

4865 MacArthur Landlord, LLC
BZA Application for a Proposed CCRC Use
Preliminary Statement of Compliance with Burden of Proof

Introduction

4865 MacArthur Landlord, LLC (“Applicant”),¹ seeks special exception relief to establish a continuing care retirement community (“CCRC”) in the R-1-B portion of the property located at 4865 MacArthur Boulevard, N.W., Washington, D.C. (Square 1389, Lot 25). The proposed CCRC is a residential use that is permitted by special exception relief pursuant to 11-U DCMR § 203.1(g). It will be operated by Balfour Senior Living, a highly regarded leader in senior living facilities that provides exceptional service, care and quality of life experiences.

The irregularly shaped property is bounded on the south by U Street and MacArthur Boulevard, N.W., on the west by 48th Place, N.W., on the north by V Street, N.W., and on the east by a public parking lot. The site is split-zoned, with the southern half in the MU-4 District and the northern half in the R-1-B District. While the entirety of the site will be improved with the proposed CCRC use, only the portion located in the R-1-B District requires special exception relief. A CCRC use is permitted as a matter-of-right in the MU-4 District and the Applicant intends to apply for building permits to pursue construction of that portion of the building independently.

The R-1-B portion of the building will provide approximately 36 independent living units with a below-grade garage providing 54 parking spaces and loading facilities. The entire CCRC (both the R-1-B and MU-4 portions) will provide a total of approximately 156 assisted living units (including memory care) and independent living units.² Dining facilities and recreation/community rooms are located in the MU-4 portion of the building. The overall height of the R-1-B building will be 40 feet and three stories. It will occupy 40 percent of the R-1-B portion of the lot. The facility will be staffed by approximately 78 employees over three shifts, with the maximum of 40 employees on the site at one time during the morning shift (6:00 a.m. to 2:00 p.m.). The afternoon shift, from 2:00 p.m. to 10:00 p.m., will have approximately 30 employees, and approximately eight employees will be on site during the night shift (10:00 p.m. to 6:00 a.m.)

¹ 4865 MacArthur Landlord, LLC, is the ground lessee of the property and has been authorized by the ground lessor/owner, NAI Saturn Eastern, LLC, to process this application.

² The number and type of units in the R-1-B and MU-4 portions of the site may vary as the building program is refined. An alternative programming plan would emphasize independent living units. Twenty IL units would be located in the R-1-B portion of the building, and a mix of independent living and assisted living units (including memory care) would be in the MU-4 portion of the building. Any alternative programming would be designed to ensure that no additional zoning relief would be required for the CCRC, particularly with respect to parking spaces.

Specific Special Exception Standards for CCRC

A CCRC is a residential use deemed compatible with other uses in the R-1 B District provided certain special exception requirements are met. As set forth below, the project meets those requirements and the general standards for special exception relief.

U § 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:

* * *

(g) 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 CCRC will provide both independent living and assisted living units, with a memory care component. The independent living residents would not require care but would enjoy the benefits of a senior living facility. The assisted living residents would generally be older, independent adults who would need assistance with some daily living activities. The residents would live in private living quarters, 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. The proposed use thus meets the criteria of this section and is 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 senior living facility will include both assisted living and independent living units. Therefore, there is no limitation on the number of units. The facility will provide a total of approximately 156 units and at full occupancy would accommodate approximately 203 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 proposed CCRC will include ancillary uses for the further enjoyment, service, and care of the residents. The premises will provide dining rooms, a multipurpose room, an entertainment room, a clinic and rehabilitation center, a fitness center, a library, staff offices and areas devoted exclusively to memory care residents. The CCRC also offers a variety of activities

and outings to enrich the lives of the residents. These include the University Professor Series, where scholars share their expertise on a variety of topics; outings to the opera, live theater or professional and college sports games, or in-house performances and lectures; wellness and fitness programs; and book clubs, game rooms, and social gatherings. A garden terrace will be located in the courtyard along the MacArthur Boulevard side of the building.

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

The facility will provide the equivalent of 58 parking spaces, which meet the requirement for the entire CCRC on Lot 25, as well as the retail use in the MU-4. The R-1-B portion of the CCRC, which will have a maximum of 36 units, generates a requirement for 16 parking spaces (after the first four units, one space for every two units). The MU-4 portion of the CCRC, which will have a maximum of 120 units, generates a requirement for 39 spaces (after the first four units, one space for every three units). The 5,556 square-foot retail space requires three spaces (after the first 3000 square feet, one space for every 1000 square feet). The overall total parking requirement for the building (CCRC plus retail) is 58 spaces. The below-grade garage will provide 54 spaces, two of which will be car-share spaces and count as three spaces each, or the equivalent of 58 spaces. Together, these meet the zoning requirement.

These spaces are sufficient to meet the demand for employees, residents, and visitors to the CCRC. As described in the transportation memorandum prepared Gorove/Slade Associates included with this application, the proposed CCRC use (both R-1-B and MU-4 portions) create a demand for 46-47 parking spaces to serve the needs of residents, staff, and visitors. Thus, the proposed CCRC use meets this criterion.

(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;...

The proposed CCRC is a quiet use that will serve as a buffer between the commercial sector of MacArthur Boulevard, N.W., and the adjacent single-family neighborhood. It is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions. Significantly, the proposed development will not generate a significant number of vehicular trips and does not meet the DDOT threshold of 25 new peak-hour vehicle trips to require a detailed capacity analysis. In fact, the number of trips generated is approximately 26 fewer trips than the previous grocery store use on the site.

The Applicant will implement several transportation demand management (“TDM”) measures to ensure that the number of vehicle trips remains low. Among other things, the cost of the parking spaces will be unbundled from the residential units; residents will be provided private transportation for medical appointments, grocery shopping, errands, and other common trips; staff will receive a \$50 SmarTrip Card and complimentary annual Bikshare membership for one year after the building opens; and every resident will receive a \$50 SmarTrip card.

The building has been designed to minimize noise and any other objectionable conditions to neighboring properties. The entrance to the building is set back significantly from 48th Place, N.W., and is bounded by the building on three sides. This arrangement reduces noise that may emanate from vehicles and visitors arriving at the site, and separates it from the single family detached houses along V Street. There is no access to the building from V Street and community outdoor space is sited along the commercial corridor of MacArthur Boulevard. Loading facilities and trash rooms will be located in the below-grade garage. Mechanical equipment will also be on the interior of the building at the lower level. All lighting will be directed downward so as not interfere with adjacent properties. Together, these design features will ensure that neighboring properties are not affected by any objectionable conditions from the CCRC use.

(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 R-1-B portion of the building has been designed in a small-scale residential vocabulary to reflect its adjacency to the single-family houses on V Street. To date, no special treatments have been requested in the way of design, screening, plantings and parking areas, signage or other requirements.

General Special Exception Requirements

In addition to the specific standards for a CCRC use, an applicant must demonstrate compliance with the general requirements for special exception relief under Subtitle X, Chapter 9. The Applicants comply with these requirements, as set forth below.

1. *The CCRC use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.*

The Project will be in harmony with the purpose and intent of the zoning regulations and related maps. A CCRC is a residential use that fits comfortably within the R-1-B District. It is particularly suited to this site within the Palisades neighborhood, where the single-family community to the north meets the commercial corridor of MacArthur Boulevard. It is an excellent transitional use between these two areas that allows senior residents to live in a multi-unit care facility at the edge of a commercial district while remaining part of a single-family neighborhood. The size and the scale of the project conforms to the nature and character of the residential community.

2. *The CCRC use will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.*

The project will not affect adversely the use of neighboring properties. Specialized residential units for an elderly population will maintain the residential character of the neighborhood at a site that is immediately adjacent to the commercial corridor of MacArthur Boulevard in the Palisades neighborhood. Given the residents' status and need for assistance with daily living, they will not alter in any significant manner the existing quiet character of the neighborhood. Additionally, the shift rotation of the CCRC staff will be at non-peak vehicular and pedestrian times of the day. Parking will be self-contained and consistent with code required number of spaces.

Community Engagement

The Applicant has actively engaged with the community over the past year to discuss the proposed CCRC on the site and has made numerous design changes to accommodate its concerns and desires, including the provision of a 5,600 square-foot grocery store in the MU-4 portion of the site. The Applicant will make formal presentations to Advisory Neighborhood Commission 3D and the Palisades Citizens Association after this application has been officially submitted to the Board of Zoning Adjustment.

Conclusion

Based on the foregoing, the proposed senior living facility is compatible with the surrounding neighborhood and meets the special exception criteria for establishing a CCRC in the R-1-B portion of the property at 4865 MacArthur Boulevard, N.W.