

January 2005

## Recapturing the Anacostia River: The Center of 21st Century Washington, DC

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### Recommended Citation

Uwe Steven Brandes, *Recapturing the Anacostia River: The Center of 21st Century Washington, DC*, 35 Golden Gate U. L. Rev. (2005).  
<http://digitalcommons.law.ggu.edu/ggulrev/vol35/iss3/7>

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## ARTICLE

# RECAPTURING THE ANACOSTIA RIVER: THE CENTER OF 21<sup>ST</sup> CENTURY WASHINGTON, DC

UWE STEVEN BRANDES<sup>1</sup>

## INTRODUCTION

For decades, the Anacostia River -- its shoreline, waterfront neighborhoods and watershed -- has been neglected by parties responsible for its stewardship. The river's water is severely polluted; obsolete transportation infrastructure isolates neighborhoods and divides Washington into areas "east" and "west" of the river; public parks are underutilized and suffer from chronic disinvestment; and several communities along the river are among the poorest in the metropolitan Washington region. With the river forming a boundary between race and class<sup>2</sup> and with over 70 percent of the river's lands in public ownership, the need to rethink the management of this urban

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<sup>2</sup> District of Columbia Office of Planning, *2000 Population by Single Race and Hispanic Origin by Ward*, available at <http://www.planning.dc.gov/planning/cwp/view,a,1282,q,569460.asp> (providing data which shows that Demographics of the two city wards east of the river are 96.8% and 92.4% African American).

river is unquestioned. While the river can only be understood as a function of its watershed, the focus of this essay is on those lands within the District of Columbia ("DC"), which form the last 7-mile stretch of river corridor before the confluence with the Potomac River.

Today, the effort to recapture the Anacostia follows in Washington's tradition of great public works initiatives. The original plan for the city, now 200 years old, established the urban framework for a great national capital stretching between the Potomac and Anacostia Rivers.<sup>3</sup> One hundred years ago, the Senate Park Commission's "McMillan Plan" envisioned Washington's most memorable civic places along those rivers including the National Mall and Rock Creek Park, but its vision of an ecological greensward along the Anacostia River was never realized.<sup>4</sup> This article explores the federal-local partnership known as the Anacostia Waterfront Initiative ("AWI"), which has produced a development plan for the Anacostia River, and its neighborhoods that may prove as powerful and enduring as previous city-building endeavors that have shaped the nation's capital into what it is today.

Guiding principles were established at the outset of the AWI, a process described in greater detail below:<sup>5</sup>

- Create a lively urban waterfront for a world-class, international capital city;
- Produce a coordinated plan that can be implemented over time;

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<sup>3</sup> Ruth W. Spiegel, *Worthy of the Nation: The History of Planning for the National Capital*, National Capital Planning Commission Historical Studies at p. 19 (1977), citing to the *L'Enfant Plan for Washington* (1791). The L'Enfant Plan staked out key public tracts of land along the river for diverse uses such as markets, hospitals, and military installations. It is not widely known that the plan and the rights-of-way established by the plan are listed on the National Register of Historic Places. Because of this listing, virtually all improvements and alterations to the street and block pattern along the river corridor are subject to historic preservation review.

<sup>4</sup> *Id.* at p. 118-136. "The Improvement of the Park System of the District of Columbia." prepared by the U.S. Senate, Committee on the District of Columbia . which famously engaged leading design practitioners of the day, including Daniel Burnham, Charles McKim, Frederic Law Olmstead, Jr. and Charles Moore. The Anacostia was envisioned as a vast water park in its northern reaches and an urbanized quay along its southern reaches near the Navy Yard.).

<sup>5</sup> District of Columbia Office of Planning, *Anacostia Waterfront Initiative Framework Plan*, p. 11 (Nov. 2003).

- Restore the Anacostia's water quality and enhance the river's natural beauty;
- Reconnect neighborhoods along the river and link their communities to the river;
- Link distinctive green parks, varied maritime activities, and unique public places into a continuous public realm;
- Embrace sustainable and low-impact development in waterfront neighborhoods;
- Stimulate economic development and job creation ensuring that existing residents and low-income communities benefit and share in the re-development;
- Engage all segments of the community to foster river and watershed stewardship;
- Address issues and concerns raised by the community, and
- Promote excellence in architectural and landscape design in all aspects of the endeavor.

Before exploring the development and effectuation of these goals, it is useful to first place the river in its broader context.

## I. AN OVERVIEW OF THE RIVER CORRIDOR

### A. ENVIRONMENT AND GEOGRAPHY

The Anacostia River forms a tributary to the Potomac River that drains 176 square miles of land in Maryland (83%) and the District of Columbia (17%).<sup>6</sup> It flows for seven miles through Washington on the eastern side of the city.<sup>7</sup>

The river's watershed is the most densely populated sub-watershed in the Chesapeake Bay and it has been identified as one of the bay's three primary toxic hotspots.<sup>8</sup> The river's water quality has been described as one of the most endangered in

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<sup>6</sup> District of Columbia Water and Sewer Authority, *WASA's Recommended Combined Sewer System Long Term Control Plan*, at p. 2-2 (2002).

<sup>7</sup> Author's geographic research.

<sup>8</sup> Chesapeake Bay Program, *Targeting Toxics: A Characterization Report* (June, 1999).

the nation.<sup>9</sup> Primary sources of contamination are: 1) “legacy” toxics concentrated in the silt at the bottom of the river; 2) “non-point source” contaminants born in urban stormwater runoff throughout the watershed; and 3) direct discharges of sanitary sewage and discharges of combined stormwater and sanitary sewage that overflow into the river an average of over 75 “events” per year.<sup>10</sup>

Within DC, the shoreline is overwhelmingly owned by the federal government.<sup>11</sup> Major facilities include the National Arboretum, the National Park Service’s Anacostia Park, the Washington Navy Yard and the United States Army’s Ft. McNair.<sup>12</sup> The District of Columbia leases or has jurisdictional control over several federal parcels, including RFK Stadium, DC General Hospital, the DC Jail, the Main Sewage Pump Station as well as all of the streets and bridges that form the city’s transportation system.<sup>13</sup> The District of Columbia also owns several sites, including the Southwest waterfront. Two electricity power plants along the river are owned by the Potomac Electric Power Company.<sup>14</sup> In total, over 90% of the river’s shoreline is in public ownership.<sup>15</sup>

## B. HISTORY AND EVOLUTION

The river -- initially the commercial lifeline of Washington and the upstream port of Bladensburg, Maryland -- already had been compromised by erosion and siltation by the time of the Civil War.<sup>16</sup> During the 19<sup>th</sup> Century, weapons manufacturing and ship building activities at the Navy Yard provided enough jobs to encourage the first residential community on

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<sup>9</sup> American Rivers, Org, *America’s Most Endangered Rivers List of 1993*, available at [http://www.americanrivers.org/site/pagerserver?pagenname=AMR\\_content\\_97b0](http://www.americanrivers.org/site/pagerserver?pagenname=AMR_content_97b0).

<sup>10</sup> District of Columbia Water and Sewer Authority, *WASA’s Recommended Combined Sewer System Long Term Control Plan*, at p. 3,4 (2002).

<sup>11</sup> Anacostia Waterfront Initiative Framework Plan, *District of Columbia Office of Planning*, at page 16 (Nov. 2003).

<sup>12</sup> *Id.* at 10.

<sup>13</sup> *Id.* at 10.

<sup>14</sup> *Id.* at 17.

<sup>15</sup> *Id.* at 16.

<sup>16</sup> *Id.* at 14.

the east side of the river, originally named *Uniontown* and today referred to as *Historic Anacostia*.<sup>17</sup>

When the United States Army Corps of Engineers began implementing the vision of the MacMillan Plan in the 1910s and 1920s, hundreds of acres of tidal estuary were filled and the river's configuration was re-engineered, but the proposed damming of the river proved infeasible and was never implemented.<sup>18</sup> The highway building era of the 1950s took advantage of the reclaimed lands to construct new regional infrastructure, thereby reducing the need to take private lands in existing neighborhoods.<sup>19</sup> The newly created lands along the river were eventually transferred to the Department of Interior with the designation of park use, but with the land crisscrossed by regional infrastructure, the great park building effort envisioned by Frederick Law Olmsted Jr. never came to pass.<sup>20</sup>

In the mid-twentieth century, the neighborhoods along the river became one of the primary targets of Washington's urban renewal actions, in which existing residences and businesses (following redesignation as "slums" under federal law) were torn down and replaced with housing projects.<sup>21</sup> The Southwest became the nation's largest urban renewal project, sustained by *Berman v. Parker*<sup>22</sup> the precedent setting case which upheld the municipal powers of eminent domain for purposes of urban redevelopment. Many residents were relocated into neighborhoods further east, with a resulting concentration of public housing along the river and a legacy of social disruption which lives on to today.<sup>23</sup>

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<sup>17</sup> Worthy of a Nation, *supra* note 3, at p. 58.

<sup>18</sup> *Id.* at 142-3.

<sup>19</sup> *Id.* at 281.

<sup>20</sup> Anacostia Waterfront Initiative Framework Plan at p. 14.

<sup>21</sup> Worthy of a Nation, *supra* note 3, at 318.

<sup>22</sup> *Berman v. Parker*, 348 U.S. 26, 33 (1954).

<sup>23</sup> Personal interviews by author with residents of Arthur Capper Carrolsburg Dwellings during Hope VI planning workshops in Washington, D.C. (July – October, 2002). Several elderly citizen stakeholders in the AWI planning process who are current residents of public housing traced their personal and family history to the Southwest waterfront neighborhood from which they were relocated by the Redevelopment Land Agency. Throughout AWI planning charrettes and workshops the urban renewal era of city planning in Washington was colloquially referred to by many citizen stakeholders as 'Negro Removal'.

## C. DEMOGRAPHICS AND ECONOMY

Today, residential neighborhoods abut the federal lands along the river, although almost all of them lack any or easy access to the river.<sup>24</sup> Historic neighborhoods include Capitol Hill, Fairlawn and Historic Anacostia.<sup>25</sup> Several neighborhoods along the river were developed or re-developed during the Urban Renewal Era between 1950 and 1970. These include the Southwest Waterfront, the Near Southeast, River Terrace, Mayfair Mansions and Carver Langston.<sup>26</sup> The character of several of these neighborhoods is defined by large concentrations of public housing constructed in a low-rise barracks style. While it is hard to imagine, the construction of post-war housing in the District of Columbia often occurred on farmland only a few miles from the Capitol, which was still in agricultural production into the 1950s.<sup>27</sup> Settlements on the east side of the river were referred to in planning and urban renewal documents as “rural blight.”<sup>28</sup>

Neighborhoods along the river are host to some of the poorest residents of the city and the region, with the average per capita income averaging less than half that of the region, and with concentrations of poverty in select neighborhoods approaching 1 in 4 households.<sup>29</sup> Two of the city’s eight wards are located east of the river, with demographics of race approaching 95% African American.<sup>30</sup>

While the city’s real estate market has been on a steep upswing since the mid-1990s, urban re-development prior to 2000 was largely limited to the downtown.<sup>31</sup> While Washington as a region saw significant suburban growth in the 1980s and 1990s, it is only since the late 1990s that significant residential development has been initiated within DC.<sup>32</sup> With the Washington metropolitan region now considered the strongest real

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<sup>24</sup> District of Columbia Office of Planning, *Anacostia Waterfront Initiative Framework Plan* at 96 (Nov. 2003).

<sup>25</sup> *Id.* at 97.

<sup>26</sup> *Id.* at 97.

<sup>27</sup> National Capital Planning Commission, *Worthy of a Nation*. p. 237 (1977).

<sup>28</sup> *Id.* at 237.

<sup>29</sup> D.C. Office of Planning *supra*, note 2.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

estate market in the country,<sup>33</sup> and with building heights within the District of Columbia regulated by an Act of Congress,<sup>34</sup> the city's downtown must grow to the east, towards several large, underutilized tracks of land along the river.<sup>35</sup>

## II. THE RECENT LEGAL AND ADMINISTRATIVE CONTEXT

Several legal actions have defined the recent history of the river. Citizen and non-profit organizations have dramatically influenced several large public works projects, including the proposed construction of an amusement park<sup>36</sup> and the planned extension of a freeway across the river.<sup>37</sup> Using the Clean Water Act, several non-profit organizations have pursued litigation regarding the Combined Sewage Overflows.<sup>38</sup> The District of Columbia's Water and Sewer Authority has recently formulated a strategy to bring the city's sewer infrastructure into compliance with EPA standards at an estimated cost of over \$1.3 billion over the next 20 years.<sup>39</sup>

The local political context, as reflected in these actions and largely defined in the 1990s by the takeover of DC finances by the congressionally legislated Control Board, became the backdrop for the 1998 election of Anthony A. Williams as Mayor of the District of Columbia.<sup>40</sup> Building on his personal interest in ecology and rivers and his political commitment to social justice in neighborhoods throughout the city, Williams has raised the challenges associated with river to the highest level of his attention.<sup>41</sup>

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<sup>33</sup> Urban Land Institute and Price Waterhouse Coopers, *Emerging Trends in Real Estate 2004*, p. 31-32 (2004).

<sup>34</sup> United States Congress, *The Building Heights Act of 1910* (36 Stat. 452, 455)

<sup>35</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p. 9 (2003).

<sup>36</sup> *Anacostia Watershed Society v. Babbitt*, 871 F. Supp. 475. (D.D.C. 1994)

<sup>37</sup> *D.C. Federation of Civic Associations v. Airis*, 391 F.2d 478 (D.C. Cir. 1968).

<sup>38</sup> *Kingman Park Civic Ass. v. U. S. Env'tal Protection Agency*, 84 F. Supp. 2d 1 (D.D.C. 1999)

<sup>39</sup> WASA's Recommended Plan, at p. 9, *supra* note 9.

<sup>40</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p.3 (2003).

<sup>41</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p.3 (2003). An avid canoeist and amateur ornithologist, Williams kicked off his campaign on the Anacostia's Kingman Island, symbolic through its location in the middle of the river and a location which has been off-limits to public access for decades.



In 2000, Williams successfully forged a partnership between the city government and the federal agencies, which owned land along the river.<sup>42</sup> Conceived as the Anacostia Waterfront Initiative, the partnership was memorialized in a Memorandum of Understanding ("MOU") that was signed by the Mayor and over a dozen federal agencies in March of 2000 at the Navy Yard.<sup>43</sup> The Initiative joined the District of Columbia and federal agencies in a participatory planning process to form a common policy and development vision for the river and its public lands.<sup>44</sup> This process was unprecedented for the Anacostia River and unprecedented in the history of urban planning in the District of Columbia and described by Williams as one of the most important partnerships ever created between DC and the federal government.<sup>45</sup>

#### A. PLANNING PROCESS

In addition to providing guiding principles, the MOU contains a number of innovative provisions that made the AWI an unprecedented planning process in the history of Washington.<sup>46</sup> First, by identifying the District of Columbia, Office of Planning (OP) as the lead agency in the process, the City was put in a leadership role to coordinate the vision for the river, including the federal lands; second, it established a joint steering committee comprised of OP, the National Park Service and the General Services Administration to oversee the progress of the planning; and third, established a mandate to proactively engage the citizens of the District of Columbia in the planning process.<sup>47</sup>

In consultation with City Council members, OP established a 150-person Citizens Steering Committee that included opinion leaders representing individual neighborhoods, environmental advocacy groups, and the business and design community.<sup>48</sup> This committee was formed to provide a baseline of support for the planning process as well as a forum to discuss

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<sup>42</sup> *Id.* at 4.

<sup>43</sup> *Id.* at 8.

<sup>44</sup> *Id.* at 4.

<sup>45</sup> *Id.* at 3.

<sup>46</sup> *Id.* at 4.

<sup>47</sup> *Id.* at 4.

<sup>48</sup> *Id.* at 131.

the major public policy disputes related to the river.<sup>49</sup> Concurrent to the quarterly meetings of the steering committee, OP sponsored over 30 community workshops and focus group sessions in six neighborhood target areas.<sup>50</sup> Over 5,000 individuals attended these neighborhood workshops or attended the well-publicized progress presentations held at the National Building Museum or at the Arena Stage theater.<sup>51</sup>

## B. AWI FRAMEWORK PLAN

Growing out of the dialogue fostered between citizens and the federal agencies, OP produced the Waterfront Framework Plan to guide the river's redevelopment over the course of the next generation.<sup>52</sup> To achieve the goal of a great waterfront along the Anacostia River, the Framework Plan identifies five planning themes, which form the basis for the five chapters of the plan.<sup>53</sup> Each of these themes responds to citizen concerns or public policy debates focused on the river corridor.<sup>54</sup> They are:

### 1. *A Clean and Active River (Environment)*

The voice of community and environmental advocates was clear and unambiguous: the river needs to be restored to a "fishable and swimmable" level of water quality.<sup>55</sup> This was, and continues to be, one of the most controversial recommendations of the Framework Plan, given the amount of public funding necessary to implement the Sewer Long Term Control Plan as well as watershed restoration is in the billions of dollars.<sup>56</sup> Furthermore, given the significance of ongoing non-point source contaminant loading, and the fact that the majority of the river's watershed is in Maryland, the Framework Plan highlighted DC's political predicament -- it is downstream --

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<sup>49</sup> *Id.* at 11.

<sup>50</sup> *Id.* at 130.

<sup>51</sup> District of Columbia, Office of Planning, Stakeholder attendance records.

<sup>52</sup> District of Columbia Office of Planning, Anacostia Waterfront Framework Plan, p.8 (2003).

<sup>53</sup> *Id.* at 21.

<sup>54</sup> *Id.* at 21.

<sup>55</sup> *Id.* at 23.

<sup>56</sup> *Id.* at 21.

and has no way on its own to force the State of Maryland to prioritize this watershed restoration effort.<sup>57</sup>

## 2. *Eliminating Barriers and Gaining Access (Transportation)*

While neighborhood groups had recently halted the expansion of the city's freeway network, few stakeholders offered a positive vision for the future of traffic around the river.<sup>58</sup> One issue that the planning process helped articulate, was that the river itself was not the primary barrier, but rather the poorly designed freeways that were constructed alongside of it; created to usher workers from the downtown to the newly emerging suburbs.<sup>59</sup>

## 3. *A Great Riverfront Park System (Public Realm)*

The steering committee played an important role in elevating the discourse on parks and advocated for design and environmental excellence to match the standards of other parks in the Capital.<sup>60</sup> From the outset of the planning process, the Mayor championed the idea of a continuous "Riverwalk" on both sides of the river.<sup>61</sup> The Riverwalk captured the public and media's imagination and the District government was able to fund several demonstration segments of the Riverwalk, which made the notion of continuous public access to the river a concrete and widely accepted goal.<sup>62</sup>

## 4. *Cultural Destinations of Distinct Character (Culture and Institutions)*

The waterfront planning process was preceded by a city-wide Museum and Memorials Plan completed by the National Capital Planning Commission ("NCPC").<sup>63</sup> Given that memorial sites on the National Mall are growing scarce, NCPC com-

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<sup>57</sup> *Id.* at 26.

<sup>58</sup> *Id.* at 37.

<sup>59</sup> *Id.* at 37.

<sup>60</sup> *Id.* at 59.

<sup>61</sup> *Id.* at 60.

<sup>62</sup> Washington Post, *A River on the Rise* (April 3, 2003).

<sup>63</sup> National Capital Planning Commission, *Memorials and Museums Master Plan* (2001).

pleted this plan to highlight opportunities to locate monuments off of the Mall.<sup>64</sup> Waterfront sites represented many of the most promising locations.<sup>65</sup> The Framework Plan sought to flesh out strategies whereby new memorials would reinforce existing river attractions, as well as existing, underappreciated historic resources.<sup>66</sup> Recently, the effort to locate the new Major League Baseball ballpark was guided by the desire to transform a segment of the river into a city-wide and regional destination, in an attempt to attract tourist dollars and celebrate the river's civic importance.<sup>67</sup>

### 5. *Building Strong Waterfront Neighborhoods (Economic Development)*

As the planning process proceeded, the issue of residential gentrification and potential resident displacement was even more passionately debated than the need to restore the river's environmental quality. The gentrification debate was made more complex by a series of broadly discussed papers written by Alice Rivlin, which argued that the fiscal health of the District of Columbia was dependent on an economic development strategy that increased the city's population by at least 100,000 persons.<sup>68</sup> Ultimately, the Framework Plan recommended adding 15,000 new units of housing along the river, justified by the opportunity to grow mixed-income neighborhoods without displacing existing residents.<sup>69</sup>

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<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p.80 (2003).

<sup>67</sup> For a discussion of site analysis guidelines used to complete the site selection of the ballpark, see D.C. Sports and Entertainment Commission the Deputy Mayor for Planning and Economic Development, *Washington, D.C. Major League Baseball Park Site Evaluation Project*, and the Washington Baseball Club, LLC. (Nov. 6, 2002).

<sup>68</sup> Alice M. Rivlin, *Revitalizing Washington's Neighborhoods: A Vision Takes Shape*, Brookings Institution (2003).

<sup>69</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p.17 (2003).

### III. THE ANACOSTIA AS THE CENTER OF 21<sup>ST</sup> CENTURY WASHINGTON – THE VISION<sup>70</sup>

With Washington's downtown nearly built out, the city's pattern of growth is moving steadily eastward towards and across the Anacostia River.<sup>71</sup> The capacity of the capital city to grow is now inextricably linked to re-centering its growth in the coming decades around the Anacostia River.<sup>72</sup> The Anacostia's long-neglected parks, natural environment, and urban infrastructure are recommended to become a top priority for both the local and federal governments responsible for land stewardship in the nation's capital.<sup>73</sup>

The recovery of the Anacostia Waterfront can reunite the capital city economically, physically and socially.<sup>74</sup> It will reinvigorate the river with new resident-stewards; reclaim the waterfront's parklands for community use; reconnect neighborhoods with new bridges and roads; create new museums and monuments; and expand opportunities to live, work, play and learn in an urban setting.<sup>75</sup> The vision for the Anacostia is one of vibrant and diverse settings for people to meet, relax, encounter nature and experience the heritage of Washington.<sup>76</sup> The AWI seeks to ensure that the social and economic benefits derived from a revitalized waterfront are shared in an equitable fashion by those neighborhoods and people for whom the river has been distant, out-of-reach or unusable.<sup>77</sup>

#### A. PLANNING AT THE NEIGHBORHOOD SCALE

While the Framework Plan explores river-wide issues, *Target Area Plans* were prepared to chart redevelopment

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<sup>70</sup> These two paragraphs represent a synopsis of a general public information overview published by the District of Columbia, Office of Planning intended to communicate the significance of the Framework Plan to a broad, general audience. The brochure is entitled, "The Anacostia Waterfront: Imagine, Act Transform" and was also accompanied by a DVD format animation.

<sup>71</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p.17 (2003)

<sup>72</sup> *Id.*

<sup>73</sup> *Id.* at 11.

<sup>74</sup> *Id.* at 8-9.

<sup>75</sup> *Id.* at 10.

<sup>76</sup> *Id.* at 10-11.

<sup>77</sup> *Id.* at 10-11.

strategies on a neighborhood scale.<sup>78</sup> Six target area plans apply the five waterfront planning themes to a site-specific context.<sup>79</sup> Each was completed with direct involvement of community stakeholders and then brought to the City Council for approval as a supplement to the city's Comprehensive Plan.<sup>80</sup>

Each Target Area Plan opened planning issues specific to its neighborhood that were resolved in the context of river-wide goals outlined in the Framework.<sup>81</sup> Conflicts and trade-offs between river-wide goals and local plans required balance, with each neighborhood expressing their own set of challenges. Height and density impacts of proposed high density development were most pronounced at the Southwest Waterfront, where existing residents were likely to have river views impacted by new buildings.<sup>82</sup>

Housing affordability and the management of public housing assets, were most pronounced in the Near Southeast, where the planning process included actual public-private development proposals to redevelop the Capper Carrolsburg housing project; issues of proposed land uses were most pronounced at Hilleast, where the District had recently closed the public hospital and where the need to accommodate municipal services, such as healthcare clinics and correctional uses, was balanced with the expansion of the residential uses to connect Capitol Hill with the river; open spaces issues pertaining to park recreation versus the restoration of habitat were balanced in the Anacostia Park.<sup>83</sup>

In summary, issues of environmental restoration and gentrification were discussed on a city-wide scale, while neighborhood quality-of-life issues like parks, traffic and retail development were advocated for on a neighborhood-by-neighborhood basis.

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<sup>78</sup> *Id.* at 107.

<sup>79</sup> *Id.* at 109.

<sup>80</sup> Each Target Area Plan may be found at [www.anacostiawaterfront.net](http://www.anacostiawaterfront.net).

<sup>81</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p.109 (2003).

<sup>82</sup> District of Columbia, Office of Planning, *Southwest Waterfront Development Plan*, p. 122 (2002).

<sup>83</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p.109 (2003).

## B. WATERFRONT INVESTMENT DURING THE PLANNING PROCESS

The planning endeavor became more dynamic with several “real time” public investments.<sup>84</sup> These projects tended to polarize individual advocacy groups, but made plausible the notion of a re-energized river corridor.<sup>85</sup> The Navy, with the oldest continuously operating Navy Yard in the country, played a lead role in this reinvestment through its efforts at its waterfront facilities by consolidating regional employment at the Yard through the Base Realignment and Closure Act.<sup>86</sup> Over \$400 million was invested in rehabilitating industrial buildings listed on the National Register of Historic Places into Navy administrative space, and employment nearly tripled to almost 11,000 enlisted and civilian employees.<sup>87</sup>

Several city agencies mobilized in order to show “immediate impact.” The City’s Watershed Protection Division, working in a joint venture with the United States Army Corps of Engineers, re-constructed over 40 acres of wetlands along the river.<sup>88</sup> The newly formed Water and Sewer Authority is making interim investments in inflatable dams within the com-

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<sup>84</sup> It is important to note that the AWI Memorandum of Understanding did not conceive of the Initiative as only a planning effort. Significant advocacy efforts, the revision of key zoning regulations, positive press and positive District-Federal inter-agency coordination resulted in over \$125 million of public appropriations and over \$1.5 billion of private investment during the course of the planning process itself.

<sup>85</sup> The press coverage of the AWI in the Washington Post was extensive. Over a three year period, dozens of articles appeared, many of them features on the cover of the Post’s Metro section, insuring that the project became understood as a city-wide endeavour. Select Washington Post articles included: Washington Post, *On the Waterfront*, p. G01 (November 25, 2000); Washington Post, *Shaping the City*, p. G03 (February 10, 2001); Washington Post, *Hope on the Waterfront*, p. A4 (April 20, 2001); Washington Post, *Making a Case for Capital’s Other River*, p. DZ10 (May 17, 2001); Washington Post, *Want to Save the Anacostia?*, p. D01 (June 21, 2001); Washington Post, *Lively – Costly – Area Envisioned Along the Anacostia*, p. B01 (November 9, 2001); Washington Post, *D.C. Backs Concept for Southwest Waterfront*, p. B01 (October 8, 2003); Washington Post, *Anacostia Plan Wins Backing*, p. D01 (January 16, 2004); Washington Post, *River of Dreams*, p. C01 (January 17, 2004.); Washington Post, *Neighborhoods Have a Big Role in Anacostia Waterfront Plan*, p. D01 (January 19, 2004); Washington Post, *A Building Plan Runs Through It*, (January 23, 2004); Washington Post, *Anacostia River’s Dirty Little Secret*, p. B01 (January 29, 2004).

<sup>86</sup> Author interview with Admiral Jan Gaudio of Naval District Washington on March 30, 2005.

<sup>87</sup> *Id.*

<sup>88</sup> District of Columbia Office of Planning, *Anacostia Waterfront Framework Plan*, p.111 (2003).

bined sewer system to curb CSO discharge into the river by - 23%.<sup>89</sup>

Mayor Williams initiated a series of high profile public-private partnerships utilizing newly legislated tools, such as Tax Increment Financing (TIF) and Payment in Lieu of Taxes (PILOT).<sup>90</sup> The redevelopment of the Capper Carrollsburg public housing complex was perhaps the most innovative and highly leveraged housing project to be completed under HUD's HOPE VI program. With the Mayor guaranteeing a 1:1 replacement of all public housing, the project increased land densities to double the amount of housing units by supplementing 700 units of public housing with 400 units of subsidized housing and 400 units of market rate housing.<sup>91</sup> The federal agencies responded as well, with the General Services Agency playing a key role by selecting a river site for the new headquarters for the United States Department of Transportation and by disposing excess land to the private sector under a special act of Congress.<sup>92</sup>

The private sector responded to these public investments with an initial wave of construction that included five new commercial office buildings.<sup>93</sup> All of the waterfront planning events were well attended by members of the real estate development community, and the perception of the Anacostia River changed dramatically in the press and among several local professional associations that ultimately championed the AWI.<sup>94</sup>

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<sup>89</sup> CSO Update. District of Columbia, *Water and Sewer Authority* (2004).

<sup>90</sup> See Deputy Mayor for Planning and Economic Development website. <http://www.dcbiz.dc.gov/dmped/cwp/view,a,1365,q,569383,dmpedNav,|33026||33028|.asp>

<sup>91</sup> D.C. Housing Authority, *HUD Application for Federal Assistance, Summary Letter* (June 22, 2001). The Capper Carrollsburg project introduces market rate units and thereby creates the economics which allow all public units to be replaced in kind, with no net loss of public housing units. This strategy was a direct response to public housing resident concerns voiced during a waterfront planning workshop in May 2001, as documented by the Office of Planning summary brochure issued in the summer of 2001.

<sup>92</sup> U.S. Congress, *The Southeast Federal Center Public-Private Development Act*, PL 106-407 (2000).

<sup>93</sup> Author Interviews with Developers confirmed that all tenants were defense contractors doing business with the Navy. Discussion with Paul Robertson of Spaulding & Slye on November 1, 2004.

<sup>94</sup> The DC Building Industry Association, the Greater Washington Board of Trade, the DC Chamber of Commerce and the Federal City Council all became important advocates for the plan and testified in support of its creation at the DC Council public hearing on February 11, 2004. (Authors Record) At the time the Framework



## C. THE ANACOSTIA WATERFRONT CORPORATION

The Framework Plan proposed a new dedicated municipal entity to coordinate the implementation process.<sup>95</sup> Currently, lands along the river fall under the jurisdiction of multiple federal and local authorities and agencies, not one of which has a clear mandate for revitalizing the waterfront.<sup>96</sup> A new institution would ensure that the resources necessary to implement the plan are advocated for and wisely and equitably invested for the river as a whole.<sup>97</sup> The Corporation's role would be to oversee implementation of the plan, ensure sustained public participation by acting as a design "clearing house," and be responsible for promoting waterfront activities and in some cases managing public spaces.<sup>98</sup>

In considering how the Anacostia Waterfront Corporation would be organized, several models were explored based on federal-local actions in other cities. Among those evaluated were the Pennsylvania Avenue Development Corporation<sup>99</sup> in Washington D.C., Presidio Trust in San Francisco,<sup>100</sup> and the Southern Nevada Land Act.<sup>101</sup> Each of these redevelopment projects were initiated with federal legislation, with each having significant localized outcomes as its purpose. In the case of the Southern Nevada Land Act, the proceeds from federal land

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Plan was adopted by the DC Council, the Washington Post ran a week-long series of front page articles written by architecture critic Benjamin Forgey. The Washington Post, *The Ripple Effect*, p. A1 (July 12, 2004); Washington Post, *Coming Clean About the Future*, p. A1 (July 13, 2004); Washington Post, *A Vision for the Southwest*, p.A1 (July 14, 2004); Washington Post, *Betting Big on Near Southeast*, p.A1 (July 15, 2004); and Washington Post, *Popularizing Poplar Point*, p. D1(July 16, 2004).

<sup>95</sup> District of Columbia Office of Planning, Anacostia Waterfront Framework Plan, p.124-5 (2003).

<sup>96</sup> The National Capital Revitalization Corporation (www.ncrcdc.com), the Water and Sewer Authority (www.dcwasa.com), the District of Columbia Housing Authority (www.dchousing.org) and the DC Sports and Entertainment Commission (www.dcsec.com) are all purpose created instruments of the District of Columbia, which have a significant stake in the Anacostia.

<sup>97</sup> District of Columbia Office of Planning, Anacostia Waterfront Framework Plan, p.124-5 (2003).

<sup>98</sup> *Id.*

<sup>99</sup> U.S. Congress, *The Pennsylvania Avenue Development Corporation Act of 1972*, PL 92-578 (1972).

<sup>100</sup> U.S. Congress, *The Presidio Trust Act of 1996*, PL 104-333 (1996).

<sup>101</sup> U.S. Congress, *The Southern Nevada Public Land Management Act of 1998*, PL 105-263 (1998).

disposition were reinvested into federal lands, but in a partnership arrangement with local jurisdictions.<sup>102</sup>

Ultimately, federal legislation was dismissed for the AWC for three primary reasons. First, the tools to creatively finance public-private partnerships resided with the District of Columbia; second, given that the District continues to be under the oversight of the Congress, the opportunity for a unique federal partnership was *de facto* in place; and third, the initiative itself had always been focused on reconnecting the citizens of the District to their river. A locally chartered organization appeared most effective in raising the awareness of the city's citizenry of the river's assets. In summary, the structure that emerged took advantage of the city's own powers of creative financing, but formed a semi-autonomous municipal entity with which land owning federal agencies and the Congress could easily partner.

#### D. ANACOSTIA WATERFRONT CORPORATION ACT

The District of Columbia Anacostia Waterfront Corporation Act ("Act") passed by the City Council in 2004, creates a District government-chartered Corporation charged with the development, promotion and revitalization of the Anacostia River waterfront.<sup>103</sup> With a board that includes both Mayoral appointees as well as ex-officio members from both the District and Federal agencies,<sup>104</sup> the Corporation is a city-created entity poised to become a development partner for both municipal and federal agencies.

Other cities, such as London, San Francisco, Barcelona and Pittsburg have demonstrated that successful waterfront development requires a single-purpose, dedicated public entity and strategic coordination between many government agencies – often involving state, municipal and federal jurisdictions over long periods of time -- in order to complete projects that have physical challenges unique to waterfronts.<sup>105</sup> Asking an existing

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<sup>102</sup> *Id.*

<sup>103</sup> Council of the District of Columbia. *The Anacostia Waterfront Corporation Act of 2004*, 15-616 (2004).

<sup>104</sup> *Id.*

<sup>105</sup> Urban Land Institute, *Advisory Services Report Anacostia Waterfront*, p. 11 (2004).

government agency to “do it all” runs counter to almost every other city in the nation that has decided to implement an aggressive waterfront development program.

A single development corporation is the only structure that can make sure that all the various components of the Anacostia Waterfront Initiative – residential development, maritime uses, recreational uses, transportation infrastructure, commercial and retail development, cultural uses, and environmental restoration – are coordinated in a way that maximizes the benefit of the river as a natural asset to the District of Columbia.

#### IV. CONCLUSION

The Anacostia Waterfront Initiative represents one of the most important partnerships between local and federal agencies in the District of Columbia. It is unprecedented in the history of urban planning in Washington due to its inclusion of neighborhoods on both sides of the river and its multidisciplinary approach to environmental restoration. It is the first participatory planning process conducted in the District of Columbia that was explicitly conceived of as a local-federal partnership to plan for local and federal lands at once. Recent actions seek to institutionalize the spirit of the planning partnership by forming a dedicated entity with the single purpose of realizing the AWI Framework Plan, with a governance structure that includes both local and federal representation.