

July 24, 2018

Via IZIS and Hand Delivery

Anthony Hood, Chairman
District of Columbia Zoning Commission
441 4th Street, NW, Suite 210-S
Washington, DC 20001

Re: **Zoning Commission Case No. 15-15A; Application of JBG/Boundary 1500 Harry Thomas Way, L.L.C. and JBG/Boundary Eckington Place, L.L.C. for Modification of Consequence of the Approved Consolidated Planned Unit Development (“PUD”) and Zoning Map Amendment for the Property Located at 1500 Harry Thomas Way, NE and 1611-1625 Eckington Place, NE (Square 3576, Lot 57)¹ (the “Property”) – Supplemental Submission**

Dear Chairman Hood:

On behalf of JBG/Boundary 1500 Harry Thomas Way, L.L.C. and JBG/Boundary Eckington Place, L.L.C. (collectively, the “**Applicant**”), we hereby submit this supplemental statement and attached materials in support of the above-referenced request for a modification of consequence of Zoning Commission Order No. 15-15. As discussed in the initial submission, the Applicant proposes to revise portions of the south façade of the project’s southeast structure (the “**Southeast Structure**”) to enclose the rear open corridors and balconies for the first five (5) floors of the building. This change is necessary to comply with the Fire Code, which requires ten (10) feet of separation from exterior egress balconies, accessways, and stairs to the nearest lot line. The code requirement is in place so that if the adjacent building (The Gale) has a fire, Southeast Structure residents are able to safely exit their units. The structure cannot accommodate the code-required separation and, accordingly, a modification is necessary.

As a relatively minor design change that is required by the Fire Code and which does not seek a change in use or the approved PUD’s proffered public benefits and amenities or additional

¹ Note that the prior lots in the case’s caption, Lots 814 and 2001-2008 in Square 3576, have recently been consolidated into one record lot – Lot 57 in Square 3576.

flexibility or relief from the Zoning Regulations, the requested modification constitutes a modification of consequence as “a redesign or relocation of architectural elements.” *See* 11 DCMR Subtitle Y § 703.4.

This supplemental statement provides additional information regarding the proposed modification in response to comments received from the Office of Planning (“OP”) in its review of the application, including updated plans incorporating revisions to the design (Exhibit A), as well as information regarding the Applicant’s community outreach for the requested modification, as discussed in more detail below.

I. Additional Information Regarding the Proposed Modification

As outlined in the original submission and above, the proposed modification will enclose the rear balconies and corridors on Floors 1–5 of the Southeast Structure. As approved, the Southeast Structure provides two-story units on Floors 1–2 and 3–4 and three-story units on Floors 5–6. These units front onto the woonerf to the north and face The Gale development to the south, with unit entrances at the corridor levels (Floors 1, 3, and 5) to the south. The requested modification will enclose these corridors, as well as the previously proposed balconies on Floors 2 and 4 (the balconies on Floor 6 and 7 will remain open). The north wall of The Gale building is approximately six (6) feet from the Property’s southern boundary line at the relevant location. As approved, the Southeast Structure provides a zero lot line condition, with the south corridors and balconies face-on-line with the Property line and the south building wall located approximately five (5) feet from the Property line. By enclosing the south corridors and balconies, the proposed modification would relocate the south wall of the Southeast Structure approximately five (5) feet south to the lot line.

a. Design update

Since filing the initial application, and in response to OP feedback, the Applicant has incorporated additional windows to the design of the Southeast Structure’s south façade beyond those shown in the initial submission (Exhibit 1C in the Record). The updated Southeast Structure façade’s design increases the degree of fenestration from approximately 12.5% under the prior proposal (as shown on the left inset images on Pages A2.18B and A3.18B of Exhibit A) to approximately 20.5% as now shown on Pages A2.18B and A3.18 of Exhibit A. These augmented windows enhance the availability of light and improve the overall aesthetics of the design, while bolstering the privacy conditions along this façade as discussed further below. The additional windows also assist to reduce the façade’s feeling of mass.

Pages A2.10, A2.10B, A2.18, A2.18B, A3.12, and A3.12B in Exhibit A include images detailing the approved PUD’s south façade of the Southeast Structure on the left side of the booklet and the updated proposal on the right side. We note that Page 3.11 of the original approved set is included in Exhibit A to denote that the proposed modification could not be seen from the east of the Property.

b. Positive effects of the modification

While the design change is relatively minor and necessary due to Code requirements, it will have two primary effects.

First, enclosing the rear corridors and balconies of the Southeast Structure will enhance the privacy for the residents of The Gale and the Southeast Structure itself. As stated above, The Gale building is approximately six (6) feet south of the shared lot line. These Gale residential units are largely oriented towards The Gale’s interior courtyard, and The Gale units’ spaces along the property line at issue are primarily devoted to bathroom, stairs, shaft, closets, elevators, and kitchen areas, as shown on Page A1.24 of Exhibit A (from the approved PUD set). The previously-approved design of the Southeast Structure would externalize traffic to and from unit entrances along the unenclosed south corridors and would also provide external recreation space for these units, with both the corridors and balconies offering direct views into certain windows, albeit smaller openings, of The Gale units nearby. Enclosing the corridors and replacing the balconies with internal unit space mitigates the impact on the privacy of The Gale units posed by the approved, unenclosed design, as illustrated in Pages N1.01 and N1.02 of Exhibit A. Similarly, the residents of the Southeast Structure will be able to access their units without being viewable outside of their own corridors and thereby have their own privacy enhanced while not being exposed to the elements.

Second, in addition to improving privacy, enclosing the rear balconies on Floors 2 and 4 would provide an additional approximately five-foot deep second-floor living space for the units on Floors 1–2 and 3–4 of the Southeast Structure. Since these “City Houses,” which have always been a unique and celebrated component of the project, have front balconies overlooking the woonerf to the north, eliminating the rear balconies provides more private unit space without compromising the outdoor access afforded to residents. Moreover, this additional space will allow these units to be more attractive to families and address a wider variety of living arrangements. The additional living space is shown in a comparison of the second floor plans for the Southeast Structure’s two-story units on Page MOD-1 of Exhibit A. This additional living space is also shown on Page N1.01 of Exhibit A.

We note that, although the newly enclosed space would count towards the building’s Floor Area Ratio (“**FAR**”), adding approximately 7,200 gross square feet (“**GSF**”) of space, due to other adjustments to the building design, the entirety of the project will have approximately 3,395 GSF less than permitted by the approved PUD, even after taking into account the proposed modification. This reduction in GSF represents approximately 0.5% of the 702,362 GSF approved by the PUD as the maximum overall project density, as shown on Pages MOD-4 and MOD-5 of Exhibit A.

c. Impacts on The Gale

With respect to light and air, the proposed modification will have only negligible impacts on The Gale. As approved, the north wall of The Gale would be approximately six (6) feet from

the overhanging balconies and corridors of the Southeast Structure. Under the proposed modification, the footprint of the Southeast Structure would remain the same as approved, with the only difference being that the corridor and balcony space would be enclosed. Accordingly, any impact to light and air between the two buildings will be exceedingly minimal given that the approved balconies and corridors and the proposed south wall are both face-on-line with the property line. Indeed, shifting the south building wall of the Southeast Structure and eliminating the balcony and corridor overhangs improve the ambient light between the buildings by allowing the wall to reflect light entering that space, rather than such light being captured and lost to the shadows created by the overhanging balconies and corridors.

d. Façade design and materials

In addition to the above considerations of light, air, and privacy, the Applicant has also taken care to ensure that the proposed modification will maintain an aesthetic that is in accordance with the project's design scheme as originally approved. As shown on Page A3.12B of Exhibit A, the proposed South Structure south wall will be composed of painted cementitious siding with lighter brown and grey hues to enhance ambient light between the wall and The Gale, as noted above. The proposed wall will also incorporate clear glass windows in order to provide a higher degree of light into the Southeast Structure and to achieve an inviting aesthetic that ensures that the building is not perceived as “turning its back” on The Gale.²

e. Design alternatives

We note that, in evaluating this issue, the development team has explored several alternative solutions to this issue, including alternate designs or seeking a Code modification as part of the building permit approval process. However, a Code modification is not feasible in this case, and there is no alternative design that would address the above-referenced Fire Code issue without significant deleterious impacts on the project.

Among the alternative design solutions that the Applicant explored were: reconfiguration of the Southeast Structure units to locate entrances on the north side of the building (which would significantly and adversely impact the design approach for the building and, specifically, the interaction of the building with the woonerf); providing greater than 45% of openings along the south wall of the Southeast Structure (which would result in an unseemly and prohibitively expensive shutting-wall system comparable to automatic, fire-resistant garage doors along the building's south facade); shifting the entire Southeast Structure north to meet the required ten (10) foot Fire Code separation at the south (which would either necessitate relocating and redesigning the northeast building structure, or would greatly reduce the amount of glazing on the Southeast Structure's north wall due to the same Fire Code requirement discussed above, along with producing a misalignment of the woonerf); and moving the Southeast Structure's south façade north into the building (which would completely alter the City House product type approved by

² The Applicant recognizes that these windows are “at-risk” given their location face-on-line with the Property line.

the original PUD, as illustrated on Page MOD-3 of Exhibit A, and narrow the building so much that it would be unbuildable).

II. Outreach

The Applicant met with residents of The Gale on July 18, 2018, to explain the proposed modification and solicit feedback. The residents did not express any concerns with this proposed change, and many were supportive of the improved privacy provided by the revised design, as discussed in the letters of support from residents of The Gale attached as Exhibits 9, 10, and 11 in the Record.

The applicant has also been in contact with the ANC Single Member District (“SMD”) representative for ANC 5E03, in which the Property is located. The SMD representative expressed support for the application and proposed that this application not be taken up by the full ANC given the minor nature of the modification, as discussed in her letter submitted as Exhibit 8 of the Record. The SMD representative’s letter further notes that this proposal was discussed at the Eckington Citizens Association’s regularly scheduled June meeting and members did not raise concerns with the application.

III. Conclusion

As discussed in the initial submission, the proposed modification is entirely consistent with the Zoning Commission’s previous approval of the project and does not rise to the level of a modification of significance. Further, as compared with the previously approved design, the modification will enhance the privacy afforded to residents of The Gale building to the south, with minimal effects, if any, to the light and air of those units. The modification is relatively minor in terms of overall design impact, and is necessitated by Fire Code requirements. Accordingly, the Applicant respectfully requests that the consideration of this proposed modification of consequence be scheduled for the Commission’s consent calendar pursuant to Subtitle Z § 703.

If you have any questions or comments regarding the proposed modification, please contact the undersigned. Thank you for your attention to this application.

Respectfully Submitted,



Jeff C. Utz

 

Lawrence Ferris

CERTIFICATE OF SERVICE

I certify that on July 24, 2018, I delivered a copy of the foregoing document via electronic mail, hand delivery, or first class mail to the addresses listed below.



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