

December 29, 2005

Chairperson Carol J. Mitten and Members
District of Columbia Zoning Commission
One Judiciary Square, Suite 210 South
441 4th Street N.W.
Washington, D.C. 20001

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Re: Case No. 05-34 – Petition by ANC 6C of
Map Amendment to Square 895, Lot 76

Dear Chairperson Mitten and Commissioners:

I am writing to you to express my unequivocal support for the petition by Advisory Neighborhood Commission 6C to request that the District of Columbia Zoning Commission approve a proposed amendment to change the zoning classification of Lot 76, Square 895 to R-4. At the Commission's December 19, 2005 Special Meeting, the Commission indicated a desire to confirm whether there was consensual support for the petition by the ANC and an understanding of possible consequences of the proposal.

I have lived on Capitol Hill for seventeen years, including eight years at 24 7th Street NE, one and one half blocks south of square 895, and I am a long-standing and active participant in each of the neighborhood organizations in the affected area, including the Capitol Hill Coalition for Sensible Development, Stanton Park Neighborhood Association, and the Capitol Hill Restoration Society.

I believe that in order to fully evaluate the proposed change, some understanding of the history of the current zoning of the site is in order.

The Capitol Hill neighborhood is a rare and valuable resource which is greater than the sum of its parts, characterized in large part by low-rise row houses, mostly 2 or 3 stories, with a few reaching 4 stories. The entire neighborhood east of the major public buildings on its western edge is low rise with one exception: the MedLink Hospital site.

This exception is no accident: in 1973, when its predecessor, the Capitol Hill Hospital, needed to expand to better serve the community, the neighbors agreed to allow the zoning to be increased to R-5-D, permitting high density and allowing buildings as high as ninety feet. It was believed to be a legitimate need that justified such a dramatic concession from the neighborhood in order to accomplish a worthy goal.

It was never intended to produce what it has now become: a windfall profit in the financial value of the hospital's real estate for the owner to cash in upon developing the site for profit.

The pity is that the good neighbors of 1973 weren't savvy enough to request a variance or special exception instead of a zoning change, and may never have considered that a gift made in good faith to assist the hospital in providing

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CASE NO. 05-34
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enhanced medical services to the neighborhood would instead end up by providing it an incentive to cash out.

The situation might be different were there any other examples of such zoning or existing buildings in the area, but this designation is a complete anomaly, and contrary to the principles of the District of Columbia's Comprehensive Plan.

As for the concern of intended or unintended consequences, from the point of view of the neighborhood, the fear of "excessive nonconformities" is relative, as we believe that significant nonconformities exist already; and that the question is whether any potential new construction on the site should conform to those extant aberrations within the square or to the surrounding structures which bound the square. The point of the exercise is not to name that classification which most closely matches the existing buildings, but to define the square as it ought to be. Whether or not "grandfathered" existing deviations may gain value they previously lacked as a result of a new classification, any new construction should be required to adhere to the characteristics of the surrounding neighborhood, rather than to the existing anomalies. Adding more "sore thumbs" will not disguise the existent ones.

We are fully aware that the more restrictive the new zoning, the more valuable every square inch of the existing nonconformities becomes, along with the greater the chance they will be retained for the foreseeable future. We anticipate that the granting our request may guarantee the survival of every currently existing building, and personally, my distaste for the proposed project is such that I would prefer the existing utilitarian brick boxes (once their ill-advised, mid-century "banding" and the 70's "fins" are removed) for their simple, organic sincerity, to the pomposity of a statement of current fashion.

And while I endorse the recognition of the existing 1928 building at the southeast corner of the site as currently contributing, and therefore useful as a compromise limiting factor to the scale of height and massing for any proposed future development, I would emphasize that it is a relatively contemporary 20th Century replacement of the original structures of the square, which were, like the lone surviving original structures, St. James church and rectory, and the existing structures ringing the perimeter of the site, uniformly low-rise 19th Century row houses.

But, most importantly, I don't believe that the existence of a highly debated and excruciatingly examined development proposal should have any bearing whatsoever upon a determination of what the proper classification of the square should be. That a delicately balanced compromise is evolving should be of no consequence. There is no regret in the community over the many hours spent during the last five years in monitoring multiple iterations of this project, beginning with its predecessor, the Holliday Corporation's earlier proposal for the site. Some now point to that project as having achieved approval by the neighborhood. We never regarded it as anything more than a compromise.

And for those who may feel that the timing of the neighborhood's request is suspect, in fact, we have been requesting a correction to the erroneous zoning classification since the first news of a proposed development of the square. We regret only that it has taken us so long to arrive before you as we were waylaid

by our naively misguided attempts to work through other channels. We wasted five years patiently participating in our NACs and SNAPs and ill-fated Cluster 25, and every other acronym-named avenue that we believed was intended to facilitate community participation.

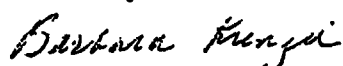
We asked the Historic Preservation Review Board to protect the character of the historic district by reducing the massing and density; we asked the D C Department of Transportation to conduct a traffic and parking study, which we are still patiently awaiting four years later; we asked the D.C. Department of Consumer and Regulatory Affairs to enforce the orders of the Board of Zoning Adjustment regarding the provision of parking; and we asked the State Health Planning and Development Administration to deny a Certificate of Need based on the long-standing violation of those BZA orders.

All of these efforts proved fruitless.

It is only now that an enlightened ANC 6C has taken up our request that our efforts bring us to you.

For these reasons I respectfully urge the Commission to set down a hearing date to consider the proposed amendment. Thank you for your consideration of my concerns.

Sincerely,



Barbara Krengel
Member,
ANC 6C Planning and Zoning Committee
Capitol Hill Coalition for Sensible Development
Stanton Park Neighborhood Association
Capitol Hill Restoration Society
D.C. Preservation League
National Trust for Historic Preservation

cc: Chair Carol J. Mitten
Vice-Chair Anthony Hood
Commissioner Gregory N. Jeffries
Commissioner Kevin Hildebrand
Commissioner John Parsons
Commissioner Michael G. Sherman, ANC 6C
Commissioner William Sisolak, ANC 6C