Barry I. Pershkow
Amy B. Ward
656 Massachusetts Avenue, NE
Washington, DC 20002

October 27, 2003

D.C. BOARD OF ZONING ADJUSTMENT
2003 OCT 28 PM 4:05

Government of the District of Columbia
Board of Zoning Adjustment
441 4th St NW, Suite 210
Washington, DC 20001

Re: BZA Case 17043

Dear Board Members,

We are writing to express our very strong support for the Stanton Park Neighborhood Association's appeal to the D.C. Board of Zoning Adjustment (the "BZA") seeking to, at least, require a good degree more than 85 parking spots for Medlink Hospital and Nursing Home (a facility with over 177 beds and 300 employees) ("Medlink").

The rear of our house, which includes our kitchen, deck and bedroom, directly faces Medlink and, accordingly, we believe that we are in a unique position to report to you on the operations outside the main entrance of Medlink on 7th Street.

In short, Medlink operates in a fully disruptive manner to all those who not only live on 7th Street (and adjacent blocks), but also to those who seek to travel through 7th Street. During the hours when we are home – typically 7:00 p.m. - 8:00 a.m. during weekdays and various times during the weekend – we have witnessed a dangerous situation developing at Medlink. Various transportation vehicles are constantly parked in the middle of the street to matriculate patients to Medlink for non-emergency purposes. Constant 24 hour vehicular traffic unloading and loading directly in front of our homes is both dangerous and clogs both the pubic streets (i.e., 7th Street) and also public alleys, to which we access the rear of our homes.

In addition, cars constantly pick-up patients and employees, drop-off patients and employees, park (both legally and illegally) and stand illegally. There are at least three shifts at Medlink and each shift change is accompanied by a large amount of standing traffic and clotted parking. As you might imagine, the noise (from cars, parked car stereos, emergency vehicle communication, screaming patients, and employee, visitor and patient conversations and arguments), at all times of the day and night, is sometimes unbearable. In that regard, residents have been forced to call the 311 non-emergency line to notify police of emergency vehicles parked in the middle of the road for non-

BZA
Case No. 17043
Exhibit No. 70

Board of Zoning Adjustment
District of Columbia
CASE NO. 17043
EXHIBIT NO. 70

emergency purposes, Medlink visitor and employee cars parked illegally and also excessive noise.

Medlink has an emergency loading/unloading area in their private alley (behind the hospital), as well as private parking spaces, but there simply are not enough parking spaces for the amount of traffic that Medlink engenders. On at least three occasions, I have contacted James Garrity (the CEO of Medlink) to complain of the situation. He has on each occasion promised to remedy the situation. During the hours that we are at home, we have noticed absolutely no diminution of any of the problems outlined above.

To remedy the situation, BZA should revoke Medlink's Certificates of Occupancy because they were issued in error and apply the existing BZA orders which determine the adequacy of parking for the property. If the property owner desires a reclassification of all or part the facility as a CBRF, the owner should appeal to BZA for a determination of parking requirements as required by the zoning regulations. This would provide a transparent process and an opportunity for a public discussion of the extent to which reducing the required parking spaces will have an adverse impact on the surrounding residential areas.

In evaluating this appeal, any good faith that an entity (such as Medlink) might normally be presumed to have should not be presumed in Medlink's case. It has a history of: disobeying the parking requirements imposed by the BZA, acting deceitfully and dishonestly in its bankruptcy process; and is operated in an incredibly reckless manner – one that disregards all others who are its neighbor.

In addition, we would respectfully request to testify at the BZA hearing at which this matter will be heard on November 4th at 1:00 p.m. in the second floor hearing room, Suite 220-S, 441 4th Street, NW.

Respectfully yours,

Barry Pershkow

Amy Ward

cc: Stanton Park Neighborhood Association

dc-362445