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January 23, 2002

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VIA HAND DELIVERY

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

RECEIVED
D.C. OFFICE OF ZONING
2002 JAN 24 AM 10:26

Re: Request to Reopen the Record in the Matter of Zoning Commission Case No. 96-3/89-1, Buzzard Point Overlay District and related Zoning Map Changes

Dear Members of the Commission:

This firm represents Florida Rock Properties, Inc. ("FRP"), which owns several properties in the area of Southeast and Southwest proposed to be subject to the BP Overlay District. We have reviewed a copy of the D.C. Office of Planning's report, dated November 19, 2001, in the matter of the Buzzard Point Overlay District and related suggested Zoning Map changes.

The Office of Planning's response to FRP's concern about restrictions on the development of Square 664E imposed by the revised, advertised text of the Overlay District fails to adequately address FRP's concerns.

Square 664E, the Amenity Site designated under the Florida Rock Property Planned Unit Development, was encumbered by a clear development program for a terminus park, education center and residential housing. Building bulk and height, setbacks, and placement were clearly and finitely fixed in the approved planned unit development for both the PUD Site and the so called Amenity Site.

ZONING COMMISSION
District of Columbia
Case 96-3/89-1
Exhibit 127

While the Office of Planning may be correct in observing that BP/W-2 mapping may provide sufficient amount of development density on the Square to permit this program to be developed as contemplated by the PUD approval, this zoning category does not afford the necessary height to accomplish the approved plan.

As an accommodation to FRP's height concerns, the Office of Planning has suggested a provision, Section 1603.7, which would allow for 90 foot height for the residential building on the residential parcel if Square 664E is developed in accordance with the PUD approval. The approved plan for the residential development however as captured in the PUD approval specifies development at 128' 6", plus an architectural embellishment. At 90 feet in height and taking into account the footprint for the residential development on the Square fixed by the boundaries of Terminus Park and the development program of the Earth Conservation Corps, 90 feet of building height cannot contain the required amount of residential development of 253,000 square feet, taking into account as well related issues of required off-street parking, mandated open space requirements associated with residential uses and necessary residential recreation space which the residential development parcel must address.

Thus we would recommend that the Office of Planning's suggested language for new section 1603.7 be revised to delete the clause "a maximum height of 90 feet shall be allowed", substituting in lieu thereof "a maximum height of building of 128' 6" shall be allowed".

This solution covers the Office of Planning's concerns that in some way the Square could be vested with development rights that might linger after the expiration of the PUD approval without development on the PUD site, yet provides the land owner, burdened with a development plan for the Square under the PUD approval, with the opportunity to construct under applicable zoning in accordance with that approved plan for the Square.

The Office of Planning has not in its report removed the requirement for special exception relief for this Square if developed in accordance with the approved plan. It would seem redundant to require that the development on the Amenity Site in accordance with the approved plan captured in the PUD approval would necessitate an additional review as part of a special exception process. Clearly if changes to the approved plan were requested, or development was to take place outside of the auspices of the PUD approval then special exception relief would be appropriate. If development however is to proceed in accordance with the approved plan, then the requirement for special exception relief only imposes

additional burdens upon and places roadblocks to timely development of the various components of the approved development plan for the Square. We would request as stated in FRP's testimony at the hearing that if development proceeds in accordance with the approved plan for the Square, then the special exception relief would not be required.

We would urge the Commission to reopen the record to allow FRP the opportunity to respond to the Planning Office's report on these matters, so that the Commission can have the best information possible when it comes to consider for adoption the Buzzard Point Overlay text.

Your consideration is most appreciated and is respectfully requested in this matter.

Sincerely,

HOLLAND & KNIGHT LLP

David W. Briggs

cc: Andrew Altman, Director (DC Office of Planning)
Ellen McCarthy, Deputy Director (DC Office of Planning)
David deVilliers
Fred Greene

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