

TESTIMONY OF RAMSEY MEISER, SENIOR VICE PRESIDENT
OF DEVELOPMENT, FOREST CITY WASHINGTON,
CONCERNING RESIDENTIAL RECREATION SPACE
REQUIREMENTS

Zoning Commission Case No 05-02

November 6, 2006

Good evening, Ms. Mitten and Members of the Zoning Commission. Thank you for this opportunity to testify. I am Ramsey Meiser, Senior Vice President, Forest City Washington. I appear in support of the elimination of mandatory Residential Recreation Space (RRS) requirements and in opposition to the Office of Planning's proposal to require the substitution of mandatory inclusionary zoning (IZ) requirements for RRS requirements in areas not mapped with the IZ overlay.

As you may know, Forest City Washington is redeveloping the former Waterside Mall site and has been designated by the U.S. General Services Administration as the master developer of the Southeast Federal Center site. Both the Waterfront and SEFC sites will be transformed into mixed-use neighborhoods that will include office, residential and retail uses. The SEFC site also includes a large, 5-acre waterfront park. The construction of both Waterfront and SEFC will

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be highlighted by sustainable development practices including sensitive material selection, restoration of existing buildings and maintenance of view corridors. The redevelopment of these sites will bring new vitality to these parts of the city with the introduction of a welcoming waterfront community for residents, workers and visitors to enjoy.

The RRS requirements are inappropriate for not only Waterfront and SEFC, but for the City as a whole, as they reflect an outdated and flawed public policy. Therefore, Forest City recommends that these requirements be eliminated in their entirety. Our reasons are as follows:

1. First and foremost, the RRS requirements reflect a public policy that is inappropriate for vibrant, urban, pedestrian and streetscape-oriented projects such as Waterfront and SEFC. Our philosophy and development concept for these projects is to provide attractive and exciting built environments that bring residents, office workers, shoppers and visitors to Southwest and the Anacostia Waterfront. We want to encourage people to be out-of-doors, to recreate at the 5-acre waterfront park, to shop, to stroll, to take a canoe or paddleboat on the river and to dine outdoors; in short, to make active use of the sidewalks and the pedestrian paths along the river, the shops and restaurants and all other services and amenities on these sites 18 hours a day. The RRS requirements, by contrast,

reflect a philosophy that is insular and isolating and one that encourages people to remain behind locked doors in their condo or rental apartment buildings. This philosophy, we submit, is outdated and deeply flawed.

2. Second, the RRS requirements conflict with many other public policy objectives and requirements that have been adopted by the Zoning Commission since the late 1970s, when the RRS requirements were first developed, and many of these more recent public policy objectives are specifically applicable to the SEFC project. These include mandatory ground floor retail requirements, architectural design requirements (including with respect to building streetwalls, display windows, ceiling heights, building entrances and similar items), use prohibitions and special exception requirements for certain land uses, FAR and building height limitations, linear street frontage restrictions and numerous others. Complying with the RRS requirements, on top of the SEFC Overlay requirements, is costly. For example, it is expensive to bring an elevator to the roof of a building in order to provide a sun deck, a swimming pool or other passive rooftop facilities just to satisfy RRS requirements. Furthermore, it is expensive not only for us as developers but it is also costly to the condo unit purchasers or renters who are forced, without any choice in the matter, to foot the bills for on-going operation, maintenance, repair and replacement of such elevators, sun decks, pools and other RRS facilities year in and year out.

3. Finally, as you may recall, the SEFC Overlay mapped a number of different zoning districts within the 42 acre site. These include CR, R-5-E and R-5-D. This means that, as currently drafted, all of our residential buildings that are located within the CR zone will have RRS requirements. However, it also means that none of our buildings in the R-5-E and R-5-D districts will have any such requirements. This seems to us to be an odd result. Specifically, if the RRS requirements are not repealed some of our condo purchasers or renters will have access to RRS facilities – and will bear the on-going costs of such facilities in their rent or condo dues – while other condo purchasers or renters in buildings located across the street or around the corner will have no such access and will bear no such costs. Such a situation is fundamentally unfair and we think dramatizes one of the many deficiencies in the RRS requirements.

Let me briefly address OP's proposal which ties the repeal of the RRS program to IZ requirements, a proposal which we respectfully submit is ill-conceived and inappropriate. As you may recall, OP recommended in the IZ mapping case that the SEFC site should not be mapped with the mandatory IZ requirements. I testified in support of such a recommendation and I have been advised that OP's recommendation has also been supported by the GSA as the SEFC landowner. In the event this Commission agrees with OP and does not map the IZ program on the SEFC site, for all the reasons advanced by OP, GSA and

Forest City, why should the site have a "back-door" IZ obligation if the RRS requirements are eliminated from the zoning code? The IZ program, we submit, should stand or fall on its own merits and the RRS program should also stand or fall on its own merits. There is no relationship between the purposes of these two programs and no reason to link them.

Thank you for giving me this opportunity to appear and testify.