

## MEMORANDUM

**TO:** District of Columbia Zoning Commission

**FROM:** *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** October 11, 2018

**SUBJECT:** **OP Report** –Request for a Modification of Consequence to approved PUD 16-02 at 1711 1<sup>st</sup> Street, SW

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### **I. RECOMMENDATION**

After a review of the request, including a comparison of the modified plans against the approved plans and the Order (ZC 16-02); OP **concurs** with the applicant’s submission that the proposed refinements are a **modification of consequence**. The applicant is proposing to redesign an architectural element, which would be considered a modification of consequence per Z § 703.4.

As such, OP has no objections to the applicant’s request being considered a modification of consequence, and recommends that the proposed modifications be **approved**.

### **II. BACKGROUND**

Subtitle Z § 703 provides for Zoning Commission consideration of a modification of consequence to an approved Planned Unit Development (PUD) as follows:

#### **703 CONSENT CALENDAR – MINOR MODIFICATION, MODIFICATION OF CONSEQUENCE, AND TECHNICAL CORRECTIONS TO ORDERS AND PLANS**

...

- 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.
- 703.5 For the purposes of this section, a “**modification of significance**” is a modification to a contested case order or the approved plans of greater significance than a modification of consequence. Modifications of significance cannot be approved without the filing of an application and a hearing pursuant to Subtitle Z § 704.
- 703.6 Examples of **modifications of significance** include, but are not limited to, a change in use, change to proffered public benefits and amenities, change in required covenants, or additional relief or flexibility from the zoning regulations not previously approved.

A “modification of consequence” requires the establishment of a timeframe for the parties in the original proceeding to file comments on the request and the scheduling of a date for Commission deliberations, while a more substantive “modification of significance” requires the holding of a public hearing, in accordance with Subtitle Z § 704.

### III. MODIFICATION REQUEST

In summary, the applicant is proposing to modify the approved PUD by using black heavy duty knitted high density polyethylene (HDPE) for mechanical screening in place of anodized aluminum perforated metal on the roof of the stadium building (east elevation).

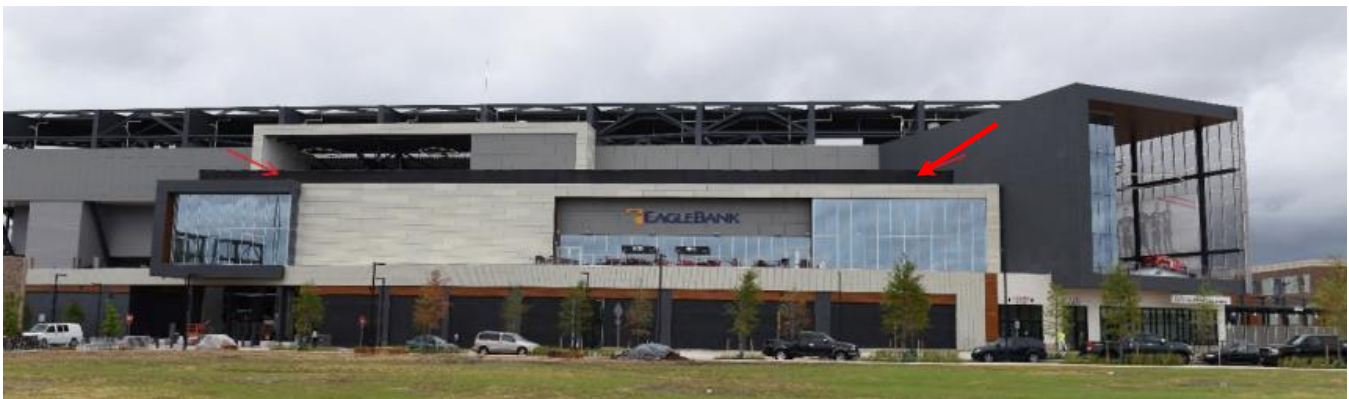
#### *Development Parameters:*

Item	Approved PUD	Proposed PUD Modification	Plans Sheet #
Mechanical Screening	Anodized aluminum perforated metal	HDPE	Sheet 3.15

#### *Approved PUD*



#### *Proposed PUD Modification*



#### *Benefits and Amenities*

The proposed modification would not result in any changes to the project benefits and amenities.

### ***Changes in Previously Approved Relief and Flexibility Requests***

The proposed modification would not result in any changes to the previously approved relief nor would it result in changes to requested flexibility.

#### **IV. OP ANALYSIS**

The perforated metal screen has been used else at the stadium (Exhibit 2D). While the perforated metal screen does not completely obscure the mechanical equipment, the lighter color and punched metal recedes in to the building behind and echoes the use of perforated metal elsewhere on the stadium. OP is not opposed to the use of HDPE for screening at this location as it more effectively hides the mechanical equipment, even though the HDPE reads as an opaque black band at the top of the building that changes the appearance of the east façade.

#### **V. ANC/ COMMUNITY COMMENTS**

Comments from the ANC and community had not been received at the time this report was drafted.