

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, N.E., 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 N.E., 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, N.E. 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 to permit construction of an all-affordable senior residential building consisting of approximately 66,687 square feet, and approximately 92 units for people aged 55+, with a FAR of approximately 4.43, and a building height of approximately 71 feet, 8.5 inches. (the “Approved PUD”). The Commission also granted the Applicant flexibility, pursuant to Subtitle X § 303.1, from the surface parking and loading screening requirements of 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.

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 design components as the result of refining its plans in preparing construction drawings for a building permit to obtain Passive Housing certification, which incorporates standards significantly beyond almost all building codes and many green building certifications providing superior sustainability benefits. The proposed design component changes are as follows:
 - 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; and
 - 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.
(Ex. 2).
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. 2C1-2C3). 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:
 - 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;
 - 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; and

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.

- h. Bicycle Parking. The total number of bicycle parking spaces will increase from 36 spaces (31 long-term and five short-term) to 41 spaces (34 long-term and six short-term).
(Ex. 2C1).

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 responses 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—and OP at the same time the Application was filed with the Office of Zoning.
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 responses to the Application prior to the Commission's consideration of the Application at its July 31, 2025, public meeting, they were allowed 30 days after the Application was filed and served on June 6, 2025, to respond in accordance with Subtitle Z § 703.12. The Commission further concludes that, in accordance with Subtitle Z § 703.13, this Application for a modification without hearing was filed with the Office of Zoning at least 35 days prior to the July 31, 2025, public meeting, at which the Application was considered by the Commission.

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 § 405.9. (*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 responses 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. A.1. of Z.C. Order No. 22-21 is revised; and new Conditions D.4. and D.5. are added, as follows (deletions shown in **bold** and ~~striketrough~~ text; additions in **bold** and underlined text):

A.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”).

D.4 Prior to the issuance of a Final Certificate of Occupancy, the Applicant shall provide notice to the Zoning Commission to demonstrate that the Project has applied for Passive Housing certification in the form of a written submission to the Z.C. Case No. 22-21A record.

D.5. Within thirty (30) days of the Project obtaining Passive Housing certification, the Applicant shall provide notice to the Zoning Commission to demonstrate that the Project has obtained Passive Housing certification in the form of a written submission to the Z.C. Case No. 22-21A record.

Final Action

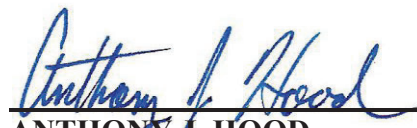
VOTE (July 31, 2025): 5-0-0

(Joseph E. Imamura, Anthony J. Hood, Robert E. Miller, Tammy S. Stidham and Gwen Marcus Wright 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 *District of Columbia Register*; that is, on October 17, 2025.

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**

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.