



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: September 27, 2024

SUBJECT: BZA #21177 – 501 New York Avenue, NW – Request for special exception relief to expand a large-scale government use

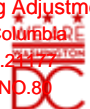
I. RECOMMENDATION

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

- X § 900.3, pursuant to X § 901 – Large Scale Government Use (Expansion of a use established as a matter of right but now permitted by special exception (I § 303.1(c))).

II. LOCATION AND SITE DESCRIPTION

Applicant	Dept. of General Services on behalf of the Dept. of Corrections (DOC)
Address	501 New York Avenue, NW
Legal Description	Square 482-S, Lot 800
Ward / ANC	Ward 2, ANC 2G; ANC 6E is located across New York Ave. NW, to the south of the subject site.
Zone	D-4-R – High density residential and mixed use; large scale government uses permitted by special exception
Historic District / Resource	Mount Vernon Square Historic District
Lot Characteristics and Existing Development	Triangular lot occupying the entire space between New York Avenue, L Street and 6 th Street; 5 th Street is just to the east; Existing curb cuts to L Street and New York Avenue. Public space, both on-street and off-street, is reserved for police parking. Existing sally port between the two curb cuts. Most recent use of the existing building on the site was for the MPD Traffic Safety and Specialized Enforcement Branch.
Adjacent Properties and Neighborhood Character	Residential rowhouses across L Street to the north; the broader neighborhood to the north is characterized by rowhouses and moderate density apartments. Commercial mixed use building to the west, across 6 th St. NW. New York Avenue corridor to the east is characterized by high density apartments; Surface parking lot across New York Avenue to the south.



Proposal	The applicant proposes to continue the existing large scale government use, but to change the specific use to house the DOC's Central Cell Block (CCB) on a temporary basis until the permanent CCB at 300 Indiana Avenue, NW can be renovated. The building, which currently has 19 holding cells, would be renovated to have 46 cells. There would be no physical expansion of the building envelope.
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III. ZONING REQUIREMENTS AND ANALYSIS

In order to expand the existing large scale government use on the site, the applicant requests special exception relief under X § 900.3, pursuant to X § 901. X § 900.3 states that uses that were a matter of right when established, but are now special exception uses, must receive special exception approval from the Board if they are expanded. Although the applicant is not proposing any expansion to the size or area of the current building, the proposal to expand the number of cells within the building has been deemed an expansion the use. Below is the text of X § 900.3:

900.3 In the case of a use that was originally permitted and lawfully established as a matter-of-right and for which the Zoning Regulations now require special exception approval from the Board of Zoning Adjustment, any extension or enlargement of that use shall require special exception approval from the Board of Zoning Adjustment.

Subtitle I § 303.1(c) states that Large scale government uses are permitted by special exception:

303.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following applicable provisions:

[...]

(c) Large scale government uses;

The criteria of Subtitle X § 901.2 are reviewed below.

Subtitle X § 901.2

901.2 (a) [Granting the special exception] Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Granting the requested relief should not overall impair the purpose or intent of the Regulations. While the purpose statements for the D Zones do not directly address this use, calling for “an appropriate mix of residential, office, lodging, retail, service, entertainment, cultural, and other uses” (Subtitle I § 300.1), Subtitle A § 101.1(c) states that the purposes of the Zoning Regulations include furthering “efficiency in the supply of public services”. The Regulations also seek to provide for the use of land that would “create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities” (ibid.). Granting the special exception would allow the DOC to establish a newly renovated, albeit temporary, CCB, and provide this essential service in the most effective way possible. Effective MPD and DOC

services are essential for the protection of property and civic activity.

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

Granting the special exception should not adversely affect neighboring properties in regard to impacts to light, air or privacy. The project does not include a physical expansion of the existing building. The site is also buffered by the surrounding streets, and the applicant proposes a wall surrounding most of the site. This would require review by appropriate public space review authorities. OP has asked the applicant to provide any information available regarding lighting on the exterior of the building. As with any sidewalk in the city, lighting should be sufficient to provide safety on the sidewalk, and sufficient to light the grounds immediately surrounding the building, but should generally be directed downward and not towards other nearby buildings.

In terms of noise, the building has been designed to minimize any noise transmission to the exterior. Cells will be mostly located away from exterior walls, and many will be located in the cellar. Soundproofing materials will be used in the cells and in the hallways of the building. Exhibit 52 also states that “CCB operations do not require law enforcement vehicles to activate sirens”.

OP defers to DDOT’s analysis of the submitted transportation memorandum, but according to that exhibit (Exhibits 51D1 and 51D2), the CCB should not have a negative impact on vehicle parking or transportation. The study indicates that there would be between three and five inbound and three and five outbound vehicular trips during the AM peak hour, and zero trips during the PM peak hour. Food deliveries would be limited to one trip per day, and no visitors would be permitted at the site. Overall, according to the study, the proposed use should see a substantial decrease in vehicle trips compared to the prior use on the site. The Regulations do not have a minimum requirement for vehicle parking and loading for this use, but the applicant proposes to maintain the existing off-street and on-street parking reserved for police vehicles.

The proposed use should not result in detrimental impacts to the safety and security of the neighborhood. Detainees are, following arrest, first taken to local precincts around the city for initial processing. They are then transferred to the CCB, where the transporting vehicles will enter the sally port, from L Street, and the garage doors will be closed. Detainees would then be transferred to the cells within the CCB, the garage doors would be opened, and the transporting vehicle would exit onto New York Avenue. Exhibit 52B, a letter from the Chief of Police indicates that procedures will be put in place to minimize idling time for police vehicles outside of the sally port. A similar process would take place to transfer the detainees to the courthouse for their arraignment. Transfer to the courthouse occurs every morning except Sunday, so detainees are on site at the CCB usually for less than 24 hours. According to Exhibit 52, detainees would only be released from the courthouse, and would not be released directly from the CCB.

IV. COMMENTS OF OTHER DISTRICT AGENCIES

Exhibit 52A is a letter from the Deputy Mayor for Public Safety and Justice indicating support for this application, and Exhibit 52B is a letter from the Metropolitan Police Department Chief, also indicating support for this application.

In addition, at Exhibit 52C is a copy of an email from the U.S. Attorney's Office for the District of Columbia indicating no objection.

V. ANC COMMENTS

As of the date of this report, a memo from ANC 2G has not been filed to the record. At Exhibit 71 is a memo from ANC 6E, located directly to the south of the site, in opposition to this application.

VI. COMMUNITY COMMENTS

The record contains a number of comments in opposition to the application.

VII. VICINITY MAP

