

Daniel James Crabtree
2608 36th Place NW
Washington DC 20007

September 14, 2018

To: District of Columbia Board of Zoning Adjustment (via email: bzasubmissions@dc.gov)
CC: ANC 3C (via email: All@anc3c.org); Councilmember Cheh (via email: MChah@dccouncil.us)

Subject: **Letter in Opposition to BZA Case Number 19751 (Application of MED Developers, LLC)**

Dear Chairman Hill and members of the BZA,

I am the owner of 2608 36th Place NW, which is situated immediately across the narrow residential alley from the two R-1-B single family home lots which are the subject of BZA Case Number 19751. I would like to see these lots developed in the right way, with positive benefits being achieved for both the neighborhood and the city. As an economic development professional with over 20 years of experience at the World Bank Group (International Finance Corporation) and in the UK government, I know what successful, sustainable development looks like. This is not it.

A crucial success factor for any development is to honestly weigh its advantages and disadvantages, based on hard data and evidence. The applicant touts certain advantages of the proposed development (e.g. provision of senior care) whilst almost wholly ignoring its disadvantages. These omissions may, quite frankly, lead to deadly consequences for the children and adults of this neighborhood, even for the residents/patients of the proposed facility, especially since they are prone to wander. As addressed in my letter to ANC 3c of September 3rd (attached at Annex 1), the applicant completely fails to demonstrate how its plans “will not tend to affect adversely the use of neighboring property” (burden of proof clause). These adverse impacts include but are not limited to: traffic (including safety consequences), noise, loss of privacy, loss of natural light, as well as environmental issues such as pollution, potential lead dust contamination, and water run-off.

As the father of two small children who walk to school along, play in, and cycle through the aforementioned narrow, residential alley, I feel compelled to emphasize just how significant the applicant’s wanton neglect of traffic and parking considerations for this 24-hour facility are for this neighborhood. These issues alone are reason enough to reject this application.

Concerning **traffic flow**, let me begin by highlighting the narrowness of the alley behind the proposed development. As illustrated in photographs 1 and 2 below, which were taken today, the alley measures a mere 12 feet 9 inches from the telegraph pole at the back of my property to the proposed development site – as opposed to the 15 foot width cited in the application. As a result, the alley can very easily become blocked by just one vehicle. Indeed, this happened just today, with one truck obstructing access to and from our property on each side! (i.e. one in the direction of Davis and one in the direction of Edmunds).

Photograph 1. Measurement of Alley Between Davis & Edmunds (behind proposed development site at 2619-2623 Wisconsin Avenue)



Photograph 2. Measurement of Alley Between Davis & Edmunds (at 2619-2623 Wisconsin Avenue)



Photographs 3 and 4 show what this entails. The alley can demonstrably NOT be used by two vehicles that want to pass one another, whether in opposite or the same direction, i.e. it is effectively single lane.

Photograph 3. Alley between Davis & Edmunds blocked by vehicle (facing towards Davis)



Photograph 4. Alley between Davis & Edmunds blocked by vehicle (facing towards Edmunds)



While we residents might be able to adapt to this kind of traffic blockage happening from time to time, it would be an unreasonable burden on the neighborhood to absorb the dramatic influx of vehicles (possibly 20+ types of vehicles, mainly commercial) that would seek to enter this 12-foot wide alley for the purpose of serving this unforeseen, 24-hour institutional facility. In the absence of vehicular access to the property on the three other sides (surely already a red flag?) MED proposes to “co-opt” this residential alley for its private use – neglecting the access and safety rights on homeowners who live along the alley.

Vehicles needing to enter this narrow alley as a result of this facility being constructed could include:

- Staff cars (who will arrive in shifts and fight to gain access to some of the mere 9 spaces MED proposes to provide, including one handicapped space and one space will likely be taken up by the facility /excursion van, so really only 7 spaces unless an employee is entitled to park in a handicapped space)
- Visitor cars (who under CCRC special exception regulations should have off-street parking provided for them, but will fail in their hunt for such a space given only 7-9 spaces are being offered on site)
- Vehicles for contractors anticipated at the facility for resident activities, including physical therapists, stylists, physicians, activity facilitators, etc.
- Facility / Excursion van (which presumably will park on site, thereby taking up one parking space)
- Food delivery trucks (which as noted by the applicant would be expected to arrive twice a week, although it is not clear if even this is realistic, e.g. will meat, fruit and vegetables and dairy would all be arriving on the same truck? At the non-conforming Glover Park Hotel down the road they do not)
- Trash trucks
- Utility trucks (e.g. Verizon, Washington Gas, Pepco)
- Ambulances (based on the experience of Sunrise at Connecticut, one in four would arrive during the night)
- Maintenance and repair trucks (e.g. for HVAC, cleaning, painting, pest control)
- US Postal Service trucks
- Private security vehicles
- Police cars
- Fire engines
- UPS trucks
- Fedex trucks
- Amazon delivery trucks
- Medical supply trucks
- Landscaping trucks (though it is not clear how their gardening equipment could access the facility's garden, based on the applicant's drawings, nor where they would park for several hours at a time)
- Taxis
- Ridesharing vehicles (e.g. Uber, Lyft)
- Uniform supply trucks (e.g. Cintas)
- Linen trucks (since the facility only provides for seemingly a non-commercial laundry room)

The developer's application fails to recognize the need for most of these vehicles to access the facility, and in doing so cites that there will only be two food delivery vehicles coming to the facility each week.

Even a rudimentary understanding of the operations of such a facility shows this is demonstrably incorrect: memory care patients need help. And lots of it. And institutional facilities need servicing. The BZA surely cannot endorse a plan that is lacking any data or analysis on one critical element: the increase in vehicular trips (especially of commercial vehicles) that will be made up the one access road to the facility - a single lane residential alley – throughout what will be a 24-hour cycle, 7 days a week (yes, residents will have no respite).

The narrow 12-foot wide residential alley was simply not designed to handle this flow of commercial truck traffic to and from the proposed facility. The alley will consequently become congested to a level that will: a) impede neighbor’s normal use of the alley with their vehicles, as cyclists, or as pedestrians, and b) dramatically heighten the risk of a pedestrian or cyclist being knocked down and potentially killed in the alley. As a father of two young children with a house backing onto this alley, right in between the loading dock and parking area entrance, I am dutybound to raise awareness of these safety risks – and to ensure neither of my children (see Photograph 5) become victims of such inept and grossly negligent traffic planning. It is likely to prove treacherous just to walk out of our back gate!

Photograph 5. My son standing in the alley between Davis & Edmunds, on his way to school (adjacent to 2619-2623 Wisconsin Avenue) Note also the truck in the background, which is making a delivery to the non-conforming, illegally built Glover Park Hotel at Davis and Edmunds, and which appears ready – as is typical – to shoot up this narrow residential alley in order to get back onto Wisconsin Avenue more quickly than taking a longer route through the nearby streets, creating an accordant safety risk.



As a commercial facility that will be open 24 hours, vehicles would be arriving and departing throughout the day and night – further increasing the disruption to the peaceful enjoyment of the neighboring properties such as the one I own, due to the constant vehicular noise. This would simply not happen if single family homes were developed on the lots in question, as the zoning regulations anticipated.

On the issue of **parking**, as noted in the Massachusetts Avenue Heights Association Party Status Request (dated September 12th 2018), the application clearly fails to meet the required standard for a CCRC of providing “sufficient off-street parking for employees, residents, and visitors”. This is because nine (9) off-street spaces will be inadequate for 18 staff (most of whom will drive, given the long journeys they would likely face by public transport in lieu of metro access and based on the due diligence we have conducted at similar facilities and similarly situated facilities (i.e. on bus lines, but not on the metro). My wife and I have also received feedback from a geriatric psychiatrist and others who work in the assisted living business that a total of 18 staff for 36 patients is far too low given how labor-intensive caring for dementia and other memory care patients is (e.g. it can take very long to feed memory care patients, often two male aids are required to move patients, it takes a long time to go up even a few stairs with a memory care patient, etc.).

The applicant has also not bothered to provide any projected number of visitors per day or per week or the average duration time of a visit – who, as stated above, should be accommodated by off-street parking according to the required standard for a CCRC. This is not surprising since neither the applicant nor the operator has any experience building or operating a memory care facility. However, not providing such information is a problem because the applicant is not able to meet its burden of proof with a commercially reasonable estimate of the number of visitors to the facility at any one time and then demonstrating how this number of visitors can be accommodated with off-street parking (which they evidently cannot be).

The applicant thus intends to flagrantly flout the law by having support staff and visitors – such as a spouse or son or daughter who would like to spend a morning, afternoon, or evening with their loved one – park in Restricted Residential Parking that is prevalent in the neighborhood. The natural consequence of this is that there will be considerably more traffic in both the alley and surrounding streets looking for parking, further increasing the safety risk, as well as noise and air pollution that comes with vehicular traffic, to which the neighborhood will be exposed. No doubt we can expect to see more tow trucks as well, carting away illegally parked cars.

I urge the Board to preserve the safety of my neighborhood, and to avoid the other numerous deleterious impacts to the neighborhood, by rejecting this seriously deficient and dangerous application.

Yours sincerely,

Daniel James Crabtree

(by email)

Daniel James Crabtree
2608 36th Place NW
Washington DC 20007

September 3, 2018

To: ANC 3C (via email: All@anc3c.org)
CC: Councilmember Cheh (via email: MCheh@dccouncil.us)

Subject: **Letter in Opposition to BZA Case Number 19751 (Application of MED Developers, LLC)**

Dear ANC 3C Commissioners,

I am writing to express my vehement opposition to BZA application 19751. I am the owner of a property directly adjacent to 2619-2623 Wisconsin Avenue NW, where the applicant is proposing to construct a monstrous, 5 story institutional (memory care) facility that would tower over surrounding 2-3 story single family homes in an ugly, ill-designed fashion. The garage and a pedestrian entrance to my property at 2608 36th Place NW enter out directly onto the quiet residential alley - along which my and other children play and walk to school on a daily basis - that would apparently become a commercial thoroughfare under the poorly conceived plans of MED Developers.

The application of MED Developers has so many flaws it is hard to take it seriously (not unlike the applicant, who have zero experience in constructing assisted living facilities of any kind, let alone memory care, and who have essentially substituted their unworkable plans of 2016 for a homeless shelter with near equivalent plans for a memory care facility two years later). Of particular note for me and my family is the **total failure of the applicant to demonstrate how their plans “will not tend to affect adversely the use of neighboring property”** (Burden of Proof clause that is required under DC’s zoning regulations for the granting of a Special Exception such as is being sought in this case).

In lieu of an honest assessment of the adverse impacts of the applicant’s plans at 2619-2623 Wisconsin Avenue NW (an odd omission as the burden of proof as I understand it lies with the applicant), I am listing here some of the most **significant and immediate adverse impacts** that we as owners of a neighboring property would suffer were the application to move forward:

1. ***Excessive traffic, which would create major health and safety risks for neighbors, their families, and friends.*** Introduction of an unspecified number of food, trash, UPS, Fedex, Amazon, USPS, UPS, medical, utility, uniform, and other supply trucks, in addition to fire engines, security vehicles, ambulances, staff, excursion, and visitor vehicles into a narrow residential alley (between Davis and Edmonds) that is already overflowing with vehicles that turn up the alley after making deliveries at the Glover Park Hotel, a non-conforming property (as recognized by the BZA) in this same R-1-B neighborhood at Davis and Wisconsin. The application makes zero attempt to estimate the additional traffic burden that will be suffered by the neighborhood, both a) by additional commercial, staff and visitor traffic using the alley; and b) by staff and visitors driving around the neighborhood looking for parking (given a wholly inadequate 9 parking spaces are planned to be provided on site¹). When I asked during a brief meeting with MED and an operator

¹ By comparison to the anticipated 9 parking spaces (around 0.25 cars per unit), the planned Sunrise Senior Living Center at Tenley Circle is expected to have 66 parking spaces for 86 units (a ratio of 0.77 cars per unit). Moreover,

they had recently identified to run the sit, Guest Services Inc., how many additional vehicles would be using the alley and surrounding streets, they were unable to provide an answer. It is unacceptable for the applicant to withhold this information from the neighborhood (or not even bother to generate it?), and one could surmise they have failed to present this information because it would reveal that the neighbors and their children would be at risk of being killed, injured, and/or pollution-exposed by a dramatically increased volume of traffic flowing through both the alley and then the nearby streets.

2. ***Dramatically increased noise.*** This is due to an expectation of vastly increased traffic on all sides of the building, including the alley, 36th Place, Edmonds and Davis streets, with fire and security alarms being set off at regular intervals (for actual incidents, due to false alarms, as well as for testing), and emergency vehicle sirens (which could be necessary at any time of the day or night²). Again, the applicant has failed to acknowledge or assess a key adverse impact for the neighborhood – both in their application and during last week’s brief and only meeting with me and a few of my neighbors.
3. ***Severe loss of natural sunlight.*** The establishment of a continuous 5 story, 50 feet above ground institutional building (30 feet of memory care units with 10 feet of “penthouse” space on top of that and a 10 feet basement cellar) as opposed to non-continuous 2-3 story single family residential buildings for which the area is zoned would create a major loss of natural sunlight into our property at 2608 36th Place. The application is silent on this adverse impact as well, which once more should be recognized and evaluated properly.
4. ***Major loss of privacy.*** With a vast number of windows all around the planned building, our bedrooms, bathrooms, living room and garden could be newly viewable from multiple vantage points in the proposed building, dramatically invading the privacy that would be afforded were there to be three single-family residences that the zoning regulations anticipated.

Other adverse impacts on the use of neighboring property, should the plans be endorsed by the BZA and none of which have been recognized in MED’s application, could include though are not limited to:

- Lead dust contamination arising due to the destruction of 2619 Wisconsin Avenue (a building constructed prior to 1978 and therefore presumed under the DC housing code to contain lead-based paint, which is harmful if ingested, especially to young children such as those who live in and visit my house).
- Increase in rodents, both during construction and during operation (due to increased trash generation and establishment of new rodent food sources)
- Increased water run-off (which may create a flooding risk for neighboring properties such as my own, which are “downstream” of 2619-2613 Wisconsin Avenue NW)
- Structural damage to surrounding properties due to excavation and construction at 2619-2623 Wisconsin Avenue NW, particularly given some of the land has been previously undeveloped.

The **adverse impacts to neighboring properties can be expected to worsen in the medium-term**, given serious unanswered questions about the financial viability of a 32-unit memory care facility - which is way

a center devoted solely to memory care such as this can be expected to need more not less staffing and thus parking.

² At the Sunrise Senior Living Center on Connecticut Avenue, the DC Fire Department reports that there is an average of one ambulance traveling to the facility every three days and that one in four ambulance visits happen between 7pm and 7am (see <https://www.sunriseseniorliving.com/tenleytowndevelopment.aspx>)

below the industry norm of 80-100 plus units. Indeed, as Sunrise Senior Living clearly recognizes in its plans to develop an assisted living facility at Tenley Circle, anything less than 85 units is unsustainable for them as a business. In their own Preliminary Statement of Burden of Proof concerning special exception and use variances (see <https://anc3e.org/wp-content/uploads/Compliance-w-Burden-of-Proof.pdf>) they write “due to accelerated construction and operating costs over the last 10 to 15 years, newly constructed assisted living communities typically cannot be built with less than 85 units to generate the required revenue. Unlike other residential buildings, CCRC facilities must be constructed of steel and concrete due to fire safety and evacuation regulations and due to CCRC licensing requirements, which require extensive support service space for residents and staff. All these factors significantly increase the cost of constructing and operating the building.” MED Developers make no mention of this fundamental issue of business viability due to lack of economies of scale in their application, which is an odd and worrying omission – and one that is amplified by their lack of experience constructing such buildings and then of the operator Guest Services Inc.’s lack of experience running a facility of this size (they reported during last week’s community meeting that they run one facility in Florida, with over 100 units). When GSI were asked during last week’s meeting how they could possibly run this size of facility at a profit, they answered laughably “because it is in our own backyard”. They also admitted that they were initially not interested in running operations at this site. It is unclear how they have been assured that they could be commercially successful in this building – they offered no offered of this during last week’s meeting, which was our first and only exposure to them as potential operators of this building. In lieu of any assurance that the facility can succeed as a business, as neighbors we must then assume that we will endure yet another round of planning in a few years’ time – either with the same developer or a different one – in a search to determine an alternative commercial use of the building. Members of ANC 3C should not support this kind of amateurish business experimentation, which appears fully destined to fail.

I hereby request that members of ANC 3C reject this highly inadequate application, which lacks any credibility and which without question would create excessive adverse impact to the neighborhood, potentially for years to come.

Yours sincerely,

Daniel James Crabtree

(by email)