

## MEMORANDUM

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup> Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation  
**DATE:** November 21, 2018  
**SUBJECT:** ZC Case 12-08A –Hearing Report for a Proposed Zoning Text Amendment to Subtitle K §§ 603, 612 and 613, St, Elizabeths (StE) zones.

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### **I. RECOMMENDATION**

The Office of Planning (“OP”) recommends the Zoning Commission **approve** text amendments to Subtitle K §§ 603, 612 and 613 of the Zoning Regulations. The text amendments would:

- Assign height limits for buildings within the StE-2 zone;
- Allow emergency shelter use as a matter-of-right within the StE-2 zone; and
- Correctly identify the “Medical Care” Use Category instead of “Health Care” in Subtitle K § 612.

The proposed amendments would allow for the construction of a new hospital and a building to house emergency shelter, daytime care, medical care, and office uses.

### **II. BACKGROUND**

At its September 17, 2018 meeting, the Zoning Commission voted to set down the petition for a public hearing. The Commission requested that OP provide information from the original case (ZC 12-08) regarding the basis of the original zoning.

The *Saint Elizabeths East Redevelopment Framework Plan*, adopted by Council on December 16, 2008 (“Framework Plan”) was designed to guide future redevelopment of the site and identifies site constraints, highlights development opportunities, and establishes development principles for the eventual build-out of the East Campus. The Framework Plan serves as a supplement to the Comprehensive Plan.

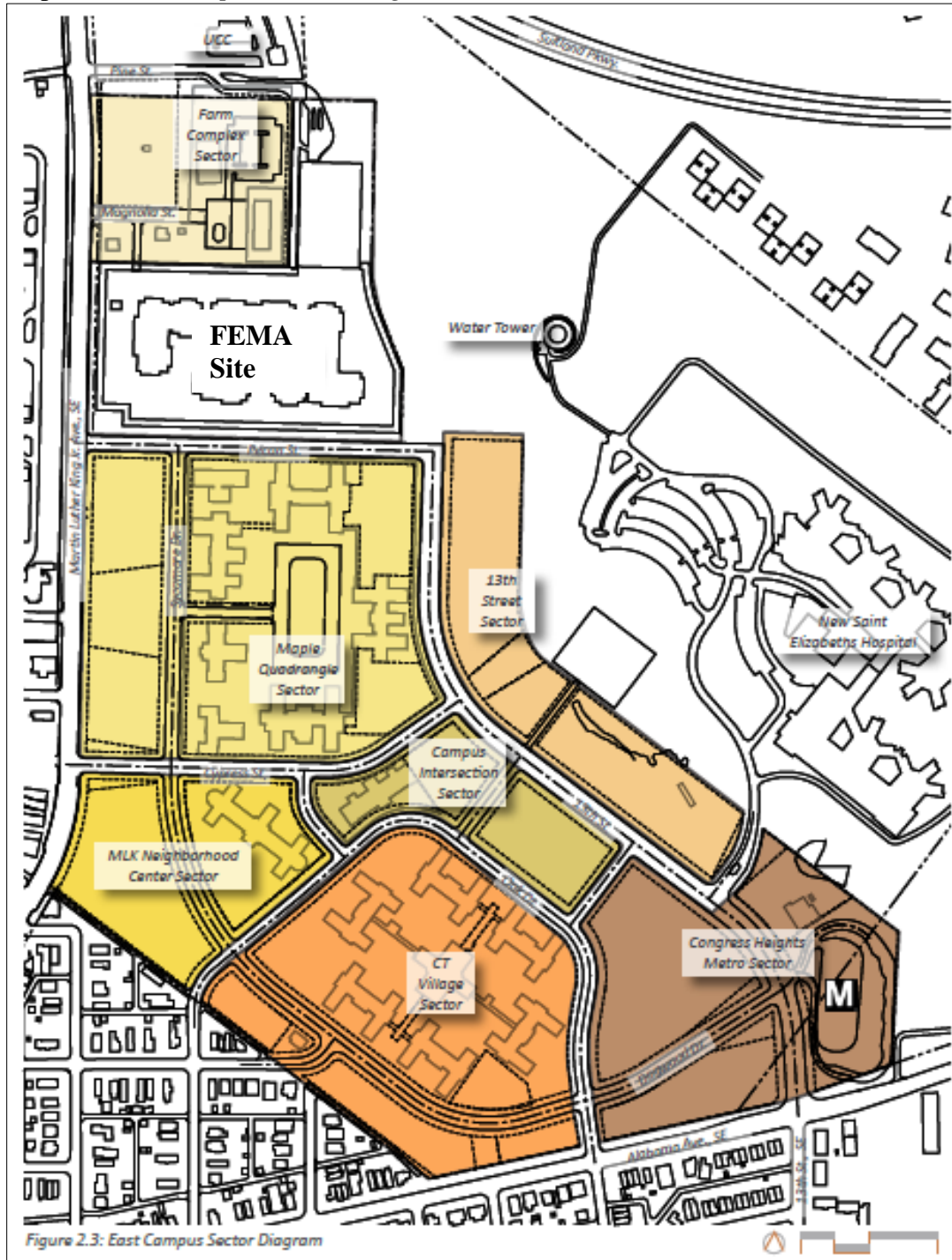
The *Saint Elizabeths East Master Plan and Design Guidelines* (“Master Plan”), June 4, 2012, was a requirement of the Framework Plan which recommended that “*Implementation of this Framework Plan will require the development of a more detailed master plan for the campus.*”<sup>1</sup> The Master Plan serves as supplemental guidance to the Comprehensive Plan and the Framework Plan. The Master Plan redefined the neighborhoods based on a comprehensive analysis of the internal and area-wide road network, existing historic buildings, the proposed uses, and how to better configure potential development parcels. At the time of the creation of the Master Plan and the St. Elizabeths East Campus Zone (StE), (ZC 18-20), the US Department of Homeland Security (DHS) and the City had an agreement to locate the Federal Emergency Management Agency (FEMA) offices on St.

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<sup>1</sup> Saint Elizabeths East Redevelopment Framework Plan, December 16, 2008, page 33.

Elizabeths East. The Master Plan identifies eight neighborhoods or sectors one of which is identified as the FEMA Site (Map A).

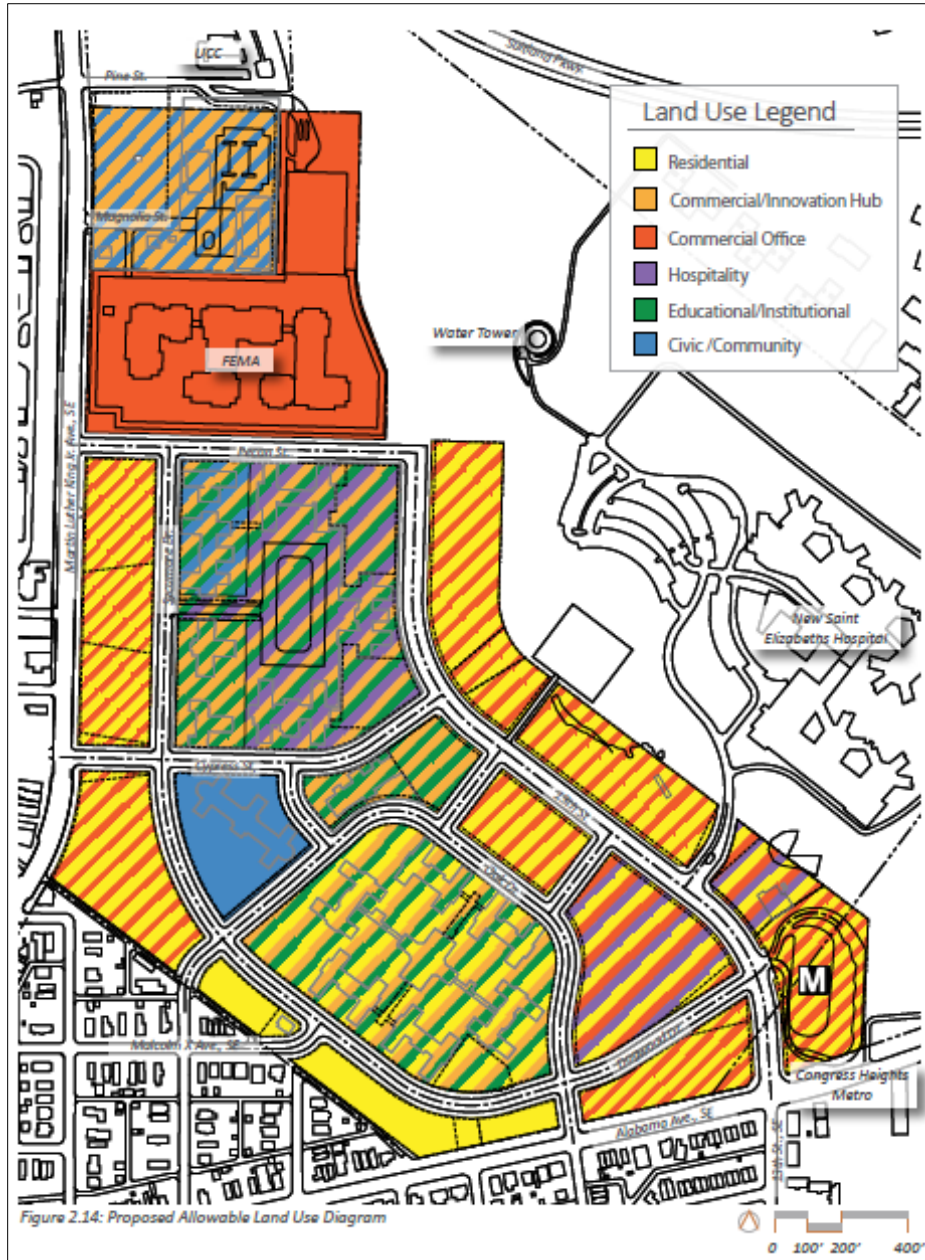
Map A – East Campus Sector Diagram



The Master Plan has several maps showing the general parameters of development and illustrative outlines of buildings proposed by DHS on the FAMA site. Below, Map B shows the FEMA site for

office use; Map C shows density, except for the FEMA site; and Map D shows the recommended building heights.

Map B – *Proposed Allowable Land Use Diagram* - FEMA site recommended for commercial office use.



Map C - Recommended FAR Diagram - no recommendation for the FEMA site.

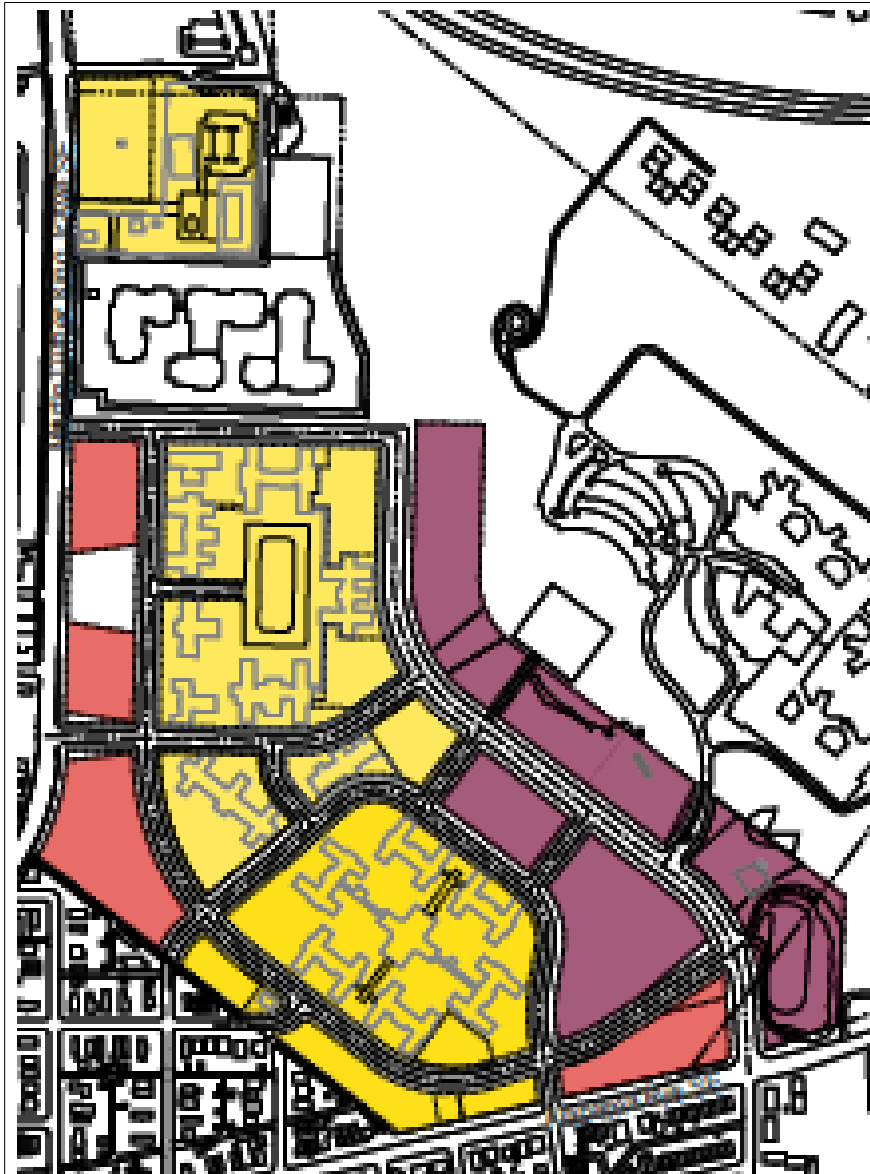





Figure 2.16: Recommended FAR Diagram

### Density Zones Legend

-  Low
-  Moderate
-  Medium

Map D – *Maximum Buildings Height Diagram*. The location and heights, in stories, of the proposed FEMA buildings.

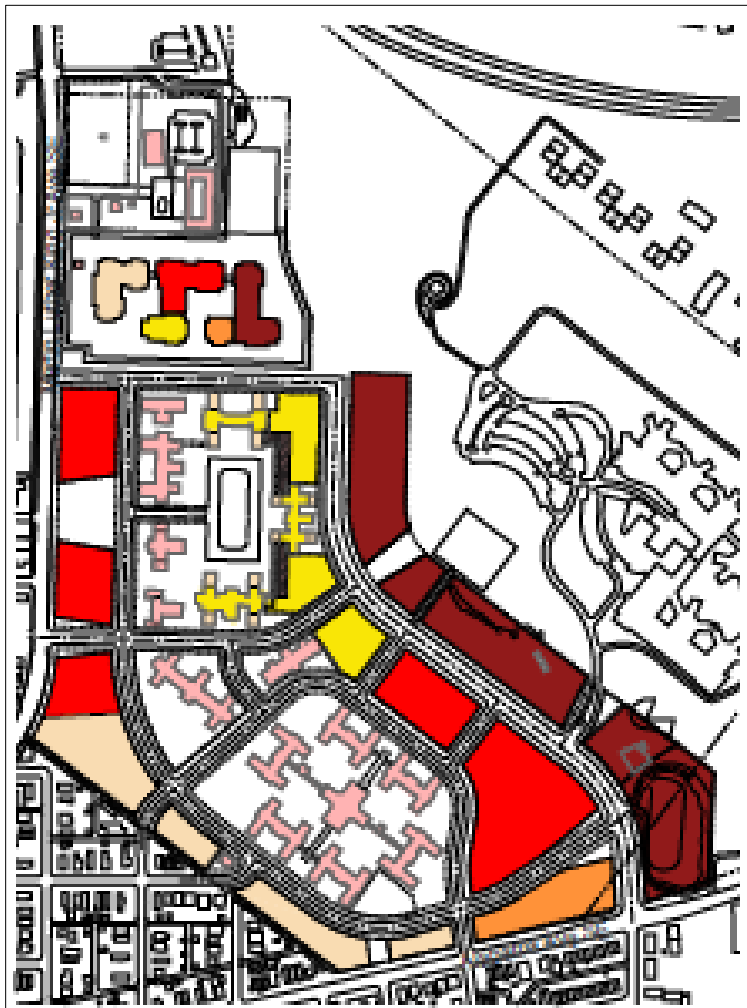


Figure 2.17: *Maximum Building Height Diagram*

### Building Heights Legend

- |  |   |
|--|---|
|  1 Story                |  6 Stories     |
|  2 Stories              |  7 Stories     |
|  4 Stories              |  8 - 9 Stories |
|  5 Stories              |   |
|  Suggested Setback Area |   |

Based on the recommendation of the Master Plan the Zoning Commission approved in Section 3301.1<sup>2</sup> the FAR, height, lot occupancy, and rear yard for each parcel as shown on the table below:

*3301.1 Except as provided in this section, the FAR, height of a building or structure, lot occupancy and rear yard in a StE District shall not exceed or be less than that set forth in the following table:*

Zone District	FAR (Max.)	FAR – Required Residential (Min.)	FAR – Above Grade Parking (Max.)	Height (Max. Ft.)	Lot Occupancy (Max. %)	Rear Yard (Min. Ft.)
StE-1	0.20	-	-	25	25	-
StE-2	4.00	-	-		75	-
StE-3	2.50	-	-	80	60	-
StE-4	0.50	-	-	25	60	-
StE-5	1.50	-	-	65	60	-
StE-6	3.20	1.60	-	90	75	-
StE-7	1.50	1.00	§ 3306.3	§ 3306.4	60	-
StE-8	0.40	-	-	25	60	-
StE-9	1.50	-	-	65	60	-
StE-10	1.50	-	-	40	60	20
StE-11	0.70	-	-	25	60	-
StE-12	3.00	1.50	-	80	75	-
StE-13	3.20	1.60	-	90	75	-
StE-14a	1.50		-	40	60	20
StE-14b	1.50	1.00	-	40	60	20
StE-15	2.00	1.00	§ 3306.3	80	75	-
StE-16	3.20	1.60	-	90	75	-
StE-17	0.50	-	§ 3306.3	70	60	-
StE-18	4.00	-	-	90	75	-
StE-19	0.00	-	-	0	n/a	-

Because the FEMA building was to be a federal property in federal use, it was not subject to zoning therefore height limit, residential FAR, parking FAR, and rear yard were not assigned to the StE-2 zone. Subsequently, the FEMA project was withdrawn and the parcel was returned to the District and became subject to zoning and a height limit must to be assigned.

The District Government, in conjunction with George Washington Hospital, proposes to construct an acute care community hospital and a building to house an emergency shelter, daytime care, medical care, and office uses on the St. Elizabeths East Campus, Parcel 2 (Attachment 1).

Currently, the District operates a 380-bed men’s shelter (an additional 50 beds are accommodated during hypothermia season) on the St. Elizabeth’s East Campus known as the “801 East Single Men’s Shelter.” The 801 East facility has deteriorated and needs to be upgraded. As part of Mayor Bowser’s Homeward DC initiative to make homelessness rare, brief and nonrecurring in the City, a

<sup>2</sup> 1958 Zoning Regulations

new facility is proposed to be constructed on Parcel 2 to provide a holistic set of services to single adults needing shelter and would include an emergency shelter (short-term housing), daytime care, medical care, and associated office uses.

### III. PROPOSED TEXT AMENDMENT

The Office of Planning recommends text amendments to the following sections of the Zoning Regulations (text to be deleted is marked with ~~striketrough~~ and new text is shown in **bold and underlined**):

1. Amend Subtitle K § 603.1 as follows:

#### 603 HEIGHT (STE)

603.1 The maximum permitted building height, not including the penthouse, as well as the maximum permitted penthouse height and number of stories, in the StE zones shall be given in the following table:

**TABLE K § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT, PENTHOUSE HEIGHT, AND PENTHOUSE STORIES**

Zone District	Maximum Building Height (Feet.)	Maximum Penthouse Height	Maximum Penthouse Stories
StE-1	... <sup>3</sup>		
StE-2	<b><u>Subtitle K § 603.3</u></b>	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space

2. Add a new Subtitle K § 603.3 as follows:

**603.3 The maximum permitted building height, not including the penthouse, for any portion of a building shall be as follows based on the building's distance from the property line along Martin Luther King, Jr Avenue:**

- (a) For a distance of two-hundred thirty feet (230 ft.) or less, the maximum permitted building height, not including the penthouse, shall be forty feet (40 ft.);**
- (b) For a distance of more than two-hundred thirty feet (230 ft.) and less than five hundred sixty feet (560 ft.), the maximum permitted building height, not including the penthouse, shall be eighty feet (80 ft.); and**
- (c) For a distance of five hundred sixty feet (560 ft.) or more, the maximum permitted building height, not including the penthouse, shall be ninety feet (90 ft.).**

<sup>3</sup> Ellipses signifies that other paragraphs exist in the referenced subtitles and the omission of those paragraphs does not signify an intent to repeal.

3. *Amend Subtitle K § 612.1 as follows:*

612.1 The following ~~uses~~ **use** categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

...

(m) ~~Health Care~~ **Medical Care**;

4. *Add a new Subtitle K § 613.3:*

**613 USE LIMITATIONS (STE)**

...

**613.3 Within the StE-2 zone, emergency shelter uses for more than four (4) persons shall be permitted as a matter-of-right.**

5. *Amend Subtitle K § 614.1 as follows:*

**614 USES PERMITTED BY SPECIAL EXCEPTION (STE)**

614.1 The uses in this section shall be permitted in the StE zones as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standards of Subtitle X, the criteria set forth in Subtitle K § 615.2, and subject to applicable conditions of each section as stated below:

(a) **Except as provided in Subtitle K § 613.3 for the StE-2 zone, emergency** ~~Emergency~~ shelter for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

...

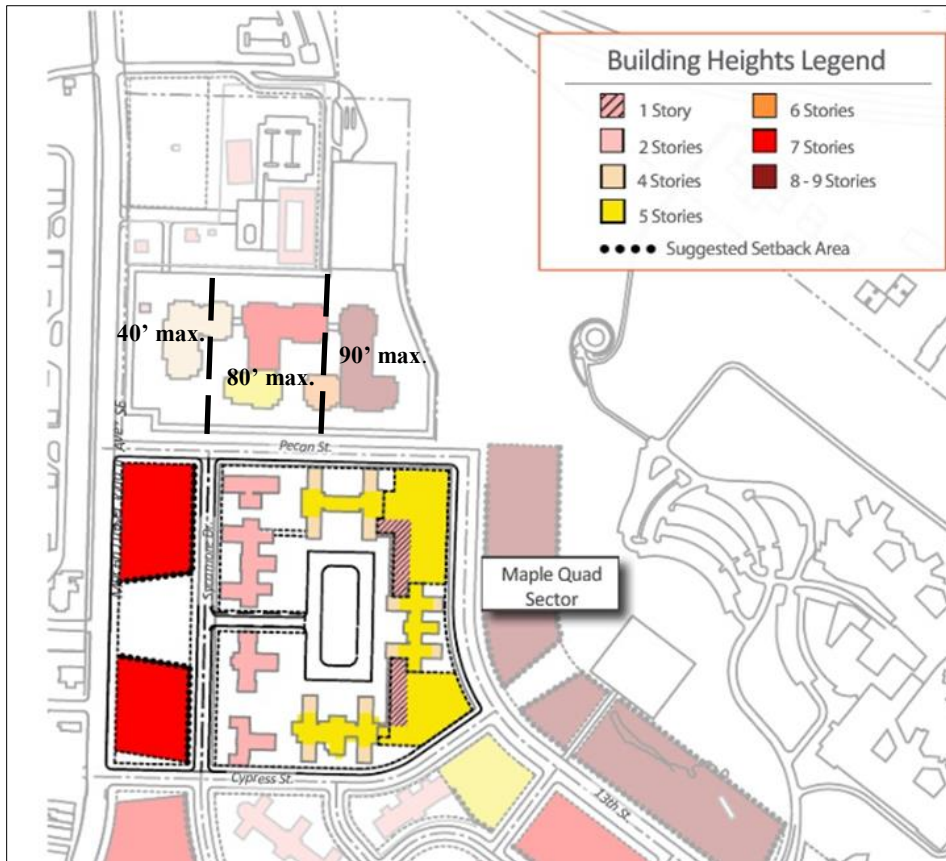
## IV. ANALYSIS

### Height

In 2012, the Commission of Fine Arts reviewed the plans for the proposed FEMA building and recommended that the height of the buildings should be lower along Martin Luther King, Jr. Avenue and increasing toward the rear of the property which is adjacent to the ravine and further away from historic buildings. This principle of having the higher buildings along the ravine area and away from the historic buildings was also used in assigning height limits on StE 6, 13, 16, and 18. The Master Plan shows the proposed height limit for the buildings on Parcel 2 (in stories). The plan below has the stories converted to height in feet as recommended for the StE-2 zone. The proposed heights for Parcel 2 reflect the heights assigned to each StE parcel consistent with the approved Master Plan.



### Illustration



### Uses

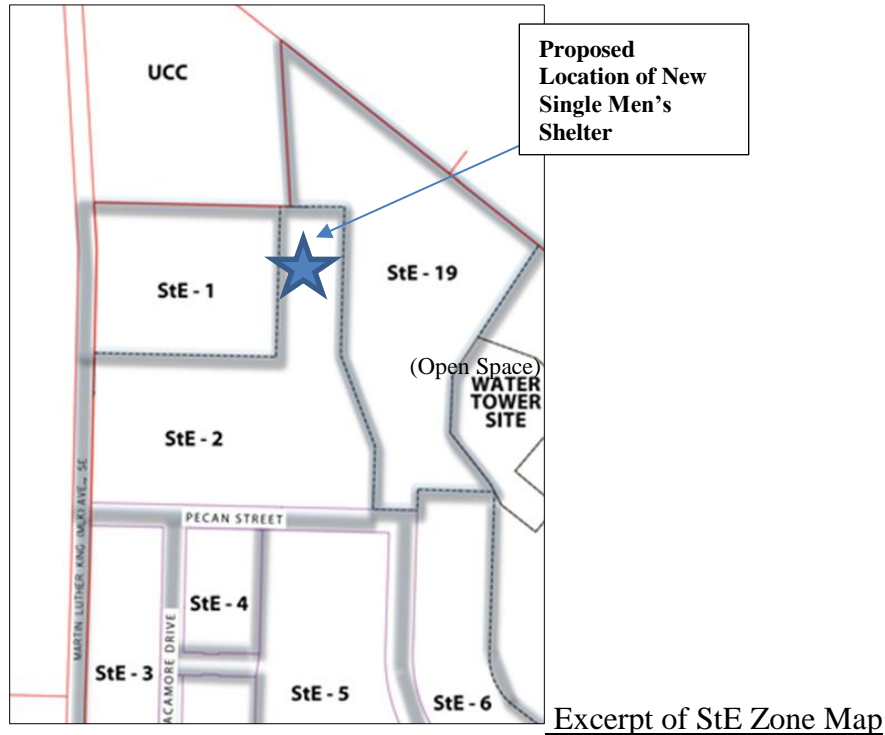
The District proposes to develop an acute care community hospital on Parcel 2. Hospital use is permitted as a matter-of-right in the StE zone. A new facility to replace the existing 801 East Single Man's Shelter would house a facility with five (5) discrete programs:

1. Persons who are employed but has no housing (Working/employed);
2. Elderly men who are frail or who have been released from a medical facility but still required daily assistance due to their illness (Seniors/medically frail/medical respite);
3. Health Clinic;
4. Emergency shelter providing temporary housing (Low barrier shelter);
5. Daytime care for adults who may or may not be residents of the facility (Daytime Service Center).

All the uses proposed are permitted as a matter-of-right within the StE zone except for the emergency shelter use which is permitted by special exception. The proposal is to allow the emergency shelter use as a matter-of-right only within the StE-2 zone.

In this case, the emergency shelter use would not be a stand-alone facility but would be integrated into a facility with other uses. The shelter is an existing use on the Campus and the new facility would be located on a portion of the property (see map below) which would not be adjacent to any residential areas.

The emergency shelter is not expected to generate noise that would be disruptive to the other uses in the building or to the operations on adjacent parcels. Most of the shelter residents would not drive and therefore the impacts on traffic movements would be minimal while parking on neighborhood streets would not be necessary as parking would be provided on site.



## V. PLANNING CONTEXT

### A. Comprehensive Plan Maps

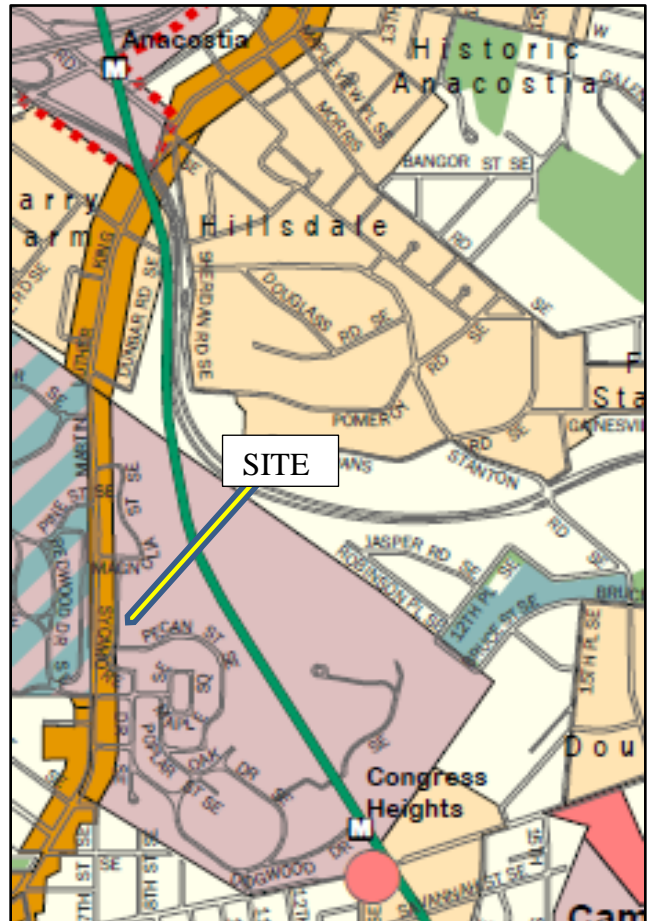
The proposed changes to the regulations would allow for the construction of a hospital and a multi-use facility to serve the health need of residents of Ward 7 and Ward 8. The Future Land Use Map recommends Mixed Use-medium density residential and medium density commercial while the Generalized Policy Map designates the area as a Land Use Change Area and a Main Street Mixed Use Corridor along Martin Luther King, Jr. Avenue. In the St. Elizabeths East Campus Zone (StE), (ZC 18-20) the Commission found that the proposed heights and uses would not be inconsistent with these designations.

The proposed development also meets or furthers many of the policies of the Comprehensive Plan Elements, the Far Southeast/Southwest Area Elements, the Saint Elizabeths East Redevelopment Framework Plan, and the Saint Elizabeths Master Plan and Design Guidelines as outlined in Attachment 4, attached to this report.

**Future Land Use Map**



**Generalized Policy Map**



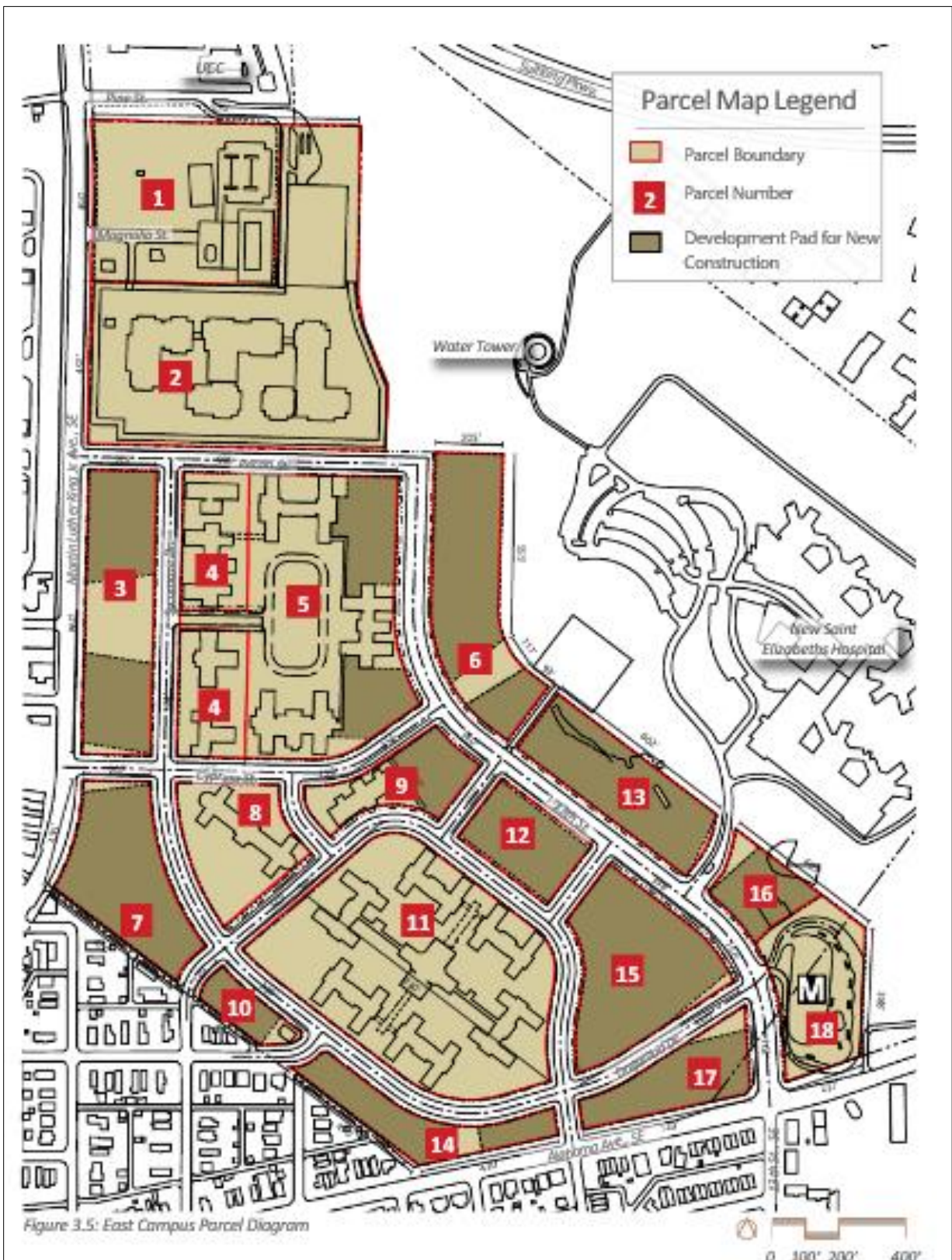
**VI. HISTORIC PRESERVATION**

The entire campus of Saint Elizabeths is a historic district, designated locally and nationally. All design for new construction is subject to review by the District of Columbia Historic Preservation Review Board and the United States Commission of Fine Arts.

**VII. ATTACHMENTS**

1. Attachment 1 – *The Saint Elizabeths Master Plan and Design Guidelines – Parcel Map*
2. Attachment 2 – *The Saint Elizabeths Master Plan and Design Guidelines Illustration Plan*
3. Attachment 3 – Saint Elizabeths East (StE) District
4. Attachment 4 - Comprehensive Plan Elements

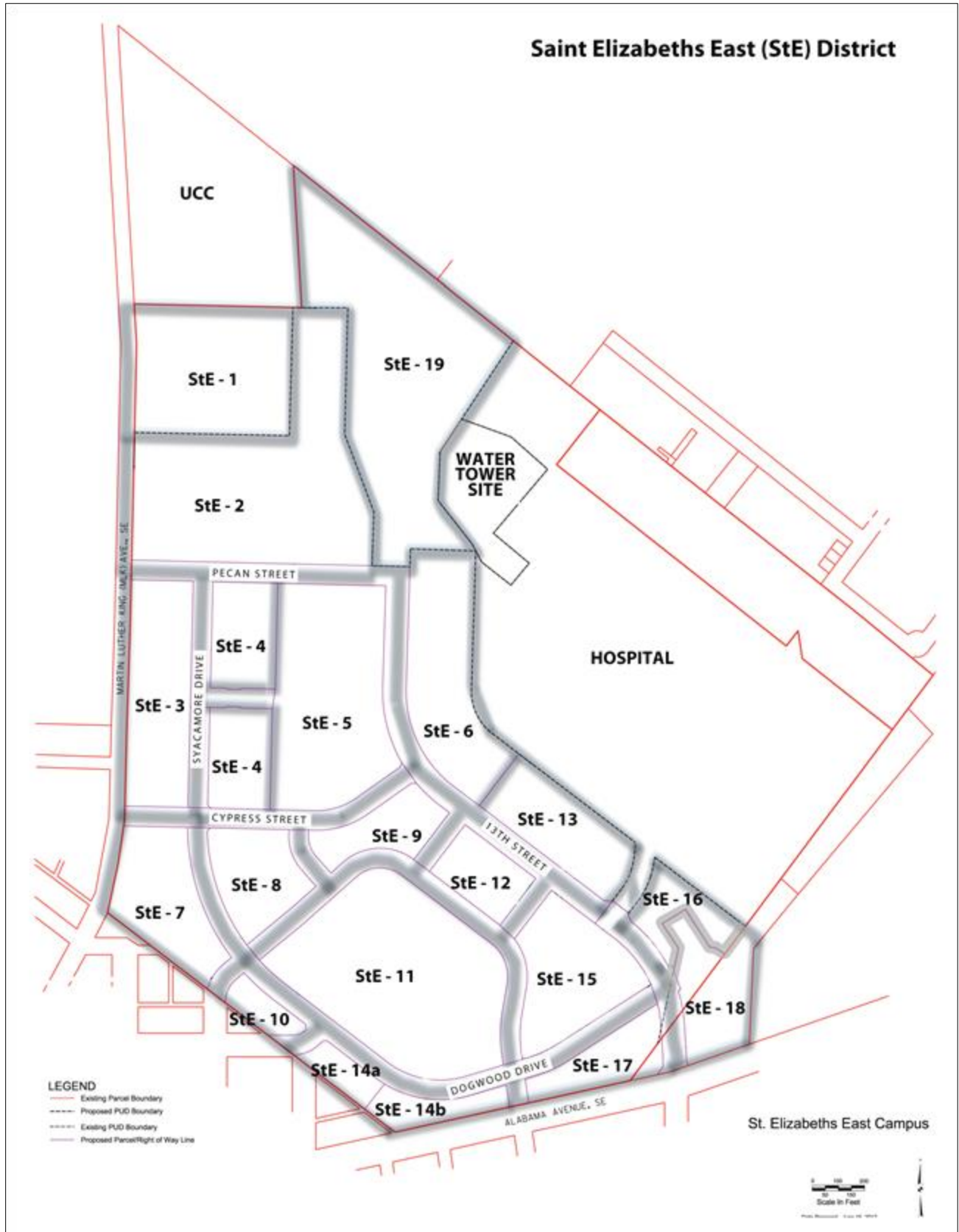
Attachment 1 – *The Saint Elizabeths Master Plan and Design Guidelines* – Parcel Map



Attachment 2 – The Saint Elizabeths Master Plan and Design Guidelines Illustration Plan



Attachment 3 – Saint Elizabeths East (StE) District



Attachment 4 – Comprehensive Plan Elements

## COMPREHENSIVE PLAN WRITTEN ELEMENTS

### Citywide Elements:

#### **Land Use Element:**

##### ***Policy LU-1.2.1: Reuse of Large Publicly-Owned Sites***

*Recognize the potential for large, government-owned properties to supply needed community services, create local housing and employment opportunities, remove barriers between neighborhoods, provide large and significant new parks, enhance waterfront access, and improve and stabilize the city's neighborhoods. 305.5*

##### ***Policy LU-1.2.2: Mix of Uses on Large Sites***

*Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map and more fully described in the Comprehensive Plan Area Elements. Zoning on such sites should be compatible with adjacent uses. 305.7*

##### ***Policy LU-1.2.5: Public Benefit Uses on Large Sites***

*Given the significant leverage the District has in redeveloping properties which it owns, include appropriate public benefit uses on such sites if and when they are reused. Examples of such uses are affordable housing, new parks and open spaces, health care and civic facilities, public educational facilities, and other public facilities. 305.10*

The proposal will allow for a hospital and a facility to provide shelter and care for homeless men which are needed facilities in Wards 7 and 8. The provision of these public health facilities would not be inconsistent with the Comprehensive Plan for a mix of uses on the St. Elizabeths East Campus and would complement the other facilities planned for the campus. The height limits proposed would be compatible with adjacent building heights and the proposed uses would provide employment opportunities for residents of the area.

#### **Historic Preservation Element**

##### ***Policy HP-2.4.3: Compatible Development***

*Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail. 1011.8*

##### ***Policy HP-2.4.6: Preservations Standards for Zoning Review***

*Ensure consistency between zoning regulations and design standards for historic properties. Zoning for each historic district shall be consistent with the predominant height and density of contributing buildings in the district. Where needed, specialized standards or regulations should be developed to help preserve the characteristic building patterns of historic districts and minimize design conflicts between preservation and zoning controls. 1011.11*

The proposed height limits are correlated to the heights established in the StE zones based on the approved Saint Elizabeths Master Plan and would allow for buildings that are compatible to the historic buildings on adjacent parcels and the nature of the historic campus.

### **Community Services and Facilities Element**

#### ***Policy CSF-1.1.7: Public Facilities and Economic Development***

*Locate new public facilities to support economic development and neighborhood revitalization efforts. 1103.13*

#### ***Policy CSF-1.1.8: Co-Location***

*Encourage the co-location of multiple community services in the same facility, provided that the uses are functionally compatible with each other and are also compatible with land uses and activities on surrounding properties. . . . 1103.14*

#### ***Policy CSF-2.1.1: Primary and Emergency Care***

*Ensure that high quality, affordable primary health centers are available and accessible to all District residents. Emergency medical facilities should be geographically distributed so that all residents have safe, convenient access to such services. New or rehabilitated health care facilities should be developed in medically underserved and/or high poverty neighborhoods, and in areas with high populations of senior citizens, the physically disabled, the homeless, and others with unmet health care needs. 1106.12*

Wards 7 and 8 are medically underserved areas. The proposed acute care community hospital and the shelter would address many of their needs and access would be safe and convenient. The shelter would provide a variety of services to homeless men and would replace a facility that is functionally absolute and dilapidated. The location of the hospital and the colocation of uses within the shelter facility would ensure efficiency in the buildings and services, and would be compatible to each other.

### **Area Elements:**

#### **Far Southeast/Southwest Area Element**

The development would support the relevant policies of the Far Southeast/Southwest Area Element.

#### ***Policy FSS-2.2.1: St. Elizabeths East Campus***

*Redevelop the East Campus of St. Elizabeths Hospital as a new community containing a mix of uses, including mixed density housing, retail shops, offices, a comprehensive mental health care facility, and parks and open space. Mixed use development, including retail and service uses, should be promoted along Martin Luther King Jr. Avenue, should face the street and should be open to the public. Other uses such as satellite college campuses, civic uses, and local public facilities should be incorporated. 1812.4*

#### ***Policy FSS-2.2.4: Development Density***

*Provide development densities and intensities on the site that are compatible with adjacent residential neighborhoods and that promote new economic development of the site, with higher densities clustered in the area closest to Martin Luther King Jr. Avenue and the Congress Heights Metrorail station. Areas of high density should include the North campus subarea and the area surrounding the ravine to take advantage of the steep topography to accommodate additional height and density without negatively impacting viewsheds. 1812.7*

The hospital and shelter would allow for the mix of uses envisioned for the campus and would be accessed directly from Martin Luther King, Jr. Avenue. The proposed height on Parcel 2 would be in keeping with the height on other parcel which are compatible to the existing historic district and locating taller buildings on areas adjacent to the ravine.



## **SMALL AREA PLANS**

### **Saint Elizabeths East Redevelopment Framework Plan**

*The Saint Elizabeths East Redevelopment Framework Plan*, adopted by Council on December 16, 2008 is designed to guide future redevelopment of the East Campus and establishes development principles for its eventual build-out. The Framework Plan serves as a supplement to the Comprehensive Plan and provides guiding principles for development of the campus.

### **The Saint Elizabeths Master Plan and Design Guidelines**

*The Saint Elizabeths Master Plan and Design Guidelines* was a requirement of the *Saint Elizabeths East Redevelopment Framework Plan* to fulfilling the goals of the Framework Plan which recommended that “*Implementation of this Framework Plan will require the development of a more detailed master plan for the campus.*”<sup>4</sup> The Saint Elizabeths Master Plan and Design Guidelines, June 4, 2012 serves as supplemental guidance to the Comprehensive Plan and the Framework Plan and outlines specific goals.

The Master Plan provides a land use framework and vision for the redevelopment of the campus to accommodate important public services and neighborhood needs. Along with the reuse of the historic buildings, new buildings are envisioned to accommodate a mix of uses including housing, offices, retail, institutional, and innovation uses.

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<sup>4</sup> Saint Elizabeths East Redevelopment Framework Plan, December 16, 2008, page 33.