St. James Parish
Capitol Hill 222 EIGHTH STREET, N.E., WASHINGTON, D.C. 20002 • 546-1746

THE REVEREND RICHARD E. DOWNING
Rector

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June 13, 2001

Ms. Sheila Cross Reid, Chairperson
Board of Zoning Adjustments
441 Fourth Street, N.W., Room 201
Washington, DC 20001

BZA
Case No. 16407
Exhibit No. 101

Dear Ms. Reid:

As the only adjoining property owner on Square 895 with the Capitol Hill Group/MedLINK Facilites, I write as the representative and rector of St. James' Episcopal Church to **request party status** concerning Modification of Order for Capitol Hill Group, BZA Case No. 16407 (date of meeting). Given the current situation with parking difficulties due to the closing of the hospitals Seventh Street parking lots, we ardently **oppose** the request for Modification of Order and formally request a Public Hearing of the matter.

The Request for Modification of Order for Capitol Hill Group, BZA Case No. 16407, Exhibit No. 96 is blatantly deceptive in its efforts to manipulate the BZA into granting this modification to substantiate and to legitimate the actions already taken by Capitol Hill Group/MedLINK Facilites (both owned by Dr. Peter Shin) and the Holladay Corporation (also represented by Richard Nettler) in closing the Seventh Street parking lots which is directly opposed to the BZA Orders for the hospital to provide 276 off-street parking spaces. The Seventh Street Lots were closed and sold sometime during Easter Week 2001 (April 16-20) and now the attorney for Capitol Hill Group requests a modification of order when the owners of the property have already seen fit to violate the BZA orders thwarting the rule of law in the District of Columbia. This is an outrage and it pointedly illuminates the untrustworthy and manipulative behaviors of the owners of the MedLINK facilites. Further, the only current parking area available for MedLINK facilites is the C Street surface lot and underground garage; however, a large sign declares at the entrance of this area "Permit Parking for Doctors and Employees Only, Parking by Permit Only, Violators will be ticketed and towed at owners expense" and the subterranean levels are accessible solely by cardkey.

In their request for this modification to order, Richard Nettler claims that Dr. Shin's nursing home and acute care facility are in a period of winding down its operations. This is an utter

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misrepresentation of facts. In fact, due to an issue related to medical waste being left in open containers in the alley between the nursing facility and St. James' Church, I personally spoke with Judy McPherson, Program Manager for the Department of Health, during the week of June 4-8, that an inspection of the hospital was underway and in fact the nursing home facility and the acute care facility <u>are not in the process of winding down operations</u> toward closure but are in full operation and continue to accept new patients. No deadline for closure has been given to the appropriate D.C. offices dealing with medical facilities on behalf of Capitol Hill Group/MedLINK facilities. In order to get a request of modification granted by the BZA the owner and attorneys for Capitol Hill Group/MedLINK facilities has purposefully twisted the truth so that development on the Seventh Street parking lots could begin by the Holladay Corporation. It is my sincere hope that the BZA will not grant this modification of order and require a Public Hearing in this matter to illuminate the violations of standing BZA orders by Capitol Hill Group, informing the current owner and the future developers that manipulation and deception of D.C. municipal officials are inappropriate, unethical and unacceptable! The surrounding neighbors who are daily impacted by the parking issues concerning the hospital have been misled and ill-treated by the owner of Capitol Hill Group and its attorney.

Once again, we oppose the Modification of Order for Capitol Hill Group, BZA Case No. 16407 and we ask for the case to be reopened for hearings so that all factual evidence may be presented.

The Lord be with you.

Richard E. Downing

cc: Jerrily R. Kress, FAIA, Director, Office of Zoning
The Honorable Anthony Williams
Council Member Sharon Ambrose
Council Members of the District of Columbia
Andrew Altman, Director, Office of Planning
Karina Ricks, Ward 6 Planner
Representatives of ANC 6A
Capitol Hill Coalition for Sensible Development