

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Southern Hills LP for
Modification of Significance

ANC 8D
BZA Case No. 19819

STATEMENT OF THE APPLICANT

This is the application of Southern Hills LP (the “**Applicant**”) for a Modification of Significance to Order No. 19819 (the “**Order**”), attached as Exhibit A, to approve revisions to the project approved by the Board of Zoning Adjustment (the “**Board**”) in 2018 for the property located at 4201, 4209, 4219, 4333, 4337, and 4347 4th Street SE and 304 Livingston Terrace SE (Square 6167, Lots 45, 46, 47, 48, 49, 50, and 51) (the “**Property**”). The Property is located in the RA-1 zone and consists of approximately 402,191 square feet (or 9.23 acres) of land area. The Applicant proposes to demolish the existing seven-building apartment complex on the Property and redevelop the site with newly-constructed housing and a community service center (the “**Project**”). The Order granted special exception and variance relief for development of 42 townhomes, five multifamily buildings with a total of 213 units, and an approximately 25,634-square foot community service center.

Since the Board’s approval in 2018, the Applicant has received feedback from the D.C. Department of Housing and Community Development (“**DHCD**”) to increase the number of residential units provided by the Project, and the Applicant has thus revised the Project to provide approximately 349 units, an increase of 94 units, spread across six multifamily buildings, along with the originally proposed community center. The Applicant has revised the site to accommodate the increase in units and to modify the phasing plan for the Project to provide more units in earlier phases with the aim of minimizing offsite relocation of existing tenants. The Applicant now seeks a Modification of Significance for approval of these revisions. This

application does not request additional relief aside from the areas of relief previously requested and approved by the Board; however, the relief granted initially has been modified as noted below.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board approve, as a Modification of Significance, the following areas of relief, each of which was previously approved:

- Special exception under Subtitle U § 421 to approve new residential development in the RA-1 zone;
- Special exception under Subtitle U § 320.1(b) to approve a community service center;
- Special exception under Subtitle C § 305 to allow multiple buildings on a single lot utilizing theoretical lots; and
- Area variance from the maximum permitted height and number of stories provided under Subtitle F § 303.1.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X §§ 900.2 and 1000.1 of the Zoning Regulations (11 DCMR Subtitle X, §§ 900.2, 1000.1).

III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property consists of approximately 402,191 square feet (or 9.23 acres) of land area and is currently improved with a seven-building apartment complex with a total of 255 units and associated parking. The Property is an irregularly-shaped oblong tract with a corner location having street frontage on three sides. The Property exhibits unique topography with a change in grade across the site and a substantial drop in elevation from the interior of the site stepping down to street level along all street frontages. This formation creates a hill banked by the public streets that wrap around the Property. There are two Heritage Trees on the Property with critical root

zones that may not be disturbed — one tree in the northwest part of the site along 3rd Street SE and one located at the southwest corner where 3rd Street and Livingston Terrace meet, as shown on the site plan on Sheets C-100 and C-101 of the civil plans attached as Exhibit C.

The Property is located in the Washington Highlands neighborhood in Ward 8. The Property is bounded by 3rd Street SE to the west, Livingston Terrace SE to the south, 4th Street SE to the east, and semi-detached structures and undeveloped property to the north. The surrounding area consists primarily of low-rise apartment buildings and semi-detached dwellings. Hendley Elementary School, for which the Property is zoned, is located roughly 300 feet to the east of the Property, and a day care is located roughly 250 feet to the north. Further north are Hart Middle School and Ballou High School, for which the Property is zoned, both within approximately 0.7 miles walking distance. Ingenuity Prep Public Charter School, which currently serves Pre-K through 5th grade, is also located one-half mile walking distance to the south.

The area includes a number of public amenities operated by the Department of Parks and Recreation. The Ferebee Hope Recreation Center is one-half mile walking distance from the Property to the northeast, with an indoor pool, gymnasium, and basketball court, and outdoor features including a baseball diamond, basketball and tennis courts, community gardens, and playground. The Oxon Run Parkway, which is roughly 500 feet west of the Property and runs further northeast between the Washington Highlands and Congress Heights neighborhoods, also includes a number of amenities such as playgrounds, basketball courts, an outdoor pool, a baseball diamond, and the Southeast Tennis and Learning Center, which features indoor tennis courts and other community spaces and services.

IV. BACKGROUND AND REVISED PROJECT

Pursuant to the Order, final on September 24, 2018, the Board approved the Applicant's original proposal to raze the seven existing apartment buildings, subdivide the Property to combine the existing seven lots into a single record lot, and replace the existing improvements with five apartment buildings, 42 street-facing rowhomes, and a community service center. The original proposal consisted of 255 affordable units, a 1:1 replacement of the number of units currently on the Property in order to ensure that all current residents may return to the Property upon completion of the redevelopment.

As noted above, since the Board's approval in 2018, the Applicant has received feedback from DHCD, from which the Applicant is seeking funding for the Project. DHCD recommended an increase in the number of units provided on the Property, the inclusion of market rate units on-site to achieve a mixed-income development, and an adjustment to the phasing plan for the Project to minimize the extent and timespan for the temporary relocation of existing tenants.¹ In response to DHCD's feedback, the Applicant has revised the Project to provide approximately 349 units, including 255 deeply affordable units and 94 mixed-income units, some of which will be reserved for individuals earning 50% to 80% of Area Median Income and some of which will be market-rate. Additionally, the phasing plan for the Project has been modified to increase the number of units provided in earlier phases per DHCD's comments to partially mitigate the need for relocations.

¹ It is anticipated that approximately 33 households currently residing at the Property will need to be temporarily relocated in order to construct Phase I. The Applicant, an affiliate of Winn Development, owns other apartment complexes in the immediate vicinity — specifically, Atlantic Gardens across 4th Street SE to the east of the Property and Atlantic Terrace across 3rd Street SE to the west. Relocated residents will be accommodated at either currently vacant units at the Property or vacant units at Atlantic Gardens or Atlantic Terrace.

Two primary modifications to the site plan have been made in order to accommodate the increase in the number of units; the community service center building has been shifted south to front directly onto Livingston Terrace SE, and the rowhomes have now been converted into two-level duplexes contained in the wings of the multifamily buildings, as shown on the site plan comparison on Sheet A0.01 of the architectural plans attached as Exhibit B. The duplexes will still function very similarly to rowhomes, with individual unit entrances on the ground floor providing direct access to the street or interior sidewalk network, as applicable. Accordingly, the Project, as revised, will continue to provide more “eyes on the street,” in keeping with urban planning best practices, and will reorient units and overall density to face directly onto the street, both of which were major objectives of the Project as developed and approved in 2018.

The Project will continue to provide 255 units serving households earning, on average, approximately 15% of the Area Median Income, and will also incorporate 94 mixed-income units, as recommended by DHCD. The Project will make substantial improvements to the unit mix provided by the existing buildings, just as the program approved by the Board in 2018 did. Specifically, the existing buildings include 28 efficiency units, and the Project will not have any efficiency units, instead providing a larger number of one-, two-, and three-bedroom units. Most notably, the number of three-bedroom units will increase from the current 28 to approximately 47 units, as was proposed under the 2018 scheme, and the Project will provide 150 two-bedroom units (compared to 100 two-bedroom units under the 2018 design). The shift to provide larger units will allow the Project to better accommodate families and align with DHCD goals to produce family-sized units.

As approved in 2018, the Project will include a roughly 25,634-square foot community service center. The full programming for the center will be finalized based on community needs

at occupancy but uses that are being considered include a learning center, job training, child daycare, and arts and music centers, as well as space for community-based start-ups, recreation, and community meetings.² As outlined in the Applicant's 2018 submission, the proposed community center is part of the Applicant's broader Crossing the Anacostia River vision, which is aimed at providing facilities and resources to communities east of the Anacostia River at the same level that exists west of the river. In particular, the program looks to facilitate access to the District's many institutions of higher learning for the many children who live at and nearby the Property, and the proposed community service center will be central to this program, with university partners providing staff for the center to provide academic instruction to area students.

In addition, the Project will provide approximately 143 parking spaces, compared to the 147 spaces proposed under the 2018 design and 75 spaces required.³ The Project will include significant landscape improvements, including spaces for passive and active recreation, such as tot lots proposed adjacent to the community center building (Building F) and Building C, as well as a barbecue area adjacent to Building A, as shown on Sheets C-200 and C-201 of the civil plans attached as Exhibit C. As with the 2018 design, the revised site plan has been carefully adjusted to accommodate underlying challenges associated with the Property — specifically, the need to provide 100% replacement of the existing units plus additional units as requested by DHCD, the significant changes in grade across the site, and the two Heritage Tree critical root zones that may not be disturbed — while also addressing resident and community needs and optimal urban design.

² As noted in the previous application, the proposed community service center will include commercial kitchen facilities for use by the center and the community. We note that, although such facilities are prohibited for public recreation and community centers, they are not restricted for community service uses and private community centers. *See* 11 DCMR Subtitle B § 100.2.

³ The total number of required spaces includes the 50% reduction permitted under Subtitle C § 702.1(c) due to the Property's proximity to a Priority Corridor Network Metrobus Route (Routes A6 and A8). We note that the proposed 143 spaces is less than 2x the minimum number of parking spaces required under Subtitle C § 701.5.

V. THE APPLICATION SATISFIES THE CRITERIA FOR THE REQUESTED RELIEF

As noted above, the Applicant requests reapproval of the areas of relief the Board previously approved for the Project in 2018 and does not seek any new areas of relief. As discussed below, the Project continues to meet the standards for the relief requested.

A. Special Exception Under Subtitle U § 421 for New Residential Development in the RA-1 Zone.

Under Subtitle U § 421 of the Zoning Regulations, new residential development is permitted in the RA-1 zone if approved by the Board as a special exception, subject to criteria. As described below, the Project, as revised, satisfies the applicable criteria.

- 1. The Area Schools Can Accommodate the Number of Students Expected to Reside in the Project (Subtitle U § 421.2(a)).*

The Project is in-boundary for Hendley Elementary School, Hart Middle School, and Ballou High School. The Project will provide approximately 349 units on-site, which represents an increase of 94 units above what is currently on-site and was proposed in 2018, and the Applicant expects that there will be children living in these additional units that will attend area schools. The Applicant believes that the area schools can accommodate any increase that may result from the change in the number of units and unit mix. This application will be forwarded to the D.C. Board of Education, and the Applicant will address any issues raised by the Board of Education prior to the public hearing in this case.

- 2. The Public Streets, Recreation, and Other Services Are Adequate to Accommodate the Residents of the Project (Subtitle U § 421.2(b)).*

The proposed 143 parking spaces will balance the parking needs of the residents of the Project, while not overburdening the amount of traffic using the surrounding street network. The Applicant believes that the existing public streets are adequate to accommodate the vehicular trips

generated by the residents of this Project and their guests, as well as those visiting the community service center.

Additionally, as discussed above, the surrounding neighborhood offers a number of public recreation amenities, including facilities at the Ferebee Hope Recreation Center, the Oxon Run Parkway, and the Southeast Tennis and Learning Center. Moreover, the Project includes a new approximately 25,364-square foot community service center, which will include valuable services and facilities available to residents of the Project and the surrounding community, as described in more detail above. The Applicant expects that the residents of the Project will take full advantage of all of these facilities, and the Applicant believes that these facilities will have the capacity to meet any additional demand created by the Project, while also fulfilling the needs of the greater community.

3. *The Site Plan, Arrangement of Buildings, and Provisions of Light, Air, Parking, Recreation, Landscaping, and Grading Are Appropriate (Subtitle U § 421.3).*

As with the 2018 design scheme, the siting and scale of the buildings under the revised proposal maximize the light and air provided to the future residents and minimize any potential adverse impact on the surrounding community. The site plan continues to achieve a strong sense of connection between the individual buildings on the Property, while still providing substantial open space and landscaping. Buildings are sited to foster a better connection to the public realm abutting the Property and surrounding development, as compared to the existing buildings, with building facades located along the street frontage and oriented toward the street. As discussed above, this approach preserves the “eyes on the street” objective of the 2018 design, in notable contrast to the current condition where only the ends of the existing buildings face onto the street.

By maximizing the number of units along the public realm, the Project strengthens connections with the neighborhood and maximizes open green space on the site.

In addition, the Project will include a substantial landscaping plan, and the site plan, by shifting building density to the perimeter of the site, creates green open spaces that better lend themselves to use and enjoyment by residents. By contrast, currently the green space on the Property is focused along the street frontages, where the significant drop in grade makes this space unusable.

As noted above, the Project includes 143 parking spaces. This amount of parking provides the appropriate balance between meeting the parking needs of the residents of this Project, while not overburdening the amount of traffic utilizing the surrounding street network.

4. *The Requested Relief Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps and Will Not Tend to Affect Adversely the Use of Neighboring Property (Subtitle X § 901.2).*

Because the application satisfies the specific criteria set forth in Subtitle U § 421, the proposed Project, like the 2018 design, will be harmonious with the general purpose and intent of the Zoning Regulations and Zoning Map and will not adversely affect neighboring property. As a matter of policy, a project of the size proposed is an appropriate use in the RA-1 zone, provided that it satisfies applicable criteria. Given the Project's characteristics, nothing about the proposed size or use contravenes the intent of the Zoning Regulations. Rather, the Applicant seeks to improve the existing outdated housing stock currently on the Property, which should be encouraged. Further, the Project advances the important goal of increasing the supply of family-size affordable housing in the Washington, D.C. area. As discussed above, the mix of unit sizes in the Project will better serve families. Further, the primary change to the proposal approved by the Board in 2018 is to provide an additional 94 units in direct response to feedback from DHCD

to increase the number of units and include non-deeply subsidized units in the Project to create a mixed-income development. The Project achieves these additional objectives.

The Project will not adversely affect neighboring property and, to the contrary, will complement and enhance the surrounding area by improving the Property's connection with the public realm and adjacent development, as discussed above. Additionally, the Project includes a community service center that will serve not only the Project, but the surrounding area.

B. Special Exception Under Subtitle U § 320.1(b) to Approve a Community Service Center.

Under Subtitle U § 320.1(b), a community service center is permitted in the RA-1 zone if approved by the Board as a special exception, subject to the criteria set forth in §§ 320.1(b)(1)–(b)(3). As the Board found in 2018, the proposed community service center satisfies these criteria.

1. *The Use Is Located so that It Is Not Likely to Become Objectionable to Neighboring Properties Because of Noise or Other Objectionable Conditions (Subtitle U § 320.1(b)(1)).*

As discussed above, the proposed community service center will consist of approximately 25,634 square feet of gross floor area and will provide a number of services. While the services to be provided will be finalized closer to occupancy, it is anticipated that the center will include a learning center, job training, child daycare, arts and music centers, and a commercial-grade kitchen, as well as space for community-based start-ups, recreation, and community meetings.

The only major change to the proposed community service center from the 2018 design is its location. The location of the center has shifted to the south and it now fronts directly on Livingston Terrace SE. This adjustment will have the result of making the center more accessible to members of the community living in the surrounding area. Locating the community center along Livingston Terrace and in the heart of the Washington Highlands neighborhood will not result in any noise or other objectionable effects on the surrounding area. Activity and programs

at the community center will be focused indoors, thereby minimizing the amount of noise perceptible in nearby residential buildings. Further, while there will be a direct entrance into the center off of Livingston Terrace, the primary building entrance will be located interior to the site, on the north side of the building, thereby further minimizing the amount of noise that may reach surrounding properties. To the contrary, the proposed community center will provide vital services to both residents of the Project and those in the immediate vicinity, and will serve as an important resource for the community.

2. *The Use Is Reasonably Necessary and Convenient to the Neighborhood (Subtitle U § 320.1(b)(2)).*

The proposed community service center will be ideally situated within the neighborhood to provide the vital services necessary for any community to thrive. For such a use to be most effective, it must be located as centrally as possible. Although, as discussed above, there are a number of public resources and facilities within the area, including recreation and learning facilities and parks, these amenities are clustered approximately one-half mile or more from the Property. Establishing a community service center in the proposed location on the Property will supplement these resources and provide much-needed supportive services that are immediately available and much more convenient to area residents, particularly the approximately 800 residents who are anticipated to live within the Project.

3. *The Use Will Not Be Organized for Profit, and No Part of Its Net Income Will Inure to the Benefit of Any Private Shareholder or Individual (Subtitle U § 320.1(b)(3)).*

The proposed community service center will be operated entirely as a non-profit and any income earned by the center will not inure to any private shareholder or individual.

4. *The Requested Relief Is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps and Will Not Tend to Affect Adversely the Use of Neighboring Property (Subtitle X § 901.2).*

Approval of the proposed community service center will enable the addition of an invaluable asset to the residents of the Project and the Washington Highlands community as a whole. The requested relief will create a well-balanced community serving the health and welfare of area residents and thus will further the broader aims and intent of the Zoning Regulations. For these same reasons, and for all the reasons discussed above, approval of the proposed center will not tend to adversely affect neighboring properties but instead will benefit the adjacent development and residents in the area.

C. Special Exception Under Subtitle C § 305 to Allow Multiple Buildings on a Single Lot Utilizing Theoretical Lots.

Under Subtitle C § 305, the Board may approve as a special exception the construction of multiple buildings on a single lot in residential zones, subject to certain criteria. As discussed in detail below, the application continues to satisfy the applicable criteria for approval.

1. *The Plan of Theoretical Subdivision Meets All of Applicable Requirements (Subtitle C § 305.2).*

The proposed plan of theoretical subdivision complies with all applicable zoning requirements, aside from the relief requested in this application discussed in detail below, as shown on the site plan on Sheets C-200 and C-201 and in the table of zoning development data on Sheet C-501 of the civil plans attached as Exhibit C.⁴

⁴ We note that theoretical Lot 6, occupied by the community service center (Building F) does not provide parking. However, the 17 parking spaces required for Building F may be located on the adjacent theoretical Lots 5 and 7 under Subtitle C § 701.8(b)(1), which permits parking to be located at an off-site location within 600 feet. Theoretical Lots 5 and 7 have a combined excess of 30 parking spaces, more than enough to cover the parking requirement generated by the community service center.

2. *The Proposed Side and Rear Yards Are Consistent with Applicable Requirements (Subtitle C § 305.3(a)).*

As shown on the table of zoning development data on Sheet C-501 of Exhibit C, the proposed theoretical lots comply with applicable rear and side yard requirements under Subtitle F § 305 of the Zoning Regulations.

3. *Vehicular Ingress and Egress Will Be at Least Twenty-Four Feet (24 ft.) in Width, Exclusive of Driveways (Subtitle C § 305.3(b)).*

As shown on Page C-401 of Exhibit C, all vehicular ingress and egress will be equal to or greater than 24 feet in width, not including driveways, as required.

4. *Building Height Is Measured from the Finished Grade at the Middle of the Building Façade Facing the Nearest Street Lot Line (Subtitle C § 305.3(c)).*

Building height for the Project has been measured from the finished grade at the middle of the building façade facing the nearest street lot line, as prescribed. As discussed below, as was requested and granted by the Board in the 2018 application, the Applicant requests relief from applicable height limits due to the challenges associated with the site's unique topography.

5. *Site and Grading Plans, Floor Plans and Elevations, and a Table of Zoning Data Have Been Provided (Subtitle C § 305.4).*

All of the required plans and other information for review have been included in the architectural and civil plans attached as Exhibits B and C.

6. *The Project Complies with the Intent and Purpose of the Zoning Regulations and Is Not Likely to Have an Adverse Effect on the Present Character and Future Development of the Neighborhood (Subtitle C § 305.6).*

As with the prior 2018 application, the Applicant is improving the Property to update the facilities and to better serve the needs of residents and the community as well as DHCD's objective to increase the available housing stock. Like the 2018 proposal, the proposed site plan for the Project substantially reconfigures the building arrangement on the Property and achieves an

appropriate balance more in keeping with urban planning best practices. The site configuration will orient primary building facades along the Property's extensive street frontage, creating a stronger connection with the public realm and surrounding development and increasing the number of "eyes on the street." While replacing the original rowhome clusters with additional multifamily units, the Project will maintain these units as two-level duplexes that function similar to rowhome, with individual ground-floor entries providing direct street and sidewalk access. This design will better foster a sense of community, while still providing substantial green space throughout the site. As with the prior proposal, the current design for the Project will represent a significant improvement from the current condition on the Property and will strengthen the surrounding neighborhood overall.

7. *The Requested Relief Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps and Will Not Tend to Affect Adversely the Use of Neighboring Property (Subtitle X § 901.2).*

For the same reasons that approval of the proposed theoretical lot plan satisfies Subtitle C § 305.6, above, the Project also meets the general special exception requirements that the requested relief be in harmony with the general purpose and intent of the Zoning Regulations and Maps and not tend to adversely affect neighboring properties.

D. Area Variance from the Maximum Height Under Subtitle F § 303.1.

Under Subtitle F § 303.1, the maximum permitted height in the RA-1 zone is 40 feet and three stories. The Applicant requests variance relief to permit building heights in excess of the maximum 40 feet and three stories permitted in the RA-1 zone. Specifically, proposed Buildings C, E, F (the community service center), and H will have heights ranging from 44.4 to 48 feet, and these buildings as well as Building D include four stories, as shown on Sheet C-501 of Exhibit C. By comparison, the 2018 application requested height relief for Buildings C, D, and E to permit heights ranging from 44.4 to 49 feet. The revisions to the requested relief represent the conversion

of previously proposed rowhouse clusters along the southwest corner of the Property into a new multifamily Building H and the shifting of the community center building, Building F, to the south end of the site adjacent to Livingston Terrace, which results in a much lower building height measuring point for that building due to the significant drop in grade moving towards the street.

In order to obtain area variance relief, an applicant must demonstrate that: (i) the property is affected by an exceptional or extraordinary situation or condition, (ii) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant, and (iii) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose, or integrity of the Zone Plan. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). For the same reasons to Board approved the requested variance for height for the 2018 application, the current application also meets the standard for variance relief.

1. *The Property Is Affected by an Exceptional Situation or Condition.*

As the Board previously determined, the Property is affected by an exceptional condition based on the unique topography of the site. Specifically, the Property exhibits a substantial grade change from the interior of the site to the street lot lines, essentially forming a hill banked by the public streets that wrap around three sides of the Property. This change in grade from street level to the interior of the Property varies across the site, with respective deltas ranging from approximately 17 to 30 feet along 3rd Street on the west side of the Property, approximately 17 to 21 feet along Livingston Terrace to the south, and approximately 10 to 17 feet along 4th Street on the Property's eastern side.

2. *Strict Application of the Zoning Regulations Will Result in a Practical Difficulty.*

Further, as determined by the Board in 2018, the Property's unusual peninsula-like formation presents unique design challenges in programming development that maintains a strong

street presence. Subtitle C § 305.3(c) requires that building height be measured from the finished grade at the middle of the building façade, however, this measuring point is substantially lower than the elevation facing the interior of the Property. As such, the prescribed measuring point, combined with the Property's unusual topography, results in a maximum height that is artificially low and restrictive. This greater level of constraint makes it especially challenging to focus the building configuration along the Property's street frontage, where it is most preferable from an urban design and planning perspective. As stated above, the degree of height relief requested ranges from 4.4 to 8 feet and one additional story. This difference between the permitted and proposed height is accounted for entirely by the change in grade exhibited by the Property, which ranges from approximately 10 to 30 feet. Thus, as the Board previously decided, the site's unusual topography creates a practical difficulty in complying with the 40-foot height limit applicable in the RA-1 zone.

3. *Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose, and Integrity of the Zone Plan.*

As with the 2018 design that the Board approved, the height relief requested for the revised Project design will not result in substantial detriment to the public good, nor will it impair the zone plan. Rather, the relief will enable the Applicant to achieve a building arrangement and site design that will create a stronger relationship to the street and adjacent development by clustering the proposed development along the street frontage, rather than pulling buildings further interior to the site, as is the case for the current configuration of the buildings on the Property. The proposed height is fully consistent with other buildings in the area. Further, absent the requested height variance, the Applicant would not be able to achieve the additional units requested by DHCD while still maintain the open space provided for the benefit, and at the request, of the existing tenants of the Property.

VI. CONCLUSION

For all of the above reasons, the Applicant is entitled to the requested Modification of Significance in this case.

Respectfully submitted,

_____/s/_____
Christine A. Roddy

_____/s/_____
Lawrence Ferris