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GRAND OAKS BZA FILING STATEMENT

Background

The property that is the subject of this application is located at 5255 Loughboro Road, NW, Lot 26, Square 1448-N (the "**Property**"). The Property is owned by the Lucy Webb Hayes Training School for Deaconesses and Missionaries, doing business under the name Sibley Memorial Hospital ("**Sibley**" or "**Applicant**"). The Property consists of approximately 20.48 acres and is located within the R-5-A Zone District.

The Property is currently improved with the Sibley Memorial Hospital and Grand Oaks Assisted Living and Skilled Care Nursing Facility ("**Grand Oaks**"). Hospitals and residential uses are permitted as a matter-of-right in the R-5-A Zone District. An assisted living and skilled care nursing facility is permitted only with the approval of the Board of Zoning Adjustment ("**BZA**"). Under BZA Order No. 16312 (see attached Exhibit A), dated March 4, 1998, Sibley was allowed to construct the present Grand Oaks facility. By Order No. 16312, Sibley was granted: (i) a special exception to establish a community residence facility with 124 residents and 47 staff (the assisted living facility); (ii) a special exception to establish a health care facility with 96 beds and 64 staff (skilled care nursing facility); and (iii) variances from the limitations on number of stories and the floor area ratio[1].

Sibley has been in operation for over 100 years and is a private, non-profit, full service 328-bed community hospital. Grand Oaks provides housing and care for seniors who are, or may eventually be, unable to fully care for themselves. Grand Oaks is known for its quiet presence, excellent care for its residents in a home-like setting and well-maintained grounds.

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[1] Since the issuance of BZA Order No. 16312, the land area of the Property has been increased by the purchase of approximately 8.5 acres of land from the Federal government. As a result, the Property presently satisfies the FAR requirements and would do so after the construction that is the subject of this application.

BZA
Case No. 17238
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17238
EXHIBIT NO. 4

Since the opening of the Grand Oaks facility, the Applicant has continually worked with the surrounding community to address any issues related to the operation of the Grand Oaks facility.

Present Application

The Applicant proposes to construct an addition to the Grand Oaks facility that includes thirty-six new assisted living units (the "**Addition**") and a small expansion to the dining facilities in the existing Grand Oaks facility. Due to the great demand for senior housing in the District of Columbia, the Applicant intends to add thirty-three (33) one bedroom assisted living units and three (3) two bedroom assisted living units along with the appropriate recreational and lounge space in the Addition and dining space in the existing Grand Oaks facility. The new Addition will consist of approximately 56,000 square feet, will be four stories tall, will have a height of 46 feet measured from Loughboro Road, NW, and will mirror the existing the facility in regards to building height and number of stories.

The Addition will be constructed directly above the existing parking lot, as shown in the plans attached as Exhibit B, to the north of the existing assisted living facility. The Addition will be accessed from the same driveway off of MacArthur Boulevard, NW as the existing Grand Oaks facility. The Addition will be connected to the main assisted living facility by two bridges that span the vehicular entrance off of MacArthur Boulevard, NW. The Addition will have a rear yard of six feet, rather than the 20 feet required in the R-5-A Zone.

The Addition's appearance will be similar to the appearance of the existing Grand Oaks facility. The Addition has been sited on the Property so as to avoid any adverse impacts on adjacent properties by locating the new building between the existing facility and a PEPCO electric power station. The dining facility will be expanded to accommodate the additional residents from the Addition and allow for all residents of Grand Oaks to eat together at a single

seating for all meals. The dining facility expansion will consist of a 1,600 square foot extension of the existing dining room on the south east side of the existing Grand Oaks facility along Loughboro Road, NW

In order to construct the Addition, Sibley requires special exception relief under Title 11, §358 of the D.C. Municipal Regulations for the new assisted living units, and variance relief from the height and number of stories limitation of 11 DCMR § 400.1 and the rear yard requirement of 11 DCMR § 404.1.

Special Exception Relief

The proposed Addition satisfies the standards for special exception relief from the BZA under 11 DCMR § 358. Those standards are as follows:

1. 11 DCMR §§ 358.2/358.3 and 358.7. 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 500 feet from any portion of the subject property. The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) 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.

There are no community-based residential facilities, other than the existing assisted living facility and skilled care nursing facility operated by the Applicant (as approved in BZA Application No. 16312), in the same square or within 500 feet of the Property.

2. 11 DCMR § 358.4. 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 1528 parking spaces on the Property, which is more than sufficient for the current demand. After the proposed Addition is constructed, there will be 1513 parking spaces on the Property. The number of parking spaces provided will continue to be

sufficient to satisfy the parking needs on the Property, including the additional thirty-six assisted living units in the Grand Oaks facility.

Grand Oaks currently operates with little traffic impact on the neighborhood. The use generates a low volume of vehicular trips and many of the employees travel to Grand Oaks by public transportation. The Addition will continue this low impact use of the Property. The Addition will be well buffered from neighboring properties and there will be no overflow parking onto neighboring streets.

3. 11 DCMR § 358.5. The proposed facility shall meet all applicable code and licensing requirements.

The proposed Addition will meet all applicable code and licensing requirements, consistent with the existing Grand Oaks facility.

4. 11 DCMR § 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.

a. Lack of Adverse Impacts - Traffic

Currently, Grand Oaks generates little traffic and operates with minimal impact on the community. The limited demand for parking is related to the Property's excellent accessibility to public transportation and the lifestyle of Grand Oaks' residents. The current 104 residents of the Grand Oaks facility only have ten cars which are used infrequently. The Applicant expects that the future residents of the additional thirty-six assisted living units will have a similar ratio of cars and usage. In addition, Grand Oaks has a small fourteen seat bus that is used by residents of Grand Oaks for running errands, transportation to appointments, shopping, etc. A small number

of vendors and visitors come to the Property on a weekly basis. There is ample parking on the Property currently, as there will be after the Addition is constructed.

The proposed expansion will have very little impact on the existing traffic situation. As noted above, the existing driveway off of MacArthur Boulevard, NW will be used for access to the existing Grand Oaks facility and the Addition. The MacArthur Boulevard, NW entrance will help to maintain Grand Oaks' separate identity from Sibley Hospital and minimize any impact on Loughboro Road, NW

b. Lack of Adverse Impacts - Noise

The current use of the Property is inherently quiet. The new assisted living units in the Addition will generate virtually no additional noise.

c. Lack of Adverse Impacts - Operations

Since its inception, Grand Oaks has been a careful and considerate neighbor. Over the years, Grand Oaks has had little impact on the neighborhood and has demonstrated a willingness to minimize the impact of its operations on the community. The Applicant believes the operations of the additional proposed assisted living units will in no way have an adverse impact on the neighborhood.

d. Lack of Adverse Impacts - Similar facilities

There are no similar facilities in the area. Therefore, there is no cumulative adverse impact of such facilities.

5. 11 DCMR § 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 of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

There is no other reasonable alternative to meet the needs of housing the District's elderly population than adding to the assisted living facilities in the District. Currently, the District is experiencing a significant shortage of housing for seniors, as evidenced by the lengthy waiting lists at each such facility. In fact, §1402.2(e) of the D.C. Comprehensive Plan states that Ward 3 is to "be sensitive to the needs of its elderly population." In that regard, "[h]ousing for the elderly must be maintained and increased...." The proposed Addition furthers these goals of the Comprehensive Plan.

6. **11 DCMR § 358.9. 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 Department of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.**

All appropriate referrals will be made to the Office of Planning, to the Department of Transportation and to the Department of Human Services. The 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.

7. **11 DCMR § 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 11 DCMR § 358 for special exception approval and, therefore, is in harmony with the general purpose and intent of the Zoning Regulations. The addition of thirty-six new assisted living units will do

little to increase the overall intensity of use of the Grand Oaks facility. Traffic and noise will increase little as a result of this special exception approval. The Applicant believes this is an excellent opportunity to improve its offerings to the senior citizens of the District of Columbia at no cost to the quality of life of neighboring residential areas.

Variance Relief

The proposed Addition satisfies the standards for variance relief from the BZA under 11 DCMR § 3103.2 to waive the strict application of building height and maximum number of stories requirements of 11 DCMR § 400.1 and the rear yard requirement of 11 DCMR § 404.1 in the R-5-A District. In order to satisfy the standards for area variance relief, the Applicant will be required to satisfy a three part test. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment,* 579 A.2d 1164, 1167 (D.C. 1990).

(1) the property must be subject to an extraordinary or exceptional situation or condition;

(2) a practical difficulty will result if the applicant is required to satisfy the strict application of the Zoning Regulations; and

(3) no harm to the public or to the zone plan will occur as a result of the approval of the variance application.

The Applicant meets the test as follows:

1. An extraordinary or exceptional situation or condition is inherent to the property

In BZA Order No. 16312, the BZA determined that the Property was subject to exceptional or extraordinary conditions. The same conditions currently exist on the Property as when the BZA granted variance relief in 1998. Moreover, with the Applicant's recent purchase of 8.5 acres of land from the Federal government, the Property is an oddly-configured lot. The odd shape of Lot 26 is caused by the existence of Lot 802 (a property that is not owned by the

Applicant), which is owned by PEPCO and contains an electric power station. Lot 802 extends far into Lot 26 and is surrounded on three sides with property owned by Sibley.

2. A practical difficulty exists in satisfying the strict application of the requirements of the Zoning Regulations

The Applicant is sensitive to the conservation of its green space and wishes to minimize the view of the Addition on neighboring residences. Further, given the placement of the current assisted living facility, the Applicant wishes to locate the Addition on a site where services would not require replication. The proposed height and number of stories for the Addition is designed to mirror the existing Grand Oaks facility and align the floors of the Addition with the existing facility. The Applicant would be faced with a practical difficulty in aligning the floors of the Addition with the existing facility if it was required to abide by the matter-of-right height and number of stories requirements. In addition, due to the odd shape of the Lot, the optimal location for the Addition is immediately adjacent to the lot line with Lot 802. Therefore, the Applicant is faced with a practical difficulty in satisfying the rear yard matter-of-right requirements.

For these reasons, the Applicant believes that the Addition would be best designed to be four stories (with three stories of living space) and a height of 46 feet in a location to the north of the existing Grand Oaks facility. This location will allow the most efficient provision of services, provide the most architectural cohesion and buffer the Addition from the neighboring residences on Loughboro Road, NW. Also, due to the configuration of the Property, the construction of the Addition in another location on the Property would result in the loss of parking spaces that are necessary for staff, resident, and visitor parking or the loss of green space.

3. No harm to the public good or to the zoning plan will occur as a result of the approval of the variance application

The requested variances will not result in substantial detriment to the public good. The location of the Addition, at the "rear" of the existing assisted living facility adjacent to the reservoir grounds and electric power station and buffered by the existing Grand Oaks facility, results in minimal impact on the residences along Loughboro Road, NW. In fact, the Addition will barely be visible from Loughboro Road, NW. The increase in the number of residents using the Addition is not likely to result in increased traffic, noise, or other objectionable conditions. The continuation of the use of the driveway onto MacArthur Boulevard, NW, should continue to direct traffic away from Loughboro Road, NW. Further, the Applicant is willing to adhere to construction protocols during construction on the Property, including no weekend construction work, no construction work beginning before 7:00 a.m., and the stationing of a construction worker onsite to ensure that all dump truck loads are covered and that all construction vehicles are swept off before exiting the construction site. The proposed construction does not require blasting.

Comprehensive Plan

The requested variance will not substantially impair the Zoning Regulations and Map. The District of Columbia Generalized Land Use Map identifies the Property as institutional surrounded by low-density residential and open space. The Ward 3 Plan identifies Sibley Memorial Hospital in Title 10 DCMR § 1401.2(c) as an established institutional use and Dalecarlia Reservoir in Title 10 DCMR § 1405.1 as a public facility. The Zoning Regulations note that "R-5 Districts shall also permit 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." The Addition, given its proposed location, will be

compatible with the adjacent residential uses along Loughboro Road. Therefore, the Addition will not substantially impair the zone plan as embodied in the Zoning Regulations and Maps.

Conclusion

The Applicant is a well-respected institution in the District and Ward 3 and provides valuable services to District residents. The Addition will enhance the Applicant's service to the community and fulfill many of the goals and objectives of the District's Comprehensive Plan, including the provision of housing, particularly housing for the elderly.

As demonstrated above, the application meets the criteria set forth in 11 DCMR § 358 for special exception approval and 11 DCMR § 3103.2 for a variance from 11 DCMR § 400.1 and 11 DCMR § 404.1. In compliance with 11 DCMR § 3104.1 of the Zoning Regulations, the Applicant 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. The Applicant respectfully requests that the BZA approve this application.

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