BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

In Re: Application by The Washington Home for a special exception pursuant to § 219 of the Zoning Regulations to allow the construction of an addition to the Hospice of Washington accommodating four (4) additional hospice beds for an existing 201-bed health care facility in an R-1-B Zoning District and the enlargement of the existing parking lot from seventy-five (75) to one hundred seventy-three (173) parking spaces

Subject Property:

Lot 818, Square 1825
3720 Upton Street, N.W.

JORDAN KEYS & JESSAMY, LLP

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Dated: December 21, 2001

BZA Application No. _____

BZA
Case No. 16836
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO.16836
EXHIBIT NO.4

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11. Tree Inventory, prepared by Dieruf Landscape, dated July 29, 2001

12. Certificate of Occupancy No. B-178693, issued September 25, 1997

Project Team Members

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D. APPLICATION FOR SPECIAL EXCEPTION RELIEF

The Washington Home (the "Applicant" or the "Home"), the owner and operator of The Washington Home & Hospice of Washington located at 3720 Upton Street, N.W., Lot 818 in Square 1825 (the "subject property"), hereby makes application to the District of Columbia Board of Zoning Adjustment (the "Board") for a special exception under Section 219 of the District of Columbia Zoning Regulations, 11 DCMR *Zoning* (July 1995)(the "Zoning Regulations") in order to: (i) construct an addition to the existing 201-bed health care facility in order to accommodate an addition of four (4) hospice beds to The Hospice of Washington and; (ii) enlarge the existing 75-space parking lot by adding an additional ninety-eight (98) parking spaces.

1. Statement of Existing and Proposed Use

The Washington Home exists as a 201-bed health care facility by virtue of special exception authority granted by the Board in 1985 to build a 189-bed facility, and again in 1997, when permission was obtained from the Board to reconfigure the existing structure to add 12 additional beds[1].

The Applicant desires to enlarge the building footprint with a one-story, 2,077 square foot addition to The Hospice of Washington which will accommodate four (4) patient rooms, thereby

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[1] The two BZA orders authorizing the current configuration of the Home are attached hereto as Exhibit 9. The current Certificate of Occupancy for the Home is attached hereto as Exhibit 12.

increasing the capacity of the Hospice to a total of thirteen (13) patient beds. In addition, the Home wants to enlarge and reconfigure the existing parking area to solve the long-time shortage of employee and visitor parking. The proposed site plan adds 18,410 square feet to the parking area and increases on-site parking from 75 to 173 parking spaces.

2. Site and Surrounding Area Description

The subject property is a 5.73 acre site (249,537 square feet) improved with a three-story, 201-bed health care facility for skilled, intermediate and sub-acute care, as well as hospice services. The building is oriented toward the south-western corner of the site and is set back for most of its length from the Upton Street frontage. Almost 60% of the site, or 3.43 acres, is set aside for greenspace and walkways and the overall site floor area ratio (FAR) is 0.53. Although there is no prescribed FAR for the R-1-B zoning district, the interaction of the 40% lot occupancy requirement and the three-story, 40-foot height limit applicable to this zoning district suggests that 1.2 is the maximum FAR permissible. By that standard the Home is more than 50% less bulky than it could potentially be under the applicable regulations and the building footprint is only 21% of the entire site area. As indicated in the table set forth below, by every relevant development parameter the existing facility is substantially under-built given the size of the site.

Parameter	Allowed	Existing
Lot Occupancy	40%	21%
Floor Area Ratio	None prescribed	.53
Gross Floor Area	299,444 sq. ft.	133,661 sq. ft.

The facility was developed with a careful regard for existing landscaping and the need to screen the bulk of the building and the parking area from the residential dwellings across Upton and 37th Streets. The 14 mature trees atop the berm running along the north-eastern corner of the site afford a park-like setting, complemented by the 112 other flowering and ornamental trees existing on the site.[2] As demonstrated by the photographs #1-6 attached hereto as Exhibit 3, the tree-filled berms, most especially the berm along Upton Street (photographs #1,3-5), create a substantial green barrier screening the parking area from street-level viewers and nearby residences.

The surrounding area, east of Wisconsin Avenue, is zoned R-1-B and developed to the north, east and southeast of the Home primarily with single-family, detached dwellings. The Hearst Elementary School building and the Sidwell Friends School campus

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[2]In preparation for the instant application, the Home undertook a survey of the existing trees in July, 2001, in order to determine their number, type, location and physical condition (Exhibit 11 attached hereto). The results of the landscape survey will inform the Home as to what further needs to be done in order to maintain an effective visual buffer for the parking area and to retain the natural ambiance that currently exists at the corner of Upton and 37th Streets.

are located to the immediate south of the subject site. The U.S. Post Office leases the land to the west of the site from the Home where the Friendship Post Office is located.

3. History of the Site

The Washington Home, a District of Columbia nonprofit corporation (formerly known as The Washington Home for Incurables, Inc.) was founded in 1889 as a private, nonprofit health care facility provided skilled and intermediate nursing care for elderly, chronically ill and terminally ill residents of the District of Columbia. Initially located in Mount Pleasant, the Home moved to Georgetown in 1893 for larger quarters in order to meet the rising demand for its services. Increasing community need necessitated a further move in 1923 to its present location, which at the time provided an undeveloped, country-like environment for its residents. The Home expanded physically on several occasions since that time, the most recent being a building wing added in 1950. It is important to recognize that the existing neighborhood of detached, single-family homes grew up around the Home, and not the other way around.

By 1984, even after several alterations and expansions over the years, the principal building on the site was functionally obsolescent and inefficient. Accordingly, the Board of Directors of the Home sought and obtained in 1984 a determination by the District of Columbia State Health Planning and Development Agency

that a need existed for a replacement facility of 189 beds. The Home filed a special exception application with the BZA seeking permission to construct the current structure on the Property. By this time, the surrounding area had changed and most of the uses and structures adjoining the Property to the east and north were single-family residential dwellings.

The Board's decision granting the requested relief was conditioned in one unusual respect: in deference to community views, the Board reduced the number of on-site parking spaces from the 116 originally requested by the Home to 75. In reaching this decision, the Board responded to the community's appreciation that the number of requested parking spaces appeared excessive, and, in fact, went beyond the 85 parking spaces recommended by Advisory Neighborhood Commission 3C. In making this judgment, the Board did not specify as to whether the basis for its concern was aesthetic or safety-related.

The net effects of the changes proposed by the Applicant are to retain over 51% of the site as landscaped greenspace and to enlarge the existing building slightly so that it occupies less than 25% of the subject property. The magnitudes of existing building and site characteristics and the proposed alteration to each are depicted in Land Use Summary attached as Exhibit 8.

4. Basis for Hospice Addition

As demonstrated in the Notice of Final Action and Findings of the District of Columbia State Health Planning and Development Agency ("SHPDA"), attached hereto as Exhibit 10 (the "Certificate of Need"), the Home is the only Medicare/Medicaid approved provider of inpatient hospice care in the District of Columbia and has been in operation since 1978. Not only does the Home serve this vital function, but it also serves as the hospice inpatient referral center for patients city-wide in home hospice programs and hospital-based palliative care programs.

Occupancy of the inpatient hospice unit has reached 95% in two of the preceding six months, and on a weekly basis occupancy reaches or exceeds 100% at least two days per week. Health trends in the locality indicate that demand for inpatient hospice services will continue to increase. The proposed 2,077 square foot addition is a highly-efficient enlargement of the Hospice allowing for more efficient utilization of existing staff and lowering operating costs per patient.

The one-story addition to the existing Hospice will project twelve feet (12') beyond the existing northern face of the building in the direction of Upton Street. The designated exterior materials for the addition will match the existing building. Seen from Upton Street, the addition is designed to be unobtrusive, blending into the two story portion of the existing building behind

it. Photograph #9 shows the existing hospice on the left side of the picture, the addition will be an architectural match in style of windows, detailing and materials. The addition to the hospice will constitute a *de minimis* enlargement of the existing facility, increasing the first floor area by 3.8% and enlarging total building floor area by only 1.6%, as demonstrated in the table set forth below.

Building Area	**Existing**	**Proposed**	**Total**
1st Floor	53,954 SF	2,077 SF	56,031 SF
2nd Floor	42,678 SF		42,678 SF
3rd Floor	37,029 SF		37,029 SF
Total	133,661 SF	2,077 SF	135,738 SF

Increase in 1st Floor Area	3.8%
Increase in Full Building Area	1.6%

5. Basis for Parking Lot Enlargement

At the time of the 1985 approval of the new Home by the Board, the Applicant was concerned about the provision of on-site parking. Section 219.3 of the Zoning Regulations requires that a health care facility in the R-1-B zoning district meet the following standard with respect to parking:

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

In light of its experience with the subject property over the intervening 15 years, the Applicant now wants to enlarge the

existing parking area to accommodate 98 additional parking spaces. By laying out the parking area more efficiently, the number of parking spaces can be increased by 130% while only 40% more land area is utilized. Effectively, only an additional 7.4% of the site would be used for parking.

In 1985, in connection with the initial BZA approval for the Home, the community vigorously opposed a larger parking lot deeming it to be in excess of then-current requirements. The community was possibly influenced by the uncertain prospect of larger-scale commercial development which was beginning at that time in the neighborhood with the development of the 4000 Wisconsin Avenue complex, WUSA Television and the Fannie Mae headquarters expansion at 3900 Wisconsin Avenue. There is even a suspicion in the record that the community believed that the Home wanted the additional parking to profit from the projected commercial development occurring to the west of the subject property. As a result, the Home accepted fewer parking spaces than it requested or, indeed, actually required to satisfy the standards of § 219.3.

After 15 years of experience with the subject property and changing dynamics of the health service business, there are several empirical observations which can be made. First, in response to the modern trend of shorter hospital stays, the Home has experienced an increase in the number of subacute care patients. These patients are in the Home for short rehabilitative stays after

being released from area hospitals and, compared to other long-term care residents of the Home, they receive proportionately more visits from health professionals, physical therapists and family members. The net effect of this industry-wide change in patient care is to increase demand for short-term parking in the vicinity of the Home.

Second, the Home commissioned an analysis of the parking environment in the vicinity of the Home, which will be introduced into the record in this application at a later date. There are several conclusions which can be drawn from the parking study. The inventory of parking on the subject property over a three-day, mid-week period in May 2001 revealed that an average of 136 automobiles were actually being parked on the parking lot which was designed to contain only 75 automobiles. This result evidences the high demand for off-street parking and the severely congested state of the Home's parking lot (operating routinely at 61 more vehicles than capacity).

Third, at the same time, the parking consultant performed manual counts of the available street parking in the vicinity of the Home. Of the 400 potential on-street parking spaces in the 8-square block area identified in the parking analysis, 312 spaces, or 78% of the total, are restricted to only two-hour parking for cars not having Ward 3 residential parking permits. These restricted parking spaces were on average 54% occupied during the

hours of 7:00 a.m. - 6:00 p.m. On the other hand, of the 88 unrestricted parking spaces (presumably available for parking by employees of the Home who are with very few exceptions not residents of Ward 3), 80% were occupied during the same period of the day. The off-street parking analysis supports two conclusions: (1) there is ample on-street parking for residential use in the vicinity of the Home during the daytime hours; and (2) there is more demand for parking by employees of the Home than can be met by the available, unrestricted, on-street parking capacity.[3]

Third, the Home has more employees now than it had in 1985, at the time when the parking space limitation of 75 vehicles was imposed by the BZA, and a higher percentage of those employees are working during the main shift between 7:00 a.m and 3:30 p.m. In 1985, the overall employment base of the Home was 260, and of this total approximately 166 were employed during the main shift. Currently, the employment base is 298 with 203 employees working at the Home during the main shift. Of these employees, 66% drive their vehicles to the Home and so consequently there is structural demand for 134 parking spaces on site before any consideration is given for the need for visitor parking for family members or health

[3]Currently, the parking lot is on average 61 automobiles over capacity; however, there are only an average of 18 unoccupied unrestricted on-street parking spaces in the vicinity of the Home during the peak hours of demand.

professionals.[4] Clearly, at these demand levels, the existing parking lot, even as congested as it is, cannot meet the actual demand or the injunction of § 219.3 which requires the Home to meet "the needs of occupants, employees and visitors of the facility." Therefore, the excess vehicles must spill over into adjacent streets absorbing some proportion of the available unrestricted parking spaces in the vicinity of the Home.

As the Applicant has appreciated for a considerable period of time, the subject site has the potential to handle the full parking demand generated by the Home and this can be accomplished without sacrificing the natural visual barriers which have functioned so effectively as buffers between the Home and the adjacent residential properties. Exhibit 7 which depicts two sections of the proposed parking lot (from Upton Street looking south and from 37th Street looking west) provides evidence that (1) because of natural grades (in the case of Upton Street) the reverse slop of the berm can be removed without affecting the mature foliage and trees on the upward slope and crest of the berm; and (2) a new berm along 37th Street can provide an enhanced natural barrier for the two residences along 37th Street (neither of which has an entrance on 37th Street).

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[4]This data, compiled from an employee survey, compares favorably with the findings of the consultant that an average 136 vehicles are jamming into the parking lot at peak hours.

An enlargement of the parking lot, which can be accomplished without losing mature trees or the visual protection of the berms, is an enhancement for the neighborhood that would significantly reduce the demand by employees and visitors of the Home for on-street parking. The enlargement can be accomplished efficiently by devoting merely 18,000 square feet of additional land to the existing parking surface. The overall site remains 50% dedicated to green space and walkways with no discernable visual change for the adjacent community. We have summarized the dimensions of the parking lot expansion in relation to the overall site in the table set forth below.

		Parking & Drives as a % of Total Site
Area of Site	249,537 SF	
Existing Parking & Drives	46,096 SF	18.5%
Proposed Additional Parking & Drives	18,410 SF	7.4%
Proposed Total of Parking & Drives	64,506 SF	25.9%

6. Consistency with Zoning Scheme

A further and general requirement of the special exception standard of review expressed in § 3108.1 is that in the judgment of the Board:

> ...th[e] special exception will be in harmony with the general purposes and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property...

As previously discussed the subject property in located within an R-1-B zoning district which is set aside generally for low density residential uses; however the Zoning Regulations provide for certain institutional uses like hospitals, nursing homes and schools that are compatible with residential uses and afford essential human services that should be located appropriately in proximity to residential uses. The District of Columbia Generalized Land Use Map (May 1995) prepared by the D.C. Office of Planning in order to illustrate the policies of the Comprehensive Plan process recognized the unique situation of the Home by identifying the area bounded by Upton Street, 37th Street and Wisconsin Avenue as "institutional" uses.

The Comprehensive Plan elements for Ward 3 are set forth in Chapter 14 of 10 DCMR *Planning and Development* (August 1995). In particular, the Ward 3 Plan acknowledges the high proportion of elderly residents and the need to develop, expand and support public and private human services efforts for the elderly in the community. §§1408.1(a)and (e). With respect to institutional uses, like the Home, the Ward 3 Plan observes that expression of such uses must be carefully considered and controlled in order to maintain compatibility with the underlying zoning and neighborhood land use. Finally, the Ward 3 Plan makes a priority of the retention of green space and compatibility of scale in managing public and institutional lands. §1409.7(a).

The special exception application of the Home respects the Ward 3 land use objectives. The enlargement of the Hospice facility responds directly to an identified need for end-of-life care for an aging population and the terminally-ill in the community. The scale of the enlargement is modest and is so located that it presents a barely noticeable alteration in the existing structure. The addition will improve the efficiency of existing personnel resources of the Hospice and does not require a proportionate expansion of employment in the Hospice.

The parking lot expansion offers benefits to the Home and the adjacent residential community by reducing the demand for on-street parking by employees of and visitors to the Home while preserving one of the important natural features of the site, the park-like setting with mature trees situated on berms that screen the parking lot from the closest residential neighbors.

E. CONCLUSION

For all of the foregoing reasons, the Applicant requests that the Board grant the special exception request to construct an addition adding 4 beds to the Hospice of Washington and to enlarge the existing parking lot to accommodate a total of 173 automobiles.

Respectfully submitted,

JORDAN KEYS & JESSAMY, LLP

By: George R. Keys, Jr.