SKANSKA

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Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, DC 20001

RE: Comments to Proposed Zoning Regulation Rewrite
Subtitle I: Downtown Zone
Zoning Commission Case No. 08-06A

Dear Members of the Commission:

I submit this letter on behalf of Skanska USA Commercial Development Inc. ("Skanska"). Skanska owns a large site in NOMA which is located in Square 672 and is within a record lot bounded by M, First and Patterson Streets. The first phase of the project is constructed, and the second phase is in building permit. Skanska is fully within design development for the remaining phases of development on the record lot.

This site is located within the expanded Downtown Zone, and Skanska is pleased with many of the changes that have been proposed for the Downtown Zone, including the height and density proposed for this area. With respect to details of the Downtown Zone, Skanska would like the Commission and the Office of Planning to consider several concerns and recommendations.

First, Skanska is concerned with the First Street retail requirement applying to elements of the project that are not fronting on First Street. For this large development, the First Street frontage is fully developed and includes retail. Based on the current language of the proposed regulation, additional requirements will be generated for mid-block additions to the project, which start more than 125 feet from First Street. Requiring retail along side streets in a midblock addition does not further the goal of creating retail concentration along First Street. Accordingly, Skanska requests that the metric to determine the retail requirement along First Street be directly related to the frontage on First Street.

Second, Section 500.3 of Subtitle I requires access through an improved and accessible alley, if one exists. This provision should be eliminated to provide greater flexibility of design and access, especially for larger projects that have multiple uses and multiple street frontages.

Third, Section 317 should specifically state that no rear yard is required for a through or a corner lot fronting on three streets, even if there are rear lots lines as newly defined within the lot. This modification would clarify that Section 1201.4 from Subtitle C, which states that no rear setback is required for a through lot, specifically applies to the Downtown Zone and would clarify that corner lots fronting three streets are also exempt, since such a lot would not fall within the newly proposed definition of a through lot (see Section 100.3 of Subtitle B).

Finally, Skanska requests the Commission to consider the vesting and grandfathering provisions that should be incorporated in these regulations. As noted above, Skanska is fully within design development of its project and wants to make sure that there is certainty as to what stages of development will be vested under the current regulations. Vesting provisions are critical given the time it takes to design and develop a building. Skanska recommends that projects for which a foundation-to-grade permit has been filed should be exempt from compliance with the new regulations given the level of design and expense that has already gone into the project. Similarly, Skanska would like to see language addressing how the regulations will be applied if only a portion of the multi-phased development is vested and the remaining portions are to be developed under the new regulations.

I appreciate your consideration of Skanska's comments. If you have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact me.

Sincerely,

Mark Carroll
Vice President
Skanska USA Commercial Development, Inc.

cc: Jennifer Steingasser, Office of Planning
Stephen Cochran, Office of Planning
Christine Moseley Shiker, Holland & Knight