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Via IZIS

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW
Suite 200-S
Washington, DC 20001

**Re: Zoning Commission (“Z.C.” or the “Commission”) Case No. 22-21 –
Modification without Hearing of Z.C. Order No. 22-21 (the “Order”) (Square
4465, Lot 40) (the “Property”)**

Dear Chairperson Hood and Commissioners:

2229 M Street NE LLC (the “**Applicant**”), the owner of the Property and the applicant in Z.C. Case No. 22-21, hereby respectfully requests a modification without hearing of the Order. The Order approved, among other things, a consolidated planned unit development (“**PUD**”) for the Property on which the Applicant intends to construct an all-affordable senior residential development (the “**Project**”).

The Project was reviewed and approved by the Commission pursuant to its authority under Subtitle X, Chapter 3 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“**DCMR**”), Zoning Regulations of 2016, to which all references are made unless otherwise specified). In refining its plans for a building permit and compliance with design standards for Passive House certification, the latter of which is further described below under Section B.1., the Applicant has made some modest modifications to the approved design of the Project. Accordingly, the Applicant files the instant application for the Commission’s review and approval of such modifications.

This modification request is being made pursuant to Subtitle Z § 703. Attached with this request are the following exhibits:

- Exhibit A – Authorization letter from the Applicant;
- Exhibit B – A copy of Z.C. Order No. 22-21;

- Exhibit C – Revised plans showing the modifications (the “**Plans**”);
- Exhibit D – Letter from AUROS (Applicant’s Passive House Consultant); and
- Exhibit E – Letter from Robert McClellan (Project Architect).

A. Background

Pursuant to the PUD guidelines set forth in Subtitle X, Chapter 3, the Commission approved the Applicant’s consolidated PUD application for the redevelopment of the Property as an all-affordable senior residential development.

The Commission held public hearings on June 30, 2022; January 26, 2023; and February 16, 2023, to evaluate the application. On March 30, 2023, the Commission took final action to approve the application and issued the Order that same day. The Order became final and effective on November 10, 2023. The Applicant intends to file for its building permit this summer and plans to start construction by January 2026, with an anticipated completion by October 2027.

B. Modification Request and Applicant’s Satisfaction of the Standards for Approving a Modification without Hearing

Condition A.1. of the Order requires that the Project be developed in accordance with the approved plans and drawings. Order, p. 19. The final design of the building evolved as the Applicant progressed through its permit drawings and sought Passive House certification. Accordingly, the Applicant seeks the Commission’s approval to modify the approved plans.

Section 703 of Subtitle Z establishes the standards and requirements for a modification without hearing. A modification without hearing is “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.” Subtitle Z § 703.6. The Order approved the architectural elements listed below that the Applicant now seeks to redesign or relocate.

- Exterior Materials: Exterior Insulation and Finish System (“**EIFS**”) will replace the stucco as an exterior material.
- Juliet Balconies: The Applicant will offer fully functional windows in place of the Juliet balconies.
- Entry Redesign: Landscaping will replace the porch seating area in the front entry space, and the penthouse canopy will be removed.
- 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.

1. Exterior Materials. When the Applicant originally filed its PUD application, it proposed to use EIFS on part of the building's exterior. The Commission had instead expressed its preference for stucco, to which the Applicant agreed, and so, the Project was approved with approximately 40% of the building's exterior (namely the south elevation by the alley, penthouse, and parts of the east and west elevations) to be built with stucco. The Applicant now desires to replace the stucco with EIFS due to a number of changes that have occurred since the Commission's consideration and approval of the PUD application, which include the Project pursuing Passive House certification and improved EIFS technology.

a. *Passive House Certification*

At the time it filed its application, the Applicant was not considering Passive House certification, but it is pursuing the certification now. Passive House standards go significantly beyond almost all building codes and many green building certifications; therefore, the program provides superior sustainability benefits. For instance, Passive House building standards can reduce heating and cooling loads by up to 90% in new and existing buildings and significantly improve indoor air quality and noise. In fact, a Passive House-certified building has world-class indoor air quality and protects building occupants from the outdoor noise inherent in urban areas. As key organizations in the District (e.g., the Department of General Services, the Department of Energy and Environment, etc.) move towards zero carbon expectations, Passive House design principles and execution in construction ensures that practitioners pull as much consumption out of buildings, which, in turn, gives energy back to the grid for higher value uses—the Passive House standards are a first step on the path to zero carbon simply because the cheapest form of energy is the energy not used. Any renewables solution, such as solar or wind, in combination with Passive House will be significantly cheaper to deliver.

However, utilizing stucco on the façade would undermine the sustainability benefits of Passive House. Passive House design incorporates building insulation that is three inches thick (as opposed to standard building insulation, which is only one and one-half inches thick) and is continuous, meaning that it is uninterrupted across all structural members without thermal bridges¹ other than fasteners and service openings. Accordingly, if the Applicant were to use stucco, it would have to create a thermal break in the insulation, as explained in more detail below, which compromises both the material and the environmental benefits. Thermal break aside, as the Applicant pursues Passive House certification, it has struggled to find a sub-contractor who will install stucco over the three inches of continuous insulation.

From a performance perspective, the difference between stucco and EIFS comes down to the clipping system. The stucco system requires a more extensive linear Z-girt system that introduces a thermal break into the continuous insulation. Conversely, the EIFS system only requires thermally broken fasteners because the material is lighter. The continuous insulation would not have to be derated as much with a clip system as opposed to a Z-girt system. Typically,

¹ A thermal bridge is an area in the building envelope in which heat can flow through more easily.

a clip system derates continuous insulation around 6% while a Z-girt system derates continuous insulation around 13%. Modifying the Project material from stucco to EIFS would yield better sustainability outcomes. By meeting Passive House certification, the Applicant will also meet the requirements of Enterprise Green Communities Plus, which is a condition of the Order. Order, pg. 21. More information from the Project's Passive House consultant, AUROS Group, is attached as Exhibit D.

b. Improved EIFS Technology

Significant progress has been made with the EIFS material since it was originally introduced. EIFS is an excellent building material that has been standardized to meet stringent requirements. The Applicant understands and appreciates that PUDs provide the public benefit of superior urban design and architecture, and EIFS now supports that objective. EIFS can be designed to look just like stucco so that the superior design of the Project is not compromised with the use of EIFS. Not only has the Applicant maintained the attractiveness of the Project by using EIFS, but it has also significantly improved the Project's sustainability and the comfort of its residents.

To retain the light-colored EIFS' aesthetic appearance and functional integrity, it will be maintained according to the manufacturer's recommendations. The manufacturer recommends annual routine and as-needed cleanings using low-pressure water spray and gentle scrubbing. The Applicant is committed to performing routine cleanings and ongoing maintenance of the building's EIFS to ensure that the product remains attractive. More information about EIFS may be found in the letter from Robert McClellan, the Project architect, which is attached as Exhibit E.

2. Juliet Balconies. Juliet balconies were approved for the Project along the façade facing M Street and the east elevation. The original design introduced Juliet balconies as an attempt to enhance access to the outdoors despite the fact that the Juliet balconies are functionally similar to windows. The Applicant now intends to eliminate the Juliet balconies and replace the sliding doors with functional windows, which will further support Passive House certification.

a. Passive House Certification

Juliet balconies present numerous challenges to Passive House certification. First, because balcony railings penetrate the building envelope, thermal bridging will result.² Second, it is challenging to ensure that door threshold details are free of thermal bridges. Typically, threshold details require coordination to ensure the appropriate installation sequencing occurs. Even if every effort is made to ensure the appropriate installation sequencing, it still represents a vulnerability that could undermine the sustainability efforts of the design.

² While the thermal bridging due to Juliet balconies is not extensive and not an issue on its own, it needs to be considered.

Third, another issue with Juliet balconies is ensuring that the exterior doors are airtight. Executing air tightness around a large number of exterior doors is difficult because Passive House doors may require extensive tuning to ensure that they are airtight; meeting Passive House standards for whole building air tightness is more challenging with extra doors. In general, doors tend to leak airflow more than windows and the performance of windows typically exceeds the performance of doors. By switching out the sliding doors for windows, the design will reduce drafts and enhance resident comfort.

3. Entry Redesign. The Order approved an entry space that includes a porch with outdoor seating that is located in public space. The Applicant's new design includes keeping the stairs and accessibility ramp to the front door but replacing the porch seating area with landscaping in order to minimize intrusions into public space and reduce opportunities for loitering at the building's entrance. Though the Applicant is eliminating the porch, it is retaining a generous rooftop space that overlooks the National Arboretum on which residents can enjoy the outside.

Additionally, to reduce the visual impact of the penthouse structure and simplify detailing, the Applicant will remove the roof terrace entrance canopy. See Exhibit C, Sheet A3.10R.

4. Window Arrangements. For better unit design, the Applicant modified the internal arrangements of the units by switching the placement of the living rooms and bedrooms. As a result, the location of windows has been modified to reflect the new internal arrangements.

The Applicant will reduce the size of the windows along the east elevation towards M Street, see Exhibit C, Sheet A3.12R, to address building code issues regarding how much of a building's face can consist of windows. Reducing the window size has the additional benefit of improving building performance due to less glazing, increasing resident convenience by providing more wall space for furniture and furnishings, and enhancing internal comfort by reducing how much light enters the units.

Importantly, the Order already provides flexibility to "make minor variations in the sizes and locations of windows necessary to comply with sustainability and energy efficiency benchmarks." See Condition A(h). The Applicant is including this change as part of this modification application out of an abundance of caution.

5. Miscellaneous Refinements. Additional updates have been made to the approved plans that are typical of changes that occur as permit plans are prepared. Notably, each of the refinements is within the permitted parameters for a PUD in the RA-4 Zone. The Applicant references them here for clarity:

- Floor Area Ratio ("FAR"). The Order approved a gross floor area ("GFA") of 66,687 square feet and an FAR of 4.43. Now, the Applicant will increase the GFA to 67,961 square feet and the FAR to 4.51. The Applicant is not proposing new building area; however, a portion of the cellar will now be sufficiently out of grade

as to qualify as GFA because of a change in methodology from the perimeter method, which was inadvertently used for the PUD calculation, to the grade-plane method, which is the appropriate method for semi-attached structures such as the approved building. Despite the overall increase, the GFA on typical floors has actually decreased slightly.

- Lot Occupancy. The change in GFA noted above results in a corresponding modest increase in lot occupancy. Lot occupancy is increasing from 63% to 63.66%, which rounds up to 64% lot occupancy.
- Building Height Measuring Point (“BHMP”). The Applicant’s civil engineer conducted a new survey, which revealed that the BHMP decreased from 51 feet, 3 inches to 50 feet, which has a corresponding change in building height from 71 feet, 8.5 inches to 73 feet. The change in the BHMP elevation is due in part to grading for the accessible entry ramp and otherwise to a more accurate survey. Again, the bulk of the building did not change but the decrease in the BHMP resulted in a technical increase in height.
- Side Yard Setback. The side yard is being reduced by approximately three inches from 5 feet to 4 feet, 9 inches. The building has not shifted but, as a result of the survey noted above, the depth of the side yard has been refined. The side yard continues to meet the minimum depth requirement of four feet.
- Rear Yard Setback. The Applicant has moved the generator from the building roof to the rear yard, leading to a reduction in the rear yard by approximately 3 feet, though it still meets the required setback for rear yards. Originally, the Applicant intended to use a natural gas generator, but the Applicant is required to move away from natural gas to meet the “all-electric” building requirements for federally funded buildings in the District. Now, the Applicant will use a diesel generator, and because a diesel generator is considerably taller than natural gas generators, it would pose penthouse screening challenges, as well as practical difficulties in refilling a diesel fuel tank on the rooftop when the filling station is required to be at the ground level. Notably, moving the generator from the building roof has resulted in more area on the roof for solar panels. The Applicant will increase the number of solar panels from 35 to 63.
- Penthouse Height. The Applicant will increase the height of the penthouse from 18 feet, 4.5 inches to 19 feet. This change is due to an offset from the roof structure to the floor level of the penthouse that is required for insulation and roof waterproofing. The penthouse remains below the permitted 20-foot height limit in the RA-4 Zone.

- Bicycle Parking. To further encourage multi-modal means of transportation, the Applicant is increasing the total number of bicycle parking space from 36 spaces (31 long-term and five short-term) to 41 spaces (34 long-term and six short-term).

C. Service on Parties

Pursuant to Subtitle Z § 403.5, the automatic parties to the case 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 will be served with this application in satisfaction of Subtitle Z § 703.10.

D. Conclusion

The Applicant’s modifications are consistent with the Commission’s previous PUD approval. As the Applicant has finalized its plans for permitting and pursued Passive House certification, modest modifications are necessary to create the more efficient, appealing, and successful building and project. Given the modest nature of the modifications offered, the use of the consent calendar process outlined in Subtitle Z § 703 is appropriate for this application. The other conditions of the Order will remain as approved. Therefore, the Applicant respectfully requests that the Commission consider and approve this modification without hearing of the Order at its next available public hearing.

Please feel free to contact the undersigned if you have any questions or comments regarding this application.

Respectfully submitted,

____/s/_____
Christine A. Roddy

____/s/_____
Cindy Vong*

*(*Admitted in Massachusetts only. Application submitted for admission to the D.C. Bar. Supervised by members of the D.C. Bar.)*

Certificate of Service

The undersigned hereby certifies that the foregoing document was delivered by electronic mail to the following address on June 6, 2025.

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