

SIBLEY NEIGHBORS FOR RESPONSIBLE GROWTH

Presentation to the Zoning Commission of the District of Columbia

Case No. 05-42 Sibley Hospital Consolidated PUD and Map Amendment

February 1, 2007

"Ward 3's outstanding characteristic is low density...any new economic development must be evaluated in terms of compatibility and potential adverse impacts on neighborhoods ...Commercial use should not be introduced into areas where none is present.... Many of these facilities [Sibley listed by name] have structures that are an exception to the neighborhood's land use or that do not conform to the underlying zoning. The compatibility of these uses must be maintained, expansion carefully controlled, changes to neighborhood related uses encouraged, and conversion to other nonconforming uses prevented." - Ward 3 Comprehensive Plan

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SIBLEY NEIGHBORS FOR RESPONSIBLE GROWTH

- Who We Are
 - 112 substantially impacted property owners in Ward 3D
- Basic Goal
 - Protect low-density residential area from significant new commercial development that does not comport with SP-1 or 2 standards and is inconsistent with the Ward 3 Plan
- Members have supported reasonable expansions with at Sibley with manageable impacts (e.g., BZA 4/20/95; 3/28/2001)

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Key Objections To Application (1)

- Applicant fails to meet criteria for SP-1 because MOB not a transitional facility or “buffer” protecting against encroaching commercial district
- MOB, a commercial facility, is particularly inappropriate as transition/buffer in Ward 3, where Comprehensive Plan proscribes new commercial activity in low-density residential areas

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Key Objections To Application (2)

- If Commission decides Applicant is eligible for SP map change and PUD, Applicant fails to meet PUD criteria
- Applicant has not met its burden of showing that the speculative and unsubstantiated public benefits of the MOB outweigh MOB’s quantified and highly damaging impacts
(DCMR 2407.6 (burden); 2403.3-12 decision criteria: public benefits must outweigh impacts)

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The Setting (1)

Sibley sits within unique residential neighborhood protected by comprehensive plan

- Low Density (Ward 3 lowest in DC)
- Kent
- Spring Valley
- Palisades
- Commercial areas well-defined
- MOB introduces commercial activity to new part of Ward 3

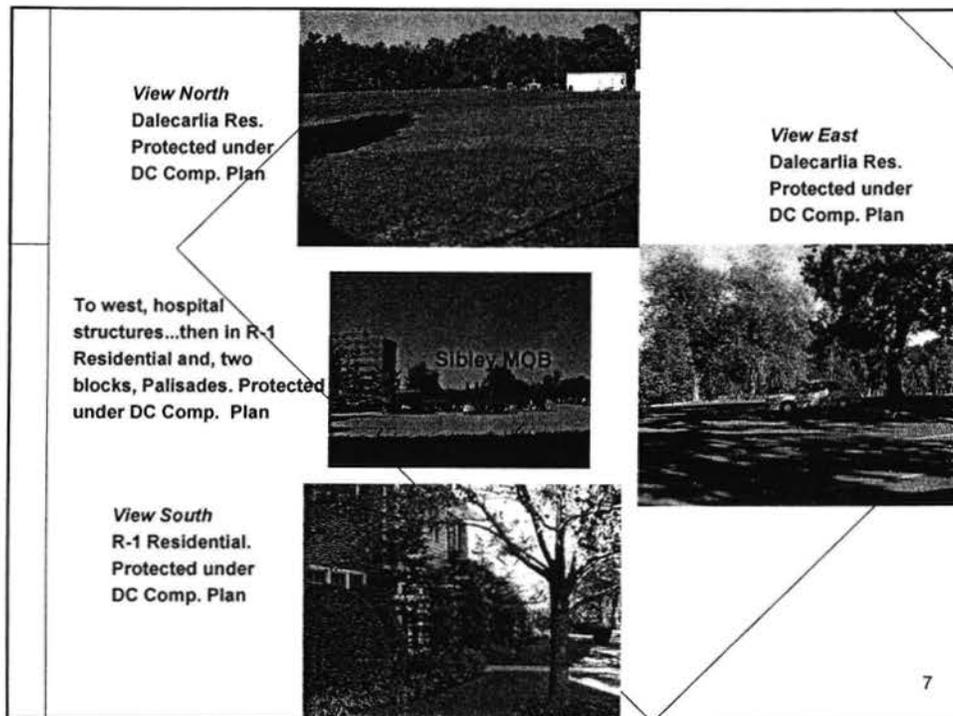


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The Setting (2)

- No commercial activities on Sibley site of comparable scale
- MOB surrounded by federal land on two sides, R-1 on third side, Palisades environmental element within two blocks on fourth side
- Ward 3 Comp. Plan protective against intrusion of commercial activity

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SP District Not Appropriate -- No Encroaching Commercial Area

- "The SP District (Special Purpose) is designed to **stabilize** those areas adjacent to C-3-C or C-4 or other appropriate areas that contain: (a) Existing apartments, offices, and institutions...." DCMR 500.1
- "The major purpose of the SP District shall be to act as a **buffer** between adjoining commercial and residential areas and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone district." DCMR 500.2
- The SP District is designed to preserve and protect areas adjacent to Commercial Districts...." DCMR 500.3

No commercial district is encroaching on or threatening hospital or surrounding area

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SP Zone Not Appropriate -- MOB Introduces Commercial Activity; Not Compatible Use

- MOB is most intensive use on Sibley campus (400 vehicle trips/hour ~ two Safeways)
- Activities identical to a commercial office building
 - MOB medical practices for-profit
 - Hospital to charge commercial rents
 - Doctors will not be on Sibley staff
 - Underlying goal of project is to generate revenue by increasing patient traffic

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SP Zone Not Appropriate -- Precedents Not Controlling

- Use of SP zoning for other DC hospital MOBs not reasonable precedent for this case
 - Other MOBs parts of giant teaching hospitals
 - Surrounded by higher density zones
 - Ward 3 uniquely protected by Ward 3 Plan
- Application fatally deficient because Applicant fails to allege MOB is buffer

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SP Zone Not Appropriate -- Insufficient Justification for Disregarding SP Standards

- Applicant fails to show *this* MOB is essential and that smaller or off-campus MOB would not suffice
- 113,000 square foot, hospital-owned, on-campus MOB is NOT norm for community hospitals in area
 - Nearly all comparable MOB's are smaller
 - Most privately owned
 - Several off-campus

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MOB particularly inappropriate under SP rules because of protective policies of the Ward 3 Plan

- 1401.3 "Commercial development should be strictly limited to areas currently zoned for commercial activity and not be allowed to extend into areas currently zoned as residential" (emphasis added)
- 1401.3 (d) "Any new economic development in Ward 3, because of the stable and overwhelming residential nature of the ward, must be evaluated in terms of compatibility and potential adverse impacts on neighborhoods."
- 1409.1.f "There are a large number of institutional uses in Ward 3. These include... medical uses.... Examples are... Sibley Memorial Hospital.... Many of these facilities have structures that are an exception to the neighborhood's land use or that do not conform to the underlying zoning. The compatibility of these uses must be maintained, expansion carefully controlled, changes to neighborhood uses encouraged, and conversions to other nonconforming uses prevented."

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Even if Applicant Eligible for PUD, Applicant Has Failed Sustain Burden that the MOB Meets PUD Criteria

- Essential criterion for approval of PUDs: public benefits and amenities outweigh adverse impacts of the proposal DCMR 2403
- Applicant has burden of proof (DCMR 2407.6)
- Key public benefit claimed: "The MOB helps draw and retain top quality physicians and strengthens the financial position of the hospital." October 16 "Revised Plans," p.16
- Adverse impacts of MOB are significant and quantified

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Applicant Fails to Meet PUD Criteria – Benefits Not Substantiated

- No evidence submitted of:
 - Hospital revenue requirements
 - MOB revenue projections
 - Need to house 75 doctors to meet revenue targets
 - MOB in commercial zone could house more
- No evidence that on-campus MOB more likely to attract/retain physicians
 - MOB in near-by Maryland would reduce physicians malpractice insurance costs

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Applicant Fails to Meet PUD Criteria – Amenities Insufficient to Offset Impact

- Area well served by pharmacy, deli's, etc., with free parking
 - E.g., three CVSs nearby
 - Community will not use these on-campus retailers, independent of visit to hospital/MOB, because of parking costs
- Free medical care is an important contribution to community BUT
 - Applicant has not committed to maintain or enlarge this contribution if PUD/Map Change granted
 - Not a function of MOB location, but of Sibley revenues
 - Greater revenues potentially available from off-campus MOB that adheres to Ward 3 Plan
 - For profit medical practices no more likely to contribute free medical services if on Sibley campus

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Applicant Fails to Meet PUD Criteria – Amenities Insufficient to Offset Impacts

- Contributions to improved transportation unnecessary but for MOB
- Grant to Iona House, bike path, desirable and welcome, but not sufficient to offset impacts

Without a convincing showing of public benefit, Applicant's amenities insufficient to sustain requested PUD/Map change

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Conclusions

- Applicant's request for a zoning map change must be rejected because it
 - Does not meet criteria for SP-1 or SP-2 in that MOB not a transitional use between higher density commercial and residential areas
 - Protective terms of Ward 3 Plan make a commercial office building particularly inappropriate as a "buffer"
- If Applicant found eligible for a PUD, Applicant has failed to meet its burden of proof because it:
 - has not shown that the speculative and unsubstantiated public benefits of the project, together with proposed amenities, outweigh project's quantified and highly damaging impacts

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