

EMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
JLS
 Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: June 21, 2016

SUBJECT: BZA 19287-Request for special exception approval under § 3104.1 and § 360.1 for an Emergency Shelter and § 2101.1 for no parking spaces; and variances under § 3103.2 from the requirements of § 400.1, height; § 402.4, FAR; § 403.2, lot occupancy; § 404.1, rear yard; and § 405.9, side yard; at 5004 D Street, SE.

I. OFFICE OF PLANNING RECOMMENDATION

The District of Columbia through the Department of General Services and the Department of Human Services (Applicant) proposes an emergency shelter to accommodate a short term, family housing for 35 families or up to 116 persons. The Office of Planning (OP) recommends **approval** of the following:

Special Exception

- § 360.1, Emergency Shelter in the R-5-A zone;
- § 2101.1, Parking, request to provide 0 off-street spaces;

Variance

- § 400.1, Height (40 feet/3 stories required, 49 feet/4 stories proposed);
- § 402.4, FAR (0.9 maximum allowed, 2.38 proposed);
- § 403.2, Lot occupancy (40% allowed, 64% proposed);
- § 404.1, Rear yard (20 feet allowed, 14.08 ft. average proposed); and
- § 405.9, Side yard (13.8 ft. required, 5 ft. proposed on the west).

II. LOCATION AND SITE DESCRIPTION

Address	5004 D Street, SE
Legal Description	Square 5322, Lots 32
Ward/ANC	7/7E
Lot Characteristics	Vacant, irregularly shaped, fairly flat lot.
Zoning	R-5-A
Existing Development	Vacant

Historic District	Not within a historic district.
Adjacent Properties	To the north, west and south are four-story multifamily buildings in the R-5-A zone while to the east is a two-story, single family detached house in the R-3 zone.
Surrounding Neighborhood Character	The neighborhood is a mixture of apartments, flats and duplexes and row dwellings in the R-5-A, R-3 and R-2 zones.



Site Location and Zoning



Photograph of Site

III. BACKGROUND

The Mayor's initiative to end homelessness in the City, "A Plan to Close DC General: Short Term Family Housing in All 8 Wards," includes the closure of the large DC General Family Shelter and replacing it with short term, family housing facilities in all eight Wards. This initiative along with the Interagency Council on Homelessness (ICH) Design Guidelines for DC General Replacement Units forms the basis and provides the standards on which each facility would be developed. Generally, the standards on which each facility would be built include that they be small, modern, safe and dignified with a maximum of 50 units and that they be compatible with the surrounding community within which they are placed. To complement the living units, each facility would include on-site services such as housing search assistance, social work, early childhood screening and school liaisons, education, training and employment services, health care, financial and management services and age appropriate recreation.

The adopted legislation by the Council of the District of Columbia titled "Homeless Shelter Replacement Act of 2016" identifies the specific sites and authorizes funding for the development of the sites for replacement short term, family shelters.

IV. APPLICATION-IN-BRIEF

The proposal for the Ward 7 facility is to construct an approximately 34,700 square foot emergency shelter with 35 living units and associated shared or private bathrooms. In addition to the private living areas, the building would have space for support services such as dining rooms, conference room, case management, computer lab, health clinic, resident and staff lounges, laundry and indoor and outdoor play areas. The facility would be staffed by 22 to 26 persons with 10 to 15 persons on-site at any one time.

V. ZONING REQUIREMENTS AND RELIEF REQUESTED

The property is within the R-5-A zone and emergency shelters are permitted by special exception under § 360.1. In addition, the applicant has requested a number of variance to accommodate the proposed building.

R-5-A Zone	Regulation	Proposed	Relief
Emergency Shelter § 360.1	25 persons	116 persons	Waiver request pursuant to § 360.8
Height § 400	40 ft./3 stories	49.5ft./4 stories	Required
Floor Area Ratio § 402	0.9 max.; 1.08 per IZ	2.38	Required
Lot Occupancy § 403	40% max.	64% 1 st floor 58% 2-4 floor	Required
Rear Yard § 404	20 ft. min.	14.25 ft. (average)	Required
Side Yard § 405	12.37 ft. (3 inches per foot of height)	5 ft. on west 12.37 ft. on east	Required
Parking § 2101	As determined by BZA	0 spaces	Required

VI. OFFICE OF PLANNING ANALYSIS

1. Special Exception

The applicant meets the requirements for special exception approval pursuant to § 3104.1 and § 360 as follows:

360.1 *Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the standards and requirements of § 358.*

The proposed emergency shelter would accommodate thirty five families or up to 116 persons. As allowed and addressed under § 358.8, the applicant has requested a waiver from the 25 person limit.

358.2 *There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.*

358.3 *There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (from any portion of the subject property).*

There is currently a community based residential facility within in the square and within a radius of 500 feet. The facility houses eight persons and two staff. As allowed and addressed under § 358.7, the applicant has requested a waiver from this requirement.

358.4 *There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.*

The required number of off-street parking spaces for a community based residential facility housing more than 16 persons is to be determined by the Board of Zoning Adjustment as permitted by § 2101.1. The applicant requests approval to provide no off-street parking.

Based on the experience of the current facility at DC General, less than one percent of the residents own a vehicle. Many staff persons also use public transportation. It is envisioned that the situation would be similar at the proposed facility. The property is proximate to multiple Metrobus routes and the resident would receive a transit subsidy towards alternate transportation modes. The applicant's transportation study shows that there is unrestricted on-street parking available in front the property to accommodate visitors and employees who drive. Further, ten long-term and eight short-term bicycle parking spaces would be provided on-site to mitigate the need for vehicles.

Additionally, the dedication of on-site parking spaces would result in a smaller building which could not accommodate the required number of units and the associated services as dictated by the initiative for short term, family housing. It could also result in the elimination of the open space and outdoor play area which are necessary for children.

358.5 *The proposed facility shall meet all applicable code and licensing requirements.*

The facility would meet all applicable code and licensing requirements.

358.6 *The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.*

As stated above, very few to none of the residents would have cars and there is ample unrestricted on-street parking to accommodate staff and visitor parking without causing a shortage of parking availability in the area and therefore neighborhood traffic would not be adversely impacted.

Although there is not a loading requirement, vans would deliver meals to the site twice per day as well as to provide other services. In order to not have these vehicles affect the flow of traffic during loading and unloading, the applicant has proposed to convert approximately 40 feet of curb space along D Street, in front the building, into a loading zone. This would result in the loss of only one unrestricted parking space. With the proposed loading zone, no adverse impact on the neighborhood because of traffic is anticipated.

The building would function similarly to a multi-family apartment building, which is not inconsistent with the immediate neighborhood. Sound from the property would not be any more that those from the multi-family residential buildings in the area. The facility would have staff on-site at all times to monitor activities and operations and ensure that the facility does not have a negative impact on the neighborhood.

358.7 *The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.*

A community-based residential facility is within the square and within 500 feet of the property and houses eight persons with two staff persons. The existing facility is a small facility that does not generate a large amount of traffic or noise. Therefore, together with the proposed emergency shelter, there should be no negative impacts on the community.

358.8 *The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board 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 if there is no other reasonable alternative to meet the program needs of that area of the District.*

The proposed 35-unit facility would have the capacity to accommodate up to 116 persons. The District has a goal of ending homelessness by 2020 and one of the faucets is to address short term family housing by closing the large facility at DC General and provides smaller facilities. The program is outlined in the Mayor's initiative, "A Plan to Close DC General: Short Term Family Housing in all 8 Wards." The initiative is to provide facilities in all eight wards and outlines how each facility would accommodate a maximum of 50 families. Along with providing residences the facility would also provide on-site social services and meals. The number of persons housed in

each facility is an important program goal to achieve efficiency which could not be achieved with a smaller facility. Therefore, the proposed facility cannot be made smaller. The location was also deemed ideal for the facility as its size would be compatible to the surrounding apartment buildings and is in close proximity to public transportation.

358.9 *The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

The Department of Transportation will submit a report under separate cover and the property is not within a historic district.

2. Variance

Pursuant to § 3103.2, the applicant meets the requirements for variance relief from the requirements of § 400.1, height, § 402.4, FAR, § 403.2, lot occupancy, § 404.1, rear yard, and § 405.9, side yard as follows:

i. Exceptional Situation Resulting in a Practical Difficulty

Height and FAR

The applicant has requested to increase the height of the building to 49.5 feet, four stories and a FAR 2.38 in a zone where 40 feet, three stories and a FAR of 0.9 are the maximum allowed. The applicant is faced with an exceptional situation in that the short-term living facility is a citywide initiative that specified that there be a facility in each Ward and dictates specific requirements for the living areas as well as spaces to house associated services.

The fact that the Council adopted the legislation that requires the new emergency shelter in Ward 7 be on this specific site makes the site unique. The legislation further requires that the property be developed to “contain 35 General Family Shelter replacement units” and the design standards state that there be no more than ten families per floor. Further, there is also a necessary duplication of facilities such as community rooms, laundry facilities, and common areas which must be provided on each floor to ensure a small, familial environment for the residents. In addition, social services to support the residents have to be provided on-site. These requirements results in a larger and taller building unlike typical apartment buildings constructed in the R-5-A zone which do not provide on-site social services. With these specific criteria and the land available to build the facility, meeting the height, stories and FAR maximums is a practical difficulty to the applicant.

Lot Occupancy

The applicant has requested a lot occupancy of 64% on the ground floor and 58% on floors two to four where 40% is the maximum. The applicant is faced with an exceptional situation in complying with a citywide initiative to provide small, short-term living facilities in each Ward with specific requirements for the living areas as well as spaces to house associated services. Reducing the number of units in the facility further would erode the efficiencies needed to provide the required on-site services. To meet the lot occupancy requirement would entail an additional story on the

building which in turn would further increase the height over that allowed and make the building much higher than the surrounding apartment buildings. Therefore, meeting the lot occupancy requirement is a practical difficulty to the applicant.

Rear Yard

The applicant has requested to have an average rear yard of 14.24 feet where 20 feet minimum is required. The requirement of the initiative to provide housing as well as on-site services for the residents generates a specific building size to be accommodated on the lot and is an exceptional situation. The irregular rear lot line results in a variation of the depth of the rear yard and the applicant has therefore used the mean depth calculation to determine the approximate rear yard depth. Further, the applicant would provide a five-foot setback from the front lot line to provide landscaping in the front yard and to compliment the adjacent multi-family residential building, which is setback from its property line. Setting the building back to meet the requirement along the entire rear lot line and providing the front setback would be a practical difficulty to the applicant as it would result in a smaller building which would not be able to meet the programmatic requirements of the initiative.

Side Yard

The applicant has proposed a side yard of five feet on the east side where a minimum of three inches per one foot of height (equal to 12.38 feet) is required. To meet the programmatic requirements of the initiative on the site the applicant has reduced the side yard on the west side of the building. The provision of the side yard on both sides would result in a smaller building not meeting the programmatic requirements of the initiative and would therefore be a practical difficulty to the applicant.

ii. No Substantial Detriment to the Public Good

Height and FAR

The additional height and FAR requested would not make the building excessively higher or larger than the surrounding apartment buildings and would therefore not overwhelm the adjacent buildings. The height and FAR would complement the buildings in the area and would therefore not be a detriment to the public good.

Lot Occupancy, Side Yard and Rear Yard

The intent of lot occupancy, side yard and rear yard are intended to provide adequate light and air to and between buildings. The reduction in the required lot occupancy and side yard on the property would be mitigated through the driveway and the parking lot on the adjacent property which results in a distance of over 52 feet between the adjacent building and the proposed structure. The rear yard, although reduced, allows for a front yard setback which allows for landscaping in front of the building, complements the setback of the adjacent multifamily building and gives the building a safe and welcoming feel. Therefore, the increase in lot occupancy and the reduction in side and rear yards would not be a detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The relief requested will not cause a substantial impairment to the intent, purpose, and integrity of the zone plan since the proposed use is permitted with a special exception and thus presumed

appropriate in the zone. It has been demonstrated that the proposal as required by the initiative is necessary to meet the goals of the program and would not be a detriment to the public good and therefore would not substantially harm the zoning regulations.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The DDOT report will be submitted under separate cover.

VII. COMMUNITY COMMENTS

The applicant had various community-wide meetings regarding the proposal. The property is within ANC-7E and at its regularly scheduled meeting on June 14, 2016 they voted unanimously to support approval of the requested special exceptions and variances.