


MEMORANDUM

TO: District of Columbia Zoning Commission
FROM:  Jennifer Steingasser, Deputy Director
DATE: September 10, 2012
SUBJECT: **Final Report** for ZC #04-14B, Florida Rock Properties, Inc., et al – PUD Modification @ Square 708, Lot 14

I. SUMMARY RECOMMENDATION

Florida Rock Properties Inc. submitted a modification request to the approved Consolidated PUD (04-14) for the site known as Florida Rock. The Commission set down the request at its February 13, 2012 public meeting. The proposal consisting primarily of the:

- Modification of Second-Stage approval for the first phase of development, initially approved to be an office building and currently proposed as a residential building, as well as modification of the associated open space plan;
- Reversion to First-Stage approval for the remainder of the site; and
- Modifications to the building layout and overall site plan;

is not inconsistent with the Comprehensive Plan.

The Office of Planning (OP) therefore recommends **approval** of the modified PUD, including:

- A maximum height of 130 feet, a total gross floor area of approximately 1,165,000 square feet and a lot occupancy of 44.4% for the entire parcel;
- Modification of the approved second stage PUD including:
 - Conversion of the first phase of development from an office to a 95-foot tall residential building with 324 residential units, 286 parking spaces and approximately 281,000 sf of gross floor area and 18,650 sf of ground floor retail and 8,130 sf for outdoor seating;
 - Special exception relief from the roof structure requirements of § 411 to allow sections of the penthouse structure to not meet the setback requirements from the roof's edges; and
 - Flexibility from the loading requirements to provide a 40-foot berth where a 55-foot loading berth is required.
- Conversion of the remaining phases of development to first stage approval with the designs of the three buildings to be reviewed in future applications.

II. APPLICATION-IN-BRIEF

Applicant	Florida Rock Properties, Inc.
Location	The area bounded by Potomac Avenue to the north/northeast; South Capitol Street to the south/southeast, First Street and the Diamond Teague park to the east, as well as adjacent areas of the Anacostia River to the South. Ward 6/ANC 6D.
Area Description	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.
Current Zoning	CG/W2; PUD C-3-C. The Commission adopted the Capitol Gateway Overlay in 2005 and applied it to this site. (Order No. 971).
Property Size	5.8 acres (253,389 square feet)
Proposal	The applicant has submitted this modification to a Second-Stage PUD approval request for the portion of the site described as the East Office Building (Phase I), and a 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. The maximum proposed height is 130 feet. The maximum proposed lot occupancy would be 44.42%.
Relief and Zoning	In conjunction with the modification request, the applicant is seeking special exception relief from the penthouse requirements of § 411 and flexibility from the loading requirement.

III COMMISSION’S CONCERNS

The Zoning Commission evaluated the applicant’s December 1, 2011 and February 6, 2012 submissions at its Public Meetings on January 30, 2012 and February 13, 2012 respectively. At both meetings the Commission expressed concerns about the “modest retail plan” for this section of the waterfront and encouraged revisions to the plan to make it as active as possible, with compelling architecture that reflects the important riverfront feature associated with the site.

The applicant filed a prehearing statement on April 30, 2012 with revised information in response to the Commission’s comments. The revised plan set of April 18, 2012 includes:

- Improved visualization of the site’s development in relation to its surrounding features;
- Addition of a public marina with potential for supporting a water taxi operation;
- Addition of a private marina for approximately 40 boat slips,
- River garden and beach features abutting the esplanade;
- A stated retail vision as a dining destination in the District, with twice the initially proposed retail square footage;

- Proposed active temporary uses with a small area for surface parking in the proposed location of Phase II; and a
- Revised architecture in response to the site's location on a waterfront, the Ball Park and the Yards Park to the east.

IV. CURRENT PROPOSAL

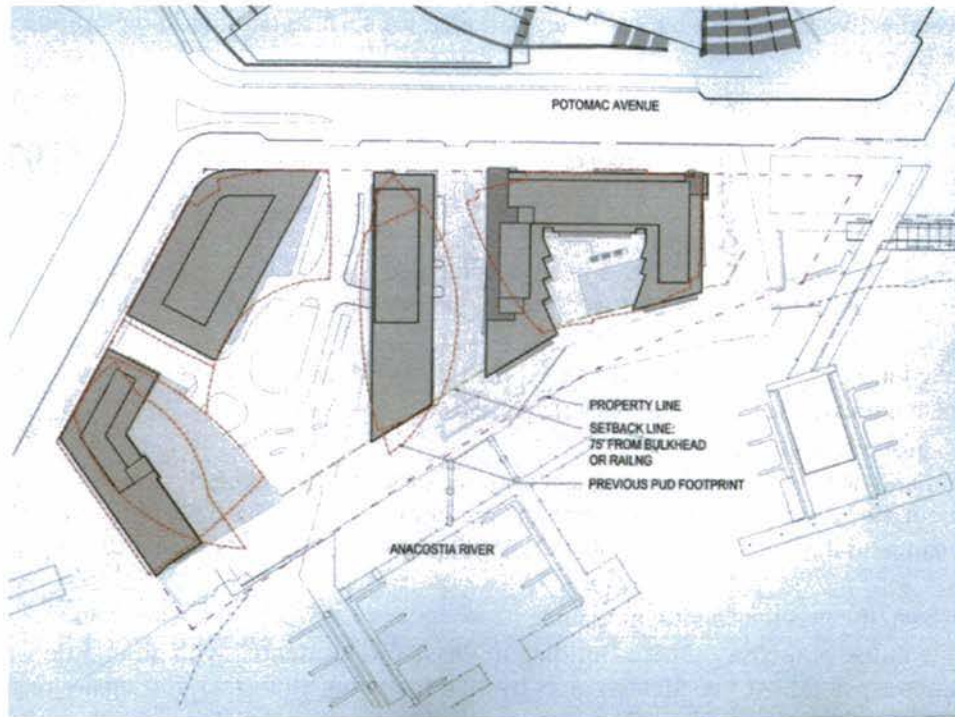
Florida Rock's development proposals have been documented in OP's January 20, 2012 setdown report. The current proposal is similar to the approved plan in that it continues to provide the following:

- 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 generally consistent with the previous approval; the current proposal would be about 49,240 square feet larger than the previous one, or about 0.2 additional FAR; and
- No change to the previously approved PUD-related map amendment to C-3-C.

Modifications from the previous approval include:

- Change in use of the East Office Building in Phase I to residential with ground floor retail. This increases the number of residential units by 324, including almost 21,000 square feet of additional affordable housing. The amount of square footage devoted to residential / hotel use on the entire site would increase to 67% of the total square footage of the development (50% in previous approval); residential alone now accounts for 46% of the total development area.
- 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 and a reduction in lot occupancy;
- Building materials, as shown on the elevations, have evolved to minimize the "office campus" effect;
- Curb cuts have been reduced, while providing better pedestrian connectivity throughout the site;
- At-grade loading for the residential building would be accessed via Florida Rock Alley;
- Open space and extensive landscape improvements, including the Riverfront Plaza and the Esplanade, to better complement the existing Diamond Teague and the Capital Riverfront's Yards Park; and
- Inclusion of a public and private marina to encourage active water uses.

Phase I's development is anticipated to begin in 2013, with completion by 2015. More detailed designs for all other buildings would be brought forward as part of a future second-stage PUD, should the first-stage PUD be approved for the remainder of the site.



Approved (2008) and Proposed (2012) PUD Footprints

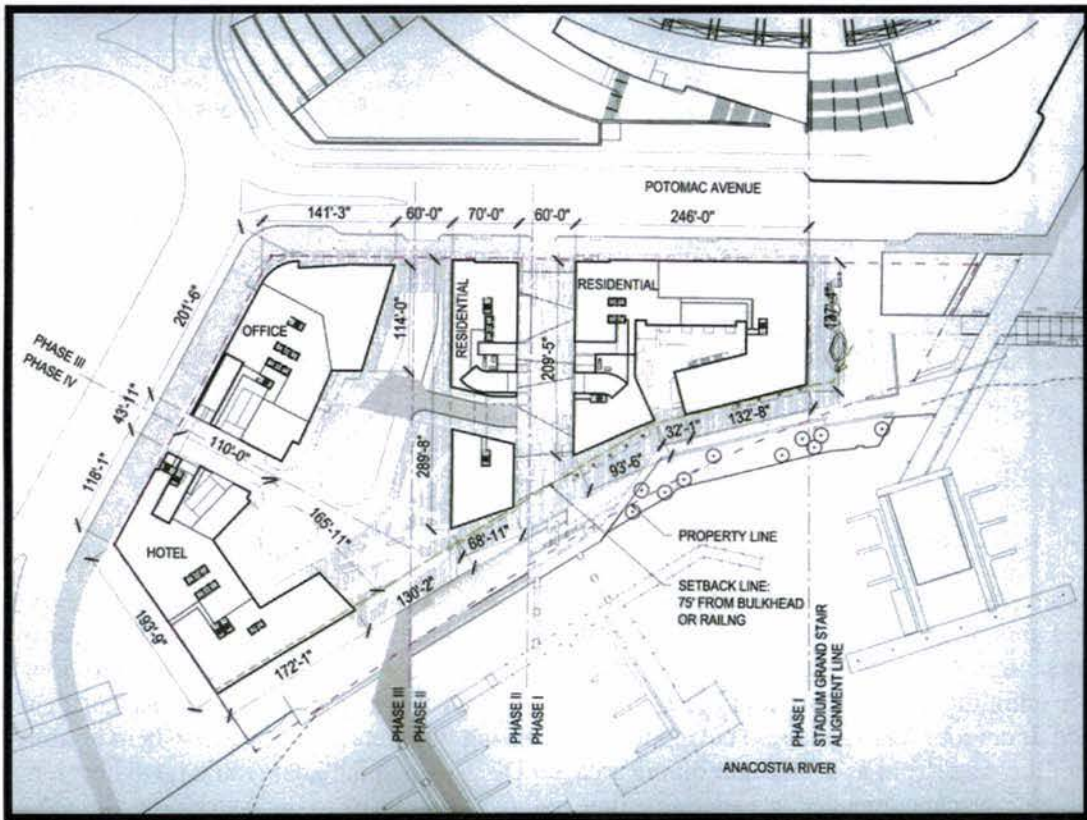
Table I. Development Data¹ Comparison (Approved vs. Requested Modification)

Approved PUD (2007)	Use/Building Type	Gross Floor Area	FAR	Height	Parking Spaces
Entire Site	Mixed Use	1,115,400 sf	4.4	130 ft.	1,010
	<ul style="list-style-type: none"> • Residential and hotel <ul style="list-style-type: none"> ○ Affordable housing (at 80% AMI) • Commercial <ul style="list-style-type: none"> ○ Retail and service 	569,623 sf 29,000 sf	2.25	(max)	
		(min) 545,777 sf	2.15		
	Phase I - East Office Building	228,532 sf		92 ft.	
	Phase II - Residential Building	291,223 sf		130 ft.	
	Phase III - West Office Building	236,425 sf		112 ft.	
	Phase IV - Hotel Building	278,400 sf		130 ft.	
Requested Modification (2012)	Mixed Use	1,164,640 sf	4.6	130 ft.	1,144
	<ul style="list-style-type: none"> • Residential and hotel <ul style="list-style-type: none"> ○ Residential ○ Affordable housing • Commercial <ul style="list-style-type: none"> ○ Retail and service 	814,595 sf 536,935 sf 39,874 sf	3.21		
		350,045 sf	1.38		
		(max) 23,370 sf			

¹ information from the application

	Phase I – (consolidated) Residential with ground floor retail	299,700 sf	1.18	94.85ft	286
	• Residential (324 units)	281,050 sf			
	o Affordable housing (8%)	20,819 sf			
	• Retail	18,650 sf			
	o Outdoor retail space	8,130 sf			
	Phase II - Residential Building	261,515 sf		130 ft	178
	• Residential (282 units)	255,885 sf			
	o Affordable housing (8%)	19,055 sf			
	• Retail	5,630 sf			
	Phase III - Office Building	325,175 sf		130 ft	341
	• Retail	11,470 sf			
	• Office	313,705 sf			
	Phase IV – Hotel Building	274,370 sf		130 ft	339
	• Hotel	261,760 sf			
	• Ground floor retail	12,610 sf			

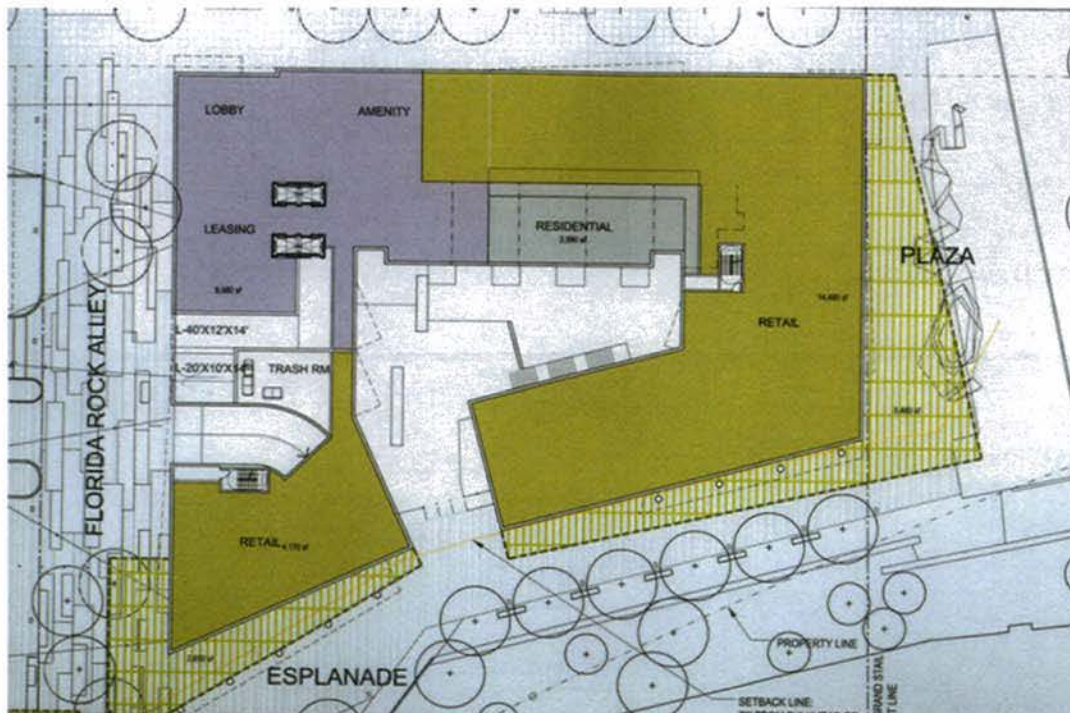
IV. PROJECT DESCRIPTION



A. Modification of Phase I of Development –East Building

The proposed conversion of the approved East Office Building would include primarily a residential building at 94.85 feet in height, 45.77% lot occupancy and 1.18 FAR². 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) or the life of the project in accordance with the Inclusionary Zoning (IZ) provisions.

The building’s U-shaped design is oriented towards the river to afford favorable views for the maximum number of units. Additional detail for the residential courtyard is provided which proposes controlled access to a landscaped respite for residents from the bustle of the plaza and esplanade (L2.14). The roof top amenity space is also detailed and would provide additional area for relaxation for residents (L2.15).



Twenty-six affordable units would be apportioned throughout the building as follows:

- 5, 2BR units on the 2nd through 6th floors; 10, 1BR units on the 2nd through 8th floors;
- 6, 1BR JR on the 2nd through 7th floors; 5, Efficiencies on the 2nd through 6th floors.

The revised plans show approximately two thirds of the ground floor frontage along Potomac Avenue dedicated to retail and would wrap around the portion of the building facing the plaza, the river front, as well as a portion of the Florida Rock Alley, for approximately 18,650 square foot of ground floor retail space. In addition, 8,130 square foot of the plaza area to the east and a portion of the esplanade would be dedicated to outdoor retail space. The applicant is working with retail developers to help establish this section of the waterfront as a “premier dining area” in DC. As such the goal would be to develop an interactive streetscape intended to entice first time and recurring visits to the waterfront.

² 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, well below the FAR permitted under either the CG/W-2 zoning (4.8 residential) or approved C-3-C zoning -7.8 for residential.

Vehicular parking would be located in two levels of below-grade parking with 286 spaces to be accessed from the 60-foot wide mews (Florida Rock Alley) proposed between the Phase I and II residential buildings. Bicycle parking spaces would be provided within the parking garage on the first level. Loading would be at grade and accessed via Potomac Avenue and Florida Rock Alley. A 40-foot berth would be provided instead of the required 55-foot for residential use. Flexibility from this requirement would be requested.

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's and esplanade's designs have been more appropriately highlighted to reflect the Commission's comments at setdown. (See Plan Pages 1.202 through 1.204). The perspectives depict how a visitor might interact with the variety of features that may be offered by the development, and the flow of circulation intended for pedestrians and bikers. The delineation of the bike path with related signage was discussed with DDOT and is intended to clearly inform bikers along the route.

Up to 20,000 square feet of green space shown as the Riverfront Plaza would be dedicated to open space for passive recreation use and pedestrian access to the river. The paving design and the new materials would visibly connect the site, the ballpark, adjacent parks, the river and connected bike path, as recommended by DDOT. The continuum of open space represented by the esplanade and the plaza areas would be designed to invite activity and vibrancy along the waterfront during the day and nighttime. This would also be complemented by the envisioned active uses of a beach and volley ball sand courts as temporary placeholders of Phase II's development site.

OP supports the effort to redesign this area to include materials, lightings and improved environmental features anticipated by the Anacostia Waterfront Initiative, the Comprehensive Plan and the park- like development of the waterfront in the Capital Riverfront 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 throughout (L2.06 to L2.13).

The conversion of the office building to residential use is preferred in support of the proposed retail uses, the pending retail development around the Yards Park and the emergent vibrancy of the Capitol Riverfront.

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 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 lot occupancy would be reduced from about 59% to about 44%.

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 one curb cut would be required to facilitate ingress, egress and loading for the residential, office and hotel buildings. The approved plan included two curb cuts for these phases. However, loading previously proposed to be underground and centralized has been proposed to be moved above grade. 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. OP anticipates that the parking needs may reduce after Phase I’s development and visitors increase reliance on other transportation options including bike and metro to visit the waterfront.

Phasing

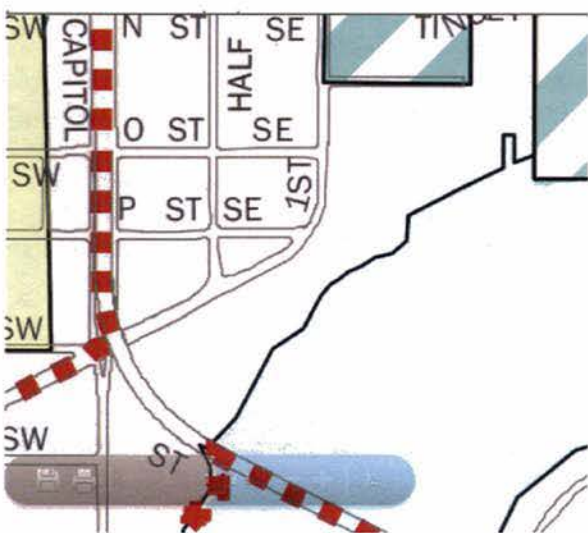
A comparison of the development timeline between the approved order and the proposed development of the Stage I PUD is repeated as follows:

Approved Timeline Second-Stage PUD –Phases II-IV	Proposed Timeline First-Stage Phases II-IV
<p>Phase II Building permit (BP) for Phase II – to 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>Phase II 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>Phase III BP application to be filed within one year after the completion of the Fredrick Douglass Bridge renovation or completion of the South Capitol Street Oval. Construction of Phase III must begin within one year of BP issuance for Phase III.</p>	<p>Phase III 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>Phase IV 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>Phase IV 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 application is consistent with major policies of various elements of the Comprehensive Plan, including the Land Use; Transportation; Economic Development; Parks, Recreation and Open Space; Urban Design; and Lower Anacostia Waterfront / Near Southwest Area Elements. Attachment I provides a complete analysis of those elements of the Plan. Recently adopted amendments to the Comprehensive Plan in 2010 would not directly impact development on the FRP site.

VI. COMPREHENSIVE PLAN LAND USE MAPS



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’s development concluded that the project was not inconsistent with the Comprehensive Plan. The proposed modification does not significantly alter the approved density and the changes continue to reflect the density anticipated by the FLUM.

VII. ZONING

The current modification would require relief from the specific zoning regulations summarized below.

Roof Structure § 411

Phase I's residential building 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 (page 1.107).

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. Thus, the resulting U-shaped design of the building is a maximum of 70 feet wide along the Potomac Avenue frontage and 65 feet wide along the east and west wings of the building. At the widest setback, the 18-foot high penthouse would be a maximum of 15 feet and a minimum of 9 feet at various locations from the roof's edges, as shown in the plan on page 1.107. This would not have an adverse effect on the surrounding neighborhood, which is now not fully developed. The proposed enclosure would reduce visual impact of the building's mass on the roof, since it would not be a continuous enclosure around the roof. OP supports the requested relief from this requirement, as there would be no negative impacts on the surrounding neighborhood. Op encourages a high level of design of the rooftop and penthouses, which may be visible from the ballpark and other taller buildings in the area.

Flexibility from the loading requirement of providing a 55-foot loading berth would be necessary as the submission shows that a 40-foot berth would be provided. OP has no objection to this request. Additional flexibility for future phases of development, if required, would be evaluated as part of Stage 2 reviews.

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 the base zone, previous approval, and currently proposed densities and heights:

	Density	Non-residential Density	Height
Former CG/W-2 zone	FAR of 4.0 maximum, or 4.8 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	60 feet maximum
Existing approved PUD	FAR of 4.4 ³ , or 0.4 FAR over permitted under the base zone.	2.15 FAR	92 – 112 - 130 feet
Current Proposal	Far of about 4.6, or 0.2 over that previously approved.	Approximately 1.38 FAR	94.85 – 130 feet

As such, the project gains little if any 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 significantly improved open spaces and much greater public views and 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:

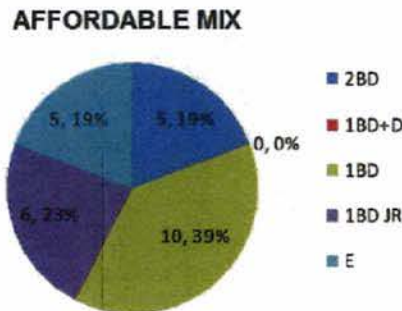
- *Urban Design, Architecture, Site Planning, Landscaping and Open Space* – The redesign of the open space to the east of the site creating:
 - a. the Riverfront Plaza;
 - b. improved pedestrian access to the waterfront;
 - c. improved delineation of the bike access with signage through this section of the waterfront;
 - d. pronounced viewsheds;
 - e. increased bio-filtration; and
 - f. improvement in the design and proposals for the public gathering areas.

The project itself is a benefit to the area and city as a whole. The revisions would provide increased recreational opportunities for neighborhood residents and will help boost the tourism and economic goals of the District. The landscaped and redesigned public space 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 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, but the quality of the architecture, landscaping, and details of the open spaces cannot be fully evaluated until a Second-Stage PUD is submitted for each Phase, as proposed by the applicant.

- *Housing and Affordable Housing* – The creation of housing and affordable housing is a benefit of the project. The project as modified would include market rate housing, as well as increased affordable housing for residents at 80% AMI. The project would include about 606 residential

³ At the time, IZ was not in place.

units, with 324 units to be delivered in Phase I. The affordable units would be distributed through the 2nd and 7th Floors 2, with 5 units each on the 2nd through 4th floors, 4 units each on the 5th and 6th floors and, 2 units on the 7th and one unit on the 8th Floor. The mix is reproduced from the applicant’s submission for reference below. 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’s transportation management plan was developed following DDOT’s guidelines and would include in part:
 - a. unbundling all parking costs from the cost of lease or purchase, set at no less than the charges of the lowest fee garage located within a ¼ mile;
 - b. providing a one-time membership fee subsidy in a car sharing program for each residential unit;
 - c. Identification of a TDM leader for planning construction and operation, and provide DDOT/Zoning Enforcement with annual TDM leader contact updates; and
 - d. Two years after Phase I is completed, conduct a performance monitoring study of TDM measures.

Additional TDM measures are included in the April 30, 2012 Transportation Impact Study (Appendix D page vi).

- *Environmental Benefits* –the applicant has stated that the project will be LEED certifiable for each phase of the project. A LEED scorecard for Phase I is presented in the September 4, 2012 submission. 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. The District Department of the Environment has provided comments regarding the environmental issues which must be considered prior to construction (attached).
- *Employment and Training Opportunities:*
 - a. The applicant has already 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 already 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. The proposals to activate that area would benefit residents and visitors to the waterfront. 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 the development of the other phases occurs at those locations.

The Office of Planning finds that the proposed benefits and amenities are commensurate with the requested relief proposed with the modification.

XI. AGENCY COMMENTS

OP anticipates comments from the District Department of Transportation under separate cover. The District Department of the Environment provided comments dated September 5, 2012, as attached to this report.

XII. COMMUNITY COMMENTS

The applicant will present the revised proposals to the ANC on September 10, 2012. The applicant has maintained dialogue with the ANC throughout the discussion period for the proposed modification of the approved development.

XIII. CONCLUSION

The Office of Planning (OP) **recommends approval of the proposed modification of the approved PUD**. The changes are not inconsistent with the Comprehensive Plan. The revisions better reflect the Commission's expressed desire for more residential units on the site and a coherent retail strategy to reflect current conditions of the neighborhood, which did not exist prior to the site's previous PUD approvals.

Since the effective date of Order No. 04-14 significant steps have been taken in support of the project 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 effect 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.

ATTACHMENTS

- I. **Comprehensive Plan Policies**
- II. **DDOE Report 9/5/2012**

JL/kt;

Attachment I Comprehensive Plan Policies

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 “bike friendly” environment. This element also seeks to improve major boulevards through “transportation, economic development, and urban design improvements” (Policy T-1.2.1). The current proposal would also improve the pedestrian network and 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 capitalize on visitors to the Ball Park and provide a connection to visitors of the Yards Park. A retail strategy which envisions this area as a potential premier dining destination would also enhance the District’s tourism. 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 continue the improvement of the waterfront in the emergent Capitol Riverfront neighborhood to a state that it could not only be an amenity for residents but would also improve the city’s image as one with a variety of lively destinations. 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 and upper level views toward the Anacostia River. This element also speaks to creating successful developments on large sites and integrating them into existing neighborhoods. Both of these objectives can be achieved by the modifications to the approved development.

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 (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 policy also says that the operation of maritime vessels should be maintained and supported as the waterfront redevelops. The proposed mix of uses and introduction of the marina elements to the plan would meet that policy and the placement of buildings along Potomac Avenue and the South Capitol Street corridor would reinforce that important corridor which connects to neighborhoods across the river. The proposal to incorporate a public marina and docking berths for private use will support the ongoing use of the waterfront for sailing vessels as well as support the continued operation of the water taxis in this section of the Anacostia Waterfront.

The proposed PUD also follows the more specific guidance of Southwest Waterfront policies. The development would preserve views, 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 envisioned through the Esplanade, and public piers extending into the water (Policy AW-2.1.2), as well as major improvements to the pedestrian environment through widened sidewalks and the apparent extension of First Street to the water. In summary, the proposal is consistent with the policies of the Lower Anacostia Waterfront / Near Southwest element of the Comprehensive Plan.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

District Department of the Environment



MEMORANDUM

TO: Karen Thomas, OP

FROM: Bill Updike, DDOE

DATE: 9/4/12

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

DDOE reviews planned unit development applications for environmental issues that the applicant should be aware of during early stages of planning, as well as to identify opportunities for increasing environmental benefits during development.

DDOE does not have comments to the applicant's height or setback requests. Rather, the comments contained herein address issues that the applicant should be made aware of in the early stages of design and entitlement. The items mentioned below are by no means comprehensive, but are a summary of specific items related to the site in question and some common issues that come up with many development projects. DDOE is always interested in meeting with developers and construction companies early in the development process in order to identify opportunities and to help avoid future regulatory problems. Some areas of interest for DDOE are as follows:

1) Green Building

- a) *General Guidance*: Starting January, 2012 (per the Green Building Act of 2008, D.C. Official Code §§ 6-1451.01 *et seq.*), all commercial, non-residential projects greater than 50,000 square feet are required to attain, at a minimum, LEED certification at the "Certified" level. DDOE recommends that building owners also consider future-proofing their buildings by making them as energy efficient as possible and either installing renewable energy or making them renewable-ready by installing any roof structures on the north side of the roof surface, running conduit for future solar PV, or pre-plumbing for solar thermal if appropriate. DDOE is available to meet with the developer and construction companies to consult.

2) Stormwater Management

- a) *General Guidance:* The District is in the process of updating its stormwater regulations to align them with the latest management science and the new MS4 Permit. The regulations add to the traditional detention requirement an on-site retention requirement of 1.2 inches per storm event. The proposed regulations offer an off-site retention trading program and in-lieu fee options for projects with retention deficits. The revised technical Stormwater Guidebook and accompanying compliance spreadsheets provide engineers with detailed guidance on how individual stormwater management practices can be used to comply. Visit <http://ddoe.dc.gov/proposedstormwaterrule> to view and download the proposed regulation and the supporting guidance documents. Projects applying for building permits after July 22, 2013 are subject to the new regulations.

If the developer believes this project's permitting process will be in advance of the new regulatory obligation, they may choose to incorporate the retention standard into their project anyway and participate as an annual seller in the Stormwater Retention Credit Trading program. Consult Chapters 6 & 7 and Appendices C & D of the proposed Stormwater Guidebook for details on how to participate. Also, consider attending the DDOE sponsored training session being offered through September and October on general compliance and the trading program—go to <http://ddoe.dc.gov/node/238942> for more details.

Site Specific Issues: The property falls within the Anacostia Waterfront Development Zone. The developer is responsible for adhering to the stormwater provisions spelled out in DC Act 19-447, "Anacostia Waterfront Environmental Standards Amendment Act of 2012." Visit <http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?NoticeID=3199174> for more information. Additionally, the developer is responsible for adhering to clean marina, site planning and preservation standards, and tree canopy cover requirements spelled out in sections 457 and 458 of the legislation, "National Capital Revitalization Corporation & Anacostia Waterfront Corporation Reorganization Act of 2008." Each of these provisions has stormwater implications.

It is important to note existing soil contamination, or proposed hotspot land uses, may prohibit the use of Stormwater Best Management Practices (BMPs) that incorporate infiltration strategies. Guidance for the design of bioretention and permeable pavement systems that incorporate liners and under drains in the presence of infiltration limits should be followed based on the proposed Stormwater Guidebook. Calculations for the retention capacity of these types of BMPs when lined and under drained can also be found in the proposed Stormwater Guidebook.

3) Water Quality

- a) *General Guidance:* Dewatering both during construction and in particular after construction, needs to be addressed. These are typically not considered by developers until late in the process and then resisted because of costs. These costs need to be factored into the development costs early in the design/construction process.

b) *Site Specific Issues:* This site has been the subject of previous investigations with regard to subsurface contamination primarily related to Leaking Underground Storage Tanks (LUSTs). Almost any location in the area where soil borings and/or monitoring wells are advanced into the substratum (mostly relatively permeable fill material) indicate the presence of high levels of contamination and occasionally liquid phase (free) product. Once such a site is developed the regulations require that the “nature and extent” of contamination needs to be addressed, especially as they relate to migration to the river. There is major liability associated with contaminant migration to the Anacostia River, which is becoming the focus of cleanup initiatives at DDOE. Therefore, a comprehensive plan for dealing with contamination related issues at the project site both during construction and post-construction is required, and contaminated soils will need to be removed from the site.

4) Floodplain

a) *General Guidance:* Publication ASCE 24, Flood Resistant Design and Construction and ASCE 7 provides techniques and protective measures and flood load design criteria including dry flood proofing and flood resistant materials in order to meet the below requirements.

b) *Site Specific Issues:* The project site is partially within a Special Flood Hazard Area (SFHA) or 100-year floodplain designated as Zone AE. The project is subject to requirements of DCMR 20, Chapter 31 – Flood Hazard Rules and flood provisions of DCMR 12 – DC Construction Codes Supplement of 2008. Specifically, the lowest floor including the underground parking garage (basement) of any new construction of residential structures shall be at least one and one-half feet (1-1/2 ft.) above the base flood elevation (100-year flood elevation) – DCMR 20, 3105.2. The project site is also within the flooding zone of hurricane storm surge Category II and higher according to the Washington DC Metropolitan Hurricane Storm Surge Mapping and Report, dated June 2009, by the U.S. Army Corps of Engineers and the Federal Emergency Management Agency. With predicted sea-level rise due to the change in climate and the storm surge, the project shall provide adequate buffer or setback zones. The geotechnical investigation and report shall be conducted to support the foundation and structure design. Basements or underground parking garages are not recommended and may be a violation of the Flood Hazard Rules and the Construction Code. All buildings shall be designed and constructed to be flood proofed up to the 500-year flood elevation with non-human intervention systems, adequate interior drainage systems, and effective warning systems. The applicant shall consult with DDOE and the District of Columbia Homeland Security and Emergency Management Agency (HSEMA) to develop an evacuation plans for the project – DCMR 3104.7.

5) Hazardous Waste

- a) *General Guidance:* All businesses must comply with the RCRA C regulations and law. All businesses which generate a RCRA C regulated waste in the District must have an EPA ID number before work begins. An EPA ID number can be obtained from the hazardous waste program at DDOE. Generally speaking, most businesses will generate at least one regulated waste as fluorescent lamps, mercury-based switches, and abandoned chemical or oil-based paints (among other things) qualify. Based on many inspections and compliance assistance visits, facilities often do not have sufficient space within the facility for storage of fluorescent lamp waste. Facilities will avoid regulatory problems in the future if they allocate space during the design phase. If a backup generator is planned, space should be allocated during the design phase for proper storage of used motor oil.

6) Land Remediation/Underground Storage Tanks

- a) *General Guidance:* DDOE's Land Remediation and Development Branch (LRDB) recommends a comprehensive environmental site assessment (CSA) report for purpose of determining historical land use, potential presence of recognized environmental conditions (REC), if any, before permitting further disturbance of native soil and groundwater.

7) Air Quality

- a) *General Guidance:* During the design phase, a designer, builder, developer, etc., should review all of the equipment that will be installed in a building and determine whether any of them will emit an air pollutant. Any equipment that burns fossil fuel (gas, oil, coal), applies a coating, uses a solvent, or creates or has the potential to emit dust may be required to apply for and obtain an air quality construction permit before installing the equipment. Note that this requirement includes temporary equipment associated with the construction, as well as more permanent equipment. Examples of equipment that may need a construction permit include boilers, furnaces, water heaters, space heaters, generators (including emergency generators), paint booths, wood shops, concrete plants, crushers, and solvent cleaning stations. Obtaining an air quality construction permit can take 3-6 months, so the project should be planned accordingly. Other air quality regulations that must be complied with during the construction phase include limits on engine idling for a maximum of three minutes (e.g., delivery trucks, dump trucks, semis), limits on fugitive dust (e.g., kicked up by vehicles on dirt surfaces, equipment moving dirt around, pile drivers), and limits on odors (e.g., generators exhausting near the street or windows, painting, solvent cleaning, tarring).