

December 22, 2017

**Via IZIS and Hand Delivery**

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

Re: **Zoning Commission Order No. 08-24/04-25; Modification of Consequence Application of the Approved Consolidated Planned Unit Development (“PUD”) and Zoning Map Amendment for the Property Located at Square 3654, Lot 20 (the “Property”)**

Dear Chairperson Hood:

Monroe Street Block E Residential, LLC (the “**Applicant**”)<sup>1</sup>, hereby requests a modification (Modification of Consequence) of the plans that were approved for the building on Block E of the Monroe Street Market project that was approved as a Consolidated PUD in ZC Case No. 08-24/08-24A/04-25. The agent authorization letter is attached as Exhibit A. A copy of ZC Order No. 08-24/08-24A/04-25 (“**Initial Order**”) and 08-24B/04-25 (“**Townhouse Modification Order**”) are attached as Exhibit B. This modification request is made pursuant to Subtitle Z Section 703 of the 2016 Zoning Regulations.

A. Background

In late 2009, the Zoning Commission approved a PUD which consisted of a mixed-use project on five parcels of land, known as Blocks A-E. These properties were generally bound by Michigan Avenue, NE on the north, the WMATA/CSX train tracks on the east, Lawrence Street, NE on the south, and the intersection of Monroe Street, NE and Michigan Avenue, NE on the west. These properties were formally part of the South Campus of The Catholic University of America. As part of the PUD approval, the Zoning Commission also re-zoned these properties to the C-2-B and R-5-B Zone Districts (the R-5-B Zone was for the townhouses built on Block A2).

The development approved in the Initial Order became known as the Monroe Street Market project. The Zoning Commission’s approval of the Monroe Street Market project envisioned 725-825 residential units and 75,000 – 85,000 square feet of ground floor retail,

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<sup>1</sup> Monroe Street Block E Residential, LLC acquired the Property, and all entitlements associated with the Property, on November 14, 2014.

restaurant and artist work space. To date, the buildings approved for Blocks A1, A2, B, C, and D have been constructed and occupied. This has resulted in the creation of 607 residential units (562 multi-family units and 45 townhouses) in Blocks A1, A2, B, and C. Similarly, the Applicant has constructed approximately 56,915 square feet of retail, restaurant and artist spaces in Blocks A1, B, and C. Block D is the Arts Flex Space building, which is used by Catholic University, community groups, and arts groups for performance, exhibit, and meeting space.

On Block E the Zoning Commission approved a six-story building with ground floor retail uses along Monroe Street and residential uses above. The approved building steps down to four stories as it moves south along 7<sup>th</sup> Street to Lawrence Street and nearby lower scale residential structures. The approved building on Block E was to include approximately 162,270 square feet of residential uses with approximately 156 residential units, and approximately 23,000 square feet of ground floor retail use. The approved plans for Block E included approximately 171 parking spaces on two-below grade parking levels for the residential units in the building.

B. 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 architectural modifications proposed in this application are related to the redesign and relocation of architectural elements of the building based on a detailed refinement of the building's interior space requirements, the need to coordinate those interior spaces with the exterior appearance of the building, the desire to reduce the size and scale of the penthouse structure, and the desire to further enhance the ground floor courtyard space.

The specific modifications, as shown in the floor plans/sections/elevations/bay studies (attached as Exhibit C), include:

- The removal of the G2 parking garage level (described in greater detail below);
- Relocation of the below-grade transformers from the building's frontage along Monroe Street to 8<sup>th</sup> Street to enhance the retail experience along Monroe Street;
- The inclusion of a retail elevator and stair from the G1 parking level to the ground floor level (see discussion below regarding inclusion of retail parking spaces in the building);
- Inclusion of a second residential lobby along Monroe Street;

- Refinements of the courtyard space resulting in an expanded landscape buffer with the adjacent property along Lawrence Street;
- Reduction in the size of the garage ramp which leads to increased green space on the Property;
- Removal of the stair tower on the lower, fourth floor, roof of the building;
- Decrease of the footprint of the main elevator penthouse, increase of the set-back from the courtyard façade<sup>2</sup>, and reduction in the height of the circulation spaces of the penthouse structure to 12 feet;
- Refinements of the exterior walls, roof and mansard articulation; and
- Modifications to window sizes, removal and reconfiguration of some dormers, inclusion of clerestory windows, and refinements to decorative railings and balconies.

The Applicant is also seeking to remove one level of below-grade parking from Block E. The approved plans included two levels of below-grade parking for a total of 171 parking spaces. Based on parking utilization data from the three other multi-family buildings, the Applicant has determined that the demand for parking spaces does not justify the construction of the second level of parking. The Applicant notes that Block A1 currently has 154 unleased parking spaces and there are currently a total of 285 unleased parking spaces in the entire Monroe Street Market project. Therefore, the Applicant is proposing to construct one level of parking with approximately 99 parking spaces in Block E. In addition, the Initial Order anticipated that all retail parking for the Monroe Street Market project will be located in the parking garage in Block A1. However, based on feedback from prospective retail tenants in Block E, the Applicant is now proposing that 39 of the 99 parking spaces be reserved for the retail uses in Block E.

Gorove Slade Associates has prepared a Transportation Statement, attached as Exhibit D, which addresses the proposed modifications to the approved plans. The Transportation Statement analyzes the traffic, parking and loading impacts of the modified plans and makes the following conclusions:

- The amended development program for Block E is consistent with the Consolidated PUD, resulting in a slight decrease to the project trip generation.
- The proposed parking supply has been reduced from 171 spaces (approved during the Consolidated PUD) to 99 parking spaces. This amount of parking is more consistent with current District standards and goals. This parking supply, while lower than the residential parking utilization in the overall development, is expected to sufficiently accommodate parking needs while not encouraging vehicular transportation as a primary mode of travel, as there are additional unleased parking spaces throughout the remainder the development.

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<sup>2</sup> The building still requires the roof structure set-back flexibility that was granted in the initial Order. However, the amount of the set-back provided has been increased to 11 feet (it was previously set-back 10 feet from the courtyard).

- The proposed loading facilities in coordination with the proposed Loading Management Plan will sufficiently meet the loading demands of the site. (See p. 15 of Exhibit D.)

During the original hearing, DDOT submitted a report (dated October 1, 2009, attached as Exhibit E) which noted its general support for the project. However, DDOT's report stated "DDOT firmly recommends the Applicant reduce the overall number of parking spaces to ensure that parking is not overbuilt and that the development takes advantage of its prime location to the Brookland/CUA Washington Metropolitan Area Transit Authority (WMATA) rail station located at 801 Michigan Avenue, NE. DDOT strongly believes that this development project should heavily rely on the use of mass transit." In conclusion, DDOT's report stated "DDOT believes the Zoning Commission should require a meaningful reduction in the number of parking spaces for the project".

Currently, the buildings on Blocks A1, B, C, and D include 652 parking spaces. If the Zoning Commission approves the proposed reduction of parking spaces in the building on Block E, the total number of parking spaces in the Monroe Street Market project will be 751 parking spaces. The proposed reduction of parking spaces requested in this Modification of Consequence application is entirely consistent with DDOT's previous request in this case which asked for a "meaningful reduction" in the number of parking spaces provided in the Monroe Street Market project. Moreover, the amount of parking spaces provided in Block E is sufficient to meet the expected parking demand for the uses in Block E as noted in the Transportation Statement.

The Applicant is also proposing minor modifications to the locations and dimensions of the curb cuts along 8<sup>th</sup> Street, NE which were previously approved by the Zoning Commission and the Department of Transportation's Public Space Committee. As discussed in Exhibit D, the Applicant is proposing a Loading Management Plan which will guide loading operations for the building on Block E. The Applicant is also proposing an updated Transportation Demand Management ("TDM") plan that is described in detail on p. 14 of Exhibit D.

The Applicant requests that the TDM plan that was outlined in Condition No. 4 of the Initial Order be replaced with the updated TDM plan outlined in Exhibit D. Otherwise, the Applicant will continue to abide by all of the conditions of approval of the Initial Order (Conditions No. 1-3, and 5-17) and the development of Block E will result in the satisfaction of all of the conditions of the Initial Order, as construction of this building will complete the Monroe Street Market project.

#### C. Service on Party

The only party in Zoning Commission Case No. 08-24/08-24A/04-25 was ANC 5C. When the original case was filed, processed, and decided in 2009, the property was located within the boundaries of ANC 5C. Since 2009, the ANC boundaries were modified and the property is now located within the boundaries of ANC 5E. The Applicant expects to make a

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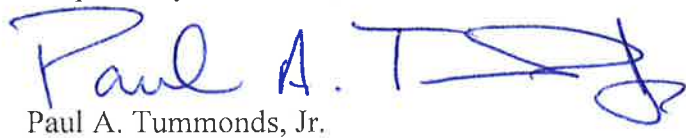
presentation to ANC 5E at their regularly scheduled public meeting on January 16, 2018. The Chairman of ANC 5E is being served with a copy of this application. In addition, while the Block E building is not located on a street that abuts an adjacent ANC boundary, the Monroe Street Market project does include properties that abut Michigan Avenue, NE. Michigan Avenue, NE is the boundary line between ANC 5A and ANC 5E. Out of an abundance of caution, the Applicant is also serving a copy of this application on ANC 5A, which includes the properties north of Michigan Avenue, NE. (See attached Certificate of Service).

D. Conclusion

The proposed modifications are entirely consistent with the Zoning Commission's previous approval of the building on Block E. The uses proposed in this building have not changed and the Applicant is only proposing the redesign and relocation of architectural elements of the building and the removal of one level of below-grade parking, which is not needed to meet the expected demand for parking for this building. The use of the Modification of Consequence process outlined in Section 703 of Subtitle Z of the 2016 Zoning Regulations is entirely appropriate for this application.

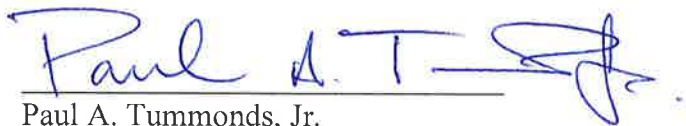
Please feel free to contact the undersigned if you have any questions or comments regarding this Modification of Consequence application.

Respectfully Submitted,

  
Paul A. Tummonds, Jr.

**Certificate of Service**

I hereby certify that I sent the foregoing document to the addresses below on December 22, 2017 by first class mail and hand delivery.

  
Paul A. Tummonds, Jr.

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