

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15689 of the Washington Halfway Home for Women, Inc., pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 357 to increase the number of residents in an adult rehabilitation home from 22 to 30, and a variance to allow more than 20 residents (Subsection 357.1) in an adult rehabilitation home for 30 women on the second and third floors with offices on the first floor and basement in an R-5-B District at premises 1816 19th Street, N.W. (Square 109, Lot 28).

HEARING DATE: July 15, 1992  
DECISION DATE: July 29, 1992

ORDER

SUMMARY OF EVIDENCE:

1. The property that is the subject of this application is located mid-block at 1816 19th Street, N.W. The property is improved with a three-story rowhouse. It is zoned R-5-B.

2. The R-5-B District permits matter of right development of general residential uses including single-family dwellings, flats and apartments to a maximum lot occupancy of 60 percent, a maximum floor area ratio (FAR) of 1.8, and a maximum height limit of 60 feet. An adult rehabilitation home is a permitted use in the R-5-B District if approved by the Board of Zoning Adjustment.

3. The subject property is located in the Dupont Circle Historic District of Ward 2. The Dupont Circle neighborhood consists of single-family rowhouses, flats, apartment houses, office development and a church. The Washington Hilton Hotel is located one-half block to the north of the site, at Connecticut Avenue and Florida Avenue N.W.

Public transportation is located in close proximity to the site. The Dupont Circle Metrorail Station is located to the south of the site (within walking distance) on Connecticut Avenue, N.W., at Q and 19th Streets. In addition, there are several metrobus routes that are located close to the site.

4. The applicant proposes to increase the number of residents in the existing adult rehabilitation home by eight people. The community residence facility has operated on the site since 1971. The building was constructed in 1900. It has seven dormitory-style bedrooms on the second and third floors, with offices on the first and basement floors. It has a gross floor area of approximately 5,076 square feet.

5. Certificate of Occupancy No. B-134577, for a community residence facility, was issued to the applicant in 1983 authorizing occupancy for 22 persons.

6. The Washington Halfway Home for Women (WHHW), is a private, nonprofit agency governed by an independent Board of Directors.

WHHW for Women has a contract with the D.C. Department of Corrections to operate a residential work release program for women who have been involved in the criminal justice system. Washington Halfway Home for Women operates two other adult rehabilitation homes in addition to the subject home. These are the only homes operated in the District of Columbia which are exclusively for women.

7. WHHW entered into contract with the D.C. Department of Corrections (DOC) in 1971. The contract initially called for WHHW to house 15 women in its programs. In 1982, the DOC requested that WHHW increase the number of residents under contract to 18. In 1983, as a result of the continuing needs of the DOC to find community residential space for female offenders eligible for release under the Department's guidelines, WHHW agreed to expand its programs to accept 22 women.

8. In January 1990, the DOC informed WHHW of its need for additional community bed space. The District of Columbia is experiencing a shortage of community bed space for female offenders. In addition to WHHW, there is only one other service provider operating an adult rehabilitation home for Women, "Extended House", which also houses male offenders and is operating at its capacity of 53 female residents. WHHW operates a second facility at 2425 Naylor Road, S.E., which was approved for 20 persons in BZA Application No. 15324. There are a total of 95 community bed spaces for female offenders, compared to 1,203 bed spaces for male offenders.

9. WHHW employs professional and paraprofessional staff who provide fulltime, 24-hour coverage to help residents make a smooth re-entry into the Washington community. WHHW plans to hire one additional counselor and proposes to continue the services currently provided at the subject facility. The facility would be governed by the current Board of Directors and an Executive Director. There would be office space for the Program Director and counseling staff. The counselor-to-resident ratio would be approximately ten to one. Supervision and security would be maintained 24 hours a day, with the largest number of staff members working the 4:00 p.m. to 12:00 midnight shift when the majority of clients are in the center, participating in various in-house

programs. One counselor will be on duty on the 12:00 midnight to 8:00 a.m. shift. Counselors and administrative staff will work the 8:00 a.m. to 4:00 p.m. shift.

10. The applicant is currently under capacity at the subject facility. The applicant proposes under this application to house 15 residents each on the second and third floors of the subject property.

11. The applicant indicated that a codicil to a will exists on this property. The codicil stipulates that the premises must be used for law offenders, preferably women, who have been involved with the criminal justice system. It also stipulates the manner in which the property must be used. The applicant is, therefore, prohibited from using the property for any purpose other than that which is stated in the codicil. The existing covenant associated with this site creates a practical difficulty for the the applicant.

12. The applicant submitted into the record information about its history, services, accreditation granted by the American Correctional Association, Commission Standards Accreditation for Adult Rehabilitation Services. In addition a letter was submitted from the Department of Corrections. The letter expressed congratulations on its achievement of re-accreditation.

13. By memorandum dated July 8, 1992, the Office of Planning (OP), recommended conditional approval of the application. OP noted the location of the site and the proposed use. OP stated that the applicant is proposing to use the site as an adult rehabilitation home for 30 residents.

OP stated that there are no other community-based residential facilities located within the subject square or within 500 feet of the site. It was also noted that the District's Historic Preservation Division indicated that it is not aware of any historic preservation issues associated with the site.

OP stated that five parking spaces are provided at the rear of the site. The parking spaces are designed to allow for stacked parking. In addition, the dimensions of the parking spaces appear to be for compact cars (eight feet by 16 feet). The Zoning Regulations state that the number of parking spaces required for a community-based residential facility for 16 or more persons shall be determined by the Board of Zoning Adjustment. Therefore, the number of on-site parking spaces appears to be adequate.

OP stated that the subject facility is in harmony with the general purpose and intent of the Zoning Regulations and Map. The facility has existed on the site for 21 years without adverse impacts on the abutting and surrounding properties. The applicant

is proposing to increase the number of residents living in the home by eight. This increase would have only a minimal impact on the community. For example, there would be only one additional staff member employed at the site and, therefore, no increase in the number of on-site parking spaces is needed; public transportation is located close to the site; residents do not loiter on the premises; the process of disposing of trash appears to be adequate; and the Metropolitan Police Department, Third District, has one report of a minor altercation at the site which took place in April of this year. There would be an increase of pedestrian traffic to the site if this application is approved. The increase, however, would be almost unnoticeable by the community.

The Office of Planning (OP) stated that it referred this application to the following District of Columbia government agencies for review and comment:

1. Department of Public Works;
2. Fire and Emergency Medical Services Department;
3. Department of Human Services;
4. Metropolitan Police Department;
5. Office of the Coordinator of Community-Based Residential Facilities;
6. Department of Consumer and Regulatory Affairs; and
7. Department of Housing and Community Development.

A response was received from the Department of Housing and Community Development (DHCD). The responding agency supports the applicant's request.

OP is of the opinion that the applicant's proposal is in harmony with the general purpose and intent of the Zoning Regulations and Map.

The existing facility provides an important public service. It serves as a place of transition between incarceration and the return to society. The applicant stated that the subject facility was the first halfway house for women only in the District of Columbia. A codicil exists on this site that creates a practical difficulty for the applicant. The site can only be used as a residence for people who have been incarcerated within the criminal justice system. In addition, the applicant has successfully used the site since 1971 as an adult rehabilitation home for women. OP is not aware of any negative impacts that would result if eight additional residents were allowed to reside at the home.

Therefore, OP recommends approval of the application with the following conditions:

1. The operation of the facility shall be limited to the Washington Halfway Home for Women, Inc.
2. Approval shall be for a period of five years.
3. The total number of people residing in the home shall not exceed 30 at any given time.
4. The facility shall meet the District of Columbia's fire, safety and health codes at all times.
5. The applicant shall maintain five on-site parking spaces.
6. Trash shall be collected from the premises at least two times weekly.

14. By memorandum dated June 10, 1992, the Department of Corrections, stated that the agency supports the application. It also emphasized the need for additional bed space in community correctional centers as well as an increase in community-based programs.

15. By memorandum dated June 22, 1992, the Fire Department stated that it supports the application. However, it was noted that fire and life safety features required by city codes such as fire alarms, sprinkler systems, exits etc., shall be determined during the plan review process as part of the building permit application review.

16. On January 22, 1992, the Advisory Neighborhood Commission (ANC) 2B, submitted a letter to the Board supporting the application providing that it does not violate fire, safety or health codes.

17. Mr. Jeffrey Gorman, who resides next door at 1818 19th Street, N.W., testified in opposition. His complaint dealt mostly with noise generated by the occupants of the facility and their visitors, and trash and litter in the vicinity of the subject property. Mr. Gorman indicated, however, that the applicant promptly responds to complaints and that he has had a good working relationship with the Executive Director and the staff of WHHW and anticipates continuing that good relationship.

18. Letters in opposition to the application were also received from Mr. Henry T. Gallagher of 1823 19th Street, N.W., and Mr. Thomas Massey. Mr. Gallagher complained about trash, noise, and the added risk to public safety of an increased number of applicants in the home. Mr. Massey complained about fights, injuries, a fire, and noise.

19. The applicant addressed those concerns at the public hearing by explaining how it responds to community complaints promptly, cleans up trash in the block even if it is not trash from the subject property, and denied that there had been any fights or a fire at the facility.

20. A letter in support of the application was submitted for the record from the other next door neighbor at 1814 19th Street, N.W.

**FINDINGS OF FACT:**

Based on the evidence of record, the Board finds as follows:

1. There is no other property containing a community-based residential facility for five or more persons in the same square.

2. There is no other property containing a community-based residential facility for five or more persons located within 500 feet of the site.

3. The applicant can provide four parking spaces at the rear of the site. The parking spaces are designed for stacked parking. The parking spaces are for compact cars.

4. The applicant is capable of meeting all applicable code and licensing requirements.

5. Operation of this facility will not cause adverse impact on the neighborhood in terms of traffic, because there would be only one additional staff member employed at the site. Therefore, no additional off-street parking spaces are needed.

6. Trash, loitering and noise are concerns of neighborhood residents.

7. The applicant is a reputable operator of a community-based residential facility. The applicant will maintain the property in a manner that will not adversely effect the neighborhood. While there has been some communication between residents of the neighborhood and the operator of the facility in the past, the Board finds that a formal structure for communication is needed.

8. The Board agrees with the report of the Office of Planning (OP). The Board notes the number off-street parking spaces is four instead of five as stated in the OP report.

9. The Board takes note of the existence of the codicil to a will existing on the property.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish an adult rehabilitation home for 30 residents on property located in an R-5-B District.

The granting of such special exception relief requires a showing through substantial evidence that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the application will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The applicant must also meet the applicable provisions of 11 DCMR 357 governing adult rehabilitation homes. Washington Halfway Home for Women, Inc., has successfully operated an adult rehabilitation home for women at this site since 1971.

The Board concludes that the applicant has met the burden of proof. The applicant will provide adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees, and visitors.

The applicant is capable of providing four parking spaces at the rear of the site. The Zoning Regulations state the number of parking spaces required for a community-based residential facility for 16 or more persons shall be determined by the Board of Zoning Adjustment. The Board concludes that the number of off-street parking spaces is adequate.

The Board concludes that the proposed facility will meet all applicable code and licensing requirements.

The Board is of the opinion that the facility will not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area. The facility has been in operation for over 20 years without significant adverse impact on the neighborhood. As hereinafter conditioned, the Board concludes that the facility will have little impact on the neighborhood and that a means of communication between the residents and the facility shall be established.

The Board concludes that there are no other community-based residential facilities located within the same square or within 500 feet of the subject site.

Finally, the Board concludes that granting the application is in harmony with the general purpose and intent of the Zoning Regulations and Map, and that it will not tend to adversely affect the use of neighboring property.

The Board concludes that it has accorded the views of ANC 2B the "great weight" to which they are entitled.

Based on the foregoing, the Board **ORDERS** that the application is hereby **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **FIVE YEARS**.
2. The total number of people residing in the home shall not exceed 30 at any given time, not including resident supervisors and their families.
3. The facility shall meet all D.C. fire, safety and health codes at all times.
4. The applicant shall provide four on-site parking spaces.
5. Trash shall be picked up no less than twice per week.
6. The applicant shall establish and maintain a community liaison program which shall provide a forum for addressing issues and concerns of the facility and its neighbors. The program shall include the establishment of an advisory council which shall include representatives of the staff, residents, local community organizations, and the local Advisory Neighborhood Commission representative. The council shall meet no less than quarterly and more often if necessary. Neighbors shall be notified no less than one week in advance of such meetings and invited to express their concerns and recommendations.
7. Staff of the facility shall monitor and inspect the exterior of the site several times daily to insure that the area is kept free of refuse and debris and to further ensure compliance with the facility's rules regarding the outside conduct of residents and guests.
8. The applicant shall install carpeting on the interior stairwell to lessen the noise impact on the adjacent residence.

**VOTE:** 4-0 (Maybelle Taylor Bennett, Paula L. Jewell, Angel F. Clarens and Carrie L. Thornhill to grant; Sheri M. Pruitt not voting, not having heard the case).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER:

JUL 29 1994

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15689Order/LH/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15689

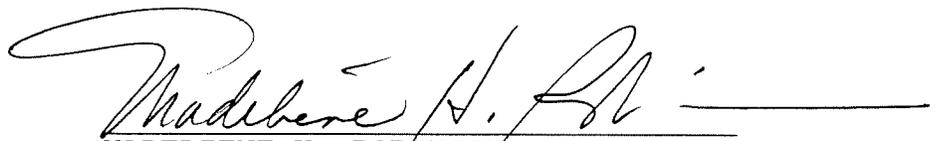
As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 29 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Loretta Caldwell  
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MADELIENE H. ROBINSON  
Director

DATE: JUL 29 1994

15689Att/bhs