

March 27, 2014

**VIA E-FILING AND HAND DELIVERY**

Anthony Hood  
Chairperson  
D.C. Zoning Commission  
441 4th Street, NW, Suite 210  
Washington, DC 20001

**Re: Petition of Forest City Washington  
Text Amendment to Section 1803 of the Zoning Regulations**

Dear Chairman Hood and Members of the Commission:

Enclosed please a petition to amend the text of Section 1803 of the Zoning Regulations. The petition is accompanied by a detailed rationale and justification for the amendment as well as the proposed new language and illustrative plans in support of the request.

We look forward to your consideration of this amendment.

Sincerely yours,

  
Phil Feola

  
David Avitabile

Enclosures

cc: Alex Nyhan, Forest City Washington  
Joel Lawson, Office of Planning  
ANC 6D

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**ZONING COMMISSION  
District of Columbia**

CASE NO. 14-05  
EXHIBIT NO. 1



**BEFORE THE ZONING COMMISSION  
OF THE DISTRICT OF COLUMBIA**



**FORM 102 - PETITION TO AMEND THE TEXT OF THE ZONING REGULATIONS**

Before completing this form, please review the instructions on the reverse side.  
Print or type all information unless otherwise indicated.

In accordance with the provisions of §102 of Title 11 DCMR – Zoning Regulations, request is hereby made for an amendment to the text of the Zoning Regulations, details of which are as follows:

Reason and justification for proposed text amendment: See attached Statement

Existing Language (include section or paragraph number): Sections 1803.3, 1803.5, 1803.7, and 1803.8

as detailed on Exhibit B of the attached Statement

Proposed Language: See Exhibit B of the attached Statement

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.  
(D.C. Official Code § 22 2405)

Signature:

Date:

3/27/2014

Name:

David Avitabile, Goulston & Storrs (on behalf of Forest City Washington)

*Please Print*  
Petitioner's Filing Status (check one):



ANC



DC Government Agency



Federal Government Department



Other \_\_\_\_\_

Person(s) to be notified of all actions:

Name:

David Avitabile

Address:

Goulston & Storrs, 1999 K Street NW, 5th Floor, Washington DC

Zip Code:

20006

Phone No(s):

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davitabile@goulstonstorrs.com

**ANY PETITION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.**

## **SEFC Overlay Text Amendments for the Yards West**

### **Rationale and Justification**

#### **Background**

Pursuant to a framework and plans approved by the Zoning Commission, Forest City's development of The Yards is well underway pursuant to the SEFC Overlay. The emerging neighborhood now features a new 5.5-acre world-class waterfront park, new residences, retail, and office uses in the historic Foundry Lofts, Boilermaker, and Lumber Shed buildings, and a soon-to-be completed mixed-use residential and retail building on Parcel D (1212 4<sup>th</sup> Street SE) that will contain a new Harris Teeter grocery store. Construction is also underway on new residential units at Parcel N.

Having developed the core of this new neighborhood, Forest City now desires to begin the development of the western portion of The Yards ("Yards West"), which is close to Nationals Ballpark and the Navy Yard Metrorail Station entrance. As shown on Exhibit A, the Yards West consists of five parcels: Parcel A, which fronts on M Street SE, and Parcels F, G, H, and I, which are located south of Parcel A and between 1<sup>st</sup> Street SE and Canal Street SE. All five parcels are located in the SEFC/CR Zone District.

As the Commission is aware, the area surrounding the Ballpark has been the focus of considerable development interest, spurred by the success of the Ballpark, proximity to a renewed Anacostia River, and investment in public transportation and bicycle networks:

- Properties along the south side of M Street SE, adjacent to the Ballpark and Yards West, are in various stages of development with a combination of residential, hotel, office, and retail uses. On the block closest to Yards West, for example, the

Commission recently approved the construction of a 130-foot tall building with approximately 290 new residential units, a new 180-room hotel, approximately 224,000 square feet of office space and approximately 51,000 square feet of retail space in Z.C. Case No. 12-05.

- The Commission recently approved Forest City's proposed redevelopment of the D.C. Water Sites, south of Yards West, with two 130-foot tall mixed-use residential and retail buildings and a new movie theater, in Z.C. Case No. 13-05. The property was rezoned to the CG/CR Zone District through the PUD.
- The Commission also approved four buildings ranging in height from 92 to 130 feet in the Florida Rock PUD (Z.C. Case No. 04-14B), south of the Ballpark.

Also proximate to the Yards West is the federal Department of Transportation headquarters, which was approved for a maximum height of 130 feet pursuant to Z.C. Order No. 03-05.

### **The Proposed Text Amendments**

The SEFC Overlay that applies to the Yards West predates the approval of the Ballpark and the CG Overlay. As a result, the SEFC Overlay permits less height and density than on the surrounding properties because no one fully anticipated the success of the tremendous public and private investment that is transforming the area. While the CG Overlay permits a height of 130 feet and densities of 7.0 – 8.2 FAR for residential development immediately across 1<sup>st</sup> Street SE from the Yards West, the SEFC Overlay only permits a height of 110 feet and 6.0 FAR for residential development. Similarly, the SEFC Overlay's prescribed locations for preferred ground-floor uses do not align with the CG/CR Overlay and surrounding PUDs. The CG

Overlay requires retail uses along 1<sup>st</sup> Street SE and the DC Water Sites PUD calls for a retail focus on 1 ½ Street SE, but the SEFC / CR zone requires retail uses along N Street SE.

Therefore, Forest City proposes an amendment to the text of the Zoning Regulations to align the SEFC Overlay with the surrounding CG Overlay. Specifically, Forest City proposes an amendment to the SEFC Overlay as follows:

- Section 1803.7(b): Permit a 1.0 FAR bonus for residential use in the SEFC/CR Zone;
- Section 1803.5(b): Allow a height permitted by the 1910 Height Act for any property that utilizes the residential density described above;
- Section 1803.8: Require Zoning Commission design review for any property utilizing bonus height and density for residential use; and
- Section 1803.3(i): Authorize deviations from the ground-floor preferred use requirements, only after approval from the Zoning Commission.

See Exhibit B. The proposed text amendments will align the height and density of any residential development in the Yards West with similar residential density to the west in the CG/CR Overlay and the south in the DC Water Sites PUD. The text amendments will also provide the Zoning Commission with design review authority to ensure that proposed development in the Yards West exceeding the current maximums will be consistent with the policies and goals for this emerging neighborhood. Finally, the text amendments will provide Forest City with the flexibility to modify the ground floor uses within Yards West to current planning priorities and unanticipated future conditions. Again, the Zoning Commission will retain the authority to approve any deviations from the current requirements.

## **Consistency of the Text Amendments with District Planning Policies and Goals**

The proposed text amendments will permit the Yards West to capitalize on the District's investment in the Yards and Ballpark neighborhoods and otherwise satisfy the policies and goals of the District of Columbia Comprehensive Plan. Specifically:

- **New Housing and Affordable Housing:** Most notably, the amendments will result in more housing, including affordable housing. Forest City is committed to set aside 20% of its residential density within The Yards as affordable housing. The additional residential density authorized by these text amendments will therefore result in more market rate and additional affordable housing well in excess of the District's inclusionary zoning minimums.
- **Transit-Oriented Development:** The additional height and density will capitalize on the area's transit-oriented location near the Navy Yard Metro, along D.C. Circulator and WMATA bus routes, and near a potential future streetcar alignment, as well as nearby bicycle facilities.
- **Urban Design:** Design review and ground-floor flexibility will promote the development of vibrant and well-planned street-activating buildings that satisfy goals and policies related to quality urban design.

## **Conclusion**

For the reasons set forth above, Forest City requests that the Zoning Commission approve the proposed text amendments to the SEFC Overlay.