THE JBG COMPANIES®

September 25, 2015

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

Re: Comments to Zoning Regulation Rewrite
ZC Case No. 08-06A (Title 11, Zoning Regulations - Comprehensive Text Revisions)

Dear Members of the Commission:

The JBG Companies ("JBG") submits this letter to provide comments to the proposed Zoning Regulation Rewrite ("ZRR"). First, we support the vesting provisions identified in Subtitle A. However, we request that the Zoning Commission consider a delayed effective date following the publication of the new regulations. A transition period of at least six months is necessary to protect the pre-permit investment of the development community. This delayed effective date is critical given the time it takes to design and develop a building. Specifically, the ZRR has been ongoing for a long period of time and there has been uncertainty as to when the new ZRR would go into effect. As a result, JBG has designed projects in its development pipeline in accordance with the current Zoning Regulations. JBG has several projects in this development pipeline, many of which will not be submitted for building permit until mid-2016. These projects have been designed in coordination with market conditions and often associated contractual commitments. To apply these new regulations to projects that have been designed in accordance with the existing regulations and current market expectations will adversely impact pending projects in the city. Accordingly, we support a transition period of at least six months from the date of publication of the ZRR.

In addition, we provide the following comments to specific provisions of the ZRR:

Subtitle I, § 303.1(d): This section requires special exception relief for large format retail uses. These types of retail uses are currently permitted in the existing C-3-C zone and are encouraged in many parts of the existing Downtown Development Overlay. These uses should not require special exception relief. The result will be to discourage department stores and other types of uses in the denser D zones counter to current policy initiatives of the District. Accordingly, we request that you revise § 303.1(d) to require a special exception for large format retail uses only in the D-1 through D-3 zones.

Subtitle I, § 208.1: The Green Area Ratio (GAR) for buildings in the current C-3-C Zone is 0.2. The replacement zone for the C-3-C Zone is the D-5 Zone. The GAR has been inadvertently increased to 0.3 for the D-5 Zone. The GAR should be maintained at 0.2, which is consistent with the current regulations. Accordingly, we request that the Commission revise § 208.1 to state that GAR is 0.2 for the D-5 Zone.

Subtitle I, § 212.2: This section applies parking requirements of Subtitle C, Chapter 7 to all required or provided parking spaces, including access and size. This requirement is a change from the current Zoning Regulations, which permit non-conforming spaces to be provided in a parking garage but do not permit such spaces to be counted for the zoning minimum. For example, tandem spaces are commonly provided in below-grade parking facilities, but only count as one space for zoning. This section would eliminate the ability for tandem spaces or other types of non-compliant spaces to be provided above the minimum number of parking spaces required by zoning. Furthermore, sections of Subtitle C, Chapter 7 state in various places that the requirements only apply to required parking. Thus, Subtitle C should govern. Accordingly, we recommend that § 212.2 be revised to read as follows: Vehicular parking~~, whether required or provided,~~ shall be subject to the requirements, permission and conditions of Subtitle C, Chapter 7.

We appreciate your consideration of these comments and recommendations. We appreciate the Commission and the Office of Planning's work on the ZRR and look forward to continuing to work with the Office of Planning as the process moves forwards.

Sincerely,

Andrew VanHorn
The JBG Companies