

EXHIBIT C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-04

Z.C. Case No. 08-04

**(Forest City Washington – Southeast Federal Center Overlay
District Review and related relief – Waterfront Park)**

May 29, 2008

Application of Forest City Washington (the "Applicant") on behalf of the United States of America, General Services Administration, the owner of the property, for review and approval of new structures to be erected within a proposed waterfront park along the Anacostia River, pursuant to the Southeast Federal Center Overlay District provisions set forth in § 1805.11 of the Zoning Regulations, (Title 11, DCMR). In addition, as permitted under § 1809.1 of the Zoning Regulations, the Applicant also requested special exception approval pursuant to § 938.3 for a waterfront setback greater than 20 feet and less than 100 feet.

HEARING DATE: May 29, 2008

DECISION DATE: May 29, 2008 (Bench Decision)

SUMMARY ORDER

The property that is the subject of this application is a portion of the Southeast Federal Center that is identified as "Parcel P" and is bounded by the land south of 2nd Street, S.E. to the west, the Washington Navy Yard to the east, proposed Water Street, S.E. and River Street, S.E. to the north, and the Anacostia River to the south. The property is located in the SEFC/W-0 Overlay Zone District.

Consistent with the goals of the SEFC/W-0 Zone District, the Applicant proposes the construction of a waterfront park along the Anacostia River. The park will include a number of structural improvements that are required for grading purposes to create the proposed overlook, stepped lawn, and other features of the proposed park. Other structures include a promenade, pedestrian bridge, and seasonal kiosks. The project will create a series of open spaces along the waterfront that will include a large open lawn, a pedestrian-oriented promenade along the river's edge, and a series of landscaped gardens.

The Zoning Commission for the District of Columbia (the "Commission") provided proper and timely notice of the public hearing on this application, by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission ("ANC") 6D, the Office of Planning ("OP"), and to owners of the property within 200 feet of the site. The site that is the subject of the application is located within the jurisdiction of ANC 6D. ANC 6D provided a letter of support for the project to the Commission. OP submitted a report and testified at the hearing in support

of the application. The National Capital Planning Commission ("NCPC") submitted a report and letter concluding that the project would not be inconsistent with the Comprehensive Plan for the National Capital and would not adversely affect any federal interests.

The Office of the Deputy Mayor for Planning and Economic Development ("DMPED") offered written and oral testimony in support of the application. DMPED noted the Applicant's consultation and cooperation with its office in the design of the park.

As required by 11 DCMR §§ 927 and 1808, the Commission required the Applicant to satisfy the burden of proving the elements that are necessary to approve the project under § 1805.11 and satisfy the requirements for special exception approval of the waterfront setback greater than 20 feet and less than 100 feet pursuant to §§ 938.3 and 3104.1.

No persons or parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party. Based upon the record before the Commission, having given great weight to the issues and concerns of the ANC, and having considered and given great weight to the report and testimony of OP, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR §§ 927, 1808, and 3104.1, including the specific standards that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3000.8, the Commission has determined to waive the requirement of 11 DCMR § 3028.8, that the Order be accompanied by findings of fact and conclusions of law. The waiver will not affect the rights of any party and is not prohibited by law.

It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 4-0-1 (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr., and Peter G. May, to grant; Michael G. Turnbull, not present, not voting.)

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order

ATTESTED BY:


JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: AUG 29 2008

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 08-04

AUG 27 2008

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 08-04 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
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| 1. <i>D.C. Register</i> | 6. Councilmember Tommy Wells |
| 2. Dave Avitabile, Esq.
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| 4. Commissioner Robert Siegel
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| | 11. Office of the Attorney General
(Alan Bergstein) |

ATTESTED BY:

A handwritten signature in dark ink, appearing to read "S. S. Schellin", is written over a horizontal line.

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning