental Issues – ANC 6D requests clarification regarding information that, even though the project is to be LEED Gold, that there appears to be an exception within the PUD that HMW will not have to abide fully by federal and District environmental regulations regarding storm water runoff. We encourage the developer to explore with the DC Department of the Environment alternative ways that this can be mitigated.

HMW Response: The size and location of the development site make complete compliance with the standards required by the NCRC/AWC Reorganization Act of 2008 difficult to comply with and the mayor has yet to finish rulemaking on the stormwater requirements. A waiver from certain of these requirements was requested to be consistent with the Land Disposition Agreement. HMW is working closely with DDOE, and met most recently on July 5th, to discuss the rationale for such request. HMW and DDOE will work closely before stage 2 PUD submissions to ensure the SW Waterfront project is a landmark project for

sustainable development and is consistent with the goals intended by the Anacostia Waterfront Initiative.

Parcels 6, 7 and 8 - HMW wishes to retain flexibility of future use yet at this time ensure height and massing for three buildings without determining what those uses will be. ANC 6D is opposed to this flexibility for the following reasons: The community has stated for twenty years that we support a mixed use development. While future flexibility is vastly beneficial for HMW as real estate markets change, the Southwest community needs a more complete understanding of precisely how this development will be configured in its entirety. Clearly, what services, retail and parking are required for commercial and office use are inconsistent with that of residential. ANC 6D is concerned that if buildings constructed on Parcels 6, 7 and 8 are predominantly offices that the ground floor retail will reflect the needs of the daytime user and not provide the community serving retail that has been severely lacking in Southwest for two generations. We are a retail desert. Moreover, this flexibility would occur in very buildings planned closest to existing residential complexes where no retail whatsoever now exists. Further, office structures will empty after hours creating population deserts and potential safety concerns between existing residential complexes and the western end of the development. After office hours, parking spaces will turn over emptying automobiles onto Maine Avenue in the middle of rush hour. Such spaces will, no doubt, be replaced with dinner and theater traffic shortly thereafter causing additional challenges along Maine Avenue which the transportation plan simply does not address. ANC 6D requests that the discussion needs to be held now about how – under different scenarios -- space will be used on these three parcels.

HMW Response: Parcels 6, 7, 8 and 9 have clearly defined maximum and minimum limitations of residential vs. office in the PUD application. While flexibility remains for fluctuating market conditions, this flexibility was reduced in response to the community and zoning commission concerns. The office use in these parcels was reduced in response to neighborhood concerns. Residential is the prominent use in these parcels. The maximum density in this area is 1,105,000sf of which residential will be between 530,000sf (48%) and 975,000sf (88%) of the development. The maximum office space is only 445,000sf and the minimum is zero. The balance of the space is utilized for retail. The residential and office buildings will both be required to comply with the retail merchandising plan laid out by HMW with a focus on neighborhood serving retail facing Maine Avenue. The intent with the plan is that no matter what the development above the first 2 floors, the retail and pedestrian environment is a high quality, animated, 18-hour environment. The parking demand is similar for both residential (about 0.7 spaces per unit) and office (about 0.7 spaces/1000sf).

Parcel 7 – On the north side of Maine Avenue at the Waterside Towers Townhouses, there is a 37 foot set back. In order to preserve a visual balance, ANC 6D requests a similar setback along the Maine Avenue side of Parcel 7 directly opposite the above referenced property.

HMW Response: *This is not possible given the setback already provided at the Gangplank Marina (necessary to maintain the continuous pedestrian flow along the promenade). Additionally, the intent along Maine Avenue is to create a grand urban boulevard with a consistent street edge. The condition at Waterside Towers is actually at odds with good urban planning in that the building does not hold the street edge of a prominent urban boulevard and the townhouses turn their back to the street.*

The Titanic Memorial and the Maine Lobsterman – ANC 6D wishes the Titanic Memorial and the Maine Lobsterman to remain where they are within the footprint of the development. In particular, the Titanic Memorial is a draw to the southern end of site where is presently located. In addition, ANC 6D recognizes that these two areas, among others, are owned by the National Park Service and at least in the eyes of the public will be incorporated within the new Southwest Waterfront. ANC 6D encourages that HMW and the National Park Service of National Capitol Area to work collaboratively to create a welcoming, integrated and well-maintained park space along this wonderful Waterfront.

HMW Response: *Agree except that the Maine Lobsterman statue may be moved within the overall Project Site to a suitable location that is acceptable to the National Park Service.*

Ward Six - ANC 6D requests that the Applicant memorialize its commitment to the residents of Ward 6, particularly the low and moderate income residents, who were not among those named in the LDA as targets of community benefits;

HMW Response:

- *The LDA includes Exhibit F- a First Source Agreement executed by DOES and the developer on July 8, 2008. Page 2 of this document states "Subject to the terms of this agreement, EMPLOYER shall cause at least 51% of all new jobs created in connection with the Project to be filled by District of Columbia residents with at least 20% of those jobs filled by residents of Ward 8....and shall use good faith diligent efforts to hire residents of Southwest Washington, DC for such new jobs."*
- *HMW has funded \$250,000 to District for establishment of Workforce Intermediary Program and will fund a total of \$1,000,000. HMW is working with District and the new administration on the establishment of a workforce program and intends for this program to benefit residents of Ward 6, as well as others in the District.*
- *HMW is collaborating with DCHA to focus jobs/training efforts on public housing residents in Ward 6, specifically in Greenleaf,*

Syphax, and James Creek and intends to develop a program modeled on Mandarin/DCHA jobs program


- *The approved Master Development Plan with DC dated October 13, 2010 indicates that in contracting and procurement on the project, "preference is to be given to certified businesses located in Wards 5, 6, 7, and 8"*

Implementing and Monitoring of Benefits – ANC 6D requests that the Applicant agree to on-going collaboration with at least three SW neighborhood-oriented committees or sub-committees including to focus on implementation of the community benefits as they can relate to the immediate SW and Near SE neighborhood in the areas of 1) workforce development, 2) CBEs and 3) affordable housing.

HMW Response: Outreach with community has been ongoing and is anticipated to continue through Stage 2 PUD process and through construction of the project. HMW will continue to work with ANC 6D and other Southwest neighborhood oriented committees that are acknowledged by the ANC in the areas of workforce development, certified business enterprise hiring, and affordable housing.

District/Developer/Community Partnership – ANC 6D requests that the Applicant agree to be one of the developer partners that will join District and community partners in planning and implementing the establishment of a long-needed community center in SW to address the many needs for community enrichment and services to support the world-class neighborhood envisioned.

HMW Response: Outreach with community has been ongoing and is anticipated to continue through Stage 2 PUD process and through construction of the project. HMW agrees to forge an ongoing relationship with ANC 6D and the community to realize the vision for a long needed community center.



Monty Hoffman
7/15/2011

Exhibits

Exhibit A – 6th Street Section – looking SW

Exhibit B – Plan Section of Parcel 10/11

Exhibit C – Arena Stage Letter of Support and supporting diagrams

Exhibit D – Illustrative Plan October 2010 before Arena Stage

Exhibit A – 6th Street Section – looking SW