MS. WALKER: My name is Ellen Walker and I live at 2742 Stephenson Lane, across the street from Knollwood.

I wanted to say, first off, that I am speaking not only for myself but I believe you have received letters from several of the neighbors asking that I speak for them.

This was for a number of reasons. Some of them fought this fight 29 years ago and they said, We're too tired to do this now but would you please go do this; and others have other reasons why they couldn't be here. So, I just wanted to make it clear that this is not just one person speaking with my own opinions, this is the opinions that I've gathered from speaking to a number of the neighbors.

Now --

MR. JACOBS: Before the begins, for the record, I'd like to propose a technical objection, that she speak for herself and not for other people. She has no authority to speak on behalf and I don't want her commenting as to what someone else may have said. I just don't think that's fair.

CHAIRPERSON THOPNHILL: Have we received anything?

MS. SMITH: We've received approximately ten

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letters from different neighbors. I did not copy each individual letter. You'll notice the one in your package is from Harold --

CHAIRPERSON THORNHILL: It does designate Ms. Walker as the agent.

(Chairperson Thornhill and Ms. Smith speaking simultaneously -- unintelligible.)

MS. WALKER: And I have a few more here that I got this morning.

MR. JACOBS: Well, just for the record, I would express an objection to the manner in which they designate her. It is not in proper form, content; it is not notarized or anything like that. I just think that if she wants to speak, let her speak for herself and let the others come in here and speak for themselves; and I don't think that she can act under a so-called proxy to speak before the Board.

CHAIRPERSON THORNHILL: All right, let me suggest, Mr. Jacobs, that the neighbors gave her, effectively, based on what -- carte blanc, and we're not going to question that.

MR. JACOBS: I understand. I just want to

object for the record that I don't think it's the proper way to do it but I understand what you're saying.

CHAIRPERSON THORNHILL: All right.

All right. Yes, Ms. Walker.

MS. WALKER: Okay. Also we presented to the ANC people -- I didn't know, you know, exactly how to go about this, but we presented them with a petition signed by 31 of the neighbors adjacent that we sent you copies of. I don't -- and I understand you have that, but we didn't send you copies of the signatures because we didn't yet have copies of the signature, so I have here copies with the signatures copied as well, so you can each have a copy showing who signed this and what their addresses are. Shall I just --

CHAIRPERSON THORNHILL: Very well. Just hand it up.

MR. JACOBS: I just want to object for the record that it wasn't submitted and we've never seen it up 'till now.

CHAIRPERSON THORNHILL: Right. They're not required, the opposition is not required to submit in advance like the Applicant is.

MR. JACOBS: I understand.

MAJOR GENERAL BENEDICT: Do we get to comment on that statement if we've not seen this until now? It was presented to the Advisory Neighborhood --

MR. JACOBS: I don't think we were arguing anything. She was presenting her testimony. I think she should proceed.

CHAIRPERSON THORNHILL: All right.

MS. WALKER: Okay. Now, as to the contents of this, should I assume that you know what this says?

CHAIRPERSON THORNHILL: Yes. We have received today the -- you're talking about the statement that begins with, "Army Distaff Foundation Petition"?

MS. WALKER: Mmmm-huh.

CHAIRPERSON THORNHILL: Page 1 and Page 2?

MS. WALKER: Correct.

CHAIRPERSON THORNHILL: Yes, we have that.

MS. WALKER: Okay.

Basically, we just wanted to make it clear that the people who have signed would rather, would surely rather, that nothing be built for the reasons that are laid out here, but that our compromise position is, if the Board of

Zoning intends to grant the special exception and the variance, that we would like those issues that were brought up by -- that are on this petition, brought up by us, which is covered by that which the ANC recommended, should be followed and that by no means any of that be deleted.

Now, is it appropriate for me to address the specific -- the General said some of those things were fine with him and some of those were not. May I speak to that which they said absolutely couldn't be changed or was not appropriate or --

CHAIRPERSON THORNHILL: Sure.

MS. WALKER: Okay.

I would like you to realize that I could --

CHAIRPERSON THORNHILL: Use this microphone.

MS. WALKER: Okay.

I could have come in with this slice and it would look different from this slice. The people here --

CHAIRPERSON THORNHILL: You've got to talk into that mike. You can take it off. Just pull it out of the --

MS. WALKER: Oh. Thank you. Okay.

The burm disappears here and from the bottom of

Stephenson Lane, yes, there are only two houses there, but Stephenson Lane is the area which is closest and least screened. We have the worst view of the property as it is now.

We took a walk around when we were talking to people this past week and it's beautiful over here. I can understand why none of these people could possibly object, although several of them did just in defense of us, but they don't see a thing over here, except landscaping. They don't see a thing over here, except landscaping most of the time.

Right this minute is the most screening there is because it's that time of year.

During most of the year, we're up here and we have a view of a great deal of the building that's there now. There's the least amount of screening available right here; and, if, in fact, the screening that there is for this part of the building is where this pool and machine room are going to go, that's where the trees are. There are not trees over here to speak of. So that once they built this those big trees will be gone.

The other major problem we have is this is a very dangerous corner. They don't have -- here's Stephenson

Lane. Rittenhouse Street is right here. There are only three houses in between. And Nebraska is here. There's a tremendous amount of commuter traffic going here.

Any additional traffic here would make the danger far greater. And we are on a small street. The children do play here.

Right now it takes a while to get off the street when you're trying to get onto Nebraska Avenue, and that is with this road being simply an exit. If this road were also an entrance, it would be disasterous.

I mean, I don't know if a traffic study is done or I don't -- I don't know, but we would rather see this simply remain one way existing the building.

CHAIRPERSON THORNHILL: As a part of the materials that we received today -- let's see -- was there -- was the Fire Department's report in there? I thought I --

MR. JACOBS: They faxed something over. It was given to me just before the hearing. Which they said there was no objection. They did not express a view on the ingress or egress to Nebraska Avenue.

CHAIRPERSON THORNHILL: All right. What they

indicate is that the Fire Department has evaluated the requested as listed in the application to determine its impact effecting emergency operations. Fire and life safety code requirements will be determined during the construction permit process.

Based on a review of the above, the Fire Department has no objection to the request for exception in accordance with this application.

Now, of course, what the Fire Department then would have reviewed are the plans as they are presented.

MR. JACOBS: That's correct.

CHAIRPERSON THORNHILL: And --

MR. JACOBS: Can I have the architect enlighten me on that one point because he had some discussions about that. He can explain, I think.

CHAIRPERSON THORNHILL: All right, we can get that in in the closing remarks.

Now, Ms. Walker, I need you to help. What else needs to be done to further screen the existing building as well as the proposed addition?

MS. WALKER: When I was addressing the screening, the reason I addressed that particular area was because that

was why the ANC recommended nothing further closer to Stephenson Lane. It is the hardest part to screen. It's already the neighbors that they're closest to and that which they're putting up here, they're all these pretty pictures of what these assisted living units are going to look like and every time we've seen a picture of this pool or machine room there's a great big brick rectangle, two great big brick rectangles, one of which will probably make a lot of noise, and they're putting them closer to the neighbors that are already closets to them and who are screened the least already;and, so, to preclude that, they recommended that the pool simply be elsewhere.

CHAIRPERSON THORNHILL: I think that was one of the points that the Major General was speaking to --

MS. WALKER: Mmmm-huh.

CHAIRPERSON THORNHILL: -- in terms of some of the topographical qualities of the site.

But, the point is that is there anything else, based on the proposal, as they have presented it, is there anything else that can be done, in your own view, about buffering, screening the site from where you are?

MS. WALKER: Should they build where they

propose to?

I'm not quite certain because I don't know, you know, how much you can plant in the area between the road that's already there and Stephenson Lane, and I also don't know what could be done to --

CHAIRPERSON THORNHILL: I'm not asking you to be an expert on this.

MS. WALKER: Yes. Okay.

CHAIRPERSON THORNHILL: I'm just saying that you said that you walked around --

MS. WALKER: Well, as far as I'm concerned --

CHAIRPERSON THORNHILL: -- the other parts of the property and made some determinations about, you know, the perspective from the other neighbors' points of view. You got any judgments about what ought to be done on this end that would help facilitate the same kind of effect?

MS. WALKER: Well, not putting a building there would help.

CHAIRPERSON THORNHILL: I said with the building.

MS. WALKER: With the building there, if you -- if there was some way of not having an unrelieved brick

rectangle. If you were building something that wasn't just -- I mean, all we've ever seen is this.

MR. LYONS: Use the microphone.

MS. WALKER: Okay. All we've ever seen are things that look like this; and, no matter what kind of pretty picture they make of this, it's a great big brick rectangle.

CHAIRPERSON THORNHILL: That can't be further screened?

MS. WALKER: (Unintelligible.)

MR. WALKER: May I speak to this.

CHAIRPERSON THORNHILL: Sure.

MR. WALKER: My name is Neil Walker. I'm the husband of Ellen Walker. I live at 2742 Stephenson Lane.

I don't believe it can be screened and the reasons are as follows:

If we look at this burm, as we're calling it, at least on the diagram seems to run up and down Stephenson Lane, I would like to point out that the houses on Stephenson Lane are raised quite substantially from the sidewalk level. Our house is probably just a little under eye level. It does vary along the length of

the street. But, from people's living rooms, they're not getting a straight shot that just clips the top of the burm here. You can, indeed, see the very base of the existing building; and, so, any addition coming out this way, that is even above ground level, you're going to be able to see more.

These trees are already here. They provide wonderful screening from I think it's about May 'till about October, maybe it's April 'till October. For the rest of the year there's very little screening, indeed, and we get to look at this concrete thing. That's, I guess, an indication of how people used to build things when this thing was built. I'd be loath to encourage any further building, particularly since it seems to be more in keeping with the bunker style of the rest of the building than the residential complex that look kind of pretty, like houses down here.

CHAIRPERSON THORNHILL: You see, you know -- and, certainly, the architect is going to come back and talk to us some more about that; but, because of the line of sight and, you know, the difference in the topography between the property on Stephenson Lane and juxtaposition to

the building, even the new building, it seems to me that there are even more opportunities to screen because of that, you know, with low landscaping rather than the tall and more mature because of that difference there.

But, anyway, we'll let the expert give us some advice on that.

All right, let's -- were there any other items, Mrs. Walker, you wanted to -- or, Mr. Walker -- you wanted to speak to based on the Major General's comments?

MR. WALKER: I would simply like to endorse the recommendation of the Advisory Neighborhood Commission and point out -- it might have already been pointed out -- that initially the neighborhood was pretty much opposed to any project at all and a fair number of the neighbors are still very much opposed to any project at all and this ANC document directed to this Board is the product of many meetings and lots of discussion among the neighbors and it is seen very much as a compromise position, notwithstanding the Distaff Foundation's position now.

CHAIRPERSON THORNHILL: And you realize that unless the owners -- I mean, the neighbors -- buy this property from the owners, can't prevent them from having

some construction within the guidelines of the --

MR. WALKER: Yes, we recognize that.

CHAIRPERSON THORNHILL: Oh. When you said compromise position -- but, okay, all right.

Are there further questions or comments for the Walkers?

MR. ENSIGN: I have a couple of questions, Madam Chair.

Mrs. Walker, to make a point, I think you used some very strong language. You called it a disaster of what was going to happen to the traffic which would be going in and out of that one entrance.

Have you made any estimate of how many cars an hour or how many cars a day would be going in and out of that and what type of vehicles would they be and what would they be serving?

MS. WALKER: What would be using that road if it were --

MR. ENSIGN: Yes.

MS. WALKER: I have no idea who would actually use it. I mean, we were told that only residents -- people visiting residents would use it, but I would also assume

if there's a dining room, et cetera, that delivery people will use it and I assume people who use the Oregon Avenue entrance now would also use it because it would be more convenient for them to get to if they were coming from some direction.

MR. ENSIGN: Did you hear the Major General's testimony that the road that goes past the swimming pool to the connection of the loop would remain one-way?

MS. WALKER: Yes.

MR. ENSIGN: Therefore, the only cars which would be going in could not go up that road so there would be dumping out on the residential or on those new units.

What do you estimate? A hundred cars an hour or a minute or five cars an hour or one car an hour?

MS. WALKER: I have no idea. I have no idea.

MR. ENSIGN: But it might not be a disaster? That's what my question was. Could you -- you said it would be a disaster.

MS. WALKER: Okay, fine. Potentially dangerous. How's that? Is that better?

MR. ENSIGN: It's your words.

MS. WALKER: Okay.

MR. ENSIGN: You said, Mrs. Walker, you are representing some neighbors who faught the fight for 29 years or 29 years ago and were tired.

I take it, then, they fought the original concept 29 years ago when this was -- when the Distaff Foundation was setting up its operation.

Is that right?

MS. WALKER: It is.

MR. ENSIGN: I suppose Mr. Jacobs brought up the point, I don't know how you can speak for them; but, do I understand that they're very unhappy with the results after 29 years since they were --

MS. WALKER: No. 29 years ago the zoning order said that nothing further would be built and they were very happy with that, knowing that nothing further would be built.

MR. ENSIGN: Have they been happy with the project?

MS. WALKER: Yeah.

MR. ENSIGN: So, the neighbors who have lived with it from its inception may be arguing now against

another increase but they are happy with the project and its concept?

MS. WALKER: Yeah.

MR. ENSIGN: Fine. That's all the questions I have.

CHAIRPERSON THORNHILL: Thank you, Mr. Ensign, because the other part of what I was asking -- meant to ask about -- was whether or not we got any reaction from DPW.

MS. BAILEY: Yes, Madam Chair, it's included in our report. Attachment --

CHAIRPERSON THORNHILL: You don't have any attachments, I don't think. Yes, I do; yes, I do. Yes.

Let's read part of this.

"The Applicant seeks a special exception to allow an addition to an existing 241-unit community residential facility -- residence facility. This project will add 40 apartment units for a total of 281. According to the Applicant, there are 187 parking spaces on the site now. The new project will provide three parking spaces for visitors to the added units.

"At the request of the Department of Public Works, on Friday, September 7th, the Applicant has provided additional information regarding vehicular traffic movements to and from the site associated with the existing community residence facility. According to that survey, 30 vehicles inbound and 10 outbound were observed between 8 to 9 a.m. During the evening, between 5 to 6 p.m., five vehicles inbound and 11 outbound were observed.

"This level of traffic indicates the community residence facility is a very low-traffic generator in the a.m. and p.m. street peak hours.

"We believe the proposed 40 units addition of the assisted living units will generate only a few visitors during the morning and evening peak hours, the impact of which will be negligable" -- I always have a time getting that word out -- "on the street system.

"We note that the project will use the existing circulation with no additional curb cuts in the public space.

"From a transportation standpoint, we have no

objection to the proposal."

And I thought that there was something that was related to that but then more generally, you know these kind of facilities don't generate very much traffic.

MAJOR GENERAL BENEDICT: Our feeling is that that's a pretty tense intersection and irrespective of the size of the increments on the traffic the thought of adding to it is what makes us nervous.

CHAIRPERSON THORNHILL: But are there some conditions pre-existing that require some other kinds of considerations on the part of the community?

(No response.)

CHAIRPERSON THORNHILL: All right. Any further comments for Ms. Walker?

(No response.)

CHAIRPERSON THORNHILL: Any cross-examination?

MR. JACOBS: I just have a couple of questions.

I wonder if Mr. Walker could point out where his house is on that green thing on the left?

MR. WALKER: I think here.

CHAIRPERSON THOPNHILL: Use the mike, Mr. Walker.

MR. WALKER: I think it's this second -- no. It's the second gray block past here.

This is the alley?

A VOICE: Yes.

MR. WALKER: Yes, it's this house here.

MR. JACOBS: Do you have any idea how far you are from the new proposed structure?

MR. WALKER: I have no idea how far our house is and our purpose in being here is not to talk about our house but the effect of this proposed addition on the neighborhood.

MR. JACOBS: I just asked you a question. Do you have any idea how far you are from the new proposed construction?

MR. WALKER: I said I have no idea and the purpose is not to discuss that.

MR. JACOBS: I asked you one question.

CHAIRPERSON THORNHILL: That's all right.

Yes, Mr. Jacobs, what's your next question?

MR. JACOBS: I just have one further question or a couple of more questions.

When did you purchase this house that you're

living in now?

MR. WALKER: 1986.

MR. JACOBS: And at that time the building was there, was it not, the ADF building?

MR. WALKER: Yes.

MR. JACOBS: I have no further questions.

MR. WALKER: We didn't know it was there because we couldn't see it at the time we bought the house.

CHAIRPERSON THORNHILL: You said you couldn't see it when you bought the house.

MR. WALKER: We bought the house in August or, you know, the late summer. It was heavily screened, as I said before.

CHAIRPERSON THORNHILL: All right. All right. Thank you very much.

T4A(5:10) Is there other opposition to testify?

(No response.)

CHAIRPERSON THORNHILL: All right. Closing remarks, Mr. --

MR. JACOBS: Before closing remarks, there's a member of the ANC here and they have asked to speak.

MS. TOWSE: Sorry to intrude at an

inopportune time. I just wanted to make a comment to you all because I know you're deliberating this matter and I have given copies to Mr. Lyons if you all have them. I can read it or just summarize it.

MR. LYONS: Have you been sworn in?

MS. ROWSE: Oh. I haven't been sworn in .

MR. LYONS: Is there anyone else present who wishes to testify and was not sworn?

(No response.)

MR. LYONS: Would you raise your right hand.

(Witness sworn.)

MR. LYONS: Please be seated.

MS. ROWSE: My name is Mary Rowse and I'm an ANC Commissioner, not in this District but in this ANC, and I voted with the ANC on Monday, August -- September -- 10th. Our vote was five to zero to support a position. It was a seven-point position and I voted because it was the only thing on the table but I did have a problem with Condition Number 1, which, as you may remember, is no part of the new construction shall extend beyond the existing building facing towards Stephenson Lane.

As I say in my letter to you, Mrs. Thornhill,

I believe that the above condition is unreasonable for the following reasons:

I believe that there is already substantial screening from the burm that sits between Stephenson Lane and the area west of the one-way driveway that exists from Knollwood onto Nebraska Avenue.

Knollwood has said that they're willing to increase the screen. I would certainly urge them to put an evergreen screen to help provide year-round screening.

I think it's a shame that wasn't really put in at the beginning but I don't think it's too late to start now.

I think that this screening would more than block the view of the two proposed buildings planned for the area across from this burm. There's a burm, there's a road and then there's the area that's being developed, proposed to be developed.

And I also think that, from what I can tell, Knollwood has really -- I never heard any complaints at our ANC meeting from anybody about noise or traffic per se from the existing Knollwood estate and I don't think that if this, in fact, does not increase the number of residents

in the facility, I don't really understand how it could have a measurable impact on the traffic and noise matters.

So, I don't -- my estimation is that it wasn't an issue -- it hasn't been an issue and I don't expect it would necessarily be an issue once the construction was over with.

And those are really the points I wanted to make.

I would say that I don't know how many of my fellow-Commissioners actually walked or drove that property. I'm sure the Commissioner in whose district that property is in certainly viewed it. I'm not sure how many of my other fellow-Commissioners actually walked that and understood what I'm coming to tell you today, which I think is a very reasonable position, that that screening would be enough.

Now, in the wintertime I understand, but I think if the evergreen were put in place, it would help.

CHAIRPERSON THORNHILL: Well, thank you very much, Ms. Rowse. We haven't seen you for a while but we always enjoy your input.

MS. ROWSE: Thank you.

MAJOR GENERAL BENEDICT: May I cross-examine. I'm General Benedict.

Ms. Rowse, you've mentioned that they voted unanimously for these conditions.

Before that they voted on each condition as to whether they wanted it in or not.

Do you recall what the vote was on this particular condition, how they voted?

MS. ROWSE: Well, I remember making a motion that this condition be removed.

MAJOR GENERAL BENEDICT: Yeah, but do you remember how they voted?

MS. ROWSE: Yes, I was outnumbered.

MAJOR GENERAL BENEDICT: What was it? Four to three?

MS. ROWSE: I think it was one in favor, four against. I'm not sure.

MAJOR GENERAL BENEDICT: Well, how did it get in there if they're against it?

MS. ROWSE: Against my motion.

MAJOR GENERAL BENEDICT: But if you shifted it, it would be almost even? In other words, if you had voted

differently. You voted against it, you said?

MS. ROWSE: I proposed that this particular condition be removed and I was outvoted. It was not a motion that carried and, so, therefore, I voted with the majority because there was nothing else on the table. I mean, I did think that some of the other conditions were important.

CHAIRPERSON THORNHILL: I thought you misunderstood what she said. Her position is reasonable, I think, and helps you.

MAJOR GENERAL BENEDICT: It does help me but I wanted to make the point that when they voted on this particular issue it was very,very close and her position vote been on the other side it would never have been in here, but I'm not quite sure how you voted that night.

MS. ROWSE: No, no; I mean, I was the only one that supported --

CHAIRPERSON THORNHILL: The removal of that condition.

MS. ROWSE: See, I wanted this removed. I thought it was --

MAJOR GENERAL BENEDICT: Well, there was a

lot of confusion, it was getting late and we were getting tired and this wasn't fully debated and it got stuck in there and I got the impression that --

MS. ROWSE: Yes, it was my impression that condition was sort of snuck in there and that I didn't understand what it really meant until me and another Commissioner asked some questions of the Commissioner in whose district this occurred and it was at that moment that you came forward -- none of us understood what it meant and the Commissioner explained what it meant and you came forward and said, no, no, I didn't agree to that; and the Chairman said, yes, you had; and you said, well, I didn't realize I had.

Do you remember all that?

MAJOR GENERAL BENEDICT: Yes, I remember all that.

CHAIRPERSON THORNHILL: A bit of confusion.

MAJOR GENERAL BENEDICT: The point I would like to make to the Commissioner here, is when you start moving this facility away from Stephenson Lane you move it near somebody else, and that was not discussed at all, and we've given that great thought of the over-all neighborhood

and where we could best position it to accomplish our mission and minimum impact on the neighborhood and I really don't think that the Commissioners had a chance to really air that out.

MS. ROWSE: I don't quite understand your point.

CHAIRPERSON THORNHILL: He still doesn't understand your position.

MS. ROWSE: Well, it's --

MAJOR GENERAL BENEDICT: Her position is that it's okay to build it here.

CHAIRPERSON THORNHILL: Right.

MAJOR GENERAL BENEDICT: Okay. And I'm saying that the Commissioners would never have had that exclusion in there if they had really talked it out the way Commissioner Rowse is mentioning today.

CHAIRPERSON THORNHILL: Well, we --

MAJOR GENERAL BENEDICT: Okay. Thank you very much.

MS. TOWSE: Well, I think we sort of do agree. I was mentioning that I'm not sure all of them actually walked or drove the area.

CHAIRPERSON THORNHILL: Now, I'm going to allow you to give some direct, only because I allowed the Major --

A VOICE: (Inaudible/unintelligible.)

CHAIRPERSON THORNHILL: I know that's supposed to happen but the Major General started out cross-examining and then proceeded to make some direct statements, so I'm going to allow the Walkers to do likewise.

MR. WALKER: Thank you.

My question is, are you here as an official representative of the Advisory Neighborhood Commission or as an individual who happens to be an ANC Commissioner?

MS. ROWSE: I'm here as Mary Rowse, Commissioner for 3G, not representing this district and not giving the ANC position.

MR. WALKER: Thank you.

CHAIRPERSON THORNHILL: We were clear on that.

MR. WALKER: I was not. Thank you.

CHAIPPERSON THORNHILL: She had given us a written statement and we were clear.

MR. WALKER: And, for the record, nothing was

snuck in, that reservation number one. What was done is my wife read the petition that you have before you and Major General Benedict stood up and said, I have no problem with any of those conditions, and at the end of the ANC meeting a neighbor stood up and said, Now, let's get this straight one more time, make sure you're not going to reverse or anything, and read them again, same sheet of paper her was reading from and at that point the Major General decided he had an objection and that is what threw the ANC into disarray and confusion, and the vote was one to four, and I don't see how that's close; and when it was rolled in with a major motion it was zero to five, it was a unanimous vote.

Thank you.

CHAIRPERSON THORNHILL: We understand.

MS. ROWSE: May I just make a comment on that.

As I remember that evening, the thing that we were voting on was the thing the Commissioner in this district had proposed. Your petition, the Walkers' petition, was ready by Mrs. Walker, however, the ANC Commissioner had proposed another set of conditions which

became part of our letter to you, and it was -- I don't -- it's possible Mrs. Walker read her petition twice; but, what happened was that the ANC, I think, read the following conditions and I think at the time nobody paid any attention to Condition Number 1 and it was a neighbor in the back who asked a specific question about that condition that caused all of us to all of a sudden realize what does this mean, what does it mean to say no part of the new construction shall extend beyond the existing building line.

So, that's when the Commissioner stood up and she showed everybody what that meant and it was all of a sudden that at least two of us on the ANC looked at each other and thought, Wait a minute, you know, this is a little -- this isn't what we thought we were voting on.

And at that point I believe the General came up and made some comment about how that that was an absurd point of view and that he had not agreed to that and the Chairman said, Yes, you had agreed;and he said -- well, I mean, it was obvious that he, along with us, had not, you know, paid attention to whatever it was and it just slipped by; but, I'm grateful to the neighbor in the back who pointed it out because I think we were asleep.

CHAIRPERSON THORNHILL: All right. Thank you so very much.

MAJOR GENERAL BENEDICT: I'd just like to have the architect explain the buffer situation.

CHAIRPERSON THORNHILL: Yes, we're going to have closing remarks now.

Thank you very much, Ms. Rowse.

MR. JACOBS: I'd like to have Mr. Resnick explain this buffer situation that's under discussion.

MR. RESNICK: First, a lot of this discussion regarding the part of the building facing Stephenson Lane surrounds this pool and mechanical room that we've been discussing and you've been looking at it in cross-section and in elevation on the board.

One reason why I think it's constructive to take a look at it in the model form is to get a sense of its scale and massing vis a vis the entire building.

Right now what you see is five or six stories of the existing building and you can see that as you look at the building from Stephenson Lane that the pool portion is this lowest piece and, as you can see, it's about 16 feet at the highest part at this corner here closest to

Stephenson Lane; and, as it goes up the hill, it comes down to around 6 or 7 feet above grade. So, it really is not a very massive structure.

In addition to that, it is no monolithic. It moves around. It jogs in and jogs out again to give you a sense of scale and articulation. So, personally, I think that it is not as onerous as it's made out to be, in the first place.

Now, we can talk about how we might again address the issue of screening that wall that goes from about 7 feet to 16 feet.

We did, in fact, take a look at the burm from all the way from the corner of Nebraska all the way up through Stephenson Lane to the west and we did, in fact, in our earlier comments mention and show by illustration that at the corner of Nebraska and Stephenson the burm, in fact, that we've been talking about all this time does become lower with respect to the road and with respect to the adjacent homes and we have maintained also and you can see the notation that we've made on the drawings that we do propose evergreen screening to mitigate whatever effect the view corridor may have -- whatever effect the

building may have on those view corridors from those homes in this area of Stephenson Lane.

As the burm and the street move further to the west and starting around in here, the entire new structure really is screened by the earth itself.

So, I think we've covered that issue.

CHAIRPERSON THORNHILL: That's exactly what I was talking about and I was out of the room when you made that part of the presentation.

MR. RESNICK: Yes, I think you were. So, I wanted to bring that up one more time for you.

The other comment I'd like to make is to address the issue of the traffic and the traffic pattern. Again, I think that warrants just a little bit more comment.

I think it's important to understand how this building operates before you can really understand the issue of traffic and traffic pattern generated.

Oregon Avenue, really, is the location of the main entrance to the existing building and the existing building has two levels of residents in it. One is (unintelligible) care and one is independent living.

These folks who live in here by and large live a relatively normal lifestyle and some of them drive and some of them don't. A few folks in this end of the building, in fact, need care; and the people who would be residing in the new portion that we're proposing are what we call assisted-living units. These folks really don't drive. They require -- they're healthy people but they're not capable of maneuvering around town all by themselves, they require some assistance.

Therefore, what I'm saying in summary is that whatever traffic you have and what was depicted in the report that you hear earlier is the traffic generated at Oregon at the entrance.

One reason why you don't find numbers for Nebraska is very few cars, in fact, would come down and exit onto Nebraska; and we're suggesting this turn-around is for the convenience of visitors only and that these 40 people who would be living for the apartments that would be accommodated in the new addition would be for people that don't have cars.

So, I really think that, again, the impact of this facility at this end of the site would be minimal.

One other comment again regarding traffic that was brought up almost as an aside but I think is significant to note, I think it was Mrs. Walker mentioned a dining facility and, hence, there may, in fact, be deliveries for food and that sort of thing.

In fact, we're proposing no change in the traffic pattern with regard to deliveries to the facility and that, in fact, all service that comes to the new facility happens internal to the building.

So, whatever loading facilities we have now are the same facilities that would be used to accommodate any of this new facility and would, in fact, not be delivery trucks.

CHAIRPERSON THORNHILL: Very well.

MR. RESNICK: Okay?

CHAIRPERSON THORNHILL: Thank you, sir.

Closing remarks, Mr. Jacobs?

MR. JACOBS: Yes, Madam Chairperson.

If you look at the letter from ANC that was submitted under date of September 10th, I'd like to call your attention to what we feel may be an error on their part in the way it was drafted or are comments as to what

we can and can't do.

For instance, the paragraph just above Number 1 says:

"ANC 3G would support this proposed additional exception and only this exception for a period of 25 years, providing the following conditions are met."

The way this is drafted would indicate to me that I think what they meant was that they didn't want any further development for maybe a 25-year period; but, if you said this exception is granted for a period of 25 years, I would presume that we couldn't use the building and we'd have to tear it down after the 25 years.

So, I don't think that's exactly what they had in mind when they did that.

As demonstrated, we have a serious problem trying to move the construction so that it does not face Stephenson Lane; however, we are, as indicated by Mr. Resnick, just now we're working on it with the idea of buffering it so that there's sufficient evergreens and stuff to block that view.

As to Item 2 that they suggest shall be

well screened by planting of trees and shrubberies agreeable to the neighbors most affected, we would like to comment that we're agreeable to doing exactly that but we'd prefer to have the D.C. Government in control of the situation rather than have an order that's conditioned upon trying to satisfy somebody who we don't know who they are in the neighborhood.

So, we would like to delete that sentence, "agreeable to the neighbors most affected."

As to the Number 3, I think we've sufficiently explained that there is no traffic problem and that we feel that Nebraska Avenue exit should be done in such a way as to accommodate, really, I think you brought up yourself, the Fire Department's request that it be a certain width and that it be two-way traffic to the extent, at least, that they require it.

And the only other comment we had is in Number 6, again it calls for sort of satisfaction of the neighbors after construction has been completed.

We ask, of course, that it be restricted to approval under control of D.C. Government again so that there would be no question about who has authority to

approve or disapprove what's being done.

We think we've presented -- we spent a lot of time and a lot of money coming up with the architectural work, the various studies that were requested and provided, and we think we can accommodate everybody in the community in such a way that it will not affect anyone in the community.

We've had two people speak, a husband and wife, and express concerns and these are concerns that for the past year or more General Benedict has listened to these people and made every effort to try to accommodate them so that there wouldn't be any problem.

We originally started out with something more of a bigger development in a different sort of a way and we changed it to accommodate the community and I don't see any reason why we can't accommodate them and if we put in the proper screening I'm sure there won't be any problem.

Thank you.

CHAIRPERSON THORNHILL: Very well. And, Mr. Jacobs, you'll get your opportunity, just like the other parties, to provide us with proposed findings of fact and conclusions of law that will include how you think

you would want the conditions shaped.

MR. LYONS: The record in this case is closed. Any proposed findings of fact that any party wishes to submit must be filed by September 26th. Any party submitting proposed findings of fact must also serve those findings of fact on the other parties to this case. The Board then at its October 3rd meeting will consider a decision in the application.

CHAIRPERSON THORNHILL: Very well. Thank you all very much.

MR. JACOBS: Thank you.

CHAIRPERSON THORNHILL: And the hearing stands adjourned.

(Concluded 5:30 p.m.)

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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 3 2000

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.

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 _____ and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

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

Stanley R. Jacobs, Esquire
11500 Rockville Pike
Suite 703
Rockville, Maryland 20852

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

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

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

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

EDWARD L. CURRY
Executive Director

DATE: JAN 31 1990

ATT.3/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15860 of the Army Distaff Foundation, Inc. as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 354 to establish a convenience store, or in the alternative, a special exception under Section 218 to establish a convenience store as an accessory use to a community residence facility, health care facility and apartment house in an R-1-A District at premises 6200 Oregon Avenue, N.W. (Square 2339, Lot 3).

HEARING DATE: November 17, 1993
DECISION DATE: November 17, 1993 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, submitted a written statement of issues and concerns in support of this application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for special exceptions pursuant to 11 DCMR 354, and 218. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The convenience store shall be limited to residents and their guests, and located in a 15 by 20-foot room on or below the main floor of the building.

2. The convenience store shall operate no more than six hours a day, seven days a week.

3. Food preparation shall not be permitted at the store. The convenience store shall be limited to the sale of pre-packaged foods, drugs and sundry items consistent with but not limited to the items listed in Exhibit 5 and 27 of the record.

4. No part of the convenience store shall be visible from the public sidewalk.

5. No signs or display indicating the existence of the convenience store shall be visible from the outside of the building.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0 (Maybelle Taylor Bennett, Craig Ellis, Laura M. Richards, George Evans and Angel F. Clarens to grant).

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

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

FINAL DATE OF ORDER: NOV 30 [illegible]

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.

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.

15860Ord/RCL/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15860

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 30 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:

M.G. Calvert P. Benedict
6200 Oregon Avenue, N.W.
Washington, D.C. 20015

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

Madeliene H. Robinson

MADELIENE H. ROBINSON
Director

DATE: NOV 30 1993

15860Att/bhs

8

★ ★ ★ GOVERNMENT [redacted] OF THE [redacted] DISTRICT OF COLUMBIA

HERA-36 (5/85)

Department of Consumer and Regulatory Affairs

Housing and Environmental Regulation Administration
Rental Accommodations and Conversion Division
614 H Street, N.W., 4th Floor, Washington, D.C. 20001

RECEIVED
RENTAL ACCOMMODATION
& CONVERSION DIVISION
JAN 6 9 04 AM '87

Registration/Claim Of Exemption Form

(PLEASE PRINT IN INK)

For Official Use Only

- ☐ New Registration
- ☐ Continuing Registration
- ☐ New Rent Ceiling Established
- ☐ Claim of Exemption

INTAKE REVIEW

- ☐ General Information
- ☐ Exemption Information
- ☐ Rate of Return Information
- ☐ Service and facilities Information
- ☐ Base Rent Information Challenge Date _____
- ☐ Notice of Correction Mailed
- ☐ Correction Received Date _____

Intake Reviewer

_____
Name

FINAL REVIEW AND APPROVAL

- ☐ Final Approval
- ☐ Mailing of Receipt Date _____

Intake Reviewer

_____
Initials

CUSTOMER NO:	AUDIT #
CATEGORY NO:	
FEE: $	Lot # _____ Square # _____

PLEASE READ INSTRUCTIONS FIRST

1. Name of Applicant (If Corporation or Partnership, Complete Box to Right): ARMY DISTAFF HALL

2. Partnership or Incorporating Information
Check ☐ Partnership ☒ Corporation
List Partners or Officers

3. Trade Name of Business, If Any: Same

President or Partner: Executive Director Gen. Calvert P. Benedict

4. Billing Name: Same

Vice President or Partner:

5. Billing Address: 6200 Oregon Avenue, N.W. Washington, D.C. Zip: 20015

Secretary or Partner:

6. Home Address of Applicant: Same

Treasurer or Partner: LTC Robert B. Dail

7. Corporation's and Non-D.C. Resident Applicant's Agent
Name N/A D.C Address N/A

Other:

8. Name of Person to Receive Notices: Col Robert B. McCue Administrator

9. Telephone Number: 541-0400

State of Incorporation: D.C.

Year: 1959

10. Owner of Building
Name: Army Distaff Foundation, Inc. Address:

11. Address of Premises Applied For: ~~Same~~ 6200 Oregon Avenue, N.W. Washington, D.C. 20015

12. D.C. WARD #: 3

13. Certificate of Occupancy No.: B116581

A	No. of Apartments	No. of	Effic.	1-B.R.	2-B.R.	3-B.R.	B
APT.	272	→	231	41	0	0	

Registered ☐ Exempt ☒

C Name of the management agent or company: None
Name of the property manager: N/A
Address of the management agent or company: N/A
Telephone number of management agent or company: N/A

CERTIFICATION: I, the undersigned owner or agent, certify that the information provided on this form is complete and accurate. If other than the owner, I certify that I have the authority from the owner to make such certification. In signing this form, I understand that the filing of false statements with the Rental Accommodations and Conversion Division is subject to a fine of up to $5,000, pursuant to the Rental Housing Act of 1985.

14. Signature of Owner/Agent	15. Date	16. Telephone No.
[signature]	11/18/86	541-0400

Department of Consumer and Regulatory Affairs
Housing and Environmental Regulation Administration
Rental Accommodations and Conversion Division
614 H Street, N.W., 4th Floor, Washington, D.C. 20001

CERTIFICATE OF REGISTRATION/CLAIM OF EXEMPTION FOR: _____
Property Address

REGIST/CLAIM OF EXEMPT

RACD Registration Number _____

RACD Claim of Exemption Number _____

85—7P796 wd133

PART II

CLAIM OF EXEMPTION FORM

If you indicated in Section B on page One that the property is exempt, please provide the following information.

In accordance with provisions of Section 205 of the Rental Housing Act of 1985, this property is exempt for the following reason:

A. ☐ Unit(s) whose owner(s) hold and operate four (4) or fewer rental units. § 205(a) (3).

B. ☐ Unit(s) owned or subsidized by the District of Columbia or the Federal Government. § 205(a) (1).

C. ☐ Building constructed after DECEMBER 31, 1975. § 205(a) (2).

D. ☐ New units in exisiting building for which the initial Certificate of Occupancy was issued after January 1, 1980. § 205(a) (2).

E. ☐ Building continuously vacant and not subject to rental agreements since January 1, 1985. § 205(a) (4).

F. ☑ Building previously exempted under § 205(a) (4) of The Rental Housing Act of 1980, (D.C. Law 3-131).

G. ☐ Rented cooperative unit(s) whose owner(s) hold and operate four (4) or fewer rental units. § 205(a) (5) as amended.

H. ☐ Building for which a Distressed Property Improvement Plan has been executed under the Distressed Property Improvement Program of Title VIII of the Act. § 205(a) (6).

I. ☐ Building for which a Building Improvement Plan has been executed under the Apartment Improvement Program or other DHCD multi-family assistance programs. § 205(a) (7).

J. ☐ Building which was 80% vacant on April 30, 1985, and which has been approved for exemption by the Rent Administrator. § 205(a) (8).

K. ☐ Single Family House which became voluntarily vacant or vacant as the result of a legal action. § 205(a) (9).

L. ☐ OTHER (Please explain) _____

If you checked A or K above, list the names of each natural person(s) having DIRECT or INDIRECT interest in the housing accommodation.

NAME	ADDRESS	TELEPHONE

DO THE ABOVE NAMED PERSONS HAVE AN INTEREST IN ANY OTHER RENTAL UNIT IN THE DISTRICT OF COLUMBIA? YES ☐ NO ☑

PROVIDE A DESCRIPTION OF ALL OTHER RESIDENTIAL RENTAL PROPERTIES IN WHICH THE ABOVE NAMED PERSON(S) HAVE A DIRECT OR INDIRECT INTEREST.

PROPERTY ADDRESSES:	NUMBER OF UNITS:

PART III (Continued)

UNIT No.	SEPTEMBER 1, 1983 RENT CHARGED	OTHER ADJUSTMENTS SINCE 9-1-83				APRIL 30, 1985 RENT CHARGED	APRIL 30, 1985 RENT CEILING	COMP. UNIT #
		TYPE	%	TYPE	%			

PART IV—RATE OF RETURN (Read Instructions Carefully)

Please use the form below to calculate the Rate of Return of the housing accommodation. The Operating Expense Schedule uses the format of the Department of Finance and Revenue Form FP-308, Income Expense Form. For ease of completion you may use financial information prepared for Calendar year 1984.

OPERATING EXPENSE SCHEDULE
RESIDENTIAL

REPORTING PERIOD			
FROM: _____ TO: _____			
I. SERVICE AND MAINTENANCE COSTS:		IV. OPERATING COSTS	
1. Painting/Decorating		13. Trash Removal	
2. Maintenance & Repair (Including Grounds)		14. Payroll (Non-management)	
3. Supplies (Specify) _____		15. Security	
_____		16. Supplies	
_____		17. Leased Furniture	
		18. Other (Specify) _____	
II. ADMINISTRATIVE COSTS		_____	
4. Management Fee		_____	
5. Advertising		V. FIXED COSTS	
6. Legal Fees		19. Insurance	
7. Telephone		20. Payroll Taxes	
8. Other (Specify) _____		21. License & Fees	
_____		22. Ground Lease	
_____		23. Other (Specify) _____	
_____		_____	
		_____	
III. UTILITY COSTS		TOTAL OPERATING EXPENSES	
9. Electricity			
10. Gas (Excluding Heating)			
11. Heating Fuel (Type) _____			
12. Water and Sewer			

RATE OF RETURN SCHEDULE

RATE OF RETURN FORMULA		8. Less Property Taxes	
1. Maximum Possible Rental Income (Assume 100% Occupancy)		9. Less Management Fee of %	
2. Plus Sum of All Other Income		10. Less Interest Portion of Annual Debt Service	
3. Equals Total Possible Income (Sum of 1 and 2)		11. Equals Net income (6 minus sum of 7 thru 10)	
4. Less Vacancy Losses ($ Value)		12. Divide #11 by Equity (Equity equals assessed value minus encumbrances)	
5. Less Uncollected Rent		13. Equals Rate of Return (line 11 DIVIDED by line 12)	
6. Equals Gross Income (3 minus sum of 4 and 5)			
7. Less Operating Expenses (Use operating expense schedule above)			

PART III

BUILDING WIDE RENT INCREASES

File Verification		Building Wide Rent Increases After September 1, 1983	Percentage
☐	☐	1983 ______	______
☐	☐	1984 ______	______
☐	☐	1984 ______	______
☐	☐	1985 ______	______
Reviewer			
______			

RENT CEILING COMPUTATIONS

(Please Read Instructions Carefully)

UNIT No.	SEPTEMBER 1, 1983 RENT CHARGED	OTHER ADJUSTMENTS SINCE 9-1-83				APRIL 30, 1985 RENT CHARGED	APRIL 30, 1985 RENT CEILING	COMP. UNIT #
		TYPE	%	TYPE	%			

PART V **SERVICES AND FACILITIES PROVIDED AS OF September 1, 1983**

SERVICES AND FACILITIES PROVIDED AS PART OF RENT

CHECK IF PROVIDED:

Cooking Range	☑	Cooking Gas	☐
Dishwasher	☐	Hot Water	☑
Refrigerator	☑	Parking	☑
Garbage Disposal	☑	Exterminator	☑
Washing Machine in Unit	☐	Secretarial Service	☑
Dryer in Unit	☐	Security Guards	☐
Air Conditioning	☑	Laundry Room	☑
Elevator	☑	Washer, Coin Operated	☑
Water and Sewage	☑	Dryer, Coin Operated	☑
Electricity	☑	Storage Room	☑
Heat	☑	Intercom	☐
Other_____		Other_____	

OPTIONAL SERVICES

CHECK IF PROVIDED:

		$ Monthly Cost
Washing Machine in Unit	☐	
Dryer in Unit	☐	
Air Conditioning	☑	00.00/MO
Furniture	☐	
TV Antenna	☑	00.00/MO
TV Cable	☐	
Parking	☑	50.00/MO
Community Room	☑	00.00/MO
Swimming Pool	☐	
Other_____		

CERTIFICATION OF COMPLIANCE

☑ I/We certify that this property is in compliance with the D.C. Housing Regulations and, to the best of my knowledge, has no outstanding substantial violations.

☐ I/We have attached a list of all substantial violations of the D.C. Housing Regulations which, to the best of my/our knowledge, exist at this property.

Robert B McCue

Signature (~~owner, agent~~)

ROBERT B. McCUE
Colonel, USA-Ret.
~~Administrator~~

Name (owner, agent)

Category 301 Customer 50008130 Bill Date 10/11/2002 Paid Date 10/11/2002 Today's Date 01/09/2004

FEIN 530246852 Status BIL Status Date 10/08/2003

Description HOUSING: RESIDENTIAL Elev No. Elev Type Elev Wt 00000 Elev File No.

Cust Name Elev Pass 0000 ID No.

Address 6200 OREGON AV NW Rao Exempt Units 248 Kitchens 0000

WASHINGTON DC 20015 Tax Num Tax Amt $.00 C of O

Trade Name

Area Code 202 541-0132 Veh Make Year Tag State

Bill Name ARMY DISTAFF FOUNDATION Veh Wt 00000 Veh Capacity 00000 Decal

Address 6200 OREGON AV NW Tare /Volume 0 Perm No./Crane No. Sq.Ft.

WASHINGTON DC 20015 Tag First Tag Last

Corp Name ARMY DISTAFF FOUNDATION

License Begin Date 11/01/2001 License End Date 10/31/2003

Comments

Old Customer #

2015

Form LI-P-601

CERTIFICATE OF OCCUPANCY

No. B 47281

Washington, D.C., AUG. 17TH, 19 64

Permission is hereby granted to JACK AND HAROLD POLLIN

to use the 3RD, 4TH, & 5TH floor(s) of the building located on Lot(s) 50, 51, 52, 56, 60 ABC Square 247

known as premises 1330 MASSACHUSSETTS AVE., N.W., for the following

purpose(s): APARTMENT HOUSE

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEPT. OF LICENSES & INSPECTIONS, GOVT. OF DIST. OF COL.

ZONE S-P FEE $ 10.00

Chief, Permit Branch

By Mary L. Savage
Permit Clerk

OFFICE COPY

Thomas House Retirement Community

1330 Massachusetts Avenue NW
Washington, DC 20005
(202)347-3983

- Home
- Features
  - *Continuing Care*
  - *Alzheimer's Care*
  - *Nursing Home*
  - *Independent Living*
  - *Assisted Living*
- Photos
- Floor Plans
- Get Directions
- My Tools
  - *Printable Brochure*
  - *Contact Us*

Member Of AAHSA



The reasons you love Washington are the reasons you'll love Thomas House. What could be more exciting than retirement living in the center of the most fascinating city in the world? In Washington, history is made every day and educational and cultural opportunities are found at every turn.



Elegant, affordable and secure, Thomas House Continuing Care Retirement Community is everything you love about Washington...beautiful, convenient and most importantly, full of interesting people. Thomas House is at the center of it all.

And best of all, it's right here, where you want to be, near family and friends.

Located at Thomas Circle just minutes away from the White House, Thomas House apartments are designed for your comfort and pleasure. Each spacious and light-filled apartment has a fully equipped kitchen, wall-to-wall carpets, mini-blinds, plenty of closet space and a fully tiled bath with safety features. Thomas House offers you a choice of floor plans, ranging from studios to three-bedroom apartments.

Your apartment services make life easier and more secure. Services include bi-weekly housekeeping, one meal each day, maintenance services, all utilities (except telephone and cable television), 24-hour security, an emergency response system and regular transportation to shopping and medical appointments.

Thomas House is a non-profit, non-secretatian, continuing care retirement community sponsored by Baptist Senior Adult Ministries of Washington DC and American Baptist Homes of the West.