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January 5, 2015

**BY HAND DELIVERY**

Mr. Anthony Hood  
Chairman  
D C Zoning Commission  
441 4<sup>th</sup> Street NW, Suite 210  
Washington, DC 20001

Re: Zoning Commission Case No 14-05 Text Amendment to Section 1803  
of the Zoning Regulations, Post Hearing Filing

Dear Chairman Hood and Members of the Commission

At its November 24, 2014 meeting concerning the above-captioned case, the Commission requested that the Applicant, Forest City Washington, restudy its commitment to provide larger apartment units (three bedrooms or greater) and its proffer to accommodate an additional Metrorail entrance to the Navy Yard Metrorail Station on its property

The Applicant has given thoughtful and serious consideration to the Commission's request, but has decided for the reasons stated below that it stands by its previous commitments to (1) devote at least 5% of the additional density gained pursuant to Section 1803 7(e) for three (or greater) bedroom units; and (2) accommodate the location of a potential new Metrorail entrance on its property

**A. Third Metrorail Entrance**

While WMATA has expressed an interest in building a third entrance to the Navy Yard Metrorail Station, such an interest is speculative at best. Forest City is willing to accommodate a potential station entrance on its property, but note that merely agreeing to set aside the property for such a Metrorail entrance results in a series of additional financial costs to the Applicant. Forest City will incur significant consultant costs to coordinate with WMATA and additional costs to incorporate WMATA's requirements into the design and construction of its building. It will also incur legal costs to negotiate whatever legal documents are necessary to incorporate the entrance into its building as well as additional on-going operational costs due to having the station entrance under its building. Further, the Applicant will lose valuable retail space on a prime retail corner, a cost that will be borne in perpetuity. Most importantly, it is impossible to know all of the details that will go into WMATA's decision to actually have this entrance, so agreeing to anything in the abstract at this

**ZONING COMMISSION  
District of Columbia**

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**EXHIBIT NO. 26**  
14-05  
ZONING COMMISSION  
District of Columbia  
CASE NO. 14-05  
EXHIBIT NO. 26

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point would not be fiscally responsible. Please note that the property in question is subject to the Commission's design review and perhaps at that time, WMATA's plans will have become firm, thereby giving Forest City something more concrete to evaluate.

**B Three Bedroom Commitment**

Notwithstanding its concern with regard to market demand for three bedroom units in the area, Forest City is willing to commit to a reasonable percentage to accommodate the Commission's, and the ANC's, request to do so. However, it does not believe that it is prudent at this time to commit to a number higher than five (5) percent.

**C Rationale of Text Amendment**

We respectfully point out that the intention of the zoning application under consideration is a text amendment intended solely to recognize, and equalize, the zoning on the east side of 1<sup>st</sup> Street SE (CR/SEFC Overlay) with the zoning on the west side of 1<sup>st</sup> Street SE (CR/CG Overlay). As has been pointed out, the subject properties were zoned prior to the CG Overlay and the construction of the Nationals Ballpark. Consequently, this application was made to recognize the physical and planning changes to the area.

Further, this equality is supported by the Comprehensive Plan. All of the parcels on both sides of 1<sup>st</sup> Street SE are located in the High Density Residential/High Density Commercial Land use Category on the Future Land Use Map, yet the CG Overlay-zoned properties permit greater height and density than the SEFC Overlay-zoned properties.

Other policies within the Comprehensive Plan support the text amendment as well, including in particular those policies that promote transit-oriented development near Metrorail stations. Given that Forest City has agreed to accommodate the location of a potential third Metrorail entrance within the Yards West, it is all the more appropriate to amend the SEFC Overlay to be consistent with the height and density permitted across the street in the CG Overlay.

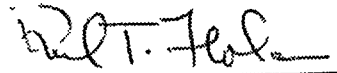
**D Benefits of Text Amendment**

The proposed text amendment will result in significant benefits for the District. If all the parcels are developed for residential use, approximately 300 new apartments will be constructed. Sixty (60) of these new units will be affordable units at 50% of the Area Median Income and fifteen (15) of the new units will be three-bedrooms (or greater).

E. Conclusion

Forest City requests the Commission adopt the text amendment are proposed by the Office of Planning in its October 6, 2014 report to the Commission.

Respectfully submitted,



Phil T. Feola



David Avitabile

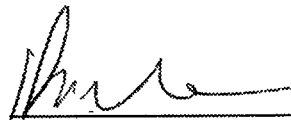
PTF:ph

**CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2015, a copy of this letter was delivered by hand or electronic mail to the following:

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David Avitabile