

February 20, 2026

## VIA IZIS

Mr. Anthony J. Hood, Chairperson  
District of Columbia Zoning Commission  
Office of Zoning  
441 4<sup>th</sup> Street, NW, Suite 200-S  
Washington, DC 20001

Re: **Z.C. Case No. 78-17A: Application of Judiciary Plaza LLC (the “Applicant”) to the District of Columbia Zoning Commission for a Modification with Hearing of the Approved PUD for 450 5<sup>th</sup> Street, NW (Square 489, Lot 21) (the “Property”) – Applicant’s Supplemental Submission**

Dear Chairperson Hood and Members of the Commission:

In accordance with Subtitle Z § 401.5 of the Zoning Regulations, the Applicant hereby submits this supplemental statement in advance of the public hearing on March 23, 2026. The Applicant filed the above-referenced application on May 9, 2025, and seeks approval for a change in use of the existing building from office to residential (the “**Project**”). Set forth below is information regarding: (i) the size and layout of the Inclusionary Zoning (“**IZ**”) units; and (ii) a revised calculation of the floor area ratio (“**FAR**”) that includes the balconies.

### **I. IZ Unit Layout**

In their October 3, 2025 report, the Office of Planning requested information regarding the location and size of the proposed IZ units. Attached hereto as Exhibit A (the “**IZ Plans**”), the Applicant hereby submits floor plans showing the location of each of the proposed IZ units as well as a breakdown of their size. As shown on the IZ Plans, the IZ units are evenly distributed throughout the building and include the appropriate ratios of unit sizes.

### **II. Revised FAR Calculation**

Attached hereto as Exhibit B, the Applicant submits a revised FAR calculation for the Project. The building’s footprint and massing has not changed since the Applicant’s initial filing, rather, the balconies identified in Exhibit B were not originally included in the calculation of FAR. With the inclusion of the balconies, the Applicant revises the initial FAR calculation of 7.19 (which is less than

the 7.2 FAR permitted for a PUD in the MU-8B Zone) to 7.41 FAR. Pursuant to Subtitle X § 303.10(b), the Zoning Commission may authorize an additional increase of up to 5% of the maximum density provided the increase is “essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter.” The Applicant hereby requests flexibility to increase the density of the Project from 7.19 to 7.41 pursuant to Subtitle X § 303.10(b). The Applicant notes that were this Project to be built across 6<sup>th</sup> Street, the additional density would be matter-of-right in the D-6-R Zone where density is limited only by the height and bulk achievable for residential use.

A. The Flexibility Requested is Essential to the Successful Functioning of the Project.

The additional density is “essential to the successful functioning” of the Project per Subtitle X § 303.10(b). The *de minimis* addition of 0.21 FAR is necessary to accommodate the conversion of an existing office building to residential use. The Applicant has reimagined the building to accommodate residential use by carving out portions to create the light and air suitable for residential units. Part of that redesign involves balconies that will not only allow for more light and air to reach the units, but also provide residents with private open space.

The balconies are also essential to the Project in that they avoid creating an at-risk situation for the windows on the southern side. The inset balconies will ensure sufficient light and air will reach those units should the abutting property to the south, the former Recorder of Deeds building currently owned by the District, ever be fully developed. Accordingly, the additional density is essential to the successful functioning of the Project.

B. The Flexibility Requested is Consistent with the Purpose and Evaluation Standards of Subtitle X Chapter 3.

The flexibility requested is also “consistent with the purpose and evaluation standards” of Subtitle X Chapter 3. The PUD process provides greater flexibility for high quality development that (1) results in a project superior to what would result from the matter-of-right standards; (2) offers a commendable number or quality of meaningful public benefits; and (3) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. 11-X DCMR § 300.1. As described in detail in the Applicant’s Statement found at Exhibit 3A of the record, the Project satisfies the PUD requirements and is consistent with the purpose and evaluation criteria of Subtitle X Chapter 3.

Furthermore, on November 25, 2025, the Zoning Commission took proposed action to approve an amendment to Subtitle B § 304.8 that would exclude inset balconies up to a depth of eight (8) feet from the calculation of FAR in Z.C. Case No. 25-12. Approximately 7,180 square feet of the balconies would be exempt from FAR per new Subtitle B § 304.8 once the Commission takes final action and Z.C. Case No. 25-12 becomes effective. Accordingly, by the time the Project is in the permitting stage, the FAR of the Project will be reduced to 7.28.

The purpose of the exclusion of inset balconies from FAR is to incentivize additional outdoor space for residential use, specifically for conversions of prior office buildings. As the Office of Planning (“OP”) noted in their Setdown Report for Z.C. Case No. 25-12, “balconies can provide valued amenity space for residents and occupants and can help to provide façade articulation for buildings. Inset balconies can provide this in cases where there is limited opportunity to provide balconies that extend out from the façade of the building – which could include the conversion of a non-residential building to a residential use.” The inclusion of these balconies will greatly benefit the future residents of the Project, is essential to the proposed office to residential conversion, and is consistent with the purpose and evaluation standards of Subtitle X Chapter 3.

### **III. Exhibits**

Attached hereto are the following exhibits:

- Exhibit A: IZ Unit Plans
- Exhibit B: FAR Breakdown
- Exhibit C: Final Floorplans

### **IV. Conclusion**

Thank you for your attention to this application. Please feel free to contact the undersigned if you have any questions or comments.

Sincerely,

/s/ Paul A. Tummonds, Jr.  
Paul A. Tummonds, Jr.

/s/ Lee S. Templin  
Lee S. Templin

## Certificate of Service

I certify that on February 20, 2026, I delivered a copy of the foregoing document and attachments via e-mail or first-class mail to the addresses listed below.

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