

November 16, 2015

VIA E-MAIL OR IZIS

Anthony Hood, Chairperson
D.C. Zoning Commission
Office of Zoning
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: Z.C. Case No. 15-14: DC Water HQ PUD
Forest City's Response to DC Water's Post-Hearing Submission

Dear Chairman Hood and Members of the Commission:

Forest City greatly appreciates the Commission's understanding of and attention to the complex interrelationship between Forest City's approved PUD and DC Water's proposed PUD. DC Water's proposed PUD has a number of potential adverse impacts that Forest City is continuing to evaluate as it analyzes the proposed PUD.¹ Since the public hearing, Forest City has been working to gather necessary information and evaluate these impacts as well as confirm with OP and DDOT that any required alterations to Forest City's PUD will be acceptable. Among other issues, DC Water's adjustments to 1 ½ Street impact Forest City's ability to meet stormwater and sustainability criteria for the private street parcel, impact the planned loading configuration for the G2 parcel, and affect the character of 1 ½ Street, which is a key private right-of-way not only through Forest City's PUD but also through The Yards itself. DC Water's PUD, as currently designed, also creates site coordination and grading issues between the DC Water HQ parcel and the F1 parcel.

Forest City continues to work with DC Water, OP, DDOT, and other stakeholders to find mutually acceptable solutions that address the conflicts between DC Water's proposed PUD and Forest City's approved PUD. Forest City appreciates the additional information and proposed conditions that DC Water has put forth in its post-hearing submission, which represent a substantial step forward towards a mutually acceptable solution. However, key concerns still require additional evaluation and discussion. Moreover, the post-hearing submission also raises

¹ Forest City regrets raising these issues for the first time in the weeks leading up to the public hearing, but the application and pre-hearing materials lacked sufficient information to enable Forest City, OP, and DDOT to fully understand and evaluate key issues such as the adjustment to the 1 ½ Street right-of-way, streetscape dimensions and design, grading, and other features.

potential new issues, such as DC Water's proposed condition that would impose the burden of the cost of DC Water's parking spaces on Forest City.²

Rather than attempt to respond specifically to DC Water's proposed post-hearing submission when the parties are still engaged in extensive discussions with each other, with OP and DDOT, and with the office of the Deputy Mayor for Planning and Economic Development, Forest City requests that the Commission postpone proposed action on DC Water's PUD until December 14, 2015. Forest City anticipates that the additional time should give Forest City and the parties sufficient time to collect the required information, evaluate impacts, and reach resolution of the outstanding issues. Forest City respectfully proposes that the Commission ask DC Water to file a supplemental posthearing submission reflecting any additional revisions on November 30, 2015, and for Forest City, OP, DDOT, and the ANC to file responses to this supplemental post-hearing submission on December 7, 2015.

Forest City also anticipates that it will need to formally modify its approved PUD in order to incorporate the changes and impacts triggered by DC Water's proposal. Forest City respectfully requests that the Commission delay taking final action on DC Water's PUD until the Commission has approved the modifications to Forest City's PUD that are driven by DC Water's PUD. Forest City anticipates that it will submit such changes as a minor modification in the next few weeks. Should the Commission agree that the modifications are minor, the Commission could take action on the Forest City modifications concurrently with final action on DC Water's proposed PUD. Alternatively, Forest City asks that the Commission include, as a condition of approval of the DC Water PUD, that the Forest City PUD approved by the Commission in Z.C. Order No. 13-05 shall remain in full force and effect and enforceable in accordance with its terms and shall not be deemed modified unless and until the Zoning Commission has approved a modification thereof.

Again, we thank the Commission for its time and attention to this matter.

Very truly yours,

_____/s/____

David Avitabile

DA/da

² Forest City objects to any condition that imposes an obligation on a party other than the Applicant in a condition of approval.

CERTIFICATE OF SERVICE

On November 16, 2015, I caused a copy of the foregoing letter and enclosure to be delivered by hand or by electronic mail to the following:

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_____/s/____

David Avitabile