

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Michael Jurkovic, AICP, Development Review Specialist
JS Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: September 19, 2025

SUBJECT: ZC Case 24-24: Hearing Report for Zoning Commission Case No. 24-24, “The Heritage” Consolidated Planned Unit Development and Related Map Amendment from RF-1 to MU-9 at 1201 New York Avenue NE, Parcel 0129; Lot 0115.

I. RECOMMENDATION

The Office of Planning (OP) recommends the Commission **approve** the application by The D.C. Department of General Services (DGS) for a consolidated Planned Unit Development (PUD) with a PUD-related map amendment from RF-1 to MU-9, to construct a men’s shelter at 1201 New York Avenue NE. The proposal would not be inconsistent with the Comprehensive Plan, the New York Avenue NE Vision Framework, and the Ivy City Small Area Plan, and the filing generally meets the requirements of 11DCMR Subtitle X, Chapter 3.

OP has informed the applicant that additional information is needed regarding how the building’s internal programming results in the penthouse relief request.

II. BACKGROUND

The subject site is a single lot at 1201 New York Avenue NE bisected by a private connector road. The property is under the control of the National Parks Service (NPS) and subject to a Transfer of Jurisdiction allowing the District to utilize the property for an approved use, in this case a 407-bed men’s shelter with ancillary uses carefully selected to support the individuals utilizing the facility.

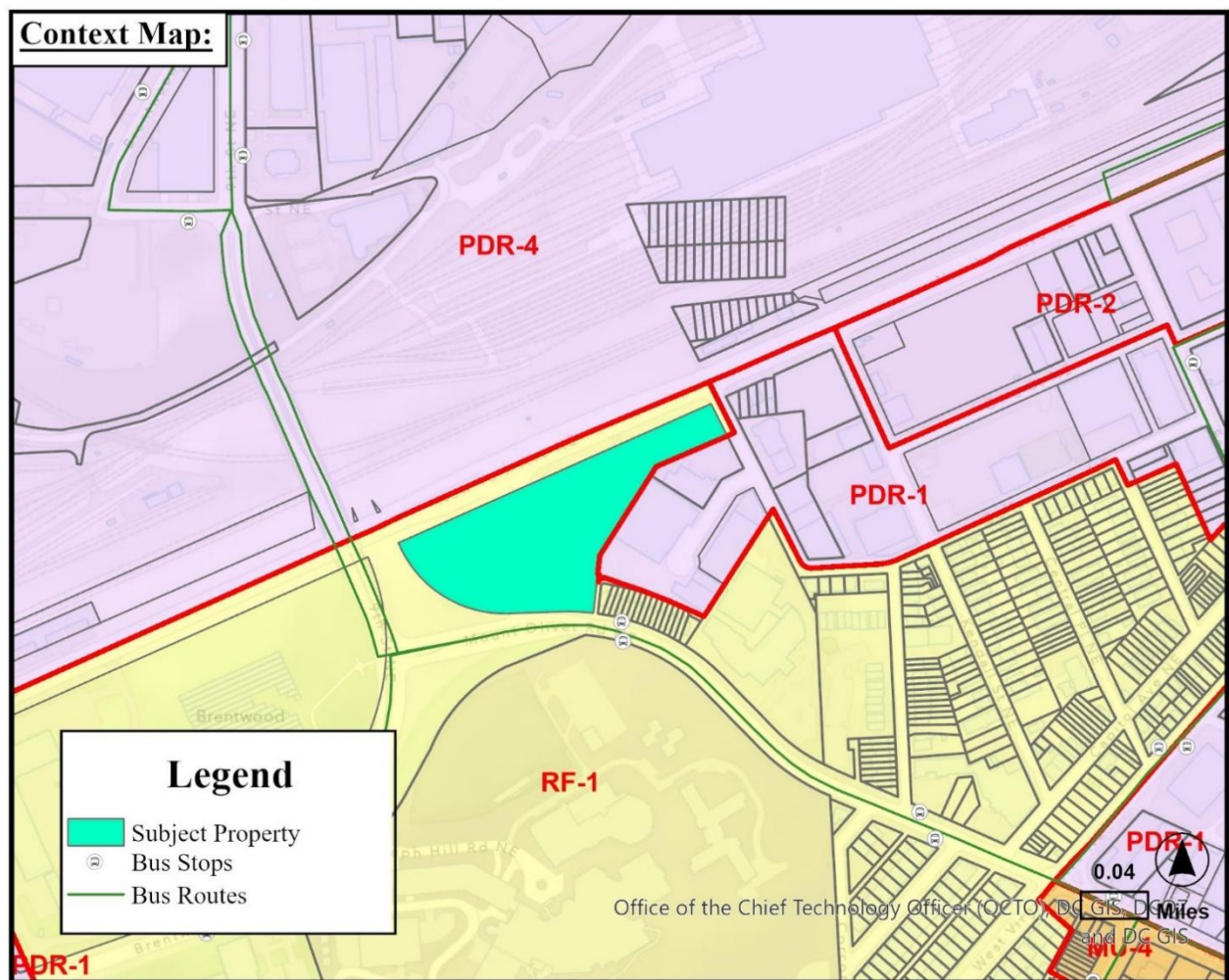
At its April 24, 2025 public meeting, the Zoning Commission set down for a public hearing this consolidated PUD including the PUD-related map amendment from RF-1 to MU-9.

Since being set down, the application has been amended with the following:

- Additional flexibility request for penthouse setback relief.
- New curb extension at the corner of Fairview Avenue NE and New York Avenue NE.
- Expanded planting strip in the public space along New York Avenue.
- A new planting strip on Mount Olivet Road NE.
- New tree plantings and the creation of recreation space around the heritage tree along the property’s frontage.

- Revisions to the west wing on Olivet Road with an expanded plaza, updated placement of rooftop and ground-level mechanical equipment, lowering of the outdoor terrace screen height on the resident floors, and new façade window pattern.
- Interior revision to enhance operations such as enlarged elevator cores, enlarged elevator overruns, new elevator control rooms, and minor reorganization of interior spaces.
- Transformer vaults and mechanical units have been added to the rear adjacent to the proposed parking lot.

III. CONTEXT MAP



IV. RESPONSES TO OP AND ZONING COMMISSION COMMENTS FROM SET DOWN

The following table summarizes OP comments regarding this proposal, including areas where resolution or additional information is required. OP will continue to work with the applicant to adequately address these issues, and other issues raised by the Commission at setdown, prior to a public hearing.

	Comment	Applicant Response	OP Response
OP 1	Status of the updated Conservation Easement & amended Transfer of Jurisdiction (TOJ) with NPS.	Applicant has provided a letter from NPS expressing their support in the proposed use at the site.	OP appreciates the applicant's commitment to showing that that relevant parties agree with the proposed use and revision to the proposed TOJ and forest conservation easement.
OP 2	Clarification of the proposed height and number of long-term bicycles spaces.	The applicant has confirmed that the proposed ultimate height of the facility will be 83.25 ft. and it will provide the required bicycle spaces for the use.	Acknowledged- OP appreciates the applicant's clarification of intended design.
OP 3	Additional street trees along the edge of New York Avenue.	Due to the utility line along New York Avenue the ability to place street trees there is limited. However, trees have been added to the site between the front façade and property line and planting strips have been enhanced.	OP appreciates the explanation and effort taken. The proposed enhancements to the application should yield pedestrian comfort in the public realm.
ZC 1	Consistency between OP's and the Applicant's FLUM and GPM designations.	The applicant's acknowledgment and full response is at Exhibit 13 .	Acknowledged - OP agrees with the applicant's revised analysis and does not disagree with the detailed consistency.
ZC 2	Involvement of the D.C. Department of Human Services (DHS) in the application.	The applicant has been meeting regularly with representatives of DHS in regard to the programming and architecture of the facility and anticipates DHS's participation at the hearing.	Applicant has provided an update detailing the participation of DHS.

V. ZONING ANALYSIS

The site is currently zoned RF-1 and the applicant is requesting a PUD-related zoning map amendment to the MU-9 zone, which is not inconsistent with the Comprehensive Plan FLUM. Below is a table comparing the existing and proposed zone to the proposal.

	Existing Zone RF-1	Proposed Zone MU-9 PUD	Proposed Dev't MU-9 PUD¹	Flexibility
Lot Area	4,000 sq. ft. min.	N/A	203,898 sq. ft.	None Requested
Density	N/A	6.5 FAR / 1 FAR Non-Residential	0.5 FAR	None Requested
Gross Floor Area	244,677.6 sq. ft.	1,325,337 sq. ft./ 203,898 sq. ft. Non-Residential	99,599 sq. ft.	None Requested
Penthouse FAR	N/A	0.4 max. not included in total FAR	0.4	None Requested
Height	35 ft. (3 stories) max.	130 ft. max	83 ft.	None Requested
Penthouse Height	12 ft. (1 story) max.	20 ft. max.	9.5 ft.	None Requested
Open Court Width	4 in. per 1 ft. of height of court but not less than 15 ft. (Closed Court)	4 in. per 1 ft. of height of court but not less than 15 ft. (Closed Court)	conforming	None Requested
Rear Yard	20 ft. min.	12 ft min or 2.5 in. per foot in height (18 ft.)	30 ft.	None Requested
Side Yard	2 side yards of 5 ft. width min.	Not required; 4 ft. min. if provided	Not required; 4 ft. min. if provided	None Requested
Lot Occupancy	40% max.	N/A (100%)	15%	None Requested
Parking	0.5 per 1000 sq. ft. (25 spaces with Transit Exception)		42 compact spaces	Flexibility Requested
Bicycle Parking	1 long term and 1 short term per 10,000 sq. ft. of building area. (10 long-term & 10 short-term spaces)		11 Long Term Spaces; 10 Short Term Spaces	None Requested
Loading: Delivery Space	1 min.		1 space	None Requested
Loading: Loading Space	1 required		1 space	None Requested

¹ Provided by the applicant.

	Existing Zone RF-1	Proposed Zone MU-9 PUD	Proposed Dev't MU-9 PUD ¹	Flexibility
Loading: Loading Birth Size C § 905	Width: 12 ft. min. Depth: 30 ft. min. Height: 10 ft. min.		Width: 8 ft. min. Depth: 26 ft. min. Height: 10 ft. min.	Flexibility Requested
Green Area Ratio	n/a	0.20 min.	0.50	None Requested
Use	Emergency Shelter with capacity of 407 not permitted by-right	Emergency Shelter permitted by-right.	Emergency Shelter with ancillary uses	None Requested

VI. REQUESTED ZONING FLEXIBILITY

Design Flexibility

OP does not object to the following Design Flexibility Items:

- Interior Components:
To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the order.
- Exterior Materials – Color:
To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order.
- Exterior Details – Location and Dimension:
To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights.
- Streetscape Design:
To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by the DDOT Public Space Review Division or the Public Space Committee.
- Signage:
To vary the number, font, message, logo, and color of the project signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order.

- Shelter Beds:
To modify the number of shelter beds by plus or minus 10%, provided that the total square footage of the Project shall not be reduced.
- Sustainable Features:
To vary the approved sustainable features of the Project the total number of LEED points achievable for the Project does not decrease below the minimum required for LEED Gold.

Zoning Flexibility (X § 303)

OP does not object to the applicant's requested Zoning Flexibility, analysis of which is provided below:

303.1 As part of the PUD process, the Zoning Commission may grant relief from any building development standard or other standard referenced in the zone reference table with the exception of use regulations. Housing and arts credits are considered use regulations and are not eligible for flexibility through the PUD process.

The applicant has requested relief from the following:

- a. The minimum parking size requirement of Subtitle C § 712.3(a);
 - b. The minimum loading berth size requirement of Subtitle C § 905.2; and
 - c. The penthouse setback requirement pursuant to Subtitle C § 1504.1(b), (c)(1).
- a. MINIMUM PARKING SIZE – Special Exception Relief from Subtitle C § 713.3(a)**

303.13 As part of any PUD, the applicant may request approval of any relief for which special exception approval is required. The Zoning Commission shall apply the special exception standards applicable to that relief, unless the applicant requests flexibility from those standards. Any such flexibility shall be considered the type of development flexibility against which the Zoning Commission shall weigh the benefits of the PUD.

Special Exception relief to the minimum full size vehicular parking ratio may be pursued pursuant to C § 712.11.

712.11 The Board of Zoning Adjustment may grant relief from the requirements of Subtitle C §§ 712.3, 712.5, and 712.6 as a special exception under Subtitle X, Chapter 9 and subject to the following:

...

- (b) *For a request for relief from the ratio requirement of Subtitle C § 712.3 the applicant shall demonstrate to the Board's satisfaction a reasonable difficulty in providing the number of full-sized parking spaces;*

The applicant is currently proposing 42 compact spaces in order to accommodate the parking needs for operation of the shelter use. Said parking will be solely for the shelter staff and was coordinated with DHS.

...

- (d) *No parking space, whether required or not required, shall have dimensions less than the compact-sized dimensions specified in Subtitle C § 712.6;*

All 42 spaces will meet the minimum compact-sized dimensions.

- (e) *The Board shall grant relief only to the degree that the applicant demonstrates that physical constraints prevent it from reasonably complying with the requirements; and*

The applicant discusses the need for the requested number of spaces and without said relief would be significantly under parked for the shelter's needs.

- (f) *The Board may grant **full** or partial relief.*

OP recommends full relief.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

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

The proposed redevelopment of the site would be consistent with the intent and purpose of the MU-9 zone in both intensity and use.

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

The requested relief to the minimum full size parking ratio of 50% is being sought to accommodate the needs of staff on-site, the residents of the shelter typically arrive by foot or public transit. Therefore, said relief should reduce the impacts to nearby properties by keeping the parking needs from utilizing nearby street parking.

- (c) *Subject in specific cases to the special conditions specified in this title.*

As discussed above, the relief sought will meet all special exception criteria associated with the requested relief.

b. MINIMUM LOADING BIRTH - Area Variance Relief from Subtitle C § 901.1

303.13 *As part of any PUD, the applicant may request approval of any relief for which special exception approval is required. The Zoning Commission shall apply the special exception standards applicable to that relief, unless the applicant requests flexibility from those standards. Any such flexibility shall be considered the type of development flexibility against which the Zoning Commission shall weigh the benefits of the PUD.*

Special Exception relief to the minimum loading birth size may be pursued pursuant to C § 909.

909.1 This section provides flexibility from the loading requirements when providing the number or dimensions of loading spaces or the access and screening required by this section would be:

(a) Impractical due to the shape or configuration of the site constraints;

(b) Unnecessary due to a lack of demand for loading; or

(c) Contrary to other District of Columbia regulations.

909.2 The Board of Zoning Adjustment may grant full or partial relief from the number of loading berths or service/delivery spaces required by Subtitle C § 901.1, or from the size and layout requirements of Subtitle C § 905, as a special exception under Subtitle X, Chapter 9, and under the applicant's demonstrations to the Board's satisfaction that:

(a) The use or structure will generate a lower loading demand than the minimum loading standards of Subtitle C §§ 901 and 905 require, as a result of:

(1) The nature of the use or structure; or

The applicant has requested this relief and attested that the type of use does not require a full-size loading birth as they will not be moving-in and out large items. Instead, the loading birth will be used for deliveries and pickup of food, mail, and trash. Therefore, a full-sized loading birth is not needed for the type of use.

...

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

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

The proposed redevelopment of the site would be consistent with the intent and purpose of the MU-9 zone in both intensity and use.

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

The requested relief to the loading birth dimension is being sought in order for the proposed structure which is able to uniquely manage the needs of the use while contributing to the beatification of the corridor. Granting of the requested relief should not introduce impacts to nearby properties and per the applicant the proposed loading birth is sufficient to accommodate loading and unloading on-site.

(c) Subject in specific cases to the special conditions specified in this title.

As discussed above, the relief sought will meet all special exception criteria associated with the requested relief.

c. MINIMUM PENTHOUSE SETBACKS – Special Exception Relief from Subtitle C § 1504

303.13 As part of any PUD, the applicant may request approval of any relief for which special exception approval is required. The Zoning Commission shall apply the special exception standards applicable to that relief, unless the applicant requests flexibility from those standards. Any such flexibility shall be considered the type of development flexibility against which the Zoning Commission shall weigh the benefits of the PUD.

Special Exception relief to the minimum penthouse setbacks may be pursued pursuant to C § 1506.

1506.1 Relief from the requirements of Subtitle C §§ 1503 and 1504 may be granted as a special exception by the Board of Zoning Adjustment subject to:

- (a) The special exception requirements of Subtitle X, Chapter 9;*
- (b) The applicant's demonstration that reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

The applicant has stated that due to the needs of the use and internal programming, as well as its proposed building design being exceptionally narrow where the elevators need to be located to accommodate the needs of the facility, the penthouse requires relief to both the rear penthouse setback of C § 1504 (b) and (c)(1).

- (c) The applicant's demonstration of at least one (1) of the following:*
 - (1) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

Per the applicant, further rearrangement of the facility for a by-right penthouse would be unreasonable and be at a detriment to the use's programming of the facility. OP has asked for additional information regarding how the building's internal programming results in the penthouse relief request.

...

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

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

The proposed redevelopment of the site would be consistent with the intent and purpose of the MU-9 zone in both intensity and use. Additionally, the penthouse in question should not be readily

viewable from a public way and therefore not inconsistent with Zoning.

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

The requested relief to both the rear penthouse setback of C § 1504 (b), a distance equal to its height from the rear building wall of the roof upon which it is located, and (c)(1) a distance equal to its height from a side building wall of the roof upon which it is located if the side building wall is not located on a property line, should not have an adverse affect of neighboring properties. There would exist a 30 foot buffer between the proposed primary structure and neighboring properties.

- (c) *Subject in specific cases to the special conditions specified in this title.*

As discussed above, the relief sought will meet all special exception criteria associated with the requested relief.

VI. COMPREHENSIVE PLAN THROUGH A RACIAL EQUITY LENS

Title 11 Subtitle X § 304.4(a) requires that a PUD, inclusive of a map amendment, be not inconsistent with the Comprehensive Plan. A full description of the Comprehensive Plan, and analysis of the proposal against its maps and policies is provided in the OP set down report ([Exhibit #37](#))

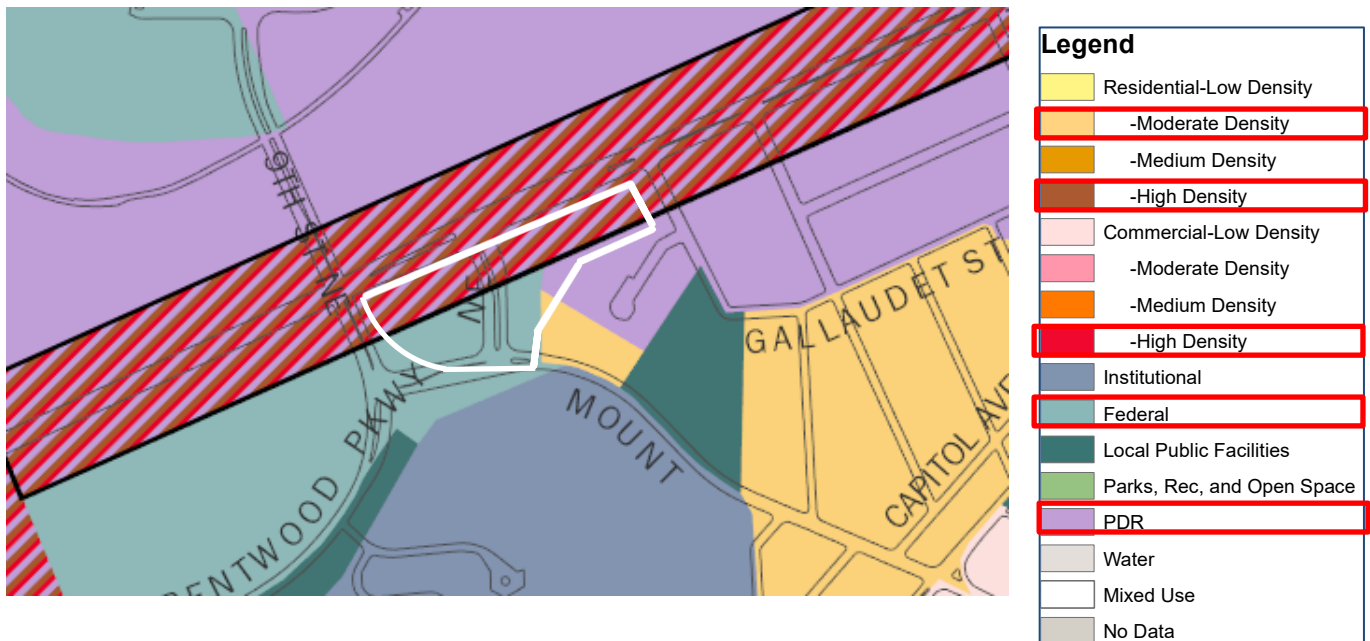
A. COMPREHENSIVE PLAN MAPS

As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map (Chapter 2 Framework Element, Section 226, Attachment III), “*Generalized Policy Map and Future Land Use Map are intended to provide generalized guidance for development and conservation decisions and are considered in concert with other Comprehensive Plan policies.*” Additionally, “. . . the zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the Citywide Elements and the Area Elements.”

As described below, the proposed PUD and map amendment would not be inconsistent with the map designations.

Future Land Use Map (FLUM)

The Future Land Use Map (FLUM) indicates that different parts of the large site are appropriate for a mix of uses, including mixed High Density Residential / Commercial and PUD on the northern portion of the lot, and PDR, Moderate Density Residential and Federal on southern portions. The map is intended to be read as generalized, and the proposed building footprints would appear to be largely or entirely located on the mixed use designated portion of the site.



The proposed PUD and map amendment would not be inconsistent with the Mixed Use Category FLUM recommendation for the site which includes High Density Commercial, High Density Residential, and Production, Distribution, & Repair (PDR) designations. Specifically, the proposed MU-9 zone would be consistent with the High Density Commercial and High Density Residential designation. Though the current PUD redevelopment of the eastern portion of the site does not include any PDR uses, the existing Zoning Regulations do not include a zoning designation which permits the mix of residential, commercial, and PDR uses indicated by the FLUM and no PDR use is proposed as part of the PUD.

There does exist a portion of the proposal which is designated Moderate Density Residential and PDR. The FLUM map is not a parcel specific zoning map, but instead it is to be interpreted broadly and the land use categories identify desired objectives.

Therefore, based on the zoning designations currently available to the applicant, the MU-9 zone would, on balance, be not inconsistent with the FLUM designations, would facilitate the continued District and Federal cooperation at the site, and could enable the furtherance of the desired mix of uses through future development of the western portion through a later modification of significance.

Generalized Policy Map

The Generalized Policy Map indicates that the eastern portion of the subject property is identified as Federal Lands, while the western portion is within a Neighborhood Conservation Area, as well as within a Future Planning Analysis Area.



The proposed PUD and map amendment would be not inconsistent with the Generalized Policy Map recommendation for the site. The proposal would further the goals and objectives of the Neighborhood Conservation Areas; specifically in that the redevelopment proposal consists of a public facility.

As with the FLUM, the Generalized Policy Map is intended to be read broadly to provide general policy direction, and not to be read specifically like a zoning map. In this case, the Federal Lands designation relates to the existing ownership and oversight by National Parks Service (NPS). The land is currently under the purview of a Transfer of Jurisdiction with NPS permitting the existing District Animal Care and Control Facility on the site. OP does not believe that this is intended to promote said portion of the site as a Federal Building, but instead to acknowledge the existing Federal and District partnership related to the site.

The Generalized Policy Map also places the site within a Future Planning Analysis Area, which are:

Areas of large tracts or corridors where future analysis is anticipated to ensure adequate planning for equitable development. Boundaries shown are for illustrative purposes. Final boundaries will be determined as part of the future planning analyses process for each area. Planning analyses generally establish guiding documents. Such analyses shall precede any zoning changes in this area. The planning process should evaluate current infrastructure and utility capacity against full build out and projected population and employment growth. Planning should also focus on issues most relevant to the community that can be effectively addressed through a planning process. Individual planning analyses may study smaller areas than the Analysis Area. For the purposes of determining whether a planning analysis is needed before a zoning change, the boundaries of the Future Planning Analysis Areas shall be considered as drawn. The evaluation of current infrastructure and utility capacity should specify the physical or operational capacity both inside the boundaries and any relevant District-wide infrastructure available. 2503.2.

The New York Avenue NE Vision Framework (“Vision Framework”) was completed by the Office of Planning (“OP”) in November 2023, and this fulfills the requirement of this GPM direction. OP analysis of the proposal against this study is provided below.

B. COMPREHENSIVE PLAN POLICES THROUGH A RACIAL EQUITY LENS

The Comprehensive Plan requires an examination of zoning actions through a racial equity lens. The direction to consider equity “as part of its Comprehensive Plan consistency analysis” indicates that the equity analysis is intended to be based on the policies of the Comprehensive Plan and part of the Commission’s consideration of whether a proposed zoning action is “not inconsistent” with the Comprehensive Plan.

For this, the Zoning Commission has developed a four part Racial Equity Toolkit for applicants and OP to utilize in evaluation of actions brought before the Commission. Please also refer to the OP Setdown Report at [Exhibit 11](#), and the applicant’s Racial Equity analysis at [Exhibit 3I](#).

PART 1 – Guidance regarding the Comprehensive Plan

Citywide Elements of the Comprehensive Plan

As noted above, the proposal would be not inconsistent with both Comp Plan Generalized Policy Map and Future Land Use Map. The proposed development is also, on balance, not inconsistent with the Citywide and Area Elements of the Comprehensive Plan. For the full text of each policy statement referenced, please refer to the OP Setdown Report.

Chapter 3 Land Use

The application includes a PUD-related rezoning of RF-1 land to MU-9, which would result in a significant increase in development potential consistent with the mixed-use FLUM designation for much of the site. The site is subject to a Transfer of Jurisdiction from the Federal government, and the redevelopment of the site would result in the replacement of the existing New York Avenue Men's Emergency Shelter nearby at 1355 New York Avenue NE. The new facility that is the subject of this application would provide a robust Welcome Center which would allow for the queueing of individuals experiencing homelessness inside the facility with a secondary entrance to alleviate overcrowding around the main entrance during times of high demand. This should both enhance the experience of those needing the facility as well as enable the new facility to reduce the existing impacts to the public realm.

Chapter 4 Transportation

The project includes several improvements to the site and public realm which would result in a safer pedestrian environment. The relocation of vehicular access to the site should result in safer vehicular access via Fairview Street. Additionally, shifting the conservation easement, planting buffers along New York Avenue, and highlighting of the Heritage Tree should contribute to visual enhancement of the site along roadways. Aside from the visual improvements the application will also improve the pedestrian network through the widening of the sidewalk.

Chapter 5 Housing

Though the application does not currently propose permanent housing, it should be seen as advancing the Housing goals of the comp plan through the enhanced accommodations and programs for DC residents experiencing homelessness. The proposed facility's new on-site services should further progress the overall objective of ending homelessness in the District by providing access to medical services, employment access assistance, long-term shelter, and financial education. Services which are important in leading to these individuals in need towards reaching independence on their journeys towards exiting homelessness.

Chapter 6 Environmental Protection

The development would be designed to achieve LEED Gold certification and mitigate heat island effects in part by reducing the overall impervious surfaces on-site and through the utilization of green-roofs. The applicant is encouraged to continue to work with DOEE regarding green building initiatives, and the potential for minimizing demolition and construction environmental impacts and recycling or re-use of materials on-site. The applicant is working with the National Parks Service (NPS) to relocate the existing conservation easement, and the applicant has detailed their intent to prioritize protection of the existing heritage tree.

Chapter 9 Urban Design

The proposed redevelopment of the site should contribute to improving the visual character of the New York Avenue NE corridor further cementing the area as a gateway. The proposal should weave into the neighborhood fabric through a stepped back building with design elements inspired by the nearby historic Hecht Building.

Chapter 11 Community Services and Facilities

The proposed facility would replace the existing Men's Shelter on New York Avenue with upgraded capacity and additional services specifically for bringing individuals out of homelessness, including but not limited to healthcare, mental health support, educational opportunities, and job training. With the proposed holistic approach, the new facility should both better serve individuals experiencing homelessness but also serve the District as a whole in our overarching goal of ending homelessness in the District.

Area Elements of the Comprehensive Plan

The proposed development is located within the Upper Northeast Area Element of the Comprehensive Plan, being both specifically within the New York Avenue Corridor and the Brentwood and Northern Gateway Policy Focus Areas. The redevelopment of the site should improve the visual quality of the New York Avenue NE corridor and provide green space within a conservation easement along the frontage of Mount Olivet Road. Additionally, with the curb-cut being removed from New York Avenue the proposal should result in an improved pedestrian experience a priority in both Policy Focus Areas.

PART 2 – Applicant/Petitioner Community Outreach and Engagement

The applicant has provided details of their outreach efforts at [Exhibit 10](#) and most recently at [Exhibit 13C](#). This includes ANC 5D, DC Department of Behavior Health, adjacent properties, and area residents.

PART 3 – Disaggregated Data for the Upper Northeast Planning Area

Part 3 of the Racial Equity Tool asks for disaggregated data to assist the Commission in its evaluation of zoning actions through a racial equity lens for the planning area.

Data Trends Over Time

Analysis of census data over time can yield insights into trends in the planning area. The following data compares the 2019-2023 American Community Survey data with data from the 2012-2016 American Community Survey (ACS), available from OP’s State Data Center ([ACS DATA](#)). Each table below covers both 5-year periods and compares the data for the Upper Northeast Planning Area (UNE) planning area, in which the subject site is located, with District-wide data.

Population by Race or Ethnicity

The property is within the Upper Northeast Planning area, which has a predominantly Black and a growing Hispanic population (see table below). Overall, the population has grown between the two time periods and most racial or ethnic groups increased, most notable being the Hispanic and Two or more races. However, the population identifying as Black alone has decreased within the Planning Area, in both numbers and percentage of the total population.

Population/Race or Ethnicity Districtwide and in the Upper NE Planning Area (2012-2016 and 2019-2023)

Race or Ethnicity	District-wide 2012-16	District-wide Percent	UNE 2012-16	UNE 2012-16 Percent	District-wide 2019-23	District-wide Percent	UNE 2019-23	UNE 2019-23 Percent
Total Population	659,009	100%	70,682	100%	672,079	100%	72,754	100%
White alone	266,035	40.4%	12,983	18.4%	262,549	39.07%	15,805	21.72%
Black alone	318,598	48.3%	50,450	71.4%	290,772	43.26%	45,145	62.05%
American Indian and Alaskan Native alone	2,174	0.3%	438	0.6%	2,044	0.30%	302	0.42%
Asian alone	24,036	3.6%	1,351	1.9%	27,465	4.09%	2,233	3.07%
Native Hawaiian and Other Pacific Islander alone	271	0.04%	12	0.02%	378	0.06%	6	0.01%
Some other race alone	29,650	4.5%	3,673	5.2%	32,338	4.81%	3,317	4.56%
Two or more races	18,245	2.8%	1,775	2.5%	56,533	8.41%	5,946	8.17%
Hispanic	69,106	10.5%	6,799	9.6%	77,760	11.57%	7,683	10.56%

Median Income

The median income of the Upper Northeast Planning Area was lower than that of the District in both the 2012-2016 and 2019-2023 time periods. However, between time periods, the planning area's median income increased by over \$26,000. Some Other Race had the lowest median income of all segments of the population in both time periods. In the 2019-2023 period, Black/African Americans had the third lowest median income in the planning area but their income was higher than Districtwide Black residents. During both periods white and Asian households in the planning area had the highest median incomes, which is the same Districtwide.

Median Income Districtwide and in the Upper NE Planning Area (2012-2016 and 2019-2023)

Median Income	Districtwide (2012-2016)	Upper NE (2012-2016)	Districtwide (2019-2023)	Upper NE (2019-2023)
Median Household Income	\$72,935	\$55,720	\$106,287	\$87,784
White alone	\$119,564	\$107,152	\$166,774	\$151,481
Black or African American alone	\$ 40,560	\$47,712	\$60,446	\$71,715
American Indian and Alaskan Native alone	\$ 51,306	NA	\$63,617	N/A
Asian alone	\$ 91,453	\$70,238	\$121,619	\$151,481
Native Hawaiian and Other Pacific Islander alone	NA	NA	NA	NA
Some other races	\$ 41, 927	\$38,781	\$74,754	\$60,293
Two or more races	\$ 83,243	\$78,598	\$116,869	\$79,069
Hispanic or Latino	\$ 60,848	\$47,581	\$106,435	\$63,019

General Economic Characteristics

The unemployment rate and the poverty rate improved both in the District and in the Upper Northeast Planning Area over this ten-year period. However, the Area had a higher unemployment rate than the District as a whole during both periods. Meanwhile its poverty rate was also higher than the District's poverty rate.

General Economic Characteristics of the Planning Area and District

Characteristic	Districtwide (2012-2016)	Upper NE (2012-2016)	Districtwide (2019-2023)	Upper NE (2019-2023)
Unemployment Rate	8.7%	13%	6.5%	8.2%
Poverty Rate	17.9%	18.6%	14.5%	16%

Higher Education

Though the percentage of Upper Northeast residents with a Bachelor degree increased over the ten-year period it is still considerably lower than that for the District as a Whole during both periods. As

with the District as a Whole, the planning area's Black, Hispanic/Latino, and Some Other Race residents have the lowest percentage of residents with a Bachelor or higher degree.

Higher Education in the Planning Area and District

Bachelor's Degree or Higher	Districtwide (2012-2016)	Upper NE (2012-2016)	Districtwide (2019-2023)	Upper NE (2019-2023)
Total	55.4%	36.7%	63.6%	49.3%
White alone	87.7%	76.9%	92.0%	88.9%
Black or African American alone	24.8%	26.9%	33.3%	33.3%
American Indian and Alaskan Native alone	43.5%	34.4%	41.3%	41.9%
Asian alone	77.9%	69.5%	84.7%	88.9%
Native Hawaiian and Other Pacific Islander alone	63.7%	100%	62.8%	100%
Some other races	26.2%	21.1%	40.1%	26.9%
Two or more races	67.8%	55.2%	70.3%	46.1%
Hispanic or Latino	42.8%	27.7%	56.7%	36.4%

Experiencing Homelessness

Every year in January a count and survey are done of people experiencing homelessness referred to as the Point-in-Time (PIT) Count. Based on the 2025 PIT Count there are 5,138 persons experiencing homelessness in the District, of those 3,782 are single individuals, of said individuals a count of 2,571 identify as male, approximately 68.1%.²

Individuals Experiencing Homelessness in the District

Districtwide Individuals (2025)	Count (2025)	Percentage (2025)
Total	3782	100%
White alone	351	9.28%
Black, African American or African alone	2830	74.83%
American Indian and Alaskan Native alone	32	0.85%
Asian alone	38	1.00%
Native Hawaiian and Other Pacific Islander alone	17	0.45%
Some other races	29	0.77%
Two or more races	208	5.50%
Hispanic or Latino	270	7.14%

² <https://community-partnership.org/homelessness-in-dc/>

The proposal's primary goal is to replace the aging Men's Shelter in close proximity to the subject site. The direct impact to the planning area can be seen as limited to the replacement of the ageing facility and expanded employment opportunities within the proposed larger facility. The applicant notes that the current state of the existing facility is not adequate and has resulted in the use of public realm for queuing those seeking shelter which can result in overcrowding of the public realm as well as exposure to inclement weather conditions for those experiencing homelessness.

The larger benefit of the project is to the later vulnerable population. The applicant rightfully cites findings of Homeward DC 2.0³ and expresses the idea that the District's population experiencing homelessness should be viewed as an impacted population due to the interrelated aspects of systemic disenfranchisement and consequent vulnerability to losing permanent housing. Therefore, the Racial Equity impacts of this application are more of a Districtwide benefit to the proposed facility's target population.

Part 4 – Zoning Commission Evaluation Factors

According to the Racial Equity Tool, the Commission will use the following criteria, themes and questions, along with the above data, in its evaluation of a zoning action's consistency with the Comprehensive Plan, as viewed through a racial equity lens.

What Comprehensive Plan policies related to racial equity will potentially be advanced by approval of the zoning action?

As noted above and in the OP Setdown Report, the proposal would further many policy statements of the Comprehensive Plan, including policies within the Land Use, Transportation, Housing, Environmental Protection, and Urban Design Elements as well as the Upper Northeast Area Element, including when viewed through a racial equity lens. The full list and text of the policies identified by OP are at [Exhibit 11](#).

What Comprehensive Plan policies related to racial equity will potentially not be advanced by approval of the zoning action?

While the proposal would generally further Comprehensive Plan policies, at set down OP identified one policy which may not be advanced by the proposal, ***Policy T-1.1.8: Minimize Off-Street Parking.***

However, as discussed in the applicant's most recent filing changes to the City's bus network could result in the project being under-parked. Nevertheless, the applicant attests that the proposed parking meeting the needs of the site and this policy is generally outweighed by numerous other policies in the Comprehensive Plan which the proposal would further, as detailed in Part 1 above. The applicant filing does not identify any policy statements of the Comprehensive Plan that would not be advanced by this application.

When considering the following themes/questions based on Comprehensive Plan policies related to racial equity, what are the anticipated positive and negative impacts and/or outcomes of the zoning action? Note: Additional themes may also apply.

³ [Homeward DC 2.0](#)

Factor	Question	OP Response
Direct Displacement	Will the zoning action result in displacement of tenants or residents?	The existing District Animal Shelter will need to be relocated. However, there are no tenants or residents on the site.
Indirect Displacement	What examples of indirect displacement might result from the zoning action?	OP does not anticipate indirect displacement as a result of the requested PUD. The proposal will increase the overall shelter capacity of the District with the new facility.
Housing	Will the action result in changes to: <ul style="list-style-type: none"> ▪ Market Rate Housing ▪ Affordable Housing ▪ Replacement Housing 	Currently, the proposal will not have a direct impact on housing. However, the western portion of the property could be developed with housing through future action.
Physical	Will the action result in changes to the physical environment such as: <ul style="list-style-type: none"> ▪ Public Space Improvements ▪ Urban Design Improvements ▪ Streetscape Improvements 	The proposed modification would result in improvements to public space, streetscape, and produce urban design improvements. Most notable improvements include the sidewalk enhancements, repositioning of the conservation area closer to the public realm, new dedicated green space along the streetscape, and the overall esthetically pleasing building design.
Access to Opportunity	Is there a change in access to opportunity? <ul style="list-style-type: none"> ▪ Job Training/Creation ▪ Healthcare ▪ Addition of Retail/Access to New Services 	The proposal includes ancillary uses for occupants of the shelter which include job placement, healthcare, and skill training. Additionally, redevelopment of the property could provide construction and job opportunities to neighborhood residents.
Community	How did community outreach and engagement inform/change the zoning action? <ul style="list-style-type: none"> ▪ (e.g., did the architectural plans change, or were other substantive changes made to the zoning action in response to community input/priorities etc.?) 	The Applicant outlines their community outreach and coordination at Exhibit 10 which includes meeting with ANC 5D, Interagency Council on Homelessness, and Town Halls with residents and shelter staff.

C. SMALL AREA PLANS

Ivy City Small Area Plan (ICSAP)

The subject property is on the western edge of the Ivy City Small Area Plan. The ICSAP is a historically Black neighborhood which is roughly triangular in shape bounded by New York Avenue NE to the North, West Virginia Avenue NE to the south, and Mount Olivet Road NE to the southwest.

This application should particularly advance the following recommendations and principles from the Plan:

- **Community Resilience Recommendation: 2.6**
Expand the use of green infrastructure, such as cool pavements or small-scale solar panels, on existing public lands including the Crummell School, Lewis Crowe Park, and other government properties.
- **Community Resilience Recommendation: 2.7**
Encourage new development projects to incorporate green infrastructure elements, such as roof gardens, landscaped terraces, pocket parks, vegetation walls, and decorative planters to help reduce heat island impacts and increase visual appeal in the surrounding neighborhood.
- **Design Principle: A**
New buildings are encouraged to incorporate a height step down to soften the transition between the higher density buildings along New York Avenue NE and the lower-density residential areas south of Alexander Crummell Way. New and infill development heights in residential areas should remain moderate, consistent with the existing zoning.
- **Design Principle: E**
Building frontages should have variation along streets with continuous massing to ensure a pedestrian-scale of development. This will lessen the perceived length of high-rise buildings or rowhouse groupings. Blank walls should be avoided, particularly along streets and pedestrian ways.
- **Design Principle: H**
Building façades should provide a variety of design elements for visual interest. These include textures found throughout the neighborhood (brick and masonry with more contemporary materials as secondary accents), colors, and interesting architectural features that reflect traditional and/or industrial-style architecture and contribute to neighborhood unique visual identity.
- **Public Space & Urban Design Recommendation: 3.6**
Enhance the pedestrian experience with streetscape elements, such as pedestrian scale lighting along the corridor and around block corners of side streets.

D. OTHER PLANNING DOCUMENTS

New York Avenue, NE Vision Framework (“Vision Framework”)

The subject property is within the New York Avenue NE Vision Framework Plan. The Vision Framework covers a nearly three-mile stretch of New York Avenue NE from Florida Avenue NE to South Dakota Avenue NE.

The proposal would generally further the following Vision Framework recommendations:

- **Action to Produce and Preserve Housing: 1.2**
Rezone properties along New York Avenue NE to mixed-use in alignment with the 2021 Comprehensive Plan Future Land Use Map (FLUM), which will require residential

developments to meet minimum dedicated affordable housing standards of IZ +. New zoning will help achieve the District's affordable housing goals, and guide how PDR uses should be incorporated into mixed-use buildings.

- ***Action to Increase Resilience: 2.5***

Support public spaces around new buildings that are welcoming for everyone, including nearby residents. Through public space permitting, capital budgeting, and PUD processes, OP will support spaces that are physically accessible and include public restrooms. Public spaces will not include elements such as light and sound that are designed to deter use by vulnerable populations.

- ***Action to Increase Resilience: 2.8***

Maximize the tree canopy and green space by seeking opportunities to add landscaped areas when the District or a property owner reconstructs the streetscape. Increasing trees and green space will help reduce surface air temperatures and improve air quality.

- ***Action to Strengthen Connections: 3.3***

Require property owners along New York Avenue NE to improve or add sidewalks when redeveloping a property. Additionally, seek opportunities in coordination with DDOT to upgrade these sidewalks to shared-use paths that accommodate bicycles. These improvements will make it safe and convenient for people to travel to the area by transit, bike and as pedestrians.

- ***Action to Uplift the Corridor's Industrial Legacy: 4.1***

Celebrate New York Avenue NE as a gateway through public art and urban design. Building height should be concentrated along New York Avenue NE, and key features, such as entrances and plazas, should be located at major intersections. Public art, funded by property owners and District grants, should be used to elevate the culture and heritage of communities along the corridor in alignment with the District's Commemorative Works Program.

- ***Action to Uplift the Corridor's Industrial Legacy: 4.2***

Uplift the corridor's unique visual identity connected to its history of industrial uses. Property owners should adaptively reuse industrial buildings, use industrial building design elements, and avoid monolithic building footprints that occupy an entire block.

E. SUMMARY OF PLANNING CONTEXT ANALYSIS

On balance, the proposed PUD would not be inconsistent with the Comprehensive Plan and would further the District's efforts towards meeting its goal to end homelessness in the District by providing those experiencing homelessness a facility which can better assist them on their journeys towards permanent housing. The proposal would also considerably beautify the site and the replacement of the existing facility should serve to advance the corridor and nearby communities. The consolidated PUD with the map amendment should help advance racial equity and opportunity.

VII. PUD EVALUATION STANDARDS

The Zoning Regulations define a Planned Unit Development (PUD) as “*A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more zones irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in Subtitle X, Chapter 3.*” (Subtitle B-28). The purpose and general standards for a Planned Unit Development are established in Subtitle X 300:

- 300.1 *The purpose of the planned unit development (PUD) process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that the PUD:*
 - (a) *Results in a project superior to what would result from the matter-of-right standards;*
 - (b) *Offers a commendable number or quality of meaningful public benefits; and*
 - (c) *Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*
- 300.2 *While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.*
- 304.3 *In deciding a PUD application, the Zoning Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.*
- 304.4 *The Zoning Commission shall find that the proposed development:*
 - (a) *Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;*
 - (b) *Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and*
 - (c) *Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.*

Regarding the criteria of X § 304.4, the PUD and the resulting development would generally not be inconsistent with the Comprehensive Plan. This application does not propose to maximize the density allowed by a PUD in the proposed MU-9 zone, instead it seeks the combined application in order to allow the intensity of the proposed primary use by-right. However, any potential impacts of the use would be outweighed by the significant benefits it provides to the District. In addition, the project would not result in unacceptable impacts on the surrounding area in terms of its built form. The Applicant should continue to work with DDOT and OP public space planners on the final details for public space design.

Public Benefits and Amenities:

The proposed PUD would result in a taller building than what would be permitted under the existing RF-1 zone. However, the proposal does not seek to maximize the height and is well below the intensity of scale permitted in the MU-9 zone. Additionally, the majority of the development requirements the for proposal would not exceed those allowed by the current RF-1 zone.⁴ Instead the proposed use is not permitted under RF-1 but is allowed under the MU-9 zone and the proposed zone is not inconsistent with Comprehensive Plan direction for this site.

	Exiting RF-1	MU-9 PUD	Proposed PUD	DIFFERENCE
Height:	35 ft. / 3 stories and a penthouse of 12 ft. and one story.	130 ft. not including a up to a 20 ft. penthouse.	83.27 ft.; 92.77 ft. maximum height with penthouse	+48.27 ft. to the principal portion of the structure
Penthouse Setback	Minimum setback Distance equal to it's height from rear or side.	No Change (15 ft. Penthouse requires 15 ft. setbacks)	No setback from eastern façade side and rear.	-15 ft. penthouse side setback; -15 ft. penthouse rear setback
Vehicular Parking Minimum Size.	With 4 or more spaces a Minimum 50% must be full-sized spaces, remained may be compact.	Emergency Shelter	Vehicular Parking Minimum Size.	With 4 or more spaces a Minimum 50% must be full-sized spaces, remained may be compact.
Loading	1 Loading and 1 Service/Delivery	<u>Emergency Shelter</u> 30,000 – 100,000 sq. ft. (1 Loading Berth and 1 Service/Delivery)	Sub-standard Loading Birth and 1 Services/Delivery	Sub-standard Loading birth
Use	Emergency Shelter not a permitted.	Emergency Shelter Allowed by-right	Emergency Shelter	Emergency Shelter permitted in area presently zoned RF-1

As such, the applicant is gaining building height and the proposed use through the PUD and requested map amendment, as well as flexibility from specified zoning regulations; penthouse setbacks, vehicular parking space minimum size, and loading birth minimum size.

Subtitle X Section 305 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. *“Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title”* (§ 305.2). *“A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors”* (§ 305.10). Section 305.5 lists several potential categories of benefit proffers, and states that

⁴ As the western portion of the site would remain unimproved their still remains a considerable about of development potential in a future modified application.

“(a) project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section, but must be acceptable in all proffered categories and superior in many” (§ 305.12). The Commission “shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)” (§ 305.11).

The Applicant’s benefit and amenities package is in the Applicant’s Statement at [Exhibit 3](#) and identifies categories of benefits from Subtitle X § 305.5 which would apply to the project. OP analysis of the applicant’s proposed benefits is below, also referencing Subtitle X § 305.5:

(a) Superior urban design and architecture

The project’s urban design and architecture is both modern while also paying homage to the industrial design of the nearby Hecht building, carefully mimicking its industrial aesthetics. As such the building should both serve as an aesthetically pleasing contribution to the corridor and would be a public benefit.

(b) Superior landscaping, or creation or preservation of open spaces

Per the applicant, the Conservation Easement will be reconfigured to be larger while additional landscaping will be provided along the front and rear of the property. An outdoor amenity of a deck and walking path will be accessible to those residing at the facility. The aspect of the site which would be a more direct public benefit would be the additional tree planting in front of the building façade and the recreation area surrounding the heritage tree along the street frontage.

(c) Site planning and efficient and economical land utilization

Though, it is somewhat difficult to surmise this proffered benefit given that the property is not slated to be fully redeveloped, OP acknowledges that the application has found balance between the existing bifurcation from the private connector road, needs of the use, and requirement to maintain the forest conservation easement; while also acknowledging that the undeveloped portion may be subject to a future application. Therefore, it could be seen as a benefit that the project carefully balances need of the occupants in an efficient and economical use of land given the constraints imposed on the property.

...

(d) Housing

Although the application does not provide any affordable or market rate housing the applicant has proffered that the shelter use itself should be seen as a housing proffer as at this time the proposed zoning change from RF-1 to MU-9 is solely to facilitate the proposed capacity of the men’s shelter, which under RF-1 would be limited to 4 individuals. OP would agree that this use is important for the District’s goals and could also be classified under item (q) below.

Furthermore, as the proposal does not include any proposed development of the western portion of the site future development through a modification of this PUD.

...

(k) Environmental and sustainable benefits

OP agrees that the applicant's commitment to meet Net-Zero Energy standards and achieving LEED Gold v4 certification would be a public benefit.

...

(q) Uses of special value to the neighborhood or the District of Columbia as a whole; and

As discussed above, OP would consider the new shelter a special value to the neighborhood and to the District as a whole. The facility would replace an existing nearby shelter with a facility which can better serve the needs of its occupants while also beautifying the corridor with respect to its design and commitment to open space.

(r) Other public benefits and project amenities and other ways in which the proposed PUD substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.

The applicant proposes to construct a facility to replace the existing New York Avenue Men's shelter. This facility would further District's efforts as a whole to end homelessness.

In summary, OP finds that the benefits, amenities and proffers, principally the proposed shelter use itself would be commensurate with the proposed application as the proposal is otherwise well below the development capacity of the MU-9 zone and the requested zoning flexibility requested through the PUD is required for the use of special value to the District as a whole.

VIII. AGENCY COMMENTS

On July 9, 2025 OP held an interagency meeting inviting representatives of all notified agencies of those the following were in attendance: District Department of General Services (DGS), District Department of Human Services (DHS), District Department of Transportation (DDOT), Department of Energy and the Environment (DOEE), Fire and EMS Department (FEMS), and DC Water.

IX. ANC COMMENTS

As of the date of this report, there are no submissions from ANC 5D.

X. COMMUNITY COMMENTS

As of the date of this report, there are no submissions from members of the community.