

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: February 26, 2025

SUBJECT: BZA Case 21240: Request for special exception relief to allow a Health Care Facility at 4237 Eads Street, NE

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle U § 203(j), Health care facility (1 to 8 persons allowed as matter-of-right; 9 to 300 persons by special exception; up to 16 persons proposed), pursuant to Subtitle X § 901

II. LOCATION AND SITE DESCRIPTION

Address	4237 Eads Street, NE
Applicants	71 Florida Ave. 39 LLC represented by Sullivan and Burros
Legal Description	Square 5089 Lot 72
Ward, ANC	Ward 7; ANC 7F
Zone	R-2, low density residential. A health care facility for less than 9 persons is allowed by-right; one for between 9 and 300 persons is permitted by special exception.
Lot Characteristics	The subject property is a rectangular lot with an area of 4,938 sq ft. (50 feet by 98.75 feet) and which abuts a 15-foot wide, rear public alley.
Existing Development	The property is developed with two-story plus basement, detached house.
Adjacent Properties	To the north, there are one and two story detached houses; to the east is a one-story detached house; to the west is a vacant lot followed by a two-story detached house; and to the south is a one-story, detached house.
Surrounding Neighborhood Character	The areas surrounding the property is developed with a mix of one- and two-story, detached houses and two-story, multifamily apartment buildings.
Proposed Development	The requested relief would allow a health care facility in the existing house. No significant external modifications to the existing structure are proposed as part of this application.

Site Location



III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed	Relief
Use, U § 203.1(j)	Health care Facility 1-8 persons matter-of-right: 9-300 persons special exception	Vacant 2-story, detached building formerly used as a single family dwelling	Health care facility for up to 16 persons	Special Exception

IV. BACKGROUND

This is the first of several concurrent applications submitted to the BZA for similar, small health care facilities at various locations in the City; the remainder are filed as separate applications to be reviewed by the BZA over the next few months. The intent of these facilities is to provide long- and short-term treatment and care for persons who require medical in-patient rehabilitation for various neurological and orthopedic injuries and conditions, as well as long-term issues such as dementia. Treatment periods could range from one week to several months. The facilities would accommodate an average of 16 persons, who require daily assistance, medical supervision, and rehabilitative or supportive services and would reside at the facility for their period of care.

The Zoning Regulations at Subtitle B § 101.2 define 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 §§ 44-501 et seq.).

With regards to this and the other facilities for which similar BZA relief is being sought, OP contacted the State Health Planning and Development Agency (SHPDA) and was informed that the term “health care facility” has various subcategories based on the type of service(s) provided. Examples of uses include assisted living facilities, hospitals, health centers, etc. SHPDA monitors the need for these various types of facilities and based on the information and intended services proposed by the applicant, SHPDA will determine which sub-category within which the proposal would fall. OP described the uses being proposed by the Applicant to SHPDA, who advised that such a facility would appropriately fall within the category of a health care facility.

OP also contacted the Department of Health (DOH), Office of Health Facilities, and was told that their function is to grant licenses to operate to the various types of facilities outlined in 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 §§ 44-501 et seq.* For licensure, an assisted living residence is a type, or subcategory, of health care facility and is described at *D.C. Official Code §§ 44-501(2) and § [44-102.01\(4\)](#)* as:

“Assisted Living Residence” or “ALR” means an entity, whether public or private, for profit or not for profit, that combines housing, health, and personalized assistance, in accordance to individually developed service plans, for the support of individuals who are unrelated to the owner or operator of the entity. “Assisted Living Residence” or “ALR” does not include a group home for persons with intellectual disabilities as defined in § 44-501(5) or a mental health community residence facility as that term is used in Chapter 38 of Title 22 of the District of Columbia Municipal Regulations.

A standard for being granted a license is that the facility has a use permit from the Department of Buildings (DOB). OP also contacted the Zoning Administrator’s (ZA) office and was told that the proposal does fall within the health care facility use of the Zoning Regulations.

V. OP ANALYSIS

Subtitle U § 203(j) Health Care Facility (9 to 300) Special Exception Standards

- (j) *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:*
 - (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;*

Not Applicable. R-2 zone is in R-Use Group B.

- (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;*

OP is unaware of any other health care facility in Square 5148 or within a radius of 500 feet of the subject property at this time. However, the Applicant has submitted an application for a similar facility at 4231 Clay Street, NE, (BZA 21250) which is approximately 450 feet directly south of the subject site or a six-minute walk between the buildings.

- (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;*

Four parking spaces are required and would be provided at the rear of the property with roll up garage doors and fencing to screen the property and the parking spaces. It is not anticipated that residents would keep a vehicle at the property. The spaces would serve an administrative supervisor and two caregivers who would be on site daily, and visitors. Other services accessing the site daily would include food service delivery and housekeeping and waste management each morning. The Applicant states, and has provided photographs showing, that there is on-street parking available in front the property and further along Eads Street to accommodate the service persons.

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

To obtain a license to operate, the Applicant would have to meet all building code requirement for such a facility, such as emergency exits, handicapped accessibility, fire code requirements, maximum number of persons that can be accommodated on the property at any one time, and other safety requirements for the particular use. If building and occupancy permits are granted by DOB, the DC Dept. of Health would then evaluate the request for a license to operate a health care facility at the property.

- (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 proposed use should not have a significant adverse impact on the surrounding neighborhood as it relates to traffic, noise or operations. All residents would remain on the site for treatment and services and most activities would be internal to the building. Their daily schedule of activities should not generate a significant amount of noise to adversely affect the neighborhood. The Applicant states that residents would have outdoor activities during the warmer months such as gardening but it is not anticipate that these activities would generate significant amount of noise.

It is not anticipated that the use would generate a significant number of vehicular trips and traffic to adversely impact the neighborhood. Daily traffic would be limited to staff, and to service vehicles which would come to the site for a short period of time in the mornings. Other medic providers such as a nurse or doctor visits would be less frequent and could be accommodated in the parking spaces or on-street. The Applicant states that they anticipate that some staff members may access the site via public transportation. The Minnesota Avenue Metro Station is an 11-minute walk northwest of the property, and bus routes V7 and V8, which connect to the metro station, can be accessed at the Benning Road/42nd Street intersection to the south of the property.

- (6) *More than one (1) health care facility in 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, there is currently not another health care facility within the square but the Applicant proposes another facility within 450 feet south at 4231 Clay Street, NE. The two facilities would have a similar number of residents and staff, provide similar treatments. Similarly, most activities would be internal to the building thereby minimizing the cumulative effect of noise on the community. Both facilities would provide the required on-site parking, in addition to the available on-street parking spaces along both Eads and Clay Streets. Service vehicles should not remain at the sites for long periods of time and therefore should not negatively affect traffic movements in the neighborhood. Therefore, taken together, the cumulative effects of both facilities should not overlap, and should not have an adverse impact on the neighborhood.

Subtitle X Section 901, General Special Exception Standards

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The requested relief for the use would appear to generally be in harmony with the general purpose and intent of the Zoning Regulations, which permits a health care facility by right or by special exception, depending on the size. As demonstrated above, it adequately complies with the special exception criteria of U § 203(j).

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As demonstrated above, the proposed health care facility use should not have a significant adverse impact on the neighboring properties as it relates to noise, traffic or operations and would meet the requirements of the Zoning Regulations. The facilities could provide health care facility options to neighborhood residents.

VI. OTHER DISTRICT AGENCIES

At the time of submission of this report, no other District Agency reports are in the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

At the time of submission of this report, there is no report from ANC 7F in the record.

VIII. COMMUNITY COMMENTS

At the time of submission of this report, there are several letters in support at Exhibits 18 to 25.