

**UNION SQUARE
TOWNHOME HOMEOWNERS**

March 13, 2006

Ms Carol Mitten, Chairperson
District of Columbia Zoning Commission
District of Columbia Office of Zoning
441 Fourth Street, N W , Suite 200
Washington, D C 20001

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2006 MAR 13 PM 3:29

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

Dear Ms. Mitten

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 the Lot’s zoning classification to R-4 (the “Proposed Amendment”).

We believe that the Proposed Amendment is a correction of a zoning anomaly in the historic Capitol Hill District and would bring the lot into conformity with the District Comprehensive Plan. R-5-D zoning permits structures so large and disproportionate that certain of the Lot’s buildings cast, quite literally, a shadow over their neighbors. An action by the Commission to amend the zoning classification of the Lot will have the following immediate positive effects:

- The Proposed Amendment will halt plans by the Lot’s owner to place a large and completely unnatural set of buildings on the Lot’s site. The Lot owner’s plans under the Lot’s current R-5-D zoning would result in perhaps a two to three-year construction site. Existing buildings would first be razed. Excavations for two-level underground parking would then be made. Then a series of quite large buildings would be erected. This all with a 177- bed hospital with over 300 employees operating next door, that, at current, taxes the community with dangerous traffic and parking problems. We cannot imagine

this nightmare scenario ¹

For several reasons, we prefer the owner's threatened response of retro-fitting the existing buildings on the southern, eastern and western portions of the Lot with rental or condo units. First, any retrofit would result in a project with a significantly smaller footprint and significantly fewer initial and on-going environmental and quality of life impacts on the community. Although still incompatible with an operating hospital the size of Medlink, we believe that a retro-fit of existing buildings is much more preferable than the Lot owner's plan to build under R-5-D.

- The Proposed Amendment will ensure that any future plans for the north side of the Lot will conform to the Comprehensive Plan and result in reasonable impacts on the community

We would like to dispel any notion that the Proposed Amendment will have counterintuitive effects, *e.g.*, create an incentive for the Lot's owner to maintain non-conforming structures. The Office of Planning ("OP") has discussed with us the consequence of the Proposed Amendment specifically with regard to non-conforming structures. Most notably, we discussed the tower building on 7th Street, NE (the "Tower") that has been leased to Specialty Hospitals of America for as few as ten and as many as an indefinite number of years.

However, the Lot's owner has indicated explicitly to our ANC representatives that the Tower will remain indefinitely whether it is a hospital or fitted for residential use. Accordingly, whether the Proposed Amendment is approved or not, we believe that the Lot's owner intends to keep the Tower at its current and maximum permitted use. We believe, then, that the Proposed Amendment is necessary to limit the size of any potential uses on the *other* portions of the Lot. That is to say, we see two options: (i) if the Proposed Amendment is approved, we live with the Tower, retrofitted apartments in the existing buildings on the southern, eastern and western sides of the Lot and potential R-4 development on the north side of the Lot; or (ii) if the Proposed Amendment is not approved, we live with the Tower, larger residential buildings and more residences on the southern, eastern and western sides of the Lot, and potential R-5-D development on the north side of the Lot. In either case, and in the Lot owner's own words, the Tower stays. So, clearly, we prefer the former option, which simply limits the impact of the Lot on the neighborhood from severe to merely extreme.

We also would like to highlight to the Commission that not only have we considered the consequences and ramifications of the Proposed Amendment as noted

¹In an earlier letter to the Commission we documented and discussed the numerous negative impacts that the operating Medlink hospital has on our community and how those effects would be exponentially exacerbated by current plans to develop under the R-5-D zoning classification. For the sake of avoiding repetition we have not echoed that discussion here. But should the Commissioners have any questions regarding those impacts, we would be happy to discuss them in our oral testimony.

above, we have thought long and hard about 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 sometimes incompatible 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. 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.² 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.

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 limited to some reasonable size. We believe that we will see the immediate benefits of that downzoning. And we believe that when the northern side of the Lot is developed and the Tower has eventually served its usefulness to the Lot's owner, our posterity will see the good results of our efforts to better the historic Capitol Hill District.

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.

²The 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 have taken 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.

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

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