

June 19, 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. 01-01MM/99-6M/88-16C; Application of BP/CRF 901 New York Avenue LLC for Modification of Consequence of the Approved Consolidated Planned Unit Development (“PUD”) and Zoning Map Amendment for the Property Located at 901 New York Avenue, NW (Square 372, Lot 34) (the “Property”) – Revisions to Entry Design**

Dear Chairman Hood:

On behalf of BP/CRF 901 New York Avenue LLC (the “**Applicant**”), we hereby respectfully request a modification of consequence of the consolidated PUD and Zoning Map amendment approved in Z.C. Case No. 01-01MM/99-6M/88-16C (the “**Approved PUD**”), first approved in Z.C. Order No. 629 and most recently modified in Z.C. Order No. 920-A. As described below, the Applicant proposes to revise the building entrances along New York Avenue and K Street, NW to modernize the design to contemporary standards, provide greater natural light, and improve lighting fixtures. 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.

Enclosed please find the following:

- Modification Application Form (Form 105).
- Appendix of prior Zoning Commission approvals, Z.C. Order Nos. 629–629-F, 920, and 920-A (Exhibit A).
- Authorization letter for this application (Exhibit B).
- Updated plans showing the modification (Exhibit C).

- Relevant portions of the transcript from the Commission’s January 31, 2000 hearing relating to Z.C Case No. 99-6M; the Office of Planning’s Supplemental Report dated February 18, 2000 (Exhibit 43 in Z.C. Case No. 99-6M); and relevant portions of the transcript from the Commission’s March 13, 2000 public meeting relating to Z.C Case No. 99-6M (Exhibit D).
- 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 occupies the entirety of Square 372, which is bounded by New York Avenue, NW to the south, 10<sup>th</sup> Street, NW to the west, K Street, NW to the north, and 9<sup>th</sup> Street, NW to the east. The eastern corner of the Property faces onto Mount Vernon Square. The Property consists of approximately 53,252 square feet of land area and is improved with an 11-story office building.

The Approved PUD was first approved for the Property in 1989 by Z.C. Order No. 629 for Case No. 88-16C, and extensions were granted by Z.C. Order Nos. 629A through 629F. The Approved PUD was subsequently modified and expanded and a related Zoning Map amendment was added in 2000 by Z.C. Order No. 920 for Case No. 99-6M/88-16C, which approved a rezoning from C-3-C, HR/C-3-C and DD/C-3-C to C-4 and the development of the existing office building with an FAR of 10.0, a height of 130 feet, and approximately 532,505 square feet of gross floor area. The Zoning Commission subsequently approved a minor modification to the Approved PUD in 2001 by Z.C. Order No. 920-A for Case No. 01-01MM/99-6M/88-16C to permit the owner to utilize the combined lot provisions of the Zoning Regulations to meet the applicable housing requirement through a contribution to the Housing Production Trust Fund. No other modifications or other actions have been requested for the Approved PUD since Z.C. Order No. 920-A.

## **II. Requested Modification**

The Applicant proposes to modify the project’s building entrances located on New York Avenue and K Street, NW, as shown in the architectural plans attached as Exhibit C. The proposed modifications will provide more open, welcoming entrances for those accessing the Property and will interact better with the public realm, thereby improving the pedestrian environment. A summary of improvements to the New York Avenue entrance is shown on Page A001 of Exhibit C and a summary of the improvements to the K Street entrance is shown on Page A002 of Exhibit C. A site plan showing the areas of the building where these modifications are proposed is shown on Page A003 of Exhibit C.

For the New York Avenue entrance, the Applicant proposes to raise the existing grill of the covered entrance, as shown on Sheets A007 through A009 of Exhibit C, in order to create a more open entry way and increase the amount of natural light in the entrance. This will also increase visibility and ideally assist to activate the adjacent public space. Currently, as shown on Pages A008 and A009 of Exhibit C, the existing grill and sign for the building along New York Avenue, NW have a clearance of approximately 16 feet, 5 inches while the proposed grill and sign would have a clearance of approximately 27 feet, 9 inches at the same location.

A key feature of the new entrance is the hanging sculpture, inspired by the imagery of cherry blossoms, proposed to be installed within the newly-opened New York Avenue entrance, as shown on Sheets A005, A007, A009, and A011 of Exhibit C. A view of the current entrance looking up to the ceiling is shown on Page A012 of Exhibit C, while the same view looking up to the ceiling and into the proposed art sculpture is shown on Page A013 of Exhibit C. A section and a plan showing how the new art relates to the New York Avenue entrance is shown on Page A016 of Exhibit C.

The modification will also redesign the front stairs within this covered entrance to enlarge the existing landing, provide glass guardrails, and install benches as shown on Pages A014 and A015 of Exhibit C, as well as updated paving and materials, as shown on Sheet A001 of Exhibit C. The existing stairs are shown on Page A014 of Exhibit C while the newly proposed stairs are shown on Page A015.

Similar to the New York Avenue entrance, the Applicant proposes to modify the building entrance on K Street, NW to raise the existing grill above the doors to provide a more open design and allow a greater amount of natural light to the entry way. Currently, as shown on Pages A017 and A018 of Exhibit C, the existing grill and sign for the building along K Street, NW has a clearance of approximately 10 feet, 10 inches while the proposed grill and sign would have a clearance of approximately 23 feet, 2 inches at the same location.

All of these redesigns will be further enhanced by improvements in the lighting for the entrance, as shown on Sheet A020 of Exhibit C. Notably, the overall dimensions of the recessed covered entries will not change, however, the planters located in public space adjacent to the entrance will be removed.

These proposed revisions will improve the building's presence on New York Avenue and K Street and will enhance the pedestrian experience, in addition to providing a more contemporary and welcoming entry for those accessing the building. The requested modification to the approved building design is consistent with the intent of the Commission's original PUD approval.

### **III. Correction of Condition in Order No. 920**

The Applicant also requests, as part of this modification application, that Condition 8 of Z.C. Order No. 920 be updated. The Applicant believes that the text of this Condition as published contains an error in that it included an inadvertent "not" in the condition.

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As published, Condition 8 of Order No. 920 read as follows:

8. With regard to retail tenant signage and awnings, the applicant shall be permitted to install a variety of retail tenant signage and awnings via one or a combination of the following methods: (i) colored signage and awnings with applied tenant lettering located on the sign panel and backlighting, or (ii) metal signband with tenant lettering inset into signband and backlighting, as shown in Exhibit 44. Awnings may be installed at the ground level of the building. Covering materials may be canvas or similar non-rubberized cloth material, glass, or metal. Vinyl, or other plastic-like sheeting is not acceptable. Awning surfaces may not be of any color or pattern. Awning edges shall be straight lines; scallops, curves, fringes, etc. are not acceptable. Signage and logos may be placed horizontally in the sign box at the front edge of the canopy. Lettering and logos may not be placed on sides, tops, or sloping surfaces of the awnings.

The language of Condition 8 above appears to contradict itself. While the first sentence states that the Applicant is permitted to install a “variety of retail signage and awnings” in a manner that includes “colored signage and awnings with applied tenant lettering”, the fifth sentence of the Condition states that “[a]wning surfaces may not be of any color or pattern.” The Applicant believes that the “not” was inadvertently included in this fifth sentence.

In its consideration of the project at the hearing for Z.C. Case No. 99-6M (See Pages 100, 101, 120, and 124 of the January 31, 2000 Transcript, attached as Exhibit D), the Zoning Commission solicited input from the Office of Planning as to the desired design of the awnings on the project’s retail storefronts. In response, the Office of Planning submitted a supplemental report dated February 18, 2000 (Exhibit 43 in Z.C. Case No. 99-6M) that included the following language for the proposed language of Condition 8: “Awnings may be of any color or pattern.” (See OP’s supplemental report attached as Exhibit D). At the proposed action consideration of the project (See Pages 62 and 63 of the March 13, 2000 Transcript, attached as Exhibit D), the discussion between the Commission and the Office of Planning relating to the building’s awnings included the following:

COMMISSIONER FRANKLIN: I would like to hear from the Office of Planning as to whether the awning examples that were being shown in the renderings would be such as to satisfy the language that you think ought to be put into the PUD order.

MR. COCHRAN: That would accord and there would even be a bit more variety allow than that, but that’s representative of what we would hope would be there. **Multiple colors would be allowed.** Different patterns would be allowed, but logos would not be acceptable, except on the sign band. And, we were trying to keep the design at a fairly sophisticated level, which is why we thought we would avoid the scallops and perhaps I should have included fringe in that language. [...] [*Emphasis added.*]

The Commission appeared to accept the Office of Planning’s reasoning and proposal. As a result, we believe that the fifth sentence of the Condition was intended to read “Awning surfaces may ~~not~~ be of any color or pattern.”

**IV. Satisfaction of Standards of Subtitle Z § 703**

Under Subtitle Z § 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, specifically the building entrances along New York Avenue and K Street, and thus qualifies as a modification of consequence.

The Applicant is sending this application simultaneously to ANC 2C (which was the only party to the original application). The Applicant notes that it met with ANC 2C regarding the proposed modification and ANC 2C voted to support the application.


**V. Conclusion**

The proposed modification is entirely consistent with the Zoning Commission’s previous approval of the project and, as discussed above, comports with the definition of a modification of consequence rather than a modification of significance. In addition, the Applicant requests a minor correction to Condition No. 8 in Z.C. Order No. 920. 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 June 19, 2018, I delivered a copy of the foregoing document via electronic mail, hand delivery, or first class mail to the addresses listed below.

  
Lawrence Ferris

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