

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



March 11, 2013

Christy Moseley Shiker
Holland & Knight LLP
Suite 100
2099 Pennsylvania Avenue, NW
Washington, DC 20006

Re: 555 4th Street, NW (Lot 36, Square 531) Modification for Reconfigured Lobby and Additional Entrance

Dear Ms. Shiker:

This letter is to confirm the substance of our discussions on January 3, 2013, and my follow up telephone conference with Steven Sher of Holland & Knight on January 9, 2013, regarding the proposed reconfiguration of the lobby and addition of a second entrance to that lobby of the existing building located at 555 4th Street, N.W. (Lot 36, Square 531) (the "Site"). The Site is zoned C-3-C and was approved as a planned unit development ("PUD") in Zoning Commission Order No. 311.

History of Development

Zoning Commission Order No. 311, dated April 10, 1980, and effective as of April 16, 1981, approved the construction of an eleven-story office building with the option for ground floor retail and a Zoning Map amendment from SP-2 to C-3-B. The order states that the overall FAR for the project shall not exceed 7.0, which was the maximum permitted FAR for a PUD in the C-3-B District. The approved plan included a required setback of 38 feet from the face of the building facing Judiciary Square and 4th Street and prohibited direct access to retail or service uses from the façade of the building on 4th Street, with such access limited only from the main lobby.

In Zoning Commission Order No. 370, dated March 11, 1982, and effective as of March 26, 1982, the Commission approved a modification to the originally approved materials of the building. This order stated that "all glass used shall be grey-tinted transparent glass, except that at the doors and the transom above those doors, the glass may be clear transparent glass." In Zoning Commission Order No. 390, the Zoning Commission denied a request to allow direct access and signage for retail and service uses on the ground floor.

The existing building was constructed in or around 1982. According to Zoning Computation Sheet ZA-81-221, a copy of which is attached, the proposed building contained

335,304 square feet, or approximately 6.9992 FAR. The Zoning Administrator's office certified to compliance with the approved PUD in the Certificate dated October 13, 1981, a copy of which is attached.

In Zoning Commission Order No. 308, dated May 8, 1980, and effective as of May 23, 1980, the C-3-B District was converted to the C-3-C District. At the time the PUD was approved, the maximum permitted FAR for a PUD in the C-3-B District was 7.0. By Zoning Commission Order No. 785, effective as of December 8, 1995, the Zoning Regulations were amended to permit a PUD in the C-3-C District to have a maximum density of 8.0 FAR.

Proposed Reconfiguration of Lobby and Addition of Second Entrance

The existing building is occupied by the U.S. Department of Justice (the "Tenant") and does not include any ground floor retail or service use fronting on 4th Street. The Tenant has requested a modification to the entrance and lobby operations to separate visitors from employees for security purposes. In order to accommodate this request and provide the second entry into the office lobby, the owner must enclose a small area within an existing arcade adjacent to the existing entry. This enclosure is created by extending the existing wall 4 feet, 6 inches to the colonnade of the arcade for a length of 38 feet, 4 inches. The total enclosed area equals 176 feet, as shown on the attached plan.

You have asked me to approve the proposed reconfiguration of the lobby, including moving the existing wall and enclosing the area within the arcade, within the authority granted to the Zoning Administrator in Section 2409.6 of the Zoning Regulations. Specifically, Section 2409.6(a) provides authority for the Zoning Administrator to approve a change not to exceed two percent in the gross floor area of any building in the final plans approved by the Commission. Subsection (d) permits the relocation of any building within five feet (5 ft.) of its approved location, in order to retain flexibility of design, or for reasons of unforeseen subsoil conditions or adverse topography. In reviewing and approving any requested modification, the Zoning Administrator must determine that the proposed modification is consistent with the intent of Commission in approving the PUD under 11 DCMR § 2409.7.

After reviewing the proposed modification and the orders approving the original project, I determine that the proposed modification is consistent with the intent of the Zoning Commission in approving the PUD. The increase in gross floor area represents an increase of less than 0.05% of the approved FAR and, as such, is well within the 2% flexibility permitted by Section 2409.6(a). This increase also maintains the total FAR, which will be 7.0037 with the modification, well below the permitted FAR of 8.0 for a PUD in the C-3-C District. Because the existing wall of the building is being moved less than five feet from its approved location, Section 2409.6(a) permits me to approve this relocation.

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In addition, based on the proposed plan that you have provided to me, the modification does not infringe upon the required 38-foot setback along 4th Street. The modification also does not provide direct access to any retail or service uses along 4th Street. Finally, your team indicated that the materials will match the existing glass and trim in accordance with the approved PUD orders.

Upon presentation of proper plans, I will approve for zoning purposes a building permit application for the proposed modification to reconfigure the lobby and add a second entrance as being consistent with the approved PUD.

I believe that I have addressed the issues which we discussed and agreed upon. Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments:

Zoning Computation Sheet ZA-81-221

Zoning Administrator Certification dated October 13, 1981

Existing Site Plan

Proposed Plan for Expansion of Lobby and Entrance

cc: Sharon Schellin, Secretary to the Zoning Commission

File: Det Let re 555 4th St NW to Shiker 3-11-13