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April 16, 2002

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D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: BZA Application No. 16861 - Ingleside at Rock Creek – 5121 Broad Branch Road, N.W.

Dear Members of the Board:

Enclosed please find the Statement of the Applicant, which we have prepared on behalf of the Applicant, Ingleside at Rock Creek. Please call either of the undersigned with any questions.

Sincerely,

Allison C. Prince

Martin P. Sullivan

Enclosures

Document #: 1233860 v.1

BZA
Case No. 16861
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16861
EXHIBIT NO.25

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Ingleside at Rock Creek

BZA Application No. 16861
Public Hearing: April 16, 2002
ANC 3G

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

Ingleside at Rock Creek ("Ingleside"), located at 3050 Military Road, N.W. ("Main Property"), provides housing and care for seniors who are, or may eventually be, unable to fully care for themselves. BZA approval was originally granted in 1958 (Appeal No. 5205, August 18, 1958) to permit Ingleside's operation, on the Main Property, of a health care facility and community residence facility. BZA approval was given to expand Ingleside in Order No. 16138, September 30, 1997.

Ingleside is also the owner of an abutting property, located to the south of the Main Property, at 5121 Broad Branch Road, N.W., Lots 3, 4 and 803 in Square 2285 (the "Broad Branch Property"). The Broad Branch Property is improved with a three-story house ("Manor House"). Ingleside purchased the Broad Branch Property in 1996, during the time period of the BZA's consideration of Case No. 16138. Ingleside had considered including the Manor House within that BZA case. However, since that case involved a significant 102-unit expansion, Ingleside opted to wait and handle this more minor case separately. Ingleside now seeks special exception approval for the use of the Manor House for recreation space and meeting rooms for the residents of Ingleside, and for four short-term guestrooms for traveling family and friends of Ingleside residents. This proposed use is permitted with special exception approval by this

Board pursuant to Sections 218 and 219 of the Zoning Regulations. As required, the special exception application was submitted under Sections 218 and 219 of the Zoning Regulations, as a community residence facility and a health care facility. This special exception request will have little or no effect on the operation of Ingleside's main facility and it seeks no changes to the conditions in BZA Order No. 16138. The granting of this special exception will not increase the number of Ingleside residents and will not have an impact on the surrounding community. It will, however, improve the quality of life for Ingleside residents and their loved ones.

There will be no renovation or construction under this proposal, although Ingleside does request permission to perform any construction necessary to meet the requirements of the Americans with Disabilities Act ("ADA"), such as wheelchair ramps, if applicable. Aside from any ADA required upgrading, Ingleside merely seeks approval to use the Manor House as indicated to support its current BZA-approved program.

II.
HISTORY OF INGLESIDE AT ROCK CREEK

Ingleside has had a significant presence along Military Road for over 41 years of its 96-year history. Ingleside was already in its fifth decade of operation when it acquired the Main Property in 1958 and subsequently constructed the original building in 1960 and the addition in the late 1990's. When Ingleside was originally established in 1906, it was located in a row house at 1420 M Street, N.W. In 1918, Ingleside relocated to the Ingleside Mansion located in Mount Pleasant at 1818 Newton Street, N.W. Ingleside then relocated to the current Military Road site in 1960. Ingleside is known for its quiet presence, excellent care for its residents in a home-like setting, well-maintained grounds and heavily wooded setting. Both the residents of Ingleside and area neighbors enjoy the substantial open space on the site.

Ingleside serves a critical need in the community by providing a warm and supportive environment, including independent apartment residences, assisted living rooms and intermediate nursing care in the health care center, for a total of approximately 270 residents. Ingleside's residents pay taxes in the District of Columbia and form a vital part of the community in which they live. Ingleside also provides a total of 199 permanent jobs (169 full-time and 30 part-time), 40% of which are held by D.C. residents.

Several other homes for the elderly such as the Hebrew Home for the Aged and the National Lutheran Home for the Aged left the District of Columbia and relocated to the suburbs. Ingleside has had a long history at its current location and remains committed to the District of Columbia and this neighborhood. The residents of Ingleside are looking forward to using the recreation and meeting space in the Manor House, and are excited to have loved ones stay nearby at the Manor House.

III.
BACKGROUND OF THE PROJECT

Ingleside is a non-profit organization dedicated to meeting the needs of the aging. It has been thriving at its Military Road location for over 41 years. The proposed use of the Manor House will respond to a need for recreation and meeting space for the existing residents, and a strong desire by the residents and their families to be able to stay at the Manor House when traveling. As described above, there will be no new construction or renovation, save that required by the ADA.

IV.
JURISDICTION OF THE BOARD

This Board has jurisdiction pursuant to Section 3104.1 of the Zoning Regulations to grant the requested special exception relief. This application does not entail any variance relief.

V.
DESCRIPTION OF PROPERTY AND PROPOSED USE

A. Broad Branch Property and Environs

The Broad Branch Property is located in the R-1-A Zone District and abuts the Main Property directly to the south. The Broad Branch Property sits to the south of the Main Property and is therefore significantly buffered from residential properties on Military Road and 29th Street by the entire Ingleside facility itself. The Manor House is on the section of Ingleside-owned property furthest from these residential properties. Bordering the Broad Branch Property to the East and West are two embassies, that of Tunisia (to the west) and the Republic of Ivory Coast (to the east). Beyond the Tunisian embassy to the west is the Carnegie Institute. Beyond the Ivory Coast embassy to the east is Rock Creek Park. Directly south of the Manor House (across a large front yard) is Broad Branch Road, and across that street to the south is the edge of Rock Creek Park. The Manor House is substantially buffered on all sides from any residential uses other than the two adjacent embassies.

B. Proposed Use

The Manor House building was constructed as a single-family house. The uses proposed under this special exception will not add to the population of Ingleside residents, nor will it materially increase the intensity of use of the overall facility. To the contrary, it will tend to spread out the current intensity of use toward the southern end of the Ingleside property. Furthermore, no additional traffic will result, as those staying in the guestrooms will be more likely to remain at Ingleside for most of their stay, rather than entering and leaving the facility. The first floor of the Manor House will be used for recreation space and/or meeting rooms. This space will be used primarily by Ingleside residents for small functions, meetings and other indoor recreational activities. The second floor will contain the four guestrooms, to be used

exclusively by visiting friends and family of Ingleside residents. The provision of these guestrooms near the Ingleside residents living quarters will be a great comfort to the residents and their loved ones. The third floor will continue to be used for residential purposes.

VI.
THE APPLICANT IS ENTITLED TO SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

As the Board is aware, a special exception use is a use deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the requirement set forth therein. If the prerequisites set out in the regulations are satisfied, the Board must grant the application. See, e.g. Bakers Local Union No. 118 V. D.C. Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981). As will be demonstrated, the granting of the requested special exception relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring properties.

As indicated above, the proposed use involves no new construction (aside from ADA requirements, such as a wheelchair ramp, if applicable), but merely the use of the existing Manor House as a recreation/meeting place and four guestrooms for family and friends of the residents. Thus, the applicant must demonstrate satisfaction with the requirements of Section 218 and 219 governing community residence facilities and health care facilities. As further set below, Ingleside meets the criteria for special exception relief for both uses.

A. **Section 218 – Community Residence Facility. The Board of Zoning Adjustment may approve a community residence facility for more than 15 persons, subject to the following provisions.**

As a non-profit organization, Ingleside's projected charges for Ingleside are substantially less than those for competing projects run by for-profit organizations. Maplewood Park, the Marriott facility in Bethesda, and Falcon's Landing in Sterling are comparable facilities run by for-profit companies. Both charge its residents significantly more than does Ingleside. The provision of a small number of guestrooms on the property has the benefit not only of being convenient and comforting to Ingleside's residents, but also comports with its goal of providing housing for the elderly at affordable rates.

1. Section 218.2/218.6. Section 218.2 There shall be no other property containing a community-based residential facility ("CBRF") for seven or more persons in the same square and no other property containing a CBRF for seven or more persons within a radius of 1,000 feet from any portion of the subject property; Section 218.6. The Board may approve more than one CBRF in a square or within 1,000 feet, only when the Board finds that the cumulative effect of the facilities will not have an adverse impact of the neighborhood because of traffic, noise or operations.

The Episcopal Center for Children is located within 1,000 feet from the subject property; however, the cumulative effect of the two facilities will not create an adverse impact on the neighborhood. The Episcopal Center is a low-density use on a large four-acre site. The Episcopal Center and Ingleside are both quiet uses and are comfortably buffered from each other. The new proposed use of the Manor House will not change this fact.

2. Section 218.3. There shall be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

Currently, there are approximately 209 parking spaces on the entire Ingleside site, which is more than sufficient for the current demand. Ingleside currently operates with very little traffic impact on the neighborhood. The use generates a low volume of vehicular trips and many

of the employees travel to Ingleside by public transportation. Ingleside is well buffered from neighboring properties and there is almost no overflow parking onto neighboring streets.

The 102 unit independent living apartments at Ingleside are accessed from Broad Branch Road to help create its separate identity and to minimize any effect on Military Road, a heavily traveled thoroughfare. The creation of the new use at the Manor House, adding no residents or staff and providing for only four guests at any given time, will have no effect on the current traffic and parking situation. As indicated above, it is just as likely to have a positive effect on the traffic situation.

3. Section 218.4. The proposed facility shall meet all applicable code and licensing requirements.

The proposed use of the Manor House will meet all applicable code and licensing requirements, just as the Ingleside facility already does. It will be fully accessible to the disabled and will meet all fire life safety and Building Code requirements.

4. Section 218.5. 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.

a. Lack of Adverse Impacts

(1) Traffic

Currently, Ingleside generates little traffic activity and operates with minimal impact on the community. The limited demand for parking is related to the site's excellent location in terms of its accessibility to public transportation. There is ample parking on the site. A small number of vendors and visitors come to the site on a weekly basis. The proposed use will have no effect on the traffic situation. The existing driveway off of Broad Branch Avenue, which is the access for the 102 unit independent living apartments at Ingleside, will also be used for access to the Manor House.

(2) Noise

The current use of the site is inherently quiet. The new use at the Manor House, which does nothing to increase the intensity of use of the entire facility, and which is heavily buffered from all non-embassy residential properties, will generate virtually no additional noise.

(3) Operations

Ingleside has been a careful and considerate neighbor in its operation. Over the years, Ingleside has had little impact on the neighborhood and has demonstrated a willingness to minimize the impact of its operations on the community. While it believes the operations of the Manor House will in now way have an adverse impact, Ingleside nevertheless proposes the following conditions upon itself, to reach out to ANC 3G.

(i) All operations of Manor House will comply also with the general conditions of BZA Order No. 16138, including those relating to noise, exterior lighting, rodent control, vendor deliveries and site access. The conditions that Ingleside proposes are the same conditions developed as a result of the extensive community negotiations in the mid 1990's for the BZA special exception case to expand Ingleside by 102 independent living apartments.

(ii) Ingleside is currently working with ANC 3G to determine if other conditions would be appropriate for this application.

(4) Similar facilities

As indicated above, the Episcopal Center for Children are both quiet uses that are comfortably buffered from each other. As such, there is no impact accorded to the cumulative effects of these two facilities being in the same neighborhood.

5. Section 218.8. The Board shall submit the application under the Director of the Office of Planning for coordination, review, report and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human

Services and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

All appropriate referrals have been made. The subject property is not located in a historic district nor is it an individually designated landmark.

6. Section 3104.1. The relief sought is in harmony with the general purpose and intent of the regulations and will not tend to affect adversely the use of neighboring property.

As is fully demonstrated above, the application meets the criteria set forth in Sections 218 for special exception approval and, therefore, is in harmony with the general purpose and intent of the Zoning Regulations. The use of the Manor House as proposed does not increase the overall intensity of use of the Ingleside at Rock Creek facility. Traffic, noise or operations will not increase as a result of this special exception approval. Ingleside believes this is an excellent opportunity to improve its services to its residents and their families.

B. Section 219 – Health Care Facilities. The Board of Zoning Adjustment may approve a health care facility for nine (9) to three hundred (300) persons, subject to the following provisions.

The requirements of Section 219 mirror those of Section 218, therefore the material presented above in Subsection A. applies correspondingly to the requirements of Section 219.

VII.
COMMUNITY OUTREACH

The Executive Director of Ingleside, Peter Heck, presented the Applicant's proposal to Advisory Neighborhood Commission (ANC) 3G on Monday, April 8th, at that ANC's regular meeting. A vote was not held, but the ANC plans to take up this matter again at its next regularly scheduled meeting on April 22nd. The Applicant has no objection to ANC 3G filing its report less than the required seven days before the scheduled hearing date of April 30th.

VIII.
WITNESSES

A. Peter Heck, Executive Director, Ingleside at Rock Creek.

IX.
EXHIBITS IN SUPPORT OF THE APPLICATION

The applicant submits the following exhibits in support of the application;

Exhibit A An aerial photograph of the Broad Branch Property and the surrounding area.

Exhibit B An outline of the testimony of Peter Heck, Executive Director of Ingleside.

X.
CONCLUSION

As demonstrated above, the application meets the criteria set forth in Sections 218 and 219 for special exception approval. In compliance with Section 3104.1 of the Zoning Regulations, Ingleside has demonstrated that the relief sought is in harmony with the general purposes and intent of the Zoning Regulations and will not adversely affect neighboring properties. Ingleside respectfully requests that the Board of Zoning Adjustment approve this application.

Respectfully submitted,

Shaw Pittman LLP

By: Allison C. Prince
Allison C. Prince

By: Martin P. Sullivan
Martin P. Sullivan

April 16, 2002

Document #: 1232074 v.2

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2002, a copy of Statement of the Applicant was served by first class mail to:

Andrew Altman
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ANC 3G
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Document #: 1233886 v.1

A



Feature Key

Zoning Boundaries

Proposed Site

Board of Zoning Adjustment

Application No. # 16861- Ingleside

Scale 1:2270

25 0 25 50 75 100 Feet

DC Office of Planning

March 25, 2002



OUTLINE OF TESTIMONY OF
PETER HECK, EXECUTIVE DIRECTOR
INGLESIDE AT ROCK CREEK

I. Introduction

II. Ingleside at Rock Creek

- A. Operation of Ingleside
- B. Need for the Use of the Manor House

III. The Application Meets the Requirements for a Special Exception

- A. Traffic
- B. Noise
- C. Operations
- D. Number of Similar Facilities in the Area
- E. Applicable Code and Licensing Requirements

IV. Relationship with the Community

- A. ANC 3G

V. Conclusion

Document #: 1233768 v.1