

Paul Tummonds
ptummonds@goulstonstorrs.com
202-721-1157 (tel)
202-721-1111 (fax)

Lawrence Ferris
lferris@goulstonstorrs.com
202-721-1135 (tel)
202-721-1111 (fax)

October 22, 2019

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200S
Washington, D.C. 20001

Re: **BZA Application No. 19943 – 1700 Pennsylvania Ave. NW (Square 168, Lot 50) – Request for Minor Modification**

Dear Members of the Board:

The Mills Building Associates, LLC (the “**Applicant**”) seeks a minor modification to BZA Application No. 19943 pursuant to Subtitle Y § 703 of the Zoning Regulations for the property located at 1700 Pennsylvania Avenue NW (Square 168, Lot 50) (the “**Property**”). The Board approved relief in Order No. 19943 (attached as Exhibit A) for area variances from Subtitle C § 1500.3(d) to permit a habitable penthouse within the vicinity of the White House and from the minimum loading requirements of Subtitle C § 901.1 to provide one loading berth where two berths are required.

Since the Board’s approval, the Applicant has made slight alterations to the project plans and now seeks a minor modification for approval of such revisions. Specifically, as shown in Exhibit B (the “**Plans**”), the Applicant has made minor adjustments to the interior layout of the ground floor and to the layout, setbacks, and massing for the proposed penthouse. These modifications also incorporate the final commentary the Applicant received from Commission of Fine Arts (“**CFA**”) staff during their approval process for the redevelopment of the existing building located on the Property. The Applicant seeks approval of the requested minor modification pursuant to Subtitle Y § 703.3. The request qualifies as a minor modification because the proposed revisions “do not change the material facts upon which the Board based its original approval of the application.” As noted above, the Board granted variance relief to permit the penthouse to be habitable and to provide one loading berth rather than the required two berths, and the proposed revisions to the approved plans have no impact on the facts upon which the Board based its conclusion that the Applicant had met its burden under the variance test.¹ Accordingly,

¹ Notably, the Board’s review of the proposed penthouse was related only to whether it is habitable and did not encompass the penthouse massing, configuration, or aesthetic considerations. Further, as discussed and attested to

the Applicant respectfully requests that the consideration of this application be scheduled for the Board's consent calendar pursuant to Subtitle Y § 703.

In addition to the prior Board order, updated plans, and hearing transcript excerpt referenced above, attached as Exhibit D is the authorization letter to file the modification application. Also included is a check in the amount of \$540.80, which represents the filing fee in this matter. Please feel free to contact the undersigned at (202) 721-1135 if you have any questions, and thank you for your consideration of this matter.

Sincerely,

PAUL A. TUMMONDS (WLF)

Paul A. Tummonds

A handwritten signature in blue ink, appearing to read "L. Ferris", followed by a long horizontal line extending to the right.

Lawrence Ferris

Enclosures

by the Applicant's representative at the Board's March 13, 2019 hearing on the application, the U.S. Secret Service reviewed and approved a design for the maximum penthouse envelope that would be permitted under the Zoning Regulations, which is more expansive than either the design that the Board approved or the revised design the Applicant now proposes. See Exhibit C, Excerpt of March 13, 2019 Hearing Transcript.

Certificate of Service

The undersigned hereby certifies that copies of the foregoing document was delivered by first-class mail or email delivery to the following addresses on October 22, 2019.

Jennifer Steingasser (3 copies)
Office of Planning
1100 4th Street SW, Suite 650E
Washington, DC 20024

Anna Chamberlin (2 copies)
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

ANC 2A
c/o West End Library
2301 L Street NW
Washington, DC 20037

James Harnett – ANC 2A08
2121 H Street NW
Washington, DC 20052

ANC 2B
#9 Dupont Circle, NW
Washington, DC 20036



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