

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 618-A
Case No. 90-8M/88-23C
(PUD Modification - Salvation Army)
March 11, 1991

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on November 26, 1990. At that hearing session, the Zoning Commission considered an application from the Salvation Army for a modification to a previously approved Planned Unit Development (PUD), pursuant to Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on April 27, 1990, requests a modification to a previously approved PUD in Z.C. Case No. 88-23C (Z.C. Order No. 618) for lots 14, 19-21, 800-804, 807-810, 824, 825, and 828-830 in Square 484 located on the north side of Massachusetts Avenue between Fifth and Sixth Streets, N.W.
2. By Z.C. Order No. 618 dated June 12, 1989, the Zoning Commission granted approval to construct a mixed use project on the 28,826 square foot PUD site.
3. The above-mentioned PUD approval was for a nine-story building to serve as the Divisional Headquarters for the Salvation Army and to provide transient housing accommodations in a "dorm-like" setting for those individuals in need of temporary housing.
4. The height of the approved project is 127 feet 6 inches. The approved total floor area ratio (FAR) is 7.1, of which 3.7 FAR is to be devoted to office use and 3.4 FAR is to be devoted to residential use. The maximum lot occupancy is seventy-seven (77) percent with a maximum of ninety-two (92) on-site parking spaces.
5. The residential component of the project includes of a men's shelter consisting of 300 beds; a separate transitional housing element for men consisting of 48 beds; a women's shelter consisting of 70 beds for single women; facilities for women with children consisting of 40 beds; and a facility for family units consisting of 33

beds. The applicant has the flexibility to deviate from the said number of beds per facility as long as the total number of beds does not exceed 491.

6. The SP-2 District permits matter-of-right medium/high density development including all kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the Board of Zoning Adjustment (BZA), to a maximum height of ninety feet, a maximum FAR of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.
7. The HR (hotel/residential incentive overlay) permits development incentives for residential and hotel uses, only, to a maximum FAR of 8.5 and a maximum height, as permitted by the "Act to Regulate the Height of Buildings, June 1, 1910, as amended". The District is mapped in combination with other Districts.
8. Under the PUD Regulations, the Zoning Commission has authority to impose development conditions, guidelines and standards which may exceed or may be less than the matter-of-right standards identified above. The Zoning Commission may also approve uses that are permitted as a special exceptions by the Board of Zoning Adjustment (BZA) or approve development variances that are required by the project design.
9. The proposed modification proposes to redesign the approved PUD to accommodate 36 apartment units in lieu of the "dorm-like" facilities encompassing 491 beds. In addition, the application proposes to significantly reduce the height and density of the approved project. The modified building would consist of 99,100 square feet of gross floor area (57,000 square feet of office use and 42,100 square feet of residential use) at a height of 78.5 feet. The FAR of the modified PUD is 3.44 (1.98 for office use and 1.46 for residential use).
10. The office component of the modified PUD will continue to serve as the Divisional Headquarters for the Salvation Army for the District of Columbia, Virginia and Maryland.
11. The residential component of the modified PUD will consist of 36 apartment units. The apartments will be used as transitional housing for homeless women with children. Social service and counseling offices are also located on the ground floor of the residential portion of

the modified PUD. The applicant does not request a Zoning Map amendment or additional total density above matter-of-right standards.

12. The modified project consists of five levels of office space and six levels of residential space above grade. On-site parking will be provided on two underground levels for approximately 89 cars.
13. Trucks and other service vehicles will approach the loading docks from an entrance on 5th Street, N.W.
14. The applicant testified that the provision of 36 apartment units will significantly increase the present accommodations for women and children now available through the Salvation Army in the District of Columbia. The applicant further testified that it has and will continue to work closely with the D.C. Department of Human Services to develop a model program for women with children to be housed in the residential component of the modified PUD.
15. The applicant explained that, due to budgetary constraints and concerns raised by area residents and community groups, the Salvation Army decided to reassess its long term goals and concentrate on housing for solely women with children on the PUD site. The applicant stated that it is also in the process of identifying other sites in the District for separate facilities for homeless individuals.
16. The project architect testified on behalf of the applicant as an expert in architecture and planning. The architect testified that the modified PUD furthers the urban design elements of the Comprehensive Plan. He explained that the architecture of the structure, along with its streetscape and landscaping plan, will contribute significantly to the general character of the vicinity by strengthening the visual quality of this section of the Massachusetts Avenue corridor and the Mount Vernon Square area. The architect stated that the structure will reinforce the street edge at this point and will provide a frame of reference and a northern enclosure to the open spaces created by the small park that lies directly south of the site across Massachusetts Avenue. He emphasized that the streetscape plan will enhance and soften the urban environment in the vicinity and will facilitate safe pedestrian movement.
17. The District of Columbia Office of Planning (OP), by

memorandum dated November 16, 1990 and by testimony presented at the public hearing, recommended that the application be approved. OP stated the following:

"The applicant's request for a modification to a previously approved PUD in the 500 block of Massachusetts Avenue, N.W. has undergone a comprehensive evaluation by the Office of Planning. Accordingly, the proposal is not inconsistent with the Comprehensive Plan objectives of high density mixed-use residential and commercial development for this site. Although the residential component of the project is less than that required under the proposed DD District regulations (Housing Priority Area A), the Office of Planning believes that the social services programs provided in this proposal outweigh this deficiency. The provision of temporary housing for families in desperate need would help ease the burden on the city's social services programs and would provide a needed service to the community as a whole. The growing need for facilities and services of this kind is becoming paramount.

The proposed PUD modification provides an improved building design in terms of the building's massing, its overall bulk, and its relationship to the surrounding grid and radial street pattern. Furthermore, the proposed project is both complementary to and compatible with existing and planned buildings in the immediate vicinity.

By providing a mixed-use residential/office development of a lesser density for both uses than that which is permitted as a matter-of-right under current and proposed zoning for the site, the Office of Planning is of the opinion that the proposal would not impair the intent, purpose, and integrity of the Zoning Regulations. Significant public benefits would be generated by the proposed project including employment opportunities, economic development in the area, housing opportunities, social service programs, quality urban design, and fiscal benefits for the city in the form of additional revenues from property and income taxes."

19. The District of Columbia Department of Public Works (DPW), by memorandum dated November 14, 1990, stated the following:

"The present modification to the PUD represents a significant downscaling of the original proposal with regard to total development square footage. Therefore, DPW concludes that the revised project will also not adversely impact the local street network. As the level of parking and loading remains the same in the revised project, DPW also concludes that these facilities are adequate. Finally, DPW does not object to the redesign of the loading access point."

20. The District of Columbia Fire Department (DCFD), by memorandum dated November 16, 1990, reported that the DCFD has no objection to the application.
21. The District of Columbia Metropolitan Police Department (MPD), by letter dated November 15, 1990, reported that the MPD does not oppose the proposed development.
22. The District of Columbia Department of Recreation and Parks (DRP), by memorandum dated November 9, 1990, recommended that an accommodation be made to increase the proposed square footage and play equipment in the play area and, at a minimum, one indoor lounge space be provided.
23. Advisory Neighborhood Commission (ANC) 2C, by letter dated November 19, 1990, recommended approval of the application. ANC 2C indicated that it was concerned about the number of the individuals to be housed in the original approved PUD and the security problems that could be related to its operation. ANC 2C noted that the residential component of the modified PUD eases these concerns while still providing a necessary social service of the community. The ANC requested that the Salvation Army work with the community and the ANC before deciding on any new site for a homeless men's shelter.
24. One person testified in support of the proposal at the hearing. He indicated that the inclusion of 36 apartment units in the project rather than the "dorm-like" facilities approved in Z.C. Order No. 618 would not adversely affect his ability to obtain financing for his project approved by Z. C. Order No. 559 (PUD @ 5th Street & Massachusetts Avenue - Peabody).
25. Other than the above-mentioned, there were no letters that were received, nor persons testifying in support of nor in opposition to the application.

26. In response to concerns of the Commission and the DRP, the applicant, on December 7, 1990, submitted revised plans which provide additional passive recreation space along the Massachusetts Avenue frontage of the modified PUD. Portions of the brick paving, originally shown in this area, have been replaced with greenspace. As the Commission requested, benches will be provided in this area. In addition, the applicant testified that it will provide daily transportation for residents of the project to the recreation facilities available at existing Salvation Army locations at 3335 Sherman Avenue, N.W and 1318 - 9th Street, N.W.
27. The Commission concurs with the recommendation and position of OP, ANC-2C, DPW, MPD, and DCFD. As to the concerns of DRP, the Commission finds that the on-site recreational space, both active and passive, together with off-site facilities that will be made available are adequate to service the recreational needs of the residents of the modified PUD.
28. The Commission finds that the proposed PUD modifications are appropriate and that the applicant has satisfied the intent and purpose of Chapter 24 of 11 DCMR.
29. The Commission recognizes that the residential component of the modified PUD is less than what would be required for the site under the proposed regulations for the Downtown Development District. The Commission, however, finds that the provision of on-site housing for low income persons and the social services provided by the project weight heavily in the public interest. In addition, the Commission notes that Zoning Commission Order No. 618 approving the original PUD was approved 6 months prior to the scheduling of the first public hearing on the Downtown Development District case.
30. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission, pursuant to the terms of the District of Columbia Self Government and Governmental Re-Organization Act. NCPC, by report dated Marh 7, 1991 indicated that the proposed action of the Zoning Commission to approve the PUD modification with conditions would not adversely affect the Federal Establishment or other Federal interests in the National Capital not be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling the development of the subject site, because control of the use of the site is essential to assure compatibility with the neighborhood and achieve the goals and policies of the city.
2. The development of the PUD, as modified, carries out the purposes of 11 DCMR 2400 and the Zoning Act to encourage the development of well-planned residential, institutional, commercial and mixed-use developments, which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. The development of this PUD, as modified, is compatible with city-wide goals, plans and programs and is sensitive to environmental protection and energy conservation.
4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital, as amended.
5. The application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and assure neighborhood stability.
6. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the text and map of the Zoning Regulations.
7. The Zoning Commission has accorded ANC 2C the "great weight" to which it is entitled.
8. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of this application for modification to the PUD approved by Z.C. Order No. 618 for Lots 14, 19-21, 800-804, 807-810, 824, 825 and 828-830 in Square 484 located on the north side of Massachusetts Avenue, between 5th and 6th Streets, N.W. Zoning Commission Order No. 618 is hereby amended as follows:

1. The Planned Unit Development (PUD) site shall be developed in accordance with the plans prepared by the architectural firm of Metcalf, Tobey & Partners, dated December 7, 1990, marked as Exhibit No. 42B of the record, as modified by the guidelines, conditions and standards of this order.
2. The project shall be a mixed-use office/residential building to be used as the Division Headquarters of the Salvation Army.
3. The total floor area ratio (FAR) of the PUD shall be 3.44, of which 1.98 shall be devoted to office use and 1.46 FAR shall be devoted to residential use.
4. The height of the building shall not exceed 78.5 feet, and the lot occupancy shall not exceed 70 percent.
5. The project shall contain a minimum of 89 on-site parking spaces.
6. Recreation space shall be located as shown on the site plan identified as Exhibit No. 42B of the record. In addition, an indoor lounge shall be provided as shown on the ground floor plan identified as Exhibit No. 42B of the record.
7. Loading areas, driveways and walkways shall be located on the site, as shown on Exhibit No. 42B of the record.
8. Landscaping shall be provided as shown on Exhibit No. 42B of the record.
9. The Salvation Army logo shall be discrete in design and located on the PUD project, as shown on Exhibit No. 43 of the record.
10. The applicant shall have the flexibility with respect to the following:
 - a. Varying the location and design of all interior components, including partitions, slabs, doors, hallway columns, stairways, location of elevators, electrical and mechanical rooms, provided that the variations do not change the exterior configuration of the building including the penthouse; and
 - b. Vary the location and types of parking spaces provided and other modifications to the below grade space to accommodate the needs of the applicant and

handicapped persons and required structural and mechanical building elements; and

- c. Varying the final selection of exterior materials within the color ranges and material types as proposed, based on availability at the time of construction.
11. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the Office of the Corporation Counsel and the Zoning Regulation Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construct on and use the property in accordance with this Order, and amendments thereto of the Zoning Commission.
12. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Division/DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
13. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for building permit as specified in subsection 11 DCMR 2407.1. Construction shall start within three years of the effective date of this Order.
14. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at the public hearing on November 26, 1990: 5-0 (Lloyd D. Smith, Maybelle Taylor Bennett, William L. Ensign, John G. Parsons and Tersh Boasberg, to approve with conditions).

Z.C. ORDER NO. 618-A
CASE NO. 90-8M/88-23C
PAGE 10

The guidelines, conditions and standards were approved by the Zoning Commission at its public meeting on December 17, 1990.

This order was adopted by the Zoning Commission at its public meeting on March 11, 1991 by a vote of 5-0 (Tersh Boasberg, Lloyd D. Smith, William L. Ensign, John G. Parsons and Maybelle Taylor Bennett, to adopt as amended).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on _____.

MAR 29 1991



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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