



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:

This letter is submitted 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, because the ZRR has been ongoing for a long period of time, our company has chosen to design existing projects in accordance with the current Zoning Regulations due to uncertainty with the timing of ZRR. Vornado/Charles E. Smith has at least one project for which construction drawings are being prepared but for which a building permit application will not be submitted until the first half of 2016. To apply these new regulations to a project fully designed in accordance with existing regulations will adversely impact this project and will delay important development within 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 to Subtitle I of the ZRR:

Subtitle I, § 555.4: This provision limits the non-residential density in the D-6 Zone to 6.5 FAR. Currently, the permitted non-residential density for these properties (which are within the C-4 Zone) is 8.5 FAR or 10.0 FAR depending upon street frontage. See § 771.2 and § 771.5 of Title 11. Accordingly, § 554.1 should be deleted or should be amended to reflect the existing provision of Title 11.

Subtitle I, § 208.1: The Green Area Ratio (GAR) for buildings in the current C-4 Zone is 0.2. The replacement zone for the C-4 Zone is the D-6 Zone. The GAR has been inadvertently increased to 0.3 for the D-6 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-6 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.

Finally, Vornado submitted comments to an earlier draft of the ZRR on February 5, 2014, which are in the record of this case at Exhibit 511. Many of those comments have been addressed. However, Vornado continues to be concerned with the amount of bicycle parking spaces that are required in the ZRR (Subtitle C, § 802) as the proposed amounts are significant and overly burdensome. For example, the proposed requirement for office use is 1 space for 2,500 square feet for long term spaces. This calculation results in more than double the number of bicycle parking spaces required under LEED. Vornado recommends that the number be changed to 1 space for 5,000 square feet for long term spaces. The result is still more parking spaces than is required by LEED but it is more reasonable for office use in the District. See chart below with example 330,000 office GFA building:

	Office GFA Provided	Bike Parking per X GFA (1)	Required
LEED Requirement			39
Proposed ZRR (1)	330,000	2,500	91
Increased Proposed ZRR (1)	330,000	5,000	58

(1) up to the first 50 spaces, 1/2 after

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,
VORNADO/CHARLES E. SMITH L.P.



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