

DATE: November 22, 2022

TO: Tony LaColla, Division Director
Department of Planning and Zoning

FROM: Mavis Stanfield, Urban Planner III
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00089
Administrative Review for Change of Ownership
Site Use: Nursing Facility
Applicant: Alexandria Real Property LLC
Location: 900 Virginia Avenue
Zone: R-8

Request

Special Use Permit #2022-00089 is a request to change the ownership of an existing nursing home from Envoy of Alexandria, LLC to Alexandria Real Property, LLC, with a business name of Alexandria Rehabilitation and Healthcare Center. No changes to the nursing home use are proposed and the applicant would continue to operate from 7 a.m. to 8 p.m. with a maximum of 111 beds, although Condition #1 allows for up to 113 beds.

Background

The nursing home was constructed as a hospital (Circle Terrace) on this site prior to the requirement for a special use permit. The hospital first received SUP approval in 1964, when it expanded from 68 to 120 beds. In conjunction with the expansion, Council permitted parking to be provided on Central Avenue in front of single-family dwellings (SUPs #547 and #549). These permits were extended with SUPs #630 and #631 later in 1964. The BZA granted a variance in FAR and in the required parking space size in 1965. In early 1966 the Planning Commission approved the site plan (#66-017) required for the proposed expansion, and the hospital was expanded to its current size, with parking provided off-site along the east side of Central Avenue, through easements.

It is noted that a number of the past and current SUP conditions contain a reference to an “agreement.” This was an agreement entered into on May 25, 1965 between the then hospital and neighbors living on Central and Davis Avenues to the east, Farm Road and Ridge Road Drive to the west and Virginia Avenue to the north and Circle Terrace to the south. This agreement was a means of the hospital avoiding litigation regarding the proposed expansion. Although the agreement had no legal bearing on the SUP approval, the Planning Commission incorporated a number of limitations in the agreement as part of the 1965 SUP approval and most remain in the current approval.

The disposition of the nursing home did not change again until December of 1986 when the Planning Department (now Department of Planning and Zoning) determined that the ownership could change without a new special use permit as the conditions the 1965 did not require a new special use permit for a change in ownership. At that time, the operator changed from Circle Terrace to Wessex Corporation.

In 1994, City Council approved SUP #2775 to add the oxygen storage facility on the southwest corner of the site. In the conditions for this SUP, it was recognized that nursing home staff would be restricted to parking on both sides of Central Avenue and Virginia Avenue adjacent to the site (to the north), in addition to the parking on the east side of Central Avenue.

On September 14, 2002, City Council approved special Use Permit #2002-0008 for a change in ownership from IHS to HR Acquisition 1 Corporation/Capstone Capital Corporation.

On May 17, 2003, City Council granted Special Use Permit #2003-0015 to HR Acquisition 1 Corporation/Capstone Capital Corporation for operation of a nursing facility located at 900 Virginia Avenue. At that time, a diagram was included in the report that illustrated where the nursing home staff could park, including 18 spaces covered through an easement, on the east side of Central Avenue. While the easement parking spaces total 28 spaces, it was recognized at that time that the homes along Central Avenue would need access to parking spaces in addition to the nursing home and so the parking diagram associated with the application showed only 18 of the parking spaces under easements owned by the nursing home. Further, a condition was included that allowed future changes in ownership to be administratively approved.

On April 6, 2007, SUP#2007-0020 was approved administratively to change the ownership of the existing nursing home to Ruxton Alexandria Holding Company, LLC. On December 15, 2008 staff approved Special Use Permit #2008-0064, is to change the ownership of the existing business to Envoy of Alexandria LLC. The operator of the nursing home also changed to Envoy of Alexandria, LLC.

In September 2022, a complaint was made regarding trash pick-up outside the prescribed timeframe as required in Condition #20. On September 19, 2022, staff visited the property and determined that a new trash contractor had been hired and would be informed not to make any more trash pick-up before 8 a.m. As this problem was immediately corrected, the complaint would not require staff to docket the special use permit for public hearing.

Parking

Section 8-200(A)(6) of the zoning ordinance requires that nursing homes provide one space for each two patient beds, which equates to a minimum of 56 parking spaces. A total of 64 parking spaces are available. However, this property was developed by applying parking location requirements differently than staff would do today, with

parking permitted through SUP by both an on-site 24 space parking lot and 18 off-street parking spaces via easements over land associated with single-family detached homes along the east side of Central Avenue. When the facility was built, the houses were owned by the hospital. However, over time the single-family homes were sold, and a revised SUP parking arrangement allowed the nursing home to use off-street parking on Virginia Avenue and the west side of Central Avenue so that the single-family homes could use 10 of the parking spaces in the front of their properties. Condition #25 restricts the off-street employee parking to these areas on Central and Virginia Avenues, which provide an additional 22 spaces. Further, a diagram included in the 2003 SUP is attached on page 10 which illustrates how the parking was addressed; a clearer version is also provided in this attachment on page 11.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff received several comments from citizens who were concerned that the nursing home use was of such an impact to residential properties that it should not be approved administratively. More specifically, citizens mentioned that several lights in the nursing home parking lot were not operational, that nursing home employees conversed too loudly when leaving after their shift, and lastly, citizens were concerned that the conditions that they had worked so hard to craft would not be implemented. One of the conditions, #28, requires the operator to schedule quarterly meetings with the surrounding neighbors to review site operations and neighborhood concerns, and one neighbor requested that this meeting be scheduled. Staff assured these citizens that all of the conditions would be carried forward with the approval of this SUP and the director of the nursing home agreed to address the specific questions about lights, employee noise and the quarterly meeting. The director of the nursing home, Dr. Tahir Majeed, emailed the citizens and pledged to maintain the conditions of the SUP and specifically mentioned staff training, lighting and landscaping improvements to the parking area. As resident comments and concerns were addressed given that staff received no further comment, the SUP review remained an administrative process.

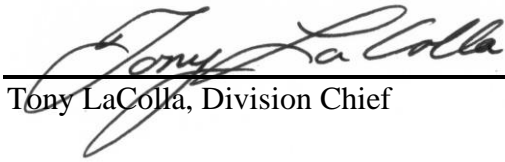
Staff Action

Staff supports the change of ownership request and finds the continued operation of the nursing home use at this location to be a positive amenity to the community. Condition #1 provides a maximum number of beds, based on available parking at a ratio of one space for every two resident beds. With the on-street parking, which is memorialized in Condition #25 and carried forward, this requirement is more than met. Further, the current application only requests 111 beds, where the last application was for 113 beds. Staff has carried forward the previous conditions, which address issues raised in the community such as the maintenance of landscaping (Condition #17), truck deliveries and trash removal (Condition #20), litter removal from nearby streets (Condition #22), meetings between the operator and surrounding neighbors (Condition #28) and restrictions on off-site parking (Condition #25).

Staff recommends that the special use permit for change in ownership be granted subject to the conditions listed in this staff report.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: November 22, 2022
Action: Approved



Tony LaColla, Division Chief

- Attachments: 1) Special Use Permit Conditions
2) Parking Schematic
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT # 2022-00089

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The maximum number of beds permitted shall be 113, or such lower number to coincide with available parking at a ratio of one space for each two resident beds in the facility. (P&Z) (SUP #2775)
2. Condition deleted. (P&Z) (SUP2003-0015)
3. Condition deleted. (P&Z) (SUP2003-0015)
4. Condition deleted. (P&Z) (SUP2003-0015)
5. Condition deleted. (P&Z) (SUP2003-0015)
6. Condition deleted. (P&Z) (SUP2003-0015)
7. Condition deleted. (P&Z) (SUP2003-0015)
8. Condition deleted. (P&Z) (SUP2003-0015)
9. Condition deleted. (P&Z) (SUP2003-0015)
10. Condition deleted. (P&Z) (SUP2003-0015)
11. Provide minimum maintained lighting of 2.0 foot candles for parking areas. (Police) (SUP #2775)
12. Provide tree protection to the satisfaction of the City Arborist. (PR&CA) (SUP #2775)
13. The special use permit shall be limited to the applicant or to any business or entity in which the applicant has a controlling interest. In addition, the applicant shall submit the name of any new operator of the facility to the Director of Planning and Zoning for review and approval, provided however that the matter of the new operator shall be docketed for public hearing and special use permit approval before the Planning Commission and City Council if, as determined by the Director, (1) there have been any substantiated violations of this permit that have not been reasonably resolved, or (2) any change to the operation of the facility is proposed. (P&Z) (SUP2003-0015)
14. Condition deleted. (P&Z) (SUP2003-0015)

15. The subject property is approved for use as a nursing home, consistent with the applicant's existing license. It may not be used as a hospital and the applicant shall submit annually on the anniversary of this approval a letter to the Department of Planning and Zoning verifying that it has engaged in none of the following activities during the past year: (i) acute care services such as intensive care, emergency room, obstetrical, invasive surgical diagnostic procedures (other than endoscopic, bronchoscopic or colonoscopic procedures) or operating room procedures; (ii) outpatient services other than up to three months of follow-up care for former inpatients; (iii) substance abuse treatment services; (iv) x-ray, pharmacy, or laboratory services other than to serve the facilities inpatients; or (v) the submission of any application to a licensing authority seeking status as a hospital. (Agreement) (SUP #2775) (P&Z)
16. Condition deleted. (SUP #2775)
17. All landscaping specified in the site plan shall be maintained; plants, trees, and shrubs that die shall be replaced with comparable stock. Extraneous plants, trees, and shrubs shall be removed. (PC) (SUP2003-0015)
18. Except as expressly approved by this special use permit, applicant shall not make any change to the exterior of the facility which:
 - (a) increases the exterior dimensions or changes the location of the structures on the property;
 - (b) increases the extent of the paved areas (parking, sidewalks, walkways, etc.) associated with the facility;
 - (c) affects the location, height, or materials of walls within or surrounding the property; or
 - (d) diminishes the extent of vegetated open space on the facility's grounds. (Agreement) (SUP #2775)
19. Applicant shall screen all new rooftop equipment, including the cooling tower, with materials which complement the building's exterior trim. (Agreement) (PC) (SUP #2775)
20. Except for mail, parcel, or pharmacy-related deliveries, all truck deliveries (including, without limitation, oxygen deliveries) to the facility, and all trash and similar pickups from the facility, shall be accomplished between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. The operator of the facility shall notify all vendors of the permissible hours (i.e., 8:00 a.m. to 5:00 p.m.) during which vendors may make non-emergency deliveries to the facility. (Agreement) (SUP #2775) (P&Z)

21. The areas of the facility which are visible from the street, including but not limited to all structures, paved areas, sidewalks, and grass areas, shall be maintained in good condition. (Agreement) (SUP #2775)
22. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day seven days/week, and more often if necessary, to prevent an unsightly or unsanitary accumulation. The area in which the applicant is responsible for picking up litter shall include both sides of the four streets (i.e., Virginia Avenue, Farm Road, Circle Terrace Avenue and Central Avenue) adjacent to the facility. (P&Z) (SUP2003-0015)
23. Staffing for the facility shall be limited as follows: (i) The total number of full time employees or full-time equivalent employees (including any contract labor), as reported to the Virginia Health Services Cost Review Council annually, shall not exceed 160; and (ii) the bedside nursing hours for any calendar year shall not exceed 196,500. The applicant shall submit annually a letter to the Department of Planning and Zoning verifying compliance with this condition. (Agreement) (SUP #2775)
24. Oxygen deliveries shall be made by the smallest truck available, but in no event by a truck larger than 45 feet long. (PC) (SUP #2775)
25. Applicant shall restrict on-street employee parking to only both sides of Central Avenue and Virginia Avenue adjacent to the subject property. The applicant shall also provide employees who use mass transit with subsidized bus and rail fare media and shall post DASH and Metrobus schedules on site for its employees. (PC) (T&ES)
26. Condition deleted. (P&Z) (SUP2003-0015)
27. Condition deleted. (P&Z) (SUP2003-0015)
28. The operator shall schedule quarterly meetings with the surrounding neighbors to review site operations and neighborhood concerns. At least annually, an appropriate individual from the corporate office of both the owner and the operator shall attend such meetings. (P&Z) (SUP2003-0015)
29. The operator shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all SUP provisions and requirements affecting employees and to communicate, at a minimum, (a) the unique aspects of operating the facility within a residential neighborhood and (b) the operator's related expectations of the employees. Among issues to be addressed in employee sessions shall be limitations on employee noise (i.e., during shift changes and other outdoor activities in

which noise may carry beyond the facility site) and proper behavior towards facility neighbors. (P&Z) (SUP2003-0015)

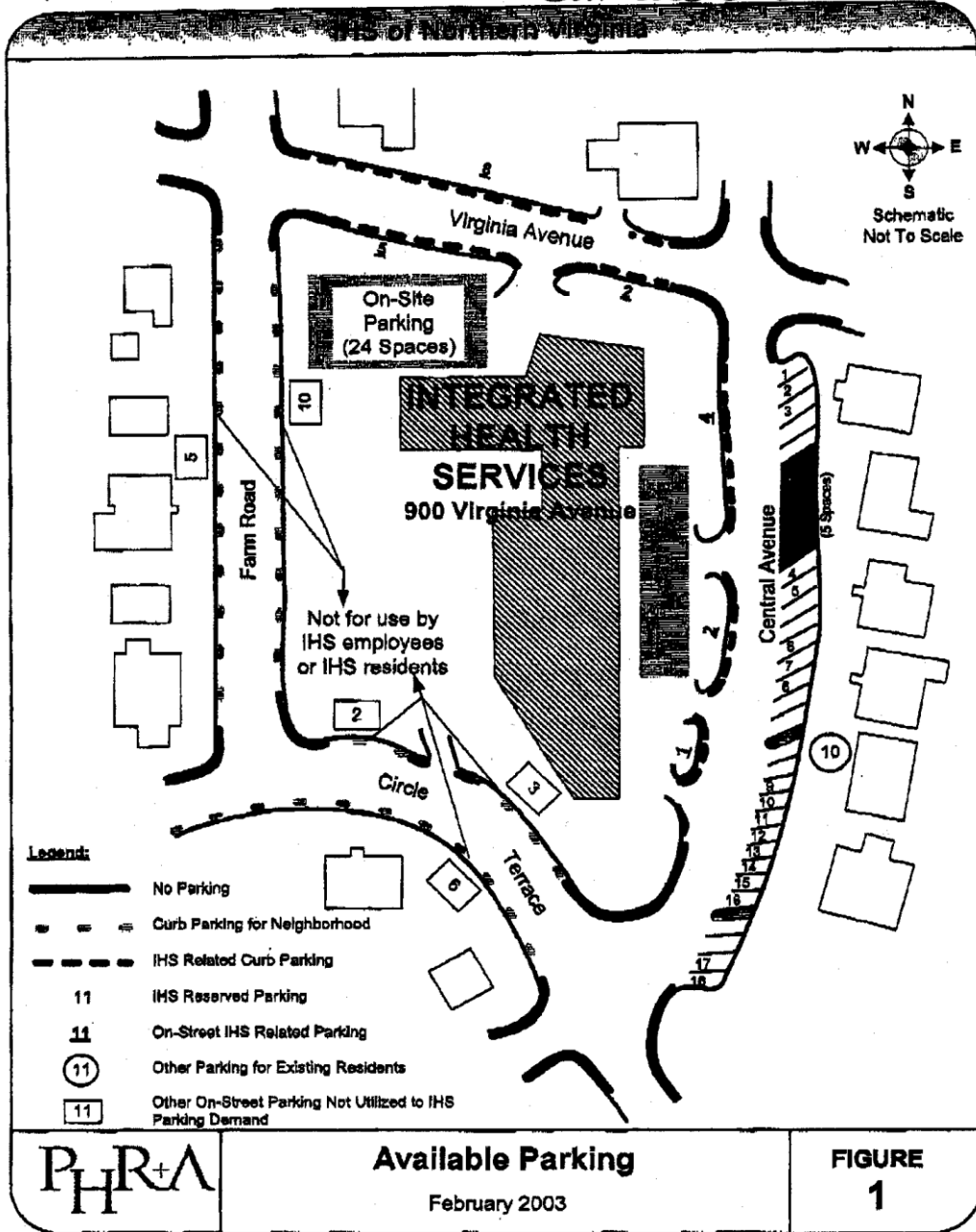
30. The operator shall communicate with facility patients and their families those aspects of the SUP affecting them. (P&Z) (SUP2003-0015)
31. The owner and operator shall provide to the City and shall post at the facility entrance contact information for both the owner and operator and shall provide updated information as needed so that neighbors can contact those individuals responsible for the facility to express concerns regarding facility operations. (P&Z) (SUP2003-0015)
32. Condition satisfied pursuant to SUP2003-0015.
33. Condition satisfied pursuant to SUP2003-0015.
34. Condition satisfied pursuant to SUP2003-0015.
35. In the event that the applicant is no longer also the operator of the facility, the applicant shall include the requirements of the special use permit in the lease agreement with the operator of the facility as requirements of the lessee specifying that the operator shall be responsible for maintaining full compliance with the SUP. Further, such agreements shall contain provisions whereby the operator shall agree to payment of fines to the applicant of not less than \$250 per day and not greater than \$2,000 per day until verified violations are corrected. If requested by the City of Alexandria, the applicant and/or the operator shall make available for inspection and copying a record of all such violations and fines and evidence of payment of such fines. (P&Z)
36. Condition satisfied pursuant to SUP2003-0015.
37. Condition satisfied pursuant to SUP2003-0015.
38. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey of the facility. This is to be completed as soon as the ownership change is complete. (Police)

39. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2003-0015)
40. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2007-0020)
41. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)

Feb. 14. 2003 4:17PM Healthcare 3200

SUP 2003-0015

No. 5104 P. 3 P. 2





**Approximate Location and Number of Off-site
Parking Spaces**

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00089. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the nursing home at 900 Virginia Avenue.



Applicant - Signature

November 23, 2022

Date

Yitzchok Rokowsky, managing director

Applicant – Printed

Date