

## BZA Application No. 21250

**Fikremariam Mengesha  
7410 Eastern Avenue, NW  
May 7, 2025**

**S&B**

[1]

**Applicant:**  
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## Overview and Requested Relief

- The Applicant is proposing to use the existing Building for an assisted living facility.
- 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 14 residents, requiring special exception approval under Subtitle U-203.1(j).
- Due to the topography at the side and rear, the Applicant cannot feasibly access parking from the side and rear alleys.
- There is an existing curb cut along Eastern Avenue leading to a driveway which was historically used by the previous residential owner as a parking area. However, that driveway is located in public space and cannot legally be used for parking.
- Therefore, DDOT has requested that the existing curb cut along Eastern Avenue be closed. Accordingly, the Applicant is also seeking parking special exception relief as a minimum of 1 space is required for the proposed use.

## Summary of Hearing & ANC Engagement

### Timeline of Events

- March 26, 2025 – BZA Hearing
  - *Postponed at the request of ANC 4B*, based on the assertion that the applicant's counsel was unavailable to attend the May meeting.
  - Notably, Applicant had previously made multiple requests (reaching out 7 times) to attend an ANC meeting and was previously told they would be on the ANC's March 24<sup>th</sup> agenda. However, on March 13th, Commissioner Payton informed counsel that the ANC would be unable to accommodate the application on that agenda.
- April 12, 2025 – ANC 4B SMD Meeting
  - The Applicant attempted to attend the SMD meeting. The meeting was scheduled as hybrid and the Applicants team planned to attend via Zoom. Ten minutes before the meeting time, the meeting format was changed to in-person only. The Applicants team did not receive notice of this and waited for the commissioners on the Zoom call.
  - Applicant requested to reschedule the meeting and did not receive a response.
- April 28, 2025 – ANC 4B Meeting
  - Applicant attended to provide additional information and answer questions.

## Community & Agency Support

- The Office of Planning recommends approval.
- DDOT has no objection. .
- To ensure neighbor outreach was sufficiently conducted, the Applicant sent packets to neighbors via certified mail with receipts in Exhibit 17G but has not heard any feedback.
- The Applicant attended the April 28th ANC meeting but, as of the filing of this presentation, has not seen a resolution.

# 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 14 beds—only 6 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, our 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**

- While the facility does not have any dedicated parking, there is sufficient on-street parking for staff and visitors. The proposal includes the closure of an existing curb cut, which will add at least two on-street parking spaces in front of the property that do not already exist.

### **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, and daily trash pickup will be scheduled during daytime hours to ensure cleanliness and hygiene and minimal disruption to residents and neighbors.

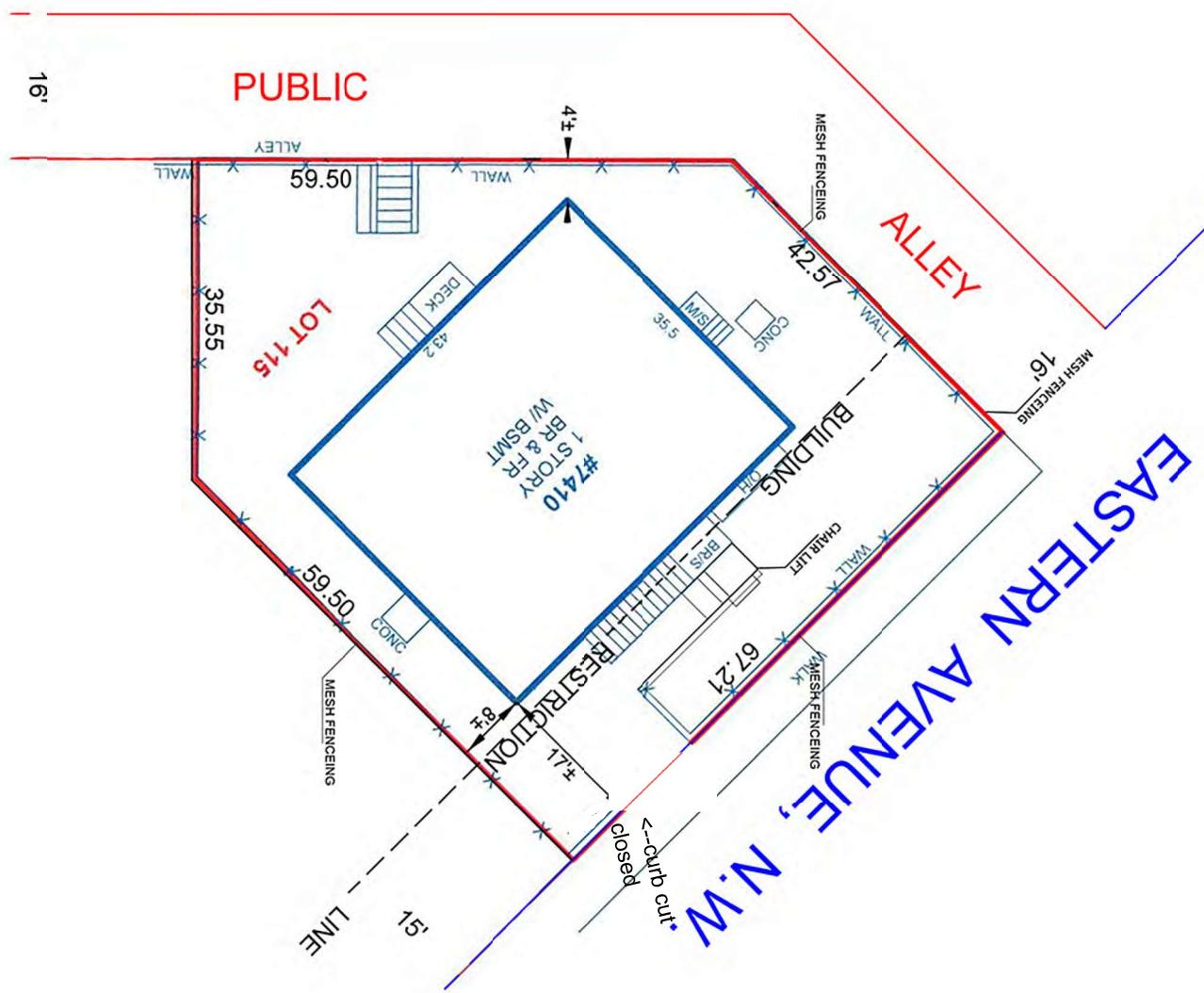
## **General Special Exception Criteria**

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 6 additional residents and permitted via special exception (14 total).

Specific Criteria of C-703.2	Proposed
(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 and retaining walls that prevent rear parking without major land disturbance. Additionally, no rental parking spaces are available within 600 feet, as existing spaces serve residential uses.
(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;	The Takoma Metro is about half a mile from the property, and the Route 70 bus, a Priority Metrobus Route, is less than two-tenths of a mile away on Georgia Avenue.
(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;	The property is well-served by public transit, and most nearby homes have dedicated off-street parking. Additionally, closing the curb cut will create new on-street parking spaces, resulting in a net increase in parking availability.
(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;(e) 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 applies to health care facilities in general (not specifically ALRs) and those with up to 300 residents. The proposed facility, with 14 beds, does not anticipate residents needing cars due to the nature of the use. Employees, limited to 2-3 on-site at a time, can use new on-street spaces created by closing the existing driveway. Deliveries follow a set schedule, and street parking is available. Visitors are scheduled during specific times, and public transit options, including the Takoma Metro and Route 70 bus, provide accessible alternatives. Given these factors and the facility's size below the 3,000 sq. ft. threshold, on-site parking is unnecessary and meets special exception requirements.
(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 DDOT; 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;	DDOT is requiring the Applicant close the existing curb cut as it leads to a driveway in public space. As parking is not permitted in public space, any driveway that could access an improved public street from the property would violate DDOT's public space regulations.
Section C-703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.	The reduction in the required number of parking spaces (one space) is only for the amount the applicant is physically unable to provide. Regarding demand for parking, as discussed above, the Applicant anticipates that the demand for parking can be met with existing and new on-street parking.

SQUARE 3178 - E







Subject Property from the alley  
7410 Eastern Ave., NW



Subject Property from the alley  
7410 Eastern Ave., NW

<b>Specific Criteria of U-203.1(j)</b>	<b>Proposed</b>
(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;	NA-There are no properties containing health care facilities within a radius of five hundred feet (500 ft.) from any portion of the property.
(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 Slide 15.
(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 21D.
(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 15-20.
(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	Does not apply.

### **(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;**

- This special exception requirement is meant to cover health care facilities that may have up to 300 residents and should be analyzed in the context of the proposed facility. The proposed facility operations are such that even without parking, the parking needs of occupants, employees and visitors to the site are provided for, in this case.
- Regarding the needs of the occupants, the Applicant is proposing 14 beds—only 6 more than permitted as a matter of right—and does not anticipate any residents needing cars given the type of use.
- Regarding employees and other visitors, there will be 2-3 employees per shift and there are specific times visitors are permitted visitors are scheduled. Deliveries are limited to between 7am-9am. There is ample on-street parking available nearby, which is expected to be available for staff, visitors, meal delivery and housekeeping as demonstrated by the photographs in the following slides. AND the curb cut closing will be add 2, maybe 3 new on-street parking spaces where none currently existing.
- Further, the Route 70 bus is located two-tenths of a mile from the Property, and the Property is only a half mile from the metro if visitors or employees desire to use public transportation.
- The additional 6 residents being requested should not generate enough visitors to create objectionable or adverse traffic impacts.

March 06, 2025 9:00 AM

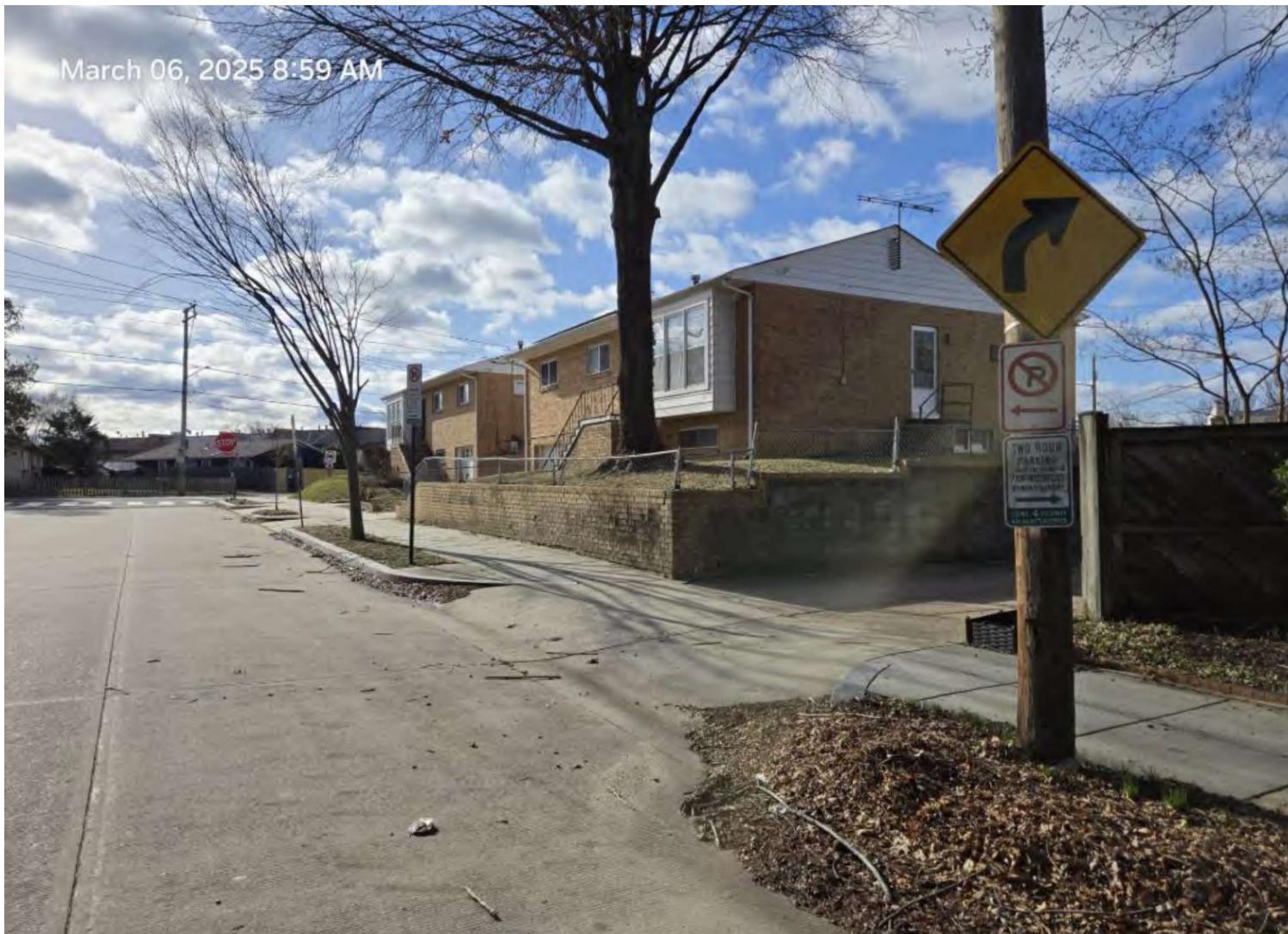


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## **(5) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area**

- Traffic – see slides 15-19.
- 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).
- 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.