

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director Development Review
DATE: November 2, 2018

SUBJECT: BZA Case 19823 - 3920 Alton Place, NW to allow a church and continuing care retirement community in a residential zone.

I. OFFICE OF PLANNING RECOMMENDATION

The applicant, Wisconsin Avenue Baptist Church and Sunrise Senior Living, requests special exception and variance relief to allow a continuing care retirement community at 3920 Alton Place, NW. in the R-1-B zone. The development would also include a new church to replace the existing one, a by-right permitted use. The Office of Planning (OP) recommends approval of the following:

Special Exception

- Subtitle U § 203.1(f), Continuing care retirement community in a residential zone; and
- Subtitle C § 1401.3(c), retaining wall more than 4 ft., 13 ft. proposed.

Variance

- D § 304.1, lot occupancy, 60% for church and 40% for all other uses, 57% proposed;
- D § 307.4, side yard, 8 ft. minimum, 0 ft. proposed on the west; and
- D § 303.1, number of stories, 60 ft. churches, 40 ft./3 stories all other uses; 40 ft./4 stories proposed.

Subject to the following conditions:

1. All lighting on the roof deck shall be down lit; and
2. Amplified music on the roof deck shall not be permitted.

II. LOCATION AND SITE DESCRIPTION

Address	3920 Alton Place, NW
Applicant	Wisconsin Avenue Baptist Church represented by Mary Carolyn Brown, Donohue & Stearns, PLC
Legal Description	Square 1779, Lot 14
Ward, ANC	Ward 3, ANC 3E
Zone	R-1-B - Intended to provide areas predominantly developed with detached houses on moderately sized lots. A church is permitted as a matter-of-right use, and a continuing care retirement community is permitted by special exception.

Historic District	Not applicable.
Lot Characteristics	The subject property is an irregularly shaped lot having 35,443 square feet of area.
Existing Development	The property is currently developed with a two-story plus basement church, a parking lot and a tot lot.
Adjacent Properties	To the north, across Alton Place, to the east and south across Yuma Street are single family detached residences; and to the west is National Park Service land fronting on Nebraska Avenue.
Surrounding Neighborhood Character	Generally, the neighborhood is developed with a mix of uses. To the east, northeast and south of the property is predominantly low density residential use; to the west is a mix of religious, educational and retail uses along Wisconsin Avenue and Tenley Circle. American University Washington College of Law and St. Ann Catholic Church are located directly across Tenley Circle from the site.

III. APPLICATION IN BRIEF

The applicant proposes to demolish the existing church structure and construct a new building which would have a new church and a continuing care retirement community. The applicant has provided that:

1. The existing church would be demolished, and the property redeveloped with a single building housing a 250-seat sanctuary with ancillary meeting and gathering space, and an 86-unit continuing care retirement community with common living space, dining and recreational gathering spaces for its residents to be operated by Sunrise Senior Living.
2. The facility would be an assisted living with a memory care component. The assisted living residents would be older, independent adults who would need assistance with some daily living activities. Memory care is a specialized program focused on providing care to seniors with forms of dementia, such as Alzheimer's disease. All residents would live full-time at the facility in private living spaces.
3. The unit mix would be 49 studios, 24, two-bedroom suites and 13, denver units (units that can be changed to accommodate one or two persons). The units would have no cooking facilities. All the memory care units would be confined to the fourth floor which would have special security.
4. The facility would operate on three shifts with approximately 70 full time equivalent (FTE) staff. The shifts are:
 - 6:30 AM –2:30 PM, 30 employees;
 - 2:30 PM –11:30 PM, 25 employees; and
 - 11:30 PM –6:30 AM, 6 employees

The 70 staff would include everyone including stylists, activity facilitators etc., but does not include the occasional physician and two contracted physical therapists who would come to the facility as needed.

5. The continuing care retirement community would include service, on-site care, and spaces for resident’s recreation and enjoyment. In the upper basement area there would be the laundry, storage, a cinema and physical therapy/fitness area. The first floor would have a multi-purpose room, dining room, bistro, parlor and library. On the second floor, there would be a physical therapy/exercise room, an exam room, a spa, and wet activity area. On the third floor, there would be a spa. The fourth floor would have a spa, lounge, dining room, living room, activity room and an open terrace. There would also be roof deck for the resident’s outdoor enjoyment. Scheduled off-site group outings would occur most days, and.
6. A two-level, below-grade parking garage with 66 cars to serve both the church and the continuing care retirement community would be provided. A 30-foot loading berth would accommodate 16-19 deliveries and three trash removals per week are anticipated.
8. As part of the development, the applicant has offered to enhance the adjacent National Park Service (NPS) property and would execute a maintenance agreement for the landscaping of the park. NPS agrees with the development plan which must be reviewed and approved by the Commission of Fine Arts and the National Capital Planning Commission (NCPC).

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Proposed	Relief
Church	Permitted as a MOR	250 seats	None required
Continuing care retirement community, (CCRC) U §203.1(f)	Permitted in the R-1-B zone	86 units	Special Exception
Height (ft.), D § 303	Church -40 ft. Other – 40 ft./3 stories	40 ft. 40 ft./4 stories	Variance (stories)
Penthouse, D § 303	Height: 12 ft./1-story Setback: 1:1 setback Area: 1/3 roof area/ 6,066 sf. max.	Height: 12 ft./1-story Setback: 1:1 setback Area: 1/3 roof area/3,400 sf.	None required
Lot Width, D § 302	50 ft.	180 ft.	None required
Lot Area, D § 302	5,000 sf.	35,443 sf.	None required
Lot Occupancy, D § 304	Church -60% Other – 40%	57% for the single building.	Variance
Front Setback, D § 305	Within the range of existing front setbacks	Within the range of existing front setbacks	None required
Rear Yard, D § 306	25 ft.	46.7 ft.	None required
Side Yard, D § 307	8 ft.	East Side – 36 ft. West Side – 0 ft.	Variance
Pervious Surface, D § 308	50%	50%	None required

R-1-B Zone	Regulation	Proposed	Relief
Parking, C § 701	Church – 1/10 seats = 25 CCRC – 1/2 units above 4 units - 41 spaces TOTAL: 66 spaces	66 spaces	None required
Bicycle Parking, C § 802	Church: LT: 1 space/7,500 sf. = 2 ST: 1 space/2,500 sf. but no less than 8 spaces = 8 CCRC: LT:1 space/3 units = 29 spaces ST: 1 space/20 units = 4 spaces Total: LT=31; ST= 12	Long Term – 31 spaces Short Term – 12 spaces	None required
Loading, C § 901	1- 30 ft. berth 1- 100 sf. platform 1- 20 ft. service delivery space	1- 30 ft. berth 1- 100 sf. platform 1- 20 ft. service delivery space	None required
Retaining Wall, C § 1401.3	4 ft. high maximum	13 ft. maximum	Special Exception

V. OFFICE OF PLANNING ANALYSIS

Special Exceptions

1. 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 proposed continuing care retirement community would provide assisted living with a memory care component. The assisted living residents would be older, independent adults who would need assistance with some daily living activities. The residents would live in private living spaces, some of which would be for couples. Staff would be on site 24-hours, providing assistance with daily living routines and medical care to residents, as needed. The memory care component would be for older adults living with memory loss and dementia and would be on a secure floor. Therefore, the proposed use is consistent with this section and permitted with special exception approval.

- (2) *If the use does not include assisted living or skilled nursing facilities, the number of residents shall not exceed eight (8);*

The proposed assisted living facility would have a total of 86 dwelling units and at full occupancy would accommodate a maximum of 103 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;*

The facility would include several ancillary uses and facilities for the resident's enjoyment, service, and care on-site. In the upper basement area there would be the laundry, storage, a cinema and physical therapy/fitness area. The first floor would have a multi-purpose room, dining room, bistro, parlor and library. On the second floor, there would be a physical therapy/exercise room, an exam room, a spa, and wet activity area. On the third floor, there would be a spa. The fourth floor would be dedicated to residents with memory and cognitive related disabilities, and would have a spa, lounge, dining room, living room, activity room and an open terrace. There would also be roof deck for the resident's outdoor enjoyment. Scheduled off-site group outings would occur most days, and at Exhibit 69B, the applicant has provided a list of programs and activities which would be provided to the residents.

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

The facility would provide the required 66 parking spaces (25 for the church and 41 for the continuing care retirement community) – no relief from parking is requested or required. The parking spaces would be provided in a below grade, two-level parking garage and would primarily serve employees and visitors as most residents would not be expected to drive. The applicant states that the greatest parking demand for the church would be on Sunday mornings, and it is envisioned that the demand for both the church and the continuing care retirement community would be 48 spaces, which would be accommodated in the garage. During the week, the church parking demand would be much less. A van to transport residents on daily trips would have a parking space in the garage. The proposal would provide 30, long-term bicycle spaces in the garage and 12, short-term space placed along Alton Place and Yuma Street near the entrances.

The applicant states that based on parking demand at comparable Sunrise locations in the area and the church parking demands, the parking proposed would be in excess of the demand and envisions that there would be an excess of 20 spaces on weekdays and 18 spaces on Sunday mornings (Exhibit 52A, page 13, Table 2: Shared Parking Demand).

DDOT supports the number of parking and bicycle spaces as adequately serving the residents, employees and visitors to the site, and notes in their comments (Exhibit 53) that the facility would not negatively impact movement of traffic or parking on the adjacent streets.

- (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*

As demonstrated below, the proposed uses should not become objectionable because of noise, traffic, or other objectionable conditions.

Noise

Outdoor spaces would include a ground level interior courtyard, a fourth-floor terrace and a roof top terrace. The ground level courtyard, Exhibit 69E2, page 3.0, would be a landscaped area with sitting areas and would accommodate passive recreation for the residents and should not generate noise that would substantially affect the residents to the east. The courtyard would be set back approximately 36 feet from the property line along which there would be substantial landscaping to act as a noise and visual buffer.

The terrace on the fourth floor, Exhibit 69E2, page 3.3, would serve the memory care residents only and would only provide chairs for sitting. This terrace is substantially set back from the property line and should not generate significant amounts of noise.

The roof terrace, Exhibit 69E2, page 3.6, is located on the south-eastern portion of the building which would be substantially set back from the residents to the east. It would be separated from the residents to the south by Yuma Street. Activities would be limited to daytime hours except for occasional night use by the church. The roof terrace would be set back from the edge of the building by green roof areas to minimize transfer of noise from activities on the roof. Further, it is located near the busy intersection of Yuma Street and Tenley Circle, so any sound from the roof would be subdued by traffic along these streets. However, OP has recommended that no amplified music be allowed on the roof terrace.

All the mechanical equipment would be placed on the roof and most would be placed at locations away from the residences to the east. In addition, the sounds from the equipment should be further buffered and reduced by the roof parapet and therefore not adversely affect the residents to the north east and south of the property. The applicant submitted a Rooftop Mechanical Equipment Review at Exhibit 47.

Loading and delivery facilities are provided as required on-site and the applicant anticipates that there would be a total of 16-19 deliveries and three trash removals per week. Due to nature of the facility and the size of the units, trucks for move-ins and move-outs would be limited to the smaller 30-foot trucks which would be accommodated in the loading dock. Similarly, food and other deliveries would also be limited to 30-foot or smaller trucks. Trash would be stored in an internal trash room and taken to the loading dock for removal on the three days that trash removal occurs. The applicant has provided a Loading Management Plan (Exhibit 52A, page 11) which includes the provision of a Loading Manager to coordinate the loading dock activities and restricting the loading dock operations to between the hours of 8:00 AM and 6:00 PM. To minimize noise, trucks would not be permitted to idle on or near the property.

Traffic

A total of 66 parking spaces would be provided, a majority of which would be used by staff and visitors to the senior's facility, and by the church. It is anticipated that most traffic would be generated at shift changes and on Sunday mornings for the church at 10:00 AM and 12:30 PM. The applicant anticipates that the facility would generate approximately 70 full time equivalent (FTE) jobs over three shifts as follows (staff levels change based on care needs of resident population):

- 6:30 AM –2:30 PM (approx. 30 employees based on a stabilized 93% occupancy);

- 2:30 PM –11:30 PM (approx. 25 employees based on a stabilized 93% occupancy. Reducing by approximately 25% after dinner and then another 25% after 9:00pm); and
- 11:30 PM –6:30 AM (approx. 6 employees based on a stabilized 93% occupancy).

The applicant anticipates that there would be a total of 16-19 deliveries per week, and trash removal three times per week. The applicant has provided a Loading Management Plan which includes the provision of a Loading Manager to coordinate the arrivals and departures from the loading dock.

In their report, DDOT has advised that the church and continuing care retirement facility would not have an adverse impact on the transportation network with the implementation of the applicants Transportation Management Plan and Loading Management Plan (Exhibit 52A, pages 11 and 13).

Other objectionable conditions

A unique part of a continuing care retirement facility would be ambulance visits to the facility. The applicant states that based on another DC Sunrise facility, it is anticipated that there would be a maximum of ten ambulance visits per month with most occurring between 7:00 AM and 7:00 PM, thereby limiting night time disturbance.

The applicant states that outdoor lighting on the building would be limited to the entrance and garage ramp and would be down lit. Lights at the loading dock would be turned off at 6:00 PM while other exterior and required interior lighting would be dimmed after 11:00 PM. To minimize light spill, OP recommends that any lighting on the roof deck be down lit.

The proposed development is within WMATA's zone of influence as the WMATA tunnel for the Red line crosses the property below grade. The applicant states that preliminary design and engineering plans have been submitted to WMATA for review and would have to be approved prior to construction.

- (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.*

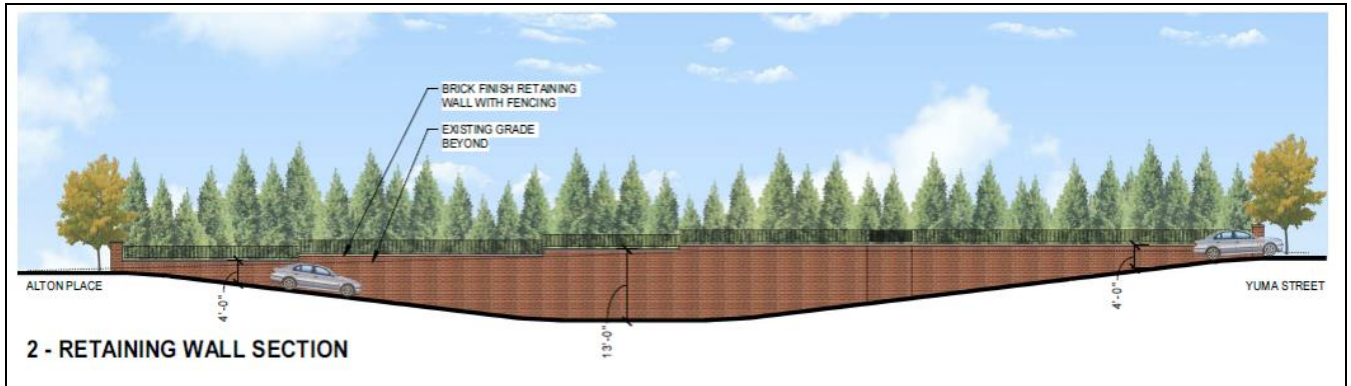
As noted earlier, OP recommends that no amplified music be allowed on the roof terrace and that lights on the roof deck be down lit. Otherwise, OP does not recommend any special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements.

2. Special Exception relief: Subtitle C § 1401.3(c), retain walls, pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2.

Subtitle C § 1401.3(c), allows retaining walls to a height of four feet maximum. The applicant proposes a wall which varies between one foot and 13 feet high (Retaining Wall Section below), to provide access to the below grade parking and loading. Subtitle C § 1401.3(c) allows an increase in the height of the wall if the requirements of Subtitle C § 1402.1 are met.

- 1402.1 Retaining walls not meeting the requirements of this section may be approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X. In addition*

to meeting the general conditions for being granted a special exception as set forth in that subtitle, the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would make full compliance unduly restrictive, prohibitively costly, or unreasonable.



On the eastern portion of the site, a driveway ramp with an entrance from Alton Place and egress on Yuma Street is proposed to provide access to the below grade parking and loading. To access the below grade garage, a ramp with an acceptable slope must be provided. The inward facing retaining wall along the sides of the ramp would therefore, over part of its length, exceed the maximum permitted height.

Subtitle X § 901.2. – Special Exception:

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

Retaining walls are designed to resist the lateral displacement of soil or other materials; the height limitations are intended to encourage less site disturbance on sloping sites, and to minimize the visual appearance of retaining wall work, especially along street frontages or along property lines. In this case, most of the wall's visibility would be internal to the property and the portion above the natural grade would not be above 4 feet. Because of its north-south orientation, the full height of the wall would not be readily visible from either Alton Place or Yuma Street. In addition, the retaining wall facilitates locating a conforming parking and loading solution underground, to lessen potential impacts on the neighborhood and streetscape character. Without the retaining wall relief, either the parking and loading would be required to be placed on grade, increasing their potential impacts, or relief from these requirements would be necessary.

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

The retaining wall would not affect the neighboring properties as it would be set back between 8.3 feet and 16.5 feet from the common property line. Along the property line would be a six-foot high board fence, with landscaping to provide a buffer between the property line and the retaining wall. Additionally, a wrought iron fence would be placed on top the retaining wall for additional security. As noted above, the retaining wall permits the ramp down to the undergrounded parking and loading, which reduces potential adverse impacts on neighbors. Therefore, the proposed retaining wall would not adversely affect the use of the adjacent properties to the east.

VariANCES

The Wisconsin Avenue Baptist Church is a non-profit, public service organization which has been a part of this community for over 60 years at this location. Similar to many places of worship in many parts of the city, the church building has deteriorated and has become physically obsolete, including not being compliant with the Americans with Disabilities Act (ADA) requirements. The church states that the congregation does not have the money to undertake the repairs or rebuilding of the church and if not done, could lead to further demise of the congregation. To achieve their desire to remain in the community the applicant has proposed to leverage the land by teaming with Sunrise Senior Living, which would allow them to build a new church building, remain in the neighborhood and continue to provide services to its congregants and others in the neighborhood.

To accommodate the proposed building the applicant has requested the following variances:

- D § 304.1, lot occupancy, 60% for church and 40% for all other uses: 57% proposed
- D § 307.4, side yard, 8 ft. minimum, 0 ft. proposed on the west.
- D § 303.1, # of stories, 60 ft. churches, 40 ft./3 stories all other uses; 40 ft./4 stories proposed.

i. Exceptional Situation Resulting in a Practical Difficulty

Lot Occupancy and Number of Stories

The applicant states that a typical unit in a continuing care retirement community is 900 square feet and urban facilities are built with approximately 100 units; however, the proposed facility has been reduced to 87 units. If all zoning requirements were to be met, it would lead to a reduction in the number of units (47) which would render this type of facility financially unviable and the church would be unable to fund the replacement of its structure.

OP notes, however, that there is an application for a much smaller senior's facility also currently in process and which, as of the date of this report, has a public hearing scheduled on day as this application. OP raised this with the applicant, to address why that smaller facility would be financially viable, whereas this one would not be viable as a smaller project. The applicant should address this further at or prior to the public hearing, but advised OP that, unlike the other application, this facility would house residents with varying degrees of need and would provide residents with more and a broader range of services and activities on-site. The applicant further states that the viability of this particular proposal is also affected by the cost of construction. Other residential buildings constructed at the proposed 40-foot height limit are usually constructed using wood-framing. However, the Building Code requires that this type of facility must use steel and concrete construction versus the less expensive wood framing.

This collectively results in a greater number of required units over which to spread the cost, which is a practical difficulty to the applicant in constructing a facility which would meet the lot occupancy and number of stories requirements.

Side Yard

Side yard relief is requested along the west lot line, abutting NPS land which separates the subject lot from Nebraska Avenue NW. The property has an irregular shape, and, while the largest lot in the square, is also intended to be occupied by uses which have a larger footprint and space needs to adequately satisfy programmatic requirements. The west wall of the building is generally proposed

to follow the west lot line, with the intent of distancing the new building from existing residences to the east, and to provide space for access to underground parking and loading, and for buffering along the east lot line. Providing the maximum amount of space between the proposed facility and the residences to the east would be practically difficult if the 8-foot side yard were to be provided along the undeveloped NPS land.

ii. No Substantial Detriment to the Public Good

Granted the requested increase in lot occupancy and number of stories, and the reduced side yard adjacent to the NPS land would allow the church to continue to fulfill its mandate, and provide a needed option for seniors residences. Having the building on the property line adjacent to the NPS land allows for a larger side yard with landscaping and fencing adjacent to the residences to the east, to minimize potential impacts. The proposed four-story building would be within the 40-foot height limit allowed for the continuing care retirement community, so there should be no undue shadows or impact on the adjacent properties' light and air. The applicant has designed the building with a base, middle and top, thus making the building seem like a three-story building. The facility would be a benefit to the public good as it would allow elderly residents to age in their community. Additionally, the applicant is working with NPS to make improvements to the park which would benefit the neighborhood.

iii. No Substantial Harm to the Zoning Regulations

The proposed uses 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 allows church use as a matter-of-right, and continuing care retirement communities with the approval of a special exception, meaning that it is considered an appropriate use if the relevant conditions are adequately addressed. As demonstrated above, the continuing care retirement community would meet the requirements of the special exception. The proposed building would be designed and sited to lessen potential impacts, so the intent of the Zoning Regulations would be met and there would be no substantial harm to the Zoning Regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The Department of Transportation (DDOT) at Exhibit 53, has no objection to the approval of the application with the condition that the proposed TDM Plan and Loading Management Plan in the applicant's Comprehensive Transportation Review Study be implemented. DDOT also recommends continued coordination on transportation issues to include signage, public space improvements and pedestrian crossing at Nebraska Avenue, NW.

OP reached out to the DC Office of Aging (DCOA) and was referred to the "2019-2022 District of Columbia State Plan on Aging, July 18, 2018" which serves as a guide to service delivery and policy development throughout the City. DCOA commissioned a needs assessment in 2016 which identified that in 2011, the Baby Boomer generation began to turn 65, and was expected to contribute to the continued increase in the number of older adults in Washington DC. The adult population is expected to have continued growth across the US and the District. DCOA predicts that the growth will continue, based on data and demographic trends:

- ***"The number of older Washingtonians is increasing. The District of Columbia has an estimated total population of 681,170 residents. The older adult population (age 60 and***

older) in the District is 113,644 (16.5% of total population). This represents an increase of 12.75% older adults 60 years and older since 2010 or 12,855 seniors. The District senior population is projected to continue to grow to 17.4% by 2030.

- ***Individuals between 65 to 74 years have the highest growth share in the District between 2010 and 2016. This cohort is expected to grow in number citywide.***
- ***The senior population 60+ increased in seven of the eight wards. DC has a total of 9.3% growth overall from 2010 to 2014 with more seniors living in Wards 3, 4 and 5.***
- ***More than half of seniors live alone (56.7%). This makes programs and services to combat social isolation critically important.”¹***

Although not a District Agency, the record includes a letter from WMATA (Exhibit 75), submitted by the party in opposition, noting that the proposal has been found to have potential impacts on WMATA facilities requiring further analysis, and noting that developers are required to indemnify WMATA against vibration complaints, and for any potential damage to WMATA facilities. OP understands that the applicant has also been working with WMATA, and has been advised to address these issues at or prior to the BZA public hearing.

VII. COMMUNITY COMMENTS

The property is within ANC-3E. At the time of this report, the ANC has not submitted a recommendation to the file. The Tenley Neighborhood Association was granted party status by the BZA on September 12, 2018 (Exhibit 43) and six individuals who reside within 200-feet of the subject property have requested party status at Exhibit 48 in opposition to the project. There are several letters and submissions in opposition to the proposal in the file, and one letter in support.

Attachment 1- Location Maps

¹ [2019-2022 District of Columbia State Plan on Aging](#), July 18, 2018, pages 11-12

Attachment 1- Location Maps

