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September 7, 2004

By Hand Delivery

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: BZA Application No. 17055 – Army Distaff Foundation, Inc.
Knollwood – an Army Retirement Residence Facility
6200 Oregon Avenue, N.W. – Pre-Hearing Statement of the Applicant

Dear Chairman Griffis and Members of the Board:

Enclosed please find 20 copies of the pre-hearing statement of the Army Distaff Foundation, Inc. (the "Applicant"). The Applicant looks forward to presenting its case at the public hearing on September 21, 2004.

Respectfully,

Paul A. Tummonds, Jr.

Jeffrey C. Utz

cc: ANC 3/4 G Commissioners
Stephen Cochran, OP
Knollwood Neighbors, c/o Richard Nettler

Document #: 1429241 v.1

BZA
Case No. 17055
Exhibit No. 120

Board of Zoning Adjustment
District of Columbia
CASE NO. 17055
EXHIBIT NO. 120A1

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of the Army Distaff Foundation, Inc.	BZA Application No. 17055 Public Hearing: September 21, 2004 ANC 3/4 G

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This document serves as the pre-hearing statement of the Army Distaff Foundation, Inc., Knollwood - An Army Retirement Residence ("**Knollwood**" or "**Applicant**"), in the above-mentioned application to the Board of Zoning Adjustment (**"BZA"** or **"Board"**). The Knollwood facility is located at 6200 Oregon Avenue, N.W. (Square 2339, Lot 3) (the "**Property**"). The Applicant seeks special exception relief pursuant to 11 DCMR §§ 218 and 219 in order to allow the construction of an addition to the existing facility on the Property that will include 25 new dementia units accommodating 27 residents and the addition of 22 independent living units. The Applicant is also proposing the construction of a new parking lot (and potentially one level of below-grade parking) that will provide a net gain of approximately 19 parking spaces on the Property to satisfy any increased demand for parking that results from the new addition. Since the application was initially filed, the proposed addition has undergone significant and substantive changes to address issues raised by neighboring property owners.

II.
DESCRIPTION OF PROPERTY, HISTORY OF BOARD APPROVAL AND EXISTING USE ON THE KNOLLWOOD PROPERTY

A. Description of Property

The Property is located in the R-1-A Zone District. The Property abuts Oregon Avenue, N.W., and Rock Creek Park to the east. To the south, the Property abuts Stephenson Lane, N.W., and Nebraska Avenue, N.W., which includes single-family homes as the predominant land use. To the west, the Property abuts single-family homes located on Stephenson Lane, N.W., and 29th St, N.W. To the north, the Property abuts Tennyson Street, N.W., which also includes single-family homes as the predominant land use.

The Property rests in a beautiful park-like setting with ample amounts of vegetation and trees. It is buffered from its neighbors with old-growth trees, bushes and open spaces. The entire Property consists of approximately 16.3 acres. The existing buildings have been carefully designed to maintain the open and wooded feel and occupy only 11% of the Property. The existing facilities have a floor area ratio ("**FAR**") of only 0.45.

B. History of Use on the Property

Knollwood, operated by the Army Distaff Foundation, Inc., is a non-profit organization dedicated to meeting the needs of aging career military personnel and their spouses and other close female relatives by providing retirement living facilities with health care services. Regular or reserve career military officers, their spouses, sisters, daughters, mothers or mothers-in-law are eligible to reside at Knollwood. The original building was constructed pursuant to BZA Order No. 5550, dated May 29, 1959. Knollwood began its operations on the Property in 1962. Initially, BZA Order No. 5550 permitted Knollwood to establish a combined community residence and health care facility for 300 residents with eight nursing beds. Thereafter, in BZA Order No. 9185, dated April 12, 1967, the Board approved an increase in the number of residents

from 300 to 318 and provided for the expansion of the health care component to 48 nursing beds. This nursing facility is now known as the Health Services Center (HSC). By BZA Order No. 14626, dated June 24, 1987, the BZA granted a special exception to construct an addition of 292 square feet in the nursing facility to act as a social activity and dining area as was required by D.C. Health Regulations.

In its most recent approval the Board, pursuant to BZA Order No. 15358 dated January 31, 1991, permitted the construction of an addition to the Knollwood facilities on the Property to enlarge the existing facility with 40 assisted living units and requisite support facilities. In BZA Order No. 15358, the Board included five conditions of approval. In the present application Knollwood satisfies all of these conditions, except for Condition No. 1 which established a 25-year moratorium on development of the Property. Since that 25-year moratorium has not expired, the Applicant is requesting the removal of that condition of the Board's previous approval of Knollwood's use of the Property. Knollwood agrees to retain all of the other previous conditions of the Board's approval in BZA Order No. 15358[1].

C. Existing Use

Knollwood is a continuing care retirement facility that provides three distinct levels of care for its residents; independent living units, assisted living units, and skilled nursing units. The present facilities on the Property consist of:

- The Hall, which includes 150 efficiency, one- and two- bedroom independent living units.

[1] Note that minor modifications to the approved building and landscape plans were approved by the Board on June 21, 1991 and June 29, 1993.

- The Terrace, composed of 39 assisted living units with a maximum occupancy of 40 residents.
- The Health Services Center, a fully-licensed, 50-bed skilled nursing facility.

The Property also includes a parking lot with 203 parking spaces and the Knoll House (which was originally constructed as an estate house in 1931 and is used for various administrative and residential purposes). Access to the Knollwood facilities is available from Nebraska Avenue, N.W. and Oregon Avenue, N.W.

Knollwood's closest competitors are other retirement facilities for military personnel in the Washington D.C. area. These consist of Falcon's Landing, The Fairfax, and Vinson Hall, all located in Virginia. There are no other similar facilities in Washington, D.C. Knollwood is known for its quiet presence, affordability, well-maintained grounds and heavily-wooded setting. Knollwood has an excellent record of providing health care services in a home like environment. Both the residents of Knollwood and area neighbors enjoy substantial access to the open space on the Property. Neighbors stroll the grounds and exercise their pets on Knollwood's extensive property and frequently use the public bus stop located at Knollwood's main entrance. Every winter, Knollwood allows families in the area to use its Property for sledding. In addition, Knollwood is a non-profit entity and is therefore able to provide substantially more affordable retirement care than most of its competitors.

Knollwood serves a critical need in the community by providing a warm and supportive environment for approximately 250 residents. Full dining services, as well as health services, are available for all levels of care. Activities are also available to residents at all levels of care. These activities include trips to the local Safeway and Giant stores, the Kennedy Center, Arena Stage, Smithsonian Institute, and other local attractions. An annual Health Fair, rehabilitation

services, chapel services and other on-campus events are also offered to all residents of Knollwood. Additionally, Knollwood routinely provides scheduled transportation to Walter Reed Army Medical Center. All residents of Knollwood are residents of the District of Columbia. They pay taxes to the District, vote in the District election and register their vehicles in the District. As such, they form a vital part of the community in which they live. Knollwood also provides a total of approximately 175 permanent jobs (129 full-time and 46 part-time). Upon approval of the proposed application, Knollwood will hire approximately 18 additional staff. Knollwood has had a long history at its current location and is committed to remaining in the District of Columbia and continuing to be a valued member of its neighborhood.

III.
NEED FOR THE PROPOSED ADDITION

As the population has aged both at Knollwood and throughout the United States, there has been a dramatic increase in demand for specialized dementia services. The proposed addition to the existing Knollwood facilities will create 25 new units specifically designed to address issues related to dementia patients, as well as 22 new independent living units. The development of specialized dementia units at Knollwood will enable the institution to respond to such demand and provide more supervision, queuing and specialized activities geared towards residents with dementia. The dementia units will offer a safe and structured environment and a program of activities that are designed to give each resident an optimal level of physical and cognitive functioning. It is not possible to provide this kind of support in the existing skilled nursing facility, presently the most care-intensive service level in the facility. Moreover, the ability to move current residents of the skilled nursing facility into these dementia units will allow the staff of the skilled nursing facility to focus care on the residents of the skilled nursing facility who have primarily physical disabilities requiring specialized nursing care.

The proposed expansion and upgrade of the facilities will respond to a need for a more life-cycle based offering of care, by providing larger and more updated floor plans for the independent living units, as well as dementia units. These larger units are required as more couples are in need of independent living units. Increasingly, prospective residents and their families make their decisions after considering the various retirement homes' offerings in regard to size and type of independent unit available, as well as the other amenities, including health services and activities. Prospective residents are also aware of the need to "age-in-place," looking for facilities such as Knollwood that can provide care at different levels of need, such as independent living, assisted living, skilled nursing, or dementia care. Institutions without sufficient independent living facilities experience greater difficulty attracting new residents. Due to its mission to provide facilities for aging military personnel and their loved ones, it is necessary for Knollwood to be competitive with other military retirement facilities in the area. Recently, other military retirement facilities, such as Vinson Hall (located in McLean, VA) and Falcon's Landing (located in Potomac Falls, VA) have included dementia units in their continuing care facilities. In addition, the Fairfax (located in Fairfax, VA) is planning an expansion to add a specialized Dementia Unit, as they also have recognized the need. Therefore, it is essential that Knollwood be able to add the proposed independent living units and dementia units.

Presently, Knollwood has a waiting list of approximately 150 people for its independent living units and approximately 15 people for its assisted living and nursing beds. In regard to the need for the larger independent living units, Knollwood surveyed twelve retirement communities in the area and found that all report a high demand for large independent living units. The

proposed new independent living units are of the size and quality that other facilities are building or creating by combining smaller independent living units.

In addition, based on its own internal analysis, Knollwood has determined that approximately 72% of its current skilled nursing facility population would be immediately suitable for the dementia units. Thus, the proposed demand for the dementia units requested in this application can be satisfied by Knollwood's existing population. Moreover, as noted in a letter in support of this application from the President and CEO of the National Capital Area Chapter of the Alzheimer's Association, it is estimated that more than half of all individuals over the age of 85 have some form of memory related problem and that those individuals require adequate residential care facilities to support their needs. The characteristics of Alzheimer's disease require care facilities to provide for wandering, safety issues and separate program activities.

Further, it is vital to the establishment of the specialized dementia services that the independent living units are included on the Property. The income created from such units will allow Knollwood to fund the dementia units and supplement their operation in the future. Indeed, without the financing and income from the new independent living units, Knollwood would be unable to offer the dementia units and adapt to the changing market demands discussed above. Therefore, it is crucial that the project be implemented with both the dementia units and the independent living units as proposed.

IV.
DESCRIPTION OF MEDIATION PROCESS, PROPOSED ADDITION, AND REVIEW OF POTENTIAL LOCATIONS OF THE PROPOSED ADDITION TO THE KNOLLWOOD FACILITIES

A. Mediation Process

The Applicant and the Knollwood Neighbors, a party in opposition in this case, have been engaged in a professional mediation process since March of this year. Since the May 25, 2004 public meeting in which the Board encouraged the parties to work towards a resolution of the issues presented by the proposed addition, significant strides have been made by all parties in creating an addition to the existing Knollwood facility that addresses the needs of the Applicant and the concerns of the neighboring property owners. Early in the mediation process, the members of the Knollwood Neighbors group that lived on 29th Street and Stephenson Lane noted that their biggest concerns were the proposed mass and height of the addition, the removal of existing trees that provided a landscape buffer, and the proximity of the addition to the 29th Street neighbors. The Applicant was encouraged by these representatives of the Knollwood Neighbors to redesign the proposed addition so that it would only be located in the footprint of the existing parking lot and roadways on the Property (so as to move the addition further away from adjacent properties and reduce the need to remove existing trees), and to reduce the overall height of the proposed addition.

The Applicant believes that it has fully addressed these requests of the Knollwood Neighbors. As shown in the attached Exhibit B and as described in detail below, the proposed addition is now located in the footprint of the existing parking lot and roadways on the Property, the height of the addition has been reduced by an entire floor, and the need to remove trees near the proposed addition has been significantly reduced. These modifications to the proposed addition have resulted in saving 30 trees that are greater than eight inches in diameter. At the

present time the mediation process is concluding and the Applicant hopes that it will be able to appear at the September 21, 2004 public hearing with no significant opposition to the application.

B. Proposed Addition

In addition to depicting the existing Knollwood facilities, the proposed addition, and the proposed new parking area, Exhibit B also includes materials that show the evolution of the massing and design of the proposed addition and the substantial improvements that have been made to minimize the visual impacts of the addition on neighboring properties. The proposed addition will include approximately 68,100 square feet of gross floor area and will be located in the southwest corner of the Property adjacent to the existing Health Services Center. As noted above, the proposed addition is now located entirely within the footprint of the existing surface parking lot and roadway system in order to minimize the loss of trees and green space on the Property. The proposed addition will also include a terracing of the upper floor to further reduce the visual impact on neighboring properties. This new design has removed 5 independent living units from the original proposal, a 19% reduction in the amount of additional independent living units originally planned.

As shown in the site plan of the proposed addition (Pages 1 and 2 of Exhibit B), the new location of the addition has greatly increased the distance between the footprint of the addition and the 29th Street neighbors. Previously, the lowest level of the footprint of the addition was located 51 feet from the nearest 29th Street neighbor. Now the lowest level of the addition is located more than 120 feet from the closest 29th Street neighbor property. The pivoting of the majority of the mass of the addition towards the interior of the site also reduces the visual impact of the addition of the Stephenson Lane neighbors who live near the intersection of 29th Street and Stephenson Lane. The proposed addition is set back over 70 feet from Knollwood's property

line along Stephenson Lane. Adding the width of Stephenson Lane to this distance, the proposed addition is located more than 120 feet from the property owners on the south side of Stephenson Lane. The Applicant is also proposing an enhanced landscape buffer surrounding the proposed addition that will further minimize the visual impact on neighboring properties.

The addition will have a height of approximately thirty feet as measured from the 310 foot elevation established in BZA Order No. 15358. This reduction in height from the original proposal is a result of the lowering of the first level of the addition into the existing grade of the site. With the construction of the proposed addition, the Knollwood facilities on the Property will only occupy 13.5% of the Property (while the Zoning Regulations allow a lot occupancy of 40%) and a FAR of only 0.5. The proposed addition will not result in the need to amend the existing resident population cap of 318 as established in BZA Case No. 9185. If the proposed addition is approved, Knollwood's expected occupancy will only be 311 residents.

The materials selected for the exterior of the addition will be compatible with those on the existing building and will include two colors of brick to match the existing brick colors. Pre-cast concrete belt courses, and window surrounds (as well as accent panels) will complement the existing building and the natural appearance of the Property, and will add interest to the highly articulated façades. Windows that match the scale and finish of those on the existing building will be included in the new addition. Decorative louvers will skin all of the walls of the mechanical penthouse.

The first floor of the proposed addition will contain 25 dementia units (to be known as "special care units") that will include 23 private and 2 semi-private rooms (with two beds in each semi-private room) for a total capacity of 27 beds, two dining areas, multiple activity spaces (including a country kitchen, a music area, game space, hair salon, and a garden room), and a

secure wandering garden that will allow residents to enjoy the outside and interact with each other. The second, third and fourth floors of the proposed addition will house 22 independent living units.

C. Proposed Parking Facilities

In its original application to the Board, the Applicant proposed an 86 space parking lot north of the Oregon Avenue entrance along Tennyson Street, N.W. The original application also proposed a vehicular exit from the new parking area onto Tennyson Street, N.W. This vehicular exit was to be only used by Knollwood resident passenger cars and was only to be used as an exit.

Based on comments received from members of the community, the Applicant has modified the proposed new parking area and the Tennyson Street, N.W. access driveway. In order to mitigate any potential adverse impacts on residents of Tennyson Street that may result from vehicle head lights, the parking area has been moved to the south of the Oregon Avenue entrance drive. This new parking area will include significant landscaping and berms to maintain the attractive natural setting of Knollwood's front lawn and will have no visual impact on Rock Creek Park or on Oregon Avenue. Included in Exhibit B, is a depiction of the view of this parking area from Oregon Avenue. At the present time, the Applicant is investigating whether it is feasible to include a level of below-grade parking underneath the proposed addition. If such a level of parking is feasible, the size of the parking area near the Oregon Avenue entrance will be reduced.

The Applicant has moved the vehicular entrance/exit on Tennyson Street to align with 29th Place and has agreed to use it only as a right turn exit for residents and an emergency entrance/exit. The Applicant will also propose to the District Department of Transportation

("**DDOT**") to place a stop sign on Oregon Avenue, N.W., at its intersection with Tennyson Street. The restrictions on the entrance/exit and modification of the parking lot were made to address concerns raised by Tennyson Street residents regarding potential adverse traffic impacts as a result of this application. The Applicant is also proposing a widening of the Nebraska Avenue, N.W., exit and opening it up to two-way traffic since the current circular traffic pattern on the Property, allowing entry from Oregon Avenue and exit to Nebraska Avenue, will be eliminated with the proposed addition.

D. Appropriateness of Independent Living Units on the Property

The addition of the independent living units is a necessary enhancement of Knollwood's continuing care facility. The BZA recently approved similar independent living units for the Ingleside at Rock Creek facility located at 3050 Military Road, N.W. In BZA Order No. 16138, copy attached as Exhibit C, the Board states that the proposed use of the retirement home as described on page 3 of the Order constitutes a community residence facility and not an apartment building. In the Ingleside at Rock Creek case, the proposed facility is described by the following:

> [T]he 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.

BZA Order No. 16138, page 3.

The existing and proposed independent living units at Knollwood clearly constitute a continuing care facility since they are similar to the facility found to be a community residence

facility by the Board in Order No. 16138 as noted above. That is, the proposed Knollwood independent living units will provide a safe and hygienic living arrangement for seniors who are ambulatory and able to perform daily activities with minimal assistance. All residents of Knollwood's independent living units are required to enter into a life care contract and pay an admission fee to gain entry. The residents of the new independent living units will be offered a supportive living environment including an activity director, meal services, emergency alarms in their bathrooms, on site nursing care and transportation, just like the residents of the existing independent living units. The independent living unit plans will also feature bathrooms equipped with safety grab bars, an emergency call system, scheduled transportation to Walter Reed Army Medical Center, use of a chapel with regular religious services, nutritional consultations, 24-hour emergency clinic service, resident clinic visits for blood pressure checks and medical wellness counseling. For an added fee there are also other services and amenities that separate the independent living units from an apartment house including: physicians available on site; podiatrist, dentist, optometrist, and rehab services; coordination of medical services; and an escort service to medical appointments.

E. Applicant's Review of Potential Locations of Proposed Addition

Throughout the planning process, Knollwood investigated a significant number of alternative options. In fact, Knollwood considered 14 alternatives, including three different locations on the Property, and did substantial research into each alternative location that included analyses of Knollwood's needs, the potential costs of construction for each location, and the potential impact of the proposed addition on neighboring properties. The proposed location and modified design of the addition provides the optimal balancing of the needs and goals of

Knollwood and the neighboring property owners, while preserving the open and wooded environment on the Property.

The Board's standard of review of balancing the needs of an applicant versus potential impacts on neighboring properties in such situations was addressed in Glenbrook Road v. Bd. of Zoning Adjustment, 605 A.2d 22 (D.C.App. 1992). In Glenbrook Road, the court upheld the BZA's order granting a special exception to American University for the proposed construction of a new law school building. The Court found "[t]he Zoning Regulations do not require that the Board treat the [applicant's] needs as irrelevant." Glenbrook Road, 605 A.2d at 32. The Glenbrook Road court stated further that the "Board's function is to determine whether a reasonable accommodation has been made between the [applicant] and the neighbors which does not interfere with the legitimate interest of the latter." Glenbrook Road, 605 A.2d at 32.

Ultimately, the site for the proposed addition was chosen due to a multitude of factors. First, the proposed dementia units are adjacent to the existing Health Services Center. If the dementia units were located at some other location, duplicative health care services would be required which would be prohibitively expensive. Second, the proposed site is presently the location of a surface parking lot and roadway network on the southwest corner of the Property. Constructing the proposed addition on this site minimizes the amount of trees and vegetation that must be cleared. Further, the topography of this location on the Property allows the building to be placed next to a slope that neutralizes the view of a floor and a half of the proposed addition.

The Board was faced with a very similar situation to the present case in the application of the Methodist Home for the District of Columbia ("Methodist Home") in 1997. In BZA Application No. 15831, the Methodist Home proposed an addition to its existing community residence and health care facility. Ultimately, the Board approved the application and the

Methodist Home was allowed to proceed with an addition to its facility, even though it was in a location disfavored by neighbors. The Board determined that:

> The design of the addition is constrained by a large number of complicated and interrelated requirements of The Home, including municipal building and licensing requirements, as well as the specific functional needs of the existing and future residents. The alternate plan submitted by the opposition may contain space for the same number of beds as proposed by the applicant. However, the applicant identified a number of significant deficiencies in that plan which convinced the Board that the alternate plan is not a viable solution which meets the needs and requirements of The Home.
>
> The applicant is further not required to demonstrate that there are alternative ways to construct the addition to the building which may have greater or lesser impacts than the design proposed in the application. The applicant is only required to demonstrate that the addition it has proposed meets the specific standards of Sections 218 and 219 of the Zoning Regulations
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> BZA Order No. 15831 (Order on Remand) at p. 16-17.

In addition to an extensive analysis of numerous potential locations of the proposed addition, Knollwood has made significant modifications of its plans in response to input from the community. Such actions by the Applicant certainly constitute a reasonable accommodation to the concerns of the neighboring property owners. Therefore, Knollwood synthesized its needs with those of its neighbors throughout its planning process in a manner that satisfies the Court of Appeals' standard in Glenbrook Road, is entirely consistent with the Board's ruling in BZA Application No. 15831, and satisfies Sections 218 and 219 of the Zoning Regulations.

V.
JURISDICTION OF THE BOARD

This Board has jurisdiction pursuant to Section 3104.1 of the Zoning Regulations to grant the requested special exception relief.

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 requirements 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 demonstrated herein, 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 discussed above, the proposed addition has been carefully planned, designed, and modified to mitigate any adverse impacts on surrounding neighbors. Knollwood has engaged in extensive discussions, including a professional mediation process, with members of the surrounding neighborhood about the application and has significantly amended its plans to accommodate neighbor concerns.

For the application to be granted, the Applicant must demonstrate satisfaction of the requirements of Section 218 (Community Residence Facilities) for the approval of the proposed 22 independent living units, and Section 219 (Health Care Facilities) for approval of the 25 dementia units, housing up to 27 residents that suffer from dementia. As further discussed below, Knollwood meets the criteria for special exception relief for both uses.

Section 218 (Community Residence Facility) and Section 219 (Health Care Facility). The Board of Zoning Adjustment may approve a community residence facility or a health care facility, subject to the following provisions:

> A. Sections 218.2/218.6 and Sections 219.2/219.6. Sections 218.2/219.2: There shall be no other property containing a community-based residential facility ("**CBRF**") for seven or more persons in the same square or within a radius of 1,000 feet from any portion of the subject property. Sections 218.6/219.6: 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.

There are no other properties containing a CBRF, other than the existing Knollwood facility, for seven or more persons in the same square or within a radius of 1,000 feet from any portion of the Property.

> B. Sections 218.3/219.3. There shall be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

Presently, there are approximately 203 parking spaces on the entire Knollwood site, which is more than sufficient for current demand of residents, employees and visitors. Knollwood's use of the Property generates a low volume of vehicular trips and has very little traffic impact on the neighborhood. According to the parking analysis performed by Kimley-Horn and Associates, Inc. ("**Parking Analysis**"), attached as Exhibit E, the parking spaces that will be provided with the proposed addition will be sufficient to accommodate peak parking demands.

Recent parking availability counts indicate that during the peak period of employee activity, there are more than 30 unused parking spaces on the Property. In order to account for day-to-day fluctuations, the Applicant's traffic engineer concluded that there are at least 15 excess parking spaces that can be used to accommodate future demand. The number of parking spaces on the Property will increase from 203 to 222 spaces, a net of 19 additional parking

spaces. This net increase figure is based on the 34 spaces needed for the independent living units and additional employees, minus the 15 spaces that are in excess of current needs. Twenty-two of the new parking spaces will be reserved for the twenty-two new independent living units. This 1:1 parking ratio for the independent living units is significantly higher than the present, entirely adequate, ratio of 0.54 parking spaces for each independent living unit. The remaining 12 new parking spaces will be available for the eleven additional daytime employees and visitor parking. As stated in the Kimley-Horn Analysis, it should be noted that any increase in visitor demands for parking will likely occur during the evenings and weekends, when on-site employee levels are reduced. Therefore, peaks of visitation (evenings and weekends) occur at different times than peaks of employee levels (weekday daytime hours), and the proposed parking is more than sufficient to meet expected demand.

During the construction of the proposed project, Knollwood will be able to accommodate all parking needs generated by the construction activity, along with Knollwood's everyday operations on site. All construction equipment, construction worker vehicles, dumpsters and materials will be stored on the Property.

C. Sections 218.4/219.4. The proposed facility shall meet all applicable code and licensing requirements.

The proposed additional independent living units and dementia units will meet all applicable code and licensing requirements. The proposed addition will be fully accessible to the disabled and will meet all fire, life safety and building code requirements. In addition, representatives of the Applicant have met with Department of Health (DOH) staff and discussed the proposed facilities and will continue to meet with DOH staff. The proposed dementia units will require a Certificate of Need (CON). Due to the significant CON application fee, which is

calculated as 3% of the capital expenditures for the project capped at $300,000, Knollwood will file the CON application upon the Board's approval of this application.

D. Sections 218.5/219.5. 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.

1. Lack of Adverse Impacts

(a) Traffic

Currently, Knollwood generates little traffic activity and operates with minimal vehicular impact on the surrounding community. The limited traffic and parking impact is related to the lifestyles of the Knollwood residents, as none of the residents of The Terrace or the Health Services Center have automobiles. In addition, many of the residents of the independent living units do not utilize privately-owned vehicles for transportation. The Property is serviced by public transportation, as it has a designated stop on the E6 bus line (which drives into the Property and connects to the Friendship Heights Metro Station). Knollwood also operates two buses to provide scheduled and unscheduled transportation for its residents. Thus, public transportation assists in mitigating any impacts the operation of the facility may have on traffic. A small number of vendors and visitors come to the site on a weekly basis.

In addition to the Parking Analysis, Kimley-Horn and Associates also prepared a Traffic Impact Analysis ("**Traffic Analysis**"), attached as Exhibit E. The Traffic Analysis concludes that there will be no discernable effect on the surrounding area based on the proposed addition. According to the Traffic Analysis, the additional trips are likely to occur at the Oregon Avenue entrance to the Property and add only one new trip every 8 minutes in the AM peak hour and one new trip every 4 minutes in the PM peak hour. Thus, the proposed addition will not create any adverse traffic impacts on neighboring streets.

The addition of the vehicular emergency entrance/exit and resident exit to Tennyson Street will also not create any adverse traffic impacts in the area surrounding the Property. Other than emergency personnel, Knollwood residents would be the only people allowed to use this access driveway and they would only be allowed to exit with a right turn, thereby preventing Knollwood traffic from heading westbound on Tennyson Street into the adjacent neighborhood.

(b) Noise

The current use of the Property is inherently quiet. The new addition, which is buffered from all neighboring residential properties, will generate virtually no additional noise. The new parking area, which is heavily buffered from all residential neighbors, will be more than adequately screened off and is actually a net improvement over the present situation since parking spaces are being moved to the new lot south of the Oregon Avenue entrance and therefore away from the Stephenson Lane and 29th Street neighbors. The resulting situation will be quieter for residents abutting the Property.

(c) Operations

Knollwood has been a careful and considerate neighbor in its operations. Over the years, Knollwood has had little impact on the neighborhood and has demonstrated a willingness to minimize the impact of its operations on the community. Knollwood does not believe that the operations of the addition will in any way have an adverse impact on neighboring properties.

Presently, Knollwood employs approximately 129 full time and 46 part-time staff. For the day shift, the maximum number of staff on site at any one time is 87. Approximately 10% of the current employees either take public transportation or carpool to work. As a result of the proposed addition, 18 additional staff will need to be added.

The weekends have the highest number of visitors. On average, 75 visitors come to the site on a weekend day. On average, 35 visitors come to the site on a weekday. On average, 8 to

10 delivery trucks (trash, kitchen supplies, medical supplies, linens, etc.) come to the site per day.

(d) Similar facilities

As indicated above, there are no similar facilities or uses within the same square or 1000 feet of any portion of the Property. As such, there is no impact accorded to the cumulative effects of another facility in the neighborhood and Knollwood.

> E. Sections 218.7/219.7. The Board may approve a community residence facility for more than fifteen (15) persons or a health care facility for more than three hundred (300) people, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia 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 of the District.

1. Independent Living Units

As the population of the country and the District ages, it is vital that retirement communities remain economically viable and continue to offer premium services within the District itself. This need has been highlighted as especially important in Ward 3[2] in the District of Columbia Comprehensive Plan ("**Comprehensive Plan**") (DCMR Title 10 Chapter 14). In 10 DCMR 1402.2, the Comprehensive Plan states:

> Ward 3 must be particularly sensitive to the needs of its elderly population, which comprises seventeen percent (17%) of the ward and is proportionately the highest in the city. Housing for the elderly must be maintained and increased....

Knollwood is in direct competition for prospective residents with other retirement communities outside of the District that advertise an ample supply of such independent living units and

[2] At the time of the adoption of the current Comprehensive Plan, the Property was located in Ward 3. The Property is now located in Ward 4. Thus, the Comprehensive Plan's discussion of the Ward 3 Elements are applicable to the Property.

dementia services. It is also financially vital that Knollwood increases the number of independent living units to make the entire addition financially viable. It is important to note that the proposed additional residents will not result in the population of Knollwood exceeding its population cap of 318 residents. Knollwood is merely attempting to improve its services and accommodations.

Perhaps most importantly, Knollwood has a long waiting list of potential residents wishing to take advantage of its services that are becoming increasingly unique in the District. In 2002, Knollwood surveyed 150 people on its waiting list and received 94 replies. Of those replies, 39 wanted to move into a large two or three bedroom unit in 2005 or sooner. The remaining 55 either wanted something smaller, or wanted to move in after 2005. A second survey, completed in July 2003, was sent to the 72 people on the waiting list for two bedroom apartments. Knollwood received 34 responses, with 30 of those interested in moving to Knollwood in 2006.

As a testament to the demand for Knollwood's services within the District, 45 of the current residents of Knollwood were D.C. residents prior to moving into Knollwood. 16 of these residents have relatives that live in Zip Code 20015, which comprises the surrounding area. In addition, 19 people on the waiting list are current D.C. residents and 5 of those on the waiting list live in Zip Code 20015.

2. Dementia Units

Similar to the situation with independent living units, there is a huge and ever-increasing demand for dementia services throughout the nation and the District. The demand for the dementia units and services at Knollwood in particular is evident. All 27 of the dementia beds can be filled by current residents of Knollwood. This need for the dementia units is clearly

demonstrated by a Statistical Report for Dementia/Behavior Patterns in the Health Services Center ("**Statistical Report**"), consisting of multiple studies of nursing facility residents attached hereto as Exhibit F. Based on six censuses between July 2001 and January 2004, the Statistical Report indicates that approximately 72% of Knollwood nursing facility residents have Level 3 (severe) dementia. These residents would benefit immediately from the dementia services, as assessed on a case-by-case basis.

The number of proposed dementia units is calculated so that the total resident population will remain under the resident population cap of 318 (with a small buffer of unutilized cap space). Each proposed dementia unit can only be financed by roughly adding one independent living unit. Therefore, the total number of additional units is calibrated to not exceed the allowable population cap and offer the maximum number of dementia units, all while remaining financially viable.

> F. Sections 218.8/219.8. 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.

To the best of the Applicant's knowledge, all appropriate referrals have been made. The Property is not located in a historic district nor is it an individually designated landmark.

> G. 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 and 219 for special exception approval and, therefore, is in harmony with the general purpose and intent of the Zoning Regulations. The proposed addition will not negatively impact the

neighborhood. Noise or other objectionable impacts will not increase as a result of this special exception approval. Moreover, Knollwood believes this is an excellent opportunity to improve its services and offerings to its residents, both actual and potential, and their families and the District of Columbia.

The application is in harmony with various provisions of the Comprehensive Plan. As the Office of Planning noted in a memorandum dated October 23, 1996 there is a tremendous need in Ward 3 for housing for the elderly (BZA Order 16138, page 4). That need still exists today. In addition, 10 DCMR 1402.2 (e) states that "housing for the elderly must be maintained and increased." The proposed project is motivated by the desire to maintain and increase the housing stock for the elderly in the District of Columbia. In addition to providing housing for the elderly, the proposed addition actually serves the moderate-income population of the District and therefore satisfies 10 DCMR 1402.3(a), since it is a non-profit entity that focuses on maintaining affordability of its services. Sections 1408.1 (a), 1408.2 and 1408.3 of the Comprehensive Plan, state that the needs of the elderly must be addressed as part of the overall human services delivery system. The proposed addition to Knollwood goes a long way towards addressing those human services needs.

VII.
COMMUNITY OUTREACH

As noted above, Knollwood has engaged in significant dialogue and communication with the Knollwood Neighbors, other members of the community, and representatives of Advisory Neighborhood Commission 3/4 G both prior to, and during, the formal mediation process. Knollwood has participated in many community forums (including tours of the facility), informal meetings with the neighbors and community, and formal meetings attended by the mediator. Representatives of Knollwood will make a final presentation regarding the modified addition to

ANC 3/4 G and the community on September 13, 2004. As a result of this dialogue, Knollwood has made the significant revisions to the proposed addition discussed above, which have resulted in substantial costs. Knollwood believes that it has engaged in the mediation process honestly and fairly, and sincerely hopes that all parties will be able to support the application at the September 21, 2004 public hearing.

The Applicant has received the support of the duly-elected Knollwood Resident's Association as well as other members of the community for this application. The Applicant has also received the support of the National Capital Area Chapter of the Alzheimer's Association. In a letter, attached as Exhibit H, the President and CEO of this organization noted, "[t]he renovations that are planned for your facility will benefit the quality of life for our aging population, especially those living with Alzheimer's disease. Your renovations will allow for the aging population to be separated from the population living with memory related problems and other dementias." In addition, the Applicant's proposal is supported by numerous other residents of the District of Columbia. Copies of these letters of support have been filed in the record of this case.

VIII.
WITNESSES

A. General Donald Hilbert/General Frank Hennessee; Executive Director and Deputy Executive Director of The Army Distaff Foundation, Inc., Knollwood.

B. Lt. Col. Tom Moss; Chief Financial Officer of Knollwood.

C. Rudy Jennings/Vernon Feather; Project Architects, SFCS Architects.

D. John Martin/Michael Bello; Civil Engineer and Landscape Architect, Kimley-Horn Associates.

E. Ed Papazian, Traffic and Parking Consultant, Kimley-Horn Associates.

F. Lisa Harfoot/Barbara D'Agostino; Terrace Administrator (Assisted Living) and Health Services Center Administrator (Skilled Nursing Center), Knollwood.

IX.
EXHIBITS IN SUPPORT OF THE APPLICATION

The Applicant submits the following exhibits in support of the application.

Exhibit A — Copies of BZA Order Nos. 5550, 9185, 14626, and 15358 approving the current Knollwood facility.

Exhibit B — Site plans, elevations and documents depicting the proposed addition to the existing Knollwood facility and the evolution of the proposed addition.

Exhibit C — BZA Order No. 16138 in which the Board approved the construction of independent living units as part of a continuing care facility for the Ingleside at Rock Creek facility.

Exhibit D — BZA Order No. 15831 in which the Board approved an addition to an existing community residence facility and health care facility known as the Methodist Home.

Exhibit E — Traffic and Parking Impact Analysis prepared by Kimley-Horn and Associates, Inc.

Exhibit F — Statistical Report for Dementia/Behavior Patterns in the Health Services Center.

Exhibit G — Outlines of witness testimony.

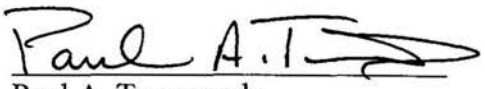
Exhibit H — Letter of support from the National Capital Area Chapter of the Alzheimer's Association.

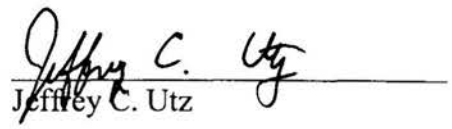
X.
CONCLUSION

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, Knollwood 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. Knollwood respectfully requests that the Board of Zoning Adjustment approve this application.

Respectfully submitted,

Shaw Pittman LLP

By: 
Paul A. Tummonds

By: 
Jeffrey C. Utz

September 7, 2004

Document #: 1366641 v.5

A

ORDERED:

That the site plan and preliminary floor plans and elevations dated Revisions 13, April 1959 for the Army Distaff Foundation, Inc. with reference to Board of Zoning Adjustment Appeal #5550 are approved as follows:

Site plan - Unanimous, with Mr. Scrivener not voting.

Unit Plan - Messrs. Scrivener, Davis and Schwab "aye". Messrs. Clouser and McIntosh "no".

These plans in toto shall require additional review by the Board prior to submission to the Department of Licenses and Inspections for permit issuance.

Appeal #5550 - PUBLIC HEARING--June 29, 1959

Mr. Schwab:

I move that the following Order be entered:

ORDERED:

That the appeal of Gizelle Montgomery, owner, on behalf of the Army Distaff Foundation, Inc., to establish a philanthropic institution, being a residence for elderly women who are widows, daughters, sisters, mothers and mothe: in law of army officers at 6200 Nebraska Avenue, N.W., parcels 62/64, 62/99, 62/9 and 62/41, squares 2342 and 2339, be conditionally granted.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the heaaring, the Board finds the following facts:

(1) The subject property located in the R-1-A District is a heavily wooded tract containing approximately 14.6 acres and is improved with one large dwelling and several accessory buildings. The property is bounded by Stephenson Lane, Nebraska and Oregon Avenues, 29th and Tennyson Streets, N.W. It lies adjacent to Rock Creek Park on the east and is almost completely surrounded by substantial detached dwellings in all other directions. Five detached homes are located contiguous to the tract at the southwesterly end, the lots on which located [illegible] having been carved from the main tract.

(2) The appellant organization plans to construct, toward the center of the tract, a six-story institutional building occupying approximately 6-2/3% of the land area to a height of six stories on 54 feet. On-site parking both surface and under the building will be provided for 181 cars. The building as proposed will provide 414 living units.

(3) The Army Distaff Foundation, Inc. is a philanthropic institution within the meaning of the Zoning Regulations.

(4) There was considerable opposition to the granting of this appeal registe at the public hearing, which totaled not less than 95% of the owners of single family dwellings within the immediate area. Only a few home owners registered or testified in favor of the appeal. The principal contention of objectors was that the establishment of the use proposed would tend to adversely affect the value and stability of single family dwelling construction within the neighborhoo As limited by the terms of this order to be hereinafter set forth, the Board believes that this contention is not substantiated by the facts:

OPINION:

We believe that by limiting the total occupancy of this site, the number of persons who would normally reside therein if the tract were developed fully with detached houses, by reducing permitted height to the maximum limits prescribed by the R-1-A District, and by rigid control site planning (which includes off-street parking, driveways and landscaping) certain benefits will accrue to the neighborhood. These will include the concentration of development further remove from existing dwellings and retention of the wooded area in lieu of additional public streets andremoval of the bulk of the wooded area which would be necessary in single family construction.

This Order shall be subject to the following conditions:

(a) Maximum accommodations shall be for not more than 300 persons.

(b) The building shall be constructed not to exceed three stories measured from site selected by applicant at a point being on the 310 foot elevation at front of building.

(c) The remainder of the entire site shall be used for no other purpose than landscaping, roadways and parking and shall not be sold or otherwise improved.

(d) Any kitchens provided shall be of the Pullman type only.

(e) The existing residence may be retained for administration and staff residential use.

(f) Approval of entire adjusted site plan shall be required by the Board.

(g) The plans as submitted by applicant are rejected.

Mr. Davis: I second the motion. Motion carried with Mr. Scrivener dissenting in part.

Mr. Scrivener: I disagree with any order in this case which does not restrict the proposed building and its surrounding grounds to the area between the existing residence and Oregon Avenue leaving approximately one-half of the entire tract for single-family residential development. I therefore dissent from the order to the extent that it does not include this limitation.

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - April 12, 1967

Appeal No. 9185 Army Distaff Foundation, Inc., appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on May 22, 1967.

ORDERED:

That the appeal for permission to amend Order of the Board in Appeal No. 5550 (Condition (a)) to permit 318 persons in lieu of 300 persons to occupy existing accommodations at 6200 Nebraska Avenue, NW., Parcel 62/41, 62/64, 62/98, and 62/99, near Square 2342, be granted.

FINDINGS OF FACT:

1. The subject property is located in an R-1-A District.

2. The BZA in Appeal No. 5550 conditionally granted the appeal of appellant to establish a philanthropic institution, being a residence for elderly women, who are widow, daughters, sisters, mothers and mothers-in-law of army officers at 6200 Nebraska Avenue, NW., Parcels 62/64, 62/99, 62/98, and 62/41, Squares 2342 and 2339.

3. Condition (a) of the Order granting the subject appeal required that maximum accommodations be limited for 300 persons.

4. Appellant requests that previous Order No. 5550 be amended to permit 318 persons in lieu of the 300 persons authorized.

5. No change is to be made to the existing structure. Because of the size and location of several rooms, double occupancy will be feasible. The rooms in question were originally designed for double occupancy and there has been an increase in this type service facility.

6. The National Capital Planning Commission approved the request for amendment at its meeting on May 4, 1967.

OPINION:

The Board is of the opinion that enlargement of the number of persons from 300 to 318 to use the service facilities available upon the subject property will not adversely affect the present character or future development of the neighborhood, nor will such use impair the intent of the Zoning Regulations. Such use will not be detrimental to the public good and is consistent with the intent of the Zoning Regulations.

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

ATTESTED:

By: Charles E. Morgan
CHARLES E. MORGAN
Secretary of the Board

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14626 of the Army Distaff Foundation, Inc., pursuant to Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations, for a special exception under Sub-paragraph 3101.414 (218.1, DCMR 11) to permit an addition to an existing health care facility in an R-1-A District at premises 6200 Oregon Avenue, N.W., (Square 2339, Lot per subdivision).

HEARING DATE: June 24,1987
DECISION DATE: June 24, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is bounded by Oregon and Nebraska Avenue to the east, Tennyson Street to the north, 29th Street to the west and Stephenson Lane to the south and is known as premises 6200 Oregon Avenue, N.W. It is zoned R-1-A.

2. The subject site contains 709,637.3 square feet of lot area and is irregularly shaped with 773.83 feet of frontage along Oregon Avenue.

3. The property is currently improved with a combined community residence and health care facility. The existing facility was established for 300 residents pursuant to Board of Zoning Adjustment Order No. 5550, dated May 29, 1959. By Order No. 9185, dated April 12, 1967, the Board approved an increase in the number of residents from 300 to 318.

4. The Army Distaff Hall is a non-profit, charitable organization established in 1959 to provide care for elderly women who are retired officers or are connected to the military such as widows, mothers, mothers-in-law, or daughters of active or reserve officers.

5. As originally established, the facility provided for a total of 300 residents with a health care component of eight hospital beds. In Board of Zoning Adjustment Order No. 9185, the facility was expanded to provide for a total of 318 residents with a health care component of forty-eight hospital beds.

6. The applicant is seeking a special exception to construct an addition of approximately 292 square feet near the existing lobby area. The proposed addition will function as

social activity space in the existing health services units as required by District of Columbia Health Regulations.

7. The proposed addition is part of the applicant's extensive modernization of the facility which is designed to upgrade the existing mechanical and electrical system; expand clinical consulation/treatment areas, and patient recreation areas; improve facilities for nursing administrative and support services; and provide required toilet and bathing facilities.

8. The addition will have no impact on existing parking or traffic as there will be no increase in the number of residents or staff at the facility. There are no other community residence facilities within 1,000 feet of the subject property.

9. The proposed addition does not alter the existing height of the building and does not affect the existing front, rear, or side yards. No additional parking spaces or loading berths are required.

10. The Zoning Regulations permit a maximum lot occupancy of forty percent or 283,854.92 square feet. The existing structure occupies 55,132.57 square feet or 7.77 percent. The proposed addition will result in a lot occupancy of 7.81 percent, an increase of 0.04 percent.

11. The facility is situated on a wooded, sixteen acre site which is well-screened from surrounding properties by distance and landscaping. The proposed addition will not be visible from any surrounding properties.

12. The proposed addition is necessary to improve the operation of the facility in compliance with applicable municipal health codes. No variance relief is required.

13. The Office of Planning, by memorandum dated June 16, 1987, recommended that the application be approved. The Office of Planning was of the opinion that the proposed addition serves the existing functions of the facility and meets the special exception criteria. The Board concurs with the recommendation of the Office of Planning.

14. Advisory Neighborhood Commission 3G, by letter dated June 9, 1987, supported the granting of the special exception. The Advisory Neighborhood Commission was of the opinion that the addition would have no adverse visual impacts on the neighborhood. The Board so finds.

15. There was no opposition to the granting of the application at the public hearing or of record.

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. In order to be granted such relief, the applicant must demonstrate substantial compliance with the requirements of Sections 218.1 and 3108.1 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. There are no community based residential facilities within 1,000 feet of the property. There is adequate, appropriately located and screened off-street parking to serve the needs of the facility. The facility is capable of meeting all applicable code and licensing requirements. The facility will not have an adverse impact on the neighborhood because of noise, traffic or operations. The facility has been filling District program needs and objectives in excess of twenty-five years.

The Board further concludes that the special exception can be granted as 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 property in accordance with said regulations and map. Accordingly it is ORDERED that the applicantion is GRANTED.

VOTE: 4-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting).

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

ATTESTED BY: _____
EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 8 1987

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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order14626/DEE2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15358 of the Army Distaff Foundation, Inc., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 219 to allow an addition to an existing 241 unit community residence facility and to allow an addition under Condition (c) and to eliminate Condition (d) of the Board's previous Order No. 5550, dated June 29, 1959, for an addition of forty units and support facilities in an R-1-A District at premises 6200 Oregon Avenue, N.W., (Square 2339, Lot 3).

HEARING DATE: September 19, 1990
DECISION DATE: October 3, 1990

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Paula L. Jewell and Carrie L. Thornhill to grant; William L. Ensign and William F. McIntosh to grant by proxy; Charles R. Norris not voting, not having heard the case).

FINAL DATE OF ORDER: January 31, 1991

ORDER

The Board granted the application, with conditions, by its Order dated January 31, 1991. By letter dated May 16, 1991, counsel for the applicant filed a timely request for Board approval of a modification to the previously approved plans. The proposed modifications to the approved plans are generally summarized as follows:

1. The bowed entry has been deleted and replaced with a straight line entry to reduce the commercial appearance of the originally proposed entrance.

2. The vehicular entrance loop has been replaced with a circular driveway to retain more of the existing green space and an existing 24-inch diameter beech tree near the entry point, as well as reduce the necessary height of the retaining wall from 16 feet to 8.5 feet. Three parking spaces located in the originally approved entrance loop will be relocated on the site.

3. The width of the front terrace has been reduced and the height of the retaining wall has been reduced to 13 feet 7 inches for aesthetic purposes.

4. The rear terrace has been redesigned to be more compatible with the existing architecture and grading.

5. A small service entrance has been added at the rear of the building adjacent to the service road to provide access to the apartment units.

6. A pathway to the existing garden at Knoll House has been eliminated because of the steep grade of the existing topography.

7. The originally proposed storm water management plan has been redesigned in accordance with the recommendations of the Department of Public Works.

The requested modification of plans does not result in any significant change in the size or configuration of the proposed facility. There was no opposition to the proposed modification of plans.

Upon review of the request for modification, the record in the case, and its final Order, the Board concludes that the proposed modifications are minor in nature and do not change the material facts relied upon by the Board in deciding the application. No additional zoning relief is required. The special exception as originally approved is unaltered. It is therefore **ORDERED** that the proposed **MODIFICATION of PLANS** is hereby **APPROVED** as shown on Exhibit Nos. 43B and 43C of the record. In all other respects, the Order of the Board dated January 31, 1991 shall remain in full force and effect.

DECISION DATE: June 5, 1991

VOTE: 3-0 **(Paula L. Jewell to approve; William L. Ensign and Carrie L. Thornhill to approve by proxy; Charles R. Norris abstaining; Sheri M. Pruitt not voting, not having heard the case).**

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

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUN 21 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT 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 ODER 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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15358/LJP

ord15358/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION/APPEAL NO. 15358

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated JUN 21 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Major General Calvert Benedict
Army Distaff Foundation
6200 Oregon Avenue, N.W.
Wash, D.C. 20015

Stanley R. Jacobs, Esq.
11500 Rockville Pike
Suite 703
Rockville, MD 20852

Mr. & Mrs. Robert Walker
2742 Stephenson Lane, N.W.
Wash, D.C. 20015

Robert A. Diamond
6251 - 29th Street, N.W.
Wash, D.C. 20015

Mary Rowse
3706 Morrison Street, N.W.
Wash, D.C. 20015

Mr. Allen Beach, Chairperson
Advisory Neighborhood Commission 3-G
P.O. Box 6252
Washington, D.C. 20015

EDWARD L. CURRY
Executive Director

DATE: JUN 21 1991

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15358 of the Army Distaff Foundation, Inc., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 219 to allow an addition to an existing 241-unit community residence facility and to allow an addition under Condition (c) and to eliminate Condition (d) of the Board's previous Order No. 5550, dated June 29, 1959, for an addition of 40 units and support facilities in an R-1-A District at premises 6200 Oregon Avenue, N.W. (Square 2339, Lot 3).

HEARING DATE: September 19, 1990
DECISION DATE: October 3, 1990

DISPOSITION: The Board **GRANTED** the application by vote of 4-0 (Paula L. Jewell and Carrie L. Thornhill to grant; William L. Ensign and William F. McIntosh to grant by proxy; Charles R. Norris not voting, not having heard the case).

The Board **APPROVED** a **MODIFICATION** of **PLANS** by a vote of 3-0 (Paula L. Jewell to approve; William E. Ensign and Carrie L. Thornhill to approve by proxy; Charles R. Norris abstaining; Sheri M. Pruitt not voting, not having heard the case).

FINAL DATE OF ORDER: January 31 and June 21, 1991

MODIFICATION ORDER

The Board granted the application, with conditions, by its order dated January 31, 1991. The Board approved a modification of the originally approved plans by its order dated June 21, 1991. By letter dated March 26, 1993, the applicant's representative requested the Board to waive the requirements under 11 DCMR 3335.3 that a request for a modification of plans shall be filed no later than six months after the final date of the written order approving the application. The applicant's representative indicated that a large portion of the approved landscaping has been completed. However, additional plantings would be ncessary to make up for unavoidable loss of greenery and trees during construction, to provide additional shrubbery in the terraced areas, and to provide additional landscaping at the end of the new wings to protect the view of current residents. The Board **WAIVED** its Rules to accept the request for modification of plans at its public meeting of May 5, 1993.

BZA APPLICATION NO. 15358
ORDER NO. 2

The proposed modification of plans would result in the provision of additional trees and shrubs for the protection of views to replace loss of greenery during construction and to prevent possible watershed problems. The proposed modification of plans does not alter the physical characteristics or capacity of the approved facility. There was no opposition to the proposed modification of plans.

Based on the foregoing, the Board concludes that the proposed modification of plans is cosmetic in nature and will have no impact on the relief originally granted by the Board. The material facts relied upon by the Board in approving the application are unaffected by the proposed modification of plans. No additional zoning relief is required. It is therefore **ORDERED** that the proposed **MODIFICATION** of **PLANS** is **APPROVED** and that the approved landscaping may be modified as shown on the plans marked as Exhibit No. 46A of the record. In all other respects the orders of the Board dated January 31, 1991 and June 21, 1991 shall remain in full force and effect.

DECISION DATE: May 5, 1993

VOTE: 3-0 (Carrie L. Thornhill and Paula L. Jewell to approve; William L. Ensign to approve by proxy; Sheri M. Pruitt and Angel F. Clarens not voting, not having heard the case).

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

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: JUN 29 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT 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.

BZA APPLICATION NO. 15358
ORDER NO. 3

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 SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15358Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15358

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 29 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Major General Calvert Benedict
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Anne M. Renshaw, Chairperson
Advisory Neighborhood Commission 3G
P.O. Box 6252
Washington, D.C. 20015

Madeliene H. Robinson

MADELIENE H. ROBINSON
Director

DATE: JUN 29 1993

15358Att/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15358 of the Army Distaff Foundation, Inc., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 219 to allow an addition to an existing 241 unit community residence facility and to allow an addition under Condition (c) and to eliminate Condition (d) of the Board's previous Order No. 5550, dated June 29, 1959, for an addition of forty units and support facilities in an R-1-A District at premises 6200 Oregon Avenue, N.W., (Square 2339, Lot 3).

HEARING DATE: September 19, 1990
DECISION DATE: October 3, 1990

FINDINGS OF FACT:

1. The subject site is located in the Chevy Chase neighborhood of Ward 3. It is known as premises 6200 Oregon Avenue, N.W. and it is located in an R-1-A District. The subject site is bounded by Oregon Avenue and Rock Creek Park on the east, Tennyson Street on the north, 29th Street on the north-west, Stephenson Lane on the south-west side and Nebraska Avenue on the south-east. The site contains 709,637 square feet of land area, or 16 acres. The large site is irregularly shaped. Its elevation varies from flat to deep.

2. The Chevy Chase neighborhood is primarily a low density residential community containing single-family detached homes. Many of the dwelling units that surround the site are located on large lots that exceed the 7,500 square foot lot size required by the Zoning Regulations. Commercial development is found in the westernmost section of the neighborhood, along Connecticut Avenue. Also, public institutional facilities including Lafayette Recreation Center and School, Chevy Chase Branch Library and Chevy Chase Community Center, are located in the western section of the neighborhood. Saint John's College High School, a private school for boys, is the institutional facility located closest to the site.

3. In 1959, the owner of the property appeared before the Board requesting to develop the property with a retirement center for the female dependents of Army Officers and Career Reserve Officers. By Order No. 5550, dated June 29, 1959, the Board granted the application and permitted the construction of a Community Based Residence Facility at the subject site. The facility was allowed to accommodate a maximum of 300 persons. The Board Order restricted the use of the unused grounds to green

areas, roads and paths.

4. In June 1962, the Army Distaff Foundation opened the facility which is presently called Knollwood. It has provided accommodations for independent living, and nursing care for those who cannot care for themselves. The facility is designed, decorated and managed primarily for those who can live independently. However, those who require nursing care reside permanently in a separate Health Services Center (HSC).

5. Presently, the building is a residence containing 241 individual apartments, a dining room that seats 185 people, a chapel, a 48 bed health facility, offices, an unused loggia area and normal support facilities. By Appeal No. 9185, dated April 12, 1967, the Board increased the maximum number of residents to 318. In 1989 the Center began to admit males and couples.

6. Over the years the Army Distaff became aware of a significant number of residents that could not live fully independently but did not need or want the services and confinement of the HSC. This group of residents requires assisted living. Assisted living is something less than intermediate nursing care however, almost constant accountability for the residents is provided. This new group has created the need for what is known as "Assisted Care Units" (ACUs).

7. In light of the need for the assisted care units, the Army Distaff Foundation, applicant herein, requests special exception approval to allow an addition of 40 individual apartment units and support facilities to the existing building. The applicant also seeks modification of Condition (c) of Order No. 5550 that prohibited expansion of the facility to open areas.

8. In addition to the 40 living units, the expansion would include a dining room, crafts room, lounge area, laundry rooms, and staff rooms. There would also be a wellness center. The applicant is not proposing to increase the number of persons allowed to reside at the facility.

9. The proposed addition would consist of 40,500 square feet and would be connected to the existing building at the south-eastern portion of the site. Further, a portion of the existing health care component of the building would be remodeled and incorporated into the new wing. The new addition would be constructed to a height of 40 feet (three stories). However, because of the property's elevation, the addition would only be as tall as the basement level of the existing health care wing. The addition would be constructed of brick material, thus complementing the existing buildings.

10. The applicant testified that 187 on site parking spaces

are currently provided. The applicant proposes to add three spaces for visitors to the new wing for a total of 190 parking spaces. Presently, only 44 residents and 55 staff members own cars. Therefore, 190 spaces will be adequate to meet the need of the occupants, employees and visitors to the facility.

11. Vehicles accessing the planned addition would primarily enter from Nebraska Avenue, where a new circular driveway is proposed. Also, a new path would provide a walkway from the proposed building to an existing garden and to the Administration Building.

12. At the request of the Department of Public Works, the applicant conducted a survey of incoming and outgoing traffic. On a weekday between 8:00 A.M. and 9:00 A.M. 30 inbound and 10 outbound vehicles were observed. Between 5:00 P.M. and 6:00 P.M. the applicant observed five inbound and 11 outbound vehicles.

13. Pursuant to Section 219 of the Zoning Regulations, Community Residence Facilities are permitted in an R-1 District if approved by the Board as a special exception (Section 3108). Approval shall be based upon the following provisions:

219.2 There shall be no other property containing a community-based residential facility for five (5) or more persons in the same square and no other property containing a community-based residential facility for five (5) or more persons within a radius of one thousand feet (1,000') from any portion of the subject property.

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

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

219.5 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.

219.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000) 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.

219.7 In the case of a community residence facility, the

Board may approve a facility for more than fifteen (15) persons, not including resident supervisors 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 of the District.

219.8 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.

The applicant must demonstrate that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and that it will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. (Section 3108)

14. The Office of Planning (OP), by report dated September 12, 1990, and through testimony at the hearing, recommended conditional approval of the application. OP noted that the grounds of the facility are beautiful. Orginally the grounds were improved with the Knoll House -- built in 1931 as a grand estate house. Other buildings on the site reflect a more modern and simplistic style of design.

The unimproved portion of the site contains large trees (Oak, Maple, Cherry, Pine, Beech, etc.), natural vegetation, evergreen shrubbery, flower gardens and well-maintained lawns. The attractiveness of the estate is also enhanced by the fluctuating features of the site's topography. Directly east of the site, abutting Oregon Avenue, is Rock Creek Park. The park adds natural beauty, gives the illusion of a rural setting in an urban environment because of its open green space, and adds a peaceful and tranquil environment at the eastern section of the site.

15. The Office of Planning indicated that the applicant meets all zoning calculations for the proposed expansion. Specifically, the applicant is required to provide a lot area that has a minimum size of 7,500 square feet. The site's land area contains 709,637 square feet. Based on the applicant's submission to the city, 9.4 percent or 66,706 square feet of the site would be occupied. The site has an average width of over 700 feet; the minimum width required by the Zoning Regulations is 75 feet. Additionally, the

applicant's property exceeds the side yard requirements of eight feet each.

16. The applicant meets all applicable code and licensing requrements. The applicant has a Certificate of Licensure, dated April 24, 1990, from the Department of Consumer and Regulatory Affairs to maintain and operate a Health Care Facility with a total capacity of 48 hospital beds. The applicant's license for the Skilled and Intermediate Care Facility is for the period March 1, 1990 to February 28, 1991. The Department of Human Services (DHS) has approved an application for a Certificate of Need for the "Renovation of Knollwood Health Service Center, and the Construction of 40 Assisted Living Apartments and a Wellness Center - Certificate of Need Registration No. 89-3-8". The Certificate of Need was approved on July 20, 1990.

17. The Office of Planning is of the opinion that the proposed expansion of the facility will not have any adverse impact on traffic, noise or the abutting residential community. Specifically, there are no other Community Based Residential Facilities within a radius of 1,000 feet from any portion of the subject site. The site is surrounded on all sides by single-family detached homes, within at least a three to four block radius. The existing buildings and proposed addition would be located in the center of the extremely large lot. The site, with its large trees and thick vegetation, provides a buffer between the retirement center and neighboring properties. The site is barely visible from the surrounding streets. Therefore, in OP's view, no adverse visual impacts are anticipated. The applicant assured the Office of Planning that any potential drainage or landscaping problems would be resolved.

18. The Office of Planning stated that there is a need in the District of Columbia to provide appropriate accommodations and care for elderly persons. The facility has coexisted harmoniously with its neighbors for 28 years. The proposed expansion is of a scale that should not create any adverse impacts on the surrounding community. The applicant's proposal should not impair the purpose and intent of the Zoning Regulations and Maps.

Based on its analysis, the Office of Planning recommends that the subject application be approved with the following conditions:

1. Maximum accommodations shall be for not more than 318 persons.

2. The proposed addition should be constructed as submitted by the applicant, and identified on the project's schematic design, dated April 20, 1990.

3. The remainder of the entire site shall be used for no

other purpose than landscaping, roadways and parking and shall not be sold or otherwise improved.

4. Any kitchens provided shall be of the pullman type only.

5. An updated site plan, which identifies all of the major components of the existing facility, including the proposed expansion, should be provided to the Board of Zoning Adjustment for approval.

19. The applicant requested that the type of kitchen not be made part of the Board's decision. The Board finds this to be a reasonable request.

20. The application was referred to the Metropolitan Police Department, Department of Public Works (DPW) and the Department of Human Services (DHS).

21. The Police Department stated that it does not oppose the application because it does not appear that the change proposed by this application will affect the public safety in the immediate area or generate an increase in the level of police services now being provided.

22. The Department of Public Works, noting the traffic survey conducted by the applicant, stated that the level of traffic indicates that the community residence facility is a very low traffic generator during the A.M. and P.M. peak hours. DPW believes the proposed addition of 40 assisted living units will generate only a few visitor trips during the morning and evening peak hours, the impact of which will be negligible on the street system. DPW also noted that the project will use the existing circulation with no additional curb cuts in the public space. From a transporation standpoint, the department expressed no objection to the proposal.

23. The Department of Human Services, issued a Certificate of Need to the applicant on July 20, 1990. DHS discussed the following requirements as they relate to the subject application: the need for the proposed project; accessibility to all eligible people without regard to race, color, creed or national origin; continuity; quality of care; acceptability; cost; and commitment to uncompensated care. After an in depth analysis of the applicant's proposal to construct a wellness center and a 40 bed CRF, and to renovate its health service center, DHS found the project to be in compliance with all applicable criteria and standards for review except "accessibility". Having made these findings, DHS conditionally approved a Certificate of Need to be issued to the applicant. Approval is contingent upon the condition that the applicant provide a plan of action to the agency with its first quarterly progress report that details the manner in which non-

white individuals and their dependants, who meet the military requirements, will have equal access to the facility.

24. Advisory Neighborhoood Commission (ANC) 3G, by letter dated September 10, 1990, indicated that it would support the special exception to add an addition for a period of 25 years if the following conditions are met:

(1). No part of the new construction shall extend beyond the existing building facing towards Stephenson Lane.

(2). The new addition shall be well screened by the planting of trees and shrubberies agreeable to the neighbors most affected.

(3). The current driveway exiting on Nebraska Avenue will not be widened and will not be opened to two-way traffic.

(4). The question of drainage shall be addressed well beforehand in order to prevent the natural swale at the bottom of the property, washing out the roads. (This is a serious problem in this area as witnessed by the condition of Oregon Avenue between Unicorn Lane and Beech Street).

(5). It shall be written into any and contracts, Sub-contracts and any other agreements entered into in conjunction with this construction that no radios or other loud noise will be allowed prior to 7:00 A.M. All construction activity will be confined to legal hours.

(6). The Army Distaff Foundation will maintain all of its grounds throughout the construction period and AFTER construction has been completed, to the satisfaction of its neighbors. Care shall be taken to prevent construction debris from being scattered in the neighborhood - i.e. all dump trucks shall be covered, surrounding streets shall be swept and washed, as necessary, to insure the safety of traffic and pedestrians.

(7). All vehicles belonging to the contractors and their assigns shall be confined to parking within the boundaries of the Knollwood property.

25. While some of the proposed conditions are not under the jurisdiction of the Board, the Board finds that the concerns of the ANC are legitimate and that the applicant will make every reasonable effort to maintain harmony between itself and its neighbors.

26. A neighbor residing at 6251 - 29th Street, N.W., testified in support of the application. He expressed his support for three reasons. First, the applicant has shown that it is a good neighbor by consulting and working with residents in the area on matters that affect them. Second, the project, as designed, is attractive and will intrude only modestly on the various views from the neighboring properties. He stated that the new view from Nebraska Avenue will provide a more interesting facade than the rectangular building presently existing. The new structure will not be visible from Oregon Avenue in the summer and barely visible in the winter. It will not be visible from 29th Street at all. From Stephenson Lane, the structure will only be visible from the two houses closest to Nebraska Avenue because as you move up to the hill on Stephenson Lane toward 29th Street, the existing burm screens the view of the new wing and the proposed swimming pool and mechanical room. Third, and finally, the neighbor pointed out that Knollwood must be allowed to provide assisted living facilities to remain competitive and to improve the quality of life for its senior citizens. It would be detrimental to the neighborhood for the facility to close.

27. A neighbor residing at 2742 Stephenson Lane testified on her own behalf and as a representative of 31 neighbors who signed a petition in opposition to the application. Their main concern was that the Stephenson Lane residents would be able to see most of the rectangular building because they are closest to it and the existing evergreen trees will have to be removed. The neighbor's husband noted that because some of the houses on Stephenson Lane are raised from the sidewalk, the base of the building can be seen, not just the top. The trees provide adequate screening from April to October, thereafter the entire building is visible.

The neighbors were also concerned with the possible danger caused by the proposed conversion of the one-way entrance from Nebraska Avenue to a two-way road.

The neighbors voiced a preference for no new construction, but alternatively expressed support for the position of the ANC.

28. One of the ANC Commissioners, testifying on her own behalf, noted her lack of support for Condition No. 1 of ANC's report. That condition would prohibit new construction beyond the existing building facing Stephenson Lane. In her view, this condition is unreasonable because there is already substantial screening from the burm west of the one-way driveway that exists from Knollwood onto Nebraska Avenue. She encouraged the applicants to plant evergreens for year round screening. This, she believes, would be adequate.

29. The Board finds that the applicant will provide landscaping to adequately screen the new addition from nearby

properties. The Board also finds that the facility generates little traffic and that the proposed two-way ingress and egress at Nebraska Avenue will not be dangerous.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception to allow an addition to an existing community residence facility in an R-1-A District. The granting of such a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of Section 219 regulating Community Residence Facilities.

The Board concludes that the applicant has met the burden of proof for granting the requested relief. The Board concludes that there are no community based residential facilities within 1,000 feet of the property. There is adequate, appropriately located and screened off-street parking to serve the needs of the facility. The facility is capable of meeting all applicable code and licensing requirements. The Board further concludes that the facility will not have an adverse impact on the neighborhood because of noise, traffic or operations and that this facility is needed to achieve the program goals and objectives of the District of Columbia.

The Board is of the opinion that granting the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps.

The Board concludes that it has afforded the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS;

1. The applicant shall not make any major structural additions to the property, except for outdoor recreational facilities, for a period of twenty-five years from the final date of this Order.

2. Accommodations shall be for a maximum of 318 persons.

3. The building shall not exceed three stories measured from site selected by the applicant at a point being on the 310 foot elevation at the front of the building.

4. The original residence may be retained for administration and staff residential use.

5. The applicant shall provide additional landscaping as shown on the plans marked as Exhibit No. 10 of the record.

VOTE: 4-0 (Paula L. Jewell and Carrie L. Thornhill to grant; William L. Ensign and William F. McIntosh to grant by proxy; Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JAN 31 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT 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.

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15358Order/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION NO. 15358

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated JAN 31 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

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EDWARD L. CURRY
Executive Director

DATE: JAN 31 1991

ATT.3/BHS