

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** April 5, 2018  
**SUBJECT:** BZA 19726 – Emergency Shelter at 101 Q Street, NE in the PDR-2 zone.

This report concerning is being submitted less than 10 days prior to the Board of Zoning Adjustment Public Hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept this report into the record.

**I. OFFICE OF PLANNING RECOMMENDATION**

Amaro LLC (applicant) request special exception relief to allow an emergency shelter for 30 families and associate office at 101 Q Street, NE, in the PDR-2 zone.

The Office of Planning (OP) recommends **approval** of the following:

Special Exception pursuant to Subtitle X, § 901.2:

- Subtitle U § 802.1(c), Emergency Shelter Use in the PDR-2 zone;
- Subtitle C § 1502.1(c) Penthouse setback (10-feet required, 0-feet proposed);
- Subtitle C § 1502.1(d) Penthouse setback (5-feet required, 0-feet proposed); and

Although not requested by the applicant, loading relief may also be required for this proposal. If so, OP has provided this analysis, and recommends **approval** of Special Exception pursuant to Subtitle X, §§ 909.1 and 909.2

- Subtitle C § 902.3 Loading and Service delivery (1 loading berth and 1 service/delivery area required, none provided).

**II. LOCATION AND SITE DESCRIPTION**

Address	101 Q Street, NE
Legal Description	Square 35184, Lot, 25
Ward/ANC	5/5E

Lot Characteristics	The irregularly shaped, flat lot that has an area of approximately 10,762 square feet.
Zoning	PDR-2 - permits heavy commercial and light manufacturing activities. Emergency shelters are permitted by special exception and office as a matter-or-right.
Existing Development	The site is currently improved with a two-story office building which houses the Foer Medical Arts Pharmacy of Maryland, the DC Forensic Nurse Examiners and Pathways to Housing DC which provides support services for homeless persons.
Historic District	Not within a historic district.
Adjacent Properties	To the east and southeast is the Sirius XM building and surface parking lots in the PDR-2 zone; to the north across Q Street is a surface parking lot associated with two and three-story commercial buildings in the PDR-2 zone; to the west is 1 <sup>st</sup> Street and two-story row-houses in the RF-1 zone; to the south is a one-story commercial building in the PDR-2 zone.
Surrounding Neighborhood Character	The surrounding community consists of a mix of residential, office and other light industrial uses in buildings which are surround by large surface parking lots. To the east and north are row dwellings while to the east, across Eckington Place are several five-story apartment buildings





### III. APPLICATION-IN-BRIEF

The subject property is currently developed with a two-story, office building which would be demolished to accommodate the new emergency shelter. The applicant states that the current occupants would be invited to return to the offices proposed in the new development. The proposed emergency shelter would provide victims of domestic violence a place to live for up to 30 days.

The proposed development would be a five-story (32,251 square foot) plus cellar (6,740 square feet). The cellar, first and second floors would be offices, and floors three to five would be the emergency shelter. The emergency shelter would accommodate approximately 30 families or 91 persons in self-contained studios, one-, two-, and three-bedroom apartments with each unit having its own kitchen and bathroom. The units have been designed to give the shelter the flexibility to combine units to accommodate larger families as needed. A laundry, serving all the units would be on the third floor. The offices would house support services for the residents and space not needed by the shelter would be leased, possibly to some of the existing tenants.

The roof would have a children's play area, an outdoor terrace for adults, an enclosed communal recreation space, mechanical equipment, and 3,663 square feet of green roof. The building would be supported by ten surface parking spaces to the rear of the building.

**IV. ZONING REQUIREMENTS AND RELIEF REQUESTED**

<b>PDR-2 Zone</b>	<b>Regulation</b>	<b>Proposed</b>	<b>Relief</b>
Emergency Shelter, Subtitle U § 802.1(c)	Maximum 300 persons by sp. ex.	An average of 91 persons	<b>Sp. Ex. Required</b>
FAR, Subtitle J, 202.1	3.0	3.0	None
Height, Subtitle J, 203.1	60 ft.	56.67 ft.	None
Penthouse Height, Subtitle J, 203.6	12 ft. or 18.5 ft. for mechanical equipment	10 ft.; Less than 18.5 feet for mechanical equipment	None
Penthouse Stories, Subtitle J, 203.6	1 story; Second story permitted for penthouse mechanical space	1 story with second story for mechanical equipment	None
Penthouse Setbacks, Subtitle C 1502.1	Front setback: 1:1 Rear setback: 1:1 Side setback: half height of structure	Front: 1:1 Rear: No setback on Structure 2. Side: No setback on Structure 1	<b>Sp. Ex. Required from Rear and Side Walls</b>
Rear Yard, Subtitle J § 205.1	2.5 inches/ft. of height but not less than 11.8 ft.	12 ft.	None
GAR, Subtitle J §208.1	0.3 (3.229 sq. ft.)	0.31 (3240 sq. ft.)	None
Parking, Subtitle C § 701.5	Shelter: 0.5 space/1,000 sq. ft. = 13 spaces Office: 0.5 space/1,000 sq. ft. = 5 spaces TOTAL: 18 spaces	Shelter and Office: 10 spaces	None
Subtitle C § 702.1(a)	50% reduction due to proximity to Metro Station = 9 spaces		
Bicycle, Parking, Long Term, Subtitle C § 802.1 Short Term, Subtitle C § 802.1  Office:	Shelter: Long term: 1 space/1,000 sq. ft. = 3 spaces Short term: 1 space/1,000 sq. ft. = 3 spaces Office: Long term: 1 space/2,500 sq. ft. = 3 spaces Short term: 1 space/40,000 sq. ft. = 1 spaces  Total: Long term – 6 Short term: 4	Long term – 6 Short term: 4	None
Loading Subtitle C § 900.1	1 loading berths and 1 service/delivery space	None	<b>Sp. Ex. Required</b>

## V. OFFICE OF PLANNING ANALYSIS

### 1. Special Exception

#### Emergency Shelter in the PDR-2 Zone

The applicant meets the requirements for special exception approval pursuant to Subtitle X, § 901.1 and Subtitle U § 802.1(c) as follows:

*(c) Emergency shelter not meeting the conditions of Subtitle U § 801.1(j), subject to the following conditions:*

*(1) There shall be a maximum limit of three hundred (300) persons, not including resident supervisors or staff and their families, provided that for facilities over one hundred and fifty (150) persons the Board of Zoning Adjustment finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District;*

The proposed emergency shelter would accommodate a maximum of 30 families or up to approximately 91 persons which is below the 150 and 300 persons maximum allowed.

*(2) There shall be no other property containing an emergency shelter use for five (5) or more persons in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property;*

The applicant at Exhibit 8, page 1 provided a map showing other emergency shelters in the area, none of which are within the square or within 1,000 feet of the property.

*(3) The use shall not be located within one thousand feet (1,000 ft.) of a waste-related services use; and*

The proposed emergency shelter would not be within one thousand feet of a waste-related services facility.

*(4) The use shall not be permitted in the PDR-3, PDR-4, or PDR-7 zones.*

The proposed emergency shelter would be within the PDR-2 zone and therefore meets this requirement.

#### Rear and Side Penthouse Setbacks

Subtitle C § 1502.1(c) requires a penthouse rear setback of “A distance equal to its height from the rear building wall of the roof upon which it is located” on Structure 2 and Subtitle C § 1502.1(d) requires a side setback of “A distance equal to one-half (0.5) of its height from any side building wall of the roof upon which it is located that is not adjoining another building wall and not meeting the conditions of paragraphs Subtitle C §§ 1502.1(c)(1) through (5)” on Structure 1. The stair penthouse structures are 10-foot tall and therefore a five-foot setback is required on Structure 1 from the side building wall, and a ten-foot setback on Structure 2 is required from the rear building wall.

No side or rear setback would be provided and pursuant to Subtitle C § 1504.1, the applicant has requested special exception relief.

***1504.1 Relief to the requirements of Subtitle C §§ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:***

- (a) ***The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;***

The rooftop would be accessible to residents for outdoor area, and the Building Code requires at least two ingress/egress stairs to be provided. However, the penthouse structures do not meet the required rear and side setbacks. Of paramount importance to the operations of the shelter is the ability to combine units to accommodate larger families who may require more than two-bedrooms. This results in having to place the stairs and elevators at locations which allow for the combination of units in a logical manner, and at the same time maximize the living area space. Meeting the setback requirements would limit this flexibility and potentially would result in a reduced number of units. Placing the recreational open space on the roof provides security for the residents as well as creating a better living environment. Meeting the penthouse setbacks would reduce the recreational space provided.

- (b) ***The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;***

The portion of the property adjacent to the building is a surface parking lot and therefore the east side of the building would be fully exposed and visible from adjacent streets. The material used on the roof structures would have a different pattern and color from that of the building and would show a distinct difference between the building and the penthouse (Exhibit 44A1, page 8).

- (c) ***The relief requested would result in a roof structure that is visually less intrusive;***

Most of the penthouse area would meet or exceed all setback requirements, and the non-conforming stairwells are designed to be the minimum size needed. The proposed penthouses would only be minimally less visible if they met the required setbacks. Structure 1, along the rear of the building, would not be viewed from any adjacent streets or residences, and the adjacent PDR zoned property is being developed with a storage facility. Structure 2 would not be visible from Q Street at the front of the building, however it would be visible from the adjacent PDR property, surface parking lot.

- (d) ***Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C-115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;***

The size and shape of the property places some limitations on the size of the building and therefore the location of the required stairwells. As discussed in (a) above, reducing the setback requirements

would grant the applicant the necessary flexibility to combine units to accommodate large families when necessary and maximize the number of units. The recreational space for occupants is placed on the roof for the security of the residents. Meeting the setback requirements would reduce the recreational space available to families at the shelter.

- (e) *Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

The requested relief applies to the two stair penthouses. The housing for mechanical equipment, elevator and communal rooms meet all the setback requirements.

- (f) *The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

The non-conforming penthouses have been designed with a 10-foot height, which would be below the 12-foot maximum permitted. The property to the east is a surface parking lot and the proposed building is set back 12-feet from the rear property line. Therefore, the structures would not affect the light and air of adjacent properties.

### **Loading and Service Delivery**

The emergency shelter requires a minimum size of 30,000 gross square feet and the office use requires a minimum of 20,000 gross square feet to generate the need for a loading facility for either use individually. Neither the emergency shelter nor the office space exceed these amounts. However, Subtitle C § 902.1 states:

*At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one of the separate uses.*

The total square footage of the office and the emergency shelter combined would be 32,251 gross square feet and therefore one on-site loading berth and one service/delivery space appears to be required pursuant to Subtitle C § 909.1 and § 909.2.

- 909.1** *This section provides flexibility from the loading requirements when providing the number of spaces required is impractical or contrary to other District regulations.*

Having to provide a loading berth would be impractical as persons seeking shelter would arrive with few possessions, and deliveries to the facility would be minimal and typically of short duration. The offices would also not have the need for large trucks except for perhaps, move-in and move-out times. The offices would be small and therefore there would be no need to accommodate large trucks. If the loading berth and service/delivery area were to be provided within the building, it would result in a significant reduction in space available for the emergency shelter or related offices. The DDOT report notes that any loading and trash collection would take place on private property at the rear of the site, presumably within the proposed parking area.



**909.2** *The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by Subtitle C § 901.1 if, in addition to meeting the general requirements of Subtitle X, Chapter 9, the applicant demonstrates that:*

- (a) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR; or*
- (b) The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.*

This property does not have access to an alley, so loading access would have to be from either First Street or Q Street. However, the building is not historic.

The proposal meets the requirements of *Subtitle X, Chapter 901.2* as follows:

*(a) Will be harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

An emergency shelter and associated offices are allowed in the PDR-2 zone provided the applicant has demonstrated that the requirements of Subtitle U § 802.1(c) are met. In addition, the applicant has demonstrated that they meet the requirements of Subtitle C § 909.1, by demonstrating that providing the loading facilities is impractical in this case and if provided could result in a reduction in the number of units or space for support services, as well as the addition of additional curb cuts from public streets. Individually, neither of the proposed uses meet the threshold required for loading facilities to be provided.

*(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

Not providing the loading facilities would not adversely affect the use of neighboring properties as any necessary loading could be done from the rear of the property.

*(c) Subject in specific cases to the special conditions specified in this title.*

OP does not proposal any special conditions related to the loading relief.

## **VII. COMMENTS OF OTHER DISTRICT AGENCIES**

The Department of Transportation (DDOT) has submitted a report at Exhibit 48. Letters of support submitted at Exhibit 1 include:

1. Office of Victim Services and Justice Grants
2. Metropolitan Police Department (MPD)
3. Councilmember Charles Allen, Chairperson, Committee on the Judiciary and Public Safety
4. Office of the Attorney General, Domestic Violence Section



## **VI. COMMUNITY COMMENTS**

The property is within ANC-5B and at the time of this report the applicant is scheduled to present the proposal at their April 2018 meeting. The applicant has indicated that Eckington Civic Associated voted in support of the proposal at their March 5, 2018 meeting.

At Exhibit 1, the applicant provided letters of support from the following:

1. DC Local Initiatives Support Corporation (LISC) a community development organization investing in affordable housing, health clinics, theaters, community centers and retail shopping centers in the District.
2. Savoy Court Condominium Association
3. DC Superior Court
4. Network for Victim Recovery of DC (NVRDC)
5. DC Forensic Nurse Examiners