

May 11, 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. 15-15; 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 (Square 3576, Lots 814 and 2001-2008<sup>1</sup>) (the “Property”) – Enclosure of SE Building Rear Corridor**

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 respectfully request a modification of consequence of Zoning Commission Order No. 15-15 (the “**Order**”) and the plans approved thereby to allow for revisions to the design of the above-referenced project. As described below, the Applicant proposes to revise portions of the south elevation of the project’s southeast structure (the “**Southeast Structure**”) to enclose the rear open corridor and exterior stairs. This change is necessary to comply with the Fire Code, which requires ten (10) feet of separation from egress balconies and exterior stairs to the nearest lot line. The structure cannot accommodate the code-required separation and as a result the open corridors/stairs located on the first through fifth floors at the south of the Southeast Structure must be enclosed. Floors six and seven do not have egress corridors or stairs and remain open.

This modification will result in an alteration to the design that will be only minimally visible from Harry Thomas Way and will not adversely impact the adjacent building to the south owned by an affiliate of the Applicant. The proposed revision does not seek a change in use or the project’s proffered public benefits and amenities or additional relief or flexibility from the Zoning Regulations.

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<sup>1</sup> Note that these lots are currently being consolidated into one record lot.

Enclosed please find the following:

- Modification Application Form (Form 105).
- Copy of Z.C. Order No. 15-15 (the “**Order**”) (Exhibit A).
- Authorization Letter for this Application (Exhibit B).
- Updated Plans Showing the Modification (Exhibit C).
- The requisite filing fee for this request of Five Hundred Twenty and 00/100 Dollars (\$520.00) made payable to the “D.C. Treasurer,” in accordance with 11 DCMR Subtitle Z § 1600.4.

The Applicant respectfully requests that this modification application be placed on the Zoning Commission’s consent calendar and reviewed in accordance with 11 DCMR Subtitle Z § 703.

## **I. Background**

The Property is located between Eckington Place and Harry Thomas Way, NE. The Property consists of approximately 135,099 square feet of land area. Pursuant to the Order, the Commission approved a consolidated PUD and a related Zoning Map amendment for the Property from M to CR, under the 1958 Zoning Regulations then in effect (“**ZR-58**”), to allow construction of a mixed-use development consisting of four (4) connected structures that will contain residential units, ground-floor commercial uses, and underground parking with an overall density of 5.2 FAR including approximately 695 residential units and up to approximately 77,184 gross square feet of commercial, retail, and service uses (the “**Project**”).

## **II. Requested Modification**

The Applicant proposes to modify the design of the south façade of the Project’s Southeast Structure. As shown on Page A3.12 of Exhibit C, the approved plans show the rear corridors and stairs of the Southeast Structure as being open to the south; however, upon further study and design, the Applicant has determined that such corridors and balconies require enclosure in order to achieve full compliance with the 2013 District of Columbia Fire Code. Importantly, the proposed corridors and balconies of the Southeast Structure are face-on-line with the south lot line of the Property, and the building façade of the building on the property directly adjacent to the south of the Project is six (6) feet, two (2) inches from this same lot line.

As stated above, this modification is necessary for the Project to comply with the 2013 District of Columbia Fire Code (“**Fire Code**”) requirements. Section 1019.4 of the Fire Code requires exterior egress balconies to have a minimum fire separation of at least ten (10) feet from the nearest lot line. As stated above, the proposed rear corridor is face-on-line with the south lot

line of the Property and thus the corridor must be enclosed in order to bring the Project into compliance.

As shown in the attached plans, the proposed enclosure will be consistent with, and will further express, the architectural themes and design inspirations of the Project, which reflect the site's and the area's industrial past. The additional south-facing façade itself will be constructed of fiber cement materials similar to those materials employed elsewhere on the project. Such new façade will enclose stories one through five of the Southeast Structure. This wall will also feature fenestration to allow for light into the corridors and areaways and to articulate the façade. It should be noted that, similar to the reason for requesting this modification, the degree of windows permitted on such façade is limited by the Fire Code.

As stated above, the view of the area of the project altered by the requested modification is highly constrained from public space. Page A2.10 of Exhibit C shows the view of the approved project from the adjacent NoMA park. Page A2.10B of Exhibit C shows this same view from the NoMA Park and depicts how the view of the south façade of the Southeast Structure is highly constrained from public space and the park area itself. To such end, Page A3.11 of Exhibit C depicts that this south façade of the Southeast Structure will not be viewable from the east of the project such that the Harry Thomas Way Street elevation does not change.

The Applicant has also included Page A4.06 to depict that the corridor behind (i.e. to the north of) the new south façade remains in the project. Instead of being open to the south, such corridor is now enclosed. However, the now-enclosed corridor is of the same dimensions as that approved.

The Applicant has designed the new south-facing façade to be sensitive to the building to the south in order to not adversely affect the light, air, and views of the residents in such building. However, the Applicant notes that the owner of the property to the south is an affiliate of JBG Smith, just as the Applicant is.

The requested design modification is consistent with the intent of the Commission's original PUD approval and will allow the Project to be brought into compliance with Code requirements.

### **III. Satisfaction of Standards of Subtitle Y § 703**

Under Subtitle Y § 703.4 of the Zoning Regulations, examples of modifications of consequence “[i]nclude, 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.**” (emphasis added.)

The modification proposed in this application is related to the redesign of architectural elements of the Project based on further study of the Southeast Structure rear corridor. The requested modification does not propose a change in use or a change to proffered public benefits

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and amenities, or additional relief or flexibility from the Zoning Regulations, which would potentially constitute a modification of significance necessitating a public hearing. We also believe that the change is in accordance with the spirit of Condition D(1)(c) of the Order, which, in part, acknowledges that the Construction Code might necessitate changes to the project design requiring modification.

The Applicant is sending this application simultaneously to ANC 5E (which was the only party to the original application).

#### **IV. Conclusion**

The proposed modification is entirely consistent with the Zoning Commission's previous approval of the Project and, as discussed above, does not rise to the level of a modification of significance. 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,



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Jeff C. Utz




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Lawrence Ferris

**CERTIFICATE OF SERVICE**

I certify that on May 11, 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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Jeffrey C. Utz

Stephen Cochran (2 copies)  
District of Columbia Office of Planning  
1100 4th Street, SW, Suite 650E  
Washington, DC 20024

Anna Chamberlin  
Policy and Planning  
District Department of Transportation  
55 M Street SE, 5th Floor  
Washington, DC 20009

ANC Commissioner Hannah Powell (5E03)  
1930 4<sup>th</sup> Street, NE  
Washington, DC 20002

Advisory Neighborhood Commission 5E  
Bradley Ashton Thomas, Chair  
107 P Street, NW  
Washington, DC 20001

Eddie Garnett  
3055 Chancellor's Way, NE  
Washington, DC 20017

Patricia Williams  
401 Edgewood Street, NE  
Washington, DC 20017

Sylvia Pinkney  
34 R Street, NE  
Washington, DC 20002

Katherine McClelland  
413 Richardson Place, NW  
Washington, DC 20001

Bertha Holliday  
49 T Street, NW  
Washington, DC 20001

Horacio Sierra  
150 V Street, NW  
Washington, DC 20009

Dianne Barnes  
41 Adams Street, NW  
Washington, DC 20001

Nancy Darlene Jones  
200 Bryant Street, NE  
Washington, DC 20002

