

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-24C/04-25
Z.C. Case No. 08-24C/04-25
Monroe Street Block E Residential, LLC
(Modification of Consequence of Consolidated PUD @ Square 3654)
March 26, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on March 26, 2018. At that meeting, the Commission approved the request of Monroe Street Block E Residential, LLC (“Applicant”) for a Modification of Consequence of the Consolidated PUD application approved by Z.C. Order No. 08-24/04-25 (“Initial Order”). The property (Lot 20 in Square 3654) that is the subject of this application is located along Monroe Street, N.E. between 7th and 8th Streets, N.E. (“Property”) and is known as Block E of the Monroe Street Market project. The modification request was made pursuant to § 703 of the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

FINDINGS OF FACT

BACKGROUND INFORMATION

1. In late 2009, the 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, N.E. on the north, the WMATA/CSX train tracks on the east, Lawrence Street, N.E. on the south, and the intersection of Monroe Street, N.E. and Michigan Avenue, N.E. on the west. These properties were formally part of the South Campus of The Catholic University of America (“CUA”). As part of the PUD approval, the Commission also re-zoned these properties to the C-2-B and R-5-B Zone Districts (the R-5-B Zone District was for the townhouses built on Block A2).
2. The development approved in the Initial Order became known as the Monroe Street Market project. The 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, restaurant, and artist work space. 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 CUA, community groups, and arts groups for performance, exhibit, and meeting space.

3. On Block E, the 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 7th 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.
4. On December 22, 2017, the Applicant filed the instant request for a modification of consequence.
5. The Commission, at its January 29, 2018 public meeting, determined that the application was a modification of consequence and that no public hearing was necessary. At the January 29, 2018 public meeting, the Commission allowed ANC 5E until March 26, 2018 to file a response regarding this application.

CURRENT APPLICATION

6. The Applicant stated that 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. (Exhibit ["Ex."] 1.)
7. The specific modifications, as shown in the floor plans/sections/elevations/bay studies provided by the Applicant, include:
 - The removal of the G2 parking garage level;
 - Relocation of the below-grade transformers from the building's frontage along Monroe Street to 8th 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;
 - 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 main elevator penthouse set-back from the courtyard façade¹, and reduction in the height of the circulation spaces of the penthouse structure to 12 feet;
 - Increase of the secondary elevator penthouse set-back from the courtyard wall from 0 feet to six 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. (Ex.1, 2C1, 2C2.)
8. 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 determined that the demand for parking spaces does not justify the construction of the second level of parking. The Applicant noted 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. (Ex. 1.)
9. Gorove Slade Associates, the Applicant's Transportation Engineer, prepared a Transportation Statement which addressed the proposed modifications to the approved plans. The Transportation Statement analyzed 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 of the development; and

¹ 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. (Ex. 2D, 5A.)
10. During the original hearing, the District Department of Transportation (“DDOT”) submitted a report 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, N.E. 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. Approval of the proposed reduction of parking spaces in the building on Block E, will result in a total of 751 parking spaces in the Monroe Street Market project. The Applicant stated that the proposed reduction of parking spaces requested in this modification of consequence application is entirely consistent with DDOT’s previous request asking for a “meaningful reduction” in the number of parking spaces provided in the Monroe Street Market project. In addition, the Applicant noted that 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. (Ex. 1, 2D, 2E.)
 11. The Applicant is also proposing minor modifications to the locations and dimensions of the curb cuts along 8th Street, N.E., which were previously approved by the Commission and the DDOT’s Public Space Committee. The Applicant proposed a Loading Management Plan which will guide loading operations for the building on Block E and an updated Transportation Demand Management (“TDM”) plan. The Applicant requested that the TDM plan that was outlined in Condition No. 4 of the Initial Order be replaced with the updated TDM plan. 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. (Ex. 1, 2D.)
 12. The only party in Z.C. Case No. 08-24/04-25 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 made a presentation to ANC 5E at their regularly scheduled public meeting on January 16, 2018. 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, N.E. Michigan Avenue, N.E. is the boundary line between ANC 5A and ANC 5E. In satisfaction of § 703.13 of Subtitle Z, the Applicant provided a Certificate of Service which noted that ANC 5E and ANC 5A were served with this application. (Ex. 1.)
 13. ANC 5E did not submit a response to this application.

14. ANC 5A did not participate in this application.
15. CUA submitted a letter, dated March 5, 2018, into the record of this case in support of the application. (Ex. 10.)
16. The Office of Planning (“OP”) submitted a report on January 19, 2018. The OP report stated that 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 C-2-B Zone District. The OP report concluded that, “The Office of Planning has no objection to the proposed changes. They would be in keeping with the design intent of the original approval and the Zoning Regulations, and would improve the pedestrian experience on Monroe Street, and reduce the massing of the rooftop penthouses. The Office of Planning, therefore, recommends that the Commission approve the application as a modification of consequence.” (Ex. 7.)
17. DDOT submitted a report on January 19, 2018. The DDOT report noted that it had no objection to the application on the condition that the Applicant implements the proposed Loading Management Plan with the following revision: “In addition to the presence of a dock manager, a flagger will be present whenever a vehicle is entering/exiting the loading dock. This flagger will alert pedestrians/bicyclists/other vehicles to trucks that may be entering or exiting the loading facilities.” The DDOT report also noted that the proposed changes to the building will result in significantly improved residential parking ratios in line with what DDOT would expect at a metro accessible location and the proposed modification is expected to decrease the a.m. trip generation by one vehicle and decrease the p.m. trip generation by four vehicles. (Ex. 8.)

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “A modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.” (11-Z DCMR § 703.3.) Examples of modifications 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.” (11-Z DCMR § 703.4.)

The Commission concludes that the modifications depicted in the plans included in the record, and as described in the above findings of fact, are modifications of consequence, and therefore can be granted without a public hearing.

The Commission finds that the proposed modifications are consistent with the Commission’s previous approval of the PUD project and the building on Block E. The use of this building has not changed and the proposed redesign and relocation of architectural elements of the building do not diminish or detract from the Commission’s original approval of the PUD project and the building on Block E. In regard to the removal of the second level of below-grade parking spaces, the Commission agrees with the conclusions of the Applicant’s transportation engineer

and DDOT that the reduction in parking spaces is appropriate and a lower number of parking spaces will be sufficient to accommodate the parking needs of the building on Block E.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give “great weight” to the written issues and concerns of the affected ANC. As is reflected in the Findings of Fact, ANC 5E and ANC 5A did not submit written reports into the record regarding this application; therefore, there is nothing for the Commission to give great weight to. The Commission is required give great weight to the recommendations of OP (See D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP’s recommendation to approve this modification of consequence application. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the Consolidated PUD project approved in Z.C. Case No. 08-24/04-25. The conditions in Z.C. Order No. 08-24/04-25 remain unchanged except as follows. The following conditions replace Condition Nos. 1 and 4 of Z.C. Order No. 08-24/04-25:


1. The PUD project shall be developed in accordance with the plans marked as Exhibit 71 of Z.C. Case No. 08-24/04-25, as modified by the plans included in Exhibit 2C1 and 2C2 of Z.C. Case No. 08-24C/04-25, and as further modified by the guidelines, conditions, and standards herein.
4. For the development of Block E, the Applicant shall be subject to the requirements of the transportation demand management plan and the loading management plan detailed in Exhibit 2D of Z.C. Case No. 08-24C/04-25.

On March 26, 2018, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at 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 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on July 27, 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



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING