District Of Columbia Government
Advisory Neighborhood Commission 6A
Zoning and Licensing Committee
618 19th Street NE
Washington DC 20002

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June 20, 2001

Ms. Sheila Cross Reid
Chair
DC Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

RE: BZA Order 16407: May 2, 2001 Request for Modification of Order, Capitol Hill Group/Medlink Hospital and Nursing Center at Capitol Hill
700 Constitution Avenue, NE, Squares 865 & 895

Dear Ms. Reid:

This letter provides additional information supporting ANC 6A's May 17, 2001 request for the opportunity for public input on the subject modification request. The ANC 6A Zoning and Licensing Committee met with a quorum present on June 13, 2001, and voted unanimously to forward this information to the Board of Zoning Adjustment. We understand that the matter is scheduled for the July 3, 2001 public meeting. At that meeting, the Committee respectfully requests that the BZA consider this matter at a public hearing, rather than a public meeting, as the neighborhood would be irreparably prejudiced by an approval from the bench. The committee further requests that the matter be scheduled for a hearing as soon as possible, due to the current impact of this issue on parking in the local area, allowing of course for necessary notification of parties.

Background. As you know, unbeknownst to the ANC and neighborhood, the applicant put a similar modification request before the BZA at its June 7, 2000 public meeting and it was approved. After the ANC and community found out months later and loudly voiced their concerns, the BZA at its October 3, 2000 public meeting accepted the ANC's motion for reconsideration (ruling dated February 2, 2001). The public hearing was scheduled for February 13, 2001, at which time the applicant vacated its modification request before the BZA. Now, the applicant is back again, this time asking for greater relief than before by proposing to reduce Medlink's offstreet parking space requirements to 171 instead of 200. The applicant has been in violation of BZA order 16407 for years on more than one condition and the community continues to be negatively impacted, now so more than ever.

Current Situation. The ANC's May 17, 2001 letter describes how the city's Zoning Administrator decided not to enforce 16407 and allowed the sale of Medlink's surface parking lots west of 7th Street (Square 865, Lots 862 and 866). This resulted in a loss of 103 parking spaces from Medlink's currently required 276 spaces. The applicant's May 2, 2001, request for modification states (page two) that the applicant has contracted to sell the lots on Squares 865 and Square 895 to Holladay Corporation for development. On May 3,

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Exhibit No. 107

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2001 the Capitol Hill Group went to settlement on Square 865, only one day after filing its modification request and well in advance of any consideration by the BZA. The parking lots have been chained off since May 3 and on the evening of June 12 several large dumpsters appeared on the lots.

Scarcity of parking is a major issue in this neighborhood and causes public safety problems as well. The ANC has received several complaints from Medlink's neighbors that both visitors and employees are parking on the surrounding streets, presumably due to the absence of offstreet visitor parking and apparent limited employee parking at Medlink. One visitor complained to one of our committee members that she had to park two blocks away from the facility when coming to visit a relative.

Following is a description of discrepancies and other items of concern to the ANC 6A Zoning & Licensing committee.

1. **There is no parking available for visitors or patients.** Medlink's property on Square 895, Lot 76, is signed at the entrance "Permit Parking for Doctors and Employees Only, Parking by Permit Only, Violators Will Be Ticketed and Towed at Owners Expense." The underground parking garage subterranean levels are only accessible by keycard.

2. **The condition and capacity of the garage need verification.** The garage under the hospital was inspected in April, but despite requests on May 8 and May 17, 2001 by ANC6A05 Commissioner Quigley to DCRA for a copy of the inspection report, none has been provided. However, a representative from neighboring St. James Church attended the inspection, at which time the inspector noted several deficiencies. A verification of facts concerning the actual availability of this parking garage and how many regulation-size spaces it provides is absolutely necessary. We know based on previous DCRA parking inspections, that the applicant's request, page three, final paragraph, is incorrect in stating "...the Capitol Hill Group has an underground garage with 176 spaces and above ground parking on site of 24 spaces." In fact, the underground garage has no more than ~147 spaces (possibly fewer) with 24 above ground spaces.

3. **The level of activity at the hospital needs to be verified.** The subject application (page two) states the applicant has been reducing the number of beds it is currently using and is winding down operations. Based on numerous sources inside and outside Medlink, this appears not to be the case. We understand that Medlink employees were told in late April, 2001, that they would be there at least another two years. Councilmember Sandy Allen's committee staff stated on May 16 that Medlink's nursing home was close to capacity based on very recent utilization reports. We believe the applicant should provide current utilization reports to clarify the status.

4. **The timeframe for closure of the hospital needs to be verified.** Capitol Hill Group/Medlink has yet to provide official notice about any closure or relocation of the facility, according to conversations with of the State Health Planning Development Agency (SHPDA) and Councilmember Allen's staff on June 19, 2001. Again, an investigation and full verification of facts concerning this situation is necessary. While Capitol Hill Group may have a contract to sell the rest of its property (Lot 76 on Square 895), this medical facility may be in operation for at least another one or two years.

5. **The hospital needs to provide adequate parking for visitors, patients and staff until it closes.** Despite the premature sale of Square 865 surface lots, we ask the BZA to require the applicant to provide adequate, nearby offstreet parking until the medical facility is completely closed, if and when that happens. Reducing offstreet parking requirements prematurely and too greatly causes undue harm to the neighborhood and jeopardizes the integrity of future BZA orders.

6. **All medical facilities on the premises, not just the nursing home, need to be considered in determining adequate parking requirements, even if no special exception is required for other types of beds.** The request for modification states on page two "currently, the applicant has only 117 beds licensed in the nursing home." However Ms. Judy McPherson, Department of Health Program Manager, told Commissioner Quigley in January 2001 that Medlink's licenses were for 145 Nursing Home beds (including 106 nursing facility and 39 skilled care) and 60 Long Term Acute Care hospital beds, adding up to 205. This does not take into account parking needs for additional day programs that run out of the facility. We understand that the "hospital" operation continues to be licensed for 60 acute care beds and is near capacity. Ms. Ellen McCarthy, who testified on behalf of Medlink at the January 6, 1999 hearing for the original 16407 application, stated that "Capitol Hill Hospital, the previous hospital at the site, involved a greater intensity of use than that proposed by the Applicant (Medlink) since it had operated with up to 250 beds and was an acute care facility." The presence of 60 acute care beds cannot be ignored in evaluating Medlink's sufficiency of offstreet parking. Again, verification of facts and further research is necessary.

7. **Both squares of hospital property, 865 and 895, need to be considered in any request for relief.** The second matter of this modification request seeks to reflect that the Square for which relief was sought was for Square 895 and not Square 865. The original 16407 order (page one) does have errors in its property description (Lot 76 with the facility's buildings is indeed located on Square 895, not 865 as printed); however, the lots on Square 865 have been integrally linked to the hospital operation for decades since the hospital purchased them and are necessary if the facility is to provide more than 171 spaces.

ANC 6A – Zoning and Licensing Committee June 25, 2001

While this letter does not comprehensively address all the issues and discrepancies, we believe that no decision regarding zoning relief should be made until the BZA hears the matter with full public input. Furthermore, we respectfully request that in conjunction with the Department of Consumer and Regulatory Affairs, full remedy is made to the neighborhood in this matter to ensure that Medlink provides ample offstreet parking as long as it is in operation.

Commissioner Gregory Ferrell (202-483-3872) in this matter if there are any questions. The ANC 6A Zoning and Licensing Committee appreciates your timely attention.

Sincerely,

Gregory Ferrell
Chairperson
ANC6A Zoning and Licensing Committee