

**Testimony of Ramsey D. Meiser, Senior Vice President of Development
Forest City Washington
Regarding Proposed Subtitle G (Chapter—3 Mixed Use Zones and Chapter 14—Use
Permissions for Mixed Use Zones) and Subtitle K (Chapter 2—Southeast Federal Center)**

Z.C. Case No. 08-06A (Comprehensive Zoning Text Revisions)

Zoning Commission for the District of Columbia

November 14, 2013

Good Evening Chairman Hood and members of the Commission, my name is Ramsey Meiser and I am Senior Vice President of Development for Forest City Washington. I am accompanied by Lyle M. Blanchard, Esquire, a partner with the law firm of Greenstein DeLorme & Luchs. We appear before you tonight for three purposes: (A) to express our strong support for the zoning text amendments regarding proposed Subtitle G (Chapter 3—Mixed Use Zones and Chapter 14—Use Permissions for Mixed Use Zones) and Subtitle K (Chapter 2—Southeast Federal Center) in Z.C. Case No. 08-06A (for ease of reference the specific proposed amendments referenced above shall be referred to in my testimony as the “**Proposed SEFC Text Amendments**”); (B) to suggest several technical corrections and minor revisions to the Proposed SEFC Text Amendments; and (C) to request that one of the specific Proposed SEFC Text Amendments that pertains to the proposed use group of “Animal Care and Boarding” be adopted as a separate text amendment on an emergency or expedited basis.

As the Commission is aware from our prior appearances, Forest City was selected by the General Services Administration in 2004 to develop the 42-acre riverfront property then known as the Southeast Federal Center and now known as The Yards. The Yards’ site includes (i) five historically protected former-industrial buildings, three of which have been restored and redeveloped and one of which contains 170 new residential units that are occupied by the Yards’ first residential

tenants, (ii) a 5-acre waterfront park that is actively used by Yards' residents and visitors, neighbors from the Capitol Riverfront community and other District residents on a daily basis and (iii) a parcel on which a new mixed use building of 320,000 square feet is under construction and is fifty-five (55%) complete. This new building, identified as Twelve 12, will contain 90,000 square feet of retail and service uses, including a Harris Teeter grocery store, and 218 residential units. (See further discussion below regarding Twelve 12.)

Upon completion, The Yards will contain approximately 5.5 million square feet of restoration/redevelopment and new construction including over 2,800 units of residential housing, 1.8 million square feet of office space and up to 400,000 square feet of retail and cultural amenities. At full build-out, The Yards will entail twenty (20) to twenty-five (25) buildings and will generate substantial benefits for the District, including over 3,700 new residents, sustainable design and development, the adaptive reuse of historic buildings and thousands of jobs for District residents.

A. SUPPORT FOR PROPOSED SEFC TEXT AMENDMENTS

We enthusiastically support the Proposed SEFC Text Amendments. These text amendments will, upon their adoption (i) combine the underlying zoning requirements from the C-R, R-5-E, R-5-D and W zones with the Southeast Federal Center Overlay district into a single, comprehensive and more comprehensible and more usable text of Zoning Regulations that apply to the entirety of The Yards' site, (ii) substitute "use groups" for the current laundry list of specific uses, many of which are outdated, (iii) incorporate the concepts of uses permitted by right, uses with conditions and uses as special exceptions and (iv) modernize nomenclature.

We commend the Office of Planning and the Zoning Commission for taking the initiative and undertaking the hard work, time and energy necessary to modernize, simplify and refine the Zoning Regulations.

B. RECOMMENDATION FOR TECHNICAL CORRECTIONS AND MINOR REVISIONS

Based on our actual “on the ground” experience with the application of the current underlying Zoning Regulations (C-R, W, et al) and the SEFC Overlay to the development or restoration and redevelopment at the Yards of four (4) buildings and the 5-acre waterfront park and our careful review of the Proposed SEFC Text Amendments, Forest City and its attorneys have begun the process of drafting technical corrections and minor revisions to such proposed amendments. The corrections and revisions will eliminate conflicting provisions, correct several errors, restore several provisions that were inadvertently omitted and make other technical revisions. In addition, we will recommend several minor substantive revisions that, consistent with the purposes of the Zoning Regulations Revision process (as defined below), modernize and simplify the Zoning Regulations that are applicable to The Yards. We anticipate being able to submit these corrections and revisions within the next ten days and we will, of course, work closely with the Office of Planning to resolve any issues that might develop.

C. REQUEST THAT A PROPOSED SEFC TEXT AMENDMENT PERTAINING TO “ANIMAL CARE AND BOARDING” BE ADOPTED AS A SEPARATE, INTERIM TEXT AMENDMENT ON AN EMERGENCY OR EXPEDITED BASIS.

A Veterinary Hospital will be permitted in the SEFC-1 zone¹ as a matter-of-right “preferred use” in the “Animal Care, Sales and Boarding” use group upon adoption of the Proposed SEFC Text Amendments. These amendments are set forth in the pending rulemaking proceeding identified as the Zoning Regulations Review or Zoning Regulations--Comprehensive Text Revisions proceeding (referred to herein for ease of reference as the “ZRR Proceeding”).² Unfortunately, the comprehensive text revisions are not anticipated to be effective in time for a veterinary hospital to open for business in the spring of 2014 at the Twelve 12 Building as contemplated by a pending lease with a veterinary hospital tenant.³

The Twelve 12 Building – which (i) faces M, 4th and Tingey Streets, S.E., (ii) was reviewed and approved by the Zoning Commission in Order No. 10-24⁴ and (iii) will contain a Harris Teeter grocery store, a 3-level Vida fitness facility, several eating establishments and 218 residential units -- is under construction and is fifty-five (55%) complete. (Attached hereto as Exhibit “A” are four (4) perspective images of the Twelve 12 Building). In conjunction with our efforts to lease 90,000 square feet of retail and service space in Twelve 12, we⁵ have negotiated with a veterinary hospital to take 3250 square feet of ground floor space. (Attached hereto as Exhibit “B” is a ground floor plan of the Twelve 12 Building that includes the space proposed to be leased to the veterinary hospital.) Unfortunately, until the Proposed SEFC Text Amendments in the ZRR Proceeding are adopted and become effective, a veterinary hospital is not an authorized use in the SEFC/C-R zone district. Hence, to accommodate a use that will provide a valuable service to nearby residents (as discussed below), we request that the Zoning Commission authorize a veterinary hospital as a permitted by

¹ The SEFC-1 zone is proposed to succeed and replace the SEFC/C-R zone district.

² Case No. 08-06A (Title 11, Zoning Regulations – Comprehensive Text Revisions). See, in particular, Subtitle K Sections 205 and 206.3(c).

³ In addition, according to the Notice of Public Hearing of the ZRR Proceeding, the “proposed mapping of these new districts is not the subject of these hearings.”

⁴ Effective as of July 15, 2011.

⁵ Through affiliated entities.

right use – as proposed in the Proposed SEFC Text Amendments in the ZRR Proceeding – in the SEFC/CR zone district and do so by means of a separate, interim text amendment that is adopted on an emergency or expedited basis (“**Interim SEFC Veterinary Hospital Text Amendment**”).

There is a pressing public/community need for a veterinary hospital at The Yards. According to a 2013 survey undertaken by the Capitol Riverfront Business Improvement District, forty percent (40%) of neighborhood residents have pets.

To assure nearby neighbors and other stakeholders from the Capitol Riverfront community that a veterinary hospital will be a compatible and unobjectionable use, we suggest that the Interim SEFC Veterinary Hospital Text Amendment incorporate the conditions contained in the ZRR Proceeding for the use group identified as “Animal Care and Boarding.” These conditions include the following: (a) a veterinary hospital may only board animals that are permitted to be lawfully sold in the District of Columbia pursuant to D.C. Official Code § 8-1808 (h)(1), except domesticated dogs; (b) no objectionable conditions shall affect adjacent or nearby properties resulting from animal noise, odor or waste; (c) external yards or other external facilities for the keeping of animals shall not be permitted; (d) all animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of animal waste at least weekly; and (e) pet grooming, the sale of pet supplies and incidental boarding of animals as necessary for convalescence shall be permitted only as accessory uses.⁶

For the convenience of the Commission, we attach as Exhibit “C” a proposed Interim SEFC Veterinary Hospital Text Amendment that incorporates our request and suggestions above.

⁶ The proposed conditions were taken essentially verbatim from proposed Subtitle G Section 1421.2(a)(1) through (6) in Z.C. Case No. 08-06A (i.e., the ZRR proceeding) and Section 736.3 of the current Zoning Regulations.

Mr. Blanchard and I would be pleased to respond to any questions that members of the Commission may have. We appreciate your consideration of our views and of our request for action to adopt an Interim Text Amendment on an emergency or expedited basis. Thank you.

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EXHIBIT A







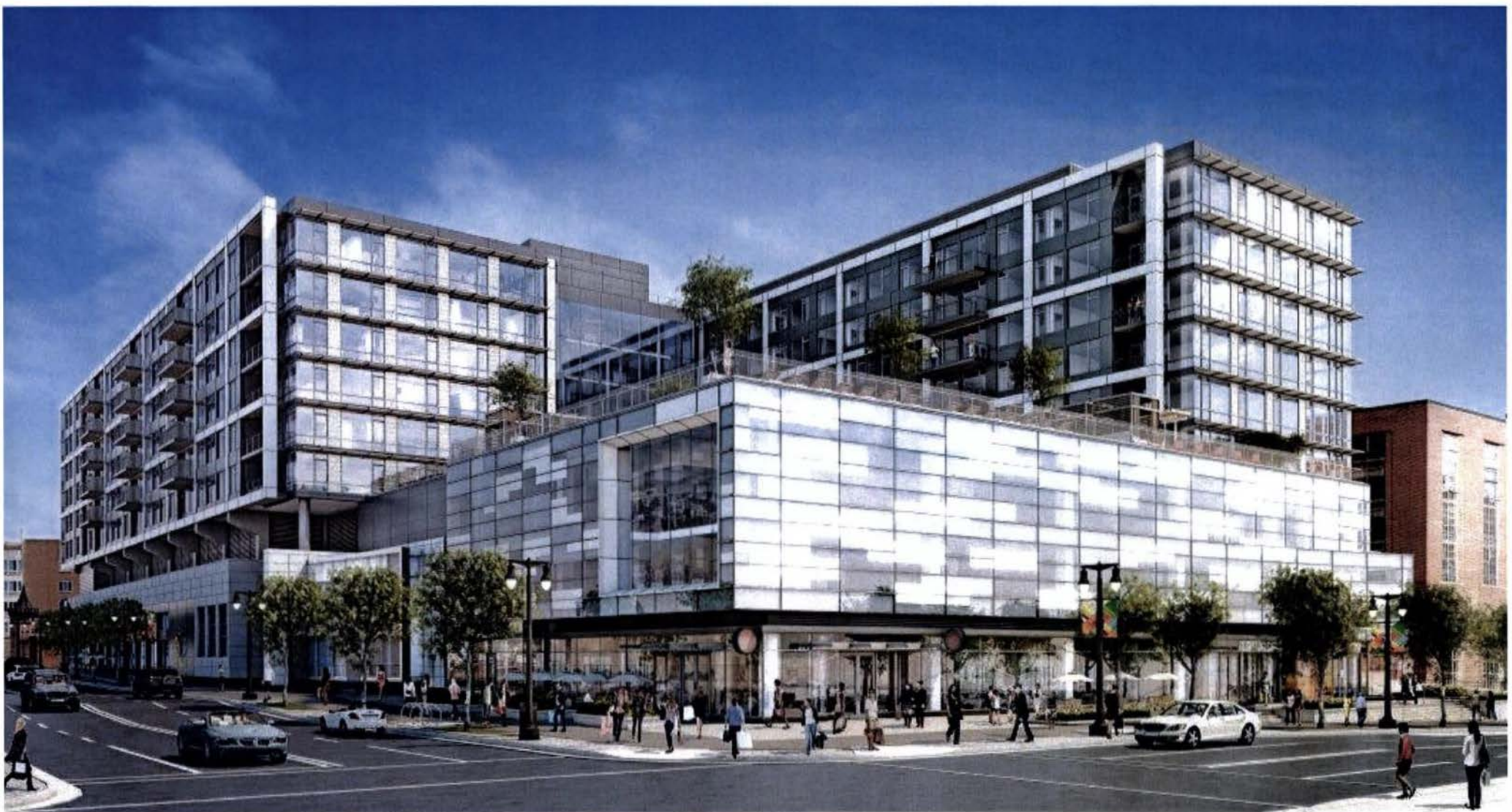


EXHIBIT B

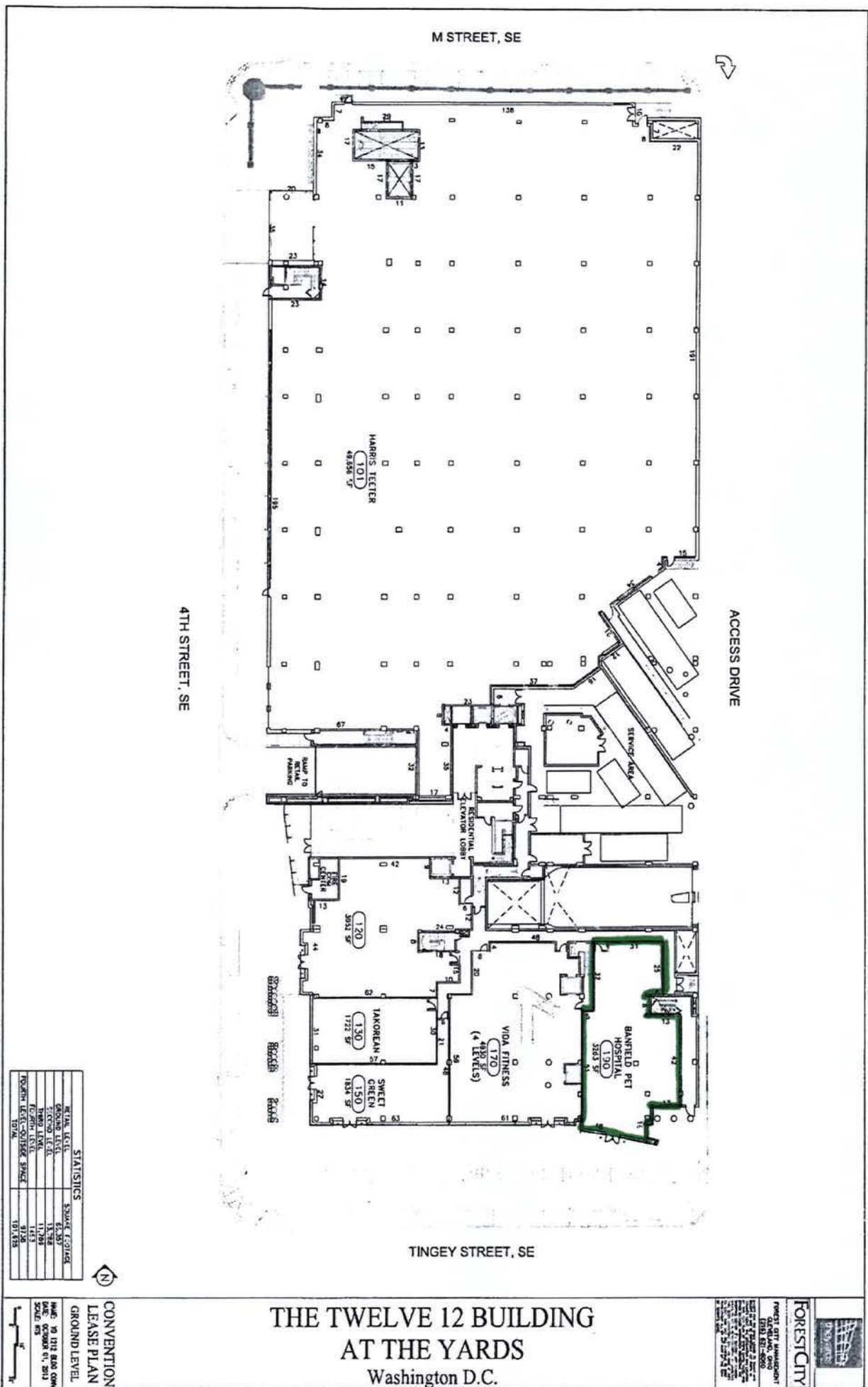


EXHIBIT C

Exhibit "C"

**SUGGESTED LANGUAGE FOR INTERIM TEXT AMENDMENT TO
ALLOW A VETERINARY HOSPITAL AS A PERMITTED USE
IN THE SEFC/C-R ZONE DISTRICT**

Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, is amended as follows:

1. By inserting new subsection 1803.16 to read as follows:

1803.16 Notwithstanding § 602.1(r), a veterinary hospital may be provided on the ground level of buildings within the SEFC/CR District, subject to the conditions below:

- (a) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), except domesticated dogs, subject to (e) below;
- (b) A veterinary hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste and odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
- (c) External yards or other external facilities for the keeping of animals shall not be permitted;
- (d) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of animal waste at least weekly; and
- (e) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence are permitted only as accessory uses (i.e., not as an independent line of business).