

ZONING COMMISSION
District of Columbia

CASE NO. 05-42 (FAX)
EXHIBIT NO. 94

Why We Oppose Sibley's Request For Rezoning

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As members of the affected community, we have concluded that we must draw the line at Sibley's latest construction proposal, a large commercial office facility with associated multistory garages and related infrastructure. Our reasons are fourfold:

1. The proposal is totally inconsistent with the surrounding neighborhood and would impose unacceptable burdens on it.

Sibley proposes to construct a large office facility in the midst of long existing neighborhoods of single family homes. The fact that its proposal is utterly inconsistent with the neighborhood is indisputable. Sibley would change the existing residential community to a mixed use corridor with high levels of traffic. It concedes there would be a substantial increase in traffic, visitors, noise, congestion and density.

Sibley's past construction projects, eg the Grand Oaks assisted living facility, the expansion of Grand Oaks, the cancer center and a large multistory garage complex, while burdensome on the community, have been bearable because they did not generate additional traffic. A large office complex is a different story entirely. Not only will the very size of the project be incompatible with the surrounding area, it will mark a new and extremely unwelcome change in the very nature of this community.

2. The proposal will overwhelm existing infrastructure.

Sibley's planned office complex will be served by two roads, Dale Carlia Parkway and Loughboro Road. Both are heavily used now, and neither can support thousands of additional cars per day without imposing unacceptable burdens on those who use or live on or near these roads. Loughboro in particular will be adversely affected. Except for the Sibley property it is totally residential, and it is suffering from ever increasing traffic pressure generated by commuters from Maryland and Virginia.

It would be bad enough if these were the only factors threatening these roads. Unfortunately, the planned water treatment facility to be constructed directly behind Sibley will itself impose unacceptable levels of traffic, noise and pollution on this same neighborhood. It is undisputed that this treatment facility will generate heavy traffic during the construction phase and a steady parade of heavy dump truck traffic over residential streets after completion.

The combination of Sibley office traffic, commuters and water treatment truck traffic will totally destroy the residential character of this neighborhood.

3. Sibley's proposal is a misuse of the rezoning process.

Sibley has attempted to justify its proposal by claiming economic necessity. It

claims that the office complex will cross-subsidize the hospital and that an office complex is useful in attracting physicians to its facilities. Reduced to essentials, it is claiming that rezoning will make its property more valuable and that since it is a hospital, that is a public benefit. There are a number of flaws with this argument.

First, Sibley has not presented any real evidence that it is not financially viable.

No doubt there are challenges to running a hospital profitably, as there are to running any business. If Sibley actually has financial issues and needs a subsidy to stay in operation, then it should address that directly. The wrong way to handle it is to give Sibley repeated subsidies through the back door by allowing it to run roughshod over the legitimate rights of its neighbors. Sibley has made this identical claim to justify its numerous projects, such as Grand Oaks. At some point, we are entitled to ask if it is really a hospital or a real estate developer. Clearly it will continue along this path as long as it is allowed to do so.

Second, Sibley has failed to demonstrate that the lack of this planned facility will handicap it in any way. There are existing medical office complexes within a few minutes of Sibley in Friendship Heights and Foxhall. Sibley is clearly the premier hospital in the immediate area, and one that both patients and physicians prefer to use. Sibley's proposal appears to be more in the nature of an attempt to lure physicians from existing facilities rather than a matter of urgent necessity.

Third, Sibley's proposed rezoning borders on a constructive condemnation of the surrounding residential neighborhoods. To the extent Sibley actually requires a subsidy, it is totally unfair to impose the full costs of that subsidy on its neighbors. Even under the Supreme Court's controversial Kelo decision, those whose properties are taken for private development are entitled to be paid for them. Sibley would destroy the property values of its neighbors, reap the exclusive benefit and deny them any compensation.

4. Sibley has become a commercial property developer in disguise.

There is little doubt that if Sibley were a commercial developer, this rezoning proposal would be rejected out of hand. The idea of putting a large office complex in the middle of a residential neighborhood would be clearly inappropriate and in fact an outrageous abuse of the Zoning Commission's power. Sibley however has attempted to portray itself not as a developer but as a struggling hospital. It has attempted to mask its real estate ambitions as merely the minimum necessary to remain in business. It has used this ploy before to justify the ever-expanding Grand Oaks project, where construction continues to this day. No doubt it will be used again to justify ever larger projects.

As the projects become ever more tangential to its core business, the justifications become more strained. We have seen no evidence to support Sibley's claimed justifications for this latest project. If it wants to be a property developer, let it play by the same rules that everyone else has to observe.

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The Person Building
901 Fifteenth Street, NW
Washington, DC 20005
Fax 202 682-3580
www.kayescholer.com

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