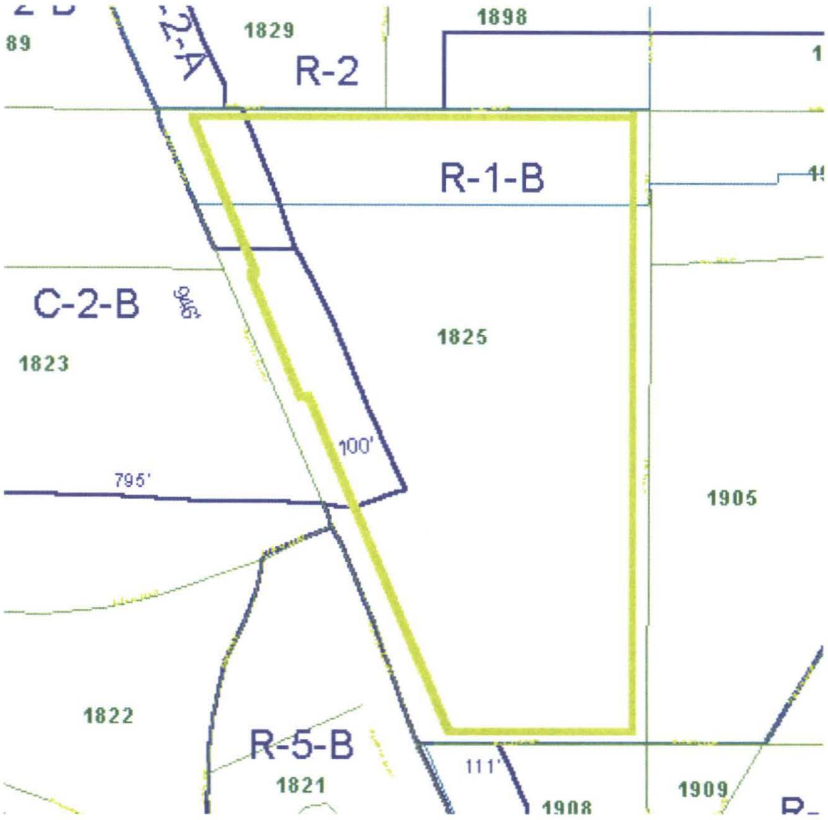


REVISED

Application No. 16836 The Washington Home

Previous Hearing Dates: April 2, June 25 and July 9, 2002
Previous Meeting Date: August 6, 2002

NOTES:

- **The hearing was scheduled to be continued on September 10, 2002; however, it was postponed because of lack of a quorum.**

- **The ANC is requesting that Citizens Concerned About the Home's Expansion be given additional time to present their case because the Applicant took much longer than the 60 minutes allotted. Exhibit No. 74.**

BZA
Case No. 16836
Exhibit No. 105

Board of Zoning Adjustment
District of Columbia
CASE NO.16836
EXHIBIT NO.105

RELIEF SOUGHT: Pursuant to 11 DCMR § 3104.1, for a special exception for an addition to an existing health care (hospice) facility, increasing the number of beds from 201 to 205 beds, and increasing the number of parking spaces from 75 to 173 under section 219 at premises 3720 Upton Street, N.W.

ZONING: R-1-B District

SQUARE & LOT: Square 1825, Lot 818

OFFICE OF PLANNING: **OP recommends APPROVAL of the application. Exhibit No. 36. The report was timely filed.**

d.: **DDOT has no objection to the proposal.**

(See attachment to OP's report.) Exhibit No. 31

DEPT. OF HEALTH: **The Applicant was awarded a Certificate of Need. Exhibit No. 12**

ANC 3F: **The ANC is OPPOSED to approval of the application. Exhibit Nos. 46, 71, 74**

BACKGROUND

The Applicant is proposing to increase the number of hospice beds by four and the number of parking spaces by 98. The residents are primarily concerned with the large increase in the number of parking spaces. The following were among some of the concerns identified: (1) increased traffic would be disruptive to the community; (2) the Home has not encouraged its employees to use mass transit; (3) the increased parking spaces would substantially reduce the amount of green spaces on the Home's campus; and (4) the removal of a large number of mature trees may cause topographical concerns.

Parties:

On April 2, 2002 the Board granted party status to Jonathan P. Graham, 3643 Tilden Street, N.W. Mr. Graham is the primary spokesperson for a majority of residents who are opposed to the application, Citizens Concerned about the Home's Expansion

Advisory Neighborhood Commission 3F is automatically a party to the case.

Motions:

Jonathan P. Graham filed a motion requesting that the Board compel the Applicant to provide information requested by Citizens Concerned about the Home's Expansion. In

the alternative, the citizens are requesting that the Board strike the Applicant's parking study.

The Board denied both motions and indicated that it does not have the authority to compel the Applicant to provide the information requested by Mr. Graham. The Board, however, encouraged the Applicant to provide project-related information. The Board also stated that it was unfortunate that the information requested by Mr. Graham was not forthcoming. [The vote was 5-0-0 to deny both requests. The motions were made by Geoffrey H. Griffis and seconded by Peter G. May; Geoffrey H. Griffis, Peter G. May, Anne Mohnkern Renshaw, David A. Zaidain and Curtis L. Etherly, Jr. to deny.]

Advisory Neighborhood Commission (ANC) 3F is a party; however, ANC 3C also requested to become a party to the case. ANC 3C indicated that they had just recently learned about the project. In addition, the site was previously within the boundaries of ANC 3C until recently when redistricting occurred.

The Board indicated that there were multiple ways the residents of the neighborhood were made aware of the hearing and both ANC 3C and 3F could confer and present testimony in a coordinated manner.

On a motion made by Geoffrey H. Griffis, seconded by Peter G. May, the Board voted 4-1-0 to deny the request of ANC 3C to become a party (Geoffrey H. Griffis, Peter G. May, David A. Zaidain and Curtis Etherly, Jr. to deny; Anne Mohnkern Renshaw opposed to the motion).

Cross Examination:

The Order of cross-examination established would be:

1. Citizens Concerned about the Home's Expansion **[The citizens have 60 minutes to present their case.]**

2. Advisory Neighborhood Commission 3F in collaboration with 3C. **[There is no time constraint for the ANCs to present their case.]**

Applicant's [1] Case:

The Applicant presented the following witnesses:

1. Erwin Andres, Traffic Engineer

2. Laurie D. Dickerson, Architect

3. James R. Long, Civil Engineer

[1] **The Applicant was represented by George R. Keys, Jr., of Jordan Keys & Jessamy, LLP**

4. Liling Tien, Landscape Architect

5. Jeff McGee, employee, The Washington Home

At the conclusion of the June 25th hearing, the Applicant finished presenting the case. The Applicant was allotted 60 minutes to present the case and had 2 minutes 38 seconds remaining on the clock.

On June 25th, after discussion with the parties, the Board determined that the hearing would be bifurcated. The Board had to balance the fact that Jonathan P. Graham would be unable to attend the next scheduled public hearing and the fact that the Applicant's Certificate of Need would expire in September 2002. The Board indicated that since the proposal to increase the number of beds does not seem to be controversial, that portion of the project would be taken up first and the remaining portion of the case discussed later. That portion of the case was set for decision on August 6, 2002.

At the July 9th public hearing, the Board voted to bifurcate the case.

On August 6th, the Board was scheduled to vote on the new addition; namely, the four hospice beds. Upon deliberation, the Board indicated that the case would not be bifurcated.

WHEN THE HEARING RESUMES

- Presentation of the Office of Planning.
- Report of Other Government Agencies. [The Board requested that a representative of **d.** be available.]
- Testimony of Advisory Neighborhood Commission 3D.
- Persons and Parties in Support of the Application.
- Persons and Parties in Opposition to the Application.
- Rebuttal and Closing Remarks by the Applicant.

Board Members Participating: Geoffrey H. Griffis, Peter G. May, Anne Mohnkern Renshaw, David A. Zaidain and Curtis L. Etherly, Jr.