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

THE REVEREND RICHARD E. DOWNING
Rector

February 2, 1999

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

The Board of Zoning Adjustment of the District of Columbia
441 Fourth Street, NW
Suite 220
Washington, DC 20001

Dear Members of the Board of Zoning Adjustment:

I write with reference to APPLICATION NUMBER 16407 filed by BHS and MedLink Hospital and Nursing Facility. As you know, as a consequence of purchasing its land and building, BHS has inherited several agreements with St. James' Parish Church, the only other property owner sharing one city block with BHS.

We are gratified that the Advisory Neighborhood Commission and the Stanton Park Neighborhood Association have been willing to go on record supporting St. James' in its effort to be certain that BHS will honor these commitments. We are happy to report that we have had one conversation with Mr. John Lunsford, the General Counsel of BHS, and are supplying him today with a third draft of a proposed agreement changed to reflect some of his concerns. We hope that BHS will sign it today. As you well know, this may not happen, and we are therefore asking the Board of Zoning Adjustment to refrain from considering the above APPLICATION until its next monthly meeting. It may be that by then BHS will have complied with the requests of its neighbors and made good on its verbal assurances that it intends to abide by previous agreements with St. James' Parish.

Thank you for your consideration in this matter.

Faithfully yours,

Richard E. Downing, Rector

CASE No. 16407
EXHIBIT No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO.16407
EXHIBIT NO.38

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Thomas D. Quinn, Jr., Esquire
800 17th Street, N.W.
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Dear Mr. Quinn:

This will restate the substance of our discussion this morning concerning the rights of St. James Church parishioners to use the new Capitol Hill Hospital parking garage. Present at the meeting were yourself, Mr. Harold Graning, Father Richard Downing, Ms. Barbara Henry, Mr. James F. Lischer and myself.

At the outset, I stated the Church's position that the contract entered into on September 29, 1971, whereby the public alleys abutting the Church property were consented to be closed at the hospital's request, St. James Church parishioners should be entitled to park their cars in the new garage facility. We are willing, I stated, to comply with the hospital's request that we park on the top level to the extent that there are available spaces; however, we object to any requirement that on Sunday mornings would deprive the few additional cars which cannot be accommodated on the top level, from parking on one of the lower levels. Since Father Downing is already scheduled to be issued a pass-card, we suggested that an usher or someone else from the Church could stand at the gate to the lower parking levels and admit the cars of fellow church members as necessary, especially for the 10:00 a.m. Mass. This would provide added security to the Hospital facility when St. James Church members are utilizing it since the hospital plans to leave the parking lot unattended and to rely solely upon the use of coded pass-cards.

Speaking for the Hospital, you stated the view that security control was the biggest problem in the facility and that this is the reason that Church members must not be permitted to park anywhere except on the upper level of the new garage and in the Hospital's other paved parking lots. You did recognize that our proposal to station a person

at the gate to the lower level, if necessary, would be something that had not been considered. You both agreed that this proposal should be presented to the Hospital's Executive Committee for action.

Presently, there are 53 cars which have been issued St. James Church parking decals; however, on a typical 10:00 a.m. Sunday service, there are only 20-25 parishioners who drive their cars. These cars likely can be accommodated on the top level of the garage provided there are few attending physicians in the Hospital at the time. At most, at least for the near future, it appears that we are talking about less than a half dozen cars which might have to be given access to the lower levels of the garage on Sundays. I should point out that under the September 29, 1971 agreement, St. James Church had unrestricted access to at least 60 spaces on the parking lot formerly on the garage site. Under your current proposal, the Church will have to compete for the approximately 27 spaces on the top level, while almost 140 spaces below will lie virtually empty on Sunday mornings. The Church cannot tolerate this diminution of its rights under the good faith agreement which it entered into with the Hospital and has carried out over the past seven years.

Although we did not discuss this at our meeting this morning, the problem of Church parking for weekday services could readily be accommodated by permitting interested communicants who use the Church during the week to obtain garage pass-cards. There would probably be only a handful of these and it could go a long way toward solving the weekday parking problem. If there is a need during the week for a substantial number of spaces for some special service, i.e., Maundy Thursday, a large funeral, a visit from the Bishop, etc., the Church would of course give sufficient advance notice to the Hospital.

In your client's consideration of this entire question, I think it would be well for it to consider the fact that if the Hospital is going to experience a problem with control over the pass-cards, it will be likely not due to the requirements of St. James Church (which has a right to these spaces) but to the Hospital's current plan to issue cards to any employee who requests one and pays a $10.00 deposit. It is evident to me that this plan to distribute these cards on a widespread basis within the Hospital renders the "security problem" with respect to Church parking miniscule in comparison.

I wish to restate that Father Downing and the Vestry of St. James Church are more than willing to work out a reasonable accommodation on the question of parking. In the meantime, pending a resolution of the question, the Church accepts the suggestion that parishioners restrict themselves to parking on the top level of the garage without prejudice to the Church's claim to rights to park on the lower levels as well. We hope for a favorable response from you so that we can work together in solving our common parking problem.

Very truly yours,

Michael B. McGovern

Michael B. McGovern

On behalf of The Rector and
Vestry of St. James Church

MBM:ss

cc: Rev. Richard Downing