

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen Gyor AICP, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** January 6, 2015

**SUBJECT:** BZA Case 18898 - request for special exception relief pursuant to § 3101.4 to allow and addition at Ingleside at Rock Creek.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 3104.1:<sup>1</sup>

- § 218 Youth Residential Care Homes and Community Residence Facilities
- § 219 Health Care Facilities

The Office of Planning supports the conditions included in Advisory Neighborhood Commission 3/4 G’s resolution and negotiated with the Applicant, dated December 8, 2014.

**II. LOCATION AND SITE DESCRIPTION:**

Address:	3050 Military Road and 5314 29 <sup>th</sup> Street NW (the “Subject Property”)
Legal Description:	Square 2287, Lots 802, 804, 809, 813 and Square 2290, Lot 30
Ward:	4
Lot Characteristics:	The lot is 15 acres (612,352 square feet). The lot is largely wooded on its eastern and southern sides and slopes down 132 feet from the center of the site to the residential neighborhood to the east.
Zoning:	R-1-A
Existing Development:	Existing development includes seven buildings: an assisted living building constructed in the late 1950’s; a health center constructed in the 1980s; three interconnected living buildings that were constructed in 2000; the McCracken apartments; and the Manor House. Ingleside owns four single-family homes along Military Road; however, only the two westernmost homes are included in this application. The site currently includes 245 residents and 183 employees. The lot includes two curb cuts: one on Military Road NW and one on Broad Branch Road NW.

<sup>1</sup> The Applicant’s initial application also requested relief for a variance from the minimum width requirements under § 401.3 for the creation of an independent record lot along 29<sup>th</sup> Street NW; however, the Applicant has stated that this relief is not necessary since the lot would be subdivided in a manner which satisfies § 401.3.



Historic District:	NA
Adjacent Properties:	Adjacent properties include single-family dwellings to the east and north, the embassies of Tunisia and Ivory Coast to the south, Temple Sinai and the Carnegie Institution to the west, and a residential neighborhood across Military Road to the north.
Surrounding Neighborhood Character:	The surrounding neighborhood is characterized by single family dwellings, institutional uses, and open space. Rock Creek Park is located to the east.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Ingleside Presbyterian Retirement Community (the “Applicant”)
Proposal:	<p>The Applicant is proposing to construct an addition to Ingleside at Rock Creek, an existing 15 acre nonprofit continuing care retirement community. Two new senior living buildings would be constructed atop an open area and a surface parking lot in the center of the campus. Construction would add an additional 97 independent living units, 12 new assisted living, 32 memory care units, and 64 health care units. 41 assisted living and 60 health care units would be razed. Overall, the facility would see a net gain of 104 units. The expanded facility would include 387 residents and 225 employees.</p> <p>Ingleside simultaneously seeks special exception approval to utilize the single-family home at 5314 29<sup>th</sup> Street NW to temporarily house ten assisted living residents during the interim between demolition of the existing assisted living building and construction of the new senior living residence buildings.</p> <p>The Board previously considered several other applications at Ingleside, including BZA cases 5205, 9232, 11147, 12164, 13940, 16138, 16861, and 17114.</p>

## V. ZONING REQUIREMENTS

<b>R-1-A Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed<sup>2</sup></b>	<b>Relief:</b>
Youth Residential Care Homes and Community Residence Facilities § 218	Permitted by special exception			<b>Requested</b>
Health Care Facilities § 219	Permitted by special exception			<b>Requested</b>
Lot Occupancy § 403	40% max.	15.2%	21.3%	None required

## VI. OP ANALYSIS: SPECIAL EXCEPTION RELIEF

### Youth Residential Care Homes and Community Residence Facilities § 218

*§ 218.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons either in the same square as, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property.*

There is one other community-based residential facility within a 1,000 foot radius of Ingleside - Forest Side which is located within two blocks of the subject property. Forest Side is a relatively small facility providing dementia and Alzheimer care for 33 residents. Ingleside differs in that it provides independent living units, which house active seniors who do not require a high level of care yet desire support and amenities. There should be little if any cumulative impact of the two facilities being within two blocks of each other.

*§ 218.3 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.*

There are currently 217 parking spaces on the Subject Property. The Applicant proposes to remove nearly all surface parking and replace it with below-grade garages. Ingleside would add 150 parking spaces for a total of 367, which according to the Transportation Impact Study provided by the Applicant, should be adequate for residents, visitors, and staff. In addition, Ingleside has committed to a parking plan to ensure that its residents and staff do not park on neighborhood streets.

*§ 218.4 The proposed facility shall meet all applicable code and licensing requirements.*

The existing facility currently meets all code and licensing requirements. The Applicant has stated that the expanded facility would meet the same requirements.

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<sup>2</sup> Information provided by applicant.

*§ 218.5 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.*

The expanded facility should not have an adverse impact on traffic. Ingleside currently has one entrance on Broad Branch and one entrance on Military Road. The Military Road entrance would be used for visitors and staff of the health center, as well as deliveries. The majority of traffic would enter the facility through the Broad Branch entrance, which would be used by residents, visitors, and employees of the assisted living units. This arrangement would help to mitigate the impact of traffic on Military Road. Further, the Applicant worked with the surrounding community and no longer requests an additional curb cut along Military Road.

The proposed facility would occupy only 22% of the existing site, which would allow for the preservation of a substantial amount of open space. The expanded facility would continue to provide sufficient screening and buffering from the neighboring residential areas.

The Applicant has negotiated conditions with the community which should help to mitigate the impact of its operations on the surrounding neighborhood. This includes a reduction in the height of the proposed addition. Further, the Applicant has attended over 25 meetings with the community to address potential adverse impacts relating to design, the location and size of the proposed addition, traffic-related issues, environmental concerns, proposed construction activities, and landscaping.

According to the Applicant, the accelerated construction schedule requested by the community may necessitate the use of the residential home at 5414 29<sup>th</sup> Street NW for temporary housing of assisted living residents for a period of 30 months. The Applicant anticipates using the house for 10 residents until the new units are available. The structure is currently accessed from 29<sup>th</sup> Street NW. The proposed use of the structure as swing space should not adversely impact the surrounding neighborhood given the limited term of the structure's use and the restrained number of potential residents. The Applicant met with several of the neighbors on 29<sup>th</sup> Street and stated that the neighbors support the temporary use of 5414 29<sup>th</sup> Street NW given that this may accelerate the construction schedule.

*§ 218.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.*

As noted above, there is one other small facility – Forest Hills – within two blocks of this site. Ingleside differs in that it offers a continuum of care for residents. Although both are located with frontage on Military Avenue NW, there should be little if any cumulative impact of these separate facilities resulting from the proposed expansion of Ingleside.

*§ 218.7 In the case of a community residence facility, the Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and*

*their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and if there is no other reasonable alternative to meet the program needs of that area of the District.*

There is a strong need and demand for this type of facility in the District and finding appropriate space is difficult. In this case, the site is already used for this purpose, and significant existing buffers between existing / new buildings and surrounding uses would be maintained. The proposed intensity of use would be further mitigated through measures relating to communications, design, pre-construction, construction, and enforcement. Overall, the expansion of Ingleside would help to alleviate a critical need for senior care in the District.

*§ 218.8 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

All appropriate referrals have been made by the Applicant.

#### Health Care Facilities § 219

*§ 219.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property.*

As stated above, the Subject Property is located within two blocks of Forest Side, which provides dementia and Alzheimer care for 33 residents.

*§ 219.3 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.*

As stated above, there are currently 217 parking spaces on the Subject Property. The Applicant proposes to remove nearly all surface parking and replace it with below-grade garages. Ingleside would add 150 parking spaces for a total of 367, which should be adequate for residents, visitors, and staff.

*§ 219.4 The proposed facility shall meet all applicable code and licensing requirements.*

The existing facility currently meets all code and licensing requirements. The Applicant has stated that the expanded facility would meet the same requirements.

*§ 219.5 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.*

As stated above (§ 218.5), the expanded facility should not have significant additional impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

*§ 219.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.*

There is one other small facility – Forest Hills – within two blocks of this site. Ingleside differs in that it offers a continuum of care for residents. Although both are located with frontage on Military Avenue NW, there should be little if any cumulative impact of these separate facilities resulting from the proposed expansion of Ingleside.

*§ 219.7 The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and if there is no other reasonable alternative to meet the program needs of that area or the District.*

The additional residents to this existing facility with 245 residents on a large lot should not adversely impact the surrounding area or the District. Overall, the expansion of Ingleside would help to alleviate a critical need for senior care in the District.

*219.8 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

All appropriate referrals have been made by the Applicant.

## **VII. COMMUNITY COMMENTS**

ANC 3/4G voted 7 to 0 to support the Applicant's request for relief at its regularly scheduled meeting on December 8, 2014.

The Carnegie Institution of Washington filed a request for party status, noting concerns about the potential impact of excessive ground vibration caused by construction activities on Carnegie's research instrumentation.