



Government of the District of Columbia

Advisory Neighborhood Commission 6C

- BY FAX -

January 4, 2006

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 the Commissioner for ANC 6C07 and the Chair of its Planning and Zoning Committee. My Single Member District borders the referenced property along Constitution and Massachusetts Avenues NE. As such, my constituents have a direct interest in this site and its re-zoning for which ANC 6C has petitioned the Zoning Commission in Case No. 05-34 (the "Medlink property").

I fully support the ANC's petition in this matter. In explaining my reasons for doing so, I will focus on the statutory basis for the Commission's consideration in the rezoning of this property.

Let me preface my comments with three statements.

First, I am not an attorney. Nor do I have any particular experience or expertise in zoning law in the District of Columbia. My thoughts reflect simply a layperson's reading of the DC Code and Zoning Regulations as they might apply to this case. I understand there may be case law and administrative decisions that could affect how this matter is ultimately decided. If such material exists, I have not taken it into consideration in my thoughts below.

Second, the arguments in this letter may be more germane to a future Commission decision on amending the zoning map rather than your decision on January 9th on whether to grant a setdown for a public hearing on such a rezoning.

ANC 6C, P.O. Box 77876, Washington, D.C. 20013-7787

ZONING COMMISSION
District of Columbia
CASE NO.05-34
EXHIBIT NO.18

05-34
18
District of Columbia
Zoning Commission

The Code and Regulations also make it clear that zoning decisions should provide for "the distribution of population" and "prevent ... undue crowding of the land". The neighborhood surrounding Medlink is predominately R4 row homes. Like the issue of traffic, the Code and Regulations language on population density argues in support of the ANC's request for an R4 zoning versus the high-density R5D.

There is another common point of interest in both the Code and Regulations on zoning matters. The law states that zoning decisions should encourage "...the stability of districts and of land values in those districts". I attended the December 19th meeting concerning Case 05-034. I was surprised to hear comments from several Commissioners that seemed to me to place particular emphasis on a potential negative economic impact of the requested zoning change.

There was a specific concern raised at the December 19th meeting that any rezoning would cause the owner to leave the property undeveloped. The hospital's physical plant is approximately half vacant. Understandably the Commission does not want to see vacant buildings and property. Nor does the community. Economic development and revitalization is the common goal we all share for the District of Columbia

I have lived at 638 A St. NE for thirty-five years and been on Capitol Hill since 1967. I was personally caught in the middle of the 1968 riots. I understand neighborhood blight as well as most in this city. I have seen it. I have lived through it. But, most importantly, I know that neighborhood decay is no longer a concern in a number of areas of Washington – especially in the neighborhood surrounding Medlink.

On Capitol Hill single-family row houses are now selling regularly in the range of \$1 million or more. Even in face of this hyper-inflated real estate market, the owner says that if the property is zoned to anything below R5D he will have no economic incentive to convert it to residential use. With all due respect, that is a specious argument that flies in the face of today's market reality. I am confident that Medlink's property value is significantly higher than when the owner bought it ten years ago even if it is zoned R4.

In my opinion, the owner wants to maintain the R5D zoning to maximize his profit through a multi-unit condo building versus single-family homes. I'm a business owner. From a business perspective, I understand his interest completely. But I don't believe that maximizing the profit of any particular land owner should play a role in the Zoning Commission's decisions. And I am confident that it doesn't. What is germane here is the law, the regulations and the public's interest. And on each of these counts the arguments are clear and convincing that a setback by the Commission must be granted.

On that point, let me say that I believe the Commission would be doing a grave injustice to the community if it rejects the setback. A simple reading of the DC code § 6-641.02 states that zoning consistency with the Comprehensive Plan is required by law. The current zoning of Square 895, Lot 76 is not consistent with the Comprehensive Plan. In view of the clear language of the law and the facts of this case, it seems to me that the decision for a public hearing to fully vet this matter is legally required and is in the public interest.

Third, let me assure the Commission members, that the ANC's request for rezoning of the Medlink property is neither capricious nor is it intended to be punitive to the current owner.

Bringing Square 895, Lot 76 into conformity with the Comprehensive Plan has been a goal of many of the neighbors and Capitol Hill community groups for an extended time. This property has been a zoning anomaly for decades, albeit an anomaly that was originally justified in the community's interest to provide a much needed expansion of the hospital. Ever since the owner first proposed to close the hospital and convert it to residential use over six years ago, many in the neighborhood have urged that the property's zoning should likewise revert to one that is consistent with the residential character of the neighborhood.

The community has long-recognized the Draconian nature of the proposed re-zoning now before the Commission. To avoid this painful effort, it has always been our desire to reach a compromise with the owner on a mutually acceptable development for the Medlink site. In fact, just such a compromise was achieved with the owner in 2001 only to be thwarted by his subsequent bankruptcy.

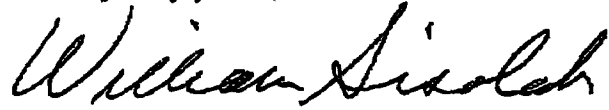
In the spring of 2005 the community was again negotiating with the owner in good faith toward a compromise for the development of the entire site. This effort likewise failed when we discovered months later that he had been secretly negotiating with another entity even prior to the spring of 2005 for a business arrangement that made such a compromise impossible. The owner's actions have now left the community with no choice but to seek the proposed re-zoning.

Now let me turn to my reading of the DC Code and Zoning Regulations. Based on this reading, I suggest that the Commission consider the following arguments in its decision to grant a setback on this matter.

In addition to consistency with the Comprehensive Plan, the DC Code and Zoning Regulations have other language that supports the petition for re-zoning. The DC Code and Section 101.1 of the Zoning Regulations state that the city's zoning shall be designed, interpreted and applied to "...lessen congestion in the streets ..." and "provide ... use of land that will tend to create conditions favorable to transportation ...". Given the traffic and parking problems surrounding the Medlink property, this language argues for the lower R4 zoning requested by the ANC versus the current high-density R5D.

In summary, the public's right to be heard on this matter is paramount.
Thank you and I look forward to your decision in favor of a setdown for Case 05-34.

Very truly yours,

A handwritten signature in black ink, reading "William Sisolak". The signature is fluid and cursive, with the first name "William" and last name "Sisolak" clearly distinguishable.

William Sisolak
ANC 6C07, Commissioner

Cc: Mr. Stephen Mordfin
Office of Planning

Fax

To:	Chairperson Carol J. Mitten and Members DC Zoning Commission attn. Sharon Schellin	From:	Mr. William Sisolak Commissioner, ANC 6C07
Fax:	202-727-6072	Pages:	5 (incl fax cover page)
Phone:		Date:	1/4/2008
Re:	Case No. 05-34 Square 895, Lot 76	cc:	
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle			

Please include the attached letter as part of the public record for the referenced Case. Thank you.

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