

**STATEMENT IN SUPPORT OF PROPOSED ZONING MAP AND TEXT AMENDMENTS PERTAINING TO SOUTHEAST FEDERAL CENTER**

**April 4, 2007**

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**I. BACKGROUND AND INTRODUCTION**

This Statement is in support of the request that the Zoning Commission amend the Zoning Map applicable to the Southeast Federal Center ("Property" or "Site") and amend the text of the Zoning Regulations with respect to Southeast Federal Center Overlay District. The applications are being filed and prosecuted by Forest City SEFC, LLC ("Forest City"), the developer of the 42-acre Site, on behalf of the United States of America, the owner of the Property. The Site is under the administration of the General Services Administration ("GSA").

The SEFC Site is located along the Anacostia River, east of the Baseball Stadium site, west of the Navy Yard and south of Capper/Carrollsborg. Specifically, the Site is bounded on the north by M Street, S.E. and the newly constructed U.S. Department of Transportation Headquarters building, on the east by Isaac Hull Avenue, S.E. and the Navy Yard, on the south by the river, and on the west by 1st Street, S.E. and the Water and Sewer Authority Pumping Station. (See "Area Map", attached hereto as Exhibit "A").

Historically, the SEFC Site was a part of the Washington Navy Yard and was known as the Navy Yard "Annex". The original Navy Yard was set aside by George Washington for use by the Federal Government. The original boundaries of the Navy Yard were established in the year 1800, and are still marked by a white brick wall that was built in 1809.

The Federal Government acquired the land which makes up the SEFC Site during the early part of the twentieth century, at which time the size of the Navy Yard tripled due to needs attributable to the Spanish-American War and the two world wars. By the time of the Second World War, the Navy Yard had become a center for weapons production and naval vessel repair and production.

In 1962, the naval and weapons production on the Site was suspended and the Navy Yard was divided into two parts. The eastern half continued to be occupied by the U.S. Navy for administrative purposes. The western half, which is now the SEFC Site, was transferred to GSA. Since the 1960s, the buildings within the SEFC Site have been used by various federal government agencies and departments.

Pursuant to the enactment of the Southeast Federal Center Public-Private Development Act of 2000 (Public Law 106-407), GSA was given the authority to work with the private sector to develop the SEFC Site.

The creation of the SEFC Overlay District was a result of the GSA petition requesting that the Zoning Commission establish zoning for the Site, a formerly un-zoned federally-owned property, for purposes of encouraging non-governmental uses such as residential and retail. The SEFC Overlay District was adopted by the Zoning Commission on January 12, 2004 and

ZONING COMMISSION  
District of Columbia

CASE NO. 07-11  
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District of Columbia  
EXHIBIT NO. 5  
CASE NO. 07-11  
EXHIBIT NO. 5

amended on March 8, 2004. The Order for the case, Zoning Commission Order No. 03-06, was published on July 9, 2004. The result was the SEFC Overlay District which allows for the development of a mixed-use, waterfront neighborhood to include office space, residential and commercial uses together with a large waterfront park and open space. (See "Approved Zoning District Boundaries", attached hereto as "Exhibit "B"").

Forest City was selected by GSA in the Fall, 2004 to negotiate an agreement to become the master developer of the Southeast Federal Center and create the mixed-use neighborhood along the Anacostia River waterfront.

The redevelopment of the SEFC Site is the largest project of its kind in the District of Columbia. Known as "The Yards", the development will include approximately 5.5 million square feet of new development and re-development, including residential units, office space, retail and dining space, a public park, riverfront esplanade and trail. The trail will connect with the Navy Yard's riverfront walk to the east and the Ballpark District development to the west. The project will involve adaptive reuse of several historic former industrial buildings located on the Site, as well as new construction.

**II. EXPLANATION AND RATIONALE FOR PROPOSED MAP AMENDMENTS**

As the master developer of the SEFC, Forest City has assembled a team of design, engineering and other professionals, worked closely with Federal and District government representatives and performed a thorough analysis of the environmental, historic, subsurface and other conditions of the Site in order to determine the most appropriate plan for development for the new neighborhood. The map amendments, although relatively minor in nature, nevertheless reflect Forest City's vision for the SEFC Site. They also reflect an adjustment of the property line between the Navy Yard and the Site and respond to recommendations of the Historic Preservation Office to establish historic vistas within the Site along certain rights-of-way. A diagram of the proposed zoning district boundaries for the SEFC Site is attached hereto as Exhibit "C" (the "Proposed Zoning District Boundaries").

Also attached hereto as Exhibit "D" is a diagram entitled "Zoning District Boundary Comparison". This diagram illustrates the minor shifts in boundaries and notes the square foot adjustments in the overall area of each zone district.

The following is an explanation and rationale for each of the proposed map amendments. The list below corresponds to Exhibit "A" to the Proposed Zoning Map Amendments document.

<b>PROPOSED MAP AMENDMENTS</b>		
	<b>AREA</b>	<b>RATIONALE</b>
1.	Eastern Boundary SEFC/CR	The eastern boundary of the SEFC/CR zone district is adjusted to accommodate a request by the U.S. Navy to shift the property line between the Navy Yard and the SEFC Site.

	<b>AREA</b>	<b>RATIONALE</b>
2.	Southern Boundary SEFC/R-5-E	The adjustment of the southern boundary line of the SEFC/R-5-E zone district is caused by the realignment of proposed Water Street. The realignment of proposed Water Street is a result of a desire of Forest City to position certain rights-of-way so that views of historic structures on the SEFC Site will be accentuated as recommended by the SHPO (See " <u>Proposed Water Street Views</u> " and " <u>Proposed Water Street Layout</u> ", attached hereto as <u>Exhibit "E"</u> ).
3.	Boundary Lines of SEFC/R-5-D	Like the SEFC/R-5-E zone, the SEFC/R-5-D zone's northern boundary is adjusted to correspond with the realignment of proposed Water Street. Proposed River Street, along the southern boundary of the SEFC/R-5-D zone, is also repositioned at a slight angle which relates to the edge of the Anacostia River. The SEFC/R-5-D zone's southern boundary is also adjusted to correspond with the realigned street.
4.	Northern Boundary of SEFC/W-0 and Eastern Boundary of the Development Area	The northern boundary of the SEFC/W-0 zone relates to the realignment of proposed Water and River Streets as discussed above in items 2 and 3. Additionally, the property line between the Navy Yard and the SEFC Site has been adjusted and a slight adjustment is made in the eastern boundary of the Development Area to reflect a minor adjustment in the right-of-way of 4th Street.

### III. EXPLANATION AND RATIONALE FOR PROPOSED TEXT AMENDMENTS

These proposed text amendments address site development issues, clarify requirements of the SEFC Overlay District and correct technical errors. The proposed text amendments are a result of the detailed analysis of the Site described above and numerous meetings and discussions with the Office of Planning.

**PROPOSED TEXT AMENDMENTS**

	<b>SECTION</b>	<b>RATIONALE</b>
1.	1803.2(a) & (d)	<p align="center">"Art gallery" and "cabaret" are deleted from the list of uses within the SEFC/CR zone requiring Zoning Commission review because each are included as "preferred uses" within the SEFC under Section 1807.2. This is essentially a technical correction.</p>
2.	1803.3	<p align="center">According to the regulations of the SEFC Overlay, "preferred uses" must be provided on the ground floor of certain buildings and structures within the SEFC/CR zone.</p> <p>A reading of the record of the SEFC Overlay District case indicates that the intent of this provision was to require preferred uses along two specified streets (i.e., M Street, S.E. and New Jersey Avenue, S.E.). However, the text of Section 1803.3(a) imposes a requirement that is much more far-reaching. Thus, this section requires, perhaps inadvertently, preferred uses on many other streets. Specifically, it requires that "preferred uses" must be located on seventy-five percent of each of a building's façades, not just the M Street, S.E. and/or New Jersey Avenue, S.E. façades.</p> <p>Section 1803.3 is revised to remove the "preferred uses" requirement from buildings with frontage on New Jersey Avenue, S.E. and to apply the requirement to those buildings with frontage on N Street, S.E. within the SEFC/CR zone. With the development of the Ball Park, which occurred subsequent to adoption of the SEFC Overlay, the areas targeted for retail have been revised to better complement the neighboring development.</p> <p>Section 1803.3 is further revised to apply the "preferred use" requirements to specified elevations of buildings fronting M Street, S.E. and N Street, S.E., and specified depths of portions of ground floors of such buildings. It is also amended to eliminate the application of the requirement to any addition to a building if such addition does not itself front M Street, S.E. or N Street, S.E.</p> <p>Section 1803.3 is also revised to reduce the minimum floor-to-ceiling height from fifteen feet (15 ft.) to fourteen feet (14 ft.), as required in the adjacent Capitol Gateway Overlay District.</p>

	<b>SECTION</b>	<b>RATIONALE</b>
3.	1803.4	Section 1803.4 is revised to clarify the requirements associated with combined lot development within the SEFC/CR zone.
4.	1803.13	Section 1803.13 is revised to permit buildings which include preferred uses pursuant to the requirements of §1803.3(a) to occupy one hundred percent (100%) of their lot. Permitting 100% lot occupancy for such building will better accommodate pedestrian-friendly ground floor retail which can be brought to the sidewalk and reflects more appropriate urban design for the development of the SEFC Site.
5.	1803.14	The dimensions of the parcel of land on which Building 167 is located is an existing condition that is reflective of the construction of the DOT building and the location of Tingey Street, S.E. and 4th Street, S.E. The proposed amendment to this section will allow this existing lot to be subdivided without regard for yard or court requirements.
6.	1803.15	Proposed Section 1803.15 eliminates the public space requirements as required within the CR zone under Section 633 of the Zoning Regulations for buildings which include preferred uses pursuant to the requirements of §1803.3(a). Such requirement is inconsistent with the one hundred percent (100%) lot occupancy permitted within the SEFC/CR zone and runs contrary to the development of pedestrian-friendly ground-floor retail.
7.	1804.2(f)	A diminutive portion of Building 160 may be interpreted to face or abut the Open Space Area of the SEFC/W-0 district. Proposed revisions to Section 1804.2(f) are intended to clarify that existing Building 160 and the parcel to the east of Building 160 do not abut Open Space for the purpose of Section 1804.2 Zoning Commission review. (See " <u>Development Facing the W-0 Zone District</u> ", attached hereto as <u>Exhibit "F"</u> ).
8.	1804.3	According to the terms of the SEFC Overlay, "preferred uses" must be provided on the ground floor of certain buildings and structures within the SEFC/R-5-D and R-5-E zones. However, as provided in the SEFC/C-R zone, such preferred uses are required on street frontages not intended to be regulated by this provision. Thus, this section requires retail and other preferred uses on streets not identified by the Office of Planning or GSA for this purpose.

	<b>SECTION</b>	<b>RATIONALE</b>
	1804.3 continued	<p>Section 1804.3 is revised to remove the "preferred uses" requirement of buildings with frontage on 4th Street, S.E. and to apply the requirement to those buildings with frontage on Tingey Street, S.E. within the SEFC/CR zone, to clarify those portions of Tingey Street, S.E. and the SEFC/W-0 District along which "preferred uses" are required and to eliminate the application of the requirement to Building 160 or any addition to a building if such addition does not itself front Tingey Street, S.E. or the SEFC/W-0 District.</p> <p>Section 1804.3 is also revised to clarify the elevations and ground floor depths of buildings fronting the SEFC/W-0 zone that are subject to the preferred uses requirements of the section. With the construction of the Ball Park, the areas targeted for retail have been revised to better complement the neighboring development.</p> <p>Section 1804.3 is further revised to reduce the minimum floor-to-ceiling height from fifteen feet (15 ft.) to fourteen feet (14 ft.), as required in the nearby Capitol Gateway Overlay District.</p>
9.	1804.6	<p>Section 1804.6 is revised to permit both residential buildings and buildings occupied by both residential and non-residential uses and buildings within the SEFC/R-5-D/R-5-E zone which include preferred uses pursuant to the requirements of §1804.3(a), one hundred percent (100%) lot occupancy to bring the SEFC/R-5-D/R-5-E zone in harmony with the SEFC/CR zone. Permitting 100% lot occupancy for all building types will better accommodate pedestrian-friendly ground floor retail which can be brought to the sidewalk.</p>
10.	1805.3	<p>Section 1805.3 is revised to correct an error in the identification of the existing building located within the SEFC/W-0 zone.</p>
11.	1805.9	<p>Section 1805.9 is revised to correct an error in the identification of an existing building located within the SEFC/W-0 zone.</p>
12.	1805.10	<p>Section 1805.10 is further revised to reduce the minimum floor-to-ceiling height from fifteen feet (15 ft.) to fourteen feet (14 ft.), as required in the adjacent Capitol Gateway Overlay District.</p>
13.	1805.12	<p>The Development Area located on the eastern edge of the SEFC/W-0 zone, adjacent to the Navy Yard, will not have direct street frontage since River Street will not be a dedicated public street. As such, it will need to share a lot with another structure.</p>

### **III. PUBLIC BENEFITS OF THE PROPOSED MAP AND TEXT AMENDMENTS**

If approved the amendments will assist Forest City in more appropriately developing the Site. Because the proposed amendments do not alter the nature and intent of the current regulations, the public benefits achieved with the adoption of the current SEFC Overlay regulations are maintained. The proposed amendments will further the health, safety, and general welfare of the District of Columbia and will help facilitate the development of the mixed-use urban waterfront neighborhood.

#### **1. Consistency with GSA/OP Visions**

The proposed amendments to the SEFC Overlay District are consistent with the GSA's and OP's original visions for the SEFC Site. Essentially, the goal of the proposed amendments are to (a) provide clarity and guidance in the interpretation of existing regulations and (b) support efficient and effective development of the Property.

**2. Consistency with the Comprehensive Plan.** The Home Rule Act provides that zoning shall not be inconsistent with the *Comprehensive Plan for the National Capital* (the "Plan"). The requested map and text amendments are fully consistent with, and advance relevant policies of, the Plan, the same as set forth in the Zoning Commission Order No. 03-06.

As amended, the zoning of the SEFC Overlay District supports the Land Use Element of the Comprehensive Plan by enhancing neighborhoods (§ 1100.2(a)), increasing the significance of the District's waterfronts and shorelines (§ 1100:6), promoting the vitality of the District's commercial areas (§ 1105.1), and providing an opportunity for joint public and private development of publicly-owned land (§ 1115.1). The regulation of the Overlay, as revised, also supports the Transportation and Housing Elements of the Comprehensive Plan by promoting high density mixed-use zones of both residential and non-residential uses near a Metro Station which also simplifies and economizes on transportation services (§§ 302.2(d), 502.2(a)). As well, as revised, the zoning of the SEFC Site will be sensitive to developing the relationships between waterfront areas and District residents (§ 700.2) and integrating urban living with recreational uses of the waterfront (§ 706).

Additionally, the requested map and text amendments meet several objectives of the Ward 6 Plan by providing housing opportunities, stimulating private investment and encouraging economic activity which will add new jobs to the area (§§ 1700, 1705, 1706).

The proposed amendments to the SEFC Overlay District are also consistent with the following Land Use elements of the draft 2006 Comprehensive Plan: encouraging urban mixed use neighborhoods (§304.10), preserving central employment area historic resources (§304.11), and emergence of a new city neighborhood (§309). Furthermore, these requested amendments are consistent with the following policies of the Lower Anacostia Waterfront/Near Southwest Area Elements: creation of new waterfront neighborhoods (§1508.3), development of commercial developments in the waterfront area (§1508.5), restoration of the urban street grid in the near south (§1513.7), improvement of shoreline access and movement through and to the Near Southeast by eliminating real and perceived barriers (§1513.8) and increase of residential land uses in Near Southeast (§1513.9).

Overall, the requested amendments to the SEFC Overlay District zoning regulations will not give rise to an overcrowding of the Site or cause an excessive concentration of people. Nor will the amendments produce traffic congestion. As originally proposed and approved by the Zoning Commission, the regulations of the SEFC Overlay District will also continue to support a development of the property in a manner which will attract an appropriate amount of mixed-use development along the waterfront.

**3. Consistency with Anacostia Waterfront Initiative and the Near Southeast Urban Design Framework Plan.**

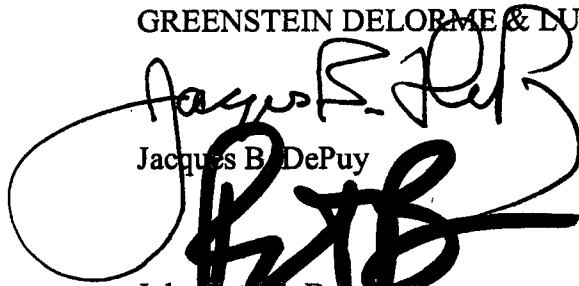
Both the Anacostia Waterfront Initiative ("AWI") and the Near Southeast Urban Design Framework ("Near Southeast") Plans seek to create and promote a new neighborhood in the SEFC with a vibrant and attractive waterfront for residents, workers and visitors. The proposed amendments will support the AWI Plan theme to build a strong waterfront neighborhood by way of sustainable economic development and to reconnect the city to the river through the new neighborhood.

Furthermore, the SEFC zoning regulations, as revised, will support the Near Southeast Plan's goals to establish a mix of uses along the waterfront, to create a significant public open space along the Anacostia River waterfront and to transform M Street into a vibrant mixed-use corridor.

**VI. CONCLUSION**

For the reasons set forth in this statement, the Applicant respectfully requests that the Zoning Commission adopt the proposed map and text amendments.

GREENSTEIN DELORME & DUCHS, P.C.



Jacques B. DePuy

John Patrick Brown, Jr.



Stephanie A. Baldwin



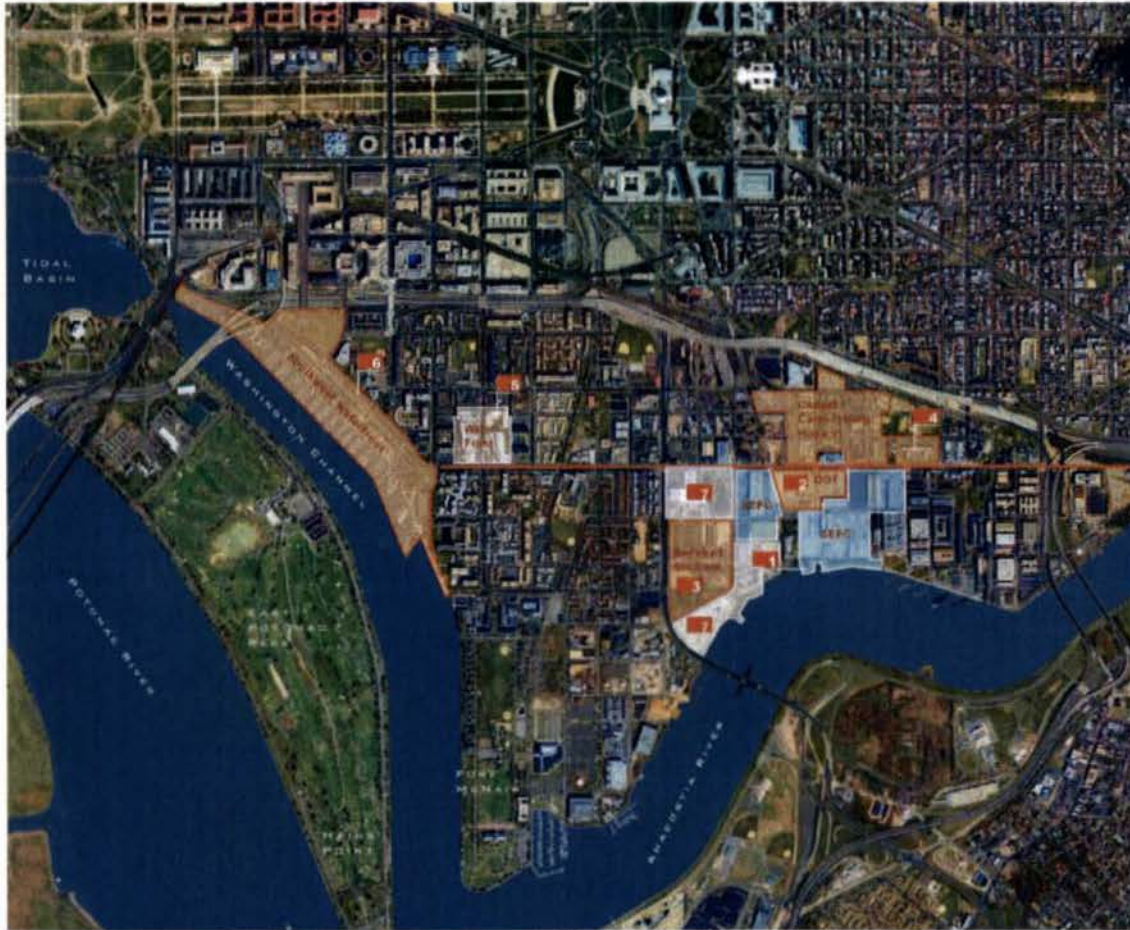
Exhibit "A"  
AREA MAP

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# AREA MAP



- 1 **SOUTHEAST FEDERAL CENTER**
- 2 Department of Transportation
- 3 Baseball Stadium
- 4 Capper / Carrollsburg Hope VI
- 5 Waterfront
- 6 Southwest Waterfront
- 7 Ballpark District

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MAP AND TEXT AMENDMENT | 1

Exhibit "B"

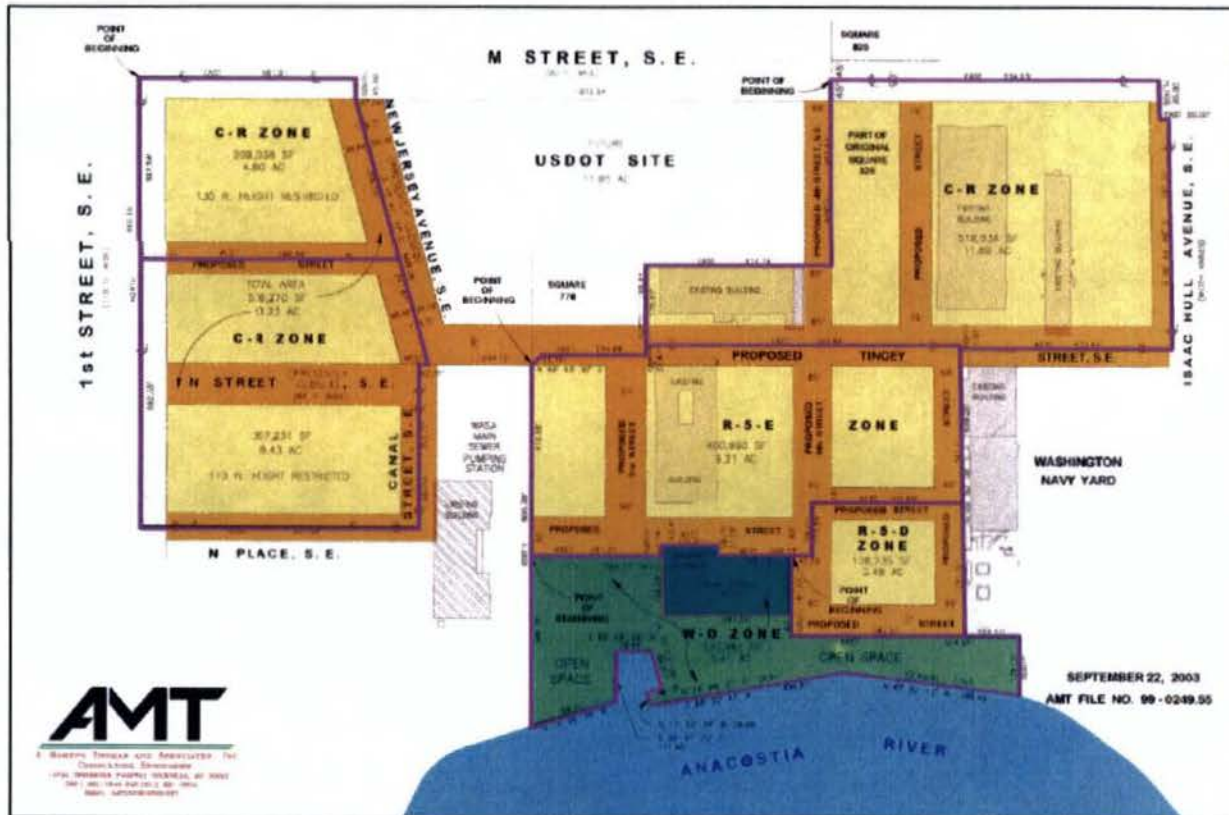
APPROVED ZONING DISTRICT BOUNDARIES

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APPROVED ZONING DISTRICT BOUNDARIES



- LEGEND:
- ZONING LINE
  - STREET LINE
  - OPEN SPACE
  - PARKED
  - PROPOSED STREETS
  - DEVELOPMENT AREA
  - EXISTING BUILDINGS

0' 60' 120' 240'



**AMT**

A. BARNETT THOMAS AND ASSOCIATES, INC.  
 CIVIL ENGINEERS, ARCHITECTS  
 1000 WASHINGTON AVENUE, SUITE 200  
 WASHINGTON, D.C. 20004  
 TEL: (202) 462-1100  
 FAX: (202) 462-1101

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Exhibit "C"

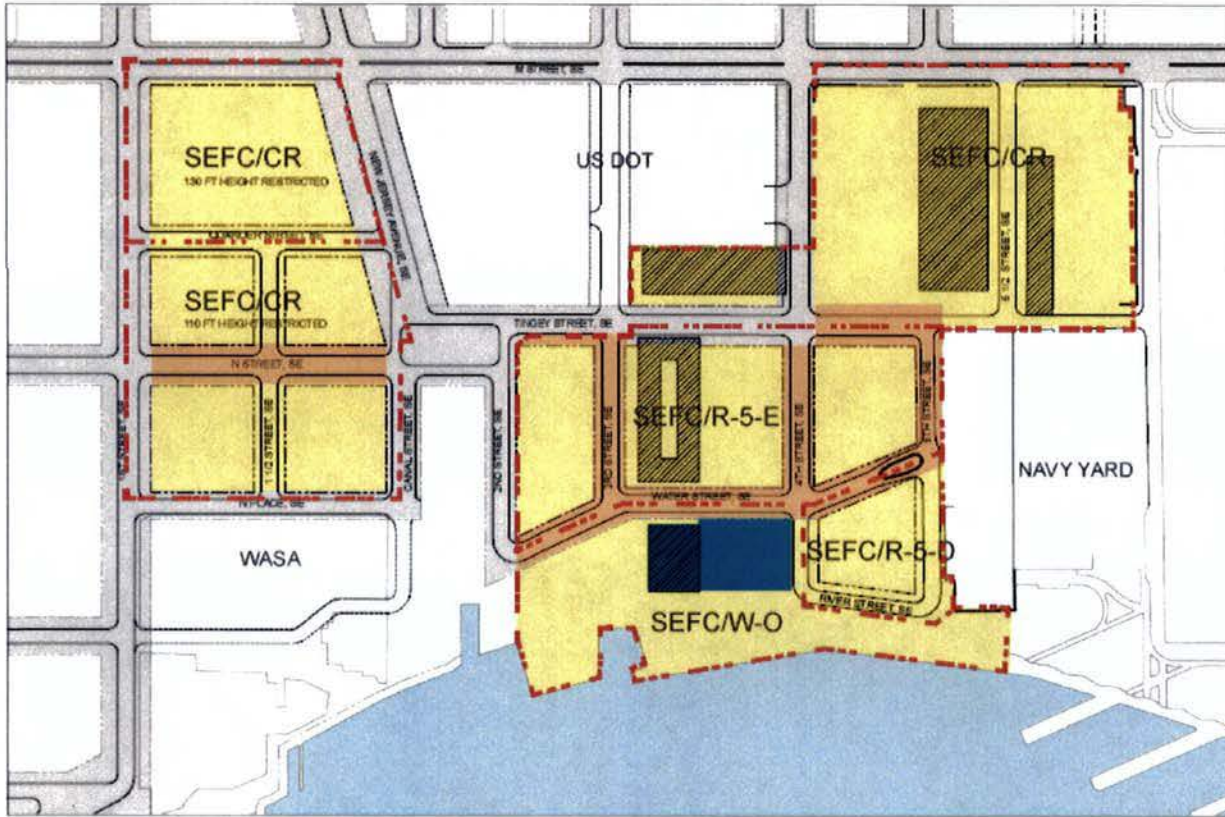
PROPOSED ZONING DISTRICT BOUNDARIES

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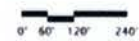
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# PROPOSED ZONING DISTRICT BOUNDARIES



### LEGEND:

- ZONING LINE
- PROPOSED STREET R.O.W WITHIN S.E.F.C. SITE
- EXISTING STREET R.O.W SURROUNDING THE S.E.F.C. SITE
- PARCELS
- W-O ZONE DEVELOPMENT AREA
- EXISTING HISTORIC BUILDINGS



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Exhibit "D"

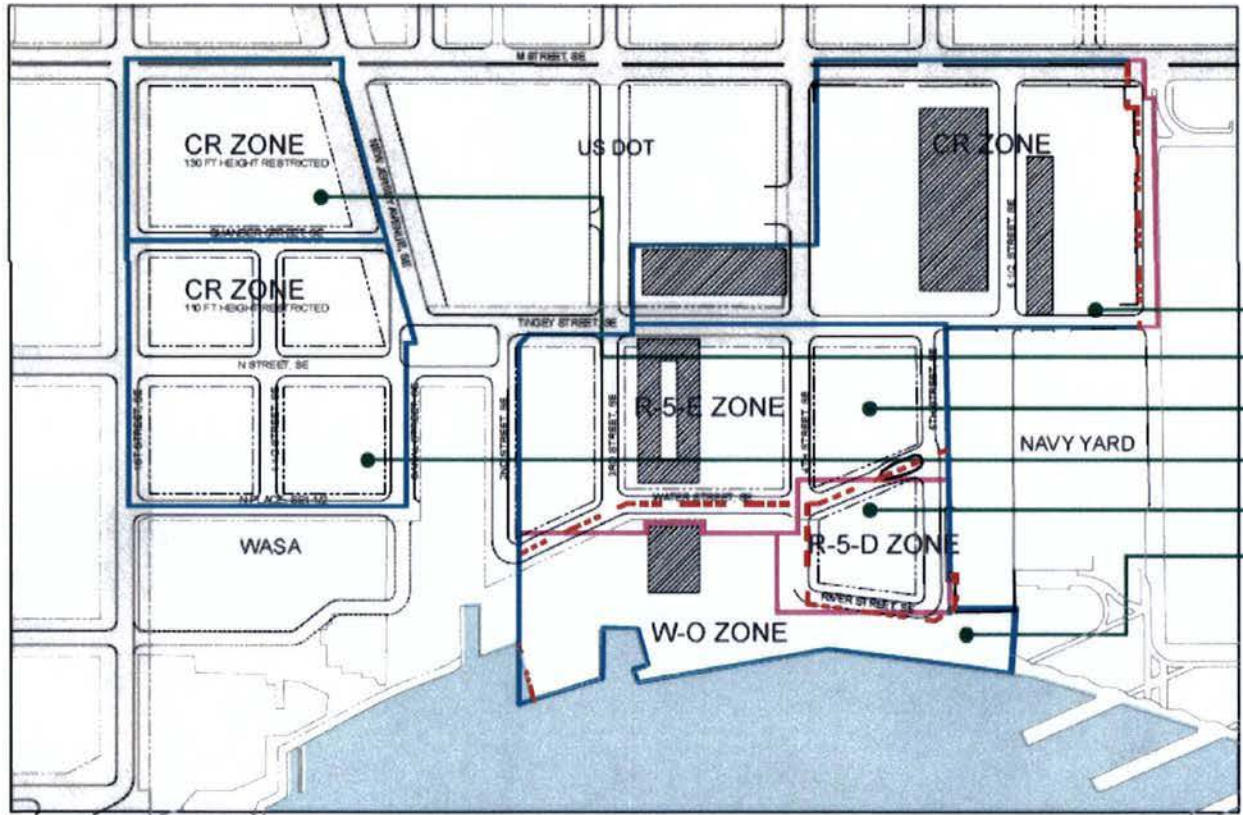
ZONING DISTRICT BOUNDARY COMPARISON

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# ZONING DISTRICT BOUNDARY COMPARISON



	APPROVED SEFC OVERLAY	PROPOSED FCW PLAN
CR ZONE	518,034	496,084
CR ZONE	209,038	209,038
R-5-E ZONE	400,990	373,170
CR ZONE	367,231	367,231
R-5-D ZONE	108,253	102,466
W-O ZONE	235,492	271,075

- COMMON ZONING DISTRICT BOUNDARY OF APPROVED SEFC OVERLAY AND THE PROPOSED FCW PLAN
- ZONING DISTRICT BOUNDARY OF APPROVED SEFC OVERLAY
- - - ZONING DISTRICT BOUNDARY OF THE PROPOSED FCW PLAN



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MAP AND TEXT AMENDMENT 4

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Exhibit "E"

PROPOSED WATER STREET VIEWS & LAYOUT

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PROPOSED WATER STREET VIEWS  
WITH RESPECT TO HISTORIC STRUCTURES



VIEW 1



VIEW 2



VIEW 3



VIEW 4

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PHOTOGRAPH



THE YARDS AT SOUTHEAST FEDERAL CENTER

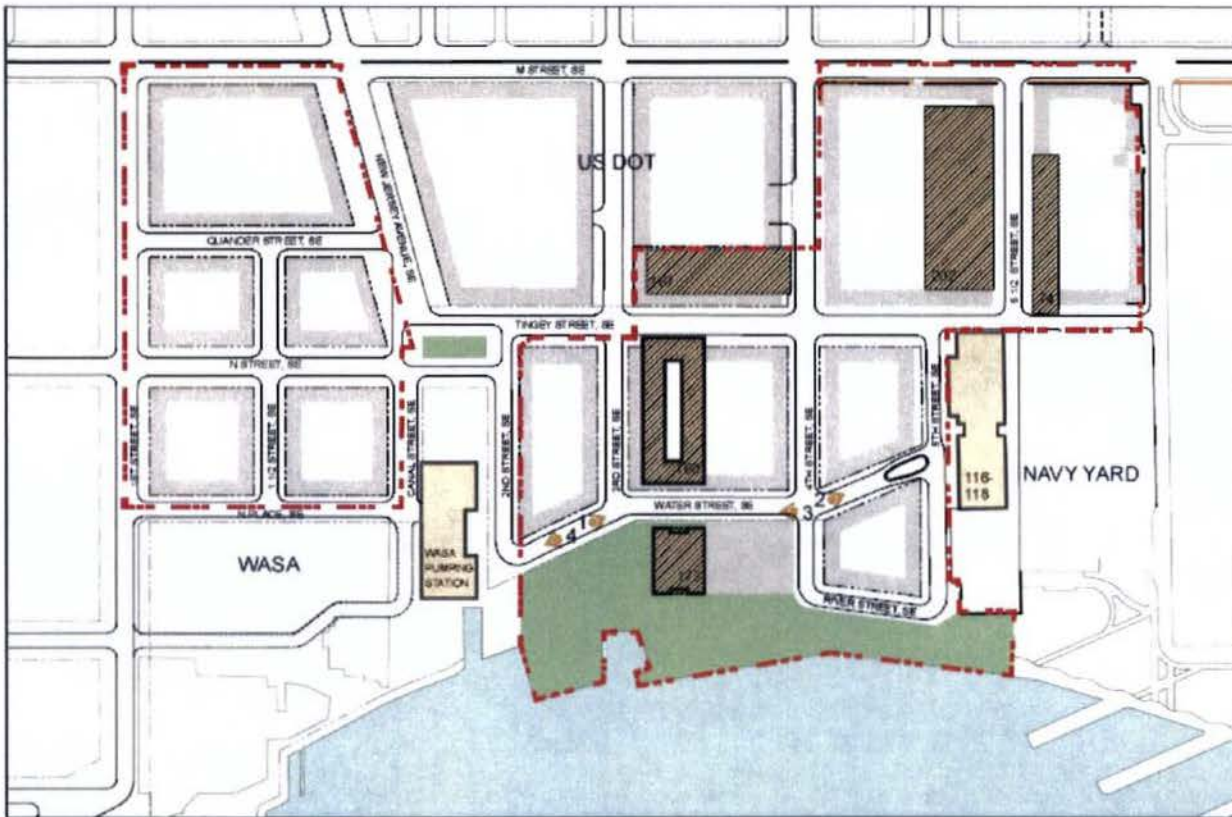
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MAP AND TEXT AMENDMENT 8

PROPOSED WATER STREET LAYOUT  
WITH RESPECT TO HISTORIC STRUCTURES



NOTE:  
FOR VIEWS TO HISTORIC BUILDINGS,  
REFER TO PROPOSED WATER STREET  
VIEWS SHEET

- LEGEND:
-  VISTA TO HISTORIC BUILDINGS
  -  PRIMARY OPEN SPACE



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Exhibit "F"

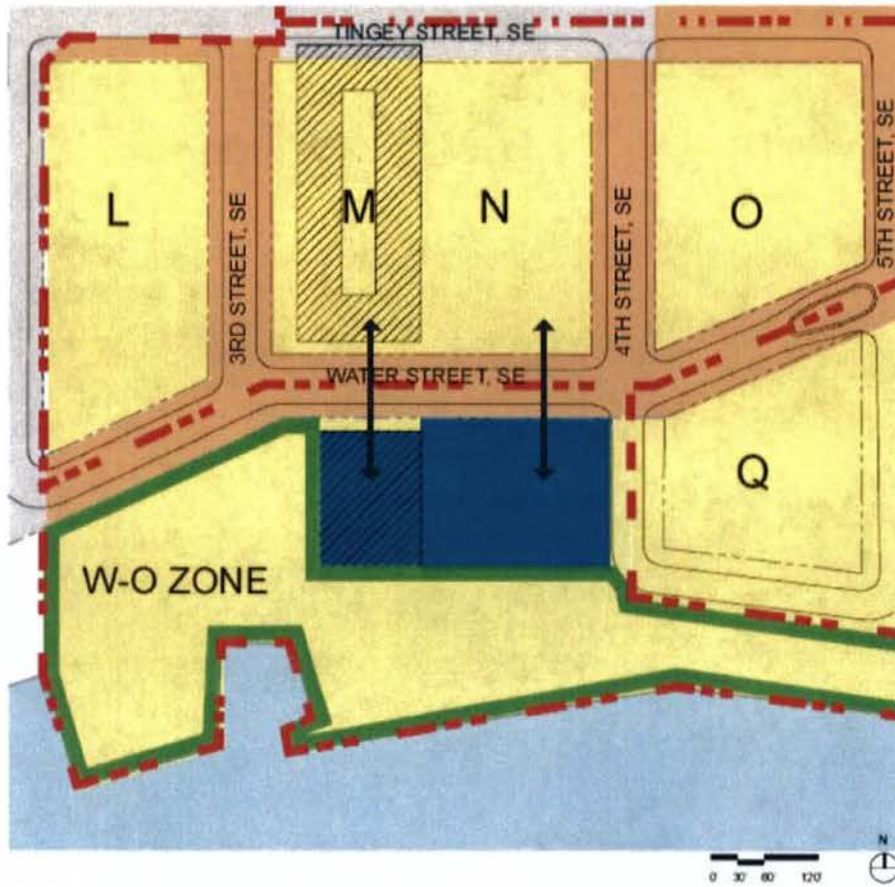
DEVELOPMENT FACING THE W-0 DISTRICT

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PARCELS M, N, AND O

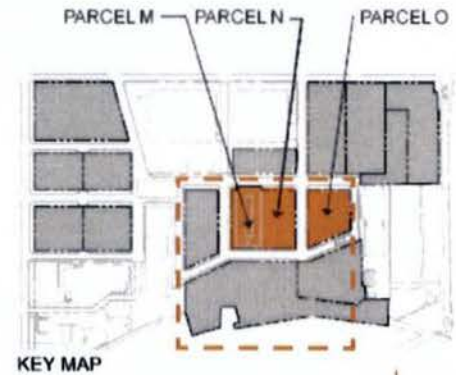


ISSUE

PARCELS M, N, AND O DO NOT ABUT THE OPEN SPACE AREA OF THE SEFCM/O ZONE, AND ARE THEREFORE NOT SUBJECT TO THE REQUIREMENTS OF SS 1804.2(F).

LEGEND:

- ZONING LINE
- PROPOSED STREET R.O.W. WITHIN SEFC SITE
- EXISTING STREET R.O.W. SURROUNDING THE SEFC SITE
- PARCELS
- W-O ZONE OPEN SPACE AREA
- W-O ZONE DEVELOPMENT AREA
- EXISTING HISTORIC BUILDINGS



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