

RECEIVED

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

D.C. OFFICE OF ZONING

October 27, 2006

2006 OCT 27 PM 3: 30

Steven E. Sher
Director of Zoning and Land Use Services
202 663 7278
steven.sher@hklaw.com

VIA HAND DELIVERY

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

#06-44
ZONING COMMISSION
District of Columbia
CASE NO. 06-44
EXHIBIT NO. 1

Re: Capitol Gateway Overlay District
Request for Emergency Text Amendment
To Relocate an Existing Parking Lot

Dear Members of the Commission:

This letter is written on behalf of MR N Street Southeast LLC, MR Ballpark 5 LLC (which are Monument Realty entities) and the Washington Metropolitan Area Transit Authority (WMATA), which together own approximately 90,700 square feet of land comprising the western half of Square 701, the Square bounded by Half, 1st, M and N Streets, S.E. Together with public alleys to be closed, the entire development site will comprise approximately 102,500 square feet. This block is located immediately north of the new baseball stadium site and includes the western portal to the Navy Yard Metrorail Station at the northwest corner of the Square and the southeast corner of the intersection of Half and M Streets. The entire Square is zoned CG/CR.

In conjunction with WMATA, Monument Realty is preparing to file an application with the Zoning Commission for review of a new development under the CG Overlay District. The project will be a mixed use project containing, office, residential, hotel and retail uses, with underground parking. As part of the development, Monument will facilitate renovation and expansion of the facilities of the Metrorail Station to expand the capacity of the station to accommodate patrons of the new stadium. The application to the Commission will be filed within the next few days and we hope to have a hearing before the Commission in January, 2007.

In order to proceed with the development on a time frame consistent with the projected April, 2008, opening date for the stadium, Monument must clear the site of its existing uses. WMATA currently uses part of the property (lots 107 – 118, located on the east side of Half Street just south of the Station entrance; see plat of the Square, attached) as a parking lot which can accommodate approximately sixty cars. WMATA proposes to relocate that parking lot to other property in the vicinity in the CG/CR District.

Under the provisions of the CR District, a parking lot is a prohibited use (see §602.1(j)). Monument and WMATA hereby propose that the Zoning Commission amend the provisions of the CG Overlay to allow the existing parking lot to be relocated to another site for an interim period

Holland+Knight

D.C. Zoning Commission
October 27, 2006
Page 2

while the subject site is being redeveloped. Specifically, Monument and WMATA propose that the Commission add a new §1600.4, to read as follows:

1600.4 An existing surface parking lot located in Square 701 may be relocated to another property within the area zoned CG/CR; provided that the use of the relocated parking lot shall be terminated no later than two years after the date that it is established or six months after a certificate of occupancy is issued for the parking garage built on the site of the existing parking lot, whichever is later.

The proposed text amendment would have a very limited effect for a limited period of time but is necessary to accommodate parking for WMATA employees while the property is being redeveloped. Once the redevelopment is complete, parking will be removed from the surface and accommodated in the new underground garage.

The D.C. Administrative Procedure Act, D.C. Official Code, § 2-505(c), provides that, where an agency determines that "the adoption of a rule is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals, the ... agency may adopt such rules as may be necessary in the circumstances, and such rule may become effective immediately. ... No such rule shall remain in effect longer than 120 days after the date of its adoption." Monument and WMATA hereby request that the Zoning Commission adopt the text amendment set forth above on an emergency basis for the following reasons:

- The redevelopment of Square 701 includes the enlargement of facilities at the ground level for the west portal to the Navy Yard Metrorail Station. This portal is the closest entrance to the new baseball stadium now under construction and is anticipated to be the entrance used by more patrons of the stadium than any other Metrorail entrance.
- The existing surface facilities, including Farecard gates and queuing area, are insufficient to accommodate the peak flows of pedestrian traffic before and after baseball games.
- The enlargement of the station entrance is part of Monument's redevelopment of the entire western half of Square 701.
- In order to complete the enlargement of the station entrance in time for the scheduled April, 2008, opening of the stadium, Monument must begin redevelopment activities on the site in January, 2007. Monument cannot begin redevelopment until the WMATA parking lot is relocated to another nearby site.
- Accordingly, there is no time to go through the normal process of notice and hearing for the adoption of the proposed text amendment.

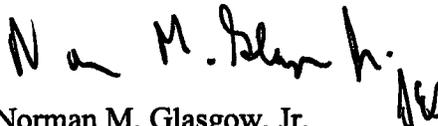
Holland+Knight

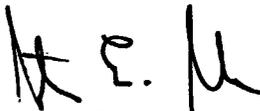
D.C. Zoning Commission
October 27, 2006
Page 3

Monument and WMATA submit that the reasons stated above provide a sufficient basis for the Zoning Commission to adopt the amendment to §1600.4 on an emergency basis. Monument and WMATA respectfully request the Zoning Commission to take such action at the earliest possible date and to thereafter follow the normal process to adopt the amendment.

Monument and WMATA appreciate the Commission's attention to this request and are prepared to answer any questions or to provide such additional information as the Commission may require to act on this matter.

Sincerely,


Norman M. Glasgow, Jr.


Steven E. Sher
Director of Zoning and Land Use Services

Attachment

cc: Monument Realty, LLC
Washington Metropolitan Area Transit Authority
Office of Planning
Advisory Neighborhood Commission 6D

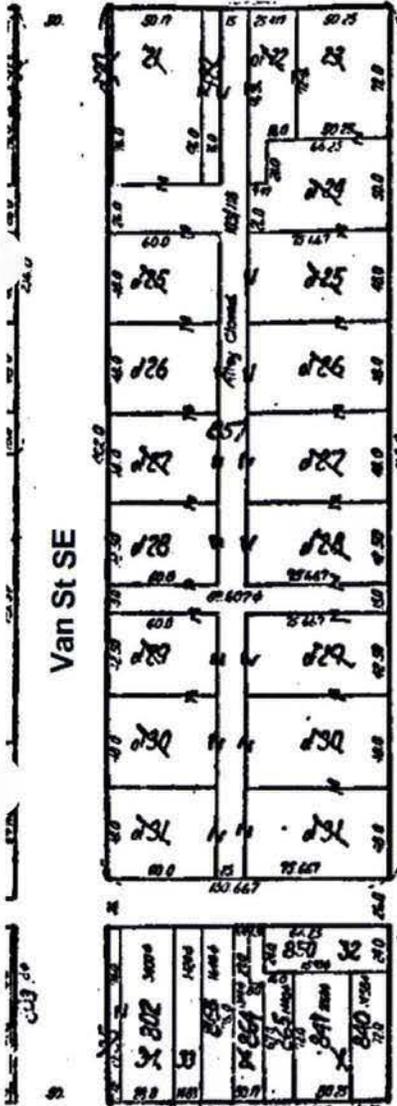
4135411_v1



M St SE

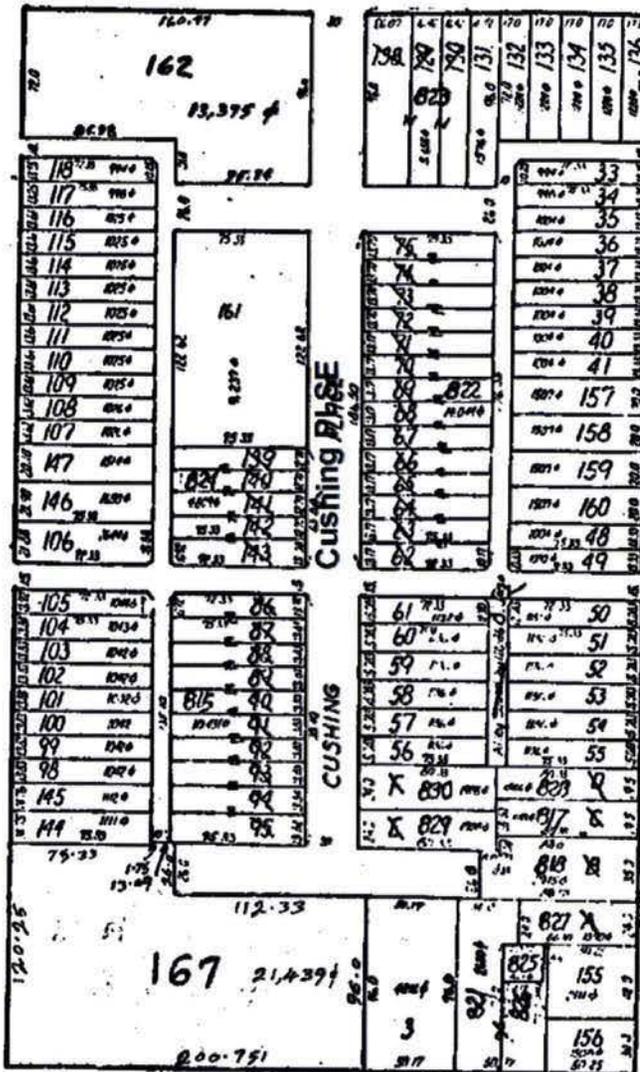
M St SE

M St SE



Half St SE

N St SE



N St SE

1st St SE

