GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** JLS for Andrew Altman, Director

**DATE** April 15, 2002

**SUBJECT:** BZA Application 16861
Ingleside

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**APPLICATION**
Application of Ingleside at Rock Creek, pursuant to 11 DCMR Section 3104.1, for a special exception to include additional property for use as recreation space, meeting room, and guest rooms for family members and guests visiting an existing community residence and health care facility under sections 218 and 219, in an R-1-A District at premises 5121 Broad Branch Road, N.W.

**SUMMARY RECOMMENDATION**
The Office of Planning (OP) **recommends approval** of the special exception request, **with a condition.**

**SITE AND AREA DESCRIPTION**
The subject property is located in Square 2285, Lots 3, 4, 803 and Square 2287, lot 808 in the R-1-A zone district that permits matter-of-right development of single-family residential uses. The immediate neighborhood represents a mix of low-density residential and institutional uses, including the Tunisian and Republic of Ivory Coast embassies, the Carnegie Institute, and Temple Sinai. The property is located in the 3000 block between Military and Broad Branch Roads, N.W. Ingleside facilities are bordered by single-family residences along Military Road to the north and 29th Street to the east. Much of the subject site has mature trees, with steep slopes. The subject property is formerly known as the Peeble's Mansion.

**PROJECT DESCRIPTION**
The applicant proposes to incorporate a former residential property as part of its existing community residence and health-care facility for use as a recreational facility and meeting rooms for residents' visitors.

BZA
Case No. 16861
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16861
EXHIBIT NO.26

## ZONING REQUIREMENTS

The subject property is located in the R-1-A zone. BZA Order #16138 defines the facility as a Community Residence Facility. Sections 218 and 219 refers to Youth Care Homes and Community Residence Facilities and Health Care Facilities in R-1 zones respectively, as follows:

### YOUTH CARE HOMES AND COMMUNITY RESIDENCE FACILITIES

218.1 Youth residential care home or community residence facility for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted in an R-l district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

218.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square and no other property containing a community-based residential facility for seven (7) or more persons within a radius of one thousand feet (1,000 ft.) from any portion of the property.

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.

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

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.

218.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

218.7 In the case of a community residence facility, the Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District cannot be achieved by a facility of a smaller size at the subject location, and if there is no other reasonable alternative to meet the program needs of that area or the District.

218.8 The Board shall submit the application to 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.

Similarly for health-care facilities:

### HEALTH CARE FACILITIES (R-1)

219.1 Use as a health care facility for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, shall be permitted in an R-l district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

**COMPREHENSIVE PLAN**

The predominant land use in Ward 3 is residential, ranging from low-density large estates to moderate density row houses and garden apartments to high-density multi-storied apartments. The Generalized Land Use Map designates the subject property as "institutional" characterized as land and facilities occupied by colleges, hospitals, and other like facilities. Ward 3 has a number of institutional uses. Many of the facilities have structures that are an exception to the neighborhood's land use. According to the Comprehensive Plan, "*the compatibility of these uses must be maintained, expansion carefully controlled, changes to neighborhood-related uses encouraged, and conversion to other non-conforming uses prevented.*"

**ANALYSIS**

In accordance with Section 3104.1, the Board must determine if the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect the use of the neighboring properties.

The main facility, Ingleside, is an existing residential and health care compound per BZA order #16138 (Attachment 2). The applicant has owned the subject property for the past seven years. The conversion of the Peeble's Mansion from a solely residential use proposes to incorporate the mansion as part of its main campus as an auxiliary use to the existing facility. Since Ingleside is an existing CBRF, the proposal to add this unit as part of the larger facility was reviewed under Section 219 of the Zoning Regulations, with emphasis on compliance with Sections 219.3 and 219.5 (outlined above) as it relates to:

**Traffic**

> **Section 219.3** of the Zoning Regulations requires that the facility meet the parking standard of adequate, appropriately located and screened off-street parking to provide for the needs of the occupants, employees and visitors to the facility.
>
> **Section 219.5** requires that "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."

Traffic

> The addition will accommodate four guest rooms for the facility. The applicant does not anticipate a substantial increase in the number of visitors or employees to the facility. The visitors will be the same visitors to the facility with the exception that they have an option of an overnight visit or a maximum stay of no more than one week. Reservations for use will be made by residents only. Hence, there will be no increase in traffic or noise due to this addition and no additional parking will be required. The addition is a minimal enlargement to the existing facility. No new employees will be hired for maintenance of the addition and the applicant does not intend to apply for a liquor license. Meetings or conferences at the facility are anticipated no more than twice per month. These events will be 0esident organized and attended. Parking at the facility includes 209 spaces,

reviously approved in the BZA Order # 16138. There is no projected need for spillover parking. All activities at the former mansion will be resident related only. There are no plans to create additional access to the facility, other than the existing access off Broad Branch Road, as stipulated in the previous order.

Once these conditions are maintained, the addition will preserve the intent of the Zoning Regulations and Map, and should not adversely affect the neighboring properties.

**Common accessory use**:
According to the applicant, this type of use is not deemed an unusual feature of community residence facilities. Facilities nationwide offer overnight and short-term accommodation for guests of residents. Locally, the Westchester Cooperative, the Methodist Home (both on Connecticut Avenue), Chevy Chase House and the Woodner Apartments on 16th Street have guest apartments for overnight visitors. Ingleside's residents claim an "emotional value" in having out-of-state family members visit them at their "home". Residents do not want public use of the facility, since it is deemed an extension of their own facility and the applicant has stated that the mansion will be used only in relationship to the existing facility.

## Other Issues:

While the proposed facility meets the requirements of Sections 219.3 and 219.5, the special exception request should also be examined from the perspective of the future long term plans for Ingleside. OP has noted that the applicant owns several residences that abut the main campus, including along Military Road. A review of the Zoning Regulations for R-1-A districts offers protection from the incursion of large institutional facilities on stable neighborhoods. The regulations read as follows:

200.1 The R-1 district is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.

200.2 The provisions of this chapter are intended to stabilize the residential areas and to promote suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted.

R-1-A is a restrictive zoning classification aimed at safeguarding single-family detached dwellings. Policies in support of these objectives including Section 1104.1 (r) of the Comprehensive Plan is relevant in this instance:

***(r) Control the conversion of residential housing to guesthouses, bed and breakfast establishments, clinics, and other non-residential or transient uses.***

OP recognizes that the incorporation of the residence as part of the facility presents no significant adverse impact on the neighborhood, since the use would be quiet and unobtrusive. *However, OP is concerned about the cumulative impact*

*future conversions of residential properties may have on the fragile character of the single–family neighborhood especially along the northern and eastern property line that already hosts a number of other institutions.*

**COMMUNITY COMMENTS**

The property is located in Ward 3 in the ANC 3G district. According to a previous BZA Order (#16138, 09/30/1997), the Board specified a condition as part of the approval, to read as follows:

> **X. Advance Notice of BZA Filing**
> Through the Advisory Committee process, the applicant shall keep neighbors informed of its long-range plans. The ANC and the Concerned Neighbors shall be given 90 days notice of any plans to file an application with the Board of Zoning Adjustment ("BZA").

According to the Order, "the Advisory Committee shall also discuss the applicant's long-range plans...and...shall provide the Advisory Committee with notice of any property dispositions or the acquisition of any abutting property within 30 days of settlement."

The applicant indicated that the community is aware of Ingleside's ownership of properties along Military Road.

ANC 3G met on April 22nd, 2002 and unanimously approved the application with conditions. (Attached)

**CONCLUSION**

OP concludes there will be no adverse impact of the use of the facility, so long as the facility is not used for special events that will draw outside visitors. **Therefore, OP recommends the following condition that:**

- **The use of the facility for special events shall be limited to residents of Ingleside only. All attendees must be residents and immediate family members and no advertising of invitations to these events may be directed to those living outside the facility, except for immediate family members.**

**OP recommends approval** of the special exception request **subject to the above condition, the proposed conditions issued by ANC 3G and the applicant's continued observance of the conditions outlined in the previous BZA Order # 16138 (Attachment 2), including conditions:**

**IX. Permanent Access**
**X. Advance Notice of BZA Filing**
**XI. Moratorium and**
**XII. Cooperation on General Community Issues**

**ATTACHMENTS**

1. Arial Photo
2. BZA Order #16138; 9/30/ 1997
3. ANC3G Proposed Conditions




Feature Key

**Zoning Boundaries**

**Proposed Site**

Board of Zoning Adjustment

Application No. # 16861- Ingleside

DC Office of Planning
March 25, 2002

Scale 1:2270

25 0 25 50 75 100 Feet

Attachment 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16138 of the Presbyterian Home pursuant to 11 DCMR 3108.1 for a special exception under Section 218 to increase an existing community residence facility by the addition of 102 units in an R-1-A District at premises 3050 Military Road, N.W. (Square 2287, Lot 807 and Square 2285, a portion of Lot 5).

**Hearing Dates: September 18, 1996 and October 30, 1996**

**Decision Date: December 4, 1996**

## ORDER

## PRELIMINARY MATTERS

As a preliminary matter, the Abutters of the Presbyterian Home (APH) filed a motion to appear as a party in opposition and a motion to postpone the hearing due to defective notice. APH alleged that the application was improperly advertised for public hearing as a special exception to increase an existing Community Residence Facility when the use was actually an apartment house, which is not permitted in the R-1-A District. APH argued that a use variance is necessary. The Chairman ruled to postpone a decision on the motion until the development of the factual record.

## SUMMARY OF EVIDENCE

1. The subject property consists of 12.5 acres of land in the R-1-A District. It borders single family houses along Military Road to the north and along 29th Street to the east, institutional uses to the west (Temple Sinai and the Carnegie Institution) and the Embassies of the Ivory Coast and Tunisia to the south. The existing building is located in the western portion of the site where it borders the site of Temple Sinai.

2. The existing building was constructed on the site in 1960. The building is owned and operated by the Presbyterian Home ("applicant") and has been used continuously by the applicant since it was constructed.

3. The existing use comprises both a community residence facility (CRF) currently consisting of 121 beds and a health care facility, currently consisting of 55 beds.

4. The Board had previously approved several applications regarding the applicant including Appeal No. 5205, dated August 18, 1958, approving the original construction, Appeal No. 9232, dated November 21, 1967 and Order No. 11147 dated January 10, 1973. The later two additions were never constructed.

5. Two approved additions were constructed. In Application No. 12164, dated June 16, 1976, the Board approved an addition of 90 beds. This three-story addition expanded the facility to provide a total of 138 residential and 32 infirmary beds for a total of 170 beds. Finally, in Application 13940, dated June 28, 1983, the Board of Zoning Adjustment approved a two-story addition to the south wing of the existing home to add 43 beds.

6. The subject application requests approval of an addition to the Presbyterian Home. The addition would contain 102 independent living beds. The number of nursing beds would not change.

7. The applicant attempted to establish that the substantial infrastructure costs associated with an independent living project must be spread among a critical mass of 102 units, therefore, the construction of the smaller project would not be economically feasible. Further, the applicant testified that the substantial demand for the proposed units far exceeds the proposed number of units. A reduction in unit count, even if economically feasible, would not be consistent with the District's goal of addressing the demand for housing for the elderly.

8. The applicant presented extensive testimony to establish that there is no other reasonable alternative to meet the program needs of that area of the District. Ward 3 has the highest population of elderly residents of all eight wards 64 of the 158 depositors are D.C. residents and more than half are from Ward 3. The applicant established that although there are several nursing homes in Ward 3, there are few facilities that offer independent living beds and all the facilities are either entirely or almost entirely filled. The applicant demonstrated that it had examined virtually every reasonable alternative way to provide the independent living units on the site. The applicant presented numerous alternative plans to the community over the course of 11 months.

9. The applicant withdrew the originally filed plans for an addition containing five to six stories in two building elements because of strong community opposition. The subject application involves an entirely new design with reduced height, increased setbacks and revised massing.

10. The applicant proposes to construct the addition immediately east of its existing facility. The addition would consist of three building elements that are three and four stories with a connecting courtyard.

11. The addition has been designed to be compatible with the existing building. The roofline of the addition would not extend higher than the roofline of the existing building.

12. The residential units in the addition are 160 feet away from the property line along Military Road. The addition is 250 feet removed from the closest property line along 29th Street.

13. The building and the addition would have total lot occupancy of 15.1 percent, substantially below the 40 percent maximum occupancy permitted in the R-1-A District.

14. The landscaping proposed by the applicant includes extensive landscaping of the addition itself as well as the installation of landscaped buffers to screen the addition from the abutting property owners. The landscape plan indicates specific tree types and heights.

15. The applicant presented evidence to show that as designed, the addition would meet of all code and licensing requirements.

16. Applicant contends that the facility would provide a safe, hygienic and sheltered living arrangement for seniors who are ambulatory and able to perform the activities of daily living with minimal assistance. The facility is only available to the elderly. The residents enter into a life care contract and make a lump sum payment to gain entry. Subsequently, residents make a monthly payment that includes meal service. They are offered a supportive living environment including an activity director, three meals daily, emergency alarms in their rooms, on-site medical care and transportation and laundry service. Increased levels of care are automatically provided by the applicant, as needed.

17. The Presbyterian Home presently has 92 parking spaces on its property. There would be a total of 209 spaces on the site after the construction of the addition including 138 spaces in the addition. These spaces would be designed to address the additional staff and visitors to the site that would result from the addition.

18. Applicant presented evidence to the effect that the Presbyterian Home is quiet in its operation because of the large size of the site, the substantial buffers from neighboring properties and the inherently quiet nature of the use.

19. Applicant's plans involve the construction of an enclosed loading area to replace the existing open loading area. The enclosure of the loading area would address concerns relating to delivery-related noise.

20. The placement of the addition was stated by applicant to be designed to address concerns about the site's topography, including the ravine. Applicant claims that the addition has been placed in a manner that would not cause any adverse impact on the ravine.

21. The Office of Planning (OP) by memorandum dated October 23, 1996, and by testimony at the public hearing, recommended approval of the application with those conditions made by applicant in conjunction with the neighborhood concerns. The OP stated that there is only one community-based residential facility within 1,000-foot radius of the site and that there will be no adverse community impact as a result of the facility. The basis of the OP's recommendation are the following:

a) The number of parking spaces that are proposed for the project will meet the existing needs of the applicant as well as the additional needs that will be generated by the addition.

b) The proposed project will meet all applicable code and licensing requirements of the District of Columbia.

c) Given the large size of the site with ample distance and landscape buffers between it and the surrounding neighborhood, there will be no adverse noise impacts. Through the proposed conditions on deliveries, lighting and other matters related to the general operation of the applicant set forth in the proposed conditions, the applicant will not have an adverse impact on the neighborhood due to operation.

d) The only community residence facility within 1,000 feet of the applicant is licensed for only 13 beds. Given its small size and distance from the applicant, the cumulative impact of the two facilities will not be objectionable.

e) Given the tremendous need in Ward 3 for housing for the elderly, the District's program goals and objectives cannot be achieved by a smaller facility.

22. Advisory Neighborhood Commission 3G (ANC 3G) filed two reports with the Board. The first report dated July 3, 1996 detailed the basis for the ANC's unanimous vote and opposition to the original plan that was later withdrawn by the applicant. The concerns included significant neighborhood opposition to the expansion. The concerns were: an adverse traffic impact on the neighborhood due to additional cars traveling to the site daily, noise impacts due to construction activities, the impact of the operations of the

growing institutional facility, the potential for devaluation of residential property, environmental issues including the need to protect the site through the imposition of a Tree and Slope Overlay Protection District, effects on wildlife, the presence of pollutants in the stream and the state of the sewer line traversing the property. Final concerns included the cumulative effect of institutional expansion in the ANC and fire safety issues.

23. ANC 3G's second report dated October 18, 1996 set forth the ANC's decision not to object to the proposed expansion subject to the following conditions:

a) The height of the new addition is not to exceed the height of the existing building by more than five feet.

b) The number of units in the new addition shall not exceed 102 units.

c) The applicant shall be bound by the condition set forth in the applicant's Statement of the applicant except as amended by agreement with the abutting property owners and except that the proposed building moratorium must be for at least 25 years to the year 2021.

d) The applicant will appoint a working committee of board members and staff to work with the neighbors, the ANC and other interested parties toward finding a solution to the broken sewer pipe which crosses the applicant's property.

24. A representative of the National Park Service (NPS) filed a letter in the record and appeared at the hearing to discuss certain concerns about the application. Specifically, the NPS representative noted that the project should not proceed until a determination is made that the sewer line that serves the applicant has adequate in capacity for the new development. Further, the NPS representative stated that the project should not proceed until the line is either replaced from Military Road to Broad Branch Road or rebuilt at the stream crossings and relined internally over the same distance to contain sewage leaks. The NPS representative recommended minimal excavation and grade manipulation, as well as substantial erosion controls. The representative recommended compliance with D.C. Stormwater Regulations and also recommended the retention of the forestry specialist or arborist to inspect the site work.

25. There were many letters in support of the application, noting the ample size of the site, the minimal impact of the applicant on the neighborhood, the benefits to the District of Columbia from the applicant, the need for the proposed expansion and the extensive efforts of the applicant to address community concerns through redesign.

26. The application was opposed by many owners and residents of many of the single-family dwellings that surround the property to the north and to the east. Some of these neighbors organized themselves into the Abutters of the Presbyterian Home (APH). While many in opposition expressed their general support for an addition to the applicant, they felt that the proposed addition was not suitable. The grounds for the opposition were as follows:

a) The addition would create adverse impacts on Military Road and Broad Branch Road due to an increased number of cars associated with the facility and increased vendor service.

b) Construction activities would generate adverse noise impacts. Over the years, the applicant's operation has given rise to complaints about exterior lighting, uncut underbrush along the 29th Street alley, emergency generator noise, idling truck engines, noise from traffic deliveries, trash dumping into the ravine, employees cutting through abutter's property and employees disturbing abutter's yards.

c) The addition would likely depress property values in the community.

d) The loss of trees associated with the addition combined with the topography of the site would have adverse environmental impacts.

e) The leaking sewer line must be fixed before construction begins.

f) The cumulative effect of institutional expansion in ANC 3G would be particularly burdensome because there are already several retirement homes in ANC 3G.

g) The applicant's property is unsuitable and unsafe for all types of multistory development due to a lack of rear road access for fire emergency vehicles.

h) The building size should be reduced to maintain a proportional balance between the existing institution with the new addition and the surrounding neighborhood of single family homes.

i) The addition should be no higher than the existing building.

j) The applicant's property on the east side of the ravine should be held under perpetual conservation restriction as a permanent buffer.

27. There were many letters and petitions submitted in opposition to the application, essentially repeating the concerns set forth in the Summary of Evidence No. 26 above.

28. The Concerned Neighbors appeared as a party in support of the application. The representative of the Concerned Neighbors described the 11-month negotiation process that ultimately resulted in the compromise plan. The compromise process involved over 30 meetings, 300 neighbors received numerous meeting announcements and newsletters delivered by the Concerned Neighbors. The Concerned Neighbors ultimately supported the final plan because they felt that it represents substantial progress and addresses the design and environmental concerns voiced by the neighborhood. The Concerned Neighbors held a final meeting to determine whether there were any continued concerns about the final plan prior to submitting its statement in support of the application. The principal bases of the Concerned Neighbors to support the application were as follows:

a) The applicant's agreement to the proposed conditions.

b) The complete redesign of the project including the substantial increase in setbacks, reduction in height and change of massing.

c) The applicant's willingness to install individually designed landscaped projects and the construction mitigation procedures.

## FINDINGS OF FACTS

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

1. The proposed use constitutes a Community Residence Facility and not an apartment building.

2. The program goals and objectives of the District cannot be achieved by a facility of a smaller size at the subject location.

3. The Board finds that, balancing the applicant's program needs with all expressed concerns of the opposition, the proposed plan is the best plan for the project.

4. There are no community-based residential facilities (CBRFs) for seven or more persons in the same square; however, there is one CBRF for seven or more persons within 1,000 feet of the subject property. The Shoemaker home, which is licensed to serve only 13 elderly residents, is located almost 1,000 feet from the property. Because of its extremely small size and substantial distance from the site, the cumulative effect of the two facilities will not create an adverse impact on the neighborhood.

5. There will be sufficient parking to accommodate the needs of residents, visitors and employees of the applicant.

6. The applicant, with the proposed addition, will not have an adverse impact on traffic conditions on Military Road, 29th Street or Broad Branch Road.

7. The proposed addition will meet all applicable codes and licensing requirements.

8. The design of the addition, as proposed by the applicant, including the individually designed landscaped buffers for abutting property owners will not have an adverse impact on the surrounding residences and institutional properties. The concerns with the original design were addressed effectively in the following ways: the height was reduced, the setbacks from Military Road and 29th Street were increased substantially, there was increased sensitivity to environmental issues particularly through the change in the placement of the addition, the massing was reduced, and the exterior design was changed to a more residential and less institutional appearance.

9. With respect to the concerns about noise, the Board finds that the current use of site is quiet and unobtrusive. The proposed addition will continue the current quiet level of operation. The proposed enclosure of the loading area will reduce delivery-related noise.

10. The conditions agreed to by the applicant, the ANC and the Concerned Neighbors, will minimize any adverse impacts because of construction of the addition or the future operation of the Home. The applicant's conditions include a 12-year moratorium on institutional construction on the applicant's property located east of the ravine that crosses the property. The ANC recommended an extension of the proposed moratorium to at least 25 years. The Board notes with favor the report of ANC 3G in which the ANC recommended approval of the application including the proposed conditions set forth by the applicant. The Board is in agreement with the ANC recommendations. The Board further notes the recommendation of the Office of Planning to approve the application incorporating the conditions that were adopted by the ANC.

11. The application, including the addition, meets all of the setback and density requirements of the Zoning Regulations. The lot occupancy, at 15.1 percent and all other setbacks meet or exceed the minimum requirements established under the Zoning Regulations.

12. The District of Columbia sewer line that traverses the property originally contained leaks on the applicant's property. The applicant has also established that leaks have been repaired. The applicant is not responsible for the condition of the D.C.-owned line on or off of its property.

13. With regard to the request for preparation of an independent Environmental Impact Statement prior to this Board's disposition of the

application, the Board notes that it is not the lead agency for the review of the environmental issues. Pursuant to the D.C. Environmental Policy Act, there will be a further review of environmental issues in connection with the building permit process. A condition requiring an EIS would be unnecessary and duplicative. The Board has reviewed environmental issues only as they relate to the impact test applicable in special exception applications. The Board credits the expert testimony of the applicant's environmental witness and finds that all environmental concerns have been addressed to the Board's satisfaction in connection with its assessment of impacts. The siting of the addition has been adjusted in response to the recommendation of the environmental expert, the applicant will implement an aggressive tree preservation program with oversight from an urban forester, the adequacy of the sewer line has been verified by the Water and Sewer Utility Administration and concerns about wildlife have been addressed.

## 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 to increase an existing community residence facility by the addition of 102 units in an R-1-A District.

The granting of such a special exception requires that the proposal meet the requirements set forth in 11 DCMR 218 and 3108.1, that the relief requested can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and that the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met the requisite burden of proof. Based on the testimony and evidence of record, the Board concludes that there is no community-based residential facility in the same square and there is one such facility within 1,000 feet of the Home. Since the facility is licensed for 13 beds and is almost 1,000 feet from the applicant, the Board finds no adverse cumulative effect. The Board concludes that the addition, as proposed, will meet all code and licensing requirements. The Board concludes that the Home and the addition will not have an adverse impact on surrounding properties because of traffic, noise, operations or the number of similar facilities in the area. The Board concludes that the program goals and objectives of the District cannot be achieved by a facility of a smaller size at the subject location and that there is no reasonable alternative to meet the program needs of that area of the District.

The Board concludes that it has accorded ANC 3G the "great weight" to which it is entitled.

The Board concludes that the granting of the special exception will be in harmony with the general intent and purpose of the Zoning Regulations and Map and, as hereinafter conditioned, will not tend to adversely affect the use of neighboring property in accordance with Zoning Regulations and Map. Accordingly, in light of the foregoing, the Board **ORDERS** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

I. The Presbyterian Home of Washington (the Home) shall establish an Advisory Committee that includes representatives of the community surrounding the applicant. The community representation shall include one resident of the 2900 or 3000 block of Military Road, one resident of the 5300 block of 29th Street, one Commissioner of ANC 3G and one resident of ANC 3F as appointed by the Chairman of ANC 3F. The Military Road representative shall be chosen by the residents of the 2900 and 3000 blocks of Military Road. The 29th Street representative shall be chosen by the residents of the 5300 block of 29th Street. Both representatives shall serve for a two-year term and may be reelected. If a representative is unable to complete his/her term, a new representative shall be chosen by the residents. The applicant's representation shall include individuals (employees or members of the applicant's Board of Trustees or other committees) who are in a position to discuss the immediate and long-range plans of the applicant. The Advisory Committee shall meet two to four times per year or when necessary to discuss and make recommendations concerning any conditions contained in BZA Order No. 16138 relating to the applicant's operations as they affect the community. The Advisory Committee shall also discuss the applicant's long-range plans. The applicant shall provide the Advisory Committee with notice of any property dispositions or the acquisition of any abutting property within 30 days of settlement. The Advisory Committee shall meet as needed during the construction phase of the project to address construction-related issues. The applicant shall give strong consideration to the views and recommendations of the Advisory Committee.

II. <u>Landscaping</u>

A. The landscape plan shall be implemented by the applicant, which includes a list of specific plant, tree and shrub types and their sizes; number and installation height is identified as Exhibit 101 in the record.

B. The tree and shrub buffer for abutting homeowners who have participated in and approved the design at their individual buffers will be installed prior to the initiation of construction activities. The list of the affected houses noting the exact areas to be planted is set forth in Exhibit 101 in the record.

C. The applicant shall make every effort to maintain all landscaping on its property and to preserve the landscaped buffers. If a change or substitution to the landscape plan is required in order to address site or other conditions, including plant availability, the Advisory Committee will be consulted about such a change. The landscape plan includes all of the proposed landscaping for the site, including the landscaping designed to screen the existing building as well as Ingleside. The owners of property bordering the applicant's property shall make every effort to maintain the landscaping on their property. The applicant shall maintain the tree and shrub buffer for five years, including any replacement of dead trees or shrubs.

III. Noise

The applicant shall ensure that all noise emanating from the building and associated equipment will not exceed legally-permitted limits.

IV. Exterior Lighting Concept

The lighting concept that will be implemented by the applicant shall be developed with input from the Advisory Committee.

V. Rodent Control

The applicant shall continue to use an exterminator to address the control of any rodents on the site, particularly during the construction phase. After the completion of the addition, the applicant shall continue to use the services of an exterminator on a regular basis to address this issue.

VI. Vendor Deliveries

The applicant shall use its best efforts to prohibit deliveries by vendors prior to 7:00 a.m. In the event of extenuating circumstances such as an urgent need for medical suppliers, earlier deliveries shall be permitted. Vendors will be encouraged to drive only on major roads in the neighborhood. The applicant shall maintain regular contact with the vendors to enforce these restrictions.

VII. Construction

Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m. Construction shall be permitted Monday through Friday. In the event of an emergency that threatens the life and safety of the residents of the applicant and/or abutting property owners, construction may occur on Saturday or Sunday. All interior finish work, including but not limited to painting and the installation of drywall, can be conducted at any time. Construction workers shall not be permitted to park their cars on public streets and construction trucks shall not line up before 7:00 a.m. on public streets. The staging areas for construction shall be located as shown in the plans submitted as Exhibits 100 and 101 of the record. The truck routes shall be as shown in the plans submitted as Exhibit 100 and 101 of the record. Construction vehicles shall not be allowed to drive or park on the 5300 blocks of Broad Branch Road or 32nd Street, N.W. Blasting is not anticipated however if actual field conditions indicate that blasting is necessary, it shall be limited to the hours between 8:30 a.m. and 3:00 p.m. All blasting shall be further restricted by the limitations on blasting in the residential zone. Drilling associated with the project shall occur between the hours of 8:30 a.m. and 3:00 p.m. The owners of property on Military Road that abuts the applicant's property may request a photographic survey of their houses prior to the initiation of construction activities in order to provide documentation of any damage that may be caused by the construction activities. A representative of the Advisory Committee shall be provided with the name of the construction manager. The construction manager can be consulted with any questions or concerns about construction activities.

VIII. Design Review

The Advisory Committee shall have an opportunity to review and comment on the final appearance of the exterior of the addition including the roof line and the placement of: air conditioning and heating units, antenna, satellite dishes, transformers and emergency generators, fencing and permanent signage. As the working drawings are refined, the elevations will be presented to the Advisory Committee for review and comment. The final version of the elevations shall be presented to the Advisory Committee no later than 30 days prior to filing for a building permit.

IX. Permanent Access

The entrance for Ingleside shall be off of Broad Branch Road. The Presbyterian Home shall make every effort to discourage the use

of the Military Road entrance for residents and guests of Ingleside. After Ingleside has been operating for one year, the applicant agrees to review the actual use of the Military Road and Broad Branch entrances to confirm that residents and visitors to Ingleside are using the Broad Branch entrance. In the event that it is determined that there is frequent use of the Military road entrance by residents and visitors of Ingleside, the applicant agrees to take steps to prevent or discourage such use. The ANC shall assist the applicant in discouraging neighbors from traversing the applicant's property to access public roads. A report shall be presented to the neighborhood representative 12 months after the opening of Ingleside.

X. Advance Notice of BZA Filing

Through the Advisory Committee process, the applicant shall keep neighbors informed of its long-range plans. The ANC and the Concerned Neighbors shall be given 90 days notice of any plans to file an application with the Board of Zoning Adjustment ("BZA").

XI. Moratorium

The applicant agrees to refrain from filing any special exception application for the institutional use of the applicant's property on the east side of the ravine prior to the year 2008. The moratorium shall not preclude the use of the property for purposes that are permitted as a matter-of-right under the R-1 zoning, such as single family houses, provided that all requirements regarding buffers contained in this Order are met. In the event of any institutional construction on the east side of the ravine after the expiration of the moratorium, there shall be a mandatory setback of 25 feet from the eastern property line where it borders the alley behind the 29th Street houses.

XII. Cooperation on General Community Issue

The applicant shall cooperate with and assist the community in addressing certain issues such as traffic conditions on Military Road including but not limited to the alarming and escalating number of traffic accidents occurring between 30th Street and 30th Place along Military Road.

XIII. Construction of the Project

The project shall be constructed in accordance with the revised plans approved by the Board, and marked as Exhibit 101 of the record.

**VOTE: 5-0 (Laura Richards, Herbert Franklin, Sheila Cross Reid and Angel F. Clarens, to approve with conditions; Susan Morgan Hinton to approve with conditions by absentee vote).**

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

**ATTESTED BY:** Madeliene H. Dobbins

**MADELIENE H. DOBBINS**
**Director**

**FINAL DATE OF ORDER:** SEP 30 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS 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 TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

11 10.

(202) 535-2497

# Proposed Conditions for BZA Application No. 16861

There shall be no rental to, or use of the building by, groups or persons that are not related to Ingleside, except that community organizations such as ANC 3G may use the building up to a total of four times per year.

Large events shall be limited to one per month. Large events shall be defined as events involving 75 or more attendees, the majority of whom are not residents of Ingleside. Such events shall be limited to one per month. The Ingleside security personnel shall be responsible for managing any parking demands associated with events to insure that there is no spillover parking in the neighborhood. The maximum occupancy of the building for any event at any time shall be 150.

(These will be events like 50th Wedding anniversary parties + birthday parties - NOT rentals)

The guest apartments shall be available only for family and friends of residents of Ingleside. The maximum stay shall be one week. In the event of extenuating circumstances, the maximum stay limit may be waived.

Adopted unanimously by ANC 3G 4/22/01