

May 12, 2025

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**VIA IZIS**

Anthony Hood, Chairperson  
D.C. Zoning Commission  
441 4th Street, NW, Suite 200S  
Washington, DC 20001

**RE: ZC Case No. 24-24  
Applicant's Prehearing Statement**

Chairperson Hood and Honorable Members of the Commission:

The following constitutes the prehearing statement of Applicant D.C. Department of General Services (the “**Applicant**”) for the subject consolidated planned unit development and related zoning map amendment (the “**Application**”). As part of the Application, the Applicant is proposing to construct a new emergency shelter for men experiencing homelessness in Washington, DC to be located at 1201 New York Avenue NE (the “**Property**”).

On April 24, 2025, the Zoning Commission (the “**Commission**”) voted to set down the application for a public hearing. In accordance with Subtitle Z § 401 of the Zoning Regulations, this submission provides additional information and responds to issues raised by the Commission during the set down meeting and the Office of Planning (“**OP**”) in its set down report (Ex. 11). Based on the following, the Applicant respectfully requests that the Commission schedule a public hearing on this application.

**I. Consistency with the Comprehensive Plan**

During set down, the Commission noted an inconsistency between the Applicant and OP's analysis of the Comprehensive Plan's Future Land Use Map (“FLUM”) and Generalized Policy Map (“GPM”). The Commission requested the Applicant address these inconsistencies in the case record.

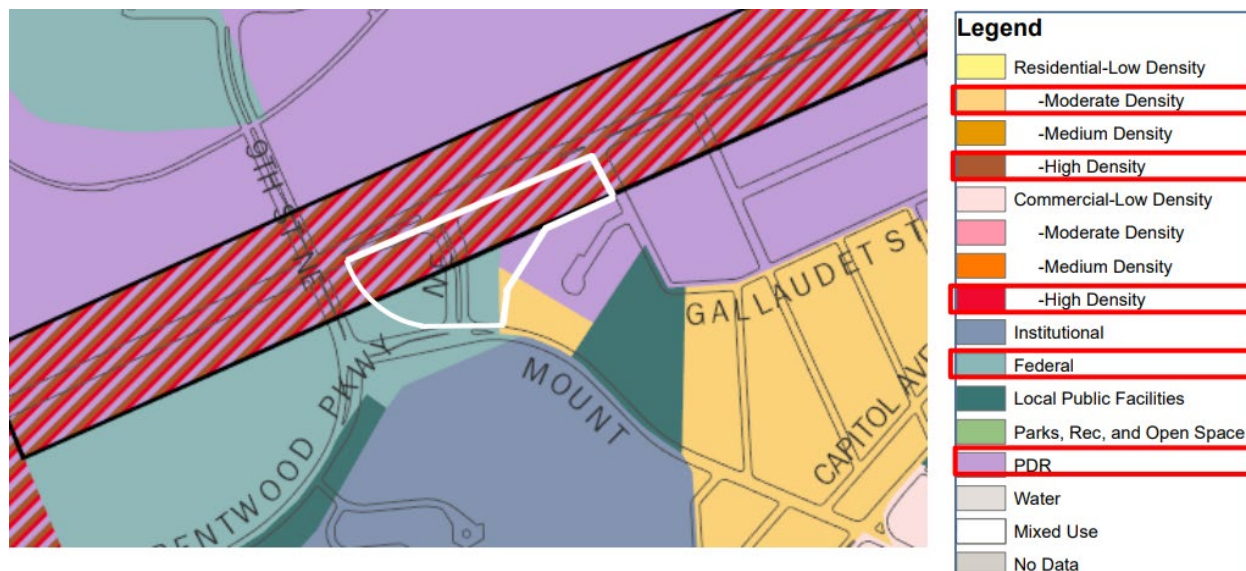
***A. Future Land Use Map***

With respect to the FLUM, the Applicant's analysis omitted a small part of the site along the southeastern lot line that is designated for “Moderate Density Residential” uses. The omission was likely due to the unique shape of the Property, which makes it challenging to determine FLUM

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coverage. As established in the Comprehensive Plan, the FLUM “is intended to be ‘soft-edged’ and does not follow parcel boundaries.” See 10A DCMR § 228.1.

At set down, OP noted it had used mapping technology to confirm the Moderate Density Residential designation was included on a small part of the Property. The following image is from OP’s set down report, with the Moderate Density Residential designation identified in yellow:



The Framework Element defines this designation as follows:

- **Moderate Density Residential:** This designation is used to define neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply. 10A DCMR § 227.6.

The Project will have a maximum floor-area-ratio of 0.5, which is well within the density envisioned in the Moderate Density Residential designation. The portion of the Property designated for Moderate Density Residential is subject to a forest conservation easement and, therefore, will remain unimproved green space. This creates a natural buffer between the proposed shelter building and the residential properties fronting on Mount Olive Road NE. The Comprehensive Plan also acknowledges that there may be existing multi-story buildings in areas designated for Moderate Density Residential. Although the Project is not an existing building, this designation contemplates the potential for larger buildings in the vicinity.

Nonetheless, the Comprehensive Plan directs the Commission to interpret the FLUM “broadly,” and in conjunction with the text of the Comprehensive Plan, including the Citywide Elements and the Area Elements.” 10A DCMR § 228.1. Therefore, an analysis of the Application’s consistency with the FLUM must account for a majority of the Property being designated for High Density Residential, High Density Commercial, Federal and PDR uses; whereas, only a small portion of the Property designated for Moderate Density Residential use. Viewing the Property’s FLUM designation as a whole and in conjunction with other policies in the Comprehensive Plan, the Application remains not inconsistent with the FLUM, as outlined in the Applicant’s Statement in Support (Ex. 3I).

### ***B. Generalized Policy Map***

With respect to the GPM, the Application included an analysis of the “Federal Lands” designation but mistakenly omitted a review of the “Neighborhood Conservation Area” designation.<sup>1</sup> As confirmed by OP, the eastern part of the Property is designated for “Federal Lands” and the western part of the Property is designated a “Neighborhood Conservation Area”:



The Framework Element defines the Neighborhood Conservation Area designation as follows:

- **Neighborhood Conservation Area:** Neighborhood Conservation areas have little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by Comprehensive Plan policies and the Future Land Use Map. Neighborhood Conservation Areas that are

<sup>1</sup> The Property is also within a Future Planning Analysis Area, which the Applicant addressed in its Comprehensive Plan analysis.

designated "PDR" on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided.

The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities. 10A DCMR § 225.5.

The Application is not inconsistent with the Neighborhood Conservation Area designation because this designation does “not preclude development, particularly to address city-wide housing needs.” Additionally, “new development and reuse opportunities are anticipated” and can support conservation of neighborhood character “where guided by Comprehensive Plan policies and the Future Land Use Map.” The Project will redevelop the Property to address critical city-wide housing needs for the population experiencing homelessness. The portion of the Property designated for neighborhood conservation will not be redeveloped as part of the Project, but will remain open green space. Even so, the Project supports conservation of neighborhood character because the Project is consistent with the densities and use types envisioned in the FLUM.

The Neighborhood Conservation Area designation acknowledges that context-sensitive growth will vary depending on neighborhood socio-economic and development characteristics. Here, the Property fronts on New York Avenue – a major thoroughfare – and is largely surrounded by industrial uses, including the railroad tracks. Accordingly, the Project is in context with the neighborhood and will not disrupt an existing pattern of residential development.

## **II. D.C. Department of Human Services**

At set down, the Commission inquired as to the involvement of the D.C. Department of Human Services (“DHS”) in the subject Application. As noted in the Applicant’s Statement of Support, the Applicant is the D.C. agency responsible for building, maintaining and sustaining the government’s real estate portfolio. The Applicant is the implementing agency for DHS, which is the D.C. agency that provides homeless and homelessness prevention services and future operator of the Project.

Accordingly, the Applicant has been working closely with DHS throughout the process of developing the Project’s programming and architecture. The Applicant meets regularly with members of DHS, including in its leadership team, and it is expected that Interim Director Rachel Pierre will testify at the public hearing on the Application.

### **III. Status of Transfer of Jurisdiction**

In the set down report, the Office of Planning requested the status of an amendment to the Transfers of Jurisdiction and Conservation Easement with the National Park Service. *See* Ex. 11, pg. 3. As background, the subject property at 1201 New York Avenue NE (the “Property”) is owned by the federal government but is subject to several Transfers of Jurisdiction to the District of Columbia. The Transfers of Jurisdiction give the District of Columbia the right to use, manage and administer the Property. In connection with the prior Transfers of Jurisdiction, the District also granted the National Park Service a forest conservation easement over a portion of the Property.

Since the Transfers of Jurisdiction were completed at the time the Property was used for other purposes (such as the animal shelter), the Applicant is working with the National Park Service on an amended Transfer of Jurisdiction to authorize the proposed emergency shelter use of the Property. The Applicant is also working with the National Park Service to expand and reconfigure the forest conservation easement to account for the proposed footprint of the new emergency shelter building.

In response to OP’s request for an update, the Applicant is providing a letter (**Exhibit A**) from the National Park Service dated June 13, 2024, which states:

The National Park Service is support of the re-transfer of Reservation 495 to amend the allowable use so that the District can construct a new men’s shelter and to expand the existing forest conservation easement.

The Applicant is pursuing the amended Transfer of Jurisdiction and revised conservation easement concurrently with the subject application. The process requires a submission to the D.C. Surveyor’s Office followed by legislation adopted by the D.C. Council. The Applicant will continue to update the case record on the status of the Transfer of Jurisdiction, as requested.

### **IV. Street Trees**

In the set down report, OP requested the Project incorporate additional street trees along New York Avenue. Currently, the Project proposes to plant new trees to the south of the sidewalk on New York Avenue, which is the side closer to the proposed building. *See* Ex. 3H4, Sheet 0.51-0.52. Conversely, there will be a green buffer but no tree plantings to the south between the sidewalk and the right-of-way. Currently, there is no green buffer or trees along the right-of-way. The Applicant is not proposing new street trees due to budgetary considerations and the location of existing underground utilities. Nonetheless, the Applicant will continue to review this request with its civil engineering team to determine whether street trees can be added, and will update the Commission accordingly.

### **V. Clarification of Development Data**

The Applicant wishes to make minor clarifications due to inconsistencies between the statement in support (Ex. 3) and the architectural plans (Ex. 3H1-3H7). The statement in support

noted the Project would be built to a maximum building height of 85 ft. However, as reflected in the architectural plans, the Project's maximum building height is 83'3". See Ex. 3H3, Sheets 0.29-0.30. Additionally, the statement in support states the Project will have 10 long-term bicycle parking spaces. As reflected in the architectural plans, the Project will have 11 long-term bicycle parking spaces. See Ex. 3H4, Sheet 0.43.

## **VI. Update on Additional Entitlements**

As a District government building, the Project is subject to review by the Commission of Fine Arts ("CFA"). The Applicant filed for concept review and presented the Project to CFA on February 20, 2025. CFA members expressed support for the Project design, commending the building form and massing. The limited comments from CFA primarily concerned the design of the welcome center and intake processing of residents. Nonetheless, CFA approved concept review and delegated review of final design to staff. A copy of the CFA approval letter is attached at **Exhibit B**.

The Project is also subject to review by the National Capital Planning Commission ("NCPC"). The Applicant filed an application for concept review with NCPC on May 2, 2025, with a meeting date scheduled for June 5, 2025.

## **VII. Update on Community Outreach**

Prior to setdown, the Applicant filed a supplement (Ex. 10) detailing additional community outreach for the Project dating back to April 2024. At the time of filing, the Applicant was planning to host an in-person community meeting on March 5, 2025, as well as to present to ANC 5D's Zoning Subcommittee in March 2025 and the full ANC 5D in April 2025. Since the filing, there have been changes to the dates of outreach that the Applicant wishes to clarify in the record.

The community meeting previously scheduled for March 5, 2025 was postponed due to inclement weather. The meeting was then held on March 27, 2025 at 530 Penn Street NE and was well-attended with approximately 20 attendees. The community continued to express overall support for the Project, with questions primarily focused on programming and intake process.

The Applicant also presented to ANC 5D's Zoning Subcommittee on March 20, 2025. DHS then hosted a discussion about the Project with the D.C. Department of Behavioral Health on April 28, 2025. DHS also hosted a town hall meeting for residents of the current shelter on April 29, 2025. In consultation with SMD 5D02 Commissioner Rhodes, the Applicant will attend ANC 5D's meeting on May 13, 2025.

The Applicant is enclosing a full chronological list of Project outreach, which is attached at **Exhibit C**.

## **VIII. Pre-hearing Filing Requirements**

The Applicant hereby certifies that this statement complies with the requirements of Subtitle Z § 401, as follows:

Subtitle Z § 401.1(a)	Information Requested by the Commission; Updated Materials Reflecting Changes by Commission	Prehearing Statement (filed herein)
Subtitle Z § 401.1(b)	Applicant's Witnesses	To be submitted no later than 20 days prior to the hearing
Subtitle Z § 401.1(c)	Summary of Witness Testimony with Expert Witness Resumes	To be submitted no later than 20 days prior to the hearing
Subtitle Z § 401.1(d)	Additional Information, Reports or Other Materials from the Applicant	Prehearing Statement (filed herein)
Subtitle Z § 401.1(e)	Reduced plans no larger than 11x17	Application (Ex. 3H1-3H7)
Subtitle Z § 401.1(f)	List of maps, plans or other documents that will be offered into evidence	Application (Ex. 3F)
Subtitle Z § 401.1(g)	Estimate of time for Applicant's presentation	One hour
Subtitle Z § 401.3(a)	Names and addresses of owners of property within 200 feet	Application (Ex. 3D)
Subtitle Z § 401.3(b)	Names and addresses of each person having a lease with the owner	Not Applicable
Subtitle Z § 401.7	Comprehensive Transportation Review	To be submitted no later than 30 days prior to the hearing
Subtitle Z § 1601.1	Hearing Fee	Exempt as agency of D.C. government under Subtitle Z § 1603.1

**IX. Conclusion**

Based on the information herein and in the case record, the Applicant respectfully requests that the Commission schedule a public hearing on this application.

Sincerely,  
COZEN O'CONNOR

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Meridith Moldenhauer

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Eric J. DeBear

### **Certificate of Service**

I HEREBY CERTIFY that on this 12<sup>th</sup> day of May, 2025, a copy of this Prehearing Statement with attachments was served, via email, on the following:

D.C. Office of Planning  
c/o Michael Jurkovic  
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Advisory Neighborhood Commission 5D  
c/o Salvador Saucedo-Guzman, Chair  
Sebrena Rhodes, SMD Commissioner 5D02  
[5D05@anc.dc.gov](mailto:5D05@anc.dc.gov)  
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A handwritten signature in blue ink, appearing to read 'M. Moldenhauer', is written over a horizontal line.

Meridith Moldenhauer