

Applicant's Response to ANC 7F's Submissions

This is a response to both Exhibit 44 and the ANC/SMD meeting exhibits (Exhibits 39-43). While the Applicant is concerned about whether certain things said to the Applicant have been removed from the transcript, it's clear from the transcripts that the Applicant has been willing to address all legally relevant issues. For example, there was a concern that all 16 patients would have visitors all at once, and the Applicant is implementing a visitor policy. The direct responses are addressed herein.

Applicant is surprised by Exhibit 44- the 'rescinded interior tour.' The ANC has made it clear that it does not want this facility. The Applicant has been transparent from the beginning and the ANC admitted there was an issue with leadership leading to their delay in responding. Yet the Applicant is still being disparaged as not communicating properly with the community, and when Applicant's counsel tried to summarize the community outreach at the last hearing, the ANC said they had taken accountability for that, and for us to stop raising this issue. Yet it's continually being raised in the latest filings. Per the hearing transcript, the Applicants' counsel agreed to "...reach out and coordinate a date between my, the owner, my client and the ANC." The Clay Street facility is an operational assisted living facility used for the care of medically vulnerable patients and an interior tour is an issue for operational and privacy reasons. For Eads Street, it is currently undergoing some interior renovations and is not an operating facility. Therefore, it would also not be appropriate to host the ANC commissioners on that site. Given these factors, the Applicant offered an exterior tour to the ANC.

1. Cumulative Impact of Multiple Facilities

ANC: The ANC is concerned about the proximity of the three facilities, all within 500 feet and under the same ownership. They argue that the combined effect of these facilities could lead to increased traffic, noise, and strain on local infrastructure, potentially altering the residential character of the neighborhood.

Response: The Applicant has comprehensively addressed concerns about cumulative impacts from the proposed assisted living facilities. Importantly, only two of the facilities are within 500 feet of each other; the third (near the Metro) is located outside the 500-foot threshold, and therefore not subject to the restriction under Subtitle U-203.1(j)(2).

Each facility is modest in scale—just 16 beds, where 8 are permitted by right—and operates with a maximum of three staff members per shift. Visitors are limited, scheduled, and coordinated in advance. On-site parking far exceeds zoning requirements: 4 spaces are provided at the Eads and Clay properties, and 2 at Eastern. Photographs included in the presentation (see Slide 13) further demonstrate the availability of ample on-street parking, particularly during morning delivery hours.

Operational impacts are minimized through shared service providers and staggered delivery schedules, avoiding duplicative traffic. Deliveries and trash pickup are scheduled in the early morning, with no anticipated conflicts. There are also strict noise controls, including quiet hours (8 PM to 7 AM), posted signage, supervised outdoor use, and visitor coordination policies.

Finally, the zoning regulations permit up to 300 residents in a health care facility by special exception. The Applicant is only seeking approval for 8 additional residents, well below the permitted maximum. Were this a by-right facility, none of the conditions limiting noise, deliveries, etc. would be required, so the restrictions that are going to be imposed based on 8 more residents—despite no evidence from the ANC that there will be any impact—are arguably more restrictive and less impactful than a by-right use. The uses are inherently low-impact, residential in character, and designed to support medically vulnerable individuals—not active or ambulatory populations.

Accordingly, the Applicant has provided evidence that there will be no cumulative impacts, and there has been no counter evidence provided to conclude that the proposed facilities would result in any adverse cumulative impacts related to traffic, noise, or operations.

2. Traffic and Parking Concerns

There are apprehensions about increased vehicular traffic due to staff, visitors, and service deliveries. The ANC questions whether the existing parking provisions are sufficient and if the facilities might exacerbate on-street parking shortages.

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hours. A condition is proposed so that deliveries must occur during the hours when there was ample parking. During the conditioned hours of meal service and housekeeping service, there were consistently open spaces in front of the properties. Accordingly, the Applicant has presented evidence in the record (Exhibit 21G, pages 2-4) that there is ample on-street parking—in addition to the 4x parking its providing on site, in addition for conditions related to mitigation, including a window in which meal deliveries and housekeeping must occur—and there has been no evidence to the contrary. And

3. Noise and Operational Disturbances

The ANC highlights potential noise disturbances from daily operations, including deliveries, trash collection, and visitor activities. They are particularly concerned about early morning or late-night disruptions affecting neighboring residents.

Visitor activities must be scheduled, per the conditions listed in Exhibit 45. Delivery activity was discussed in more detail above and is restricted to the times when there is ample on-street parking. Trash shall be picked up in the alley during the day and trash will be stored in an enclosure. Trash for residents is currently picked up in that alley, assuring continuity for how trash is currently picked up for residential properties. The Applicant is only seeking approval for 8 additional residents, well below the permitted maximum. Were this a by-right facility, none of the conditions limiting noise, deliveries, etc. would be required, so the restrictions that are going to be imposed based on 8 more residents are arguably more restrictive and less impactful than a by right use. The uses are inherently low-impact, residential in character, and designed to support medically vulnerable individuals—not active or ambulatory populations.

4. Licensing and Regulatory Compliance

Questions have been raised about the licensing status of the facilities. The ANC seeks clarity on whether the appropriate assisted living licenses have been obtained and if the facilities comply with all relevant health and safety regulations.

The Clay facility has a license and operating manuals with detailed licensing and operational requirements have been submitted to the record (Exhibit 21D) and the ANC was provided with a copy of these documents when they were filed.

5. Community Engagement and Transparency

The ANC feels that there has been insufficient outreach to the community regarding the proposed developments. They emphasize the importance of transparent communication and seek more detailed information about the facilities' operations and management plans.

The Applicant has done ample community outreach as evidenced by the record. It is unclear what else would satisfy the ANC, other than doing this by right, which will have no restrictions at all but with effectively the same operations in terms of impact given there would still be deliveries, staff members etc.—but with no restrictions.