

MEMORANDUM

TO: District of Columbia Zoning Commission

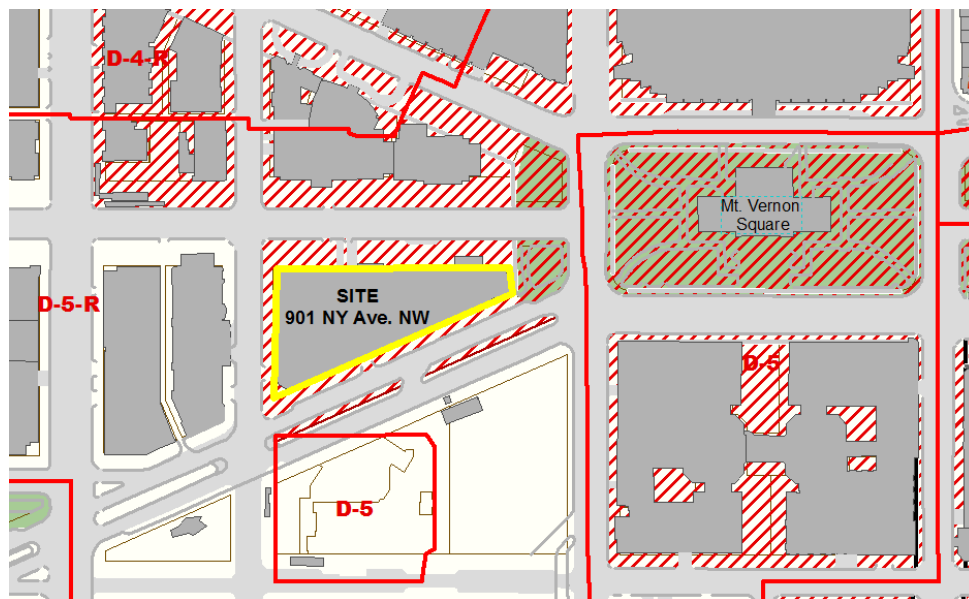
FROM: *JLS*
Jennifer Steingasser, Deputy Director, Development Review/Historic Preservation

DATE: March 19, 2019

SUBJECT: **ZC Case 01-01B** - Office of Planning Report on a Request for a Modification of Consequence to Zoning Commission Order 01-01A/01-01MM/99-6M/88-16C 16-13 for a Consolidated Planned Unit Development and Map Amendment at 901 New York Avenue, NW (Square 372, Lots 74)

I. BACKGROUND AND SUMMARY OF PRESENT REQUEST

This is the second modification of consequence request in the last year to change the exterior design of the first floor, and parts of the second floor, of the PUD constructed at 901 New York Avenue, NW. In Order 01-01A the Commission permitted the applicant to make changes to the building's lobby entrances on New York Avenue and K Street and made a minor correction to language governing the color and pattern of awnings between the first and second floors. The current application seeks approval of an additional modification of consequence that would set out guidelines for future modifications to the design of the building's first floor façade, portions of the second floor and public space elements.



II. RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission approve, as a modification of consequence pursuant to Subtitle Z, § 720, the application to:

- Modify Condition 8 of Order 920 to permit changes to the treatment of awnings attached to the PUD building, as specified and illustrated in the proposed 901 New York Avenue, NW Comprehensive Signage and Storefront Plan Manual as modified on March 14, 2019 and filed as Exhibit 6 (the “Design Manual”);
- Adopt the Design Manual, as part of the Order, to:
 - Stipulate the changes that would be permitted without additional Zoning Commission review to design elements on the building’s first floor and portions of the second floor at the building’s corners, provided the changes are consistent with the Design Manual. Changes not consistent with the manual would need to be reviewed by the Commission as modifications.

III. ANALYSIS

Subtitle Z, § Z 703 defines a modification of consequence:

703.3: For purposes of this section, “modification of consequence” shall mean a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.

Per § 703.2 a minor modification is one that does not change the material facts on which the original approval was based, whereas § 703.6 notes that a modification of significance involves a proposed change in use, proffered benefits and amenities, required covenants, or additional relief or flexibility from the zoning regulations.

The requested modification does not change the material facts upon which the Commission based its original approval of the application. Approval of the request would not modify the size or overall design of the existing building, decrease the public benefits or amenities, or weaken any approved conditions.

The proposed physical changes would permit limited changes to certain façade materials, color ranges, cladding, ground floor tenant door openings and sills, glazing, and signage and awnings attached to the building.

OP has had extensive conversations with the applicant about the Design Manual. Since the original application for this case the applicant has modified the manual. The changes have focused on ensuring a balance between retention of the integrity of the original building design, and flexibility to cater to ground floor tenant needs and to enliven adjacent street life. The most important changes in the revisions affect the following:

- Existing stone/faux-stone columns:
 - There would be no changes to the materials or color of the most prominent vertical columns that extend from the brown stone bases at the ground level to the top of the building. Cladding of these columns would not be permitted. The restriction would also

apply to the treatments at the building's corners, particularly the planned restaurant's Mount Vernon Square entrance.

- Areas between the columns noted above:
 - Painting grills in the storefront zones would be permitted;
 - In the tenant-frontage areas between the columns, using different materials, or painting up to the top of the first-floor grills would be permitted for the in-line retail sections, and would be permitted to the top of the second floor for the three building corners. However, the faux-stone that separates the second from third floors in parts of the building may be clad, but not removed or painted.

- Awnings, the design of which were specified in the original Order, even though they are in public space:
 - Awnings should be of a uniform height and should not extend upwards past the upper limit of the grills at the top of the first floor;
 - Awnings providing cover for sidewalk cafes may span more than one bay, but should be contained within individual bays for other uses;
 - The awning covering the sidewalk café on K Street, near 9th Street, should have a striped pattern, rather than being a uniform color.

- Signage
 - There should be no signs above the second floor of the building, including the upper level signs previously proposed for principal building tenants;
 - “Blade” signs shall be permitted but should not extend above the top of the second floor. Consistent with public space guidelines:
 - Signage is permitted in the vertical, but not the inclined, portion of the awnings,
 - Signage may not be included on the fences or walls enclosing sidewalk cafes or other ground-level projections into public space.

IV. OTHER DISTRICT AGENCY REPORTS, AND COMMUNITY COMMENTS

The applicant has certified it has circulated the application to the OP and to ANC 2C. The District Department of Transportation has no objection to approval of the Modification of Consequence (Exhibit 5) but notes that additional consultation is needed on the final design elements in the surrounding public space.

There were no comments from other agencies, the ANC, or the public at the time OP completed this report. There were no other parties to the original case or to Case 01-01A.

Jls/slc
Stephen Cochran, project manager