

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: September 14, 2018

SUBJECT: BZA Case 19751 (2619-2623 Wisconsin Avenue, N.W.) to allow a continuing care retirement community in a residential zone with reduced on-site parking.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- Subtitle U § 203.1(f), Memory Care Continuing Care Retirement Community use in a residential zone; and
- Subtitle C § 703.2, Partial reduction in number of required parking spaces (19 spaces required, 9 spaces provided).

Subject to the following condition:

1. The OP analysis and recommendation are based on the proposed Continuing Care Retirement Community - Memory Care use. If an approval is granted, any Order should clearly state that both the special exception for use and for the parking are for this specific use; any change in use, including to a different form of Continuing Care Retirement Community, should require a new application to the BZA for re-evaluation of it against the relevant regulations.

II. LOCATION AND SITE DESCRIPTION

Address	2619-2623 Wisconsin Avenue, N.W.
Applicant	Cozen O'Connor for Marital Trust U/Sheaffer Family Trust
Legal Description	Square 1935, Lots 44 and 812
Ward, ANC	Ward 3, ANC 3C
Zone	R-1-B is intended to provide areas predominantly developed with detached houses on moderately sized lots. Continuing care retirement communities are permitted with a special exception.
Historic District	Not applicable.
Lot Characteristics	The subject property consists of two lots, lots 44 and 812, which form a rectangular property having 19,113 square feet of area. The property has 155.9 feet of frontage along Wisconsin Avenue and 122.5 feet of frontage along Edmunds Street. A 15-foot-wide public alley is located along the east property line.

Existing Development	Lot 44 is currently developed with a two-story single-family dwelling with a basement and a single-story accessory structure used as a garage. Lot 812 is vacant.
Adjacent Properties	To the north, across Edmunds Street, are detached dwellings. To the south and east are additional detached dwellings. To the west, across Wisconsin Avenue, is the Embassy of the Russian Federation, which has a retaining wall along the street, topped with a metal fence.
Surrounding Neighborhood Character	The surrounding neighborhood character is generally low density residential, consisting of detached and semi-detached dwellings. Medium density uses are also in the area, including eight to nine story multifamily buildings located on the west side of Wisconsin Avenue, north of Edmunds Street. An eight-story hotel is located on Wisconsin Avenue, south of Davis Street, and Carillon House, a large multifamily development, is located on the west side of Wisconsin Avenue, south of Davis Street.

III. APPLICATION IN BRIEF

The applicant proposes to combine the subject properties into one lot, demolish the existing structures, and construct a three-story assisted living facility with 32 residential units and nine parking spaces.

The applicant has provided that:

1. The existing structure on lot 44 would be razed, and the two subject lots would be combined into one lot of record to allow for the construction of the proposed continuing care retirement facility.
2. The facility would be a memory care facility, which is a subset of assisted living. Memory care is a specialized program focused on providing care to seniors with forms of dementia, such as Alzheimer's disease. The residents would live full-time at the facility in private living spaces.
3. Thirty-two dwelling units would be proposed in the facility. There would be eight units on the first floor, and twelve units on the second and third floors. Two of the units on the second and third floors would accommodate two people. Single-person units would vary in size between 320 square feet and 360 square feet. Two-person units would be 527 square feet and 547 square feet.
4. The facility would have a total of 18 staff during the day and three staff overnight, consisting of licensed nurses, Certified Nursing Assistants, and Certified Medical Assistants. The shifts would be from 7:00 am to 3:00 pm, 3:00 pm to 11:00 pm, and 11:00 pm to 7:00 am. Staff would be assigned to specific floors to provide personalized care for patients. The applicant should provide additional information regarding the number of vendors or

contractors anticipated at the facility for resident activities, including physical therapists, stylists, physicians, activity facilitators, etc.

5. A range of specialized care would be provided to residents, including assistance with daily living activities, medical, and cognitive therapeutic programs. There would be on-site activities for residents such as music therapy, sensory stimulation, virtual outings, and exercise classes. Most of the on-site activities would occur inside the facility, but a proposed garden area and courtyard would be available for recreation. Off-site group outings would occur approximately two to three times per week, when residents would be transported to off-site outings by community van. Pick up and drop off of residents would occur from the alley.
6. Food deliveries would be expected approximately twice per week. The provider should continue to work with the community to ensure that deliveries do not adversely impact neighboring properties, such as ensuring that deliveries do not happen during typical rush hour times. Trash collection would occur from the alley.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-1-B	Regulation	Existing	Proposed	Relief
Height (ft.) D § 303	40 ft.	Not provided	40 ft.	None required
Penthouse (ft.) D § 303	12 ft.	None existing	12 ft.	None required
Lot Width (ft.) D § 302	50 ft.	155.9 ft.	No change	None required
Lot Area (sq. ft.) D § 302	5,000 sq.ft.	19,113 sq.ft.	No change	None required
Lot Occupancy D § 304	40%	Not provided	40%	None required
Front Setback D § 305	Within the range of existing front setbacks	Not provided	25 ft.	None required
Rear Yard (ft.) D § 306	25 ft.	Not provided	26.25 ft.	None required
Side Yard (ft.) D § 307	8 ft.	Not provided	11 ft.	None required
Pervious Surface D § 308	50%	Not provided	59%	None required
Parking C § 701	19 spaces (1 space per 2 units)	Not provided	9 spaces	Required
Continuing care retirement community U §203.1(f)	Permitted in the R-1-B zone by special exception	Not applicable	Continuing care retirement community proposed	Required

V. OFFICE OF PLANNING ANALYSIS

- 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 be a memory care facility, which is a subset of assisted living. Residents of the facility would live in private living spaces, and the facility would provide a specialized program providing care to seniors with forms of dementia. 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 includes assisted living and would have a total of 32 dwelling units with a maximum of 34 residents. The proposal is consistent with this section.

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

Ancillary uses for the further enjoyment, service, and care of the residents are proposed to be located on site. The cellar would include a multiuse room for dining and activities, a beauty and barber shop, and fitness center. On-site activities would include medical and cognitive therapeutic programs, such as music therapy, sensory stimulation, virtual outings, and exercise classes. A garden area and courtyard has been proposed at the rear of the building for recreation, and scheduled off-site group outings would occur approximately two to three times per week.

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

A total of nine parking spaces would be provided on site, where 19 spaces are required. Special exception relief to partially reduce the number of required parking spaces has been requested as part of this application, and separate analysis has been provided below.

- (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*

Outdoor space would be provided east of the building, accessible from the cellar. The space would be separated from the residences to the east of the site by a garden fence, 15-foot wide public alley, and a row of parking spaces, and should not create noise or other objectionable conditions.

A total of nine parking spaces would be provided along the eastern property line, accessed via the public alley. The parking spaces would be available for use by staff of the facility, while visitors would park in time-restricted zones on the street or arrive by public transportation. The applicant has indicated that there would be two staff shifts during the day, from 7:00 am to 3:00 pm and 3:00 pm to 11:00 pm, and an additional overnight shift from 11:00 pm to 7:00 am. Given the shifts, it is not anticipated that there would be regular traffic using the parking spaces, and that most traffic would occur at shift changes. As a result, the proximity of parking to neighboring properties should not become objectionable because of noise, traffic, or other objectionable conditions.

- (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.

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 supports continuing care retirement communities with the approval of a special exception. The facility would be sited along a major thoroughfare, providing memory care in a residential setting; the type of use anticipated by the zoning. The development complies with the bulk requirements for the zone, providing sufficient setbacks, and complying with height, lot occupancy, and roof requirements. While the proposed memory care facility is supported at this location, OP would have significant concerns should a different use, such as an apartment house, be proposed.

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

The proposed continuing care retirement community would not appear to adversely affect the use of neighboring property. The facility would comply with bulk requirements for the R1-B zone, and would not have a detrimental impact on light and air to neighboring properties. There are existing fences, trees, and accessory structures along the alley that limit impact to neighboring properties to the south in terms of privacy and noise. The applicant should provide additional information regarding drainage on the property to ensure that it does not adversely impact neighboring properties.

The applicant has identified the number of staff and shifts that would be necessary to accommodate the needs of the residents at the facility, which do not appear to be excessive and unnecessary given the size of the facility. The facility would be required to comply with DCMR § 44-107.01, which governs staffing requirements for assisted living facilities.

b. Special Exception Relief pursuant to Subtitle C § 703.2, Partial reduction in number of required parking spaces

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following (emphasis added):

- (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 in accordance with Subtitle C § 701.8;*

The applicant provides that the depth of the lot exhibits constraints that make it impracticable to provide the required 19 parking spaces. The proposed memory care facility complies with development requirements, providing required setbacks and complying with height, lot occupancy, and other regulations. Parking must be accommodated at the rear of the lot, adjacent to the public

alley; additional curb cuts from streets are discouraged when there is sufficient alley access to a property. Alternatively, the provision of below-grade parking would create a financial hardship for the proposed use, and result in unnecessary additional impacts on the neighborhood.

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

The applicant has provided a traffic report and parking study for the proposed development at Exhibit 39. While resident use of mass transit is not anticipated, the study notes that for staff or visitors, the site is well-served by Metrobus along primary corridors with multiple bus stops located adjacent to the site, and in particular, a bus stop at the front of the site adjacent to Wisconsin Avenue. The study also provides that the area is well-served by bicycle connections to signed bicycle routes and bicycle lanes, and is located within one-half mile of two Capital Bikeshare stations. The development would provide 15 short-term bicycle parking spaces at the rear of the building. Car share and taxi services would be readily available, particularly on Wisconsin Avenue.

Additional bicycle infrastructure improvements are planned within the vicinity of the site, including a 3.6-mile multiuse trail along Massachusetts Avenue from P Street to Westmoreland Circle, and the completion of bicycle lanes along Garfield Street from 36th Place to 39th Street.

The existing conditions, proposed bicycle infrastructure, and short-term bicycle parking spaces ensure that the proposal would be well-served by mass transit and bicycle facilities.

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;

(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 proposed use, a continuing memory care retirement facility, would generate less demand for parking than the minimum parking standards. Given that the facility will provide services specifically to memory care residents having various forms of dementia, residents would not require on-site parking. The parking study provided by the applicant (Exhibit 39) concludes that:

1. The site's adequate access to transit, as well as improving bicycle and pedestrian facilities and other new development in the area results in a safe and effective environment for non-auto transportation access to the site.
2. The observed supply of on-street parking options will adequately serve the project for visitors to the site.
3. At any time during a typical weekday or weekend day, there are at least 103 parking spaces available within two blocks of the subject site.

The programmer of the facility has also indicated that residents would be provided with transportation via a community van for any activity outside the facility.

DDOT has provided analysis of the traffic study in its report at Exhibit 45.

- (f) *All or a significant proportion of dwelling units are dedicated as affordable housing units;*

All of the units would be dedicated to memory care units. The proposed use is not subject to Inclusionary Zoning requirements.

- (g) *Quantity of existing public, commercial, or private parking, other than onstreet parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;*

While there are commercial uses with parking garages within walking distance, OP is not aware of commercial parking lots.

- (h) *The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*

- (1) *A curb cut permit for the property has been denied by the District Department of Transportation; or*
- (2) *Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*

This section does not apply to the proposal, as the property has access to a 15-foot wide alley from which parking is proposed.

- (i) *The presence of healthy and mature canopy trees on or directly adjacent to the property; or*

This section does not apply to the proposal.

- (j) *The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.*

This section does not apply to the proposal.

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

The zoning is intended to provide for sufficient parking, discouraging over-parking to minimize traffic and site impacts. For this facility, for which residents would not have vehicles, the proposed parking would be adequate. For a different kind of facility, this may not be the case, so any Order for this proposal which includes approval of parking relief should specify that such relief is for this kind of use – a memory care facility – only.

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

The applicant has provided a parking study demonstrating that the proposed nine parking spaces would be sufficient for the development, and that the proposed reduction should not adversely

impact neighbors. The site is well-served by public transit and staff would be encouraged to arrive by means other than private vehicle.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT has filed a report indicating that it has no objection to the requested relief at Exhibit 45.

VII. COMMUNITY COMMENTS

As of the date of this report, comments from ANC 3C had not been provided to the record. The applicant has stated that they are scheduled to present the proposal to the ANC at its September 17, 2018 meeting. An update regarding the outcome of this meeting should be provided to the Board at the hearing.

Letters in opposition have been filed to the record at Exhibits 33, 40, 44, and 46. The Massachusetts Avenue Heights Citizens Association (MAHCA) has filed for party status in opposition of the proposal at Exhibit 43. The applicant should continue to work with the community and provide responses to concerns prior to the public hearing.

Attachment: Location Map

Location Map

