

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Development Review Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 13, 2025

SUBJECT: BZA Case 21250: Request for special exception relief to allow a Health Care Facility at 4710 Eastern Avenue, NW

I. OFFICE OF PLANNING RECOMMENDATION

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

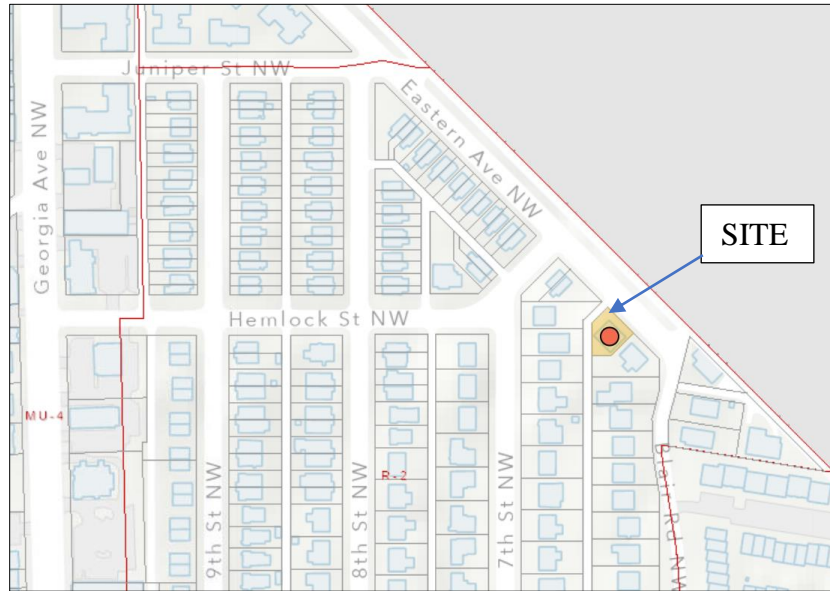
- Subtitle U § 203(j), Health care facility (1 to 8 persons allowed as matter-of-right; 9 to 300 persons by special exception; up to 16 persons proposed), pursuant to Subtitle X § 901.
- Subtitle C § 701.5, minimum parking requirements (1 parking space required, 0 parking spaces provided) pursuant to Subtitle C § 703.2 and Subtitle X § 901.

II. LOCATION AND SITE DESCRIPTION

Address	4710 Eastern Avenue, NW
Applicants	Fikremariam Mengesha represented by Sullivan and Burros
Legal Description	Square 3178E, Lot 115
Ward, ANC	Ward 4 ; ANC 4B
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 an irregularly shaped lot with an area of 4,488 sq ft. and abuts a 16-foot wide, side and rear public alley.
Existing Development	The property is developed with one-story plus basement, detached house.
Adjacent Properties	To the north, is a two-story duplex; to the east, across Eastern Avenue is an undeveloped property; to the south and west are single-family detached houses.
Surrounding Neighborhood Character	The areas surrounding the property is developed with a mix of one- and two story, detached houses, two-story duplexes, and two-story, multifamily apartment buildings.

Proposed Development	The requested relief would allow a health care facility in the existing house with two parking spaces in the front yard. No significant external modifications to the existing structure are proposed as part of this application.
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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 1-story, detached building	Health care facility for up to 14 persons	Special Exception
Parking, C § 701.5	1 per 1,000 sq. ft. in excess of 3,000 sq. ft., with a minimum of 1 space required.	1 space in public space	No parking space	Special Exception

IV. BACKGROUND

This is among the first of several concurrent applications submitted to the BZA for similar, small health care facilities at various locations in the City. Case 21240 was approved by the BZA on March 12, 2025, and the remainder are filed as separate applications to be reviewed by the BZA over the next few months, including Case 21249 on the same BZA agenda as this case.

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

The proposed facility would 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 proposed facility would accommodate up to 14 persons, who require daily assistance, medical supervision, and rehabilitative or supportive services and would reside at the facility for their period of care. The description of the proposed services to be provided, is consistent with the definition of a healthcare facility in Subtitle B § 101.2 and *D.C. Official Code §§ 44-501(2) and § [44-102.01\(4\)](#)*.

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 3178E or within a radius of 500 feet of the subject property at this time.

(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 property is currently served by one parking space that is within public space and served by a curb-cut from Eastern Avenue. However, for this project, DDOT requires that the curb-cut be closed and therefore no parking could be provided on-site. The Applicant has requested relief from this requirement, as addressed below.

(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.

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.

(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;

There is currently not another health care facility within the square.

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 options to neighborhood residents.

Subtitle C § 703.2 Required Parking

The Applicant is requesting special exception relief from the minimum parking requirements of C § 701.5 pursuant to Subtitle C § 703.2.

The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction of at least one (1) of the following (applicable criteria noted):

- (a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*

The property has significant topographic changes which preclude putting the required parking space in the rear. Although there is an alley to the rear of the property, there is a significant difference in grade and the access is impaired by the existing retaining walls along the side and rear of the property. Putting in the required parking space with access from the alley could be prohibitively expensive for the Applicant and would require substantial land disturbance. The property is located in a residential area where many properties have parking spaces to serve their use. There are no commercial uses within 600 feet of the property where the applicant could potentially rent parking spaces.

- (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*

The Takoma Metro station is approximately half mile from the property and the Route 70 Bus travels along Georgia Avenue with a bus stop at Georgia Avenue/Hemlock Street which is a 5 minute walk or 0.2 miles from the property and would also be easily accessed by shared rides.

- (c) *Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*

Parking would not be needed for the residents. Only two to three employees would be on site at one time, and those employees would be able to use the new street parking spaces directly in front of the property. Visitors to the residents would be planned and accommodated on-street or using public transportation. These factors together should meet the parking needs of the facility and not cause or create traffic congestion in the neighborhood.

- (d) *The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*

The parking requirement is one space.

- h) *The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*
- (1) *A curb cut permit for the property has been denied by the District Department of Transportation; or*
 - (2) *Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*

The property does have alley access but due to the topography of the property, on-site parking would not be provided. DDOT has required that the existing curb cut to the property be closed as it leads to a driveway in public space where parking is not permitted.

Subtitle C § 703.3:

Any reduction in the required number of parking spaces granted under Subtitle C § 703.2 shall be:

- (a) *Proportionate to the reduction in parking demand demonstrated by the applicant;*
- (b) *Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and*
- (c) *Limited by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.*

The reduction requested is the for one required one space which the Applicant is unable to provide on-site. The Applicant anticipates that the demand for parking can be met with on-street parking and using public transportation.

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 4B in the record.

VIII. COMMUNITY COMMENTS

At the time of submission of this report, there are no letters from the community in the record.