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May 19, 2006

VIA HAND DELIVERY

D.C. Zoning Commission
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**ZONING COMMISSION
District of Columbia**

CASE NO. 05-10

EXHIBIT NO. 15

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. In response to a further request from the AWC, the Commission extended the time for the closing of the record until May 19, 2006.

We submitted a letter, dated April 3, 2006, with comments on the proposed text amendments. On behalf of Monument Realty, we hereby supplement those comments with the following additional points:

- In proposed §1602.1(c), dealing with limitations on density which may be allocated through combined lot development, change the restriction from "...only to the extent necessary to accommodate any additional density received from another parcel" to "so long as the total FAR complies with maximum FAR per §1602.1(b)." The strict application of §1602.1(d) as written will penalize the developer for the taller ceilings requested in Preferred Uses such as §1607.5. The text as written contradicts the bonus height provision (§1601.2) and would require the developer to achieve the underlying density for commercial uses in the matter of right height of 90'. Added to this constraint are the setbacks requested along M Street, South Capitol Street, and Half Street. The result is that the developer will not be able to achieve the goals of the overlay district and fit the allowable FAR on site. The revised text will insure the density cap established in §1602.1(b), but give the developer the flexibility to provide the taller ceilings, massing setbacks and meet the other provisions in the overlay district.
- In proposed §1607.3, reduce from 75% to 50% the requirement that 75% of the gross floor area of the ground floor be devote to preferred uses. We understand that this reduction is

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supported by the Office of Planning, consistent with its testimony at the public hearing on January 30, 2006. The provision as proposed does not take into consideration overall block dimensions, and the viability of retail on Van Street and Cushing Place. The blocks on Squares 700 and 701 are 150 feet and 160 feet deep, respectively. This depth is too deep for single sided retail on Half Street and would require that Van Street and Cushing Place have retail frontage as well. Monument will explore the viability of additional retail on Van and Cushing, but would prefer to reduce the minimum to 50% on buildings which front on Half Street.

- In proposed §1607.2, revise the Half Street setback with respect to both the depth of the setback and the height at which the setback occurs. We recommend that the depth of the setback be reduced to twelve feet. The twenty foot setback is too large for residential buildings, which we expect will be the predominant use in the CR zone. Residential buildings typically have a sixty-five to seventy foot deep floor plate, consisting of a central corridor and thirty feet of residential space on each side. The twenty foot setback would leave only ten feet for residential units on one side of the corridor, leaving only the other side of the corridor with viable residential units. Further we recommend that the height of the setback be set at the top of the floor line, rather than the parapet, at the floor which occurs at the height of eighty to eighty-five feet. Residential and office buildings have different floor-to-floor heights and a uniform height of eighty feet is not practical for both types of buildings. Establishing a range will not require awkward floor heights to hit the eighty foot mark and will still accomplish the objectives of the setback. The proposed sixty-five foot height setback results in an awkward building and street proportion, forcing a major setback at the approximate halfway point of the building facades. Finally, the proposed sixty-five foot setback results in more density on the narrower frontages on Cushing and Van Streets, diminishing their pedestrian scale, and will expose more of the mechanical rooftop penthouses to view from street level because of the diminished roof area for setbacks.
- Add a new §1601.6, to make the Required Public Space at Ground Level provision of §633 not applicable to squares 700 and 701. The current provision is onerous and restrictive, and does not allow flexibility in the placement of open space on the overall squares. Monument Realty is trying to make the 'best plan' possible for the site as a whole, and in context with the neighboring parcels. Monument would like the flexibility to provide public open space if and where it best fits the overall plan, such as the mid-block east west connection it is proposing. Additionally, the 10% requirement may be counter to the alignment of the South Capitol Street formal boulevard concept, depending on the final setback criteria established. The new §1601.6 would read as follows:

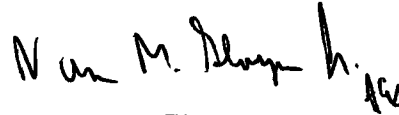
1601.6 The requirements of §633 shall not apply to property in Squares 700 and 701.

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We request that the Zoning Commission modify the proposed regulations as set forth above.

Sincerely,

A handwritten signature in black ink, appearing to read "Norm M. Glasgow, Jr." with a stylized flourish at the end.

Norman M. Glasgow, Jr.

A handwritten signature in black ink, appearing to read "Steven E. Sher" with a stylized flourish at the end.

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