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Report on Board of Zoning Adjustment Case Number 17017

"Chinatown East LLC"

Square 485, Lot 46 (809-813 Sixth Street, NW)

by Lindsley Williams

Land Use, Planning and Zoning Consultant

Overview:

This report provides the Board with my observations and conclusions regarding the above-captioned application and provides an outline those presenting the case will follow. The applicant seeks approval to establish an apartment building within the "Chinatown" portion of the "DD" overlay area. The site is entirely located within a relatively small area zoned DD/R-5-E.

> The site is also within the "Downtown" historic district and within the area where other DC law **(10 DC Code 24)**, requires approval under the "Chinatown" design procedures, both outside of the jurisdiction of the Board of Zoning Adjustment ("BZA"). The applicant has appeared before the Historic Preservation Review Board and received its conceptual approval. The applicant has also appeared before the Office of Planning for its "Chinatown" review.

"Approval" in this case by the Board of Zoning Adjustment ("BZA") requires both variances and Special Exceptions as further explained in the application and in this report.

Granting the application process requires the Board to evaluate whether the applicant satisfies the criteria for all elements of relief sought. This report is intended to present and organize the relevant facts, demonstrate that the tests for each element of relief are met, including providing you with professional opinion as to the impact the planned development would have on nearby properties. In sum, I conclude that each element of relief sought may be granted as the relevant criteria are satisfied and that no other property or public interest is adversely affected.

This report will present the planning context of the case momentarily, with an introduction to its location and the nature of surrounding structures, buildings and uses. Thereafter, this report will "insert" the elements of that being proposed into this context and discuss it.

Overview of Relief Sought

- **Variance from lot occupancy** requirements
- **Variance** from requirements to provide a **rear yard of minimum depth**
- **Variance from "Chinatown preferred use"** requirements
- **Variance from maximum floor area ratio ("FAR")** requirements, and, a
- **Special Exception** approval relating to the portion of the building located above the sixth floor that conform in height and bulk to that of a "roof structure," but portions of which do not meet prevailing setback and equal height of walls requirements, these being evaluated for relief as a **Special Exception.**

The report will address the "three-pronged" criteria for each variance; the discussion of the Special Exception will likewise address the relevant criteria.

In particular, the applicant is familiar with and believes the facts will demonstrate that situation meets or exceeds the prevailing standards of ***D.C. Code §5-424(g)(3)*** and

BZA
Case No. 17017
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17017
EXHIBIT NO. 23

11 DCMR 3103.2, under which the Board is authorized to grant an area variance where it finds that three conditions exist:

(1) **the Site is unique because, *inter alia*, of its size, shape or topography or other extraordinary or exceptional situation or condition;**

(2) **the owner would encounter practical difficulties if the zoning regulations were strictly applied; and**

(3) **the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map**

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting Roumel v. District of Columbia Board of Zoning Adjustment, 417 A.2d 405, 408 (D.C. 1980)); see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment, 534 A.2d 939 (D.C. 1987). As discussed below, the proposed development and the variances requested for the same meet all three prongs of this test.

As to the Special Exception, I conclude that the application satisfies those criteria and that those are the only criteria that can be considered in this situation. Relief granted through a Special Exception process has already been determined, by the Zoning Commission when it created the applicable standards, to be appropriate provided the regulatory standards are met, as I believe they are.

In reviewing an application for Special Exception relief, "[t]he Board's discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulations. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment,* 423 A.2nd 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Board of Zoning Adjustment,* 305 A. 2nd 516, 518 (D.C. 1973). If the applicant meets the burden, the Board must ordinarily grant the application.

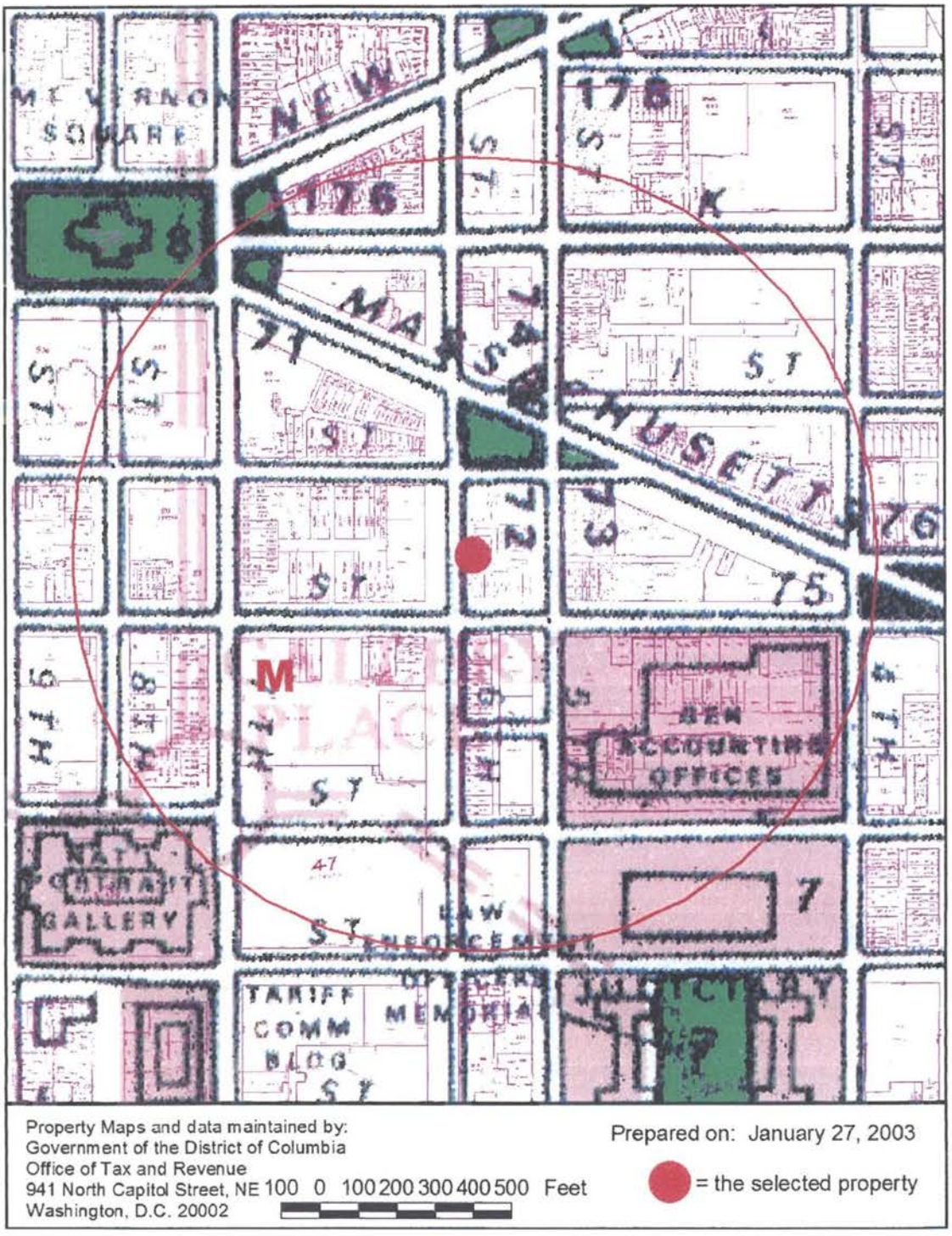
The relief sought, would, if granted *in toto,* permit the construction of a relatively small, high-density high-rise apartment building consisting of 30 apartment units occupying the entire lot within six full stories. The project would provide twelve parking spaces, including at least eight fully meeting the requirements for parking spaces whose dimensions and access satisfy the requirements of the zoning code.

The Board has jurisdiction to consider the application for variances and special exceptions under §§ 3103 and 3104 of the District of Columbia Municipal Regulations ("Zoning Regulations").

Setting:

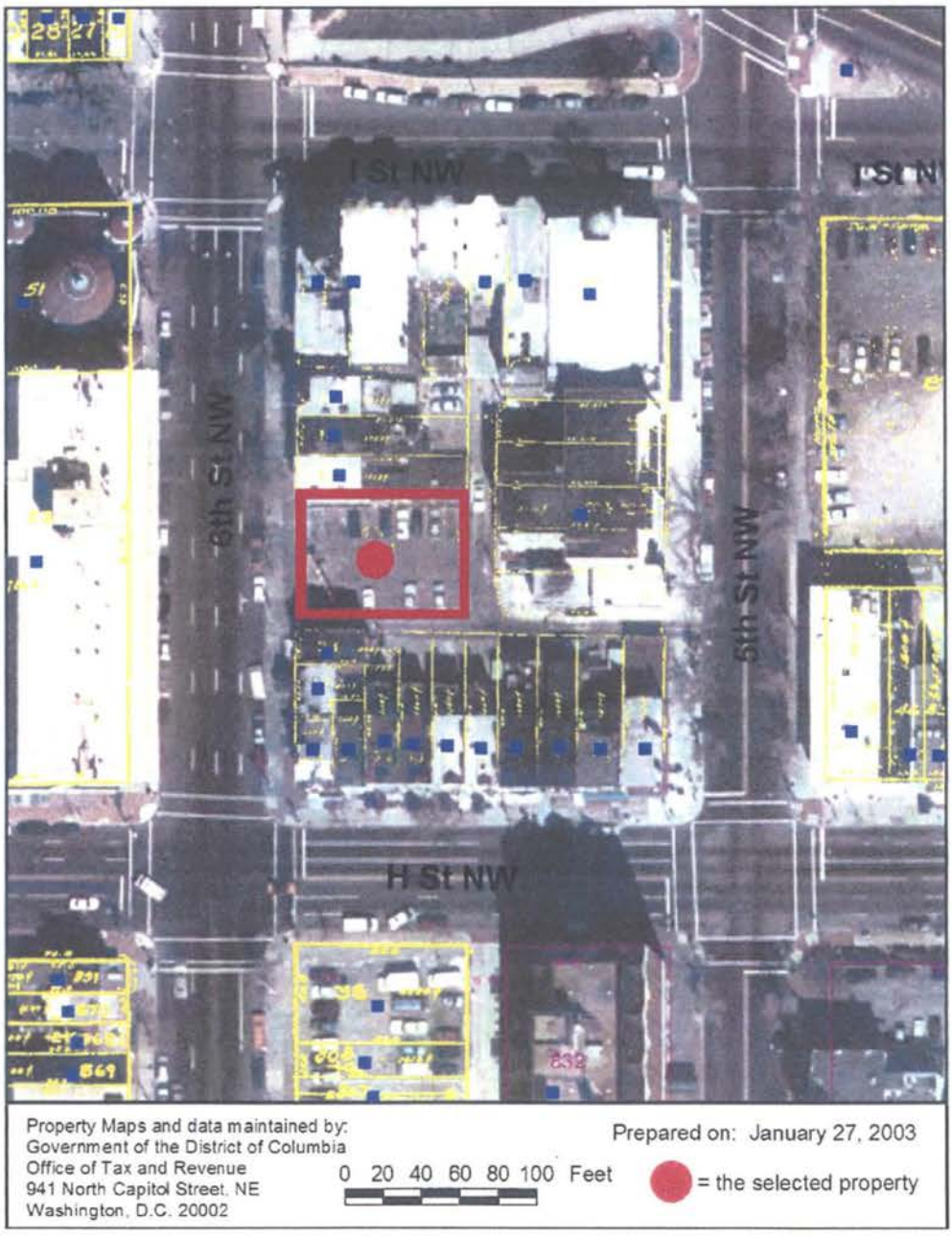
The site is located at 809-813 Sixth Street, NW. This location, just steps north of H Street is within sight of the MCI center and the emerging Gallery Place complex. Sixth Street forms one of the north-south axes of the District's "Chinatown," which flows north and south off the east-west axis of H Street between 5th Street and 8th Street, NW.

Square 485, Lot 46 – 809-813 Sixth Street, NW (1,000 ft. radius)



The project site is currently nearly vacant, consisting of an asphalt parking lot; the only "improvement" is a small attendant's booth. The site has been vacant for about forty years, showing no assessed value for improvements or evidence of any structures appearing in tax records or on tax maps or Baist Atlases. By providing housing, the applicant's project would utilize the land in a manner consistent with the uses specified for the underlying zoning and at densities for housing as such at the level allowed as a matter of right (6.0); the plan is also fully consistent with the Comprehensive Plan. The additional gross floor area and "excess " Floor Area Ratio ("FAR") accommodates the portion of the garage level that is above grade and is a "basement" whose FAR must be included in FAR calculations.

Square 485, Lot 46 -- 809-813 Sixth Street, NW



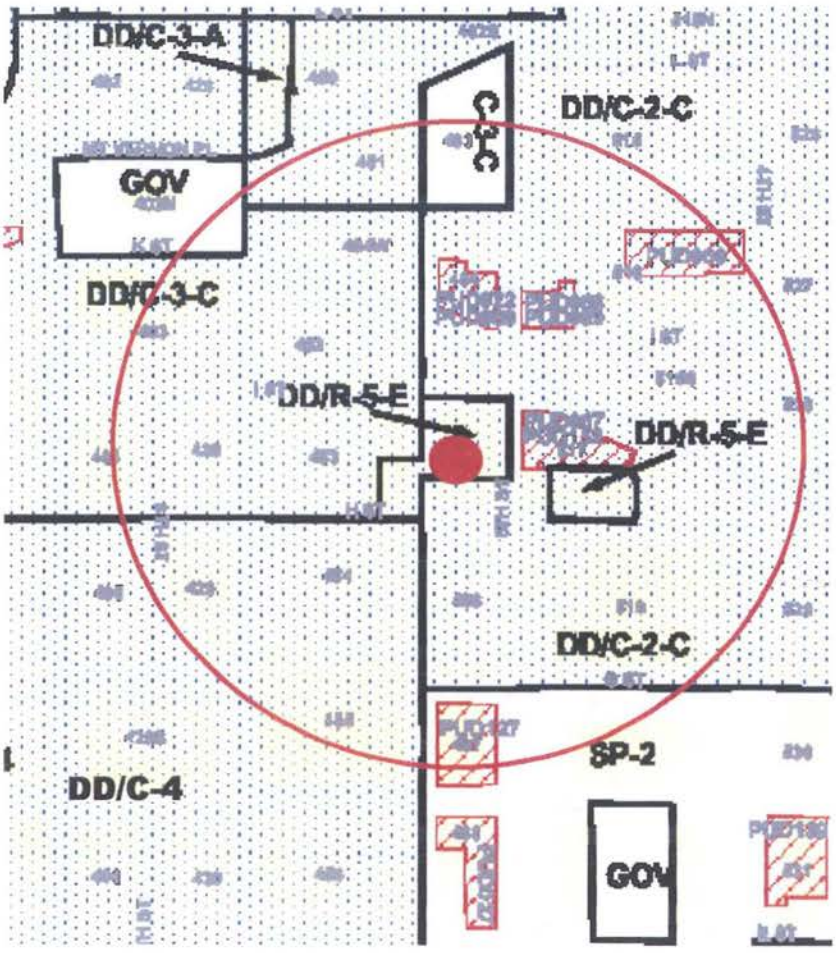
Description of the Immediate Area:

As noted above, the project lies within the "Chinatown" portion of the District of Columbia, both as that area is popularly known and as officially reflected in the Zoning Regulations (§ 1705) and the DC Code, which provides for Chinatown Design review in a specific delimited area that is nearly equivalent to that specified in the Zoning Regulations.

Commercial and entertainment functions, including sports venues and motion picture theatres are located in the immediate area. The "Gallery Place" Metro station has one portal within a block of the property (see the bold **M** on map on page 3 of this report).

Relatively little of the land in the immediate area of the project is within Residential zone districts. The land that is so-zoned contains, among other things two large apartment houses, one facing the project site on the west side of Sixth Street north of H Street (Wah Luck) and another (Judiciary House) one block to the east, facing H Street from the north. Both of these are ten stories, built at or close to 90 feet in height. These apartment buildings occupy all the private land zoned DD/R-5-E in their respective Squares.

Most of the immediate area is noted for its substantial commercial character and broadly permissive zoning, e.g., DD/C-4 downtown zoning starts at the southwestern corner of H and Sixth Streets, diagonally across the nearest intersection. Most of the area is also overlaid with the "DD" provisions:



Much of the area south of Square 485 has been rebuilt over the past twenty years, much of it in the last decade. High density apartments and mixed use projects are built or underway from Third Street to Sixth Street along H Street, south of Massachusetts Avenue. Many of these exceed the FAR of 6.0 established for Square 485, and many exceed the normal 90 foot height limit. At Sixth Street, and west along H Street, projects take on a more commercial character but still have significant densities – the area responding to Gallery Place, a long planned, major, mixed use project that itself could not commence until the District Government vacated the long-time "home" of many DC agencies at 614 H Street and, earlier, a connecting building that faced G Street to the south on the same Square, multistory office buildings that were also at or close to 90 feet tall with undistinguished ("cheap") curtain wall construction that had, at the very least, "seen better days."

The immediate area within 1,000 feet (red circle in diagrams) includes, as noted above, the major sports and entertainment facility commonly known as the "MCI Center," Techworld, the National Building Museum (old Pension Building). Just outside this lie the original "Carnegie" Library (reopening as the "City Museum") at Mt. Vernon Square, and both the existing and new DC Convention Centers.

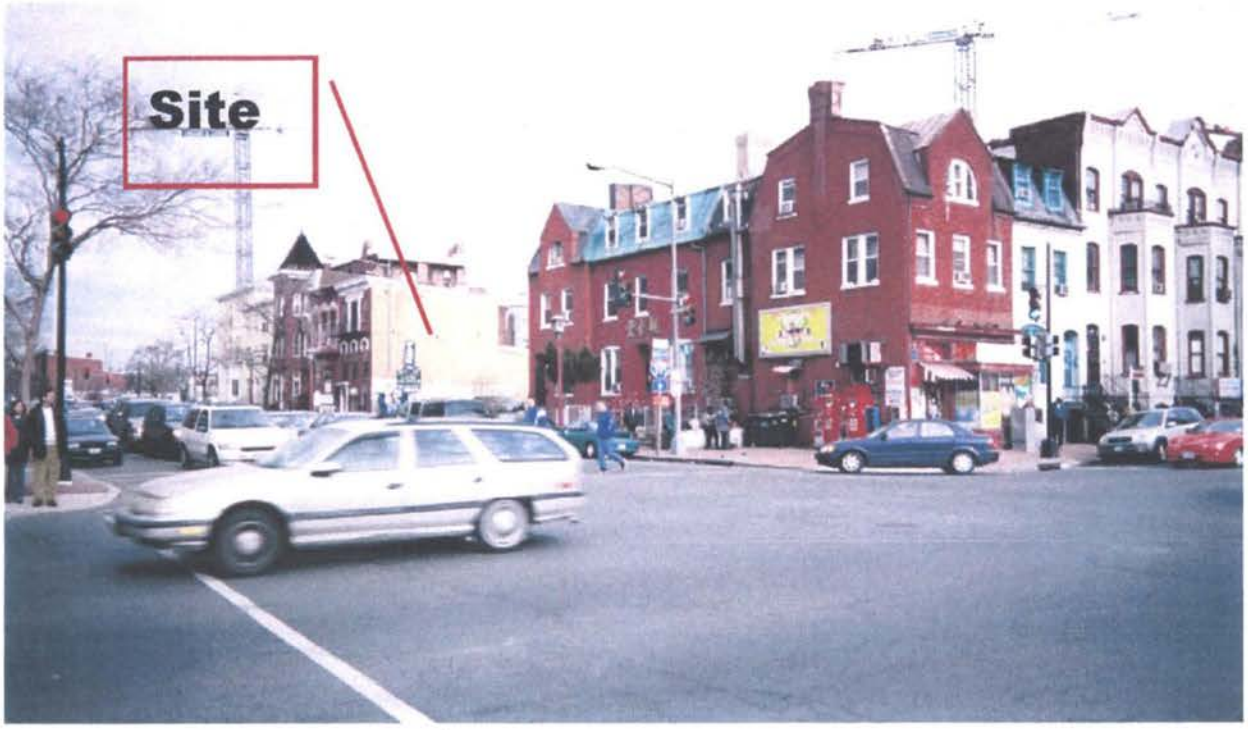
The project site is located north of H Street on Sixth Street. The western face of that block of Sixth Street consists of two uses, the Wah Luck House (described above) and the Turner Memorial AME Church:



The eastern face of the block contains a number of structures that appear to be among the area's original commercial and residential buildings, a pattern of building and original uses that extends within the block on its northern and southern faces.

800 Block of Sixth Street – East Side:

From H Street, looking North-North East along Sixth Street, NW



From I Street



Facing Into the Site from Sixth Street at Wah Luck House



Note, in the above, the massing of the Gospel Mission building to the east of the project site, which has six "institutional" stories, i.e. floor to ceiling heights greater than typical residential construction. Note also in this and other photographs, evidence of nearby high-rise construction now underway (from the cranes).

The proposed project would replace this parking lot with a six story building scaled to be sympathetic to the scale of the building to its east and "infill" land that has been vacant for forty or more years.

Current Uses (per Assessment Records) Along 800 Block of Sixth Street (east side):

- 803 Sixth Street – Used for retail and residential (zoned DD/C-2-C)
- 805 Sixth Street – Used for offices and residential (zoned DD/C-2-C)
- 807 Sixth Street – Used for offices (zoned DD/C-2-C)
    - Public Alley (also Zone Boundary)
    - ***SUBJECT PROPERTY*** – Parking lot (zoned DD/R-5-E)
- 815 Sixth Street – Used for offices (zoned DD/R-5-E)
- 817 Sixth Street – Used for a restaurant (zoned DD/R-5-E)
- 819 Sixth Street – Used for offices (zoned DD/R-5-E)

Site Location Relative to the Comprehensive Plan & Generalized Land Use Map:

The zoning for the area in question appears to be "not inconsistent with" the pertinent provisions of the Comprehensive Plan for the Nation's Capital and its Generalized Land Use Map. While not specifically before the Board, in this case the Board may take comfort in that the area does not present a fundament discrepancy as to the proper zoning for the site and area surrounding it since the Land Use Element and Map provide that the area is one favoring a mix of high-density residential uses together with high-density commercial ones.

The Case Before the Board:

Chinatown East LLC seeks variances from four provisions (and five sections) of the Zoning Regulations as follows (and Special Exceptions for the roof structure, discussed later):

- Limitation on Maximum Percentage of Lot Occupancy (§ 403.2)
- Requirement for a Rear Yard of Minimum Depth (§ 404.1)
- Limitation of Maximum Allowed Floor Area Ratio (§§ 402.4 and 1707.4(t))
- Requirement that Minimum Floor Area be Utilized by "Preferred Uses" (§ 1705.3)

Uniqueness Test (common to all variances sought):

The subject property satisfies the **uniqueness** test by virtue of its location with the "Downtown" historic district, the jurisdiction and directives of the Historic Preservation Board, its location within the "Chinatown" area of the "DD" provisions, its placement within the purview of the Office of Planning's "Chinatown Design" review and advice it receives on such matters from the Chinatown Steering Committee, and characteristics of the lot itself.

The lot is the only vacant land within either of the two areas zoned DD/R-5-E in the immediate area, all other land being occupied by buildings or structures whose expansion, exterior alteration, demolition, or razing would be controlled by applicable historic preservation authorities. The land in question has been vacant for more than forty years, well before the historic preservation designations were applied to the area in question.

One by-product of this is that this is the only DD/R-5-E property to which the minimum preferred use requirement would effectively apply. That requirement, which may be inadvertent in the first place, discussed below.

The land area is relatively small, but has barely sufficient width to allow a center aisle for parking, with parking either side thereof. In fact, it is likely the smallest significant development parcel in all of Housing Priority Areas A and B, the next larger one having been that considered by the Board in BZA No. 16897 for JBG/JER, that site having 6,375 square feet. Applicant's site has 5,175 square feet and is, thus, just over 80 percent of JBG/JER's site. The Board accepted expert testimony in that case that the average development site in Priority Areas A and B was on the order of 30,000 square feet – more than five times the size of applicant's site.

Being within the DD area and being vacant, development is subject to DD rules. Among these is the requirement for a minimum FAR of 4.5. Thus, development would require – as a matter or right – at least six stories, two stairwells, hallways and at least one elevator. These costs must be absorbed within a floor plate that is under 4,000 square feet (75 % lot occupancy is 3,881 square feet). In other words, four apartments/floor.

Applicant's initial proposal was to provide such a program on eight floors, complying with all elements of zoning as then understood. That proposal, however, was not approved by the Historic Preservation Review Board. It declared that the project should be no more than six stories and no higher than the Gospel Mission building to the east on the same square.

The site's topography, involves mild but critical changes of grade that are themselves unique and that contribute to the degree of relief needed for FAR. The site, while not hilly,

slopes from north to south (toward the east-west public alley) and from east to west (from the north-south public alley toward Sixth Street). The low point on the site is exactly where applicant first proposed to locate the parking entrance when asked to add parking beyond that required by zoning. The Historic Preservation Review Board required that the parking entrance be relocated, which the plan before you accomplishes, but puts its threshold nearly one foot above where it otherwise would be, reducing the amount of the garage level that can dip far enough below grade becoming a "cellar" so that it no longer is a "basement" that contributes to determinations of "gross floor area" and FAR.

Practical Difficulty Test:

The applicant would face insurmountable practical difficulties were it required to comply simultaneously with the Zoning Regulations and the conditions of the Historic Preservation Review Board.

In particular, the Chinatown "preferred use" requirements, which the Office of Planning initially understood as not applying since they believed apartment buildings were exempt from all DD rules, would involve imposition of uses that the project cannot support economically or spatially. In effect, a matter of right structure (occupying 75 % of the lot) would be reduced to no more than five floors of four units each, with the first floor providing two thirds of its area (on the three-quarters of the lot available for occupancy) to a "preferred use" and the balance being used for lobby, stairwells, elevator and utility functions. Note that many of these uses are ones that would, as a practical matter, require placement at ground level without interior steps or changes of levels. This would effectively eliminate any parking below the first floor on the site as it is configured.

All told, accommodating the "preferred uses" would reduce the building to one of twenty units, a yield that is ten units less than that approved by the HPRB and twelve units less than the design that Ms. Bundy and Mr. Colbert first presented to the HPRB. This would render the project infeasible.

This small apartment building project is conceived as one with a condominium form of ownership. Such owner groups are ill equipped to juggle management of living units with retailers or other uses "preferred" by zoning but not by entry-level unit investors/occupants.

Despite its relatively small size, construction that involves buildings of this height is only allowed when there is a reinforced, fireproof concrete core. This type of construction is approximately 25 percent more expensive than construction standards allowed for buildings of fewer stories. This added expense is now distributed across two fewer units than first planned, but sufficient to "carry" these added costs. This would not be the case if the unit count were reduced to four per floor on floors 2-5, leaving the first floor for "preferred uses," nor would it be sufficient if the first floor were solely lobby and related purposes, plus an additional apartment of two.

The proposed massing covers the entire lot and sits well below the horizontal plane formed by Wah Luck House on the west and at the plane formed by the roof of the Gospel Mission on the east.

The above conditions apply to all requested variances.

Moreover, the Board should take note of the provisions of § 402.5. That section provides that **first floors** and ***basements*** of buildings set aside for parking and recreation purposes "shall not be counted in the floor area ratio" provided that the walls and columns surrounding that area enclose no more than fifty percent of same. Thus, had the applicant

left the southern and eastern faces of the project open to the elements, no FAR relief would have had to have been sought for that portion of the project. Applicant proposed enclosing the parking area in keeping with design norms of the area and for security purposes.

The allowed FAR of 6.0 is completely utilized in the six floors of apartment units (and first floor lobby). The additional FAR sought is the part of the lowest level that is "basement" (mostly garage):

Basement (mostly vehicular parking) : 4,572 square feet (0.88 FAR)

Again, the great bulk of this "added" FAR results from enclosing the parking area; none of it results from "adding" additional apartment units to the project. Thus, the relief sought in no way becomes tantamount to rezoning to a usage and density not contemplated in the zoning regulations either at §402.4 or §1707.4(t), and Comprehensive Plan

As to lot occupancy and provision of rear yards of minimum depth, the adjacent lot to the north, as well as that of the Gospel Mission to the east across the alley, occupy most of the land on which they exist and provide no or very little (as in a few feet, at most) of the rear yard required since 1958.

The above presents reasons that each variance sought poses one or more "practical difficulties."

No Detriment to Public Good or Impairment of the Zone Plan:

The proposed project would create a housing use in an area in which District policies and the zone plan call for housing. It would be built well below the height limit allowed in the area, but less than that prevailing in nearby properties such as Avalon Bay, with twelve stories in its 110 feet of height.

The proposed apartment house use and density is fully consistent with the Comprehensive Plan for the District of Columbia.

The design of the façade and entrance incorporates many features that acknowledge and reflect the rich Chinese heritage of the immediate area.

Retail and other preferred uses are in abundant and growing supply nearby, so there is no need for retail or other preferred uses within the subject site. Indeed, one can see a fundamental conflict between the purposes of a Residential zone and the preferred uses otherwise sought and note the pains the Regulations take to declare that their provisions do not apply to "apartment houses" (see §§ 1701.6 and 1702.1(c)).

Section 1707 of the "DD" provisions is dedicated to "Historic Preservation." It is in this section that the second, but identical, FAR limit of 6.0 is imposed on projects within Square 485. The applicant notes that the board specifically authorized to evaluate massing of projects in historic districts has provided its conceptual approval to this project. This is an independent, official, third party declaration of "no detriment" as it relates to the provisions of Section 1707 and other portions of the relief sought.

Special Exception:

The project contemplates a roof structure. But, roof structure rules require them to set back from all sides of the building 1:1. Such setbacks from the north face of the project are not feasible given the shape and area of the property. Effectively, in the revised plan (as distinct from the original, "matter of right" plan) the only place to locate the fire stairs and elevator core is along the middle of the north face of the building.

The second area of relief is that requiring the walls of roof structures to rise an equal height. The issue is that the portion requiring the greatest height is that over and immediately adjacent to the elevator core. This must rise to a level five to six feet above the main elevator support beam. This beam will be set 16 feet above the level of the sixth floor. Thus, a total height of 21 to 22 feet from the level of the sixth floor.

The penthouse satisfies all other requirements of §§ 411 and 777.

HPRB wants the roof structure to be as small as possible in area and bulk. The overall roof structure could be set at 22 feet above the sixth floor, but that would add bulk HPRB seeks to avoid. Thus, applicant seeks approval to have walls of this roof structure with unequal heights, unless the HPRB staff ultimately determine that uniformity at the projected height is preferable to varied heights.

The applicant could not relocate the roof structure in a manner complying with the setback rules at the uppermost level without untenable changes to the overall integrity of the project plan and the parking plan for the lowest level.

The main rooftop of will provide area for required cooling units, none of which will exceed four feet above the surface of the roof on which they sit. No such unit will be mounted on top of the roof of the roof structure.

The profile of the north side of the building, while having a portion flush with its edge, is less high than a matter or right building would be, if built. Thus, adjacent properties will already be receiving more light "over the top" of the building than they would have otherwise obtained under the zoning regulations.

Accordingly, applicant feels the Special Exception may be granted without detriment to the public good and that it has shown the difficulties that would apply if strict compliance were forced upon the project.

Community Support

Applicant met with the Planning and Zoning Committee of Advisory Neighborhood Commission 6-C as this project has evolved, most recently on the evening of Wednesday, May 8. That Committee voted to support the project as a recommendation to the full ANC. Applicant also met with the full ANC at its regular monthly meeting the following Wednesday, May 15, at which the ANC, with a quorum present with proper Notice of the meeting having been posted as required, adopted a resolution to support the project and the granting of all elements of the relief sought.

Applicant satisfied each expressed zoning concern of the ANC. ANC 6-C also requested that the applicant consider utilizing a "green roof" instead of a conventional one. Applicant is prepared to report its findings and conclusions on this should the Board so desire but notes that this issue is not, to it, one relevant to zoning or the Board's jurisdiction. Applicant further notes its expectation that such a roof system would add modest height to the project (posing another obstacle in terms of HPRB review) and is not a system Washington, D.C. area contractors are, at this juncture, used to building and guaranteeing even if the economics are favorable, which preliminary review suggests is not the case in any event.

In addition, the owner met with many others from the community as part of her efforts to learn about the community in which her project is located and listen to their concerns. The owner will testify about this at the hearing.

Witnesses:

- Pamela Bundy, Managing Member, Chinatown East LLC
- Eric Colbert, AIA – Project Architect (expert in architecture, resume attached in submission to BZA)
- Lindsley Williams – Zoning Consultant (expert in planning and zoning, resume attached in submission to BZA)

Outline of Testimony:

Pamela Bundy

- Bundy Development and its Projects
- Acquisition of this Lot
- Community Outreach Related to This Project
- Suggestions Made and Incorporated into Project (Additional Parking, Rooftop Landscaping)
- Plan for Ownership and Management (Condominium)
- Practical Difficulties (Economics)

Eric Colbert

- Architectural Overview
- Chinatown Design Guidelines and Recommendations Made and Incorporated (Chinese design elements: lattice, mullions, medallions, fixtures, handrail, and entrance; streetscape (sidewalk brick pattern and plantings); brick color and material)
- Construction Costs (function of building height and stories)
- Historic Preservation (height and stories, location of parking entrance, respect Gospel Mission massing)
- Architectural Elements of Zoning Case

Lindsley Williams

- Move Prehearing and Subsequent Exhibits "into evidence"
- Variance Tests and Issues
- Special Exception Tests and Issues

Attachments

A Expertise of Mr. Colbert

B Expertise of Mr. Williams

C Site Survey (Existing Conditions) and ***Revised*** Drawings and Computations (All Zoning Issues (Chinatown Preferred Use Excepted) being "Bubbled"

A

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ERIC COLBERT & ASSOCIATES, P.C.

COMPANY PROFILE

After graduating from Cornell University with a professional degree in Architecture in 1975, Eric Colbert moved to Washington, D.C. to accept a position with the noted architectural firm Arthur Cotton Moore Associates. His work there included production of design and construction documents for numerous apartment and office building projects throughout the metropolitan area, including the historic Old Post Office Pavilion on Pennsylvania Avenue. Mr. Colbert was registered as an architect in 1978 and worked as a consultant until 1981, when he founded Eric Colbert & Associates. The firm has extensive experience with all building types, including apartment and office buildings, retail establishments, restaurants, hotels, and single family homes, and has built an impressive reputation in all aspects of historic preservation and new construction.

Eric Colbert & Associates maintains excellent working relationships with all divisions of the D.C. Department of Consumer and Regulatory Affairs, as well as building departments throughout other local jurisdictions. Challenging projects requiring approval from the D.C. Board of Zoning Adjustment, the United States Commission on Fine Arts, the D.C. Historic Preservation Review Board, and Advisory Neighborhood Commissions are their specialty. Mr. Colbert and his staff are licensed to practice architecture in the District of Columbia, Maryland and Virginia and are active in local professional associations including The Real Estate Group, Commercial Real Estate Women, The District of Columbia Building Industry Association, and The American Institute of Architects. In addition to being NCARB certified, Mr. Colbert is a member of the Mayor's Building Code Advisory Committee.

The firm's residential achievements include the design of new single family homes set in both rural and urban settings, new apartment building construction, renovation of small and large scale historic residential properties, and a wide range of affordable income housing. With a reputation for being design oriented, the firm's accomplishments have been recognized on a national level as "innovative" (*Architecture*, Leap of Faith, March 1997). Locally Eric Colbert & Associates has been praised as representing "the design attitudes of 1998" (*TheInTowner*, Design Excellence Along 16th Street, May 1998). Noted *Washington Post* architecture critic, Benjamin Forgey, has reviewed the firm's work on several occasions, most recently recognizing "a maturing vision" in its work. He described the firm's award-winning renovation of 1520 16th Street, N.W. (Church Place Condominiums) as offering "a spirited answer to Washington's age-old contextual question-how do you design new pieces to fit into the splendid quilt of the city's existing architecture?" Highlights of the firm's commercial projects include historic structure renovations, new office building construction, as well as a variety of retail and restaurant commissions.

The outstanding reputation Eric Colbert & Associates now holds in the design, development, and preservation communities has resulted from a company-wide commitment to ensuring a successful, well-designed product regardless of project size, type, or location. Consistent quality efforts of new construction and renovation have proven highly beneficial to the firm, allowing it to maintain long-term associations while also attracting a new and challenging clientele.

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To Lindsley Williams	From Eric Colbert	
Co./Dept.	Co.	
Phone # 202 955-5564	Phone #	



Lindsley Williams is an experienced land use planner and has extensive knowledge of the comprehensive planning processes (with both Federal and "municipal" components), and the zoning regulations of the District of Columbia. He has appeared as an expert witness in before the Zoning Commission of the District of Columbia, and has provided assistance to clients with matters pending before the Board of Zoning Adjustment. Mr. Williams has also testified as an expert in the Superior Court of the District of Columbia and been deposed as an expert in zoning matters before that Court.

He also has extensive knowledge of the permitting process of the District of Columbia, and its relationship to the locally prevailing building code (BOCA), and the designation of historic areas and properties, and their relationship to both the permitting process and relevant aspects of zoning procedures where historic designations play a role.

For eight years, concurrent with his full-time Federal employment as a Commissioned Officer of the U.S. Public Health Service, Mr. Williams served on the Zoning Commission of the District of Columbia including serving as its Chairperson and Vice Chairperson. By virtue of that position, Mr. Williams also served, as did other Commission members, as one of the members of the Board of Zoning Adjustment.

While serving on the Commission itself, Mr. Williams participated in a wide variety of matters appropriate to its jurisdiction, which in the District of Columbia includes the approval (or disapproval) of rezonings and Planned Unit Developments -- matters most often decided in other jurisdictions by a local elective body such as a City or County Council. During his tenure, the Zoning Commission considered and decided an average of two cases per month. These included significant, and hotly debated, development proposals and complex reforms of the Zoning Regulations themselves in areas of policy (e.g., rules applicable within given zones, map changes) and technical matters (e.g., standards for parking and loading).

While serving as one of the "rotating" members of the Board of Zoning Adjustment, Mr. Williams considered typical requests for variances and special exceptions, along with appeals of decisions reached by the Zoning Administrator. Under District rules, the Board of Zoning Adjustment is the body that reviews and approves "campus plans" on which approval of individual development projects of local institutions of higher learning rest. He also suggested ways by which the Board could streamline its processes, which were adopted.

Mr. Williams is widely regarded in matters of land use, planning and zoning. After retiring from his career of active-duty as a PHS officer (August 1966 - September 1996), and in addition to providing planning advice to various clients, Mr. Williams served as Co-Chairperson of a Task Force designed to produce the legislative materials needed by which the Council of the District of Columbia could proceed to adopt reforms identified by the Business Regulatory Reform Commission (BRRC). This effort involved bringing together more than a dozen land use professionals (mainly attorneys), analyzing each of the nearly 100 recommendations, and preparing a written report for the Council and its committee on Consumer and Regulatory Affairs. That report, along with the underlying recommendations of the BRRC, formed the basis for statutory changes that were effected within six months of the start of the Task Force -- a remarkably short time in the District of Columbia where final approval of statutory changes

includes normal review by the Mayor, but also additional reviews by the District of Columbia Financial Responsibility and Management Assistance Authority (commonly called the "Control Board") and further layover before the United States Congress.

Mr. Williams served as one of two key individuals in the contract awarded by the "Control Board" to the law firm of Holland & Knight, LLP, which reviewed regulations and procedures affecting building and land use in the District of Columbia. Mr. Williams not only identified the processes but also the key organizing principles of the database in which findings were captured and then analyzed. This led to that firm's recommending, with input from Mr. Williams and others, a wide-ranging number of changes streamlining procedures and reducing requirements.

Mr. Williams served as Director for Land Use within the Office of the Deputy Mayor for Planning and Economic Development, Government of the District of Columbia. Mr. Williams provided guidance to staff of the Office of Planning at a time when it had no director, and helped the Director assume his duties once appointed. In the course of this, he provided advice on planning and zoning issues that formed the nucleus of the positions enunciated by municipal officials.

Mr. Williams is currently affiliated with the law firm of Holland & Knight LLP as a land use, planning, and zoning consultant. This relationship, which became effective March 1, 2002, followed a period of part-time employment by that firm (April 2000-Feburary 2002). He currently provides professional services to that firm's clients through their organization, while providing independent advice to others from time to time.

Mr. Williams is a member of the Economic Development Committee of the District of Columbia Building Industry Association. Mr. Williams has also served or as a member of the Board of several voluntary organizations, including Property Owners' Association of Deep Creek Lake (Garrett County, Maryland), and Cleveland Park Historic Society.

Mr. Williams received a Bachelor of Arts in Sociology with honors from Haverford College and a Masters in Regional Planning from the University of North Carolina at Chapel Hill.

C

CHINATOWN EAST LOFTS
809 6th St., NW

Proposed New 30 Unit Apartment Building
MAY 2003

THESE PLANS DEMOSTRATE ALL ZONING VARIANCES REQUESTED WITH THE EXCEPTION OF THE 0.5 CHINATOWN PREFERRED USE F.A.R REQUIREMENT. ZONING REQUIREMENTS DO NOT SPECIFY A LOCATION FOR THE PREFERRED USE MAKING IT DIFFICULT TO DIAGRAM THIS MATTER. RELIEF IS SOUGHT FROM THIS ZONING REQUIREMENT.

INDEX OF DRAWINGS

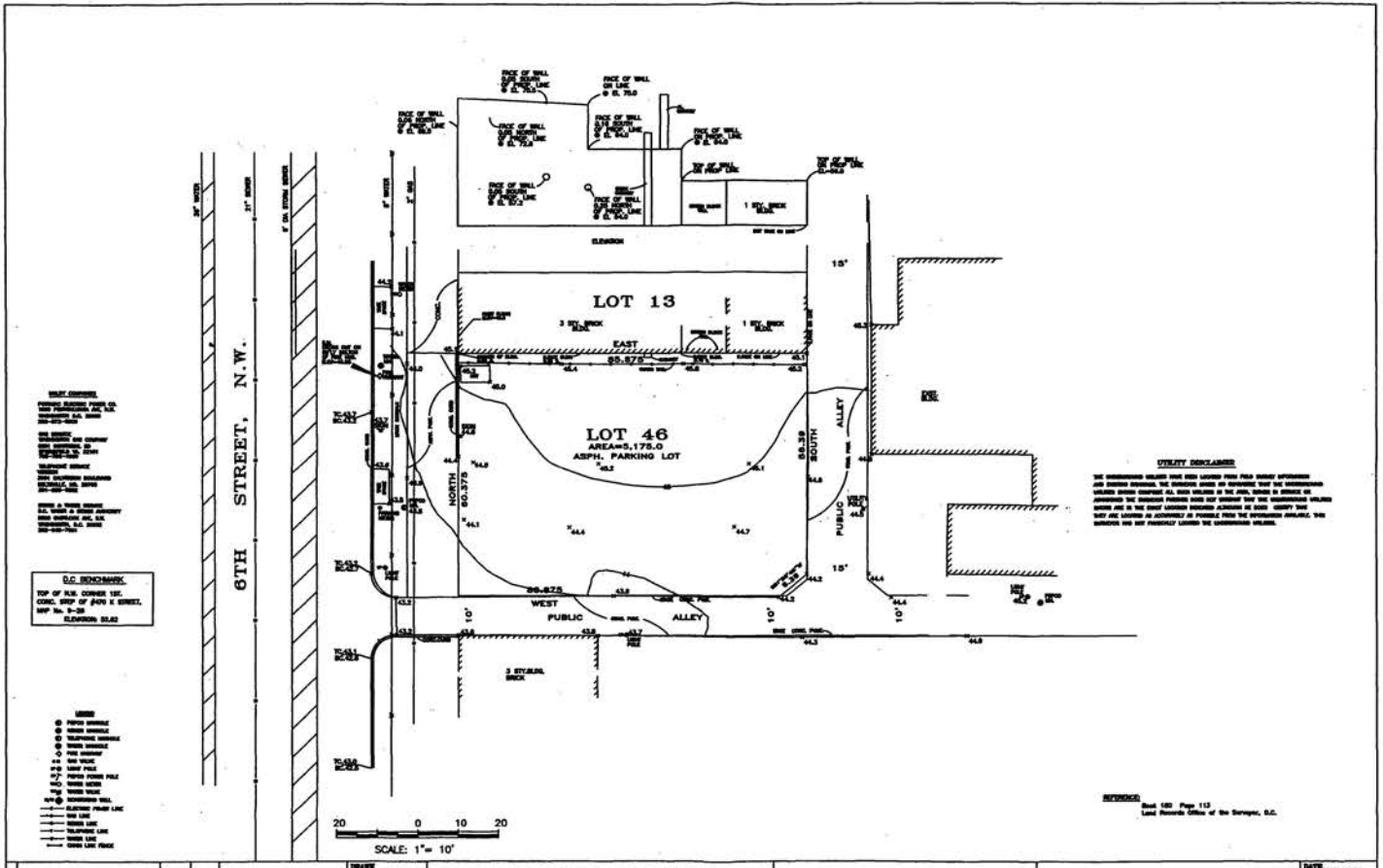
C-1	COVERSHEET
-	EXISTING CONDITIONS SURVEY
Z-1.0	ZONING ANALYSIS
Z-2.0	F.A.R. ANALYSIS
A-1.0	CELLAR FLOOR PLAN
A-2.0	FIRST FLOOR PLAN
A-3.0	SECOND FLOOR PLAN
A-4.0	TYPICAL FLOOR PLAN
A-5.0	SEVENTH FLOOR PLAN
A-6.0	ROOF PLAN
A-7.0	WEST ELEVATION
A-8.0	SOUTH ELEVATION
A-9.0	EAST ELEVATION
A-10.0	NORTH ELEVATION

COVERSHEET

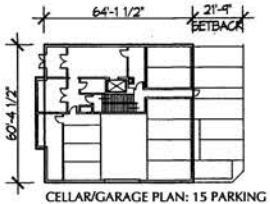
ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: BUNDY DEVELOPMENT CORP.

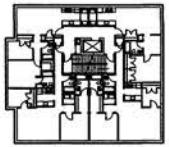
PROJECT: 809 6TH ST., NW
WASHINGTON, D.C.


6TH STREET, N.W.
LOT 13
EAST
89.875'
LOT 46
AREA=5,175.0
ASPH. PARKING LOT
NORTH
80.375'
SOUTH
89.39'
ALLEY
PUBLIC
WEST
PUBLIC
ALLEY
89.875'
15'
10'
20 0 10 20
SCALE: 1"= 10'
D.C. BENCHMARK
UTILITY DISCLAIMER
REFERENCE:
WEST CONSULTING GROUP
4424 MONTGOMERY AVENUE
BETHESDA, MARYLAND 20814
(301) 654-7907 654-7906 (FAX)
809 6TH STREET, N.W.
LOCATION SURVEY
LOT 46 SQUARE 485
WASHINGTON, DC.
DATE DEC. 2002
SHEET 1 OF 1
JOB No. 02-253
DRAWN RAJ
DESIGNED
CHECKED
SCALE 1" = 10'
REVISIONS
NO. DESCRIPTION NAME DATE

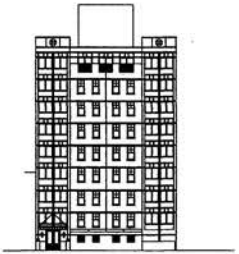
ORIGINAL
PROPOSED PLANS & ELEVATION



CELLAR/GARAGE PLAN: 15 PARKING SPACES (9 FULL SIZE)



TYPICAL FLOOR PLAN: 4 UNITS/FLOOR (32 APTS. TOTAL)

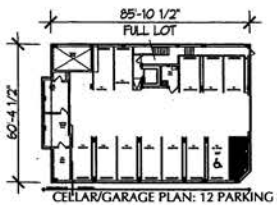


ELEVATION: BUILDING HEIGHT 87' H W/ 18.5' PENTHOUSE STRUCTURE

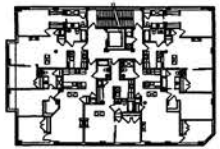
ZONING INFORMATION: ORIGINAL

LOT COVERAGE:	75% - COMPLIES WITH ZONING REG.
REAR YARD:	21'-9" - COMPLIES WITH ZONING REG.
BUILDING HEIGHT:	87' & 8 STORY + CELLAR (90' LIMIT) - COMPLIES WITH ZONING REG.
FAR:	(31,050 SF ALLOWABLE) - COMPLIES WITH ZONING REG.
PARKING:	8 FULL SPACES PROVIDED (15 TOTAL) - COMPLIES WITH ZONING REG.

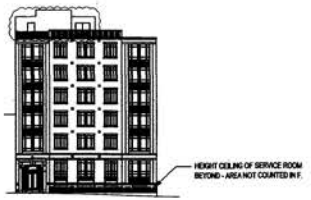
CURRENT
PROPOSED PLANS & ELEVATION



CELLAR/GARAGE PLAN: 12 PARKING SPACES (8 FULL SIZE)



TYPICAL FLOOR PLAN: 5 UNIT/FLOOR (30 APTS. TOTAL)



ELEVATION: BUILDING HEIGHT 68' H (FROM ALLEY EL.)

ZONING INFORMATION: CURRENT

LOT COVERAGE:	100% - VARIANCE SOUGHT
REAR YARD:	NONE PROVIDED - VARIANCE SOUGHT (100%)
BUILDING HEIGHT:	69' & 6 STORYS + CELLAR (90' LIMIT) - COMPLIES WITH ZONING REG.
F.A.R.:	31, 050 SF (6.0 ALLOWED)
F.A.R. (PROPOSED):	35,622 SF (13% OVER LIMIT) - VARIANCE SOUGHT
PARKING:	8 FULL SPACES PROVIDED (12 TOTAL) - COMPLIES WITH ZONING REG.

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

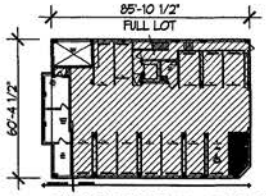
CLIENT: BUNDY DEVELOPMENT CORP.

PROJECT: 809 6TH ST., NW
WASHINGTON, D.C.

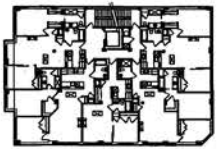
Z-1.0

F.A.R. DIAGRAM

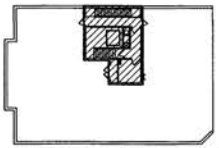
CURRENT PLANS



CELLAR/GARAGE PLAN: 4,572 SF ADDITIONAL FAR (CEILING GREATER THAN 4'-0" ABOVE GRADE)
NOTE: SHADED AREA INCLUDED IN F.A.R.



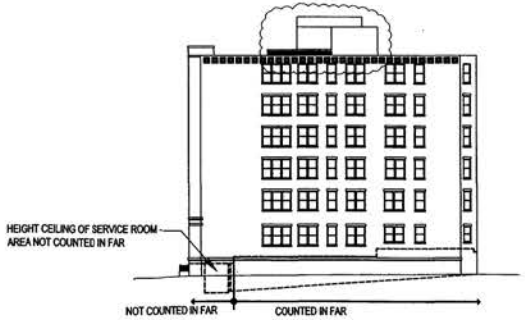
TYPICAL FLOOR PLANS: FLOORS 1 THRU 6 ARE 5,175 SF EACH.
TOTAL: 31,050 SF = 6.0 ALLOWABLE F.A.R.



SEVENTH FLOOR PLAN: 755 SF, (excluded from FAR)



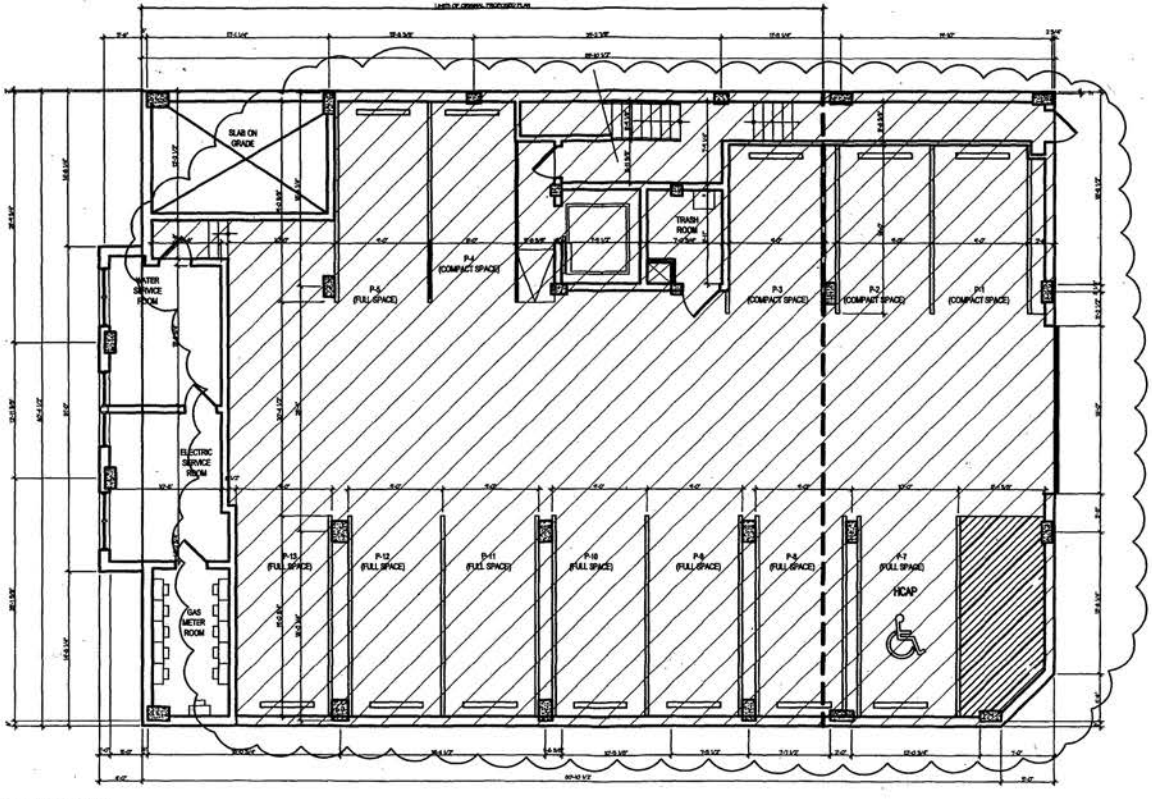
EAST ELEVATION - 7 STORY WITH PARTIAL CELLAR (CELLAR CEILING SHOWN)



SOUTH ELEVATION - 7 STORY WITH PARTIAL CELLAR (OUTLINE OF CELLAR SHOWN)

FAR CALCULATIONS: CURRENT

CELLAR/GARAGE:	4,572 SF
1ST FLOOR:	5,175 SF
2ND FLOOR:	5,175 SF
3RD FLOOR:	5,175 SF
4TH FLOOR:	5,175 SF
5TH FLOOR:	5,175 SF
6TH FLOOR:	5,175 SF
TOTAL:	35,622 SF (6.88 FAR)



GARAGE LEVEL PLAN

NOTE: SHADED AREA INCLUDED IN ADDITIONAL F.A.R. VARIANCE.

GARAGE LEVEL PLAN

SCALE 1/4" = 1'-0"

N

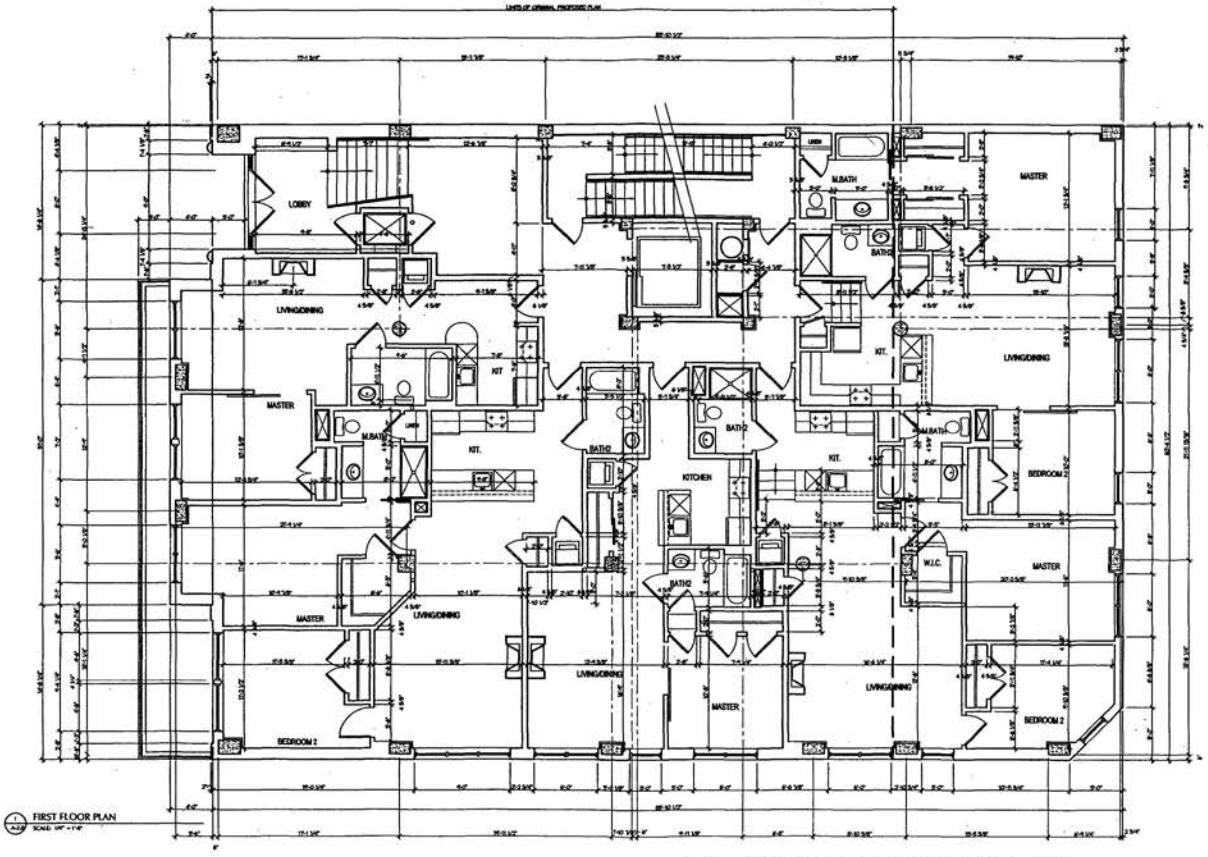
ARCHITECT: ERIC COLBERT & ASSOCIATES

717 6TH STREET, N.W., WASHINGTON, D.C. 20001

CLIENT: BUNDY DEVELOPMENT CORP.

PROJECT: 809 6th ST., NW

A-1.0



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

N

NOTE: FULL AREA OF FLOOR INCLUDED IN ALLOWABLE F.A.R.

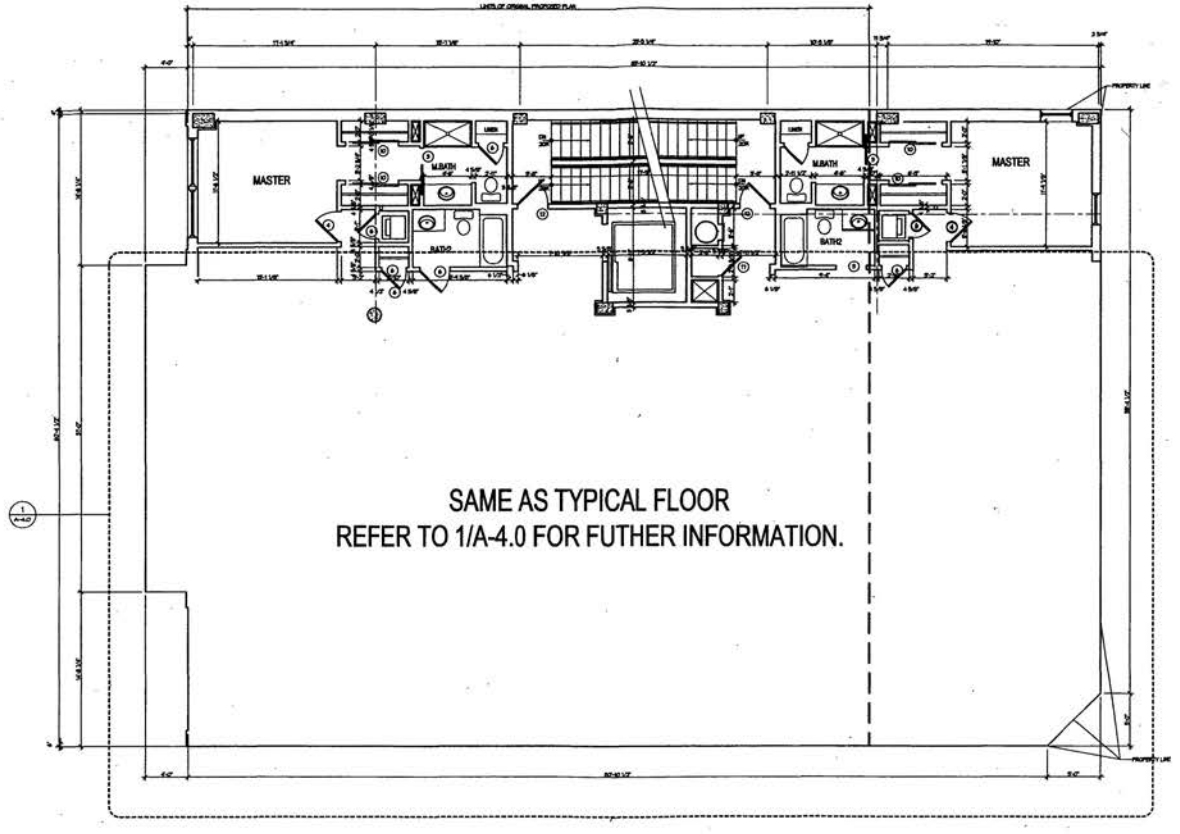
FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

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1121 MASS. AVE., NW WASHINGTON, DC 20005

PROJECT: 809 6th ST., NW
WASHINGTON, DC

A-2.0



NOTE: FULL AREA OF FLOOR INCLUDED IN ALLOWABLE F.A.R.

1/A3.0 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

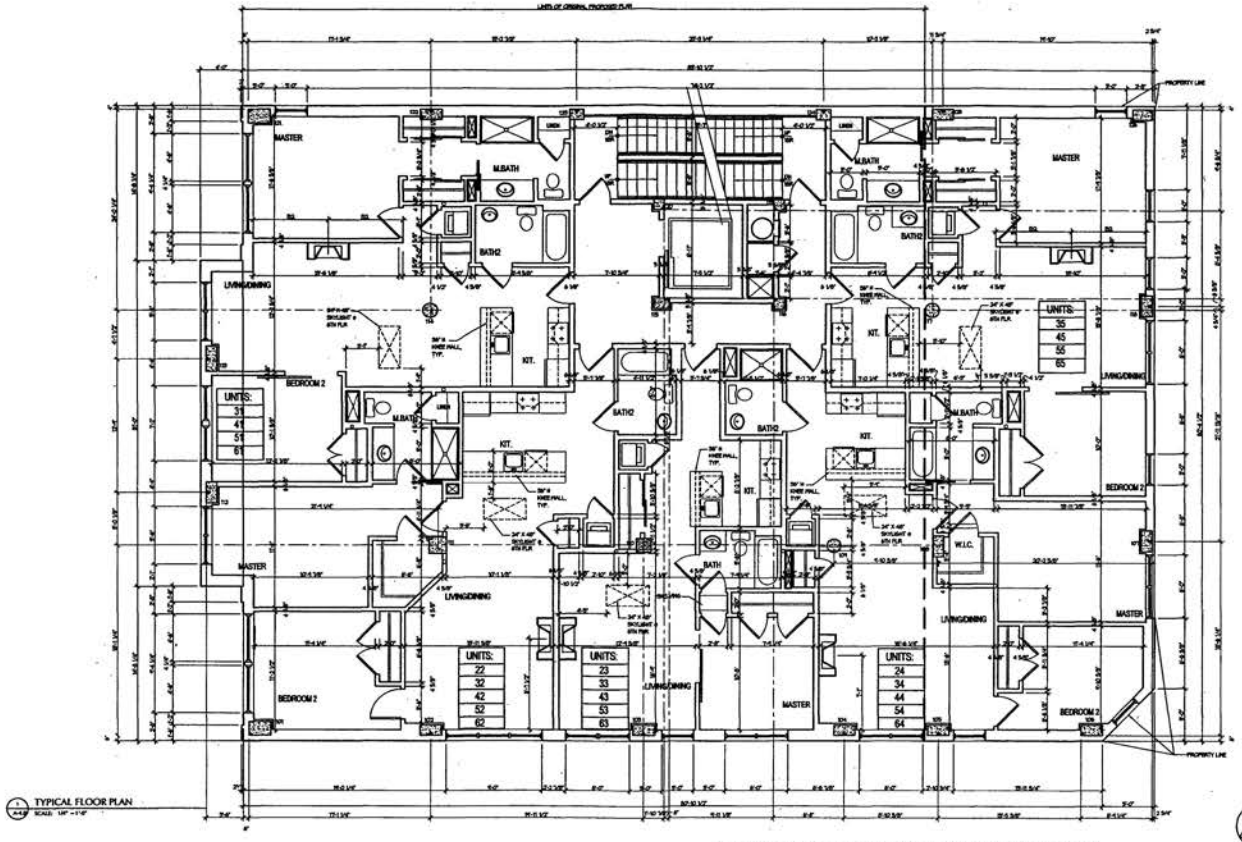
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WASHINGTON, DC

A-3.0



TYPICAL FLOOR PLAN
SCALE: 1/4" = 1'-0"

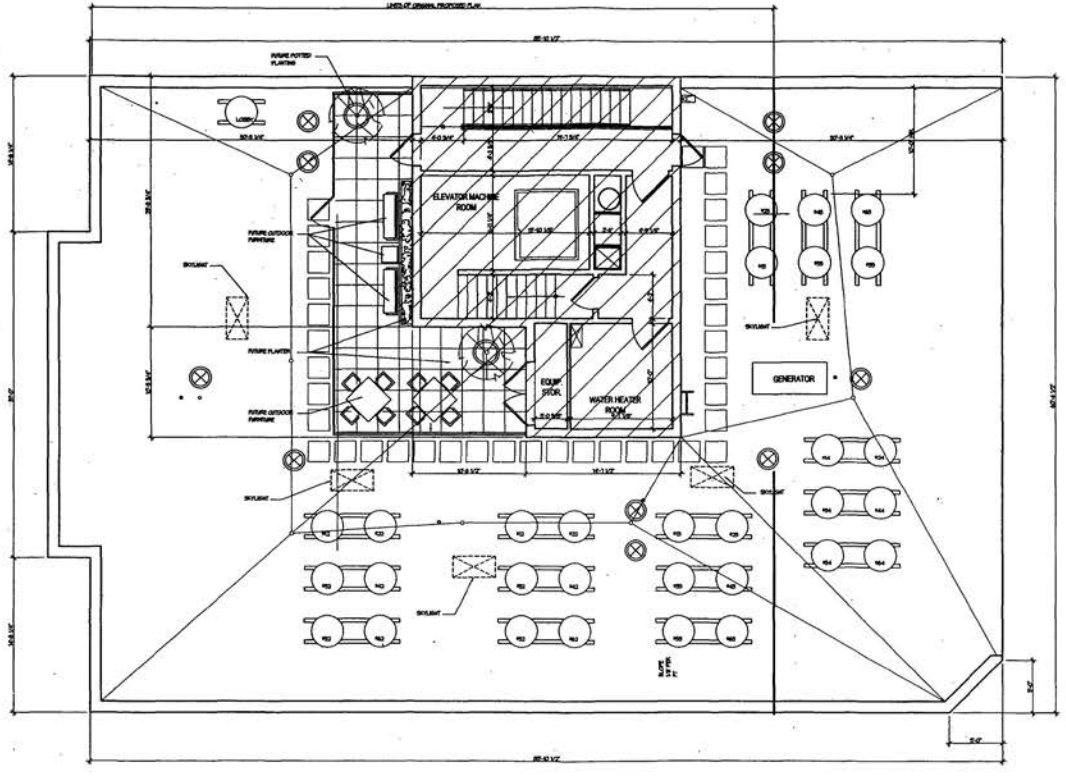
NOTE: FULL AREA OF FLOOR INCLUDED IN ALLOWABLE F.A.R.

TYPICAL FLOOR PLAN
SCALE 1/4" = 1'-0"

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PROJECT: 809 6th ST., NW
WASHINGTON, DC



SEVENTH FLOOR PLAN
SCALE: 1/8" = 1'-0"

NOTE: SHADED AREA INCLUDED IN ADDITIONAL F.A.R. VARIANCE

N

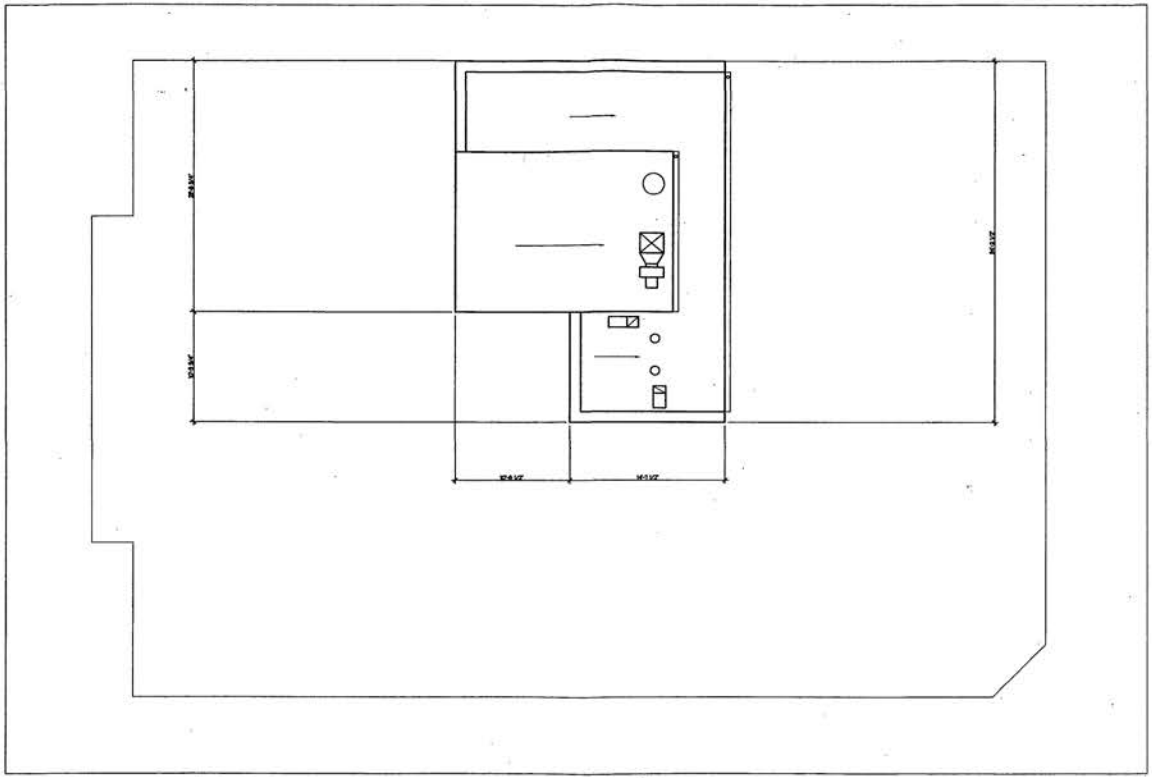
SEVENTH FLOOR PLAN
SCALE 1/8" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: BUNDY DEVELOPMENT CORP.
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PROJECT: 809 6th ST., NW
WASHINGTON, DC

A-5.0



HIGH ROOF PLAN
SCALE: 1/4" = 1'-0"

N

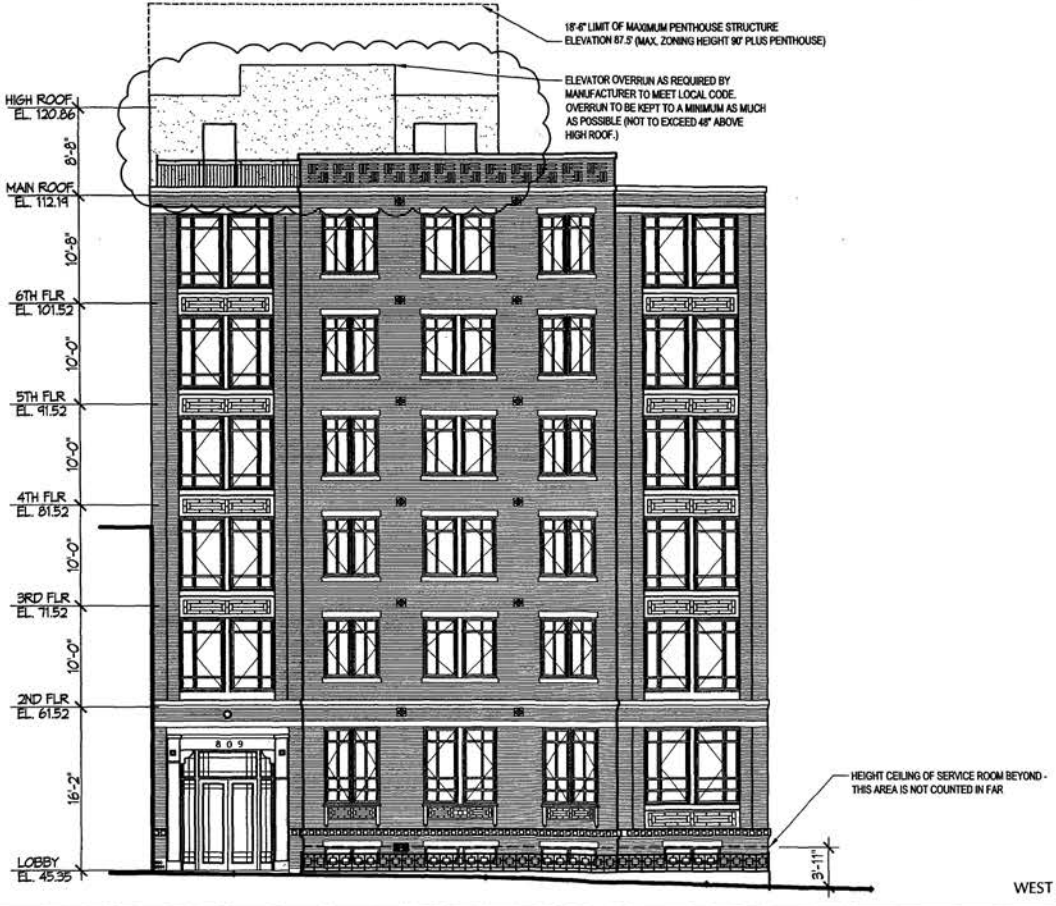
ROOF PLAN
SCALE 1/4" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES
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PROJECT: 809 6th ST., NW
WASHINGTON, DC

A-6.0



WEST ELEVATION

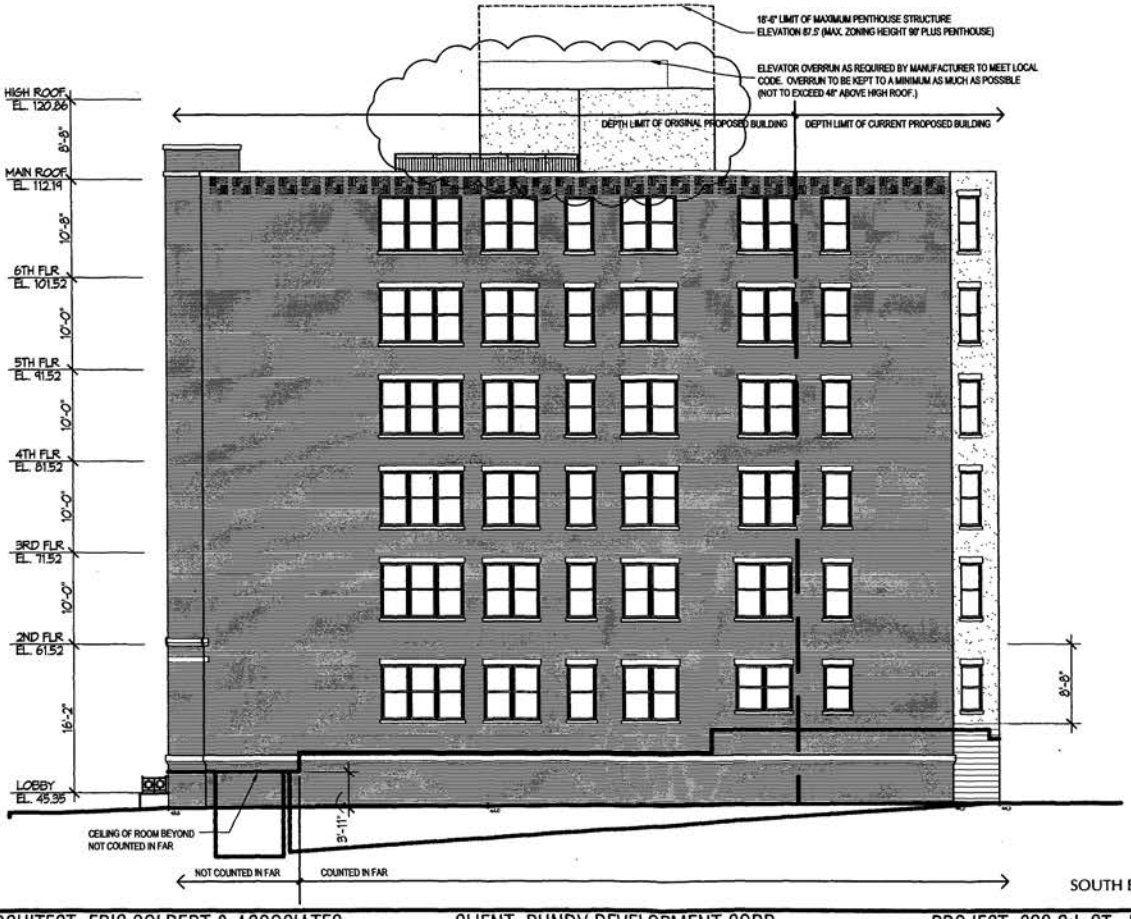
SCALE 1/4" = 1'-0"

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CLIENT: BUNDY DEVELOPMENT CORP.

PROJECT: 809 6th ST., NW

A-7.0



SOUTH ELEVATION

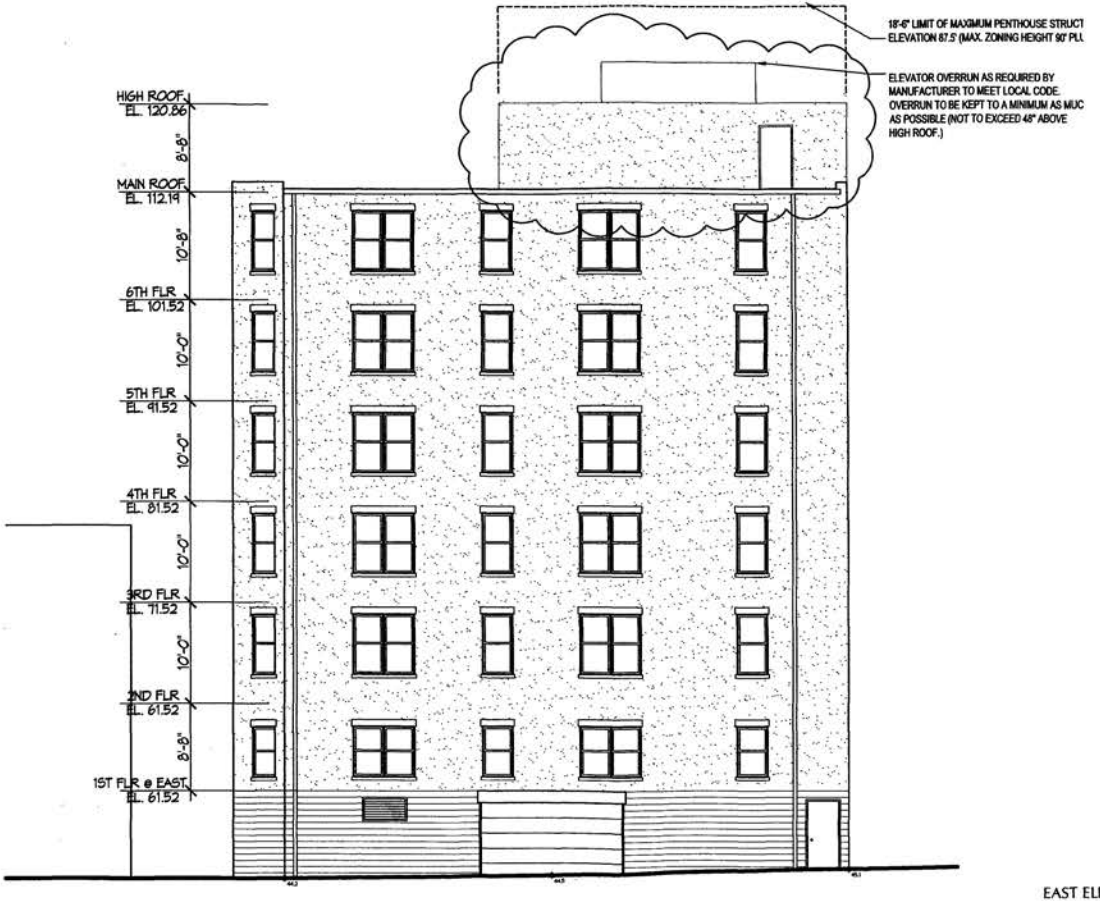
SCALE 1/4" = 1'-0"

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PROJECT: 809 6th ST., NW

A-8.0



EAST ELEVATION

SCALE 1/4" = 1'-0"

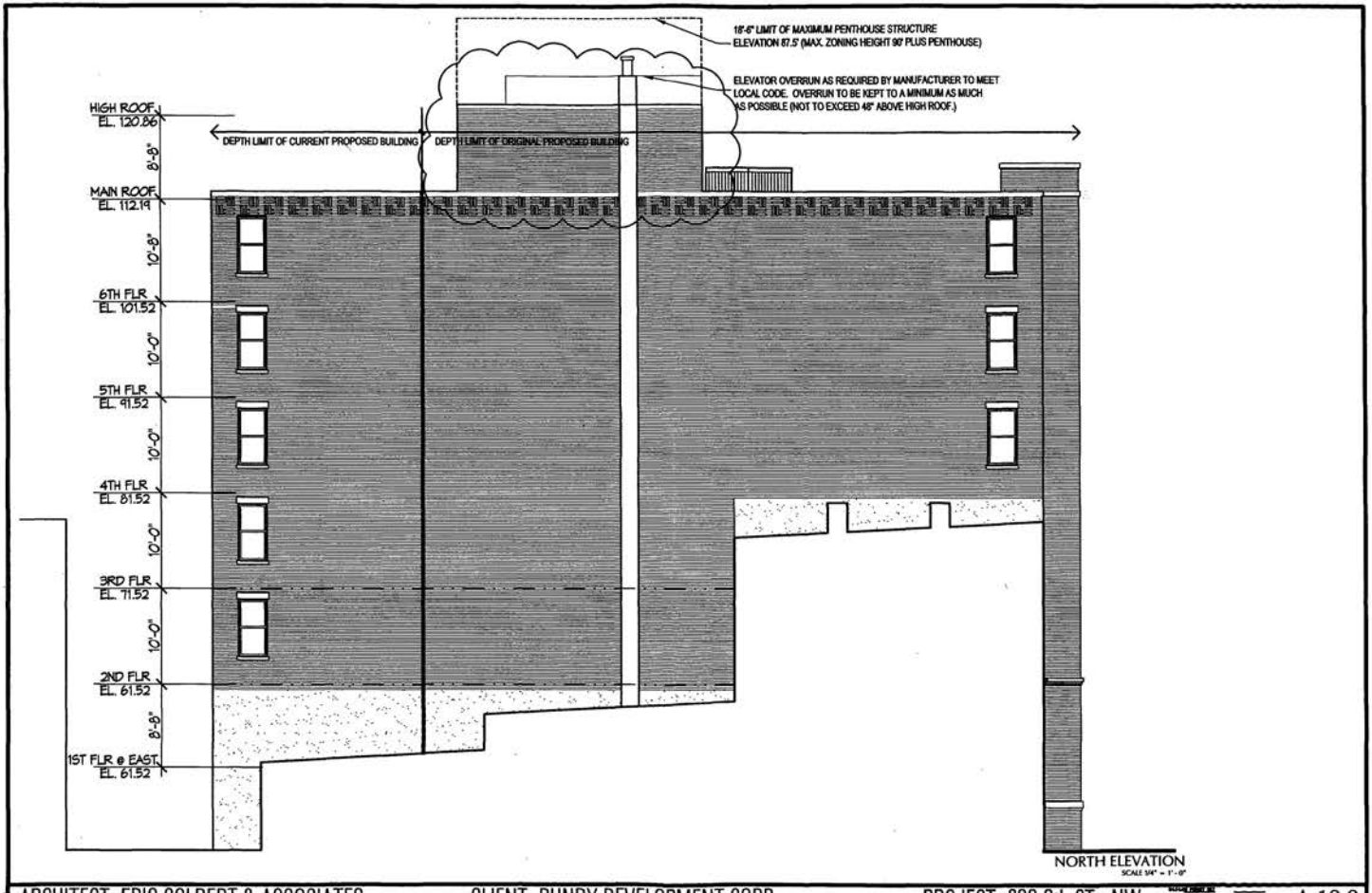
ARCHITECT: ERIC COLBERT & ASSOCIATES

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A-9.0



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A-10.0