GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: July 13, 2001

SUBJECT: Waiver of Rules for Late Submission of Office of Planning Report
BZA Application 16729: Wayne Place Senior Housing

The attached Office of Planning report on Application No. 167299, a request for a special exception and variances for the construction of senior housing on Wayne Place, S.E., is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the application at the scheduled public hearing. The Office of Planning (OP) required additional information from the applicant, which was not received until earlier this week. OP requests that the Board waive its rules to receive the report into the record.

Attachment

aa/sc

BZA
Case No. 16729
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.16729
EXHIBIT NO.33

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: July 13, 2001

SUBJECT: BZA Application #16729 (Application of Wayne Place Senior Living Limited Partnership)
114-124 Wayne Place, S.E.
Square 6118, Lots 42 and 43
Ward 8

I. APPLICATION-IN-BRIEF

Applicant:	Wayne Place Senior Living Limited Partnership of Latham, MD for St. Paul Community Development Corporation (CDC) of Temple Hills, MD
Relief Sought:	-Special Exception for New Apartment Building in an R-5-A Zone -Variance for FAR in R-5-A (4.8% greater) -Variance for Lot Occupancy in R-5-A (.63 greater) -Variance for Limitation on Number of Stories in R-5-A (1 additional story)
From Section:	11 DCMR § 353.1, 400.1 402.4 and 403.2
Regulations Require:	Board must review all new residential developments other than single-family detached and semi-detached dwellings; Applicant must meet tests for various variances.
Relief Sought Under:	§ 3103.2 and 3104.1
Applicant Justification:	Applicant wishes to construct an independent living facility for seniors. Applicant contends it cannot build the quality of facilities and services it wishes to provide without the income that would be generated by an additional number of units that could not be constructed under matter of right zoning, due to the nature of the site.

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends the Board APPROVE this application, contingent on the applicant's providing additional information demonstrating the need lot coverage relief.

III. SITE AND AREA DESCRIPTION *(See Attachments 1, 2a and 2b)*

Square 6118 in southeast Washington is bounded by:

- South: Wayne Place
- East: Mississippi Avenue
- North: Wilmington Place
- West: 1st St., S.E.

It is in the Congress Heights section of Ward 8, very near the intersection of Martin Luther King, Jr. Ave. and 1st Street, N.E. The site is near the top of a steep hill that slopes southeast to Oxon Run Park. The Congress Heights metro station and Saint Elizabeth's are 12 blocks northeast. South Capitol Street is 1 block to the west.

The neighborhood consists primarily of walk-up garden apartments, some modest single-family houses, and public housing. There is both transitional housing and an abandoned garden apartment complex up the Wayne Place hill and across 1st Street. Private developers have successfully upgraded several of the garden apartment complexes near Oxon Run Park into attractive rental and condominium projects.

The 41,242 square foot site is bordered on the east by an occupied garden apartment complex; on the west by a public alley and an occupied garden apartment complex; on the north by vacant lots; and on the south by Wayne Place. There are several mature trees on the western edge, and one mature tree in the center of the site. The two vacant apartment buildings that currently improve the site are three story walk-ups with 33 units. They form a courtyard that opens to Wayne Place.

The most notable feature of the site is its 12.5% slope from northwest to southeast.

The project will be constructed in Ward 8, which has a deficit of affordable senior housing. Although approximately 17% of the District's population was 60 years of age or older in 1996, there is only one District operated senior building in Ward 8. Knox Hill has 122 units and is 2.6 miles from the Wayne Place site. There are two other private facilities in Ward 8: the Robert Walker House and the Robert Walls Senior Citizen Center have 238 units for the elderly.

At least 70% of Wayne Place Senior Housing would be marketed to seniors over 65 who could afford to pay $600/month for very large one-bedroom apartments with many amenities. Many of

these people would be seniors who are planning to sell the houses they own. The remaining 20% - 30% of the units would be rented either to Seniors with Section 8 vouchers, or "young" seniors between 55 and 64.

IV. AREA ZONING AND HISTORIC DISTRICTS

The site is zoned R-5-A, as is the most of the nearby area. There is some R-2, R-4 and R-5-B zoning immediately to the north, and a very small C-1 district along Martin Luther King, Jr. Avenue, immediately to the west. Neither the site nor nearby blocks are within historic districts.

V. PROJECT DESCRIPTION *(See Attachments 3, 4A - 4D, and 5)*

The applicant wishes to construct a 62,977 square foot independent living facility for senior citizens. Using the Bozzuto Group residential development company, the applicant would build 56 units, in one and two bedroom configurations. There would be 24-hour concierge service, a small sundries area, a lounge and small library, an area for eating meals that would be delivered from off-premises, a classroom, and "wellness" areas that would include exercise and preventative health-examination facilities. The Wellness Center would be operated in conjunction with the D.C. Senior Citizens Counsel and Delivery Services and the Howard University College of Applied Health. A secure, pass-keyed 14 car parking area, loading zone, and pick-up and drop-off area would be located behind a *porte cochere* facing Wayne Place. Courtesy bus service would take scheduled groups to shopping and other services. Some of these services would be at a larger companion facility run by the St. Paul CDC in Prince George's County. Most would be delivered in 4,200 square feet of non-leasable space that would be nestled into the site's natural slope on the western and southern sides.

The building would be three and four stories high, with the former area being on the western side where the slope is steepest. It would be generally L-shaped, with the longest side and principle entrance on the wing stretching back from Wayne Place. Mechanical units are hidden by a deep roof structure over the main building and over the *porte cochere*. The design is neo Queen Anne revival. With its prominent roof, multi-textured façade, double-turreted façade and gatehouse-like entrance on Wayne Place, the facility would set a new architectural standard for this part of Southeast.

V. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN *(See Attachment 6)*

The District of Columbia Generalized Land Use Map designates the Square for Moderate Density Housing. The provision of rehabilitated housing at this site is consistent with objectives of the Ward 8 text elements of the Comprehensive Plan. Section 1908 (c), (e) and (f), in particular, encourage the renovation of existing rental housing, especially for low-and-moderate-income households. Section 1909.1 (b) also recommends the rehabilitation of abandoned and

underused privately owned apartment buildings within Ward 8. The buildings are currently vacant.

VI. PREVIOUS ZONING ACTIONS

There are none recorded for the site.

VII. REQUESTED ZONING RELIEF

A.1: SPECIAL EXCEPTIONS REQUEST

Pursuant to Section 3104.1, the applicant is requesting a Special Exception under Section 353 to construct a new residential development that is not a one-family detached or semi-detached dwelling, in an R-5-A zone. This section of the Zoning Regulations was first adopted in the late 1950's to ensure that larger-scale developments on vacant land did not overly burden:

- the existing school system (Sec. 353.2's requirement for referral by BZA to the Board of Education);
- streets, parks and other services (Sec. 353.3's requirement for referral by BZA to the Department of Public Works [DPW] and the Department of Housing and Community Development [DHCD]);
- and the general site environment and planning context (Sec. 353.4's requirement for referral to OP).

As the District became virtually built-out, some of the rationale for this section may have weakened, but the regulations remain in effect, and have been a useful tool for existing residents to protect the character of their communities.

The Board may permit the construction of, in this case, an apartment house for Seniors, if it determines that:

- The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and
- It will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and,
- It is subject to the conditions specified in sections
  - 350.4 (c)
  - 353
  - 401.3
  - 410.1 through 410.7.

A.2: DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TESTS?

Is it in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps? It is. The zoning regulations contemplate the possibility of the Board's permitting a wide variety of uses in the R-5-A district, provided the proposed development does not overly burden the surroundings. The Comprehensive Plan map clearly designates this area for moderate density housing. The majority of nearby development is multi-family apartments. The use of water and sewer lines will not be appreciably greater for this development than for the previous apartment use on the site. The impact on the public school system will be notably lighter. Because of the shuttle service to be provided to shopping, attractions and transit, the impact on traffic is not likely to be significant.

Will it adversely affect the use of neighboring property, in accordance with the zoning regulations and maps? It will not. The well-being of the neighboring properties is likely to be improved with the re-occupation of this now-abandoned site. The proposed building, while one story taller than its neighbors, will be adequately set-back from property lines.

With respect to 30 day minimum lease requirements of 350.4(c), the initial lease period will be for one year, with tenants going on month to month leases after that.

With respect to the referral requirements of Section 353, the Office of Zoning referred the application to the appropriate agencies:

> The record contained no statement from the Board of Education as to whether the proposed development would impose a burden on the existing school system. OP's opinion is that this small number of senior citizens would not burden the nearby schools. However, this is not OP's determination to make.
>
> The record contained no statement from the Department of Public Works (DPW). Again, because public transportation is nearby (albeit, accessed by pedestrians via steep slopes) at Martin Luther King, Jr. Avenue and Mississippi Avenue, because shuttle service will be provided by the applicant, and because seniors do not generally drive or travel as much as younger people, the impact on transit and traffic is likely to be small.
>
> The Department of Housing and Community Development has registered no objection to the project. It has lent his strong verbal support to the project, as has the D.C. Housing Finance Agency, which plans to issue bonds to help construct the project.
>
> With respect to the Section 353.4's referral to OP for comments on the general site environment and planning context, the development is not in conflict with the Comprehensive Plan. The site is adequately served by water and sewer. There are relatively steep slopes nearby, but the area is not in a slope protection overlay.

B.1 VARIANCE REQUESTS

Pursuant to Sections 3103.2 of the zoning regulations, the applicant is requesting variances from:

- The maximum allowable lot occupancy established by Section 403.2

The applicant proposes the building occupy 44.8% of the site, rather than the permitted 40%.

- The maximum allowable floor area permitted by Section 402.4.

The applicant proposes the building have an FAR of 1.53 rather than the permitted .9.

- The maximum allowable building height permitted by Section 400.1

The applicant proposes the building be four stories rather than the permitted three.

11 DCMR, Sec. 3103.2 cites the D.C. code provision that authorizes the BZA to grant the requested variances *"where, by reason of*

- *exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of*
- *exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,*

the strict application of any regulation … would result in

- *peculiar and exceptional practical difficulties to or*
- *exceptional and undue hardship upon the owner of the property…;*

Provided, that the relief can be granted

- *without substantial detriment to the public good and*
- *without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning regulations and Map".* (bullets added)

B.2 DOES THE APPLICATION MEET THE VARIANCE TESTS?

A. *Uniqueness: With respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions of the specific piece of property*: The site has a 12.5% slope from edge to edge, making it topographically exceptional.

B. *With respect to the* ***"Practical Difficulties"*** *that would be "unnecessarily burdensome" and impose Undue Hardship to the Applicant should the application for not be approved:* The steep slope poses a practical difficulty with respect both to height and buildable area. The twenty-foot difference in elevation between the western/southern and eastern edges of the proposed building represents essentially two stories. Without substantial excavation, it would be difficult to construct a building whose eastern side was not one or two stories higher above the grade than the western building face.

The applicant's case for variances rests on the alleged need to build higher, more broadly, and more densely than would be allowed without the requested variances. The applicant states this relief is necessary if the project is to provide the types of amenities it proposes for Seniors and still be not unduly burdensome, financially, to construct.

The types of facilities the applicant is providing for Seniors are supportive of well being, and can help prevent physical and psychological deterioration. OP has visited the St. Paul CDC's facility in Prince George's County and has been impressed by the quality of the facility and its management. These amenities are not income producing. Their cost would have to be recaptured either by significantly raising the rent on the 38 units the applicant has determined could be constructed as a matter of right, or by absorbing the costs through marginal increases to the rents of the 56 units the applicant proposes to construct.

Assuming the 38 unit number is correct for what could be built under a matter of right proposal (the existing buildings on the site have 33 units), it would cost approximately 21% more per square foot of 38 units to build the same amenities as are currently proposed than it would per square foot for 56 units. The lower number of matter of right units would bring in 40% less revenue than the higher number of units under the requested relief.. In Ward 8, which has the lowest per capita income of anywhere in the District, the aim of supplying affordable housing for seniors would be undercut through charging higher rents for a fewer number of tenants rather than through charging more affordable rents for a larger number of tenants. In OP's opinion, the preferable alternative is to absorb the added costs of the added services through an increased number of units.

In OP's opinion, the applicant has adequately made the case for needing the additional number of units if it is to provide the additional services. The case for additional FAR follows directly from this argument, and, given the lot coverage restrictions and topography, so does the case for an building an additional story in order to achieve the FAR.

However, in OP's opinion the applicant has not made as strong a case for lot coverage relief as it has made for FAR and additional-story relief. Most of the additional lot coverage requested is attributable to the *porte cohere* that combines an entranceway, remote storage for potentially flammable materials, and screening for mechanical equipment. We are not aware of alternative floor plans that were considered that might have achieved these objectives without resulting in the need to request lot coverage variance. However, we are optimistic that the applicant will present testimony at the public hearing that will buttress its arguments for the lot coverage variance and enable OP to support this request, too.

C. *Can The Relief Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the* ***Intent, Purpose and Integrity of the Zone Plan*** *as Embodied in the Zoning Regulations and Map?*

OP has answered this question in the affirmative in its discussion of the request for a Special Exception.

VIII. COMMUNITY COMMENTS *(See Attachments 7 and 8)*

The ANC's letter of support is attached, as is a letter of support from Councilperson Allen.

IX. OTHER AGENCY COMMENTS

The Department of Housing and Community Development and the D.C. Housing Finance Agency have lent their strong support to this project. However, no written agency comments were on file as of July 11, 2001.

X. OP RECOMMENDATION

OP is impressed with the types of services St. Paul's CDC proposes to provide for Ward 8 Seniors, at an affordable price. We wish to be supportive of the project.

- OP RECOMMENDS THE BOARD APPROVE the request for the special exception to construct an apartment building (i.e., an independent living facility for Seniors) on Wayne Place in Ward 8.

- OP RECOMMENDS THE BOARD APPROVE the variance request for a .63 increase in FAR.

- OP RECOMMENDS THE BOARD APPROVE the variance request for an additional story.

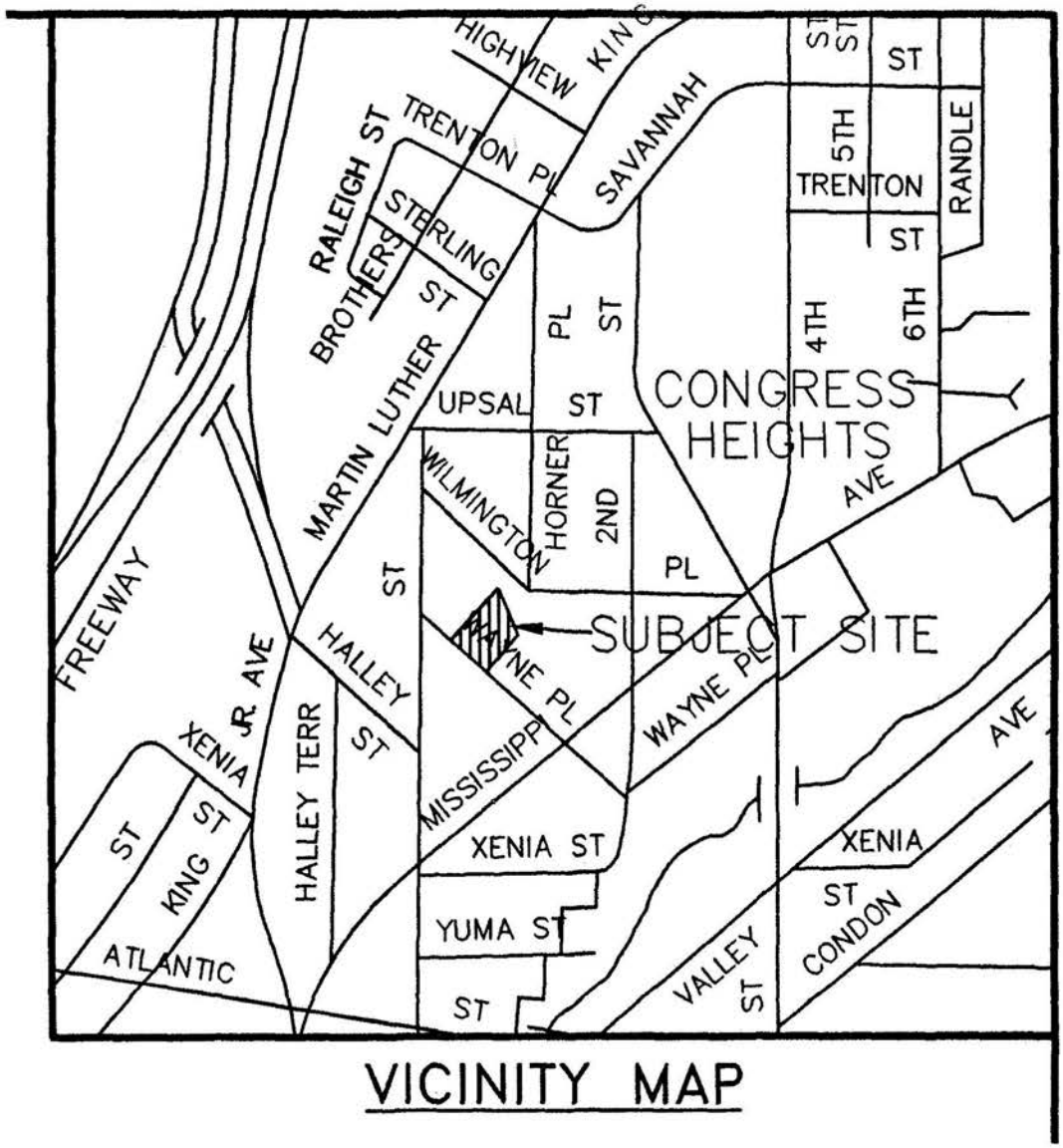
- OP RECOMMENDS THE BOARD APPROVE the variance request for additional lot coverage, *contingent on the applicant's providing additional information demonstrating the need for the requested increase in lot coverage.*

AA/slc
Attachments

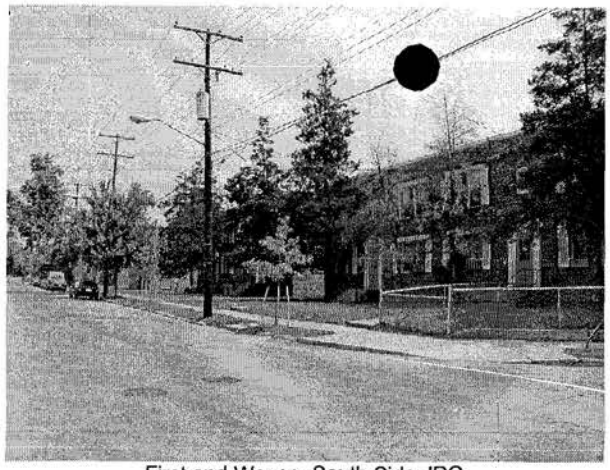
LIST OF ATTACHMENTS

1.	Location/Vicinity Map
2A. and 2.B.	Existing Area and Site Conditions
3.	Area Zoning
4A.- 4C.	Proposed Façade, Site Plan and Topographical/Landscape Treatment
5.	Existing St. Paul Senior Living Facility in Prince George's County
6.	Generalized Land Use Map
7.	Letter of Support from ANC 8B
8.	Letter of Support from Councilperson Allen

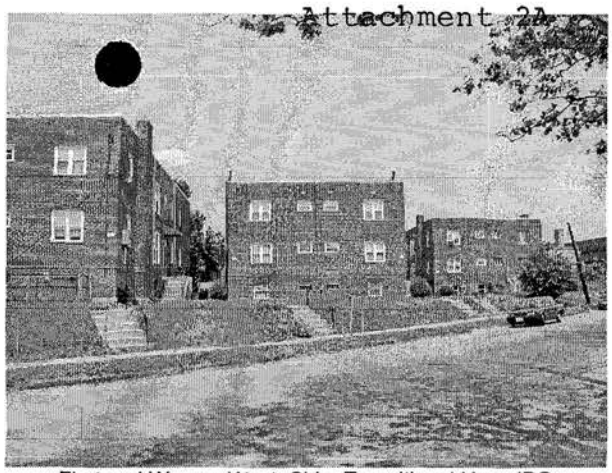
Attachment 1



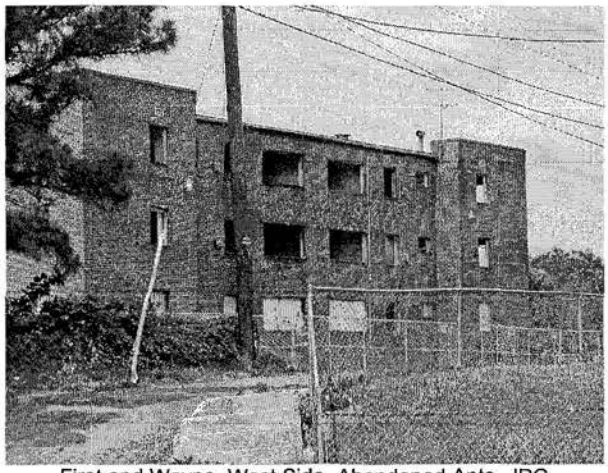
VICINITY MAP



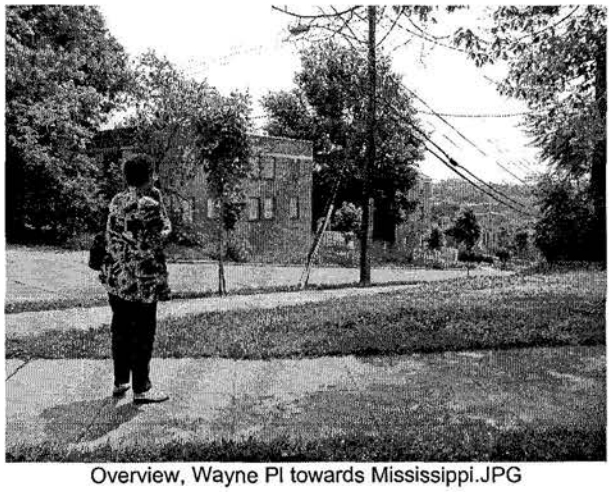
First and Wayne, South Side.JPG



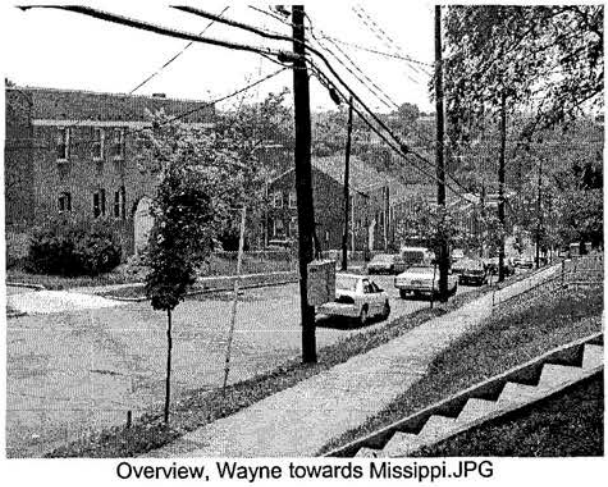
First and Wayne, West Side, Transitional Hsg..JPG



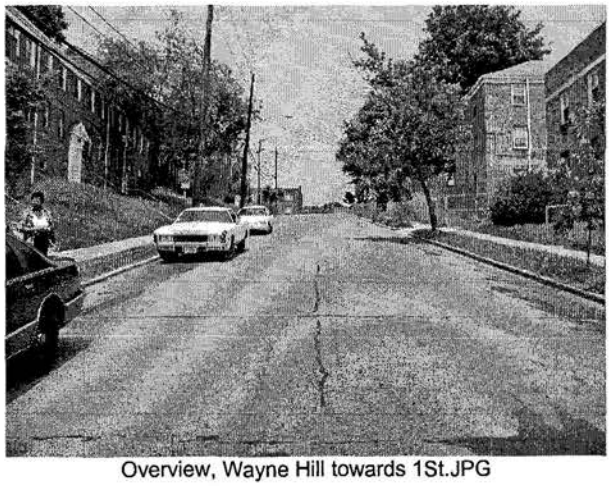
First and Wayne, West Side, Abandoned Apts..JPG



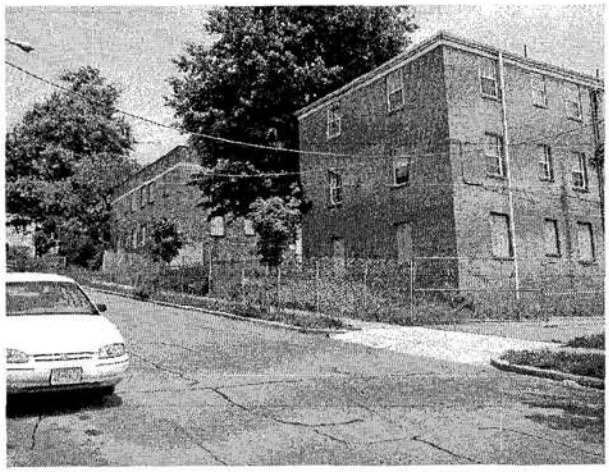
Overview, Wayne Pl towards Mississippi.JPG

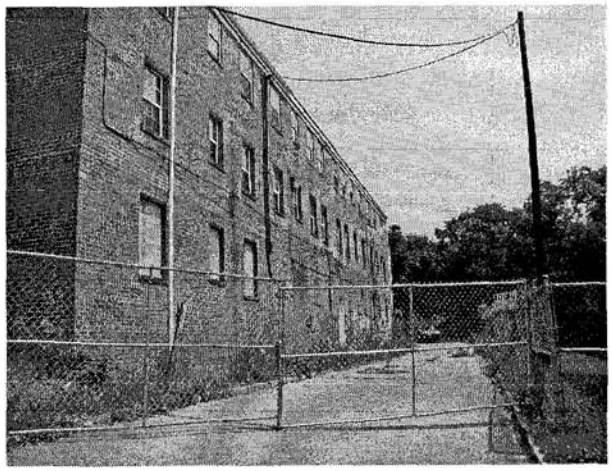


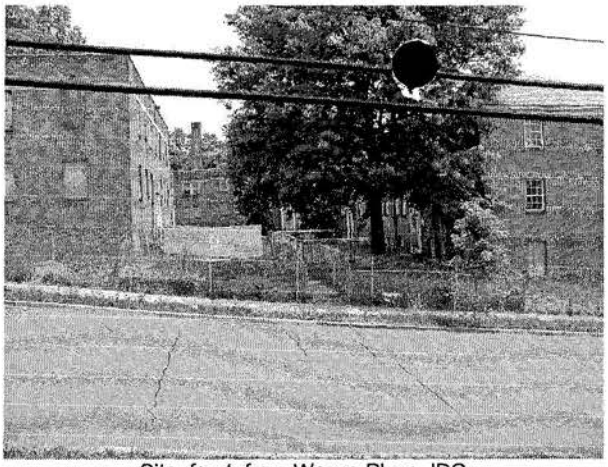
Overview, Wayne towards Missippi.JPG



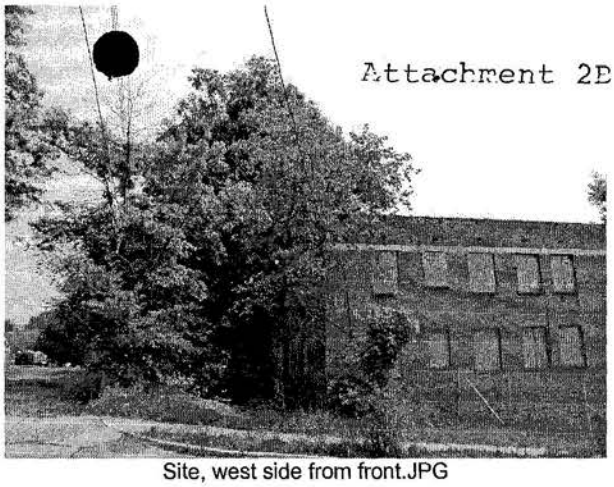
Overview, Wayne Hill towards 1St.JPG





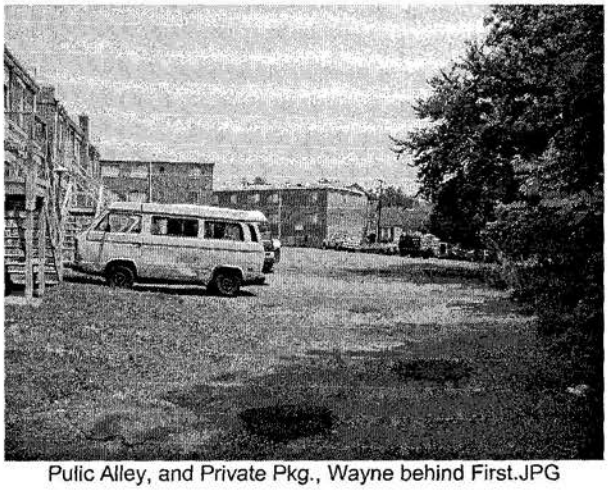


Site, front from Wayne Place.JPG



Attachment 2E

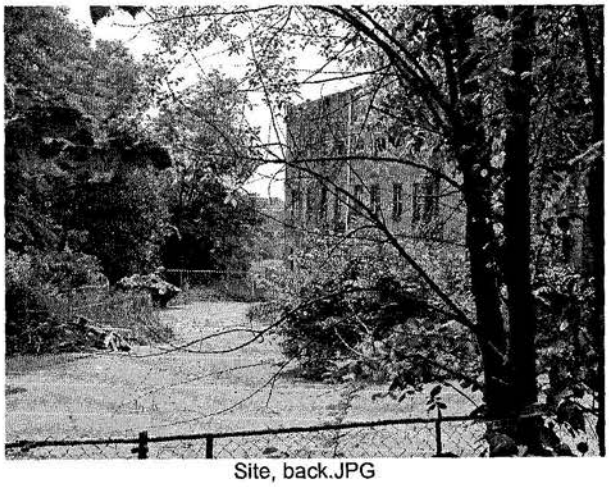
Site, west side from front.JPG



Pulic Alley, and Private Pkg., Wayne behind First.JPG

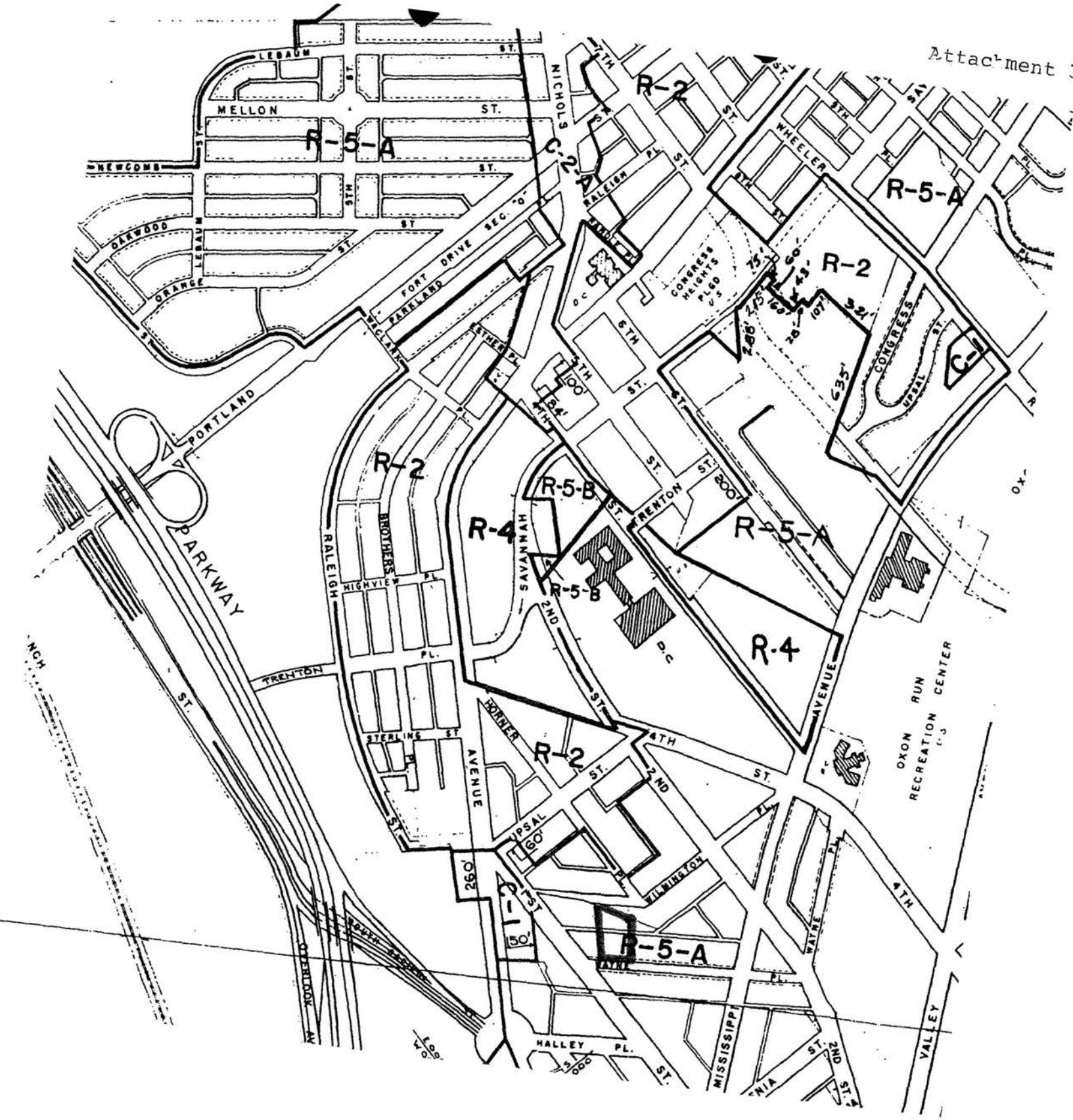


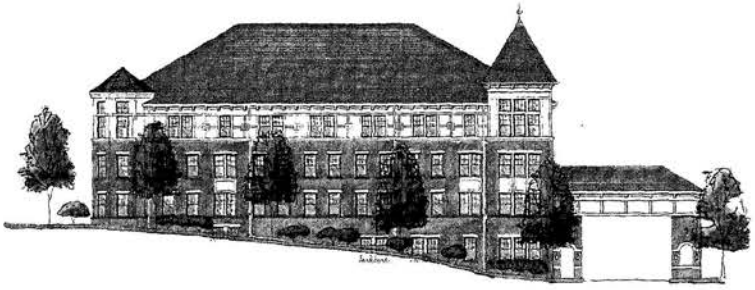
Site, west side.JPG



Site, back.JPG

Attachment

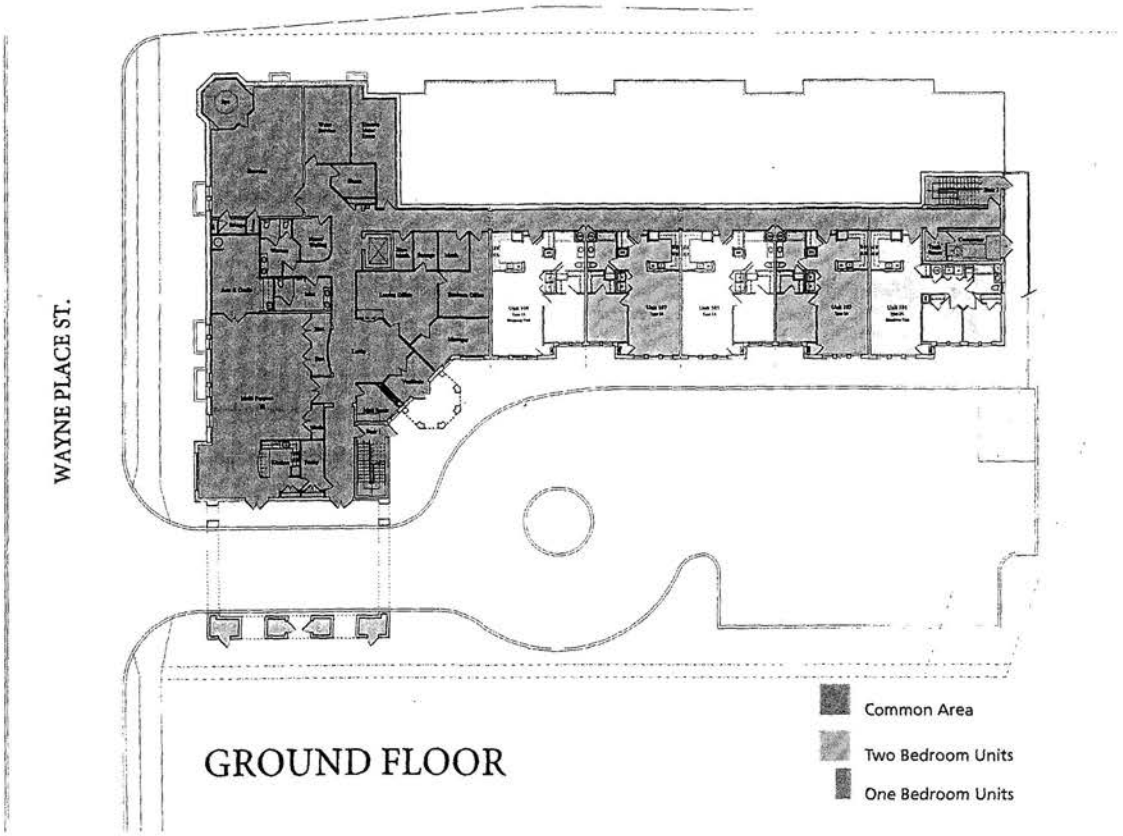

R-5-A
C-2-A
R-2
R-5-A
R-2
R-2
R-5-B
R-4
R-5-B
R-5-A
R-4
R-2
C-1
R-5-A
MELLON ST.
NEWCOMB ST.
DARWOOD ST.
ORANGE ST.
LEBAUM ST.
NICHOLS ST.
RALEIGH PL.
WHEELER AVE.
CONGRESS HEIGHTS PLGD U.S.
FORT DRIVE SEC. "O"
PARKLAND
PORTLAND
PARKWAY
RALEIGH
BROTHERS
HIGHVIEW PL.
SAVANNAH
TRENTON ST.
TRENTON
STERLING ST.
PL.
AVENUE
FORNER
IPSAL
CONGRESS
6TH ST.
5TH ST.
4TH ST.
3RD ST.
2ND ST.
OXON RUN RECREATION CENTER
WILMINGTON
WAYNE PL.
MISSISSIPPI
VALLEY
HALLEY PL.
OVERLOOK AV.
260'
60'
50'
635'
800'
100'
84'
D.C.



WAYNE PLACE ST. ELEVATION



COURTYARD ELEVATION

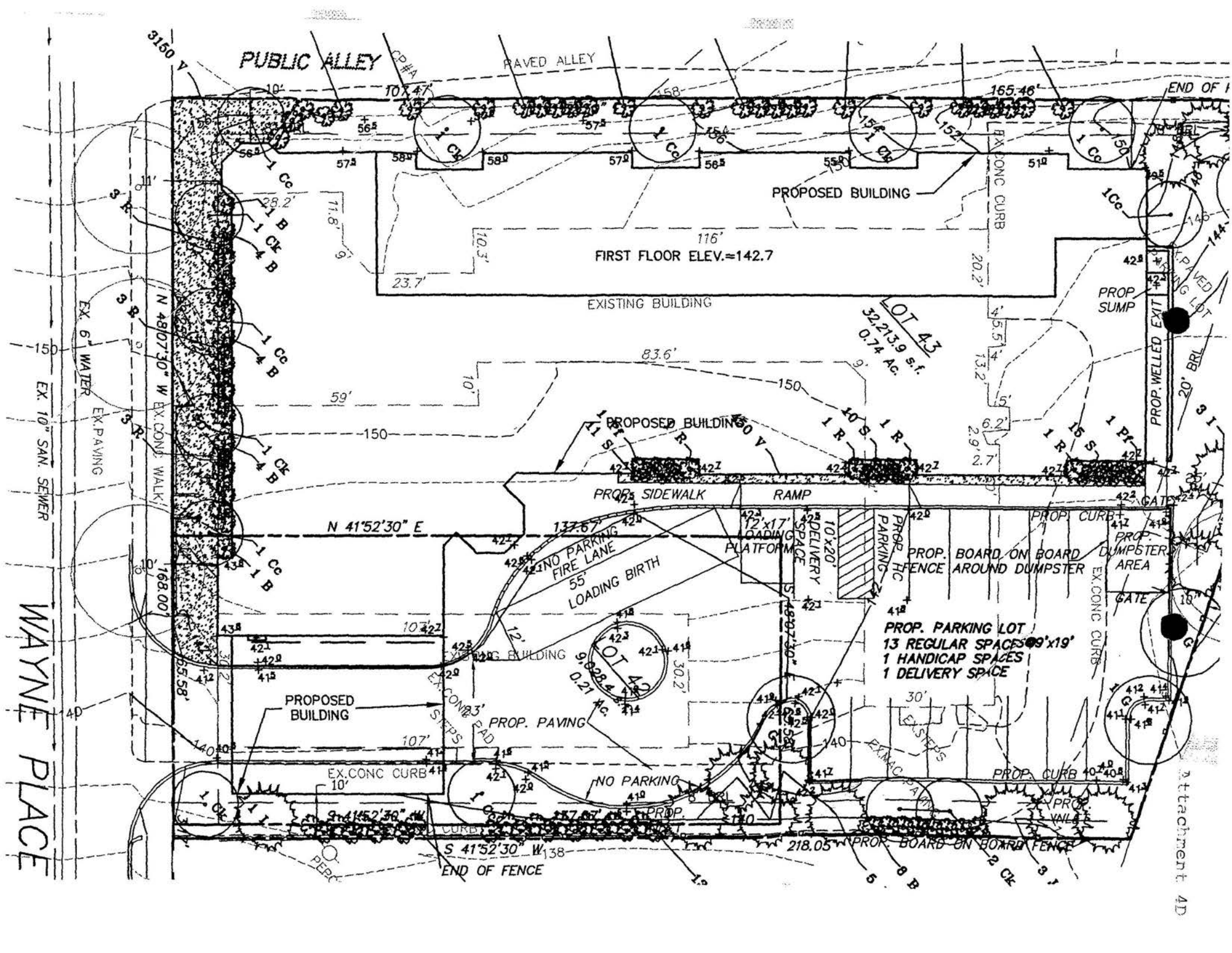


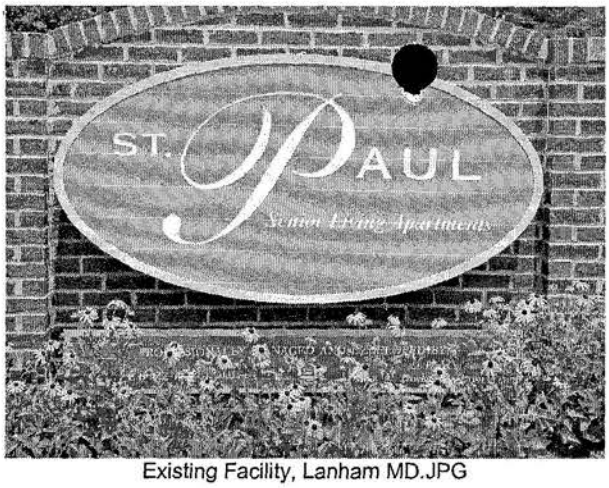
GROUND FLOOR

Attachment 42



SECOND FLOOR PLAN

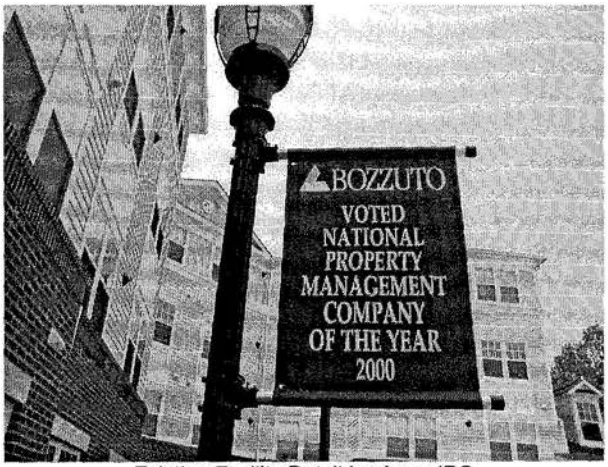

PUBLIC ALLEY
PAVED ALLEY
WAYNE PLACE
EX. 10" SAN. SEWER
EX. 6" WATER
EX.PAVING
EX.CONC WALK
N 48°07'30" W
168.00'
107.47'
165.46'
END OF
PROPOSED BUILDING
FIRST FLOOR ELEV.=142.7
EXISTING BUILDING
EX.CONC CURB
LOT 43
32,213.9 s.f.
0.74 AC.
PROP. SUMP
PROP. WELLED EXIT
PROP. PAVED PARKING LOT
20' BRL
PROP. SIDEWALK
RAMP
GATE
N 41°52'30" E
137.67'
NO PARKING
FIRE LANE
55' LOADING BIRTH
12'x17' LOADING PLATFORM
10'x20' DELIVERY SPACE
PROP. HC PARKING
PROP. CURB
PROP. DUMPSTER AREA
PROP. BOARD ON BOARD FENCE AROUND DUMPSTER
PROP. PARKING LOT
13 REGULAR SPACES 9'x19'
1 HANDICAP SPACES
1 DELIVERY SPACE
EX. BUILDING
LOT 42
9,028.4 s.f.
0.21 Ac.
PROPOSED BUILDING
EX.CONC STEPS
EX.CONC PAD
PROP. PAVING
EX.CONC CURB
NO PARKING
PROP. CURB
PROP. VAULT
S 41°52'30" W
138
END OF FENCE
218.05'
PROP. BOARD ON BOARD FENCE
Attachment 4D



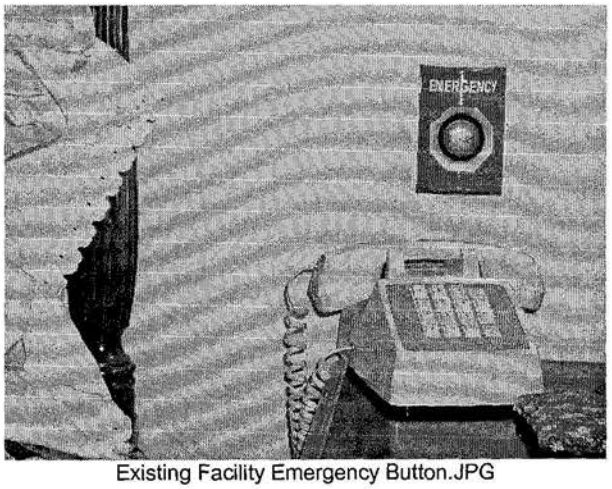
Existing Facility, Lanham MD.JPG



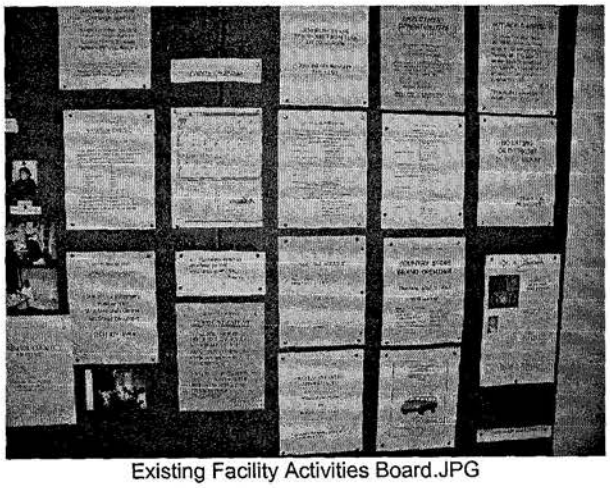
Existing Facility Entrance, Lanham.JPG



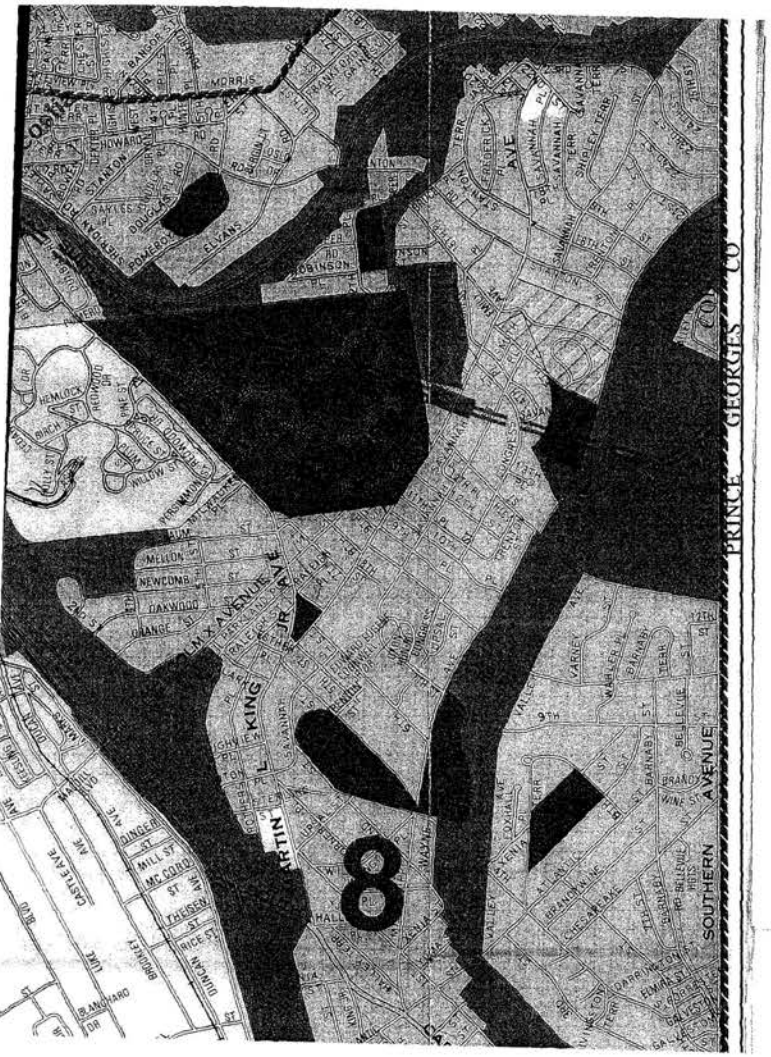
Existing Facility Detail Lanham.JPG



Existing Facility Emergency Button.JPG



Existing Facility Activities Board.JPG



District of Columbia Generalized Land Use Map

Legend

residential land use categories

low density

Single-family detached and semi-detached housing are the predominant uses.

moderate density

Row houses and garden apartments are the predominant uses; may also include low density housing.

medium density

Multiple-unit housing and mid-rise apartment buildings are the predominant uses; may also include low and moderate density housing.

high density

High-rise apartment buildings are the predominant uses; may also include low, moderate, and medium density housing.

commercial land use categories

low density

Attachment 6

Attachment 7

ADVISORY NEIGHBORHOOD COMMISSION 8C

3128 MARTIN LUTHER KING AVENUE, S. E.
WASHINGTON, D. C. 20032
(202) 562-1189 • FAX (202) 562-6038

June 2, 2001

Board of Zoning Adjustment
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: BZA Application No. 16729
114-124 Wayne Place, SE
(Square 6118, Lot 42 and 43)

Dear Members of the Board:

According to BZA code 3115.1, 3115.2; 3115.3 Advisory Neighborhood Commission 8C has followed all the requirement.

a) Application No. 16729

b) Advisory Neighborhood Commission 8C held a public meeting on June 27, 2001 to address the variances on the above application No. 16729.

c) The community was notify at the June 6, 2001 regular meeting and notify by flyers and June 21, 2001.

d) Four Commissioners for Advisory Neighborhood Commission constitutes a quorum the following Commissioners was present at the June 27, 2001 Special Meeting:

Renee Lucas – 8C01
R. Calvin Lockridge -8C03
Mary Cuthbert –8C04
Barbara Kemp – 8C05

f) Advisory Neighborhood Commission 8C support the variances

g) Motion by R. Calvin Lockridge ; Second by Barbara Kemp to support the variances with a Memordum of Agreement forapplication No. 16729 with a letter of support to BZA.

h) Chairman Mary J. Cuthbert is authorized to present Advisory Neighborhood Commission 8C report to the Board of Zoning Adjustment.

Application No. 16729
114-124 Wayne Place, SE

Advisory Neighborhood Commission 8C at it regularly scheduled June 6, 2001 public meeting heard the presentation from the applicant and gave notice the vote for this project will take place at a **Special Meeting on June 27, 2001 after the site at Addison Road facility on June 21, 2001.** Two site visits to the Addison Road Facility was conducted with ANC representatives and Seniors (Ward 8 Mini Commission on Aging).

After hearing the presentation of the Applicant and responses to community questions, it was determined that the proposed site is unique of the slope topography and the variances for floor ratio, lot occupancy, and height would not change the architectural Character of this community. This proposed plan is in compliance with the Ward 8 Comprehensive Plan and will enhance this community.

The Advisory Neighborhood Commission 8C supports the request for a special exception and variances for the construction of a new senior housing facility.

Sincerely,

Mary J. Cuthbert,
Chair

Attachment 8

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

July 10, 2001

Board of Zoning Adjustment
441 4th Street, N. W.
Suite 210
Washington, DC 2001

Re: BZA Application No. 16729, 114-124 Wayne Place, S.E.
(Square 6118, Lots 42 and 43)

Dear Members of the Board:

As the Councilmember for Ward Eight, where the proposed senior housing apartment facility will be located, I wish to inform the Board that I wholeheartedly support the Applicant's request for special exception and variance relief. This relief is necessary in order to allow this important project to become a reality for a struggling area between Martin Luther King, Jr. and Mississippi Avenues. The proposed development is supported by Advisory Neighborhood Commission 8C and many members of the community.

The Applicant proposes to demolish two vacant and deteriorating apartment buildings currently known as "The Courtyard at Wayne Place" and replace them with a state-of-the-art, 56-unit housing facility for the elderly. In addition to being a visual blight, the current buildings are often used for nefarious purposes and, as such, are a danger to residents in the area. The Applicant proposes to provide senior citizen residents with a wide range of services in a secure and attractive environment. The Applicant has developed a similar facility in the Metropolitan area which, by all accounts, has been successful in improving the surrounding are in which it is located and serving the needs of the often under-served senior citizen population.

In as much as an experienced developer with a proven track record of success with this type of development has an interest in returning these parcels to a productive and beneficial use, as a community it is important that we marshal all available resources in order to revitalize deteriorating and blighted areas.

Sincerely,

Sandra C. Allen
Councilmember Ward Eight