



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: February 8, 2013

SUBJECT: **Final Report** for ZC #05-30C, Karajoel, LLC, et al – PUD Modification @ Square 3719, Lot 41 (6000 New Hampshire Ave., NE)

I. SUMMARY RECOMMENDATION

Karajoel, LLC, submitted a modification request to the approved Consolidated PUD and related Zoning Map Amendment (05-30) for the site known as 6000 New Hampshire Ave, NE. The Commission set down the request at its December 10, 2012 public meeting. The proposal consisting primarily of:

- The modification of the use of the smaller of the two existing buildings on the site, initially approved to be an apartment building for 12 units and currently proposed as a habilitation center for mentally disabled adults; and
- An associated reduction in the number of approved apartment units from 58 units to 46 units all to be located in the larger of the two existing buildings.

The proposal is not inconsistent with the Comprehensive Plan.

The Office of Planning (OP) therefore recommends **approval** of the modified PUD and related map amendment including:

- Special exception relief from the requirements of § 205 to permit the use of an adult day treatment facility for mentally disabled adults in the smaller of the two existing buildings subject to the following conditions:
 - The adult day treatment facility shall be limited to a maximum of 110 clients and 26 staff.
 - The hours of operation shall be from 8:30 am to 4:00 pm
 - The number of clients at any one time shall not exceed 110
 - Drop-off shall be between the hours of 8:45 am and 12 noon and pick-up shall be completed no later than 3:30 pm. All drop-off and pick-up shall be on-site. No van queuing shall occur on adjacent public streets.
 - The facility's cafeteria shall be made available to community use when no clients are present.
 - The approved 11 affordable units shall be located in the larger residential building consistent with Condition 4 of the approved PUD Order (05-30).

And

- A reduction in the number of apartment units of the approved PUD from 58 to 46 units, all to be located in the larger of the existing buildings, with provision of 11 affordable units as approved under Order 05-30.



II. APPLICATION-IN-BRIEF

Applicant Karajoel, LLC

Location The approved PUD site is an assembly of a number of lots in Square 3719, Parcels 126/24 and a larger portion of Square 3714; totaling approximately 505,062 square feet of land area. The larger portion within Square 3719 is irregularly shaped and bounded by Rittenhouse Street, New Hampshire Avenue, Peabody Street, Chillum Place and Sligo Mill Road, N.E. The multiple lots of Square 3714 are located across Peabody Street, south of the larger parcel and are bounded by Peabody Street, New Hampshire Avenue, 1st Street N.E., and a 15-foot wide alley.

Area Description The subject property is located in the Northeast quadrant of the District near the District line. The property’s base zone is R-1-B with a PUD map amendment to R-5-A, and is surrounded by single-family homes within the R-1-B and R-2 districts.

Current Zoning R-1-B; PUD R-5-A (Order No. 05-30).

Proposal The applicant has submitted this modification to the approved PUD request for the portion of the site including the two existing buildings on the site which previously housed the Masonic and Eastern Star Nursing Home and offices for Med-Star Health. This applicant and current new owner of the two buildings has proposed a use change from the approved condominium building for the smaller of the buildings from residential to an adult day treatment facility, which is permitted by special exception pursuant to Section 205 of the Zoning Regulations. The potential operators of the facility (Metro Day School) currently operate in the District out of two locations, including one for the habilitation center and another for its administrative office. The proposed new location would combine these functions.

Interior changes and a small rear addition are also proposed to the smaller new building. The larger building, which was originally proposed for significant additions, would now only be subject to interior renovations to accommodate the additional residential units. A reduction in the approved number of condominium units from 58 to 46 units, with no reduction in the approved number of affordable units is also requested.

Relief and Zoning In conjunction with the modification request, the applicant is seeking special exception relief from the requirements of § 205.



ZONING MAP

IV. PROPOSED MODIFICATION

The PUD was approved by Zoning Commission Order No. 05-30, effective January 19, 2007. The previous applicant of the original PUD sold its interest in the apartment component of the project. The remainder of the PUD including 38 single family detached dwellings and 73 townhouses are currently under construction. The applicant now proposes the following changes to the site’s existing buildings, which were previously approved for reuse as apartment buildings for 58 condominium units:

1. Change of use of the smaller of the two buildings from apartment use to an adult day care center;
2. Exterior renovation of the smaller building to include:
 - a. Expansion of the building’s footprint by 1,095 sf;
 - b. Extension of the elevator to the third floor;
 - c. Addition of new dormers and skylights to the main roof;
 - d. Replacement of existing attic vents with large fan windows;
 - e. Addition of a roof deck;
 - f. Dedication of 27 surface parking spaces to the center’s use;
3. Apartment use of the larger of the two buildings to accommodate 46 units, which would include all of the previously approved 11 affordable units.

The affordable units would be assigned to households making no more than 80% of the Annual Median Income (AMI) for the life of the project in accordance with the Inclusionary Zoning (IZ) provisions. The applicant should show where the units would be located prior to proposed or final action on the application. Vehicular parking would be located as surface parking in the vicinity of both buildings and would be accessed via the PUD site’s approved access off Sligo Mill Road (McLean Place, NE) and the driveway opposite First Street.

V. COMPREHENSIVE PLAN

The requested modification is consistent with elements of the Comprehensive Plan, including policies of the Land Use and Rock Creek East Area Elements.

Policy LU- 1.2.2 Mix of Uses on Large Sites - Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. ^{305.7}
The proposed use as an adult day care facility is a use deemed compatible in a low density residential district subject to special exception approval. Such uses are beneficial to the city as a whole, and OP’s GIS mapping has identified only four adult day care facilities serving the District.

Policy LU-1.2.7: Protecting Existing Assets on Large Sites - Identify and protect existing assets such as historic buildings, historic site plan elements, important vistas, and major landscape elements as large sites are redeveloped. ^{305.12}

The approved PUD sought to retain the existing structures which had been a part of the Lamond Riggs neighborhood since the early 1900’s and served as a health facility for an extended period. The proposed use would not significantly alter the exterior of either building and only interior renovations are proposed to adapt the building to its use. The larger of the two buildings would retain its exterior under this proposal, unlike under the approved PUD which had significant additions to support the approved residences.

Policy RCE-1.2.8: Health Care Facilities for Special Needs Populations - Provide additional facilities to meet the mental and physical health needs of Rock Creek East residents, especially facilities for the elderly. ^{2209.8}

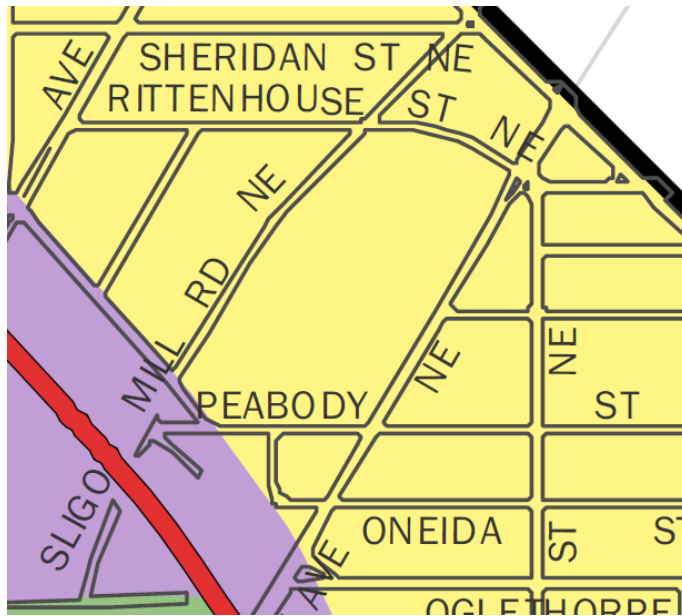
While the proposed facility is not designated as a health care facility, it addresses the physical needs of mentally disabled residents and provides a valuable service for District residents in need of such services for adult family members.

The proposed use of the PUD approved residential building is not inconsistent with the Comprehensive Plan’s policies of the Land Use and Rock Creek Area Elements.

VI. COMPREHENSIVE PLAN LAND USE MAPS



The Comprehensive Plan’s **Generalized Policy Map** describes the subject site as a Neighborhood Conservation Area. These areas have very little vacant or underutilized land. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities and institutional uses. Major changes in density are not expected but some new development and reuse opportunities are anticipated.



The Future Land Use Map indicates that the site is appropriate for low density residential use. The existing PUD approval for the site’s development concluded that the project was not inconsistent with the Comprehensive Plan. The proposed modification does not significantly alter the approved density and the changes continue to reflect the density anticipated by the FLUM.



VII. ZONING

The current modification would require relief from Section 205 which provides that the use as an adult day treatment facility be permitted as a special exception under § 3104, subject to the provisions of subsection, as reviewed below.

Section 205 – Adult Day Treatment Facility

205.2 *The center or facility shall be capable of meeting all applicable code and licensing requirements.*
 The proposed use of the facility represents the relocation of an existing service which has been in operation since 2001 at another location in the District. Therefore, the applicant understands the facility requirements for the operation and the renovated building would be inspected for code and licensing compliance prior to operation at this location.

205.3 *The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.*
 The applicant has submitted a traffic study for DDOT’s analysis on the proposed use compared to the residential use for 12 apartment units that was approved as part of the PUD. The study identifies that entrance to the site occurs at McLean Place off Sligo Mill Road. Drop-off and pick-up would be solely within the PUD site on private streets. Clients would be brought to the site by van including approximately 22 van arrivals between the hours of 8:45 and 12 noon, with similar departure between 2:00 pm and 3:30 pm. Food delivery to the site would occur once per day prior to noon. The applicant has agreed to the condition that no van queuing shall occur on adjacent public streets.

OP would rely on DDOT’s analysis of the traffic impacts which would be submitted to the Board under separate cover.

205.4 *The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*
 The facility would have a maximum of 26 staff persons, some of whom who may drive to the site or use public transportation. The facility would satisfy its on-site parking requirement of one space per employee, for a total of 27 spaces located within the surface areas off the areas identified as alleys on the applicant’s site plan (C 101). Should overflow parking be needed, up to five spaces would be available at the larger residential building to the east of the facility.

- 205.5 *The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.*
The clients would not be partaking in outdoor activities. All activity will occur indoors.
- 205.6 *The Board 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.*
OP does not suggest any other special screening features beyond that originally proposed by the approved PUD. No residential homes of the proposed PUD would front the parking areas along the alley or the facility.
- 205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.*
Off-site play is not a feature of the facility's programming.
- 205.8 *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*
OP's GIS research has not identified any other like facility within a 1,000 ft. radius.
- 205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*
The application has been referred to the District Department of Transportation for comments.
- 205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.*
The D.C. Department of Human Services has not provided comments to date. OP understands that the proposed facility would be operated like the existing facility (since 2001) and this application represents a relocation of an already approved and licensed operation. The applicant would be responsible for acquiring the certificate of occupancy for the facility prior to its operation at this location.

SECTION 3104

The proposed facility satisfies the requirements of Section 205 for special exception approval of an adult day care facility and thus meets the intent of the Zoning Regulations. It is well separated from the single-family residential uses of the approved PUD by an alley, so as not to adversely impact the use of the neighboring properties. No outdoor activity is programmed by the proposed use and the facility would not be in operation on weekends or during the evening hours when residents would most likely return from work. The community would have access, if desired, to the kitchen facility and community room for meetings. This would be an additional amenity of the PUD.

VIII. PURPOSE AND EVALUATION STANDARDS OF A PUD

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is "designed to encourage high quality developments that provide public benefits." Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that “*the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.*” Sections 2403.9 and 2403.10 state that... “*a project must be acceptable in all the listed proffer categories, and must be superior in many.*” To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§2403.12)

Amenity package evaluation is partially based on an assessment of the additional development gained through the application process. In this instance the proposed modification has no gain in additional density beyond that previously approved through the PUD.

The order issued for the approved PUD stated that “*the Commission found the project qualified for approval by being acceptable in all proffered categories or public benefits and amenities and superior with respect to housing, affordable housing and environmental benefits.*” It also concluded that the number and quality of the project benefits and amenities were sufficient for the flexibility and development incentives requested.

The current proposal includes the following amenities:

- *Urban Design, Architecture, Site Planning, Landscaping and Open Space*
The relocation of an existing operation to an improved facility represents an adaptive reuse of an existing structure with minor modification to the building’s structure. This is a sustainable element of the proposal while accommodating a much needed service beneficial to the city as a whole.
- *Space for community uses* – The applicant has agreed to provide use of its cafeteria as a community room for meetings. OP considers this an amenity of the modification commensurate with the requested relief proposed with the modification.

XI. AGENCY COMMENTS

OP anticipates comments from the District Department of Transportation under separate cover.

XII. COMMUNITY COMMENTS

The applicant has maintained dialogue with the ANC4B and neighborhood groups throughout the discussion period for the proposed modification of the approved development. According to email sent to OP on January 30, 2013, the community is not in support of the PUD modification proposal. The ANC 4 B expressed several concerns regarding the proposal as outlined in its resolution on November 28, 2012. The ANC4B met on February 5, 2013, and their recommendation would be submitted under separate cover.

XIII. CONCLUSION

The Office of Planning (OP) **recommends approval** of the proposed modification of the approved PUD, subject to conditions outlined in the summary of this report. The changes are not inconsistent with the Comprehensive Plan. The revision presents an adaptive reuse of a long vacant site, and consistent with the permitted use subject to Board approval in a residential district.

JL/kt;