

6101 SLIGO MILL ROAD, NE

By 6101 Sligo LLC



**APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR
REVIEW AND APPROVAL OF A MODIFICATION OF SIGNIFICANCE TO AN
APPROVED PLANNED UNIT DEVELOPMENT AND RELATED MAP
AMENDMENT**

August 27, 2021

EXHIBITS

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I. Introduction

6101 Sligo LLC (the “**Applicant**”) hereby submits this application (the “**Application**”) to the District of Columbia Zoning Commission (the “**Commission**” or the “**ZC**”) for review and approval of a modification of significance (the “**Modification**”) of an approved consolidated planned unit development (“**PUD**”) and related Map Amendment. The property that is the subject of this Modification is located at 6101 Sligo Mill Road, N.E. (Square 3719, Lot 69) (the “**Subject Property**”). Zoning Commission Order No. 05-30 (the “**Original Order**” or “**Original Approval**”) approved a new residential development including: the adaptive re-use of two existing buildings on the site—a smaller one at 6001 Sligo Mill Road, NE and a larger one on the Subject Property—and a number of townhomes and detached single-family dwellings. Since the Original Approval and PUD, the Commission granted two time-extensions (Z.C. Orders 05-30A, and 05-30B), and a modification of significance (05-30C) (the “**First Modification**”). The Orders have been included as Exhibit B.

The First Modification modified the approved use of the smaller building on the site (6001 Sligo Mill Road, NE) from 12 residential apartments to an adult day treatment facility. The detached and townhome units approved in the original PUD, as well as the adult day treatment facility approved in the First Modification, have been completed, leaving only the apartment portion (6101 Sligo Mill Road, NE) of the PUD remaining unfinished.

The Applicant,¹ who is not affiliated with the property owner during the original PUD or First Modification, now proposes to complete the residential apartment portion of the PUD by razing the existing vacant building (the “**Existing Building**”) and constructing a new building

¹ The owner, 6101 Sligo, LLC is primarily held by the Baltimore Economic & Development Fund I, LP—made up of two pension funds: the Baltimore Area Laborers Pension Fund and the Washington Area Laborers Pension Fund.

(the “**Proposed Building**”) with 50 residential units. The Original Order and First Modification permit flexibility for the number of units, so long as the total number of units is limited to 169. Even with the increase in proposed units on the Subject Property—from 46 to 50--the new total number of residential units is still only 161. Accordingly, the proposed number of units alone would not require a modification, since flexibility was permitted in the PUD approval and First Modification. However, as the Applicant is proposing to raze the Existing Building, as well as modify other conditions of approval discussed herein, it is requesting a second Modification of Significance. The proposed changes to the approved PUD are described herein and are shown on the architectural plans, sections, elevations and renderings included with this Statement.

II. PUD History

The Property was rezoned to the R-5-A zone (now known as the RA-1) Zone District pursuant to Order No. 05-30. The Commission approved a residential development of 169 units - 38 detached single-family dwellings, 73 townhomes, and 58 condominium apartments - containing approximately 369,684 square feet of gross floor area. The approved PUD included 14 units (3 townhomes and 11 condominiums) as affordable housing. The 58 condo units were split between the two apartment buildings—12 units in the smaller building and 46 in the larger building (the Existing Building). The Commission approved an overall density of 0.73 FAR and a maximum building height of 40 feet for the townhouses and single-family homes—although the height for the Existing Building is much higher. The minimum required parking under the Zoning Regulations at the time was 169 spaces; however, the PUD provided 268 on-site parking spaces and 70 additional spaces on the private streets in the development. Zoning Commission Case No. 05-30 became effective on January 19, 2007.

The Original Approval also provided significant community contributions as part of the benefits and amenities package, many of which have already been effectuated:

- \$5,000 for a sign or signs that will identify the Lamond community; such sign or signs to be delivered to the Lamond Community Action Group for approval by the District Department of Transportation regarding placement
- \$60,000 for a total of 50 computers (the budget for each computer being \$1,200), with 10 desktop computers delivered to LaSalle Elementary School, 10 desktop computers delivered to Whittier Elementary School, and 30 laptop computers delivered to Coolidge High School
- \$20,000 to the Lamond-Riggs Athletic Association for the acquisition of trophies and uniforms for use by its youth programs and for the establishment of a tutoring program sponsored and administered by this entity
- \$20,000 to the new Lamond Recreation Center for 10 laptop computers (the budget for each computer being \$1,200) and a contribution to the Center's programs focused on the senior citizens in the community; and
- \$45,000 to the Friends of the Lamond Riggs Library for signage, exterior lighting, security systems, and improvements to its ventilation system.

The total contributions (valued at over \$150,000) show the strong, positive impact the PUD Project has already had on the community.

The Zoning Commission granted time extensions to the Original Approval in Orders Nos. 05-30A and 05-30B, recognizing the opportunity and challenges of developing the Subject Property. Subsequent to the original PUD Order, a new owner—but not the current owner—requested to modify the PUD. In 2013, the First Modification was approved in ZC Order No. 05-30C. That owner requested approval to change the use of the smaller building from apartments to an adult day treatment facility. In addition, that owner requested the approval of a small addition to the smaller building to accommodate the adult day treatment facility. The number of parking spaces increased as a result of the First Modification, from 16 spaces to 27 spaces at 6001 Sligo Mill Road, and from 27 spaces to 46 spaces at the Subject Property. The other approved changes related to the Existing Building on the Subject Property include:

- No longer proposing to construct an addition to the Existing Building, as previously approved
- The remaining 11 affordable units are all to be located in the Existing Building
- 46 surface parking spaces shall be provided for the Existing Building

- No longer proposing underground parking on the Subject Property

The remaining obligations and conditions, the majority of which were added during the First Modification and were directly tied to the apartment project on the Subject Property, include:

- Maintain landscaping/streetscape etc. as proposed on the plans
- Community Room shall be open to general public and residents of the development (pursuant to HOA rules)
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- Prior to the issuance of a certificate of occupancy (“CO”) for the condominium apartment building, and for the life of the PUD, the Applicant shall provide at least five overflow parking spaces for the adult day treatment facility at the site of the condo building.
- Karajoel, LLC shall support the expenses associated with two community events annually for 10 years in an amount not to exceed \$1,000 per year. Karajoel, LLC and the Community Organizations will make separate arrangements for the disbursements of those funds.
- Prior to the issuance of a CO for the condominium apartment building, the Applicant shall make best efforts to arrange for a car sharing service to locate a car sharing station in or near the overflow parking area at the condo building site. If a car sharing service is willing to locate a station, the Applicant shall reserve a parking space in or near the overflow parking area at the condo building site for the car sharing station.
- Prior to the issuance of a CO for the condominium apartment building, the Applicant shall evaluate the adult day treatment facility’s vehicular traffic and provide any signage deemed necessary to ensure that shuttle van services does not encroach on residential areas (to include but not limited to parking/standing in non-designated areas and idling for extended periods).
- The Applicant shall provide construction updates, at least monthly, via email and/or phone, to the community. The Applicant also will provide updates on the Trout Design website.
- Prior to the issuance of a CO for the condominium apartment building, the Applicant shall develop lighting and security plans and seek community input.
- Prior to the issuance of a CO for the condominium apartment building the Applicant will support administrative and constituent services in the amount of \$2,000 each (totaling \$6,000) to the following community organizations: Lamond Riggs Citizens Association, Lamond Community Action Group, and Citizens Aware. The Applicant and the officers of the listed organizations will make arrangements for the specific distribution of the contributions.
- Prior to the issuance of a CO for the condominium apartment building, the Applicant will pay for or install approximately 300 square feet of sidewalk, in coordination with the D.C. Department of Transportation. This condition is contingent on the Applicant or DDOT developing a feasibility study and implementation plan, and may be revoked if the study results are that the sidewalk plan is not feasible. If given DDOT approval, the installation timing will coincide with the sidewalk installation planned for the PUD site.

Many of these were required to be completed prior to the issuance of the C of O for the Existing Building. As the project never moved forward, the community benefits were not effectuated. As described more fully in the Section III, below, the Applicant is planning to either adhere to these original conditions or propose modifications that will meet the intent of the original conditions.

III. SUMMARY OF PUD MODIFICATION

A. Overview

As discussed above, this requested Modification is based on the proposal to raze the Existing Building on the Subject Property and construct a new, more efficient building. The Applicant has reviewed all conditions in both the Original PUD Order and in the subsequent First Modification. The primary condition limiting the FAR, number of units, and overall GFA is not being modified as a result of this Modification, as the proposal is still within those original limits.² However, a number of conditions will be modified as a result of the proposed changes. The Applicant has included a chart (Exhibit F) demonstrating how the Applicant plans to either modify, or meet, any outstanding or existing conditions and more detailed explanations are provided in the subsections below.

B. Proposed Project

As discussed above, the First Modification eliminated the proposed addition to the Existing Building, which was proposed in the original PUD so that the Existing Building could more comfortably accommodate 46 dwelling units. The Applicant is now proposing to construct a new, 50 unit residential apartment building with approximately the same square footage as the Existing

² Original Condition (05-30):Maximum density of 0.73 FAR, combined GFA of no more than 369,684 square feet, no more than 169 units (38 SFD, 73 townhomes, 58 condo apartments); permitted to adjust layout, configuration, and number of apartment units, provided 169 is not exceeded.; Modified in ZC 05-30C to read 46 condo apartments, but still retained the flexibility to adjust number of apartment units, provided 169 is not exceeded.

Building, although the Proposed Building will be substantially more efficient.

Through consultation with its contactor, Eichberg Construction, and in reviewing the previous design iterations, the Applicant determined that the Existing Building, which was constructed in different phases in the early 20th century, had too many embedded design deficiencies to be successfully rehabilitated. Living standards have evolved dramatically since the Existing Building was first constructed. For example, if the Existing Building were retained, items such as room sizes, corridor widths, stair sizes and configurations, ceiling heights, paths of egress and elevator sizes would need to be reconfigured to provide modern housing to meet the market demand and keep pace with more upscale, newer housing in the area and to adhere to required ADA requirements.

Overall, the Proposed Building will be a better use of resources than the rehabilitation and reuse of the Existing Building. The scope of the First Modification, on which the contract sum for the renovation was based, included correction of the existing structural defects in the building. The Proposed Building would eliminate the need for correction of structural defects; therefore, the resources that would otherwise be spent to keep the Existing Building can be reallocated. Moreover, renovating the Existing Building is so expensive because the new mechanical systems, sprinkler system, electrical systems and plumbing systems would need to be embedded within the Existing Building. Embedding these systems within the Existing Building costs substantially more than installing them during a new build, as adding in these systems would require cutting into existing walls, ceilings, and structural elements. For example, ripping out an elevator shaft and building a new one while temporarily supporting the floor and roof structures around it is substantially harder than building a new elevator shaft. Also, rehabilitating the Existing Building naturally results in less certainty with respect to project complications, so the built-in schedule contingencies and financial contingencies are more costly than with the Proposed Building.

There are also economic challenges related to rehabilitating the Existing Building. The core

economic challenge is its inefficiency: the Existing Building is 49,740 gross square feet, but it yields only a net rentable area of 33,810 square feet, which results in an overall efficiency of only 68%. That is an extremely high core factor which is a result of embedded features such as long corridors and three sets of stairs. The cost of the inefficiency is best illustrated through comparing the construction budgets and price per square footage of a renovation vs. new build. The contract for the adaptive reuse of the Existing Building has a budget of approximately \$10,980,000³ or \$227.71 per gross square feet. With inflation, that likely will be 5% higher. The Proposed Building, with roughly the same massing, will be 80% efficient. This is due largely to the architect's ability to control the shape and layout of the new building. To achieve 40,000 net rentable square feet, the new building will have approximately 50,000 gross square feet, the same as the Existing Building. While the Proposed Building will cost more to build per square foot and more overall, it will be much more efficient, so the end result is better space (and more of it) in the same sized shell. This investment into the Subject Property will be an overall benefit to the surrounding community and future residents.

The Proposed Building will be sensitive to its surroundings and also more durable and useful for its residents and neighbors. Although the path to the finish line is longer and will cost more, it makes sense for the Applicant to allocate resources to the best outcome for all stakeholders, including the neighbors, and that is a new building. There are many now-common features that the Proposed Building can have that the renovated building could not. These include trash and recycling chutes, properly located and screened HVAC equipment, ample storage, electric car charging stations, a fitness room, a dog wash station and a large package room with a system for package retrieval. The renovation plan did not have the proper layout and space for these, reducing residents' quality of life and causing operational problems. Arguably, the most important amenity of all is a quiet

³ Based on 48,218 gsf and a reduction of the west wing by 1,522 sf.

apartment. This requires properly locating the HVAC units to minimize the noise to residents, building the right floor assemblies and wall sections and installing gypcrete and genie-clips for sound attenuation. In sum, while the Proposed Building will cost the developer more, the Existing Building does not deliver enough quality space for future tenants. The fact that the Proposed Building will result in a better overall product and living space for future tenants, and that the construction of the Proposed Building is more predictable, more than makes up for the increased costs of construction.

A comparison of the approved zoning development standards of the Existing Building vs. the proposed Building are as follows:

Development Standard	Original PUD Approval (Ex. 83)	Existing Building/05-30C	Proposed Building
FAR	1.39 (66,250 sq. ft.)	1.02 (49,740 sq. ft.)	1.01 (49,569 sq. ft.)
Height	56.75 feet ⁴	56.75 feet	34 feet
Lot Occupancy	35.3%	31%	32%
Rear Yard	64.6 ft.	64.6 ft.	84 ft. 10 in.
Side Yard	19.8/18.8 ft.	19.8/18.8 ft.	22 ft./41 ft. 6 in.
Parking	31 spaces	46 spaces	50 spaces

The original PUD contemplated a mix of housing types (single-family homes, townhomes, and 58 total apartments). The Project will complete the original PUD plan by providing 50 high-quality apartment units in a new, more efficient building. The Building has been thoughtfully designed to complement the newer nearby townhomes and single-family dwellings while still paying homage to the Existing Building form and adjacent building at 6001 Sligo Mill Road, NE.

The design utilizes the size of the site and topography of the site. These conditions create distinctive views of the Proposed Building on McLean Place, as well as Concord Place which intersects with New Hampshire Ave., and Sligo Mill Rd. As such, the west wing of the Proposed

⁴ There is not an actual 20 foot difference between the proposed and existing buildings; however, due to its architectural features and pitched roof, and possibly choosing a different frontage for zoning purposes, the height for the existing building may have been measured differently in the Original PUD. Regardless, the outline of the previous building has been dashed in on Sheet A4.10 to compare the appearance and massing of the existing building vs. the proposed building.

Building extends towards Sligo Mill Rd. to establish the continuity of street frontage. The south and east facades are intended to have a strong presence along the view axis of McLean Place and Concord Place.

In keeping with the character of the community, the façade is red brick. The use of corbeling, projecting brick patterns, and canted precast surrounds are strategically incorporated as architectural embellishments to help break up the scale of the building and add visual interest. This is a similar approach to the existing homes that utilize projected bays and wood casing at windows and doors to articulate the respective façades. While the MedStar building is noted as a landmark in the Small Area Plan,⁵ that plan was established in 2009 when the project was still viable. The canted precast surrounds on the north, south, and east facades serve as iconographic elements on the major view corridors on McLean Place and Concord Place to help reestablish the Property as a landmark in the neighborhood. The form of the precast playfully emulates the dormers and gables that extend past the roofline in adjacent homes in the community.

Building amenity spaces are situated at the east façade facing the neighborhood park to facilitate access for community residents. The three entrances to the Proposed Building, located at the north, south, and east, are intended to help reduce vehicular traffic on any one street. Traffic to the site is expected to be dispersed onto Sligo Mill Rd., Concord Place, and McLean Place.

The Applicant is proposing a mix of unit types, including: five (5) studio units; seven (7)

⁵ Page 13, *Redevelopment Framework in the Riggs Road and South Dakota Redevelopment Plan*: Cultural landmarks and other things commonly found in neighborhoods like community facilities, art displays, iconic or distinct buildings, or popular commercial or institutional establishments often provide residents with a sense of place and orientation. There are numerous public assets and community facilities in the study area that include four schools, a branch library, and churches (see Figure 2.6). These places are commonly known and easily located. While a popular gathering spot with a colorful sign might have no historic or architectural significance, the public perception of it as a cultural and visual anchor make it an important wayfinding node. These places, while not necessarily destinations, are commonly known and easily located. They are often incorporated when giving directions.

Junior 1-BR units; twenty-two (22) 1-BR units; four (4) 1-BR + Den units; and twelve (12) 2-BR units, for a total of 50 units. All units are comfortably sized and well over the industry-standard sizing used as a benchmark in the DC Affordable Housing regulations.⁶ The average unit size is as follows:

Unit Type	Gross Square Footage	Housing Title Minimum
Studio	576 sq. ft.	400 sq. ft.
Jr. 1 BR/1BA	649 sq. ft.	550 sq. ft.
1 BR/1BA	730 sq. ft.	550 sq. ft.
1BR/Den/1BA	929 sq. ft.	550 sq. ft.
2BR/2BA	1,059 sq. ft.	850 sq. ft.

The provision of additional, high-quality, sizeable apartment units is consistent with the original PUD approval and the Comprehensive Plan, as discussed more fully below, and with Mayor Bowser’s goal of creating 36,000 units of housing, including 12,000 units of affordable housing, by 2025.

C. Sustainability

The proposed Project also presents an opportunity to employ modern sustainability measures. The previous PUD Approval and Modification did not contemplate any LEED certification for the Existing Building and related renovation. As demonstrated on the LEED Scorecard (Sheet A1.07, p.8 of Exhibit I), the Project will meet or exceed the requirements for LEED v.4 Silver for new construction.

D. Landscaping

As the Applicant is proposing a new building, it will be unable to adhere to the original landscaping plan which was based on the conditions of the Existing Building. Adherence to the

⁶ 14-DCMR-2202.4(f) governs the minimum size of affordable units, 98% of the market rate units of the same type, or a set minimum size of 400 sq. ft., 550 sq. ft., and 850 sq. ft. for studios, 1-BRs and 2-BRs, respectively.

original landscaping plan was a condition of the Order and Modification Order. Accordingly, the Applicant is requesting that it be allowed to modify the previous landscaping plan to better suit the new Building design and features. The Applicant is proposing a more robust landscaping plan around the parking areas than was previously proposed, including evergreen screening shrubs. Open green space areas will be landscaped with perennials, native grasses, shrubs and trees including a sloped landscape area at the south entrance and 2 bioretention facilities. Building foundation planting consists of evergreen and deciduous shrubs and grasses. There is green roof planting on approximately 67% of the roof area which surrounds the mechanical condensing units (screened by the building parapet). The landscaping includes new trees and groundcover in the public right of way, new street trees, and a new sidewalk in Public Space along Sligo Mill Road. The previous landscape plan can be found on page 6 of Exhibit J (“Approved Plans 05-30C”).

E. Community Benefits

The Applicant is committed to providing the outstanding community benefits from the Original PUD, such as 11 Inclusionary Zoning (“IZ”) units, a community room (the business center), and monetary contributions as noted in the First Modification order. The biggest community benefit is the Inclusionary Zoning component. As described more fully below, the Comprehensive Plan notes that there has been a loss of (and/or lack of) affordable rentable multi-family units in the Rock Creek East area compared to the District as a whole. This Project is proposing rental units, and 11 out of 50 of the units will be Inclusionary Zoning units. The current mix of IZ units includes one studio unit, seven 1-BR units, and three 2-BR units. The units are dispersed throughout the floors and will be rented at a 60% MFI rate.

F. Parking Spaces and Conditions

The Applicant is proposing to increase the number of parking spaces approved in the First Modification, from 46 to 50. This increase in parking does not impact any conditions of the Original

PUD or First Modification. Other conditions imposed on the Project as a result of the First Modification relate to the traffic created by the adult-day care facility building. The First Modification Order required that prior to the issuance of the C of O for the previously approved project at the Existing Building, the Applicant provide five overflow spaces, make best-efforts to provide a car-share space, and provide signage in residential areas so that the adult-day parking and shuttle van service does not encroach into residential parking. The Applicant in this case agrees to all conditions except the 5 overflow spaces. There is not enough room to provide a parking area with 50 spaces and 5 overflow spaces. The adult-day facility has operated for at least 6 years without the overflow parking spaces. Providing a 1:1 parking space to dwelling unit ratio, instead of five overflow spaces, is more beneficial to the overall parking situation in the community. The First Modification provided a parking study and the Applicant has hired a traffic consultant to update the study as needed.

G. Adjustments to other Zoning Development Standards or Flexibility

The previous applicant in the Original PUD requested some flexibility and zoning relief related to the single-family homes and townhomes, but none related to the Subject Property. The Applicant is not requesting any additional flexibility or zoning relief as part of the PUD Modification.

IV. COMPLIANCE WITH REQUIREMENTS OF THE ZONING REGULATIONS

The PUD Project was approved under the 1958 Zoning Regulations, as amended. As set forth in 11-A DCMR § 102.4, the Modification Project is processed under the procedural requirements of the 2016 Zoning Regulations, and the substantive requirements of the 2016 Zoning Regulations apply to the requested changes.

The modification of significance should meet the requirements for and be processed akin to a second-stage PUD. 11-Z DCMR § 704.3; *see also* 11-X DCMR § 302.1 (outlining scope of first- and second-stage PUD applications). The review of the modification is “limited to impact of the

modification on the subject of the original application.” 11-Z DCMR §704.4. Section 704.4 also notes an intent by the Commission to not “revisit its original decision” in a PUD modification. As set forth below, the Modification Project satisfies the requirements of the Zoning Regulations for review and approval of a modification of significance to a PUD.

Filing Requirements

Attached as Exhibit E is a certificate of compliance with the filing requirements for a PUD, which are the procedural requirements for this modification of significance.

Evaluation Standards

As discussed above, the evaluation of a modification of significance is generally limited to the impact of the modification on the original PUD. Here, the Modification Project proposes a new apartment building but as it is proposing approximately the same number of units, parking spaces, and community benefits proposed in both the original PUD and First Modification, it does not materially impact the planning, amenities, benefits and impacts that formed the basis of the Commission’s prior determination that the PUD Project complied with the overall PUD evaluation standards. The only major change to the previously approved Project is that a new building is being proposed. The number of units, height, FAR, lot occupancy, yards, and parking is consistent with the most recent approval in 05-30C. Therefore, the Modification Project continues to comply with the evaluation standards of X § 304 and in Orders Nos. 05-30 and 05-30C, which include:

- (a) Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;
- (b) Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and
- (c) Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.

A. Comprehensive Plan

The first evaluation standard of X § 304.4 is that the modification not be inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site. The Subject Property is located in Ward 4 and in the designated planning area of Rock Creek East.

Original Approval and Consistency with Comprehensive Plan

As noted in the Original PUD Order, “the proposed PUD will advance the purposes of the Comprehensive Plan, is consistent with the Generalized Land Use Map, and furthers the major themes and elements for the District and Ward 4 in the Comprehensive Plan. The project will advance these purposes by promoting the social, physical, and economic development of the District by providing a quality residential development that is affordable to a range of incomes and the replacement of a primarily unimproved property with development that will enhance the built environment.” The Commission also found that the PUD was consistent with the Comprehensive Plan’s major themes, including:

- Stabilizing and improving the District’s neighborhoods by increasing the availability and variety of housing and affordable housing.
- Respecting and improving the physical character of the district through the construction of a well-planned and carefully designed development.
- Reaffirming and strengthening the District’s role as an economic hub by providing new housing for a mix of income levels which helps stabilize housing affordability and promotes the overall economic health and well-being of the region.
- Preserving and ensuring community input by working with the ANC and local community groups to deliver the outstanding amenities and developing any new benefits and amenities.

The Commission also found that the PUD furthered the objectives and policies of many of the Comprehensive Plan’s major elements:⁷

- *Housing Element. Housing in the District is viewed as a key part of a total urban living system that includes access to transportation and shopping centers, the availability of*

⁷ Note all sections referenced in these paragraphs are from the Comprehensive Plan in effect in 2005.

employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities. (10 DCMR § 300.4.) The District recognizes its obligation to facilitate the availability of adequate affordable housing to meet the needs of current and future residents. The District strives to provide a wider range of housing choices and strategies through the production of new units for a variety of household types. (10 DCMR §§ 300.1 – 300.2.)

The Commission found that the Original PUD would further this goal by providing approximately 369,684 square feet of gross floor area dedicated to residential uses, including 14 units of affordable housing integrated throughout the development.”

- *Urban Design Element. The Urban Design Element states that the District's goal is to promote the protection, enhancement, and enjoyment of the natural environs and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient. (10 DCMR § 701.1.) The Urban Design Element also encourages new construction or renovation/rehabilitation of older buildings in areas with vacant or underused land or structures in order to create a strong, positive physical identity. (10 DCMR § 712.1.)*

The Commission found that the Original PUD had been designed to enhance the physical character of the area and complement the materials, height, scale, and massing of the surrounding development. (10 DCMR § 708.2.)

The streetscape objective of this element is to establish a clear classification of streets and sidewalks that is functionally efficient and visually coherent, enhances the pedestrian experience, and provides for the orderly movement of goods and services. (10 DCMR § 709.1.) The new private streets will be laid out to minimize traffic through the site, encourage safe speeds, and provide off-street parking. Alleys will be provided behind all units, allowing rear-loaded garages, trash collection, and utility connections behind the units, rather than at the front.

- *Land Use Element. The Land Use Element encourages a substantial amount of new housing in order for the District to perform its role as the region's urban center providing the greatest density of jobs and housing. (10 DCMR § 1100.2.) Policies designed to support residential neighborhoods include promoting the enhancement and revitalization of District neighborhoods for housing and related uses, ensuring a broad range of residential neighborhood options, and providing wide-ranging assistance for neighborhoods of relatively poor quality by joint public and private action and concentrated governmental attention and resources. (10 DCMR §§ 1104.1(a), (c), and (e) and § 1118.6.)*

The Commission found that the Original PUD responded to these goals with the development of a high-quality residential project that includes housing opportunities for a range of incomes.

While the Comprehensive Plan has been updated since the Original PUD and First Modification approvals, the major themes of the comprehensive plan, including the goal of providing a mix of housing, with a focus on affordable housing, remain the same. The Proposed Building and Modification is arguably more in line with the above referenced themes than the original plan to maintain the Existing Building, as a new building will improve the physical character of this area and fit in with the newer townhomes and single-family dwellings constructed as part of the original PUD. It will also provide 11 new IZ units, opportunities for LEED certification, additional amenities and community benefits including a community room, a robust landscaping plan, sufficient parking and more efficient building functions which will also benefit the overall community.

The proposed Modification also furthers the objectives and policies of the Comprehensive Plan's major elements. The Modification will complete the original intent of the PUD which was to provide multiple residential units in an apartment building so that there would be a mix of housing on the site, including affordable housing. In terms of urban design, the Proposed Building will be approximately the same size as the Existing Building but will be superior in terms of design and can more closely match the constructed townhomes and single-family homes nearby. Regarding the land use element, the Modification will create higher-quality residential housing than originally proposed, including housing opportunities for a range of incomes. The Modification also meets other policies not previously addressed in the Original PUD and First Modification:

Land Use Element:

- *Policy: LU-2.1.8 Explore Approaches to Additional Density in Low and Moderate Density Neighborhoods: Explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types in low-density and moderate density neighborhoods where it would result in the appropriate production of additional housing and particularly affordable housing. However, detailed neighborhood planning is a condition predicate to any proposals. Infill and new development shall be compatible with the general design character and scale of existing neighborhoods and minimize demolition of housing in good condition. (10-A § 310.15)*

- *Policy LU-2.1.11: Residential Parking Requirements: Parking requirements for residential buildings should respond to the varying levels of demand associated with different unit types, unit sizes, unit locations (including proximity to transit), and emerging transportation trends and new technology (such as the sharing economy and autonomous vehicles (AVs)). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow.*

The Proposed Project provides a new, high-quality residential building of approximately the same size as the Existing Building. The new building will provide higher-quality housing, and affordable housing, and will be more in character with the surrounding townhomes. Moreover, as the site is over a mile from the nearest metro station, the Applicant is proposing ample parking (consistent with the originally approved PUD and modification). The Applicant is also proposing multiple parking lots with different entrance points to minimize interference with the traffic flow. The parking areas will be buffered by robust landscaping to maintain an attractive environment.

Transportation Element

- *Action T-5.2.B: EV Supply Equipment: Encourage the siting of EV supply equipment in curbside public space, multi-dwelling unit garages, commercial facilities and residential areas, where appropriate. 430.7*

The proposed project provides opportunities for EV Supply Equipment as part of the parking plan, where the previous PUD and Modification did not.

Housing Element

- *Policy H-1.1.5: Housing Quality: Require the design of affordable and accessible housing to meet or exceed the high-quality architectural standards achieved by market-rate housing. Such housing should be built with high-quality materials and systems that minimize long-term operation, repair, and capital replacement costs. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance, should be generally compatible with the design character of the surrounding neighborhood, and should address the need for open space and recreational amenities. 503.7*
- *Policy H-1.2.2: Production Targets: Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately 20,000 units, should be affordable to persons earning 80 percent or less of the area-wide MFI. Newly produced affordable units shall be targeted toward low-income households in proportions roughly equivalent to the proportions shown in Figure 5.8.*

504.8

- *Policy H-2.1.2: Preserving Affordable Rental Housing: Recognize the importance of preserving rental housing affordability to the wellbeing of the District and the diversity of its neighborhoods. Undertake programs to preserve the supply of subsidized rental units and low-cost market rate units, with an emphasis on preserving affordable units in high-cost or rapidly changing neighborhoods, where the opportunity for new affordable units is limited. 510.6*

The provision of 11 new, high-quality rental IZ units is consistent with the Comprehensive Plan's Housing Element goals and policies.

Economic Element

- *Policy ED-1.1.17: Use of Large Sites: Plan strategically for large development sites to ensure that their unique potential is fully realized both as a source of economic dynamism and equity building, maximizing the sites' utility to the District. View the sites as assets to further the District's goals to diversify its economy and provide inclusive, equitable job growth, for housing and affordable housing production, and to bring desired amenities and services to neighborhoods.*

The Subject Property is part of a large site (the overall PUD) and the proposed Project will provide inclusive and equitable job opportunities (via construction of and management of the apartment building), housing and affordable housing production, and amenities such as a club room and the replacement of a vacant building.

Urban Design Element

- *Policy UD-2.2.5: Large-Scale Development: New developments on parcels that are larger than the prevailing neighborhood lot size shall be carefully integrated with adjacent sites. Structures on such parcels should be broken into smaller, more varied forms, particularly where the prevailing street frontage is characterized by small, older buildings with varying facades. Incorporate existing assets, such as historic buildings and significant natural landscapes, into the design of redeveloped large sites. For sites that were originally planned as integrated complexes of multiple buildings, historic groupings of structures should be conserved where possible. 909.12*

The Building has been thoughtfully designed to complement the newer nearby townhomes and single-family dwellings while still paying homage to the original building form and adjacent building at 6001 Sligo Mill Road, NE.

The design utilizes the size of the site and topography of the site. These conditions create distinctive views of the Proposed Building on McLean Place, as well as Concord Place which

intersects with New Hampshire Ave., and Sligo Mill Rd. As such, the west wing of the Proposed Building extends towards Sligo Mill Rd. to establish the continuity of street frontage. The south and east facades are intended to have a strong presence along the view axis of McLean Place and Concord Place.

In keeping with the character of the community, the façade is red brick. The use of corbeling, projecting brick patterns, and canted precast surrounds are strategically incorporated as architectural embellishments that help to break up the scale of the building and add visual interest. This is a similar approach to the existing homes that utilize projected bays and wood casing at windows and doors to articulate the respective façades. The canted precast surrounds on the north, south, and east facades serve as iconographic elements on the major view corridors on McLean Place and Concord Place to help reestablish the building as a landmark in the neighborhood. The form of the precast playfully emulates the dormers and gables that extend past the roofline in adjacent homes in the community.

Building amenity spaces are situated at the east façade facing the neighborhood park to facilitate access for community residents. The use of three entrances to the building at the north, south and east is intended to help reduce vehicular traffic on any one street. Traffic to the site is expected to be dispersed onto Sligo Mill Rd., Concord Place, and McLean Place.

Rock Creek East Area Element

The Subject Property and PUD are located in what is now referred to as the Rock Creek East area element (previously described as Ward 4 Area Element in the Original PUD). The proposed Modification is also consistent with the RCE goals, policies, and actions as follows:

- *Overall, Rock Creek east faces the challenge of retaining economic and social diversity in the face of rising housing costs. Single-family home prices have appreciated the fastest in the district, and many apartment buildings in the area have been converted to condos. These changes have made the area much less affordable. (10A- 2200.8).*
- *Moreover, this area has a high percentage of single-family homes whereas only 21.6% of the area's housing stock consists of multi-family buildings of 20 units or more, compared to*

35.4% for the District as a whole (10A-2204.1).

- *While preserving established neighborhoods is a priority, Rock Creek East also recognizes the need to provide a variety of housing choices. This community has always taken pride in the fact that it is economically integrated, with housing options for older adults, lower-income households, young professionals, moderate-income families, and persons with disabilities, as well as high-income households. (10A-2207.3)*
- *Maintain and strengthen the neighborhoods of the Rock Creek East Planning Area while providing new housing opportunities for a range of incomes and household sizes. Any new development in the Planning Area should be attractively designed and should contribute to the community's physical characteristics. (10A-2208.2)*
- *Ensure that renovations, additions, and new construction in the area's low-density neighborhoods respect the scale and densities of adjacent properties, provide new housing opportunities, and preserve parklike qualities, such as dense tree cover and open space. (10A-2208.3)*

The proposed Modification, which provides 50 new apartment units, 11 of which will be IZ units, will help to preserve economic diversity in the face of rising housing costs.

B. The Modification does not result in Unacceptable Project Impacts.

The second evaluation standard of X § 304.4 is that the Modification does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.

The proposed Modification will have approximately the same number of units and parking spaces that were approved in the First Modification. The parking spaces are approximately in the same location and are all surface parking spaces. The Zoning Commission previously found that 46 units and 46 surface parking spaces met this evaluation standard. In this case, the Modification is being requested in order to construct a new building, rather than adaptively reuse the Existing Building, so construction impacts will be different than with an adaptive reuse. That is the main difference between the most recent approvals and the Modification—so those are the impacts to be evaluated.

The Applicant is able to mitigate any impacts from the construction process and protect the

overall nearby community from construction impacts due to the size of the site and staging of construction and demolition. Prior to demolition, the Applicant will engage a professional extermination company to remove the rodents from the building. The Applicant will make protection of the nearby neighbors its highest priority. Accordingly, the building will be demolished methodically and carefully. No explosives will be used, and it will not be demolished at once. The construction team will essentially “chew” it up with a mobile excavator section by section. As it is being demolished, the team will continuously water the debris to limit dust dispersion. Operations will be suspended if the wind is too strong to keep the dust contained. The debris will be sorted for recycling. The team will then stabilize the ground with straw and gravel as quickly as possible to keep ground dirt from becoming airborne.

The Applicant has hired Eichberg Construction, a local firm, as its general contractor. All of the firms hired as subcontractors will be local. There are no plans to go outside the DC area for subcontractors. Some will be headquartered in DC, others in close-by suburbs. As there is a shortage of qualified construction workers, it is not possible to guarantee that all workers will be DC residents, but when new workers are required, the Applicant will partner with the DC FirstSource program to create opportunities for DC residents first. Moreover, while there will be different construction impacts, the overall result will be favorable as the Applicant is proposing a superior quality building which will last longer than the Existing Building. The construction schedule for a new building is also more predictable than with an existing renovation. Accordingly, the additional construction impacts created by this Modification are favorable (new, higher quality building), capable of being mitigated (construction plan and staging), or acceptable given the quality of public benefits (First Source Agreement, higher quality affordable housing).

C. Benefits and Amenities.

Subtitle X § 305.2 defines public benefits as 305.2 “superior features of a proposed PUD that

benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title.”

The modification includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site. The Zoning Commission found that the originally approved PUD and First Modification met this requirement based on the provision of affordable housing, the quality of urban design and architecture, a First Source Employment Agreement, and a number of other benefits including monetary contributions and a community room open to the public.

As noted above, the Project will fulfill the public benefits and amenities agreed to in the Original PUD and First Modification, including a number of monetary donations and a meeting room/community room open to members of the community. The Applicant is also proposing to enhance the landscape plan to include more robust landscaping adjacent to the parking areas. The Applicant is proposing a more robust landscaping plan around the parking areas than was previously proposed. The landscaping also includes new trees, ground cover, planting strip and a new sidewalk in Public Space along Sligo Mill Road. Two areas of open green space have planting within the bioretention areas. There is green roof planting on approximately 67% of the roof area which surrounds the mechanical condensing units (screened by the building parapet).

As noted above, the Comprehensive Plan has identified and implemented policies to address the lack of affordable rentable housing in this area compared to the District as a whole. The biggest public benefit is the inclusion of the 11 IZ units (approximately 7,358 sq. ft.), where the requirement under a matter-of-right project would be only 3,620 square feet. Regarding other public policies related to this area, it is designated as a Neighborhood Conservation Area on the Generalized Policy Map. These areas have very little vacant or underutilized land. Where change occurs, it will be modest

in scale and will consist primarily of scattered site infill housing, public facilities and institutional uses. Major changes in density are not expected but some new development and reuse opportunities are anticipated. The Zoning Commission found that the proposed multi-family use was appropriate on this site, and the Applicant is proposing the same use, but in a new more efficient building. The overall benefit to the community is a new building of higher quality, which will fit within the existing character of the adjacent townhomes by more closely matching the materials and scale of the nearby community.

V. COMMUNITY DIALOGUE

The Applicant has presented at a local community meeting and at the Full ANC 4B meeting on June 28, 2021. The Applicant has also been in touch with interested community groups and is in the process of scheduling a meeting with those community groups, and any others who want to participate. The Applicant is in touch with representatives from the nearby HOA and anticipates agreements related to construction management. The Applicant has also been in touch with the Single Member District Commissioner and plans to attend another SMD meeting, a Housing Justice Committee meeting, and at least one more full ANC meeting.

VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the enclosed application meets the standards of Chapter 3 of Subtitle X and Chapter 7 of Subtitle Z of the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Zoning Commission set the Modification down at the earliest possible date.

Respectfully submitted,

SULLIVAN & BARROS, LLP

/s/

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Martin P. Sullivan

Date: August 27, 2021