



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**

**TO:** District of Columbia Zoning Commission  
**FROM:** Matthew LeGrant, Zoning Administrator *ML*  
**DATE:** September 17, 2018  
**SUBJECT:** Report per Subtitle A § 304.7 Regarding Changes to Plans for Case No. 15-27

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By Order No. 15-27 (the "Order"), in 2017 the Zoning Commission approved a planned unit development. The PUD is located at 350 Morse Street NE and is for four buildings including residential, retail, office, and potential hotel uses. The purpose of this memorandum is to report to the Commission regarding my grant of a minor modification to the PUD's approved plans regarding penthouse height, as well as minor changes to the configuration of the ground floor retail space, and a shift of the building height measuring point [BHMP] location. I believe the changes to the retail configuration and BHMP location fall within my administrative authority to approve.

The Order approved one of the penthouses to have a height of 15 feet, and another penthouse with a height of 20 feet. The applicant now proposes that both penthouses have a height of 20 feet. I understand the permit plans are otherwise consistent with those approved in the Order, but the building permit has not been issued. The developer submitted, pursuant to Subtitle A § 304.6, a written request to me to modify the approved plans to increase this one penthouse height. After evaluating the developer's request, I determined that the penthouse height change is consistent with the Zoning Commission's intent with respect to the PUD and would not have any adverse effects. The penthouse height increase matches the other proposed penthouse's height and will not otherwise affect the design or program of the approved PUD.

Under Subtitle A § 304.5, I am authorized to permit minor modifications to plans approved by the Zoning Commission. As described above, I determined that the proposed increase is consistent with the requirements of Subtitle A § 304.5. However, pursuant to Subtitle A §§ 304.7 & 304.8, the building permit that includes such a modification cannot be issued until after I have reported on the modification to the Zoning Commission and either 45 days elapses or the Zoning Commission concurs that the modification is permitted, whichever is sooner. Accordingly, I request that the Zoning Commission concur with my determination at its next public meeting so that the building permit may be issued.



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR



(last revised 6.23.17)

**REQUEST FOR MODIFICATION OF PLANS APPROVED BY THE ZONING COMMISSION**

(Pursuant to Zoning Commission Order No. 08-06F, 11 DCMR A-304.5 through A-304.9)

Building Permit Application #: \_\_\_\_\_ (the "Application")

Property Address: 350 Morse Street NE, Washington, DC 20002 (the "Property")

Square: 3587 Lot(s): 833

1. Provide the Order Number(s) (e.g., "ZC 12-34") for the Zoning Commission (the "ZC") that the property is subject to:

ZC Order No.: 15-27

2. Do the building permit plans submitted differ in any way (e.g., use, building envelope, façade design, shape, or floorplans) from the plans authorized by the Order(s), including any conditions of the Order(s) and the approved plans?

Yes. Provide a list of the proposed changes and illustrations comparing the portions of the "approved" plans that are proposed to be varied to the "proposed" plans. This should include highlighting changed features through graphic bubbling.

No. Skip to the signature line (#7) below to complete the form.

3. Are all proposed changes identified in #2 above solely limited to minor internal floorplan or mechanical changes not involving any standards identified in subsections A-304.5(a)-(d)?

Yes. Provide a written justification as to why the changes identified in #2 are limited to such minor internal floorplan or mechanical changes. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.

No. Continue to the next question.

4. Are any of the changes identified in #2 covered by flexibility specifically granted by a condition(s) of the Order(s)?

Yes, all of the changes. Provide a written justification highlighting the terms of the flexibility granted in the Order and describe how the proposed modifications are allowable pursuant to the flexibility. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.

Yes, some of the changes. Provide a written justification that identifies which of the proposed modifications are allowable pursuant to the flexibility granted in the Order. Continue to the next question to address the remainder of the proposed modifications that are not allowable pursuant to the flexibility.

No. Continue to the next question.

5. If the flexibility provided in the Order(s) does not cover some or all of the proposed modifications listed in the response to #2 above, or where no flexibility was provided in the Order(s), do the remaining proposed modifications qualify for the minor flexibility that the Zoning Administrator is authorized to grant under Section A-304.5?

Yes. Provide a written request for ZA minor flexibility as required by Section A-304.5. Make sure that this request addresses each criteria provided in Section A-304.5, including the requirement that the proposed modifications are consistent with the intent of the ZC in approving the relevant Order. Continue to the next question.

No. Skip to the signature line (#7) below to complete the form and then separately apply to the Zoning Commission for a modification pursuant to A-304.9.

6. In cases where a written request for ZA minor flexibility is submitted, all parties (including the affected ANC(s)) to the applicable ZC case listed in response to #1 must be served with a copy of the request for minor flexibility. Such a copy must include any supporting plan documents, as required by Section A-304.6. Enter the following information, including the email addresses (or mailing address if necessary) that the written request was sent to:

Date of service by Applicant: August 10, 2018 (attach a certificate of service)

ANC 5D \_\_\_\_\_

ANC(SMD) 5D01 \_\_\_\_\_: Commissioner Peta-Gay Lewis

Parties: ANC 5D \_\_\_\_\_

1250 4TH ST EDENS, LLC (party in support) \_\_\_\_\_

Union Market Apartment, LLC (party in support) \_\_\_\_\_

7. Signature [Handwritten Signature]  
\_\_\_\_\_  
Property owner (signature)

6/1/18  
\_\_\_\_\_  
Date

aholderness@carrprop.com, 202-461-3971  
\_\_\_\_\_  
Property owner or agent email address and phone number

*For DCRA internal use only (execute as appropriate).*

- The ZA has received a written request for minor modifications to approved plans related to the Order above which the Applicant attests was served on all necessary parties. The ZA has determined that the proposed modifications are consistent with Section A-304.5. Therefore, the ZA is hereby providing written notice of APPROVAL.

Pursuant to A-304.5, no modified building permit may be issued during a 45 day period that begins on the date this report is sent to the Zoning Commission ("Commission") unless the Commission advises the ZA that it concurs that the modification is permitted by A-304.5.

[Handwritten Signature]  
\_\_\_\_\_  
Zoning Administrator signature

9-14-18  
\_\_\_\_\_  
Date of approval

Date of Service: 9-17-2018

Forty-five day hold date: 11-1-2018

cc: Zoning Commission and all parties identified in #6 above  
Attachments: Applicant's written request for ZA minor flexibility and supporting documents

- No written request for ZA minor flexibility is required.

\_\_\_\_\_  
OZA signature

\_\_\_\_\_  
Date of approval

- The ZA DENIES the request for minor modifications to approved plans as inconsistent with Section A-304.5.

\_\_\_\_\_  
OZA signature

\_\_\_\_\_  
Date of denial

# Holland & Knight

800 17th Street, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | www.hklaw.com

Norman M. Glasgow, Jr.  
202.419.2460  
[norman.glasgowjr@hklaw.com](mailto:norman.glasgowjr@hklaw.com)

Jessica R. Bloomfield  
202.469.5272  
[jessica.bloomfield@hklaw.com](mailto:jessica.bloomfield@hklaw.com)

8/9/2018

Mr. Matthew LeGrant, Zoning Administrator  
Office of the Zoning Administrator  
Department of Consumer and Regulatory Affairs  
1100 4th Street, SW, Room 3100  
Washington, DC 20024

**Re: Minor Modification Request for Building C1 – Increase in 2% Density  
Z.C. Order 15-27**

Dear Mr. LeGrant:

This letter is submitted on behalf of CP Market Terminal, LLC (the “Applicant”) as a follow-up to our meeting of May 17, 2018, where you approved a request for a minor modification of plans approved by the Zoning Commission for property located in Square 3587, Lots 805, 814, and 817 (collectively, the “PUD Site”), approved as a planned unit development (“PUD”) and related Zoning Map amendment from the C-M-1 District to the C-3-C District<sup>1</sup> pursuant to Z.C. Order No. 15-27, dated March 27, 2017, and effective on July 21, 2017. The modification requested herein relates only to Building C1 (defined below), which is located within the PUD Site.

At our meeting, you agreed that the modification described herein falls within the flexibility granted to the Zoning Administrator in 11-A DCMR § 304.5(a) and that you would sign the Request for Modification form. A signed copy of the Request for Modification form is attached hereto as Exhibit A. Although a building permit application has not yet been filed for Building C1, we anticipate filing the building permit application in the fourth quarter of 2018, and at that time, we will submit a signed copy of the approved Request for Modification form and associated materials.

## **I. Approved PUD**

The PUD Site has a land area of approximately 213,044 square feet and is bounded by New York Avenue, NE to the north, private property and Morse Street, NE to the east, private property

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<sup>1</sup> The PUD was approved under the 1958 Zoning Regulations. The 2016 Zoning Regulations re-designated the C-M-1 District to the PDR-1 District and the C-3-C District to the MU-9 District.

to the south, and the Amtrak and Metrorail lines to the west and northwest. The PUD Site is presently improved with one-story industrial buildings used for wholesale distribution, which will be razed as part of redevelopment of the PUD Site.

Pursuant to Z.C. Order No. 15-27 (Exhibit B), the Zoning Commission approved development of the PUD Site with four separate buildings (“Building A,” “Building B,” “Building C,” and “Building D”) in two phases. Phase 1 was approved as a consolidated PUD and included the southern portion of Building A (“Building A1”), Building B, and the southern portion of Building C (“Building C1”). Phase II was approved as a first-stage PUD and included the northern portion of Building A (“Building A2”), the northern portion of Building C (“Building C2”), and Building D. The subject of this modification request involves Building C1 only.

The development site for Building C is bounded on all sides by private property that will remain private but will operate as three streets and one alley, open to the public, and will be developed in accordance with DDOT standards. Building C1 is the southern portion of Building C and was approved to be developed as an office building with ground floor retail and below grade parking. Buildings C1 and C2 will be a single building for zoning purposes.

## **II. Proposed Modification**

As shown on Sheet 82 of the approved PUD plans dated December 23, 2016 (Exhibit C), Building C1’s bicycle room is located on the building’s ground floor, adjacent to the loading dock. As shown on Sheets 1-3 of the proposed PUD plans (Exhibit D), the Applicant proposes to (i) relocate the bicycle room to a space above the parking ramp in the northwest corner of the building; and (ii) create a new mezzanine retail space in the western retail bay. The proposed modification allows for additional retail use on the ground floor to activate the surrounding streets and increases the size of the bicycle room by approximately 600 square feet (thus increasing its capacity by approximately 45%).

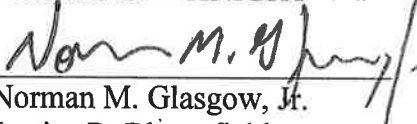
The proposed modification adds approximately 1,390 square feet of gross floor area to the building for the bicycle room and approximately 2,178 square feet of gross floor area for the retail mezzanine (3,568 square feet total). This modification increases the building’s total gross floor area from 228,121 square feet (approved) to 231,689 square feet (proposed), which is an increase of approximately 1.56%. Thus, the proposed modification falls within the 2% increase in gross floor area permitted by 11-A DCMR § 304.5(a).

This letter serves as the written request pursuant to 11-A DCMR § 304.6 for the above-stated modification. In fulfillment of the requirements of 11-A DCMR § 304.6, a copy of this request is being submitted to all parties to the underlying application, including Advisory Neighborhood Commission (“ANC”) 5D, the ANC within which the Subject Property is located.

Based on the foregoing information, we would appreciate your prompt consideration of this request. Should you have any questions or need additional information, please let us know.

Sincerely,

HOLLAND & KNIGHT LLP

  
Norman M. Glasgow, Jr.

Jessica R. Bloomfield

**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2018, a copy of the foregoing Minor Modification Request to the Zoning Administrator was served on the following:

1250 4<sup>th</sup> Street Edens LLC  
7200 Wisconsin Avenue, Suite 400  
Bethesda, MD 20814

Via U.S. Mail

Union Market Apartments LLC  
1530 Wilson Boulevard, Suite 330  
Arlington, VA 22209

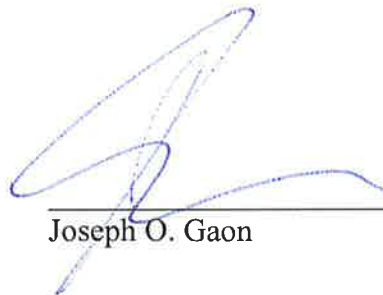
Via U.S. Mail

Advisory Neighborhood Commission 5D  
c/o Chairman Clarence Lee  
1519 Trinidad Avenue, NE  
Washington, DC 20002

Via U.S. Mail

Commissioner Peta-Gay Lewis  
SMD 5D01  
1868 Corcoran Street, NE  
Washington, DC 20002

Via U.S. Mail

  
\_\_\_\_\_  
Joseph O. Gaon

# **Exhibit A**





GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR



(last revised 6 23 17)

**REQUEST FOR MODIFICATION OF PLANS APPROVED BY THE ZONING COMMISSION**

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Square: 3587 Lot(s): 833

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ZC Order No.: 15-27

2. Do the building permit plans submitted differ in any way (e.g., use, building envelope, façade design, shape, or floorplans) from the plans authorized by the Order(s), including any conditions of the Order(s) and the approved plans?

- Yes. Provide a list of the proposed changes and illustrations comparing the portions of the "approved" plans that are proposed to be varied to the "proposed" plans. This should include highlighting changed features through graphic bubbling.
- No. Skip to the signature line (#7) below to complete the form.

3. Are all proposed changes identified in #2 above solely limited to minor internal floorplan or mechanical changes not involving any standards identified in subsections A-304.5(a)-(d)?

- Yes. Provide a written justification as to why the changes identified in #2 are limited to such minor internal floorplan or mechanical changes. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.
- No. Continue to the next question.

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- Yes, all of the changes. Provide a written justification highlighting the terms of the flexibility granted in the Order and describe how the proposed modifications are allowable pursuant to the flexibility. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.
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- Yes. Provide a written request for ZA minor flexibility as required by Section A-304.5. Make sure that this request addresses each criteria provided in Section A-304.5, including the requirement that the proposed modifications are consistent with the intent of the ZC in approving the relevant Order. Continue to the next question.
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Date of service by Applicant: August 10, 2018 (attach a certificate of service)

ANC 5D \_\_\_\_\_

ANC(SMD) 5D01 \_\_\_\_\_; Commissioner Peta-Gay Lewis

Parties: ANC 5D \_\_\_\_\_

1250 4TH ST EDENS, LLC (party in support) \_\_\_\_\_

Union Market Apartment, LLC (party in support) \_\_\_\_\_

7. Signature   
 \_\_\_\_\_  
 Property owner (signature)

6/1/18  
 \_\_\_\_\_  
 Date

aholderness@carrprop.com, 202-461-3971  
 \_\_\_\_\_  
 Property owner or agent email address and phone number

*For DCRA internal use only (execute as appropriate).*

- The ZA has received a written request for minor modifications to approved plans related to the Order above which the Applicant attests was served on all necessary parties. The ZA has determined that the proposed modifications are consistent with Section A-304.5. Therefore, the ZA is hereby providing written notice of APPROVAL.

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\_\_\_\_\_  
 Zoning Administrator signature

\_\_\_\_\_  
 Date of approval

Date of Service: \_\_\_\_\_

Forty-five day hold date: \_\_\_\_\_

cc: Zoning Commission and all parties identified in #6 above  
 Attachments: Applicant's written request for ZA minor flexibility and supporting documents

- No written request for ZA minor flexibility is required.

\_\_\_\_\_  
 OZA signature

\_\_\_\_\_  
 Date of approval

- The ZA DENIES the request for minor modifications to approved plans as inconsistent with Section A-304.5.

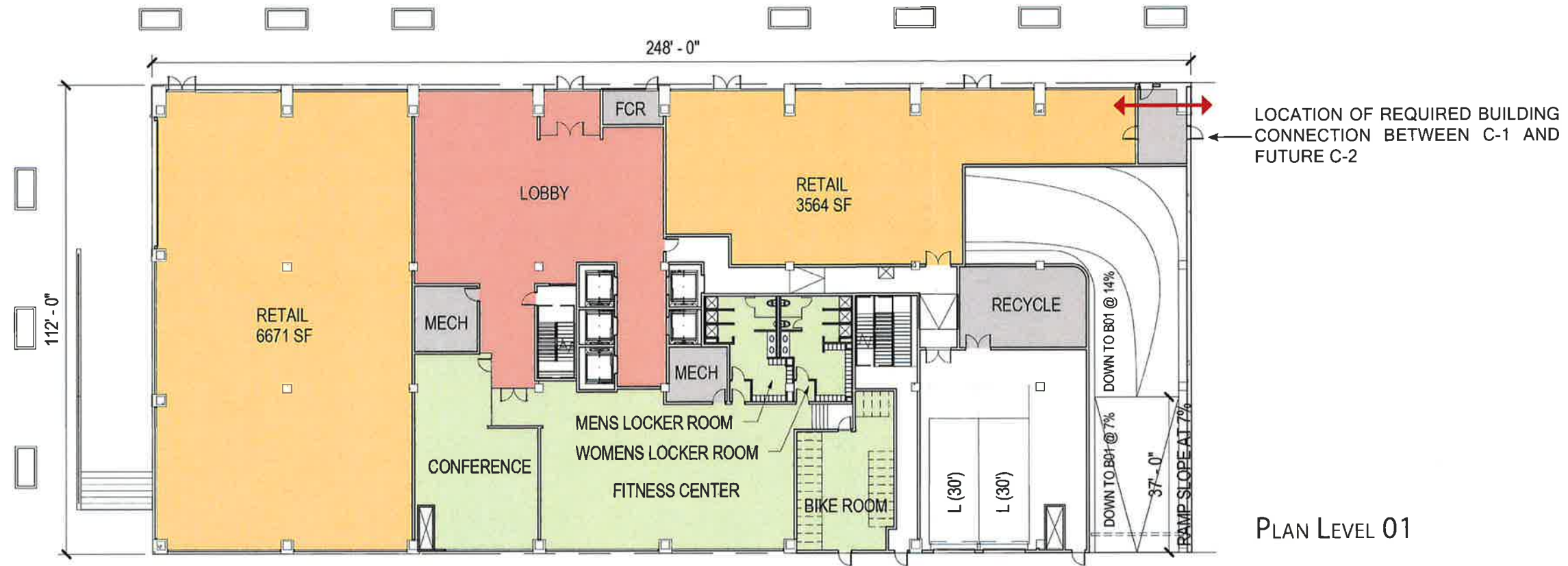
\_\_\_\_\_  
 OZA signature

\_\_\_\_\_  
 Date of denial

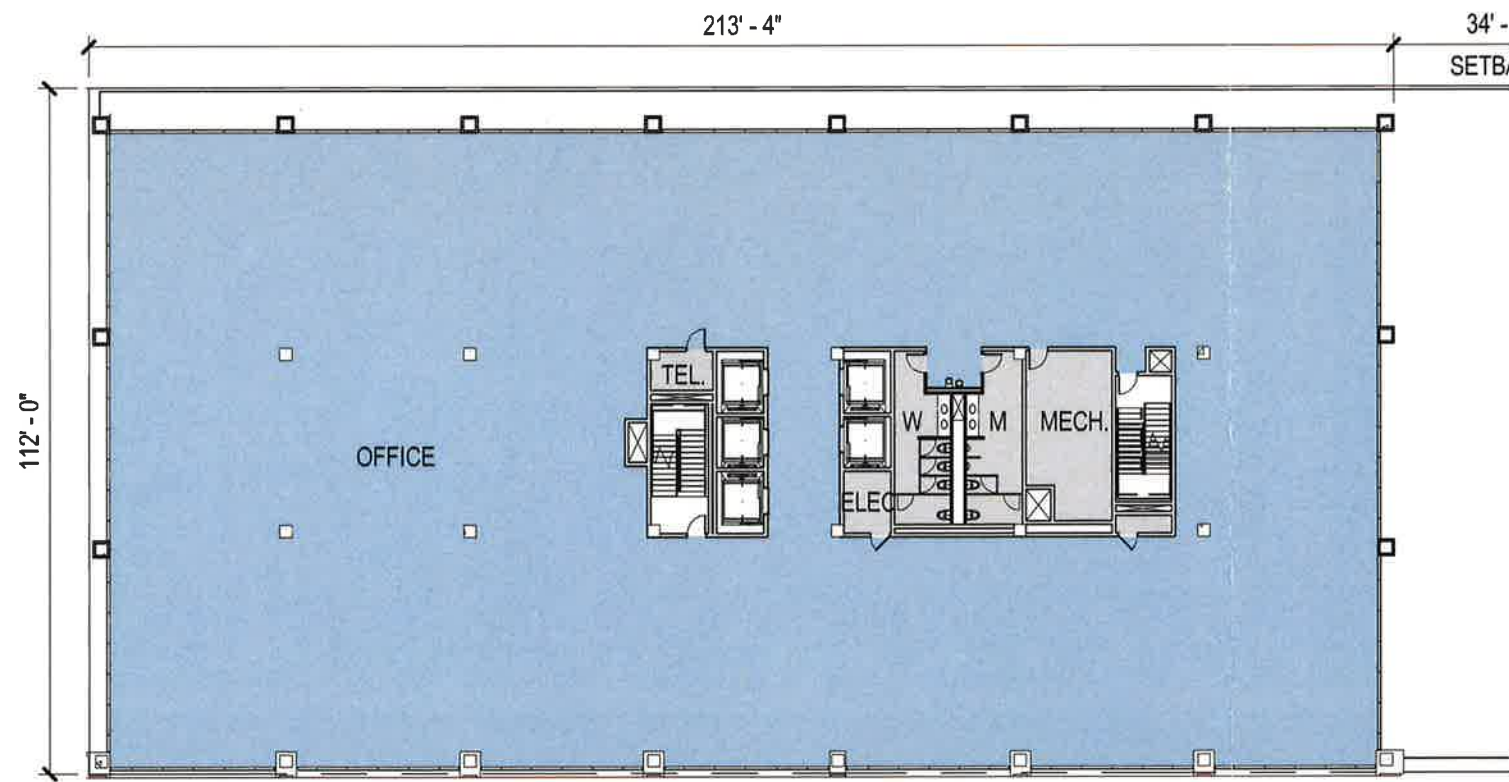
# **Exhibit B**

**See Exhibit No. 79, Case No. 15-27**

# **Exhibit C**



PLAN LEVEL 01



PLAN LEVEL 02

BUILDING C-1 FLOOR PLANS

SCALE: 1" = 30'-0"

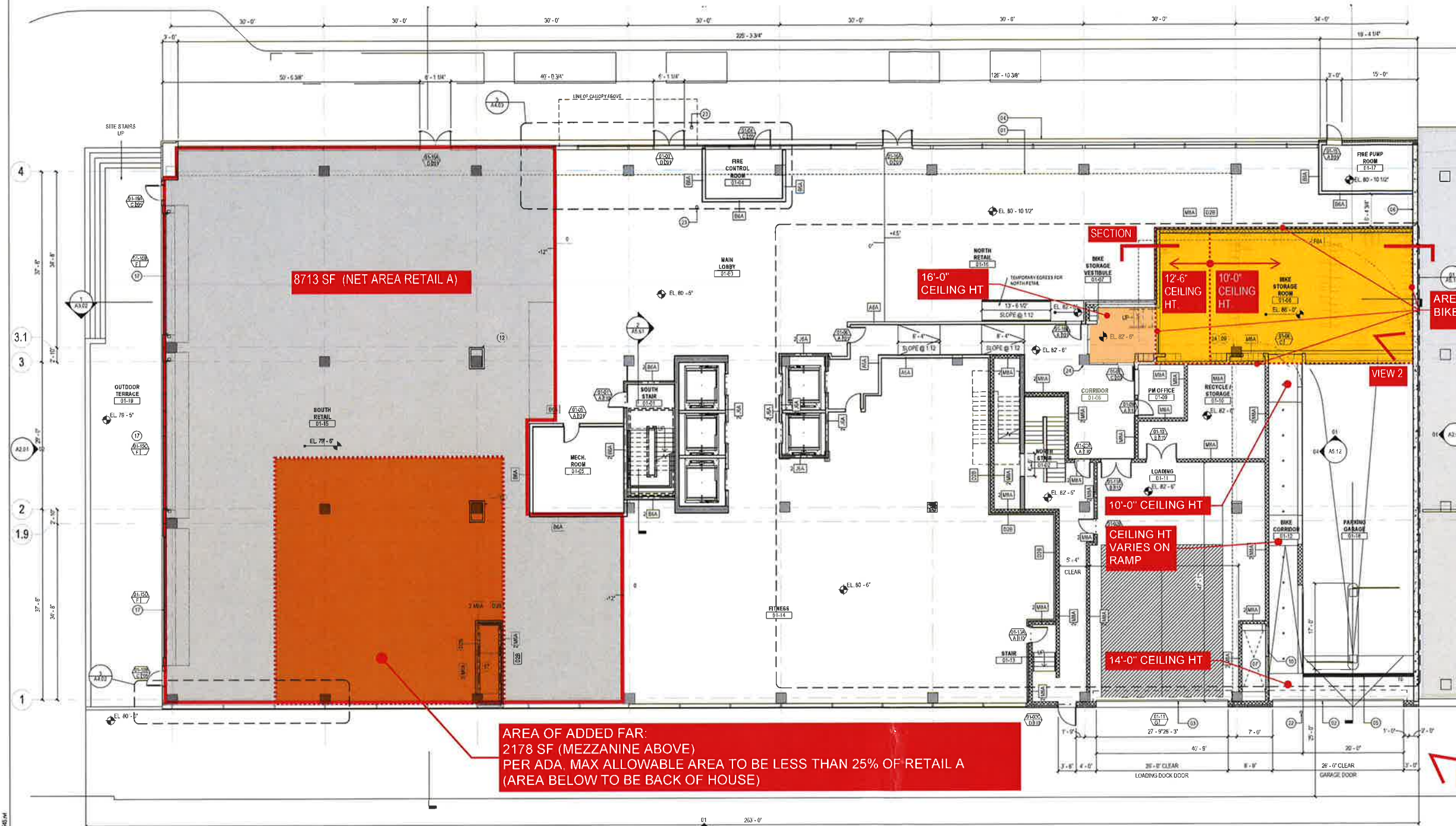
DECEMBER 23, 2016

# **Exhibit D**

# Signal House



# 1. Additional FAR - Updated Bike Room Location & Mezzanine Retail Space



**CARR PROPERTIES (OWNER)**  
1615 L STREET, NW SUITE 650  
WASHINGTON, DC 20036

**GENSLER (ARCHITECT)**  
2020 K STREET NW  
WASHINGTON, DC 20006  
202.721.5200

**STREETSENSE (INTERIORS)**  
120 BLADGEN ALLEY, #300  
WASHINGTON, DC 20001  
240.235.5670

**BOHLER (CIVIL)**  
1331 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20004  
202.524.5700

**OCULUS (LANDSCAPE)**  
1611 CONNECTICUT AVE. NW  
WASHINGTON, DC 20009  
202.588.5454

**GRAND ENGINEERING (M.E.P.)**  
7600 LEESBURG PIKE, WEST SUITE 310  
FALLS CHURCH, VA 22043  
703.442.8767

**CM KLING & ASSOC., INC (LIGHTING)**  
1020 CAMERON ST.  
ALEXANDRIA, VA 22043  
703.684.8270

Date	Description
1 01/11/2017	ISSUED FOR SCHEMATIC DESIGN
2 06/03/2018	ISSUED FOR DESIGN DEVELOPMENT

**Project Name**  
SIGNAL HOUSE @ MARKET TERMINAL

**Project Number**  
09.8421.000

**Revision**  
CONSTRUCTION PLAN - LEVEL 01

**Scale**  
As Indicated

**North Arrow**

**Sheet Number**  
A1.101

**01 CONSTRUCTION PLAN - LEVEL 01**  
SCALE: 1/8" = 1'-0"  
A2.01

**SHEET NOTES**

- 01 LINE OF BUILDING ABOVE
- 02 OVERHEAD ROLL-UP SECURITY GATE
- 03 OVERHEAD ROLL-UP DOOR
- 04 PROPERTY LINE
- 05 TRENCH DRAIN
- 06 6W X 5H KNOCK-OUT PANEL FOR MEANINGFUL CONNECTION TO FUTURE C-2 BUILDING (NOT IN CONTRACT). G.C. TO COORDINATE W/ STRUCTURAL DWGS.
- 07 GARAGE SUPPLY EXHAUST SHWFT. RE MECHANICAL. PROVIDE DAMP PROOFING AT SHWFT INTERIOR.
- 08 42" X 18" STAINLESS STEEL MESH GUARDRAIL W/ STAINLESS STEEL POSTS @ 5'-0" O.C.
- 09 SLOPED COLUMN. RE STRUCTURAL
- 10 ALUMINUM INTAKE LOUVER (WITH INSERT SCREEN)
- 11 ALUMINUM EXHAUST LOUVER W/ DECORATIVE METAL SCREEN FRONT
- 12 REFER TO PLUMBING DWG'S FOR RAIN LEADER LOCATION AND SIZING. G.C. TO COORDINATE W/ STRUCTURAL DWGS.
- 13 ROOF PAVERS
- 14 GREEN ROOF WITH 18" MIN. OF GROWING MEDIUM. REF: CIVIL & LANDSCAPE DWGS
- 15 TREE PLANTER WITH 30" MIN. OF GROWING MEDIUM. REF: CIVIL & LANDSCAPE DWGS
- 16 MOTORIZED GLAZED ALUMINUM GARAGE-STYLE OVERHEAD DOOR
- 17 TERRACE PAVERS
- 18 FLOOR DRAIN. RE PLUMBING DWGS
- 19 CANOPY OVER LOBBY ENTRY BELOW
- 20 REFER TO PLUMBING DWG'S FOR RAIN LEADER LOCATION AND SIZING. G.C. TO COORDINATE W/ STRUCTURAL DWGS.
- 21 STAINLESS STEEL DOOR ACTIVATION ROLLER W/ ADA AND SECURITY DEVICES, AS REQUIRED
- 22 COLUMN CORNER GUARDS

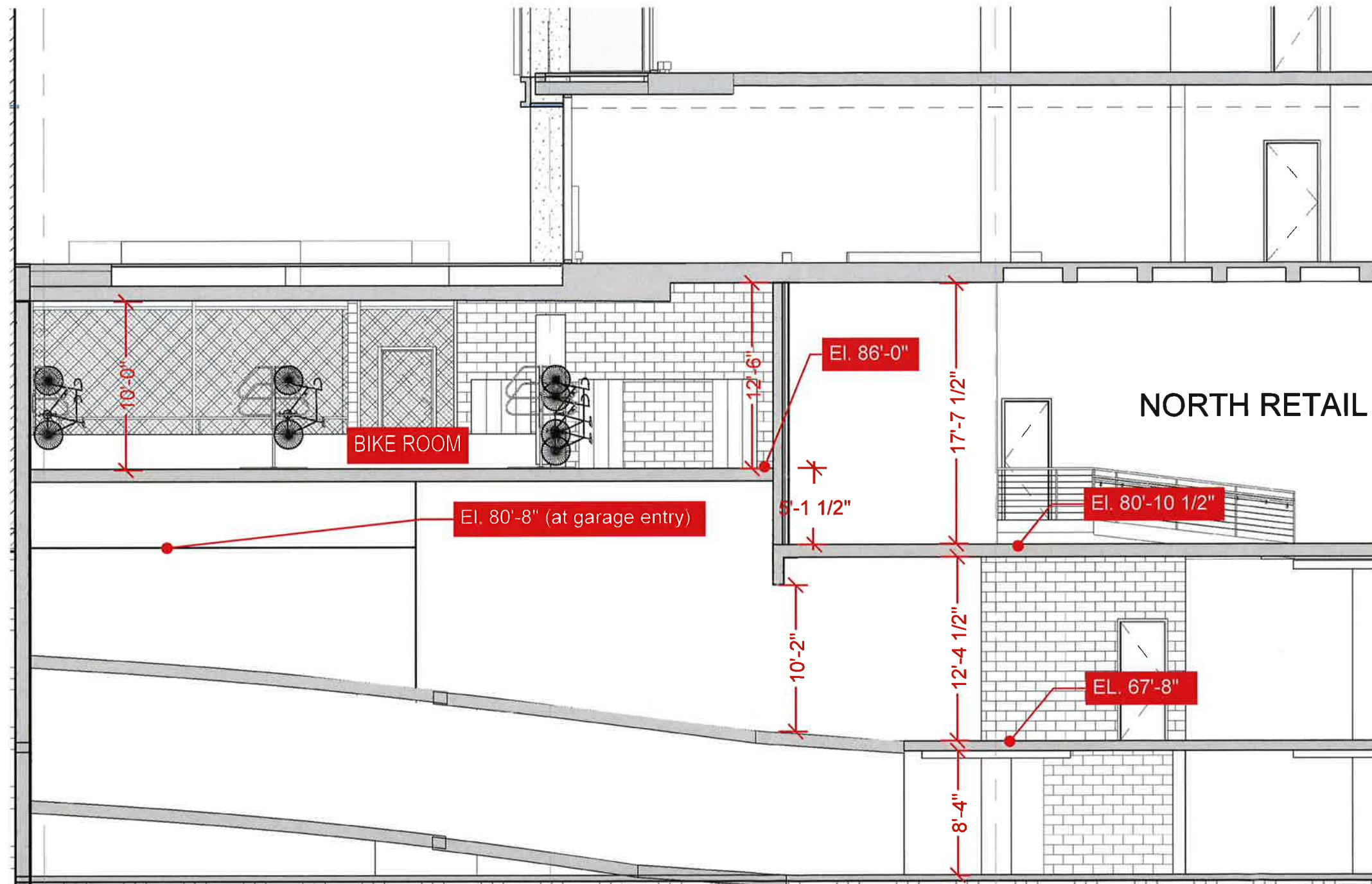
**GENERAL NOTES**

- A. FOR ALL OCCUPIED SPACES ABOVE THE P1 GARAGE LEVEL, PROVIDE STICK-PM INSULATION AT UNDERSIDE OF LEVEL 01 STRUCTURAL SLAB. HEAT TRACE TO BE PROVIDED BELOW RECEPTION DESK. RE: MEP DRAWINGS
- B. PROVIDE SPECIFIED TRAFFIC COATING AT PARKING SPEED RAMPS AND P1 LEVEL. U.N.O. REFER TO PROJECT MANUAL.
- C. REFER TO VOLUME II FOR SCHEMATIC DESIGN FOR BUILDING INTERIORS & LANDSCAPE
- D. LED STRIP FIXTURES TO BE PROVIDED FOR TYPICAL PARKING GARAGE LIGHTING. U.N.O.
- E. CLEAR HEIGHT TO ADA VAN PARKING SPACES) TO BE MAINTAINED AT 8'-2" MINIMUM
- F. PROVIDE COLUMN CORNER GUARDS AT ALL COLUMNS ADJACENT TO DRIVE AISLES AND SPEED RAMPS

**SIGNAL HOUSE**  
**SKETCH: BIKE ROOM RELOCATION, ADDITION OF RETAIL MEZZANINE**  
**GENSLER, AUGUST 7, 2018**

07/28/18 09:21:30 AM \\gms\share\projects\signalhouse\098421\000\_SignalHouse\_A1.101.dwg



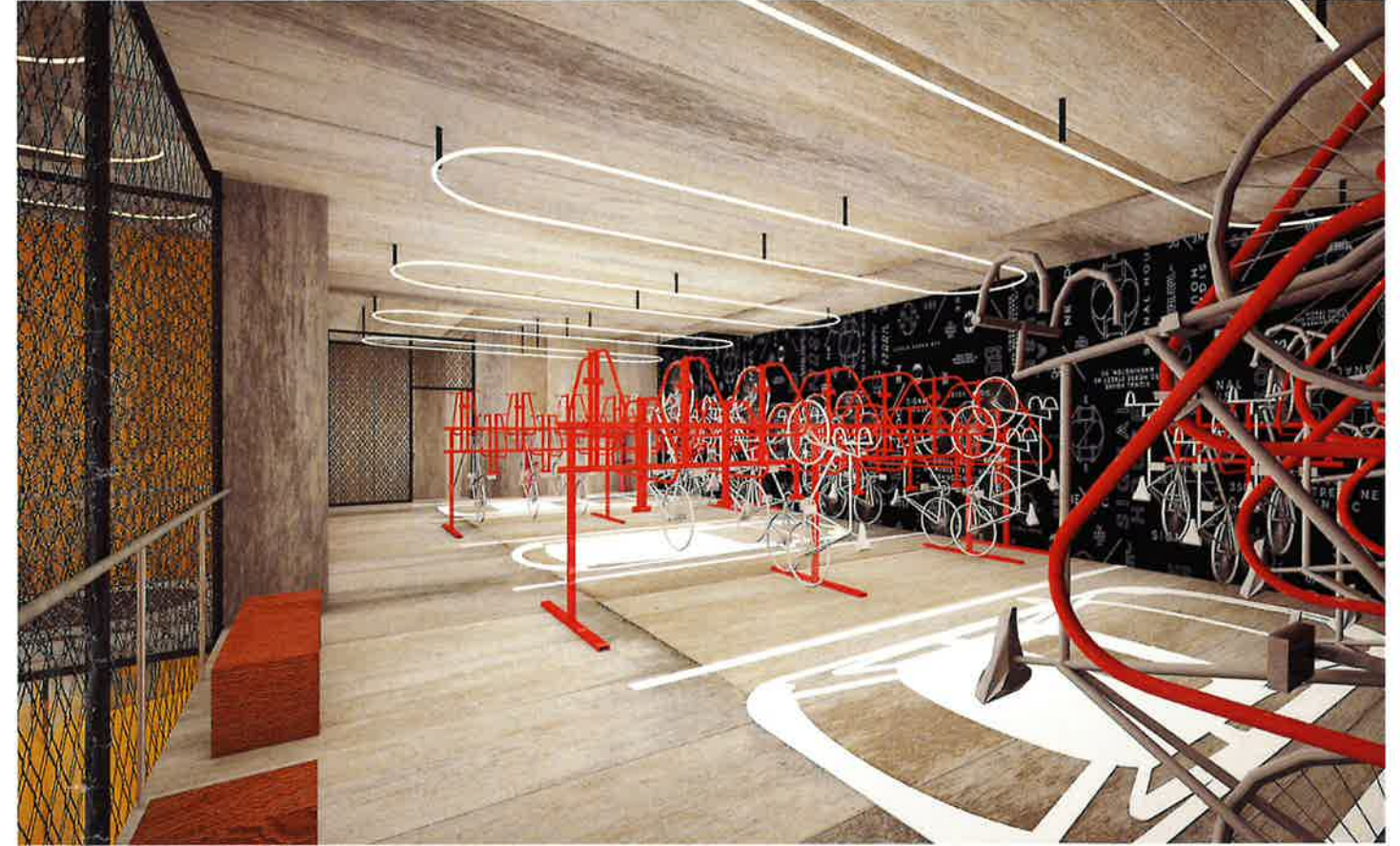


**LONGITUDINAL NORTH-SOUTH SECTION THROUGH BIKE ROOM  
(NOT TO SCALE)**

**SIGNAL HOUSE  
SKETCH: BIKE ROOM RELOCATION  
GENSLER, AUGUST 7, 2018**



**VIEW 1: 3D VIEW OF BIKE ROOM AT GARAGE ENTRY**



**VIEW 2: 3D VIEW INSIDE BIKE ROOM**

**SIGNAL HOUSE  
3D SKETCH: BIKE ROOM RELOCATION  
GENSLER, AUGUST 7, 2018**