

December 18, 2020

**VIA IZIS**

Anthony Hood, Chairperson  
District of Columbia Zoning Commission  
441 4th Street, NW, Suite 210-S  
Washington, DC 20001

Re: **Zoning Commission Order No. 15-31; Consent Calendar (Modification of Consequence) Application of 1701 H Street Washington LLC for Modification of a Consolidated PUD approval (Square 4507, Lots 936, 941, 942)**

Dear Chairperson Hood:

1701 H Street Washington LLC (the “**Applicant**”), hereby requests a Modification of Consequence of the plans that were approved for the building located at 1701 H Street, NE which was approved as a consolidated PUD in ZC Case No. 15-31. The Applicant is the owner of Lots 936, 941, and 942 in Square 4507, which has frontage along Benning Road, NE; 17<sup>th</sup> Street, NE and H Street, NE (the “**Property**”).

The agent authorization letter is attached as Exhibit A. A copy of ZC Order No. 15-31 (“**Order**”) is attached as Exhibit B. This modification request is made pursuant to Subtitle Z Section 703 of the 2016 Zoning Regulations.

A. Background

Pursuant to Chapter 24 of the 1958 Zoning Regulations, the Zoning Commission approved a mixed-use project on the Property that includes approximately 143,000 square feet of residential use with ground floor retail (“**Project**”). A public hearing was held on the application on September 29, 2016 and the Order was published in the D.C. Register on March 10, 2017. Sharon Cole appealed the Order to the Court of Appeals, which dismissed her appeal in June 2019. The Applicant is prepared to move forward with its building permit application for the Project and anticipates starting construction to prepare the site in early 2021.

B. Proposed Modification

The Applicant is proposing to modify the number of balconies on the eastern façade of the building. Two columns of balconies on floors 3-6 intrude upon the privacy of other residential units. The northern and southern columns are approximately ten feet from the living

area of units facing H Street and Benning Road, respectively. The proximity of the balconies to the living spaces of these units creates privacy concerns in eight units and eliminating the balconies addresses these concerns directly. The Applicant proposes eliminating the two central columns of balconies on the same floors for aesthetic reasons in order to maintain the balance of the façade. The balconies on floors 7-10 would not be affected. In total, 16 balconies would be removed and 19 balconies would remain on the eastern façade. See plans attached as Exhibit C.

The Applicant understands the importance of balconies and is introducing a column of five interior balconies on the northern elevation of the building arm along Benning Road as part of this application to help mitigate the loss of balconies on the eastern elevation. In total, 89 of the 181 units will have balconies, which is a much greater percentage than is typical in a multi-family building. The Project also provides a significant amount of amenity space, including a rooftop amenity room, consisting of approximately 1,550 square feet and supplemented by an approximately 1,440 square foot terrace. The Project provides ample opportunity for passive recreation for its residents. Residential amenity space will not be compromised by this application to preserve the privacy of eight units.

C. Modification Request and Applicant's Satisfaction of the Standards for Approving a Modification of Consequence

Section 703 of Subtitle Z of the 2016 Zoning Regulations establishes the standards and requirements for approval of modifications of consequence, without a public hearing. Section 703.4 notes that examples of modifications of consequence:

[i]nclude, 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.

The modification proposed in this application is related to a change of architectural elements and may be characterized as a modification of consequence.

D. Service on Party

The only parties in Zoning Commission Case No. 15-31 were ANCs 5D and 6A. Therefore (in satisfaction of Section 703.13 of Subtitle Z), both ANCs are being served with this application. (See attached Certificate of Service). The Applicant has requested to present this modification to the Single Member District representative of ANC 5D05.

E. Conclusion

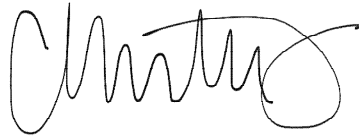
The proposed modification is consistent with the Zoning Commission's previous approval of project. The change in the number of balconies affects a discrete number of units and preserves the privacy of the residential tenants. Given the narrow scope of the modification,

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the use of the consent calendar process outlined in Section 703 of Subtitle Z of the 2016 Zoning Regulations is appropriate for this application.

Please feel free to contact the undersigned if you have any questions or comments regarding this consent calendar modification application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Christine", with a large, stylized flourish at the end.

Christine A. Roddy

## Certificate of Service

The undersigned hereby certifies that copies of the foregoing document were delivered by first-class mail, hand delivery, and/or email to the following addresses on December 18, 2020.

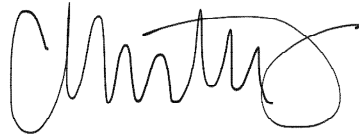
Anne Fothergill  
D.C. Office of Planning  
1100 4<sup>th</sup> Street, NW, Suite E650  
Washington, DC 20024  
[Anne.fothergill@dc.gov](mailto:Anne.fothergill@dc.gov)  
(By Email)

Commissioner Clarence Lee, Chairperson  
ANC 5D  
[5D07@anc.dc.gov](mailto:5D07@anc.dc.gov)  
(By Email)

Aaron Zimmerman  
District Department of Transportation  
55 M Street, SE, 4<sup>th</sup> Floor  
Washington, DC 20003  
[Aaron.zimmerman@dc.gov](mailto:Aaron.zimmerman@dc.gov)  
(By Email)

Commissioner Amber Gove, Chairperson  
ANC 6A  
[amberanc6a@gmail.com](mailto:amberanc6a@gmail.com)  
(By Email)

Commissioner Sydelle Moore  
ANC 5D05  
[5D05@anc.dc.gov](mailto:5D05@anc.dc.gov)  
(By Email)



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Christine A. Roddy