

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**Application of Forest City Washington on behalf of
General Services Administration**

ANC 6D

**APPLICATION FOR ZONING COMMISSION REVIEW
SOUTHEAST FEDERAL CENTER
WATERFRONT PARK**

I. Nature of Relief Sought

This is an application of Forest City Washington on behalf of the General Services Administration (the “**Applicant**”) for Zoning Commission design review of its proposed waterfront park along the Anacostia River in the Southeast Federal Center, pursuant to Section 1805.11 of the Zoning Regulations. As authorized by Section 1809.1 of the Regulations, the Applicant also seeks special exception approval pursuant to 11 DCMR § 938.3 for a waterfront setback greater than 20 feet and less than 100 feet.

II. Description of the Property and the Project

A. Property and Zoning

The property that is the subject of this application is a portion of the 42-acre site known as the Southeast Federal Center. It is located on a portion of land located south of Squares 771 and 802 bounded by the D.C. Water and Sewer Authority facility to the west, the Washington Navy Yard to the east, and the Anacostia River to the south (the “**Property**”), as depicted on the plat attached as Exhibit B.¹

¹ The site has historically been owned by the federal government and has no lot and square assignment.

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**ZONING COMMISSION
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CASE NO. 08-04
EXHIBIT NO. 3
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Pursuant to Z.C. Order No. 03-06,² the Zoning Commission mapped the entire Southeast Federal Center with the Southeast Federal Center Overlay District (the “**SEFC Overlay**”). As a part of the proceeding, the Commission also designated the underlying zoning for the entire site, and mapped a portion of the Southeast Federal Center in the W-0 Zone District (the “**SEFC/W-0 Zone District**”). The Commission further divided this W-0 zoned-portion into two subareas: the Development Area and the Open Space Area. As a result, the Property is located in the “Open Space Area” of the SEFC/W-0 Zone District (i.e. the SEFC/W-0 Open Space Area) as shown on the Zoning Map attached as Exhibit C.

Broadly, the SEFC Overlay calls for the development of a publicly-accessible park along the Anacostia River with uses as permitted in the W-0 District. 11 DCMR § 1802.8. More particularly, the stated purposes of the SEFC/W-0 Zone District are to (a) encourage open space; (b) provide a lively, interactive waterfront environment; (c) discourage parking; (d) provide a Development Area for retail and cultural uses; (e) provide an Open Space Area, intended to be the site of open space recreation use as well as limited uses that are directly waterfront dependent; and (f) allow for a continuous publicly-accessible pedestrian and bicycle trail along and adjacent to the waterfront as part of the Anacostia Waterfront Trail system. 11 DCMR § 1805.1.

B. The Project

Pursuant to the purposes and goals of the SEFC Overlay and the SEFC/W-0 Zone District, the Applicant proposes the construction of a waterfront park in the SEFC/W-0 Zone District (the “**Project**”). The Project is depicted in further detail on the plans attached as

² The Applicant recently proposed a series of minor map and text amendments to the SEFC Overlay, which were approved by the Commission in Case No. 07-11 by proposed action on January 10, 2008. One map amendment includes an adjustment of the W-0 Zone within the Overlay to be consistent with the realignment of Water Street. The plans included with this application are consistent with the proposed map amendment.

Exhibit A. The proposed Project only includes the construction of the open space features in both the Open Space Area and Development Area of the SEFC/W-0 Zone District that will constitute the waterfront park. Neither the maritime-related structures envisioned in the Open Space Area nor the renovated and new structures contemplated in the Development Area are the subject of this application at this time. As a result, no building is proposed as a part of the Project. However, the construction of the waterfront park itself requires a significant amount of grading and construction work that will include structures that trigger the need for Zoning Commission review and approval.

As shown on the attached plans, the Project will create a series of open and inviting public spaces that contain a mix of active and passive recreational uses and create an active, vibrant waterfront park along the Anacostia River. Starting at the west, the park will feature a “Great Lawn” that overlooks the water and serves as an ideal gathering place for large crowds, whether picnicking on a beautiful day or assembling for an outdoor concert or theatre performance. Moving to the east, an elegant pedestrian bridge will connect the Great Lawn to the central feature of the waterfront park—the Promenade. The Promenade will extend along the length of the waterfront to the Washington Navy Yard, and will ultimately provide access to future piers and docks along the water. Although not a part of this Project, the Promenade will also ultimately connect the Ballpark District (to the west) with the Navy Yard and other uses to the east.

Three distinct features will provide for transition from the Promenade to the more active uses contemplated to the north in future development proposals. The first feature is the semicircular Overlook plaza feature immediately south of the historic Lumberyard building. The second feature is the large Stepped Lawn, a terraced green space leading down from the active

plaza area down to the Promenade. The third feature is a series of landscaped gardens referred to as the River Street Gardens, which will provide a relaxed place for visitors to quietly walk or sit and converse. Finally the Project will include some hardscape and landscape improvements in the Development Area that create the plaza and public spaces that will serve as transition spaces between the Lumberyard and retail pavilions and the recreational uses along the waterfront. Uses in this plaza will include park benches overlooking the waterfront as well as, eventually, outdoor seating for future restaurant and café uses.

Only certain buildings, structures and uses are permitted in the SEFC/W-0 Open Space Area. The uses in the proposed Waterfront Park will primarily feature a variety of publicly-accessible park or open space uses that incorporate pedestrian and bicycle trails, all of which are permitted as a matter of right (11 DCMR § 901.5(a)). In addition, the River Gardens will also serve, in part, as a public nature education center, which is another permitted matter of right use. Finally, the Overlook and Promenade may feature seasonal kiosks; such non-permanent market uses are also permitted as a matter-of-right in the W-0 Zone. Accordingly, the proposed uses are all permitted as a matter of right.

The Project will provide multiple points for pedestrian ingress and egress, including from the street grid to the north as well as through future connections to the west and east along the Anacostia waterfront. The Project will also provide for bicycle circulation to and around the waterfront park. The Project does not include any vehicular parking. Generally, the Regulations list required parking for “buildings or structures”, but also include a reference to parking for general “recreational uses.” However, the SEFC Overlay is clear that when there are conflicts between it and the underlying zoning, the provisions of the SEFC Overlay govern. See 11 DCMR § 1800.2. Parking lots are specifically prohibited in the W-0 Zone, and the SEFC/W-0

Zone District specifically denotes one of its purposes is to “discourage parking” in that zone. See 11 DCMR §§ 902.1(l); 1805.1(c). Therefore, while the Zoning Regulations ostensibly include a general requirement for parking for “recreational uses,” this general requirement is superseded by the more specific provisions of the SEFC Overlay that specifically prohibit parking in the SEFC/W-0 Zone District.

III. Jurisdiction of the Zoning Commission

The Zoning Commission has jurisdiction to review the design of “all proposed structures” in the SEFC/W-0 Zone District pursuant to Section 1805.11 of the Zoning Regulations. The Commission is required to apply the standards and procedures of Sections 927-928 and 1808-1809 of the Regulations. Section 1809.1 of the SEFC Overlay Regulations provides that the Commission may hear and decide any additional requests for special exception or variance relief needed for the property.

IV. Design Review and Waterfront Setback

The Applicant seeks Zoning Commission approval of the design of the proposed Project and is also seeking special exception approval pursuant to Section 938.3 for a proposed waterfront setback of less than 100 feet. The W-0 Zone ordinarily requires a setback, inland from the bulkhead, of not less than 100 feet to any building or structure. However, a special exception may be granted for a proposed setback greater than 20 feet but less than 100 feet. In order to obtain relief, the special exception must be in accordance with the criteria of Section 927 and Section 3104.1 of the Regulations.

As demonstrated below, the Applicant fully complies with the requirements of both the W-0 Zone and the SEFC Overlay. Furthermore, the proposed waterfront park is in harmony with

the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps.

A. W-0 Zone Special Exception Criteria

The proposed waterfront park, including the proposed waterfront setback between 20 and 100 feet, meets the special exception review criteria for the W-0 Zone set forth in Section 927. The Project will enhance the visual and public recreational opportunities offered along the waterfront. Furthermore, the waterfront park has been designed to minimize adverse impacts on the river and riverbank areas, and the setback of less than 100 feet will not create adverse impacts on the Anacostia River. In addition, the park is not likely to become objectionable to surrounding property because of noise, traffic or parking; as designed, the park does not include any parking, which is consistent with the goals and policies of the W-0 Zone as well as the SEFC Overlay. Indeed, as designed and shown on the circulation plans included with Exhibit A, the waterfront park will promote public access to the waterfront through multiple points of entry through both pedestrians and cyclists. Finally the Project has been designed to minimize potential for direct stormwater runoff into the river. A stormwater concept plan is included in the attached plans.

B. SEFC Overlay Special Exception Criteria

The Project also meets the standards of Section 1807 of the SEFC Overlay. The proposed waterfront park will help achieve the objectives of the SEFC Overlay District as set forth in Section 1802, and specifically implements the development of a publicly-accessible park along the Anacostia River with uses as permitted in the W-0 Zone District. In addition, the waterfront park has been designed to provide for openness of view and vistas to and from the waterfront.

Furthermore, no parking is proposed, consistent with the requirement of the SEFC Overlay that limits on or above-grade parking adjacent to or visible from the street and, more particularly, discourages parking in the SEFC/W-0 Zone District. Finally, the project furthers other specific goals for the SEFC /W-0 Zone District: (a) it provides a wide variety of active and passive recreational uses; (b) it encourages uses that open to, overlook, and benefit the waterfront park; and (c) it utilizes the siting and design of uses to improve the natural ecology, illustrates the importance of natural systems, and interprets the historically important maritime context of the site.

C. General Special Exception Requirements

The special exception is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and tends not to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps.

1. The Requested Relief is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The general purpose and intent of the zoning regulations and zoning maps is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare. 11 DCMR § 101.1. Specifically, the requested relief must take into consideration the character of the respective districts as well as the suitability of each district for the uses permitted; and must be designed to encourage the stability of districts and of land values. 11 DCMR § 101.2. The proposed Waterfront Park, including the location of structures within 20 to 100 feet of the bulkhead, is in harmony with the general purpose and intent of the Regulations. All major buildings are setback over 100 feet from the bulkhead. Furthermore, the structures that are located within 20-100 feet include elements that are necessary to create, stabilize, and enhance

the proposed waterfront park. Indeed, without the proposed structures, the waterfront park could not be designed to incorporate the variety of active and passive recreational uses that are called for by in Zoning Regulations. Finally, the proposed uses that will take place in the waterfront park are permitted as a matter of right in the W-0 Zone and are suitable for the site.

2. The Requested Relief Will Not Adversely Affect the Use of Neighboring Property

The proposed waterfront park, including the location of structures within 20 to 100 feet of the bulkhead, will not adversely affect the use of neighboring property. Rather, it will supplement and enhance the uses proposed for the rest of the Southeast Federal Center. Furthermore, it will positively impact surrounding properties on both sides of the Anacostia River, and in particular the nearby properties being developed around the new baseball stadium, by providing an open and attractive public space for multiple recreational uses. Indeed, the proposed waterfront park will serve as an attractive recreational destination that benefits the District as a whole.

V. EXHIBITS

In support of this application, the following exhibits are attached to this document:

Exhibit A Architectural plans and photographs of the existing site;

Exhibit B Plat of the Property;

Exhibit C Map depicting the approximate zoning of the Property;

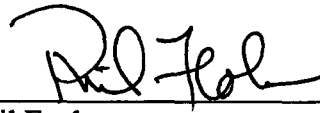
Exhibit D Survey of the existing site; and

Exhibit E Property owners list.

VI. CONCLUSION

For all of the above reasons, the Applicant asks that the Zoning Commission approve the design of the proposed waterfront park and its request for special exception approval to allow a structure to be located between 20 and 100 feet from the bulkhead.

PILLSBURY WINTHROP SHAW PITTMAN LLP



Phil Feola



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Date: March 10, 2008