



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS • MCLEAN GARDENS
WOODLAND-NORMANSTONE • WOODLEY PARK

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ANC 3C Resolution No. 2017-007
Resolution Regarding the Department of General Services Request for
Variances and a Special Exception to Accommodate Short-Term
Family Housing at 3320 Idaho Avenue NW

1. Whereas, the D.C. Department of General Services (DGS) on January 3 filed for zoning variances for the number of primary structures on one lot, building height and stories, and loading, and a special exception from parking requirements (BZA Case No. 19450) to build a temporary shelter at 3320 Idaho Avenue, NW to accommodate up to 50 families experiencing homelessness; and

2. Whereas, ANC 3C recognizes the District of Columbia's need to provide temporary emergency housing for these residents and supports the goals of the Homeward DC Strategic Plan to end chronic homelessness; and

3. Whereas, ANC 3C supports the city's plan to close D.C. General, which houses approximately 270 families, and provide emergency temporary housing in all eight wards of the city;

4. Whereas, the approximately 200,000 square-foot property at 3320 Idaho Avenue is owned by the District of Columbia and is zoned RA-1, which permits a single building with a maximum height of 40 feet and no more than three stories; and

5. Whereas, the property is bordered to the south by single-family homes zoned R-1; to the east by eight rowhouses (zoned RA-1 (PUD C-2-A) and the entrance to the set-backed and enclosed Giant loading dock; to the west, by city and National Park Service property improved with a playground, dog park, tennis courts and community garden plots, all zoned RA-1; and to the north, by McLean Gardens condominiums, zoned RA-1, and Vaughan Place, zoned RA-1 underlying an R-5-B/C-2-A/C-2-B PUD; and

6. Whereas, the property is improved with the two-story Second District police station, which serves approximately a quarter of the District of Columbia, including local and federal government buildings, embassies and international organizations; and

7. Whereas, the property includes a refueling station at its northern end and community garden plots on its western side; and

8. Whereas, the ANC invited representatives from the Department of Human Services (DHS) and DGS to brief the commission at public Planning and Zoning Committee meetings on January 3, 2017, and February 6, 2017, as well as to provide the ANC with additional documentation and exhibits, and attend a special community meeting organized by the ANC on January 31, 2017; and

9. Whereas, at the January 31 ANC public meeting, residents expressed concerns about impacts the shelter could have on the purpose and intent of the zoning plan, police operations, parking, traffic, John Eaton Elementary School, the privacy of nearby single-family homes, noise, light and air, crime and property values; and

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10. Whereas, other residents supported the shelter, saying they looked forward to volunteering there, that any impacts or inconveniences would be outweighed by the public good served, and that they looked forward to their children being able to share classroom space with those less fortunate; and

11. Whereas, the police department uses all of the lot behind and next to the Second District station for parking, and approximately 69 police-related vehicles park in the neighborhood daily and vehicles overflow onto the station's front lawn during 12-hour shifts; and

12. Whereas, as originally proposed, onsite police parking would be replaced one-for-one, without any relief for the neighborhood as to the excess police parking; and

13. Whereas, on February 6, DGS informed the ANC that in response to ANC and community feedback, it would withdraw the special exception application for a waiver of required shelter parking and would add an additional level on the proposed new Second District police parking structure, providing an additional 60-80 parking spaces to help alleviate the lack of onsite police parking and to provide for half of the required 23 shelter spaces; and

14. Whereas, DGS also stated that with this new plan, it no longer could build a temporary parking structure onsite for police during the permanent garage construction, leaving the police in need of 90 parking spots for the duration of the garage construction; and

15. Whereas, DGS stated that during the projected eight-month construction of the garage, it would create temporary police parking on the tennis courts located on the south part of the District-owned parcel and the adjoining National Park Service lot with access from Newark Street on a new road that would be built adjacent to a playground and would run through the Newark Street Community Garden, requiring the removal of an undetermined number of plots; and

16. Whereas, residents raised concerns with the ANC about the proposed temporary parking plan, including the safety of children at the Newark Street playground, the loss of community garden plots, potential pollution of the playground and garden plots from stormwater runoff and the potential removal of trees; and

17. Whereas, on February 15, at a meeting of the Short-term Family Housing Advisory Team, the city agencies said that if the ANC did not support a special exception from zoning rules for the tennis court parking, the city would reserve 60-plus on-street parking spaces for the police during the garage construction; and

18. Whereas, on February 16, DGS filed a modification of its zoning application to add a request for a special exception to use the tennis courts for temporary parking for police during the construction of the police parking garage that would precede construction of the shelter; and

19. Whereas, on February 18, DHS and DGS representatives told two ANC3C commissioners that the city had identified a second potential road through the garden from Newark Street, closer to the police station, which still would require the removal of an undetermined number of garden plots; and

20. Whereas, the applicant within the past few days has responded to ANC and community concerns by offering to move the shelter playground, slated to be between the shelter building and the southern property line, to the west of the building, and move the trash further north to lessen the impact on nearby residences; and

21. Whereas, the shelter will have a maximum capacity of 185 residents and between 10 and 22 staff onsite, with a maximum of 24 to 27 staff onsite during shift changes; and

22. Whereas, the city estimates that 60 percent of the shelter's residents will be children, and DHS states that about half of the children residing at D.C. General are elementary school age; and

23. Whereas, DC zoning regulations authorize the Board of Zoning Adjustment (BZA) to permit an emergency shelter use in RA-1 zones for 5 to 25 persons under certain circumstances, and to approve a larger shelter "only if the BZA finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District;" and

24. Whereas, DGS also must prove, with evidence, no undue adverse impact on the use of neighboring property and demonstrate that granting the special exception will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps" (DCMR 901.2, 901.3); and

25. Whereas, D.C. zoning regulations require an applicant for an area variance to prove that because of exceptional narrowness, shallowness or shape of the property at the time of adoption of the regulations, or exceptional topographical conditions or other extraordinary or exceptional situations or conditions affecting only that piece of property, the strict application of the zoning regulations would result in peculiar and exceptional practical difficulties to the owner of the property (DCMR 1000.1); and

26. Whereas, D.C. zoning regulations authorize the BZA to grant a variance from the strict application of a zoning regulation if doing so would not result in substantial detriment to the public good or substantial impairment of the intent, purpose and integrity of the zoning plan as embodied in the Zoning Regulations and Map (DCMR 1000.1); and

27. Whereas, DGS states that closing D.C. General, the lack of alternative Ward 3 sites and the need for a Ward 3 shelter contribute to an exceptional situation;

THEREFORE BE IT RESOLVED, ANC 3C:

Continues to strongly support creating Ward 3 temporary family housing in furtherance of the Homeward DC initiative; and

Finds that the unusual proposal to co-locate the Ward 3 shelter with the Second District police station and build a three-deck parking garage behind the station raises issues regarding the need to plan for the future needs of the police station; and the potential degradation of the Newark Street playground, tennis courts and community garden, which are public community assets;

Further finds that the proposal raises issues of loss of light and air from a 72-foot plus penthouse building with curtain walls (a high-density structure in a low- to moderate- density zone); resources at John Eaton Elementary School; the aesthetic of an above ground parking structure, the design of which the ANC and community have not seen; and noise from a shelter playground and multiple per week trash pick-ups adjacent to single family residences; and

Finds that the ability to assess the reasonableness of this placement in comparison to others as required by the zoning code has been hampered by the unwillingness of the District to provide evidence of an exhaustive search for a shelter site or explain why DGS concluded in April 2016 that the Second District police station was not an appropriate site for a shelter; and thus

ANC 3C makes the following recommendations to the BZA with regard to the variance requests and special exception requests:

1. Number of primary structures on one lot -ANC 3C believes strongly in the need for the city to develop a master site plan for the property. Co-locating two critical public uses on one lot raises potential concerns about compatibility.¹ Furthermore, given stated needs for renovation of the Second District police station, ANC 3C strongly recommends that the city conduct needed improvements to the site simultaneously so as to mitigate disruption in the community and among the families who may ultimately reside on-site in the short-term family housing facility. However, ANC 3C supports this variance because of the public need to help those experiencing homeless and to close D.C. General.
2. Height and stories - ANC 3C believes a shorter building would be more appropriate given the nearby single-family homes and townhomes, and the site's zoning. ANC 3C finds that permitting an increase in height from 40 feet to 72 feet and three stories to six stories would substantially impair the intent, purpose and integrity of the zoning plan, because the height is not within the range of a low- to moderate-density zone. Because of the lot size, the applicant could have designed a lower building² that still met development standards and programmatic needs. For that reason, the ANC opposes this variance;³
3. Loading - ANC 3C finds that the intent, purpose and integrity of the zoning plan would not be harmed by granting this variance, so we support it.⁴

¹ Subdividing the lot would have avoided creating this zoning anomaly. However, the applicant would then have needed a variance from the FAR limit, which is less than 1.0 in RA-1, which points out how low-density this zone is intended to be. Creating a meaningful connection between the new structure and the police station also would have avoided this variance request. No evidence was presented to explain why these options, which comply with the intent and purpose of the zoning plan, weren't pursued. In addition, as plans have emerged for a larger parking structure to address the loss of current parking and the inability of the neighborhood to absorb police parking, the issue of the impact of a parking structure on FAR and lot occupancy, and whether the police station will have development capacity in the future are matters that have not been resolved, and this is significant if two critical public uses are to co-locate.

² The ANC Chair suggested to DGS and DHS that they excavate more of the building footprint, as is planned at other ward emergency family shelters, to house more administrative and infrastructure functions, which would leave ground floor space for residential units. Further, the floor-to-floor height is greater at the Ward 3 proposed shelter than at some other shelters. Adding to the footprint at the ground level would permit moving some rooms to this level and would maintain proposed administrative spaces, especially if a lower level were used.

³ With regard to the area variance test, ANC 3C finds that the applicant has not shown that there is an unusual narrowness, shallowness or shape to the lot, or that the slope on the northern edge of this property creates a unique topographical condition, since this is a developed side of the property and not available for further development; and the majority of the property shares its topography with the recently developed property across Idaho Avenue, and, thus the land contours are not unique.

⁴ However, if the building were to revert to residential use, there would be no recourse to require a loading dock, since the BZA can't add conditions specific to a use.

4. Special exception for temporary tennis court parking - We oppose this variance. ANC 3C finds that establishing parking on the tennis courts would take away a valuable community amenity and would destroy an undetermined portion of another valuable community asset: the community gardens. The ANC further finds that this proposal is an extreme way to deal with a short-term problem and raises serious concerns about pedestrian and child safety, storm water runoff and groundwater pollution.

The ANC looks forward to working with DGS and DHS to address the temporary parking options should the project be approved. We find that the least disruptive and costly temporary police parking option would be to provide no more than 70 on-street parking spaces for police, with the condition that DDOT explore other options, such as reserved parking on 39th Street between Massachusetts Avenue and Macomb Street, and relaxing regulations in the neighborhood. Therefore, the ANC does not support a special exception to use the tennis courts for temporary parking during construction;

BE IT FURTHER RESOLVED that the Chair, the 3C06 Commissioner, or their designees are authorized to represent the commission on this matter.

Attested by

A handwritten signature in black ink on a light gray rectangular background. The signature is cursive and appears to read "Nancy J. MacWood".

Nancy J. MacWood
Chair, on February 21, 2017

This resolution was approved by a roll-call vote of 5-4, on February 21, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.