

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Development Review Specialist

J Joel Lawson, Associate Director Development Review

DATE: May 6, 2022

SUBJECT: BZA 20714 – Special Exception for a Health Care Facility at 1203½ Otis Street, NE

I. OFFICE OF RECOMMENDATION

In their original submission, Community Housing for the Hearing Impaired (“Applicant”), requested special exception review for a health care facility for 15 hearing impaired persons pursuant to Subtitle U § 203.1(j) and Subtitle X § 901.2. The Applicant also requested variance relief from the requirements of Subtitle D § 305.1, front yard setback, at 36-45 feet. The existing range is between 9 feet and 85 feet. The Applicant subsequently withdrew the variance request based on a ruling from the Zoning Administrator (ZA) (Exhibit 48) that the existing building on the site establishes the furthest set back, at 85 feet, even though the building will be razed. Therefore, the proposed new building which would have a front setback between 36-45 feet, would be within the existing front setback range and relief is therefore not required.

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle X § 901.2:

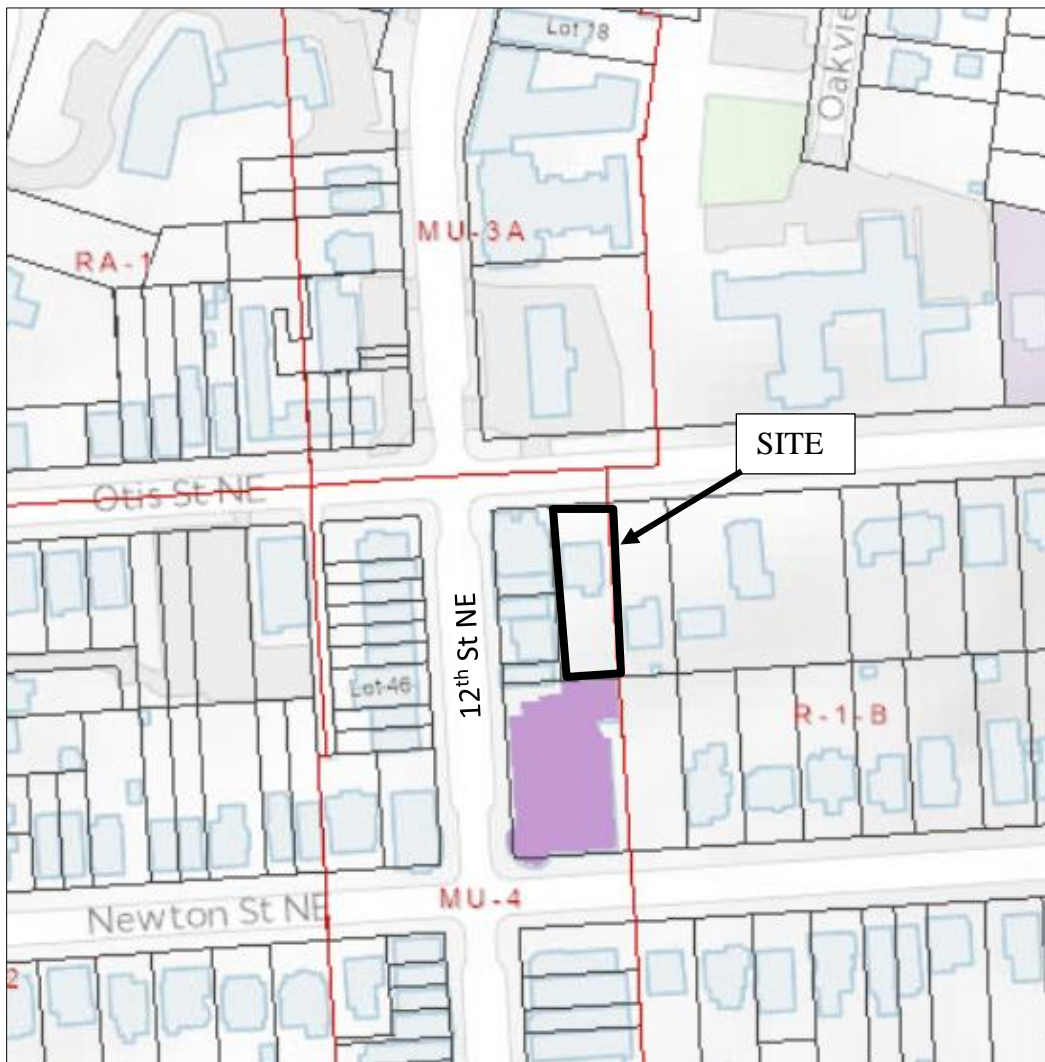
- Subtitle U § 203.1(j), Health Care Facility;

II. LOCATION AND SITE DESCRIPTION

Applicant	Community Housing for the Hearing Impaired represented by Sullivan & Barros, LLP
Address	1203½ Otis Street, NE
Legal Description	Square 3927, Lot 15
Ward/ANC	Ward 5 / ANC-5B
Lot Characteristics	The property is a rectangular shaped with an area of 7,500 square feet (50 ft. x 150 ft.). The terrain slopes steeply from the north to south along Otis Street from the east to gently rolling terrain at the center and rear of the property.
Zoning	R-1-B – intended for areas predominantly developed with detached houses. Health Care uses are permitted by special exception, so are deemed appropriate for this zone if the specified standards are met.

Existing Development	The property is currently improved with a building that houses six unrelated Deaf/Hard of Hearing adults.
Historic District	Not within a historic district or a designated historic site.
Adjacent Properties	To the north are a gas and service station and the Elise Whitlow Stokes Community Charter School; to the west and south are single family detached homes; and to the east is the Otis House which houses eight Deaf/Hard of Hearing adults.
Surrounding Neighborhood	The broader area surrounding the property is generally single-family, detached residences except along 12 th Street, NE to the east, which is developed with predominantly retail and office uses in one to four story buildings.

Site Location



III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed	Relief:
Lot Width	50 ft. min.	50 ft.	50 ft.	None required
Lot Area	5,000 sq. ft. min.	7,500 sq. ft.	7,500 sq. ft.	None required
Height	40 ft. max./3 stories	Not provided	30 ft./3 stories	None required
Lot Occupancy	40% max.	Not provided	30.4%	None required
Front Yard	Existing range of setback 9 ft. to 85 ft.	85 ft.	36 ft to 45 ft.	None required
Rear Yard	25 ft. min.	Not provided	29 ft.	None required
Side Yard	8 ft.	Not provided	West-8 ft. East- 12 ft.	None Required
Parking	4 spaces	Not provided	4 spaces provided on adjacent property	None Required
Health Care Facility	Nine (9) to three hundred (300) persons	6 persons	9 persons	SE Required

IV. PROPOSAL

Community Housing for the Hearing Impaired proposes to demolish the existing building and replace it with a new three-story plus basement building to house 15 deaf and hard of hearing adults and 24- hour supervision. Each resident will have their own bedroom and bathroom with a shared kitchen, dining space and community/living spaces. Spaces for educational and recreational activities will be provided on-site. Parking to serve the building will be provided on the adjacent property which houses a similar facility, owned and operated by the Applicant (Subtitle C § 701.8). That property is in the MU-4 zone and is allowed as a matter-of-right.

V. OFFICE OF PLANNING ANALYSIS

Subtitle B § 100.2 defines a Health Care Facility as:

A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 32-44-501et seq.

D.C. Official Code §§ 32-44-501et seq states:

"Community residence facility" means a facility that provides a sheltered living environment for individuals who desire or need such an environment because of their physical, mental, familial, social, or other circumstances, and who are not in the custody of the Department of Corrections. All residents of a community residence facility shall be 18 years of age or older, except that, in the case of group homes for persons with intellectual disabilities, no minimum age shall apply, unless this requirement is waived in accordance with [§ 44-505(e)]."

The proposed uses and development meet these criteria.

Subtitle U § 203.1(j), Health Care Facility

The proposal meets the special exception requirements of Subtitle U § 203.1(j), Health Care Facility as follows;

- (a) *Health care facility use for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, subject to the following conditions:*

The proposal is for 15 persons with 24-hour supervision.

- (1) *In R-Use Group A, there shall be no other property containing a health care facility either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property;*

The Applicant operates a health facility next door at 1203 Otis Street, NE and both buildings would be operated as a single entity. OP is not aware of any other health facility within 1,000 feet of the subject property.

- (2) *In R-Use Groups B and C, there shall be no other property containing a health care facility either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;*

N/A as the property is not within R-Use Groups B and C.

- (3) *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 proposal requires four parking spaces. The existing curb cut would be closed to accommodate required ADA wheelchair access ramps and is unable to meet that requirement and also accommodate a drive isle and parking spaces on the subject property. The property also does not have alley access. As stated, the Applicant operates a similar facility on the adjacent property at 1203 Otis Street in which the required parking spaces would be provided and shared in the below grade garage in that new building. Therefore, adequate parking would be provided for residents, staff, and visitors to the facility.

- (4) *The proposed facility shall meet all applicable code and licensing requirements;*

The proposed facility will be reviewed for compliance with the Building Code and licensing requirements to operate after BZA approval.

- (5) *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; and*

The facility should not generate negative traffic impacts as most of the resident would not have individual cars going to and from the property. The limited number of staff persons should not generate a level of traffic to negatively impact parking or traffic movements in the area. The operation of the facility would be mainly residential which would be consistent with uses in the area

and should not generate a level of noise to impact the neighborhood. The level of noise and traffic from the subject property should not substantially increase to adversely impact the neighborhood. There are no known similar facilities in the area.

- (6) *More than one (1) health care facility in a square or within the distances of (1) and (2) above may be approved only when the Board of Zoning Adjustment finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations;*

As stated above, the two buildings would operate as one facility and should not adversely affect the surrounding neighborhood due to noise, traffic, or operations. There are no known health care facilities in the area.

General Special Exception requirements of Subtitle X, Chapter 901.1

- i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*

The health care facility is deemed appropriate for the residential district and prescribes conditions for facilities above 6 residents. The facility would be a residential use as prescribed for the R-1-B zone. Except for the facility on the adjacent property, there are no similar uses within 1,000 feet of the site. The proposal would therefore be in harmony with the intent and purpose of Zoning Regulations.

- ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?*

The property to the east is owned by the Applicant and the uses would be operated as a single entity, while the properties to the south and west are single family homes. The proposed building at three stories would meet all the setback requirements from adjacent properties, and additional fencing and vegetation would be provided. The building should have minimal noise and operational impacts on the neighborhood, and should therefore not negatively affect the light, air, privacy or use of the adjacent properties.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, comments had not been filed from other District agencies.

VII. ANC COMMENTS

The property is in ANC-5B. At the time of this report the ANC has not submitted a report to the record.

VIII. COMMUNITY COMMENTS

At the time of this report, the record contains several letters in support of the proposal.