

**Testimony of Ramsey D. Meiser, Senior Vice President of Development
Forest City Washington
Before the District of Columbia Zoning Commission**

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. We are here before you tonight to request the Commission's approval of map and text amendments to the Southeast Federal Center zoning overlay in order to facilitate the development of the site we now refer to as "The Yards". The site, which consists of 42 acres, is located between the Washington Navy Yard and the new Baseball Stadium.

As you know, Forest City was selected by the General Services Administration as the master developer for the site in 2004. Before I address the specific proposal pending before you, permit me to briefly update the Commission on the multitude of activities that have taken place since it adopted the SEFC zoning overlay district in July, 2004 and we were designated master developer.

Forest City and a large team of professionals have held literally hundreds of meetings with federal and District officials, elected representatives, community representatives and other stakeholders in order to refine, update and add important detail to the master plan and to implement the vision that was set forth by this Commission and incorporated in the Southeast Federal Center zoning overlay. Among many notable milestones have been the following:

- Preparation by Forest City of a revised and updated Master Plan for the Yards site and approval of such Plan by the General Services Administration, National Capital Planning Commission, Commission of Fine Arts, Advisory Council on Historic Preservation, State

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Historic Preservation Officer, Office of the Deputy Mayor, Office of Planning and other federal and local governmental agencies. Among a myriad of other circumstances to which Forest City has needed to respond, the Master Plan was revised to respond to the location of, and the area-wide plan for, the new Baseball Stadium. This important addition to the SE Waterfront area was not planned at the time this Commission created the SEFC overlay district.

- Preparation of detailed construction plans and drawings for a network of new site improvements including streets, curbs, gutters, public and private utilities, sidewalks and street furniture and other infrastructure, flood prevention and environmental measures. These plans have been approved by Federal and District agencies and construction on the earliest phases of this work is underway.

- Preparation and submission of an application for the expansion of the Navy Yard Historic District to include the many historic resources located within the Yards. The application was recently approved and the site was listed on the National Register of Historic Places last week. We anticipate that the HPRB will consider the inclusion of this expanded Historic District on the D.C. Inventory within the next sixty days.

- Preparation of detailed plans for the construction of two new mixed-use buildings and several renovated historic buildings within The Yards' site. Our architect, Mark Gilliland of Shalom Baranes Associates, will briefly summarize our plans for these buildings but allow me to say that Forest City hopes to have as many as four buildings ready for occupancy in 2009 and 2010.

- Preparation of a detailed plan of street closings and street dedications and openings. This application is currently undergoing review by D.C. and federal agencies and

public and private utilities and has already received the approval of most of such agencies. We expect to go before the D.C. Council this year in order to obtain legislative approval for our street plan.

- Execution with the District of Columbia of two separate PILOT (Payment in Lieu of Taxes) Programs in consideration of financial assistance by the city for park and other site improvements.

I would like to note for the record that the Office of Planning has provided invaluable assistance, a whole host of creative ideas and other input with respect to our development of this important site from the beginning of our selection as master developer and has given new meaning to the term “public-private partnership.” Forest City would like to publicly commend and thank OP for its tireless work on The Yards’ development project.

Permit me to now direct your attention to the proposed map and text amendments currently pending before the Commission. As previously stated, the SEFC overlay district was created by the Zoning Commission in 2004. At the same time, the Commission mapped the previously un-zoned area with a variety of zoning districts. At the time the Overlay was adopted, it was noted that minor amendments to the regulations would be likely, as more detailed plans for the development of the site were prepared and as the master developer further evaluated the site. We are here to present the results of our work and of a collaborative process with the Office of Planning, other agencies and stakeholders.

Let me say at the outset that we are not proposing that any of the sites be rezoned to more dense (i.e., less restrictive) zoning districts nor are we requesting any increases in FAR or building heights through the zoning overlay. We believe in the correctness, soundness and

strength of the original vision incorporated by the Commission in the SEFC overlay and its associated mapping of individual sites. Thus, many of our proposed amendments are essentially clarifications or corrections of inconsistencies found in the original language. In some cases, however, our requests are the result of our more detailed analysis of specific site or building constraints (including limitations that arise out of the difficulty of reusing and rehabilitating historic buildings built for industrial or military use) or responses to changing circumstances, such as the Ballpark development.

In particular, I would like to direct your attention to the preferred use requirements of Sections 1803.3 and 1804.3. Under the current Overlay regulations, preferred uses are required, among other locations, from M Street south along New Jersey Avenue and 4th Streets, S.E. However, since the adoption of the SEFC overlay, the site for the Baseball Stadium was selected just to the west of the Yards site and a planning effort was undertaken to adopt a plan for the Ballpark area. As a result, Forest City proposes to re-orient the preferred uses along east/west corridors towards the Baseball Stadium (including N and Tingey Streets, S.E.) in order to provide a better connection between the two burgeoning neighborhoods.

Several of the proposed amendments seek to address the conflict between the public open space requirements of the CR district, the residential lot occupancy requirements of both the CR and Residential zone districts, and the preferred use requirements of the SEFC Overlay District. Our architect, Mr. Gilliland, will address the specifics of our proposal.

Like many of the text amendments, the map amendments are also minor in nature. They include an adjustment of the property line between the Navy Yard and the Site and respond to

recommendations of federal historic preservation agencies and the State Historic Preservation Officer to establish historic vistas within the site along certain rights-of-way.

I am pleased to report that the text and map amendments were developed in close collaboration with the Office of Planning and that Forest City and OP have agreed with respect to essentially all of the text and map amendments pending before the Commission, including several refinements and minor revisions outlined in the December 30, 2007 OP report. I would like, however, to briefly discuss and clarify for the record the only issues that were not resolved at the time of “set down” of this proceeding -- namely the preferred use requirements that apply to an existing historic building known as Building 160 located on Parcel M – and an issue that pertains to preferred uses on Tingey Street east of 4th Street.

Building 160, Parcel M. Page 8 of the OP report recommends that Building 160 be required to provide 3,000 square feet of preferred uses along Tingey Street and 6,000 square feet of such uses along Water Street, for a total of 9,000 square feet, both to a depth of 45 feet. We are in full agreement with OP with respect to the minimum amount of required preferred uses on each frontage and in total, but request that the minimum depth provision be deleted. While it is true that much of the preferred uses in this historic Building 160 will reach a depth of 45 feet, we cannot commit to such a rigid standard because of the location of the residential lobby and a stair tower and elevators along Tingey Street and an exit corridor along Water Street. *[Refer to powerpoint slide of ground floor.]* We have discussed these concerns with OP and are hopeful it is supportive of our position.

Preferred Uses on Tingey Street “West of 4th Street”; Parcel O. Finally, with respect to the required street frontages for preferred uses that face Tingey Street, we had previously

discussed with OP our position that such required ground floor uses would be required on buildings fronting Tingey Street but only such buildings that are located west of 4th Street. Thus, the application submitted by Forest City in this proceeding includes the “west of 4th Street” language. [See item 8 on page 2 of Exhibit “A” to the text amendment application regarding Section 1804.3(a) of the SEFC Overlay.] By contrast, however, the December 30th OP report, on page 8, omitted the “west of 4th Street” language. As you will see in the powerpoint slide that depicts the intersection of 4th and Tingey [refer to powerpoint slide], Forest City plans to provide ground floor retail at all four corners of this important intersection. However, as you can also see, we cannot extend such retail uses east from 4th Street along Tingey because of a flood wall. In addition, the Tingey Street corridor east of 4th Street changes from an active, vibrant, pedestrian-oriented mixed-use neighborhood to a quieter residential neighborhood. Finally, Tingey east of Parcel O is bounded on the south by the Navy Yard and, as a result, it is not possible to provide retail on both sides of the street. For the foregoing reasons, we request that the Commission include the “west of 4th Street” provision in the final text.

In summary, we respectfully request that the Zoning Commission approve the proposed text and map amendments discussed this evening as modified by the OP report with the minor revisions that I have discussed in my testimony. The proposed map and text amendments are essential to the successful development of The Yards and will assist in the implementation of the Commission’s vision as set forth in the SEFC Overlay district. The proposed amendments do not alter the nature and intent of the current SEFC Overlay regulations. Moreover, the proposed amendments will facilitate the development of a new and exciting waterfront neighborhood.

Thank you for the opportunity to testify and I would be pleased to answer any questions.