GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: ~~Andrew~~ JLS for Andrew Altman, Director
Office of Planning

DATE: November 16, 2004

SUBJECT: **BZA Case # 17238**
Special Exception and Variances – Grand Oaks Assisted Living Facility
(Sibley Memorial Hospital)

Application of Sibley Memorial Hospital (Grand Oaks), pursuant to 11 DCMR § 3104.1, for a special exception to add 36 independent living units to an existing community residence facility under § 358, and pursuant to 11 DCMR § 3103.2, a variance from the building height and number of stories limitations under section 400, and a variance from the rear yard requirement under section 404, to allow the expansion of the residential and dining facilities in the R-5-A District at premises 5255 Loughboro Road, N.W. (Square 1448N, Lot 26).

RECOMMENDATION

The Office of Planning supports and recommends **APPROVAL** of the special exception and variances to permit the expansion of the existing Grand Oaks Assisted Living Facility.

AREA DESCRIPTION

The Grand Oaks Facility is located on the 20.5 acres campus of Sibley Memorial Hospital in Square 1448 N, Lot 26. The Dalecarlia Reservoir and a PEPCO power station are both located to the north and the Dalecarlia Parkway abuts the property to the east. The hospital property is zoned R-5-A residential. The neighborhood south of Loughboro Road is zoned R-1-B and the areas to the east of Dalecarlia Parkway is zoned R-1-A. The reservoir property is federal land.

BZA
Case No. 17238
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17238
EXHIBIT NO. 31

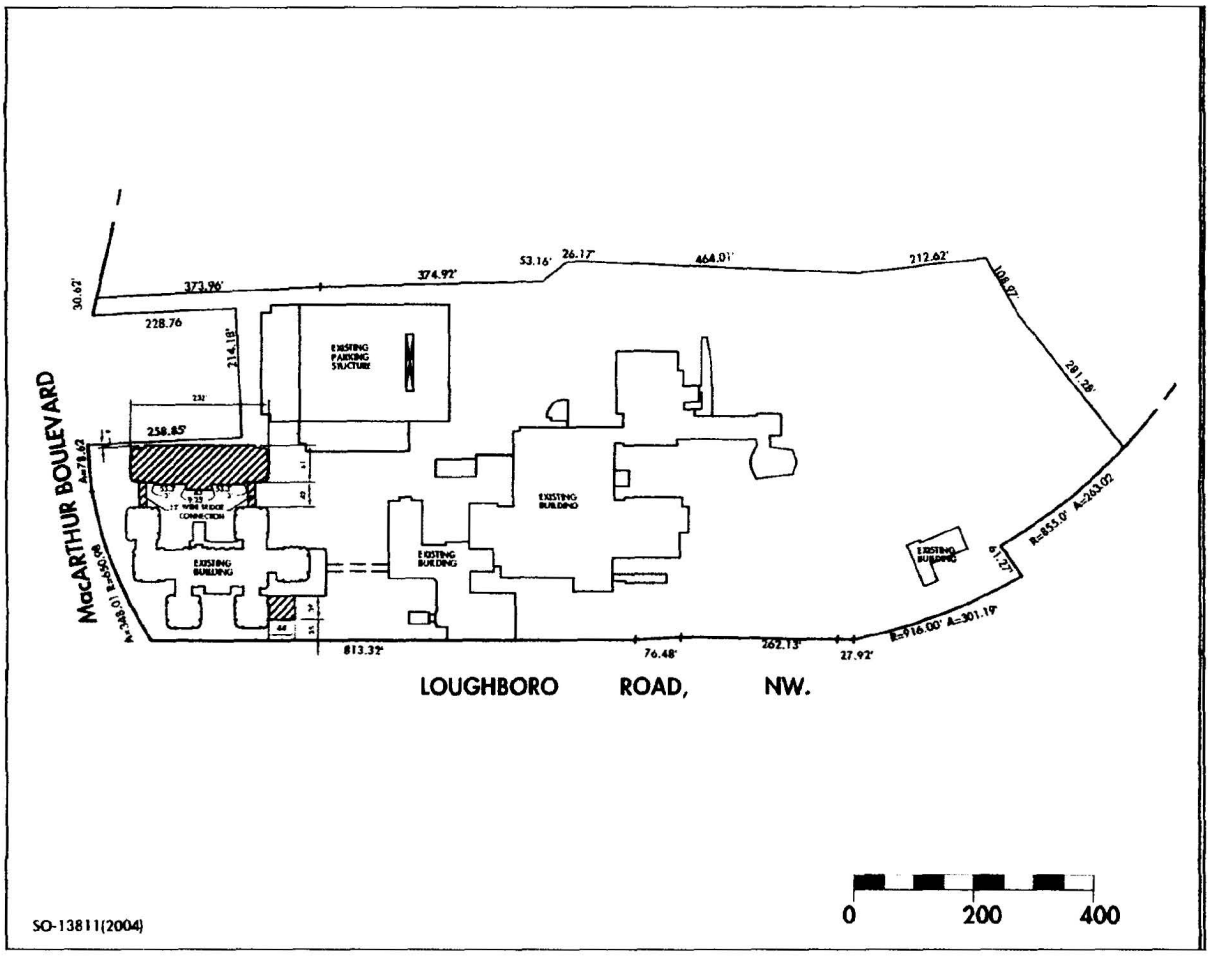


Figure 1

PROPOSAL

Sibley Memorial Hospital has been in operation at this location for approximately 100 years. In 1998, Sibley obtained Board approval (BZA #16312) to permit construction of a community residence facility for 124 residents and 47 staff and to establish a health care facility for 96 beds and 64 skilled care nursing staff. The approval also included variance relief from the height and number of stories permitted in the R-5-A zone. The resulting facility called Grand Oaks Assisted Living is a three-story, 46-foot tall structure designed to provide assisted living and skilled care nursing for seniors who are or eventually may be, unable to care for themselves.

According to the applicant's submission, the current proposal for Grand Oaks' expansion involves two additions designed to increase the number of assisted living units and expand the dining space to accommodate the new residents. The larger portion of the addition would consist of 56,000 square feet accommodating thirty-three (33), one-bedroom units and three (3), two-bedroom units, designed to resemble the existing units in height (46 feet) and number of stories (3). The unit will be constructed above the existing 44-space parking lot located between the main facility and a PEPCO power station, which encroaches in the southwest area of the subject lot. The applicant informed OP that approximately 15 at-grade parking spaces would remain after construction over the lot.

Access to the facility will remain unchanged by the addition, since it will be connected to the main building by two bridges, which would span the width of the entrance off MacArthur Boulevard.

The smaller expansion will be a 1,600 square-foot dining room area on the southeast side of the facility, which fronts Loughboro Road.

In order to accommodate this expansion, special exception relief under §358 of the Zoning Regulations is required for the new units and variances from the height, number of stories and the rear yard are also necessary based on the applicant's submitted plans.

ZONING ANALYSIS

The R-5 zone district is designed to permit "all types of urban residential development if they conform to the height, density and area requirements established for those districts..."(§350.1). The zone also permits "the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and which are excluded from the more restrictive residence districts." §350.1. Notwithstanding, the additions must also meet the special exception standards for its use as outlined in Sections 358.2 through 358.7.

Special Exception

The requirements to be met are as follows:

Sections 358.2, 358.3 and 358.7 stipulate an area requirement for facilities such as Grand Oaks: ... "there shall be no other property containing a CBRF for seven or more persons within the same square or within a radius of 500 feet from any portion of the subject property. However, the Board may approve such a facility if the cumulative effects of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations."

Based on the applicant's statement and OP's research of community based residential facilities (CBRF's) in the neighborhood, it was determined that no such facilities exist within the 500 feet radius of the property or within the square. Therefore, this condition is satisfied.

Section 358.4 states that there shall be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

The Sibley campus provides adequate parking for its hospital and accessory services, including the Grand Oaks Assisted Living Facility. Currently, the facility is served by an at-grade parking lot for approximately forty-four (44) vehicles at the rear of the building and a parking area at the northeastern end of the lot. Based on submitted drawings, the

proposed addition for the living quarters will be located above the existing 44-space parking lot and 15 spaces will be lost to construction. Subsequently, parking for Grand Oaks will be located on the first floor with three floors of residential units above. The existing entrance off MacArthur Boulevard will not be changed.

The submitted drawings also show that while the residential units would be above the existing parking lot, the parking area below would not be readily visible from residences or along MacArthur Boulevard, since the building's façade will be extended to the ground level. Therefore, parking for the facility will remain appropriately screened from MacArthur Boulevard.

The new addition will employ 24 new employees, 18 of whom are expected to drive. Since a bus owned by the facility transports the residents of Grand Oaks, many residents do not drive. While no information was provided about the number of visitors to the facility, the applicant stated there would be ample parking on the property after construction.

The applicant has submitted that the entire Sibley campus has approximately 1528 parking spaces and after construction will have approximately 1513 spaces. However, OP has no information on the number of spaces in the parking area nearest to the facility (to the north east of the lot) that are dedicated to Grand Oaks.

OP discussed the proposal with the District Department of Transportation (DDOT). During several site visits at different times, DDOT observed that the existing parking for the facility was underutilized, with no overflow to neighborhood on-street parking spaces. DDOT determined that the additional units should have no significant impact on the number of available spaces on the lot due to the reduction of the number of spaces or to the neighborhood due to increased traffic. Based on DDOT's opinion, the nature of the resident occupancy and the fact that residents are provided bus service for errands and appointments, OP concludes that the loss of fifteen (15) parking spaces would not adversely impact parking availability for the facility's residents, employees and visitors.

Section 358.5 requires the proposed facility to meet all applicable code and licensing requirements.

The existing facility is a licensed community based residential and health care facility in the District of Columbia. The addition would not be operated in any other capacity than the current operation of Grand Oaks. The addition only increases the residential space and would not represent any change in operation. The addition will therefore be expected to meet all applicable code and licensing requirements, as currently exists for Grand Oaks.

Section 358.6 -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.
According to the applicant, Grand Oaks currently generates little traffic and operates with

minimal impact on the surrounding community. There are 104 residents of the facility with only ten (10) registered vehicles, which are used infrequently since Grand Oaks operates a bus for the transportation of its residents for errands and appointments. Grand Oaks expects the same level of usage when the additional thirty-six units become fully occupied.

There are approximately 135 full-time employees and when the new units become fully operational, the number of staff would increase by twenty-four (24) staff persons, to one hundred and fifty-nine (159) employees. No information has been provided concerning the number of employees per shift. However, the applicant has stated that approximately 84% drive to work and 14% use metrobus.

Given the nature of the facility, there is no reason to believe the additional capacity would generate noise. Therefore, there is no expectation that Grand Oaks would become a neighborhood nuisance due to noise generation.

Additionally, current operations of the facility have not had an adverse effect on the community since its inception in 2000. Grand Oaks and Sibley Hospital have maintained a working relationship with the community, including the Advisory Neighborhood Commission (3D) to mitigate any adverse impact on the neighborhood such as construction traffic, pedestrian safety or any other issues that may arise.

Section 358.8 - The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff 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.

A major housing policy of the District is best expressed in Section 300.6, which recognizes that "the District should continue it efforts to identify and address issues applicable to the elderly population, including institutional housing and community based residential facilities." In addition, Section 304.2 (c) of the Comprehensive Plan, clearly establishes a policy "... to provide zoning incentives to developers prepared to build elderly housing, ..."

The expansion of this facility respects the aforementioned policies as it addresses a need for elderly care and assisted living facilities in the District. This need arises due to the limited capacity of community based residential and health care facilities in the District to expand due to their location, size and other operational factors.

Grand Oaks' expansion would fulfill a need for additional capacity, since these types of facilities are not readily available in the District. The proposed location for expansion is logical since it would be supported by its main facility and health care provided by Sibley Hospital. A facility of a smaller size would not serve client needs since the expansion is a

result of increasing demand for senior housing in the District. According to information provided by the applicant, similar homes in the past relocated to the suburbs. Sibley Hospital has operated at this location for approximately 100 years and its affiliate's expansion signifies a commitment to providing services to the senior community of the District.

Section 358.9 - The Board shall submit the application to the Director of the Office of Planning...with reports in writing of all relevant District Departments and agencies, including but not limited to the Department of Transportation.... and if a historic district or historic landmark is involved, the State Historic Preservation Officer.

The Office of Planning received and reviewed the applicant's request and OP discussed the application with the DDOT. OP has no written report from DDOT to date, but in conversation with DDOT, understands that DDOT supports the applicant's requests, as discussed under Section 358.4.

The property is not a designated landmark or located in a historic district.

Section 3104

Based on the above requirements, OP believes that the expansion of the community based residential facility would not harm the intent of the Zoning Regulations and Zoning Maps, nor will it adversely affect the use of neighboring properties. Grand Oaks has been in operation at this location since 2000, and has done so without any negative neighborhood impact due to traffic, or noise. The facility cooperated with the community during its construction phase and will continue to do so during this proposed expansion.

The bulk of the addition is located at the rear of the property, which does not abut or front a residence. Therefore, OP believes that the facility's mass would not adversely affect the visual character of the neighborhood, since it is located away from the residences along MacArthur Boulevard or Loughboro Road.

OP believes the proposal to expand is beneficial to elderly District residents who may wish to remain within the District. Addition to the existing facility would enhance Grand Oaks' ability to accommodate additional residents and provide care to more District residents who are in declining health or who may in the future require assistance for comfortable living. The residential zone district permits these uses through special exception relief and Grand Oaks has been established as a community based residential and health care facility on Sibley's campus since 1998. OP has no objection to the facility's expansion to accommodate thirty-six independent units for elderly residents who may require assistance in the near future.

Variance

The following compares the requirements of the zone district with respect to the requested variance relief:

Requested Relief	Required	Proposed	Variance
§400 - Height	40 feet	46 feet	6 feet
§400 - Stories	3	3	0
§404 - Rear Yd	20 feet	6 feet	-14 feet

Table 1

The applicant must show that a practical difficulty exists in upholding the height and number of stories, as well as the rear yard requirements of the R-5-A Zone District according to the provisions of Section 3103.2 accordingly:

(a) *The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;*

The property is an irregularly shaped lot, and its uniqueness arises from a combination of the lot's configuration and the location of the existing facility on the lot. The lot's configuration is complicated by the location of the PEPCO substation's lot (Lot 802), which is enclosed on three sides by the subject lot. The rear yard setback extends 14 feet beyond Sibley's property line leaving only 6 feet from a property line shared with a PEPCO substation.

Therefore, OP believes that the location of the existing structure, in combination with the shape of the lot, due to Lot 802's encroachment into the rear yard of the subject property, creates an exceptional condition of the property.

(b) *By reason of the aforementioned unique and exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.*

The existing location of the main Grand Oaks facility and the shape of the lot create an exceptional condition. A practical difficulty arises in attempting to align the proposed addition with the existing facility, since a strict application of the zoning regulation will result in a misalignment of floors. The expansion of the facility cannot be conveniently located in any other location than that proposed. OP agrees with the applicant's statement… "the proposed location would allow for the most efficient provision of services, provide the most architectural cohesion and buffer from neighboring residences along Loughboro Road."

The existing facility was previously granted variance relief for an increase in height and number of stories (BZA #16312) and OP believes that reasons have not changed to disallow any additions, which would compliment the existing design in height and number of stories.

Additionally, it is impractical to construct the addition on the portion of the lot, which would allow the proposal to satisfy the rear yard requirement. The result would be a much reduced structure, which would not satisfy the demand for independent living units as proposed and would result in an addition out of character with the rest of the facility.

(c) *The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

Granting the area variances will not cause substantial detriment to the public good since the project results in an increase in elderly housing and care on the Sibley campus that has provided community care for almost one hundred (100) years. The applicant states that there would be no expected increase in traffic and noise due to the proposed improvements.

While the new addition will result in an overall loss of 15 parking spaces, not many residents of Grand Oaks actually keep a car at the facility for an extended period. Parking for Grand Oaks will remain at-grade below the proposed units, with the original entrance off MacArthur Boulevard. The smaller rear yard setback does not intrude on any other structure, residence or view.

COMMUNITY COMMENTS

ANC3D reviewed and voted unanimously to support and approve the additions at its regularly held meeting on September 8, 2004.

RECOMMENDATION

The Office of Planning supports and recommends **approval** of the special exception and variances to permit the expansion of the existing Grand Oaks Assisted Living Facility.

The application meets the standards of the special exception tests and granting the variance relief to permit the facility's expansion as embodied by the Zoning Regulations and Map does not impair the intent and integrity of the zone plan. The bulk and mass of the expansion from the negligible height and story increase would not be visible to the neighborhood nor would the reduction in the rear yard result in the intrusion of any other structure, residence or view.

OP believes that the project would benefit the District by enabling expansion of a facility, which would cater to an underserved elderly population. This facilitates the District's policy goal as stated in the Comprehensive Plan by encouraging the growth of community based residence facilities to serve the District's elderly population through its zoning applications.

AA/kmt



Location Map

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Feet

0 100 200 300

Street Centerlines
Property Squares
Major Roads
2002 ANC Boundaries
Structure Lines

Office of Planning ~ November 5, 2004

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