

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Maxine Brown-Roberts, Project Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** February 17, 2017

**SUBJECT:** BZA 19451 – Emergency Shelter at 850 Delaware Avenue, NW in the RF-1 zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

The District of Columbia through the Department of General Services and the Department of Human Services (applicant) proposes an emergency shelter to accommodate short term, family housing for 50 families and a medical care facility at 850 Delaware Avenue, NW. The Office of Planning (OP) recommends **approval** of the following relief:

Special Exception pursuant to Subtitle X, § 901.2:

- Subtitle U, § 320.1(a) and 203.1(h), Emergency Shelter in the RF-1 zone;
- Subtitle C, § 703.2, Parking (26 spaces for the emergency shelter and 1 space for the clinic required, 12 spaces for the emergency shelter and one space for the clinic proposed.)

Variance pursuant to Subtitle X, § 1000.1:

- Subtitle E§ 303.1, Height (35 feet/3 stories permitted, 88.5 feet/6 stories proposed);

**II. LOCATION AND SITE DESCRIPTION**

Address	350 Delaware Avenue, NW
Legal Description	Square 590E, Lot, 800
Ward/ANC	6/6D
Lot Characteristics	Flat and nearly rectangular shaped lot.
Zoning	RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted. Emergency shelters are permitted by special exception.
Existing Development	The development site includes Lot 800 which is developed with a three-story building that houses the Unity Health Care Center; an undeveloped portion of Reservation 220, and a portion of the former I Street, SW right-of-way.
Historic District	Not within a historic district.

Adjacent Properties	To the north and northwest are low rise garden apartments in the RF-1 zone; to the east is the former Randall School in the RF-1 zone; to the south across I Street is the Friendship Baptist Church in the RA-1 zone; and to the west is the nine-story, Capitol Park apartments in the RA-3 zone.
Surrounding Neighborhood Character	The surrounding community is a mix of apartments, garden apartments and rowhouses. Other uses include a church, a recreation center, a vacant school building and other institutional buildings.



Site Location and Zoning



Photograph of Site

### III. BACKGROUND

The Mayor’s initiative to end homelessness in the City, “*A Plan to Close DC General: Short Term Family Housing in All 8 Wards,*” includes the closure of the large DC General Family Shelter and replacing it with short term, family housing facilities in all eight Wards. This initiative along with the Interagency Council on Homelessness (ICH) Design Guidelines for DC General Replacement Units forms the basis and provides the standards on which each facility would be developed. Generally, the standards by which each facility would be built include that they be small, modern, safe and dignified with a maximum of fifty (50) units and that they be compatible with the surrounding community within which they are placed. To complement the living units, each facility would include on-site services such as housing search assistance, social work, early childhood screening and school liaisons, education, training and employment services, health care, financial and management services and age appropriate recreation.

The adopted legislation by the Council of the District of Columbia titled “*Homeless Shelter Replacement Act of 2016*” (the Act) identifies the specific sites, and authorizes funding for the development of the sites for replacement short term, family shelters. The Act also provided for the subject site to house a medical services facility to serve families experiencing homelessness.

### IV. APPLICATION-IN-BRIEF

The Ward 6 facility is for an emergency shelter with a medical care facility to replace the facility that currently exists on the site. The emergency shelter would occupy 51,791 gross square feet with an additional 2,121 square feet of space in the cellar. The emergency shelter would have 50 living units with associated shared or private bathrooms. In addition to the private living areas, the building would have space for support services such as dining rooms, conference room, case management area, computer lab, medical room, resident and staff lounges, study, laundry, storage, multipurpose room, warming kitchen, and indoor and outdoor play areas. The facility would have a minimum of 10 staff persons on site at all times and up to 27 persons during staff changes. The medical clinic would occupy 6,646 square feet in the cellar and 1,214 square feet of lobby space on the first floor of the building. The proposal would provide thirteen surface parking spaces at the rear of the building along with the required loading facilities.

### V. ZONING REQUIREMENTS AND RELIEF REQUESTED

The table below shows how the proposal meets the requirements of the RF-1 zone.

RF-1 Zone	Regulation	Proposed	Relief
Emergency Shelter, Subtitle U § 320.1(a) and Subtitle U § 203.1(h)(7)	Greater than 15 persons by special exception	An average of 166 persons	<b>Required – Special Exception</b>
Height, Subtitle E§ 303.1	40 ft./3 stories	88.5 ft./7 stories	<b>Required-Variance</b>
Penthouse Height, Subtitle E, § 303.2	12 ft. max.	9 ft.	None
Lot Occupancy, Subtitle E § 304.1	40% max.	35%	None

<b>RF-1 Zone</b>	<b>Regulation</b>	<b>Proposed</b>	<b>Relief</b>
Rear Yard, Subtitle E § 305.1	20 ft. min.	46.7 ft.	None
Side Yard, Subtitle E § 306.1	18 ft. (3 inches per ft. of height)	60 ft. on north 23 ft. on south	None
Previous Surface, Subtitle E § 204.1	50% minimum	50%	None
Parking, Subtitle C § 701.5	Shelter: 13 spaces Medical: 1	Shelter: 12 spaces Medical: 1	<b>Required-Special Exception</b>
Bicycle, Parking, Long Term, Subtitle C § 802.1 Short Term, Subtitle C § 802.1	1/10,000 sq. ft. 1/10,000 sq. ft.	5 spaces 5 spaces	None
Loading, Subtitle C § 901.1	1, 30-ft. berth with platform 1, 20-ft. service/delivery space	1, 30-ft. berth with platform 1, 20-ft. service/delivery space	None

**VI. OFFICE OF PLANNING ANALYSIS**

**1. Use - Special Exception**

*Emergency Shelter in the RF-1 Zone*

The applicant meets the requirements for special exception approval pursuant to Subtitle X, § 901.1 and Subtitle U § 203.1(h), which carry forward to the RF zones pursuant to Subtitle U, 320.1(a) as follows:

*(h) Emergency shelters for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families subject to the following conditions:*

- (1) In R-Use Group A, there shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property;*
- (2) In R-Use Groups B and C, there shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;*

The proposed emergency shelter would accommodate fifty families or up to 166 persons. Subtitle U § 203.1(h)(7) below, allows for the BZA to approve a facility with greater than 15 persons. The Use Groups refer to the R zones, and OP is not aware of any other emergency shelter within the square or within a radius of 500 or 1,000 feet from any portion of the site.

- (3) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;*

The parking requirement for the emergency shelter is 0.5 space per 1,000 square feet which equals 27 spaces, and one space per 1,000 square feet above 3,000 square feet which equals 1 space for the

medical care use. Because the facility is within one-half mile of three metro stations, Subtitle C § 702.1 allows for the reduction of the required parking by 50%, for a combined total of 14; 13 for the shelter and one for the medical care use. The applicant is proposing to provide 12 spaces for the emergency shelter and one for the medical care use. Thus the relief is for one required space for the shelter.

Subtitle C § 703 allows for a reduction in required parking as a special exception if the parking is “*impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.*” Subtitle C § 703.2 requires the applicant demonstrate that there is at least one of a list of conditions relative to the site and request. The shelter meets several of the conditions, notably:

- § 703.2 (b) *The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*
- § 703.2 (c) *Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*
- § 703.2 (e) *The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*

The proposed 12 spaces to serve the emergency shelter would be adequate, as based on the experience of the current facility at DC General, less than one percent of the residents own a vehicle and many staff persons use public transportation. It is envisioned that the situation would be similar at the proposed facility. The site is well served by public transportation; the property is 0.3 miles, 0.4 miles and 0.5 miles respectively from the Waterfront, Federal Center and Navy Yard Metrorail stations. Various bus lines and Capitol Bikeshare stations are in close proximity to the property. The residents would receive a transit subsidy towards accessing these alternate transportation modes. Further, five long-term and five short-term bicycle parking spaces would be provided on-site to mitigate the need for vehicles. It is anticipated that many of the persons accessing the clinic would come by public transportation or be dropped off at the site as currently happens.

- § 703.3 *Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.*

**The relief is for only a single space for the shelter.**

- § 703.4 *Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment’s approval.*

The applicant has offered a Transportation Demand Management (TDM) plan for the shelter that includes the implementation of a TDM coordinator, on-site services, and bicycle amenities. This will be further addressed in the DDOT report.

The thirteen surface parking spaces would be located to the rear of the building so as not to interfere with traffic along the adjacent streets. The spaces would be buffered by the 17-foot wide drive isle and a 42-inch high evergreen hedge from the adjacent property.

**(4) *The proposed facility shall meet all applicable code and licensing requirements;***

The facility would meet all applicable code and licensing requirements which will be fully assessed at the time of Building Permit.

**(5) *The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;***

The thirteen parking spaces provided would not generate a volume of traffic that will significantly affect traffic movements in the area. Additionally, the volume of traffic to and from the site would be limited as very few residents would have cars and staff would typically utilize other modes of transportation.

The building would be significantly set back from the property line and from the residences to the north and west to minimize noise. However, the building would function similar to a multi-family apartment building, and noise from the property would not be any greater than that from the other multi-family residential buildings in the vicinity. The facility would have staff on-site at all times to monitor both indoor and outdoor activities and operations and ensure that the facility does not have a negative impact on the neighborhood. The medical clinic would be limited to daytime hours and its operation would be similar to its current operations which do not adversely affect the neighborhood.

Loading operations would be limited to daytime hours and the applicant has proposed having a loading manager to monitor trucks coming to the building to serve the shelter and the medical facility.

**(6) *The Board of Zoning Adjustment may approve more than one (1) emergency shelter in a square or within one thousand feet (1,000 ft.) only when the Board of Zoning Adjustment finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and***

No other emergency shelter is within the square or within 1,000 feet of the property.

**(7) *The Board of Zoning Adjustment may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board of Zoning Adjustment 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;***

The proposed 50-unit facility would have the capacity to accommodate up to 166 persons. The District has a goal of ending homelessness by 2020 and one of the goals is to address short term family housing by closing the large facility at DC General and provides smaller facilities. The program is outlined in the Mayor's initiative, "*A Plan to Close DC General: Short Term Family Housing in all 8 Wards.*" The initiative is to provide facilities in all eight wards and outlines how each facility would accommodate a maximum of 50 families. Along with providing residences, the

facility must also provide on-site social services and meals. The number of persons housed in each facility is an important program goal to achieve efficiency which could not be achieved with a smaller facility.

The location was also deemed appropriate for the facility as it is being located on property already owned by the District of Columbia and therefore has minimized the cost of the facility. The medical clinic was included as part of this facility to provide service to the residents and to continue to serve the neighborhood. The building size would be compatible to other apartment buildings in the area, would be substantially setback from other uses, and is in close proximity to public transportation.

## **2. Variance**

The applicant has requested variance relief pursuant to Subtitle X, § 1000.1 for an increase in the height requirement of Subtitle E § 303.1 from 35 feet/three stories to 88.5 feet/seven stories.

### ***i. Exceptional Situation Resulting in a Practical Difficulty***

The applicant is faced with an exceptional situation in that the short-term living facility is a citywide initiative that specified that there be a facility on a specified site in each Ward to house up to 50 family units. It also dictates specific requirements for the living areas as well as spaces to house associated services.

The City Council adopted legislation that requires the new emergency shelter in Ward 6 to be on this Council approved specific site. The site is limited in size by surrounding right-of-way and is unusually triangular in shape. The northern part of the site is federally owned land and the eastern portion of the site is right-of-way and unavailable for building. Further, the DC Council legislation requires that the property be developed to “contain 50 General Family Shelter replacement units” and the design standards state that there be no more than ten families per floor. Further, there is also a necessary duplication of facilities such as community rooms, laundry facilities, and common areas which must be provided on each floor to ensure a small, familial environment for the residents.

Social services to support the residents also must be provided on-site. In addition, the shelter would house the medical clinic that currently operates on the property. These specific site, program and construction requirements result in a constrained floor plate and a requirement for additional stories and building height. With these specific criteria and the land available to build the facility, meeting the height and stories maximums is a practical difficulty to the applicant.

### ***ii. No Substantial Detriment to the Public Good***

The proposed building would be compatible with the development pattern of the Southwest which includes an established pattern of medium and low-rise buildings. There is a nine-story multi-family building to the west and other lower scale buildings in the area. The shelter would be substantially setback from Delaware Avenue and H Street and therefore would not cast any shadows to negatively impact light and air to neighboring residences. The property would have extensive landscaping around the building similar to the neighboring properties. Generally, the height would complement the buildings in the area and would therefore not be a detriment to the public good.

***iii. No Substantial Harm to the Zoning Regulations***

Granting the requested relief to allow an increase in building height and stories would not cause a substantial impairment to the intent, purpose, and integrity of the zone plan since the granting of the variances would result in the proposed emergency shelter use which is permitted as a special exception use in the RF-1 zone and thus presumed appropriate in the zone. It has been demonstrated that the site has unique characteristics that are not common within the RF-1 zone or the area and that these characteristics result in a practical difficulty in achieving the proposal as required by the *Short Term Family Housing* initiative and therefore would not substantially harm the zoning regulations.

**VII. COMMENTS OF OTHER DISTRICT AGENCIES**

The Department of Transportation (DDOT) submitted a report at Exhibit 42 providing analysis of the applicant's traffic study and noting no objection to the proposed variances and special exception requests.

**VII. COMMUNITY COMMENTS**

The property is within ANC-6D and at the time of this report the ANC has not provided comments to the record. The applicant has had various community-wide meetings regarding the proposal. To date, there are letters of support and opposition in the record and also a request for party status in opposition.