

Two Special Exceptions requested: Truck Ramp Retaining Wall and “CCRC”

The requested relief is:

1. Special exception for a 13 foot rather than 4 foot retaining wall; and
2. Special exception to locate this Continuing Care Retirement Community in an R-1-B single family neighborhood.

All requests for special exceptions must show that they will not result in an adverse impact.

11-X DCMR § 901.2 states that special exceptions:

- ▶ (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- ▶ (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- ▶ (c) Will meet such special conditions as may be specified in this title.

Adverse Impact: 39th Street homes sold in less than a year. (*Draude II*)



Truck Ramp Retaining Wall Special Exception

- ▶ The maximum height for a retaining wall is 4 feet (48 inches) 11-C DCMR § 1401.3 (c).
- ▶ Applicant is asking for a special exception to build a retaining wall of 13 feet next to single family homes.
- ▶ This is a dangerous situation placing large trucks on a steep ramp adjacent to families. The wall allows the truck ramp to drop 13 feet.
- ▶ The severity of the variance supports its denial.

Compare:

Pictured is an example of a shorter wall of 12 foot 2 inches.

A “more than 13 foot” retaining wall is proposed next to single family homes with children.



Alton Place – church driveway - proposed to become truck ramp with retaining wall with 13 foot drop.



Truck ramp retaining wall dropping 13 feet *too close* to homes. Environmental concerns: increased pollution with inadequate airflow, exterior commercial lighting. Canyon effect concentrating noise and fumes.



Truck ramp would be 220 feet across the lot and 12 feet wide

Safety, Traffic, Truck loading – Retaining wall drops down 13 feet and the width of the ramp is only 12 feet. Concerns for pedestrian safety.



Environmental & Trash Collection issues – truck ramp (like current drive) is 12 feet wide/Alton traffic lanes are 8 feet wide. Retaining Wall allows drop of 13 feet. Yuma would have same problems.



13 Foot Retaining Wall allows trucks down ramp next to a child in this house.

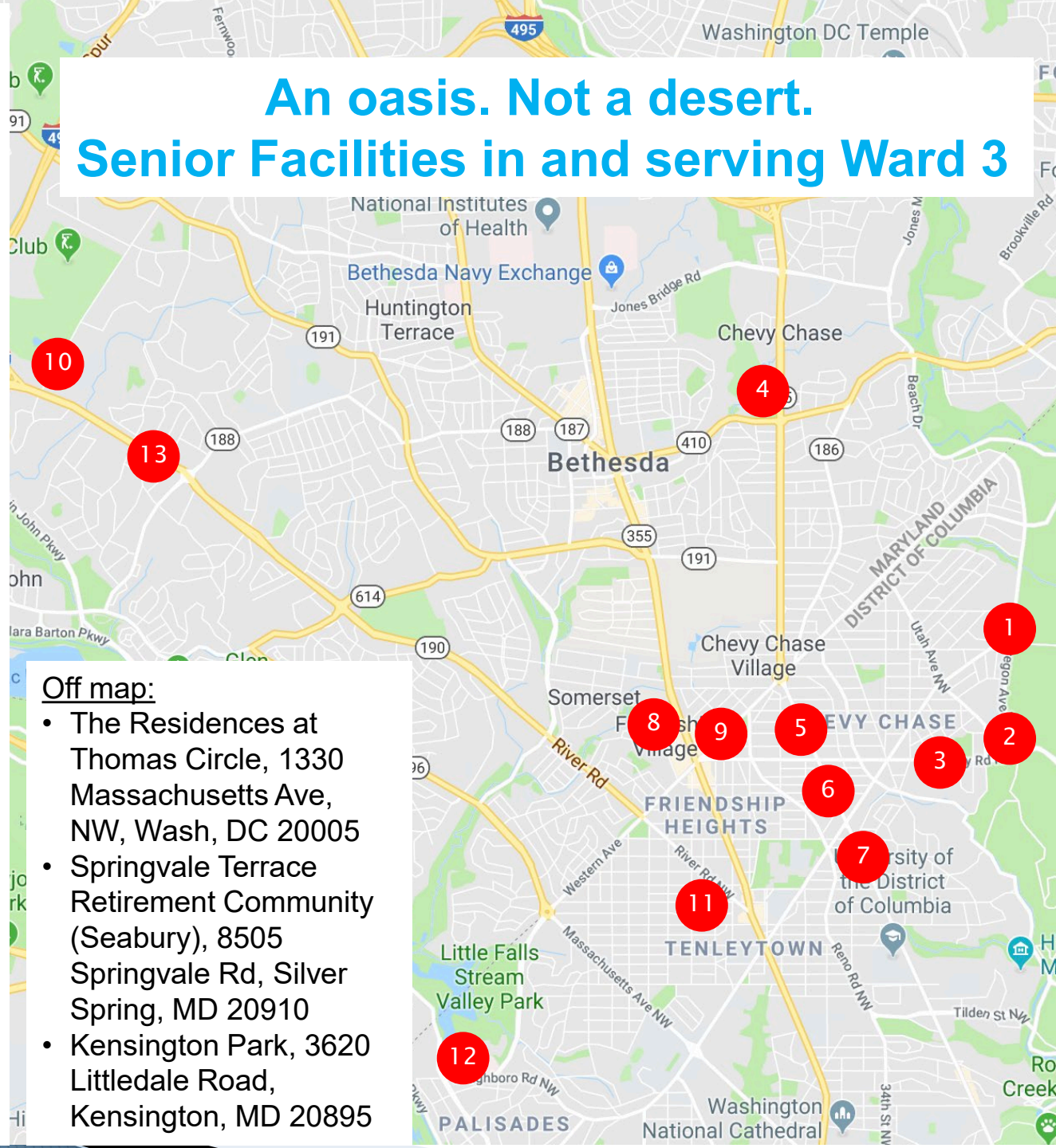


Continuing Care Retirement Community (CCRC) - DEFINITION

- ▶ A CCRC special exception must meet the definition of a CCRC at 11-B DCMR § 100.2, which includes “**providing a continuity of residential occupancy and health care.**”
- ▶ Sunrise says they do not provide health care. Yet the DC Health Department audit of Sunrise on Connecticut speaks of registered nurses, licenses the facility and at 3920 Alton, they are creating 65-75 “health care jobs.” And the Office of Planning says they provide health care. Exhibits 76, 73 and 90.
- ▶ If they do provide health care, they violate 11-U DCMR § 203.1(i)(1) and 11-U DCMR § 203.1(i)(6) because the Psychiatric Institute of Washington on Wisconsin Avenue is less than 1000 feet away.

An oasis. Not a desert.

Senior Facilities in and serving Ward 3



Off map:

- The Residences at Thomas Circle, 1330 Massachusetts Ave, NW, Wash, DC 20005
- Springvale Terrace Retirement Community (Seabury), 8505 Springvale Rd, Silver Spring, MD 20910
- Kensington Park, 3620 Littledale Road, Kensington, MD 20895

1. Army Distaff Facility, 6200 Oregon Ave, NW, Wash, DC 20015
2. Forest Hills Two [Memory Care], 2701 Military Rd, NW, Wash, DC 20015
3. Ingleside at Rock Creek, 3050 Military Rd, NW, Wash, DC 20015
4. Five Star Premier Residents, 8100 Conn Ave, Chevy Chase, MD 20815
5. Chevy Chase House, 5420 Conn Ave, NW, Wash., DC 20015
6. Sunrise on Conn Ave, 5111 Conn Ave, NW, Wash, DC 20008
7. Forest Hills of DC, 4901 Conn Ave, NW, Wash, DC 20008
8. Sunrise Brighton Gardens, 5555 Friendship Blvd, Chevy Chase, MD 20815
9. Lisner-Louise-Dickson-Hurt Home, 5425 Western Ave, NW, Wash, DC 20015
10. Sunrise at Fox Hill, 8300 Burdette Rd, Bethesda, MD 20817
11. Seabury at Friendship Terrace, 4201 Butterworth Place, NW Wash, DC 20016
12. Grand Oaks (Sibley Memorial Hospital), 5901 MacArthur Blvd, Wash, DC 20016
13. Bartholomew House, 6904 River Road, Bethesda, MD 20817

CCRCs in Residential Neighborhoods

- ▶ The question is not whether a CCRC can receive a special exception in a residential zone. Since 2016, they can.
- ▶ The question is whether a *specific* CCRC meets the six conditions.
- ▶ The determination is whether the size and volume of use of this specific proposal is too large and therefore objectionable in a residential zone.

Six Conditions must be met to be granted a CCRC special exception

- ▶ To be granted a CCRC special exception under **11-U DCMR § 203.1 (f)**, applicant must show:
- ▶ “The use shall include one or more of the following services: Dwelling units for independent living; Assisted living facilities; or A licensed skilled nursing care facility; and If the use does not include assisted living or skilled nursing facilities, the number of residents shall not exceed eight (8); The use may include ancillary uses for the further enjoyment, service, or care of the residents;
- ▶ The use and related facilities shall provide **sufficient off-street parking spaces for employees, residents, and visitors**; 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; ...**”

Parking is a specific CCRC condition.

Parking Adequacy Must Be Independently Examined.

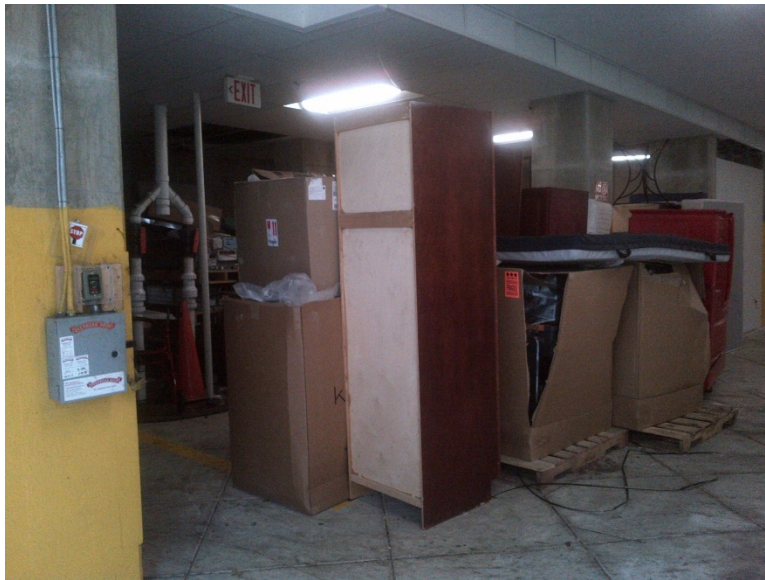
Parking is an element specifically to be examined under the conditions for the special exception to allow a CCRC in a residential zone. The facility “shall provide **sufficient off-street parking spaces for employees, residents, and visitors.**”

- ▶ The fact that the Zoning Administrator said the number of spaces required for a residential facility applies to CCRCs is a factor to be considered but 11-U DCMR § 203.1(f) requires that all CCRCs must demonstrate that they have “sufficient parking for all residents, visitors and employees.”
- ▶ Merely meeting the requirements for “residential” on the zoning parking charts is not the equivalent of meeting the CCRC condition.
- ▶ Nor has there been any parking management plan provided showing how the CCRC and WABC will share the spaces seven days a week. Why would CCRC suddenly drop from 43 cars during the week to only 25 cars on Sunday morning? Seems like a day for people to visit residents.
- ▶ Applicant has not provided any plan for drop off and pick on Yuma Street, where the main entrance to the church is located.

Brighton Gardens – entrance is 6'11" tall – shuttle cannot enter to use garage.



Garages fill with extra refuse – taking parking spaces



CCRC cannot “become objectionable”

- ▶ A CCRC “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; ...”
- ▶ A compilation of what is defined as an “objectionable condition,” as used throughout the zoning code:
 - noise, sounds, odors, trash, waste collection, loading, lighting, hours of operation, parking, number of employees, number of attendees, create no dangerous or otherwise objectionable traffic conditions or other operational characteristics that are not customarily associated with residential use.

See 11-U DCMR §§ 513, 518, 601, 802 and 11-X DCMR § 101.

Traffic/Trucks - Volume of Use.

Some issues not addressed in Traffic Reports.

- ▶ The truck ramp is for an expected 20 trucks per week, 28-ton trucks and 30-foot box trucks delivering food and linens, plus moving vans weekly, plus a 7-ton shuttle multiple times a day, plus all the car trips generated by the 200 people affiliated with Sunrise, plus those affiliated with the 250-seat church.
- ▶ Volume of use is dramatically out of scale with a low density R-1-B single family detached zone surrounded by streets designated “No Through Trucks.”
- ▶ There is no analysis about how 30-foot and 28-ton trucks can make a right turn on to the truck ramp from Alton, which is only 30 feet wide and a 2-way street with parking on both sides on to a slope that is too steep and only 12 feet wide. Yuma is only 34 feet wide.
- ▶ Also the DDOT report fails to address the issue of whether the applicant met the CCRC regulatory standard to provide “sufficient off-street parking” for all employees, residents and visitors.

Sunrise's plan is to bring 20 large trucks down this street (Alton Place) every week to turn on to truck ramp with the retaining wall of 13-feet. Plus the 7-ton shuttle moves numerous times a day. The landscape trucks, etc, etc...



No through trucks over 1 ¼ ton signs – Alton, Yuma, 39th Street



DDOT's bollards to keep traffic off 39th Street – also “No Thru Trucks”



Many trucks service Sunrise but they do not use the garage

