

BZA Application No. 21240

**71 Florida Ave 39, LLC
4237 Eads Street, NE
March 26, 2025**

Applicant:
71 Florida Ave 39, LLC
Aaron Eyob
Senai Medhani

Zoning Attorney
Sullivan & Barros, LLP
~~Alexander Z. Wilson~~
District of Columbia

Zoning Consultant
CASE NO. 21240
EXHIBIT NO. 44
Bello & Bello Associates
Toye Bello

Overview and Requested Relief

- The Applicant is proposing to use the existing Building for an assisted living facility with no age limit.
- The use falls under the definition of a “Health Care Facility” per the Zoning Regulations.
- Health care facilities are permitted by-right for up to 8 residents.
- The proposed facility will have 16 beds, requiring special exception approval under Subtitle U-203.1(j).

Community & Agency Support

- The Office of Planning recommends approval.
- DDOT has no objection.
- There are 8 letters of support from surrounding neighbors including the adjacent neighbor to the east and rear; west (appears) vacant.
- The Applicant attended the ANC 7F Meeting on 3/18/25.

Community Support vs. Opposition



200 ft. Radius

[3]

- The Applicant sent packets to neighbors via certified mail with receipts in Exhibit 26F.

Proposed Use

This facility proposed will be licensed as an assisted living facility (with no age minimums). The facility is designed to provide treatment and care to individuals requiring daily assistance, medical supervision, and other supportive services. The residential component ensures that patients, referred to as "guests" or "residents" have access to on-site care, meals, daily activities, and medical oversight tailored to their needs. The building accommodates 16 beds—only 8 more than permitted by right.

Staffing & Roles:

- **Administrative Supervisor (On-Site Daily)**
- **Two Caregivers (On-Site Daily)**
- **Nurse (On-Site Every Three Weeks)**
- **Medical Provider (On Call)**

Services:

- **Food Delivery Service** – (One daily delivery between 7-7:30am)
- **Housekeeping & Waste Management** – Daily cleaning services (arriving between 8am-9am) and waste disposal procedures are in place.
- **Urgent medical care**- As provided in more detail in the Assisted Living Facilities Sample Manual. The facility has on-call protocols beyond our retained provider to handle urgent medical situations. These protocols will comply with state regulations and facility policies.
- **Visitor Coordination**- Visitors are permitted during mealtimes and activities.
- **Activities** - Depending upon the residents' health assessment, the facility will offer customized care plans and flexible schedules for residents.

Outdoor Use, Visitor Policies & Quiet Hours

- Designated outdoor courtyard for guest recreation and relaxation.
- Quiet hours (8pm-7am) to minimize noise from residents, staff, and visitors. Signs will be posted regarding noise.
- Visitors permitted during mealtimes and activities.
- Facility will assist in scheduling visits if there is a large group planning to come (4 or more visitors).
- Fencing and screening are in place.

Parking & Transportation

- The facility has 4 designated parking spaces located at the rear of the building, used for staff and visitors.
- The spaces are screened with fencing and landscaping to comply with zoning requirements.
- Additional on-street parking is available adjacent to and across from the facility.

Deliveries & Waste Management

- **Meal Deliveries:** Primarily contracted food delivery service provides daily meal drop-offs, with some minor food prep (snacks etc. on site).
- **Trash Collection:** The facility has a designated screened waste storage area near the alley, and daily trash pickup will be scheduled during daytime hours to ensure cleanliness and hygiene and minimal disruption to residents and neighbors.

General Special Exception Criteria

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

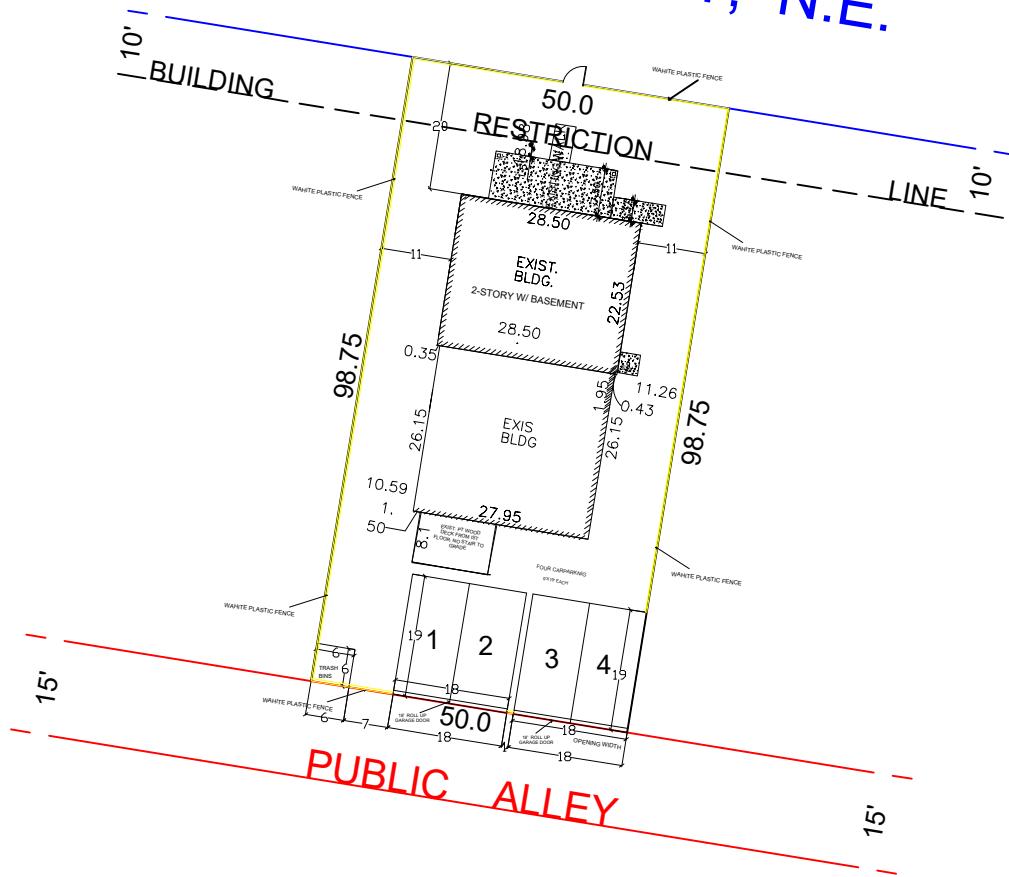
The proposed use is residential in nature and is appropriate in this location given the nature of the use, the fact that up to 8 residents are permitted by right, and the request is only for 8 additional residents and permitted via special exception.

Specific Criteria of U-203.1(j)	Proposed
(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 in Use Group A
(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;	The Applicant is proposing a similar facility at 4231 Clay Street, which is approximately 450 feet from the subject Property. As noted in (6), the Board may permit more than one health care facility within 500 feet, subject to U-203.1(j)(6).
(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;	See Slides 10-11
(4) The proposed facility shall meet all applicable code and licensing requirements;	The proposed facility will meet all applicable code and licensing requirements, as further demonstrated by the Policies and Procedures Manual in Exhibit 26D.
(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	See Slides 12-23
(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	See Slides 12-23

(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 Applicant is providing four parking spaces where only one is required. There will be three employees at the facility at one time, with one space reserved for visitors or on call medical staff. Visitors will be coordinated as detailed in the visitor policy.
- The parking shall be screened. An existing fence will be maintained, and the parking is hidden by a roll-up door along the alley side.
- Further, there are several bus stops nearby, and the Property is only four-tenths of a mile from the metro if visitors or employees desire to use public transportation.

EADS STREET, N.E.



(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

(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

Traffic

- Healthcare facility is a broad term encompassing many different types of healthcare uses, not just assisted living. Perhaps in other types of healthcare facility uses, such as a Community Residence Facility housing able bodied people, car use would be desired or needed, but this particular use would not necessitate a car for the occupants.
- Regarding employees, there will be three employees per shift. The employees may park on site and this will not create any additional traffic.
- Visitors in groups greater than 4 must be planned for; and there are specific times visitors are permitted and visitors are scheduled.
- In addition to the on-site parking, there is on-street parking available nearby, expected for meal delivery and housekeeping as demonstrated by the photographs in the following slides (taken on two different days).
- Further, there are several bus stops nearby, and the Property is only four-tenths of a mile from the metro if visitors or employees desire to use public transportation.
- The additional 8 residents being requested should not generate enough visitors to create objectionable or adverse traffic impacts.

March 06, 2025 8:07 AM



March 06, 2025 8:08 AM



March 06, 2025 8:08 AM



March 06, 2025 8:07 AM



March 06 2025 8:07 AM



March 07, 2025 7:51 AM



March 07, 2025 7:52 AM



March 07, 2025 7:52 AM



Noise and Safety)

- Healthcare facility is a broad term encompassing many different types of healthcare uses, not just assisted living. Perhaps in other types of healthcare facility uses, such as a Community Residence Facility, noise or safety may be a concern given the residents do not need physical assistance and can come and go freely.
- This particular facility will assist those who need physical assistance, are often wheelchair bound and do not pose any harm to the neighborhood nor risk of wandering. But of course there are safety protocols in place, such as an alarm system and security locks. There are staff on site 24 hours a day to monitor residents.
- There are established quiet hours (8pm-7am) to minimize noise from residents, staff, and visitors.
- The Applicant shall post restriction signs for large gatherings or any outdoor events after certain hours.
- There will be a visitor noise policy (e.g., no loud conversations in the outdoor patios at night).
- Physical fencing is in place, and the patio is not a particularly large area; available during the day so patients can enjoy the outdoors on a nice day.
- Given the nature of the facility, and the need to keep a peaceful environment for the residents, it is anticipated the proposed use will not create any adverse impacts regarding noise that would impact the use and enjoyment of neighboring properties.

Cumulative Impacts

- The proposed Clay Street facility already operates as an assisted living residence with 8 people, permitted by right, and is approximately 450 feet away from the proposed facility.
- That facility also has four parking spaces and will operate in the same manner as the proposed facility with the same service providers (no cumulative impacts from 2x deliveries).
- Given that each facility will have 4x the required parking, and more parking than needed for staff, as well as limited visitors, strict noise policies, are both intentionally quiet uses for the recovery of patients and are relatively small in size (16 beds each, where 8 is allowed by right), and also considering the special exception permit up to 300 patients, the facilities will not have a cumulative impact nor adverse impact on the neighborhood because of traffic, noise, or operations or other factors.

