

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14544, of the Coalition for the Homeless, Inc., ("Applicant" or "Coalition") pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraphs 3102.44, 3102.445, and 3102.446 to establish an emergency shelter for more than four persons, to approve more than one community based facility in a square or within 500 feet and to approve a facility for more than fifteen men in an R-4 District at premises 87 New York Avenue, N.W., (Square 618, Lot 62).

HEARING DATE: January 28, 1987  
DECISION DATE: February 18, 1987

FINDINGS OF FACT:

1. The site, known as premises 87 New York Avenue, N.W. is located at the northeast corner of the intersection of New York Avenue and First Street, N.W. The site is located in an R-4 District. The R-4 District extends in all directions from the site.
2. The site is comprised of 1,090 square feet in lot area, and is triangular in shape. The land is improved with a three-story, semi-detached brick structure with basement. The structure is currently unoccupied and boarded. The structure contains 3,092 square feet of usable space.
3. Since 1950, the structure has been used continuously as a rooming house for unrelated persons.
4. Many of the residential and commercial structures in the area are boarded and in a general state of disrepair.
5. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the Applicant is seeking a special exception under Paragraphs 3102.44, 3102.445 and 3102.446 to establish an emergency shelter for more than four persons, to approve more than one community based facility in a square or within 500 feet and to approve a facility for more than 15 men at the site.
6. The Applicant seeks approval for up to 22 persons, exclusive of resident supervisors, to occupy the site while undergoing treatment.

7. The Coalition will not accept homeless individuals on a self referral walk-in basis. All applicants to the Coalition's residential treatment program must be referred to the Coalition and must undergo a screening process. Use of the facility will be limited to male veterans of the United States Armed Forces.

8. The Coalition's screening and evaluation process is sufficiently comprehensive to ensure that the selection criteria is met.

9. Program participants remain residents of the program for a period which generally does not exceed 90-120 days.

10. Residents are required to maintain full-time gainful employment.

11. The residents are not permitted to consume alcoholic beverages on the premises. Curfew will be 11:30 P.M. Sundays through Thursdays and 1:00 P.M. on Fridays and Saturdays. However, initially the facility will remain open 24 hours per day.

12. Staff to the facility will consist of four full-time counselors and one part-time cook.

13. The facility consists of six bedrooms and 3 bathrooms, a large kitchen and office area. The structure can accommodate the proposed use.

14. The property is within walking distance of a Veterans Administration hospital and regional benefits office and to several employers who have hired Coalition clients previously.

15. Adequate public transportation accesses the property. Staff members who may drive to work will be rotating on shifts; parking spaces will be available periodically in the southerly direction on First Street, N.W. and along N Street, N.W. Parking is also permitted on both sides of New York Avenue with a 3:00 P.M. to 6:00 P.M. weekday restriction.

16. A staff member will monitor the exterior of the property and will patrol the block in which the property is located at regular intervals, particularly in the evening hours (6:00 P.M. to 11:30 P.M.).

17. A private contractor will pick-up trash at least once or twice a week from the site as needed.

18. The Zoning Administrator of the District of Columbia has determined that only one CBRF exists within 500 feet of the subject property.

19. The Office of Planning (OP), by memorandum dated January 21, 1987, and by testimony at the public hearing, recommended approval of the application subject to a limit of 15 residents OP sought to ensure that the facility provided at least 50 square feet of bedroom space per resident. The Board concurs with the OP recommendation.

20. Advisory Neighborhood Commission (ANC) 5C did not submit a written statement in the record in accordance with Section 108.1 of the Rules of Practice and Procedure. Consequently, the ANC's position need not be afforded "great weight" to which it would otherwise be entitled. A representative of ANC 5C testified in opposition to the application. Other persons who wished to testify in favor of or in opposition to the application were permitted to do so.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the Applicant is seeking special exceptions, approval of which requires proof that it has complied with the requirements of Paragraph 3102.44, 3102.445 and 3102.446, and Sub-section 8207.2 of the Zoning Regulations.

The Board concludes that the Applicant has met its burden of proof. Adequate curbside parking and public transportation exists to ensure that the operation of the proposed use will not adversely affect parking, traffic or transportation conditions in the neighborhood. The subject property will meet all applicable code and licensing requirements of the District of Columbia. The proposed use will not have an adverse impact on the neighborhood because of traffic, noise or operations. The cumulative effect of the proposed use of the subject property and existing CBRFs in Square 618, within 500 feet of 87 New York Avenue, N.W. and elsewhere in the neighborhood will not have an adverse impact on the neighborhood because of traffic, noise or operations.

The Board further concludes that the special exceptions can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps.

The Board concludes that the Applicant has not met the burden of proof to be granted a special exception to operate the facility for more than fifteen men. The program goals

and objectives of the District of Columbia can be achieved at the subject location. A reasonable alternative could exist to meet the program needs of that area of the District of Columbia. A special exception pursuant to 3102.446 could not be granted in harmony with the general purpose and intent of the Zoning Regulations and Maps without adverse affects on neighboring property.

It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Operation of the facility shall be limited to the Applicant.
2. Approval shall be for a period of three years from the date of final order.
3. Residents of the facilities shall be veterans.
4. The number of residents shall not exceed fifteen.
5. Program policies and house rules as described in Exhibit No. 48 of the record shall be enforced strictly.
6. The premises shall be maintained at regular intervals in keeping with but not below that of the surrounding neighborhood. The subject site and adjacent public space shall be policed on a daily basis.
7. The facility shall provide for security, exterior monitoring and patrolling.
8. Not less than one coalition staff shall be present on the premises at all times.
9. The Coalition shall implement and maintain a community liaison policy as more fully described in the record to encourage interaction between the Coalition and its neighbors. The duties of the community liaison representative include (a) attendance at regularly scheduled meetings of Advisory Neighborhood Commission (ANC) 5C and those of neighborhood citizens, associations; (b) preparation and distribution of a monthly newsletter update to ANC Commissioners, applicable neighborhood citizens' association officers and residents within a radius of 200 feet of the subject property; and (c) being "on-call" on a 24-hour basis to supply information

as may be reasonably required or requested by members of the community. The liaison will also be charged with providing information reasonably deemed necessary to protect the public health, safety and morals, to any ANC Commissioner or neighborhood citizens association officer who requests such information. In addition, regular meetings of the Coalition's Board of Directors (the place, date and time of which shall be included in the monthly newsletter/updates described above) shall be open to the public. The Coalition shall respond in writing to any complaint received from ANC 5C or other nearby citizens' organizations within 30 days of receipt.

VOTE: 4-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: AUG 5 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.