GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★



RECEIVED
D.C. OFFICE OF ZONING
2002 APR 11 PM 2:00

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for
Andrew Altman, Director
Office of Planning

DATE: April 11, 2002

SUBJECT: Waiver of Rules for Late Submittal of a Supplemental Report concerning BZA Application 16859 requesting a Special Exception and variances for a temporary youth detention center and community service center on property located at 1000 Mt. Olivet Road, N.E. (Square 4040 Parcel 141/71)

This supplemental report concerning an application from the D.C. Housing Authority (DCHA), requesting approval of a variances from Section 403.2 (lot occupancy) and Sections 330.5 (users permitted by right in an R-4 district), and a Special Exception under Section 334.1 (a community service center), pursuant to Sections 3103.2 and 3104.1, respectively, under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning, is submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16859
Exhibit No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO.16859
EXHIBIT NO.30

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

D.C. BOARD OF ZONING
RECEIVED
2002 APR 11 PM 2:00

Office of the Director

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: April 11, 2002

SUBJECT: BZA Application 16859 - Supplement

BACKGROUND

In the previous submission, the Office of Planning recommended conditional approval of a Special Exception under Section 335.1, among other zoning relief, to allow establishment of a "youth rehabilitation home" use on property located at 1000 Mt. Olivet Road, N.E. This was based on the use description provided in the applicant's Statement of Justification, and land use definitions in the Zoning Regulations. Specifically, the proposed temporary youth detention center appeared to be most similar to a youth rehabilitation center, a type of community based residential facility (CBRF) use allowed under the Zoning Regulations in the R-4 zoning district with Special Exception approval.

OP staff requested that the Zoning Administrator reconsider the previous interpretation, including a statement that this proposal requires a variance from Section 330.5. The Zoning Administrator subsequently affirmed the previous interpretation (please refer to Attachment 1).

In order to avoid this difference of opinion delaying final action by the Board of Zoning Adjustment (BZA), the following alternative analysis is provided addressing the variance.

ANALYSIS

The subject property is zoned R-4. The Zoning Administrator referred to an application for a variance from 330.5 of the zoning regulations to allow a temporary youth detention center use on this site.

Section 3103.2 grants the Board of Zoning Adjustment (BZA) the power to grant variances from regulations set forth under the Zoning Act "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

Allowing the proposed use as a type of CBRF requires a "use" variance. There must be "unique" circumstances surrounding this request that creates an "extraordinary condition" where application of a regulation would result in "exceptional and undue hardship".

Compliance with Section 3103.2:
Based on the information submitted, staff determined the following:

- **Unique conditions:** The subject property has a very irregular shape that experiences a significant drop in elevation from the northwest corner to the eastern frontage. It was formerly developed with a very similar use that occupied the site "for nearly 50 years" (based on the Statement of Justification). However, the current Zoning Regulations require that the proposed use be treated as a new use and not the continuation of the preexisting use.
- **Extraordinary conditions:** This site is a key element in redressing the consent decree that the District has been under for years. This decree requires the Department of Human Resources Youth Services Administration to address the problem of detained youth being housed with committed youth, in violation of their Federal rights. Selected "stakeholders" developed standards for a new facility at the direction of the court. Those standards were used to develop a building program for a facility to serve 80 students. After reviewing the eligible properties under District control, a selection team found the subject parcel *to be the only site that meets program requirements*. Plans for a state-of-the-art facility on this site were created reflecting the referenced building program. In addition, an independent environmental assessment of the site and its surroundings found that this project would have "no significant impact" on the surrounding neighborhood.

In light of these findings, a variance to allow the proposed temporary youth detention center, with a maximum capacity of 80 youth, can be granted without impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

SUMMARY RECOMMENDATION
Staff makes the following recommendations, in the alternative, consistent with the previous report and the above analysis:

- approval of a Special Exception under Section 334.1 to allow the establishment of a community service center with approximately 5,000 square feet, subject to the condition that 10 on-site parking spaces along the Mt. Olivet Road, S.E. frontage (counting southwest from the driveway) be reserved for use by center patrons during its hours of operation; and
- a variance from Section 330.5 to allow establishment of a temporary youth detention center with a maximum occupancy of 80 youth, subject to the condition that the community service center use, the 5,000 square feet dedicated to that use, and the associated access to the on-site gymnasium, be maintained for the duration of this Special Exception.

Staff also recommends approval of project parking and loading facilities as proposed.

Exhibit 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

April 9, 2002

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Toye Bello, Acting
Zoning Administrator

SUBJECT: Revised proposed Construction of a new Temporary Youth Detention Center/Community service Center located at premises 1000 Mount Olivet Road, N.E., Lot(s) Parcel 141/71, in Square , Zoned R-4

Review of plans for the proposed new construction at the above subject premises indicates that the Board of Zoning Adjustment approval is required as follows:

1. Variance from the use provisions of Section 330.5 to allow establishment of a temporary youth detention center for 80 beds and 80 staff in an R-4 zone. (Section 3103.2)

2. Special exception pursuant to Section 334.1 to allow establishment of a Community Service Center in the residential R-4 zone district. (Section 3104.1)

TB/ee