

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-02C
Z.C. Case No. 07-02C
Highland Park West, LLC, Columbia Heights Ventures Parcel 26, LLC
and the District of Columbia
(Modification to PUD @ Square 2672)
July 11, 2011**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on July 11, 2011. At the meeting, the Commission approved an application of Highland Park West, LLC, Columbia Heights Ventures Parcel 26, LLC and the District of Columbia (collectively, the "Applicants") for modifications to an approved planned unit development ("PUD") for property consisting of Lots 884, 885, and 886 in Square 2672 ("Property"). Because the modifications were deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

The Application, Parties, and Hearing

1. By Z.C. Order No. 07-02, effective June 27, 2008, the Commission approved a consolidated PUD and related amendment to the Zoning Map for the construction of a 69-unit apartment building and an 82-bed community-based residential facility ("CBRF") as an addition to the existing Highland Park building located on Lot 884. The approved addition is referred to as the "Phase II Addition." Pursuant to Z.C. Order No. 07-02A, effective August 27, 2010, the Commission granted approval of a two-year time extension of Z.C. Order No. 07-02.
2. Pursuant to Z.C. Order No. 07-02B, effective December 10, 2010, the Commission approved modifications to the Phase II Addition, including increasing the number of residential units, increasing the building height, and redesigning the exterior façades of the Phase II Addition. The CBRF portion of the approved PUD remained as approved, and thus the CBRF was not included in the modification application. The Commission required that the approved modifications to the Phase II Addition be developed in accordance with the architectural plans and elevations prepared by GTM Architects, Inc., dated November 8, 2010 and marked as Exhibit 48 of the record in Z.C. Case No. 07-02B ("Approved Plans").

3. In this proceeding, by letter dated June 20, 2011, the Applicants requested modifications to the Approved Plans to add Juliet balconies on floors two through six of a portion of the north elevation of the Phase II Addition, and to make refinements to the brick work on the north elevation of the Phase II Addition. The Approved Plans showed Juliet balconies on the top two floors of the front façade facing Irving Street. The Applicants are seeking approval to add similar balconies on floors two through six of the elevation to add interest to and emphasize this portion of the façade. The addition of the Juliet balconies will help to make the design of the north façade of the Phase II Addition consistent with the character of the existing Phase I building. The added balconies also serve to diminish the distinction between the two phases. Similarly, the change in treatment of the brick on the western portion of the north façade better replicates the detailing of the existing Phase I building.
4. With respect to the brick work, the north façade of the Approved Plans shows multiple colors of brick, including a light tan, a darker shade of brick on the panels between the windows, and an accent course of darker bricks below the windows. However, the Applicants propose to eliminate the darker brick on the panels between the windows and use the tan color brick on this portion of the façade, except that the accent panels below the windows using the darker brick will be extended along the entire width of the façade. The intent is to deemphasize this portion of the façade, in order to give more prominence to the portion of the façade closer to the street. This portion of the façade, which is setback approximately 70 feet from the street, will eventually be covered from view by the to-be-constructed CBRF. The windows in this portion of the façade are "at-risk" windows, and the whole portion of the façade where the brick is changing will eventually not be visible.
5. The requested changes do not change any of the zoning parameters for the project (i.e., use, height, density, parking, etc.).
6. The Applicants served the minor modification request on Advisory Neighborhood Commission ("ANC") 1A as well as the Office of Planning ("OP"). The ANC did not submit a written report. OP recommended approval of the modifications.
7. On July 11, 2011, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for minor modifications to the approved PUD.
8. The Commission finds that the requested modifications improve the appearance of the PUD, and further finds that approval of the modifications is appropriate and not inconsistent with its approval of the original PUD.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission finds that the proposed minor modifications are consistent with the intent of the previously approved Z.C. Order No. 07-02B, and is not inconsistent with the Comprehensive Plan.

The Commission concludes that approving the minor modifications are appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030.

The Commission further concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

The modifications do not impact the essential impact of the approved PUD, including use, height, density, parking, or lot occupancy. The modifications are minor such that consideration as a Consent Calendar item without public hearing is appropriate.

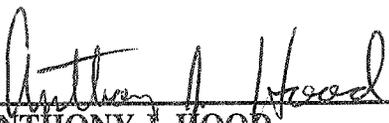
DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for modifications of an approved PUD to allow the modifications as shown on Tab 3 of Exhibit 1 of the record in Z.C. Case No. 07-02C.

All other provisions and conditions of Z.C. Order No. 07-02B shall remain in effect.

On July 11, 2011, upon the motion of Vice Chairman Konrad W. Schlater, as seconded by Commissioner Turnbull the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 5-0-0 (Anthony J. Hood, Konrad W. Schlater, Greg M. Selfridge, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on December 2, 2011.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



RICHARD S. NERO, JR.
ACTING DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 07-02C

As Secretary to the Commission, I hereby certify that on DEC 6 2011 copies of this Z.C. Order 07-02C 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. | Kyrus Freeman, Esq.
Holland & Knight
2099 Pennsylvania Ave., N.W.
Suite 100
Washington, D.C. 20006 | 6. | Councilmember Jim Graham |
| 3. | ANC 1A
1380 Monroe Street, #103
Washington, DC 20010 | 7. | DDOT (Karina Ricks) |
| 4. | Commissioner Sheldon Scott
ANC/SMD 1A03
1400 Irving Street, N.W. #435
Washington, DC 20010 | 8. | Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, DC 20024 |
| | | 9. | Office of the Attorney General (Alan Bergstein) |

ATTESTED BY:


Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning