

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director Development Review

DATE: February 17, 2017

SUBJECT: BZA19450 -Emergency Shelter at 3320 Idaho Avenue, NW in the RA-1 zone.

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 short term, family housing for 50 families at 3320 Idaho Avenue, NW. The Office of Planning (OP) recommends **approval** of the following relief:

Special Exception pursuant to Subtitle X, § 901.2:

- Subtitle U § 420.1(f), Emergency Shelter in the RA-1 zone;

Variance pursuant to Subtitle X, § 1000.1:

- Subtitle C § 302.2, (Maximum of one primary building on a single lot permitted, two primary buildings on a single lot proposed)
- Subtitle F § 303.1, Height (40 feet/3 stories maximum permitted, 72 feet/6 stories proposed);and
- Subtitle C § 901.1, Loading (1 loading berth and 1 service/delivery space required, none proposed).

On February 16, 2017 the applicant filed an amendment to the application for special exception relief from Subtitle U § 203.1(j) to temporarily relocate the Metropolitan Police Department (MPD) parking during construction. As of Friday, February 17, 2017, the parking plan is still being finalized. The applicant expects to comply with the required number of parking spaces for the shelter and is working to address the temporary location for parking to be used by MPD. OP may file a supplemental report to address the final parking plan if necessary.

II. LOCATION AND SITE DESCRIPTION

Address	3320 Idaho Avenue, NW
Legal Description	Square 1818, Lot 849
Ward/ANC	3/3C
Lot Characteristics	Irregularly shaped lot with a rolling topography.
Zoning	RA-1 – predominantly developed with low to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. Emergency shelters are permitted by special exception.

Existing Development	The property is developed with the Metropolitan Police Department (MPD) Second District Police Station, a one-story police storage facility and a gas filling station, community gardens and tennis court.
Historic District	Not within a historic district.
Adjacent Properties	To the north, across Newark Street is the three-four-story, McLean Gardens apartments, a five-story building which houses a radio station and a nine-story apartment building with commercial uses on the ground floor. To the north-east and east is the Capitol Commons development consisting of three-story rowhouses, a Giant supermarket, apartments, office and retail uses in three to five-story buildings in the RA-1 and NC-1 zone. To the south are single family residences in the R-1-B zone; and to the west is the Newark Community Gardens in the RA-1 zone.
Surrounding Neighborhood Character	The surrounding community is a mix of single family detached, rowhouses, apartments, and commercial retail/office use.



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 fifty (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*" (the Act) identifies the specific sites, on District-owned land, and authorizes funding for the development of the sites for replacement short term, family shelters.

IV. APPLICATION-IN-BRIEF

The proposal for the Ward 3 facility is to construct an emergency shelter with 50 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 area, computer lab, medical room, resident and staff lounges, study, laundry, storage, multipurpose room, warming kitchen, and indoor and outdoor play areas. The facility would be served by a minimum of 10 staff persons and a maximum of 27 persons during shift changes. As of Friday, February 17, 2017, the parking plan is still being finalized. The applicant expects to comply with the required number of parking spaces for the shelter and is working to address the temporary location for

parking to be used by MPD. OP may file a supplemental report to address the final parking plan if necessary.

V. ZONING REQUIREMENTS AND RELIEF REQUESTED

The table below shows how the proposal meets the requirement of the RA-1 zone.

RA-1 Zone	Regulation	Proposed	Relief
Emergency Shelter Subtitle U § 420.1(f)(6)	Greater than 25 persons by special exception	An average of up to 150 persons	Special Exception Required
Floor Area Ratio, Subtitle F § 302.1	0.9 max.	0.65	None
Height, Subtitle F § 303.1	40 ft./3 stories	72 ft./6 stories	Variance Required
Penthouse Height, Subtitle F, § 303.2	12 ft.	6 ft.	None
Lot Occupancy, Subtitle F § 304.1	40% max.	28%	None
Rear Yard, Subtitle F § 305.1	20 ft. min.	205 ft.	None
Side Yard, Subtitle F § 306.1	18 ft. (3 in./ft. of height)	60 ft. on north 23 ft. on south	None
GAR	0.4	0.4	None
Parking Subtitle C § 701.5			None
Emergency Shelter	23 spaces	23 spaces	
Police	41 spaces	157 spaces	
Bicycle Parking,			None
Long Term, Subtitle C § 802.1	1/10,000 sq. ft.	5 spaces	
Short Term, Subtitle C § 802.1	1/10,000 sq. ft.	5 spaces	
Loading, Subtitle C § 901.1	1, 30-ft. berth with platform	1, 30-ft. berth with platform	Variance Required
30,000 to 100,000 sq. ft. gross floor area	1, 20-ft. service/delivery space	1, 20-ft. service/delivery space	

VI. OFFICE OF PLANNING ANALYSIS

1. Special Exception

Emergency Shelter in the RA-1 Zone

The applicant meets the requirements for special exception approval pursuant to Subtitle X, § 901.1 and Subtitle U § 420.1(f) as follows:

- (f) Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families subject to the following conditions:*

The proposed emergency shelter would accommodate fifty families or an average of 150 persons. As allowed in Subtitle U § 420.1(f)(6) below, the BZA can approve a facility with greater than 25 persons.

- (1) ***There shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property.***

OP is not aware of any other emergency shelter within the square or within a radius of 500 feet of the property.

- (2) ***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 the police station is 41; however, the site currently has 157 spaces which would be retained through the construction of a new parking deck for all the MPD spaces. The requirement for the emergency shelter is 0.5 space per 1,000 square feet which equals 23 spaces. Twelve parking spaces would be provided to the south of the shelter building and none of the spaces would be directly adjacent to the neighboring residences. The parking spaces would be separated from the community garden area to the east by an existing ten-foot wall while the residences to the south would be buffered by the existing five to six-foot wall, along the southern property line, and an additional 21-foot wide vegetated buffer area. The visibility of the parking lot from Idaho Avenue would be limited to only two or three spaces and would be setback to the rear of the shelter. The remainder of the spaces for the shelter would be provided in a new, two-story parking structure that would be built above existing surface spaces. The parking structure would be internal to the property and would be substantially blocked from view along Idaho Avenue by the existing MPD building. It would be visible from Newark Street but would be substantially setback from the right-of-way. The parking deck would not be adjacent to any residential use.

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 within convenient walking distance to Wisconsin Avenue (approximately 800 feet) which hosts three bus lines, and to Massachusetts Avenue (approximately 1000 feet) which hosts two other bus lines. There is also a Capital Bikeshare station on Wisconsin Avenue within approximately 800 feet. The residents would receive a transit subsidy towards accessing these alternate transportation modes. The on-site parking provided would be sufficient to accommodate the required spaces for the shelter to serve it residents, staff and visitors. The transportation study shows that there is unrestricted on-street parking along Idaho Street, adjacent to the property.

- (3) ***The proposed facility shall meet all applicable code and licensing requirements;***

The facility would meet all applicable code and licensing requirements which will be fully assessed at the time of Building Permit.

- (4) ***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 applicant would provide the required and necessary number of parking spaces to serve both the shelter's staff and visitors and the MPD station; however, residents and staff would avail themselves of alternate modes of transportation thereby lessening the traffic to and from the site as well as reducing parking on neighborhood streets. Further, food deliveries would be made to the site twice per day and trash service would occur approximately three times per week. These traffic activities to and from the site should not adversely impact the neighborhood.

Although there is not the required loading berth provided, an assigned area is provided to accommodate loading and unloading on-site as well as trash pick-up. There is adequate space on-site and loading from the street would not be necessary. The parking and loading areas would be located, screened and or setback from the property line to minimize any adverse impacts on the adjacent residences.

The shelter would be significantly set back from the property line to the south, 70-feet, and also from Idaho Street, 25.33 feet from the sidewalk. The building would function similarly to multi-family apartment buildings and noise from the property would not be any more than that from the multi-family residential buildings. 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.

- (5) *The Board of Zoning Adjustment may approve more than one (1) emergency shelter in a square or within five hundred feet (500 ft.) only when the Board of Zoning Adjustment finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and***

OP is not aware of any other emergency shelters within the square or within 500 feet of the property.

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

The proposed 50-unit facility would have the capacity to accommodate approximately 150 persons. The District has a goal of ending homelessness by 2020 and one of the goals is to address short term family housing by closing the large facility at DC General and provide 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 appropriate for the facility as its size would be compatible to other multifamily buildings in the area and is in close proximity to public transportation.

2. Variance

The applicant has requested variance relief pursuant to Subtitle X, § 1000.1, and Subtitle C, § 302.1 for two primary buildings on a single lot; Subtitle C § 303.1 for an increase in the height requirement; and Subtitle C § 901.1, loading.

i. Exceptional Situation Resulting in a Practical Difficulty

Two Primary Buildings on a Single Lot

The Council adopted legislation that requires the new emergency shelter in Ward 3 be on this specific District-owned site, which already has a primary structure. This makes the property unique and the situation for its legislatively-identified development with a family shelter exceptional. The legislatively identified site is already improved with a Metropolitan Police Department facility that is not being moved therefore there is a practical difficulty in meeting the zoning regulation requiring one principal building per lot. The proposed parking structure would be an accessory structure to the police station and the emergency shelter.

Height and Loading

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 on a specified site in each Ward and dictates specific requirements for the living areas as well as spaces to house associated services.

The Council adopted the legislation that requires the new emergency shelter in Ward 3 to be on this specific site. The legislation further requires that the property be developed to “contain 50 General Family Shelter replacement units” and the design standards state that there should be no more than ten families per floor. 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. Social services to support the residents also have to be provided on-site. These requirements result in a constrained floorplate and a requirement for additional stories and building height to accommodate 50 family units. Further, providing a loading dock and its associated service/delivery and platform could result in a larger building or having to reduce the number of parking spaces. With the specific criteria and the land available to build the facility, meeting the height and story maximums and the loading requirement is a practical difficulty to the applicant.

ii. No Substantial Detriment to the Public Good

Two Primary Buildings on a Single Lot

The property is of sufficient size to accommodate the two structures and accessory uses without overcrowding the single lot. The buildings would be within the permitted lot occupancy and floor-area ratio of the zone and meet the side and rear yard requirements from the single record lot, would be fully landscaped and would therefore not be a detriment to the public good.

Height and Loading

The additional height and stories requested would not make the building excessively higher or larger than the most of the buildings to the north and east of the property. The shelter would also be substantially set back and buffered from adjacent streets and residences and would therefore not overwhelm the nearby lower scale buildings. Although the proposal is not providing the required

loading berth, platform and service/delivery space, an area on-site to accommodate loading and delivery is provided adjacent to the trash storage areas. All loading and unloading would be done on-site; to the east of the building, and would not be visible from the adjacent streets or residences. Therefore, the proposed height and stories of the building proposed and not providing a loading berth would not be a detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The relief requested would not cause a substantial impairment to the intent, purpose, and integrity of the zone plan since the proposed emergency shelter use is permitted as a special exception and thus presumed appropriate in the zone. It has been demonstrated that the proposal as required by the *Short Term Family Housing* initiative is necessary to meet the goals of the program 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 Fire and Emergency FEMS submitted a report at Exhibit 75D noting support for the overall initiative and no objection to this application.

The Department of Transportation (DDOT) submitted a report at Exhibit 111 providing analysis of the applicant's traffic study and noting no objection to the proposed variances and special exception requests.

VII. COMMUNITY COMMENTS

The property is within ANC-3C. The ANC is scheduled to review the proposal at its February 21, 2017 public meeting. The applicant has conducted community-wide meetings regarding the proposal. The record contains both recommendations of support and opposition and the BZA has granted one party status in opposition.