District Of Columbia Government
ADVISORY NEIGHBORHOOD COMMISSION 6A
624 H., Street, NE 1st. Floor Washington, D.C. 20002
202 547-8741 * 202 547-8742

DISTRICT OF COLUMBIA
00 SEP 13 P1:36

Board of Zoning and Adjustment
For the District of Columbia

In Re.

Capital Hill Group
Application for Modification

Case N0. #16407

Motion for re-Consideration

Comes now, Advisory Neighborhood Commission 6A, respectfully request that the Board of Zoning and Adjustment re-consider its order of modification in the above caption case. The Board Zoning and Adjustment voted to approved the applicant's application in June 2000. Base on averments made that are attached, ANC6A has party status and respectfully seek to have this Board re-open the case in light of the untimely notification due to the applicant's attorney carbon copying the application to the wrong address and incorrect commissioner. Advisory Neighborhood Commission 6A met September 7, 2000 with a quorum Commissioners present: Gregory J. Ferrell,

BZA
Case No. 16407
Exhibit No. 47

Board of Zoning Adjustment
District of Columbia
CASE NO.16407
EXHIBIT NO.47

acting chair Wanda Harris, Phillip Edwards, Frank Withrow, Doris Wallace and Angela Cox who arrived at 8:20 pm constituting a quorum unanimously voted to support a re-hearing in the above case. Therefore, Advisory Neighborhood Commission 6A after convening a community meeting with the applicants legal counsel present heard material facts that are outline in the attached documents.

Sign this 13th day of September 2000.

Gregory J. Ferrell
Treasurer ANC6A

Linda M. Grigsby Director of
External Affairs
Metlink Nursing Center at Capital Hill
700 Constitution Avenue NE
Washington DC 20002

Richard Netter, Esquire
Robins, Kaplan, Miller, & Ciresi, L.L. P. Suite 1200
1801 K Street NW
Washington DC 20006

Michael Johnson Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capital Street NE Suite 2000
Washington Dc 20002

District Of Columbia Government
ADVISORY NEIGHBORHOOD COMMISSION 6A
624 H., Street, NE 1st. Floor Washington, D.C. 20002
202 547-8741 * 202 547-8742

August 22, 2000

Ms. Shelia Cross Reid
Chairperson
Board of Zoning Adjustment
441 4th Street NW Room 210
Washington DC 20001

Application of the Capital Hill Group
Modification case # 16407

Dear Ms. Reid:

On August 21, 2000 the Zoning and License committee of Advisory Neighborhood Commission 6A met at 7:00 pm, 624 H Street NE (ANC6A Office). Ms. Jeannine Rustad, Attorney at Law from the firm Robins, Kaplan, Miller & Ciresi L.L. P. representing the Capital Hill Group briefed Committee members, present Commissioner Marvin Fields, chairman Z&L sub-committee, Commissioner Gregory J. Ferrell, Treasurer ANC6A, Commissioner Angela Cox (ANC6A06), and community member, former ANC Commissioner Karen Writ on the applicants pending request for a modification before the BZA.

With over 25 concerned community members present, the applicant provided information concerning the proposed change in square designation from 865 to 895 and request to modify the required off-street parking from 276 to 199.

Based on evidence and testimony presented at the meeting, the applicant failed to address the community concerns that directly relate to the Capital Hill Group's failure to explain why 2/3 of the below ground parking is closed which is a direct violation of the BZA order in case number 16407 dated October 21, 1999.

Based on the applicants request for a reduction in off street parking and subsequent failure to comply with the existing order, the community in accordance with Title 11 DCMR 3335.7 noted that material facts that the BZA cited in its October 1999 order

obligating the applicant to provide 276 off-street parking spaces, which the applicant has failed to provide, is a matter that Mr. William Silagic (community resident) addressed before the BZA and must now be re-visited. The BZA order specifically required off street parking for the needs of employees, visitors and other occupants. The community is concern with the material fact that without the below ground parking on level B2 and B3 as indicated on their C of O, the applicant will continue to violate the Board' s October 1999 order and continue to in oppose a parking hardships on the community. Therefore, any modification for a reduction from 276 to 199 would have an additional negative impact on the community.

The community sought a response from the applicant's representative about flooding and other problems on level B2 and B3 of their under ground facility. The Capital Hill Group has refused to address these problems in order to comply with the Board's October 1999 order and to correct the parking issue that is a concern for the neighbors. Also the community requested to have Mr. Michael Johnson current Zoning Administrator to order an inspection of the Capital Hill Group's under ground parking level B2 and B3. In addition to have the Capital Hill Group provide ANC 6A and concern community members a tour of the under ground parking facility.

Procedural concerns both from the community and ANC6A were presented. As a matter of right ANC6A is a party to the applicant's current request for a modification. Because of the many inconsistencies specifically noted by the community, ANC 6A is requesting that case # 16407 be re-opened and allow ANC 6A the opportunity to address the BZA orally (see. DCMRA Title 11 3115.2).

The applicant's attorney inadvertently mailed a carbon copy of their application to Commissioner Daniel M. Pernell III who dose not recall receiving the correspondence. Therefore ANC6A did not receive notification until August 10, 2000, which is very untimely. ANC 6A's next regularly scheduled meeting is September 7, 2000, which will prevent the full ANC from hearing and affirmatively voting on the proposed modification.

The Zoning and License Committee voted not to support the applicant's request for a modification and to request that the BZA re-open the case and allow further community comments. Moreover ANC6A has party status and in order to address the inconsistencies with the applicant's inability or refusal to comply with the current BZA order voted to submit a formal letter of request to have the BZA review the facts relied upon by the Board in the 1999 decision which have now substantially changed by permitting public comment to ascertain what the current status of the applicant is regarding the off street parking provision cited in the October 1999 order before any final action is taken by the BZA.

The Z & L committee would like to state for the record that members from the Stanton Park Civic Association zoning and license committee Marta Wagner and Monte Edwards both voiced opposition to the proposed modification and the association supports re-opening the case. Also in attendance and party to the original application was Pastor Rev. Downing who concurred with re-opening the case and the churches opposition to the proposed modification. The Z&L committee heard testimony from the applicant concerning their clients pending contract to sell square 865 to a developer who would construct Town homes on the square which would displace current off street parking now used by employees, visitors to the hospital and other occupants. The developer would construct a 240-unit apartment building if the contract to sell were settled. The Zoning and License committee by a vote of 4 members to 0 supports the request to re-open application modification #16407.

Also note please for the record that ANC 6A community member and former ANC Commissioner Karen Writ and Commissioner Gregory J. Ferrell both testified in support of the applicant's 1999 request for a special exception and after hearing the facts have now changed their position in light of the current concerns both from the community and our ANC.

Respectfully Submitted,

Commissioner Gregory J. Ferrell
Designee for ANC6A Case No. 16407

Cc: Mayor Anthony Williams
Council member Ward Six
Chairwomen Linda Cropp
Community residence
Michael Johnson
Jerrily R. Kress

Below Level Parking Millrik 9-13-91



Below Level Parking Metlink 9-13-a



Below Level Parking Mellnik 9-13-00

