



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

October 1, 2019

Via Emailed PDF

Martin P. Sullivan
Sullivan & Barros, LLP
1155 15th Street, NW, Suite 1003
Washington, DC 20005

Re: 6101 Sligo Mill Road, NE (Square 3719, Lot 69).

Dear Mr. Sullivan:

This letter confirms our discussion regarding the PUD approval and permitted uses for the property located at 6101 Sligo Mill Road, NE (Square 3719, Lot 69) (the "Subject Property"). A PUD for the Subject Property became effective on January 19, 2007 via ZC Order No. 05-30 (the "Order"). The original Order, which is included with this letter as Exhibit A, approved 169 residential units, including 38 detached single-family dwellings, 73 townhomes, and 58 condominium apartments (in a larger multi-family building). As part of the approval, the applicant agreed to set-aside 11 units in the multi-family building as Inclusionary Zoning units.

Since 2007, there have been two extension requests (05-30A and 05-30B); and one modification/time extension request (05-30C; the "Modification Order"). The Modification Order, which is included with this letter as Exhibit B, approved the applicant's request to change the use of the smaller existing building from apartments to an adult day treatment facility and to reduce the total number of condominium apartments to 46, all of which will be in the larger existing building.

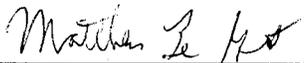
Proposed Use.

The current owner of the Subject Property desires to use the larger multi-family building units as rental apartment units. The Order and Modification Order appear to use the terms "condominium" and "apartment" interchangeably. Generally, the Zoning Regulations do not separate multi-family use into sale or rental categories except for in the Inclusionary Zoning context. Condition No. 4 in the original Order addresses Inclusionary Zoning requirements for this PUD:

Fourteen units (3 townhomes and 11 condominiums) shall be reserved and offered as affordable housing as specified in the Planned Unit Development Inclusionary Housing Commitment Standards included as Exhibit 84.

You have indicated that the owner will reserve and offer 11 residential units in the multi-family building as Inclusionary Zoning units, as required by the original Order. None of the other conditions—in either the Order or Modification—distinguish between rental or sales units. Further, Exhibit 84, which is specifically noted in Condition 4 of the Order, does not preclude rental units and specifically contemplates either rentals or ownership units.¹ Accordingly, I have determined that, for both the market-rate and IZ units, use of the multi-family building units as rental apartment units does not impact the conditions or interfere with the owner's ability to comply with the required conditions in the Order or the Modification and will therefore not require any additional zoning relief.

Please feel free to contact me if you have any questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: ZC Order 05-30
ZC Order 05-30C - Modification
ZC Order 05-30- Order 84

This letter is issued in reliance upon, and therefore limited to, the questions asked, and documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter. Therefore, this letter does **NOT** vest an application for zoning or other DCRA approval process, which may only occur as part of the review of an application submitted to DCRA. This determination is limited to an interpretation of the Zoning Regulations, and I am not making any representations as to Building Code requirements or other D.C. laws.

File: Det Let re 6101 Sligo Mill Rd NE to Sullivan 10-1-19

¹ See the highlighted sections of Exhibit 84, which show several instances where a possible rental situation is contemplated within the context of the Inclusionary Zoning requirements for this PUD.