

## MEMORANDUM

**TO:** District of Columbia Zoning Commission

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

**DATE:** June 29, 2018

**SUBJECT:** **ZC Case 01-01A** - Office of Planning Report on a Request for a Modification of Consequence to Zoning Commission Orders 629 and 920-Concerning an Existing Consolidated PUD at 901 New York Avenue, (Square 372, Lot 34), Approved in Cases 01-01 MM/99-6M/88-16C

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### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission approve, as a modification of consequence, the application to modify adopted Orders 629 and 020-A to permit changes to the entrances of an existing consolidated PUD and to correct a condition governing the appearance of ground floor awnings on the building.

The applicant's requested modifications would:

- Permit the New York Avenue lobby entrance to be changed as follows and as summarized on Sheet A001 –of Case Exhibit 2C:
  - Increase the height of the opening from the existing approximately 16' 5" to approximately 27' 9"; to modify lighting, signage, guardrails, benches, paving and planters; and to install a new hanging sculpture;
- Permit the K Street lobby entrance to be changed as follows and as summarized on Sheet A002 –of Case Exhibit 2C:
  - Increase the height of the opening from the existing approximately 10' 1" to approximately 23' 2" and to modify lighting, signage, and planters;
- Correct the fifth sentence in Condition 8 of Order 920, as follows:
  - "Awning surfaces may ~~not~~ be of any color or pattern".

### II. ANALYSIS

Subtitle Z, § Z 703 describes a modification of consequence as follows:

*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.*

§ 703.2 describes a minor modification as one that does not change the material facts on which the original approval was based, and § 703.6 illustrates a modification of significance as a 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 covenants.

The proposed physical changes would enhance both the appearance and utility of the building as experienced from the adjacent public space. The modification to Order 920's Condition 8 would correct the condition to reflect the recommendation in the Office of Planning's report of February 18, 2000 and its testimony of March 13, 2000, that awning surfaces should be permitted to be of any color or pattern. It would not affect the Order's restrictions on the awning's materials or types of signage.

### **III. OTHER DISTRICT AGENCY REPORTS, AND COMMUNITY COMMENTS**

As required by Zoning Commission Form 105 (Exhibit 2), the applicant has certified that it has circulated the application to the Office of Planning and to ANC 2C.

There were no comments from other agencies, the ANC, or the public at the time OP completed this report.

Jls/slc  
Stephen Cochran, project manager