Stanton Park Neighborhood Association
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May 21, 2003

Carol Mitten, Chair
Board of Zoning Adjustment
of the District of Columbia
441 4th St. NW 2nd floor
Washington, DC

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Dear Chair Mitten:

I am pleased to advise you that the Stanton Park Neighborhood Association's Steering Committee has authorized its Land Use Committee to file an Appeal of Certificates of Occupancy numbers 51289 issued to Capitol Hill Healthcare Group, and 51290 issued to Capitol Hill Community Hospital.

Sincerely,

Warren Friedman

Warren Friedman
SPNA Chair

BZA
Case No. 17043
Exhibit No. 9

Board of Zoning Adjustment
District of Columbia
CASE NO. 17043
EXHIBIT NO. 9

STATEMENT IN SUPPORT OF APPEAL

Stanton Park Neighborhood Association (SPNA) is a nonprofit civic organization representing the interests of north Capitol Hill residents in the area bounded by East Capitol Street, 2nd Street NE, H Street NE, and 10th Street NE. SPNA takes this appeal (pursuant to 11 DCMR 3100.2 and 3112.2) to protest a recent decision of the Zoning Administrator.

Specifically, on March 26, 2003, the Zoning Administrator issued the following Certificates of Occupancy:

> **CO 51289**, to Capitol Hill Healthcare Group for the use of "708 Massachuttes [sic] Ave NE AKA 700 Constitution Ave NE" (square 895, lot 76) basement, 1st, 4th, 5th & 6th floors – totaling 95,000 square feet – as a 117-bed community residence facility, and imposing a parking requirement of 25 spaces
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> **CO 51290**, to Capitol Hill Community Hospital for the use of "708 Massachuttes [sic] Ave NE AKA 700 Constitution Ave NE" (a/k/a square 895, lot 76) basement, 1st, 2nd & 3rd floors – totaling 85,000 square feet – as a 60-bed hospital, and imposing a parking requirement of 60 spaces

As detailed below, SPNA contends that these Certificates of Occupancy should not have been issued, and that the Board should rescind the Certificates by reason of the existence of prior BZA orders governing the site's use and parking requirements (which the Zoning Administrator was without authority to disregard). In the alternative, the Zoning Administrator improperly exercised his discretion to set the parking requirements for Certificate 51289, a prerogative assigned by the zoning regulations exclusively to the BZA, which should order Certificate 51289 amended as described below.

FACTUAL BACKGROUND

History of the BZA Orders

It is essential for the Board to be aware of the complex history of zoning orders (and noncompliance therewith) at the site in question since 1991. As set forth more fully in the attached timeline (Attachment A), there are two BZA orders at issue:

- **Order No. 15542:** In July 1991, the BZA authorized Capitol Hill Group to operate a health care facility with 130 beds and 250 employees, contingent on providing 176 off-street parking spaces.