

BZA
Case No. 17114
Exhibit No. 23

BOARD OF ZONING ADJUSTMENT
APPLICATION NO. 17114
PREHEARING STATEMENT OF THE APPLICANT
FEBRUARY 3, 2004

Board of Zoning Adjustment
District of Columbia
CASE NO. 17114
EXHIBIT NO. 23

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Ingleside at Rock Creek

BZA Application No. 17114
Public Hearing: February 17, 2004
ANC 3G

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

Ingleside at Rock Creek ("Ingleside"), located at 3050 Military Road, N.W. ("Property") (Square 2287, Lot 809), provides housing and care for seniors who are, or may eventually be, unable to fully care for themselves. BZA approval was originally granted in 1958 (Appeal No. 5205, August 18, 1958) to permit Ingleside's operation of a health care facility and community residence facility on the Property. BZA approval was given to expand Ingleside with 102 units ("New Facility") in Order No. 16138, September 30, 1997.

Ingleside now proposes to convert currently underutilized space the New Facility to thirteen independent living units and add storage space. This proposed use is permitted with special exception approval by this Board pursuant to Sections 218 and 219 of the Zoning Regulations. As required, the special exception application was submitted under Sections 218 and 219 of the Zoning Regulations, as a community residence facility and a health care facility. This special exception request will have little effect on the operation of Ingleside and it seeks no changes to the conditions in BZA Order No. 16138. The granting of this special exception will not violate the conditions of BZA Order No. 16138 and will not have an impact on the surrounding community. It will, however, accommodate some of the significant demand for housing for the elderly in the District of Columbia.

There will be renovation and interior construction under this proposal. Ingleside is not requesting any change in its existing building footprint and the exterior work will involve only the installation of windows. In addition, Ingleside requests permission to perform any construction necessary to meet the requirements of the Americans with Disabilities Act ("ADA"), such as elevators, if applicable.

II.
HISTORY OF INGLESIDE AT ROCK CREEK

Ingleside has had a significant presence along Military Road for over 43 years of its 98-year history. Ingleside was already in its fifth decade of operation when it acquired the Property in 1958 and subsequently constructed the original building in 1960 and the addition in the late 1990's. When Ingleside was originally established in 1906, it was located in a row house at 1420 M Street, N.W. In 1918, Ingleside relocated to the Ingleside Mansion located in Mount Pleasant at 1818 Newton Street, N.W. Ingleside then relocated to the current Military Road site in 1960. Ingleside is known for its quiet presence, excellent care for its residents in a home-like setting, well-maintained grounds and heavily wooded setting. Both the residents of Ingleside and area neighbors enjoy the substantial open space on the site.

Ingleside serves a critical need in the community by providing a warm and supportive environment, including independent apartment residences, assisted living rooms and intermediate nursing care in the health care center. Ingleside's residents pay taxes in the District of Columbia and form a vital part of the community in which they live. Ingleside also provides a total of approximately 200 permanent jobs, 40% of which are held by D.C. residents.

Several other homes for the elderly such as the Hebrew Home for the Aged and the National Lutheran Home for the Aged left the District of Columbia and relocated to the suburbs.

Ingleside has had a long history at its current location and remains committed to the District of Columbia and this neighborhood.

III.
BACKGROUND OF THE PROJECT

Ingleside is a non-profit organization dedicated to meeting the needs of the aging. It has been thriving at its Military Road location for over 43 years. The proposed conversion of space in the New Facility will respond to the ever-increasing demand for senior housing throughout the United States and the District of Columbia. The space for the proposed units is presently underutilized.

IV.
JURISDICTION OF THE BOARD

This Board has jurisdiction pursuant to Section 3104.1 of the Zoning Regulations to grant the requested special exception relief. This application does not entail any variance relief.

V.
DESCRIPTION OF PROPERTY AND PROPOSED USE

A. Property and Environs

The Property is located in the R-1-A Zone District. The Embassy of Tunisia and the Embassy of the Ivory Coast are located to the south of the Property. The Carnegie Institute and Temple Sinai are located to the west of the property. Several single family houses and Military Road, N.W., are to the north of the property. To the east of the Property, across a substantial open space and ravine owned by Ingleside, there are several single family homes fronting on 29th Street, N.W. According to BZA Order No. 16138, the open space to the east of the ravine on the Property is the subject of the prohibiting special exception application for retirement community use until 2008. (See Condition No. XI of Order No. 16138, on page 13.) That moratorium was **extended until 2016** pursuant to an agreement with a group of neighbors known as the "Abutters

of the Presbyterian Home" or "Abutters Association." This application has no effect whatsoever on the property east of the ravine and **Ingleside hereby reaffirms its binding commitment to the extended moratorium until 2016.**

South of the Ingleside property is Broad Branch Road, N.W., and across that street to the south is the edge of Rock Creek Park. The portion of the Property subject to his Application is substantially buffered on all sides from residential uses.

B. Proposed Use

The New Facility was constructed as a community residence facility with 102 units as a result of the approval from BZA Order No. 16138. The uses proposed under this special exception application will be in accordance with Order No. 16138 and only add a small amount to the population of Ingleside residents. Furthermore, little additional traffic will result. Many residents do not drive and most of those who own cars use them on a fairly limited basis. The Property is well served by public transportation and new residents will likely utilize that transportation as much as current residents and employees.

There will be ten new independent living units on the lowest level of the New Facility, Level L2. Six of these units will be located in the existing crawl space of the South Building and four new units will be in the existing crawl space of the North Building. Also in the North Building, an area for storage in the parking garage that is presently underutilized will be converted into the new exercise room. Altogether, there will be a net addition of 11,280 square feet of finished floor area to Level L2.

On the next level of the New Facility, Level L1, the project will convert the exercise room into one independent living unit in the North Building. There will be no change in the finished floor area on Level L1.

On the next level of the New Facility, Level LL, the project will create additional storage space in the area over the existing parking garage ramp that is presently not utilized. This will add 5,755 square feet of new floor area to Level LL.

On the next level of the New Facility, Level 1, the project will convert presently underutilized office space into two new independent living units in the South Building. There will be no change in the finished floor area of Level 1.

Exterior impacts of this Application will be minimal. The only change will be that windows with brick rowlock sills will be added to the exterior of the building to bring light into the independent living units on Level L2 and into the new exercise room. All of the windows will be similar to those already existing on the exterior of the New Facility.

VI.
THE APPLICANT IS ENTITLED TO SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

As the Board is aware, a special exception use is a use deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the requirement set forth therein. If the prerequisites set out in the regulations are satisfied, the Board must grant the application. See, e.g. Bakers Local Union No. 118 V. D.C. Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981). As will be demonstrated, the granting of the requested special exception relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring properties.

As indicated above, the proposed use involves no addition to the footprint of the existing New Facility; it involves the conversion of underutilized space. Thus, the applicant must

demonstrate satisfaction with the requirements of Section 218 and 219 governing community residence facilities and health care facilities. As further set below, Ingleside meets the criteria for special exception relief for both uses.

A. Section 218 – Community Residence Facility. The Board of Zoning Adjustment may approve a community residence facility for more than 15 persons, subject to the following provisions.

The main objective for the proposed additional units is to the address Ingleside's sizable waiting list. The demand for independent living units is significant. There are 279 people on the waiting list, 139 of whom reside in the District of Columbia. Given the limited turnover of units, only thirty-two new residents were admitted in 2003. Many people on the waiting list have no chance of ever moving to Ingleside.

1. Section 218.2/218.6. Section 218.2 There shall be no other property containing a community-based residential facility ("CBRF") for seven or more persons in the same square and no other property containing a CBRF for seven or more persons within a radius of 1,000 feet from any portion of the subject property; Section 218.6. The Board may approve more than one CBRF in a square or within 1,000 feet, only when the Board finds that the cumulative effect of the facilities will not have an adverse impact of the neighborhood because of traffic, noise or operations.

The Elizabeth Shoemaker Home is located within 1,000 feet of the subject property; however, the cumulative effect of these facilities will not create an adverse impact on the neighborhood. The Shoemaker Home is small home, presently accommodating seven residents. The Shoemaker Home and Ingleside are both quiet uses and are comfortably buffered from each other. The proposed conversion of space in the New Facility will not change this fact.

2. Section 218.3. There shall be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

Currently, there are approximately 209 parking spaces on the entire Ingleside site, which is more than sufficient for the current demand. After the proposed project, there will be 202 parking spaces on the entire Ingleside site. That number of parking spaces will be more than

sufficient for the parking needs of Ingleside after the proposed conversion. A parking study conducted during the peak time showed twenty four vacant spaces in the garage.

Ingleside currently operates with very little traffic impact on the neighborhood. The use generates a low volume of vehicular trips and many of the employees travel to Ingleside by public transportation. Ingleside is well buffered from neighboring properties and there is almost no overflow parking onto neighboring streets.

3. Section 218.4. The proposed facility shall meet all applicable code and licensing requirements.

The proposed conversion to residential and storage space in the New Facility will meet all applicable code and licensing requirements, consistent with the existing facility. It will be fully accessible to the disabled and will meet all fire life safety and Building Code requirements.

4. Section 218.5. 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.

a. Lack of Adverse Impacts

(1) Traffic

Currently, Ingleside generates little traffic activity and operates with minimal impact on the community. The limited demand for parking is related to the site's excellent accessibility to public transportation and the lifestyle of Ingleside residents. There is ample parking on the site currently, as there will be after the proposed conversion. A small number of vendors and visitors come to the site on a weekly basis. The proposed use will have very little effect on the traffic situation. The existing driveway off of Broad Branch Avenue, N.W. which is the access for the New Facility, will also be used for access to the additional residential units. The units in the New Facility are accessed from Broad Branch Road, N.W., to help create its separate identity and to minimize any effect on Military Road, N.W., a heavily traveled thoroughfare.

(2) Noise

The current use of the site is inherently quiet. The new residential units in the New Facility will generate virtually no additional noise.

(3) Operations

Ingleside has been a careful and considerate neighbor in its operation. Over the years, Ingleside has had little impact on the neighborhood and has demonstrated a willingness to minimize the impact of its operations on the community. Ingleside believes the operations of the additional proposed residential units will in no way have an adverse impact and is willing to extend the conditions of Order. No. 16138 to the additional independent living units, including those relating to noise, exterior lighting, rodent control, vendor deliveries and site access.

(4) Similar facilities

As indicated above, the Shoemaker Home and Ingleside are quiet uses that are comfortably buffered from each other. As such, there is no impact accorded to the cumulative effects of these facilities.

5. Section 218.8. The Board shall submit the application under the Director of the Office of Planning for coordination, review, report and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

All appropriate referrals have been made. The subject property is not located in a historic district nor is it an individually designated landmark. Further, the site is not subject to the jurisdiction of the Commission of Fine Arts.

6. Section 3104.1. The relief sought is in harmony with the general purpose and intent of the regulations and will not tend to affect adversely the use of neighboring property.

As is fully demonstrated above, the application meets the criteria set forth in Sections 218 for special exception approval and, therefore, is in harmony with the general purpose and intent of the Zoning Regulations. The addition of thirteen independent living units will do little to increase the overall intensity of use of the Ingleside at Rock Creek facility. Traffic, noise or operations will not increase as a result of this special exception approval. Ingleside believes this is an excellent opportunity to improve its offerings to the senior citizens of the District of Columbia.

B. Section 219 – Health Care Facilities. The Board of Zoning Adjustment may approve a health care facility for nine (9) to three hundred (300) persons, subject to the following provisions.

The requirements of Section 219 mirror those of Section 218, therefore the material presented above in Subsection A. applies correspondingly to the requirements of Section 219.

VII.
COMMUNITY OUTREACH

The Executive Director of Ingleside, Peter Heck, presented the Applicant's proposal to Advisory Neighborhood Commission (ANC) 3G on February 9, 2004, at that ANC's regular meeting.

VIII.
PHASING

Ingleside proposes to add ten units initially. The final three units will be added over the next five years.

IX.
WITNESSES

A. Peter Heck, Executive Director, Ingleside at Rock Creek.

B. Brian Frickie, The Kerns Group, Architects.

X.
EXHIBITS IN SUPPORT OF THE APPLICATION

The applicant submits the following exhibits in support of the application:

Exhibit A Portions of the Sanborn plat showing the Property outlined in red.

Exhibit B Plans for the additional units.

Exhibit C An outline of the testimony of Peter Heck, Executive Director of Ingleside.

Exhibit D An outline of the testimony of Brian Frickie, Architect.

XI.
CONCLUSION

As demonstrated above, the application meets the criteria set forth in Sections 218 and 219 for special exception approval. In compliance with Section 3104.1 of the Zoning Regulations, Ingleside has demonstrated that the relief sought is in harmony with the general purposes and intent of the Zoning Regulations and will not adversely affect neighboring properties. Ingleside respectfully requests that the Board of Zoning Adjustment approve this application.

Respectfully submitted,

Shaw Pittman LLP

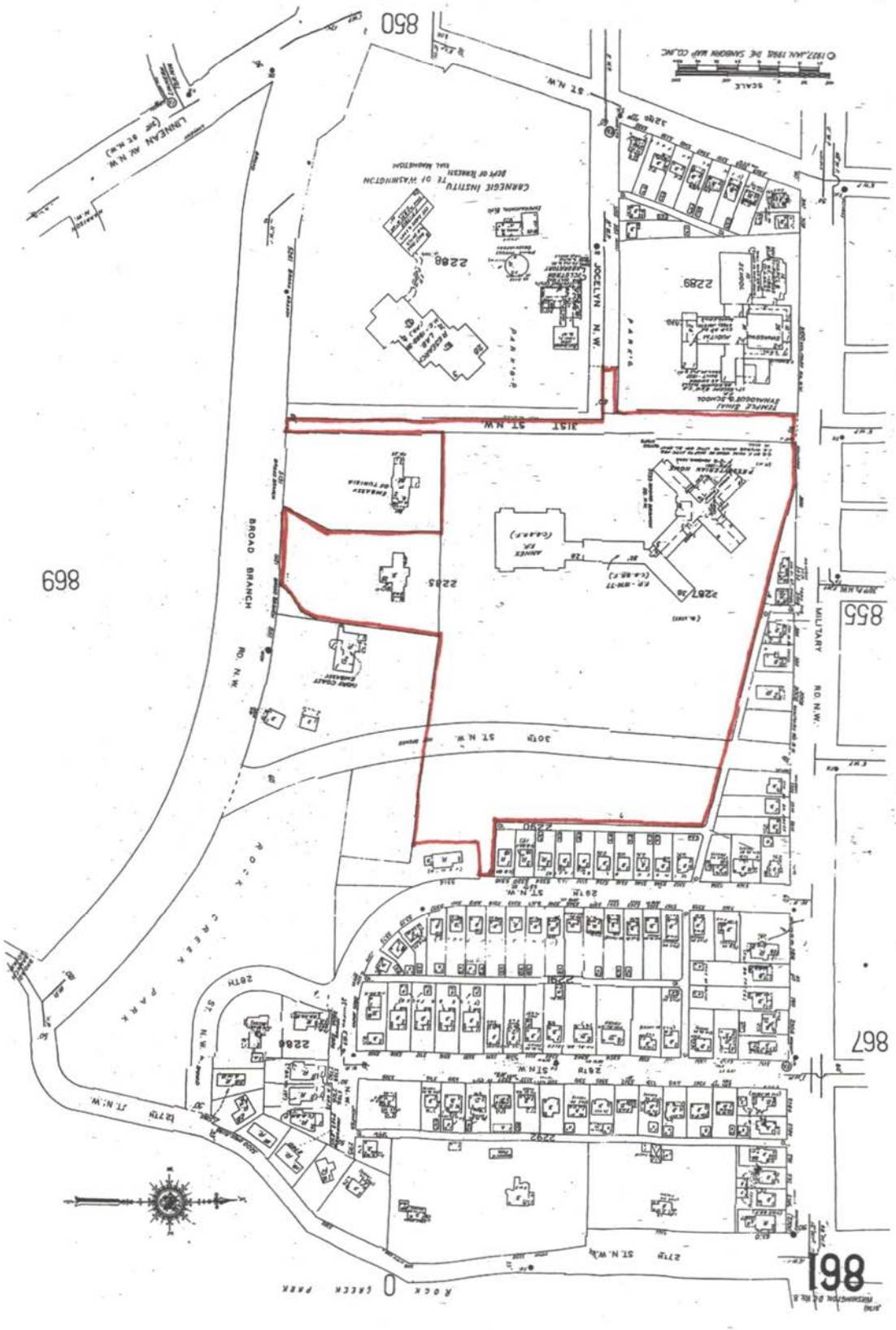
By: Allison C. Prince gca
Allison C. Prince

By: Jeffrey C. Utz
Jeffrey C. Utz

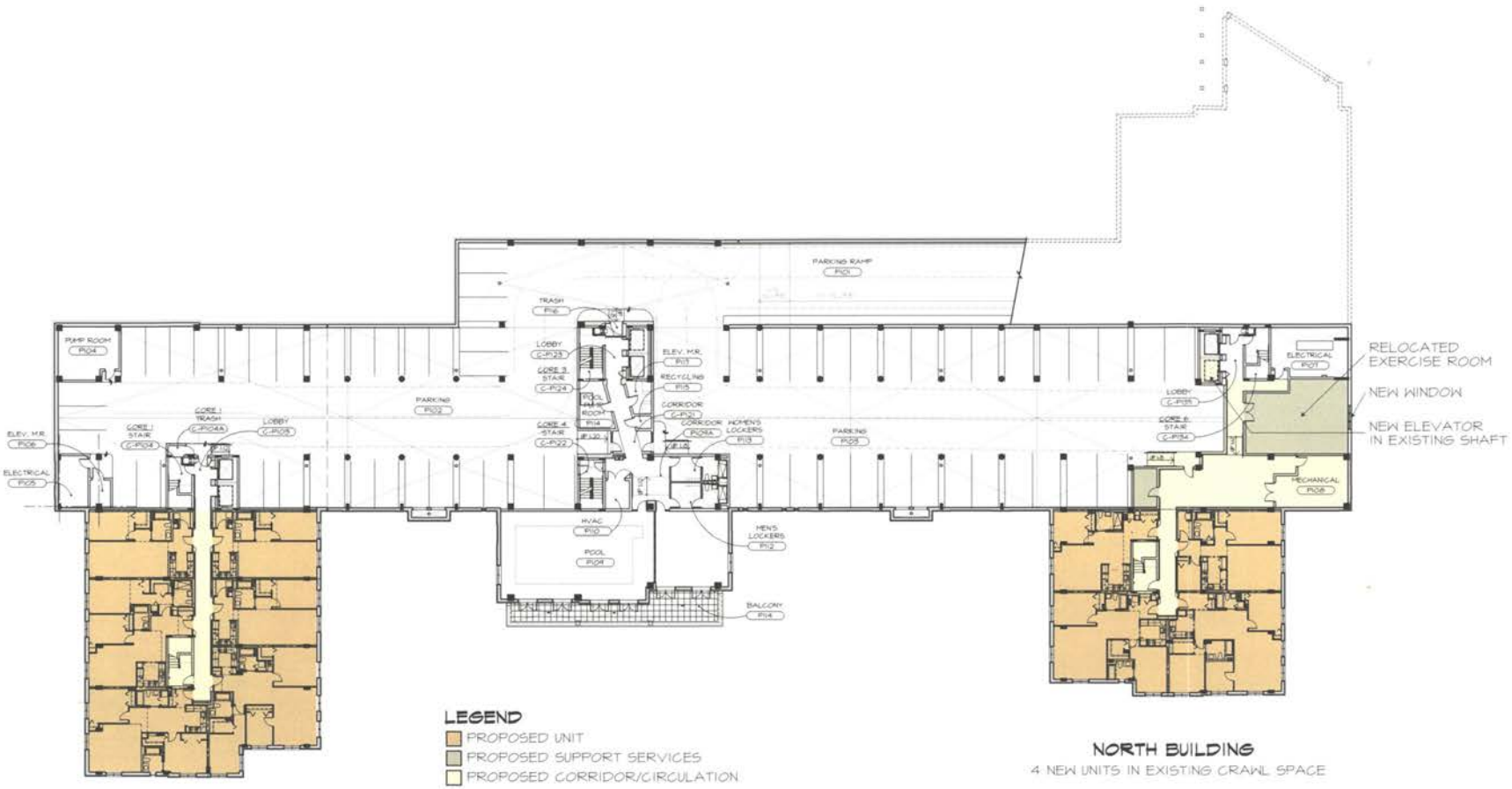
February 3, 2004

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A


860
869
855
867
BROAD BRANCH RD. N.W.
ROCK CREEK PARK
MILITARY RD. N.W.
JOCELYN N.W.
31ST ST N.W.
30TH ST N.W.
29TH ST N.W.
28TH ST N.W.
27TH ST N.W.
LINNEAN AV. N.W.
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2292
2266
2268
861

B

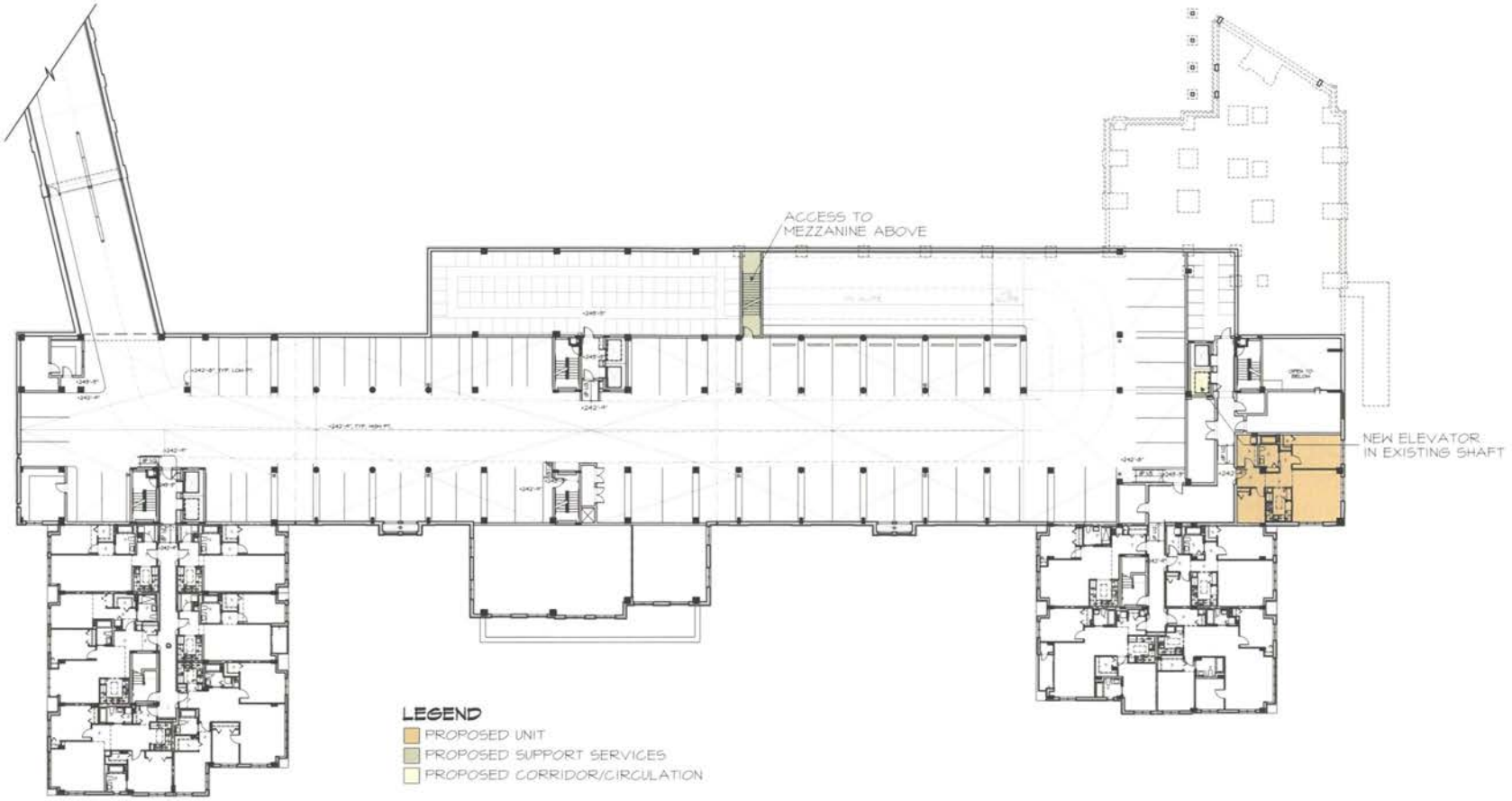


Ingleside at Rock Creek
APARTMENT EXPANSION
Washington, D.C.

LEVEL L2
FLOOR PLAN
JULY 21, 2003

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Arlington, Virginia

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NORTH BUILDING

1 NEW UNIT IN EXISTING EXERCISE ROOM

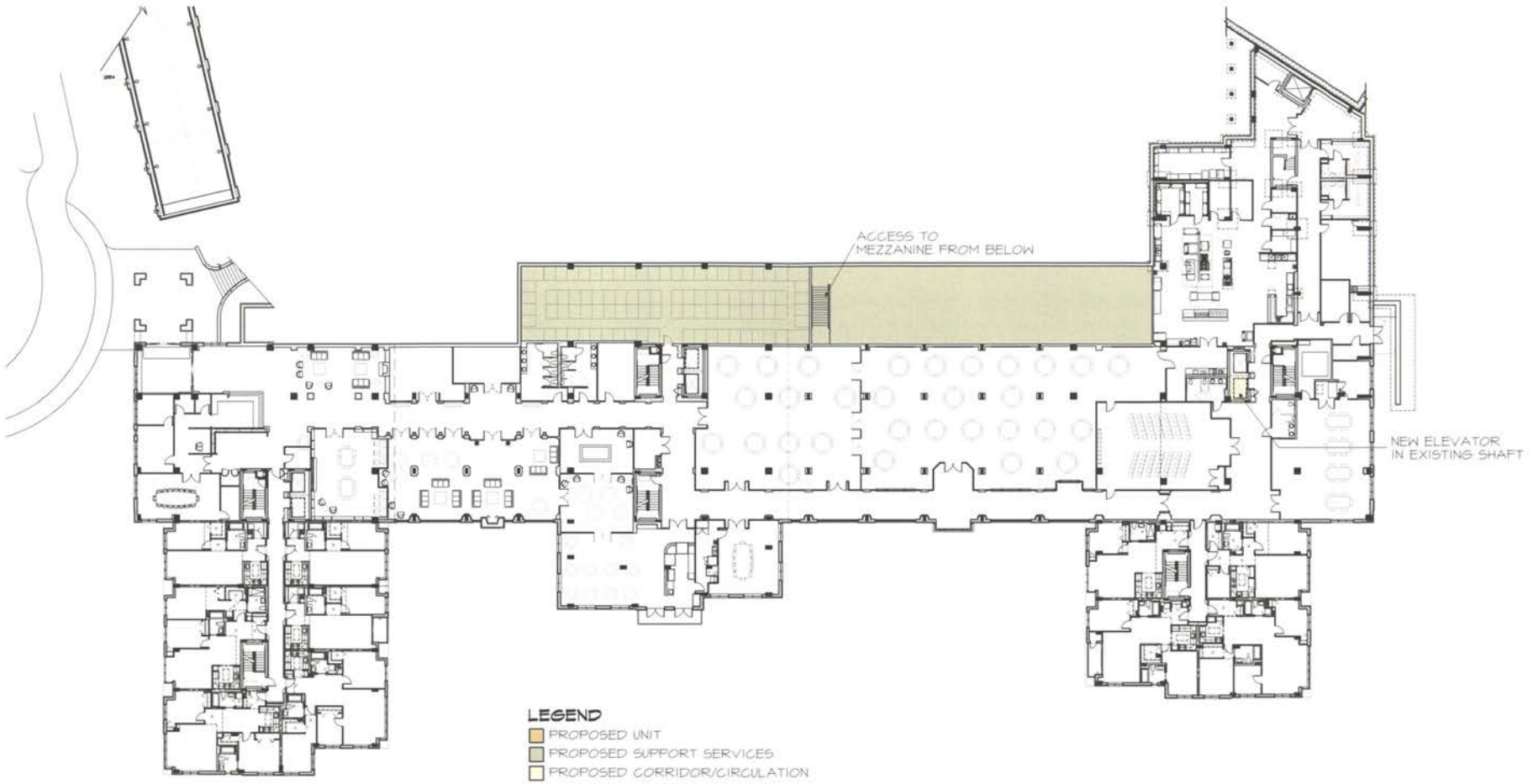
0' 16' 32' 80'

Ingleside at Rock Creek
APARTMENT EXPANSION
Washington, D.C.

LEVEL L1
FLOOR PLAN
July 21, 2003

Kerns Group Architects, P.C.
Arlington, Virginia

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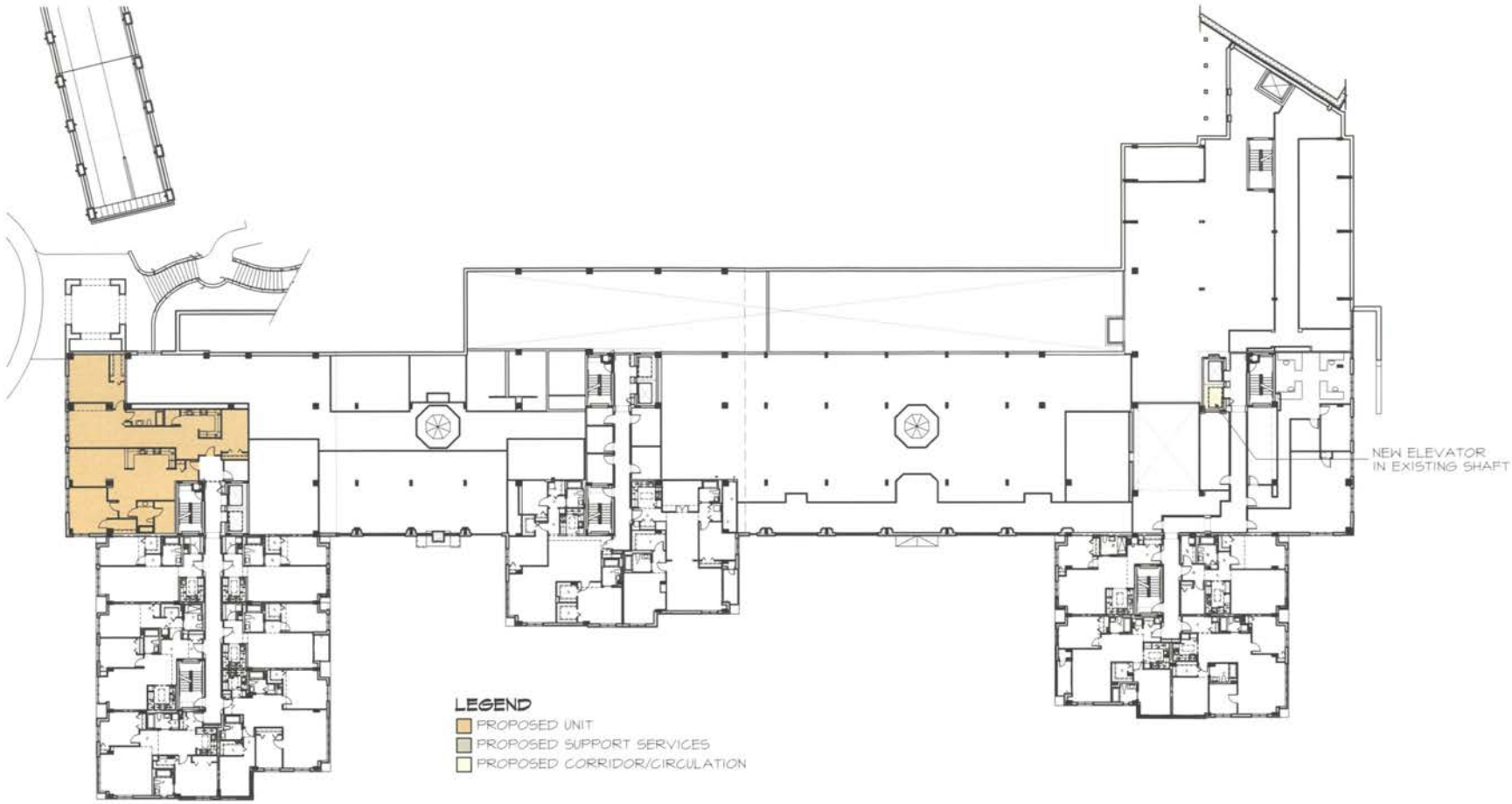


Ingleside at Rock Creek
APARTMENT EXPANSION
Washington, D.C.

LEVEL LL
FLOOR PLAN
July 21, 2003

Kerns Group Architects, P.C.
Arlington, Virginia

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SOUTH BUILDING

2 NEW UNITS IN EXISTING OFFICE SUITE

Ingleside at Rock Creek
APARTMENT EXPANSION
Washington, D.C.

LEVEL 1
FLOOR PLAN
July 21, 2003

Kerns Group Architects, P.C.
Arlington, Virginia

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SOUTH ELEVATION

NORTH ELEVATION

0' 8' 16' 40'

Ingleside at Rock Creek
APARTMENT EXPANSION
Washington, D.C.

SOUTH BLDG ELEVATIONS
July 21, 2003

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Arlington, Virginia

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SOUTH BUILDING

EXISTING APARTMENTS

PROPOSED APARTMENTS IN EXISTING CRAWL SPACE

LEGEND

- ☐ EXISTING WINDOWS
- ☐ NEW WINDOWS



NORTH BUILDING

0' 8' 16' 40'

Ingleside at Rock Creek
APARTMENT EXPANSION
Washington, D.C.

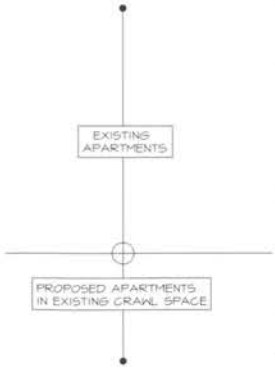
EAST ELEVATIONS
July 21, 2003

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SOUTH ELEVATION



LEGEND

- ☐ EXISTING WINDOWS
- ☐ NEW WINDOWS



NORTH ELEVATION

0' 8' 16' 60'

Ingleside at Rock Creek
APARTMENT EXPANSION
Washington, D.C.

NORTH BLDG ELEVATIONS
July 21, 2003

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Arlington, Virginia

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C

OUTLINE OF TESTIMONY OF PETER HECK; EXECUTIVE DIRECTOR OF INGLESIDE AT ROCK CREEK

I. Introduction

II. History of the facility and present conditions

III. Rationale of Application/Waitlist

IV. Impact on neighborhood of proposed changes

V. Conclusion

Document #: 1377807 v.1

D

OUTLINE OF TESTIMONY OF BRIAN FRICKIE; ARCHITECT, KERNS GROUP ARCHITECTS, P.C.

I. Introduction

II. Current Site Description

III. Description of Phases

IV. Placement of additional units and details of changes

V. Exterior Impacts/No increase in footprint

VI. Conclusion

Document #: 1377810 v.1