GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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2003 JAN -7 PM 5:04

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director

DATE January 7, 2003

SUBJECT: BZA Application 16963 – Request filed by Toni Thomas Associates, Inc. for a use variance to establish an "occupational skills and training" school at 4601 Martin Luther King, Jr. Avenue, S.W., proposed by I. Toni Thomas, President, Toni Thomas Associates, Inc.

APPLICATION
Application of Toni Thomas Associates, Inc. for:

> **Variance to §350.4 pursuant §3103.2 of Title 11 DCMR** for a use variance to permit an occupational skills and training school at property located on the west side of Martin Luther King, Jr. Avenue, 4601 Martin Luther King, Jr. Avenue, S.W., Parcel 252/ 93. The property is located within the R-5-A, low density general residence district.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for a use variance.

PROJECT DESCRIPTION
The applicant proposes to establish an occupational skills and training school, known as the Community Empowerment Training Academy at Hadley Memorial Hospital and Skilled Nursing Facility. The use, which will include two classrooms, four accessory offices, a copier room and a rest room, will occupy 1,800 square feet of the first floor of an existing building previously used as training space by the hospital and as an emergency room and office space before that.

The proposed use, as described by the application, will target adults that are deficient in basic skills, need a General Education Diploma, need occupational skills training or are former offenders. The maximum enrollment of the school is sixty, with a staff of eight.

BZA
Case No. 16963
Exhibit No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO.16963
EXHIBIT NO.30

The proposed use, as described by the application, will target adults that are deficient in basic skills, need a General Education Diploma, need occupational skills training or are former offenders. The maximum enrollment of the school is sixty, with a staff of eight.

No building construction is proposed as a part of this application.

SITE AND AREA DESCRIPTION

The property consists of Parcel 252/ 93, in the South East quadrant of the District.

The subject property was developed as a hospital, which included an emergency room. A total of 265 accessory parking spaces are located on-site. The hospital has since been converted to a long-term nursing care facility, and as such, has no need for an emergency room.

The surrounding neighborhood is primarily residential in character, including semi-detached dwellings, flats, one-family dwellings, small apartment buildings and garden apartment complexes. To the north, within the R-5-A district, is a garden apartment complex. To the northeast, across Martin Luther King, Jr. Avenue, are semi-detached dwellings and row houses within the R-2 district. To the east, across Martin Luther King, Jr. Avenue, are flats located within the R-5-A district. To the south and east is parkland owned by the United States Government that is un-zoned, and is known as Shepherd Parkway.

ZONING REQUIREMENTS

The subject property is located in the R-5-A low density general residence district.

> *"The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through §360, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5 districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and which are excluded from the more restrictive Residence districts."* (§350.1)

An occupational and training school is not a use permitted as a matter of right within the R-5-A district under §350.4, or by special exception under §352. Private schools and community service centers are permitted by special exception under §§206 and 334 respectively; however, trade schools are specifically prohibited by §206 and community service centers must be operated by nonprofit organizations. Therefore, as a trade school, a use variance must be granted in order for the use to be established at this location.

RELIEF REQUESTED
Variance to the use provisions of §350.4, pursuant to §3103.2

The Board of Zoning Adjustment is empowered to grant variances as provided by Section 3103.2 as follows:

> *"As set forth in D.C. Code Ann. §5-424(g)(3) (1981), "[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions 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 exceptional 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, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."*

The subject property is exceptional due to its development as a hospital and the space in which the proposed use wishes to locate having been designed as an emergency room. The subject property is developed as an institutional hospital complex, which has since been converted to a long-term care nursing facility, also an institutional use. As a result, the layout of the site is also institutional in nature, with the large expanses of asphalt paved parking lots surrounding the complex. The R-5-A district provides few alternative uses within the R-5-A district that are appropriate to locate within an institutional setting.

Standard residential uses are inappropriate as a use within the existing building, as are schools for children and other uses permitted within the zoning district, such as embassies, churches and art galleries. Although a health care facility is a use that is permitted within the zoning district that would be appropriate, the existing health care facility that occupies the majority of the site has no need for this space. As a result, there are few options available for the use of this space.

The applicant has informed the Office of Planning that the long-term nursing facility has 148 beds and that there are 265 off-street parking spaces existing on-site. Therefore, as shown in the table below, there is sufficient parking on-site for the proposed use as defined by §2101.1 of the Zoning Regulations. A total of 159 parking spaces are required for the two uses and a total of 265 parking spaces are provided.

USE	REQUIREMENT	TOTAL REQUIRED	TOTAL PROVIDED
Trade School with 8 teachers and 60 classroom seats	2 spaces per 3 teachers + 1 space per 10 seats	(11.33) 11	11
Nursing Home with 148 beds	1 space per bed	148	254
TOTAL	--	159	265

It is the Office of Planning's conclusion that the criteria for variance relief of §3103.2 has been satisfied, as the existing building does not lend itself easily to the majority of the uses permitted as a matter of right or special exception within the R-5-A district.

COMPREHENSIVE PLAN
The Generalized Land Use Map recommends the Institutional land use category for the subject property- "Land and facilities occupied by colleges, universities, hospitals, religious institutions and similar facilities are the predominant uses."

The Comprehensive Plan includes the following objective for Ward 8:

> *"Increase labor force job skill levels and expand job opportunities for ward residents, particularly the unemployed, the underemployed and youth preparing to enter the labor force;"* (§1905.1(b))

The Comprehensive Plan includes the following policy for Ward 8:

> *"Develop attractive training and employment alternatives to drug-related criminal activity for Ward 8's underused labor force..."* (§1906.1(g))

COMMUNITY COMMENTS
The Advisory Neighborhood Commissioner for ANC 8D01, in a letter dated October 11, 2002 to the Office of Zoning, indicated that **ANC 8D** is in support of this project.

CONCLUSION
The subject property is improved with an institutional building within an institutional setting, which limits the number of uses that may be appropriately located within the building. The R-5-A district permits primarily residential uses for which the existing facility is not appropriate. The proposed Community Empowerment Training Academy can be appropriately located within an institutional setting.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning and the standards for a variance. OP concludes that the proposal meets the required variance test and can be granted *"without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."*

The Office of Planning recommends approval of the following:

> **Variance to Section 330.5(C) pursuant to Section 3103 of Title 11 DCMR** to permit an occupational and training school.

AA/sjm$_{AICP}$


SITE
R-5-A
GOV
C-M-1
R-2
Elmira St SW
Garrington St SW
Forrester St SW
Galveston St SW
M L King Jr Ave SE
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. 16963
Scale 1:2616
25 0 25 50 75100 Feet
DC Office of Planning
December 5, 2002
Attachment 1