Regarding the application of Hope 7 Monroe Street LP, pursuant to 11 DCMR 3103.2, for a variance from the height requirements of Subsection 770.1, and from the floor area ratio requirement limitation of Subsection 771.2, to redevelop a mixed use building of residential, and commercial uses in a C-2-A District at premises 1020 Monroe Street, N.W., Square 2840, Lot 0820.

C) Statement of existing and intended use:

The C-2-A District allows a matter of right height of 50 Ft. The subject property is currently built as a 45.1-foot masonry structure of four stories containing 22 residential and 6 retail units. The proposed modification would elevate the residential structure to five stories containing 28 residential and 6 retail units. In addition we propose to deliver an exclusively recreational 6th floor. The aggregate height of the proposed redevelopment will be 65.2 Ft.

D) Statement explaining burden of proof for variance.

Height Variance

The physical characteristics of the property make it difficult to use in compliance with the Zoning Regulations due to its' oddly shaped lot which fronts on two streets that are not perpendicular. In addition the existing structure, which was built in 1935, is not compliant with subsequently adopted Zoning Regulations related to Lot Occupancy and Rear Yard. Furthermore, the facility as currently configured lacks recreational space equivalent to 20% of the gross residential floor area, which would be required by Subsection 773.3 were the building constructed today. It is our goal to conform with and exceed the recreational space requirements related to the addition. The most practical location to add recreational facilities given the site's odd shape and high lot occupancy is on the roof of the structure, which contributes significantly to the need for the height variance.

The issue of functional affordability in the development of new housing is an important one, and is at the forefront of our efforts. Consequently, HOPE 7 Inc. adopted a cash flow based affordability standard in development pro forma conceived by our non-profit. The net effect is that our affordable units are priced below cost, i.e. $83,500 for finished two-bedroom units and $77,500 for finished one-bedroom units. At "The Sage" this practice results in the provision of over $3,000,000 in purchase subsidies that are being provided to 9 low-to-moderate income families.

HOPE 7 Inc. has also made a commitment to contribute the sum of $100,000 to the capital improvement fund of the nearby Harriet Tubman Elementary School as part of our commitment to support area schools whose enrollment additional units might affect.

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These commitments to functional affordability and school support pose significant financial hardship to the developer. Our goal is to offset some of the financial hardship posed by these commitments through the revenue that will be generated by the sale of fifth floor units.

FAR Variance

The FAR of the structure as currently developed is 2.16, the FAR provided by the proposed construction is 2.8 According to the current zoning regulations, this is a nonconforming FAR by a margin of .3 or a 11% deviation from the maximum allowed. However, this building was erected in 1935 with lot occupancy of 76% and prior to the imposition of regulations setting the maximum allowable lot occupancy at 60%. One of the strongest arguments for the imposition of lot occupancy constraints is the issue of pollution caused by storm water runoff. Although there is no reasonable way to bring the existing structure into literal conformance with the current regulations related to lot occupancy, a modern instrument that can be used to mitigate the negative environmental effects of such otherwise permitted nonconformance is the installation of a green roof. The primary deterrent to such installation is the associated cost. However revenue derived from the sale of fifth floor units will provide subsidy to the project so as to allow for the installation of the green roof.

Conclusion

We are of the position that nonconformance with Height and FAR constraints at this site poses no substantial detriment to the public good as it relates to traffic, noise, light or the environment. In fact, revenue derived from the sale of units allowed by the additional Height and FAR will support an environmentally friendly relief to the public health caused by permitted lot occupancy overages. In addition these variances will support functional affordability and public school support, while allowing a practicable method of conforming to current recreational space requirements.

Moreover, these significant public benefits are achievable and consistent with the general intent of and purpose of the Zoning Regulations and Map. Finally our project plans significantly move forward the goal of higher density development as called for in the Comprehensive Plan for the District.