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

Building and Land Regulation Administration
Office of the Zoning Administrator

August 30, 2001

Ms. Ellen Opper-Weiner, Vice Chair
C/O Will Hill, Chair
Southeast Citizens for Smart Growth
701 14th Street, S.E.
Washington, DC 20003

Re: Zoning Administrator's Determination on Boys Town Phase I.
(Residential Units 1308, 1310, 1312 and 1314 Potomac Avenue, S.E.)

Dear Ms. Opper-Weiner:

Let me begin by extending an apology for your not receiving my August 08, 2001 determination letter regarding this matter and the initial delay in preparing a response to your inquiries. However, a thorough and factually based analysis was required in order to make a final zoning decision regarding this most important community issue. Accordingly, this letter is in response to your letters dated June 22nd, July 18th and as a follow-up to the June 15th, 2001 site inspection, which you and Mr. Ed Copehaper accompanied Zoning Inspector Yvonne Rockett and me.

The purpose of the inspection was to measure, at your request, the distance from an existing DC Health Care operated Community Based Residential Facility (CBRF), to the four (4) houses proposed as Boys Town, to be located at 1308, 1310, 1312 and 1314 Potomac Avenue SE. Specifically, you believe that the houses will be in violation of DCMR Title 11, Section 701.3, if they are within the 500-foot radius of an existing CBRF.

Since you believe that Section 701.3 is applicable, let me clarify that your interpretation is a misapplication of the regulations. Section 701.3 applies to matter of right uses in a C-1 zone. As a point of clarification, the current subject property is located within a C-2 zoning district. Accordingly, this analysis is based upon applicable requirements of the C-2 zone.

The 500 foot radius limit that is cited in DCMR Title 11, Section 721.5 refers specifically to "A youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families …". Based on the plans and applications submitted, the referenced homes will each house no more than six (6) residents. Additionally, each building will be on a separate lot of record and as such, not subject to the radius limitation set forth in Section

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Exhibit No. 41

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701.3. In sum, I have concluded that the first phase of the Boys Town development on the subject site is in compliance with current zoning regulations.

In closing, I trust this response addresses your concerns. And again, I appreciate your concern for the community. Should you have any questions or need additional assistance, please feel free to contact me at 442-4576.

Respectfully,

Michael D. Johnson
Zoning Administrator
District of Columbia

cc: David A.Clark, Director
Theresa Lewis, Deputy Director
J. Gregory Love. Administrator, BLRA
Denzil Noble, Deputy Administrator, BLRA
Lenox Douglas, Chief, Permit Service Center
Toye Bello, Chief, Zoning Review
Yvonne Rockett, Zoning Inspector
Andy Altman, Director, Office of Planning
Jerrily Kress, Director, Office of Zoning