

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-23A
Z.C. Case No. 15-23A
AG/MR SQ700 Residential Owner, LLC
(Minor Modification @ Square 700, Lots 878, 7001, & 7003)
February 12, 2018

SUMMARY ORDER

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on February 12, 2018. At the meeting, the Commission approved an application of AG/MR SQ700 Residential Owner, LLC (“Applicant”) for a minor modification to a project approved pursuant to the Capitol Gateway Overlay District (“CG Overlay”) design review provisions set forth in §§ 1605 and 1610 of the 1958 Zoning Regulations of the District of Columbia (“1958 Zoning Regulations”), Title 11 of the District of Columbia Municipal Regulations (“DCMR”), for property consisting of Lots 878, 7001, and 7003 (portions of Record Lot 48 in Square 700 (“Property”). The Commission determined that the application was properly before it under the provisions of Subtitle Z § 703 and Subtitle C § 1504.3 of the 2016 Zoning Regulations of the District of Columbia (“2016 Zoning Regulations”). Because the modification was deemed minor, a public hearing was not conducted. Pursuant to the vesting provisions of Subtitle A § 102.4 of the 2016 Zoning Regulations, this minor modification proposed in this application must conform to the provisions of the 1958 Zoning Regulations as they existed on September 5, 2016. References herein to procedural requirements and authorities are made to the 2016 Zoning Regulations (Title 11 DCMR).

By Z.C. Order No. 15-23, dated December 14, 2015, and published January 15, 2016, the Commission approved the request of predecessor owner and related entity, SQ700 Trust, LLC, for review and approval of the design of a 13-story apartment house on the Property. By letter dated January 5, 2018 (Exhibit [“Ex.”] 2), the Applicant requested a minor modification to the architectural drawings approved in Z.C. Order No. 15-23. The requested modifications will add approximately 2,280 square feet of penthouse habitable space to the approved residential building and refinement of the materials palette for the penthouse.

The Commission provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6D and to owners of property within 200 feet of the Property. The Property is located within the boundaries of ANC 6D, which is automatically a party to this proceeding. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give “great weight” to the issues and concerns contained in the written report of an affected ANC. In this case, ANC 6D submitted a report stating its unanimous vote in support of the application on the condition the

creation of an on-property dog walk of sufficient size (850-1,000 square feet) and design to accommodate the Applicant's residents' pets. (Ex. 4.) The Applicant addressed and resolved the condition placed by ANC 6D through its submission into the record of revised architectural drawing. (Ex. 6A.) The Commission found the ANC's advice to be persuasive and revised Condition No. 2 of Z.C. Order 15-23 to include a reference to Exhibit 6A.

Pursuant to Subtitle Z § 703 of the 2016 Zoning Regulations, the Commission is authorized to approve minor modifications to approved final orders and plans through a consent calendar procedure without a public hearing. Pursuant to Subtitle Z § 703.2, minor modifications are those modifications that do not change the material facts upon which the Commission based its original approval. In addition, Subtitle C § 1504.3 of the 2016 Zoning Regulations provides that a request to add penthouse habitable space to a building approved by the Commission may be filed as a minor modification for placement on the Commission's consent calendar, provided that (a) the item shall not be placed on a consent calendar for a period of 30 days minimum following the filing of the application; and (b) the Office of Planning ("OP") shall submit a report with recommendations a minimum of seven days in advance of the meeting.

By report dated February 2, 2018, OP indicated no objection to the overall proposed set of changes, but recommended that the dog salon be located immediately adjacent to the dog walk in the lower level. OP further noted that the proposed modifications would be in keeping with the design direction of the previous approval and the Zoning Regulations, that the revised material palette for the penthouse would be more in keeping with the character of the rest of the building than the original palette, and the sustainability measures for the project. As shown in the revised architectural plans, the Applicant relocated the dog salon per OP's recommendation.

The Commission concludes that the modifications described herein do not change the material facts upon which the Commission based its original approval, and that the proposed modifications are to add penthouse habitable space to a building previously approved pursuant to CG Overlay review. Therefore, the Commission finds that the request falls within the scope of a minor modification made pursuant to Subtitle Z § 703 and Subtitle C § 1504.3 of the 2016 Zoning Regulations.

Accordingly, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification to add penthouse habitable space to the residential building to be constructed on the Property and to allow refinements to the materials palette for the penthouse, all as shown in the revised architectural drawings included at Exhibit 6A.

Condition No. 2 of Z.C. Order No. 15-23 is revised to read as follows:

2. The project shall be built in accordance with the architectural drawings, dated December 3, 2015, as modified by the guidelines, conditions, and standards below—(Ex. 23A), **and as modified by Exhibit 6A in Z.C. Case No. 15-23A.**

On February 12, 2018, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at the its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).


In accordance with the provisions of Subtitle Z § 604.9 of the 2016 Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is on June 29, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



for **SARA A. BARDIN**
DIRECTOR
OFFICE OF ZONING