

## Collins, Christopher H (WAS - X77841)

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**Importance:** High

**From:** LeGrant, Matt (DCRA) [mailto:matthew.legrant@dc.gov]  
**Sent:** Friday, February 24, 2017 5:21 PM  
**To:** Collins, Christopher H (WAS - X77841) <chris.collins@hklaw.com>  
**Subject:** RE: Ward 6 Proposed Emergency Shelter at 850 Delaware Avenue, SW--BZA Relief  
**Importance:** High

Chris Collins-

I agree with your analysis and conclusions in the email summary below, and as shown on the attached drawings dated 12-19-16, and specifically that the BZA relief you have identified is correct.

Please let me know if you have any further questions.

Matthew Le Grant  
Zoning Administrator- DCRA  
1100 4<sup>th</sup> ST SW, Washington DC  
202 442-4652  
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**From:** Collins, Christopher H (WAS - X77841)  
**Sent:** Monday, December 19, 2016 6:01 PM  
**To:** 'LeGrant, Matt (DCRA)' <[Matthew.LeGrant@dc.gov](mailto:Matthew.LeGrant@dc.gov)>  
**Subject:** Ward 6 Proposed Emergency Shelter at 850 Delaware Avenue, SW--BZA Relief

Dear Mr. LeGrant— The purpose of this memo is to summarize the matters discussed in our meeting in your office on December 15, 2016 regarding the BZA relief necessary for construction of the proposed Ward 6 emergency shelter for 50 persons, not including resident supervisors or staff and their families, at 850 Delaware Avenue, SW. The site is known as Lot 800 in Square 590E, and is zoned RF-1. The site abuts Delaware Avenue (160 ft. in width), and also abuts H Street, SW (80 ft. in width), and I Street, SW (90 ft. in width). The proposed development will also include a medical clinic on the cellar level of the building. The proposed development plans are attached.

Uses: A medical clinic is classified as a “medical care” use, which is permitted in the RF-1 zone as a matter of right per 11-U DCMR, Sec. 301.1(k). An emergency shelter is permitted by special exception from the BZA per 11-U DCMR, Sec. 320, and the criteria for special exception approval are listed in 11-U DCMR, Sec. 203.1(h). These criteria allow the BZA to approve a shelter for more than 15 persons.

### Area requirements:

#### Sub. E

--Sec. 302--A maximum of two dwelling units are allowed. An emergency shelter is a residential use, but does not provide “dwelling units” as that term is defined, so this provision does not apply.

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--Sec. 303.1—The maximum permitted height is 35 ft. and 3 stories. The building will be approximately 88 ft., 6 in. and 7 stories, as measured from the Delaware Avenue frontage. This height is permitted by the Height Act. However, zoning variance relief is required.

--Sec. 303.7—The maximum permitted penthouse height is 12 ft. and one story. The proposed height is 9 ft. There will be no habitable space in the penthouse.

--Sec. 304—The maximum permitted lot occupancy is 40%. The proposed lot occupancy is 36%.

--Sec. 305—A front setback is required for “residential dwellings” in the RF-1 zone. An emergency shelter is a separate use category; therefore this section does not apply. In addition, this will be the only building in the block along the Delaware Avenue frontage, between H and I Streets.

--Sec. 306—A minimum 20 ft. rear yard is required. The proposed rear yard (east side of the building) measures 46 ft., 7 in.

--Sec. 307.2—No side yard is required along a side street abutting a corner lot in the RF-1 zone. Lot 800 is a corner lot. No side yard is provided on the south side, abutting I Street. A setback of approximately 120 ft. is provided on the north side, abutting H Street.

--Sec. 201—The minimum required lot dimensions are 40 ft. in width, and 4000 sq. ft. in land area. The lot measures 126 ft., 9 in. in width, and 24,187 sq. ft. of land area.

--Sec. 203—There are multiple setbacks from the west lot line, stepping back as the building height increases. You have determined that these qualify as permitted court niches.

--Sec. 204—The minimum pervious surface requirement is 50%. The proposed pervious surface is 57%.

### Sub. C

--Sec. 701.5—The parking requirement for an emergency shelter is 0.5 per 1000 sq. ft. of gross floor area, or in this case, 26 spaces. The parking requirement for a medical care use is 1 space for each 1000 sq. ft. of gross floor area, in excess of 3000 sq. ft., with a minimum of 1 required space. One space is required for the medical care use. The total requirement for the project is therefore 27 spaces. The project will include 13 spaces; therefore, special exception relief is required, per Sec. 703.

--Sec. 710—The parking spaces will be located within the rear yard. Sec. 710.2(b)(5) requires a “surface parking lot for more than 10 vehicles” to be located at least 6 ft. from any property line in the RF zones. The accessory parking for the development is not a “surface parking lot”, so this provision does not apply.

--Sec. 712—At least 50% of the parking spaces must be full size; the remainder may be compact. All parking spaces provided are full-size. The minimum width of a one-way drive aisle is 17 ft. This minimum width is provided.

--Sec. 714—Screening of the parking is required around the perimeter of the parking area. Thickly-planted evergreen hedges, at least 42 in. high when planted, are permitted for this purpose, and will be used in this development. Gaps in the screening are allowed in order to provide vehicle entrances and exits, with no gap exceeding 20 ft. in width. In this instance, the perimeter of the parking area is along the east property line. No screening is required between the parking area and the building on the same lot that it is intended to serve. The screening as shown on the plan will be at least 42 in. high when planted, and the gaps in the plantings to provide for vehicles entrance/exit will be no greater than 20 ft., in compliance with these requirements.

--Sec. 802—For the emergency shelter, one short-term and one long-term bicycle space are required for each 10,000 sq. ft. of gross floor area. This equals 10 total bike parking spaces. For the medical care use, there is only 1214 sq. ft. of gross floor area; therefore there are no bicycle parking requirements for that use. The development will provide 5 long-term spaces and 5 short-term spaces.

--Sec. 806—Showers and changing facilities are required for non-residential uses that occupy more than 25,000 sq. ft. of gross floor area. The emergency shelter is a residential use. The medical clinic is a non-residential use but occupies less than 25,000 sq. ft. of gross floor area. Therefore no showers or changing facilities are required.

--Sec. 901—An emergency shelter requires one 12 ft. by 30 ft. loading berth (with an adjacent 100 sq. ft. loading platform) and one 10 ft. by 20 ft. service/delivery loading space. These are provided on the plan. A medical care use (identified as “health care” on the loading schedule) is required to provide loading for facilities with 30,000 sq. ft. of gross floor area or more. The proposed medical care use does not meet that threshold.

--Sec. 903—The loading facilities are located in the rear yard.

--Sec. 904—The driveway to the loading berth is at least 12 ft. wide.

- Sec. 907—The trash room within the building is located adjacent to the loading area.
- Sec. 908—Screening of the loading area is not required because the loading is in a rear yard and is separated from all contiguous property (in this case, the east lot line) by at least 25 ft.
- Sec. 1502—The penthouse setback requirement is 1/1 from all sides. The penthouse height is 9 ft., and the penthouse setback is shown as a minimum of 10 ft. from all sides.
- Sec. 1503.2—The penthouse may cover no more than one third (33.33%) of the roof. The penthouse roof coverage is 26% of the roof.

Conclusion:

Based on the above, and on the attached plans, the following relief is required from the BZA:

1. Special exception relief will be required for the emergency shelter use, pursuant to 11-U DCMR, Sec. 320.1 (a) (utilizing the criteria listed in Sec. 203.1(h)).
2. Special exception relief will be required from the minimum number of required vehicle parking spaces, pursuant to 11-C DCMR § 703.
3. Variance relief will be required from the maximum permitted building height and number of stories allowed by 11-E DCMR § 303.1.

If you agree with the foregoing, please so indicate by return email. The District government has requested that the BZA application for this emergency shelter be filed by January 5, 2017. Thank you for your attention to this matter.

Respectfully,

**Christopher H. Collins, LEED AP | Holland & Knight**  
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