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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: March 26, 2013
SUBJECT: BZA Case 18524 – 1300 Florida Avenue, N W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception

- § 358, Community Based Residential Facility, subject to the following conditions, generally as per the existing approval with changes noted
 - 1 The maximum number of persons residing at the facility shall be 25, including women and children (*currently 20*)
 2. There shall be a maximum of one full time equivalent employee (*currently 16*)
 - 3 The front of the property shall be landscaped and kept free of trash and debris
 4. The applicant shall meet periodically with residents of the community to discuss any concerns that may be of interest to both groups
 - 5 When a resident's mobility is restricted, the resident shall be assisted into the taxi by staff
 - 6 Deliveries to the building shall take place from the alley or the rear of the building.

The existing order approved the use for a period of five years, the applicant is now requesting no time limit on the approval.

II. LOCATION AND SITE DESCRIPTION

Address	1300 Florida Avenue, N W	BOARD OF ZONING ADJUSTMENT District of Columbia
Legal Description	Square 234, Lot 822	CASE NO. <u>18524</u>
Ward	1	EXHIBIT NO. <u>27</u>
Lot Characteristics	Quadrilateral corner lot with alley access	
Zoning	R-5-B – Moderate density general residence zone	
Historic District	Greater U Street	
Existing Development	Two-story community-based residence facility	
Adjacent Properties	North: Across Florida Avenue, row houses and locally serving retail South, East and West: Row houses and flats	
Surrounding Neighborhood Character	Moderate density residential, including churches and public schools	

III. APPLICATION IN BRIEF

The subject property is improved with a two-story building originally constructed as a seventeen-unit apartment house in 1925. Prior to 1997 the building was converted to a home to provide housing and living assistance for up to fifteen residents for AIDS infected women and their children. In 1997 it was converted to a facility to house up to twenty residents for HIV/AIDS infected women and their children, pursuant to BZA Application No. 16207. That application was approved subject to the following conditions:

1. Approval shall be for a period of **FIVE YEARS**
2. The maximum number of persons residing at the facility shall be 20, including women and children
3. There shall be a maximum of 16 full time equivalent employees.
4. The front of the property shall be landscaped and kept free of trash and debris
5. The applicant shall meet periodically with residents of the community to discuss any concerns that may be of interest to both groups
6. When a resident's mobility is restricted, the resident shall be assisted into the taxi by staff, or the taxi will be requested to wait in the alley.
7. Deliveries to the building shall take place from the alley or the rear of the building

Due to the improvements in health care for these women, live-in staff is no longer required. The applicant also proposes to close a second facility, and increase the number of residents at the subject property from twenty to twenty-five. One staff member would be on-site at all times.

No parking is provided at the subject property and none is proposed.

IV. OFFICE OF PLANNING ANALYSIS

a) Special Exception Relief pursuant to § 358, Community Based Residential Facility

358 1 *A youth residential care home or community residence facility for sixteen (16) to twenty-five (25) persons, not including resident supervisors or staff and their families, shall be permitted as a special exception in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The subject application is a request to operate a community-based residence facility within the R-5-B district for twenty-five persons, not including resident supervisors or staff and their families.

358 2 *There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.*

The Office of Planning is not aware of any other community-based residential facility within the same square.

358 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.*

The Office of Planning is not aware of any other community-based residential facility within a 500-foot radius.

- 358.4 *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 subject property was originally constructed with no off-street parking, and in 1997 the BZA granted approval of the use of the subject property for up to twenty residents with no off-street parking. The site has a lot occupancy of ninety-five percent and no on-site parking can be provided

Under BZA Order 16207, the Board found that use of the property as a community-based residential facility was a less intensive use of the property, as nine parking spaces would be required for a seventeen-unit apartment house constructed today, versus two for the community-based residential facility. Parking required for community-based residential facilities with more than fifteen residents is as determined by the BZA. An increase of five residents would not generate a parking demand of more than seven parking spaces, and the intensity of use would remain less than that of the former apartment building. Therefore, the OP concludes that no additional parking should be required.

- 358.5 *The proposed facility shall meet all applicable code and licensing requirements*

The facility operates under a valid certificate of occupancy and the owner is licensed as a non-profit organization

- 358.6 *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*

The facility has been operating as a community-based residential facility with no apparent adverse impact on the neighborhood. OP does support the continuation of some of the previous conditions of approval, including providing staff assistance into taxis for those residents that need it and requiring that deliveries to the building take place from the alley, and that the front of the property be landscaped and kept free of trash and debris. OP does not support requiring taxis to wait within the alley as public alleys are public space and not a part of the subject property.

- 358.7 *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*

Not applicable

- 358.8 *The Board may approve a facility for more than twenty-five (25) 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 if there is no other reasonable alternative to meet the program needs of that area of the District

Not applicable

358 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*

DDOT submitted comments indicating that the subject application would have no adverse impacts. The Historic Preservation Office indicated that it had no comments on the application. The Department of Corrections submitted comments indicating that it had no jurisdiction over this facility. No comments were received from the Department of Human Services.

No other agency comments were received.

V. COMMUNITY COMMENTS

No comments were received from ANC 1B

Attachment: Location Map

