

September 14, 2018

District of Columbia Board of Zoning Adjustment (via email to bzasubmissions@dc.gov)

RE: LETTER IN OPPOSITION TO CASE NUMBER 19751 (Application of MED Developers, LLC)

Dear Chairperson Hill and Members of the Board of Zoning Adjustment:

I am writing in opposition to MED Developers LLC's proposed application for a Memory Care Facility to be located at 2619-2623 Wisconsin Avenue, NW, and to respectfully request that the BZA deny the special exceptions requested and reject the application in the above-referenced matter. As outlined below, the proposed facility is incompatible with, and deleterious to, the residential neighborhood that the R-1-B zoning distinction is intended to preserve, and granting any special exceptions to allow the construction of this proposed facility will cause substantial harm to the neighborhood.

First, the proposed facility is not appropriate in our R-1-B zoned neighborhood and, if allowed, would significantly commercialize and create other objectionable conditions in this single-family residential neighborhood. The lots at issue in this application are each zoned for one single-family home, but the proposed institutional facility is a monolithic 40-foot tall structure (plus an additional 12-foot penthouse for machinery) that spans the entire length of all the lots. The proposed facility's size and scale will simply overwhelm the adjacent single-family homes, resulting in a loss of light, air and privacy, and creating increased rainwater drainage affecting the residential neighbors living in the surrounding homes. The commercial nature of its use will have a significant detrimental impact on the neighborhood because of increased noise and exhaust pollution from the numerous delivery trucks and emergency response vehicles visiting the property, as well as from the facility's commercial kitchen, HVAC and laundry operations for its many residents. The bottom line is that the proposed facility does not conform to the future land use commitment by the District as envisioned by the formal R-1-B zoning of the area. There has always been a zoning distinction between the West side of Wisconsin – where high density residential buildings and the Russian Embassy are located (zoned R-5-D, RA-4) – and our low-density neighborhood on the East side of Wisconsin (zoned R-1-B) – which we believe needs to be preserved to comply with DC law. As outlined in the DC Zoning Handbook, the R-1-B zone is designed, in part, to “protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes.” Allowing this proposed institutional/commercial facility to be erected in this residential neighborhood, especially where such facility will create objectionable conditions to the residential neighbors, flies in the face of the express intent of the R-1-B zoning designation.

Second, the proposed facility will detrimentally impact parking and traffic in this residential neighborhood. The proposed facility will house some 36 patients and will accommodate 18 staff members on site per shift, but will only offer 9 parking spaces (1 of which will be designated a handicap space) for staff, residents, visitors and delivery vehicles. Since the applicant is requesting a CCRC exception to the zoning requirements, the applicant must comply with the

specific conditions outlined in Subtitle U §203.1(f)(1-6), including the requirement that the facility “shall provide sufficient off-street parking spaces for employees, residents, and visitors.” (emphasis added). Nine parking spaces will not be enough to accommodate even 50% of the staff who will be working each shift (not accounting for time periods during shift changes when there will necessarily be some overlap), not to mention any additional visitors to the facility. The applicant cannot rely on the scarce on-street parking in the neighborhood to accommodate staff or visitors, since that parking (by definition) is not “off-street parking” (as defined in the CCRC exception language) and is 2-hour restricted parking for non-residents. Even if, for some reason, the residential parking standard were to apply to this facility, the facility should have 18 spaces. In light of the lack of Metro access to the property, the nine proposed spaces are simply insufficient to accommodate the expected number of staff who will drive to their shift as well as the numerous visitors to the facility, which would include relatives and friends visiting the residents, therapists and other service providers, deliveries, etc. Staff and visitors will end up using residential street parking in the neighborhood, which is already overburdened by the current residents of the immediate neighborhood, as well as residents of the apartments across Wisconsin Avenue and visitors to the Glover Park Hotel and local religious institutions. The developers’ traffic study, which purported to show there was sufficient street parking available within two blocks of the site, is totally inconsistent with our experience multiple nights each week when we have to drive several blocks to find an open space. In addition, the proposed traffic flow associated with the facility’s operations – entering the property through a narrow residential alley that is used by neighboring families every day to access their properties – creates an objectionable, burdensome and dangerous traffic situation for the resident families (many of whom have young children) in our neighborhood.

Third, the proposed “memory care facility” is not designed in the best interests of potential residents with dementia or other cognitive impairments. The proposed facility includes only one elevator, even though we may expect several of the senior residents to have limited mobility, use wheelchairs or walkers, or otherwise have difficulty navigating stairs. The facility has very limited space for residents to congregate, and little activity space to accommodate regular activities for residents who are functioning at different levels. The dining facility is also inadequately sized, and there is no space for the assistants who will be needed to help feed those residents who have trouble feeding themselves. Moreover, there is only a single toilet shown in the lowest level, where the bulk of the staff is to be located and where all the dining will take place. One toilet facility for 36 senior dementia patients -- many of whom will need to use the toilet facilities prior to, during or directly after a meal – is simply inadequate. These design deficiencies may lead to inadequate supervision and care of the patients and may increase patient agitation. Instead of trying to create a facility that would reflect feedback from the community and best practices in memory care facilities, the developer applicant is simply trying to erect a large, monolithic building to house as many people as possible in a futile attempt to ensure a profitable operation of this commercial enterprise in a residential neighborhood.

Finally, the proposed use as a memory care facility appears highly unlikely to be economically viable and the developer and operator lack the appropriate experience. While the applicant developer may have experience building multi-family residential apartments, condominiums and group housing, it appears they have no healthcare or memory care facilities in their portfolio. The operator, Guest Services, Inc., has limited experience in this area and, as far as I can tell, has

only two such properties in their portfolio (one of which is currently under construction and neither of which is of a similar size or in a comparable urban setting). Other operators have indicated that memory care facilities with fewer than 50-80+ units are not economically viable. An obvious concern, therefore, is that the applicant does not really intend to maintain this building as a memory care facility (or is incapable of maintaining the operations because it is not economically viable) and will instead change this large, nonconforming building, once constructed, into some other institutional/industrial facility that will be even more detrimental to this residential neighborhood of single-family homes. Accordingly, if the BZA does not deny the application outright, I respectfully request that the BZA condition any approval with (1) a requirement that no construction takes place until the applicant provides sufficient information relating to the financial viability of the project as it is proposed to be used; and (2) a requirement that the building be removed entirely if the proposed use as a memory care facility fails or is no longer pursued by the developer or its successor.

For these reasons and many others, I hope that you will see fit to reject the applicant's proposal and deny any special exception requests.

Sincerely,

J.Y. Dyer
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