

BZA Case No. 21249 – 4231 Clay Street, NE

After reviewing the record, the following concerns were raised, and these conditions are being proposed in order to mitigate those concerns:

- 0 letters in opposition
- ANC Resolution:
 - Continued commercialization of the[] residential neighborhood; and
 - Lack of available parking
- 2 letters in support from 4224 Clay Street, NE and 4228 Brooks Street, NE.

1. The facility will be a healthcare facility with a maximum capacity of 16 residents.

- The Applicant would like to clarify that this will be licensed as an Assisted Living Residence which 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.).
- This number is based on the licensing requirements and minimums for an assisted living residence.
- There is no specific ‘assisted living’ use or definition in the Zoning Regulations. It is under the umbrella term of “Healthcare Facility” which is defined 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.*).”
- However, the Certificate of Occupancy and the License that will be issued is for an Assisted Living Facility.

2. Four parking spaces shall be maintained at the rear of the property and screened as shown on the Plat in Exhibit 21A.

- Proposed because U-203.1(j)(3) requires that there be “screened off-street parking.”

3. Three of the four parking spaces shall be reserved for staff members. One space shall be reserved for visitor parking.

- There are only three staff members on duty at one time, so each staff member would have a designated parking space.
- The Applicant would like to note that a Health Care Facility of this size is only required to provide one parking space and the Applicant is providing 4x the required amount of parking so that each staff member will have a place to park.
- Visitor parking is discussed under the visitor hours and policy in more detail. But again, the drafters of the parking and health care zoning regulations deemed that

one space was sufficient for this size facility and DDOT's report notes "that the proposed action will not have adverse impacts on the District's transportation network. DDOT has no objection to the approval of this application." (Exhibit 21)

4. Visitor Policy and Parking: Each resident shall be assigned a 3-hour visitor window. Visiting hours will be from 7:00 AM to 7:00 PM, providing a 12-hour daily schedule. Within this window, 4 residents can be accommodated per day without overlap, ensuring that each visitor has access to the designated visitor parking space. With 16 total residents, this rotation allows each resident to receive 1–2 visits per week, depending on scheduling demand and availability. Visitors shall park in the designated "Visitor Space" at the rear of the Property.

- Scheduling will be managed to ensure equitable access across all residents and flexibility for each resident and to ensure that there is only one visiting vehicle at a time. This will address any concerns about parking and traffic as every employee and visitor to the site has a parking space and there will only be, at a maximum, four additional cars driving on each respective street. Accordingly, there would be no adverse parking or traffic impacts created by the facilities.
- Therefore, the only daily visitors to the site without dedicated parking will be housekeeping services and meal delivery, which are discussed and fully mitigated below.

5. Housekeeping services shall take place in the morning, between the hours of 6am-11am.

- The housekeeping services typically come in one van/car between 7am and are done by 9am at the Applicant's current assisted living facility on Clay. They park in front of the Property using the ample available street parking (shown in Exhibit 30 pp.13-16). The Applicant originally put a condition (see Exhibit 45) that had a window from 6am-10am. The Board suggested this may be too tight of a window. The Applicant therefore provided a bit of flexibility in the condition.
- The Applicant also removed a condition listed in the original conditions list (Exhibit 45) which stated that the Applicant shall share service providers with the other proposed facility. The Board noted in its May 14th meeting that condition may be difficult to enforce and suggested the Applicant remove it. The Applicant still notes it would be willing to share service providers for as long as the two facilities share an owner/operator, as that is the intent regardless of any condition, and it may address any alleged 'cumulative impacts.'
- Given that the housekeeping is done quickly and there is evidence in the record that there is ample street parking during that time of day, and the fact that the housekeeping service would be a daily occurrence for the 8-bed by-right facility with no limitations (and could be utilized by a single-family home for hours without

any limits), this mitigates any alleged concerns about ‘parking and traffic’ raised by the ANC.

6. Meal Delivery services shall take place in the morning and the drop off shall be complete by 9am.

- The meal delivery services typically come between 6am-7am and are done with drop-off within 10-15 minutes at the Applicant’s current assisted living facility on Clay. They park in front of the Property using the ample available street parking (Exhibit 30 pp.13-16).
- The Applicant originally put a condition (see Exhibit 45) that had a window from 6am-10am. The Board suggested this may be too tight of a window. The Applicant therefore provided a bit of flexibility in the condition.
- The Applicant also removed a condition listed in the original conditions Exhibit which stated that the Applicant shall share service providers with the other proposed facility. The Board noted in its May 14th meeting that condition may be difficult to enforce and suggested the Applicant remove it. The Applicant still notes it would be willing to share service providers for as long as the two facilities share an owner/operator, as that is the intent regardless of any condition. And this would directly go to the ‘cumulative impacts’ discussion and mitigation.
- Given that the meal delivery is done quickly and there is evidence in the record that there is ample street parking during that time of day, and the fact that the housekeeping service would be a daily occurrence for the 8-bed by-right facility with no limitations (and could be utilized by a single-family home without any limits), this mitigates any alleged concerns about ‘parking and traffic’ raised by the ANC.

Other deliveries

- There are no other special delivery services for this use. This particular use would not expect to have increased UPS, USPS, and FedEx/Amazon deliveries relative to a single-family home and certainly not relative to an 8-bed residence.

7. The Applicant shall hire a private trash contractor to collect trash from the Property from the alley side. Trash pick-up shall occur 6x per week, Monday-Saturday. Trash shall be stored in a screened-in enclosure at the rear of the property as shown on the Plat in Exhibit 26A.

- If the Board would also like to add in: Trash shall be stored in four, 96-gallon trash cans, and the applicant shall also have two recycling cans.
- Trash for the residents is currently picked up on the alley, during the day.

- After reviewing the record, the Applicant did not find any comments about trash from the ANC nor residents in the Exhibits (letters in opposition do not mention trash.)
- The trash pick-up will occur during the day, between 6am-8am. The Applicant is amendable to adding that to the condition but defers to the Board. The Applicant would also be comfortable with a condition that trash shall be picked up by 11AM daily or by 12PM daily.

8. The Applicant shall maintain the existing privacy fence around the perimeter of the Property as shown in photographs submitted in Exhibit 21G pp. 12-17 and indicated on the Plat submitted in Exhibit 21A.

- The fence already exists and it shall be maintained for the privacy of adjacent neighbors and existing/future residents.

9. Daily outdoor activities in the rear yard area and deck shall begin no earlier than 8am and be concluded by 5pm. Signs shall be posted indicating to keep conversations to a reasonable volume for both the residents and neighbors. No smoking signs shall be posted.

- No directly adjacent/adjoining neighbors are opposing. This mitigation is based on a comment from a neighbor across the street from Eads who complained of the noise from an existing transitional home next to her.
- The Applicant did not include sample activities, but if the Board wished to further tailor this condition, the rear yard activities shall be limited to sitting and enjoying the weather, reading, gardening, outdoor lunchtime, and potentially craft/painting.

Time Limit Note: The Applicant would refer to the discussion about the time limit in Exhibit 45 and the specific criteria for approval. Should the Board find that, despite the other mitigating factors, a time limit is still appropriate, the Applicant would respectfully request a time limit of ten years.
