

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JL for* Jennifer Steingasser, Deputy Director  
**DATE:** February 2, 2018  
**SUBJECT:** Monument South Capitol Residential – ZC #15-23A  
 Modification of Consequence to add a habitable penthouse to an approved project

**I. BACKGROUND AND RECOMMENDATION**

On December 14, 2015, the Zoning Commission approved case number 15-23, a design review under the Capitol Gateway (CG) zone, to create a residential building. The applicant now requests a modification of consequence to the original approval, pursuant to Z § 703, in order to incorporate private habitable residential space at the penthouse level.

The Office of Planning (OP) finds that this application is appropriately considered a modification of consequence, and that the changes proposed are consistent with the original approval and the intent of the CG zone. OP requests that the applicant provide additional information as noted in this report, and will provide a recommendation upon receipt of the information, at or prior to the public meeting for this case.

**II. APPLICATION-IN-BRIEF**

<b>Applicant</b>	AG/MR SQ700 Residential Owner, LLC
<b>Zoning</b>	CG / CR (1958 Zoning Regulations)
<b>Location</b>	Square 700, Lots 878, 7001 and 7003 Ward 6, ANC 6D
<b>Proposal</b>	Modify application #15-23 by adding penthouse habitable units and refining penthouse materials, and by relocating the dog play area from the roof to the garage level.

**III. PROPOSED MODIFICATION AND ANALYSIS**

- The subject lot is located on the east side of South Capitol Street, SE, between M and N Streets, in the block north of the baseball stadium. Please refer to the vicinity map below.
- The applicant seeks to add one new dwelling unit located completely in the penthouse, and expand a second unit by extending it from the floor below. The habitable floor area at the penthouse level would be 2,280 square feet, or 0.12 FAR.

- The application states that all required setbacks would continue to be provided. The currently proposed overall height of the penthouse of 18'4" (Penthouse height of 179'10" minus roof slab height of 161'6") is two inches lower than the approved penthouse height. The height of the residential space not covered with mechanical would be 14'6".
- Mechanical equipment would be relocated, but the overall shape and bulk of the penthouse would not change significantly. According to the applicant, the amount of green roof and the GAR of the project would increase.
- The lighter-colored metal previously approved for the penthouse would be replaced with a darker porcelain tile on the main portion of the penthouse. The residential areas of the penthouse would use the same brick used on the main walls of the building.
- In order to fulfill the affordable housing requirement of the proposed penthouse space, the applicant has stated that they will contribute to the Housing Production Trust Fund, though an estimate of that contribution has not been provided.
- The western penthouse unit would displace the previously approved rooftop dog walk, and the applicant has informed OP that they intend to locate a dog walk on the P2 level. As of this writing, the plans showing the relocated dog walk have not been submitted to the record. When the applicant provides the updated plans, they should clearly show the number of parking spaces displaced by the dog walk. Because 92 parking spaces were approved with the original application and only 57 were required, OP anticipates that the project would still comply with parking requirements. On the draft plans that OP has reviewed, the applicant, in addition to the dog walk, also proposes a "dog salon" in the P2 level. OP recommends that the dog salon be located immediately adjacent to the dog walk.



Subtitle Z of the Regulations defines a modification of consequence as follows:

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.

The changes proposed by the applicant comply with the definition of a modification of consequence because they are changes to the design of architectural elements discussed and approved by the Commission. It does not appear that any of the changes would result in new or expanded relief from zoning regulations.

The Office of Planning has no objection to the overall proposed set of changes, but does recommend, as noted above, that the dog salon be located immediately adjacent to the dog walk. The proposed modifications would be in keeping with the design direction of the previous approval and the Zoning Regulations. The revised material palette for the penthouse would be more in keeping with the character of the rest of the building, and OP appreciates the improved sustainability measures for the project. Once a final set of plans has been submitted to the record, OP can provide a final recommendation.

JS/mrj