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D.C. OFFICE OF ZONING
2008 SEP 25 AM 10:36

September 22, 2008

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

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 dealing with the regulation of height of buildings. We have been involved in many Downtown and other 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 1910 Act imposes height limits on what can be done in the District. All of the surrounding suburban jurisdictions, Arlington, Fairfax, Alexandria, Prince George's and Montgomery, permit buildings of greater height than what can be built in the District under the Act. While we recognize that the Act is a statutory control which applies today and which is not likely to go away, we see no reason why the District should impose restrictions which will make it harder to achieve the heights permitted under current interpretations of the Act and the Regulations.

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

- The proposed definition of a building, requiring parts of a building to share open access on at least half of the floors, is a bad idea. It is contrary to the way in which the District has applied the provisions of the current Zoning Regulations. We have been involved in many situations where buildings were connected to form a single building to take advantage of street width, measuring point or access considerations. Those buildings were no bigger or taller than they could have been if the properties had all been assembled and constructed to appear as one building. I can see no disadvantage to neighboring property owners, the City or the public at large from the past practice and therefore urge that you continue allowing that practice to be employed in the future.
- 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

DISTRICT OF COLUMBIA
ZONING COMMISSION

CASE NO. 08-06-1

EXHIBIT NO. 19

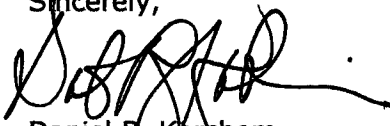
VORNADO

CHARLES E. SMITH

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 again I see no reason to change that.

I believe that the proposed amendments discussed above go in the wrong direction as related to taking advantage of whatever leeway is allowed under the Act and the Regulations. I urge the Commission not to adopt these particular proposals.

Sincerely,

A handwritten signature in black ink, appearing to read 'DKarchem', with a long horizontal flourish extending to the right.

Daniel B. Karchem
Senior Vice President – Development
Vornado/Charles E. Smith

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