TESTIMONY OF GRETCHEN DUDNEY
SENIOR VICE PRESIDENT, THE KAEMPFER COMPANY
ZONING COMMISSION CASE NO. 01-35
May 2, 2002

Good Evening Madame Chair and members of the Commission

- I am Gretchen Dudney, SVP Kaempfer, co-developer with Forest City Enterprises,and partner in the owning entity.
- Our goal is to reposition and redevelop the Waterside Mall as quickly as possible not only to benefit the owning entity, but to benefit the community and lessen the impact of a 1.1 million square foot facility becoming vacant, which will be the case on September 13, when EPA moves out.
- There are four aspects of this project which are somewhat intertwined and which relate to our request before you tonight:
    1. We have entered into a Memorandum of Understanding with the city by which we agree to share the costs of reopening 4th Street, which is an important land use decision adopted in the Comprehensive Plan. Although the idea of reopening 4th Street was initiated by the City, we now strongly concur with it for the following reasons:
        - it opens the project up to light and air, creating a better design;
        - it improves our ability to lease the ground floor to successful retail stores which will benefit not only our office tenants but the Southwest community at large, as well as the nearby Southeast community; and

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- it improves our ability to manage the construction of this multi-phase project so as to lessen the impact of ongoing construction on our tenants and the community.

2. We will be submitting an application for a 2-stage PUD in the next month or two. The purpose of this PUD is only to request additional height, in that the existing medium-density commercial zoning gives us adequate density. The PUD is an effort to calibrate the allowed density under the existing zoning with better design and urban planning using the flexibility of the PUD process.

3. While the PUD process is going on, we will be proceeding with matter-of-right development on a portion of the site. This matter-of-right development will allow us to limit the down time for the project, which, as I said previously, is beneficial not only to the owners but to the community.

4. It is because of this matter-of-right development that we are here tonight to request a zoning text amendment. When we demolish the center of the building for the north/south passageway, we will be creating two buildings where currently we have only one. Currently, because the complex is a single building, the existing parking spaces and loading berths (primarily underground) can be utilized to serve any part of the building. Two buildings creates the need for compliance by each building with the zoning regulations. For example, a renovation or construction east of the opening could result in a shortage in required parking or loading because much of the loading is located west of the passageway The text amendment allows us to treat the two separate buildings as

one for purposes of zoning compliance. Our architect, Shalom Baranes, will more clearly describe such potential problem situations.

Now Nate Gross will provide additional zoning background on the proposed text amendment. Then Shalom Baranes will present highlights of the proposed massing and phasing plan and discuss in more specifics the issues this zoning text amendment addresses.

Thank you.