

June 28, 2013

VIA ELECTRONIC FILING

Sharon Schellin, Secretary
D.C. Zoning Commission
Office of Zoning
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: **Z.C. Case No. 13-05**
Forest City Washington (“Applicant”) D.C. Water Sites PUD

Dear Ms. Schellin:

Pursuant to 11 DCMR Section 3013.8, the Applicant files its pre-hearing statement for the above-referenced case.

Background

The property that is the subject of this application is located across 1st Street SE from Nationals Park and is currently occupied and used by D.C. Water. The Property consists of approximately 235,130 square feet of land area and is located in the CG/W-2 Zone District.

On February 27, 2013, the Applicant filed an application for first-stage approval of a Planned Unit Development (“PUD”) and related Amendment to the Zoning Map for the above-referenced Property as well as for second-stage PUD approval for the first phase of the proposed PUD on a portion of the Property. The proposed first-stage PUD and map amendment to the CG/CR and CG/W-1 Zone Districts will facilitate the redevelopment of the Property into four parcels with a new movie theater, two residential buildings with approximately 600 dwelling units and ground-floor retail, arts and entertainment uses, and an expanded Diamond Teague Park. The second-stage PUD will permit the construction of a 16-screen movie theater on the northeastern parcel.

Since the filing of the initial pre-hearing statement, the Applicant has continued to refine the design of the Project in response to comments from the Zoning Commission (“Commission”) and Office of Planning (“OP”).

Setdown Meeting and Responses to the Zoning Commission

The Zoning Commission set the above-referenced application down for a public hearing at its public meeting on April 29, 2013. At the setdown meeting, the Commission requested the Applicant:

- 1) Traffic Study: Provide a detailed traffic study;
- 2) Parking: Address concerns about the amount of parking in the PUD, the need for and screening of above-grade parking, and the type of zoning relief required to accommodate the allocation of parking throughout the PUD;
- 3) Loading: Provide additional detail on truck maneuvering within the PUD;
- 4) Project Design:
 - a. Further consider the articulation of the F1 Parcel’s facades and lobby entrance as well as provide additional detail on the proposed materials;
 - b. Consider comments on the conceptual design of the G1 and G2 Parcels, including south-facing balconies;
 - c. Provide more detail on the G3 Parcel;
- 5) Phasing: Provide more detail on the timeline and phasing of the development;
- 6) Sustainability: Discuss whether materials from the existing structures to be demolished will be reused.
- 7) Affordable Housing: Provide more detail on the amount of affordable housing within the PUD as well as more information on the amount of affordable housing that exceeds what would have been provided as a matter of right; and

In addition, OP requested that the Applicant:

- 1) Revise the loading scheme for the F1 parcel to address D.C. Water’s concerns;
- 2) Provide more detail on the external lighting for the F1 Parcel; and

- 3) Provide more detail on the tree species and soil volume proposed within the PUD.

These comments are addressed below.

1. Traffic Study

Attached as Exhibit A is a comprehensive transportation analysis of the PUD prepared by Gorove / Slade Associates. This comprehensive study considers transportation impacts not only during the peak commuting hour on a typical weekday but also during game days at Nationals Park. (The study evaluated both weekday games and Saturday evening games.) The study's scope, content and methodology was discussed extensively with DDOT prior to its preparation. Copies of the study have been furnished to DDOT officials.

2. Parking

At setdown, the Commission expressed concern about the impacts that would result from the amount of parking included in the PUD as well as the location of the parking in above-grade parking structures.

A. Amount of Parking

The Applicant has proposed a total of approximately 337 parking spaces for the F1 Parcel. The proposed 337 spaces are required to accommodate the theater operator's projected peak parking demand during weekend evenings. (Projected demand assuming 650,000 annual moviegoers is approximately 389 parking spaces during the peak summer months, and approximately 308 spaces during the non-peak months; projected demand assuming 750,000 annual moviegoers is approximately 449 parking spaces during the peak summer months and approximately 355 spaces during the non-peak months.) The movie theater operator originally requested 400 spaces based on their projected market requirements, but the Applicant successfully negotiated with the theater operator to accept a reduction in the amount of parking. The theater operator has clearly indicated, however, that it required a minimum of 337 spaces in order to agree to operate the theater at the site.

As set forth in the traffic study included as Exhibit A, the proposed amount of parking will not create adverse impacts on the surrounding transportation network. The Applicant's traffic consultant projects that many theater patrons will not drive to the theater, but rather will Metro, walk, bike, and use other forms of transportation. This is consistent with mode splits at other regional movie theaters located close to a Metrorail station (e.g. the Majestic 20 Silver Spring movie theater).

Importantly, the F1 Parcel's trip generation will generate far fewer trips than its total capacity during a given peak hour because of the unique nature of a movie theater. Movie theater parking demand is not centered around a single peak hour (like an office building or the ballpark); rather, the parking spaces gradually fill up over the course of the evening coincident with staggered show times. In other words, the traffic impacts of the theater use will be distributed over time.

The F1 Parcel parking garage will generally lack capacity to accommodate baseball fans and other parking uses, particularly during the peak demand periods for the theater. The Applicant expects that the movie theater operator and parking garage operator will work together to develop operational systems, such as parking validation, to ensure that adequate parking is available for theater patrons during game days and nights.

On the G1 and G2 Parcels, the Applicant has proposed a parking ratio of 0.5 spaces per residential dwelling unit, which is consistent with car ownership rates for the site's Census Tract as well as other residential developments that are relatively accessible to good transit options. (See Exhibit A, p. 31.) The final number of parking spaces on these parcels will be refined during the second-stage PUD approval process.

B. Above-Grade Parking

The proposed PUD includes four stories of above-grade parking on the F1 Parcel and one story of above-grade parking on each of the G1 and G2 Parcels. (The G1 and G2 Parcels each also have one story of below-grade parking.) The Applicant has proposed above-grade parking because the cost of excavation makes the development financially infeasible for multiple reasons. First, the cost of excavation is unduly high given the proximity of the PUD site to the Anacostia River, which creates water table and floodplain issues. Second, in the case of the F1 Parcel, excavation would be challenging because of D.C. Water's complex below-grade infrastructure in and proximate to the Property, such as the underground sewer located in the former Canal Street right-of-way. Third, the redevelopment is being accomplished through a public-private partnership that will involve no public subsidy, but also cannot afford to absorb the high costs associated with underground parking given the above constraints. A map of existing conditions that highlights these constraints is included in Exhibit C.

In stark contrast to standalone parking garages such as the ones immediately north of Nationals Park, the PUD's above-grade parking will be screened from public view through a combination of pedestrian-activating uses and aesthetic screening devices. As shown on the revised F1 Parcel plans attached as Exhibit B, the Applicant and its design team have proposed a number of programming and aesthetic features to minimize the impact of above-grade parking

on the F1 Parcel. On the ground floor, the parking is wrapped by the theater lobby along much of 1 ½ Street and by the retail/arts uses or arts displays along most of N Place. Illuminated panels along N Place at the ground and second stories will further mask the garage and create visual interest for pedestrians. On the upper levels, detailed metal and illuminated panel systems are proposed to mask the parking structure and create visual interest. It should also be noted that the east and south facades of the F1 Building face D.C. Water pumping stations, which are industrial in nature.

A similar combination of features have been proposed to mask the above-grade parking for the G1 and G2 Parcels, as shown on the master plan update pages included as Exhibit C. Retail uses along 1st Street, Potomac Avenue, and portions of N Place and O Street will wrap around the second-story parking deck, and the Applicant has proposed other screening for eastern portions of these buildings. More detail on this screening will be provided in the second-stage applications for these parcels.

C. Allocation of Parking

The PUD will be located on a single lot of record. The Applicant has requested flexibility under the PUD regulations to locate all of the PUD's required retail parking (including the parking for the G1, G2, and G3 Parcel's retail uses) on the F1 Parcel. The F1 Parcel contains 337 parking spaces, which accommodates the required parking for the movie theater (250 spaces) as well as the required parking for the remainder of the PUD's retail uses (48 additional spaces). Section 2405.6 of the Zoning Regulations allows the Commission to adjust the amount of parking provided within a PUD, particularly on the same record lot, depending on the uses and location of the project. The Commission has previously concluded that it is authorized to locate all of the required commercial parking within a PUD on a single parcel under this section. See, for example, Z.C. Order No. 08-15, where the Commission approved the location of all of the commercial parking for the Wisconsin Avenue Giant PUD on the South Parcel, even though the North Parcel contained retail uses that generated a parking requirement. In the Wisconsin Avenue Giant case, the Commission approved the flexibility because the applicant would be able "to better accommodate and manage commercial demand in a shared facility on the South Parcel." *Id.* at 26.

Similar reasoning supports the location of all of the commercial parking on the F1 Parcel here. The Applicant will be able to effectively accommodate and manage commercial parking demand for not only the movie theater but also the anticipated future retail uses on the G Parcels within the F1 parking garage. Indeed, it is likely that many of the trips to these retail uses will be shared by movie theater patrons (e.g. going to dinner before the movie or a drink after the movie).

3. Loading

In response to D.C. Water's request, the Applicant has relocated the F1 Parcel's loading from the east side to the south side of the building. The revised ground floor plan is included in Exhibit B. Loading will now be accessed from a curb cut on 1 ½ Street that is aligned with O Street. Use of this curb cut will be shared with D.C. Water.

As before, the loading berths will be located in part on D.C. Water's property, and the Applicant continues to request flexibility from 11 DCMR § 2203.3 to permit trucks to project over the lot line. The Applicant will continue to work with D.C. Water regarding the location and design of this loading area leading up to the public hearing.

As requested by the Commission, the Applicant has prepared revised truck turning diagrams. The diagrams are included in Exhibit C.

4. Project Design

A. F1 Parcel

As requested by the Commission, the Applicant has directed the design team to further study the articulation of the facades for the F1 Parcel. The Applicant has proposed a combination of features that will provide visual interest, articulation and rustication of these facades both at a pedestrian scale and from a distance. The facades are primarily composed of a metal panel system that will screen the parking garage and clad the upper-story theater; these panels will vary in width and are articulated to give the façade depth and further break up the façade. Further detail on the metal panel system, which was requested by Commissioner Turnbull, will be provided in a supplemental submission.

A series of accent lights within the metal panel system will provide additional variation and articulation. Furthermore, the Applicant has also proposed a separate illuminated panel system along the southeast and east portions of the building as well as along the lower portion of the north façade to create further visual interest. The panels along the north façade are located above the Project's ground-floor retail/arts element and give the ground-floor uses a two-story expression. In response to OP's request, the Applicant has also provided an exterior lighting plan illustrating how the panels and other lighting will be illuminated. The lighting plan is attached as Exhibit D.

Finally, the facades are broken up at both the northwest corner and southeast corner by glass curtainwall that brings light and visual transparency into the public portions of the theater. The northwest corner features a multi-story clear glass element that permits views into and out of

the lobby entrance. The southeast corner features a two-story window element that corresponds to the theater's lounge and dining area; the opening will bring natural light into the public portions of the theater and permit views out of the theater onto the Anacostia River. The Applicant is continuing to refine the design of the lobby entrance and will provide additional detail requested in a supplemental submission.

B. G1 and G2 Parcels

As requested by the Commission, the Applicant is developing conceptual renderings for G1 and G2 in lieu of the block massing diagrams in the application that will be included in a supplemental submission. The Applicant will provide additional detail on the architectural design of the G1 and G2 Parcels in subsequent second-stage PUD applications. The Applicant will strongly consider OP and the Commission's recommendations for south-facing balconies at that time, among other design features.

C. G3 Parcel

As requested by the Commission, the Applicant has provided additional detail on the proposed G3 Parcel. The G3 Parcel consists of an expansion of the adjacent Diamond Teague Park with a potential 5,000 – 15,000 square foot pavilion to be located within the expanded park. The location and orientation of this pavilion is intended to help frame the Potomac Avenue right-of-way along with the corresponding retail space within the G2 Parcel to the north as suggested by the staff of the Historic Preservation Office. This pavilion could contain retail, service, entertainment, arts, or recreational uses that would support and enhance Diamond Teague Park as well as the overall combination of uses within the PUD. Additional detail on the design of this pavilion will be provided in a subsequent second-stage application.

The Applicant proposes to construct the expansion of the park on the G3 Parcel in conjunction with either the construction of the G1 or G2 Parcel, and will seek second-stage approval for the park improvements at that time. The Applicant will also seek approval for temporary interim uses (and related interim structures) within the expanded park that would be consistent with the location along the Anacostia River. The Applicant expects that the retail pavilion on the G3 Parcel would be constructed as the final phase of the PUD, in order to ensure that a sufficient market has been created that will sustain the uses within the proposed pavilion.

5. Timeline and Phasing

The Applicant is working closely with District officials in order to deliver the movie theater as soon as possible. Pending Commission approval of the second-stage portion of the

PUD, the Applicant intends to file for permits for the F1 Parcel in late 2013 and commence construction in early 2014, with the goal of opening the movie theater by Spring 2016.

Development of the remaining parcels will follow depending on the relocation of D.C. Water and market conditions. The Applicant expects that it would file an application for second-stage approval of either or both of the G1 or G2 Parcels no later than two years after the issuance of a certificate of occupancy for the F1 Parcel. If the G1 and G2 Parcels are constructed sequentially, an application for second-stage approval of the remaining residential building would be filed no later than two years after the issuance of a certificate of occupancy for the initial residential building. As discussed above, the Applicant will also seek approval for landscape and park improvements on the G3 Parcel as well as temporary, interim uses and structures related to the park in conjunction with either the G1 or G2 Parcels.

The proposed pavilion for the G3 Parcel would likely not be constructed until after the completion of the G1 and G2 Parcels. An application for second-stage approval of the pavilion on the G3 Parcel would be filed no later than five years after the issuance of the certificate of occupancy for the latter of the G1 or G2 Parcels. If conditions permit, the pavilion on the G3 Parcel could be constructed sooner.

6. Sustainability

In response to the Commission's request, the Applicant will reuse materials from demolition that takes place on-site to the extent feasible.

In response to OP's request, the Applicant will provide additional detail on street trees and soil volumes in a supplemental submission.

7. Affordable Housing

As requested by the Commission, the Applicant has provided a preliminary breakdown of dwelling units by type, including the number of each type of affordable unit, which is attached as Exhibit E. The PUD will deliver approximately 48 affordable dwelling units. The number and type of units as well as the number and type of affordable units will be revised as a part of the second-stage PUD applications for the G1 and G2 Parcels.

As requested by the Commission, the Applicant has quantified the amount of affordable housing provided as a result of the PUD that exceeds what would otherwise be provided in a matter of right project. The PUD results in an additional 21,818 square feet of affordable housing, or approximately 22 units, above what would be delivered as a matter of right.

Witness List, Proposed Testimony, and Time Estimate for Presentation

We look forward to presenting this case to the Commission. The Applicant will provide five witnesses to testify on its behalf: a representative of the Applicant, the project architects, the landscape architect, and its traffic consultant. The Applicant will call four of its five witnesses, Shalom Baranes or Mark Gilliland of Shalom Baranes Associates, Jeff Gunning or Gerry Renaud of RTKL Associates, Rick Parisi of M. Paul Friedberg and Partners, and Erwin Andres of Gorove / Slade Associates, as experts in their respective fields. Outlines of their proposed testimony are included as Exhibit F. The Applicant may also call its civil engineer, Kyle Oliver of VIKA Capitol, as an expert in the field of civil engineering.

The written report of the Applicant's traffic consultant is attached as Exhibit A.

The Applicant expects that its presentation will require 60 minutes.

Project Plans

A full set of plans was included in the initial application. Updated portions of the plans are included as Exhibits B, C, and D of this statement. Revised plans depicting further refinement of the design of the Project will be provided to the Commission in a supplemental pre-hearing statement.

Publicly Available Maps

Per Section 3013.1(f), the Applicant offers the following publicly available maps and documents into evidence in support of its case: the District of Columbia Zoning Regulations and Map, the District of Columbia Future Land Use Map and Generalized Land Use Map, WMATA transit maps related to this site, previous Orders of the District of Columbia Zoning Commission, and the District of Columbia Comprehensive Plan.

Property Owners' List

A list of the names and addresses of the owners of all property located within 200 feet of the Property was included in the initial application.

Conclusion

As set forth above, the Applicant has met the requirements of Section 3013, and accordingly requests that a public hearing be scheduled as soon as possible. If you have any

Sharon Schellin
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questions regarding this application, please feel free to contact Phil at 202-721-1114 or David at 202-721-1137.

Very truly yours,



David Avitabile

DA/da

Enclosures

cc: Alex Nyhan, Forest City Washington
Sarah Forde, Forest City Washington
Donna Hopkins, ANC 6D01
Ed Kaminski, ANC 6D02
Ron McBee, ANC 6D03
Andy Litsky, ANC 6D04
Roger Moffatt, ANC 6D05
Rhonda Hamilton, ANC 6D06
David Garber, ANC 6D07

CERTIFICATE OF SERVICE

On June 28, 2013, I caused a copy of the foregoing letter and enclosure to be delivered by electronic, hand or by U.S. Mail to the following:

Jennifer Steingasser
Deputy Director, Development Review and
Historic Preservation
D.C. Office of Planning
1100 4th Street, SW, Suite E650
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Jamie Henson
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David Avitabile

CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

Forest City Washington (“Applicant”) hereby certifies that this pre-hearing submission, which has been filed with the Zoning Commission on June 28, 2013, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete, and that no further changes are expected to be submitted prior to the public hearing on this application, other than the changes discussed in detail below.

At its April 29, 2013 Public Meeting, the Commission voted to set down the application for a public hearing. In response to comments made by members of the Commission during the public meeting and in the Office of Planning Setdown Report dated April 19, 2013, the Applicant has provided additional information regarding the proposed PUD project. The additional information requested includes:

1. *Traffic Study.* *The Commission requested a comprehensive traffic study.*

A comprehensive transportation analysis is attached as Exhibit A.

2. *Parking.* *The Commission expressed concern about the amount of parking proposed in the PUD, the location of the parking in above-grade parking structures, and the allocation of parking throughout the PUD.*

The impact, location, and design of the PUD’s parking components are addressed in this statement and in the traffic study attached as Exhibit A.

3. *Loading.* *OP requested that the Applicant relocate the F1 Parcel’s loading to address D.C. Water’s concerns, and the Commission requested revised truck maneuvering diagrams.*

The revised F1 loading plan is included in Exhibit B, and the revised truck turning diagrams are included in Exhibit C.

4. *Project Design.* *The Commission requested that the Applicant further study the articulation of the F1 Parcel’s facades as well as the concept for the G1 and G2 Parcels. The Commission also requested further information regarding the G3 Parcel. OP requested an exterior lighting plan.*

Responses to each issue are provided herein, and further refinements to the design will be incorporated in a supplemental pre-hearing submission. The exterior lighting plan is

attached as Exhibit D. Additional architectural detail on the G1, G2, and G3 parcels will be provided in the corresponding second-stage PUD application.

5. *Timeline and Phasing. The Commission requested further detail on the timeline and phasing of the PUD.*

This information is provided herein.

6. *Sustainability. The Commission requested further detail on the reuse of existing building materials. OP requested additional detail on tree species and soil volumes.*

Information on the reuse of existing building materials is provided herein; the information requested by OP will be provided in a supplemental submission.

7. *Affordable Housing. The Commission requested additional information on the mix of affordable unit types in the PUD as well as more information on how much additional affordable housing is being provided as a result of the PUD.*


This information is provided herein.

In all other respects, the project is the same as filed on February 27, 2013.

<u>Sub-Section</u>	<u>Page</u>
3013.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submission
3013.1(b) Witnesses	Pre-Hearing Submission
3013.1(c) Summary of Testimony of Applicant's Witnesses and Reports for the Record:	
Outline of Testimony of Representative of the Applicant	Pre-Hearing Submission (Exhibit F)
Outline of Testimony of the Project Architects and Landscape Architect	Pre-Hearing Submission (Exhibit F)
Outline of Testimony of the Traffic Engineer	Pre-Hearing Submission (Exhibit F)

<u>Sub-Section</u>	<u>Page</u>	<u>Sub-Section</u>
	Report of the Traffic Engineer	Pre-Hearing Submission (Exhibit A)
3013.1(d)	Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submission
3013.1(e)	Reduced Plans	Application (Exhibits A and B); Pre-Hearing Submission (Exhibits B-D)
3013.1(f)	List of Publicly Available Maps, Plans, and Other Documents	Application (Exhibit H)
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	1 Hour
3013.6(a)	List of Names and Addresses of All Property Owners within 200 Feet of the Subject Property	Application (Exhibit F)

Respectfully submitted,



 David Avitabile