



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

TO: District of Columbia Zoning Commission
FROM: Matthew LeGrant, Zoning Administrator *mz2*
DATE: July 20, 2018
SUBJECT: Report per Subtitle A § 304.7 Regarding Dwelling Unit Number Decrease for Case No. 15-12

By Order No. 15-12 (the "Order"), the Zoning Commission approved a mixed-use project as a planned unit development. The PUD is located at 1401 Pennsylvania Avenue SE and is a seven story building with ground floor retail and six floors of residential above. The purpose of this memorandum is to report to the Commission regarding my grant of a minor modification to the number of residential units in the PUD's approved plans.

The Order approved a range of 170-190 residential units in the PUD, but in their building permit plans, the developer included 167 residential units. I understand the permit plans are otherwise consistent with those approved in the Order, but the building permit has not been issued. The developer submitted, pursuant to Subtitle A § 304.6, a written request to me to modify the approved plans to decrease the number of dwelling units to 167. After evaluating the developer's request, I determined that the decrease in the number of units – which equates to a decrease of 1.7% – is consistent with the Zoning Commission's intent with respect to the PUD and would not have any adverse effects. The decrease in the number of units is modest and will not otherwise affect the design or program of the approved PUD.

Under Subtitle A § 304.5, I am authorized to permit minor modifications to plans approved by the Zoning Commission. Specifically, pursuant to Subtitle A § 304.5(b), I am authorized to permit a change not to exceed 2% in the number of dwelling units. As described above, I determined that the proposed decrease in the number of units to 167 is consistent with the requirements of Subtitle A § 304.5. However, pursuant to Subtitle A §§ 304.7 & 304.8, the building permit that includes such a modification cannot be issued until after I have reported on the modification to the Zoning Commission and either 45 days elapses or the Zoning Commission concurs that the modification is permitted, whichever is sooner. Accordingly, I request that the Zoning Commission concur with my determination at its next public meeting so that the building permit may be issued.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



(last revised 6.23.17)

REQUEST FOR MODIFICATION OF PLANS APPROVED BY THE ZONING COMMISSION

(Pursuant to Zoning Commission Order No. 08-06F, 11 DCMR A-304.5 through A-304.9)

Building Permit Application #: B1704148 (the "Application")

Property Address: 1401 Pennsylvania Ave SE (the "Property")

Square: 1065 Lot(s): 142

1. Provide the Order Number(s) (e.g., "ZC 12-34") for the Zoning Commission (the "ZC") that the property is subject to:
ZC Order No.: 15-12
2. Do the building permit plans submitted differ in any way (e.g., use, building envelope, façade design, shape, or floorplans) from the plans authorized by the Order(s), including any conditions of the Order(s) and the approved plans?
 - Yes. Provide a list of the proposed changes and illustrations comparing the portions of the "approved" plans that are proposed to be varied to the "proposed" plans. This should include highlighting changed features through graphic bubbling.
 - No. Skip to the signature line (#7) below to complete the form.
3. Are all proposed changes identified in #2 above solely limited to minor internal floorplan or mechanical changes not involving any standards identified in subsections A-304.5(a)-(d)?
 - Yes. Provide a written justification as to why the changes identified in #2 are limited to such minor internal floorplan or mechanical changes. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.
 - No. Continue to the next question.
4. Are any of the changes identified in #2 covered by flexibility specifically granted by a condition(s) of the Order(s)?
 - Yes, all of the changes. Provide a written justification highlighting the terms of the flexibility granted in the Order and describe how the proposed modifications are allowable pursuant to the flexibility. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.
 - Yes, some of the changes. Provide a written justification that identifies which of the proposed modifications are allowable pursuant to the flexibility granted in the Order. Continue to the next question to address the remainder of the proposed modifications that are not allowable pursuant to the flexibility.
 - No. Continue to the next question.
5. If the flexibility provided in the Order(s) does not cover some or all of the proposed modifications listed in the response to #2 above, or where no flexibility was provided in the Order(s), do the remaining proposed modifications qualify for the minor flexibility that the Zoning Administrator is authorized to grant under Section A-304.5?
 - Yes. Provide a written request for ZA minor flexibility as required by Section A-304.5. Make sure that this request addresses each criteria provided in Section A-304.5, including the requirement that the proposed modifications are consistent with the intent of the ZC in approving the relevant Order. Continue to the next question.
 - No. Skip to the signature line (#7) below to complete the form and then separately apply to the Zoning Commission for a modification pursuant to A-304.9.

6. In cases where a written request for ZA minor flexibility is submitted, all parties (including the affected ANC(s)) to the applicable ZC case listed in response to #1 must be served with a copy of the request for minor flexibility. Such a copy must include any supporting plan documents, as required by Section A-304.6. Enter the following information, including the email addresses (or mailing address if necessary) that the written request was sent to:

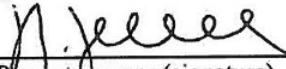
Date of service by Applicant: 7/10/2018 (attach a certificate of service)

ANC ⁶ : _____

ANC(SMD) 6B06 : _____

Parties: Nick Burger 6806@anc.dc.gov _____

7. Signature

 6/25/18
 Property owner (signature) Date

NICK@CASRIEGLER.COM / 202.215.6588
 Property owner or agent email address and phone number

For DCRA internal use only (execute as appropriate).

- The ZA has received a written request for minor modifications to approved plans related to the Order above which the Applicant attests was served on all necessary parties. The ZA has determined that the proposed modifications are consistent with Section A-304.5. Therefore, the ZA is hereby providing written notice of APPROVAL.

Pursuant to A-304.5, no modified building permit may be issued during a 45 day period that begins on the date this report is sent to the Zoning Commission ("Commission") unless the Commission advises the ZA that it concurs that the modification is permitted by A-304.5.

 7-18-18
 Zoning Administrator signature Date of approval

Date of Service: 7-18-18 Forty-five day hold date: _____

cc: Zoning Commission and all parties identified in #6 above
 Attachments: Applicant's written request for ZA minor flexibility and supporting documents

- No written request for ZA minor flexibility is required.

 OZA signature Date of approval

- The ZA DENIES the request for minor modifications to approved plans as inconsistent with Section A-304.5.

 OZA signature Date of denial

1401 Penn Z.C. Order NO. 15-12

Friday, June 29, 2018 8:00 AM



ANTUNOVICH ASSOCIATES
ARCHITECTURE · PLANNING · INTERIOR DESIGN
Chicago, Washington DC

1401 Pennsylvania Ave, SE - B1704148

Statement to the zoning Administrator to outline any changes from the approved zoning commission exhibits and submitted permit drawings.

Within the zoning order NO.15-12 there were 58 (fifty eight) conditions of which the referenced permit application meets all but 1(one) condition - the number units. We currently have 167 units. Below is an outline of the flexibility within the Z.C. Order.

Approval Conditions - A. Project Development #3.f

3. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - f. To vary the number of residential unit between 170-190 and to accordingly adjust the final unit type mix of the Project; and