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VIA HAND DELIVERY

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

2010 DEC -7 PM 1:49
D.C. OFFICE OF ZONING

Re: Zoning Commission Case No. 09-21
Union Station North Text and Map Amendment
Comments to Proposed Text Amendment

Dear Members of the Commission:

This letter is submitted on behalf of The John Akridge Development Company, Burnham North LLC, Burnham Central LLC, and Burnham South LLC (collectively "Akridge"). Akridge is the owner of all property that is subject to the Union Station North Text and Map Amendment in Zoning Commission Case No. 09-21. Akridge believes that the text amendment provides solutions for unique zoning issues applicable to the air rights parcels and supports the text and map amendments. While Akridge has been given the opportunity to provide comments to the Office of Planning on the text amendment, Akridge continues to have comments and concerns relating to certain provisions of the text amendment. These are set forth in detail below for the Zoning Commission's consideration.

Parking

Akridge strongly supports the provision that there is no minimum number of parking spaces, given the transit oriented-nature of this development at the most significant transportation hub in the National Capital Region, and given the difficulty and high expense in constructing parking on-site. However, in order to make the development successful, an appropriate level of parking must be provided to address market needs.

Because no parking spaces are required, Akridge recommends eliminating the minimum standards for parking spaces and drive aisles set forth in Sections 2911.4 and 2911.5. Given the limited space and high expense of constructing parking in the air rights parcel, Akridge will explore the feasibility of innovative parking solutions in order to fit the needed parking on the site,

ZONING COMMISSION
District of Columbia
ZONING COMMISSION
District of Columbia
CASE NO. 09-21
EXHIBIT NO. 15

which may not comply with these more traditional standards. If these standards are maintained, it is likely that Akridge will need to seek relief, at least for portions of the parking levels, from these standards, as is provided for in Section 2924.

Furthermore, the text amendment includes a prohibition regarding selling or leasing a residential unit with a parking space in Section 2911.3. Akridge understands that this concept has been applied in Planned Unit Developments and is being reviewed through the Zoning Regulation Rewrite ("ZRR") to be potentially included in the new regulations. Akridge recommends that this "unbundling" not be applied at this time to the USN zone district. Instead, it should be vetted through the ZRR process. If the Commission decides that it is appropriate to apply in general or to specific areas of the District, then it can be applied to the USN zone district at that time. Given the complexity and significant costs of constructing parking in the air rights parcel, having too much parking is not likely. Thus, Akridge requests that this provision be deleted until such time as it is fully vetted through the ZRR process.

Ground Floor Retail

Section 2916.1 of the USN Text Amendment states that 100% of the ground floor H Street frontage of building units shall be occupied by preferred uses listed in Sections 1710 and 1711, except for space devoted to building entrances or lobbies or space required to be devoted to fire control. Akridge supports this goal which is applied throughout the District to create an activated streetscape and intends to incorporate such active uses in this development. While Akridge intends to seek to diligently comply with this requirement, there may be challenges in achieving strictly 100% of the frontage.

Akridge also has concerns with its ability to comply with Section 2916.4, which requires that the entire ground floor of all building units shall have a minimum slab to slab height of 14 feet. Akridge has expressed these concerns to the Office of Planning, in response to which the Office of Planning provided a series of exceptions to address known issues. Akridge believes that the stated exceptions will certainly assist Akridge in coming closer to compliance with this provision, though it is unlikely that Akridge will be able to fully comply with the height requirement for all remaining space due to the difficulty of constructing the platform and its interface with a sloping street. Thus, Akridge recommends that the Zoning Commission modify this provision to state that the ground floor of all building units fronting H Street have a minimum slab to slab height of 14 feet for a depth of 60 feet off of H Street, with the exceptions as currently set forth in Section 2916.4

Review Standards

Second, 2923.1(i) states the Zoning Commission determine in a Stage 2 review that convenient access is provided from any parking provided to the uses it is intended to serve. Akridge does not believe such standard is required or needed and believes that it may not be possible to achieve in certain situations, depending upon how the standard is interpreted. For example, in some portions of the parcel south of H Street, rail operations occur directly beneath what will be the ground floor (H Street level) of future buildings. In these locations, parking will likely be provided in locations proximate but not beneath these buildings. Some would not consider such parking to be "conveniently located." However, it is unclear how the standard would

be applied given that there would be no other option. Furthermore, in order to reduce the number of vehicle trips and promote the use of transit and non-motorized alternatives, one of the current trends is the use of "strategic inconvenience" by which parking is minimized so that it is not as easy to locate parking and thus alternative methods are selected. This location - at the District's central transportation hub - is an ideal location to incorporate this trend in the zone district, where appropriate and in accordance with market demands for the project. Accordingly, Akridge recommends deleting this criterion.

Mix of Uses

The Office of Planning proposes a required mix of commercial and residential uses in Section 2908. Akridge strongly supports the desired mix of uses for development on this site and understands the importance of a mix of uses to the Office of Planning, to the Zoning Commission based on its comments at the set down hearing, and to the Advisory Neighborhood Commission based on its discussions of the USN zone district. Due to the constraints and complexities of developing the air rights parcels, maximum flexibility is important, and mandated requirements pose additional challenges for development. However, given the importance of the mix of uses and the Office of Planning's proposed phasing and aggregation of the uses between the two single buildings, Akridge does not request any changes to Section 2908 of the USN zone district.

We appreciate the Commission's consideration of these comments at its hearing on this case on December 16, 2010.

Sincerely,



Christine Moseley Shiker

cc: Jennifer Steingasser, Office of Planning (Via E-Mail)
Matt Jesick, Office of Planning (Via E-Mail)