

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anne Fothergill, Case Manager
 JL Joel Lawson, Associate Director for Development Review

DATE: June 21, 2016

SUBJECT: BZA Case No.19289, 5505 5th Street, NW, zoning relief for a proposed emergency shelter use with 49 residential family units in existing building and addition in C-2-A

I. OFFICE OF PLANNING RECOMMENDATION

5th Street Partners LLC (Applicant), on behalf of the District of Columbia Government, proposes an emergency shelter for 49 families or up to 148 people in the C-2-A District.

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

Special Exception:

- §732.1 and § 3104.1, Emergency shelter for more than 25 people in C-2-A (49 units with 148 beds proposed); and
- §2101.1, Parking, request to provide 11 parking spaces;

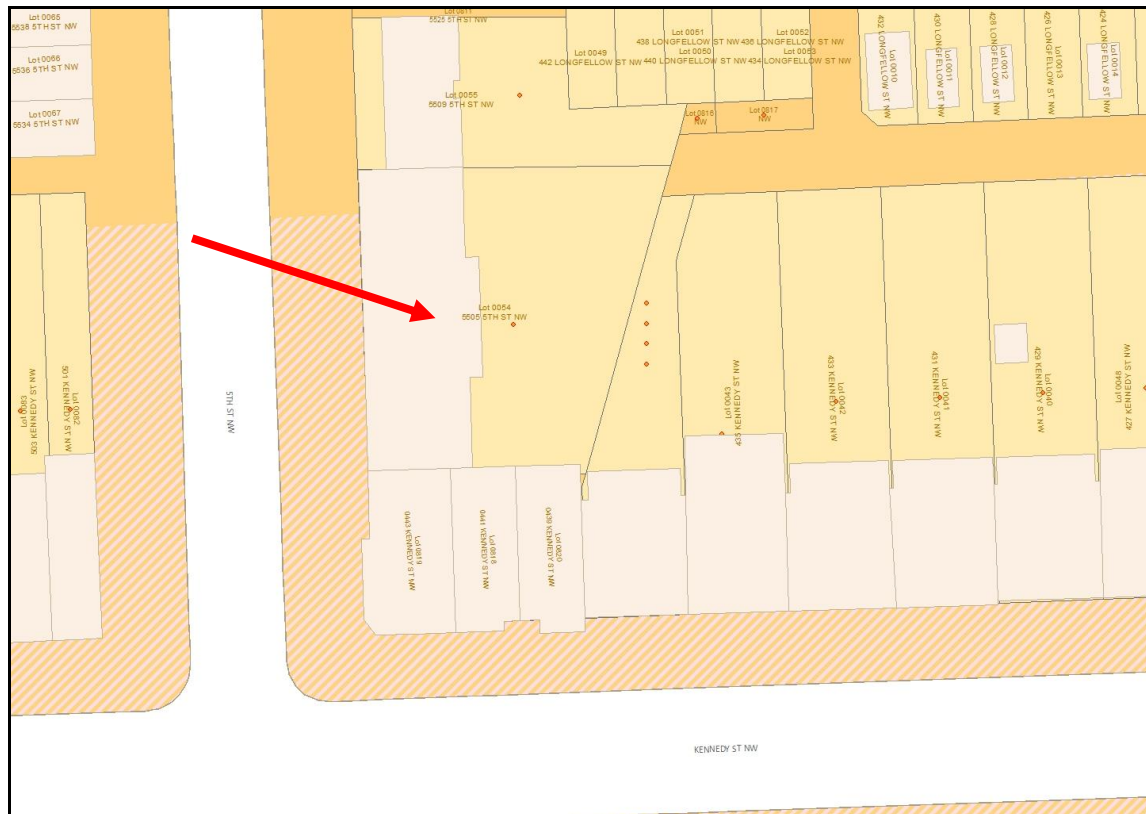
Variance Relief:

- § 770.1, Height (50' allowed; 59'2" existing and proposed addition);
- § 771.2, FAR (2.5 allowed; 3.0 proposed); and
- § 2001.3, Addition to a building that is non-conforming for height.

II. LOCATION AND SITE DESCRIPTION

Address:	5505 5 th St., N.W.
Legal Description:	Square 3260, Lot 0054
Ward and ANC:	Ward 4, ANC 4D
Lot Characteristics:	The lot is approximately 8,700 square feet and is located mid-block between Kennedy and Longfellow Streets with a public alley at the rear (northeast corner)
Zoning:	C-2-A – low-moderate density commercial
Existing Development:	The subject property is improved with a vacant 5-story office building

Historic District:	None
Adjacent Properties:	The site is adjacent to and abuts properties that front Kennedy Street, NW. Along Kennedy Street there are predominantly mixed commercial and residential uses. The site is located adjacent to residential buildings to the north on Fifth Street, NW and along Longfellow Street, NW that are in the R-4 zone.



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 family shelters.

IV. APPLICATION IN BRIEF

The Applicant is proposing to construct a rear addition to the existing vacant office building for a renovated building of approximately 24,752 square feet of gross floor area. The proposed addition would be the same height as the existing building, which is 59’2”. The subject property is the Ward 4 site for the citywide relocation of the D.C. General shelter for homeless families, and the proposed expanded building would house an emergency family shelter with 49 units and 148 beds. There will be a maximum of 24-26 staff at any time at the shelter.

The first floor would have residential units, administrative space, and open space for a children’s outdoor play area. The second through fifth floors would have residential units, bathrooms, and other support features. The cellar level would have a dining area, warming kitchen and common space. The shelter would offer wraparound support services to the residents including twice-daily meal delivery, which would be delivered using the loading area in the garage. The building would have parking spaces for 11 cars and 17 bicycles in the garage below the building, which is accessed by an existing curb cut off Fifth Street, NW. The building is located on a number of bus routes and there are carshare and bikeshare stations nearby. The Applicant is aware that they may need to get a Public Space permit for the proposed installations in public space.

V. ZONING REQUIREMENTS and REQUESTED RELIEF

The property is within the C-2-A zone where emergency shelters are permitted as a special exception under § 732.1. In addition, the applicant has requested three variances to accommodate the proposed facility.

C-2-A Zone	Regulation	Existing	Proposed	Relief
Lot Width	N/A	99’1”	no change	None requested
Lot Area	N/A	8,722 SF	no change	None requested
Lot Occupancy	60% max.	40%	57%	None requested
Height	50’	59’2”	59’2”	Relief requested
Parking	# TBD by BZA	11	11	Approval requested
Rear Yard	15 feet min.	51’7”	19’	None requested
FAR	2.5	1.99	2.83	Relief requested

VI. OFFICE OF PLANNING ANALYSIS OF REQUESTED RELIEF

SPECIAL EXCEPTION

The Applicant meets the requirements for special exception approval pursuant to § 3104.1 and § 732.1 as follows:

732.1 *Community-based residential facilities in the following subcategories shall be permitted in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104:*

(c) *Emergency shelter for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 360*

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 up to 49 families or up to 148 people. As allowed and addressed under § 358.8, the BZA may approve a facility for more than twenty-five people in this zone.

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 (500 ft.) from any portion of the subject property.*

The Applicant states that there is no other property containing a community-based residential facility for 7 or more persons within the same square or within 500 feet from the subject property.

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 Applicant proposes to provide 11 off-street parking spaces in the building's parking garage that would be accessed off Fifth Street, NW via an existing curb cut. There would be additional on-street parking available within the nearby vicinity. Pursuant to §2101.1, the BZA can determine the minimum parking requirement for an emergency shelter of this size. The DC Department of

Human Services (DHS) has determined that 11 parking spaces would be adequate for this facility based on parking needs and demand at other facilities. DHS found that shelter residents typically don't have cars and there is access to public transportation, carshare and bikeshare stations nearby. The proposed 11 on-site parking spaces and nearby on-street parking would be sufficient for the parking needs at this site.

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

The Applicant states that the proposed shelter would meet all 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.*

The proposed facility would not have an adverse impact on the neighborhood due to:

- Traffic: Adequate on-site parking would be provided for staff. It is not envisioned that the residents would have vehicles and therefore would not affect traffic in the area. There are a number of public transportation, carshare and bikeshare options near this location and many amenities are accessible by foot at nearby commercial buildings.
- Noise and operations: The building would function similarly to a multi-family apartment building and it is not expected that the activities on the site should generate any significant noise greater than that of an apartment building. In addition, the staff on site would monitor the on-site activities. The operations of the facility would be internal to the building except for the outdoor recreation area behind the building.
- Similar facilities: There are no other emergency shelters in the immediate area.

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.*

The Applicant states that there are no other community-based residential facilities in the square or within 500 feet of the site.

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 facility would have the capacity to accommodate up to 49 families, not including resident supervisors or staff. The program goals and objectives of the District are part of the Mayor's initiative, "A Plan to Close DC General: Short Term Family Housing in all 8 Wards." This initiative has mandated the number of families and programmatic requirements to be placed at this facility and the other facilities across the city. The program goals could not be achieved with a smaller facility in this location, and the District has found that there is no other reasonable alternative site to meet the program needs in Ward 4.

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 Office of Planning has worked with relevant District departments and agencies to assess any potential impacts. The property is not designated historic or within a historic district.

VARIANCES

The Applicant requests area variances from:

- § 770.1 - Height (50' allowed; 59'2" existing and proposed addition)
- § 771.2 - FAR (2.5 allowed; 3.0 proposed)
- § 2001.3 - Addition to building that is non-conforming for height

a. Exceptional Conditions Resulting in a Practical Difficulty

Height and FAR

The fact that the Council adopted the legislation that requires the new emergency shelter in Ward 4 be on this specific site makes the site unique. The legislation further requires that the property be developed to "contain 49 General Family Shelter replacement units." The site contains an existing building.

The existing building is 59'2" tall, which is taller than the 50' height restriction in this zone. The existing building was built on a berm, and the first floor is approximately eight feet above the height measuring point. In order to provide the needed residential and support space for 49 families and not locate residential units in the cellar, the rear addition is proposed for the same height as the building, which would create a consistent massing and efficient building. The proposed FAR increase is also needed to accommodate the programmatic needs of the 49 families. The Applicant cannot reduce the size of the proposed building because the layout has been designed as efficiently as possible to accommodate the residential needs as well as space for the wrap-around services for residents. If the Applicants were to reduce the height of the addition and increase the building's footprint and number of units per floor, then the building would still exceed the maximum FAR and also the maximum lot occupancy – and the addition's expanded footprint would take up needed outdoor recreation space for the residents.

The Applicant is faced with an exceptional situation as the building is existing at a height above that permitted in the zone and the facility is part of a citywide initiative that has specific requirements for residential units and associated services which cannot be accommodated in a smaller building. The District's requirements for this facility create interior and exterior space needs including an outdoor play area and open space which necessitate the proposed height and density. With these specific criteria and the subject property chosen for the facility, meeting the height and FAR maximums of the C-2-A zone is a practical difficulty to the applicant.

b. No Substantial Detriment to the Public Good

The proposed relief would not cause substantial detriment to the public good. The height of the addition would be consistent with the existing building and the addition would be located at the rear of the building for lessened visibility from the street. While the increased FAR requires relief, the proposed lot occupancy is still within the required limits and the building's mass and footprint would not overwhelm the 8,700 square foot property. Overall, the proposed emergency

shelter facility at this location is consistent with the District's initiative to relocate families from the DC General shelter and would not be detrimental to the public good.

c. No Substantial Harm to the Zoning Regulations

The requested relief would not cause substantial harm to the zoning regulations. The proposed renovated building is in a mixed-use area with residential and commercial uses. The building would function similarly to a multi-family apartment building, which is not inconsistent with the immediate neighborhood. The proposed height and FAR are critical to accommodate the needs of the program and would not intrude on the neighboring properties. Additionally, in C-2-A, it is possible for an applicant to have an FAR of 3.0 if the project qualifies for the Inclusionary Zoning density bonus. Providing emergency shelter to families is complementary with the intent to provide affordable housing to District residents, and the proposed 2.83 FAR would not harm the zoning regulations.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

At the time of this report, there were no comments from any other District agency. DDOT has been working with the Applicant and has indicated support for the application. A DDOT report is expected to be filed separately.

VIII. COMMUNITY COMMENTS

There were numerous community meetings regarding this application. The Applicant will present the application to ANC 4D on June 21, 2016. The Commissioner for ANC SMD 4D02 has requested that this case be postponed (Exhibit 33).