

30. Trees and plant material will be added to the right of the main entrance drive and along the north facade of the addition, and at the west end of the addition to provide a screen for the adjacent residence and in the south court at strategic points to both accentuate and relieve the horizontal facade.

31. Exterior space for patient use is provided by extending the existing verandah to an open terrace at the main entrance drive and by developing a terrace in the rear yard area, over service occupancies below, which terminates in the southwest corner under the branches of the major oak. The main entrance terrace further serves as ramp access for the handicapped.

32. Vehicular access and site grades require retention of an extended drive from Newton Street to the main entrance. The existing drive will be relocated and regraded to distribute the current maximum grade of twenty percent along the drive length with a resulting continuous grade of eight to nine percent. The existing drive varies in width from twelve to sixteen feet and will be improved to a uniform width of sixteen feet.

33. The drive will provide access to parking lot containing eighteen nine foot by nineteen foot parking spaces east of the existing mansion.

34. The applicant's traffic consultant testified that the parking demand would be nine cars for the 8 A.M. to 4:30 P.M. shift, ten cars for the 4 P.M. to 11 30 A.M. shift and nine cars for the Midnight to 8:30 A.M. shift. It was assumed that there would be more persons driving on the evening shift than the peak hour shift, even though there are fewer people working. The consultant also testified that based on his experience, there would rarely be visitors to the nursing home. However, even on a peak visiting day such as Christmas, the predicted demand would be for eight spaces. Observations of on-street parking revealed that parking was available in the 1800 block of Newton Street. The witness concluded that the proposed eighteen parking spaces are adequate and that the traffic generated by the proposed development would not create adverse traffic impacts. The Board concurs in the consultant's findings.

35. Newton Street has a traffic volume of 350 vehicles per day. The intersections of Newton Street with 18th and 19th Streets operate at a level of service A. The proposed development will not change that level of service.

36. The area of the site is well served by public transportation. A bus stop is directly in front of the site and within two and one half blocks there are ten bus lines.

37. The applicant's traffic expert further testified that delivery trucks would be small vehicles using the alley at the rear of the subject lot. Deliveries would be two to three times per day and would not create any adverse conditions. The Board so finds.

38. The R-4 District allows a maximum lot occupancy of forty per cent, or 21,080 square feet for the subject site. A total lot occupancy of 21,080 square feet is proposed. A maximum height of three stories and forty feet is permitted and a height of three stories and thirty-six feet is provided. If provided, minimum side yards of eight feet are required and side yards of 13.83 feet and 77.42 feet are provided. A rear yard of a minimum of twenty feet is required and while there is an existing rear yard of three feet, a rear yard of 20.0 to 44.33 feet is provided for the addition.

39. The Office of Planning and Development by report dated October 12, 1982, recommended approval of the application. The OPD was of the opinion that the applicant met the intent and purpose of Sub-section 8207.2 and addressed the criteria of Paragraph 3102.43 for the protection of the neighboring properties from adverse impacts. The OPD reported that the improvement of the site, for the purpose of a health care facility to serve the city's elderly residents, is a project of great merit and necessity. The project is consistent with the considerations of the District of Columbia Comprehensive Plan for the National Capital, staff draft, September, 1982, and the Goals and Policy Act, Sec. 401 which promotes the accessible location of quality health care facilities for all city residents.

40. The OPD was further of the opinion that:

- a. The arrangement of the parking lot will not be objectionable to the neighboring property owners provided that the eastern side of the lot is fenced and/or landscaped to screen the effects of the lot. Newton Street is a Metro bus route which intersects with Sixteenth Street two blocks to the east. Sixteenth Street is a major arterial which has regular bus service. The site's convenient access to these bus routes, coupled with the availability of on-street curb parking will supplement the proposed on-site parking. An estimated twenty cars can park on the site's Newton Street curb frontage. Unrestricted street parking is permitted on both sides of Newton Street.
- b. The facility is not expected to be objectionable due to noise. The operation of other nursing home facilities demonstrates that obtrusive noise

levels would be contrary to the characteristics of such a facility. The noiseless characteristics would be reinforced by the insulated construction of the building, landscaping, yard set-backs and the alley and street separations from neighboring properties. The OPD did not expect resident or employee activity levels on this site to generate noise above a level expected in any residential setting.

- c. Aside from the occasional small truck traffic expected to frequent the site such as for goods deliveries to the kitchen, and the shift changes of employees, the operational characteristics of the facility should not differ greatly from that of a large apartment house. The plans indicate a rear basement level entrance way off of the alley. The OPD anticipated that this rear entrance would serve as a delivery access for incoming food trucks for the basement level kitchen and dining room, and as the pick-up point for refuse removal.
- d. The OPD did not believe that the operation of the Home will have any adverse impacts on the neighborhood due to the number of similar facilities in the area. The several community residence facilities in the vicinity of the subject site are small and generally indistinguishable from other typical self contained residences within the community. They are not concentrated in one area of the neighborhood. Only three of the five CRFs located within 500 feet of the site consist of five or more patients.

The Board concurs with the findings and recommendation of the OPD.

41. Advisory Neighborhood Commission 1E, by report dated October 12, 1982, recommended approval of the application and stated that the proposed design includes many improvements from prior design proposals for the compatibility of the facility in the residential neighborhood. The endorsement of the proposal was made with the following acknowledgements of potential consequences from such a major health care institution in a residential neighborhood:

- a. The physical design of the building is of major importance to its neighborhood compatibility. Only the design as agreed to by the owners, architects, and neighbors and presented to the ANC was recommended for approval by the ANC.

- b. Further design considerations, including choice of building materials, window design and other major exterior visual elements, should be consistent with the surrounding neighborhood, and should be reviewed by neighborhood representatives.
- c. On-street parking generated by this facility may far exceed the thirteen parking spaces provided on the site, and may aggravate the already congested parking condition in the surrounding neighborhood.
- d. Additional traffic in the surrounding area may be increased substantially by employees of the home, visitors, service truck deliveries, and emergency medical vehicles.
- e. Service delivery and trash pick-up in the rear alley may aggravate the already serious garbage and litter problem in this alley.
- f. It was recommended that when possible staff be hired from the neighborhood or nearby areas. This would encourage a close relationship between the Home and the neighborhood and would lessen the parking burden.

42. The Board concurs with the recommendation of the ANC. In response to the issues and concerns raised by the ANC, the Board states the following:

- a. As to issues (a) and (b), the Board finds the design concept and the construction materials to be acceptable. The final design, facade treatment, material selection and color is to be determined by the Joint Committee on Landmarks.
- b. As to issues (c) (d) and (e), the proposed number of off-street parking spaces is eighteen and not thirteen. Relying upon the testimony of the applicant's traffic consultant and the report of the Office of Planning and Development, the Board finds that the eighteen off-street spaces, in conjunction with availability of accessible bus transportation and on-street parking, are sufficient to alleviate any adverse parking and traffic conditions that may arise as a result of employees and visitors to the proposed facility. The Board finds that the number of delivery trucks and the manner of loading and unloading in the rear alley will not adversely effect nearby streets or property.
- c. As to issue (f), the Board agrees. The Board finds that such is the practice of the applicant.

It is however beyond the jurisdiction of the Board to require the applicant to adopt or implement such a practice.

43. Several letters from residents and churches were received and testimony was given at the hearing in support of the application. All emphasized in the statements of support that, while there are areas of concern, the community, the Stoddard Baptist Home and the architect have been cooperating in an effort to resolve the major concerns the community has raised. In the past, the Home has been a good and cooperative neighbor.

44. Testimony of qualified opposition was expressed by one neighbor who was concerned with increased traffic, inadequate parking, and the possible disturbance of the historic value of the existing mansion. The Board finds that these concerns were listed also by the ANC and that the Board has addressed them.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirements of Paragraph 3102.43 of the Zoning Regulations, evidence that the proposed use can be permitted without an adverse impact on the use of neighboring property, and evidence that the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Map.

The Board concludes that the applicant has met the requirements of Paragraph 3102.43. Further, although there is one community residential facility within the subject square with a licensed capacity of up to five persons and four additional CRF's within 500 feet of the subject property, the total capacity of all five CRF's within 500 feet is forty-five persons. The nature and capacity of the CRF's permits them to be consistent with the residential character of the neighborhood. The proposed nursing home/health care facility of 164 beds offers an increased level of care to the elderly which is lacking in the immediate Mount Pleasant community and which is also a city-wide need. The existing community based residential facilities in addition to the proposed facility will not cumulatively have an adverse impact on the neighborhood due to noise, traffic or operations. The site's previous use was as a CRF, which was operated by the Home for twenty years with a capacity of approximately sixty persons. There will be adequate, appropriately located and screened off-street parking for occupants employees and visitors. The parking area will be adequately screened from adjoining property. The facility will meet all applicable code and

licensing requirements of the District of Columbia and is consistent with City Policy.

The Board further concludes that the relief requested can be granted as in harmony with the purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED subject to the CONDITION that landscaping be in accordance with Exhibit No. 50A of the record.

VOTE: 5-0 (Connie Fortune, William F. McIntosh, Maybelle Taylor Bennett, Douglas J. Patton and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: JUN 22 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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