

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 04-14F**  
**Z.C. Case No. 04-14F**  
**Riverfront Holdings II, LLC**  
**(PUD Modification of Consequence @ Square 708, Lot 15)**  
**June 10, 2019**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on June 10, 2019. At that meeting, the Commission approved the application of Riverfront Holdings II, LLC (“Applicant”) for a modification of consequence to Order 04-14D and Order 04-14E (“Order”). The property that is the subject of this modification comprises Lot 15 in Square 708 (“Property”). The modification request was pursuant to § 703 of the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

**FINDINGS OF FACT**

1. Pursuant to Chapter 24 of the 1958 Zoning Regulations, the Commission approved a phased, mixed-use planned unit development (“PUD”) in Square 708, Lot 14. This approval is reflected in Z.C. Order No.04-14B. The Order approved the second phase of the PUD, which consisted of a residential building with ground floor retail. More specifically, the Commission approved a 130 foot tall building with approximately 7,709-11,436 square feet of retail use, a range of 250-285 residential units. (Exhibit [“Ex.”] 1).
2. On April 18, 2019, the Applicant submitted an application for a modification of consequence to add a new vertical sign to the building. The Applicant included a set of plans depicting the proposed new signage. The new signage includes vertical signage with lettering applied directly to the building. The letters are aluminum with face-lit acrylic lenses. The letters will each be 4 feet in height and spell the building name, Maren, with one letter on each of floors 9-13 on the northern façade. (Ex. 1C).
3. The Office of Planning (“OP”) submitted a report dated May 6, 2019, recommending approval of the modification of consequence as requested. OP supported the modification as it would not face the Anacostia River or have a negative visual impact. (Ex. 4, p. 2).

4. Advisory Neighborhood Commission (“ANC”) 6D submitted a letter dated June 5, 2019, in support of the modification. It specifically approved the vertical signage on the front of the building. (Ex. 5).
5. The Commission, at its May 13, 2019 public meeting, determined that the application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant Subtitle Z § 703.1. The Commission was therefore required by Subtitle Z § 703.17(c)(2) to establish a timeframe for the parties in the original proceeding to file a response in opposition to or in support of the request and for the application to respond thereto; and schedule the request for deliberations. The Commission did so, and the ANC being the only party to the original proceeding, filed its report as noted above.
6. The Commission, at its June 10, 2019 public meeting, voted 4-0-1 to approve the modification of consequence.

### **CONCLUSIONS OF LAW**

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means a “modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance. (11-Z DCMR § 703.3.) Examples of modifications of consequence “include but are not limited to, a proposed change to a condition in 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.” (11-Z DCMR § 703.4.)

The Commission concludes that the refinement of plans as described in the above findings of fact is a modification of consequence and therefore can be granted without a public hearing.

The Commission finds that the proposed modifications is entirely consistent with the Commission’s previous approval of the PUD and the Order. The refinement is supported by the OP and the affected ANC.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl) to give “great weight” to the issues and concerns of contained in the written report of an affected ANC. As is reflected in the Findings of Fact, ANC 6D’s written report expressed no issues or concerns.. The Commission is also required give great weight to the recommendations of OP (See D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP’s recommendation to approve this modification of consequence application.

The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

## DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia ORDERS APPROVAL of a modification of consequence to the second stage PUD project approved in Z.C. Case No. 04-14D and 04-14E. The conditions in Z.C. Order No. 04-14D and 04-14E remain unchanged except as follows. The following condition replaces Condition No. A.1 of Z.C. Order No. 04-14D:

1. The Project shall be developed in accordance with the plans marked as Exhibits 30-30B7 of the record in Z.C. Case No. 04-14D, as modified by the plans included in Exhibits 1C and 6A1-6A2 of the record in Z.C. Case No. 04-14E, as modified by the plans included in Exhibit 1CA-1C2 of the record in Z.C. Case No. 04-14F, and as further modified by the guidelines, conditions, and standards herein.

On June 10, 2019, upon the motion of Commissioner Shapiro, as seconded by Commissioner Miller, the Zoning Commission took final action to APPROVE the application at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Robert E. Miller, Peter G. May and Peter Shapiro to approve; Michael G. Turnbull abstaining).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on \_\_\_\_\_.