

Frances E. Francis
3625 Fulton Street, NW
Washington, DC 20007
November 13, 2018

The District of Columbia Board of Zoning Adjustment

By e-mail: bz submissions@dc.gov

Subject: Additional Points and Letter in Opposition to Current Proposal in BZA Case No. 19751-MED Developers-2619-2623 Wisconsin Avenue, NW (Initially filed as a Senior Assisted Living Facility, now proposed as a Memory Care Facility)

Dear Chairman Hill and Members of the BZA:

I filed comments in the above-captioned proceeding on September 14, 2018. Subsequent events and additional filings by the developer, MED Developers, have only served to underscore the validity of the neighborhood's initial disquiet as to the proposed facility. I understand a hearing will be held on Wednesday, November 14, 2018, for your consideration of this matter. Accordingly, I submit these Additional Points and comments pertinent to your consideration of the Memory Care Facility proposal. I also request their inclusion as part of the official record in this proceeding.

ADDITIONAL POINTS IN OPPOSITION TO PROPOSAL TO CONSTRUCT MEMORY CARE FACILITY,
BZA Case No. 19751-MED Developers, 2619 Wisconsin Avenue, NW

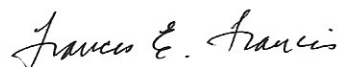
1. My name is Frances Francis and I am a resident located within a block of the proposed Memory Care Facility proposed. It is obvious that the Applicant, MED Developers, has failed to design a facility that would fit harmoniously with the residential neighborhood. The ample testimony of the neighborhood and its residents opposing this Facility demonstrates this. The conflict between the District's zoning regulations and the Applicant's proposal and request for exceptions to the zoning regulations likewise demonstrates its inharmonious nature. The quality of and the silence in the Applicant's proposal as to key, pertinent issues do nothing to assure either the BZA or the neighborhood that even this detrimental proposal, at its best, will fit harmoniously into a residential neighborhood.
2. If, despite the clarity of what the BZA must do to adhere to the standards it has been charged with-- to protect the neighborhood affected in this case, the BZA determines that it will approve the MED Developer's proposal, then it is equally crystal clear that it must impose the following condition in any approval to do no harm to the existing neighborhood. Namely, the BZA must condition any approval to MED such that if the Applicant changes or seeks to change the specific, requested use, or allows or cooperates in the change in use for financial or any other reason, at any time--- the exceptions granted shall be vacated and the Applicant and any successor lessee, buyer, occupant, or creditor of the Facility must promptly demolish the

Facility. This will leave the site with its current zoning requirement, consistent with the current District Comprehensive Plan. Furthermore, the Applicant shall calculate the cost of such demolition and post a bond sufficient to achieve such demolition, updating the costs every 10 years, and provide notice of such obligation to any successor buyer, lessee, occupant or creditor. Any failure by the Applicant or any successor to provide such notice or maintain and adjust such bond can be the basis for any resident of the affected Massachusetts Avenue Heights neighborhood to initiate and obtain summary judgment from the BZA to vacate the exceptions granted and trigger the demolition of the Facility.

3. The BZA and its staff should take a daylight tour of the alleys behind the assisted living homes in the District where the occupancy rates are for 36 or more patients prior to issuing its decision.
4. The proposal in Item 2 is the minimum needed to incentivize good performance from the Facility's Applicant/Operator. In addition, the Applicant should be ordered immediately to establish a committee consisting of neighborhood representatives and a knowledgeable executive of MED to meet regularly to advise the neighborhood of the status of the development, no less than every three months a year, and when completed, its operations, with the Developer and the Operator. The same committee shall also provide a forum for affected neighbors to discuss problems with the activities associated with the Facility's operations.

Thank you for your consideration of these Additional Points as well as the earlier filed Comments.

Sincerely,

A handwritten signature in cursive script that reads "Frances E. Francis".

Frances E. Francis