



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name:	Forest City Washington			
Address:	301 Water Street SE, Suite 201, Washington, DC 20003			
Phone No(s):	202-496-6600	E Mail:	sarahforde@forestcity.net	
I hereby request to appear and participate as a party in Case No.:		15-14		
Signature:			Date:	10/9/15
Will you appear as a(n)	☒ Proponent	☐ Opponent	Will you appear through legal counsel?	☒ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

Name:	David Avitabile		
Address:	Goulston & Storrs, 1999 K Street NW, 5th Floor, Washington, DC 20006		
Phone No(s):	202-721-1137	E Mail:	davitabile@goulstonstorrs.com

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness (*Zoning Commission only*);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (*Zoning Commission only*); and
4. The total amount of time being requested to present your case (*Zoning Commission only*).

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

ZONING COMMISSION
District of Columbia
CASE NO.15-14
EXHIBIT NO.21

In support of the attached Party Status Application Form, Forest City Washington submits the following information:

Party Witness Information

1. *A list of witnesses who will testify on the party's behalf*

Forest City does not anticipate presenting testimony at this time, but may submit written comments.

2. *A summary of the testimony of each witness (Zoning Commission only)*

Forest City does not anticipate presenting testimony at this time, but may submit written comments.

3. *An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (Zoning Commission only); and*

No experts anticipated at this time, but the applicant for party status reserves the right to call additional witnesses, including experts, if necessary.

4. *The total amount of time being requested to present your case (Zoning Commission only).*

No time requested at this time.

Party Status Criteria

1. *How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?*

The proposed DC Water Office Building PUD is adjacent to a large planned development already approved by the Zoning Commission in Z.C. Case No. 13-05. The proposed DC Water Office Building PUD will deliver an attractive, sustainable, and welcome addition to the emerging Yards neighborhood, but it will also potentially impact the pedestrian, vehicular, and service/delivery network of the approved Forest City development. Forest City reached out to DC Water in July 2015 with the concerns outlined herein, and wishes to make sure that the Zoning Commission appropriately considers these issues. The Commission may recall that the Zoning Commission granted DC Water party status in Z.C. Case No. 13-05 (as a party in support), and the final plans and order integrated responsive changes to DC Water's concerns.

2. *What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

Forest City has entered into a Land Development Agreement with the District to redevelop adjacent property to the north and west of the proposed office building, which was approved by

the D.C. Council last year and was executed by the Mayor this year. Effectively, Forest City is the contract ground lessee and contract purchaser for the adjacent property.

3. *What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)*

Forest City's property is adjacent to the property that is the subject of the D.C. Water Office Building PUD. At the narrowest point, the proposed office building will be within 23 feet of Forest City's approved movie theater (and 22 feet to the property line), and the two buildings will share a loading and service area and entrance.

4. *What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?*

Forest City welcomes the addition of such an exciting, dynamic, and sustainable building and use, which will strengthen the mixed-use Yards neighborhood including Forest City's approved adjacent development.

Forest City wishes to ensure, however, that the final building and surroundings are fully compatible with the already-approved development plan, which has been reviewed and approved both through the PUD and the LDA processes. Key areas of concern that need to continue to be coordinated and, if necessary, appropriately conditioned by the Zoning Commission, include the following:

1 ½ Street Streetscape: The DC Water Office Building PUD appears to include the sidewalk on the east side of the proposed 1 ½ Street, a private street that Forest City will build out as a part of its PUD. This sidewalk, and an approved design for the streetscape, was already included within Forest City's PUD and is part of the approved plans. Subject to the following conditions (as well as any required approvals by the District as property owner of the underlying property), Forest City agrees with DC Water's plans to construct the sidewalk on the east side of 1 ½ Street:

- The design of the streetscape is revised to be consistent with the streetscape design that has already been approved by the Commission for the Forest City PUD;
- The location of the security fence is maintained as shown on the DC Water Office Building PUD plans (meaning that the sidewalk shall remain outside the security fence and accessible to pedestrians at all times);
- The streetscape shall be properly maintained by D.C. Water; and
- D.C. Water shall construct the streetscape in coordination with Forest City's planned phasing for the buildout of 1 ½ Street (meaning D.C. Water will build out the sidewalk at such time that Forest City builds out street, or reimburse Forest City for doing so).

Coordinated Building Service and Loading: Forest City's approved plan for the movie theater in the F1 block relies on the D.C. Water office building site for service, delivery, and loading access. Consistent with District policy, DC Water should demonstrate that both the F1 Building and the DC Water Office building accommodate trucks serving each building within the service

area (that is, all trucks should be enter the service area front-first, maneuver into the dock, and leave the service area front-first, even if other docks are in use).

Forest City also requests that DC Water provide additional information on the anticipated volume and type of traffic that will be traversing Forest City's planned private street network to access the loading dock, so that Forest City can evaluate the impact on the planned network and make appropriate adjustments as needed.

Parking: The CTR and prehearing submission each reference the provision of 20 on-site parking spaces and an additional 50 parking spaces to be provided "on adjacent DC Water property" but does not identify where such parking spaces will be located. Forest City requests that the Commission condition its approval to ensure that any off-site parking does not impede Forest City's approved redevelopment plan.

Grading: Forest City requests that the DC Water Office Building PUD plans be updated to include a note that all site grading will be coordinated with adjacent property, similar to what Forest City agreed to do on its approved plans at DC Water's request.

Building Distance: At the narrowest point, the DC Water Office building will be within 23 feet of the approved movie theater building for the F1 Parcel. Forest City requests that DC Water confirm that the distance between the two structures conform with all zoning and code-required distances so that, in the event that the DC Water Office building is constructed first, the location and design of the movie theater will not be adversely impacted.

5. *Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.*

See above.

6. *Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.*

Forest City's impact is unique because it is directly related to its adjacent approved development. No other entity is more impacted than Forest City, not only because of the proximity of the two properties but also because of the importance of coordinated development of the two parcels.