

facility for ten pre-adjudicated males between the ages of fifteen and twenty-one. DHS states that the youth rehabilitation home will assist the Youth Services Administration to meet one of the Jerry M. Consent Decree mandates that requires the establishment of alternatives to institutionalization for those youth involved with the city's juvenile justice system. The objectives of this group home will include the following:

- a. provide a homelike environment for prejudicated youth;
- b. assist the delinquents to function effectively in their home, community and society;
- c. provide the youth with 24-hour supervision so they develop basic skills to function effectively; and
- d. provide the youth with special rehabilitative services.

12. The Office of Community Based Residential Facilities (OCBRF) by memorandum dated September 7, 1988, recommends the application be approved. OCBRF states that the applicant has demonstrated an ability to integrate their facilities into the fabric and character of the neighborhood. OCBRF further states that according to their records the subject site has previously been a community based facility in another category.

13. Advisory Neighborhood Commission (ANC) 2C by report dated September 15, 1988 supports the application provided that no other community based residential facility (CBRF) is located within 500 feet of this facility. The ANC states that two alcohol rehabilitation facilities are located within 500 feet of the subject site. A Whitman Walker supported home is operating next door to the site at 1110 Rhode Island Avenue, N.W. and the Oxford House, an Alcoholics Anonymous facility, is operating south of the site in the 1100 block of P Street, N.W.

14. The Board concurs with the recommendation of ANC 2C. However, in response to the issue raised by the ANC and the conflicting testimony and agency reports that no other CBRF exists within 500 feet of the site, the Board requested of the Zoning Administrator that an inspection and report be made on the current uses of the alleged CBRF facilities. The Zoning Administrator by memorandum dated September 27, 1988, in response to the Board's request, investigated and inspected to determine the use of the following premises:

- a. 1110 Rhode Island Avenue, N.W.

This building is being used as a single family dwelling.

- b. 1116 Rhode Island Avenue, N.W.

This building is being used as a singly family dwelling.

- c. 1101 P Street, N.W.

This building is being used as an apartment house under Certificate of Occupancy B-1309974, issued September 17, 1984, to Neal Gross.

- d. 1107 P Street, N.W.

This building is being used as a rooming house. The last Certificate of Occupancy, B-139133, was issued July 22, 1984, to a Moses J. Brown. There is currently pending a Certificate of Occupancy application in the name of Dennis Dyer to use the premises as a rooming house. The application reflects a name change and is pending inspection approvals to determine compliance with the D.C. Construction Code as well as the D.C. Fire Code.

The Board finds that there are no community based residential facilities that exist within 500 feet of the proposed site. The alleged CBRF's within a 500 foot radius, the Board finds are being used in a manner consistent with the Zoning Regulations.

15. The Logan Circle Community Association (LCCA) by letter dated September 19, 1988 and testimony at the public hearing voted to oppose the application. The LCCA believes that the proposed facility represents a significant proliferation of CBRF's in the community and particularly the subject square. The LCCA noted that it had been informed through ANC - 2C that three CBRF's existed in the subject square, and are located at the following:

- a. 1110 Rhode Island Avenue - Whitman-Walker Clinic Group Home for Alcoholic Recovery.
- b. 1116 Rhode Island Avenue - Whitman-Walker Clinic Apartment for AIDS patients, and the "Construction Manpower Pool" for the unemployed.

16. Several letters had been received and the residents of 1112 P Street, 1505 12th Street and 1114 Rhode Island Avenue, N.W. testified in opposition to the application. The basis of their opposition is that there is a

proliferation of similar unlicensed facilities in the neighborhood, the quality of life has declined in the neighborhood, and that the proposed facility would have an adverse effect on the neighborhood. The alleged facilities are located at 1110 and 1116 Rhode Island Avenue, and 1107 P Street, N.W. and are within 500 feet of the proposed facility.

17. The Board's response to the neighbors is as stated in Finding of Fact No. 13. The Board further finds that if illegal CBRF's are operating within 500 feet of the site, it is not a reasonable basis to deny the applicant an opportunity to establish a legal facility.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Section 3108.1 and 357 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.

Section 357 requires that the standards and requirements of 358.2 through 358.7 and 358.9 be met. The Board finds that there is no other property containing a CBRF for five or more persons in the same square or within a radius of 500 feet from any portion of the site. There is adequate off-street and an approximately located parking space for a fifteen passenger van at the rear of the site. The area of the site has available on-street parking. The proposed facility can meet all applicable licensing and code requirements.

The Board concludes that the proposed facility will not have an adverse impact on the neighborhood because of noise, traffic, operations or the number of similar facilities in the area. The 24 hour supervision of the youths, the services provided to the youths and the quality of A.R.E. management, will provide a high level of operation for the program.

The Board further concludes that the application will be in harmony with the intent and general purpose of the Zoning Regulations and Maps and will not tend to impact adversely the use of neighboring property. The Board has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is APPROVED.

VOTE: 3-2 (Charles R. Norris, Carrie L. Thornhill and Paula L. Jewell to approve; William F. McIntosh and John G. Parsons opposed to the motion).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

DEC 1 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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