

Government of the District of Columbia  
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 618  
Case No. 88-23C  
(Salvation Army - PUD)  
June 12, 1989

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on January 30, 1989. At this hearing, the Zoning Commission considered an application from the Salvation Army ("Applicant") for consolidated review and approval of a Planned Unit Development (PUD), pursuant to Section 2400 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of that Title.

FINDINGS OF FACT

1. The subject application, filed on August 26, 1988, requested consolidated review and approval of a PUD for Lots 14, 19-21, 800-804, 807-810, 824, 825 and 828-830 in Square 484.
2. The applicant intends to construct a nine-story building which will serve as the Divisional Headquarters for the Salvation Army and provide transient housing accommodations for those individuals in need of temporary housing.
3. The building will be 127 feet and 6 inches in height and will contain 205,785 gross square feet at a total FAR of 7.1.
4. The PUD site comprises 28,826 square feet and is located on the north side of Massachusetts Avenue, N.W. between 5th and 6th Street.
5. The subject site is currently zoned HR/SP-2. The area south and southeast of the site is also zoned HR/SP-2. The property north and east of the site is currently zoned HR/C-2-C. The zoning pattern to the west of the site consists of HR/C-3-C and R-5-D.
6. Adjacent to the site on the west is a used car lot on

the northwest corner of Massachusetts Avenue and 6th Street, N.W. To the east of the site at the northeast corner at 5th and I Streets, N.W. is vacant land which is to be developed with a fourteen-story apartment building with ground floor retail, pursuant to Zoning Commission Order No. 559. Directly south of the site across Massachusetts Avenue is a park and residential row dwellings. Further south of the site is the Turner Memorial AME Church at the southwest corner of 6th and I Street, N.W. North of the site in Square 484 are a paint store, a liquor store and a few small offices. The old Wax Museum site, which is planned for residential and retail development, is located on the northeast corner of Fifth and K Streets, N.W.

7. The SP-2 zone district is designed to act as a buffer between adjoining commercial and residential areas and to preserve and protect areas adjacent to commercial districts which contain a mix of rowhouses, apartments, offices and institutions at medium to high density.
  8. The SP-2 zone district allows development as a matter-of-right up to a height of 90 feet and a floor area ratio (FAR) of 6.0 (3.5 of which may be used for non-residential purposes).
  9. The HR (hotel/residential incentive overlay) permits development incentives for residential and hotel uses, only, to a maximum floor area ratio (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.
  10. 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 exception by the Board of Zoning Adjustment (BZA) or approve development variances that are required by the project design.
  11. The District of Columbia Generalized Land Use Element of the Comprehensive Plan for the National Capital designates the subject site as being located in the mixed-use high density residential and commercial land use category.
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12. The purpose of the subject PUD is to provide a broad range of residential/social service uses and a special purpose office use on the site that would otherwise need separate BZA approval as a special exception.
13. The applicant does not request a zoning map amendment, or additional total density, above matter-of-right standards, for the project.
14. The proposed project will consist of nine stories above grade and three below grade. The project will occupy 77 percent of the lot and will provide two loading docks and one service space behind the building.
15. Trucks and other service vehicles will approach the loading docks from the alley entrance on 5th Street, N.W.
16. On site parking will be provided on two underground levels for approximately 92 cars.
17. The office component of the proposed structure will serve as the divisional Headquarters for the Salvation Army for the District of Columbia, Virginia and Maryland. It will have a total gross floor area of 107,245 square feet. This office space will be used exclusively by the Salvation Army for its legal, financial and general management functions. The main entrance to the office component of the building will be from Massachusetts Avenue, N.W.
18. The residential component of the proposed structure will total 98,540 square feet and will be located primarily on the west side of the building with separate entrances, lobbies and elevators for men and women from 6th Street, N.W. The residential uses is intended to respond to the District's serious demand for housing for the homeless. This portion of the project will include: (a) a men's shelter consisting of 300 beds; (b) a separate transitional housing element for men consisting of 48 beds; (c) a women's shelter with 70 beds for single women; (d) 40 beds for women and children; and (e) 33 beds for family units. The men's residential space will occupy the west side of the building on floors two through six.
19. The women's housing space will be on the upper three floors. In addition to this residential space for the homeless, temporary housing for Salvatoin Army officials visiting the facility on business will occupy the eastern section of the structure's ninth floor. A kitchen will also be provided on a basement level for the preparation of food for residents living in the facility.

20. A social services and processing center will be located on the ground floor of the project adjacent to the men's and women's lobbies and the 6th Street entrances. In addition, a senior citizens center will be located on the east side of the building's second floor with an entrance from the 5th Street, N.W. This facility will provide daytime programs for the elderly.
21. At the public hearing, the applicant testified that the Salvation Army currently operates a successful 500-bed facility in Dallas, Texas. This facility has effectively served over 106,000 persons in need over the past 2-year period.
22. The applicant testified that the residential portion of the project will be managed in a "home-like" environment with on site case workers and managers. The incoming residents will be issued clean clothes if needed and personalized counseling with the objective of returning individuals into the community for work and independence.
23. The applicant testified that it has an operational manual for the residential portion of the project which sets forth the detailed objectives of the center and manner in which each program will be operated. This manual also contains a contract in which a resident agrees not to loiter in the neighborhood.
24. The applicant further noted that an indoor and outdoor security system will be maintained 24 hours a day.
25. As additional amenities of the project, the applicant indicated that it will enter into a First Source Agreement with the District of Columbia Department of Employment Services and a Memorandum of Understanding with the Minority Business Opportunity Commission.
26. The applicant owns the subject property outright with no existing mortgage on the site. The applicant already has approximately half of the funds needed for construction and does not anticipate any problem raising the balance of funds necessary for construction and operations of the project.
27. The project architect testified, on behalf of the applicant as an expert in architecture and planning, and stated that the proposed project furthers the urban design elements of the Comprehensive Plan. The architecture of the structure, along with its streetscape 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 space created by the small park that lies directly south of the site across Massachusetts Avenue. The project's streetscape plan will enhance and soften the urban environment in the vicinity and will facilitate safe pedestrian mobility.

28. The building materials for the project will include masonry, limestone, precast concrete and a colored metal roof and window frames.
29. The architect requested that the applicant be granted the flexibility as to the final selection of the exterior materials within the color ranges and material types submitted to the Zoning Commission, based on availability at the time of construction.
30. The traffic expert summarized his traffic report and concluded that the proposed PUD would not adversely impact the surrounding street network. He also noted that the 92 parking spaces provided on site were adequate to service the project and above the 76 spaces required by the Zoning Commission.
31. The District of Columbia Office of Planning ("OP"), by memorandum dated January 23, 1989, and through testimony at the public hearing, recommended approval of the application. OP testified that the proposal is responsive to the type of commercial and residential development and activity that is appropriate for this area of the City. In addition, OP stated the proposed project would not be inconsistent with the Comprehensive Plan designation for the site which calls for high density mixed use development. Lastly, OP testified that the proposed project will help ease the burden on the District's social services programs as well as providing a needed service to the community as a whole.
32. The Department of Public Works ("DPW"), by memorandum dated January 26, 1989, addressed the transportation impact of the proposed project. DPW indicated in its memorandum that the proposed project will not adversely impact the traffic on the surrounding street network. DPW further noted that the development provides sufficient on-site parking and loading facilities. DPW, however, objected to the design of the loading access point from the relocated portion of the alley off of 5th Street N.W.. DPW believed that the access

- point will not be perceived as a public access point, thus recommended redesign of this area.
33. In response to the concern raised by DPW, and at the request of the Zoning Commission, the applicant, its traffic consultant and architect met with DPW officials regarding this issue. At the meeting, the Salvation Army's experts indicated that as a compromise solution to the issue, any potential perception problem could be addressed through appropriate signage to be determined by DPW. DPW did not comment to the applicant nor the Commission regarding this proposed comprise.
  34. The Department of Recreation, by memorandum dated November 30, 1988, recommended approval of the application conditional upon the addition of an outdoor play area for small children.
  35. In response to the concern raised by Department of Recreation and at the request of the Zoning Commission, the applicant, on February 24, 1989, submitted a revised roof plan for the project which provides a 1600 square foot area for outdoor recreation space for children. The plan indicates that a number of multi-purpose play equipment will be located in this area for use by children who are living within the project. In addition, an indoor lounge shall be provided on each floor.
  36. Advisory Neighborhood Commission ("ANC") 2C, by letter dated January 30, 1989, recommended approval of the application provided that candidates for overnight lodging at the facility are permitted to be processed beginning no later than 2:00 P.M. The applicant has agreed to accommodate the ANC-s request. ANC 2C indicated its strong support for housing the homeless and noted the excellent reputation of the Salvation Army for management of its facilities.
  37. The leaseholder of the property at 5th and I Streets, N.W., the site approved for development of an apartment building in Z.C. Order No. 559, was admitted as a party opponent in the case and testified that while he believes that the Salvation Army is an outstanding organization and recognizes the need for facilities such as the subject project, he feels that the Salvation Army facility at that location will have an adverse impact on his ability to obtain financing for the residential development. He stated that he had already been turned down for financing by a potential lender prior to advertisement of Z.C. Case No. 88-23C.
  38. A number of individuals testified in favor of the proposed project.

39. The Commission finds that the proposed PUD will be an asset to the District by providing vital social services which are sorely needed by the City.
40. The Commission finds that the PUD project is in conformance with the Comprehensive Plan which designates the site for high density mixed-use development.
41. The Commission does not concur with the Department of Public Works' request that the 5th Street portion of the project be redesigned. The Commission concurs with the applicant, that any potential perception problem with the 5th Street alley entrance can easily be addressed by appropriate signage to be determined by DPW.
42. The Commission finds that the on-site parking and loading facilities will be sufficient to serve the office and residential portions of the project.
43. The Commission concurs with the Advisory Neighborhood Commission 2C that the proposed project will provide needed housing for the homeless and that the Salvation Army's reputation for providing such services is outstanding.
44. As to the concern of the party in opposition, the Commission is mindful of that party's concern about potential difficulty in obtaining financing for its PUD development across Fifth Street from the subject PUD site. The Commission, however, is obligated to adjudicate each PUD application on a case-by-case basis and does not believe that it should penalize one applicant to the benefit of another applicant. The Commission believes that its decisions are to the benefit of the larger community, and that it has no control over the criteria, or weight accorded to a developer by a lending institution before which a loan application may be pending to grant a loan to a developer. The Commission is hopeful that lending institutions use various criteria that collectively assist them in making decisions regarding development loans.
45. The proposed action of the Zoning Commission to approve the application with the conditions was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated June 2, 1989, indicated that the proposed action of the Zoning Commission would not adversely affect the federal establishment or other federal interests in the National Capital nor be

inconsistent with the Comprehensive Plan of 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 this PUD carries out the purposes of 11 DCMR 2400 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 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 of the District of Columbia and the purposes of the Zoning Act.
5. The proposed 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 consolidated review of a Planned Unit Development for Lots 14, 19-21, 800-804, 807-810, 824, 825 and 828-830 in Square 484 located on Massachusetts Avenue, between 5th and 6th Streets, N.W. The approval of this PUD is subject to the following guidelines, conditions and standards:

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individuals and families, a social service center and a senior citizen center. The main entrance to the office component of the project will be on Massachusetts Avenue, N.W.

3. The residential component of the project with its main entrance on 6th Street, N.W. shall consist of the following: 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 shall have the flexibility to deviate from the said number of beds per facility as long as the total number of beds does not exceed 491.
4. A social services and processing center will be located on the ground floor of the project adjant to the mens' and womens' lobbies and the 6th Street entrances. The processing center will be conducted in a manner which will enable each client to be sheltered indoors, thus avoiding long lines along the sidewalk.
5. The operation of the residential portion of the project will be managed in a "home-like" environment, comparable to other Salvation Army facilities, where incoming residents will be issued clean clothes, if needed, and receive personalized counselling by the on-site workers and managers. The Salvation Army will make every effort to insure that the conduct of its residents does not adversely affect neighboring property owners or the general public.
6. The total floor area ratio (FAR) of the PUD shall not exceed 7.1, of which 3.7 FAR shall be devoted to office use and 3.4 FAR shall be devoted to residential use.
7. The height shall not exceed 127 feet 6 inches.
8. The lot occupancy shall not exceed 77 percent.
9. The project shall contain a minimum of 92 on-site parking spaces.
10. Recreation space shall be located on the roof of the building as shown on Exhibit No. 4 of the record. In addition, an indoor lounge shall be provided on each floor.
11. Loading areas, driveways and walkways shall be located on the site, as shown on Exhibit No. 4 of the record. The entrance to the public alley through the building

parking spaces.

10. Recreation space shall be located on the roof of the building as shown on Exhibit No. 4 of the record. In addition, an indoor lounge shall be provided on each floor.
11. Loading areas, driveways and walkways shall be located on the site, as shown on Exhibit No. 4 of the record. The entrance to the public alley through the building on 5th Street shall be clearly indicated through the use of signage as approved by DPW.
12. Landscaping shall be provided as shown on Exhibit No. 4 of the record.
13. 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, hallways, 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.
  - b. Making minor adjustments in the facade and window size and detailing, provided that the applicant shall submit its final facade and window design to the Zoning Commission for final approval which the Commission may determine to grant without having a further public hearing.
  - 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, provided that the applicant shall submit its final selection of the exterior materials to the Zoning Commission for final approval which the Commission may determine to grant without having a further public hearing.
14. The Zoning Commission reserves the discretion to determine the proceedings by which it will consider any matter submitted to it pursuant to Paragraphs b. and c. of condition numbered 13 of this order.
15. The applicant shall comply with the Memorandum of Understanding that it has entered with the Minority Business Opportunity Commission and provides that the applicant will make a bona fide effort to award at least thirty-five (35) percent of the construction

related contracts for the project to Certified Minority Business Enterprises.

16. The applicant shall comply with its First Source Agreement with the Department of Employment Services ("DOES") which provides that the applicant will use DOES as its first source for the recruitment, referral and placement of employees in connection with the construction of the project.
17. The PUD approval for Lots 14, 19-21, 800-804, 807-810, 824, 825 and 828-830 in Square 484 shall be effective upon recordation of a covenant as required by 11 DCMR 2407.3.
18. 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. 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.
19. The Zoning Secretariat shall not release the record of this case to the Zoning Regulation Division/DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
20. 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.
21. 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.

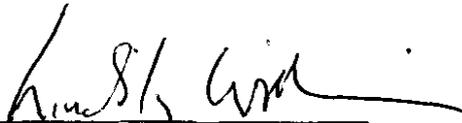
Vote of the Zoning Commission taken at the public meeting on March 13, 1989: 4-0 (Elliott Carroll, Lloyd D. Smith, Maybelle Taylor Bennett and John G. Parsons to approve with conditions, Lindsley Williams not voting, not having heard the case).

The guidelines, conditions and standards were approved by the Zoning Commission at its public meeting on April 17, 1989 by a vote of 4-0 (Elliott Carroll, Lloyd D. Smith, Maybelle Taylor Bennett and John G. Parsons to approve the draft conditions as amended, Lindsley Williams, not voting, not having heard the case).

This order was adopted by the Zoning Commission at its public meeting on June 12, 1989 by a vote of 3-0 (Lloyd D. Smith, John G. Parsons and Maybelle Taylor Bennett to adopt as amended, Lindsley Williams and Elliott Carroll not present, not voting).

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

~~JUL 14 1989~~



LINDSLEY WILLIAMS  
Chairperson  
Zoning Commission



EDWARD L. CURRY  
Executive Director  
Zoning Secretariat