



September 5, 2018

**Meridith Moldenhauer**

Direct Phone 202-747-0763  
Direct Fax 202-683-9389  
mmoldenhauer@cozen.com

Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**Re: BZA Case No. 19751  
Applicant's Prehearing Statement**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant MED Developers, LLC, please find enclosed the Prehearing Statement for the above-referenced case. The application is scheduled to be heard before the Board of Zoning Adjustment on September 26, 2018.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'MM', written over a horizontal line.

BY: Meridith H. Moldenhauer

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of September, 2018, a copy of the foregoing Prehearing Statement was served, via electronic mail, on the following:

District of Columbia Office of Planning  
c/o Brandice Elliott  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[Brandice.Elliott@dc.gov](mailto:Brandice.Elliott@dc.gov)

Advisory Neighborhood Commission 3C  
c/o Nancy MacWood, Chairperson  
[nmacwood@gmail.com](mailto:nmacwood@gmail.com)

District Department of Transportation  
c/o Patrick Reed  
55 M Street, SE, Suite 400  
Washington, DC 20003  
[Patrick.Reed@dc.gov](mailto:Patrick.Reed@dc.gov)



Meridith H. Moldenhauer

**BEFORE THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF  
MED DEVELOPERS, LLC**

**BZA CASE NO. 19751  
HEARING DATE: SEPTEMBER 26, 2018**

**APPLICANT'S PREHEARING STATEMENT**

**I. INTRODUCTION AND NATURE OF RELIEF SOUGHT**

This Prehearing Statement is submitted on behalf of Applicant MED Developers, LLC (the "Applicant"),<sup>1</sup> regarding the properties located at 2619-2623 Wisconsin Avenue NW (Square 1935, Lots 812<sup>2</sup> and 44) (the "Property") in support of this application for special exception relief, pursuant to 11 DCMR Subtitle X § 901.2, for a Continuing Care Retirement Community use (Subtitle U § 203.1(f)) and vehicular parking (Subtitle C §703.2) in order to construct a memory care facility for seniors in the R-1-B zone (the "Project"). For the reasons set forth in the initial application (BZA Ex. No. 15), and as supplemented here and at the public hearing, the Applicant has satisfied the burden for special exception relief.

**II. MEMORY CARE PROGRAM AND OPERATOR**

The Project will be a memory care facility, which is a subset of assisted living. Memory care is a specialized program focused on providing assisted living care to seniors with various forms of dementia, including Alzheimer's disease. The memory care program will be licensed and operated in accordance with District law. *See* D.C. Code § 44-101, et. seq. As required, by the Assisted Living Residence Regulatory Act of 2000, the Applicant will apply to the D.C. Department of Health for an "Assisted Living Residence" license to operate the Project. This application process is extensive and includes required inspections by the Department of Health. *See* D.C. Code § 44-103.06.

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<sup>1</sup> MED Developers, LLC is the parent company of Glover Park Developers, LLC, the contract purchaser of the Property. As such, Glover Park Developers, LLC is a wholly-owned subsidiary of MED Developers, LLC.

<sup>2</sup> Lot 812 is comprised of record lots 33 and 34.

The residents will live at the facility full-time in private and semi-private living spaces. There will be a 24-hour staff that provides a broader form of assistance with daily living routines, such as dressing and bathing, in comparison to standard assisted living facilities. The direct care staff is licensed and trained to provide medical care to residents, as needed. The staff also conducts on-site therapeutic programs designed to promote cognitive health. Meals are prepared on-site in the commercial kitchen on the cellar level, with food deliveries approximately two times per week. In-house staff also do housekeeping and laundry.

The direct care staff will provide a range of specialized care for residents, including assistance with daily living activities, as well as medical and cognitive therapeutic programs. There will be on-site activities for residents such as music therapy, sensory stimulation, virtual outings and exercise classes. Most of the on-site activities are inside the building but there is a garden area/courtyard at the rear of the building for recreation as well. There will be scheduled off-site group outings approximately 2-3 times per week. Residents will be transported to off-site outings by community van.

The Project will be staffed in accordance with the requirements for “assisted living residences” as set forth under D.C. Code § 44-107.01. The direct care staff includes licensed nurses, certified nursing assistants, and certified medical assistants. It is expected that there will be 18 staff on-site during the daytime hours and a reduced staff of approximately 3 people overnight. A majority of the staff on-site during daytime hours are administrative and other support staff. For direct care staff, there are generally two shifts<sup>3</sup> during the day – from 7:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m. – with an additional overnight shift from 11:00 p.m. to 7:00 a.m. Staff are assigned to specific floors to provide personalized care for residents,

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<sup>3</sup> The shift times may be staggered for direct care staff.

as needed. It should also be noted that staffing levels may be adjusted in order to meet the needs of the resident population.

MED has spent the last several months identifying providers and is excited to partner with Guest Services and its subsidiary, Guest Services Senior Living, as the provider for the proposed memory care facility at the Property. Guest Services was founded in 1917 and has an excellent reputation in the service industry. Guest Services has worked in a wide variety of settings across the country, including assisted and senior living communities, hotels, national parks, restaurants, conference centers, and university dining facilities. Guest Services also has a specific “Senior Living” division that has served senior living communities for over four decades.<sup>4</sup> Guest Services Senior Living has worked with independent living, assisted living and memory care programs. The President of Guest Services Senior Living, John Gonzales, has been in the senior services industry for over 30 years and is available to testify. Mr. Gonzales’ resume is attached in accordance with Section VII.

Over the past three months, MED and Guest Services Senior Living have worked closely to create a facility that meets the unique needs of seniors with dementia and other forms of cognitive difficulties. As detailed below, Guest Services Senior Living has reviewed the Revised Plans and their suggestions have driven many of the changes from the initial application.

### **III. UPDATED ARCHITECTURAL PLANS**

Since the filing of the initial application, the Applicant has revised the architectural plans (the “Revised Plans”) for the Project, including more-detailed internal floor plans. A copy of the revised architectural plans are attached at **Tab A**. The Revised Plans have been updated in consultation with Guest Service Senior Living to ensure that the facility meets the unique needs

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<sup>4</sup> Guest Services is official partners with the American Seniors Housing Association, an advocacy and industry research group that focuses on the operation of housing and services for seniors, including assisted living and memory care.

of the residents and reflects Guest Services Senior Living's many years of experience in the field.

There will now be 34 dwelling units in the proposed project, two less than the plans in the initial application. There will be eight units on the first floor as well as a living area, library/computer room, and staff and marketing offices. *See **Tab A***, pg. 3. With the building entrance on the first floor, the Applicant has ensured that the Project will have appropriate security measures for the safety of residents.<sup>5</sup> There will be thirteen units on each of the second and third floors, with one unit on each floor for dual-occupancy. *See Tab A*, pg. 4-5. The Revised Plans feature additional space for staff on the second and third floors as well. There is now a "staff nook" and a sitting room on each floor. *See **Tab A***, pgs. 4-5. There is also a janitorial closet on each floor. *See **Tab A***, pgs. 3-5.

On the cellar level, residents will have access to a dining/activity area, fitness center, and a barber/beauty room. *See **Tab A***, pg. 2. The fitness center has been enlarged to provide residents with a better facility for health and wellness. *See **Tab A***, pg. 2. There is also a staff lounge, staff offices, kitchen area for meal preparation, laundry room, maintenance/utility rooms, and a trash room on the cellar level. *See **Tab A***, pg. 2.

The cellar level has been designed to provide an inviting recreational area with an emphasis on glass walls to allow for natural light from the garden area. To that end, the cellar provides a direct walk-out to the proposed garden area to the rear of the building. *See **Tab A***, pg. 2. The garden area will be fenced-in for the security of residents as well as to ensure minimal noise and privacy impacts of the Project. *See **Tab A***, pgs. 1-2, 10. There will be nine parking spaces accessed from the 15-foot-wide alley on the eastern side of the Property. *See*

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<sup>5</sup> The Project will have the following safety measures: The building is equipped with an emergency alert system that alerts staff to individuals entering or leaving the secured wings. All units will be equipped with window stops and lockable doors that require a key code to access in and out. The exterior garden area is also secured for residents. The apartments will not be equipped with kitchenettes to avoid any dangers posed by stoves or other appliances.

**Tab A**, pg. 1. The Applicant has removed the trash area from the rear of the site and now has an internal trash room. *See* **Tab A**, pgs. 1-2. The Revised Plans have also reconfigured the “service yard” area to provide a clear path for vans and trucks to make deliveries and/or pick-up trash. *See* **Tab A**, pgs. 1-2. Finally, the penthouse and roof area is limited to mechanical equipment, and there is no habitable or amenity space in the penthouse, nor any access for residents. *See* Tab A, pg. 6.

**IV. THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTION RELIEF FOR CONTINUING CARE RETIREMENT COMMUNITY USE**

The Applicant previously demonstrated in the initial application that the Project meets the burden of proof for special exception relief for the Continuing Care Retirement Community (“CCRC”) use under Subtitle U § 203.1(f). The following expands the arguments set forth in the initial application.

**A. The Relief is Harmonious with the Purpose and Intent of the Zoning Regulations and Maps**

The Property is located in the R-1-B zone, which is a residential zone, and the Project proposes a “residential” use, as that term is defined in Subtitle B of the Zoning Regulations. Indeed, Subtitle B § 200.2 offers examples of “residential” uses, including “assisted living facility” and “retirement homes.” It should also be noted that while the Project is in the R-1-B zone, there is a large swath of land across Wisconsin Avenue that is in the higher-density RA-4 zone. The Russian Embassy is directly adjacent to the Property’s frontage on Wisconsin Avenue. As such, the Project is harmonious with the purpose and intent of the R-1-B zone to encourage residential-type uses, and aligns with the pattern of development along Wisconsin Avenue NW.

The Project is also harmonious with the intent of the “R” zones for low- and moderate-density residential uses because the proposed building will be three stories in height with only 34

assisted living units.<sup>6</sup> A Land Use and Planning Report prepared by the Stephen Varga, an expert in land use and planning, is attached at **Tab B**. The Project has been designed so that the building is sensitive to and compatible with the surrounding residential homes. To that end, with the exception of parking, the Project will comply with the development standards that are applicable to the R-1-B zone. The Project will be compliant in terms of lot occupancy, rear and side yards, front setback, and building height. Both side yards will be larger than the required 8 feet, with a 15-foot-wide northern side yard along Edmunds Street NW and a 10'8" southern side yard. The Project's non-habitable penthouse will be fully compliant in terms of height and setbacks as well.

The Project would further several policies in the District's Comprehensive Plan. In particular, "infill development on vacant lots is strongly supported in the District of Columbia." *See* 10A DCMR § 307.2. The Comprehensive Plan recognizes that in residential areas, "infill sites present some of the best opportunities in the city for 'family' housing and low- to moderate-density development." *See* 10A DCMR § 307.2. Accordingly, the adopted policies "encourage infill development on vacant land . . . particularly in areas where there are vacant lots that create 'gaps' in the urban fabric." *See* 10A DCMR § 307.5. The Project directly responds to these Comprehensive Plan policies by proposing infill development at the Property, which has long been vacant.

Notably, the Comprehensive Plan encourages the creation of group housing for the elderly, calling this specific land use "an essential part of the District of Columbia and . . . vital to the city's future." *See* 10A DCMR §313.1. As such, the Comprehensive Plan adopts policies that "recognize the importance of group homes to providing a positive, healthy environment" for

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<sup>6</sup> Under the District's Comprehensive Plan, the Future Land Use Map's description of "moderate density residential" includes low-rise apartment buildings.



District residents, and “encourage a more balanced distribution of group housing” across the District. *See* 10A DCMR §§ 317.8, 317.9.

Similarly, the Comprehensive Plan’s Housing Element directly identifies that “there will be a need for a broad range of senior living environments,” including those that provide “on-site nursing and health care.” *See* 10A DCMR § 516.2. The Housing Element recognizes the importance of encouraging the development of housing for seniors, including those with mental and physical disabilities, as Policy H-1.3.3 seeks to “promote the development of assisted living and skilled nursing facilities.” *See* 10A DCMR § 505.8. To do so, the Comprehensive Plan calls to integrate “special needs housing units throughout the city” and “coordinate the siting of special needs housing with the location of the key services that support the population being house.” *See* 10A DCMR §§ 515.3, 515.5. The Project aligns with the stated goal of the Comprehensive Plan by providing housing and direct care services for seniors with dementia. Further, the Property is located along the Wisconsin Avenue corridor with access to services, including with public transportation.

Accordingly, the Project is respectful of both the purpose and intent of the R-1-B zone as well as several policies in the District’s Comprehensive Plan. Therefore, the CCRC use satisfies the first prong of the special exception standard.

**B. The Relief Will Not Adversely Affect the Use of Neighboring Property**

The Project is a residential use that will not adversely affect the use of neighboring property. As noted above, the Project complies with all development standards for the R-1-B zone, except for parking. There are also naturally-occurring buffers due to the Property’s location. The Property is a corner lot that directly abuts neighboring properties on only two sides. The 15-foot-wide alley along the Property’s eastern lot line also creates a buffer from

neighboring properties to the rear of the Project. There is existing fencing, trees and accessory structures along that alley that limit any adverse effects in terms of privacy and noise.

The memory care program is designed and operated so that it will not adversely affect neighboring properties. The Applicant has obtained input on the Project from Guest Services Senior Living, which has operated senior living communities since the 1970's. A majority of resident activities are conducted within the facility, which is purposefully designed with an internal recreation area as well as a fitness center. While residents will be permitted to utilize the garden area to the rear of the Project, it will be at cellar level and buffered from neighboring properties by a fence and retaining wall. The Project will also have appropriate loading<sup>7</sup> access for food deliveries and trash pickup. The trash dumpsters have been removed from the rear yard and there will be an internal trash room.

Likewise, the Project's staffing will not adversely affect the use of neighboring property. The memory care program will be staffed in shifts – three per day - in order to provide the requisite continuity and personalization of care for residents. As outlined above, the daytime shifts will last from approximately 7:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m., with one overnight shift. Further, the overnight shift is three staff members, and is significantly reduced from the daytime shift.

It follows that the CCRC use will not adversely affect neighboring properties both in terms of building design and operations.

### **C. The Project Meets the Special Conditions Applicable to a CCRC Use**

The Project meets the special conditions set further under Subtitle U § 203.1(f), which permits a CCRC use by special exception in the R-1-B zone, as follows:

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<sup>7</sup> A formal loading berth is not required because the Project has less than 50 assisted living units. See Subtitle C § 901.1.

*(1) The use shall include one or more of the following services: (A) Dwelling units for independent living; (B) Assisted living facilities; or (C) A licensed skilled nursing care facility;*

The Project will be a memory care program, which is a subset of assisted living.

Residents will be sixty years of age or older. The Project will include permanent dwelling units for residents. The certified nursing staff will be on-site 24-hours and will provide physical and cognitive medical care to residents. There will be ancillary services for the enjoyment and care of residents, including recreational space, cooking and dining facilities, a beauty salon, and a wellness center with fitness equipment. As such, the first condition under Subtitle U §203.1(f) is satisfied.

*(2) If the use does not include assisted living or skilled nursing facilities, the number of residents shall not exceed eight (8);*

The Project will be an assisted living community and, as such, the second condition does not apply.

*(3) The use may include ancillary uses for the further enjoyment, service, or care of the residents;*

The Project will include ancillary amenities such as recreational space, dining facilities, a fitness center, and a barber/beauty room.

*(4) The use and related facilities shall provide sufficient off-street parking spaces for employees, residents, and visitors;*

As detailed in Section IV(B)(ii), the nine proposed parking spaces will be sufficient to meet the needs of employees and visitors of the Project. Residents will not have personal automobiles. The Applicant's parking study confirms that the Project will have sufficient off-street parking for employees and visitors due to the Property's access to public transportation in conjunction with the excess supply of on-street parking. As such, the fourth condition of Subtitle U § 203.1(f) has been met.

*(5) The use, including any outdoor spaces provided, shall be located and designed so that it is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions;*

The Project is located and designed so that it is not objectionable to neighboring properties due to noise, traffic or other conditions. The Applicant has worked closely with its operator, Guest Services Senior Living, to ensure that the Project is self-contained and secure in order to limit any impact on neighboring properties. The Project's design encourages indoor activity with extensive recreational space as well as a dining facility, fitness room and beauty salon. Nonetheless, given the demographic that is eligible for the memory care program, it is not expected that resident activity will occur late at night.

While there is an outdoor garden space for residents' recreational activities, the Property's topography creates a "sunken" space that is buffered from neighboring properties by a retaining wall and fencing. The Property's corner lot location, which also abuts a 15-foot-wide alley, provides additional buffering for neighbors.

In terms of traffic, the nature of the CCRC use will limit any impact on neighboring properties. Residents will not have personal automobiles, which will greatly reduce any traffic impacts of the Project. To that end, staff members will arrive in shifts, further limiting the number of vehicles travelling to and from the Property. The memory care program will offer off-site activities for residents, but Guest Services Senior Living will provide transportation by community van. Residents' meals are prepared on-site, so deliveries are limited to approximately two times per week.

In sum, the Project and the memory care program have been designed to limit any impact on neighboring properties in satisfaction of the fifth condition under Subtitle U § 203.1(f).

*(6) The Board of Zoning Adjustment may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.*

The Applicant will accommodate any requests that the Board may make in regard to design, screening, planting, parking, signs or other factors.

**V. THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTION RELIEF FROM VEHICULAR PARKING REQUIREMENT**

Likewise, the Applicant previously demonstrated in the initial application that the Project meets the burden of proof for special exception relief from the vehicular parking requirements.

The following expands the arguments set forth in the initial application.

**A. The Relief is Harmonious with the Purpose and Intent of the Zoning Regulations and Maps**

Since the Applicant has reduced the proposed assisted living units from 38 to 34, the Project's vehicular parking requirement has decreased from 19 spaces to 17 spaces. The Applicant will provide nine parking spaces off the 15-foot-wide alley. Importantly, residents of the memory care facility will not have their own automobiles.<sup>8</sup> While assisted living facilities are governed by standard "residential" parking requirements under Subtitle C § 701.5, demand for parking at the Project will be greatly diminished in comparison to a residential apartment building.<sup>9</sup>

Further, Gorove Slade, the Applicant's traffic expert, has issued a parking report for the Property finding that the supply of on-street parking is adequate to serve the Project. *See* BZA Ex. No. 39. The parking report, which will be described in more detail below, also finds that the site is well-served by public transportation, and staff will be able to commute to the Project using "multimodal options serving the site." *See* BZA Ex. No. 39.

**B. The Relief Will Not Adversely Affect the Use of Neighboring Property**

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<sup>8</sup> Residents are not permitted to have automobiles due to their health condition.

<sup>9</sup> The parking requirement for "publicly assisted housing, reserved for the elderly and/or handicapped" is one space per six residents. The Project does not qualify for this reduced ratio because the Project is not publicly financed. However, if the Project did qualify, then it would be compliant with the parking requirement.

The requested relief from the requirements for vehicular parking will not adversely affect neighboring properties. The Project will provide nine parking spaces when 17 are required for a 34-unit residential building in an “R” zone. The Applicant commissioned a parking study from Gorove Slade, which found that “the project will not have a significant adverse impact on the surrounding community” due to several factors. *See* BZA Ex. No. 39.

Residents will not be permitted to have personal automobiles, which will greatly decrease demand for parking spaces.<sup>10</sup> The Property’s proximity to public transportation allows staff and visitors to use “non-auto transportation access” to get to the memory care facility. *See* BZA Ex. No. 39, pg. 1. The parking study notes that there is a bus stop directly in front of the Property at the corner of Wisconsin Avenue and Edmunds Street that services the 30N, 30S, 31<sup>11</sup> and 33 bus routes. *See* BZA Ex. No. 39, pg. 2. The D1, D2, N2, N3, N4 and N6 lines are all within .4 miles of the Property as well. *See* BZA Ex. No. 39, pg. 2. The report found “excellent” bicycle connections to the Property and “ample” pedestrian access. *See* BZA Ex. No. 39, pg. 2-3. The report also noted the availability of car sharing services, such as Zipcar and Car2Go. *See* BZA Ex. No. 39, pg. 3.

The parking study further found an excess of available on-street parking spaces during the study periods. *See* BZA Ex. No. 39, pg. 9-16. Of particular note, there were 105 available parking spaces during the *highest* demand on Thursday evening, and 103 available parking spaces during the *highest* demand on Saturday. *See* BZA Ex. No. 39, pg. 11. The parking study concluded that “the observed supply of on-street parking options will adequately serve the

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<sup>10</sup> Gorove Slade’s report notes that “most residents will not require on-site parking.” However, the Applicant and Guest Services Senior Living have confirmed that *no* residents will require on-site parking because residents will not be permitted to have personal automobiles.

<sup>11</sup> Bus Route 31 is a “Priority Corridor Network Metrobus Route” that would make the Property eligible for a 50% reduction in parking pursuant to Subtitle C § 702.1; however, the reduction applies to properties not in an “R” or “RF” zone.

project.” See BZA Ex. No. 39, pg. 17. Accordingly, the relief from the parking requirement will not adversely affect neighboring properties.

### **C. The Project Meets the Special Conditions Applicable to a Reduction in Vehicular Parking**

Additionally, the Project meets three of the special conditions under Subtitle C § 703.2 for relief from the minimum vehicular parking requirements, as follows:

*(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot;*

Due to the width of the Property, the Applicant cannot provide 17 parking spaces with access from the public alley.<sup>12</sup> The Property’s eastern lot line is 155 feet, but the Applicant is incorporating space for a loading area along the alley as well. The Applicant inquired with DDOT about locating the loading area on Edmunds Street to increase the space for parking on the alley, but DDOT was not supportive of this option. See BZA Ex. No. 39, pg. 9. Yet, if the Applicant were to provide 17 parking spaces, with 9 full-size<sup>13</sup> spaces and 8 compact spaces, the parking alone would span approximately 145 feet of the 155-foot eastern lot line. This does not account for the required screening of surface parking pursuant to Subtitle C § 714. The remaining space along the eastern lot line would not be wide enough to accommodate a loading area.

The physical constraints of the Property are further compounded by the 15-foot-wide building restriction lines along both Wisconsin Avenue NW and Edmunds Street NW. See BZA Ex. No. 3. The building restriction lines significantly limit the Project’s proposed footprint, which, in turn, restricts the location of potential parking spaces and/or a loading area. In particular, the building restriction line on Edmunds Street pushes the building toward the

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<sup>12</sup> Based on DDOT’s standards and guidelines, it is unlikely that DDOT would authorize a new curb cut on Wisconsin Avenue or Edmunds Street. As such, the Project’s parking must be accessed from the alley.

<sup>13</sup> Full-size parking spaces at 90 degrees must be 9 feet in width, and compact spaces at 90 degrees must be 8 feet in width. See Subtitle C §§ 712.5, 712.6.

southern side of the Property and eliminates the possibility of having extra parking spaces in that location or moving the loading area to provide for additional parking spaces along the alley.

Finally, the Applicant cannot provide the required parking spaces on a lot within 600 feet of the Property. Most, if not all, of the properties to the west and north of the Property are single-family homes. The Russian Embassy across Wisconsin Avenue cannot accommodate the Project's parking. The Applicant has been unable to confirm parking availability at other lots within 600 feet of the Property.

*(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*

As detailed above, the Property has excellent access to public transportation, shared vehicle and bicycle facilities, as determined by the Applicant's traffic expert. There is a bus stop right in front of the Property with access to a number of bus lines, including a "priority" bus line. *See BZA Ex. No. 39, pg. 2.* There are also several alternative bus routes no more than .3 miles from the Property along Massachusetts Avenue NW. *See BZA Ex. No. 39, pg. 2.* Likewise, the parking study details the "excellent" bicycle connections to the Property as well as access to car sharing. *See BZA Ex. No. 39, pg. 2-3.* It is expected that staff members and visitors will utilize these methods of mass transit to get to the Property. As such, public transportation modes will adequately supplement on-site parking at the Project.

*(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*

The Project is reasonably expected to generate less demand for parking than the minimum requirement due to the proposed use as a memory care facility. While the Project is subject to the standard "residential" use parking requirements, unlike an apartment building or even certain types of assisted living communities, memory care residents will not be permitted to



have personal automobiles. Therefore, demand for parking will be significantly decreased in comparison to a standard residential use. On-site parking needs will be limited to staff and visitors. It is expected that a portion of staff and visitors will utilize public transportation to access the site. Further, visiting hours are limited to business hours, except in the case of emergency; thus, there will be decreased demand for visitor parking in the morning and at night.

In sum, the Applicant has satisfied three special conditions pursuant to Subtitle C § 703.2 and demonstrated that the burden of proof for parking relief has been satisfied.

## **VI. COMMUNITY OUTREACH**

The Applicant has conducted significant community outreach, including four community meetings. The Applicant presented to the ANC 3C Planning and Zoning Subcommittee on May 7, 2018. However, the Applicant requested a postponement of the Board's hearing in order to continue working with the community as well as to identify and select an operator for the Project.

After selecting an operator, the Applicant held a community meeting on August 29, 2018 at the Cleveland Park Public Library. The Applicant provided webinar video access of the presentation for those community members who could not be present at the meeting.<sup>14</sup> In addition to the Applicant, several members of the Project team attended the meeting, including John Gonzales, President of Guest Services Senior Living, Claire Dickey, Project architect from Perkins Eastman, and Erwin Andres, traffic expert from Gorove Slade. The Applicant fielded questions about the Project on a variety of issues including, but not limited to, operations, security features, internal and external design elements, staffing needs, and the memory care program's viability.

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<sup>14</sup> There were technical difficulties with the webinar that may have limited the ability to view the presentation.

Following the August 29<sup>th</sup> community meeting, the Applicant presented to the ANC 3C Planning and Zoning Subcommittee on September 4, 2018. As with the August 29<sup>th</sup> meeting, Mr. Gonzales, Ms. Dickey and Mr. Andres were present at the ANC Subcommittee meeting to answer questions from the ANC Commissioners concerning a variety of topics from security and operations to parking and viability. It should be noted that Mr. Gonzales, Ms. Dickey and Mr. Andres will also be present to provide testimony directly to the Board on these issues.

On September 17, 2018, the Applicant will present to the full ANC 3C, and will request that the ANC vote in support of the Project and the relief requested as part of this application.

#### **VII. EXPERT WITNESSES**

- Stephen Varga, land use expert, resume and land use report attached at **Tab B**.
- John Gonzales, President of Guest Services Senior Living, resume attached at **Tab C**.
- Claire Dickey, AIA, Perkins Eastman DC, resume attached at **Tab D**.
- Erwin Andres, traffic expert, Gorove Slade, resume filed at Ex. No. 39.

#### **VIII. CONCLUSION**

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings as well as the reasons discussed at the Board's hearing, the Applicant submits that the application meets the requirements for special exception relief in order to construct a memory care facility for seniors in the R-1-B zone. Accordingly, the Applicant respectfully requests that the Board approve the application on September 26, 2018.

Respectfully submitted,  
COZEN O'CONNOR



Meridith H. Moldenhauer  
1200 19<sup>th</sup> Street, NW  
Washington, DC 20036  
(202) 912-4800