

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** November 7, 2024

**SUBJECT:** BZA Case 21197 (10 Q Street, NW) to permit the subdivision of eight lots into one record lot to construct a new mixed-use building with 29 all-affordable dwelling units, and non-profit community art gallery and office spaces.

### **I. OFFICE OF PLANNING RECOMMENDATION**

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

- Zone Boundary Line requirement, Subtitle A § 207.1, pursuant to Subtitle X § 1000 (parcels must have been in single ownership prior to May 1, 1958); lots not in common ownership at that time but since brought into common ownership and consolidated into one lot).

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

- Zoning Boundary Line Provisions, Subtitle A § 207.2, pursuant to Subtitle X § 901.2 (to extend the use, height, and bulk development standards of the MU-4 zone into the portion of the site zoned RF-1).

### **II. BACKGROUND**

This request was originally approved in BZA 20095 in 2019, with a summary order granting the following relief:

- **Variance relief** from the loading requirements of Subtitle C § 901.1, and from the zone boundary line requirements of Subtitle A § 207.1, and
- **Special exception** relief from the zone boundary line provisions of Subtitle A § 207.2.

This relief was to raze the existing detached principal dwelling unit, subdivide eight lots, and to construct a mixed-use building with 24 residential units, retail space and non-profit office space in the MU-4 and RF-1 Zones (Square 615, Lots 75, 148, 149, 150, 151, 152, 806, and 825).

The Order has since lapsed due to economic circumstances and the Applicant has made slight changes to the plan including replacement of retail space with five (5) additional units, increasing the number of units from 24 to 29 units, and the addition of art gallery space and a community meeting room.

### **III. LOCATION AND SITE DESCRIPTION**

|           |                |
|-----------|----------------|
| Address   | 10 Q Street NW |
| Applicant | Mi Casa, Inc.  |

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|                                    |  |
|------------------------------------|--|
| Legal Description                  | Square 615, Lot 0318 – <u>formerly Lots 75, 148, 149, 150, 151, 152, 806, 825</u>  |
| Ward, ANC                          | 5/5E   |
| Zone                               | MU-4 / RF-1 - The MU-4 zone, which covers most of the subject site, permits a mix of retail, office, and multi-family residential uses. The RF-1 zone permits single-family homes, flats, religious institutions, some schools and certain parking uses as a matter of right.  |
| Lot Characteristics                | Irregular shaped lot fronting both Q Street, NW and Florida Avenue, NW to the north. The lot is also bounded by a 14.25-foot-wide public alley to the east, a 15-foot public alley to the south, and lot with a residential row building to the west.  |
| Existing Development               | The subject property is undeveloped except for former lot 158, which has a vacant two-story row building.  |
| Adjacent Properties                | There is a two-story residential row building to the west and a three-story mixed-used residential with ground floor commercial building across the 14.25-foot-wide public alley to the east.  |
| Surrounding Neighborhood Character | Residential row buildings, ground floor commercial uses, and apartment buildings.  |
| Proposed Development               | The applicant proposes to construct a four-story 29-unit all-affordable housing building with a mix of one-, two-, and three-bedroom units, with over 75% of units being “family-sized” at two and three bedrooms. The units would provide a mix of rental housing for a range of incomes between 30% AMI to 50% and 80% AMI. Eleven parking spaces would be provided. The development site includes 9,569 square feet of lot area in the portion zoned MU-4 and 2,833 square feet of lot area in the portion zoned RF-1 and the zone boundary line is requested to be moved 23 feet into the RF-1 zone to accommodate the proposed development. |

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

| Development Standard                       | Regulation   | Proposed <sup>1</sup>     | Relief  |
|--|--|---------------------------|---|
| Lot Width                                  | No requirement   | 135 ft.                   | None Required   |
| Lot Area                                   | No requirement   | 12,411 sq. ft.            | None Required   |
| Height<br>G § 203.1<br>E § 203.1 &         | <b>MU-4:</b><br>50 ft. max.                              | 50 ft./4 stories          | None required if the zone boundary line extension request is approved |
|  | <b>RF-1:</b><br>35 ft. max./3 stories max.               |                           |   |
| Floor Area Ratio<br>G § 201A<br>207.2(b) & | <b>MU-4:</b><br>9,569 sq. ft. x 3.0 FAR = 28,707 sq. ft. | 2.7 FAR<br>33,510 sq. ft. | None Required <sup>2</sup>  |
|  | <b>RF-1:</b><br>2,833 sq. ft. x 0.9 FAR = 2,550 sq. ft.  |                           |   |

<sup>1</sup> Information provided by the applicant.

<sup>2</sup> Applicant's interpretation of Subtitle A-207.1(d)– to apply the 3.0 FAR available in the MU-4 zone to the entire site, including the RF-1 zoned portion, was confirmed by the Zoning Administrator at the time of the previous approval. See [ZA Determination under BZA 20095 Exhibit 40](#)

| Development Standard                    | Regulation   | Proposed <sup>1</sup> | Relief   |
|---|--|-----------------------|--|
| Lot Occupancy<br>G § 210.1<br>E § 210   | <b>MU-4:</b> 75% max.<br><b>RF-1:</b> 40% max.                             | 70%                   | None required if the zone boundary line extension request is approved                    |
| Rear Yard<br>G § 207.1<br>E § 207.1     | <b>MU-4:</b> 15 ft. min.<br><b>RF-1:</b> 20 ft. min                        | 24ft. 2in.            | None required if the zone boundary line extension request is approved                    |
| Parking<br>C § 701.5                    | Residential - 1 per 3 dwelling units / 2 in excess of 4 = 4 parking spaces | 11 parking spaces     | None required  |
| Loading Berth Requirements<br>C § 901.1 | Retail - 1 loading berth min.<br>Residential - 1 loading berth             | 1 loading berth       | None required<br>No retail space provided, and residential units are less than 50 units. |

## V. OFFICE OF PLANNING ANALYSIS

### a. Variance Relief from Subtitle A § 207.1.

Under Subtitle A § 207.1, the bulk and uses of a zone can be extended only “*when a zone boundary line divides a lot that was in single ownership on May 12, 1958.*” This criterion of single ownership is required in applying the 35-foot extension under Subtitle A § 207.2. The Property, which is owned by the District was not in single ownership as of May 12, 1958, and variance relief is requested.

#### i. Exceptional Situation Resulting in a Practical Difficulty

The applicant was awarded the subject parcel through a District of Columbia Department of Housing and Community Development (DHCD) solicitation process in 2018, which gives the non-profit Applicant/developer - Mi Casa - the development rights to the subject property to construct a mixed-used building with 29 affordable dwelling units, a community room and arts space on the ground level.

This programmatic need to adhere to the District’s solicitation and award requirements presents an exceptional situation that would result in practical difficulty for the applicant since the lot was awarded as an assembled parcel. The programmatic need for affordable units could not be efficiently met on the individual 8 smaller lots and the affordability would not be satisfied.

According to the Applicant - *This limitation would create substantial practical difficulties, including losing the six largest two-to-three-bedroom units proposed for the western portion of the Property in the RF-1 zone. It would be a practical difficulty to reduce those six family-sized units to – at maximum – two flats.*

At least 51% of the units would be rented to families at no more than 80% MFI and the remainder would be dedicated to families between 30% to 50% MFI.

#### ii. No Substantial Detriment to the Public Good

The proposal would not be a detriment to the public good. If the single-ownership requirement was complied with, the affordability required by the District’s award would not be easily attained. Rather, the provision of new housing options in a 100 percent affordable building, including 3-bedroom units, along the Florida Avenue and North Capitol Street Priority Corridors represents a public good, as much needed housing would be assigned to families under the District’s housing affordability requirements. This development would be a benefit to the public in a high-cost, land value area.

### **iii. No Substantial Harm to the Zoning Regulations**

Substantial harm to the Regulations is not anticipated as the Board previously determined this issue under its original approval through Order 20095. The request is essentially the same and minimal changes were made to the current plan, which would not change the material facts upon which the original determination was made. The proposal would not result in a building that would be inconsistent with the intended height, bulk or use of the predominant zone.

## **b. Special Exception Relief from Subtitle A § 207.2, Zone Boundary Line Crossing a Lot.**

*If approved by the Board of Zoning Adjustment as a special exception under Subtitle X, the regulations applicable to that portion of a lot located in a lesser restrictive use zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:*

- a) The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);*

The applicant requests to extend the use, height, and bulk development standards of the less restrictive MU-4 zone by 23 feet into the more restrictive RF-1 zone.

- b) In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);*

The above referenced section reads as follows:

*For computation purposes...any portion of the lot located in an RF-1, RF-2, or RF-3 zone shall be deemed to be limited to an FAR of 0.9.*

The Zoning Administrator determined under [BZA 20095 \(Exhibit 40\)](#):

*“Subtitle A-207.1(d), that it means: For zones in which there is no designated floor-area-ratio, such as the R zones and the RF zones, Subtitle A-207.1(d) is applied to compute the floor-area-ratio when the R and RF zones are the less restrictive zones.”*

In this case the RF zone is the more restrictive zone. Thus, the proposed FAR of 2.7, is calculated on the area of the entire lot, including both the MU-4 and the RF-1 zoned portions of the lot. Therefore, this section does not apply because the MU-4 development standards (which is the less restrictive zone) are being extended over the more restrictive RF-1 zoned portion of the development site.

- c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and*

The neighborhood is characterized by a mixture of old and newer apartment buildings, residential row buildings, and ground floor commercial uses. Directly to the west, on Q Street NW, are two story rowhouses; directly to the east of the development site is a renovated three-story mixed-use building. To the west, across the street from the development site on Florida Avenue, NW, are four- and five-story apartment buildings mixed in with rowhouses. Further, the proposed building would front on the intersection of Q Street, NW and Florida Avenue, NE. As a result, the right of way is wide and would be able to accommodate the height and bulk proposed for the portion of the development site within the RF-1 zone. The RF-1 portion the building steps down from four stories to three stories where it abuts the building to the west.

The proposed building would also have bay window projections that would harmonize with the bay windows existing on the residential row buildings on Q Street, NW. Further, the entrance to the community meeting space and office would be located furthest away from the residential row buildings and entirely within the MU-4 zone.

*d) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.*

OP does not have any recommendations pursuant to this subsection.

**Special Exception Relief from Subtitle A§207.2 pursuant to Subtitle X § 901**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

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

The proposal would be in harmony with the general purpose and intent of the Zoning Regulations. The changes made to the original plans include:

- addition of five units on the ground floor;
- addition of community meeting space and an art gallery space;

The above changes would not change the material facts upon which the original case was approved, as additional relief was not requested beyond that granted in the original submission.

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

As discussed above, the use of neighboring property would not be adversely impacted.

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

The criteria of Subtitle A § 207.2 has been satisfied as reviewed prior.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments from other district agencies had not been entered into the record as of the date of this report being filed.

**VII. ANC COMMENTS**

At Exhibit 17 is a memo from ANC 5E indicating conditional support for the relief.

**VIII. COMMUNITY COMMENTS TO DATE**

No comments from the community had been entered into the record at the time this report was filed.

## Location Map

