

MEMORANDUM

TO: District of Columbia Zoning Commission

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

DATE: July 20, 2018

SUBJECT: ZC Case 15-13A - **OP Report** – Modification of Consequence to approved PUD at 1309 E Street, SE.

I. BACKGROUND AND RECOMMENDATION

On September 12, 2016, the Zoning Commission approved Case 15-13, a Consolidated PUD and Related Map Amendment to construct a residential development at 1309-1323(rear) E Street SE. The brick selection, including the brick finish and mortar joints, for the project was the subject of extensive discussion during the PUD review (see the Public Hearings transcripts of November 9, 2015 and April 4, 2016 and the Public Meetings transcripts of July 27, 2015; June 13, 2016; June 27, 2016; and July 11, 2016).

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

- 703.1 This procedure shall allow the Commission, in the interest of efficiency, to make, without public hearing, minor modifications, **modifications of consequence**, and technical corrections to previously approved final orders and plans.
- 703.2 For purposes of this section, “minor modifications” shall mean modifications that do not change the material facts upon which the Commission based its original approval of the application or petition.
- 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.

A more substantive “modification of significance” requires the holding of a public hearing, in accordance with Subtitle Z § 704.

The applicant has requested a modification of consequence to change the brick selection for portions of the rear, alley-facing façade. While the redesign of an architectural element would normally be considered

a modification of consequence, the Office of Planning (OP) does not find that proposed brick selection would be consistent with the design and intent of the original approval. For that reason, OP would recommend denial of the applicant’s request for a modification of consequence.

Should the applicant determine that it wants to proceed with the requested modification, OP recommends that the request be treated as a modification of significance and be set down for a public hearing.

The submitted drawings show other design changes including the rearrangement of doors, additional penthouses and chimneys, removal of the green roof, a change in roof treatment and differing brick patterns and columns. OP recommends that the applicant submit detailed drawing with the Approved Design and the Proposed Modified Design being placed side by side, at the same scale, with all the changes labeled and that a narrative be provided explaining how the changes are consistent with the order.

II. APPLICATION IN BRIEF

Applicant	1309 E Street, LLC (Watkins Alley, LLC original applicant)
PUD Zoning	R-5-B (1958 Regulations)
Location	1309 – 1323(rear) E Street SE Square 1043, Lots 168 and 0859 (Square 1043, Lots 0142, 0849, 0850, 0859 original application)
Proposal	Modify Case 15-13 to permit the use of an alternate brick on the rear, alley-facing façade.

III. PROPOSED MODIFICATION AND ANALYSIS

In summary, the applicant is proposing to modify the approved PUD by changing the brick selection for the rear, alley-facing façade of the project.

The following table summarizes the requested changes against the approved PUD:

Item	Approved (consolidated) PUD	Proposed Modification	OP Analysis
Brick Selection	Two-tone rear façade featuring red field brick (General Shale “Fort McHenry” modular brick) with basket weave accent pattern (General Shale “Mesa Verde” modular brick).	One tone rear façade featuring General Shale “Nottingham Tudor” brick. The applicant states the revision would create a more historically and architecturally pleasing palate for the façade and would improve the character and fit of the façade within the immediate neighborhood context.	The “Nottingham Tudor” brick does not appear to exhibit the uniform texture and finish specified in the original approval. Furthermore, the applicant has not demonstrated that the proposed buff brick selection would be more in keeping with the neighborhood character than the red brick that was originally specified.

IV. ANC/ COMMUNITY COMMENTS

The applicant referred the application to ANC 6B, via e-mail, on June 21, 2018. Comments from ANC 6B had not been filed in the record at the time this report was drafted.