


**REVISED**

# Application No. 16896 of Randle Highlands Manor LP

**Continued from the July 16, 2002, Public Hearing**

## PRELIMINARY MATTERS:

- **The Randle Highlands Citizens Association is requesting Party Status and to be represented by Geraldine Marshall. Exhibit No. 41 is the organization's letter of authorization. Exhibit No. 43 is the Applicant's correspondence opposing the Party Status request. The Board needs to decide if the organization should be granted Party Status. (See analysis prepared by Attorney George R. Keys, Jr. on behalf of the Randle Highlands Citizens Association.)**

- **At the July 16th public hearing, the Board requested materials from the Applicant to be filed by September 17, 2002. That information was not filed in a timely manner and the Office of Zoning did not receive notification that it was served on the parties.**

BZA
Case No. 16896
Exhibit No. 46

Board of Zoning Adjustment
District of Columbia
CASE NO.16896
EXHIBIT NO.46

- **Mr. Zaidain was not present at the July 16th hearing and Mr. Hannaham left the hearing early. The Board Members should disclose that they have read the record.**

**RELIEF SOUGHT:** Pursuant to 11 DCMR § 3103.2, for a variance from maximum number of stories under section 400, and a variance from the floor area ratio requirements under section 402, and pursuant to 11 DCMR § 3104.1, a special exception to allow the construction of a community residence facility (assisted living facility for seniors and other qualified persons, 52 residents and 40 rotating staff) under section 358, in the at premises 2700 R Street, S.E.

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| **ZONING:** | R-5-A District |
| **SQUARE & LOT:** | Square 5585, Lot 812 |
| **COUNCIL MEMBERS:** | **Letters of Support**<br>David A. Catania, Exhibit No. 24, 30 & 40<br>Phil Mendelson, Exhibit No. 29<br>Harold Brazil, Exhibit No. 31 |
| **OFFICE OF PLANNING:** | **OP recommends APPROVAL of the variance for the FAR and for the special exception to construct a CRF to house 52 residents and 40 staff. OP did not recommend approval of the variance from the maximum number of stories. Exhibit No. 28.** |
| **REQUEST FOR PARTY STATUS:** | **The Randle Highlands Citizens Association, Exhibit No. 42. At the July hearing, the Board instructed the Association and Ms. Marshall that they could file a request for party status.** |
| **OFFICE ON AGING:** | **Letter of Support, Exhibit No. 28.**<br>**The report was filed one day late.** |
| **ANC 7B:** | **The ANC recommends APPROVAL of the application. Exhibit No. 23. The report was timely filed.** |
| **AFFIDAVIT OF POSTING:** | **The property was properly posted and the Affidavit of Posting timely filed. Exhibit No. 21.** |

**NOTES:**

The Applicant is proposing to construct a 52-unit assisted living facility that would be privately owned and operated. There would be 25 full-time equivalent staff employed.

At the July 16th public hearing, Board Member Curtis Etherly, Jr. disclosed that both he and the Applicant's attorney are members of the Greater Washington Urban League, Inc.'s Board of Directors. Mr. Etherly asked if anyone objected to his participation in hearing the case. No one voiced any objection to Mr. Etherly's participation.

Geraldine C. Marshall, 1720 27th Street, S.E., requested that the Board postpone the hearing because most of the residents who live in close proximity to the site did not receive written notice of the hearing. She indicated that because of the lack of notice, the residents did not have sufficient time to prepare for the hearing, would like to be given an opportunity to obtain legal counsel, and are requesting party status. Ms. Marshall indicated that the Randle Highlands Citizens Civic Association wrote to the Board expressing opposition to the application and that she wishes to speak on their behalf, as well as residents who live in the area bounded roughly by 27th Street to the west, 28th Street to the east, Texas Avenue to the south and Q Street to the north.

The Board discussed, at length, the issues raised by Ms. Marshall. The Board indicated that the residents were not aware of the proper procedure to request party status and therefore an opportunity would be given to Ms. Marshall and the Randle Highlands Citizens Civic Association to do so.

The Board determined that:

a) Ms. Marshall resides in an apartment building and the written notification was sent to the owner of the building, Phifer Realty, Inc., 1101 14th Street, N.W., Washington, DC.

b) The Affidavit of Posting indicates that the property was posted and for the requisite number of days.

c) The Advisory Neighborhood Commission 7B submitted a report on the application; therefore, the residents of the area were aware of the project.

d) The agenda of the public hearing was advertised in the DC Register.

e) The record indicates that written notice of the hearing was properly mailed to the owners of all property within 200 feet.

f) The public notice requirements of Section 3113 for the hearing on the application have been met.

The Board discussed the following issues with the Applicant prior to hearing the case:

1. **Whether a request for a map amendment before the Zoning Commission would be better suited for the site.**

The Applicant indicated that the entire area surrounding the site is zoned R-5-A and requesting the Zoning Commission to rezone the site to another residential zoning category would be inappropriate.

2. **The record of the case is incomplete concerning the practical difficulty test; can the Applicant substantiate the argument concerning the economic hardship of the case?**

   The Applicant indicated that an Economic/Market Analysis was prepared and it will substantiate that the economics of the case does, in part, create the practical difficulty.

3. **The written submission does not clearly articulate how the facility would be managed and how the medical needs of the residents would be addressed.**

   The Applicant indicated that members of the team present at the public hearing are prepared to address the Board's concerns.

The Applicant presented the following witnesses:

- Lisa Bolden, General Partner;
- Lynn C. French, Office of the Deputy Mayor for Children, Youth, Families and Elders;
- Brenda L. Turner, Director of Aging Services, Greater Washington Urban League, Inc.;
- O.V. Johnson, Former ANC Commissioner and neighborhood resident; and
- Dr. Marie Harris Aldridge, neighborhood resident.

After hearing the above-named witnesses, the Board determined that time would be needed to hear the remainder of the Applicant's witnesses, persons who are in opposition to the application, and to receive additional information in the record. The Board requested the following:

**Submissions Requested by the Board:**

1. A letter from the Randle Highlands Citizens Civic Association authorizing Ms. Marshall or another designee to represent the organization. The Board gave Ms. Marshall the option of representing herself and the other residents of the area as one party, either through the Randle Highlands Citizens Civic Association, or as a group under her leadership.

2. Lisa Bolden is to provide a list of assisted living facilities in Washington, DC. **[This information was received late Monday, October 21, 2002; a waiver is needed.]**

3. The Applicant is to provide a copy of the project's Market/Economic Analysis. The analysis should include a cost comparison of similar facilities. **[The Applicant provided the Executive Summary of the Market Analysis. This information was received late Monday, October 21, 2002; a waiver is needed.]**

4. The Applicant is to provide demographics of persons living in Washington, DC who require assisted living arrangements. **[The information was received late Monday, October 21, 2002; a waiver is needed.]**

5. Lynn French is to provide a list of the developers who looked at the property as a potential development site, but did follow-through with an offer. [3] **[This information was not in the file on Monday, October 21st.]**

6. The Applicant is to provide a list of other sites considered but were not selected to construct the proposed building. **[This information was not in the file on Monday, October 21st.]**

7. The Applicant is to identify how the building height was derived, and the correct height. **[This information was not in the file on Monday, October 21st.]**

8. The Office of Planning is to provide a supplemental report based on the new information provided by the Applicant. **[This information was not in the file on Monday, October 21st]**

**Time line**

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| **September 17, 2002** | Additional submissions, including the request for party status |
| **October 1, 2002** | Responses |
| **October 15, 2002** | OP Report |
| **October 22, 2002** | **Continuation of the Public Hearing, Afternoon Session** |

## WHEN THE HEARING RESUMES

- The Board is scheduled to make a decision about the party status request.

[3] **Lynn French indicated that the previous buildings that occupied the site were vacant from 1992 to 1998, and during that time several potential developers looked at the site.**

- The Board is scheduled to hear the remainder of the Applicant's case and receive testimony from other witnesses.
- Presentation by the Office of Planning.
- Report of Other Government Agencies.
- Testimony of Advisory Neighborhood Commission 7B.
- Persons and Parties in Support of the Application.
- Persons and Parties in Opposition to the Application.
- Rebuttal and Closing Remarks by the Applicant.

**Board Members Participating:** Geoffrey H. Griffis, Anne Mohnkern Renshaw, Curtis L. Etherly, Jr. and James H. Hannaham to approve. Mr. Hannaham left the hearing early. David A. Zaidain was not present. Messrs. Hannaham and Zaidain are scheduled to read the record.