



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Joshua Mitchum, Case Manager

JL Joel Lawson, Associate Director, Development Review

DATE: March 13, 2025

SUBJECT: BZA Case 21249: Request for special exception relief to permit the establishment and operation of a health care facility use, pursuant to Subtitle U § 203.1 and Subtitle X § 901.2.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle U § 203(j), pursuant to Subtitle X § 901:

- 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	4231 Clay Street NE
Applicant(s)	4321 Clay ST NE, LLC c/o Sullivan and Barros
Legal Description	Square 5088; Lots 0045, 0046
Ward, ANC	Ward 7; ANC 7F
Zone	R-2, Low and Moderate-Density Residential
Lot Characteristics	<ul style="list-style-type: none"> • Lot 0045: The 2,344 square foot lot is rectangular in shape and has 25 lineal feet of frontage along Clay Street NE, and 25 lineal feet of frontage along a 15-foot-wide public alley to its rear. • Lot 0046: The 2,344 square foot lot is rectangular in shape and has 25 lineal feet of frontage along Clay Street NE, and 25 lineal feet of frontage along a 15-foot-wide public alley to its rear. <p>The combined lots have an area of 4,688 square feet.</p>
Existing Development	The lots are currently improved with a detached, two-story with basement residential building, which sits in the middle of the two lots.
Adjacent Properties	The property is bounded to the north by Clay Street NE, to the south by a public alley, to the east by a single-family detached dwelling unit, and to the west by a single-family detached dwelling unit.
Surrounding Neighborhood Character	The surrounding neighborhood character is comprised of primarily institutional and single-family residential uses. Also, the Benning Road Metro Station is located approximately 0.3 miles from the subject property, as well as several bus stops.

Board of Zoning Adjustment

Proposed Development	The Applicant is proposing to establish and operate a health care facility for up to 16 beds within an existing single-family detached dwelling unit. No significant internal or external modifications to the existing primary structure are proposed as part of this application.
----------------------	---

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Height D § 203	40 ft. / 3 stories max.	2 stories, height not given	No change	None requested
Lot Width D § 202	40 ft. min.	50 ft.	No change	None requested
Lot Area D § 202	4,000 sq. ft. min.	4,688 sq. ft.	No change	None requested
Lot Occupancy D § 210	40% max.	~ 17.4%	No change	None requested
Rear Yard D § 207	20 ft. min.	None given, but appears to be at least 20 ft.	No change	None requested
Side Yard D § 208	8 ft. min.	~ 8.2 ft.	No change	None requested
Parking C § 701	1 space per principal dwelling min.	4 spaces	No change	None requested
Use, U § 203.1(j)	Health care Facility 1-8 persons MoR 9-300 persons sp.ex.	2-story, detached residential building	Health care facility for up to 16 persons	Special Exception Requested

IV. OP ANALYSIS

Subtitle U § 203(j) Special Exception Uses – R-Use Groups A, B, and C

203.1(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;*

This criterion is not applicable as the subject property is zoned R-2, which is 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 existing health care facilities within Square 5088, however, the Applicant also submitted an application for a similar facility at 4237 Eads Street NE (BZA Application No. 21240), which is approximately 450 feet north of the subject property, and which was approved by the BZA on March 12, 2025.

(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 accessed from the alley and has submitted plans that show the off-street parking area having screening with roll-up garage doors.

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

The Applicant has submitted an assisted living residence license obtained from the District of Columbia Department of Health as Exhibit 21E. OP's understanding is that, to obtain a license to operate, the Applicant would have to meet all building code requirements for such a facility. 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 proposed 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 noise or operations. The Applicant states that all residents will remain on site for treatment and services and most of the operations will be indoors. Outdoor operations will be limited to low-noise-generating activities such as gardening and reading and are only anticipated to occur during warm seasons.

Furthermore, the proposed use should not have a significant adverse impact on the surrounding neighborhood as it relates to traffic. Traffic generated from the site would be limited to staff, delivery/service vehicles, and the occasional specialists that would visit patients on-site. The Applicant also states that they anticipate some staff commuting to the site via public transportation, thus cutting down on potential vehicular traffic.

(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.*

While OP is not aware of another health care facility within the same square as the subject site, the BZA has recently approved BZA Case 21240, to establish and operate a similar health care facility within 500 square feet at 4237 Eads Street NE.

OP believes that the two uses within 500 square feet of each other should not have a significantly adverse impact on the neighborhood because of traffic, noise, or operations. The operations of both facilities would largely occur indoors, and any outdoor operations would be limited to seasonal, low-noise-generating activities. Furthermore, both facilities would provide off-street parking and have a number of staff utilizing public transportation to access the facilities. When considered together, the combined effects of both facilities should not create an adverse impact on the neighborhood.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW 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 special exception relief would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, as a health care facility use is permitted by right depending on the number of beds proposed. The subject application has met the burden of proof outlined in Subtitle 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 discussed in this report, the proposed health care facility use with up to 16 beds should not adversely impact neighboring properties as it relates to noise, traffic, or operations in accordance with the Zoning Regulations and Zoning Maps. Furthermore, as stated above, the Applicant's other proposed health care facility within 500 square feet of the subject site should not adversely impact the surrounding neighborhood.

(c) Subject in specific cases to the special conditions specified in this title.

This criterion is not applicable to the subject application.

V. OTHER DISTRICT AGENCIES

As of the date of this report, no comments from other District agencies have been received.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, a report from ANC 7F has not been submitted into the record.

VII. COMMUNITY COMMENTS

As of the date of this report, one letter in support of the subject application has been submitted into the record as Exhibit 21I.

Attachment: Location Map

Location Map

