

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16015 of the Medlantic Healthcare Group, Inc., the sole shareholder of Medlantic Long Term Care Corporation, pursuant to 11 DCMR 3108.1, for a special exception under Section 219 to allow an addition to a healthcare facility as a 68-bed nursing home in an R-1-B District at premises 6101 Sligo Mill Road, N.E. (Square 3715, Parcel 126/73).

HEARING DATE: January 18, 1995  
DECISION DATE: April 5, 1995

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The subject site, which consists of all of Parcel 126/23 in Square 3715, is bounded on the north by Rittenhouse Street, N.E. on the east by New Hampshire Avenue, N.E. on the south by Peabody Street, N.E., and on the west by Sligo Mill Road, N.E. The site has a total land area of 448,075 square feet (approx. 10.3 acres).

2. The southwestern portion of the site is developed with a 68-bed nursing home and an accessory administrative building connected to the nursing home by a one-story enclosed corridor. This enclosed corridor would be razed and replaced.

3. The applicant, the Medlantic Healthcare Group, Inc., (hereinafter referred to as "Medlantic") is seeking a special exception to build a two-story addition to an existing nursing home facility on the site. The proposed addition would house the administrative offices of the Visiting Nurse Association.

4. If the proposal is approved, the one-story enclosed corridor connected to the administrative building would be razed and replaced with the proposed two-story addition.

5. The proposed addition to the existing facility is approximately 19,331 gross square feet to be used by the Visiting Nurse Association, a nonprofit subsidiary of Medlantic, as its home base for providing home health care to residents of the community.

6. Medlantic is a nonprofit health care provider in the District of Columbia providing a wide variety of health care services including the nursing home on the subject site; the Washington Hospital Center, a tertiary care teaching hospital; MedStar, a medical-shock-trauma unit; the National Rehabilitation Hospital; the Washington Heart program; the Washington Cancer Institute and various out-patient clinics; and the Visiting Nurse Association (VNA).

7. The area surrounding the site is primarily characterized by single-family detached houses.

8. The site is currently improved with a 68-bed nursing home facility at its southwestern corner. The existing facility, which was constructed in stages between 1905 and 1956, contains 42,339 square feet of floor area. The applicant is not proposing to make an addition to the existing facility to include an administrative facility for the Visiting Nurse Association. The proposed addition would supplement the existing facilities at the site and would enable the applicant to provide a continuum of health care to patients in the District of Columbia. This proposed addition would contain approximately 29,000 square feet of gross floor area. Major portions of the site would continue to remain open and unoccupied by buildings.

9. The present nursing home facility, which includes a 17,000 square foot office building, employs a total of 110 persons. The maximum number of employees at peak hours is 90 persons. The remaining 20 persons work on night shifts at the nursing home. The proposed administrative facility in this case would employ an additional 80 full-time employees during normal weekly working hours, from 8:00 a.m. to 5:00 p.m.

10. The applicant would provide in-house health care services to patients in need of home care in various neighborhoods of the city. The applicant currently employs 155 medical professionals who care for patients in their homes. These professionals would receive their assignments by telephone. However, they would also visit the proposed facility for necessary medical supplies, additional instructions, and consultations and meetings with other professionals; when needed. On average, such a health care professional would visit the subject site once or twice a week. These visits would be scattered throughout the day. Based on experience, it is expected that there would be approximately 30 professionals in the proposed facility at any one time.

11. The applicant would provide parking for the existing nursing home and proposed addition be in a new parking lot which would contain 148 parking spaces. The existing parking spaces along Sligo Mill Road would be discontinued. The applicant found that there is the potential for 34 other parking spaces relating to the nursing home facility.

12. The Director of Community Affairs of the Visiting Nursing Association (VNA) testified that the VNA provides health care services and in home care to 4,200 residents in the District and including 1,000 residents of Ward 4 within which the proposed new facility would be located. She indicated that the VNA employs 155 professional staff who travel throughout the District providing

much needed home health services to the community. These professionals would only come to the home base on an average of once a week for approximately two to three hours.

13. The applicant's architect testified that the architecture and detailing of the proposed addition was compatible with the existing structures with regard to design and material and it had been sited on the property in order to make it non-intrusive to the neighboring properties.

14. The architect also testified that the parking area was located in such a manner so as to minimize its impact on adjacent property owners, maximize access to a major transportation arterial (New Hampshire Avenue), and provide the most direct access to the facilities on the site. He also described the landscaping plan for the parking lot which includes large trees and in-fill shrubbery to screen lights from automobiles.

15. The applicant's traffic consultant, testified that the proposed use of the subject site would not have a detrimental effect on traffic on the public streets in the vicinity of the property. He also indicated that he conducted a traffic impact analysis and found that during both the a.m. and p.m. peak hours the project would not have a negative impact on the traffic network.

16. The applicant's traffic consultant testified that he prepared a parking analysis which showed a demand for 139 parking spaces on a regular basis on the site. This analysis included a provision for 60 visiting professionals to be on the site at any given time. Mr. George anticipated that the proposed development would generate between 60 - 68 vehicle trips during the morning and afternoon peak hours and that these trips would not negatively impact the existing levels of service ("LOS"), which will remain either LOS B or LOS C, both of which are acceptable in an urban transportation system.

17. Medlantic, in response to the Board's concerns, submitted a smaller parking area plan which would accommodate 115 cars on the site with twelve spaces set aside for visitor parking. The applicant was able to make this reduction by revising its operational management schedules, and thereby reducing the number of visiting professionals on the site at any time to no more than 30. The smaller parking facility will also reduce the amount of stormwater run off, maintain more green space, and encourage employees to utilize transit. In addition, the applicant's plan has reserved 12 parking spaces for use by disabled persons and visitors to the nursing home.

18. A resident of 5613 North Capitol Street, N.E. testified in support of the application. She said that the existing facility

was well maintained, provided a significant service to the community and the proposed use should be encouraged to locate on the subject site. She requested that the applicant consider setting aside 10 to 12 parking spaces for visitors to the nursing home in the parking lot.

19. The Office of Planning (OP) by its memorandum of January 13, 1995, recommended approval of the application. OP was of the opinion that the proposed facility would be ancillary to the existing nursing home use on the site and that the applicant has met the burden of proof for the granting of a special exception pursuant to Section 219 of the Zoning Regulations. OP noted that the proposed facility between two existing structures at the southwestern corner of the site would allow major portions of the site to remain open and unoccupied by buildings or vehicles. OP recommended approval of the application on the conditions that:

- a. The proposed parking lot be further landscaped to enhance its appearance;
- b. Evergreen screening, as approved by the Board, be provided along Peabody Street, N.E.; and
- c. Any lighting used to illuminate the parking lot be arranged so that all direct rays of lighting are confined to the surface of the parking lot.

20. The Department of Public Works (DPW), by its memorandum of January 17, 1995, had no objection to the application. However, DPW recommended that the applicant provide one loading berth to accommodate a 30-foot truck and one 20-foot service delivery area in compliance with the Zoning Regulations.

21. The Department of Fire and Emergency Medical Services (Fire and EMS), by its memorandum of October 27, 1994, had no objection to the application. The department indicated, however, that fire and life safety features required by City Codes such as fire alarms, sprinkler systems, standpipes, exits, fire related separations, fire extinguishers and others must be determined during the application's review process as part of the building permit application review.

22. The Metropolitan Police Department (MPD) by its memorandum of November 22, 1994, indicated no objection to the application. The MPD said that the change proposed in the application did not appear to affect the public safety in the immediate area nor generate an increase in the level of police services as provided.

23. The Washington Metro Area Transit Authority (WMATA), by letter dated January 5, 1995, determined that the application would have no impact on the existing WMATA facilities and therefore provided no comment.

24. One hundred twelve residents of the immediate vicinity of the area affected by the application signed a petition to oppose the granting of the special exception.

25. A memorandum written on behalf of residents of the Lamond area of the city opposed the application for the following reasons:

- a. The proposal is an attempt on the part of the applicant to pass off a commercial building as an addition to a nursing home;
- b. Use of the proposed parking lot will result not only in tremendous traffic jams but also will fracture the surface of Peabody Street;
- c. The need for the proposed 148-space parking lot is not apparent, even with the erection of the proposed structure;
- d. The applicant's solution to the rainstorms run-off control system, by installing a six-foot deep open collection pit off heavily traveled New Hampshire Avenue, is a danger to neighborhood children and a health hazard as well; and
- e. Every aspect of the proposed development signals preparation for future development.

26. Advisory Neighborhood Commission (ANC) 4B, in a memorandum to the Board, voted to recommend that the application be denied. The Commission doubted the applicant's claims that the office building would be an addition to the existing nursing home at Lamond-Riggs and that it would allow the applicant to improve the efficiency of the nursing facility in providing top quality care for the elderly segment of the community.

**FINDINGS OF FACT:**

Based on the evidence of record, the Board finds as follows:

1. The proposed building addition is designed to accommodate administrative offices as an ancillary use to the existing nursing home facility.

2. There are no other community-based residential facilities in the same square or within a radius of 1,000 feet and the applicant meets all licensing code requirements of the District of Columbia.
3. The proposed addition had no provision for loading facilities.
4. The proposed facility is not the health facility anticipated by the Zoning Regulations. The regulations implied that a residential component must be a part of the application for it to be approved. The proposed facility is therefore not a nursing home since it has no residential component.
5. The applicant has not established a programmatic or functional relationship of the proposed facility with the existing facility. The applicant has not established a linkage between the administrative staff and the patients to be served.
6. The operation of the facility as proposed would adversely affect the neighborhood. It would result in increased vehicular and pedestrian traffic. Also, the proposed open pit rainstorm control system would be hazardous especially to neighborhood children.

**CONCLUSIONS OF LAW AND OPINION:**

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to permit an addition to a health care facility as a 68-bed nursing home in an R-1-B District. In order to be granted such an exception, the applicant must demonstrate substantial compliance with the requirements of Section 219 and Subsection 3108.1 of 11 DCMR.

The Board concludes that the applicant has not met its burden of proof. The proposed addition is likely to become objectionable to adjoining property because of noise, traffic and the operation of the facility as well as the proposed drainage pit. The applicant does not meet the requirements of Subsection 219.1 which requires a residential component as part of the proposed facility.

The Board further concludes that the special exception cannot be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and would affect adversely the

BZA APPLICATION NO. 16015  
PAGE NO. 7

use of neighboring properties in violation of the Zoning Regulations and Map.

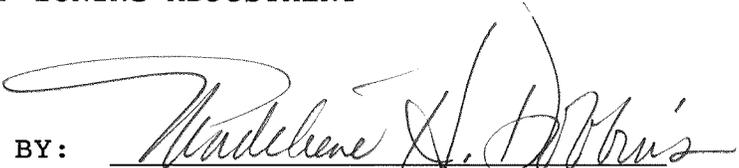
The Board concludes that it has accorded ANC-4B the "great weight" to which it is entitle.

In light of the foregoing evidence, the Board hereby **ORDERS DENIAL** of the application.

**VOTE: 4-0-1** (Laura M. Richards, Susan Morgan Hinton and Craig Ellis to deny; John G. Parsons to deny by absentee vote; Angel F. Clarens abstaining).

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

ATTESTED BY:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

AUG 15 1997

UNDER 11 DCMR 3103.1, "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."

ord16015/JN/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16015

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on AUG 15 1997 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Phil Feola, Esquire  
Wilkes, Artis, Hedrick and Lane  
1666 K Street, N.W., Suite 1100  
Washington, D.C. 20006

Edith R. Smith  
5613 North Capitol Street, N.E.  
Washington, D.C. 20011

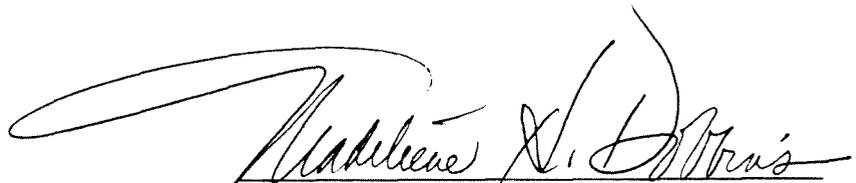
Johnie D. Wilson  
201 Rittenhouse Street, N.E.  
Washington, D.C. 20011

Mr. Vannie Taylor, III., Chairperson  
Advisory Neighborhood Commission 4B  
5615 1st Street, N.W.  
Washington, D.C. 20011

Thomas J. Houston  
6163 Sligo Mill Road, N.E.  
Washington, D.C. 20011

Lawrence L. Martin  
301 Quackenbos Street, N.E.  
Washington, D.C. 20011

Willard L. Johnson  
6128 New Hampshire Ave., N.E.  
Washington, D.C. 20011

  
MADELIENE H. DOBBINS  
Director

DATE: AUG 15 1997