

Trammell Crow Company

September 17, 2008

D.C. Zoning Commission
Suite 210
441 4th Street, NW
Washington, DC 20001

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D.C. OFFICE OF ZONING
2008 SEP 18 PM 3:41

Re: Z.C. Case No. 08-06-1
Amendments to the Zoning Regulations regarding Height

Dear Members of the Commission:

I am writing to you on behalf of Sentinel Square I, LLC, a joint venture of affiliates of Trammell Crow Company and Crow Holdings, the owner of property located in the block bounded by 1st, K and L Streets, N.E., located in the city's NoMA development area. This is a large site, containing almost 140,000 square feet of land. We purchased the site to construct a project containing office and possible retail components organized around a central plaza.

As we pursued our eventual master plan for the site, we consulted with the Office of Planning (OP), which was going through its NoMA planning study. Because our site is in a receiving zone for transferable development rights (TDRs), we purchased TDRs to get our density and height up to a level permitted to be higher than what is normally permitted as a matter-of-right. The city agreed to our TDR documents which transferred density to the site. The Comprehensive Plan's designation for the area is high density commercial and the zoning for the area allows all commercial use.

The project will be constructed as a single building for zoning purposes, connected at at least the ground floor level. The bases upon which we proceeded are well known and recognized within the development and architectural communities and have been used by us and others in developing large, multi-phased projects in the central area of the city. We consulted with OP and with the Zoning Administrator (ZA) on various aspects of the project and received confirmation from the ZA that we could proceed as we outlined the project to him.

We have reviewed proposals which OP has submitted to the Zoning Commission as part of the Zoning Revision Project and we are particularly concerned about a number of the proposals contained in the proposed height amendments. A number of those proposals, if adopted, could significantly adversely affect our ability to build out the project as we have planned. Had we been aware that OP was going to go in those directions, we would have been much more cautious in our decision to purchase this land and to possibly include retail in the project, or make this a mixed use project, rather than an all-office project with large contiguous floor plates.

Our most serious concerns with the height proposals are as follows: ZONING COMMISSION
District of Columbia

CASE NO. 08-06-1
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 14
CASE NO. 08-06-1
EXHIBIT NO. 14

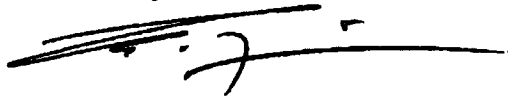
- The new regulations proposed to require that the actual height of a building be measured from the same street used to determine the maximum height (based on the width of the street). This proposal is inconsistent with the plain language of the Act of 1910, which has two different provisions, one addressing the height based on the width and a second specifying where the height is to be measured. This proposal is further inconsistent with decades of interpretations, including a definitive opinion of the Corporation Counsel, the District's chief legal officer, issued in 1950 and binding on all District agencies and employees which confirmed that the height could be measured from a different street than the one used for the width. In our situation, 1st Street is 110 feet wide and is the widest of the three streets which abut our property, thereby permitting a height of 130 feet. We are measuring our height from the middle of the front one of the buildings on L Street, which is the highest point and most advantageous for us. We confirmed our ability to do that with the Zoning Administrator before we started. Being able to gain the greatest advantage for the height of the building is critical to our ability to develop a market driven project. We have used this method for proceeding in other projects which we have done and being able to gain the greatest advantage for the height of the building is critical to our design. Being unable to complete the project using that same measuring point for the entire project would be very detrimental to the ultimate development.
- The proposed definition of a building, requiring parts of a building to share mechanical systems and to share open access on at least half of the floors, would impose substantial restrictions on what we could do. If the portions of our development which do not front on 1st Street are deemed to be separate buildings, then we would lose twenty feet in height and a substantial amount of gross floor area for the buildings not facing 1st Street. Sharing floors and systems makes little sense in a phased office building project, where the various parts of the building are likely to be occupied by different tenants and probably even have different owners over time. We believe that the revisions to the definition of a building go beyond any problem which needs to be addressed and should not be adopted.

The existing regulations have been used by us and others in developing large, multi-phased projects. For the District to change these principles at this time would be most problematic for us and others developing large projects in areas where the city favors development.

We believe that the District will benefit substantially from what we are doing on this site. The proposed amendments noted above place serious impediments to our completing this project as contemplated, and we strongly urge that the Commission not adopt these particular portions of the amendment and that you leave the current definition in place so as to allow us to complete the project which we have planned and begun.

Sincerely,
Trammell Crow Company

Trammell Crow Company



Thomas E. Finan
Managing Director

cc: T. Christopher Roth, Trammell Crow Company
Harriett Tregoning, Director, Office of Planning
Neil Albert, Deputy Mayor, Planning and Economic Development

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