

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-28I
Z.C. Case No. 05-28I
District of Columbia Primary Care Association
(Modification to the Second-Stage Planned Unit Development and
Related Zoning Map Amendment @ Square 5055)
November 14, 2011**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public meeting on November 14, 2011. At the meeting, the Commission approved an application from the District of Columbia Primary Care Association ("Applicant") for a modification to an approved second-stage planned unit development ("PUD") and related Zoning Map amendment for the property now designated as Lot 27 (formerly Lots 25 and 801 and portions of Lots 24 and 802) in Square 5055. Because the requested modification was deemed to be minor in nature, a public hearing was not required. The Commission determined that the modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

1. By Z. C. Order No. 05-28B, dated August 26, 2011 ("Order"), the Commission approved a PUD and related Zoning Map amendment for the property now designated as Lot 27 (formerly Lots 25 and 801 and portions of Lots 24 and 802) in Square 5055 ("Property") pursuant to the Zoning Regulations.
2. The Order approved the proposed three-story, approximately 42,644 gross-square-foot Parkside Community Health Center pursuant to the architectural plans and elevations marked as Exhibits 4, 13, 23, 28, 40, 53, and 55 of the record and PUD related rezoning of the Property from C-2-B to C-3-A. The Commission approved the proposed project on June 27, 2011, and Z.C. Order No. 05-28B became final upon publication in the *D.C. Register* on August 26, 2011, pursuant to 11 DCMR § 3028.9.
3. By letter dated October 12, 2011, counsel for the Applicant requested a modification to the approved project pursuant to § 3030 of the Zoning Regulations, including the following minor design and technical modifications: 1) removed entrance canopy; 2) reduced penthouse screen wall; 3) simplified green roof design; 4) simplified window treatment; 5) simplified treatment of structural columns; and 6) simplified Hayes Street façade.

4. The enumerated modifications were described in detail in the Applicant's submission and shown in the attached "Before and After" architectural drawings dated September 30, 2011. (Exhibit 1.)
5. The Applicant served copies of the requested modification to the Eastland Gardens Citizen's Association and to Advisory Neighborhood Commission ("ANC") 7D, the other parties to Z.C. Case No. 05-28B. Neither submitted a response to the Commission.
6. The Office of Planning ("OP"), by report dated November 4, 2011, recommended approval of the proposed modifications as minor, provided the Applicant selected a compatible color scheme for the structural columns and the Hayes Street façade. (Exhibit 6.)
7. By letter dated November 10, 2011, the Applicant provided additional and clarifying information in response to the OP report. The letter stated that the structural columns would be painted to match the Hayes Street façade, and that the panels on the Hayes Street façade would be a natural gray color. (Exhibit 7.)
8. There was no opposition to the requested modifications. A letter of support was received from the neighboring property owner, City Interests, LLC. (Exhibit 4.)
9. Pursuant to 11 DCMR § 3030.11, the Director of the Office of Zoning placed the request for a modification on the Commission's Consent Calendar for its public meeting on November 14, 2011.
10. On November 14, 2011, the Commission held a regular public meeting to consider the modification. At the meeting, the Commission voted to approve the application for a modification to Z.C. Order No. 05-28B.

CONCLUSIONS OF LAW

Upon consideration of the record in this case, the Commission concludes that the proposed modifications are of little or no importance or consequence and are consistent with the intent of the Commission in approving the original project in Z.C. Case No. 05-28B. In addition, the proposed modifications will not substantially impair the intent, purpose, or integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map.

The approval of this modification is not inconsistent with the Comprehensive Plan. The modification is of such a minor nature that its consideration as a consent calendar item without public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law set forth herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of this application for modifications of the project approved in Z.C. Order No. 05-28B. Condition No. 1 of Z.C. Order No. 05-28B is hereby revised as follows (changes shown in **bold** and underlined text):

1. The second-stage PUD is approved in accordance with the architectural plans and elevation prepared by the architect and submitted by the Applicant marked as Exhibits 4, 13, 23, 28, 40, 53 and 55 **of the record as modified by Exhibits 1 and 7 in Z.C. Case No. 05-28I**, as modified by the guidelines, conditions, and standards of this Order. The Project will include a community health center, or "clinic" that will provide health care to District residents, especially those east of the Anacostia River in Wards 7 and 8, and all other qualified patients regardless of ability to pay.

On November 14, 2011, upon the motion of Chairman Hood, as seconded by Vice Chairman Schlater, the Zoning Commission voted to **ADOPT** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Marcie I. Cohen, Michael G. Turnbull, and Peter G. May to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on January 20, 2012.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA BARDIN
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 05-28I

As Secretary to the Commission, I hereby certify that on JAN 19 2012 copies of this Z.C. Order No. 05-28I were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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|--|---|
| 1. <i>D.C. Register</i> | 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. Phil Feola and Christine Roddy, Esqs.
Goulston and Storrs
1999 K Street, N.W. Suite 500
Washington, D.C. 20006 | 6. Councilmember Yvette Alexander |
| 3. ANC 7D
c/o Willette Seaward, Chair
4234 Grant Street, N.E.
Washington, DC 20019 | 7. DDOT (Martin Parker) |
| 4. Commissioner Willie Woods
ANC/SMD 7D07
<u>7D07@anc.dc.gov</u> | 8. Melinda Bolling, Acting General Counsel
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1100 4 th Street, S.W.
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| | 9. Office of the Attorney General (Alan Bergstein) |

ATTESTED BY: Sharon S. Schellin
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning