

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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RECEIVED
D.C. OFFICE OF ZONING

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Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JS EV*
Ellen McCarthy
Director

DATE: January 4, 2006

SUBJECT: Case No **ZC-05-34** **Supplemental Setdown Report** for a petition to amend the Zoning Map regarding Square 895, Lot 76, filed by ANC 6C

At the Zoning Commission meeting of December 16, 2005, the Commission requested that the Office of Planning

- 1 Compare the existing improvements on the northern portion and the southern of the subject property to the maximum building height, FAR and lot occupancy regulations of the R-4, R-5-A, R-5-B, R-5-B with a PUD and R-5-D Zone Districts; and
- 2 Prepare an explicit analysis of what could be done utilizing the conversion process permitted under the R-4 Zone District and what could be done under the R-5-B Zone District

The Commission also indicated a desire to know the opinions of the various groups in the neighborhood with regard to the application.

Comparison Analysis

Below are three tables indicating the impact of the various zone districts to the existing improvements on the site as a whole, and as divided into two parts. The extent of the nonconforming as it relates to floor area ratio (FAR), building height, number of stories and lot occupancy are shown below. The existing buildings are conforming only under the R-5-D Zone District, the existing zone district

ZONING COMMISSION
District of Columbia
CASE NO. **05-34**
SUBJECT NO. **29**

Table 1: Northern Portion of Site

	Existing FAR	Existing Building Height	Existing Number of Stories	Existing Lot Occupancy
Buildings C & D	2.4 or 102,313 sf*	55 feet*	4*	88 % or 37,778 sf*
	Maximum FAR	Maximum Building Height	Maximum Number of Stories	Maximum Lot Occupancy
R-4	None prescribed	40 feet	3	60 % or 30,623 sf
R-5-A	0.9 or 45,934 sf	40 feet	3	40 % or 20,415 sf
R-5-B	1.8 or 91,868 sf	50 feet	No limit	60 % or 30,623 sf
R-5-B with PUD	3.0 or 153,114 sf	60 feet	No limit	60% or 30,623 sf
R-5-D	3.5 or 178,633 sf	90 feet	No limit	75 % or 38,279 sf

Table 2: Southern Portion of Site

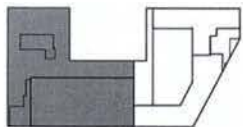
	Existing FAR	Existing Building Height	Existing Number of Stories	Existing Lot Occupancy
Buildings A & B	2.5 or 125,646 sf*	73 feet*	6*	52 % or 26,626 sf*
	Maximum FAR	Maximum Building Height	Maximum Number of Stories	Maximum Lot Occupancy
R-4	None prescribed	40 feet	3	60 % or 30,623 sf
R-5-A	0.9 or 45,934 sf	40 feet	3	40 % or 20,415 sf
R-5-B	1.8 or 91,868 sf	50 feet	No limit	60 % or 30,623 sf
R-5-B with PUD	3.0 or 153,114 sf	60 feet	No limit	60% or 30,623 sf
R-5-D	3.5 or 178,633 sf	90 feet	No limit	75 % or 38,279 sf

Table 3: Entire Site

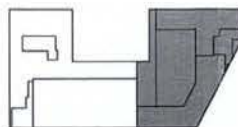
	Existing FAR	Existing Building Height	Existing Number of Stories	Existing Lot Occupancy
Buildings A,B, C & D	2.4 or 228,000 sf*	73 feet*	6*	69 % or 64,404 sf*
	Maximum FAR	Maximum Building Height	Maximum Number of Stories	Maximum Lot Occupancy
R-4	None prescribed	40 feet	3	60 % or 56,4000 sf
R-5-A	0.9 or 84,600 sf	40 feet	3	40 % or 37,6000 sf
R-5-B	1.8 or 169,200 sf	50 feet	No limit	60 % or 56,4000 sf
R-5-B with PUD	3.0 or 282,000 sf	60 feet	No limit	60% or 56,400 sf
R-5-D	3.5 or 329,000 sf	90 feet	No limit	75 % or 70,500 sf

Shading indicates nonconformance with the Zoning Regulations

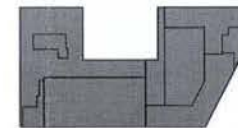
* Indicates data received from property owner's architect



Northern Portion



Southern Portion



Entire Site

Table 4: Uses

Zone District	Permitted Residential Uses	Permitted Nonresidential Uses
R-4	Detached, Semi-detached and Row Dwellings, Flats and Conversions	Church, Embassy, Private Garage, Public School, Mass Transit Facility, CBRF, Youth Care Residential Home, Child/Elderly Development Ctr., Hospital, Private Club, Museum, Rooming or Boarding House
R-5-A	Same as R-4, plus multiple dwellings	Same as R-4, plus Greenhouse, Residence for Teachers and Staff
R-5-B	Same as R-5-A	Same as R-5-A, plus Hotel
R-5-D	Same as R-5-A	Same as R-5-B

Parking

The amount of parking required per unit is based on the zone district and type of dwelling unit, as prescribed under § 2101.1 of the Zoning Regulations. Therefore, the amount of parking required will be determined by the type of dwellings, the number of dwellings and the zone district. The amount of parking required for the different uses in the various zone districts is as shown in Table 5 below.

Table 5: Parking Ratios

USE	ZONE DISTRICT	PARKING RATE
Detached, Semi-detached, Row Dwellings	All	1 space per unit
Flat	R-5-A	1 space per unit
Flat	All other	1 space per 2 units
Apartments or Multiple Family	R-4, R-5-D	1 space per 3 units
Apartments or Multiple Family	R-5-A	1 space per unit
Apartments or Multiple	R-5-B	1 space per 2 units

R-4 Conversion

The Office of Planning prepared an analysis of the subject property with reference to conversions as permitted under § 401.3 of the Zoning Regulations. For purposes of this exercise an average core factor of 17.5 was assumed. The core factor allows the common areas of an apartment building, such as hallways and lobbies, to be subtracted out of the total area of the building for unit size computation purposes. Typically, the Office of Planning assumes the core factor to somewhere between 15 and 20 percent. The figure of 17.5 is midway between these numbers. As a result, the average unit sizes calculated below are approximations only.

Table 5: R-4 Conversion Table for Entire Site

Site Area	94,000 square feet
Existing Building Area	228,000 square feet
Maximum Number of Units Permitted (1/900 square feet of lot area)	104
Average Core Factor (228,000 x 17.5)	39,900 square feet
Average Unit Size (228,999/104)	1,809 square feet

Table 6: R-4 Conversion Table for Northern Portion of Site

Site Area	51,038 square feet
Existing Building Area	125,646 square feet
Maximum Number of Units Permitted (1/900 square feet of lot area)	56
Average Core Factor (125,646 x 17.5)	21,988 square feet
Average Unit Size (125,646/56)	1,851 square feet

Table 7: R-4 Conversion Table for Southern Portion of Site

Site Area	42,962 square feet
Existing Building Area	102,313 square feet
Maximum Number of Units Permitted (1/900 square feet of lot area)	47
Average Core Factor (102,313 x 17.5)	7,518 square feet
Average Unit Size (102,313/47)	1,795 square feet

COMMUNITY COMMENTS

Advisory Neighborhood Commission 6C adopted a resolution on December 14, 2005 to oppose the proposed concept plan for the redevelopment of the subject property before the Historic Preservation Review Board.

The ANC 6C07 Commissioner submitted a letter to the file in support of the rezoning the subject property to the R-4 Zone District.

Advisory Neighborhood Commission 6A submitted a letter dated May 19, 2004 to the Office of Planning on January 3, 2006 indicating in support of rezoning the subject property to the R-5-B Zone District.

The **Capitol Hill Coalition for Sensible Development** submitted a letter to the Office of Planning dated December 29, 2005 in support of downzoning the subject property.

The **Capitol Hill Group**, owner of the subject property, submitted a letter to the file dated December 12, 2005 requesting the Zoning Commission consideration on the subject application be delayed for 60 days to allow them sufficient time to resolve the issues with the community.

The **Capitol Hill Restoration Society** submitted a letter to the Office of Planning dated January 3, 2006 in support of rezoning the subject property to the R-4 Zone District.

Saint James Parish Capitol Hill submitted a letter to the file dated December 13, 2005 in support of the R-4 Zone District for the subject property.

Stanton Park Neighborhood Association submitted a letter to the Office of Planning dated January 2, 2006 in support of rezoning the subject property to the R-4 Zone District.

Union Square Townhome Homeowners submitted a letter to the Office of Planning dated December 27, 2005 in support of rezoning the subject property to the R-4 Zone District.

One community member submitted a letter to the file dated December 29, 2005 in support of the R-4 Zone District for the subject property.

Two community members submitted letters to the Office of Planning in support of condominiums on the subject property.

Attachments

Letter from ANC 6A, dated May 19, 2004

Resolution R-12-1 of ANC 6C of December 14, 2005

Letter from the Capitol Hill Group, dated December 12, 2005

Letter from Saint James Parish Capitol Hill, dated December 13, 2005
Letter from Union Square Townhome Homeowners, dated December 27, 2005
Letter from Capitol Hill Coalition for Sensible Development, dated December 29, 2005
Letter from Barbara Krengel, dated December 29, 2005
Letter from the Stanton Park Neighborhood Association, dated January 2, 2006
Letter from Capital Hill Restoration Society, dated January 3, 2006
Letter from ANC 6C07 Commissioner, dated January 4, 2006
Letter from Emily Stick, 1032 D Street, N.E.
Letter from 301 8th Street, N.E.

EMc/sjm,AICP



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



May 19, 2004

Andrew Altman
Office of Planning
Suite 4000
801 North Capitol Street, NE
Washington, DC 20002

Re: Support for Re-Zoning MedLink Site

Dear Mr. Altman,

Our Commission provides this letter in support of a proposal by the Capitol Hill Restoration Society to re-zone the MedLink Site (708 Massachusetts Avenue, NE; Square 895, Lot 76) from R5D to R5B. The ANC recommends that the Office of Planning submit this proposal to the Zoning Commission as soon as possible.

The subject property is located in ANC 6C immediately across 8th Street, NE which serves as a boundary between ANCs 6A and 6C.

This location is currently zoned R5D, while the surrounding squares are zoned R4 except for a portion of 8th Street between C Street and E Street, NE which is zoned C2A. St. James Church, which shares the square with MedLink, is also zoned R4. Recent history indicates that the R5D zoning creates pressure for development that is much denser than the surrounding residential, rowhouse neighborhood. According to the zoning code, R5D permits matter-of-right development of medium/high density. The R5D zone allows construction up to 90 feet with 75 percent lot occupancy, whereas the R4 limit is 40 feet and 60 percent lot occupancy. By comparison, the tallest historic portion of the existing hospital complex is 53 feet. In addition, R5D zoning only requires 1 parking space for every 3 residential units.

If the property were re-zoned to R5B, the height limit would be 50 feet with 60 percent lot occupancy and 1 parking space would be required for every 2 residential units. According to the zoning code, R5B permits matter-of-right development of moderate density. Additional height, density, and lot occupancy would be available through the Planned Unit Development (PUD) process. The ANC believes that R5B zoning is more compatible with the surrounding neighborhood, and that the PUD process would allow reasonable flexibility while granting residents of the surrounding area more opportunity for input in the development process. Furthermore, R5B zoning is more likely to be compatible with designs that respect the surrounding Historic District and would receive support from the Historic Preservation Review Board.

If you have any questions or need further information, you may contact Commissioner Rice at 202-544-3734.

Respectfully yours,

Joseph Fengler

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Sharon Ambrose
Gary Peterson, Capitol Hill Restoration Society
Commissioner Robert Hall, Chair Advisory Neighborhood Commission 6C

OPTIONAL FORM 99 (7-90)

RE: 20 05-34

FAX TRANSMITTAL

of pages ► 1

To <u>Stephen Mordfin</u>	From <u>Cody Rice (ANC 6A)</u>
Dept./Agency <u>OP</u>	Phone # <u>202-564-8769</u>
Fax # <u>442-7637</u>	Fax #

NSN 7540-01-317 7368

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GENERAL SERVICES ADMINISTRATION



Government of the District of Columbia
Advisory Neighborhood Commission 6C

**Resolution R-12-1 of ANC 6C Opposing
Capitol Hill Group's Latest Plans for Redevelopment of the MedLink
Hospital and Nursing Center**

Whereas, ANC 6C appreciates the opportunity from the Historic Preservation Review Board to hold additional public meetings to discuss the proposed redevelopment of the southern portion of the MedLink Hospital and Nursing Center by the Capitol Hill Group;

Whereas, ANC 6C sponsored a community charette on November 10 with participants from MedLINK, Shalom Baranes Associates, HPRB Staff, ANC 6A, ANC 6C, the Stanton Park Neighborhood Association, the Union Square Townhome Homeowners Association, Capitol Hill Restoration Society, Capitol Hill Coalition for Sensible Development, and St. James Episcopal Church;

Whereas, ANC 6C sponsored a community meeting at St. James Episcopal Church on November 30 where project architect Robert Sponseller gave a presentation;

Whereas, ANC 6C held a duly noticed public meeting, with a quorum present on December 14, 2005;

Be It Resolved, on December 14, 2005, that while the latest version of the plan is improved over earlier versions and reflects some of the public input given to the project architect and developer, ANC 6C hereby declares its opposition to the proposed concept plan for the redevelopment of the MedLink Hospital and Nursing Center, that ANC 6C urges the Historic Preservation Review Board to support the staff recommendation of submitting a revised concept plan to the Board for action and further that the ANC requests that the Board specifically direct the applicant to submit the revised plans for community review electronically for posting on the ANC's web site and in hard copy, 14 days prior to

any scheduled ANC 6C full Commission meeting before returning to the Historic Preservation Review Board;

Be it further Resolved, that the ANC provides the following specific recommendations to the Historic Preservation Review Board:

The ANC supports the elimination of the vehicle drop-off;

The ANC supports the reduction in height on 8th Street to respect St. James Church;

The ANC supports the addition of the walkway entrances on Mass Ave;

The ANC supports the reduction in the size of the pavilion and corresponding increase in green space;

The ANC supports the increased articulation in the roof line on Mass Ave.;

The ANC continues to oppose development of the project in two phases and believes such development to be injurious to the character of the historic district. The ANC notes unanimous community opposition to the phased approach and has received not a single e-mail, phone call, or voice at a public meeting (except the attorney for MedLINK and the owner of the site) in support of a phased approach.

The ANC joins the HPRB Staff in strongly urging a complete rethinking of the 7th Street façade. While the project has benefited from modification to the Mass. Ave façade, little has been done to address the 7th Street façade.

The ANC agrees with HPRB Staff that the hyphen building needs revision. Its institutional feel meshes poorly with the historic district as a whole, but primarily the feel of the area west of 7th street which is characterized by row homes.

The ANC finds most egregious, the tunnel and corresponding curb cut proposed on 7th Street -- a feature that is at best, at odds with the historic character of Capitol Hill but more accurately, outrageous.

The ANC believes the project would benefit from greater variation between buildings, thereby breaking down the institutional feel of large buildings in a historic district characterized primarily by row homes that boast a significant amount of detail.

The ANC wholeheartedly opposes the subdivision of the parcel. Said subdivision appears designed solely to maximize FAR and permit construction of larger buildings. Further, it worsens compatibility issues on the site between the noncontributing structures and proposed structure.

The ANC agrees with HPRB Staff that because of the challenges of this site, primarily finding compatibility with the historic district in light of its anomalous zoning designation which permits structures far greater in size than anything in the historic district, that the Board should ensure a high degree of resolution before proceeding to the design development. The ANC urges another opportunity for Board and ANC review.

Overall, the ANC feels that while strides have been made to improve the project, it has yet to achieve the feel and look of Capitol Hill.

The ANC also, in the strongest terms possible, renews its objection to the massing, height, and sheer size of the project. The ANC notes that the history of this parcel is characterized by rowhomes with a church as the focal point of the block, not unlike many other Capitol Hill blocks. It was the need for medical facilities three decades ago that led to a decision permitting larger structures to meet a community need -- health care. The current site, and proposed buildings, dwarf the church, making it visible only when standing in front of it. With the church as the most significant contributing structure on the block, this dwarfing is injurious to the historic district as a whole.

The ANC feels that the construction of larger buildings to provide medical services should not have created a new baseline with which future residential projects are judged against. Because zoning is not under the purview of the HPRB, the ANC recommends that this project should be evaluated against the same standard as any other project in the Historic District. The R-5D zoning designation should be irrelevant in the present proceeding. To the extent that HPRB finds review of the zoning instructive, the ANC notes a hearing is scheduled for December 19 to consider rezoning the parcel. ANC 6A and the Office of Planning endorsed an R-5B designation and ANC 6C has endorsed an R-4 designation.

The ANC notes that under the DC Code provision authorizing the Historic Preservation Review Board (D.C. Code 6-1103), the HPRB is given broad authority to enforce the principles of historic preservation of D.C. as laid out in D.C. Code 6-1101. Those principles include protection and enhancement of the distinctive elements of D.C.'s historic districts including cultural, social, and architectural history, among others. The Board must also safeguard the aesthetic and cultural heritage of historic districts. And, of course, the Board is charged

with assuring that new construction and subdivision of lots in an historic district are compatible with the character of the historic district.

With over a dozen public meetings involving hundreds of Hill residents on the present development plan, it is clear that near-unanimous community opposition exists for the massing, height, and sheer size of the present plan. The project, as proposed, violates the social history of the Hill which is represented by low to moderate density dwellings. It violates the architectural history of the Hill by introducing an enormous condo building into a sea of rowhomes and small buildings with just a handful of units. It violates the culture of the Hill which has, for over two hundred years, existed largely without enormous condo buildings of this type. The ANC submits its comments today regarding the proposal as per the direction of the HPRB. This does not, however, indicate support for a project that the ANC is fundamentally opposed to. Simply put, the ANC feels it is against public policy to utilize large buildings designed specifically to meet a community need -- health care -- as a baseline for a residential development in a historic district.

YEAS:

NAYS:

ABSTENTIONS:

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AND THE RESOLUTION WAS ADOPTED.

CAPITOL HILL GROUP

700 Constitution Avenue, NE Washington, D.C. 20002 Telephone No. (202) 675-0400 Facsimile (202) 675-0411

HAND-DELIVERED

December 12, 2005

Government of the District of Columbia
Office of Zoning
441 4th Street, N.W., Suite 200-S
Washington, D.C. 20001
Attn: Ms. Sharon S. Schellin, Acting Secretary

Ms. Ellen McCarthy, Director
Government of the District
of Columbia
Office of Planning
801 North Capitol St., NE
Washington, DC 20002

RECEIVED
DC OFFICE OF ZONING
2005 DEC 12 AM 11:41

~~2005-05-24~~
District of Columbia

Re: Case No. ZC-05-34, Map Amendment @ Square 895, Lot 76

CASE NO. 05-24
SUBJECT NO. 12

Dear Ms. Schellin and Ms. McCarthy:

I am writing to you to respectfully request that the Office of Zoning remove consideration of Z.C. Case No. 05-34 (ANC 6C – Map Amendment @ Square 895, Lot 76) from the agenda for the Zoning Commission meeting scheduled for December 12, 2005. The primary basis for this request is to permit additional time for the owner to meet with interested community organizations and individuals in order to continue the substantial efforts made to date in an attempt to resolve our differences short of down zoning the subject parcel.

Capitol Hill Group (“CHG”), owner of the subject parcel, has been working diligently with the community groups, as well as interested individuals, in an attempt to identify and resolve certain concerns regarding the proposed development. In addition to numerous meetings over the past ten months or so, we had two recent meetings with these groups and individuals subsequent to our presentation to the Historic Preservation Review Board on October 27, 2005. We first sponsored a charette for these groups and certain individuals at the offices of the architect for the project, and this meeting was also attended by Mr. David Maloney of Historic Preservation. At this meeting, our architects presented newly proposed modifications to the proposal that was presented to HPRB and we invited comments and suggestions from the attendees regarding these new modifications. Subsequent to the charette, just last week we attended a community forum at St. James Episcopal Church (which is adjacent to the proposed development) where we again had our architects present the proposed modifications to the proposal that was presented to HPRB and again invited comments and suggestions from the attendees regarding the newly proposed modifications. We have made substantial progress

toward resolving the myriad concerns expressed by the community groups and individuals and believe that we can ultimately arrive at a mutually satisfactory resolution short of down zoning if we are granted sufficient time to continue these negotiations.

It was only on December 6, 2005, less than one week ago, that CHG received the December 2, 2005 recommendation issued by the Office of Planning regarding a setdown of the proposed map amendment to change the zoning on Square 875, Lot 76, from the R-5-D Zone District to R-5-B. Much to our surprise, on the evening of December 7, 2005, we learned that a hearing had been set by the Zoning Commission to act on the Office of Planning's recommendation. As you might expect, the owner of this property, CHG, takes great exception with this recommendation. Even though CHG immediately took steps to begin to identify and retain land use counsel in this regard, we have not been afforded nearly sufficient time prior to the hearing scheduled for this evening to determine what our rights may be regarding the proposed setdown let alone agree on the appropriate strategy to utilize in opposition to the proposed down zoning.

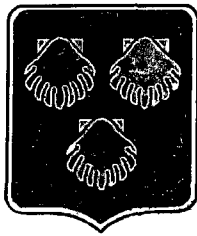
For the foregoing reasons, we request that the Zoning Commission's proposed consideration of the Office of Planning's recommendation concerning the subject parcel be delayed for a period of sixty days in order to permit CHG to sufficient time to ascertain whether we can reach a mutually acceptable resolution of these issues with the community plan that would render the Office of Planning's recommendation regarding a change in zoning a moot point. Thank you in advance for your cooperation and assistance.

Sincerely yours,



Capitol Hill Group
Peter C. Shin, President

cc: Carol J. Mitten, Chairman
Anthony Hood, Vice-Chair
Commissioner Gregory N. Jeffries
Commissioner Kevin Hildebrand
Commissioner John Parsons



St. James Parish

Capitol Hill 222 EIGHTH STREET, N E , WASHINGTON, D C 20002 • (202) 546-1746

THE REVEREND RICHARD E. DOWNING
Rector

RECEIVED
D.C. OFFICE OF ZONING
2005 DEC 15 PM 4:33

District of Columbia Office of Zoning
441 4th Street, NW
Suite 210 South
Washington, DC 20001

December 13, 2005

To the District of Columbia Office of Zoning:

I am writing as the rector of St. James' Parish which is the only other property owner on square 895 in the District of Columbia, to support enthusiastically the petition of Advisory Neighborhood Commission 6C to down zone the surrounding property on square 895 owned by the Medlink Corporation to Capitol R-4

We believe that this zoning is not only completely appropriate but is long overdue and we support completely the thoughts expressed by our ANC in support of the down zoning.

Thank you very much for your consideration in this matter and for your service to the citizens of the District of Columbia

Sincerely,

Richard E. Downing

Cc Mike Sherman

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~~RECEIVED~~

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13



Stanton Park Neighborhood Association

P O Box 75085, National Capitol Station, Washington, D C 20013-5085

January 2, 2006

Stephen Mordfin
Development Review Specialist
Office of Planning, Government of the District of Columbia
801 North Capitol Street NE, Suite 4000
Washington, DC 20002

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

Dear Mr Mordfin

Stanton Park Neighborhood Association (SPNA) is a civic association that works for improvement of the Stanton Park neighborhood by representing the interests of the north Capitol Hill community in the area bounded by East Capitol Street, 10th Street NE, H Street NE, and 2nd Street NE. SPNA supports ANC 6C's Map Amendment Application. The current R-5D zoning of the MedLINK property is inconsistent with the surrounding neighborhood and should be brought into compliance with the Comprehensive Plan by being rezoned as Moderate Density Residential (R-4, R-5A or R-5B).

The ANC Application results from five years of community efforts to promote development of this property in a manner more compatible with the surrounding neighborhood. The present classification of this property is a zoning anomaly (created 30 years ago to accommodate a community-oriented hospital that has not existed for the last 15 years) in the midst of an R-4 neighborhood in the Capitol Hill Historic District. Two overriding concerns that are specific to this square have driven the need for rezoning to achieve compatibility with the Comprehensive Plan.

- 1 St James, the primary contributing historic structure on this square, and the historically contributing 1928 hospital building are the reference points for the height limitation and other design parameters for any new or replacement structures on this property. The 1975 tower structure, constructed under the existing R-5D zoning which allows a maximum height of 90 feet, is not

historically contributing, and should not serve as a point of reference for any development on this square. Therefore, SPNA supports a zoning classification that would allow structures that do not exceed a height of 60 feet (*e.g.*, R-5A PUD or R-5B PUD, as shown on the attached table of Zoning Options)

- 2 The 14 years of ongoing parking violations on the part of MedLINK's Hospital and Intensive Care Nursing facility have imposed an inordinate burden on the surrounding community. Unfortunately, Department of Consumer and Regulatory Affairs has indicated it does not know how to enforce the parking requirements and the State Hospital Planning and Development Agency (SHPDA) has declined to condition the facility's Certificate of Need (CoN) on requiring such compliance. Further, SHPDA's recent approval of the transfer of MedLINK's CoN to a new entity (Specialty Hospitals of America) with a 10 year lease of the tower structure and an option to renew for an additional 5 years means that parking by more than 300 employees of the hospital/nursing facilities is likely to continue to be a concern for at least the next 10 years. For this reason and also because the developers have indicated that market forces require a high ratio of off-street parking, SPNA supports a zoning classification that would provide a parking ratio of one parking space per residential unit for any new or replacement development on this property (*e.g.*, R-5A or R-5A PUD as shown on the attached table).

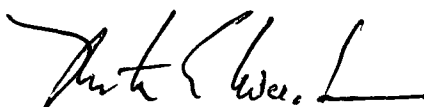
To achieve consistency with the Comprehensive Plan and to address these two longstanding concerns requires a zoning reclassification that will limit building height to 60 feet and require one parking space for each residential unit.

In response to the Zoning Commission's concern that rezoning the property will result in "inconsistencies", SPNA answers that the inconsistency would be the existing tower building (building C) at a height of 78 feet (which has been an inconsistency and a design and zoning anomaly for 30 years). In fact, the new structures proposed under the Holladay development and the new structures proposed under the Shalom Baranes development would be within the 60-foot height limitation. On the other hand, absent rezoning, the owner might attempt to redevelop the property at a height of 90 feet, which would completely overshadow St. James and the 1928 structure and create a massing and density incompatible with the surrounding R-4 neighborhood. Further, any zoning classification that allows less than one parking place per residential unit (and one parking place per hospital bed) imposes an unreasonable burden on the surrounding community.

In response to concerns that rezoning is a strategy to derail the on-going Historic Preservation Review Board (HPRB) design review of the current Shalom Baranes development proposal, SPNA notes that both the height and the parking ratio of the current design proposal would be consistent with the zoning classifications suggested herein by SPNA. Further, this design proposal is merely the current iteration of five years of design proposals, and as indicated by SPNA's December 8, 2005 letter to HPRB (copy enclosed), the current design is far from final.

While there are additional reasons that support rezoning of this property, that rezoning need not result in any significant or new “inconsistencies” or in any way affect proceedings before HPRB. Further, the longstanding zoning concerns described in this letter and the presentations of the ANC and other community organizations demonstrate conclusively that the ANC’s Application should be set for a hearing on the merits.

Sincerely,

A handwritten signature in black ink, appearing to read "Monte Edwards", written over a horizontal line.

Monte Edwards, Co-Chair
SPNA Land Use Committee

Enclosures

Cc: Zoning Commission Chair Carol J. Mitten
“ “ Vice-Chair Anthony Hood
“ “ Commissioner Gregory N. Jeffries
“ “ Commissioner Kevin Hildebrand
“ “ Commissioner John Parsons
“ “ Secretary Sharon Schellin

ANC 6C Commissioner Mike Sherman

**Zoning Options for Square 895
708 Massachusetts Ave., NE**

	R-4	R-5A	R-5A PUD	R-5B	R-5B PUD	R-5D	EXISTING
Max. Building Height	40 feet 3 stories	40 feet 3 stories	60 feet	50 feet	60 feet	90 feet	A 55 feet, 4 stories B 55 feet, 4 stories C 78 feet, 6 stories D 14~ feet, 1 story E 14~ feet, 1 story
Maximum FAR	None	0.9	1.0	1.8	3.0	3.5	2.42
Max. Lot Occupancy	60%	40%	40%?	60%	60%	75%	Approximately 70%
Parking Requirement per Unit	1.3	1.1	1.1	1.2	1.2	1.3	1 per bed
Minimum Depth of Rear Yard	20 feet	20 feet	20 feet?	Min 15', approx 4" per foot of height	Min 15'?	Min 15', approx 4" per foot of height	
Minimum Width of Open Court	18', 4" per foot of height of court	18', 4" per foot of height of court	18'?	18', 4" per foot of height of court	18'?	14', 3" per foot of height of court	
Including 5% Minor Deviations Increase in PUD FAR	N/A	N/A	1.05	N/A	3.15	N/A	
Including 5% Minor Deviations Increase in PUD Height	N/A	N/A	.63	N/A	.63	N/A	
Including 20% Exclusionary Zoning FAR (pending)		1.08	1.2	2.16	3.6	4.2	



Stanton Park Neighborhood Association

P O Box 75085, National Capitol Station, Washington, D C 20013-5085

December 8, 2005

**Mr. Tersh Boasberg, Chair
Historic Preservation Review Board
Attn: Mr. David Maloney
D.C. Office of Planning
801 N. Capitol St., NE
Washington, DC 20002**

**Re: HPA #05-196
700 Constitution Ave., NE**

Dear Mr. Boasberg:

The Land Use Committee of the Stanton Park Neighborhood Association (SPNA) has reviewed the revised plans for referenced project circulated by the applicant on November 17, 2005. In addition, representatives of SPNA participated in the charette held on November 10 and attended the community meeting held on November 30. Although SPNA finds the current proposal improved over earlier versions, particularly with respect to the elimination of the vehicular drop-off on the south side of the project, the Committee continues to withhold its support for the project at this time for the following reasons.

First, SPNA continues to oppose the two-phase development. The Committee only recently learned that the applicant has requested HPRB approval of a subdivision to facilitate the phasing of the project. Subdivision would require the first phase of the project to accommodate the noncontributing structures on the remainder of the parcel. We do not believe that the piecemeal approach implicit in the requested subdivision achieves an appropriate resolution of the aesthetic issues and functional issues inherent in this project.

Second, the newly-announced subdivision proposal is just one example of defects in the process by which the applicant has presented the project to the neighboring community for evaluation up to this point. Moreover, at the November 30 community meeting, the applicant's representatives suggested that the proposal might change significantly again in the days remaining before the HPRB hearing scheduled for December 15, based on DDOT's recommendations following its review of the long-awaited and still unreleased traffic study commissioned by the applicant. Because any significant change to the proposal should undergo community review, SPNA asks HPRB to defer consideration of any new features pending such review. Furthermore, SPNA requests that HPRB preclude any future reintroduction of a vehicular drop-off on the south side of the proposed project by explicitly finding that such a vehicular drop-off would be inconsistent with the character of the Capitol Hill Historic District.

Finally, SPNA remains unsatisfied with the design of the new construction in the project's first phase. Although members are not in complete agreement, some would prefer that the new construction reflect the traditional architectural styles of the Capitol Hill Historic District instead of a modern design that attempts (and largely fails) to appear compatible with those traditional styles. SPNA does note that, while such modern design may be possible, it is not manifested in the current proposal. The Architect has not designed a satisfactory treatment of the proposed parking entrance on 7th Street, and in its present form is a 16 foot by 14 foot tunnel extending under the "hyphen". Most egregious is the "inverted L" canopy or trellis currently proposed for the roof at the corner of building at 7th Street and Massachusetts Avenue.

Sincerely,

A handwritten signature in black ink, appearing to read "Drury Tallant", with a stylized, flowing script.

Drury Tallant
Co-Chair, SPNA Land Use Committee

**UNION SQUARE
TOWNHOME HOMEOWNERS**

December 27, 2005

By E-mail

Stephen Mordfin
Development Review Specialist
Office of Planning, Government of the District of Columbia
801 North Capitol Street NE, Suite 4000
Washington, DC 20002

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

Dear Mr. Mordfin:

The signatories to this letter are substantially all of the owners of “Union Square,” a set of 18 homes located on C Street NE, 7th Street NE and Massachusetts Avenue NE, on the blocks directly to the west of Square 895, Lot 76 (the “Lot”). As such, we are directly affected by current and proposed activities on the Lot. At all times, Union Square contains between approximately 80-90 residents, including renters of basement apartments.

We are writing to relay to you our strong and unequivocal support for the petition by our Advisory Neighborhood Commission 6C to have the District of Columbia Zoning Commission (the “Commission”) approve a proposed amendment to Lot’s zoning classification to R-4 (the “Proposed Amendment”). We were informed that, at the Commission’s December 19, 2005 Special Meeting to consider whether to set down a date to consider the Proposed Amendment, the Commission was interested in confirming that (i) the ANC represented the views of the community; and (ii) that the community had fully considered the consequences and ramifications of the Proposed Amendment

Putting aside the appropriateness or statutory relevancy of that inquiry, please note that not only do we support the Proposed Amendment, but in fact are principal architects of the effort along with other community members and groups. This is not an effort led by the ANC. Rather, it is an attentive ANC responding appropriately to the needs and requests of its community members. And not only have we considered the consequences and ramifications of the Proposed Amendment, we have thought long and hard of creative ways to avoid this action; it was not considered lightly or frivolously by the community. In fact, the opposite is the case. We have waged an effort for years to find a reasonable solution to the desire by the Lot’s owner to maximize profit against the community’s desire to see any development of such a large property in a historical, principally R-4

district be limited to a reasonable size that is compatible with the community. We have been in favor of a negotiated solution with Dr. Peter Shin, the Lot's indirect owner, an effort that has heretofore yielded no meaningful response.¹ Dr. Shin, who is not a District resident, continues to insist on maintaining an operating hospital on the Lot, developing a large (R-5-D) residential project on the south, east and west sides of the Lot and also on reserving the right to later develop a large (R-5-D) residential project on the north side of the block. Accordingly, and lamentably, we have been left with little choice but to ask our ANC to petition the Commission so that future development of the Lot is "locked down" to some reasonable size. Whether we see the benefits of that downzoning, or whether our posterity sees it, we believe it is the solution that is best for our community.

We are at the Commission's doorstep as a last resort.

- We have asked the D C Historical Preservation Review Board ("HPRB") to deny approval for the latest iteration of the development project. There we argued that something the size of the proposed development on the Lot would have a detrimental effect on community safety at the 200 block of 7th Street, NE (the "200 Block"), a narrow (32 feet) two-way street that runs between C Street NE to the north and Massachusetts Avenue NE to the south. We argued that the 200 Block experiences what is a dangerous, chaotic, and often lawless parking and traffic situation. We noted that while the problem is most severe on the 200 Block, the problem also flows over to the adjacent blocks, including the 300 block of 7th Street NE and the 600 and 700 blocks of C Street NE, Massachusetts Avenue NE, and the public east-west alley between C Street NE and Massachusetts Avenue NE. We argued further that as a result of the hospital's current operations, various vehicles – ambulances, fire trucks, delivery vehicles, MetroAccess buses, and other commercial transportation vehicles – create havoc on the 200 Block. Vehicles at various times park in the middle of the street, double park, block the 200 Block's public alley, park too close to the dangerous intersection at 7th and C Streets, NE, or otherwise park or stand illegally. We also argued that hospital-generated traffic includes heavy passenger vehicle traffic. The hospital has at least 300 employees and at least 177 operational beds. We noted that there are three working shifts at Medlink and each shift change is accompanied by a large amount of standing traffic and clogged parking and that there is a constant stream of visitors who frequently

¹The Commission should note that members of the community had found a negotiated settlement with Dr. Shin in a prior iteration of his plan to develop the Lot. Under the first development plan (also known as the "Holladay Plan," because Holladay Corporation was chosen as the developer), the Lot, which contains an operating hospital and several other used and unused buildings would be completely developed. The hospital would have been shut and a condo development would take its place. Community members coalesced and negotiated with all parties. They attended numerous community organization meetings, ANC subcommittee hearings, ANC full hearings, Historical Preservation Review Board hearings, Bureau of Zoning Adjustment hearings – all of which resulted in an agreeable solution.

On February 21, 2002, Dr. Shin's controlled Capitol Hill Community d/b/a Medlink Hospital at Capitol Hill, Capitol Hill Group, BHS Management, Inc. and Capitol Hill Healthcare Group filed a voluntary petition for bankruptcy under Chapter 11. Holladay's contract to buy and develop the Lot was voided and all plans for the negotiated development were shelved.

park and stand illegally. We argued further that effecting the latest development plan, which contemplates the continued operation of the hospital, and the resulting construction traffic, and ultimately the increased traffic from condo residents, will exacerbate these problems.

HPRB told us that they couldn't consider such issues and were interested only in design.

- On our behalf, the Stanton Park Neighborhood Association ("Stanton Park"), has gone before the D.C. Department of Consumer and Regulatory Affairs ("DCRA") to ask it to enforce numerous violations of DC Board of Zoning Adjustment orders by the Lot's owner regarding hospital parking.

DCRA has told Stanton Park that they have no enforcement mechanism for such violations.

- We have asked the District Department of Transportation ("DDOT") to examine the chaotic and dangerous traffic patterns that surround the Lot and asked them to weigh in on whether these problems will be exacerbated with a proposed plan to develop the Lot

DDOT has told us that there is nothing they can do since the project is a matter of zoning right.

- We asked the State Health Planning and Development Administration ("SHPDA") to deny a certificate of need for Specialty Hospitals of America, Dr. Shin's lessee of the hospital on the Lot. We argued that patient safety is currently at risk at the hospital; that the method of patients' ingress and egress the hospital onto the middle of the street of the 200 Block is unacceptable and that there simply is no other place for them to enter or exit the hospital. We noted that the proposed development plan would exacerbate these problems and that even less space for patients would be available on the Lot's interior, and that accordingly, patients and the individuals who accompany them would almost always be required to traverse the middle of the street to enter or exit the hospital's main entrance. The hospital's patients are barely ambulatory, which makes that a challenge.

SHPDA told us that they couldn't consider such issues and were interested principally in whether Specialty had the experience and resources to operate the hospital.

So, we are left at the heart of the matter zoning. As noted above, there is no District of Columbia agency or administration that either has the mandate or is otherwise willing to consider the multiple effects that the Lot's current and proposed activities have and will have on the neighborhood. We posit that when, as the case is now, those current and proposed activities exceed any reasonably compatible level, they must be limited by

the Lot's zoning classification. Accordingly, we believe the Commission should set down a hearing date, and that the discussion should turn from not whether the Lot should be downzoned, but to what classification it should be. We note, in that regard, that the petition requests R-4 and that the Office of Planning supports an R-5-B classification. While we support the R-4 classification (notwithstanding any resulting non-conformities, for which exceptions would be granted), we agree that there is still meaningful discussion and dialogue to be had on the matter

As a final note, we are fully aware of the consequences of pursuing the Proposed Amendment and we believe that despite Dr. Shin's arguments that somehow the latest development is better for the community than the alternative, we prefer the alternative. A large operating hospital, with its attendant problems for the community, coupled with an extremely large condo project (and another one down the line) is untenable for the community. We are happy to go into greater detail on our thinking on this matter at your convenience. We are also happy to testify on such matters as requested.

Thank you for your attention and for your consideration of our views.

Very truly yours,



Barry Pershkov
656 Massachusetts Avenue, NE
On behalf of The Union Square Townhome Owners Listed Below

214 7th Street, NE
Edward Washburn
Michele Orza

216 7th Street, NE
David Pepper
Janette Pepper

218 7th Street, NE
Hugo Romero
Charlotte Romero

220 7th Street, NE
Jason Meath
Renee Meath

222 7th Street, NE
James MacKillican
George Smith

224 7th Street, NE
Todd Gerdes
Kevin Walsh

226 7th Street, NE
Michael Flannigan

228 7th Street, NE
Eric Rowe
Karen Rowe

230 7th Street, NE
Cathy Nelson
Cynthia Yeast

232 7th Street, NE
Robert Perry
Elizabeth Perry

645 C Street, NE
Paul Gagnier
Eveline Shum

647 C Street, NE
Matt Sanders
Monica Haskell Sanders

650 Massachusetts Avenue, NE
Alexander Albert
Laura Albert

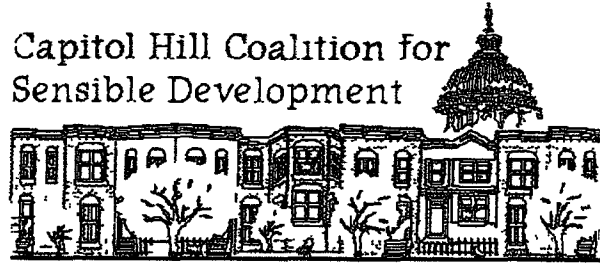
652 Massachusetts Avenue, NE
Geoffrey Brown
Suzanne Brown

654 Massachusetts Avenue, NE
Jeffrey Hamond
Mauri Ziff

656 Massachusetts Avenue, NE
Barry Pershkov
Amy Ward Pershkov

658 Massachusetts Avenue, NE
Heidi McCormack

Capitol Hill Coalition for
Sensible Development



December 29, 2005

Mr Stephen Mordfin
Development Review Specialist
District of Columbia Office of Planning
801 North Capitol Street NE, Suite 4000
Washington, DC 20002

Subj: ZC Case # 05-34, Map Amendment to Downzone Square 895
708 Massachusetts Avenue, NE, Capitol Hill

Dear Mr Mordfin

The Capitol Hill Coalition for Sensible Development is a group of neighbors that advocates growth at levels appropriate to the Capitol Hill Historic District. For many years we have struggled with issues of parking, traffic, density and use for this site as various development plans have been proposed. It has become clear to us that these problems stem from the old Capitol Hill Hospital's anomalous R-5D zoning and its potential transfer to future residential development

We applaud ANC 6C's initiative to reduce the zoning of this site and ANC 6A's support of it. Downzoning will inevitably produce one or more nonconforming structures but we believe the benefit of limiting future expansion makes it worthwhile. If R-4 is not possible, we believe R-5A most closely meets the community's needs. It includes a 1:1 parking requirement (a high priority with neighbors), and with a PUD (a common trend in this area) the height can still reach OP's recommended level. While the 20% ~~exclusionary~~ inclusionary zoning plan has not been finalized, we are concerned that an R-5B FAR (3.0 as a PUD) could increase to 3.6, exceeding the site's current R-5D level (3.5).

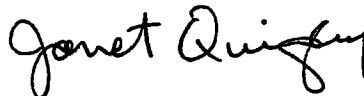
Examples of the problems: Neighbors on C Street witness morning traffic backups as far as 10th Street and cannot imagine how a stream of cars from a new development will be able to exit the property. The same backups occur on Massachusetts Avenue. Parking at night is extremely tight, a survey conducted by neighbors (absent repeated requests to the city) found only a handful of spaces open in a three-block radius of Square 895

December 29, 2005

Page 2

Enclosed is a letter to the Historic Preservation Review Board which puts on record this group's opposition to the condo design currently proposed. I don't think you will find a group that supports the project. Recently Voice of the Hill ran a front-page article about community opposition to Medlink's latest plan for developing the site. It quotes me as saying that the ideal solution is a downzoning to better reflect the surrounding rowhouses ("Residents Buck New Medlink Plans, 12/9/05). I stand by that opinion and urge the Zoning Commission to approve a set-down date to consider this matter

Sincerely,



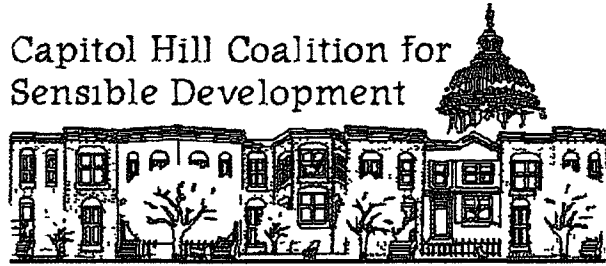
Janet Quigley
Chair, CHCSD

PS Page 2 of your 12/2/05 report states that the surrounding properties to the south of Square 895 are "small and large apartment buildings" I am not sure what this refers to as the immediate properties are all row houses

Encl CHCSD Letter to HPRB dtd 12/8/05 re HPA #05-196

Cc Michael G Sherman, ANC 6C08

Capitol Hill Coalition for
Sensible Development



December 8, 2005

Mr Tersh Boasberg, Chair
Historic Preservation Review Board
Attn Mr David Maloney, Deputy
Historic Preservation Office
DC Office of Planning
801 North Capitol Street, NE
Washington, DC 20002

Re HPA #05-196, 700 Constitution Ave , NE, Condominium Project on Medlink Site

Dear Mr Boasberg

The Capitol Hill Coalition for Sensible Development respectfully offers the following comments for the Board's consideration. In accordance with the Board's direction for more community involvement, both a charette and a public meeting took place, and the applicant provided a set of drawings for each community group. CHCSD members participated in both meetings and reviewed the plans, and appreciate the Board's support of these initiatives.

These meetings unquestionably advanced the dialogue on issues such as the Constitution Avenue courtyard and the 7th Street ingress, but did not result in overall consensus for the site. Thus, although there has been welcome progress CHCSD remains opposed this project at present for the reasons outlined below.

1. Massing. At the October 27, 2005 HPRB meeting the Board voted, among other things, to support massing to an extent not to exceed the mass and height already approved. The project approved in 2001 was 53 feet high (like the 1928 building) for all buildings on the south end of the site and had a particular footprint that gave St James Church and rectory a little more breathing room than the new proposal. The current project's footprint goes deeper into the block (for example, at 7th and Mass the units are now two-deep instead of one) and the hyphen building is 65', as is the penthouse on Building B that runs the length of the Mass Avenue face. Mr Sponseller advised at the public meeting that cubic feet, not square footage is the key, but under either measure this project is larger.

2. Insufficient deference to St. James Church and Rectory. Although one floor was removed, the addition to the 1928 building is still taller than the peak of the rectory gable. The effect of a flat wall facing the rectory is still overpowering. Ms Lewis's statement at the October meeting that it might be necessary to remove a second floor seems to be on the mark. Also, the rear of the hyphen building towers over St James with a height of 65 feet vs. a steeple of 58' and center of mass much lower.

December 8, 2005

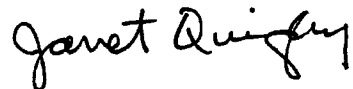
Page 2

3 Relationship to surrounding structures. The new buildings need to relate better to the 1928 building, St James Church, the Louise on 7th Street and the rowhouses all around, not just in height but in a more traditional design. The squarish double windows in the section to the west side of the Constitution Avenue courtyard do not relate to the old hospital. The hyphen building, the section between the bays and the 1928 building and the interior faces still look more like Connecticut Avenue than Massachusetts Avenue.

4 8th Street Addition. This section was 4 5 stories tall in the October plan but is now 5 5 stories (with the same height as before). We appreciate the desire to maximize FAR, but the windows no longer line up with the 1928 building which is 4.5 stories and should be returned to the previous design.

In summary, the design is not yet compatible with the surrounding historic district. For the reasons above we continue to oppose the project. The applicants have demonstrated patience and persistence and we appreciate their efforts. We look forward to working with them on further refinements. Thank you for your time and consideration of these matters.

Sincerely,



Janet Quigley
CHCSD Chair

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

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

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

CAPITOL HILL RESTORATION SOCIETY
PO Box 15264, Washington, DC 20003
202-543-0425 www.chrs.org

January 3, 2006

Stephen Mordfin
Development Review Specialist
DC Office of Planning
801 North Capitol Street, NE, Suite 4000
Washington, DC 20002

RE: Zoning Commission Case No. 05-34

Dear Mr. Mordfin,

The Capitol Hill Restoration Society (CHRS) is one of the largest civic organizations in Washington, DC and has, for over fifty years, dedicated itself to the preservation of the historic architectural fabric of Capitol Hill and the life style enjoyed here. This letter is in response to the recent Zoning Commission hearing where a question arose about community support for ANC6C's request to rezone Square 895, Lot 76 from R5D to R4. CHRS strongly supports the request.

Initially, it must be noted that the R5D zoning is an anomaly in the Historic District where most properties are zoned either R4 or C2A. It must also be noted that the Comprehensive Plan calls for the subject property to be rezoned moderate density residential. The current zoning, R5D, is not a moderate density residential category as are R4, R5A or R5B. Any development that exceeds that allowed by R5B would be incompatible with the Comprehensive Plan and the historic character of the Capitol Hill Historic District.

CHRS understands that the Office of Planning (OP) has proposed that the property be rezoned to R5B instead of the R4 requested by ANC6C. Although CHRS supports the ANC proposal, a previous acceptable development was proposed for the site. In 2002 the Hollady Corporation bought the subject property and proposed to develop it with a condominium complex. The Holladay proposal was a modest venture consistent with a R5B zone and thus consistent with the Comprehensive Plan and the historic neighborhood. Regrettably these plans were frustrated by the Hospital's bankruptcy.

Furthermore, in 2004, CHRS, ANC6A and ANC6B all voted to support a rezoning of the subject property to R5B. These actions led to ANC6C holding meetings on the rezoning and then making this request. It should be noted that ANC6A is directly across 8th Street, NE from the subject property and ANC6B is two blocks away. As you can see, there is unanimous community support for rezoning this property.

Taking all of these factors into consideration, CHRS strongly supports setting this matter down for a hearing on the merits.

Respectfully,

Gary M Peterson
Chair, CHRS Zoning Committee



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

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.

On that point, let me say that I believe the Commission would be doing a grave injustice to the community if it rejects the setdown. 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 setdown 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.

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 setdown by the Commission must be granted.

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,

William Sisolak
ANC 6C07, Commissioner

Cc: Mr Stephen Mordfin
Office of Planning

12/29/0

Ms. Ellen McCarthy, Director
Government of the District of Columbia
Office of Planning
801 North Capitol St., NE
Washington, DC 20002

Dear Ms. McCarthy,

I am writing endorse the proposed condominium development at 700 Constitution Ave (Medlink Hospital site). I believe that the proposed development will be a wonderful addition to the neighborhood. I also feel that the current developer has diligently tried to incorporate community input in their current renderings. Finally, I think that the local ANC has misunderstood what the request for down-zoning will accomplish.

Although I am not an active participant at ANC meetings, I still pay attention to community sentiment and developments. It is my understanding that the current owners of Medlink have attended numerous ANC meetings and made major adjustments at the request of the community. I have found the owners to be receptive and responsive to our needs. That is why I am puzzled by the ANC's decision to seek a down-zoning. My understanding is that any successful effort to downzone would result in the renovation of the existing structures instead of the proposed new development. In my mind, and the mind of several of my neighbors, this is much less desirable than the current proposal.

I am not alone in my opinion that the proposed development is in the best interest of the community. I hope that you will consider the voices of residents like me, who are not always the most vocal, before proceeding with the down-zoning request.

Sincerely,



Emily Stick
1032 D St. NE
Washington, DC 20002

F-11/29/0

Jennifer / Steve
Mudfin

Ms. Ellen McCarthy, Director
Government of the District of Columbia
Office of Planning
801 North Capitol St , NE
Washington, DC 20002

Ms McCarthy:

I am writing in support of the condominiums at Medlink Hospital I am the business owner of the dry cleaners located at C St. and 8th St. NE. We are located directly across the block from the Medlink Hospital and the proposed development site. As a member of the community who will be directly affected by any zoning change, we strongly urge you to consider the merits of allowing the current plans to progress and not subjecting the development to zoning change and other delays.

I believe that the neighborhood will be strengthened by the addition of condominiums along Mass. Ave and Constitution Ave. Clearly, the proposal at Medlink is superior to what exists there currently. The community would also benefit from additional street traffic which would help to make the surrounding neighborhood much safer.

It is also my understanding that the Medlink proposal has changed a lot over the last year in order to accommodate the ANC. That is why I am puzzled as to why this action is taking place. The ANC has voiced concerns regarding the phasing of the project, but I don't see how a zoning change will help their concern. In fact, I think that a zoning change will directly harm the neighborhood. I would like to see the entire block eventually developed including the current parking lot at the corner of 8th and C St. Medlink has proposed to develop that corner in the future. It is my understanding that a zoning change could make it so that the parking lot across my street will remain indefinitely. I don't see how this is a "positive" development for anyone.

Finally, on behalf of the local business community, I would like to reiterate my desire to see the Medlink development proceed as quickly as possible I hope that you will consider my opinion as it is clearly not represented by my local ANC.

Sincerely,

301 8th St NE.

Washington DC 20002.