GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director

DATE: July 11, 2002

SUBJECT: Waiver of Rules for Late Submission of Office of Planning Report
BZA Application 16896 –Randle Highlands Ltd. Partnership, 2700 R St., SE
Square 5585, Lot 812

As noted in the Office of Planning's July 9 status report on this case, the attached Final Report on Application No. 16896, a request for a special exception and variance(s) for Randle Highlands Limited Partnership, is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the application. The Office of Planning (OP) requests that the Board waive its rules to receive the report into the record.

Aa/slc

BZA
Case No. 16896
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16896
EXHIBIT NO.28

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: July 11, 2002

SUBJECT: BZA Application No. 16896
Application of Randle Highlands Limited Partnership
2700 R Street, S.E.
Square 5585, Lot 812

I. APPLICATION SUMMARY

The applicant wishes build an assisted living facility for the elderly in the Randle Highlands section of Southeast Washington. It would be located at the northeastern corner of 27th and R Streets, S.E.

The facility would accommodate 52 residents, plus a staff of 5 to10, depending on the time of day. There would be parking for 10 cars.

To build the facility, the applicant is seeking:

- A special exception under 11 DCMR Sections 358 and 3104.1 to permit a Community Residential Facility for more than 25 residents in an R-5-A zone;
- A variance, under Section 3103, from the Floor Area Ratio permitted in an R-5-A zone by Section 402.4.

The advertised application also requested a variance from the maximum number of stories under 11DCMR Section 400.

II. OFFICE OF PLANNING SUMMARY RECOMMENDATION

The Office of Planning (OP):

A. Recommends the Board approve the special exception to the numbers of residents permitted by matter-of –right.
B. Recommends the Board approve the variance from the Floor Area Ratio permitted as a matter of right.

The applicant had originally also filed for a variance from the R-5-A height limits of 11 DCMR Section 400.1, specifically with reference to the limitation on the number of stories. The applicant did not address this advertised variance request in its pre-hearing statement.

Based on OP's review of the submitted plans OP:

C. Recommends the Board consider whether the applicant should continue to seek and address the need for a variance from the height limits imposed by Section 400.

III. SITE AND AREA DESCRIPTION *(See Attachments 1, 2 and 3)*

Square 5585 in southeast Washington is bounded by:

- North: Q Street, SE
- East: 28th Street, SE
- South: R Street, SE
- West: 27th Street, SE

The Square is rectangular. There is a public alley bordering the applicant's site on the east.

Lot 812 is a 15,454 square foot corner lot on the northeast corner of 27th and R Streets. It is bordered to the north by a 2½ story walk-up apartment, and on the east by a three-story walk-up apartment. Directly across 27th Street are single-family houses and a row of duplex residences. Across R Street is a 3-story apartment building.

The site was formerly occupied by a pre-1958 3-story apartment building, with an approximately 1.4 FAR, which exceeded what is now the matter-of-right .9 FAR. This has since been town down, but an aerial photograph is included in Attachment 2, and its site plan and a photograph are included just after page 11 of the applicant's pre-hearing statement.

The Randle Highlands neighborhood is located in Ward 7, south of Pennsylvania Avenue and east of Minnesota Avenue. It is considered a desirable East of the River neighborhood and has a reputation for stability and safety. It is solidly residential and has a housing stock of two and three story apartment buildings, duplexes, and single-family homes.

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Attachment 1)*

The site is zoned R-5-A, as is most of the Randle Highlands neighborhood. All of the nearby area is zoned residentially. The nearest commercial zoning is along Pennsylvania Avenue, 2 ½ blocks to the north.

There are no nearby historic districts or designated structures.

V. PROJECT DESCRIPTION

The District of Columbia Department of Housing and Community Development (DHCD) purchased the abandoned apartment building formerly on this site, tore it down and, with the assistance of the Anacostia Economic Development Corporation (AEDC), brought the applicant to the site for the purpose of constructing a facility for the "frail elderly" who have low and moderate incomes.

The applicant is a for-profit organization that wishes to build a 30,479 square foot assisted living facility for 52 people, primarily 75 years in age, or older. Most residents would live in small private apartments with limited cooking facilities. A few units would provide the option of sharing living quarters. The building would provide a number of communal facilities on-site. These would include exercise rooms, lounges, dining facilities, etc. An area may be provided for on-site health examinations, but there would not be a resident doctor or nurse, and no medical procedures would be performed on-site. There would, however, always be staff on-site to help with the daily living needs of the residents, to take them shopping, to doctors, to Metro, etc.

The proposed project would be between approximately 38 and 43 feet tall, and would have between 3 and 4 stories, depending on how the height in relation to the mean finished grade is measured. The building has four levels at its entrance at the corner of 27th and R Streets, and one below-grade level. In the original application the building had been described as four stories tall; in the pre-hearing statement it is described as a mid-rise apartment.

The building will have a brick exterior, and be of the neo-Victorian style. There will be extensive porches, and a prominent peaked turret above the entrance, which will be on-angle at the corner of 27th and R Street.

Parking will be accessed via the gravel public alley to the north of the project.. There will be a handicapped ramp allowing movement between the parking lot and the entrance level, which is one story below the parking lot.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN *(See Attachment 4)*

The project is consistent with Comprehensive Plan's Generalized Land Use Map, which designates the area as suitable for low and moderate density residential use. It also appears consistent with several of the written elements of the Comprehensive Plan.

> 10 DCMR Section 1807.3 states that "the overall housing objective in Ward 7 is to stimulate development of new and rehabilitated housing at affordable rates to meet the needs of all income levels, particularly good housing at affordable rates for low and moderate incomes. The city, through appropriate public actions, will need to provide the stimulus and support to provide activity in order to meet the current and future needs of market rate housing.

Section 1808.1(g): The objectives for housing are ...[to] provide for the housing needs of the elderly and to reduce their overall housing cost.

Section 1002.2 (h): Coordinate existing services and policies and provide new services in health, housing, transportation and recreation, including the establishment of multi-purpose senior centers in areas that have a large elderly population.

The actions of DHCD, AEDC and the applicant are consistent with these policies, objectives and actions that seek to provide affordable assisted living for the elderly.

VII. DOES THE APPLICATION MEET THE TESTS FOR THE REQUESTED ZONING RELIEF?

A. Special Exceptions Tests

Pursuant to 11 DCMR Section 3401, the applicant is requesting a special exception under Section 358.8 to construct a community based residential facility (CBRF) for more than 25 people in an R-5-A zone.

i. Will the Special Exception Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps?

It will.

The Board is permitted to allow such a facility if it determines that the program goals and objectives of the District cannot be achieved by a facility of smaller size at the subject location and that there is no other reasonable alternative to meet the program needs of that area (Randle Highlands) of the District.

Working with the community planner for Ward 7, OP was not able to find suitable vacant or abandoned parcels in the vicinity that were of a size, character or location suitable to providing assisted living facilities for the elderly of Ward 7.

OP's previous experience with such facilities indicates that it is difficult to provide the types of services needed, at a relatively affordable price, without the economies of scale that come with a project serving over 40 people. The market studies shared by the applicant with OP indicate that the applicant would be better-able to serve the elderly population with a facility of the size proposed by the applicant.

The R-5 zone is intended to be a general residence zone permitting a range of housing types. This facility is similar to a moderate density apartment building, such as the one that formerly occupied this site. As is shown below, the project is unlikely to have a negative impact on the neighborhood and would actually bring a needed facility to the

neighborhood's elderly, at a location where, until recently, there was only a vacant apartment building.

ii. *Will the Special Exception Not Tend to Affect Adversely the Use of Neighboring Property, in Accordance with the Zoning Regulations and Zoning Maps, and the Following Special Conditions?*

The proposed facility would be constructed on a site previously occupied by an apartment building that also exceeded the matter of right FAR – by approximately 50%.

Subsection 358.2. There is no other property containing a community based residential facility with seven or more persons in the same square.

Subsection 358.3. There is no other property containing a community based residential facility for seven or more persons within a radius of 500 feet from any portion of the site. There are four other CBRF's for 7 or more people that are more than 500' distant, but within ½ mile of the site.[1] However, assisted living facilities are only one of many types of CBRF's. Market studies supplied to OP by the applicant indicate that there are no nearby assisted living facilities, let alone facilities for the income-group the applicant intends to serve. The applicant's primary market would be Ward 7, northern Ward 8 and the closer portions of Ward 6.

Subsection 358.4. The site plan provides for ten off-street parking spaces on site to accommodate the needs of the staff and guests of the residents. Access to those spaces would be through an alley leading to 27th Street, S.E. All parking spaces would be constructed and operated according to the provisions of Chapter 21 of the Zoning Regulations.

Subsection 358.5. The applicant has stated that all applicable code and licensing requirements will be met.

Subsection 358.6. In OP's experience with other-such facilities, they are well-maintained, quiet, apartment-type buildings. Because few, if any, of the residents have automobiles, traffic is generated only by staff and by those visiting the residents – typically family members. Such traffic is usually less than for a comparably-sized apartment building. There is not likely to be adverse impact on the neighborhood because of traffic, noise, operations or the number of other facilities in the area. There are no similar facilities in this area.

Subsection 358.8. See above.

Subsection 358.9. The Office of Zoning circulated the application to the appropriate agencies. As of July 10, 2002, no other agency had commented on the application.

[1] 1916 R St., 2117 R St, 1536 28th St, 1604 21st Place, SE

B. **FAR Variance Tests**

The applicant is requesting a FAR variance to erect a 1.97 FAR building in an R-5-A zone that permits .9 FAR as a matter of right.

i. *Uniqueness: Is the property exceptionally narrow, shallow, of a shape or with topography, or possessing of other extraordinary or exceptional situations or conditions of the specific piece of property that make it unique?*

It is, in comparison with other available tracts in similar and suitable residential parts of Ward 7. The assisted living concept, a well as the federal laws that support it, emphasize "mainstreaming" the served population as much as possible. The assisted living facility falls under the definition of "*community-based* residential facility" [emphasis added] in the Zoning Regulations. In this case the target population is seniors from Ward 7. The apartment building previously on the site has already been torn down. According to the Neighborhood Planning for Ward 7, it would be difficult to assemble another 15,500 square foot tract within a safe and stable residential area of Ward 7 without displacing residents. While it may be possible to do so within a commercial zone, locating the assisted living facility in such a location would undercut the community-based aspect of it.

ii. *Practical Difficulties or Hardship: Would there be "practical difficulties" that would be "unnecessarily burdensome" and impose "undue hardship to the Applicant" should the variance not be approved?*

There would be. The applicant's case for this 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. In OP's opinion, without the FAR variance, the applicant would not be able to provide an assisted living facility at this location. Market studies for the project that were supplied to OP by the applicant, but not included as part of the case record, indicate that a minimum of 40 residents is required to enable the provision of adequate services by a for-profit group. This type of analysis is supported by evidence from previous, somewhat similar BZA cases, such as Application No. 16792 for senior housing on Wayne Place, S.E. It would appear that the economies of scale would not permit the offering of the desirable quality and range of facilities, at a price affordable to the low and moderate-income elderly.

C. **Height Variance Considerations**

The Board may wish to consider whether the applicant should have pursued the advertised variance from Section 400's height limits in an R-5-A zone. A variance to exceed the number of stories permitted in an R-5-A zone was advertised. However, neither the zoning administrator nor the applicant pursued this, or a potential height variance, in correspondence (*See memorandum for Zoning Administrator in case record)* or the pre-hearing statement.[2]

It appears to OP that the applicant may have inappropriately assumed that in permitting a structure to rise to 40' or 3 stories, Section 400.1 permits a structure to rise to the less restrictive, not, as is the case, the more restrictive of these. The applicant had previously described the building as being 4 stories in its application, but does not do so in its pre-hearing statement.

The limitation on the number of stories appears to be more restrictive to the proposed project than the height limitation. The Zoning Regulations permit the applicant to choose between two ways of measuring height in zones where a building is limited to 40'. The applicant has chosen the option that permits the vertical distance to be measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet. The applicant has defined R Street as the front of the building. R Street slopes sharply up towards the south, to an elevation where the curb is approximately half-way up the first level of the building's R Street frontage. This seems to permit the building's height to be measured at approximately 38 feet. The applicant has maintained adequate light and air for the R Street frontage by designing a retaining wall that permits the building to have an 8'-9' separation between the building front and the public space, sidewalk and curb on R Street.

VIII. COMMUNITY COMMENTS

The application is supported by the Naylor Dupont ANC 7B, the Park Naylor Community Association, and Councilmember David Catania. Their support is based on their feeling that the facility would allow senior citizens to remain living in the community with which they are familiar, where they can maintain their existing friends and support networks. The Randle Highlands Citizen/Civic Association opposes the project, feeling that the site should be developed with market rate housing, which, they feel, would better support a neighborhood they see as healthy, but still somewhat fragile. Letters are on file.

X. OTHER AGENCY COMMENTS

There were no other agency comments as of July 10, 2002.

XI. OP RECOMMENDATION

A. OP recommends the Board approve the special exception to the numbers of residents permitted by matter-of –right.

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[2] The applicant informed OP on July 11, 2002 that it would address the height variance matter in its testimony.

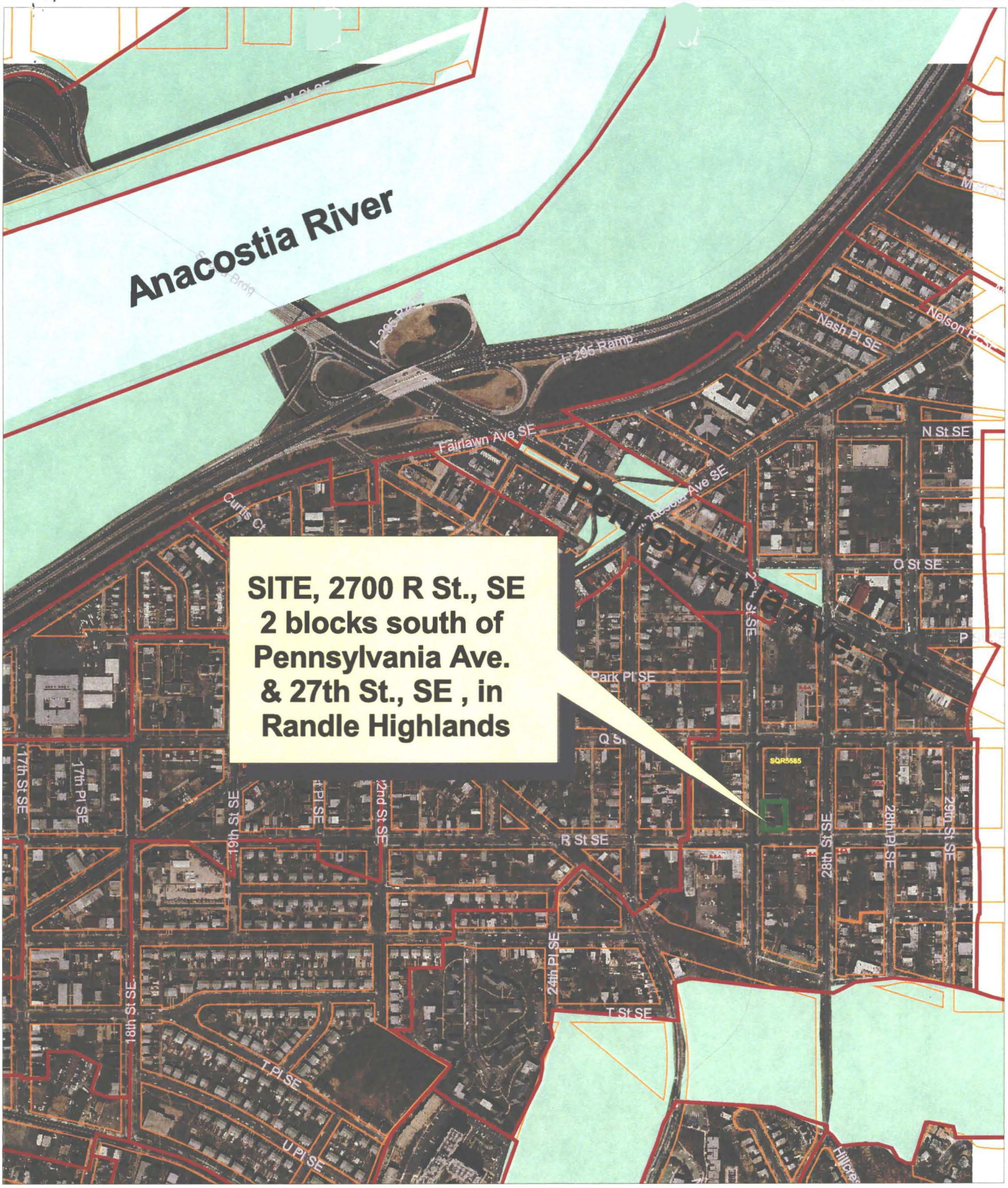
B. OP recommends the Board approve the variance from the Floor Area Ratio permitted as a matter of right.

C. OP recommends the Board consider whether the applicant should continue to seek and address the need for a variance from the height and/or story limits imposed by Section 400.

AA/slc

Attachments

Location Map
Site Map
Current Site and Area Photos
Comprehensive Plan Land Use Map



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment
Application No. 16896
Randle Highlands Manor

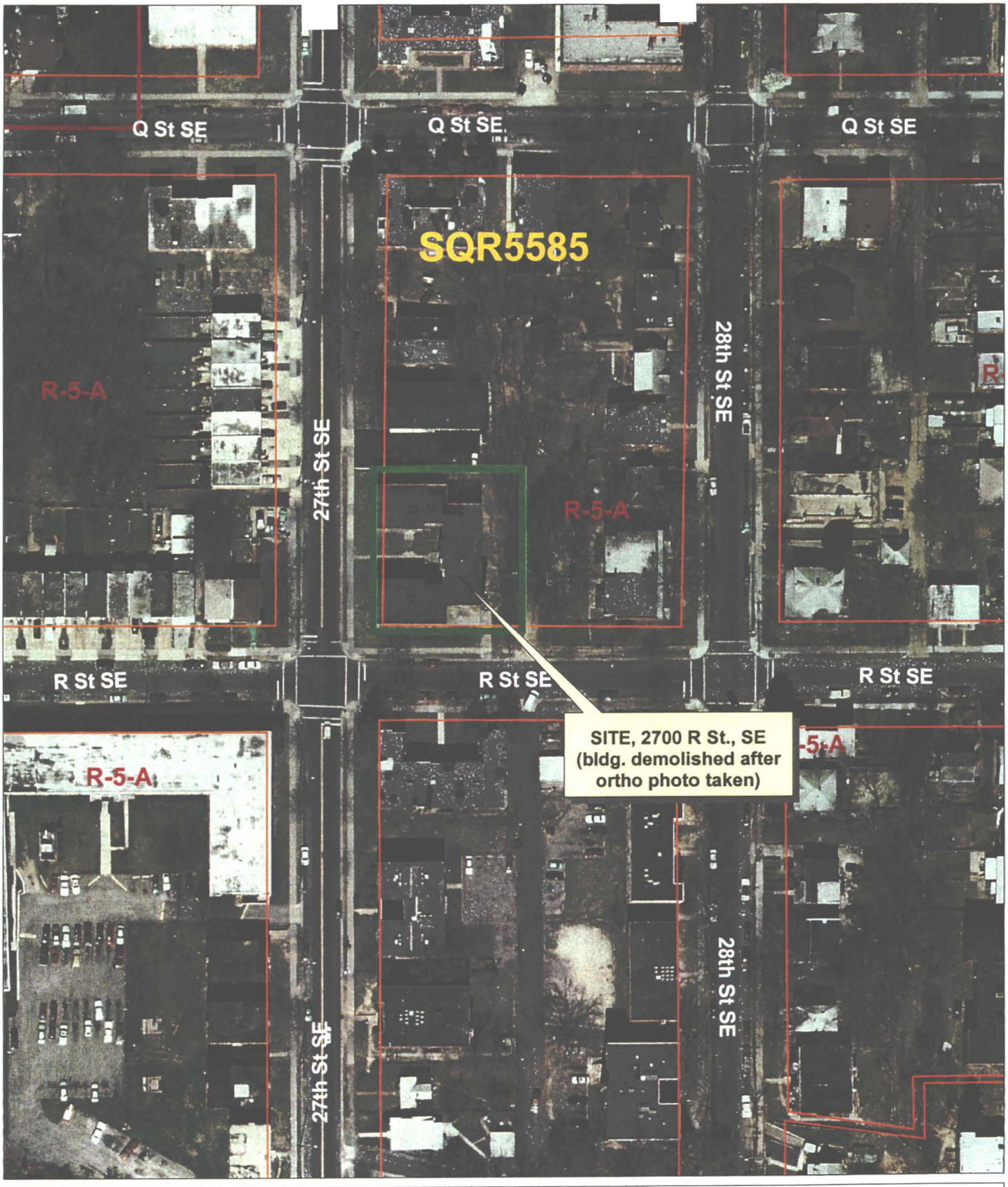
DC Office of Planning
July 2, 2002

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Attachment 1



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16896
Randle Highlands Manor

DC Office of Planning
July 2, 2002

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Attachment 2

ATTACHMENT 3



Fig. 1: Site Looking South, showing grade on R Street.



Fig. 2: Site Looking North, Across R St.

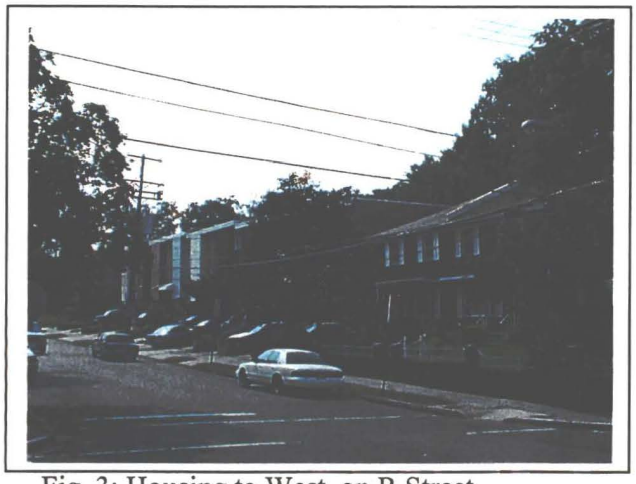
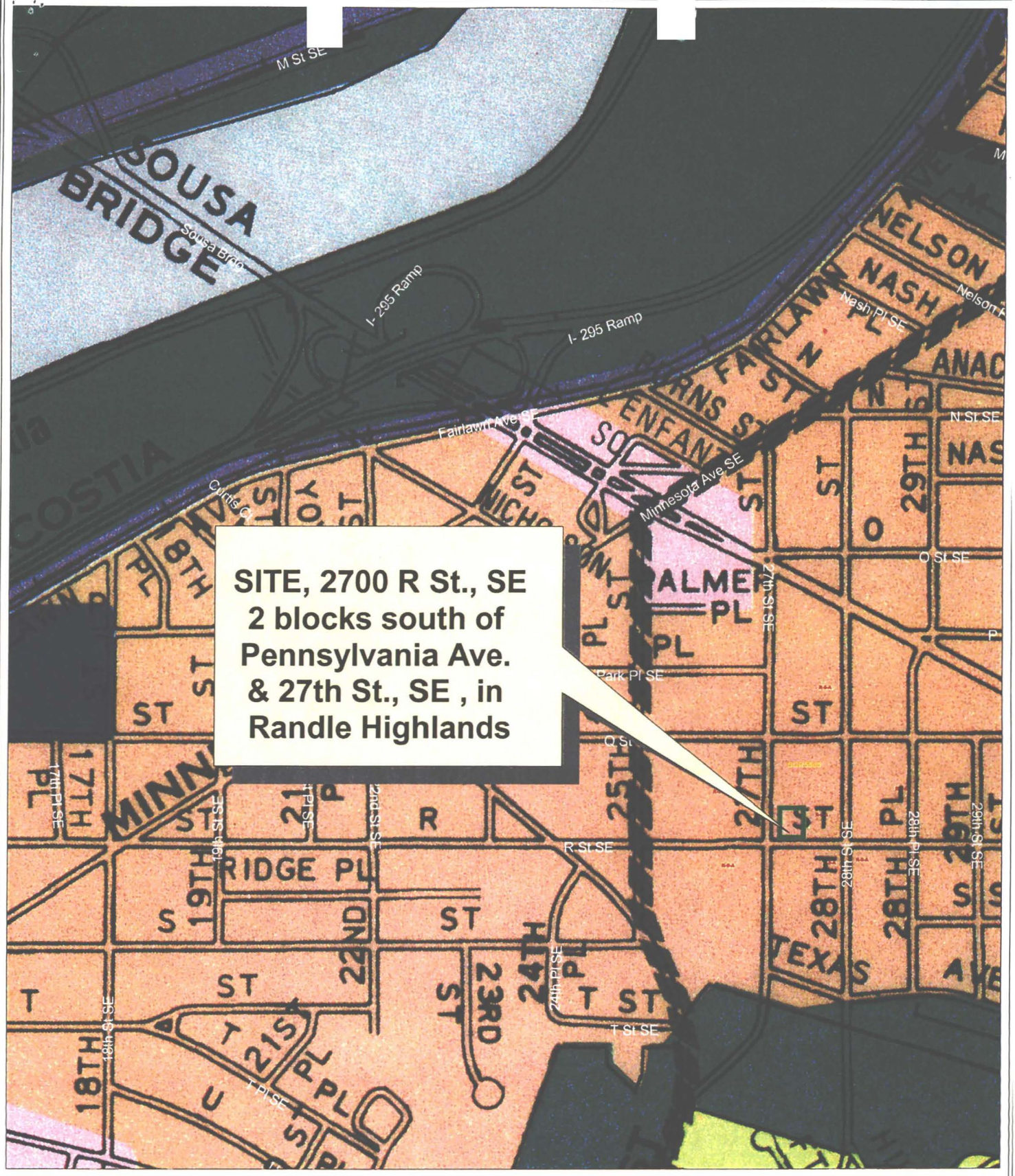


Fig. 3: Housing to West, on R Street.



Figure 4: Housing to East, at 28th and R Streets



Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Comprehensive Plan Landuse

DC Office of Planning
July 11, 2002

Scale 1:6807

150 0 150 300 Feet

Attachment 4