

April 3, 2006

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VIA HAND DELIVERY

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D C Zoning Commission
Suite 210
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Re Zoning Commission Case No 05-10
Amendments to the Capitol Gateway Overlay District

Dear Members of the Commission

The Zoning Commission conducted a public hearing on the above-referenced matter on January 30, 2006. At the conclusion of the hearing, after receiving comments from a representative of the Anacostia Waterfront Corporation, the Commission determined to leave the record open in the case until April 3, 2006, in order to allow the AWC to complete additional planning studies which were then underway. It is our understanding from meetings and conversations with representatives of the AWC and its consultants that an additional four to six weeks is needed to complete the studies which were described to the Commission. On behalf of owners of property in the area, we support the Commission's deferring of action for an additional short term time period so that the Commission and the public may have the benefit of the work being undertaken for the AWC and that the Commission's deliberations may be better informed by the work that is now ongoing.

We appeared at the hearing and offered comments on the proposed text amendment. Without seeing the AWC studies, we cannot comment further at this time on the areas that might be affected by the AWC planning analysis, such as the setbacks along Half and South Capitol Streets. We reiterate and emphasize two points made at the hearing:

- The Commission should revise proposed §1602 1(a), regarding limits on transferring density to individual parcels under combined lot development. As proposed, the section would allow a maximum FAR of 8.0 on lot for which a height of 110 feet is permitted and an FAR of 8.5 for a lot on which a height of 130 feet is permitted. We recommend that the Commission either eliminate those limits entirely or raise them to 9.0 and 9.5 FAR, respectively. Since the whole purpose of combined lot development is to allow flexibility to allocate development between two or more lots within the CG Overlay, there is little to be gained by constraining that flexibility by artificially imposing a limit on the density allowed on any given site. The controls on height and setback assure that a building cannot include too much bulk and, furthermore, most sites will be subject to review by the Zoning

ZONING COMMISSION
District of Columbia
District of Columbia
CASE NO. 05-10
EXHIBIT NO. 11
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Holland+Knight

D.C. Zoning Commission

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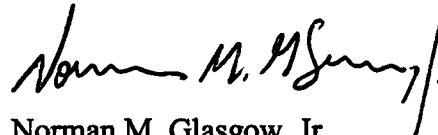
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Commission under one of the special exception triggers. The combined lot provisions are also being used to reallocate density from the ballpark site to other surrounding squares, so as to be able to achieve the critical mass of development which is perceived as necessary for the redevelopment of the area. If some kind of FAR limit is perceived as necessary, we believe that 9.0 and 9.5 FAR are more closely aligned with our clients' expectation and with the actual density achievable given the heights permitted as a matter-of-right.

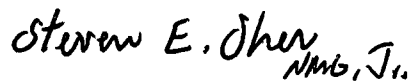
- Given the extent of the area proposed which would be subject to review by the Commission, it is appropriate for the Commission to be able to consider variations (i.e., variances and special exceptions) from the normal standards of the Regulations as part of the design review process which the Commission will undertake. Given the untried and untested nature of some of the provisions of the overlay, we recommend that the Commission include a provision which would allow it to waive as a special exception the provisions of the overlay as part of its design review. The Commission may wish to model such a provision after similar language contained in the Uptown Arts Overlay District (see §1906 of the Regulations).

We request that the Zoning Commission modify the proposed regulations as set forth above, in addition to taking into account the recommendations of the AWC planning study.

Sincerely,



Norman M. Glasgow, Jr.



Steven E. Sher

Director of Zoning and Land Use Services

cc Jennifer L. Steingasser, Office of Planning
Joel Lawson, Office of Planning
Uwe Brandes, Anacostia Waterfront Corporation