

September 18, 2008

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

RECEIVED
D.C. OFFICE OF ZONING
2008 SEP 19 AM 10:36

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 concerning proposals which the Office of Planning has submitted to the Zoning Commission as part of the Zoning Revision Project dealing with the regulation of height of buildings. We have been involved in a number of significant Downtown high-rise buildings. The proposals would make significant changes to the existing regulations which could adversely affect the ability to maximize density in the areas where the city would want to maximize density; i.e., in Downtown, near Metro stations and on other transit corridors.

The most serious concerns that we have with the height proposals are as follows:

- The new regulations propose 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. That has been the standard practice of the District, and I see no reason to change that.
- The proposed definition of a building, requiring parts of a building to share open access on at least half of the floors, is contrary to the way in which the District has applied the provisions of the current Zoning Regulations. The 1910 Act imposes height limits which constrain what can be done in the District. All of the surrounding suburban jurisdictions, Arlington, Fairfax, Alexandria, Prince George's and Montgomery, permit buildings which far overshadow what can be built here. I see no reason why the District would want to impose greater restrictions and make it harder to achieve the heights permitted under current interpretations of the Act and the Regulations. We have constructed a building at 1101 New York Avenue, N.W., which is connected to a building behind it which fronts on K Street. We were entitled to a 130 foot height by virtue of other streets. We were able to use K Street for the measuring point to give us greater flexibility in the design, not to achieve any additional FAR. I can see no disadvantage

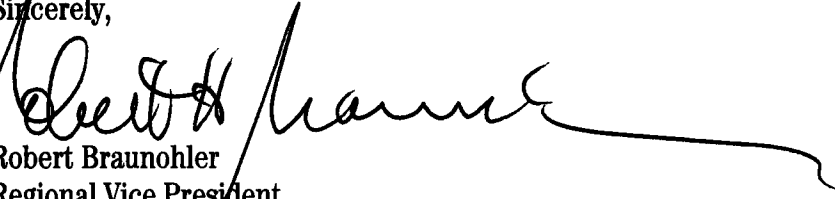
ZONING COMMISSION
District of Columbia

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District of Columbia
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EXHIBIT NO. 15

- to neighboring property owners, the City or the public at large from our building as built and therefore to continue allowing that practice to be employed in the future.

I believe that the proposed amendments noted above are unnecessary and counterproductive. I hope that the Commission will not adopt these particular proposals but instead will retain the language and interpretation of the current regulations.

Sincerely,



Robert Braunohler
Regional Vice President

cc: Neil Albert, Deputy Mayor for Planning and Economic Development
Harriett Tregoning, Director, D.C. Office of Planning
Steve Sher, Holland & Knight