

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: ^{JLS}
Jennifer Steingasser, Deputy Director for Development Review & Historic Preservation

DATE: May 3, 2019

SUBJECT: ZC 14-14A, Modification of Consequence, 501 H Street, N.E.

I. APPLICATION AND RECOMMENDATION

Jemal's CDC, LLC (applicant) requests a Modification of Consequence, pursuant to Subtitle Z § 703, to Z.C. Order No. 14-14, Decision No. A2 for the PUD located at 501 H Street, N.E. The Office of Planning (OP) recommends approval of the requested modification of consequence to modify Decision No. A. 2 of the order as follows (new text in **BOLD**):

In accordance with the Plans, the PUD shall be a six-story, mixed-use, multiple dwelling building with approximately 47,971 square feet of gross floor area and 4.89 FAR. Approximately 15,411 square feet of gross floor area (1.57 FAR) and approximately 8,538 square feet of cellar floor area shall be devoted to retail use on the cellar, first, and second levels, **of which approximately 9,427 square feet of gross floor area may be devoted to office use on the second level.** Approximately 32,560 square feet of gross floor area (3.32 FAR) and approximately 1,199 square feet of cellar floor area shall be devoted to residential use in the cellar, **third**, fourth, fifth, and sixth levels, comprised of 28 residential units (plus or minus three units). The building shall be constructed to a maximum height of 77'-5" to the top of the roof slab, and 83'-5" to the top of the six-foot parapet.

The building was constructed according to ZC Order 14-14 and related plans between 2016 and 2017 as a mixed-use building to include retail uses on the cellar, first and second level of the building. Floors three through six were developed for residential use. The applicant now proposes to use the second floor as office use due to the long-standing vacancy of the retail space on that level. In addition, frosted windows for the provision of light into that level would be included on the building's south facing elevation, to maintain the privacy of the residential neighbor at the rear. No other changes are anticipated to the exterior of the building, including its entrances, parking and loading assignments and the building's overall 4.89 FAR would not be altered.

II. ANALYSIS

Modification of Consequence

To accommodate the proposed changes to ZC Order No. 14-4 the applicant requested a Modification of Consequence pursuant to Subtitle Z § 703:

703.3 *For the purposes of this section, the term “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*

703.4 *Examples of modification of consequence include, but are not limited to, a proposed change to a condition in the final order, 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.*

III. COMMENTS

ANC/Community:

The applicant stated to OP that the proposed changes were discussed with immediate neighbors, as well as the ANC 6C SMD and the formal SMD meeting was held on May 1, 2019. The applicant is scheduled to present the proposal at the ANC 6C’s meeting on June 12th, 2019. Thus far, the applicant has indicated positive community response to the proposal.

IV. SUMMARY AND RECOMMENDATION

OP agrees that the proposed modification can be addressed as a modification of consequence as the use of the second floor for offices would not increase the FAR of the building nor would there be any other change that would increase the intensity of use of the building. Ground floor and cellar areas would remain devoted to retail use to maintain the active street frontage along the H Street corridor. The office use could provide additional traffic for the building and immediate surrounding and thus the potential for increased retail customers during the day.

OP therefore recommends approval of the proposed modification of consequence and that the approved plans and ZC Order 14-14 be modified as requested.

JLS/kt