



February 5, 2014

VIA HAND DELIVERY

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

**Re: Comments to Subtitle C (Parking, Bicycle Parking, Loading)
ZC Case No. 08-06A (Title 11, Zoning Regulations - Comprehensive
Text Revisions)**

Dear Members of the Commission:

This letter is submitted by Vornado/Charles E. Smith to provide comments and recommendations relating to Subtitle C of the newly proposed zoning regulations as set forth in Zoning Commission Case No. 08-06A. We request that the Zoning Commission and Office of Planning consider the following comments and recommendations:

Parking: Chapter 19 of Subtitle C

§ C 1901.13: This section requires all non-required parking spaces to comply with the applicable provisions of Chapter 19, 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. Accordingly, the last phrase of this section should be deleted.

§ C 1907: We support the Errata contained in the Office of Planning's report relating to the changes to this section. The originally proposed provisions are significantly too burdensome. With the changes proposed by the Office of Planning (i.e., increasing the factor to two times the base requirement and removing the required reductions from § C 1902), the provisions are still onerous but more in line with market requirements for parking.

§ C 1908: We have major concerns with the specific provisions relating to car sharing spaces for a variety of reasons and suggest this section be eliminated. If maintained, we recommend the following revisions:

First, car-sharing services are for-profit companies and as such, should not receive free parking spaces in privately owned garages. A building owner should be permitted to produce revenue for construction and provision of a car-sharing space. Accordingly, § C 1908.4 should be revised to delete the phrase "at no cost".

Second, the requirement for car-sharing spaces to be "accessible at all times to subscribers" poses a serious security issue for both residential and office buildings. Specifically, residential garages must be secured to provide safe access to the residents. Allowing unlimited building access to car-sharing subscribers eliminates that secured environment compromising the lease-ability of the building. Moreover, garages do not operate 24/7 and are in some cases limited only to the tenants of the building. To require accessibility at all times to car-sharing subscribers creates operational and safety concerns.

Bicycle Parking: Chapter 20 of Subtitle C

§ C 2004: The provisions relating to short-term bicycle parking should provide more flexibility for location and a reduction in the quantity required. Specifically, for many developments - especially mid-block developments - there will be limited space within 50-feet of the entrance to provide the required number of short-term bike parking spaces. First, most buildings are constructed to the property line to create the urban street wall. There will be little to no private property space within the 50-feet of the entrance to locate short-term bike parking spaces. Second, given the streetscape design requirements, there is limited space within the 20 feet of the property line and 50-feet of the entrance to provide these short-term bike parking spaces within public space. The streetscape includes multiple other features, such as street trees, street lights, benches, fire hydrants, underground utilities with setback requirements and manholes, and trash cans further limiting the ability to locate bike parking. More flexibility should be provided in the distance from the entrance for these short-term bike parking spaces. Finally, because the number of required short term bike parking is cumulative (i.e., additive for each use), mixed-used developments may have a significant impediment to provide the required short-term parking spaces. While § C 2002.2 limits the maximum number of short-term bike parking spaces to 100, there are few sites that could accommodate the large number of required spaces, especially within the distances prescribed in § C 2004.

For purposes of understanding the impact of the short-term bike parking requirements, attached please find a plan showing compliance for the required 1100 and 1101 4th Street, S.W., buildings (see "Attachment A".) In order to meet the requirements, three street trees and planters, two benches, two flagpoles, and a streetlight would be lost.

In order to prevent the elimination of other important aspects of the streetscape while still providing an adequate number of short-term bike parking spaces, we recommend that the distance requirements be eliminated or expanded to the entire street frontage or alley, the required ratio for calculating the number of short-term be reduced by half for all uses, and the cap be reduced to 25 spaces.

§ C 2005: The provisions relating to the quantity of long-term bicycle parking within office buildings should be reduced from 1 space per 2,500 square feet to 1 space per 7,500 square feet. For a typical 300,000 square foot office building, 120 bike spaces is excessive. See the following example:

	<u>2,500 Sq. Ft. Ratio</u>			<u>5,000 Sq. Ft. Ratio</u>		
	<u>Vertical</u>	<u>Horizontal</u>	<u>Total</u>	<u>Vertical</u>	<u>Horizontal</u>	<u>Total</u>
Building Square Feet			300,000			300,000
Ratio	50%	50%	2,500	50%	50%	5,000
Spaces Required	60	60	120	30	30	60
Width (Ft)	2	2		2	2	
Length (Ft)	3.3	6		3.3	6	
50% of 4' Clear Aisle (Ft)	2	2		2	2	
Total Sq. Ft. per Space	13.3	24		13.3	24	
Total Sq. Ft.	800	1,440	2,240	400	720	1,120

As a point of reference, the bike parking available on the G-2 level at 1100 4th Street, SW is approximately 475 square feet, a ratio of approximately 1 space per 10,000 square feet (excluding the retail).

§ C 2006: The provision of lockers, showers and changing facilities should be required only for the building's dominant use. In practice, retail tenants are often not permitted for security reasons to use office and residential apartment building's fitness and locker rooms, which is the location of shower and changing facilities. Furthermore, complying with this requirement for many small retail spaces totaling 25,000 square feet poses operational challenges for use, access and security. Accordingly, we recommend that shower and changing facilities only be required for users of the use which occupies 80% or more of the building.

In addition, the number of showers and locker rooms should be reduced by 50% in the event that a building owner provides gender-neutral shower spaces (i.e., such as individual rooms with a shower) and/or communal locker space.

Furthermore, the Zoning Administrator should have flexibility to approve lockers that are generally within the size parameters proposed. For example, some popular lockers do not include a full height of 36 inches due to the unique interlocking configuration within an overall height of 72 inches but would be appropriate and satisfy the intent of the regulations (see "Attachment B".)

Loading Requirements: Chapter 21 of Subtitle C

§ C 2101.9: This section is identical to the current provision in the Zoning Regulations. The current interpretation of this provision is that multiple sets of two berths may be stacked in the event that three or more loading berths and/or service/delivery spaces are required. For example, if four berths are required, a property owner may provide two sets of stacked berths to satisfy the requirement. Because the intent is not clear, this section should be clarified to specifically state the current interpretation.

§ C 2103.4: This section should be eliminated or revised. Specifically, given constraints with the ground floor design of buildings, access to the loading berth cannot always be provided to all uses through an internal corridor. If this provision is to be maintained, we recommend that it be revised to state as follows: "All uses that require loading berths shall be capable of accessing the loading facilities." As an example, see attached the recently approved project at 1001 4th Street, SW which utilizes an exterior corridor for service access (see "Attachment C".)

§ C 2107: A designated trash room is not typically provided within an office development. Instead, the janitorial staff deposits trash directly in a dumpster, typically fitted with a compactor. As an example, please see the attached ground floor plan 1100 4th Street, SW (see "Attachment D"). Accordingly, we recommend that this section be deleted or be revised to state as follows: "Buildings requiring loading must have a designated trash area either within the building or within a loading berth or within an accessory building or structure immediately adjacent to the loading area."

Applicability of Regulations and Vesting:

While not specific to Subtitle C, we request that the Zoning Commission consider vesting provisions for the new Zoning Regulations in addition to a transition period of at least six months from the final adoption of the regulations. Vesting provisions are critical given the time it takes to design and develop a building. We recommend that the Commission consider vesting provisions similar to that incorporated in the new Construction Codes. Specifically, buildings and structures under contract for design on the effective date of the new Zoning Regulations, for which no permit applications have been filed, shall be allowed to be filed, processed to issuance of permit, and any work authorized thereby shall be allowed to be carried to completion, under the provisions of the current Zoning Regulations, provided that (1) the applicant files the permit application within one year of the effective date of the new regulations, (2) the applicant includes with the permit application a copy of the design contract, with a notarized affidavit stating that contract was effective prior to the effective date of the new regulations, and (3) a permit be obtained and the permit fee be paid in full within one year after the filing date.

In addition, we recommend that vested rights be provided to the following types of projects:

- PUDs and BZA cases that have been filed prior to the effective date of the new regulations;
- Projects that have received concept approval from the Historic Preservation Review Board or the Commission of Fine Arts prior to the effective date of the new regulations;
- Projects that have completed the Large Tract Review process prior to the effective date of the new regulations;
- Projects for which a building permit has been officially accepted by DCRA prior to the effective date of the new regulations.

We appreciate your consideration of these comments and recommendations. We look forward to continuing to work with the Office of Planning to refine these concepts and ensure that they apply in an appropriate way to development practices in the District of Columbia.

Sincerely,

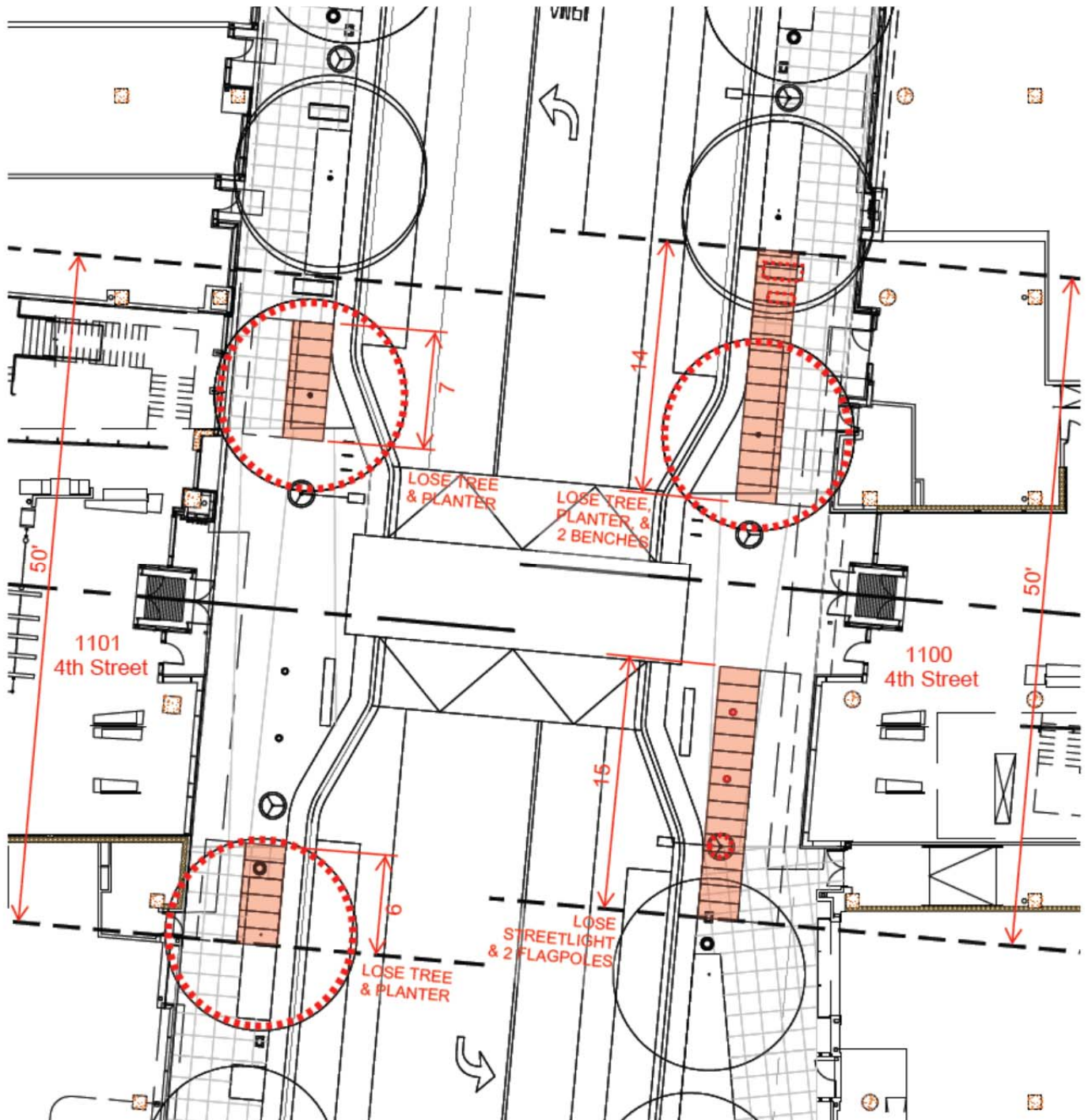
A handwritten signature in blue ink, reading "Gordon Fraley".

Gordon Fraley
Vice President, Development



cc: Jennifer Steingasser, Office of Planning
Mitchell Shear, Vornado/Charles E. Smith
Christy Shiker, Holland & Knight

ATTACHMENT A
Short-Term Bike Parking Example



ATTACHMENT B

Locker Example

LOCKER DOORS: PLAM-ABET LAMINATI 628 HOLZ
EDGE BAND: WOODGRAIN (DRY CREEK PLUM TREE)
LOCK: PADLOCK HASP
HARDWARE FINISH: CHROME
NO SEQ: (1-24) (1-26)

LOCKER DOORS: 25 LOCKER FRAMES
TRIM: 2 FILLER PANELS 12" x 71.5"
30' BASE TRIM 4"
30' VALANCE 2.375"
30' UNFINISHED BASE

TOP DOOR IS TO BE TALLER THAN
LOCKER FRAME TO REMAIN NORMAL.

FRONT ELEVATION

SECTION VIEW

FRONT ELEV.-DOOR REMOVED

VALANCE

DOOR

EXTENDED

12 mm Airspace

COAT ROD

COAT HOOK

WHITE MELAMINE INTERIOR

2mm PVC EDGE BAND ON FRAME

2x4 BASE w/ 1/2" PLYWOOD (BY HOLLMAN)

BASE TRIM (BY HOLLMAN)

11 3/4"

6"

1 1/2" DIA. NUMBER DISC

78"

74"

20"

12"

4 1/4"

71 1/2"

29 3/4"

4"

3"

3"

3"

1-3"D

ATTACHMENT C

Exterior Retail Service Corridor Example

- NOTES:**
1. THE INTERIOR PARTITION LOCATIONS, THE NUMBER, SIZE AND LOCATIONS OF UNITS, RETAIL SPACES, STAIRS, AND ELEVATORS ARE PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. THE FINAL LAYOUTS MAY VARY.
 2. RETAIL ENTRANCES MAY INCREASE, DECREASE, OR BE MODIFIED WITHIN THE AREA OF THE RETAIL SPACE, DEPENDING UPON THE NEEDS OF THE TENANTS.



ATTACHMENT D
Loading Dock Example

