

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 22-21A**

**Z.C. Case No. 22-21A
2229 M Street NE LLC**

**(Modification without Hearing of a Consolidated Planned Unit Development (“PUD”) and
Related Zoning Map Amendment @ Square 4465, Lot 40)
July 31, 2025**

Pursuant to notice, at its public meeting on July 31, 2025, the Zoning Commission for the District of Columbia (“Z.C.” or the “Commission”) considered the application (the “Application”) of 2229 M Street NE LLC (the “Applicant”) for a Modification without Hearing to approve changes to exterior materials, balconies, entryway landscaping, internal window arrangements, and miscellaneous design refinements shown on the approved plans of the approved PUD for the property located at 2229 M Street NE on Lot 40¹ in Square 4465 (the “Property”).

The Commission considered the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations”, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Prior Approval, Parties, and Notice

1. Pursuant to Z.C. Order No. 22-21 (the “Order”), the Commission approved a consolidated PUD and related map amendment from the RA-2 Zone to the RA-4 Zone for the Property (the “Approved PUD”). The Commission also granted the Applicant flexibility from the surface parking and loading screening requirements of Subtitle X § 303.1 and Subtitle C §§ 714 *et seq.*, 908.2, respectively, and other design flexibility as set forth in the Order.
2. The automatic parties to this case, per Subtitle Z § 403.5, are Advisory Neighborhood Commission (“ANC”) 5D, in which the Property is located, and ANC 5C, to which the Property is adjacent and so is an “affected ANC” per Subtitle Z § 101.8. ANC 5D and ANC 5C were served with the Application in satisfaction of Subtitle Z § 703.10.

¹ The Property previously comprised two record lots—Lots 36 and 39—that were subsequently combined to form Lot 40.

3. The Applicant served the Application on the Office of Planning (“OP”), District Department of Transportation, ANCs 5D and 5C, and parties in support² on June 6, 2025, as indicated by the Certificate of Service submitted with the Application. (Ex. 2 at 8.)

The Application

4. On June 6, 2025, the Applicant filed the Application seeking a Modification without Hearing to the Approved PUD to modify the following components as the result of refining its plans in preparing construction drawings for a building permit and complying with sustainable design standards: (Ex. 2A.)
 - a. Exterior Materials: Exterior Insulation and Finish System (EIFS) will replace the stucco as an exterior material.
 - b. Juliet Balconies: The Applicant will replace the Juliet balconies with fully functional windows.
 - c. Entry Redesign: Landscaping will replace the porch seating area in the front entry space, and the penthouse canopy will be removed.
 - d. Window Arrangement: The placement of windows will be modified and the size of the windows along the east elevation towards M Street will be reduced.
5. Although within the permitted parameters for a PUD in the RA-4 Zone, the Application also detailed minor updates to the Approved PUD’s architectural plans. (Ex. 2A.) These minor changes reflect a typical evolution to permit plans as they are prepared. In addition, the changes were a result of an effort to better promote sustainability by increasing renewable energy use and encouraging multi-modal transportation. More specifically, the miscellaneous refinements include: (Ex. 2A at 5-7.)
 - a. Floor Area Ratio (“FAR”): Gross floor area will increase from 66,687 square feet to 67,961 square feet, and FAR will increase from 4.43 to 4.51.
 - b. Lot Occupancy: Lot occupancy will increase from 63% to 63.66%, which rounds up to 64% lot occupancy.
 - c. Building Height Measuring Point: Although there is no actual increase in building height, the building height will increase from 71 feet, 8.5 inches to 73 feet.
 - d. Side Yard Setback: The side yard will be reduced from 5 feet to 4 feet, 9 inches.
 - e. Rear Yard Setback: The generator will be moved from the building roof to the rear yard, and the rear yard will be reduced from 38.6 feet to 35.38 feet.

² Kara and Justin Rollins and Ryun Lee (“Lee-Rollins”) requested and were granted party status in opposition in the original application to the Approved PUD. Lee-Rollins changed their party status from opposition to support based on modifications that the Applicant made to the proposed project in response to concerns raised by Lee-Rollins.

- f. Penthouse Height. The Applicant will increase the height of the penthouse from 18 feet, 4.5 inches to 19 feet.
- g. Solar Panels. The Applicant will increase the number of solar panels from 35 to 63.
- h. Bicycle Parking. The total number of bicycle parking space will increase from 36 spaces (31 long-term and five short-term) to 41 spaces (34 long-term and six short-term).

Responses to the Application

- 6. On June 26, 2025, OP submitted into the record its report that recommended that the Commission approve the Application as requested. (Ex. 4.)
- 7. OP agreed with the Applicant that the proposed modifications were consistent with the intent of the RA-4 Zone and the Comprehensive Plan and did not appear to substantively alter the OP's recommendations in the original case. (Ex. 4 at 1.)
- 8. ANC 5D, ANC 5C, nor the parties in support filed comments or reports into the record.

CONCLUSIONS OF LAW

Authority

- 1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications without hearings to final orders and plans without a public hearing.
- 2. Subtitle Z § 703.6 defines a Modification without Hearing as “a modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, ... or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.”
- 3. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.10 to serve the Application on all parties to the original proceeding, in this case ANC 5D, ANC 5C, and the parties in support.
- 4. The Commission concludes that the Application qualifies as a Modification without Hearing within the meaning of Subtitle Z § 703.6 since the modification can be understood without witness testimony, as a redesign or relocation of architectural elements from the final design approved by the Commission in the Approved PUD, and therefore the modifications can be granted without a public hearing pursuant to Subtitle Z § 703.15(c).
- 5. The Commission concludes that although ANC 5D, ANC 5C, and the parties in support did not submit reports into the record prior to the Commission's consideration of the Application at its July 31, 2025, public meeting, ANCs 5D and 5C and the parties in support

were provided the requisite minimal number of days to respond, per Subtitle Z § 703.12. Therefore, the Commission proceeded with deliberations.

6. The Commission finds that the Application is consistent with the Approved PUD because the requested modifications relate only to minor refinements to the project's design and minor relocations of the project's architectural elements, and that the proposed modifications do not result in any change in use nor require any additional relief from the Zoning Regulations.

“Great Weight” to the Recommendations of OP

7. The Commission must give “great weight” to the recommendations of OP pursuant to § 5(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
8. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

“Great Weight” to the Recommendations of the ANC

9. The Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.).) and Subtitle Z § 406.2.
10. ANC 5D and ANC 5C did not submit reports into the record for the Commission to consider.

DECISION

In consideration of the case record and the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **ORDERS APPROVAL** of a Modification without Hearing to permit modifications to the Approved PUD approved in Z.C. Order No. 22-21. The conditions in the Approved PUD remain unchanged, except that Condition No. 1 of Z.C. Order No. 22-21 is revised to read as follows (deletions shown in **bold** and **strikethrough** text; additions in **bold** and underlined text):

1. The Project shall be developed in accordance with the architectural plans and drawings submitted on March 13, 2023 (**the “Plans”**). (Ex. 47B1-47B5 in the record for Z.C. Case No. 22-21.) **as modified by the plans submitted on June 6, 2025 (Ex. 2C1-2C3 in the record for Z.C. Case No. 22-21A) (collectively, the “Plans”).**

On July 31, 2025, upon the motion of Commissioner Imamura, as seconded by Commissioner Hood, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its

business meeting by a vote of 5-0-0 (Commissioners Hood, Imamura, Miller, Wright, and Stidham to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 22-21A shall become final and effective upon publication in the D.C. Register; that is, on August __, 2025.

**ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION**

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.