

**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:** BZA19452 – Emergency Shelter at 1700 Rhode Island Avenue, NE in the MU-4 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 46 families at 1700 Rhode Island Avenue, NE. The Office of Planning (OP) recommends **approval** of the following relief:

Special Exception pursuant to Subtitle X, § 901.2:

- Subtitle U, § 513.1(b)(6), Emergency Shelter Use in the MU-4 zone;
- Subtitle G § 202.1, Court (23.73 ft. required, 17 feet proposed);
- Subtitle G § 404.1, Lot Occupancy (60% maximum permitted, 73% proposed);
- Subtitle G § 405.1, Rear Yard (15 ft. required, 7.5 ft. proposed); and
- Subtitle C, § 703.2, Parking (22 spaces required, 3 provided.)

Variance pursuant to Subtitle X, § 1000.1:

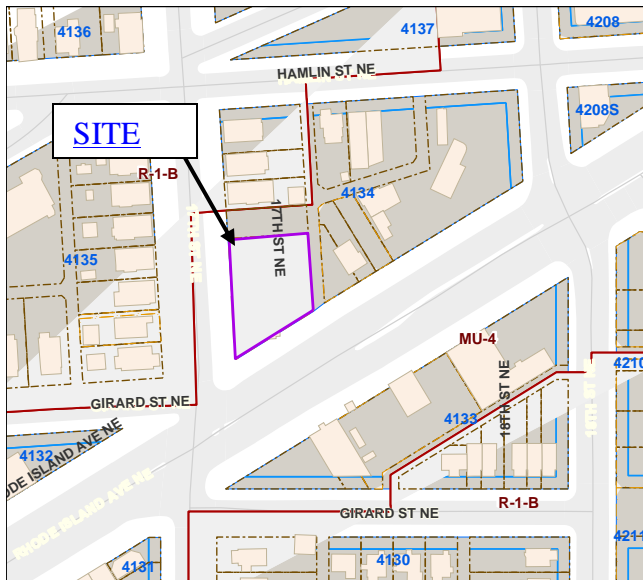
- Subtitle G § 403.1, Height (50 feet maximum permitted, 69.83 feet proposed);<sup>1</sup>
- Subtitle G § 402.1, FAR (2.5 maximum permitted, 3.51 proposed); and
- Subtitle C § 901.1, Loading (1, berth, 1 platform and 1 service/delivery space required, none provided).

**II. LOCATION AND SITE DESCRIPTION**

Address	1700 Rhode Island Avenue, NE
Legal Description	Square 4134, Lot, 800
Ward/ANC	5/5B

<sup>1</sup>The applicant’s February 13, 2017 submission (Exhibit 39) revised the application to variance relief from the height, FAR and loading requirements of the MU-4 zone. ZC 08-06G, Technical Corrections to ZC 08-06A, effective January 6, 2017, clarified that relief from height and FAR requires a variance and not special exception.

Lot Characteristics	The irregularly shaped lot has an area of 12,336 square feet and is bounded by Rhode Island Avenue, NE, 17 <sup>th</sup> Street, NE and an alley that varies in width from twelve to nineteen feet.
Zoning	MU-4 - zone permits moderate-density, mixed-use development. Emergency shelters for more than 4 persons are permitted by special exception.
Existing Development	The site is currently improved with a three-story former police station, a 150-foot tall communications antenna and supporting concrete utility building.
Historic District	Not within a historic district. Although not landmarked, the building is considered eligible as a historic resource.
Adjacent Properties	To the west are single family, detached residences in the R-1-B zone; the north is a four-story apartment building which is under construction; to the east are automobile repair and related retail uses; to the south are residential and commercial uses all within the MU-4 zone.
Surrounding Neighborhood Character	The surrounding community consists of single family detached, apartments and low scale retail uses.



**I. 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, these standards include that they be small, modern, safe and dignified, have a maximum

of 50 units, and 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.

**II. APPLICATION-IN-BRIEF**

The Ward 5 facility includes retention of the existing two-story building and construction of a new six-story addition made to house the emergency shelter. The existing building is not historically landmarked but the applicant has worked, and will continue to work with staff from the Historic Preservation Office (HPO) and the Commission of Fine Arts (CFA) to design the addition to be contextual and historically harmonious with the existing building. The existing telecommunication antenna would remain on the site secured by a six-foot high fence. The existing utility building would also remain and be incorporated into the new building.

The emergency shelter would have a total of 47,465 square feet, 46 living units with 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 have a minimum of ten (10) staff persons on site at all times and up to 27 persons during shift changes. The proposal would provide three parking spaces at the rear of the building along with a space for loading.

**III. ZONING REQUIREMENTS AND RELIEF REQUESTED**

The table below shows how the proposal meets the requirements of the MU-4 zone.

<b>RF-1 Zone</b>	<b>Regulation</b>	<b>Proposed</b>	<b>Relief</b>
Emergency Shelter, Subtitle U § 513.1(b)(6)	Greater than 25 persons by special exception	An average of 135 persons	<b>Sp. Ex. Required</b>
Court, Subtitle G § 202.1	4 inches/ft. of height of court or 23.73 ft.	17 ft.	<b>Sp. Ex. Required</b>
FAR, Subtitle G § 402.1	2.5	3.51	<b>Variance Required</b>
Height, Subtitle G § 403.1	50 ft.	79.83ft.	<b>Variance Required</b>
Penthouse Height, Subtitle G, § 403.2	12 ft. or 18.5 ft. for mechanical equipment	Less than 18.5 feet for mechanical, no habitable	None

<b>RF-1 Zone</b>	<b>Regulation</b>	<b>Proposed</b>	<b>Relief</b>
Lot Occupancy, Subtitle G § 404.1	60% max.	73%	<b>Sp. Ex. Required</b>
Rear Yard, Subtitle G § 405.1	15 ft. min.	7.5 ft.	<b>Sp. Ex. Required</b>
Side Yard, Subtitle G § 406.1	Not required; (2 inches/ft. of height if provided = 12 ft.)	12 feet	None
GAR, Subtitle G § 07.1	0.3	0.3	None
Parking, Subtitle C § 701.5	Shelter: 22 spaces	Shelter: 3 spaces	<b>Sp. Ex. Required</b>
Bicycle, Parking, Long Term, Subtitle C § 802.1 Short Term, Subtitle C § 802.1	4 spaces 4 spaces	4 spaces 4 spaces	None
Loading, Subtitle C § 901.1	1, 30-ft. berth with platform 1, 20-ft. service/delivery space	One van-sized space (9' X 19')	<b>Variance Required</b>

**IV. OFFICE OF PLANNING ANALYSIS**

**1. Special Exception**

*Emergency Shelter in the MU-4 Zone*

The applicant meets the requirements for special exception approval pursuant to Subtitle X, § 901.1 and Subtitle U § 513.1(b) as follows:

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

The proposed emergency shelter would accommodate forty-five (45) families or up to approximately 138 persons. Subtitle U § 513.1(b)(6) below, allows for the BZA to approve a facility with greater than 25 persons. OP is not aware of any other emergency shelters within the square or within a radius of 500 feet from any portion of the site.

- (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 parking requirement for the emergency shelter is 0.5 spaces per 1,000 square feet which equals 22 spaces. The applicant has requested special exception relief to provide three (3) spaces. Locating the parking spaces at the rear of the building and having access from the alley would be appropriate and would eliminate the need for curb-cuts along Rhode Island Avenue or 17<sup>th</sup> Street

which could impact pedestrian movements along these streets. No screening is proposed between the alley and the parking spaces.

Based on the experience of the current facility at DC General, less than one percent of the residents own a vehicle and many staff persons use public transportation. It is envisioned that the situation would be similar at the proposed facility. The site is well served by public transportation as it is less than one mile from the Rhode Island Metrorail and Brookland stations, and a number of bus routes run along Rhode Island Avenue with a bus stop conveniently located at the Rhode Island/17<sup>th</sup> Street intersection. There are also other bus lines on near-by 14<sup>th</sup> Street and 18<sup>th</sup> Street. The residents would receive a transit subsidy towards accessing these alternate transportation modes. Further, four long-term and four short-term bicycle parking spaces would be provided on-site, and the applicant has offered a Transportation Demand Management (TDM) plan that includes the implementation of a TDM coordinator, on-site services, and bicycle amenities. These will be further addressed in the DDOT report.

**(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 three parking spaces and approximately six van trips per day would not generate a volume of traffic that would significantly affect traffic movements in the area. Vehicles would access the parking from the alley to minimize potential impact or traffic movements along Rhode Island Avenue and 17<sup>th</sup> Street. The setbacks from the wide road right-of way along 17<sup>th</sup> Street (90 feet) and the setback from the lot line for much of the proposed addition results in a considerable separation between the proposed building and the single family residences along 17<sup>th</sup> Street, limiting the facilities effect on the single family residences across 17<sup>th</sup> Street. Noise from the property would not likely be any greater than that from other by-right multi-family residential building. The facility would have staff on-site at all times to monitor both indoor and outdoor 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 emergency shelter 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 46-unit facility would have the capacity to accommodate up to 138 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 provides smaller facilities in all wards of the city. 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.

### ***Parking***

Subtitle C § 701.5 requires 0.5 space per 1,000 square feet for an emergency shelter which equals 22 spaces. The applicant has requested a special exception under Subtitle C § 703.2 to provide three spaces (in addition to a space dedicated to a loading van for deliveries).

***703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:***

***(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;***

The existing structure, which is of historic significance, and the antenna along with its utility building cannot be demolished or removed from the site. Together, they occupy a significant portion of the lot and limit the available space for the applicant to accommodate the required number of parking spaces and also accommodating the other requirements of the shelter. There are no parking lots or buildings with available parking spaces within 600 feet to accommodate parking for the shelter.

***(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;***

The site is well served by public transportation as it is less than a mile from the Rhode Island and Brookland Metrorail stations. A number of bus routes run along Rhode Island Avenue with a bus stop located at the Rhode Island/17th Street intersection, and a number of other bus lines run along 14<sup>th</sup> Street and 18<sup>th</sup> Street NE. The residents would receive a transit subsidy towards accessing transit. Further, four long-term and four short-term bicycle parking spaces would be provided on-site and there is a Capitol Bikeshare station a block from the site.

***(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;***

Based on the experience of the current facility at DC General, less than one percent of the residents own a vehicle and many staff persons use public transportation. It is envisioned that the situation would be similar at this proposed facility. The residents would receive a transit subsidy, and the applicant has offered a Transportation Demand Management (TDM) plan that includes the implementation of a TDM coordinator, on-site services, and bicycle amenities. This will be further addressed in the DDOT report.

***(f) All or a significant proportion of dwelling units are dedicated as affordable housing units;***

The proposed emergency shelter would exclusively serve low income homeless families who, DGS studies indicate, have very low rates of automobile ownership.

***703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.***

The property is only physically able to accommodate three parking spaces on-site. The request to reduce the parking provided from twenty-two to 3 spaces is proportionate to the need, as based on the experience of the current facility at DC General, less than one percent of the residents own a vehicle and many staff persons use public transportation. It is envisioned that the situation would be similar at this proposed facility.

***703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.***

The applicant has proposed a TDM Plan (Exhibit 29) to include a Transportation Management Coordinator, on-site services, bicycle amenities and transit cards. However, it was not referenced in the DDOT report (Exhibit 47).

***Lot Occupancy, Court and Rear Yard***

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

Lot Occupancy

The applicant proposed a lot occupancy of 73% where a maximum of 60% is allowed (Subtitle G § 404.1). The increase in the lot occupancy is partially due to having to retain the existing historic building, antenna and utility building resulting in constraints on the available footprint and the ability to efficiently design the addition. In addition, the program needs for the facility dictate specific programmatic requirements for the shelter.

The intent of the lot occupancy requirement is to allow adequate light, air and privacy to the proposed structure and to adjacent properties. In this case, the building would be well separated from the residential uses along 17<sup>th</sup> Street, and, although not required, would provide a conforming side yard setback from the building to the north. There is also a significant separation between the commercial uses to the east and south of the site and the proposed building, limiting any potential impact on light, air and privacy and thereby meeting the general intent and purpose of the regulations

Court

The design has an open court at the southeastern portion of the building between the existing structure and the addition which would require a width of 23.33 feet (Subtitle G § 202.1). However a width of 17 feet would be provided. The applicant states that the reduction in open court width is due to having to provide clear and open views for the existing building from Rhode Island Avenue

as requested by Historic Preservation. Open courts are provided to allow for light and air into a structure and any adjacent buildings.

#### Rear Yard

Subtitle G § 405.1, requires a rear yard of fifteen feet but 7.5 feet would be provided. A rear yard is required to provide separation between buildings as well as to provide sufficient light, air and privacy between buildings. In this case, the rear yard is adjacent to the 15-foot wide portion of the alley. The existing utility structure is within the required rear yard. The remainder of the building does not meet the rear yard setback due to the need to meet the unique program needs for the facility. The provided 7.5 foot rear yard along with the fifteen-foot wide alley allows a setback from the adjacent commercial property and thus would provide light, air and privacy to the residents of the subject building.

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

#### Lot Occupancy, Court and Rear Yard

The lot occupancy, court and rear yard relief would not adversely affect the use of neighboring properties. The addition to the building would be generously set back from Rhode Island Avenue, and from 17<sup>th</sup> Street for much of its length. It is separated on the east from the commercial uses by a fifteen to nineteen foot wide alley thus allowing adequate light, air and privacy to the proposed building and adjacent properties. The addition also provides a 12 foot side yard setback, not required by the regulations, from the north property line, lessening potential impacts on the multi-family building currently under construction to the north.

***(c) Will meet such special conditions as may be specified in this title.***

#### Lot Occupancy and Court

No special conditions for lot occupancy and open court are set.

#### Rear Yard

Subtitle G § 1201.1 sets conditions for the rear yard as follows:

***(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;***

The rear yard would face the alley and units would begin on the second floor of the building. The adjacent one-story commercial building across the alley would be greater than 40-feet away, and has no windows facing the subject site.

***(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;***

No offices are proposed along the rear wall.

***(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;***



There would be no direct sight-lines into habitable rooms from the adjacent building.

***(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and***

Service functions for the shelter such as parking and loading would be accessed at the rear of the property from the alley, and have been deemed as adequate to serve the shelter.

***(e) Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.***

The applicant has worked with DDOT concerning parking, loading and traffic and will submit their report under separate cover. The property is not within a historic district or historic landmark but is considered a historic resource. The applicant has worked with HPO and CFA regarding the design and compatibility of the addition to the existing building. Fire and Emergency Medical Services (FEMS) has submitted a report to the file (Exhibit 40).

**2. Variance – Height and FAR**

The applicant has requested variance relief pursuant to Subtitle X, § 1000.1 from Subtitle G § 403.1, Height (50 feet required, 69.83 feet proposed); and Subtitle G § 402.1, FAR (2.5 required, 3.51, proposed).

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

**Height and FAR**

The applicant has requested to increase the height of the building from the allowed 50 feet to 69.83 feet and an increase in FAR from 2.5 to 3.51. 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 to house up to 50 family units. It also dictates specific requirements for the living areas as well as spaces to house associated services.

The City Council adopted legislation that requires the new emergency shelter in Ward 5 be on this Council approved specific site. The height and FAR of the building and the provision of loading facilities is affected by not being able to build above the existing building or utilize the space occupied by the antenna and utility building. Further, the DC Council legislation requires that the property be developed to “contain up to 50 General Family Shelter replacement units” and the design standards state that there are no more than ten units 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 must also be provided on-site. These specific site program and construction requirements result in a constrained floor plate and a requirement for additional building height and FAR. Meeting the loading requirements would result in a loss of units and services on the site.

With these specific criteria and the land available to build the facility, meeting the height and FAR maximums and the loading requirement is a practical difficulty to the applicant.

*ii. No Substantial Detriment to the Public Good*

Height and FAR

The proposed building would be compatible with the development pattern along Rhode Island Avenue which includes a pattern of medium and low-rise buildings. The addition would be substantially set back from Rhode Island Avenue and, for most of its length, from 17<sup>th</sup> Street. A twelve foot setback from the north property line, while not required by the regulations would be provided, lessening potential impacts on the new building under construction to the north.

The applicant's shadow studies show that the building would cast shadows on some of the residences along 17<sup>th</sup> Street only in the morning. However, when compared with a matter-of-right development of a fifty foot tall mixed use building constructed to the property line as permitted, the difference would be minor. Similarly, the effect on the apartment building under construction to the south does not show a significant difference between the matter-or-right scenario and the proposed development.

Loading

Although the project would not provide the required loading berth, platform and service/delivery space, a space adjacent to the parking spaces would be assigned to accommodate loading and delivery to the site. The size of the space would adequately accommodate the delivery vans that will be used for this facility. Therefore, all loading and unloading would be done on-site and not from the alley right-of-way which could hamper the use of the alley.

*iii. No Substantial Harm to the Zoning Regulations*

Height and FAR

Granting the request for an increase in building height and FAR would not cause a substantial impairment to the intent, purpose, and integrity of the zone plan since the proposed emergency shelter use is permitted by special exception and thus, presumed appropriate in the zone. It has been demonstrated that the proposal as required by this critical District initiative is necessary to meet the goals of the program and that the height and FAR as proposed would not be a detriment to the public good or substantially harm the zoning regulations. Relief for a highly unique and important facility serving a critical need for the District would not serve as a precedent for other kinds of development in this zone.

Loading

Granting the request for a reduction in loading would not cause a substantial impairment to the intent, purpose, and integrity of the zone plan. This use would not have typical loading requirements, and the space provided from the alley would serve the needs of the facility.

**VII. COMMENTS OF OTHER DISTRICT AGENCIES**

The Fire and Emergency FEMS submitted a report at Exhibit 40 noting support for the overall initiative and no objection to this application.

The Department of Transportation (DDOT) submitted a report at Exhibit 47 providing analysis of the applicant's traffic study and noting no objection to the proposed variances and special exception requests.

## **V. COMMUNITY COMMENTS**

The property is within ANC-5B and at the time of this report the ANC has not provided comments to the record. The applicant has had various community-wide meetings regarding the proposal. To date, there are a number of letters in the record in support of this application, and the BZA has granted one party status request in opposition.