

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Senior Project Manager
JL Joel Lawson, Associate Director Development Review
DATE: February 13, 2018

SUBJECT: OP Report - BZA Case 19677 – Special Exceptions: Subtitle U § 203.1(e), for a 15 resident Health Care Facility at 5212 Astor Place, SE.

I. OFFICE OF PLANNING RECOMMENDATION

Plant the Seeds Youth Treatment Services (applicant) requests special exception review under Subtitle U § 203.1(e) pursuant to Subtitle U § 202.1(j) and Subtitle X § 901.2 to increase the occupant load of a Health Care Facility from six to 15 persons at 5212 Astor Place, SE in the R-2 zone. The Office of Planning (OP) recommends approval of the requested special exception with the following conditions:

1. The health care facility shall not exceed 15 residents not including supervisors and staff.

II. LOCATION AND SITE DESCRIPTION:

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| Address: | 5212 Astor Place, SE |
| Legal Description: | Square 5308, Lot 25 |
| Ward/ANC: | 7/7E |
| Zoning: | R-2 – areas predominantly developed with semi-detached houses on moderately sized lots; health care facilities for up to eight persons are allowed as a matter-of-right and nine to 300 persons allowed by special exception. |
| Lot Characteristics: | The rectangular lot is fairly flat and has an area of 4,000 square feet. |
| Existing Development: | The lot is developed with 2-story, semi-detached house that is currently unoccupied. |
| Historic District: | Not within a historic district. |
| Adjacent Properties: | To the north is the Apostolic Faith Church and to the east is a semi-detached, two-story, single family residence in the R-2 zone. To the south is a two-story apartment building and to the west is a three-story apartment building in the R-3 zone. |
| Surrounding Area: | The area is generally developed with a mixture of single family detached, semi-detached and garden apartments interspersed with a few institutional uses. |



Site Location



Photograph of Site

III. BACKGROUND

Plant the Seeds Youth Treatment Services was granted a Certificate of Occupancy (C of O) on July 6, 2017 to operate a six-resident, community-based institutional facility as a matter-of-right. but the facility has not been operational. The Department of Consumer and Regulatory Affairs (DCRA) has subsequently determined in a memorandum dated February 12, 2018, that the proposed facility is a health care facility which allows up to eight residents as a matter of right. The applicant is proposing to have a facility with 15 residents which requires special exception review.

The facility would offer short-term, substance abuse treatment for youths. The applicant states that the residents would be all males and range in age between 13 and 20 years old. The residents would be referred to the facility by the Department of Behavioral Health; Child and Family Services; Court Services: Family or Juvenile Divisions; and/or families. The residents would be supported by at least seven medical, social or administrative persons who would come to the facility daily. A nurse would visit the property daily to administer any required medication; there would always be a minimum of three staff on-site. Residents would reside on-site for the duration of their 28-day treatment, most of which would be on-site. The applicant states that there would be an agreement with the District of Columbia Public Schools (DCPS) for school-aged residents to continue their education on-site.

IV. ZONING REQUIREMENTS AND OP ANALYSIS

Special Exception: Subtitle U § 203.1(i)

Health care facilities are allowed as a matter-of-right by Subtitle U § 202.1(j) as follows:

Health care facility for not more than six (6) persons not including resident supervisors or staff and their families. The facility may accommodate seven (7) to eight (8) persons, not including resident supervisors or staff and their families, provided there shall be no property containing an existing health care facility for seven (7) or more persons either in the same square, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property;

Subtitle U § 203.1(i) allows health care facilities for nine to 300 persons by special exception and the proposal meets the requirements as follows:

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;*
- (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;*

Subtitle D, § 310.2 designates uses within the R-2 zone as being within Use Group B. There are no other health care facilities within Square 5308 or within a radius of 500 feet from the subject 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;*

Health care facilities require one parking space per 1,000 square feet in excess of 3,000 square feet with a minimum of 1 space required. At 3,400 square feet, the facility would require one space.

The applicant states that the property can accommodate two parking spaces that meet the parking space size requirement at the rear of the house but that the area can accommodate up to four spaces. The spaces would not be visible from Astor Place. There is also on-street parking available during the day when there may be the need for additional parking spaces. The Department of Transportation (DDOT) in their report to the BZA (Exhibit 35) states that based on the information provided, there should be no adverse impacts on the travel conditions.

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

The applicant states that they would meet all applicable code. The use at this location would have to be certified by the D.C. Department of Behavioral Health as a Substance Use Disorder Treatment and Recovery provider.

(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 proposal is for 15 residents with up to seven supervisors and/or staff. The applicant states that none of the staff would reside on the property although there would be a minimum of three supervisor/staff members at the facility at all times including overnight. OP has not identified a similar facility within Square 5308 or within 500 feet of the property.

DDOT, in their report, states that there should be no adverse impacts on the traffic conditions because of the proposed use. It is not envisioned that the use would generate noise to adversely impact the neighborhood as the resident would be monitored and supervised at all times.

(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;*

No other health care facility is within the subject square or within 500 feet of the subject property.

V. OTHER DISTRICT AGENCY COMMENTS

The Department of Transportation provided a report at Exhibit 35.

VI. COMMUNITY COMMENTS

The property is within ANC-7E. The ANC, at its January 9, 2018 meeting voted to recommend denial of the proposal (Exhibit 36). The applicant has submitted signatures of support from surrounding residents.