

March 4, 2026

VIA IZIS

Mr. Anthony J. Hood, Chairperson
District of Columbia Zoning Commission
Office of Zoning
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: **Z.C. Case No. 78-17A: Application of Judiciary Plaza LLC (the “Applicant”) to the District of Columbia Zoning Commission for a Modification with Hearing of the Approved PUD for 450 5th Street, NW (Square 489, Lot 21) (the “Property”) – Applicant’s Request for Waiver and Additional Submission**

Dear Chairperson Hood and Members of the Commission:

In advance of the public hearing on March 23, 2026, the Applicant hereby submits this supplemental letter to (i) withdraw its request for flexibility from the maximum permitted height; and (ii) withdraw its request for flexibility from the maximum permitted Floor Area Ratio (“FAR”). The Applicant respectfully requests a waiver pursuant to Subtitle Z § 101.9 to allow this submission after the 30-day deadline under Subtitle Z § 401.5.

The PUD approved in Z.C. Order No. 213 (dated April 13, 1978), Order No. 252 (dated April 12, 1979), and Order No. 287 (dated June 14, 1979) (collectively, the “Order”) approved a map amendment from the former SP-2 Zone to the former C-3-B Zone. The 2016 Zoning Regulations later converted the C-3-B Zone to the MU-8B Zone. However, we have confirmed that subsequent to issuance of the Order, the Zoning Commission approved a text amendment converting all existing C-3-B Zones to the C-3-C Zone. (See Page 6 of Z.C. Order No. 308, attached hereto as Exhibit A.) The text amendment goes on to provide that PUDs in the C-3-C Zone are permitted a maximum height of 130 feet. (See page 7.) The 2016 Zoning Regulations later converted the C-3-C Zone to the MU-9B Zone. Accordingly, the Property is located in the MU-9B Zone and permitted a maximum PUD height of 130 feet per Subtitle X § 303.7 and a maximum matter-of-right FAR of 7.8 with IZ per Subtitle G § 201.1.

The Applicant initially requested flexibility for new portions of the structure that will be located above the 90-foot height limit allowed for a PUD in the MU-8B Zone. Because the MU-9B Zone permits a maximum height of 130 feet, this flexibility is not needed. Likewise, the Applicant’s requested flexibility from FAR, addressed in detail in the supplemental submission at Exhibit 21 of the record, is not needed because the MU-9B Zone permits a maximum FAR of 7.8 (with IZ) as a matter-of-right and the Applicant proposes a maximum FAR of only 7.41.

Pursuant to Subtitle Z § 401.5, the Commission may waive any provision if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. Upon further review of the record, the Applicant, in good faith, requests this waiver to clarify the correct zoning for the Property and withdraw unnecessary flexibility requests in light of the Property's MU-9B zoning. No party is prejudiced because the Applicant is not adding new requested flexibility. Further, ANC 6E and ANC 2C have each provided letters of report, at Exhibits 15 and 16 of the record. The Applicant has also discussed this issue with representatives of the Office of Planning and the Office of Zoning Legal Division.

Thank you for your attention to this application. Please feel free to contact the undersigned if you have any questions or comments.

Sincerely,

/s/ Paul A. Tummonds, Jr.
Paul A. Tummonds, Jr.

/s/ Lee S. Templin
Lee S. Templin

Certificate of Service

I certify that on March 4, 2026, I delivered a copy of the foregoing document and attachments via e-mail or first-class mail to the addresses listed below.

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