

Linda & Patrick Shaughness
5236 Loughboro Rd. NW
Washington, DC 20016
(202) 586-1851 (daytime)
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District of Columbia Office of Zoning delivered by hand 9/28/2006
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: Request to appear and participate as a party (hearing set for Oct. 12),
 Case No. 05-42 (Sibley Memorial Hospital)

Dear Zoning Commissioners:

We request permission to appear at the hearing as a Party in Opposition in the subject case, for 15 minutes, as well as status to cross-examine applicant representatives and witnesses.

Our Party Status Application Form 140 is attached, with an addendum that shows the complete text (some of the words entered onto the form would not print out, so we have cut and pasted our full response onto the addendum).

Witness list: Linda and/or Patrick Shaughness; other neighbors from 5200 block of Loughboro Rd TBD

Our statement justifying why we should be granted party status is contained within the answers to questions on Form 140.

Summary of the testimony of witnesses:

The proposed zoning change should not be granted because it would be incompatible and negatively impact contiguous residential properties zoned R-1. The proposal is also premature until previous agreements to mitigate traffic issues are put in place.

- Increased traffic congestion and street noise is especially bad in our block due to the steep hill, and since we are near the crest of the hill we experience the greatest road vibration and noise from low gears on buses and other large vehicles. Neighbors are also impacted by the noise, trash, and trampling of landscaping by passengers discharged in our block on our side of the street, and bus drivers who refuse to limit discharging passengers to official bus stop locations. Prior commitments by the hospital, BZA conditions for approving the hospital's oncology center project, and conditions on the \$40M tax exempt bond all promised to work with the neighbors to reduce this impact by re-routing buses

ZONING COMMISSION
District of Columbia

CASE NO. 05-42

EXHIBIT NO. 87

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uphill on Little Falls Road behind the hospital and then downhill on Loughboro on the hospital's side of the street. This has yet to occur.

- The proposal is untimely until Sibley Hospital demonstrates its commitment to prior agreements to ameliorate traffic congestion by encouraging use of mass transit and facilitating the re-routing of buses onto Little Falls Road. When there has been a reasonable period of time with such measures in place, it would then be possible to assess the degree to which further hospital expansion would impact the immediate neighbors and surrounding neighborhoods that are concerned about traffic impacts. It would then be possible to “right-size” a proposed facility and parking garage to fit the facts. If Sibley had taken the concrete actions necessary following approval of the oncology project many years ago, we would have concrete proof now of the effectiveness of measures to reduce traffic congestion and shift some hospital trips by POV to mass transit. Instead, Sibley relocated their helipad in the middle of Little Falls Road, which then became an “excuse” why buses shouldn’t be re-routed. Even now, that objection could be surmounted by establishing some form of communication between the hospital and bus drivers so that the route could use Little Falls Road except for diversions to Loughboro when the helipad is in use, e.g, a street signal indicator bus drivers could see to tell them if the helipad was in use and to use the diversion route, or other form of communication directly to drivers.
- We need to see historical data and projections on the number of helicopter landings and ambulance trips to assess whether Sibley emergency activities are exceeding the tolerable limits for a hospital located in a residential area.
- The negative impact on property values in our block from being contiguous to R-5 zoning would only be exacerbated by the proposed zoning due to the sheer bulk, height, and institutional character of a tower office building and ugly garage. The increased activity level from the MOB and garage would not be compatible with our R-1 property and the general character of the Kent/Palisades neighborhood. The hospital expansion does not serve our interests as D.C. residents, since only 11% of their clientele is D.C., the facility primarily serves Maryland and Virginia and employs primarily people from Maryland and Virginia, therefore contributing little to property taxes or income tax stream to help D.C. residents pay for public services and infrastructure.
- The ruling of the U.S. District Court for D.C. in Foggy Bottom Association v. D.C. Office of Planning, 134 DWLR 2063 (July 28, 2006) makes it clear that we as neighbors have no standing to enforce the zoning or special conditions approved to mitigate impacts on our property. Therefore, any change in what the hospital may do with its property "by right" under its zoning must be opposed, in the absence of any legally binding agreements between the hospital and contiguous neighbors. The current R-5 zoning still leaves ample opportunity for hospital expansion, and the hospital should be encouraged to choose expansion within the R-5 constraints that would have less negative impact on the

neighborhood, e.g., assisted living. Alternatively, this application could be deferred until appropriate agreements with the neighbors and neighborhood are worked out; this application is premature.

- We ^{Would} directly experience the negative impact on the residential character of our block from increased mass of non-residential buildings, particularly the glaring impact of incompatible, inherently ugly high-rise office building and parking garages and parking lots that cannot be adequately screened from our view. Homes on our block already are much more difficult to sell and sell for substantially less than homes on our street in other blocks that do not face the hospital. Allowing the hospital to exceed R-5-A zoning will further impact our property values and may have a domino effect of pressure on our R-1 zoning and on setting a new density baseline and skyline height for future hospital expansion. The commercial activities planned for part of the MOB are also not compatible with the residential character of our R-1 property and surrounding neighborhood.
- We support the recommendations and conditions passed by ANC3D.

If you have any questions, please call Linda at (202) 586-1851 or leave a voicemail message.

Yours truly,
Linda Graves Shaughness
Patrick Shaughness
Linda Graves Shaughness
Patrick Shaughness
5236 Loughboro Rd. NW
Washington, DC 20016

Att: Form 140 with addendum

C: Alma Gates, Chair, ANC3D
Rachel Thompson, ANC3D Commissioner

Form 140
(Revised 03/15/02)

Case No. 05-42

Sibley Hospital



PARTY STATUS APPLICATION

See attached addendum text that didnt print on form

Notice: [Click Here for Application Form Instructions](#)

Name:* Linda and Patrick Shaughness

Address:* 5236 Loughboro Rd NW City:* Washington State:* DC Zip:* 20016

Phone:* (202) 586-1851 (daytime) Fax: _____ Email: lindashaughness@msn.com

I, hereby request to appear and participate as a party.

Signature: *Linda and Patrick Shaughness* Date:* 9-28-2006

Will you appear as a(n) Proponent Opponent Will you appear through legal counsel Yes No

If yes, please enter the name and address of such legal counsel.

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please answer all of the following questions referencing why the above person should be granted party status. (If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?*

Permitting Sibley Hospital to exceed its R-5-A zoning would further exacerbate the ongoing negative impacts (economic, environmental, social, visual, aesthetic) and incompatibility of its institutional presence adjacent to our R-1 zoned homes.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

Homeowners since 1994.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)*

Our property is directly opposite the hospital in the same block, so approximately the distance of the street width away, approximately 30 ft.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?*

Increased traffic congestion and street noise is especially bad in our block due to the steep hill, and since we are near the crest of the hill we experience the greatest road vibration and noise from low gears on buses and other large vehicles. Prior commitments by the hospital and BZA

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.*

The ruling of the U.S. District Court for D.C. in Foggy Bottom Association v. D.C. Office of Planning, 134 DWLR 2063 (July 28, 2006) makes it clear that we as neighbors have no standing to enforce the zoning or special conditions approved to mitigate impacts on our property. Therefore, any

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.*

We DIRECTLY experience the negative impact on the residential character of our block from increased mass of non-residential buildings, particularly the glaring impact of incompatible, inherently ugly highrise office building and parking garages and parking lots that cannot be adequately

Print Preview Clear Form

PARTY STATUS APPLICATION FORM 140 [text addendum that does not fit within space provided on form]
CASE NO. 05-42 Sibley Hospital

Applicants: Linda and Patrick Shaughness, property owners of 5236 Loughboro Rd. NW

1. Permitting Sibley Hospital to exceed its R-5-A zoning would further exacerbate the ongoing negative impacts (economic, environmental, social, visual, aesthetic) and incompatibility of its institutional presence adjacent to our R-1 zoned homes.
2. Homeowners since 1994.
3. Our property is directly opposite the hospital in the same block, so approximately the distance of the street width away, approximately 30 feet.
4. Increased traffic congestion and street noise is especially bad in our block due to the steep hill, and since we are near the crest of the hill we experience the greatest road vibration and noise from low gears on buses and other large vehicles. Prior commitments by the hospital and BZA conditions and conditions on the \$40M tax exempt bond to reduce this impact by re-routing buses uphill on Little Falls Road behind the hospital and then downhill on Loughboro on the hospital's side of the street has yet to occur. The negative impact on property values in our block from being contiguous to R-5 zoning would only be exacerbated by the proposed zoning due to the sheer bulk, height, and institutional character of a tower office building and ugly garage. The increased activity level from the MOB and garage would not be compatible with our R-1 property and the general character of the Kent/Palisades neighborhood. The hospital expansion does not serve our interests as D.C. residents, since only 11% of their clientele is D.C.; the facility primarily serves Maryland and Virginia and employs primarily people from Maryland and Virginia, therefore contributing little to property taxes or income tax stream to help D.C. residents pay for public services and infrastructure.
5. The ruling of the U.S. District Court for D.C. in Foggy Bottom Association v. D.C. Office of Planning, 134 DWLR 2063 (July 28, 2006) makes it clear that we as neighbors have no standing to enforce the zoning or special conditions approved to mitigate impacts on our property. Therefore, any change in what the hospital may do with its property "by right" under its zoning must be opposed, in the absence of any legally binding agreements between the hospital and contiguous neighbors. The current R-5 zoning still leaves ample opportunity for hospital expansion, and the hospital should be encouraged to choose expansion within the R-5 constraints that would have less negative impact on the neighborhood, e.g., assisted living.
6. We DIRECTLY experience the negative impact on the residential character of our block from increased mass of non-residential buildings, particularly the glaring impact of incompatible, inherently ugly high-rise office building and parking garages and parking lots that cannot be adequately screened from our view. We are also directly impacted by the increase in vehicular traffic congestion, noise, trash discarded due to more trips of

employees and people using services at the hospital, bus riders who daily trample our landscaping in the treebox and leave their trash, a noticeable increase in the number of ambulance arrivals, and more helicopter trips. Increased traffic congestion and street noise is especially bad in our block due to the steep hill, and since we are near the crest of the hill we experience the greatest road vibration and noise from low gears on buses and other large vehicles. Homes on our block are much more difficult to sell and sell for substantially less than homes on our street in other blocks that do not face the hospital. Allowing the hospital to exceed R-5-A zoning will further impact our property values and may have a domino effect of pressure on our R-1 zoning and on setting a new density baseline and skyline height for future hospital expansion. The commercial activities planned for part of the MOB are also not compatible with the residential character of our R-1 property and surrounding neighborhood.