

**APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION  
ON BEHALF OF KENILWORTH AVENUE NORTHBRIDGE, LLC  
FOR VOLUNTARY DESIGN REVIEW**



## **I. Introduction**

This is the application of Kenilworth Avenue Northbridge, LLC (the “**Applicant**”) for Zoning Commission review and approval of a new all-affordable senior assisted living community on Kenilworth Avenue NE in Ward 7. The property that is the subject of this application consists of Lot 806 and Parcel 185/38 in Square 5113 (the “**Property**”). The Property is located at the intersection of Kenilworth Avenue and Eastern Avenue, near the D.C.-Maryland line. The Property contains approximately 122,866 square feet (~2.82 acres) of land area and is located in the RA-1 Zone District.

The Applicant submits this application pursuant to Subtitle X § 601.2 of the District of Columbia Zoning Regulations, which permits an applicant to request Voluntary Design Review by the Zoning Commission. This Application for Voluntary Design Review includes a request pursuant to Subtitle X § 603.1 for flexibility to permit additional height for the proposed project above what is permitted as a matter-of-right in the zone. As part of this application, pursuant to Subtitle X § 603.3, the Applicant also requests special exception relief for a continuing care retirement community (“**CCRC**”) in the RA-1 zone pursuant to Subtitle U § 420.1(i), and special exception relief from the parking location requirements pursuant to Subtitle C § 710.3.<sup>1</sup>

The Property is currently vacant and was previously subjected to illegal dumping, forest clearcutting, and sporadic asphalt paving under prior ownership. In its current state, the Property sits unused and suffers from frequent littering. The Applicant proposes to rehabilitate the site and develop a five-story all-affordable age-restricted assisted living community with 155 rental apartment units (the “**Project**”). All of the units will be affordable for households earning up to 60% of the Median Family Income. Development of the Project will include major revitalization efforts by the Applicant that will add extensive landscaping and plantings to the site and restore much of the Property to its natural beauty, while also adding programming features, including a pedestrian boardwalk, to connect the senior residents of the assisted living community with the newly restored surrounding landscape and the Anacostia Park and Kenilworth Aquatic Gardens to the west, thereby providing a unique park-like amenity to residents and the surrounding community. To this end, the Applicant has focused the building towards the south side of the Property to the greatest extent possible and has designed a building configuration that “goes up instead of out” in order to maximize the amount of green space on the site and minimize any impact to the existing landscape and natural environment.

Upon completion, the Project will be one of only two planned affordable assisted living facilities in Wards 7 and 8. The proposed assisted living facility will also be a significant economic benefit to the community: it will create approximately 80 living-wage, Metro-accessible jobs, helping to improve employment opportunities in this part of the city while also providing much-needed affordable senior housing in a well-designed building surrounded by an exceptional natural setting.

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<sup>1</sup> Subtitle X § 603.3 authorizes the Commission to hear and decide any additional requests for special exception relief needed for a project seeking Design Review approval, aside from any design flexibility permitted under Subtitle X § 603.1.

## **II. Jurisdiction of the Zoning Commission**

The Zoning Commission has jurisdiction to grant Voluntary Design Review approval for the proposed development and the requested special exception relief pursuant to Subtitle X §§ 601.2, 603.1, and 603.3 of the Zoning Regulations.

## **III. Description of Property**

The Property is comprised of approximately 122,866 square feet (~2.82 acres) of land area located on the northwest side of Kenilworth Avenue NE at the intersection of Kenilworth and Eastern Avenues. The majority of the Property area is set back from the street, with a “pipe stem” that extends to Kenilworth Avenue. The Property is bounded by undeveloped land to the east (just beyond which is the Maryland-D.C. border), Kenilworth Avenue to the south, and a large multifamily apartment complex to the west. The adjacent apartment complex is owned by the U.S. Department of Housing and Urban Development and the D.C. Housing Authority, and it is the site of the planned mixed-use, mixed-income Kenilworth Courts redevelopment Planned Unit Development (“**PUD**”) approved by the Commission in Z.C. Case No. 15-21.<sup>2</sup> Directly to the north of the Property is Anacostia Park, which is part of the Kenilworth Aquatic Gardens. The Deanwood Metrorail Station is located approximately 0.4 mile walking distance south of the Property. Photographs of the Property and the surrounding area are included in Exhibit E.

## **IV. Description of Project and Background**

The Applicant proposes to develop the Property with an all-affordable CCRC (assisted living facility) with 155 residential units. As shown in the plans and drawings in Exhibit E (“**Plans**”), the building will be five (5) stories in height with a U-shaped configuration. The Project will be constructed entirely above-grade due to the existing floodplain on the Property, and it will provide covered parking on the ground level of the west wing of the building, in addition to surface parking along the front of the building. The first floor of the building will include open seating areas, offices for the facility, a general store and computer room, and service areas, in addition to kitchen and dining areas. Residential units will all be located on the second through fifth floors, which also will include nursing offices and library, kitchen and/or gym spaces, varying by floor. The second floor also will include large and small activity rooms for residents. An outdoor terrace on the east (front) end of the second floor will include seating space and green roof elements, and the building roof will include solar arrays as well as HVAC and other mechanical equipment that will be screened.

The proposed assisted living facility is expected to employ approximately 80 full-time employees, including on-site nurse caregivers and staff. Thus, the Project will include 49 parking spaces, which will serve residents, visitors, and employees, many of whom will be arriving and departing the site during off-peak hours based on shift changes, including overnight, when public transportation is limited. To the extent possible, the Applicant has located parking interior to the structure at the ground level of the proposed building. However, the amount of enclosed parking is constrained by the need to minimize the overall footprint of the building and

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<sup>2</sup> The Commission approved a time extension for the validity period of the PUD on January 28, 2019, in Z.C. Case No. 15-21A.

avoid construction below grade in the floodplain. Accordingly, 19 parking spaces are proposed to be located in the front (south) yard of the Project, and the Applicant is requesting special exception relief as part of this application to permit the proposed parking in this location. All loading and deliveries will be accommodated on the east side of the building.

The Project will utilize a variety of high quality materials to achieve a greater degree of façade articulation for the building, incorporating stacked stone veneer, rainscreen metal panel, solid phenolic panel, and fibrous cement panel elements into the façade, as well as operable aluminum storefront windows for the resident units and a tall glazed curtainwall central feature as shown in Exhibit E.

In addition, the Project will incorporate numerous environmentally sustainable design features. The Project will be pursuing 2015 Green Communities Criteria, and it will include rooftop solar arrays and vegetative roof areas.

A significant feature of the Project will be the substantial outdoor amenity spaces for residents, including a large outdoor terrace on the ground floor at the rear of the building facing the green open space that will be restored on the north side of the Property. Also, on the second through fifth floors facing north, there will be smaller screened balconies so that residents on each floor have access to fresh air and open space within a short distance. On the front of the building facing south, there will be a large outdoor terrace on the second floor as well as a covered terrace on the ground floor near the building entrance. In addition, the Applicant proposes to construct a pedestrian boardwalk with light programming/seating that will meander westward across site to provide residents and visitors with direct access to the restored green space at the rear of the site and the Kenilworth Aquatic Gardens beyond in order to fully capitalize on this natural asset. For residents who want outdoor activity without leaving the Property, the landscaping will incorporate a walking path from the building front along the west side and connecting to the boardwalk. The Project will include comprehensive landscaping and tree planting program as part of its beautification and restoration efforts, as shown on Sheet 5 of the Plans.

Transportation and connectivity are important elements of the Project. The proposed assisted living community will provide comprehensive shuttle service to residents to cover all transportation needs, including regular doctor's visits, grocery and other shopping, and other off-site activities. The Project will improve connectivity for the site and surrounding area by providing two vehicular access/egress points. The main access point will be from Kenilworth Avenue to the south. The secondary access/egress point will be from the planned Shaw Drive to the west, which is currently a public alley and is proposed to be converted to a private street as part of the Kenilworth Courts PUD.<sup>3</sup> In addition, the Project will include sidewalk and pedestrian pathway connections from Kenilworth Avenue through the site, and the proposed nature boardwalk will connect to the existing sidewalk along Anacostia Avenue to the north of the Property.

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<sup>3</sup> The Applicant has engaged with the developer of Kenilworth Courts to confirm that this access point will be possible.

In conducting its search for an appropriate site for the proposed affordable assisted living community, the Applicant was faced with sizeable challenges in identifying eligible parcels. Because of the significant costs, high level of individualized services, and specific operational requirements associated with operating an assisted living facility, such projects are generally feasible only within a very limited size range — roughly 100,000 to 150,000 square feet of gross floor area — which allows operators to take advantage of economies of scale while still maintaining a program capacity and size that is manageable, given the individual needs and level of care required for residents. Therefore, the Applicant was faced with finding a site large enough to support this amount of density in a zone that allows for this use and at a price that is economically feasible for an affordable project. In addition, the Applicant sought to find suitable development sites in Wards 7 and 8 because of the significant need for affordable assisted living in these Wards in particular. After extensive searching and study, the Applicant was able to identify only a few sites in Wards 7 and 8 that met the necessary size, zoning, cost and other requirements. The Property is the best of the proposed development sites that the Applicant determined to be suited to feasibly support the successful development and operation of the proposed affordable assisted living community. Nevertheless, the Property has several challenging characteristics that the Project design must address and resolve.

The northern portion of the Property is located within both the 100-year and 500-year event FEMA floodplain maps, so the Project will incorporate numerous features to remediate this impact. The Applicant has extensively consulted with the Department of Energy and Environment (“DOEE”) in preparing the design of the Project to minimize risk of adverse impact from the floodplain. In addition to complying with all applicable floodplain mitigation regulations, the Project will remediate the floodplain risks by raising the grade for the building by 3.17 feet so as to elevate the building pad above the 500-year floodplain event elevation.<sup>4</sup> Further, the siting and envelope of the building have been carefully designed to minimize construction within the 500-year floodplain event elevation area. To that end, the Applicant has, to the extent feasible, pushed the proposed building to the southern portion of the site and designed the building to be more vertical with a smaller footprint. While the natural features of the site in some ways place substantial constraints on the development, the Applicant has also recognized the significant potential the features of the site offer. Thus, the Applicant has, through careful design, sought to realize the value of these features as a true asset that can be leveraged for the benefit of the residents and visitors of the proposed assisted living facility, creating a vibrant senior housing community within an exceptionally beautiful and accessible natural setting, with respectful and extensive landscape programming to facilitate direct access to, and enjoyment of, this amenity.

Furthermore, the building siting and vertical-oriented design will allow the Project to minimize impact on, and restore, the designated wetlands on the northern portion of the site. It is important to note that, while some of the site is technically designated as wetlands, the current condition of the designated area is devoid of any actual flora and fauna consistent with wetlands because of the extensive site damage caused by prior owners. The Project will incorporate extensive restoration and landscaping of the designated wetlands area.

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<sup>4</sup> The applicable regulations require elevating above only the 100-year floodplain, but the Applicant will exceed that by elevating above the 500-year floodplain.

Because of the constraints placed on the Project by the Property's natural conditions and the need to minimize the building footprint, the Applicant is requesting Design Review flexibility to construct the building to a height of 60 feet and five (5) stories, above the maximum 40 feet and three (3) stories otherwise permitted in the RA-1 zone, as discussed in more detail below. With a proposed FAR of 0.97 and lot occupancy of 23%, the Project will remain significantly below the maximum 1.08 FAR and 40% lot occupancy permitted in the RA-1 zone. Accordingly, the Project will have a smaller building envelope than a matter-of-right development, and the density will be concentrated within the additional height of the building envelope in order to create a better design that avoids significant impacts from and on the floodplain and designated wetland areas on the western portion of the Property.

The Applicant has engaged extensively with the community as well as with the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), and DOEE leading up to the filing of this application. The Applicant has made several presentations to ANC 7D about the Project, most recently on March 26, 2019, and the ANC has given its strong endorsement to the Project, voting unanimously to support the project.<sup>5</sup> Also, the Applicant has met multiple times with OP, DDOT, and DOEE over the course of more than five months. The Applicant has also met with the Kenilworth Parkside Management Corporation Resident Council, which represents residents of the Kenilworth Parkside development to the south of the property, and the Applicant will continue its community engagement efforts as the application and project move forward.

#### **V. Zoning Parameters of the Project**

Except for building height, the Project will conform to all development standards for the RA-1 zone. The Project will have an FAR of 0.97, a building height of 60 feet, a lot occupancy of 23%, and a rear yard of more than 20 feet. The Project will provide approximately 49 vehicular parking spaces, 51 long-term bicycle parking spaces, and eight (8) short term bicycle parking spaces. More detailed zoning tabulations are included on Sheet 11 of the Plans.

#### **VI. This Application Satisfies the Burden of Proof for Voluntary Design Review Approval**

To obtain Voluntary Design Review approval, including flexibility for height pursuant to Subtitle X § 603.1 and special exceptions pursuant to Subtitle X § 603.3, the application must satisfy the Voluntary Design Review requirements set forth in Subtitle X §§ 601 & 604. This application satisfies the requirements for such approval, as described in more detail below.

##### **A. The Application Satisfies the Applicability Requirements for Voluntary Design Review in Subtitle X § 601**

Pursuant to Subtitle X § 601.3, the minimum area required for a Voluntary Design Review application in the RA-1 zone is two (2) acres. The Property has a land area of approximately 2.82 acres. In addition, under Subtitle X § 601.4, all the property included in a

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<sup>5</sup> The Applicant expects that the ANC will be filing a letter of support.

Voluntary Design Review application is required to be contiguous or separated only by a public street, alley, or right-of-way. Here, the entire Property is contiguous.

B. The Application Satisfies the Standards for Design Review in Subtitle X § 604

**1. The Proposed Project Will Not Be Inconsistent with the Comprehensive Plan. (11-X DCMR § 604.5)**

The purposes of the Comprehensive Plan are to a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; b) guide executive and legislative decisions and matters affecting the District and its citizens; c) promote economic growth in jobs for District residents; d) guide private and public development in order to achieve District and community goals; e) maintain and enhance the natural and architectural assets of the District; and f) assist in conservation, stabilization and improvement of each neighborhood and community in the District (D.C. Code § 1-245(b)).

The Project advances these purposes by furthering the social and economic development of the District and stabilizing the neighborhood through the construction of a new affordable assisted living facility to serve District residents and restoring substantial green space to create a unique park-like amenity for residents and visitors.

a. Land Use Map

The Future Land Use Map (“FLUM”) designates the Property as appropriate for moderate density residential uses. The Comprehensive Plan Framework Element defines the moderate density residential designation as consisting of “the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings.” The proposed development is not inconsistent with this designation.

In this case, a height of 60 feet is appropriate for a moderate density residential FLUM designation. Specifically, the proposed additional height is not needed to accommodate additional density or volume for the Project, and is not in any way a “density grab” for a larger than appropriate building. Indeed, the FAR and lot occupancy will be well below the maximum permitted, and the rear yard and side yards will be much greater than the minimum required. The additional height is necessary in this case only to accommodate the constraints placed by the floodplain condition on the Property and the need to minimize the building footprint so that as much open space can be preserved as possible. The proposed height allows for a more compact and efficient building design that attains the necessary density for an affordable assisted living facility without creating more volume. Moreover, the siting of the building as well as the Property’s topography will minimize any impact that the proposed height might otherwise have on the character of the surrounding area. As shown on Sheet 14 in the Plans, the Project will appear shorter than its measured height, as compared to surrounding buildings because of grade changes, and it will have ample separations from any nearby properties to preserve the garden apartment character of the neighborhood. Because of all of these design features, the Project will maintain a moderate level of density, well within what is permitted by the RA-1 zone and identified as appropriate in the Comprehensive Plan. Further, it is important to note that the

requested height of 60 feet is within the limit permitted for a PUD in the RA-1 zone, and under Subtitle X § 603.2, the Commission may grant height relief up to the maximum height permitted for a PUD. For all these reasons, the Project is consistent with the Property’s moderate density residential designation in the FLUM.

b. Generalized Policy Map

The Generalized Policy Map designates the Property as a Neighborhood Enhancement Area. The Framework Element provides,

“[t]he guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development ‘fits-in’ and responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the land use designation on the Future Land Use Map. The unique and special qualities of each area should be maintained and conserved, and overall neighborhood character should be protected as development takes place.”

This Project exemplifies the above-stated goals of the Neighborhood Enhancement Area designation. It will create new housing for an underserved demographic at a density level that is on par with the surrounding development, both existing and proposed for the Kenilworth Courts project. The Project will conserve and, further, restore the special natural qualities of this site, thereby making a substantial contribution to the character of the neighborhood as a whole.

c. Land Use Element

The Project is consistent with the following policies contained in the Land Use Element:

***Policy LU-1.3.2: Development Around Metrorail Stations:*** Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.

***Policy LU-1.3.3: Housing Around Metrorail Stations:*** Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations.

***Policy LU-1.4.1: Infill Development:*** Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.



**Policy LU-1.4.2: Long-Term Vacant Sites:** Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures which would address these constraints.

**Policy LU-2.2.4: Neighborhood Beautification:** Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

The Project will redevelop a long-term vacant site that has suffered from environmental degradation with infill development consisting of an affordable assisted living facility that is approximately 0.4 mile away from the Deanwood Metro Station. Moreover, the Project will take advantage of the opportunity posed by the proposed redevelopment in order to revitalize the natural features of the Property with a robust landscaping plan and respectful programming features to facilitate direct access to the green space on site for residents and visitors. For all of these reasons, the Project furthers the above policies and goals contained in the Land Use Element.

d. Housing Element

The Project will advance multiple housing policies:

**Policy H-1.1.1: Private Sector Support:** Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

**Policy H-1.1.3: Balanced Growth:** Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.

**Policy H-1.1.5: Housing Quality:** Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood.

**Policy H-1.2.1: Affordable Housing Production as a Civic Priority:** Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city.

**Policy H-1.2.2: Production Targets:** Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in the city over the next 20 years

should be affordable to persons earning 80 percent or less of the area wide median income (AMI). Newly produced affordable units should be targeted towards low-income households in proportions roughly equivalent to the proportions shown in Figure 5.2.

***Policy H-1.3.3: Assisted Living and Skilled Nursing:*** Promote the development of assisted living and skilled nursing facilities. Zoning and health regulations should be designed to promote an increase in supply, security, and affordability of housing for the elderly.

***Policy H 4.2.2: Housing Choice for Seniors:*** Provide a wide variety of affordable housing choices for the District's seniors, taking into account the income range and health-care needs of this population. Recognize the coming growth in the senior population so that the production and rehabilitation of publicly-assisted senior housing that meets universal design standards becomes a major governmental priority. Acknowledge and support the establishment of Senior Villages throughout the city that allow seniors to remain in their homes and age in-place.

***Policy H-4.2.3: Neighborhood-Based Senior Housing:*** Encourage the production of multi-family senior housing in those neighborhoods characterized by large numbers of seniors living alone in single family homes. This will enable senior residents to remain in their neighborhoods and reduce their home maintenance costs and obligations.

The Project will take vacant and underutilized land that currently suffers from frequent littering and will transform the existing condition to provide an affordable senior living community serving a key demographic in a greatly underserved area of the city. As noted above, upon completion, the Project will be one of only two planned affordable assisted living facilities in Wards 7 and 8. For these reasons, the Project furthers the above goals and policies contained in the Housing Element.

e. Far Northeast & Southeast Area Element

***Policy FNS-1.1.2: Development of New Housing:*** Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents.

***Policy FNS-2.2.4: Deanwood Metro Station:*** Provide for new moderate density housing in the vicinity of the Deanwood Metrorail Station, and expanded neighborhood-serving commercial uses along Kenilworth Avenue NE. Ensure that appropriate buffers are provided between new development and the adjacent residential areas.

By redeveloping an extant vacant lot with new senior housing within 0.4 mile of the Deanwood Metro Station, the Property furthers the above goals and policies contained in the Far Northeast and Southeast Area Element.

f. Environmental Protection Element

The Project promotes several goals of the Environmental Protection Element:

**Policy E-1.1.3: Landscaping:** Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity.

**Policy E-3.1.1: Maximizing Permeable Surfaces:** Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff.

**Policy E-4.6.3: Discouraging Illegal Dumping:** Develop and maintain effective public education and enforcement tools to curb littering and illegal dumping, and to promote the safe disposal of solid waste (including hazardous waste, medical waste, construction debris, used oil, and scrap tires) and bulky items.

The Project incorporates extensive landscaping that not only will provide aesthetic benefits but will restore much of the Property from its currently degraded condition, which includes dumped trash, patches of asphalt, concrete and destroyed vegetation areas, to its rightful state as a vibrant natural habitat. This restoration feature of the Project will extend to residents and visitors by providing a visually pleasing verdant and accessible area for recreation. In addition to a robust landscaping program, the Project will utilize permeable paving for the surface parking along the east side of the building to ensure that this parking area, which is necessary to accommodate the expected number of residents, visitors, and employees, will nonetheless work in concert with the other stormwater management measures that will be implemented on site. Furthermore, the Project's rooftop will incorporate solar panels to lessen its impact from energy consumption, and the Project design will satisfy the Green Communities standards to ensure an overall environmentally sustainable design. For all these reasons, the Project will further the above policies contained in the Environmental Protection Element.

g. Economic Development Element

The Project is consistent with the Economic Development Element.

**Policy ED-2.4.1: Institutional Growth:** Support growth in the higher education and health care sectors. Recognize the potential of these industries to provide employment and income opportunities for District residents, and to enhance the District's array of cultural amenities and health care options. See also the Educational Facilities Element for additional policies related to colleges and universities.

**Policy ED-4.2.7: Living Wage Jobs:** Promote the attraction and retention of living wage jobs that provide employment opportunities for unskilled and semi-skilled workers. Use marketing strategies and incentives to encourage the relocation of firms with such positions to the District.

The Project will add 80 new living wage jobs, boosting employment opportunities in Ward 7, and particularly jobs in the health care sector. Accordingly, the Project will further the above policies contained in the Economic Development Element.

h. Other Comprehensive Plan Policies

In addition to the policies stated above, the Project also advances a number of other policies set forth in the Comprehensive Plan.

**Community Services and Facilities Element – Policy CSF-2.3.1: Senior Care Facilities:** Establish new senior centers in areas that have large elderly populations, particularly neighborhoods in Upper Northwest and Far Northeast. These centers could be co-located in community health facilities or near other public facilities such as libraries or elementary schools to increase the interaction and learning between senior citizens, youth, and others.

**Transportation Element – Policy T-1.1.4: Transit-Oriented Development:** Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. See also Section LU-1.3 of the Land Use Element for transit-oriented development policies.

**Parks, Recreation, and Open Space Element – Policy PROS-4.3.3: Common Open Space in New Development:** Provide incentives for new and rehabilitated buildings to include “green roofs”, rain gardens, landscaped open areas, and other common open space areas that provide visual relief and aesthetic balance.

The Project furthers all of the above policies contained in the Comprehensive Plan by establishing a new affordable senior care facility that is less than one-half mile from a Metro station and includes revitalization efforts to create a common open space for residents and visitors of the Project in the form of restored green space accessible via a pedestrian boardwalk.

2. **Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including: (1) Multiple pedestrian entrances for large developments; (2) Direct driveway or garage access to the street is discouraged; (3) Commercial ground floors contain active uses with clear, inviting windows; (4) Blank facades are prevented or minimized; and (5) Wide sidewalks are provided. (11-X DCMR § 604.7(a))**

The Project has been designed to maximize connectivity and vehicular and pedestrian porosity through the site. The Applicant proposes two access points: one on Kenilworth Avenue and one on (planned) Shaw Drive. This site design ensures that vehicles will always have two means to access and exit the Property both for the convenience of traffic flow and in the event of emergency. In addition, the Applicant proposes a pedestrian pathway from Kenilworth Avenue through the site and a direct connection from the proposed nature boardwalk to Anacostia Avenue (and Anacostia Park/Kenilworth Aquatic Gardens) to the north. From a site access perspective, the Project will integrate with Kenilworth Courts, and, upon that project’s completion, it will complement the planning principles represented in that project to create a comprehensive pedestrian-friendly and interconnected neighborhood environment.

- 3. Public gathering spaces and open spaces are encouraged, especially in the following situations: (1) Where neighborhood open space is lacking; (2) Near transit stations or hubs; and (3) When they can enhance existing parks and the waterfront. (11-X DCMR § 604.7(b))**

As discussed in detail above, the Project will include substantial green open space with a pedestrian boardwalk with seating, providing access through and passive recreation in this park-like environment and connecting through the site to Anacostia Avenue.

- 4. New development respects the historic character of Washington’s neighborhoods, including: (1) Developments near the District’s major boulevards and public spaces should reinforce the existing urban form; (2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and (3) Development should respect and protect key landscape vistas and axial views of landmarks and important places. (11-X DCMR § 604.7(c))**

As an infill development on a currently vacant site, the Project will achieve the careful balance of providing much-needed affordable senior housing in an underserved part of the city while doing so in a way that respects the existing character of the surrounding area and restores the natural beauty of the Property and establishes multiple connections to this park-like amenity from surrounding locations. The Project site design will protect and restore, as much as possible, the natural features of the Property. The Project will maintain the moderate density residential character of the area by providing a multi-story residential building with significant surrounding open space, which is commensurate with nearby development. The Project design will achieve this moderate density character by calibrating the building design with additional height but with less density, a smaller footprint, and a large rear yard to accommodate the programmatic and density needs of an assisted living facility in this neighborhood.

- 5. Buildings strive for attractive and inspired façade design, including: (1) Reinforce the pedestrian realm with elevated detailing and design of first (1<sup>st</sup>) and second (2<sup>nd</sup>) stories; and (2) Incorporate contextual and quality building materials and fenestration. (11-X DCMR § 604.7(d))**

As shown in the Plans, the Project design incorporates high-quality and durable building materials to achieve a greater degree of façade articulation. The design includes stacked stone veneer, rainscreen metal panel, “wood look” solid phenolic panel, and fibrous cement panel elements into the façade. The architectural features of the Project are to celebrate adjacent woodlands and nearby aquatic gardens by incorporating natural looking materials such as wood and stone as well as providing vistas from the rear elevator lobbies and balconies on each floor. The Project also will incorporate outdoor gathering spaces designed to maximize residents’ and visitors’ access to, and enjoyment of, the natural surroundings. These features include the large outdoor terraces on the ground floor at the rear of the building and on the ground and second floors at the front of the building, as well as operable windows for all units and screened porches on every residential floor. Elements such as these recognize that the Project will achieve an

inspired design not only with the materials and design of the proposed building, but also by orienting the Project to largely defer to, and by doing so amplify, the inspiration and natural beauty that will be created on the site.

**6. Sites are designed with sustainable landscaping. (11-X DCMR § 604.7(e))**

As depicted on the Plans, the Project will include extensive sustainable landscaping to be incorporated throughout the site as a major component of the Applicant's redevelopment effort.

**7. Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including: (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit; (2) The development incorporates transit and bicycle facilities and amenities; (3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly; (4) Large sites are integrated into the surrounding community through street and pedestrian connections; and (5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront. (11-X DCMR § 604.7(f))**

As discussed above, the Project is designed to facilitate connectivity through multiple access points. Primary vehicular access will be from Kenilworth Avenue, with secondary vehicular access to/from planned Shaw Drive. In addition, the site design includes sidewalks and pedestrian pathways from Kenilworth Avenue through the site connecting to the proposed nature boardwalk that will then connect to Anacostia Avenue. Also, the Project will include the approximately 51 long-term bicycle parking spaces and eight (8) short-term bicycle parking spaces to accommodate staff and visitors who choose to travel by bike.<sup>6</sup>

**C. The Application Satisfies the General Special Exception Requirements**

Pursuant to Subtitle X § 604.6, the Zoning Commission must find that the application meets the general special exception requirements of the Zoning Regulations. The application satisfies these requirements as follows.

**1. The Proposed Design Is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.**

The Project is in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Map. Aside from the flexibility requested for height, the Project will meet all applicable RA-1 development standards and will introduce a new residential use — affordable senior housing — into the area, in furtherance of the goals of the RA zones to promote all types of residential development. Further, as described above, the Project is not inconsistent with the Comprehensive Plan.

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<sup>6</sup> Because the residents will be seniors who require assistance with daily tasks, the Applicant expects that most will not use or own bicycles, but the bicycle parking will more than accommodate those residents who do have bicycles.

**2. The Proposed Building Will Not Affect Adversely the Use of Neighboring Property in Accordance with the Zoning Regulations and Zoning Map.**

The Project will maintain the scale and density of the surrounding buildings and will fit appropriately into that context. It will introduce a new affordable assisted living facility, which is a desperately needed use in the area and the District as a whole. The Applicant has thoughtfully designed the building to minimize any adverse impacts on adjacent properties by preserving ample open space, providing adequate off-street parking, raising the building pad out of the floodplain, and incorporating high-quality landscape and design features. These features will combine to produce a development that will be an asset to the neighboring community.

**VII. This Application Satisfies the Requirements for Special Exception Relief**

The Applicant seeks special exception approval for a CCRC use pursuant to Subtitle U § 420.1(i) and special exception relief from the parking location requirements pursuant to Subtitle C § 710.3 to permit parking in the Project's front yard along the southern side of the site. The Applicant meets the requirements for the special exception relief requested as follows:

A. Continuing Care Retirement Community under Subtitle U § 420.1(i) (which must Satisfy the Requirements of Subtitle U § 203.1(f))

**1. The use shall include one or more of the following services: . . . (B) Assisted Living Facilities (11-U DCMR § 203.1(f)(1)).**

The Project is an assisted living facility.

**2. If the use does not include assisted living or skilled nursing facilities, the number of residents shall not exceed eight (8) (11-U DCMR § 203.1(f)(2)).**

Because the Project is an assisted living facility, this criterion is inapplicable.

**3. The use may include ancillary uses for the further enjoyment, service, or care of the residents (11-U DCMR § 203.1(f)(3)).**

Under Subtitle U § 420.1(i), this provision is not applicable to CCRC uses in the RA-1 zone and thus ancillary uses are not permitted for the Project in furtherance of the aims of the RA zones to promote and protect areas of moderate density residential development. Here, the Applicant is not proposing any ancillary uses as part of the Project, so it is not affected by this restriction.

**4. The use and related facilities shall provide sufficient off-street parking spaces for employees, residents and visitors (11-U DCMR § 203.1(f)(4)).**

The Project proposes a sufficient number of parking spaces — 49 spaces — to ensure that there will be adequate parking for employees, residents, and visitors. This number of spaces exceeds the minimum required to ensure adequate accommodation.

- 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 (11-U DCMR § 203.1(f)(5)).**

The Project, as designed, will not result in any objectionable conditions for neighboring properties. As described above, the Property is currently a clear-cut dumping ground. The Project will provide a significant enhancement from the existing condition by incorporating extensive landscaping and the construction of a high-quality building. Further, The Project, an assisted living facility, is not expected to generate an unusually high level of noise or traffic, and the site plan includes multiple vehicular access points to ensure that vehicle circulation to and within the site is accommodated without any substantial negative effects on the surrounding transportation network. The Project will meet and exceed all applicable setback requirements.

- 6. The [Zoning Commission] 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 (11-U DCMR § 203.1(f)(6)).**

The Project has been carefully designed in order to site the building and other design features so as to minimize the building footprint and maximize the amount of open space on the Property. Further, the Project will exceed all applicable setback requirements, will be separated a considerable distance from any neighboring building, and will have ample landscaping buffers. Accordingly, additional special measures are not needed in this case to protect adjacent and nearby properties.

**B. Relief from Parking Location Requirements Pursuant to Subtitle C § 710.3.**

- 1. The Board of Zoning Adjustment shall determine that it is not practical to locate the spaces in accordance with Subtitle C § 710.2 for the following reasons:**

**(1) Unusual topography, grades, shape, size, or dimensions of the lot; . . .**

**(4) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties (11-C DCMR § 710.3(a)).**

While the Applicant has made every effort to locate parking within the footprint of the proposed building, the need to avoid construction in the floodplain and to focus development on the south side of the site necessitates the relocation of approximately 19 parking spaces in the Project's front (south) yard, which is not permitted under Subtitle C § 710.2. Accordingly, relief



is needed in order to accommodate these unusual characteristics and site plan design requirements. The proposed siting of these parking spaces in the southern area of the site is a more efficient and preferable use of land than siting surface parking to the rear of the building, which would create unnecessary separation between the building and outdoor terrace and the green space that will serve as a major feature of the Project. By locating the additional necessary parking south of the building, the Project will preserve the natural tranquility and park-like quality of the large open space on the north side of the Property, and thus permission to locate the parking in front of the building is appropriate in this case. Furthermore, these parking spaces will already be separated from the public right-of-way, which is the planning policy concern in locating surface parking in the front yard of a development. But here, the proposed parking spaces at issue will not be directly adjacent to a public street, so they will not separate the public streetscape and the development. Further, the proposed parking will be appropriately screened with landscaping plantings and canopy trees, ensuring no negative impacts due to the proposed location of the parking spaces.

2. **The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve (11-C DCMR § 710.3(b)).**

The proposed parking along the south side of the building will be immediately accessible from and convenient to the proposed assisted living facility in order to best serve residents, visitors, and employees of the facility. Vehicles will access these spaces from Kenilworth Avenue and the driveway leading west, and they will be conveniently located close to the main building entrance.

3. **The Board of Zoning Adjustment may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces (11-C DCMR § 710.3(c)).**

As discussed above, the Project has been carefully designed to minimize the building footprint and maximize the amount of green open space on the Property. All applicable setbacks will be met and exceeded, the site will be extensively landscaped, and the subject parking area will be screened and separated by more than 64 feet from the nearest building. Accordingly, additional measures are not needed to protect adjacent and nearby properties.

- C. The Requested Relief Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps and Will Not Tend to Affect Adversely the Use of Neighboring Property (11-X DCMR § 901.2).

The Project will introduce a new affordable assisted living facility that is well designed, with adequate access, parking, open space, and floodplain protections. The proposed location of 19 parking spaces on the south side of the Property will accommodate the Project's site planning needs to minimize the overall building footprint, elevate above the floodplain, and achieve the

park-like green open space to the rear. Thus, the Project will be in harmony with the purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect neighboring property.

**VIII. Exhibits**

The following exhibits are attached to this submission:

**Exhibit A:** Application Form

**Exhibit B:** Agent Authorization Letters

**Exhibit C:** Property Owner List

**Exhibit D:** Certificate of Notice

**Exhibit E:** Architectural Plans/Sections/Elevations, and Photographs of the Property

**Exhibit F:** Surveyor's Plat

**IX. Conclusion**

For the foregoing reasons, the Applicant requests that the Commission approve this development per the Voluntary Design Review standards and the special exception standards to permit a CCRC use and to locate parking in the Project's front yard. We look forward to presenting this application to the Commission at the public hearing on this application.

Respectfully,

/s/ \_\_\_\_\_  
Cary R. Kadlecek

/s/ \_\_\_\_\_  
Lawrence Ferris