Pillsbury
Winthrop
Shaw
Pittman LLP

RECEIVED
D C OFFICE OF ZONING
2006 MAR 17 PM 3:08

Allison Prince
allison.prince@pillsburylaw.com
202 663 8853

March 17, 2006

By Hand Delivery

Carol J Mitten
Chair, District of Columbia Zoning Commission
441 4th Street, N W , Suite 210
Washington, DC 20001

Re: Case No. 04-18: Proposed Mount Vernon Triangle ("MVT") Subarea of the Downtown Development ("DD") District – Impact on National Public Radio Headquarters at 635 Massachusetts Avenue, N.W. and Square 484W

Dear Ms Mitten

I am writing on behalf of National Public Radio ("**NPR**"), owner of 635 Massachusetts Avenue, N W. and all of Square 484W (the "**Property**") I would like to reiterate NPR's strong opposition to the inclusion of the Property in the MVT Overlay, particularly the use restrictions imposed thereby It would be appropriate for the Commission to exempt the Property from the MVT Overlay, particularly the MVT Overlay use restrictions.

NPR has been at its present location since 1994 NPR purchased the Property long before any such zoning overlay was contemplated for the area. NPR committed to the area at a time when purchasing the Property and moving its headquarters to that portion of downtown Washington, D C was a "leap of faith " Since that time, the neighborhood has changed to the point where the MVT Overlay is even worth considering The area has become friendly for potential residents and has experienced a surge in investment and interest from the real estate community

NPR is a major employer in the District Along with Black Entertainment Television, Radio One, and other media companies located in the District, NPR contributes to the District's image of being a hub for educational, cultural and entertainment media Eventually, NPR will have to expand, and may decide to do so on the lots on the east side of Square 484W – to the east of the present NPR headquarters building Adding Square 484W to the MVT Overlay would affect NPR's ability to expand to the rest of the square and ultimately might compromise the company's ability to remain in the District.

ZONING COMMISSION
District of Columbia
Case 04-18
Exhibit 34

ZONING COMMISSION
District of Columbia
CASE NO.04-18
EXHIBIT NO.34

Adding the MVT Overlay to the zoning restrictions on the Property would greatly impede NPR's operations as a non-profit distributor of quality non-commercial programming. NPR would be negatively affected by both the design and use restrictions of the MVT Overlay

The use restrictions present the most difficult issue for NPR. Retail uses on the ground floor would not be compatible with development of the Property NPR does not want to be required to have certain uses on the ground floor of any potential addition to its headquarters NPR is not a real estate developer and does not desire to be a landlord Being placed in such a position would require that NPR step outside of its business of non-profit programming distribution to become the operator of a commercial retail-driven property This could negatively affect NPR's operations Due to NPR's non-profit status, it already operates with a limited staff that would be further stretched by any sort of use requirement at the Property Furthermore, such commercial use may negatively affect NPR's non-profit, non-commercial status In addition, the requirement to build such space would increase the development and financing costs for the entire square

Although Section 1732.2 (nnn) allows a "Television and Radio Broadcast Studio" as a "permitted ground floor use" at the Property, this does not protect NPR from the impact of the MVT Overlay For operational reasons, it is highly unlikely that NPR would locate a studio on the ground floor A radio studio, unlike a TV studio, operates as a "black box" and would not be a desirable, highly visible ground floor use. Auxiliary uses such as news rooms and other office functions are likely candidates for the ground floor space Such uses would not comply with the preferred use provisions

The design requirements imposed by the MVT Overlay would also impose great hardship on NPR As a non-profit, NPR has a different development strategy than most other land owners in the proposed MVT Overlay area. NPR would build any addition to its headquarters building by itself for itself. While NPR will strive to design and build the highest quality, most attractive building possible, all the costs will be borne solely by it There is no buffer or ability to shift the cost to another purchaser or tenant. In addition, if any expansion of the NPR headquarters is required to satisfy the design requirements of the MVT Overlay, the design of the expansion building will not be in accordance with the existing headquarters building. The following proposed sections of the MVT Overlay design regulations would cause great difficulties for any expansion by NPR on the site:

- Section 1722 2 – This section requires that fifty percent (50%) of the surface area of the streetwalls at the ground level are to be display windows and entrances. This requirement makes little sense for a building that will be an extension of a headquarters office building Display space would be appropriate for a retail strip of shops but would be an irrelevant requirement for any expansion by NPR on the Property.

- Section 1722.3 – This section requires that fifty percent (50%) of the surface area of the street wall between twelve feet (12 feet) and fourteen feet (14) above grade

should be clear or low-emissivity glass. This requirement makes little sense for a building that will be an extension of a headquarters office building. It would add unnecessary expense to any expansion of the NPR headquarters.

- Section 1722.4 – This section requires that each building shall be designed to not preclude an entrance every forty feet (40 feet) on average for the linear frontage of the building (excluding vehicular entrances). This requirement makes little sense for a building that will be an extension of a headquarters office building. It would add unnecessary expense to any expansion of the NPR headquarters.

- Section 1722.5 – This section requires that the ground floor of each building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 feet) for a distance of at least 36 feet perpendicular to the ground floor's front building line. Such a requirement is impractical for an extension of a headquarters office building. It would add unnecessary expense to construct and maintain.

- Section 1730.2 – This section requires that no driveway may be constructed on the north or south side of K Street in Square 484W. NPR should not to be constrained by this design requirement. If NPR expands on Square 484, it is possible that adding a driveway to K Street would make sense to maximize traffic flow and most efficiently direct vehicular movement.

- Sections 1731.3 and 1731.4 – This section requires that no more than two driveways may be constructed per block-face when an individual building extends the entire length of the block. There are already multiple driveways on the Massachusetts Avenue block-face of the building. NPR would need to add driveways to the Massachusetts Avenue block-face to service any addition on Square 484W.

- Section 1731.5 – This section requires that each driveway shall be separated by no less than sixty feet (60 feet), unless lesser distances are required by the District of Columbia Department of Transportation ("**DDOT**"). Such a requirement could greatly affect NPR's ability to efficiently design its addition and could impose unfavorable constraints.

NPR would also be negatively affected by the delay that would be caused by application of Section 1721. That regulation would subject NPR to review by the Office of Planning for any building permit application for the expansion to NPR's headquarters building. There should be no need for a potential delay of 75 days to impact the building permit application of NPR.

Further clarification is also required for Section 1722 2. That section does not define what is meant by the term "pedestrian street" NPR is therefore unsure if Sections 1722 2 and 1722 3 apply to the Property

We respectfully request complete exemption of Square 484W from the MVT Overlay The Property is located on the western edge of the proposed MVT Overlay and a full two blocks away from the primary intersection that the Overlay is designed to control If such an exemption is not granted, the MVT Overlay will have a material adverse impact on NPR and possibly even endanger its ability to remain in the District of Columbia

At a minimum, NPR would like to see the Section 1732.2 (nnn) amended to read "Television and Radio Broadcast Studio **and any ancillary uses, including office**"

Sincerely,

Allison C Prince

Allison C Prince

cc Ellen McCarthy
Jennifer Steingasser
Steven Cochran
Patricia Zingsheim
Mari Dennehey
Maury Schlesinger