



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust
Sean C. Cahill
DCBIA Vice President
Property Group Partners
Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.
Deborah Ratner Salzman
DCBIA Vice President
Forest City Washington
Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation
Andrew Katz
DCBIA Treasurer
Baker Tilly
Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group
Jeffrey H. Gelman
Saul Ewing LLP
Matthew J. Klein
Akridge
Jair K. Lynch
Jair Lynch Development Partners
Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services
Claude E. Bailey
Venable LLP
Robert S. Brans
Patton Boggs LLP
Howard Chapman
Rand Construction Corporation
Christopher R. Clarke
Terra Nova Title & Settlement Services
Donna Cooper
Pepco Region
Vicki Davis
Urban Atlantic
Daniel P. Dooley
Tishman Speyer
Brad Fennell
WC Smith
Gordon Fraley
Vornado/Charles E. Smith
Matt Haas
Clark Construction Group, LLC
Lynn Hackney
Urban Pace, LLC
Michele V. Hagans
Fort Lincoln New Town
Corporation
Cheryl P. Hamilton
Adaoha Properties LLC
Gary E. Humes
Arnold & Porter LLP
George P. Kreis
Turner Construction Company
Carey C. Majeski
DRI Development Services, LLC
Antonio Marquez
EagleBank
Bill McIntosh
Balfour Beatty Construction
Deryl McKissack
McKissack & McKissack
Brett McMahon
Miller & Long DC, Inc.
Gregory B. Meyer
Brookfield Office Properties
Robert J. Murphy
MRP Realty
Mary Ramsey
Wiles Mensch Corporation
Howard J. Riker
Hines
Berkeley M. Shervin
The Wilkes Company
Kenneth F. Simmons
Boston Properties, Inc.
Britt Snider
The JBG Companies
Suman Sorg
Sorg Architects
Steve Strazzella
The Bozzuto Group
Steven A. Tettelbaum
WMATA
Aakash R. Thakkar
EYA, LLC
Paul Tummonds
Goulston & Storrs
Robert W. Ward
Skanska USA Commercial
Development Inc.
Debra D. Yagodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

October 28, 2013

Zoning Commission
for the District of Columbia
441 4th Street, N.W.
2nd Floor South
Washington, D.C. 20001

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

Dear Members of the Commission:

This letter is submitted by the District of Columbia Building Industry Association ("DCBIA") to provide comments to the Zoning Commission on relevant sections of the proposed new text of the Zoning Regulations in ZC Case No. 08-06A.

Subtitle A – Authority and Applicability

The effective date of the proposed Zoning Regulations is unknown, which provides a great deal of anxiety for DCBIA members as they contemplate new development projects. Accordingly, the proposed Regulations need to establish timelines for transition to the new regulations that will clearly establish when property owners will be subject to the new regulations and allow design, development, and zoning review that is currently underway to continue to proceed under the existing regulations.

Subtitle A, Section 100.4 of the proposed Regulations uses the same transitory language that was used over 50 years ago when the 1958 Regulations were adopted. The concept is acceptable but the actual language fails to capture other land use processes that have since been established. The 1958 language also lacks clarity that is typical in modern regulatory language. With that in mind, DCBIA recommends the following additional changes, which are consistent with similar phase-in language recently adopted by the Commission for the Green Area Ratio requirements and for new versions of the D.C. Construction Codes.

- Amend Subtitle A, Section 100.4 as follows:

Past Presidents Council

William B. Alsop III
Hines
Charles K. Barber
The George Washington
University
Neal B. Bien
Bien/Paul Ventures, Inc.
Robert H. Braunschler
Property Group Partners
Gregory W. Fazakerley
CG Investments, Inc.
Steven A. Grigg
Republic Properties Corporation
Joseph F. Hornling, Jr.
Hornling Brothers, Inc.
Philip R. Miller
MDC Land, Inc.
W. Christopher Smith, Jr.
WC Smith
William O. Vose
Real Estate Development Advisor
Thomas W. Wilbur
Akridge
James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC
Mark Baughman
SKB Architecture & Design
Maybelle Taylor Bennett
Howard University Community
Association
David W. Briggs
Holland & Knight LLP
Kenneth W. Broussard
KeyBank
Tanja H. Castro
Castrol-Haase, PLLC
Barry DePauw
Clark Construction Group, LLC
Christopher J. Donatelli
Donatelli Development
Peter G. Gartian
The Donohoe Companies, Inc.
N. Linda Goldstein
Reno & Cavanaugh, PLLC
Philip M. Horowitz
Venable LLP
Douglas N. Jemal
Douglas Development Corp.
William H. Norton
Northwestern Mutual Life
Insurance Company
Darrel D. Rippeteau
Rippeteau Architects, P.C.
Raymond A. Ritchey
Boston Properties, Inc.

Advisory Committee

Joseph L. Askew
Verizon Communications, Inc.
Jennifer Eugene
Washington Gas
Joseph D. Schall
Pepco

Executive Vice President

Gail Edwards

ZONING COMMISSION

District of Columbia

CASE NO. 08-06A
www.dcbia.org
EXHIBIT NO. 103



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust

Sean C. Cahill
DCBIA Vice President
Property Group Partners

Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.

Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington

Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation

Andrew Katz
DCBIA Treasurer
Baker Tilly

Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group

Jeffrey H. Gelman
Saul Ewing LLP

Matthew J. Klein
Akridge

Jair K. Lynch
Jair Lynch Development Partners

Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services

Claude E. Bailey
Venable LLP

Robert S. Brams
Patton Boggs LLP

Howard Chapman
Rand Construction Corporation

Christopher R. Clarke
Terra Nova Title & Settlement Services

Donna Cooper
Pepco Region

Vicki Davis
Urban Atlantic

Daniel P. Dooley
Tishman Speyer

Brad Fennell
WC Smith

Gordon Fraley
Vornado/Charles E. Smith

Matt Haas
Clark Construction Group, LLC

Lynn Hackney
Urban Pace, LLC

Michele V. Hagans
Fort Lincoln New Town Corporation

Cheryl P. Hamilton
Adaoha Properties LLC

Gary E. Humes
Arnold & Porter LLP

George P. Kreis
Turner Construction Company

Carey C. Majeski
DRI Development Services, LLC

Antonio Marquez
EagleBank

Bill McIntosh
Balfour Beatty Construction

Deryl McKissack
McKissack & McKissack

Brett McMahon
Miller & Long DC, Inc.

Gregory B. Meyer
Brookfield Office Properties

Robert J. Murphy
MRP Realty

Mary Ramsey
Wiles Mensch Corporation

Howard J. Riker
Hines

Berkeley M. Shervin
The Wilkes Company

Kenneth F. Simmons
Boston Properties, Inc.

Britt Snider
The JBG Companies

Suman Sorg
Sorg Architects

Steve Strazzella
The Bozzuto Group

Steven A. Teitelbaum
WMATA

Aakash R. Thakkar
EYA, LLC

Paul Tummonds
Goulston & Storr

Robert W. Ward
Skanska USA Commercial Development Inc.

Debra D. Yagodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

- Section 100.4(2) states that the current Regulations remain in effect “with respect to any right accrued, any duty imposed, any offense committed, any penalty incurred, or any proceeding commenced under or by virtue of the regulations repealed.” We recommend adding the following clarifying language.

“Examples include:

- An unexpired approval of (1) a first-stage, second-stage, or consolidated planned unit development, (2) variance or special exception, including a campus plan or approval for a private school, and (3) design review under the CG or SEFC Overlay, including the approved plans and conditions of approval related to all such approvals listed above.

- An application for a planned unit development, variance, special exception, or design review, provided that such application was filed prior to _____ [Date to be added based on date of final approval of the proposed Zoning Regulations]”

- Add a new Section 100.4(4) that states the current Regulations remain in effect for the following additional types of projects that are in development but have not yet received a building permit.

“Section 100.4 (4) With respect to certain other developments or designs that have commenced but not yet received a building permit by the date set forth in Section 100.3 as enumerated below:

- Concept design approved by the Historic Preservation Review Board or the U.S. Commission of Fine Arts, provided that the application was filed prior to _____ [Date to be added based on date of final approval of the proposed Zoning Regulations]
- Large Tract Review approval, provided that the application was filed prior to _____ [Date to be added based on date of final approval of the proposed Zoning Regulations]

Past Presidents Council

William B. Alsop III
Hines

Charles K. Barber
The George Washington University

Neal B. Bien
BlervPaul Ventures, Inc.

Robert H. Braunohler
Property Group Partners

Gregory W. Fazakerley
CG Investments, Inc.

Steven A. Grigg
Republic Properties Corporation

Executive Council

James J. Abdo
Abdo Development, LLC

Mark Baughman
SKB Architecture & Design

Maybelle Taylor Bennett
Howard University Community Association

David W. Briggs
Holland & Knight LLP

Kenneth W. Broussard
KeyBank

Tanja H. Castro
CastroHaase, PLLC

Barry DePauw
Clark Construction Group, LLC

Advisory Committee

Christopher J. Donatelli
Donatelli Development

Peter G. Gartlan
The Donohoe Companies, Inc.

N. Linda Goldstein
Reno & Cavanaugh, PLLC

Philip M. Horowitz
Venable LLP

Douglas N. Jemal
Douglas Development Corp.

William H. Norton
Northwestern Mutual Life Insurance Company

Darrel D. Rippeteau
Rippeteau Architects, P.C.

Raymond A. Ritchey
Boston Properties, Inc.

Executive Vice President

Gail Edwards



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust
Sean C. Cahill
DCBIA Vice President
Property Group Partners
Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.
Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington
Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation
Andrew Katz
DCBIA Treasurer
Baker Tilly
Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group
Jeffrey H. Gelman
Saul Ewing LLP
Matthew J. Klein
Akridge
Jair K. Lynch
Jair Lynch Development Partners
Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services
Claude E. Bailey
Venable LLP
Robert S. Brans
Patton Boggs LLP
Howard Chapman
Rand Construction Corporation
Christopher R. Clarke
Terra Nova Title & Settlement Services
Donna Cooper
Pepco Region
Vicki Davis
Urban Atlantic
Daniel P. Dooley
Tishman Speyer
Brad Fennell
WC Smith
Gordon Fraley
Vornado/Charles E. Smith
Matt Haas
Clark Construction Group, LLC
Lynn Hackney
Urban Pace, LLC
Michele V. Hagans
Fort Lincoln New Town
Corporation
Cheryl P. Hamilton
Adaqua Properties LLC
Gary E. Humes
Arnold & Porter LLP
George P. Kreis
Turner Construction Company
Carey C. Majeski
DRI Development Services, LLC
Antonio Marquez
EagleBank
Bill McIntosh
Balfour Beatty Construction
Deryl McKissack
McKissack & McKissack
Brett McMahon
Miller & Long DC, Inc.
Gregory B. Meyer
Brookfield Office Properties
Robert J. Murphy
MRP Realty
Mary Ramsey
Wilkes Mensch Corporation
Howard J. Riker
Hines
Berkeley M. Shervin
The Wilkes Company
Kenneth F. Simmons
Boston Properties, Inc.
Britt Snider
The JBG Companies
Suman Sorg
Sorg Architects
Steve Strazzella
The Bozzuto Group
Steven A. Teitelbaum
WMAATA
Aakash R. Thakkar
EVA, LLC
Paul Tummonds
Goulston & Storrs
Robert W. Ward
Skanska USA Commercial
Development Inc.
Debra D. Yagodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

- Building permit, provided that the application was filed with plans sufficiently complete for processing and accepted by the Department of Consumer and Regulatory Affairs as complete prior to _____ [Date to be added based on date of final approval of the proposed Zoning Regulations]
- Buildings and other structures under contract for design on or before _____, provided that the applicant shall file the permit application for such design within one year after _____ [Dates to be added based on date of final approval of the proposed Zoning Regulations]

Subtitle X – General Procedures (Campus Plan)

DCBIA recognizes the changes that the Office of Planning has made to the draft Zoning Regulations regarding the Campus Plan process in response to the Zoning Commission's recent experience with numerous Campus Plans. DCBIA notes the following issues with the proposed Zoning Regulations and potential means to address those issues.

- The draft Zoning Regulations require institutional campuses to create cumbersome "theoretical" lots as a part of special exception approval. This provision overrules unwritten but recognized interpretation that multiple buildings are permitted on a campus lot. DCBIA proposes the following modifications to the draft Zoning Regulations:
 - Amend Subtitle A, Section 301.3 to add exception from record lot requirement for institutional campuses (colleges/universities and private schools);
 - Amend Subtitle C, Section 402 to permit multiple buildings for institutional campuses in residential zones as well as in nonresidential zones; and
 - Amend Subtitle C, Section 407.10 to remove requirement for institutional uses to secure theoretical lot approval.
- If the draft theoretical lot regulations do apply, then institutions cannot have private streets serving multiple landowners. Also, private rights-of-way containing public utilities must comply with DDOT standards for a public street. DCBIA proposes the following modifications to the draft Zoning Regulations:

Past Presidents Council

William B. Alsop III
Hines
Charles K. Barber
The George Washington
University
Neal B. Bien
Blern/Paul Ventures, Inc.
Robert H. Braunschler
Property Group Partners
Gregory W. Fazakerley
CG Investments, Inc.
Steven A. Grigg
Republic Properties Corporation
Joseph F. Horning, Jr.
Horning Brothers, Inc.
Philip R. Miller
MDC Land, Inc.
W. Christopher Smith, Jr.
WC Smith
William O. Vose
Real Estate Development Advisor
Thomas W. Wilbur
Akridge
James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC
Mark Baughman
SKB Architecture & Design
Maybelle Taylor Bennett
Howard University Community
Association
David W. Briggs
Holland & Knight LLP
Kenneth W. Broussard
KeyBank
Tanja H. Castro
Castro-Haese, PLLC
Barry DePauw
Clark Construction Group, LLC

Advisory Committee

Christopher J. Donatelli
Donatelli Development
Peter G. Gartlan
The Donohoe Companies, Inc.
N. Linda Goldstein
Reno & Cavanaugh, PLLC
Philip M. Horowitz
Venable LLP
Douglas N. Jemal
Douglas Development Corp.
William H. Norton
Northwestern Mutual Life
Insurance Company
Darrel D. Rippeteau
Rippeteau Architects, P.C.
Raymond A. Ritchey
Boston Properties, Inc.

Executive Vice President

Gail Edwards



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust
Sean C. Cahill
DCBIA Vice President
Property Group Partners
Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.
Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington
Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation
Andrew Katz
DCBIA Treasurer
Baker Tilly
Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group
Jeffrey H. Gelman
Saul Ewing LLP
Matthew J. Klein
Akridge
Jair K. Lynch
Jair Lynch Development Partners
Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services
Claude E. Bailey
Venable LLP
Robert S. Brams
Patton Boggs LLP
Howard Chapman
Rand Construction Corporation
Christopher R. Clarke
Terra Nova Title & Settlement Services
Donna Cooper
Peppo Region
Vicki Davis
Urban Atlantic
Daniel P. Dooley
Tishman Speyer
Brad Fennell
WC Smith
Gordon Fraley
Vornado/Charles E. Smith
Matt Haas
Clark Construction Group, LLC
Lynn Hackney
Urban Pace, LLC
Michele V. Hagans
Fort Lincoln New Town
Corporation
Cheryl P. Hamilton
Adaoha Properties LLC
Gary E. Humes
Arnold & Porter LLP
George P. Kreis
Turner Construction Company
Carey C. Majeski
DRI Development Services, LLC
Antonio Marquez
EagleBank
Bill McIntosh
Balfour Beatty Construction
Deryl McKissack
McKissack & McKissack
Brett McMahon
Miller & Long DC, Inc.
Gregory B. Meyer
Brookfield Office Properties
Robert J. Murphy
MRP Realty
Mary Ramsey
Wiles Mensch Corporation
Howard J. Riker
Hines
Berkeley M. Shervin
The Wilkes Company
Kenneth F. Simmons
Boston Properties, Inc.
Britt Snider
The JBG Companies
Suman Sorg
Sorg Architects
Steve Strazzella
The Bozzuto Group
Steven A. Teitelbaum
WMAA
Aakash R. Thakkar
EYA, LLC
Paul Tummonds
Goulston & Storrs
Robert W. Ward
Skanska USA Commercial
Development Inc.
Debra D. Yagodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

- Amend Subtitle C, Section 407.3 to clarify that limitations on private streets to do not apply to institutional campuses.
- The draft Zoning Regulations do not permit minor modifications to existing buildings or structures that have de minimus impact. DCBIA proposes the following modifications to the draft Zoning Regulations:
 - Amend Subtitle A, Section 304 to give the ZA the authority to approve additions to institutional buildings that do not exceed 2% of gross floor area or lot occupancy of the building regardless of when built, subject to finding that the change is consistent with the approved special exception; and
 - Subtitle X, Section 101.18 permits small additions needed for code compliance permitted without campus plan amendment but limited to 1,500 s.f. Recommend modification to tie size of addition to size of building (i.e. 2%).
- Building Height Measurement requires measurement from midpoint of façade along street lot line /nearest to a public street. DCBIA proposes the following modifications to the draft Zoning Regulations:
 - Clarify discrepancy in language between definitions in Subtitle A and regulations in Subtitle C; and
 - Amend the proposed Zoning Regulations to permit measurement from midpoint of whatever building façade that permits the greater height for buildings that are set back 1:1 for each foot of height from all lot lines – not limited to façade that faces a “public street”.
- The draft Zoning Regulations require interior private roads that serve as access to buildings or circulation be excluded from FAR calculations. This effectively strips all institutional campuses of existing FAR (whether internal roadways or closed alleys that are now driveways to parking and loading functions). DCBIA proposes the following modifications to the draft Zoning Regulations:
 - Remove this limitation or increase the maximum permitted FAR on campus.
- The definition of University use combined with definition of Accessory Uses may unnecessarily limit the permitted number of accessory uses on a college or university campus. The definition of Education, College/University”

Past Presidents Council

William B. Alsop III
Hines
Charles K. Barber
The George Washington
University
Neal B. Bien
Bian/Paul Ventures, Inc.
Robert H. Braunschler
Property Group Partners
Gregory W. Fazakerley
CG Investments, Inc.
Steven A. Grigg
Republic Properties Corporation
Joseph F. Horning, Jr.
Horning Brothers, Inc.
Philip R. Miller
MDG Land, Inc.
W. Christopher Smith, Jr.
WC Smith
William O. Vose
Real Estate Development Advisor
Thomas W. Wilbur
Akridge
James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC
Mark Baughman
SKB Architecture & Design
Maybelle Taylor Bennett
Howard University Community
Association
David W. Briggs
Holland & Knight LLP
Kenneth W. Broussard
KeyBank
Tanja H. Castro
CastroHease, PLLC
Barry DePauw
Clark Construction Group, LLC

Advisory Committee

Joseph L. Askew
Verizon Communications, Inc.
Jennifer Eugene
Washington Gas
Joseph D. Schall
Peppo
Christopher J. Donatelli
Donatelli Development
Peter G. Gartlan
The Donohoe Companies, Inc.
N. Linda Goldstein
Reno & Cavanaugh, PLLC
Philip M. Horowitz
Venable LLP
Douglas N. Jemal
Douglas Development Corp.
William H. Norton
Northwestern Mutual Life
Insurance Company
Darrel D. Rippeteau
Rippeteau Architects, P.C.
Raymond A. Ritchey
Boston Properties, Inc.

Executive Vice President

Gail Edwards



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust
Sean C. Cahill
DCBIA Vice President
Property Group Partners
Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.
Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington
Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation
Andrew Katz
DCBIA Treasurer
Baker Tilly
Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group
Jeffrey H. Gelman
Saul Ewing LLP
Matthew J. Klein
Akridge
Jair K. Lynch
Jair Lynch Development Partners
Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services
Claude E. Bailey
Venable LLP
Robert S. Brams
Patton Boggs LLP
Howard Chapman
Rand Construction Corporation
Christopher R. Clarke
Terra Nova Title & Settlement Services
Donna Cooper
Peppo Region
Vicki Davis
Urban Atlantic
Daniel P. Dooley
Tishman Speyer
Brad Fennell
WC Smith
Gordon Fraley
Vornado/Charles E. Smith
Matt Haas
Clark Construction Group, LLC
Lynn Hackney
Urban Pace, LLC
Michele V. Hagans
Fort Lincoln New Town
Corporation
Cheryl P. Hamilton
Adaoha Properties LLC
Gary E. Humes
Arnold & Porter LLP
George P. Kreis
Turner Construction Company
Carey C. Majeski
DRI Development Services, LLC
Antonio Marquez
EagleBank
Bill McIntosh
Balfour Beatty Construction
Deryl McKissack
McKissack & McKissack
Brett McMahon
Miller & Long DC, Inc.
Gregory B. Meyer
Brookfield Office Properties
Robert J. Murphy
MRP Realty
Mary Ramsey
Wiles Mensch Corporation
Howard J. Riker
Hines
Berkeley M. Shervin
The Wilkes Company
Kenneth F. Simmons
Boston Properties, Inc.
Britt Snider
The JBG Companies
Suman Sorg
Sorg Architects
Steve Strazzella
The Bozzuto Group
Steven A. Teitelbaum
WMATA
Aakash R. Thakkar
EYA, LLC
Paul Tummonds
Goulston & Storrs
Robert W. Ward
Skanska USA Commercial
Development Inc.
Debra D. Yogodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

includes only the following accessory uses: accessory athletic and recreation areas, dormitories, cafeterias, ancillary commercial uses, multiple academic and administrative buildings, and sports facilities.” DCBIA proposes the following modifications to the draft Zoning Regulations

- Clarify that other accessory uses are also permitted (i.e., that the uses listed in the definition are not exhaustive and the only permitted accessory uses);
 - Clarify that the accessory uses are not limited to college or university populations (e.g. use of fitness centers and pool/tennis clubs by community members); and
 - Amend Subtitle C, Section 203 to permit accessory uses that are not permitted in the underlying zone, subject to Zoning Administrator determination that the use is accessory and consistent with the underlying principal use.
- The draft Zoning Regulations require special exception approval for college/university use in low density commercial zones (C-1 and C-2-A zone districts). DCBIA believes that this proposed regulation improperly treats a college or university use differently than a non-college/university use. For example, a theater (i.e. Studio Theater, Gala Theater, Arena Stage) is a permitted matter-of-right use in a C-2-A Zone District, while a university theater (such as AU’s Greenberg Theatre) will require special exception approval. Similarly, an architect or lawyer’s office is a permitted use in the C-1 and C-2-A zones, while having a university architect or general counsel’s office in those same zones will require special exception approval. DCBIA believes that this provision should be deleted from the draft Zoning Regulations.

Subtitle C – General Procedures (Parking, Bike Parking, Loading)

DCBIA is generally in support of Subtitle C of the newly proposed Zoning Regulations as set forth in Zoning Commission Case No. 08-06C with respect to Parking and Loading. DCBIA generally supports the proposed parking and loading requirements and the revisions that have been made to these standards. DCBIA specifically supports the following concepts within Subtitle C: Parking:

- Allowing shared parking between different uses.
- Allowing parking to be located off-site.
- Elimination of minimum parking requirements within the downtown zones.

Past Presidents Council

William B. Alsop III
Hines
Charles K. Barber
The George Washington
University
Neal B. Bien
Bieri/Paul Ventures, Inc.
Robert H. Braunohler
Property Group Partners
Gregory W. Fazakerley
CG Investments, Inc.
Steven A. Grigg
Republic Properties Corporation

Joseph F. Horning, Jr.
Horning Brothers, Inc.
Philip R. Miller
MDG Land, Inc.
W. Christopher Smith, Jr.
WC Smith
William O. Voase
Real Estate Development Advisor
Thomas W. Wilbur
Akridge
James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC
Mark Baughman
SKB Architecture & Design
Maybelle Taylor Bennett
Howard University Community
Association
David W. Briggs
Holland & Knight LLP
Kenneth W. Broussard
KeyBank
Tanja H. Castro
Castro/Isaac, PLLC
Barry DePauw
Clark Construction Group, LLC

Advisory Committee

Joseph L. Askew
Verizon Communications, Inc.
Jennifer Eugene
Washington Gas
Joseph D. Schall
Papco
Philip M. Horowitz
Venable LLP
Douglas N. Jemal
Douglas Development Corp.
William H. Norton
Northwestern Mutual Life
Insurance Company
Darrel D. Rippeteau
Rippeteau Architects, P.C.
Raymond A. Ritchey
Boston Properties, Inc.

Executive Vice President

Gail Edwards



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust

Sean C. Cahill
DCBIA Vice President
Property Group Partners

Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.

Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington

Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation

Andrew Katz
DCBIA Treasurer
Baker Tilly

Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group

Jeffrey H. Gelman
Saul Ewing LLP

Matthew J. Klein
Akridge

Jair K. Lynch
Jair Lynch Development Partners

Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services

Claude E. Bailey
Venable LLP

Robert S. Brans
Patton Boggs LLP

Howard Chapman
Rand Construction Corporation

Christopher R. Clarke
Terra Nova Title & Settlement Services

Donna Cooper
Pepco Region

Vicki Davis
Urban Atlantic

Daniel P. Dooley
Tishman Speyer

Brad Fennell
WC Smith

Gordon Fraley
Vornado/Charles E. Smith

Matt Haas
Clark Construction Group, LLC

Lynn Hackney
Urban Pace, LLC

Michele V. Hagans
Fort Lincoln New Town Corporation

Cheryl P. Hamilton
Adaaha Properties LLC

Gary E. Humes
Arnold & Porter LLP

George P. Kreis
Turner Construction Company

Carey C. Majeski
DRI Development Services, LLC

Antonio Marquez
EagleBank

Bill McIntosh
Ballour Beatty Construction

Deryl McKissack
McKissack & McKissack

Brett McMahon
Miller & Long DC, Inc.

Gregory B. Meyer
Brookfield Office Properties

Robert J. Murphy
MRP Realty

Mary Ramsey
Wiles Mensch Corporation

Howard J. Riker
Hines

Berkeley M. Shervin
The Wilkes Company

Kenneth F. Simmons
Boston Properties, Inc.

Britt Snider
The JBG Companies

Suman Sorg
Sorg Architects

Steve Strazzella
The Bozzuto Group

Steven A. Teitelbaum
WMATA

Aakash R. Thakkar
EYA, LLC

Paul Tummonds
Goulston & Storrs

Robert W. Ward
Skanska USA Commercial Development Inc.

Debra D. Yagodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

- Updated compact parking standards.
- Metro and Streetcar proximity requirements.

DCBIA suggests that further consideration be given to the following concepts within Subtitle C: Parking:

- Reconsider the elimination of parking minimums near Transit Zones. This concept should be included in the Regulations at least on a trial basis for a minimum of five years and at which time the impacts can be re-evaluated and refined.
- Studying further the Transportation Demand Management features proposed when excess parking spaces are provided. Specifically, consider increasing the threshold for triggering the additional TDM requirements to two times the base minimum parking requirement and clarifying what an “excess parking space” is (§1907.3).
- Studying further the impacts on development of landscaping requirements (§1915), particularly with respect to the length of parking rows.
- Consideration of gravel and other porous composites, such as recycled tire products, as allowable all-weather surfaces (§1913.1).
- Studying the relative minimum requirements for short- and long-term bicycle parking spaces (§2002.1), especially where bike sharing facilities are located within reasonable proximity to the building.
- Reconsider the queuing provisions, particularly the prohibition of a queuing aisle within 20 feet of a street lot line (§1916.3).

DCBIA specifically supports the following concepts within Subtitle C: Loading:

- Removal of the 55 foot truck bay requirements.
- Allowing shared loading facilities between different uses.
- Allowing loading to be shared by adjoining buildings.

DCBIA suggests that further consideration be given to the following concepts within Subtitle C: Loading:

- Allow for trash rooms to be located nearby but not immediately adjacent to the loading area (§2107). In many instances the lay-out of the building does not allow for immediate adjacency.
- Clarifying the measurement of gross floor area provisions (§2102) include the provisions in the current Zoning Regulations for gasoline service stations (§2205.2).

Past Presidents Council

William B. Alsop III
Hines

Charles K. Barber
The George Washington University

Neal B. Bien
Bien/Paul Ventures, Inc.

Robert H. Braunschler
Property Group Partners

Gregory W. Fazakerley
CG Investments, Inc.

Steven A. Grigg
Republic Properties Corporation

Joseph F. Horning, Jr.
Horning Brothers, Inc.

Philip R. Miller
MDC Land, Inc.

W. Christopher Smith, Jr.
WC Smith

William O. Vose
Real Estate Development Advisor

Thomas W. Willbur
Akridge

James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC

Mark Baughman
SKB Architecture & Design

Maybelle Taylor Bennett
Howard University Community Association

David W. Briggs
Holland & Knight LLP

Kenneth W. Broussard
KeyBank

Tanja H. Castro
CastroHäase, PLLC

Barry DePauw
Clark Construction Group, LLC

Christopher J. Donatelli
Donatelli Development

Peter G. Gartian
The Donohoe Companies, Inc.

N. Linda Goldstein
Reno & Cavanaugh, PLLC

Philip M. Horowitz
Venable LLP

Douglas N. Jemal
Douglas Development Corp.

William H. Norton
Northwestern Mutual Life Insurance Company

Darrel D. Rippeteau
Rippeteau Architects, P.C.

Raymond A. Ritchey
Boston Properties, Inc.

Advisory Committee

Joseph L. Askew
Verizon Communications, Inc.

Jennifer Eugene
Washington Gas

Joseph D. Schall
Pepco

Executive Vice President

Gail Edwards



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

Subtitles G & H – Mixed Use and Neighborhood Mixed Use Zones

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust
Sean C. Cahill
DCBIA Vice President
Property Group Partners
Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.
Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington
Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation
Andrew Katz
DCBIA Treasurer
Baker Tilly
Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group
Jeffrey H. Gelman
Saul Ewing LLP
Matthew J. Klein
Akridge
Jair K. Lynch
Jair Lynch Development Partners
Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewes Real Estate Services
Claude E. Bailey
Venable LLP
Robert S. Brans
Patton Boggs LLP
Howard Chapman
Rand Construction Corporation
Christopher R. Clarke
Terra Nova Title & Settlement Services
Donna Cooper
Pepco Region
Vicki Davis
Urban Atlantic
Daniel P. Dooley
Tishman Speyer
Brad Fennell
WC Smith
Gordon Fraley
Vornado/Charles E. Smith
Matt Haas
Clark Construction Group, LLC
Lynn Hackney
Urban Pace, LLC
Michele V. Hagans
Fort Lincoln New Town
Corporation
Cheryl P. Hamilton
Adacha Properties LLC
Gary E. Humes
Arnold & Porter LLP
George P. Kreis
Turner Construction Company
Caroy C. Majeski
DRI Development Services, LLC
Antonio Marquez
EagleBank
Bill McIntosh
Balfour Beatty Construction
Daryl McKissack
McKissack & McKissack
Brett McMahon
Miller & Long DC, Inc.
Gregory B. Meyer
Brookfield Office Properties
Robert J. Murphy
MRP Realty
Mary Ramsey
Wilks Mensch Corporation
Howard J. Riker
Hines
Berkeley M. Shervin
The Wilks Company
Kenneth F. Simmons
Boston Properties, Inc.
Britt Snider
The JBG Companies
Suman Sorg
Sorg Architects
Steve Strazzella
The Bozzuto Group
Steven A. Teitelbaum
WMATA
Aakash R. Thakkar
EVA, LLC
Paul Tummonds
Goulston & Storrs
Robert W. Ward
Skanska USA Commercial
Development Inc.
Debra D. Yagodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

DCBIA is generally supportive of Subtitles G & H as proposed in Zoning Commission Case No. 08-06A. However, DCBIA suggests that further consideration be given to the following concepts in Subtitle G:

- Provide an exemption from rear setbacks for through lots with frontage on three streets.
- Allow for more flexibility under the rear setback requirements to be commensurate with the current Zoning Regulations.
 - Allow for no rear setback for the lower 20 feet or 25 feet of a building when it abuts an alley to the rear. (§ 305)
 - Allow a court in lieu of a rear setback in the higher density zones.
- Maximum FAR (especially non-residential) should be consistent with what is permitted now in the CAP and CHC overlays (§ 601)
- Provide more specific criteria for special exceptions from development standards. (§ 811)
- Alter the Chapter 12 roof structure standards:
 - Remove the requirement for enclosing walls of equal height since it is a common relief request and does not make better penthouses. (§ 1201.3(f))
 - Remove the more onerous setback requirement for setbacks from open courts, which is not always required under the current Zoning Regulations. (§ 1201.4)
- Provide more specific criteria for the special exception for “miscellaneous uses” in some zones. (§ 1421.2(k))

DCBIA also suggests that further consideration be given to the following concepts in Subtitle H:

- Clarify when design requirements, such as § 808, apply. New buildings, additions, or existing buildings should be individually considered.
- Refine the rear setback requirement to allow for an average distance calculation for an irregular rear setback. The proposed language is too standard to account for irregularities. (§ 1004)
- Allow entertainment and performing arts uses to be designated uses in § 1101.4. This is a contradiction with § 1101.2.
- Remove the variance-like higher standard of an “exceptional circumstance” affecting the property for a special exception. Also, other non-relevant

Past Presidents Council

William B. Alsop III
Hines
Charles K. Barber
The George Washington
University
Neal B. Bien
Bien/Paul Ventures, Inc.
Robert H. Braunohler
Property Group Partners
Gregory W. Fazakerley
CG Investments, Inc.
Steven A. Grigg
Republic Properties Corporation

Joseph F. Horning, Jr.
Horning Brothers, Inc.
Philip R. Miller
MDC Land, Inc.
W. Christopher Smith, Jr.
WC Smith
William O. Vose
Real Estate Development Advisor
Thomas W. Wilbur
Akridge
James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC
Mark Baughman
SKB Architecture & Design
Maybelle Taylor Bennett
Howard University Community
Association
David W. Briggs
Holland & Knight LLP
Kenneth W. Broussard
KeyBank
Tanja H. Castro
CastroHaase, PLLC
Barry DePauw
Clark Construction Group, LLC

Christopher J. Donatelli
Donatelli Development
Peter G. Gartlan
The Donohoe Companies, Inc.
N. Linda Goldstein
Reno & Cavanaugh, PLLC
Philip M. Horowitz
Venable LLP
Douglas N. Jemal
Douglas Development Corp.
William H. Norton
Northwestern Mutual Life
Insurance Company
Darrel D. Rippeteau
Rippeteau Architects, P.C.
Raymond A. Ritchey
Boston Properties, Inc.

Advisory Committee

Joseph L. Askew
Verizon Communications, Inc.
Jennifer Eugene
Washington Gas
Joseph D. Schall
Pepco

Executive Vice President

Gail Edwards



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust
Sean C. Cahill
DCBIA Vice President
Property Group Partners
Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.
Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington
Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation
Andrew Kalz
DCBIA Treasurer
Baker Tilly
Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group
Jeffrey H. Gelman
Saul Ewing LLP
Matthew J. Klein
Akridge
Jair K. Lynch
Jair Lynch Development Partners
Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services
Claude E. Bailey
Venable LLP
Robert S. Brams
Patton Boggs LLP
Howard Chapman
Rand Construction Corporation
Christopher R. Clarke
Terra Nova Title & Settlement Services
Donna Cooper
Papco Region
Vicki Davis
Urban Atlantic
Daniel P. Dooley
Tishman Speyer
Brad Fennell
WC Smith
Gordon Fraley
Vornado/Charles E. Smith
Matt Haas
Clark Construction Group, LLC
Lynn Hackney
Urban Pace, LLC
Michele V. Hagans
Fort Lincoln New Town Corporation
Cheryl P. Hamilton
Adaoha Properties LLC
Gary E. Humes
Arnold & Porter LLP
George P. Kreis
Turner Construction Company
Carey C. Majeski
DFI Development Services, LLC
Antonio Marquez
EagleBank
Bill McIntosh
Belfour Realty Construction
Deryl McKissack
McKissack & McKissack
Brett McMahon
Miller & Long DC, Inc.
Gregory B. Meyer
Brookfield Office Properties
Robert J. Murphy
MRP Realty
Mary Ramsey
Wiles Mensch Corporation
Howard J. Riker
Hines
Berkeley M. Shervin
The Wilkes Company
Kenneth F. Simmons
Boston Properties, Inc.
Britt Snider
The JBG Companies
Suman Sorg
Sorg Architects
Steve Strazzella
The Bozzuto Group
Steven A. Teitelbaum
WMATA
Aakash R. Thakkar
EYA, LLC
Paul Tummonds
Goulston & Storrs
Robert W. Ward
Skanska USA Commercial Development Inc.
Debra D. Yagodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

criteria, such as traffic and parking and noise, should be eliminated from the special exception criteria for development standards. (§ 1200.1)

Subtitle I – Downtown Zones

DCBIA is generally in support of Subtitle I of the newly proposed Zoning Regulations as set forth in Zoning Commission Case No. 08-06A. DCBIA generally supports the expansion of the proposed Downtown zone and the benefits that it affords to properties within this area. DCBIA specifically supports the following concepts within Subtitle I: Downtown Zones:

- Maintaining or expanding existing height and density rights for all properties within the expanded downtown area.
- Allowing the maximum height for properties within the D-4-B-2 through D-6-B-2 zones to be that permitted by the 1910 Height Act.
- Providing no limit on the maximum FAR within the D-4-B-2 through D-5-B-2 zones and within the D-6-B-2 zones if all FAR is residential, if all FAR exceeding the non-residential maximum is residential or if using Density Credits.
- Eliminating parking minimums for projects in the expanded downtown area.
- Maintaining and/or expanding the ability to generate, use and transfer Density Credits.

DCBIA suggests that further consideration be given to the following concepts within Subtitle I: Downtown Zones:

- Providing no limit on FAR within the D-6-B-1 zones if all FAR is residential, if all FAR exceeding the non-residential maximum is residential or if using Density Credits.
- Relaxing the dimensional and access standards for parking that is provided for projects within the Downtown zone.
- Eliminating the limitation on height on the portion of a site occupied by a historic landmark or contributing building within a historic district in at least the D-4 and D-5 zones (§ 306.1).
- Incorporating the composite FAR provisions for project involving both historic and non-historic properties (§ 308.3).
- Eliminating the requirement for access through an improved and accessible alley, if one exists, to provide greater flexibility of design and access (§ 500.3).
- Clarifying the amount of required uses based on building frontage versus entirety of the building for those lots fronting on designated preferred streets

Past Presidents Council

William B. Alsop III
Hines
Charles K. Barber
The George Washington University
Neal B. Bien
Bion/Paul Ventures, Inc.
Robert H. Braunschler
Property Group Partners
Gregory W. Fazakerley
CG Investments, Inc.
Steven A. Grigg
Republic Properties Corporation

Joseph F. Horning, Jr.
Horning Brothers, Inc.
Philip R. Miller
MDG Land, Inc.
W. Christopher Smith, Jr.
WC Smith
William O. Vose
Real Estate Development Advisor
Thomas W. Wilbur
Akridge
James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC
Mark Baughman
SKB Architecture & Design
Maybelle Taylor Bennett
Howard University Community Association
David W. Briggs
Holland & Knight LLP
Kenneth W. Broussard
KeyBank
Tanja H. Castro
Castro/Lease, PLLC
Barry DePauw
Clark Construction Group, LLC

Advisory Committee

Christopher J. Donatelli
Donatelli Development
Peter G. Gartlan
The Donohoe Companies, Inc.
N. Linda Goldstein
Reno & Cavanaugh, PLLC
Philip M. Horowitz
Venable LLP
Douglas N. Jermal
Douglas Development Corp.
William H. Norton
Northwestern Mutual Life Insurance Company
Darrel D. Rippeteau
Rippeteau Architects, P.C.
Raymond A. Ritchey
Boston Properties, Inc.

Executive Vice President

Joseph L. Askew
Verizon Communications, Inc.
Jennifer Eugene
Washington Gas
Joseph D. Schall
Papco

Gail Edwards



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust
Sean C. Cahill
DCBIA Vice President
Property Group Partners
Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.
Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington
Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation
Andrew Katz
DCBIA Treasurer
Baker Tilly
Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group
Jeffrey H. Gelman
Saul Ewing LLP
Matthew J. Klein
Akridge
Jair K. Lynch
Jair Lynch Development Partners
Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services
Claude E. Bailey
Venable LLP
Robert S. Brans
Patton Boggs LLP
Howard Chapman
Rand Construction Corporation
Christopher R. Clarke
Terra Nova Title & Settlement Services
Donna Cooper
Pepco Region
Vicki Davis
Urban Atlantic
Daniel P. Dooley
Tishman Speyer
Brad Fennell
WC Smith
Gordon Fraley
Vornado/Charles E. Smith
Matt Haas
Clark Construction Group, LLC
Lynn Hackney
Urban Pace, LLC
Michele V. Hagans
Fort Lincoln New Town
Corporation
Cheryl P. Hamilton
Adaqua Properties LLC
Gary E. Humes
Arnold & Porter LLP
George P. Kreis
Turner Construction Company
Carey C. Majeski
DRI Development Services, LLC
Antonio Marquez
EagleBank
Bill McIntosh
Balfour Beatty Construction
Deryl McKissack
McKissack & McKissack
Brett McMahon
Miller & Long DC, Inc.
Gregory B. Meyer
Brookfield Office Properties
Robert J. Murphy
MRP Realty
Mary Ramsey
Wilco Mensch Corporation
Howard J. Riker
Hines
Berkeley M. Shervin
The Wilkes Company
Kenneth F. Simmons
Boston Properties, Inc.
Britt Snider
The JBG Companies
Suman Sorg
Sorg Architects
Steve Strazzella
The Bozzuto Group
Steven A. Teitelbaum
WMATA
Aakash R. Thakkar
EVA, LLC
Paul Tummonds
Goulston & Storrs
Robert W. Ward
Skanska USA Commercial
Development Inc.
Debra D. Yogodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

to better accommodated multi-phase or larger projects that have multiple frontages (§ 602).

- Protection and continued maintenance of the relative weighting/valuation of Transferable Development Rights ("TDR") and/or Combined Lot Development ("CLD") rights that have been established by construction pre-dating the effective date of the Density Credits provisions of the ZRR (§ 807.1).
- Clarifying the concept of "Density Credit" and relationship to permanently-vested non-residential density (§§ 800, 900.2, 900.19).
- Streamlining standard Credit certification process (§§ 900.13 - 900.18) as well as process of TDR/CLD conversion to Credits (§ 807).

Subtitle J – Production, Distribution and Repair Zones

The proposed Zoning Regulations provide a lower FAR for "other" uses (referred to in new Section 201 as "restricted" uses) than for "industrial uses" (referred to in new Section 201 as "permitted" uses). The uses considered "industrial"/"permitted" and therefore allowed to achieve the higher FAR in each category are Basic Utilities (such as electrical or telephone sub-station, electronic equipment facility, optical transmission node, sewer or water treatment plant, utility pumping station); Large Scale Government (services owned, managed or provided by a governmental entity providing regional or wider services, such as airports, jails or police/fire training facilities); Production, Distribution and Repair (such as manufacturing, concrete/asphalt manufacturing, material salvage, hauling or terminal yard, warehouse, outdoor storage, shipping or wholesale); and Waste-Related Services (such as composting, incinerator, solid waste handling, or non-intensive recycling).

Section 301 lists use categories that are "permitted by right" in the P zones, but not all of them are allowed to use the full FAR for "permitted" uses. Uses such as art design and creation; education; and health care (aka medical care) should be allowed to use the full FAR that is allowed for "permitted" uses. Other uses permitted subject to conditions or permitted by special exception should also be able to achieve the full FAR, such as entertainment, assembly and performing arts; and services (general). In addition, other uses which are not specifically defined in Subtitle B, Chapter 2 (such as green technology, tech incubator space, and other cutting edge type uses) should also be able to utilize the full FAR in the P zones.

Past Presidents Council

William B. Alsop III
Hines
Charles K. Barber
The George Washington
University
Neal B. Bien
Blair/Paul Ventures, Inc.
Robert H. Braunohler
Property Group Partners
Gregory W. Fazakerley
CG Investments, Inc.
Steven A. Grigg
Republic Properties Corporation
Joseph F. Horning, Jr.
Horning Brothers, Inc.
Philip R. Miller
MDG Land, Inc.
W. Christopher Smith, Jr.
WC Smith
William O. Vose
Real Estate Development Advisor
Thomas W. Wilbur
Akridge
James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC
Mark Baughman
SKB Architecture & Design
Maybelle Taylor Bennett
Howard University Community
Association
David W. Briggs
Holland & Knight LLP
Kenneth W. Broussard
KeyBank
Tanja H. Castro
Castro-Haase, PLLC
Barry DePauw
Clark Construction Group, LLC

Advisory Committee

Joseph L. Askew
Verizon Communications, Inc.
Jennifer Eugene
Washington Gas
Joseph D. Schall
Pepco
Christopher J. Donatelli
Donatelli Development
Peter G. Gartlan
The Donohoe Companies, Inc.
N. Linda Goldstein
Reno & Cavanaugh, PLLC
Philip M. Horowitz
Venable LLP
Douglas N. Jemal
Douglas Development Corp.
William H. Norton
Northwestern Mutual Life
Insurance Company
Darrel D. Rippeteau
Rippeteau Architects, P.C.
Raymond A. Ritchey
Boston Properties, Inc.

Executive Vice President

Gail Edwards



DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

Conclusion

DCBIA appreciates the Commission's consideration of these comments and looks forward to presenting testimony at the public hearings in November.

Sincerely,

Paul Tummonds

DCBIA Representative to the ZRR Taskforce

2013 Board of Directors

Executive Committee

Ernest Drew Jarvis
DCBIA President
First Potomac Realty Trust
Sean C. Cahill
DCBIA Vice President
Property Group Partners
Paul Nassetta
DCBIA Vice President
PN Hoffman, Inc.
Deborah Ratner Salzberg
DCBIA Vice President
Forest City Washington
Pamela Bundy Foster
DCBIA Secretary
Bundy Development Corporation
Andrew Katz
DCBIA Treasurer
Baker Tilly
Merrick T. Malone
DCBIA Immediate Past President
The Robert Bobb Group
Jeffrey H. Gelman
Saul Ewing LLP
Matthew J. Klein
Akridge
Jair K. Lynch
Jair Lynch Development Partners
Roderic L. Woodson
Holland & Knight LLP

Directors

Freddie Lewis Archer
Lewis Real Estate Services
Claude E. Bailey
Venable LLP
Robert S. Brams
Patton Boggs LLP
Howard Chapman
Rand Construction Corporation
Christopher R. Clarke
Terra Nova Title & Settlement Services
Donna Cooper
Pepco Region
Vicki Davis
Urban Atlantic
Daniel P. Dooley
Tishman Speyer
Brad Fennell
WC Smith
Gordon Fraley
Vornado/Charles E. Smith
Matt Haas
Clark Construction Group, LLC
Lynn Hackney
Urban Pace, LLC
Michele V. Hagans
Fort Lincoln New Town
Corporation
Cheryl P. Hamilton
Adaaha Properties LLC
Gary E. Humes
Arnold & Porter LLP
George P. Kreis
Turner Construction Company
Carey C. Majeski
DFI Development Services, LLC
Antonio Marquez
EagleBank
Bill McIntosh
Balfour Beatty Construction
Deryl McKissack
McKissack & McKissack
Brett McMahon
Miller & Long DC, Inc.
Gregory B. Meyer
Brookfield Office Properties
Robert J. Murphy
MRP Realty
Mary Ramsey
Wiles Mensch Corporation
Howard J. Riker
Hines
Berkeley M. Shervin
The Wilkes Company
Kenneth F. Simmons
Boston Properties, Inc.
Britt Snider
The JBG Companies
Suman Sorg
Sorg Architects
Steve Strazzella
The Bozzuto Group
Steven A. Teitelbaum
WMATA
Aakash R. Thakkar
EYA, LLC
Paul Tummonds
Goulston & Storrs
Robert W. Ward
Skanska USA Commercial
Development Inc.
Debra D. Yagodzinski
Reed Smith LLP

Counsel

Christopher H. Collins
Holland & Knight LLP

Past Presidents Council

William B. Alsop III
Hines
Charles K. Barber
The George Washington
University
Neal B. Bien
Bien/Paul Ventures, Inc.
Robert H. Braunschler
Property Group Partners
Gregory W. Fazakerley
CG Investments, Inc.
Steven A. Grigg
Republic Properties Corporation
Joseph F. Horning, Jr.
Horning Brothers, Inc.
Philip R. Miller
MDC Land, Inc.
W. Christopher Smith, Jr.
WC Smith
William O. Vose
Real Estate Development Advisor
Thomas W. Wilbur
Akridge
James S. Williams
The Carlyle Group

Executive Council

James J. Abdo
Abdo Development, LLC
Mark Baughman
SKB Architecture & Design
Maybelle Taylor Bennett
Howard University Community
Association
David W. Briggs
Holland & Knight LLP
Kenneth W. Broussard
KeyBank
Tanja H. Castro
CastroHase, PLLC
Barry DePauw
Clark Construction Group, LLC
Christopher J. Donatelli
Donatelli Development
Peter G. Gartlan
The Donohoe Companies, Inc.
N. Linda Goldstein
Reno & Cavanaugh, PLLC
Phillip M. Horowitz
Venable LLP
Douglas N. Jemal
Douglas Development Corp.
William H. Norton
Northwestern Mutual Life
Insurance Company
Darrel D. Rippeteau
Rippeteau Architects, P.C.
Raymond A. Ritchey
Boston Properties, Inc.

Advisory Committee

Joseph L. Askew
Verizon Communications, Inc.
Jennifer Eugene
Washington Gas
Joseph D. Schall
Pepco

Executive Vice President

Gail Edwards