

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Development Review Specialist
 Joel Lawson, Associate Director Development Review
DATE: October 23, 2020
SUBJECT: BZA Case 20308 (4865 MacArthur Blvd., N.W.) to allow a continuing care retirement community in a residential zone

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following Special Exception:

- Subtitle U § 203.1(f) Continuing Care Retirement Community use in a residential zone

II. LOCATION AND SITE DESCRIPTION

Address	4865 MacArthur Blvd., N.W.
Applicant	4865 MacArthur Landlord, LLC
Legal Description	Square 1389, Lot 0025
Ward, ANC	Ward 3, ANC 3D
Zone	The subject property is split-zoned MU-4 and R-1-B . R-1-B is intended to provide areas predominantly developed with detached houses on moderately sized lots. A continuing care retirement community is permitted in this zone by special exception. Proposed development on the MU-4 portion of the lot would be matter-of-right.
Historic District	Not applicable.
Lot Characteristics	The subject property is split-zoned with 35,414 sq.ft. at the corner of MacArthur Boulevard and 48 th Place in the MU-4 zone and 29,401 SF to the north fronting V Street in the R-1-B zone.
Existing Development	The property is the site of a former grocery store and associated surface parking.
Adjacent Properties	The subject property is bounded by MacArthur Boulevard NW to the west, 48th Place NW to the northwest, V Street NW to the north. To the east along MacArthur Boulevard is a parking lot and to the east along V Street the adjacent property is a single family dwelling.
Surrounding Neighborhood Character	The surrounding neighborhood character is generally a mix of commercial buildings along MacArthur Boulevard and residential single family dwellings on nearby side streets.

III. APPLICATION IN BRIEF

The Applicant proposes to demolish the existing grocery store, which is located on the MU-4 portion of the site, and construct a Continuing Care Retirement Community on the entire site. The CCRC facility would have a maximum of 170 assisted living units (including memory care) and independent living units, although the actual expected number of units is approximately 135.

The proposed senior living facility would have two brick building wings that would be connected internally at the ground floor level. The smaller wing, subject of this Special Exception application, would be located on the R-1-B portion of the site along 48th Place and V Street NW and would have maximum 44 assisted living (including memory care) units. The larger by-right wing would be located along MacArthur Boulevard in the MU-4 District with independent and assisted living units (including memory care) and a 6,400 SF grocery store. The Applicant is assessing programming alternatives and any change to the final count or type of units is not expected to trigger a need for additional zoning relief.

The application states:

1. The CCRC facility would be staffed by approximately 78 employees over three shifts, with the maximum of 40 employees on the site at one time during the morning shift (6:00 a.m. to 2:00 p.m.). The afternoon shift, from 2:00 p.m. to 10:00 p.m., would have approximately 30 employees, and approximately eight employees would be on site during the night shift (10:00 p.m. to 6:00 a.m.).
2. For the R-1-B portion of the property, 20 parking spaces are required and would be provided for the proposed 44 units. The entire project would have 77 parking spaces, 62 in a below-grade garage and 15 on a surface lot off V Street and would meet the parking requirement for all proposed uses on the site.
3. The project would eliminate two existing curb cuts and add two new curb cuts, one along 48th Place NW to access the parking garage and loading facilities and one along V Street NW to access the project's surface parking lot.
4. The project would provide a loading dock with one 30' loading berth and one 10' by 20' service space and would meet the loading requirements. The loading facilities would be located within the below-grade garage in the MU-4 portion of the site and both wings of the building would have internal access to them.
5. The site plan shows heritage trees being retained at the corner of 48th and V Streets (on the R-1-B portion of the site).
6. The height of the R-1-B wing of the building would be just under 40 feet, and three stories.
7. Dining facilities and recreation/community rooms for the entire facility would be located in the MU-4 portion of the building and would include a multipurpose room, an entertainment room, a clinic and rehabilitation center, a fitness center, a library, staff offices and areas devoted exclusively to memory care residents.
8. There would be a 6,400 SF grocery store in the MU-4 portion of the site.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B portion of lot only	Regulation	Proposed	Relief
Height (ft.) D § 303	40 feet	39'7"	None required
Penthouse (ft.) D § 303	12 feet	9 feet	None required
Lot Occupancy D § 304	40%	39.9%	None required
Front Setback D § 305	Aligns with street average	Aligns with street at property line	None required
Rear Yard (ft.) D § 306	25 feet	45 feet	None required
Side Yard (ft.) D § 307	8 feet	25 feet east / 10 feet west	None required
Pervious Surface D § 308	50%	50.5%	None required
Parking C § 701	20 spaces	20 spaces	None required
Bicycle Parking	Long term: 1 per 3 units Short term: 1 per 20 units	Long term: 15 spaces Short term: 2 spaces	None required
Loading	1 berth, 1 delivery space, 1 platform	1 berth, 1 delivery space, 1 platform	None required
Continuing care retirement community U §203.1(f)	Permitted in the R-1-B zone by special exception	Continuing care retirement community	Required

V. OFFICE OF PLANNING ANALYSIS

Note: The Special Exception analysis was done for the R-1-B portion of the site only. The proposed development on the MU-4 portion of the site will be done by-right.

a. Special Exception Relief pursuant to Subtitle U § 203.1(f), Continuing care retirement community in a residential zone

203.1 The following uses shall be permitted as a special exception in the R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:

(f) Continuing care retirement community, subject to the provisions of this paragraph:

(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 Applicant has provided that the proposed continuing care retirement community would offer independent living and assisted living including memory care. Residents of the facility would live in private living spaces, and the facility would provide a specialized program providing care to

seniors. The memory care component would be on a secure floor. Staff would be on site 24-hours, providing assistance with daily living routines and medical care to residents, as needed. As such, the proposed use is consistent with this section and permitted with the approval of a special exception.

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

The proposed use does include assisted living facilities and would have a maximum of 44 dwelling units in the R-1-B portion of the site. The proposal is consistent with this section.

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

The proposed CCRC would include ancillary uses for the further enjoyment, service, and care of the residents, although the communal space would be located on the MU-4 zoned portion of the site. The facility would have a dining room, multipurpose room, entertainment room, health clinic and rehabilitation center, fitness center, library, staff offices and areas devoted exclusively to memory care residents. The CCRC also would offer resident enrichment activities including in-house performances and lectures, visits to the opera, theater, and sports games, wellness and fitness programs, book clubs, games, and social gatherings. The residents would have access to a garden terrace, located off the MacArthur Avenue side of the building.

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

The entire facility will provide 77 parking spaces, which meets the parking requirement for the CCRC and retail uses. The R-1-B portion of the CCRC, which would have a maximum of 44 units, requires 20 parking spaces. The Applicant recently added a 15 space surface parking lot to the site plan at the request of area residents. The DDOT report at Exhibit 29 notes that this parking area will need to meet the screening requirements in the zoning regulations.

- (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; and*

The proposed CCRC use in this location is not likely to become objectionable to neighboring properties in the R-1-B zone because of noise, traffic, or other objectional conditions. The R-1-B portion of the lot is adjacent to a residential neighborhood and the Applicant states they have made site plan and building design changes to mitigate impacts to neighboring property owners.

The site is split-zoned and the larger and taller massing of the two building wings would be located along the commercial corridor of MacArthur Boulevard. The main entrance to the building would be set back from 48th Place with landscaping including the retention of existing heritage trees, providing a buffer from the single family detached houses along V Street. The CCRC residents' outdoor space would be located along MacArthur Boulevard commercial block. Loading facilities and trash rooms would be located in the below-grade garage and mechanical equipment would also be inside the building. Building lighting would be directed downward so as to not unduly impact adjacent properties.

The proposed CCRC and retail uses are expected to generate fewer trips than the previous grocery store use on the site. The Applicant has proposed a TDM plan to limit vehicle trips including that there would be private transportation available for medical appointments, shopping, and other common trips, staff would receive a \$50 SmarTrip card and one year Bikeshare membership, and residents would receive a \$50 SmarTrip card and would have to pay for a parking space.

- (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 Office of Planning does not recommend special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements.

b. Subtitle X § 901.2. SPECIAL EXCEPTION REVIEW STANDARDS

- i. *Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?***

The proposal would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The R-1-B zone is a low density residential zone that allows continuing care retirement communities with the approval of a special exception. The development complies with the bulk requirements for the zone, providing sufficient setbacks, and complying with height, lot occupancy, and other requirements.

- ii. *Would the proposal appear to tend to affect adversely, the use of neighboring property?***

The proposed CCRC should not adversely affect the use of neighboring properties in the residential zone. The facility would comply with bulk requirements for the R-1-B zone and would not have a detrimental impact on light and air to neighboring properties.

The Applicant has provided information about the number of staff and shifts and deliveries that would be necessary to accommodate the needs of the residents at the facility, which do not appear to be excessive or unnecessary given the size of the facility. The project would provide adequate parking for residents, staff, and visitors and would meet the loading requirements for the uses on the site.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

A DDOT report noting no objection to the proposal with conditions related to the TDM plan is filed at Exhibit 29, but also noting a preference for the original proposal with fewer parking spaces, no curb cut from V Street NW, and more on-site green space. At the time of this report no other agency had filed a report into the record.

VII. ANC COMMENTS

As of the date of this report, a report from the ANC had not been filed into the record.

VIII. COMMUNITY COMMENTS

A request for party status in opposition from the Palisades Community Association is filed to the record at Exhibit 28. As of the date of this report, no other community comments had been filed into the record.

Attachment: Zoning Map

