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VIA IZIS AND HAND DELIVERY

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

**Re: Application for a Modification of Consequence to an approved PUD
Z.C. Case No. 74-10/71-30F
1333 New Hampshire Avenue, NW (Square 115, Lot 85)**

Dear Members of the Commission:

On behalf of TMG 1333 New Hampshire Ave LLC (the “Applicant”), the owner of property located at 1333 New Hampshire Avenue, NW (Square 115, Lot 85) (the “Property”), we hereby submit an application for a Modification of Consequence to the above-referenced planned unit development (“PUD”) approved pursuant to Z.C. Order No. 101 (Z.C. Case No. 74-10/71-30F, further processed pursuant to Board of Zoning Adjustment (“BZA”) Order Nos. 11875 and 11901), as modified by Z.C. Order No. 101-A. As described below, the Modification of Consequence is requested to permit renovation of the ground floor storefront, building façade, and penthouse level of the existing building on the Property to address maintenance issues and meet current market expectations for office and retail space, and make improvements to adjacent public space.

This application is submitted pursuant to Subtitle Z § 703 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”), which allows the Zoning Commission (“Commission”) to approve Modifications of Consequence without a public hearing. As further described below, the application is properly reviewed as a Modification of Consequence because it involves “a redesign or relocation of architectural elements...from the final design approved by the Commission,” which are “examples” of Modifications of Consequence identified in 11-Z DCMR §§ 703.4. Moreover, there are no factual issues in this case that would require a public hearing to resolve.

Attached hereto is Zoning Commission Form 100, Application Signature Page (Exhibit A), and a letter from the Applicant authorizing Holland & Knight LLP to file and process the application (Exhibit B). Also included is a check in the amount of \$520.00 for the filing fee.

ZONING COMMISSION
District of Columbia
CASE NO.74-10A
EXHIBIT NO.2

I. The Approved PUD

The PUD site comprises all of Square 115 which is bounded by Dupont Circle on the north, Sunderland Place on the south, 19th Street on the east, and New Hampshire Avenue on the east. Square 115 contains approximately 66,854 square feet of land area (1.5 acres). At the time of the PUD, the site contained three buildings that still exist today. These include the Euram Building, an eight-story office building built in 1971; the Sunderland Building, an eight-story office building constructed in 1969; and the historic Heurich Mansion and Carriage House. The PUD site is located within the Dupont Circle Historic District, with the Euram Building also being located within the Massachusetts Avenue Historic District. Further, the Heurich Mansion and Carriage House is a registered D.C. Landmark. As such, the Applicant has consulted with D.C. Historic Preservation Office (“HPO”) staff. The feedback provided by HPO staff thus far is that the proposed modifications are compatible with the historic districts and will be a marked improvement. Further, HPO staff has indicated that given the scope of the improvements the project can be reviewed administratively at the time of permit rather than being reviewed formally by the Historic Preservation Review Board.

Pursuant to Z.C. Order No. 101 (dated December 13, 1974), as further processed pursuant to BZA Order Nos. 11875 and 11901 (dated September 18, 1975) (collectively the “Order”)(Exhibits C - E), the Commission approved a PUD and related map amendment that encompassed the entire area of Square 115 (the “Approved PUD”). The Approved PUD consisted of the construction of a new 12-story office building at 1333 New Hampshire Avenue, NW (the “1333 Building”) and the rezoning of Square 115 from split-zoned SP / C-3-B to C-3-B (MU-1 / MU-8 to MU-8). The new office building, which is the subject of this application, was approved for a height of 130 feet, not including the penthouse, with retail space on the first floor and part of the first cellar, and four below-grade levels of parking. Pursuant to Z.C. Order No. 101-A (dated August 3, 1992) (Exhibit F), the Commission approved a modification to the Approved PUD. The approved modification made changes to Condition No. 7 of the Order in order to, at the request of the neighborhood, restrict certain uses in the first cellar level of the building.

In addition to the 1333 Building, the Approved PUD included four other buildings that already existed within Square 115. These buildings include the historic Heurich Mansion and Carriage House, the Sunderland Building, and the Euram Building, all of which continue to exist as they did at the time of the PUD. The Approved PUD included the transfer of 82,000 square feet of unused density from the Heurich Mansion to the site of the 1333 Building in order to “raise the funds required to enable the [owners of the Mansion] to continue to maintain the historic mansion and surrounding property.

II. The 1333 Building

The 1333 Building was constructed in accordance with the conditions and guidelines of the prior orders of the Commission and the BZA. As stated above, the 1333 Building consists of 12-stories and is constructed to a maximum height of 130 feet, not including the penthouse. According to the Order, the building has an effective density of approximately 8.9 FAR (6.5 FAR across the full PUD site), with neighborhood-serving retail and service uses occupying the first floor and part of the first cellar level, and office uses occupying the floors 2 – 12. The existing penthouse contains mechanical equipment and storage space. Multiple stairways and light wells

located in adjacent public space along New Hampshire Avenue and 19th Street provide access and light to the cellar-level retail and service uses.

The 1333 Building was constructed in 1979. Designed in the mid-century brutalist style of architecture, the building façade is composed of precast concrete panels with deeply set windows. The ground floor has a storefront that is set back slightly from the sidewalk, and the tenth floor has an eight foot deep balcony. As a requirement of the PUD, the 1333 Building has a publicly accessible pedestrian arcade/lobby that connects between New Hampshire Avenue and 19th Street, NW, and contains entrances to the retail and service uses within the ground floor. According to the Order, “[t]here will be interesting paving and planting of the arcaded area which will provide a pleasant walk way through the building to Metro.” Pursuant to the Order, the pedestrian arcade is not included in the calculation of FAR permitted within the Approved PUD.

III. Requested Modification of Consequence

As stated above, the requested Modification of Consequence is being submitted to permit renovation of the 1333 Building’s ground floor storefront, building façade, and penthouse level to address maintenance issues and meet current market expectations for office and retail space, and make improvements to adjacent public space. The existing precast façade is dated in its color and texture, and exposure to the elements has created extensive cracking and spalling that is in need of repair. In addition to addressing these maintenance needs, the proposed improvements will improve the overall aesthetic of the existing building.

As shown on the plans attached as Exhibit G, the existing recessed ground floor storefront and lobby entrance will be replaced with a new storefront system that will be installed in line with the main building façade at the property line to provide a more contemporary aesthetic and allow greater light penetration into the building lobby and ground floor retail spaces. At the tenth floor, the existing recessed balcony is no longer used as it was intended. As such, the balcony will be filled in by installing new windows that are closer to the outside face of the building. Consistent with the rest of the building, the new tenth floor windows will be installed approximately two feet back from the property line.

To address the cracking and spalling that is occurring on the building façade, the Applicant will patch and reinforce the existing precast façade, as necessary. Upon completion of repairs, the entire building façade will receive a lighter-colored elastomeric coating that bonds to the existing precast material. The coating will protect the building façade from further deterioration, ensure an even color across all facades, and give the building a lighter, up-to-date expression. The proposed coating is kept clean through a process that is similar to that used for window washing. Based on feedback provided by HPO staff, the lighter-color coating will be an overall improvement to the otherwise dull tan color of the existing precast panels. Per HPO staff’s request, the Applicant will continue to coordinate with HPO on the final color of the coating prior to submitting for permit.

At the penthouse level, the existing penthouse will be fully renovated to include new office space, shared amenity and storage space, and mechanical space, including refurbishment of existing elevators and two new elevators. The majority of the existing penthouse structure will be retained, with the footprint being reduced slightly at the southwest corner to provide additional outdoor terrace space. As shown in Exhibit G, the height of the penthouse structure will remain at 17’-2”, with the

elevator overrun, located toward the middle of the penthouse, extending an additional 2'-10" for a maximum overall height of 20'-0". The proposed penthouse, including all guardrails and permanent outdoor fixtures, will comply with all applicable height and setback requirements. Note, the Order contains a condition stating that "[t]he new building shall not exceed 130 feet in height. Any roof structures in the (sic) excess of that limit, as normally permitted by the Regulations, shall not exceed 17 feet in height" (See Condition 6 of Z.C. Order No. 101). As described, the proposed modifications to the penthouse include an elevator override with a maximum height of 20 feet, the maximum height currently permitted under the Zoning Regulations. As such, to the extent necessary, should the Commission approve the requested modification the Applicant requests to modify the condition in the Order to affirm the current 17'-2" penthouse height and allow the proposed elevator override height of 20 feet.

As noted above, currently there are multiple stairways and light wells located in adjacent public space along New Hampshire Avenue and 19th Street ground floor level that provide access and light to the cellar-level retail and service uses. As part of the proposed improvements, these features will be reconfigured and reduced in size. In addition, the existing stairs and railings will be replaced with more modern materials. The Applicant is also proposing some incremental improvements to adjacent paving to replace older non-compliant paving and to install a limited amount of special paving at the entrances on New Hampshire Avenue and 19th Street. The Applicant has coordinated with the District Department of Transportation on the proposed improvements within public space, and will continue to do so as part of the public space approval process.

IV. Application Properly Filed as a Modification of Consequence

Pursuant to 11-Z DCMR §§ 703.3 and 703.4, the term "modification of consequence" shall mean a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance. Examples of a modification of consequence include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission. The proposed modification includes a redesign of architectural elements on the Building's façade, ground floor storefront, and penthouse; and is therefore properly filed as a modification of consequence.

V. Status of Community Engagement

On July 17, 2019, the Applicant informed Commissioner Daniel Warwick, Chairman, Advisory Neighborhood Commission ("ANC") 2B, and Commissioner Michael Silverstein, ANC Single Member District 2B06, of the application via email. On July 19, 2019, the Applicant met with Commissioner Silverstein to review drawings of the proposed modifications. The Applicant will present the application to the ANC Zoning, Preservation, and Development Committee on September 4, 2019, and to the full ANC on September 11, 2019.

On July 17, 2019, the Applicant informed the Dupont Circle Citizens Association ("DCCA"), a party in opposition to the original PUD, of the application via email. On July 24, 2019, the Applicant met with representatives from the DCCA to review drawings of the proposed modifications.

The Applicant will continue to work with the ANC and DCCA and will provide an update for the record prior to the Commission's consideration on this matter.

VI. Service on All Parties

Pursuant to 11-Z DCMR § 703.13, the Applicant is required to formally serve a copy of the subject application on all parties to the original proceeding at the same time that the request is filed with the Office of Zoning. The parties to the original proceeding were ANC 2B and the DCCA. As noted in the Certificate of Service attached hereto, the subject application was served on ANC 2B and the DCCA in compliance with 11-Z DCMR § 703.13.

VII. Conclusion

The Applicant respectfully requests approval of this Modification of Consequence application to permit modifications to the PUD originally approved pursuant to Z.C. Order No. 101, consisting of improvements to the façade, ground floor storefront, and penthouse level of the existing Building at 1333 New Hampshire Avenue, NW (Square 115, Lot 85). The request is consistent with the intent of the Commission in approving the original PUD; accordingly, approval of the Modification of Consequence is appropriate.

Respectfully submitted,

HOLLAND & KNIGHT LLP


Norman M. Glasgow, Jr.

Enclosures

cc: Certificate of Service
Jennifer Steingasser, D.C. Office of Planning (w/enclosures, via email)
Anna Chamberlin, DDOT (w/enclosures, via email)

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2019, copies of the foregoing application for a Modification of Consequence were served on the following.

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VIA HAND DELIVERY & EMAIL

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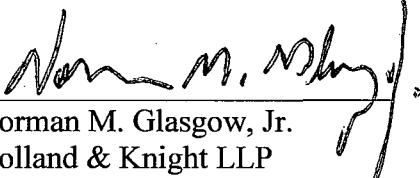
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