6th STREET PROPERTY
(Square 485, Lot 46)
Summary of Arguments

I. Project Description and Site Location
- A. 6th Street, N.W, between G and H Streets
- B. Extremely Small Site
  1. Lot Area: 5,172.16 square feet (surveyed)
  2. Dimensions: 60' 4½" wide by 85' 10½" feet deep, triangular area clipped off at its southeastern corner where the abutting east-west public alley (10' wide) intersects the north-south public alley (15' wide), the small triangular area being established as part of the public alley system the area of which is 12.5 square feet.
- C. Existing Surface Parking Lot
- D. Proposed Development
  1. Apartment House
  2. 30 Units
  3. Height: 76 feet (with no "roof structure" as such), or 66 feet with a "roof structure" with walls of equal height that does not meet setback requirements on one side (adjacent private property) but set back more than required from rear and other side (both served by public alleys) and from front (H Street)
  4. FAR: As much as 6.5 (76,872 square feet)
  5. 14 Parking Spaces (7 required at 1:4 ratio)
- E. Additional development factors arising from Municipal requirements at site
  1. "Downtown" Historic District
  2. Chinatown Design Review
  3. Inherent tension between the Historic Preservation and Chinatown design objectives
  4. Lack of apparent rationale for DD/Chinatown overlay to be mapped to any Residential zone classification

II. Relief Requested from Board of Zoning Adjustment
- A. Variance – Lot Occupancy
  1. §402.1 restricts lot occupancy to 75 %
  2. Applicant would utilize lot occupancy of 100 %
  3. Exceptional Condition:
     - a. Small size of the site
     - b. Historic Preservation Review Board directives to reduce prior proposal that conformed to zoning as to height, lot occupancy, and rear yard so as to eliminate two full stories, but without objection to overall height and massing of project or the expanse, height, or placement of roof structure as subsequently proposed to them and in this application.
  4. Practical Difficulties – not feasible to construct an economically viable apartment house on lot without density equivalent to matter-of-right (6.0)
  5. No Adverse Impact on Public/Not Inconsistent with Zone Plan
     - a. Units have sufficient light and air
     - b. No adverse impact on adjacent properties

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B. Variance – Rear Yard Requirement
   1. Section 404.1 requires 19 foot rear yard for structure of 76 foot of height, or 17½ foot for structure of 66 foot height, each more than the 12 foot minimum.
   2. No rear yard provided
   3. Exceptional Condition:
      a. Small size of the site
      b. Historic Preservation Review Board directives to reduce prior proposal that conformed to zoning as to height, lot occupancy, and rear yard so as to eliminate two full stories, but without objection to overall height and massing of project or the expanse, height, or placement of roof structure as subsequently proposed to them and in this application.
   4. Practical Difficulty – not feasible to construct an economically viable apartment house on lot without density equivalent to matter-of-right (6.0), which must occupy all of rear yard that would ordinarily be required
   5. No Adverse Impact on Public/Not Inconsistent with Zone Plan
      a. Site abuts a fifteen foot alley to rear, and ten foot alley to side.
      b. Some other nearby properties extend to their rear property lines

C. Variance – Chinatown Preferred Use Requirement
   1. Section 1705.3 requires 0.5 FAR equivalent devoted to retail, service and entertainment uses from §§ 1710 to 1711 and wholesaling accessory to those uses for a building that fronts on any other street segment – of which the east side of the 800 block of Sixth Street, NW, is one – than those specified or for a building that provides, on-site or off-site, a residential component required by § 1706.
   2. No retail, service or entertainment use provided
   3. Exceptional Condition: small size of the site and location of the site on 6th Street
   4. Practical difficulty: Not feasible to construct or operate an economically viable apartment house in which such other uses would be established
   5. No Adverse Impact on Public/Not Inconsistent with Zone Plan
      a. The portion of 6th Street whose base zone is R-5-E is inappropriate for non-residential uses, with the DD requirement possibly being unintended
      b. Inserting such uses along that block face would change the character of the area, which is presently residential in nature
      c. Proximity to Chinatown and Gallery Place, where there are, or will soon be (Gallery Place), abundant and additional retail, service and entertainment uses

D. Variance – Maximum Floor Area Ratio Limit

1. Section 402.4 restricts floor area ratio for apartment buildings in R-5-E districts to 6.0
2. The project occupies 100 % of the lot and the first six stories each occupy the full lot, resulting in a floor area ratio of 6.0.
   - In the alternative, a seventh floor is proposed, resembling a roof structure in most respects, affording access to the roof to units located on the sixth floor. If so considered, the seventh floor would cover nearly 2,000 square feet, of which about 700 is for normal functions of roof structures. Where provided, roof structures are allowed to have a credit of 0.37 FAR provided they are not occupied for other purposes. The applicant proposes to occupy approximately 0.30 FAR as solaria and access points for the five apartments located on the sixth floor; 0.10 FAR is used for conventional "roof structure" purposes -- both which must be counted within the overall FAR under this alternative. This results in an overall FAR of 6.40.
   - In addition, the parking for the apartment building will be provided on a level below the first, main, floor. Its entrance will be from the north-south alley to the rear, at its floor will taper down to the west toward the front of the property. At some point more than halfway, the garage level will extend less than four feet above the adjacent grade, at which point it will no longer be counted as gross floor area or affect the Floor Area Ratio (FAR) calculations. We are obtaining a topographic survey that will establish the exact amount that will count, and that which will not. Estimated to add 0.60 FAR, possibly more, possibly less. This results in applicant seeking total variance to allow 7.0 FAR.
3. Exceptional Condition:
   a. Small size of the site
   b. Historic Preservation Review Board directives to reduce prior proposal that conformed to zoning as to height, lot occupancy, and rear yard so as to eliminate two full stories, but without objection to overall height and massing of project or the expanse, height, or placement of roof structure as subsequently proposed to them and in this application. In addition, HPRB asked that parking garage entrance be from rear, not as originally proposed along southern (side) alley. Rear alley is at greater elevation than side, adding to exceptional conditions.
4. Practical Difficulty – not feasible to construct an economically viable apartment house on lot whose height has been restricted as units on higher floors have greater value; roof access offsets that loss. Moreover, collaborations with surrounding community revealed their desire for more than minimum number of parking spaces, to which applicant has agreed, providing almost twice as many spaces as would ordinarily be required by zoning.
5. No Adverse Impact on Public/Not Inconsistent with Zone Plan
   a. Site abuts a fifteen foot alley to rear, and ten foot alley to side.
   b. Some other nearby properties extend to their rear property lines

E. Special Exception – Roof Structure Requirements (in alternative to portions of the Floor Area Ratio Variance)

1. Roof Structure Setback
   a. Section 411.2 dictates 1:1 setback requirement from all sides
   b. Height of roof structure will be no more than ten feet and is placed along north face of building
   c. Due to required location of elevator and stairway core, established at garage level to allow access aisle of required width to parking spaces of required dimensions, no setback is possible from the north (side) wall
2. Design meets the requirements for a Special Exception pursuant to 11 DCMR §411.11
   a. The light and air of the adjacent building is not affected adversely.
   b. The intent of the zoning regulations is not impaired, namely ensuring adequate light and air to adjacent property and abutting streets