



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jonathan Kirschenbaum, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** December 5, 2019

**SUBJECT:** BZA Case 19943A (1700 Pennsylvania Avenue, NW) to request a minor modification to architectural plans approved by the Board of Zoning Adjustment.

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### **I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the application to make minor changes to the interior layout of the ground floor, and to the layout, setbacks, and massing of the proposed penthouse at an existing office building approved by the Board of Zoning Adjustment (Board) under Order No. 19943, pursuant to Subtitle Y § 703. The proposed addition would not change the material facts upon which the Board based its original approval of the project.

The applicant states this should be processed as a minor modification. However, OP finds that this application would fall under the category of modification of consequence because the proposal is to redesign and relocate architectural elements and open spaces from the final design approved by the Board. If the Board should find that this application should be reviewed as a modification of consequence, the review criteria would not change, and OP would have no objection.

### **II. BACKGROUND**

The applicant under BZA Case No. 19943 filed a variance application for an office building with ground floor retail that was constructed in 1966. The site was subsequently rezoned since the building was constructed. The applicant intended to modernize the existing building and increase the height of the building to 130 feet, the maximum permitted height. The applicant intended to construct additional floors to be used for office space and the increase in office gross floor area would require two loading berths. There was an existing loading berth that was non-conforming because it did not meet the dimensional area requirements. The applicant proposed to make the existing loading berth conforming and requested variance relief to not provide a second loading berth. The applicant also wanted to construct penthouse habitable space that would be one story and 20 feet in height. Variance relief was required because penthouse habitable space was not permitted in a defined area near the White House.

On April 10, 2019 under Order No. 19943, the Board approved the requested variance relief. The applicant states they also received final commentary from the Commission of Fine Arts (CFA).

### III. LOCATION AND SITE DESCRIPTION

Address	1700 Pennsylvania Ave, NW
Legal Description	Square 168, Lot 0050
Zoning	D-5/D-6
Ward and ANC	2/2A
Lot Characteristics	Irregularly shaped corner lot measuring 156 ft. by 85 ft. by 163 ft. The lot is bounded by Pennsylvania Avenue, NW to the north, 17th Street, NW to the east, G Street, NW to the south, and office buildings to the west.
Adjacent Properties and Neighborhood Character	Office buildings and commercial buildings.
Existing Development	Office building with ground floor retail.

### IV. DESCRIPTION OF MODIFICATION

The applicant proposes to make minor changes to the interior layout of the ground floor, and to the layout, setbacks, and massing of the proposed penthouse. The applicant submitted plans to the record (Exhibit 3B) comparing the BZA approved floor plans to the proposed floor plans. The minor revisions are as follows:

#### Ground Level

1. Internal lobby stair removed.
2. Elevators moved roughly 2" east to coordinate with existing footings.
3. Main entrance glazing widened to include shuttle elevator lobby and egress corridor.
4. Fire command center revised to code-required dimensions.
5. Egress stair shifted slightly, and egress corridor added.
6. Proposed entrance locations removed.

#### Level 2 to Level 8

1. No exterior revisions compared to approved plan.
2. Interior revisions limited to minor changes to core layout to accommodate existing utility services to remain, new services, and ADA.

#### Level 9

1. Exterior revisions limited to façade treatments to satisfy CFA commentary and addition of doors to satisfy egress requirements from roof terrace.
2. Interior revisions limited to minor changes to core layout to accommodate existing utility service to remain, new services, and ADA.

#### Levels 10 and 11

1. Exterior revisions limited to façade treatments to satisfy CFA commentary.

2. Interior revisions limited to minor changes to core layout to accommodate existing utility services to remain, new services, and ADA.

#### Penthouse Level

1. Setbacks reduced slightly and penthouse enclosure stepped accordingly to meet 1:1 setback.
2. Previous design provided a height of 20' for the entire penthouse; revised design proposes a height of 16' for the perimeter amenity and office areas, with a height of 20' for the interior mechanical and common areas.
3. Setback of outdoor terrace reduced by 1'.
4. Butterfly form introduced at east end and setback dimensions increase.
5. Interior layout adjusted to accommodate more detailed program requirements and MEP coordination.

### **V. ANALYSIS**

Subtitle Y § 703.3 defines “Minor Modifications” as “modifications that do not change the material facts upon which the Board based its original approval...”.

None of the proposed changes result in new or expanded zoning relief. The applicant proposes to increase the size of the habitable penthouse, which would further increase the \$519,137.50 contribution to the Housing Production Trust Fund (HPTF) that the applicant anticipated in the original application. OP finds that the proposal would not change the material facts upon which the Board based its original approval.

### **VI. AGENCY COMMENTS**

No agency comments were received from other District agencies as of the date of the filing of this report.

### **VII. COMMUNITY COMMENTS TO DATE**

No community comments had been filed to the record as of the date of the filing of this report.

VIII. ATTACHMENT

