COZEN O'CONNOR

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Anthony J. Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20010

Re: Application for Modification Without Hearing to Approved Planned Unit Development and Related Zoning Map Amendment - 1201 New York Avenue NE (Parcel 129/115)

Chairperson Hood and Members of the Commission:

The Applicant D.C. Department of General Services (the "**Applicant**"), as the implementing agency for the D.C. Department of Human Services ("**DHS**"), files this application for a modification without hearing to the approved planned unit development and related zoning map amendment under ZC Order 24-24 (the "**Approved PUD**") for the property located at 1201 New York Avenue NE (Parcel 129/115) (the "**Property**"). Pursuant to the Approved PUD, the Commission approved construction of a new emergency shelter building for men experiencing homelessness (the "**Approved Project**").

The Applicant requests this modification in light of evolving budget considerations associated with constructing the Approved Project. To ensure a viable path forward, the Applicant proposes to redesign and reduce the scale of the Approved Project without sacrificing the District's goals of providing a safe and humane purpose-built shelter building. Despite the redesign, the requested modification maintains the overall design intent of the Approved Project, the public benefits proffered in the Approved PUD and the requested zoning relief.

In support of this request, the Applicant provides the following exhibits:

Exhibit A – ZC Order 24-24
Exhibit B – Architectural Plans for the Modification
Exhibit C – Authorization Letter

This application is filed as a modification without hearing pursuant to Subtitle Z § 703.6 because the "impact may be understood without witness testimony" and entails "a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." As such, the Applicant respectfully requests that the Commission process this

application as a modification without a hearing and consider the application at the next available public meeting in accordance with Subtitle Z § 703.13.

I. Background on the Property and Approved PUD

The Property is a large parcel of 203,868 sq. ft. located along the New York Avenue NE corridor nearby to the Ivy City neighborhood. To the east of Mount Olivet Road NE,[1] the Property is improved with a one-story building used as an animal shelter and a parking lot. To the west of Mount Olivet Road NE, the Property is unimproved, forested area. The Property is owned by the federal government but the District of Columbia is authorized to use the Property pursuant to prior transfers of jurisdiction.[2] There is a forest conservation easement for the benefit of the federal government encumbering a portion of the Property adjacent to Mount Olivet Road NE.

The Approved PUD was originally filed in December 2024. The Applicant proposed a new emergency shelter building that is split into two wings, a six-story east wing and a four-story west wing, separated by a two-story atrium. The Approved Project proposed a total of 407 permanent beds plus space for an additional 80-100 cots used for hypothermia shelter needs. The Approved Project serves five district programs: a low barrier shelter, work program housing, senior housing, respite housing and hypothermia housing. The Approved Project also incorporated supportive services, including a medical clinic, administrative space, central dining and exterior/interior recreation space for residents.

The Approved Project is 99,529 sq. ft., which is a floor-area-ratio of .49, with a maximum building height of 83 feet plus penthouse and a lot occupancy of 15%. The Approved Project included a 41-space parking lot, a loading berth and service-delivery space, and short- and long-term bicycle parking.

On November 20, 2025, the Zoning Commission took final action to approve the Approved PUD. On August 14, 2026, ZC Order 24-24 became final and effective. A copy of ZC Order 24-24 is attached at **Exhibit A**. As part of the Approved PUD, the Commission approved a consolidated planned unit development and a related zoning map amendment from the RF-1 zone to the MU-9 zone. The Commission also approved flexibility from vehicular parking space dimensions, loading berth dimensions, and side and rear penthouse setbacks. The Applicant's primary benefit is the Approved Project itself, which the Commission found would "benefit the entire District." *See* **Exhibit A**, pg. 25.

II. Description of Proposed Modifications

The Applicant is proposing to revise and redesign the Approved Project to a six-story building at the northeast corner of the Property (the "**Modified Project**"). Following the conclusion of the Approved PUD, the Applicant determined that modifications to the Approved PUD would be necessary to respond to budget considerations that arose as the project advanced.

[1] The segment of Mount Olivet Road NE that bisects the Property is actually part of the Property. Although within the Department of Transportation's portfolio, this segment of the road is not part of the formal public right-of-way.
[2] As set forth in the Approved PUD, the Applicant is working with the federal government, through the National Park Service, to amend the prior transfers of jurisdiction and the forest conservation easement.

Nonetheless, the Modified Project continues to achieve the Applicant and DHS' goal of closing the existing men's shelter at 1355 New York Avenue NE and replacing that building with a new, purpose-built shelter. The right-sized Modified Project reduces overall capacity but maintains all five programs to be served in the Approved Project: low barrier shelter, work program housing, senior housing, respite housing and hypothermia housing. The Modified Project incorporates similar architecture and design elements as the Approved Project, albeit in a smaller envelope.

Overall, the Modified Project proposes the following changes from the Approved Project:

A. Site Plan and Massing

The Modified Project consolidates the two wing approach of the Approved Project into a single, six-story building. The Modified Project will be located at the northeast corner of the site in roughly the same location as the two-story "Welcome Center" in the Approved Project. The massing of the Modified Project is concentrated at the northeast corner of the site, creating a stronger presence on New York Avenue NE and Fairview Avenue NE. By comparison, the wings of the Approved Project extended south and west into the Property. The Modified Project incorporates a partial basement level where the Approved Project did not.

Similar to the Approved Project, there will be a parking lot along the southeastern side of the Property that is accessed from a curb cut off Fairview Avenue NE. The Modified Project incorporates 35 spaces, a reduction of 6 spaces from the Approved Project. As in the Approved Project, all 35 spaces will be compact in the Modified Project. The Modified Project will continue to provide a loading berth and service-delivery space at the rear of the building.

There will be a fenced-in outdoor recreation area located to the west of the Modified Project. The enlarged forest conservation area will be retained along the western part of the Property adjacent to Mt. Olivet Road NE. As with the Approved Project, the large heritage tree near the center of the site will be retained as well.

The Modified Project will have a maximum building height of 83 feet, which is equivalent to the height of the Approved Project's west wing. The overall square footage will be reduced from 99,529 sq. ft. (.49 FAR) in the Approved Project to 67,044 sq. ft. (0.33 FAR) in the Modified Project. The Modified Project's footprint is 10,325 sq. ft. (5% lot occupancy) as compared to the Approved Project's footprint of 30,447 sq. ft. (15% lot occupancy).

B. Architecture

The Modified Project features similar architectural design as the Approved Project. The Modified Project continues to take its cues from the nearby Hecht Warehouse Apartments by incorporating punched openings and a glass and masonry exterior. As with the Approved Project, the Modified Project's façade primarily consists of white brick in an elongated format installed in a stack bond pattern. Copings will be painted aluminum matching the window frame color. Windows, storefront, curtain wall and entry doors will be factory painted aluminum frames. Although the exterior terraces at the end of each residential floor have been removed, the Modified Project continues to place an emphasis on residents' health and well-being by incorporating natural light and ample outdoor space.

C. Programming and Interior Layout

The Modified Project will have a total capacity of 357 beds, as compared to 407 beds in the Approved Project. The Modified Project will retain all five programs envisioned for the Approved Project: a low barrier shelter, work program housing, senior housing, respite housing and hypothermia housing.

The Modified Project's first level will have fewer offices, medical and consultation rooms as well as reductions in size to the laundry rooms, locker room, showers, storage, back-of-house and other supportive functions. These changes are commensurate with the overall reduction in capacity of the Modified Project. Additional changes to the first floor include the respite rooms, which were originally on the second floor of the Approved Project.

The multi-purpose room has also been reduced in size and moved from the first level of the Approved Project to the second level of the Modified Project. The multi-purpose room will continue to provide space for approximately 58 cots during hypothermia season, which is less than the 80-100 cots in the Approved Project. The dining room is now located next to the multi-purpose room, with additional educational class rooms across the hallway.

Floors three – six provide a similar layout as in the Approved Project, but in a single building as opposed to two wings. In addition to dorms, each floor has shower and restroom facilities and communal lounge space. As noted, the exterior terraces have been removed in the Modified Project.

The roof level will continue to feature solar panels and a vegetated roof. The elevator overrun and stair overrun are in approximately the same location as the east wing of the Approved Project.[3] A third penthouse structure for mechanical equipment is now located in the center of the roof level. The mechanical penthouse is 15 feet in height and setback at a one-to-one ratio from all four roof walls. The new basement level will have "back-of-house" rooms, storage, a staff lounge area, staff lockers and laundry and 7 long-term bicycle parking spaces.

III. Consistency with PUD Evaluation Standards

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." Subtitle X § 304.3. 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,

[3] The penthouse enclosure for the stair overrun, which includes a freight elevator overrun, is not setback from the side or rear roof walls. As part of the Approved PUD, the Commission granted flexibility for this same condition in the Approved Project.

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." Subtitle X § 304.4.

The Modified Project continues to meet the PUD evaluation standards, as follows:

A. Not Inconsistent with the Comprehensive Plan

As part of the Approved PUD, the Commission found the Approved Project is not inconsistent with the Comprehensive Plan, including the designation for the Property in the Generalized Policy Map ("**GPM**") and the Future Land Use Map ("**FLUM**"), as well as several policy goals set forth in the Citywide Elements. *See* **Exhibit A**, pg. 19-22. The Modified Project does not change the Commission's findings as to consistency with the Comprehensive Plan.

With respect to the GPM, which designates the Property for "Federal Lands," "Neighborhood Conservation Area" and "Future Planning Analysis Area," the Property continues to be owned by the federal government and will be used by the District of Columbia pursuant to a Transfer of Jurisdiction. As with the Approved Project, the part of the Property identified as a "Neighborhood Conservation Area" will not to be improved as part of the Modified Project.

With respect to the FLUM, which designates the Property for "High Density Commercial," "High Density Residential," "Production, Distribution and Repair" and "Federal" uses, the Modified Project will be constructed under the proposed MU-9 zone district. Although the Modified Project will have less density than the Approved Project, the Modified Project will be built to the height and feature the uses envisioned by the FLUM. The Modified Project will not improve the portion of the Property identified for "Moderate Density Residential." The Modified Project does not otherwise impact the Commission's findings as to the "Production, Distribution and Repair" and "Federal" uses.

With respect to the Citywide Elements, the Modified Project remains consistent with policies in the Land Use, Transportation, Housing, Environmental Protection, Urban Design, Community Services and Facilities Elements. Despite a reduction in square footage, the Modified Project will meet the District's goal of closing the existing men's shelter on New York Avenue and replacing it with a purpose-built facility that better meets the needs of men experiencing homelessness. The Modified Project proposes improvements to public space, including removing a curb cut, and new landscaping elements throughout the Property. The Modified Project is designed to meet Net-Zero Energy standards and achieve LEED Gold v4 certification. Additionally, the Modified Project continues to contribute memorable architecture and create a presence on New York Avenue.

The Modified Project does not impact the Commission's findings as to consistency with the Upper Northeast Area Element, the Ivy City Small Area Plan or the New York Avenue Vision Framework. The Modified Project furthers the Comprehensive Plan's racial equity goals by providing an emergency shelter for men experiencing homelessness.

B. No Unacceptable Project Impacts

The Modified Project does not result in any new adverse impacts because the Modified Project reduces the square footage and capacity of the Approved Project. As such, the Modified Project continues to have favorable impacts on zoning and land use, housing, economic development, parks, recreation and open space, urban design, the environment, and public health and safety. With respect to transportation and mobility, the Modified Project provides less parking on site but still meets the minimum zoning requirement for parking.[4] The Modified Project continues to provide loading and bicycle parking as required by the Zoning Regulations. The Modified Project's reduced capacity has a commensurate reduction in impact to public facilities.

C. Public Benefits and Project Amenities

The Modified Project does not materially alter the previously-approved public benefits and project amenities. The primary benefit of the Approved PUD was the construction of a new emergency shelter building that addresses a critical need in the District of Columbia. Despite the reduction in beds, the Modified Project allows for the closure of the inadequate existing shelter building and replacement of that building with a new purpose-built emergency shelter. The Modified Project continues to provide the services and programming space to meet the needs of men experiencing homelessness, albeit on a smaller scale than the Approved Project. Otherwise, the Modified Project does not impact the public benefits set forth in the Approved PUD.

The Modified Project requests the same zoning flexibility as the Approved Project, including for parking space dimensions, loading berth dimensions, and side and rear penthouse setback. As such, the Commission's balancing of PUD flexibility and potential adverse effects against public benefits will not change.

IV. Application Properly Filed as a Modification Without Hearing

The term "Modification Without Hearing" is defined as a modification in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." *See* Subtitle Z § 703.6. The determination that a modification can be approved without witness testimony is "within the Commission's discretion." *Id*.

The subject modification primarily proposes a redesign/relocation of architectural elements and open spaces from the Approved Project. The Modified Project will feature *reduced* massing and *less* capacity, but otherwise achieves all of the goals and objectives stated by the Applicant in the Approved PUD. The Modified Project does not require any new or additional zoning relief and does not propose any changes to the zoning map amendment for the Property.

Therefore, this application falls within the scope of a "Modification Without Hearing" and can be approved by the Commission without witness testimony. As required under Subtitle Z §

[4] The vehicular parking requirement for an emergency shelter is based on square footage. Therefore, the Modified Project requires fewer parking spaces than the Approved Project.

703.10, this application will be served on all parties to the Approved PUD, which was only Advisory Neighborhood Commission 5D ("ANC 5D"), and the Office of Planning.

V. Community Outreach

In advance of this filing, the Applicant has presented to ANC 5D at public meetings on September 8, 2026 and October 13, 2026. The Modified Project was well received and ANC 5D voted to support this application. In addition, the Applicant plans to present the Modified Project to the Interagency Council on Homelessness ("ICH") in the coming weeks. ICH is a key stakeholder with respect to homeless services in the District of Columbia.

VI. Closing

The Applicant has demonstrated herein that the Modified Project is consistent with the intent of the Approved PUD. Accordingly, the Applicant respectfully requests that the Commission approve this application for a Modification Without Hearing to allow for the Modified Project to be constructed at the Property.

Sincerely,



Meridith H. Moldenhauer



Eric J. DeBear

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 2026 a copy of the foregoing application with attachments was served, via electronic mail, on the following:

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