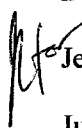


**MEMORANDUM**

2011 JUN 14 PM 3:22

TO: District of Columbia Board of Zoning Adjustment

FROM:  Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: June 14, 2011

SUBJECT: BZA Case No. 18226, 4801 Sargent Road, N.E., Square 3977, Lot 134

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

A special exception pursuant to § 303 of Title 11 DCMR, to permit one additional youth residential care home for up to six children within the R-2 district, subject to the conditions at the end of this report.

II. AREA AND SITE DESCRIPTION

Address	4801 Sargent Road, N.E.
Legal Description	Square 3977, Lot 134
Ward	5
Lot Characteristics	12.1-acre site, predominantly rectangular in shape, with topography sloping downward from south to north. Tree buffers screen adjacent properties to the north and east.
Existing Development	Four youth residential care homes, one short-term youth residential care home, and an administration building.
Zoning	R-2— low density residential; youth residential care homes and community residence facilities are permitted by special exception in this zone.
Adjacent Properties	North: A church, semi and triple-attached dwellings, and the North Michigan Park Recreation Center Southwest: Semi-detached dwellings Southeast and East: Saint Anselm's Abbey and School (boys school for grades 6 through 12) West: Across Sargent Road, semi-detached dwellings.
Surrounding Neighborhood Character	Predominantly low-density residential, but also includes several large institutional uses.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18226

EXHIBIT NO. 29

III. HISTORY

On June 2, 1993 the Board approved BZA Application No. 15805 to permit, by special exception, a long-term youth residential care home for 15 abused and neglected children and an emergency shelter for up to 20 abused and neglected children.

On December 21, 2000 the Board approved BZA Application No. 16531 to increase the number of children in the long-term residential care home to 24, but to house them in four separate residential care homes with no more than six children in each, and to convert the existing residential care home to administrative use. The emergency shelter continued with a maximum of sixteen children.

At the request of the Board in Case No. 16531, the Zoning Administrator ruled on whether the use should be permitted by special exception, pursuant to § 303 of the Zoning Regulations, and prepared the following:

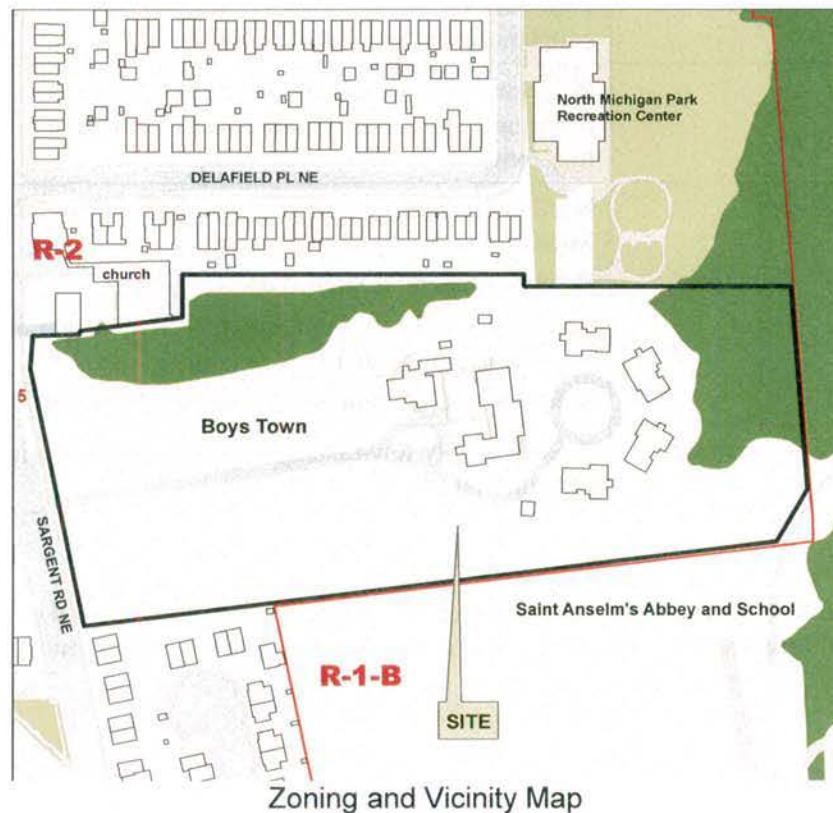
“The Zoning Administrator concluded that Boys Town had sought complete and proper relief, since each proposed home would house not more than six youths. If the subject property had been subdivided so that each home was on a separate lot, each of the four homes could have been used as a youth residential care home as a matter of right. See 11 DCMR § 300.3. The Zoning Administrator also noted that in adopting the community-based residential facilities regulations, the Zoning Commission had endorsed the policy of encouraging smaller facilities to lessen their impact on, and to increase their compatibility with, neighboring properties and to provide alternatives to institutional settings. Accordingly, the Board processed the application as a special exception rather than a variance.”

Pursuant to the Zoning Administrator’s ruling, the Board granted the application.

On April 1, 2011, at the request of the applicant, the Zoning Administrator ruled that special exception relief pursuant to § 303 was the most appropriate form of relief for the addition of one youth residential care home for up to six children.

IV. APPLICATION

The applicant, Boys Town Washington, DC, Inc., requests special exception approval to permit the addition of one additional youth residential care home at 4801 Sargent Road, N.E., for no more than six children.



The additional youth residential care home would be operated the same as the four that were previously approved. No more than six boys would be housed in the proposed home, plus a married couple that would function as the “parents.” The home would be run in a manner similar to a family in an attempt to create a family-style setting, with the “parents” responsible for all purchases, including food and clothing, for the home.

No other changes are proposed to the site, including the emergency shelter, the other four youth residential care homes or the administration building.

V. OFFICE OF PLANNING ANALYSIS

Special exception pursuant to § 303 – Youth Residential Care Homes and Community Residence Facilities

- 303.1 Youth residential care homes or community residence facilities for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-2 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The subject application is for the addition of one youth residential care home to the site within the R-2 district, for a total of five youth residential care homes and a maximum of 24 boys. No more than six boys would be housed in each of the five youth residential care homes. The existing emergency shelter would continue with a maximum of 16 boys, as approved under BZA Application No. 16531.

- 303.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.*

There is no other property within the same square containing a community-based residential facility for seven or more persons. The subject property does contain one emergency shelter for up to sixteen persons. However, each of the existing residential care homes, including the proposed residential care home, is for no more than six persons.

- 303.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.*

There is no other property containing a community-based residential facility for seven or more persons within a radius of 500 feet from any portion of the subject property.

- 303.4 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 existing facility, which has 60 employees, has 44 parking spaces on-site. Section 2101.1 of the Zoning Regulations directs the Board to determine the number off-street parking spaces required for community based residential facilities housing 16 or more individuals. One parking space is required for a facility housing between one and eight individuals. The subject application would increase the number of employees on-site by two, and increase the number of on-site parking spaces by two. The two new parking spaces would be appropriately located adjacent to the new residential care home on a parking pad approximately 120 feet from the nearest lot line to the south. It would be screened from the adjoining property to the south by a retaining wall and sloping topography, and would adequately serve the needs of the home.

303.5 *The proposed facility shall meet all applicable code and licensing requirements.*

The existing facility meets all applicable code and licensing requirements and the Child and Family Services Agency commented that the provider is in good standing.

303.6 *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.*

In 2000 the Board granted the establishment of four residential youth care homes and one short-term emergency shelter for up to 16 boys, for a total of 40 children. The applicant now proposes the addition of one more residential care home for no more than six children, for a total of 46.

The previous BZA order approved the existing use, subject to fourteen conditions. However, the Office of Planning does recommend the deletion of many of the conditions because they were required to have been completed by the applicant prior to the issuance of the building permits necessary for the construction of the four youth residential care homes that have since been completed. The Office of Planning recommends the continuation of the remainder of conditions, meant to ensure that the use would not have an adverse impact on the neighborhood.

Below are the conditions as contained in the last order (BZA Order 16531), as modified by the Office of Planning. New language is shown in **bold** and deleted language in ~~strikeout~~.

1. The applicant shall house no more than six youths in each of ~~four~~ **five** youth residential care home building units ~~to be constructed pursuant to this order, for a maximum total of 24~~ **30** youths.
2. ~~To alleviate the existing storm water runoff problems, the applicant shall promptly complete the construction of the retaining wall and french drain along the edge of the Boys Town property as authorized in Building Permit No. B428974. The certificate of occupancy for the four new youth residential care facility building units may not issue until these improvements are complete and fully operational.~~
3. ~~To alleviate the existing storm water runoff problems, the applicant shall promptly complete the storm drain repairs in the alley area as authorized in Building Permit No. B532709. The certificate of occupancy for the four new youth residential care building units may not issue until these repairs are complete and fully operational.~~
4. ~~The applicant shall provide effective storm water management controls for the construction and operation of the four new homes and for the other construction approved in this order, to include the plans submitted as Exhibits F and G to the applicant's March 13, 2000, post-hearing submission, which plans and controls are subject to review and approval by the District of Columbia agencies responsible for erosion control and storm water management.~~
5. The applicant shall maintain in good working condition the ~~new~~ switching device ~~that has been added to~~ **on** the cooling tower.
6. ~~The applicant shall enclose the existing emergency generator with a prefabricated sound attenuation shed as authorized in Building Permit No. B425723.~~
7. ~~The applicant shall complete the installation of and maintain the south attenuation fence at the cooling tower and emergency generator as authorized in Building Permit No. B425062.~~

- ~~8. The applicant shall consult with ANC 5A, the Community Advisory Liaison Committee, and the Commander of the 5th District of the Metropolitan Police Department prior to finalizing the draft Safety Plan, and to the maximum extent feasible, incorporate their recommendation into the final plan.~~
9. ~~By no later than February 28, 2001, the applicant shall finalize the draft Safety Plan.~~ The applicant shall **begin continue** to implementation of the Safety Plan immediately upon its finalization.
10. The applicant may amend the ~~final~~ Safety Plan from time to time as needed, following consultation with ANC 5A, the Advisory Community Liaison Committee, and the 5th District of the Metropolitan Police Department.
11. The applicant shall **maintain the landscaping of** ~~landseape~~ the property and provide appropriate shrubbery for privacy and fencing.
12. The applicant shall continue to monitor the growth of trees along the property boundary lines and take all necessary or appropriate steps to protect against property damage resulting from their overgrowth.
13. The applicant shall continue to convene the Advisory Neighborhood Liaison Committee on a not less than quarterly basis to provide an ongoing dialogue between the members of the community, the ANC, and Boys Town. The Committee shall report to the ANC annually.
- ~~14. No later than the first regularly scheduled meeting of the Advisory Community Liaison Committee after the issuance of the Decision and Order in this case, the applicant shall bring before the Committee for discussion and action a proposal relating to community representation on the Committee and a proposal for rules of procedure.~~

To reduce traffic impacts from the use, DDOT recommends the applicant establish a SmartBenefits program for its employees to encourage transit use and reduce traffic to the site.

- 303.7 *The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.*

The applicant is requesting approval of one additional youth residential care home, in addition to the four existing youth residential care homes and the emergency shelter. The cumulative effect of these facilities should not have an adverse impact on the neighborhood given the large size of the property, 12.1 acres, and the maximum of 46 boys housed on the site. The proposed youth residential care home would be set back a minimum of 82 feet from the nearest lot line, across from which is another large institutional use, St. Anselm's. As the new care home would be operated in a manner similar to a single-family residence within an R-2 district, it should not have an adverse impact on the surrounding residential neighborhood because of traffic, noise or operations.

- 303.8 *In the case of a community residence facility, the Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board 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 there is no other reasonable alternative to meet the program needs of that area of the District.*

Not applicable.

303.9 *The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

Comments were requested from DDOT, the Child and Family Services Agency and the Department of Corrections. The subject property is not located within a historic district and is not a historic landmark.

VI. AGENCY COMMENTS

DDOT, in an email to the Office of Planning dated June 2, 2011, recommended that the applicant establish a SmartBenefits account for its employees.

Child and Family Services Agency (CFSA), in an email to the Office of Planning dated June 1, 2011, commented that Boys Town is a provider in good standing.

No comments were received from the Department of Corrections.

VII. COMMUNITY COMMENTS

No comments were received from ANC 5A.

VIII. CONCLUSION AND RECOMMENDATION

The Office of Planning recommends **APPROVAL** of this special exception pursuant to § 303 to permit one additional youth residential care home for up to six children within the R-2 district, subject to the following conditions:

1. The applicant shall house no more than six youths in each of five youth residential care home building units pursuant to this order, for a maximum total of 30 youths.
2. The applicant shall maintain in good working condition the switching device on the cooling tower.
3. The applicant shall continue to implement the Safety Plan.
4. The applicant may amend the Safety Plan from time to time as needed, following consultation with ANC 5A, the Advisory Community Liaison Committee, and the 5th District of the Metropolitan Police Department.
5. The applicant shall maintain the landscaping of the property and provide appropriate shrubbery for privacy and fencing.
6. The applicant shall continue to monitor the growth of trees along the property boundary lines and take all necessary or appropriate steps to protect against property damage resulting from their overgrowth.

7. The applicant shall continue to convene the Advisory Neighborhood Liaison Committee on a not less than quarterly basis to provide an ongoing dialogue between the members of the community, the ANC, and Boys Town. The Committee shall report to the ANC annually.
8. The applicant shall establish a SmartBenefits account for its employees.

JS/sjm^{AICP}

Project Manager: Stephen J. Mordfin, AICP