GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Zoning Commission for the District of Columbia

FROM: Ellen McCarthy
Director

ZONING COMMISSION
District of Columbia
CASE NO. 05-01
EXHIBIT NO. 3

DATE March 21, 2005

SUBJECT: **ZC 05-01 - Final Report for Text Amendments to designate Adult Development Centers as a Use Permitted by Special Exception or as a Matter of Right;** initiated by the Zoning Commission.

RECOMMENDATION

The Office of Planning recommends approval of the proposed text amendments to provide for adult development centers as a use permitted within the Zoning Regulations

This report serves as the final report subsequent to the Notice of Public Hearing (NOPH) posted in the DC Register

PROPOSED TEXT

The proposed text amendment would require changes to the Zoning Regulations as follows.

Amend §199, Chapter 1, Definitions, 11DCMR, Subsection 199 1 to modify the definitional terms " Caregiver and Child /Elderly Development Center" to read as follows

Caregiver – an individual who is responsible for the supervision and administration of a child development home or child/**adult**/elderly development center

Child/**Adult**/Elderly Development Center - a building or part of a building, other than a **community based residential facility,** child development home or elderly day care home, used for the licensed care, education, counseling, or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals **or individuals with disabilities,** totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, **day treatment centers,** senior care centers, elder care programs, and similar programs and facilities A child/**adult**/elderly development center includes the following accessory uses counseling, education, training, and health and social services for the **person**

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or persons with legal charge of individuals ~~parents or principal guardians of children~~ attending the center, **including, but not limited to, any parent, spouse, sibling, child or legal guardian of such individuals**.

B. Chapter 2, §205; Child/Elderly Development Centers (R-1), is amended by:
   1. Changing the section's title to: Child/**Adult**/Elderly Development Centers
   2. Wherever "child/elderly" appears insert the term "child/**adult**/elderly" in its place;
   3 Amend §205.3 to read as follows:

      The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off ~~children or elderly~~ persons **attending the center**.

C. Amend Chapter 3, §§ 330.5 (d) and (e) and 35.4(g), Chapter 5, § 501 1(g); Chapter 6, § 601.2 (c); Chapter 9, § 901 1(t); Chapter 21; §2101.1 and Chapter 3104, § 3104.1 by striking the term "child/elderly" wherever it appears and insert "child/**adult**/elderly development center" in its place.

BACKGROUND

The Zoning Commission of the District of Columbia initiated this text amendment to address concerns about the use category of adult development centers (ADC) raised in BZA Appeal #16839. Appellants to the issuance of a certificate of occupancy for the Metro Day Care Treatment Center, Inc. ("Metro Day") argued that a day treatment center did not fall within the use category "child/elderly development center" and that by approving the center as a matter-of-right use, the Zoning Administrator was creating law In its Conclusions of Law and Opinion, the Board concluded that the subject day treatment center constituted... "a similar program and facility" to the programs and facilities specifically identified as encompassed within the definition of "child/elderly development center." In addition it was determined that whereas the Zoning Regulations cannot realistically identify every potential use of property, a day treatment center is similar both with respect to the nature of the use and the impacts of the use on the public

The District of Columbia Court of Appeals rejected the Board's reasoning and held that the Zoning Administrator may not "interpret defined uses in the Zoning Regulations to encompass other uses that are functionally comparable ... if they are outside the definition". *Chagnon v. District of Columbia Board of Zoning Adjustment*, 844 A.2d 345 (D.C. 2004). Because Metro Day's program was not principally for children or the elderly, the DCCA determined that Metro Day could not qualify as a child/elderly development center as a matter of law and vacated the Board's order *Id* at 348.
The decision concludes as follows.

> Although Metro Day does not qualify as a "child/elderly development center," it may yet be eligible for a certificate of occupancy under a different use classification. Thus, in vacating the order of the BZA, we remand for further proceedings not inconsistent with this opinion. *Id* at 349.

On remand, the BZA sent out two letters to the parties asking for their positions on this question. It was at this juncture that the Zoning Commission initiated this proceeding, to remove ambiguity as to whether an adult development center, providing day treatment programs, is a similar program as a child/elderly development center as prescribed by the Zoning Regulations and the Zoning Commission. At the time, the proceeding was set down for hearing, the Office of Planning agreed to serve as the Petitioner.

ANALYSIS

Adult development centers, if included with existing text (child/**adult**/elderly) would be permitted in the following Zone Districts accordingly:

Table 1

Zoning District	Adult Development Centers
Residential (R-1 to R3)	Special Exception
Residential (R-4 to R-5)	Matter of Right
Special Purpose	Matter of Right
Mixed Use	Matter of Right
Commercial (C-1 up to C-5)	Matter of Right
Industrial (C-M and M)	Matter of Right
Waterfront (except in W-0)	Matter of Right

OP believes it is instructive to understand the programming of **day treatment centers** as proposed in the revised text, in an effort to determine whether their operations are comparable in use and impact to other facilities in the assigned use category. The following is a comparative review of definitions applied by local jurisdictions.

Comparative Review of Existing Definitions of the District and Surrounding Jurisdictions

District of Columbia

The District's Department of Human Services, Mental Retardation and Developmental Disabilities Administration (DHS/MRDDA), financially supports day treatment programs through Medicaid, which the administration defines under 29 DCMR as follows:

Programs that are designed for individuals with mental retardation and developmental disabilities. The services are non-residential and are operated for providing medically supervised treatment in facility and community based settings that will improve the lives of individuals through intensive therapy. The focus of day treatment programs is to successfully reintegrate individuals into community and vocational environments. Day treatment programs offer five-day-a-week regimes that are tailored to each person's rehabilitation goals. The programs incorporate specific goals that are monitored, evaluated and modified as needed to ensure that expected outcomes are achieved. Candidates for admission in day treatment programs must have active Medicaid numbers. Services are provided to children from birth to 3 years and adults.

OP was informed by DOH that Medicaid provides reimbursement to day treatment services for three (3) different populations, including the mentally disabled. According to General Counsel for the Department of Health (DOH), while there are standards that determine reimbursement for provision of day treatment services, there are no local licensing requirements for day treatment programs in the District. However, they have been regulated under 29 DCMR 7 since the 1980's.

Prince George's County

A similar term is defined in the County's Zoning Ordinance as follows:

Adult Day Care Center: An establishment in which a program is operated that is designed to provide care and activities (during the daytime) for five (5) or more adults (unrelated to the operator by blood, adoption, or marriage) who are members of a service population that, because of advanced age, or emotional, mental, physical, familial, or social conditions, need assistance in daytime activities. The term shall not include a "Nursing or Care Home," "Congregate Living Facility," School, Private," "Eleemosynary or Philanthropic Institution," or "Group Residential Facility," or any "Sheltered Workshop" licensed as such by the United States Department of Labor.

Arlington County

The term is not referenced in the definition section of the County's Zoning Code, but the programming is defined by the county's Department of Health and Human Services. The Program Mission of adult day programs in the county is to enable adults 18 years of age and older who have physical and/or cognitive impairments to remain in the community by providing a full day therapeutic health program in a protected environment.

The mission is accomplished through the Madison Adult Day Health Care Center, which provides a full-day health program in a protected environment for adults 18 years of age and older who have physical or cognitive impairments, or both. Services include health care monitoring, nursing care and support, personal care, therapeutic recreation, mental health services, special therapies, nutritional guidance, lunch, and snacks. Support for families includes individual and group counseling as well as respite from the continual need to care for the participant. Based on a physician's recommendations and a staff assessment, each participant has individually tailored program goals. Staff reviews and revises each participant's care plan every six months. The goal of the Madison Adult Day Health Center is to maintain the participant's highest level of independence and functioning to avoid, or delay, institutional placement In FY 2003, 14 percent of the participants were under the age of 60.

A number of existing facilities in the District provide these services to District residents and their services aim to improve their clients' independence and community exposure. These centers cater to a range of ages and may also provide services to seniors who may only need day care supervision. OP also compared the program offerings of seven such providers operating in the District including:

- Metro Day Treatment Center,
- National Children's Center,
- Wholistic,
- PSI,
- United Cerebral Palsy,

- VOCA and
- The Art and Drama Institute

Programs include special education, counseling parent training, skill building, crisis intervention, and recreational therapy. The day treatment programs work in conjunction with mental health, recreation and educational organizations and may even be provided by them. Based on the common themes expressed in the standard definitions applied by local area jurisdictions and the District, as well as existing operations, a day treatment program can be incorporated into the programming of a child or adult development center or exist as a stand alone facility for youths as well as adults.

Comparison of Child/Elderly Development Centers and Adult Development Centers

Comparison of the centers would focus on its use and impact. BZA Appeal No. 16839 concluded that a day treatment program provided at an adult development center constituted a "similar program and facility" to a "child/elderly development center." The Board determined that this is evident with respect to the nature of the use, including care, education counseling, training and other social services, which may be provided and with respect to the traffic impacts of the use on the immediate neighborhood where these facilities are located. The Court of Appeals did not disagree with this conclusion, but found that an adult development center, however similar, could be deemed to be encompassed within a definition that facially included only children and the elderly within its purview.
An overview of facilities revealed that day treatment programs may be operated by child development centers as well as adult centers for individuals who may have varying degrees of mental disabilities and in need of an integrated curriculum combining education, counseling, and family interventions. The setting, be it a hospital, school, or clinic, may be tied to the theoretical orientation of the treatment, which ranges from psychoanalytic to behavioral. Therefore, day treatment programs operated by an adult or child development center may differ based on the age of the client population but not on the nature of the use.

Similarly, if the nature of the uses were comparable, the impacts due to traffic and parking would have a similar effect. OP supports the Zoning Administrator and Board's determination as stated in BZA Appeal #16839, that since the adult development center would be categorized for purposes of zoning as a child/elderly development center, its parking requirement would also be similarly categorized. Since the centers provide care and services to individuals who typically do not drive, the parking space requirement should be based on the number of employees and staff rather than gross floor area.

Since proposed facilities would also require parking accommodation for employees and staff, the term should be included in Section 2101 of the regulations as follows:

Amend §2101.1 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES as follows:

USES	NUMBER OF PARKING SPACES REQUIRED
Schools	
Child/**Adult**/Elderly Development Center	

All Districts	1 for each 4 teachers and other employees.

The Office of Planning does not support the inclusion of a definition of "day treatment" since it expresses a variety of treatments, which is not appropriately addressed in the Zoning Regulations but within the regulations which govern the District's Department of Human Service, Mental Health Administration

COMPREHENSIVE PLAN

The Human Services Elements and several ward objectives refer directly or indirectly to the need for development centers to provide a variety of health and social services for the District's diverse population, including residents with disabilities. The Comprehensive Plan clearly expresses the need for these comparable services, which are independent of the client populations' ages. Elements and objectives throughout the Plan are included as follows·

- **CHAPTER 1 General Provisions Element**

111 Providing for Diversity and Overall Social Responsibilities

111.1 (b) While the District must strive to increase educational, employment, and other opportunities to reduce such dependency, all neighborhoods should share in the overall social responsibilities of the community, including, but not limited to, housing the homeless feeding the hungry, accommodating the disabled, and welcoming residents of diverse backgrounds and needs.

- **CHAPTER 10 Human Services Element**

1000.1 The availability of health and social services is critical to the District community A wide range of services that are indispensable must be delivered not only to the most desperate and destitute, but to anyone in need of human services. These services include the following:

(d) Care of the mentally ill, mentally retarded, the handicapped, children (ages 0-13), youth (ages 14-21), and the elderly

1002.2 (e) Deinstitutionalize clients in institutions who require less restrictive levels of care, provide adequate follow-up to monitor their progress, and coordinate the development of alternative placements with public and private agencies.

- **CHAPTER 15 Ward 4 Objectives for Human Services**

1526 1 (e) The objectives for human services are as follows·
Provide special programs for the youth, elderly and persons with physical and mental impairments within the ward

- **CHAPTER 16 Ward 5 Actions in Support of Human Services**

1627.1(b) Increase the availability and the accessibility of public health and social services for the young, the homeless, the elderly and persons with disabilities.

- **CHAPTER 6 WARD 6 Objectives for Human Services**

1729 1 The objectives for human services are as follows:
(a) To provide effective physical and mental health care services throughout the ward,

- **CHAPTER 18 Ward 7 Objectives for Human Services**

1826.1(g) Promote conditions to enable handicapped persons to participate as fully as possible in the life of the ward.

- **CHAPTER 19 Ward 8 Objectives for Human Services**

1926.1 (c) Expand the deinstitutionalization process of mental health clients who require less restrictive care to help them become more socially and financially independent ..

As demonstrated in the references above, a major highlight of the objectives in support of the Human Services and the Ward Elements of the Comprehensive Plan promote de-institutionalization of clients in a setting, which would allow participants to become reintegrated to fully participate in community life Day treatment programs offered at development centers accommodate this reintegration since they include special education, counseling, parent training, vocational training, skill building, crisis intervention, and recreational therapy for all ages The programs work in conjunction with mental health, recreation, and education organizations and may even be provided by them. According to information provided by the DHS/MRDDA there are approximately 38 Medicaid sponsored service providers of day treatment programs in the District.[1] While some are specifically day treatment centers, others are educational organizations and recreational therapy institutions, which provide adult and child day treatment programs in a less restrictive environment

Therefore, OP supports the inclusion of adult development centers in the proposed use category, since it would play a major role in realizing the "Human Service Objectives" outlined in the District's Comprehensive Plan.

AGENCY COMMENTS

District Department of Transportation (DDOT) does not have any objections to the proposed amendments.

Department of Health (DOH) commented that they support the amendment to permit adult development centers as a use category within the Zoning Regulations

Department of Consumer and Regulatory Affairs offered no comment to date.

CONCLUSION

The Office of Planning in consultation with the Office of the Attorney General, DOH, and DHS/MDRRA supports the inclusion of adult development centers in the same use category

[1] See attached listing

as child/elderly development centers. Based on a comparison of the standards of day treatment programming among Human Services Departments within the metropolitan area, OP determined that these facilities are appropriate wherever child and elderly development centers are permitted, since they are comparable with the service functions of existing development facilities in the District, regardless of the ages of the client population Many of these facilities manage federally supported programs and are designed to provide necessary services for an underserved population.

Further, since the uses are comparable, the potential impact due to parking and traffic determined that the parking space requirements should be similarly categorized. Therefore, based on these consistencies, the Office of Planning **recommends approval** of the proposed amendments to 11 DCMR (ZONING) as follows:

A Section 199, DEFINITIONS, subsection 199.1, is amended to add the following new definition:

Caregiver – an individual who is responsible for the supervision and administration of a child development home or child/**adult**/elderly development center

Child/**Adult**/Elderly Development Center - a building or part of a building, other than a **community based residential facility,** child development home or elderly day care home, used for the licensed care, education, counseling, or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals **or individuals with disabilities,** totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, **day treatment centers,** senior care centers, elder care programs, and similar programs and facilities A child/**adult**/elderly development center includes the following accessory uses· counseling, education, training, and health and social services for the **person or persons with legal charge of individuals** ~~parents or principal guardians of children~~ attending the center, **including, but not limited to, any parent, spouse, sibling, child or legal guardian of such individuals**.

B Chapter 2, §205; Child/Elderly Development Centers (R-1), is amended by
1 Changing the section's title to Child/**Adult**/Elderly Development Centers.
2.Wherever "child/elderly" appears insert the term "child/**adult**/elderly" in its place,

C Section 205 3 is amended by deleting children or elderly__ to read as follows

The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off ~~children or elderly~~ persons **attending the center**

D Amend
Chapter 3, §§ 330 5 (d) and (e) and 35 4(g),
Chapter 5, § 501 1(g),
Chapter 6, § 601 2 (c),
Chapter 9, § 901 1(t),
Chapter 21, §2101 1 and
Chapter 3104, § 3104 1
by striking the term "child/elderly" wherever it appears and insert child/**adult**/elderly development center" in its place

E. Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended by inserting the following use in the table included in § 2101 1, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES under "SCHOOL USES":

USES	NUMBER OF PARKING SPACES REQUIRED
Child/**Adult**/Elderly Development Center	
All Districts	1 for each 4 teachers and other employees.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Appeal No. 16839 of Advisory Neighborhood Commission 4A, pursuant to 11 DCMR §§ 3100 and 3101 from the decision of the Zoning Administrator, for the issuance of a certificate of occupancy (#18366, dated August 31, 2001) for an elderly development center serving 30 persons, ages 22 – 85 years old and 7 staff, in a C-2-A District at premises 5511 – 14th Street, N.W. (Square 2800, Lot 9).[1]

HEARING DATE: March 26, 2002
DECISION DATES: June 4, 2002; July 2, 2002

DECISION AND ORDER

Advisory Neighborhood Commission (ANC) 4A filed an appeal with the Board of Zoning Adjustment on January 4, 2002, alleging that the Zoning Administrator erred in approving the issuance of Certificate of Occupancy Number 18366 dated August 31, 2001, to Metro Day Treatment Center, Inc., for a child/elderly development center for 30 persons, ages 22-85 years old, and 7 staff members, at 5507 – 14th Street, N.W. (Square 2800, Lot 10), in a C-2-A Zone District.

ANC 4A is represented in this appeal by ANC 4A07 Single-Member District Commissioner John J. Chagnon. Assistant Corporation Counsel Ra'ouf M. Abdullah represented the Zoning Administrator. Neither the owner of the subject property, Pamela Coleman, nor the lessee and facility operator, Metro Day Treatment Center, Inc., elected to participate in these proceedings.

The appellant argues first that given the ages of the individuals served, the facility is not a "child/elderly development center," a use permitted as a matter of right in the C-2 District; and, second, that the facility, which currently lacks parking spaces, does not comply with the zoning regulations requiring the provision of off-street parking spaces. After a public hearing, the Board denied the appeal, determining that the definition of the phrase "child/elderly development center" in 11 DCMR § 199.1 encompasses "similar programs and facilities"; and that Metro Day Treatment Center, which provides care and training for mentally retarded adults, qualifies as a "similar program and facility." The Board also concluded that the appellant had not met its burden of proving that the Zoning Administrator erred in determining that the property is entitled to a "parking credit" or

[1] The address, as stated on Certificate of Occupancy No. 18366, is 5507 – 14th Street, N.W. (Square 2800, Lot 10).

the grandfathering of three parking spaces, such that no additional spaces for the center (which, as a child/elderly development center, would otherwise require two spaces) are required.

PRELIMINARY AND PROCEDURAL MATTERS

Notice of Appeal and Notice of Public Hearing. By memoranda dated January 14 and 15, 2002, the Office of Zoning advised ANC 4A, the appellant; the Zoning Administrator, the appellee; the Office of the Corporation Counsel; Pamela Coleman, the owner of the property that is the subject of the appeal; Herman Broomfield, Metro Day Treatment Center, the lessee and operator of the facility that is the subject of the appeal; ANC 4C, a potentially affected ANC; the Ward 4 Councilmember; and the D.C. Office of Planning of the filing of the appeal.

The Office of Zoning scheduled a hearing on the appeal for March 26, 2002. Pursuant to 11 DCMR § 3113.14, the Office of Zoning on February 11, 2002, mailed ANC 4A and the Zoning Administrator notice of hearing. Ms. Coleman was copied on the Zoning Administrator's notice. Notice of hearing was also published in the *D.C. Register* on February 8, 2002, at 49 DCR 1088.

"Motion to Dismiss" Certificate of Occupancy. At the public hearing, the appellant requested the Board to "dismiss" the certificate of occupancy since the application for the certificate could not be found in Department of Consumer and Regulatory Affairs (DCRA) records. The regulations relating to an application form for a certificate of occupancy are found in the Construction Codes, 12A DCMR § 118.2. Under 12A DCMR § 122, any person aggrieved by DCRA's interpretation of the Construction Codes may appeal to DCRA. Since the Board's jurisdiction in an appeal is limited to determining whether there is an error in the decision of an administrative official in carrying out or enforcing the Zoning Regulations, Title 11 DCMR, the Board denied the motion. *See* § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Code § 6-641.07(g)(1) (2001)).

Appellant's Case. In its report dated March 25, 2002, ANC 4A identified the following issues and concerns: (1) the Zoning Administrator failed to follow the Board's order in BZA Appeal No. 16066; (2) the Zoning Administrator erred in issuing a certificate of occupancy for an elderly development center when he had specific information that the operator did not operate as an elderly development center; (3) the Zoning Administrator erred in approving the issuance of a certificate of occupancy as an elderly development center, since the facility provides services to persons who are not elderly; (4) the Zoning Administrator failed to calculate the required parking spaces for the facility, with the site approved on the basis of no change in use at the site; (5) the Zoning Administrator failed to require off-street parking; (6) the Zoning Administrator failed to require that the

subject site be properly inspected for change in use from general office use; and (7) the Zoning Administrator failed to require proper inspections for the site's conversion from office and warehouse use to a new use that would require fire sprinkler systems. ANC 4A requested the Board to reverse the Zoning Administrator's decision to approve the issuance of Certificate of Occupancy No. 18366.

ANC 4A argued that a day treatment center does not fall within the use category "child/elderly development center," and that by approving the center as a matter-of-right use, the Zoning Administrator was creating law. The ANC argued that as an undefined use, the facility would require one parking space for every 600 square feet. The ANC also argued that Zoning Administrator's determination that a certain number of parking spaces were grandfathered was not based on sufficient information; specifically, the extent to which the building was constructed after the effective date of the 1958 Zoning Regulations. The ANC asserted that at best, one parking space could be considered grandfathered.

The appellant's case included testimony and arguments from ANC Commissioner John J. Chagnon, as well as testimony from Ana Escobar, Mr. Chagnon's wife and neighborhood resident, and Jason Washington, from Councilmember Adrian Fenty's staff.

Zoning Administrator's Case. Toye Bello, Acting Zoning Administrator, testified on behalf of the Office of the Zoning Administrator. He stated that based on the nature of its operations and traffic and parking impacts, Metro Day Treatment Center was properly categorized for purposes of zoning as a child/elderly development center. He based the parking space requirement on the child/elderly development center use category, and provided the Board with copies of DCRA's records relating to prior use of the property to substantiate his determination that the property was entitled to a parking credit of three spaces.

Closing of the Record. The record closed at the conclusion of the public hearing on March 26, 2002, with the exception of the following materials specifically requested by the Board from the Zoning Administrator: (1) Mr. Bello's resume; (2) a copy of the definition of the word "elderly" from *Webster's Dictionary*; (3) copies of the Notices of Infraction issued to the facility operator for alleged zoning violations; and (4) copies of previous certificates of occupancy issued for the subject property or a statement that would substantiate the Zoning Administrator's verification of the previous and/or predominant use of the site. The Zoning Administrator filed the requested materials on May 13, 2002. Also, the Board provided the appellant the opportunity to supplement the record with extracts from the records in BZA Appeal Nos. 16066 and 16752, related appeals;[2] however, the appellant did not file any materials. The Board, therefore, has not incorporated any documents from Appeal Nos. 16066 and 16752 into the record of this

[2] These appeals are discussed below in the Findings of Fact, under "Pertinent Zoning History of the Property."

appeal, other than the copies of documents already filed with the Board prior to the public hearing.

Decision Meeting. At the conclusion of the public hearing, the Board scheduled a decision meeting for June 4, 2002. At the appellant's request and with the appellee's concurrence, the Board postponed its decision meeting to July 9, 2002. On July 9, the Board, voting 3 – 0 – 2, with two members not voting, not having heard the case, denied the appeal.

FINDINGS OF FACT

Pertinent Zoning History of the Property

1. The property that is the subject of this appeal consists of the first and second floors of the building at 5507 – 14th Street, N.W. (Square 2800, Lot 10), located in a C-2-A District.

2. A portion of the building was erected before May 12, 1958, the date the current Zoning Regulations became effective. Neither party provided definitive evidence regarding the size or use of the building prior to May 12, 1958.

3. The oldest record provided to the Board is a copy of Certificate of Occupancy No. B-79833, dated February 7, 1972, for the first floor and lot at 5507 – 14th Street, N.W. (Square 2800, Lot 8), for a "used car lot and display – no junk – no repairing." The application for this certificate indicates that the property was previously used as a gasoline station.

4. On May 5, 1995, the Zoning Administrator approved the issuance of Certificate of Occupancy No. B171610 to Marvin Stein, then owner of the subject property, on behalf of Psychological Development Associates, to allow use of the property as a "day treatment program." The Zoning Administrator had approved the use as general office use.

5. John J. Chagnon, on behalf of FZC Corporation, appealed the Zoning Administrator's decision with respect to Certificate of Occupancy No. B171610. On November 25, 1997, the Board, in BZA Appeal No. 16066, determined that the Zoning Administrator erred in approving the issuance of the certificate, finding that the day treatment program, which provided education and training for mentally challenged students, did not comport with general office use.

6. Mr. Stein then petitioned the District of Columbia Court of Appeals in Case No. 97-AA-2022 for review of the Board's order. Psychological Development Associates

subsequently ceased operations and vacated the premises. The Court therefore, on April 16, 1999, dismissed the petition as moot and vacated the Board's order in BZA Appeal No. 16066. The Court remanded the case to the Board, with instructions to take appropriate action in compliance with the Court's order. On November 29, 2001, the Board dismissed BZA Appeal No. 16066 as moot, since the recipient of the disputed certificate of occupancy, Psychological Development Associates, Inc., had long since ceased operations and vacated the premises.

7. Meanwhile, on October 15, 1999, the zoning regulations relating to "child/elderly development centers" became effective. As a result, 11 DCMR § 721.1 permits use as a child/elderly development center in the C-2 District as a matter of right. *See* 46 DCR 8284, 8288 (1999). The regulations define the phrase "child/elderly development center" in 11 DCMR § 199.1, 46 DCR at 8286.

8. On May 7, 2001, DCRA issued Metro Day Treatment Center, Inc., Certificate of Occupancy No. 190720, allowing use of the first and second floors of the premises at 5511 – 14th Street, N.W. (Square 2800, Lot 9), for purposes of a "day program for mentally retarded persons, adult development, not sexually oriented."

9. ANC 4A appealed the issuance of Certificate of Occupancy No. 190720 to the Board in BZA Appeal No. 16752. On August 31, 2001, DCRA issued Metro Day Treatment Center Certificate of Occupancy No. 18366 to replace Certificate of Occupancy No. 190720. When DCRA issued Certificate No. 18366, Certificate of Occupancy No. 190720 became void by virtue of its own terms. In its final order dated December 21, 2001, the Board therefore dismissed Appeal No. 16752 as moot. At its public decision meeting on August 6, 2002, the Board denied the Appellant's motion to reconsider the dismissal.

10. On January 4, 2002, in the instant case, BZA Appeal No. 16839, ANC 4A appealed the issuance of Certificate of Occupancy No. 18366.

Certificate of Occupancy No. 18366

11. Certificate of Occupancy No. 18366 permits Metro Day Treatment Center to use 7,552 square feet on the first and second floors of 5507 – 14th Street, N.W., as a "child development center." It identifies both the previous use and the approved use as a "child development center," which is further described on the certificate as a "child/elderly development center / 30 persons / ages 22-85 years old and 7 staff members."

12. The Zoning Administrator testified that in reviewing applications involving uses that are not specifically listed in the Zoning Regulations, the Office of the Zoning Administrator applies a concept called "like use." That is, the Zoning Administrator

applies "standards of compatibility and likeness to determine use category." Tr. at 277 (Mar. 26, 2002).

13. While the subject facility is designated as a "day treatment program" for purposes of Medicaid and Medicare, the Zoning Administrator categorized the facility as a "child/elderly development center" for purposes of zoning.

14. Metro Day Treatment Center provides care and training for mentally retarded adults.

15. Most of the clients served by the facility are well over age 40 and severely physically handicapped. They are unable to drive themselves to the facility.

16. The Zoning Regulations do not define the word "elderly." In its Notice of Final Rulemaking relating to child/elderly development centers, the Zoning Commission specifically declined to adopt a definition of the word "elderly." *See* 46 DCR 8284, 8285 (1999).

17. *Webster's Third New International Dictionary* (1986) defines the word "elderly" as "somewhat old: rather advanced in years: past middle age" and "of, relating to, or characteristic of one past the prime of life."[3]

18. The Zoning Administrator testified that he made a judgment call, based on the dictionary definition of the word "elderly" and the fact that the Zoning Commission had for some reason refused to define the elderly by age, that the Metro Day Treatment Center use is most like the use category, "child/elderly development center."

19. The Zoning Administrator testified that he found the day treatment center to be a facility similar to a child/elderly development center in that it provides care and services to individuals who typically do not drive. He stated that Metro Day Treatment Center's operations would therefore be comparable to a child/elderly development center in terms of traffic and parking impacts.

20. The Board finds that the use in question by Metro Day Treatment Center is similar to the programs and facilities specifically identified in the definition of the phrase "child/elderly development center" in § 199.1, both as to the nature of its operations in providing care and training for a segment of the population that typically does not drive and the likely impacts of its operations, particularly with regard to traffic and parking.

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[3] The Zoning Regulations provide in 11 DCMR § 199.2(g) that words not specifically defined in § 199 shall have the meanings given in *Webster's Unabridged Dictionary*.

The Parking Space Requirements

21. Since the Board has determined that the Metro Day Treatment Center is appropriately categorized for purposes of zoning as a child/elderly development center, the Board also concludes that its parking requirement is based upon the child/elderly development center use category. As noted by the Zoning Administrator, basing the parking space requirement on number of employees and staff rather than gross floor area is appropriate, given that none of the clients served by the center drive.

22. Under § 2101.1, a child/elderly development center requires one parking space for every four staff. With seven staff as permitted by the certificate of occupancy, the Board concludes the facility requires two parking spaces.[4]

23. The Zoning Administrator determined that the premises are entitled to a credit of three parking spaces. The Zoning Administrator based his calculations on DCRA's records which indicate that the property had a history of retail use, using 7,600 square feet as the approximate gross floor area attributable to retail use.

24. While the appellant argued that the parking credit would be less if the building had been used for office purposes and if the amount of gross floor area used for office purposes before May 12, 1958, was less than 7,600 square feet, the appellant did not introduce any reliable evidence regarding the use of the building before May 12, 1958.

25. The Board finds that while records provided by DCRA relating to this property do not extend back to May 12, 1958, the Zoning Administrator's parking calculations are not unreasonable given the records that do exist.

26. On October 31, 2001, DCRA issued Metro Day Treatment Center Building Permit No. B439818 to "divide existing space to create lounge and parking for three vehicles" per submitted plans.

27. As of the date of the hearing on this appeal, the three parking spaces that were to be provided on the site pursuant to Building Permit No. B439818 were not yet accessible due to a barrier at the Colorado Avenue entrance.

CONCLUSIONS OF LAW AND OPINION

[4] The Zoning Administrator testified that with 11 employees, the provision of the three spaces would meet the parking requirement for the category of use, child/elderly development center. However, the certificate of occupancy limits the facility to seven employees.

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Code § 6-641.07(f) and (g)(1) (2001)), to hear and decide appeals where it is alleged by an appellant that there is error in any decision by an administrative officer in the carrying out or enforcement of the Zoning Regulations. This appeal is properly before the Board pursuant to 11 DCMR §§ 3100.2, 3101.5, and 3200.2. The notice requirements of § 3112 for the public hearing on the appeal have been met.

The Child/Elderly Development Center Use

The subject property is located in the C-2-A District, the medium-density Community Business Center District. As described in 11 DCMR §§ 720.2 – 720.5, the C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the city outside of the central core. Areas zoned C-2-A are located in low and medium-density residential areas with access to main highways or rapid transit stops, and include employment centers, shopping centers, and medium bulk mixed-use centers. Matter-of-right uses in the C-2 District include dwellings, certain community-based residential facilities, various types of retail and service establishments, office uses, colleges and universities, private schools, hotels and inns, assembly halls, auditoriums, public halls, and theaters. *See* 11 DCMR § 721.

A "child/elderly development center" as defined in § 199.1 is also permitted in the C-2 District as a matter of right pursuant to § 721.1, which incorporates by reference any use permitted as a matter of right in the C-1 District under § 701. Subsection 701.2 in turn incorporates by reference any use permitted as a matter of right in the SP District under § 501, which includes under § 501.1(g), use as a child/elderly development center. *See* 46 DCR 8284, 8288 (1999).

The Zoning Regulations define the phrase "child/elderly development center" in 11 DCMR § 199.1 as:

> a building or part of a building, other than a child development home or elderly day care home, used for the licensed care, education, counseling, or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals, totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than 24 hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, *and similar programs and facilities*. A child/elderly development center includes the following accessory uses: counseling, education, training and health and social services for the parents or principal guardians of children attending the center.

46 DCR 8284, 8286 (1999) (emphasis added).

The Metro Day Treatment Center offers care and training for mentally retarded adults. While some of the adults are "elderly" as that word is defined in the dictionary, others are young and middle-aged adults. Notwithstanding the age of the clients served, the Board concludes that Metro Day Treatment Center constitutes a "similar program and facility" to the programs and facilities specifically identified as encompassed within the definition of "child/elderly development center."

The Zoning Regulations cannot realistically identify every potential use of property. A day treatment center for mentally retarded adults is similar to the programs and facilities encompassed within the definition of a "child/elderly development center," both with respect to the nature of the use – the care, education, counseling, training, and other social services provided – and with respect to impacts of the use on the public. The Board in particular credits the testimony of the Zoning Administrator that the traffic and parking impacts of a day treatment center and a child or elderly development center would be similar, in that the clients served by these facilities typically do not drive themselves to the facility and park, but rather are dropped off and picked up. Accordingly, the Board concludes that the Zoning Administrator did not err in approving the issuance of a certificate of occupancy to Metro Day Treatment Center for use as a child/elderly development center.

The Parking Space Requirements

Since Metro Day Treatment Center is a child/elderly development center, the schedule of requirements for parking spaces in 11 DCMR § 2101.1 (without taking into account any "parking credits" or "grandfathering") requires the provision of two parking spaces. To the extent that Metro Day Treatment Center is entitled to a parking credit, the credit derives from the long-standing administrative interpretation of §§ 2100.1 and 2100.4. Subsection 2100.4 provides that if the use of a building is changed to another use that requires more parking spaces than were required for the use existing immediately prior to the change, parking spaces shall be provided for the additional requirement in the amount necessary to conform to the schedule of required parking spaces in § 2101.1. Subsection 2100.1 requires that all buildings erected on or after May 12, 1958, be provided with the number of parking spaces specified in § 2101.1. Read together, these subsections provide a "parking credit," the amount of which is based upon the use existing immediately prior to May 12, 1958.

The record is not clear as to the use existing before May 12, 1958. The appellant relies upon parking space calculations for general office use. However, the oldest records that DCRA was able to provide indicate that in 1972, DCRA issued a certificate of occupancy

for use as a "used car lot and display." None of the records indicate office use prior to May 12, 1958. The Zoning Administrator testified that based on the history of retail use, the property would be entitled to a parking credit of three spaces. While the history of use and the square footage involved is not as complete as might be desired, the Board concludes that that the appellant has not met its burden of proving that the Zoning Administrator erred in approving the issuance of the certificate of occupancy without first requiring the provision of additional parking spaces. However, even if the Zoning Administrator erred in calculating a parking credit of three spaces, Metro Day Center's subsequent provision of three parking spaces will more than satisfy its obligation under § 2101.1 to provide two spaces. The reversal of the Zoning Administrator's decision under such circumstances is not warranted.

Finally, since the Court of Appeals vacated the Board's decision in BZA Appeal No. 16066, rendering it of no legal effect, the Zoning Administrator did not err in failing to follow the Board's decision that a day treatment center use should not be classified for purposes of zoning as general office use. To the extent the appellant has raised concerns about the inspection of the facility and its fire sprinkler system, those concerns, which involve the interpretation and application of the Construction Codes, Title 12A DCMR, fall within DCRA's purview. Any appeal of these issues must be addressed to DCRA pursuant to 12A DCMR § 122.

For the reasons stated above, it is hereby **ORDERED** that the appeal is **DENIED** and that the decision of the Zoning Administrator to approve the issuance of Certificate of Occupancy No. 18366 is **AFFIRMED.**

VOTE: 3 - 0 - 2 (Geoffrey H. Griffis, John G. Parsons, and Anne M. Renshaw, to affirm; Curtis L. Etherly, Jr., and David A. Zaidain, not voting, not having heard the case)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this Decision and Order.

ATTESTED: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: OCT 15 2002

PURSUANT TO 11 DCMR § 3125.6, THIS DECISION AND ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA Appeal No. 16839

As Director of the Office of Zoning, I hereby certify and attest that on OCT 15 2002, a copy of the Decision and Order entered on that date in this matter was mailed first class, postage prepaid, or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning this matter and that is listed below:

James H. Jones, Chairman
Advisory Neighborhood Commission 4A
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Metro Day Treatment Center, Inc.
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ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

Notice: This opinion is subject to formal revision before publication in the Atlantic and Maryland Reporters. Users are requested to notify the Clerk of the Court of any formal errors so that corrections may be made before the bound volumes go to press.

DISTRICT OF COLUMBIA COURT OF APPEALS

No. 02-AA-1279

JOHN J. CHAGNON, PETITIONER,

v.

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT, RESPONDENT.

Petition for Review of an Order of the
District of Columbia Board of Zoning Adjustment
(BZA - 16389)

(Argued January 8, 2004 Decided March 11, 2004)

John J. Chagnon, pro se.

William J. Earl, Assistant Corporation Counsel, *Arabella W. Teal,* Interim Corporation Counsel, and *Charles L. Reischel,* then Deputy Corporation, at the time the brief was filed, were on the brief, for the respondent.

Before SCHWELB and GLICKMAN, *Associate Judges,* and KERN, *Senior Judge.*

GLICKMAN, *Associate Judge*: Petitioner John J. Chagnon, representing Advisory Neighborhood Commission 4A, challenges a decision of the District of Columbia Board of Zoning Adjustment (BZA) approving the issuance of a certificate of occupancy to Metro Day Treatment

Center ("Metro Day").[1] We agree with Chagnon that the BZA erred in concluding that Metro Day is entitled to the certificate of occupancy as a "child/elderly development center." Accordingly, we vacate the BZA's order and remand without reaching the other issues that Chagnon raises in his petition for review.

On August 31, 2001, the Zoning Administrator issued a certificate of occupancy to Metro Day for the stated purpose of operating a "child/elderly development center, serving 30 persons, 22-85 years of age" at 5507 14th Street, N.W. The subject property is located in a C-2-A zoning district, where a child/elderly development center is a use permitted as a matter of right. The ANC appealed the Zoning Administrator's decision to the BZA.

The Zoning Commission amended the Zoning Regulations in 1999 to define the term "child/elderly development center" as:

> a building or part of a building, other than a child development home or elderly day care home, used for the licensed care, education, counseling or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals, totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, preschools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training and health and social services of the parents or principal guardians of children attending the center.

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[1] Neither Metro Day nor the owner of the subject property elected to participate in the proceedings before the BZA or this court.

11 DCMR § 199.1.[2] As the term "elderly" is not defined,[3] the Zoning Regulations provide that it is to be accorded the meaning given in Webster's Unabridged Dictionary. *See* 11 DCMR § 199.2 (g).

In its decision and order of October 15, 2002, the BZA found that Metro Day provides care and training for mentally retarded adults, only "some" of whom "are 'elderly' as that word is defined

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[2] In its Notice of Final Rulemaking, the Zoning Commission explained the impetus for the 1999 amendment as follows:

> Over the past several years, the Board of Zoning Adjustment (BZA) has been requested to approve special exceptions for a number of child development centers (CDCs) with programs and uses not previously accommodated in CDCs, which typically provide various types of day care for children under 15 years of age. Those additional uses have included adult education, adult counseling, parenting classes, and senior day care in individual and group sessions. These programs, either coupled with CDC activities or housed in CDC facilities, are not specifically identified in the Zoning Regulations. To accommodate these new use combinations, the Board of Zoning Adjustment (BZA) has requested the Zoning Commission to review and amend the Zoning Regulations, as appropriate, to permit these new uses, presumabl[y] with BZA approval in residential zone districts.

46 D.C. Reg. 8284 (October 15, 1999). The Zoning Commission added that it combined proposed definitions of "child development center" and "elderly day care center" into a single definition in order "to simplify the amendments as initially proposed which would have created two entities that provided for the same set of uses." *Id.* at 8285.

[3] The Zoning Commission's Notice of Final Rulemaking states that the Office of Corporation Counsel had suggested that it "may wish to define the term 'elderly' in order to avoid misinterpretations of the Commission's intent and encouraged a definition that is specific to age rather than descriptive of the characteristics of the elderly." 46 D.C. Reg. at 8285. The Commission did not explain why it did not follow this recommendation.

in the dictionary,[4] [while] others [of whom] are young and middle-aged adults."[5] Notwithstanding this finding, however, the BZA further found that a day treatment center for mentally retarded adults such as Metro Day is similar to the kinds of facility encompassed within the definition of a child/elderly development center in terms of "the nature of the use – the care, education, counseling, training, and other social services provided – and impacts of the use on the public."[6] Reasoning that the Zoning Regulations "cannot realistically identify every potential use of property," the BZA concluded that Metro Day qualified as a "similar program and facility" within the meaning of the second sentence of the definition.[7]

Chagnon argues that "elderly" means elderly and not "young and middle-aged" adults, and that the Zoning Administrator and the BZA have no authority to shoehorn an adult day treatment program that is not principally for children or the elderly into the "child/elderly development center" classification merely because the program and its clients share similar characteristics.

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[4] The BZA quoted the definitions of "elderly" in *Webster's Third New International Dictionary* (*Unabridged*) (1986) as "somewhat old: rather advanced in years: past middle age" and "of, relating to, or characteristic or one past the prime of life."

[5] "Most" of Metro Day's clients, the BZA stated, "are well over age 40 and severely physically handicapped."

[6] The BZA credited the testimony of the Zoning Administrator that the traffic and parking impacts of Metro Day's adult day treatment program would be similar to those of a child or elderly development center.

[7] Likewise, the Zoning Administrator testified that in reviewing applications involving uses that are not specifically listed in the Zoning Regulations, the Office of the Zoning Administrator applies a concept called "like use." That is, the Zoning Administrator applies "standards of compatibility and likeness to determine the use category."

"When the BZA's decision turns on its interpretation of a regulation that agency is charged with implementing, that interpretation must be upheld unless it is plainly erroneous or inconsistent with the regulation." *Watergate W. v. District of Columbia Bd. of Zoning Adjustment*, 815 A.2d 762, 765 (D.C. 2003) (quoting *Dupont Circle Citizens Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 749 A.2d 1258, 1262 (D.C. 2000) (internal quotation marks and citations omitted)). The agency has considerable scope in construing language in a regulation that may be ambiguous. By the same token, however, it is our duty to reject an interpretation by the agency "which contradicts the plain language of the regulation itself." *Dell v. District of Columbia Dep't of Employment Servs.*, 499 A.2d 102, 106 (D.C. 1985) (citing *Dankman v. District of Columbia Bd. of Elections & Ethics*, 443 A.2d 507, 513 (D.C. 1981) (en banc)); *see also Corridor H Alternatives, Inc. v. Slater*, 334 U.S. App. D.C. 240, 245, 166 F.3d 368, 373 (1999) ("While deference is normally due an agency's interpretation of its own rules, that is not the case where 'an alternative reading is compelled by the regulation's plain language.'") (quoting *Thomas Jefferson Univ. v. Shalala*, 512 U.S. 504, 512 (1994)).

We are constrained to agree with Chagnon that the BZA misconstrued the plain language of the pertinent regulation in this case. The first sentence of the definition that the Zoning Commission promulgated provides plainly that a "child/elderly development center" must serve (principally) "individuals fifteen (15) years of age or less" and/or "elderly individuals." Contrary to the BZA's reading, the reference to "similar programs and facilities" in the second sentence of the definition does not dispense with that requirement; it merely confirms that other facilities serving children or the elderly *like those specifically listed* ("child care centers, preschools, nursery school, before-and-

after-school programs, senior care centers, elder care programs") will come within the definition if they meet the requirements of the first sentence. *See Zenian v. District of Columbia Office of Employee Appeals*, 598 A.2d 1161, 1164 (D.C. 1991) (quoting 2A NORMAN J. SINGER, SUTHERLAND ON STATUTES AND STATUTORY CONSTRUCTION §§ 47.17, at 166 (4th ed.1984) (footnotes omitted) ("Where general words follow [or precede] specific words in a statutory enumeration, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding [or following] specific words.").

The BZA recognized, and it is undisputed, that Metro Day does not principally serve either children or the elderly. The term "elderly" cannot fairly be read to include adults from 22 to 85 years of age (to quote the certificate of occupancy that Metro Day received) just because they share some characteristics with the elderly. That really is the end of the inquiry. Although the BZA and the Zoning Administrator contend that, in the interests of efficient administration, they may interpret defined uses in the Zoning Regulations to encompass other uses that are functionally comparable even if they are outside the definition, they cite no authority for that position and we cannot agree with it. Rather, even if an agency charged with implementing a regulation – which in this case, we note, is *not* the agency that wrote it – perceives it to be deficient or imperfect, it is not the agency's (or this court's) prerogative "to rewrite the statute [or regulation], or to supply omissions in it, in order to make it more fair." *Moore v Gaither*, 767 A.2d 278, 285 (D.C. 2001) (internal punctuation omitted) (citing *1841 Columbia Rd Tenants Ass'n v. District of Columbia Rental Hous. Comm'n*, 575 A.2d 306, 308 (D.C.1990)). "[R]egulations cannot be construed to mean what an agency intended but did not adequately express." *L.R Willson & Sons, Inc. v. Donovan*, 222 U.S. App. D.C.

214, 225, 685 F.2d 664, 675 (1982) (internal quotation marks and citation omitted).[8]

Although Metro Day does not qualify as a "child/elderly development center," it may yet be eligible for a certificate of occupancy under a different use classification. Thus, in vacating the order of the BZA, we remand for further proceedings not inconsistent with this opinion.

So ordered.

[8] In this case, moreover, there is no reason to think the Zoning Commission intended, or even would have wanted, its definition of a "child/elderly development center" to encompass facilities serving non-elderly adults. In its Notice of Final Rulemaking, see note 2, *supra*, the Commission demonstrated that its focus was on only two kinds of facilities – those principally serving either children or the elderly – rather than adult education, counseling or day care facilities generally.

Name of Facility	Vocational Program Type	Street Address	City, St, Zip	Contact Person	Phone #
Art& Drama Therapy Inst.	Day Treatment	327 S Street, N.E.	Washington, D.C. 20002	Margaret Dickinson/ Ms. Akinola	202-635-1576 202-832-2474f
Art Enables		65 I Street, S.W.	Washington, D.C. 20024		202-554-9455 202-237-8903 f
Associated Services, Inc.	Day Treatment	920 11th St S.E.	Washington, D.C. 20003	Gloria M. Rimson/ Charmaine James	202-544-6350 301-333-8942f
Brookland Day	Seniors Program	3809 12th Street, N.E.	Washington, D.C. 20017	Jerri Lynn Dickinson	202-526-3976 202-526-1105f
Capital Hill	Psycho-Social	700 Constitution Ave., N.E.	Washington, D.C. 20002	Shawn Walker	202-546-4800 ext. 2784 202-675-0411f
Capital Hill	Work Activities	700 Constitution Ave., N.E.	Washington, D.C. 20002	Kim Elliot	202-546-4800 ext. 2780 202-675-0411f
Capital Hill	Vocational	700 Constitution Ave., N.E.	Washington, D.C. 20002	Monique Bass	202-675-0521 202-675-0411f
Chimes, Inc.	Supported Employment	4815 Seton Drive	Baltimore, MD 21215	Al Bussone	800-244-6371 410-358-6038f
Creative Options	Day Habilitation / Prevocational / Supp. Emp.	611 Pennsylvania Ave,	Washington, D.C. 20003	Benita Hunt/ Alana Powell	202-327-3093
Crescent Cities	Seniors Program	7001 Oxon Hill Road	Oxon Hill, MD 20745	Gloria Graham	301-567-1885 301-567-7991f
DCARC Fort Totten	Work Activities	3130 V Street, N.E.	Washington, D.C. 20018	Kitrll Jones-Williams	202-529-2488 202-832-8092f

Name of Facility	Vocational Program Type	Street Address	City, St, Zip	Contact Person	Phone #
DCARC Ft. Lincoln	Vocational	3130 V Street, N.E.	Washington, D.C. 20018	Kitrll Jones-Williams	202-529-2488 202-832-2996f
DCARC	Voc. Training	817 Varnum Street, N.E.	Washington, D.C. 20017	Alonzo Brown	202-636-2950 202-636-2996f
DCARC	Supported Employment	817 Varnum Street, N.E.	Washington, D.C. 20017	Alonzo Brown	202-636-2950 202-636-2996f
DEAF-Reach	Life Skills	3521 12th Street, N.E.	Washington, D.C. 20017	Bonnie Bland	202-832-6681 202-832-8454f
Helping Hands	Seniors Program	7121 Old Alexandria Ferry Road	Clinton, MD 20735	Eleanor Bonner	301-856-5553 301-856-5512f
Helping Hands II	Senior Program	5400 Northfield Road	Capital Heights, MD 20743	Eleanor Bonner	301-736-6622 301-736-6626f
Iona Seniors	Seniors Program	4125 Albermarle Street, N.W.	Washington, D.C. 20016	Lee Wilkerson	202-895-0238 202-895-0237f
Life Skill Center	Life Skills	3166 Mt. Pleasant St.,N.W.	Washington D.C. 20010	Belynda Roebuck	202-234-9351 202-234-3057f
Metro Homes	Day Treatment	5511 14th Street, N.W.	Washington, D.C. 20011	Steve Byrd	202-545-1444 202-545-1447f
National Children Center	Day Treatment	332 Carroll Street, N.W.	Washington, D.C. 20012	Tracy Saltarelli	202-829-7526 202-829-7851f
New Visions Photography		4811 Georgia Avenue, N.W.	Washington, D.C. 20011	Al Price	202-882-2135 301-335-3450f

Name of Facility	Vocational Program Type	Street Address	City, St, Zip	Contact Person	Phone #
PSI	Administration	4600 East-West Highway, Suite 900	Bethesda, MD 20814	Beth Abromowitz	301-654-3903 301-654-4021f
PSI ASEP- Adaptive Skills	Day Treatment	770 M Street, S.E.	Washington, D.C. 20003	Dr. Yvonne Ali/ Darlene Tucker	202-547-3870 202-546-9642f
PSI - Golden Years	Day Treatment	3170 Bladensburg Road N.E.	Washington, D.C. 20018	Dr. Yvonne Ali/ Ms. Asha	202-529-1298
Psychiatric Center Chartered,	Day Treatment	Fort Lincoln Complex 3001 Bladensburg Road N.E.	Washington, D.C. 20018	Carolyn Height	202-635-3577 202-832-6400 202-635-0906f
Psychiatric Center II	Day Treatment	3005 Bladensburg Road N.E.	Washington, D.C. 20018	Carolyn Height	202-832-6400 202-832-5595f
Quality Solutions, Inc.		1430 Park Road, N.W.	Washington, D.C. 20010	James Jeter	202-234-2404 202-234-2408f
Rehab Services Administration (RSA)	Vocational/Supported Employment	810 First Street, N.E.	Washington, D.C. 20002	Marlene Kinney	202-442-8738 202-442-8720f
St. Coletta	Day Treatment	207 South Peyton Street	Alexandria, VA 22314	Amber Badgley	703-683-3686 703-683-9888f
St. John's Life Options	Day Treatment	5151 Wisconsin Ave., N.W., Suite 400	Washington, D.C. 20016	Kim Walker	202-237-6500 202-237-6352f
UCP/Experience I	Day Treatment	3135 8th Street, N.E.	Washington, D.C. 20017-1601	Rodney Savoy/ Dewayne Hawkins	202-269-1500 202-526-0519f
UCP/Experience II Unlimited	Day Treatment	1818 New York Ave., N.E.	Washington, D.C. 20002	Rodney Savoy/ Dewayne Hawkins	202-526-0146 202-526-0519f

Name of Facility	Vocational Program Type	Street Address	City, St. Zip	Contact Person	Phone #
VOCA I	Day Treatment	6407 Chillum Place, N.W.	Washington, D.C. 20011	Freda Edwards	202-726-7171 202-726-7181f
VOCA II	Day Treatment	6207 Blair Road, N.W.	Washington, D.C. 20012	Aloysious Tanyi	202-541-9562 202-483-1721f
VOCA Administration	Day Treatment	200 K Street, N.W., Suite 1	Washington, D.C. 20001	Paulette Scott	202-408-0250 202-408-5490f
Wholistic	Day Treatment	2210 Adams Place N.E.	Washington, D.C. 20018	Ilara Thomas	202-832-8787 202-462-6356f
Updated 11/10/04					