KNOLLWOOD NEIGHBORS

Stephenson Lane ♦ 29th Street ♦ Tennyson Street ♦ 29th Place
28th Place ♦ Oregon Avenue ♦ Nebraska Avenue ♦ Rittenhouse Street

BZA
Case No. 17055
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO. 17055
EXHIBIT NO. 34

# Application Seeking Party Status For Knollwood Neighbors

## As of October 14, 2003,
## Eighty-One Neighbors Have Requested Party Status
(More Are Pending)

1. *How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?*

In response to the application by the Army Distaff Foundation, 125 persons living in close proximity to the proposed building signed a petition opposing the application. The neighborhood has since formed a group known as Knollwood Neighbors to represent its interests before the BZA. The attached petition is signed by 81 abutters and others adversely affected by the proposed addition, who have agreed to be represented by Knollwood Neighbors for the purpose of seeking party status before the BZA. Knollwood Neighbors is still collecting signatures on the second petition and expects that virtually all of the 125 signers of the first petition will eventually join the group.

The persons seeking party status through Knollwood Neighbors believe that their property will be adversely affected because the proposed addition represents inappropriately outsized overdevelopment of an R-1-A district; it will be too close to property lines, too large and too high, remove too many old growth trees, increase traffic and noise, and dramatically reduce privacy. In addition, the signers agree that it is important to continue the 25 year prohibition on further development that the BZA established in its 1990 Order, Application No. 15358, since that was a critical condition to the neighborhood's agreement not to oppose Knollwood's prior application.

2. *What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

To the best of our knowledge, virtually all of the persons who are represented by Knollwood Neighbors are owners of their property.

3. *What is the distance between the person's property that is the subject of the appeal or application before the Board? (preferably no farther than 200 feet)*

Many of the persons on the attached petition live within 200 feet of Knollwood. Because of the massive size of the proposed addition and the impact that such an aberrant structure would have on a neighborhood that is essentially an extension of Rock Creek Park, a large number of the property owners within 500 feet of Knollwood, virtually all of whom signed the original petition, also believe that the proposed addition will adversely affect their interests.

4. *What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?*

The existing structures at Knollwood are located in the center of Knollwood's property or along Nebraska Avenue and shielded from most of the neighborhood by thick trees. Despite the fact that Knollwood has many acres of undeveloped land, it has chosen a site that would have the maximum impact on the surrounding homeowners. The new building would abut the narrow residential streets of the neighborhood and would require the removal of a large amount of the existing old growth forest buffer. The proposed additional structures would extend to within 30 feet of the homes on 29th Street and 80 feet of the homes on Stephenson Lane.

Outside of the existing structures at Knollwood, there are no buildings higher than two floors in the neighborhood. The four floors and mechanical penthouse of the new building, combined with the fact that it is sited on land that is higher than the surrounding streets, will create the appearance of a high rise building looming over a residential neighborhood.

Because the neighborhood is heavily wooded and borders on Rock Creek Park, it is sheltered from traffic and noise. The intensity of construction necessary to build the proposed addition, including the felling of 100 foot tall trees, heavy equipment traffic and potential blasting, would significantly affect the neighborhood.

But even after construction, the new building would dramatically change the character of the neighborhood. First, the privacy interests of the neighbors would be affected because residents of the luxury apartment units would be able to see clearly into the neighbors' homes and yards from their windows and balconies. Second, the additional traffic generated by new staff for the nursing home, the residents of the luxury apartment units, and visitors would not only increase the traffic in the immediate neighborhood, but also exacerbate existing traffic problems on Tennyson, Rittenhouse and Nebraska, which are already the subject of neighborhood concern beyond the immediate Knollwood area. In addition, the proposed addition of a parking lot and access road leading onto Tennyson would endanger the children and older residents of Tennyson. Third, this additional traffic, plus the noise generated by the HVAC system needed to serve an 80,000 square foot building, would significantly disturb what is now an extremely quiet neighborhood.

5. *Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.*

The Army Distaff Foundation chose to purchase land which was subject to the restrictions imposed on an R-1-A district. But this will now make four requests for special exceptions and, if this one is granted, the Foundation would have essentially rezoned its property. This is despite the fact that, in each of the three prior applications, the BZA has noted the importance of protecting the character of the neighborhood by imposing conditions on further building at Knollwood. Most notable is the 1990 application, when the BZA explicitly imposed a 25 year ban on any further building as a condition to the approval of a large assisted living unit. In the discussions preceding that approval, Knollwood promised the neighborhood that it would abide by the building restriction and many of the neighbors were dissuaded from opposing the application by the promise of a moratorium on further building and its codification in the BZA order. Knollwood Neighbors feels strongly that the applicant should not be allowed to renege on its promise and that it is vital to the integrity of the BZA and the zoning process that such restrictions be honored. Similar restrictions have been crucial to muting neighborhood opposition in many prior instances besides our experience with Knollwood in 1990 and it is doubtful that property owners in future cases will agree to compromise if they cannot trust applicants to stand behind concessions or the BZA to enforce them.

Knollwood Neighbors is also concerned that the applicant has made misleading statements in its application because it only requests a special exception for "25 nursing rooms accommodating 27 residents." It is unclear whether the neighborhood would oppose that request: while the neighbors are sympathetic to Knollwood's need to deal with its residents afflicted with dementia, there is widespread concern that Knollwood has not explained why it did not plan for this need before it built the large health care facility addition in 1990 and agreed that it did not need to build anything further for at least 25 years. Much more troublesome, however, is that the description of the application, which was then incorporated into the notice to the neighborhood, does not mention the luxury apartments that would occupy most of the space of the massive new addition. We believe that the omission is a concession by the applicant that it has no grounds for a special exception to build such a structure.

6. *Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.*

Knollwood Neighbors is the only group that represents the neighborhood in this matter and includes virtually all of the persons who would be most severely affected by the proposed zoning action.

# KNOLLWOOD NEIGHBORS

Stephenson Lane ♦ 29th Street ♦ Tennyson Street ♦ 29th Place ♦ 28th Place ♦ Oregon Avenue
Nebraska Avenue ♦ Rittenhouse Street

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**September 22, 2003 Statement By Bridget Williams, Member Of Knollwood Neighbors Working Group, To ANC 3/4G**

3/4G Chevy Chase
Advisory Neighborhood Commission 3/4G
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September 26, 2003

Mr. Geoffrey Griffis
Chairman
Board of Zoning Adjustment
441 4th Street, NW – Suite 210S
Washington, DC 20001

RE: **BZA APPLICATION NO. 17055**
**THE ARMY DISTAFF FOUNDATION, INC. (KNOLLWOOD)**

Dear Mr. Griffis:

At its September 22, 2003 public meeting, the Chevy Chase Advisory Neighborhood Commission (ANC 3/4G) voted 6 to 0 (a quorum being 4) to **support** The Army Distaff Foundation's request for a **continuance** from the scheduled October 14, 2003 hearing date.

The applicant and the Knollwood Neighbors, whose residences abut the subject property, have just begun negotiations which, if successful, will relieve the Board of adjudicating a prolonged and difficult hearing.

ANC 3/4G, an automatic party to the case, urges the BZA to allow a reasonable period of time (to within the first quarter of 2004) for applicant-neighborhood deliberations. In the ANC's opinion, the applicant will not be ready to present its case until a series of meetings are held with its abutting neighbors.

ANC 3/4G also selected Commissioner **Frank Buchholz** and/or Commissioner **Cristopher Fromboluti**, AIA to represent the Commission before the BZA.

Sincerely yours,

Anne M. Renshaw

Anne Mohnkern Renshaw
Chairman, ANC 3/4G

cc: Councilmember Adrian Fenty
Donald C. Hilbert, Maj. Gen., USA-Ret., Executive Director, Army Distaff Foundation
Stephen Cochran, DC Office of Planning
Robert Diamond, Knollwood Neighbors

# THIS PETITION WAS SIGNED BY 125 OF KNOLLWOOD'S NEIGHBORS

## PETITION TO DENY KNOLLWOOD'S APPLICATION TO BUILD AN 80,000 SQUARE FOOT ADDITION

**(To be delivered to ANC3/4G Representatives, Ward 4 Representative and the Board of Zoning Appeals)**

We, the undersigned, urge you to reject Knollwood's July 2, 2003 application with the Board of Zoning Adjustment (BZA) for permission to build an 80,020 square foot addition to its existing facilities. In 1990, the Board of Zoning Appeals (BZA) supported a 40,000 square foot expansion only on the condition that Knollwood not engage in additional construction until October 3, 2015.

Knollwood now seeks an exception from this BZA Order to build an 80,020 square foot addition. This addition would violate the long-standing principle, affirmed by BZA, that Knollwood's buildings should be confined to the central parts of its property. The new building will have a footprint of 248 feet by 74+ feet. The addition will come within less than 40 feet of residents on 29th St., and it will tower over residents on Stephenson Lane. Tennyson neighbors will be staring into an 80 car parking lot, and Nebraska Ave residents will be looking at a new bus depot.

**A STATEMENT TO THE ANC3/4G**
**REGARDING KNOLLWOOD'S REQUEST FOR A BZA CONTINUANCE**
**September 22, 2003**

My name is Bridget Williams, and I live at 2748 Stephenson Lane (across the street from Knollwood). I am a member of the Knollwood Neighbors Working Group, and on behalf of Knollwood Neighbors, I would like to thank the ANC for favorably endorsing Knollwood's request for a continuance.

We are pleased Knollwood has asked for a continuance, as they indicated to us they would. However, the request for a continuance only until December 1, 2003, comes as a surprise.

To review, when Knollwood's neighbors learned, through our own initiative, of Knollwood's expansion proposal, we requested a meeting with Knollwood to learn more about their proposal. This meeting, graciously hosted by Knollwood on September 3, 2003, became contentious. With ANC Commissioners present, a proposal was put forth for the neighbors to put together a working group to work with Knollwood and for Knollwood to request a continuance, at least into the early part of 2004. This was recommended for the benefit of all parties. In our first Knollwood Neighbors Working Group meeting with Knollwood, less than a week ago, Knollwood made no mention of such a limited continuance.

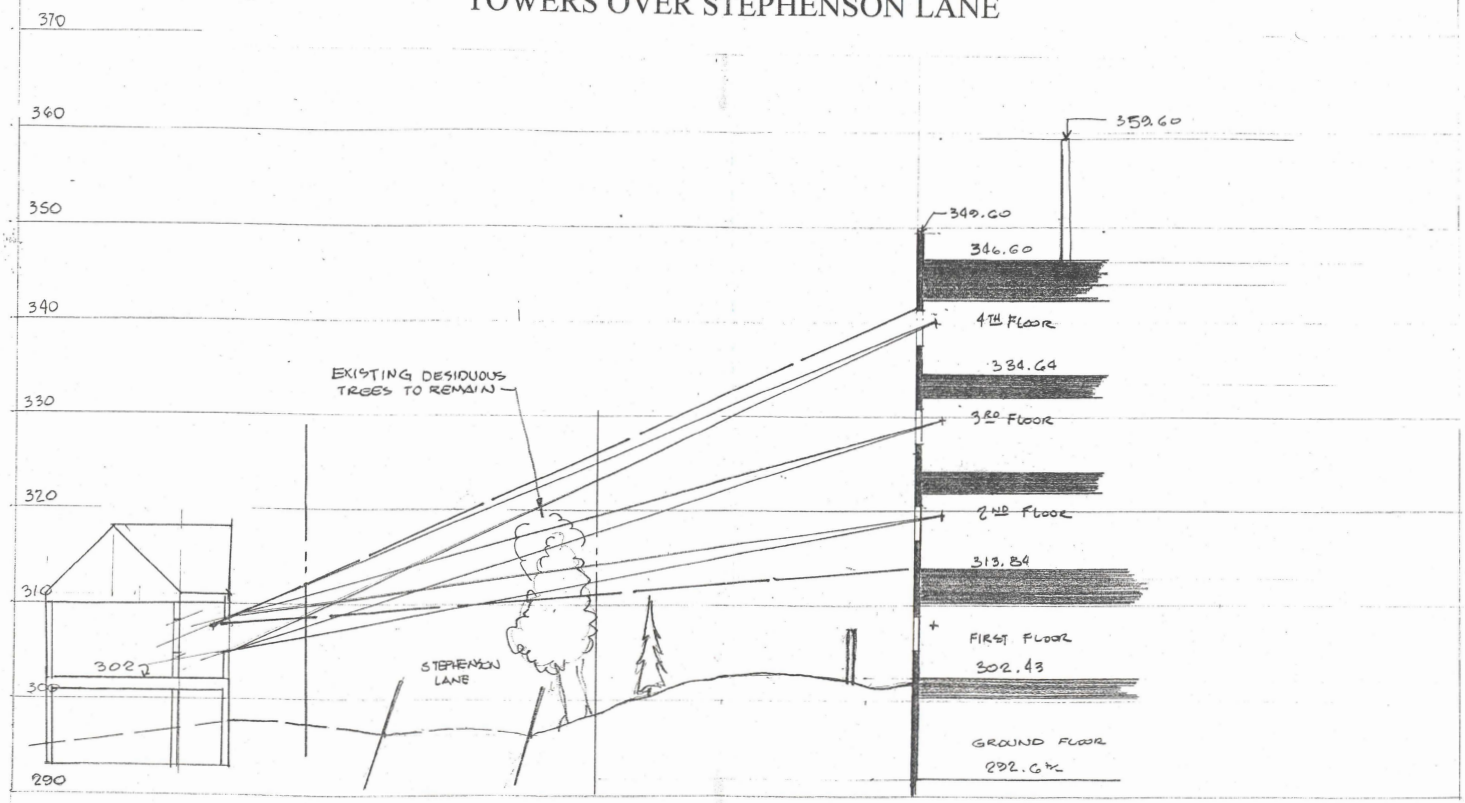
We do not know how long this process will take, but it certainly will take longer than the few weeks Knollwood has put forth here. If there is to be a real effort to work together to find a satisfactory resolution to this problem, time and cooperation are required.

Knollwood Neighbors Working Group respectfully requests the ANC recognize this in its consideration tonight of Knollwood's request for a BZA continuance.

Thank you for so doing.

Bridget Bean Williams
Knollwood Neighbors Working Group
September 22, 2003

# NEW 80,000 SQUARE FOOT BUILDING TOWERS OVER STEPHENSON LANE




SCALE: 1" = 20' HORIZONTAL
1" = 10' VERTICAL

# The Expansion of Knollwood
# A History of Special Exceptions
# As of October 14, 2003

The current application by Knollwood represents the fourth time it has sought a special exception from the zoning regulations – and the fourth time it has asked for an exemption from a building restriction.

## The History

1959 – Appeal No. 5550

Knollwood received permission to build a three-story building. Despite neighborhood opposition, the BZA reasoned that the proposed structure would be better for the neighborhood than building detached houses because, unlike a residential development, the building would result in **"the concentration of development removed from existing dwellings and retention of the wooded area."** But the BZA also ordered that **"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."**

1967 – Appeal No. 9185

Knollwood received permission to increase the occupancy limits set in the 1959 Order. In return, the BZA reiterated that **"[n]o change is to be made to the existing structure."** In its opinion, the BZA stated that an increase in occupancy **"will not adversely affect the present character or future development of the neighborhood..."**

1990 – Application No. 15358

Knollwood asked to expand the existing structure by building a 40 unit assisted living facility. In response to some neighborhood opposition, the BZA noted that **"[t]he 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."**

The Office of Planning recommended that the application be granted, with the condition that no further building be allowed. The BZA modified that recommendation by ordering that **"[t]he 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."**

## The Current Application

The current request is for another special exception to build an 80,020 square foot building and large parking lot. While the application form mentions only the addition of 25 nursing units, the vast majority of the new building, in actuality, would consist of three floors of luxury apartments, plus a mechanical penthouse.

As the above history makes clear, this application cannot be supported by the same reasoning the BZA has used before to allow Knollwood to expand. Unlike the previous buildings, which were located at the center of the property and largely shielded from the surrounding homes, the new structure and parking facility would be located on the three corners of the 16.3 acre tract that are closest to the existing homes. In addition, the new construction would require the destruction of a large number of old growth trees and thick vegetation that currently serve as a privacy buffer between Knollwood and the neighborhood.

Even more importantly, the BZA would have to renege on its carefully considered 25 year ban on further development of the property. This was the critical condition placed on Knollwood, and the critical concession made by the neighborhood for Knollwood to receive approval for its assisted living addition in 1990.

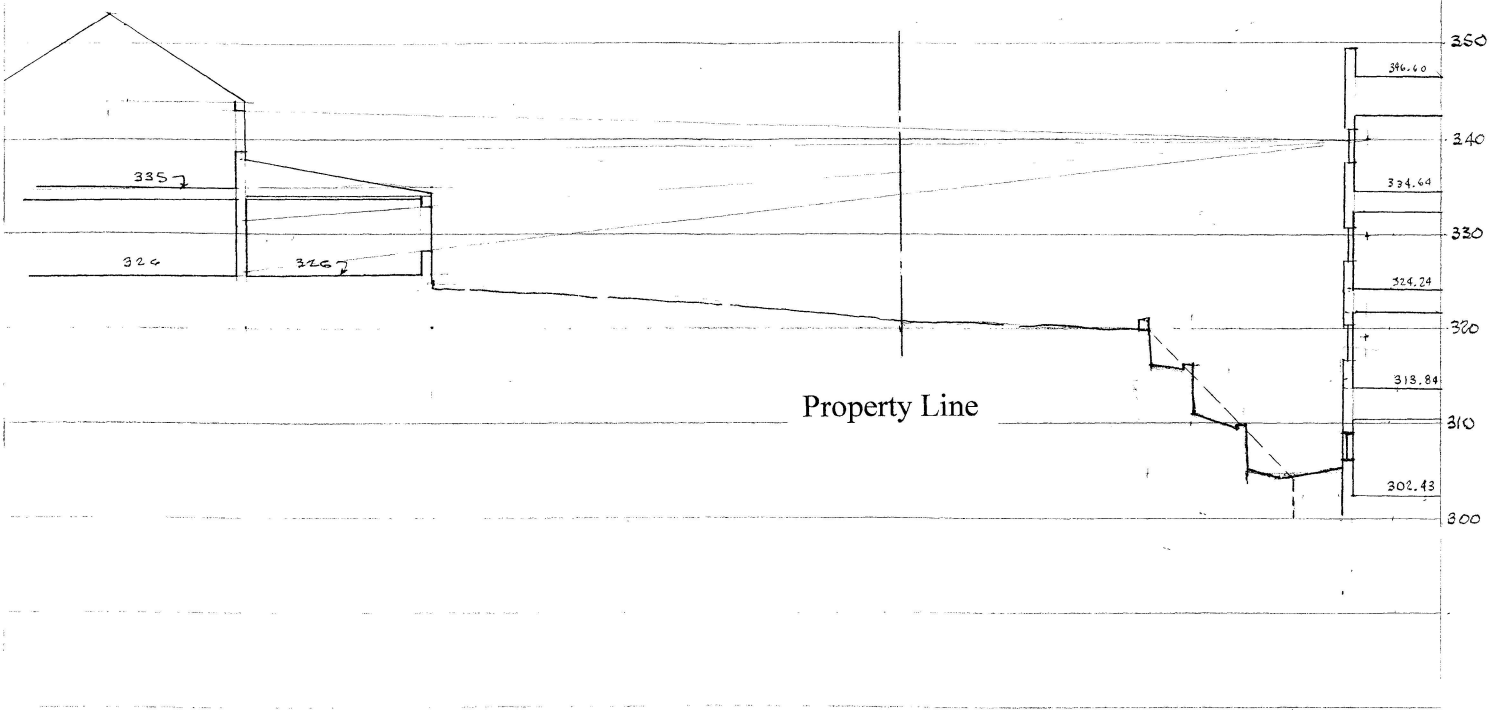
## Knollwood Neighbors

The neighborhood is united in its opposition to the current application because there is no justification for the addition of a high-rise luxury apartment building and large parking lot to the Knollwood campus. In addition, the proposed application will adversely affect the use of the surrounding neighborhood properties and will impair the purpose and intent of our zoning as an R-1-A district.

Knollwood chose to locate in our quiet residential neighborhood with full knowledge of the restraints imposed on building in such an area. It is time for Knollwood to work within the confines of those restraints and the neighborhood they were meant to protect.

For more information, please contact Larry Fenster of Knollwood Neighbors at 202-364-5259.

# NEW 80,000 SQUARE FOOT BUILDING
# COMES WITHIN 50 FEET OF 29TH STREET BACK YARDS




1"=10' HORIZ. & VERT.


KNOLLWOOD NEIGHBORS
Map Legend
Green - Households opposed to proposal
Blue - Houses vacant or for sale
Brown - Existing Knollwood buildings
Red - Proposed building
Gray - Existing paved areas
Red-Gray - Proposed paved areas
KITTENHOUSE STREET
STEPHENSON LANE
29TH STREET
NEBRASKA AVENUE
OREGON AVENUE
TENNYSON STREET
29TH PLACE
28TH PLACE