

OFFICE OF CAMPAIGN FINANCE  
PUBLIC NOTICE

OCF Web Site Offers Training Tutorials

The Office of Campaign Finance (OCF) Web Site ([www.ocf.dc.gov](http://www.ocf.dc.gov)) and online Electronic Filing & Reporting System are currently available to Financial Disclosure Statement filers, Lobbyists, Citizen-Service Programs and Political Committees who wish to submit their reports electronically. To assist with the procedures regarding the electronic filing process, the OCF Web Site offers training tutorials in certain OCF Programs, which explain in detail each step of the electronic filing process.

The Electronic Filing & Reporting System is a secure password protected system that has the ability to receive, store and provide the user with public disclosure data. In addition to receiving new reports, the system will allow the user to submit amendments to previous filings, including changes, additions or deletions to previously submitted reports, at any time.

***SYSTEM FEATURES***

- (a) Print & Preview capabilities;
- (b) Final and amended report submissions, to exclude redundant processes;
- (c) System-generated reports to replicate OCF paper based forms;
- (d) System-wide checks and balances; and
- (e) The ability to resume incomplete or partially completed filings.

OCF users connected to the internet can successfully submit disclosure data to the agency 24 hours a day and 7 days a week.

To obtain a password and login details, contact the Public Information and Records Management Division at (202) 671-0547.

**Capital City Public Charter School**  
3047 15th Street, N.W.  
Washington, DC 20009

**NOTICE OF A REQUEST FOR PROPOSALS:  
FACILITIES MAINTENANCE SERVICES**

Capital City Public Charter School, a public elementary school for approximately 245 children in grades pre-K through eighth, seeks requests for proposals, in accordance with D.C. Code section 38-1802.04(c)(1)(A), to provide facilities maintenance services that would include, but is not limited to:

- Preventative maintenance for heating system and equipment, HVAC & VAV systems and equipment, emergency generator, fire sprinkler systems, electrical system and equipment and storm water collection system.
- Regular inspections and evaluations of building systems and machinery.
- Routine repairs and maintenance including electrical, plumbing, flooring, drywall, lighting, finishes and carpentry.

Interested individuals and companies may obtain more information by contacting Susan Sabella, at (202) 387-0309, ext 225; (fax: 202-387-7074). Final bids are due by noon on May 2, 2005.

**BOARD OF ELECTIONS AND ETHICS  
CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in **twelve (12)** Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed.

**VACANT:        3D08, 4A05**

Petition Circulation Period: **Monday, April 25, 2005 thru Monday, May 16, 2005**

Petition Challenge Period: **Thursday, May 19, 2005 thru Wednesday, May 25, 2005**

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**VACANT:        3C08**

Petition Circulation Period: **Monday, April 18, 2005 thru Monday, May 9, 2005**

Petition Challenge Period: **Thursday, May 12, 2005 thru Wednesday, May 18, 2005**

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**VACANT:        3D07  
                      4D05  
                      5C11  
                      6B11  
                      8B03, 8C05, 8C06, 8E01, 8E06**

Petition Circulation Period: **Monday, April 4, 2005 thru Monday, April 25, 2005**

Petition Challenge Period: **Thursday, April 28, 2005 thru Wednesday, May 4, 2005**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics  
441 - 4<sup>th</sup> Street, NW, Room 250N**

For more information, the public may call 727-2525.

**BOARD OF ELECTIONS AND ETHICS**  
**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in **eleven (11)** Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed.

**VACANT:        3C08**

Petition Circulation Period: **Monday, April 18, 2005 thru Monday, May 9, 2005**

Petition Challenge Period: **Thursday, May 12, 2005 thru Wednesday, May 18, 2005**

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**VACANT:        3D07**  
**4D05**  
**5C11**  
**6B11**  
**8B03, 8C05, 8C06, 8E01, 8E06**

Petition Circulation Period: **Monday, April 4, 2005 thru Monday, April 25, 2005**

Petition Challenge Period: **Thursday, April 28, 2005 thru Wednesday, May 4, 2005**

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**VACANT:        4A05**

Petition Circulation Period: **Monday, March 28, 2005 thru Monday, April 18, 2005**

Petition Challenge Period: **Thursday, April 21, 2005 thru Wednesday, April 27, 2005**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics**  
**441 - 4<sup>th</sup> Street, NW, Room 250N**

For more information, the public may call **727-2525**.

## FRIENDSHIP PUBLIC CHARTER SCHOOL

## REQUEST FOR PROPOSALS

FOR DIGITAL CONTENT MANAGEMENT AND  
ON-DEMAND DELIVERY SYSTEM AT THE  
CARTER G. WOODSON COLLEGIATE ACADEMY

Interested parties shall respond to this RFP by submitting sealed qualification statements and by addressing the specific proposal requirements, as requested in this RFP in an envelope clearly marked "RFP -- DIGITAL CONTENT MANAGEMENT AND ON-DEMAND DELIVERY SYSTEM" to:

Mr. Brad Russell (1 original, 4 copies inclusive)  
Friendship Public Charter School  
900 Pennsylvania Avenue, SE  
Washington, DC 20003

By no later than **4:00pm on April 29, 2005.**

**Introduction**

FPCS is soliciting proposals and qualification statements from interested parties having specific interest and qualifications in the areas identified in this solicitation. Qualification statements for consideration must contain evidence of the bidder's experience and abilities in the specified area and other disciplines directly related to the proposed work. Other information required by FPCS includes the submission of profiles and resumes of the staff to be assigned to the projects, references, illustrative examples of similar work performed, and any other requested information which will clearly demonstrate the bidder's expertise in the area of this solicitation.

A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

**Project Scope**

Increase accessibility for students and instructors to an extensive range of learning materials that the organization has already created, purchased or will create and purchase in the future. This shall be accomplished by providing students and instructors with on-demand access to digital learning content from the school, home, or other location via the internet through any PC or Macintosh computer capable of running a current generation web-browser. For the purpose of these specifications, the term "on-demand" shall mean that each user, from his or her computer station, shall be able to access material when they need it and for how long they need it, independent of other users on the system. On-demand shall also mean "without scheduling" so that the resource is viewable on an instant's notice by the user, if licenses are available at that time. The course delivery and management functions shall allow specific content to be made available only to those users enrolled, registered or otherwise permitted to view that material. The student-centered learning shall be supported by the e-portfolio functions so that it is easy for students and instructor to access their own files and have the ability to create dynamic portfolios about their own experiences and showcase their project work.

Secondly, the system should make it easy for instructors and administrators to comply with curriculum standards' requirements. The system must give students, instructors and administrators insight into how the resources, content and the curriculum delivered by the system relates to multiple and various sets of learning standards. This system must provide the mechanisms for inputting custom sets of learning standards and then linking the benchmark statements to specific learning resources, activities and course materials. It must also allow multiple sets of learning standards to be used simultaneously across all of the content for full flexibility in supporting current and future standards. Instructional staff should be able to search the digital repository for resources that pertain to a given standard statement by merely clicking on that standard statement. A specific resource in the digital library should be able to be viewed and then links to all the relevant statements should be available. These links should take the user directly to the tree of standards where the statement exists. The types of tools that are needed to create a fully cross-referenced matrix for standards, resources and curriculum is required.

Finally, the system must utilize a server-centric architecture with web-based client access for users, instructional staff as well as management and administrative functions accessible through Internet Explorer or FireFox browsers. The system's functions must be cross-platform supporting both PC and Macintosh clients and accessible from computers on IP-based networks over LANs, WANs, and through the internet.

### Technical Requirements

#### **Software**

- Must use server-based delivery architecture and should use Windows 2003 Server operating system for ease of management by internal IT staff. Must utilize web-based client access allowing for easy deployment to many users from an Internet browser on both PC and Macintosh computers using Internet Explorer and FireFox browsers.
- The database must be fully relational (not flat file) with all licensing included and be readily supportable, such as SQL Server, IBM DB2, Oracle, or MySQL.
- The system must include its own web server allowing the system to be accessed inside and outside of Firewalls over IP networks via a DNS entry.
- Must have its own relational-database driven system for the management of user accounts and course membership, as well as support authentication for "single sign on" purposes against an outside user management system that uses Microsoft Active Directory Services and also generic Lightweight Directory Access Protocol (LDAP).
- A minimum of 5 account levels must be available to restrict and grant access to appropriate features of the system for different users. Account levels should include student/general user, department or program manager, instructor or course manager, system manager and system administrator.
- Must allow the system administrator(s) the ability to import an electronic file of user data. This is critical to simplify initial implementation and the ongoing effort of managing student accounts and changing student drops, new students and class enrollments each term.
- Import mechanism must support tab or comma delimited electronic files with a minimum data set of users' first and last names, login username, password, email address, social security number or other unique student identification number, course/class enrollment list and address. Must do automatic error checking of data and validate for duplicate accounts.
- Must have an automatic backup routine that runs on predefined intervals that ensures the database is copied to other local server(s), off-site locations or emailed to administrative personnel.

#### **Hardware**

- Main server(s) for the database, web-server and system applications must be a 1U or 2U rack-mount configuration and run non-proprietary Intel-based Xeon platform with Windows 2003 operating system and RAID 1 or 5 disk array with redundant 100/1000MB Ethernet connections and redundant power supplies with minimum of 146GB usable storage space.
- The main system must be capable in performance and licensing to support a minimum of 2,000 simultaneous users on the system during peak usage. (See "Video and Audio Services Specifications" for the number of video and audio streams that are required simultaneously.)
- The storage and delivery of digital video and audio as well as the other electronic media content must be handled with 2U rack-mount non-proprietary Intel-based Xeon server(s) running Windows 2003 Standard or Enterprise edition with RAID-5 SCSI drive array, hot-swap drives with dual hot-swap power supplies and redundant 100/1000MB Ethernet connections.
- Must include a minimum of (1) high-performance, fault-tolerant database web server running the system software, preconfigured and including all necessary software licenses.
- Must include a minimum of (2) high-performance, fault-tolerant streaming media and content servers licensed for Windows Media Services 9 preconfigured and including all necessary software licenses to achieve desired streaming results and storage space.
- Must include a minimum of (1) streaming digital video and audio encoding and broadcasting cart to be housed in its own mobile enclosed rack system. Should include locking Plexiglas front door, rack-mount encoding station with CD-RW/Dual-layer DVD+R burner, rack-mounted S-VHS deck and DVD player, pull-out storage drawer, surface-mounted articulating 17" LCD panel and 1U keyboard/mouse drawer with wireless keyboard and mouse. Encoding station must be a minimum Intel Xeon or dual Xeon machine supporting the encoding of video to at least 640x480 resolution, 30fps at 5MB/s without dropping a single frame. Must support encoding from 28.8kb/s to 8Mb/s bit rates and multi-bit rate encoding where a single file includes 5 or more rates from 28.8kbps up to 2Mb/s. Multi-bit rate preference settings must allow the low bit rates to use different audio and video bit rates than the higher rates to optimize the viewing quality of different types of content. Must support encoding into Windows Media 9, Real Helix 9, AVI, Quick Time, Mpeg-1 and Mpeg-2.

Must be expandable to allow for a dual channel capability in the future supporting two simultaneous different inputs to be encoded, archived and broadcast concurrently. Must be able to accept video and audio feeds including S-Video, Composite Video/Audio and DV (Firewire IEEE 1394) sources. Encoding station must support Live IP Broadcasting from any of the selected video and/or audio sources delivered directly from the encoder to 20 or more simultaneous Unicast viewers or routed through the Media Servers for broadcasting to 100 or more simultaneous Unicast and Multicast users. Must support archiving of live IP broadcasts during the broadcast session for later viewing on-demand or time-delayed broadcasting.

**Video and Audio Services Specifications:**

- Each video and audio resource stored and delivered must explicitly be protected by digital rights management through the use of manager defined preference settings and security parameters in order to allow school personnel to ensure they are in compliance with Fair Use and Teach Act regulations.
- Must have usage reporting for system managers. These reports should show what titles are viewed during specific date ranges, who viewed the titles, when they were viewed, how long and how often. Should allow for migration of the less-frequently used resources off-line to free up storage space.
- Must have the ability to catalog, protect and deliver content from the following streaming servers; Windows Media Services 9, Real Helix and Apple Darwin.
- Must provide load-balancing services for the purposes of redundancy and scalability for all of the following streaming servers; Windows Media Services 9, Real Helix and Apple QuickTime.
- Must support storage and delivery of non-streaming video and audio formats including AVI, MPEG, MPEG2, MPEG4, WAV, MP3
- Must provide streaming support for Windows Media Video (WMV) files (this protocol is not substitutable).
- Must support multi-bit rate streaming whereby users are not required to choose their connection speed but the system automatically delivers the highest quality video and audio material for a given connection.
- System must support a minimum of 200 simultaneous streams of full-motion 30fps, 640x480, DVD quality video content being viewed on-demand in Unicast mode of a single video title at each of (2) locations. Must support a minimum of 400 simultaneous streams of video at the previously stated quality level of various videos titles being used at the same time across the organization.
- System must support the storage and on-demand (Unicast) delivery of a minimum of 1000 hours of full-motion 30fps, 640x480, DVD quality video content.
- Must support live IP video broadcasting of multiple events of full-motion 30fps, VHS quality content to a minimum of 400 simultaneous Unicast viewers and hundreds of Multicast users.
- The system must support different bit rate video content being used simultaneously as well as on-demand and broadcasting being done simultaneously.
- Users must be able to choose the size of the video window being displayed within the web-browser and to play in an external player or to play full-screen.
- Users must have full control to independently start, stop, pause and rewind on-demand video and audio streams they are viewing.
- Must have web-based control for remotely controlling encoding station(s). Control capability must be available through any computer with Internet Explorer over the LAN, WAN and Internet and through a Firewall. Must allow the user to control the starting, stopping, bit rate selection, archived file name, storage location and broadcast settings for selecting the quality levels of the session. Must allow user definable profiles for bit-rates and quality to be used. User must be able to select and switch between the appropriate input source to encode i.e. S-Video, Composite, DV etc. Must provide a preview window to verify the video and/or audio feed that is being encoded. Web control must support managing dual encoding cards within one encoder. Must include scheduling manager so events to need to be recorded, broadcast and/or both can be pre-scheduled at a specific date and time for any of the encoder stations. Must be able to setup many events in the queue that automatically run at the predetermined times for a predetermined length and at the predetermined quality levels. The events must be capable of being edited and deleted prior to the event occurring. No user intervention at the encoder should be necessary for the events to occur except for the encoder being powered on and the input source being on (camera, VCR, cable signal etc).

**Enterprise Architecture Specifications:**

Must support an enterprise deployment of the content streaming where the organization has multiple sites and users are located in many different locations across the LAN, WAN and Internet.

Must include a method to optimize centralized, distributed and a hybrid deployment. For sites connected via a high-speed network of 100MB/s or greater users should be able to get access to the system and all the content directly from the farm of centralized servers. For sites with less than 100MB/s throughput to the central location or where WAN traffic -- that is, for streaming video and audio -- needs to be minimized the distributed model should be supported. In this model content servers including the streaming video and audio servers are located on the local area network. Users should use the central system to authenticate access, license content and receive the main web pages but when they click on a resource to view it, the system dynamically redirects the request to the local server(s). The system should support both centralized sites and distributed modes of delivery simultaneously.

Must include load-balancing for the centralized location and all remote sites. This should allow multiple content servers to work together in order to accommodate a scalable and unrestricted number of simultaneous users accessing streaming video, audio and other electronic content. Load-balancing must accommodate expansion of storage space through the addition of servers at all sites independently. Load-balancing must be manageable through the web-interface, allowing additional streaming servers and thin-client servers to be added on the fly without disturbing operation of the system.

Must include multiple server farms within the load balancing to allow for different libraries of content to be made available to a different number of simultaneous users and a different user base.

Must have the ability to assign multiple subnet groups to each content server independently for the purpose of directing usage based on location on the network or type of content library on the server.

Must include content replication that allows electronic resources to be uploaded to a primary server or to all servers within a server farm and then replicated automatically to servers located at distributed sites through firewalls and routers.

Content replication must provide bandwidth throttling allowing a predefined maximum bandwidth that will be used for all replication to be set by the system administrator. Additionally, on a per job basis, the bandwidth maximum can be adjusted lower or higher by the system administrator.

Content replication must allow immediate transfer or scheduled transfers that complete automatically at user-specified moments in time. The system must provide a Web-based replication management tool that allows the administrator to view pending, successful and failed replication with the ability to manually resend materials.

**Installation and Support Services Specifications:**

Must include installation, configuration and testing by trained technicians of all systems provided under the specifications. Must have on-site verification of the correct operation of the system to organization personnel. Installation must include setting up all servers, software and other hardware components within the proposal. Installation must also include working with the organization personnel to configure the organizations network, switches, routers and firewalls in order to achieve full functionality as described within the specifications. It can be assumed that organization personnel can perform the networking configurations but the actual requirements that are unique for the system must be provided by the technicians. Troubleshooting issues and resolution of those issues in order to achieve proper system operation must be done by the technicians. Installation shall also include the initial importing of user accounts, setting up the default course structure based on the organization's offered courses and creating default groups for initial access by various levels of users.

Must include a minimum of 1 year unlimited toll free "technical" phone support and remote access support of all systems included in the package. Must include email and web support for organization personnel. Must also include unlimited "user" phone, email and web assistance for designated organization personnel who will be the main "user" contacts at the organization. User level support should be available to address the "How do I?" type questions.

Must include a minimum of 1 year of unlimited software upgrades and updates to provide the organization with the opportunity to have all the latest features at no additional cost. It is understood that version upgrades will be offered to the organization at the same time they are in final release to other clients and

does not have to include Beta or Alpha versions. All 3<sup>rd</sup> party software and hardware required to support a software version upgrade as well as on-site installation of upgrades are not considered to be part of the specification requirement. The organization has the final determination on whether or not they wish to receive and implement an upgrade which must not affect the ability to receive on-going support services as outlined.

Must include a full 3-years of next business day ON-SITE warranty including parts and labor for all server systems. Must include the technical troubleshooting support to identify the source of the issue and all costs associated with resolving warranty replacement including travel, labor and parts.

Must include a 1-year warranty for parts and labor on all other equipment within the system.

**Training Service Specifications:**

Must include on-site training for the organizations' staff and technical personnel in a sufficient quantity of sessions and length so that users can confidently utilize and manage the system on their own. For the purpose of this specification it can be assumed that organization technical personnel are familiar with basic networking, server functionality, server maintenance and computer troubleshooting at A+ and iNet+ certified levels. It should not be assumed the instructional staff that will be using the system are technically proficient but it can be assumed they possess a basic level of knowledge in working with computers to browse the Internet, send email and use word processing type programs.

Training shall at a minimum consist of the following sessions at the organization's facilities;

- 1) Technical Training. To be a half-day training session with a core group (up to 5) who will be the primary contacts responsible for managing and maintaining the system. They should learn how to add and edit content in the digital repository, create and manage programs, courses, groups, user accounts and using the reporting features. Additionally topics required to train them to support and manage media servers and other components of the system should be covered.
- 2) Session number two should be a minimum of a 45 minute presentation by the trainer after the system is up and operational. This presentation session is designed to give all staff and administrative personnel an overview of the capabilities of the system and get them excited about the possibilities.
- 3) Instructor Training Phase 1 must be conducted.  
This training should provide a half-day hands-on workshop for all teachers on fully using the system within their classroom and for their courses. It will be required to do two sessions at one central location to accommodate the instructional staff. A maximum of 10 to 12 participants in each workshop session is required.
- 4) Digital Media Encoding & Broadcasting Training  
This workshop should be a minimum of a half-day and should be specifically designed for those people who will be responsible for encoding video and audio resources from VHS tape, DVDs or other formats using the encoding stations. Participants should learn the techniques for creating digital streaming video and the issues affecting quality at various bit rates. How to setup and perform a "live" broadcast should be covered along with other important topics for using and creating digital content  
Instructor Training Phase 2 must be conducted.  
Training should be a two-hour hands-on workshop for all instructional staff at the locations conducted 4 to 8 weeks after the Phase 1 workshops are completed. This training should focus on teaching strategies with the system and to assist them in integrating their own course materials into the system. It will be required to do this session two to three times at a central location to accommodate all the instructional staff. A maximum of 10 to 12 participants in each workshop session is required.

**Qualification Statement Requirements**

Proposals shall include, at a minimum, the following information organized as follows in their qualification statement:

1. A brief discussion of the firm, its organization, and services offered;
2. Information that demonstrates a history of providing ...
3. Owner/Client's name, contact person, telephone number, project description, and project value for at least three similar projects completed by the organization during the past three years;

4. Proposed team and qualifications and experience of team members;

Should you have any questions with regard to this solicitation, please contact  
Mr. Ulf Zeitler  
Friendship Public Charter School  
(202) 396-5500

**DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD**

**NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS**

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as historic landmarks in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

**Designation Case No. 04-13: Prospect Hill Cemetery**  
2201 North Capitol Street, NE (Square 3505, Lot 801)  
Designated March 24, 2005

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**DISTRICT OF COLUMBIA  
STATE HISTORIC PRESERVATION OFFICER**

**NOTICE OF HISTORIC DISTRICT NOMINATION TO THE NATIONAL REGISTER  
OF HISTORIC PLACES**

The State Historic Preservation Officer hereby provides public notice of the nomination of the following properties to the National Register of Historic Places. These properties will become subject to the Historic Landmark and Historic District Protection Act thirty (30) days after the date of this notice.

**Designation Case No. 05-02: Amendment to Dupont Circle Historic District – boundary extension**

The boundaries of the new areas to be added to the District presently include the following addresses:

1401, 1413, 1414, 1415, 1417, 1425, 1509, 1511, 1513, 1515, 1517, 1519, 1521, 1523, 1525, 1527, 1529, 1531, 1533, 1609, 1611, 1613, 1615, 1617, 1619, 1621, 1623, 1625 and 1627 17<sup>th</sup> Street, NW;

1200 18<sup>th</sup> Street, NW;

1225 19<sup>th</sup> Street, NW;

1318, 1326, 1328, 1330, 1332, 1334, 1336, 1338, 1413, 1414, 1415, 1505, 1507, 1509, 1511 and 1523 22<sup>nd</sup> Street, NW;

1775 and 2225 N Street, NW;

2109-2125, 2131 and 2147 O Street, NW;

1616, 1623, 1624, 1626, 1633, 1635, 1641, 1718, 1750, 2116, 2118, 2120, 2121, 2122, 2124, 2126, 2128, 2130, 2145, 2147, 2149, 2153, 2155, 2157, 2159, 2161 and 2200 P Street, NW;

1600, 1604, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1621, 1622, 1624, 1625 and 1633 Q Street, NW;

1225 and 1250 Connecticut Avenue, NW;

1601, 1603, 1605, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1628, 1629 and 1630 Corcoran Street, NW;

1617, 1619, 1621, 1623, 1625, 1627, 1629, 1630, 1631, 1633 and 2122 Massachusetts Avenue, NW;

1308, 1310, 1316, 1330 and 1816 New Hampshire Avenue, NW;

1615, 1700 and 1741 Rhode Island Avenue, NW; and

2123 Twining Court, NW

also identified by the following lot numbers:

Square 48, Lots 805 and 806;

Square 49, Lots 4, 31, 32, 33, 37, 38, 39, 40 and 44;

Square 67, Lots 34, 35, 36, 46, 47, 48, 56, 58, 62, 809, 810, 830, 835 and 836;

Square 68, Lots 76, 86, 88, 95, 801, 807, 818, and 2014-2028;

Square 97, Lots 816, 2045 and 2341-2365;

Square 139, Lots 810, 816, 817;

Square 152, Lot 186;

Square 157, Lots 865, 867 and 2001;

Square 158, Lot 76;

Square 159, Lots 82, 87 and 855;

Square 179, Lots 19, 20, 21, 24, 25, 26, 64, 65, 66, 67, 71, 72, 73, 73A, 74, 75, 78, 78A, 79, 80, 92, 93, 94, 95, 109, 110, 111, 112A, 112B, 113, 800, 806, 807 and 808;

Square 180, Lots 12, 13, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 88, 89, 810, 813, 814, 814A and 815; and

Square 181, Lots 147, 148, 149, 161, 167, 168, 169, 170, 801, 809, 850, 869 and 871;

Square 181S, Lot 7; and

Square 182N, Lot 1615.

(Note that the addresses and Square/Lot designations may not account fully for the division of properties into condominium or apartment units).

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17301 of George Giagtzoglou and Sarah Simmons**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a side addition to an existing single-family detached dwelling under section 223, not meeting the side yard (section 405) requirements in the R-1-B District at premises 5717 Chevy Chase Parkway, N.W. (Square 1999, Lot 78).

**HEARING DATE:** April 12, 2005  
**DECISION DATE:** April 12, 2005 (Bench Decision)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. ANC 3G submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied

APR 22 2005

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by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:** 4-0-1 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, and John A. Mann II to approve, Anthony J. Hood not present not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** April 12, 2005

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE

BZA APPLICATION NO. 17301

PAGE NO. 3

PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

17301 223 SO

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17302 of Non-Profit Community Development Corporation of D.C. (NPCDC)**, pursuant to 11 DCMR § 3103.2, for a variance from the maximum height requirements under subsection 770.1, to construct a new 7 story apartment (condominium) building with ground floor commercial in the C-2-B District at premises 2750 14<sup>th</sup> Street, N.W. (Square 2667, Lot 73 (849)).

**HEARING DATE:** April 12, 2005  
**DECISION DATE:** April 12, 2005 (Bench Decision)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 1B. The ANC submitted a report in support of the application. The OP submitted a report opposing the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 770.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE: 4-0-1** (Ruthanne G. Miller, Curtis L. Etherly, Jr., Geoffrey H. Griffis and John A. Mann II to approve, Anthony J. Hood, not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring Board member has approved the issuance of this order.

**FINAL DATE OF ORDER:** April 12, 2005

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE,

COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17303 of Thomas Stehle**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear porch addition to an existing flat under section 223, not meeting the lot occupancy (section 403), open court (section 406) and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 1223 Girard Street, N.W. (Square 2856, Lot 35).

**HEARING DATE:** April 12, 2005

**DECISION DATE:** April 12, 2005 (Bench Decision)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the

requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:** 4-0-1 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John A. Mann II to approve, Anthony J. Hood not present not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** April 12, 2005

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

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ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

17303 223 SO

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ORDER NO. 03-28**  
**Z.C. Case No. 03-28**  
**Consolidated Planned Unit Development and Map Amendment**  
**for Property Located at 4900 Bates Road, N.E.**  
**(D.C. Department of Public Works – Fort Totten Solid Waste Handling Facility)**  
**March 14, 2005**

The Zoning Commission for the District of Columbia (the having held a public hearing on October 21, 2004, and an additional public hearing on February 3, 2005, to consider an application from the District of Columbia Department of Public Works ("DPW" or, the "Applicant") for consolidated review and approval of a planned unit development and a related Zoning Map amendment from R-5-A to Fort Totten Overlay/M (together, the "Application"). The Commission considered the Application pursuant to Chapters 24 and 30 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). A public hearing was held in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the Application, subject to the conditions set forth in this order.

**FINDINGS OF FACT**

**Commission Proceedings**

1. On July 31, 2003, the Office of Zoning received the Application submitted by SCS Engineers on behalf of DPW requesting consolidated review and approval of a planned unit development and a related map amendment to change the zoning classification from R-5-A to Fort Totten Overlay/M for Sections 56 and 57 in Parcel 123, and Sections 174 and 175 in Parcel 124 for premises address 4900 Bates Road, N.E (the "Site"). The site is owned by the District of Columbia, of which the Applicant is a subordinate agency. The expansion of the existing Solid Waste Handling Facility<sup>1</sup> use would ordinarily require special exception approval by the Board of Zoning Adjustment and compliance with the requirements of 11 DCMR § 802.4 (a) through (j). The Applicant requests the Commission to approve this use through the PUD process and seeks a waiver of certain of those conditions, as is permitted pursuant to 11 DCMR §§ 2405.7 and 2405.8.

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<sup>1</sup> Although the Applicant refers to this as a Solid Waste Transfer Station, the Zoning Regulations use the term "Solid Waste Handling Facility", 11 DCMR § 802.4.

2. The published notice for the public hearing scheduled for October 21, 2004, did not specify that the case was of interest to Advisory Neighborhood Commission ("ANC") 5A, within which the property is located. In addition, an affidavit of maintenance of posting had not been submitted by the Applicant to the Commission.
3. ANC 5A Chairperson Ms. Norma Broadnax, and ANC 5A Commissioner Joseph Bowser testified that ANC 5A had not met with the Applicant and had not had the opportunity to consider its position on the Application.
4. In order to not prejudice either party, the Commission decided to hear the Applicant's case, but required the Applicant to provide the following additional filings on or before November 15, 2004:
  - a. Affidavit of maintenance of posting of notice of the Application and Hearing;
  - b. Site lighting plan;
  - c. Hours of operation for the facility;
  - d. Re-examination of the citizen's drop-off area by-pass lane;
  - e. Re-examination of the location of that portion of the fence that will be adjacent to the planned Metropolitan Branch Trail bicycle path (the "Bike Path");
  - f. Traffic Study;
  - g. Landscaping specifications; and
  - h. Report from ANC 5A.
5. ANC 5A submitted a letter dated February 1, 2005, in support of the proposed project, but that letter did not state the vote. ANC 5A submitted a second letter, also dated February 1, 2005, stating that its vote in favor of the project had been unanimous
6. After concluding that full notice had now been given, the Commission held an additional hearing on the Application on February 3, 2005. Other than ANC 5A, the only party to the case was the Applicant. After the hearing concluded, the Commission took proposed action by a vote of 4-0-1 to approve, with conditions, the Application and plans that were submitted to the record and presented at the February 3, 2005, hearing.
7. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Home Rule Act. NCPC, by delegated action of the Executive Director dated March 8, 2005, found that the proposed PUD would not affect identified federal interests in the National Capital, nor would it be inconsistent with the Comprehensive Plan for the National Capital.
8. The Zoning Commission took final action to approve the Application on March 14, 2005.

**The Site and Existing and Proposed Zoning**

9. The Site is roughly trapezoidal in shape and contains approximately 261,000 square feet of land area. That portion of the site comprising Sections 56 and 57 in Parcel 123 is

zoned R-5-A, and that portion of the site comprising Sections 174 and 175 in Parcel 124 is zoned Fort Totten Overlay/M.

10. The surrounding area is characterized by a mixture of industrial, institutional, and Federal uses. To the north is Super Concrete, Inc., a concrete batching operation located within the M District and the Fort Totten Overlay District. To the east are two sets of railroad tracks: one owned by CSX and used for freight and commuter trains, and the other by Metro and operated as the eastern leg of the Red Line. To the southeast is a DPW truck washing and fueling facility within the R-5-A Zone District. To the south, across Bates Road, N.E., are athletic fields on the campus of Catholic University located within the R-5-A Zone District. To the east is Fort Totten Park, situated on wooded, unzoned National Park Service land. Within the property is also an unimproved portion of Brookland Avenue.
11. Expansion of the M Zone District and the Fort Totten Overlay District onto the entire site as the M Zone will include the entire operation of the Fort Totten Solid Waste Transfer Facility and will result in a zone district boundary line that is consistent with the existing street (Bates Road).
12. The expansion of the M Zone and Fort Totten Overlay District onto the entire site will not impede the full utilization of other properly located sites and will allow an existing industrial use to remain and expand, consistent with the intended uses within M Districts and the Fort Totten Overlay District, as described in 11 DCMR §§ 820.1 and 1561.1.
13. Although the area south of Bates Road is zoned R-5-A, it is not used for residential purposes, but instead for athletic fields for an institutional use (Catholic University). Because the Application is for the continuance of an existing use within the confines of the PUD, the expansion of the M District and development of the proposed PUD will not result in industrial uses locating any closer to Catholic University.
14. For the reasons stated above, the Commission finds that the requested PUD-related Zoning Map Amendment of Sections 56 and 57 in Parcel 123 from R-5-A to Fort Totten Overlay/M is appropriate and consistent with the Zoning Act. For reasons discussed below, the Commission further finds that the requested PUD-related Zoning Map Amendment is not inconsistent with the Comprehensive Plan. In doing so, the Commission does not find that the existing underlying zoning is inappropriate, but that the PUD-related zoning is appropriate given the controls placed on the project through this Order.

#### **The PUD Project**

15. The proposed PUD consists of an addition to the existing Fort Totten Solid Waste Handling Facility.

16. The height of the proposed addition, 28.8 feet, is less than the 90 foot maximum permitted in an M Zone District (11 DCMR § 840.1).
17. The density of the proposed project is less than 1.0 FAR, and is less than the maximum 6.0 FAR permitted in an M Zone District (11 DCMR § 841.1).
18. The rear yard setback is 66 feet, which exceeds the minimum setback required in the M District (11 DCMR § 842.4).
19. Section 2401.1(c) of the Zoning Regulations, require a site in the M District to contain a minimum of 15,000 square feet of land area. The total land area of the entire site is approximately 287,000 square feet, and thus exceeds the minimum area requirement for a PUD.

### Project Benefits

20. Section 2403.5 of the Zoning Regulations requires the Commission, "to evaluate the specific public benefits and project amenities of the proposed development". Section 2403.9 sets forth ten (10) categories of public benefits. The Regulations further indicate that "a project may qualify for approval by being particularly strong in only one or a few of the categories in §2403.9, but must be acceptable in all proffered categories and superior in many". 11 DCMR § 2403.10. The Commission finds that the project is superior in the following categories, and acceptable in all others:
  - a. Urban Design, Architecture, Landscaping and Open Space. The addition of landscaping will serve to buffer the use from surrounding properties. In addition, the enclosure of the existing facility and the addition in green metal siding will harmonize with the large trees located behind the building in the adjacent Fort Totten National Park. The planned modifications will move operations from outdoors to indoors, eliminating or reducing noise, odors and dust emissions from the facility that will enhance the experience of people using the adjacent open space (Fort Totten Park).
  - b. Transportation Features. Traffic flow will be improved in several respects. Traffic flow will be changed to separate the transfer trailers from incoming citizens dropping off household waste. The citizens' drop-off facility will be segregated from other facility operations. Traffic flow safety will be improved with all refuse vehicles using left-hand turns to exit the facility. Sufficient queuing space is provided to mitigate adverse traffic impacts. No trucks will be required to back up to either enter or exit the site. Because of these improvements, off-site roadway queuing will be eliminated. By ensuring that vehicles using the Site will not block traffic on surrounding streets when they enter, use or leave the Site, the Application will benefit the surrounding community.

- c. Environmental Benefits. The proposed development provides for improved stormwater management. Specifically, treatment systems will be installed to remove contaminated soil, floating oil, and debris from stormwater runoff.
- d. Special value to the neighborhood or the District of Columbia as a whole. The use itself is of special value to the District of Columbia. The handling of solid waste is a necessary and important public function. The proposed development is a necessary public facility for the performance of this function. Other benefits include expansion of the citizen's drop off area for solid waste, recyclables and household hazardous waste, improved traffic flow which will address traffic queuing in the surrounding neighborhood, and the prevention and control of offensive odors and noises beyond the perimeter of the site of the proposed project.

### Zoning Flexibility

21. Although the existing Solid Waste Handling Facility use was established at a time when District government uses were not subject to zoning, the proposed expansion triggers the applicability of the Zoning Regulations, D.C. Official Code § 1-301.68 (2001). As noted, the Applicant is requesting that the Commission approve the expansion of the use through the PUD process, rather than seeking special exception approval before the BZA. While § 2405.8 permits the Commission to grant such relief without regard to the normal special exception prerequisites, such waivers constitute a type of zoning flexibility against which a project's public benefits must be judged and any adverse impacts considered.
22. Specifically, the Applicant seeks a waiver from the requirement that (i) a structure may not be located within fifty feet (50 ft.) of any adjacent property used as a public park or for retail, office, or institutional purposes; (ii) neither truck egress nor ingress at the Site may be located within fifty feet (50 ft.) of any adjacent property used as a public park or for retail, office, or institutional purposes; (iii) the facility be designed to have access to a railway siding or spur; (iv) the perimeter of the Site (except for the eastern perimeter) be enclosed by a 10-foot tall opaque fence; and (v) the activities associated with the citizens' drop-off area (drop-off by District residents of household hazardous waste items, recyclables, and bulk solid waste items) take place within an enclosed facility.
23. The first three (3) of these requirements appear to assume the establishment of a new facility and not the expansion of an existing lawful one. As to the screening requirement, Applicant proposes to surround the facility with a fence that is at least eight (8) feet tall, except that the site will be bordered on the East by a 12-foot high sound-absorbing noise barrier system. The eastern face of this barrier system shall have a textured graffiti-resistant surface. The drop-off activities are relatively minor in nature and will not cause adverse impacts. In view of the above, the Commission finds the zoning flexibility requested is warranted by the public benefits of the Project and will not result in acceptable impacts on the surrounding area.

Comprehensive Plan

24. The Applicant's proposal is consistent with the goals of the Comprehensive Plan:
- a. Solid Waste Management. A major policy included in the Comprehensive Plan is that "[h]igh priority must be given to the District's solid waste . . . needs. Regardless of which approach is selected, major capital investments are anticipated." 10 DCMR § 600.3. The modernized site represents a solution to the District's solid waste disposal needs. The Comprehensive Plan further states that "The objective for solid waste management is to develop safe and effective methods for reducing, collecting, recycling, and disposing of solid waste . . ." 10 DCMR § 404.1. The proposed addition to and renovation of the Fort Totten Solid Waste Transfer Facility will permit the applicant to more effectively collect and dispose of the solid waste that comes into the site, and to do so within an enclosed building.
  - b. Environmental Health and Sanitation. The Comprehensive Plan states that policies established in support of the sanitation objective include the development of "a program to safely collect and dispose of household hazardous wastes, including batteries, paints, household cleaners, and other harmful wastes generated by residential properties. . . ." 10 DCMR § 406.2. The proposed modernization of the Fort Totten Solid Waste Transfer Facility will include an improved citizen drop-off area where District residents will be able to drop off their household hazardous wastes, recyclables and bulk solid waste for proper disposal.
  - c. Ward 5 Element. The proposed project will include a citizens' drop-off area for a variety of materials, including household hazardous wastes, which is consistent with the recommended action in support of environmental protection for Ward 5, i.e., that convenient collection areas and schedules be provided for disposal of household hazardous wastes.
25. The proposed project is also consistent with the Ward 5 Element in the following ways:
- a. The proposed project furthers the Ward 5 Transportation objectives (10 DCMR §§ 1613 and 1615) by improving on-Site traffic patterns to avoid the need for truck queuing on adjacent public streets, and by promoting use of the planned Bike Trail by including an enhanced fence along the portion of the Site that abuts the planned Bike Trail; and
  - b. The proposed project furthers the Ward 5 Environmental objectives (10 DCMR §§ 1611 and 1612.1) by (i) improving on-Site traffic patterns to avoid the need for truck idling and queuing on adjacent streets, (ii) containing noise, odors, and particulate matter within the enclosed facility, (iii) improving stormwater

management at the Site, and (iv) increasing the number of trees planted at the Site.

26. The Commission credits the testimony of the Office of Planning and the contents of the Application in finding that the proposed PUD, including the PUD-related Zoning Map amendment, is not inconsistent with the Comprehensive Plan.

**Office of Planning Report**

27. By reports dated October 12, 2004 and January 24, 2005, and through testimony presented at the public hearings on October 21, 2004 and February 3, 2005, the Office of Planning ("OP") recommended approval of the PUD application subject to certain conditions. OP stated that the proposed PUD is not inconsistent with the Comprehensive Plan. The Office of Planning further stated that the proposal is consistent with the objects and evaluations standards of a PUD and that the proposed Fort Totten/M Overlay is consistent with the surrounding properties.
28. The Office of Planning also recommended that the unimproved portion of Brookland Avenue be closed based upon the belief that a PUD site may not include public space. The Commission notes that 11 DCMR § 2104.3 permits a PUD site to be separated by a public street.

**Department of Transportation Report**

29. By letter dated June 21, 2002, the District Department of Transportation stated that it had no objection to the project as proposed.

**National Park Service**

28. By its Supplemental Report dated January 24, 2005, OP reported that the National Park Service supports the subject application, "although it does have concerns".

**Advisory Neighborhood Commission**

29. By resolution dated February 1, 2005, ANC 5A unanimously supported the PUD project and the rezoning of a portion of the site from R-5-A to Fort Totten Overlay/M.

**CONCLUSIONS OF LAW**

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project, "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." 11 DCMR § 2400.2.

2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this Application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of the PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The proposed PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD is within the applicable height, bulk, and density standards of the Zoning Regulations. The project will, in fact, include less height and density on the site than is permitted as a matter-of-right in the M District. The size, scale, design, and use of the building are appropriate for this site. Accordingly, the project should be approved. The impact of the project on the surrounding area is not unacceptable.
6. The Application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The project offers a commendable number and quality of public benefits and protects and advances the public health, safety, welfare, and convenience.
8. Approval of this PUD is appropriate, because the proposed development is consistent with the present character of the area.
9. Approval of this PUD and change of zoning is not inconsistent with the Comprehensive Plan.
10. The Commission is required under D.C. Official Code § 1-309.10(d)(d)(A) (2001) to give great weight to the written issues and concerns of affected ANC's recommendation. ANC 5A's letter expressed no issues or concerns.
11. Approval of the Application will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
12. The Applicant is subject to compliance with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-401.1 *et seq.* (2001) (the "Human Rights Act").

**DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order and the record of this proceeding, the Zoning Commission for the District of Columbia orders **APPROVAL** of the Application for consolidated review of a PUD for Sections 56 and 57 in Parcel 123, and Sections 174 and 175 in Parcel 124, and for a related Zoning Map amendment from R-5-A to Fort Totten Overlay/M for Sections 56 and 57 in Parcel 123. This approval is subject to the following guidelines, conditions, and standards:

1. The PUD shall be developed substantially in accordance with the plans prepared by SCS Engineers, dated July 9, 2003, as amended by plans prepared by SCS Engineers dated July 2004, October 2004, and December 2004 (the "Plans") marked as Exhibits 1, 14, 20, and 28, as modified by the guidelines, conditions, and standards herein.
2. The PUD shall be an addition of approximately 14,500 square feet to an existing Solid Waste Handling Facility. The addition shall contain a maximum of approximately 29,100 square feet of gross floor area. The total project shall not exceed an overall density of 1.0 FAR. The uses in the building shall be limited to solid waste transfer, recycling, and normal incidental and accessory uses.
3. The maximum height of the building, including the roof, shall be 28.8 feet as measured from the street level and shown on the Plans.
4. The Applicant shall include landscaping for the project as shown on the Plans. The Applicant or its successors shall maintain all landscaping.
5. The Applicant shall provide for a total of four (4) lanes of traffic to be available for drop-off or for passing, for use by people using the citizens' drop-off area.
6. The facility shall be surrounded by a fence that is at least eight (8) feet tall, except that the site shall be bordered on the east by a 12-foot high sound-absorbing noise barrier system. The eastern face of this barrier system shall have a textured graffiti-resistant surface.
7. The Applicant shall have flexibility with the design of the PUD in the following areas:
  - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atrium and mechanical rooms, elevators, and toilet rooms, provided that the variations do not materially change the exterior configuration of the building;
  - b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials;

- c. To make minor modifications to the exterior material, details and dimensions, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals.
8. No building permit shall be issued for this PUD and the zoning map amendment shall not become effective until the Applicant has recorded a covenant in the land records of the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Zoning Commission.
9. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a copy of the covenant with the records of the Zoning Commission.
10. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three (3) years of the effective date of this Order.
11. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above-protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

On February 3, 2005, the Zoning Commission approved the applications by a vote of 4-0-1 (Anthony J. Hood, John G. Parsons, Gregory Jeffries, and Kevin Hildebrand to approve; Carol J. Mitten, having not participated, not voting).

This Order was adopted the Zoning Commission at its public meeting on March 14, 2005, by a vote of 4-0-1 (John G. Parsons, Anthony J. Hood, Gregory N. Jeffries, and Kevin L. Hildebrand to adopt; ; Carol J. Mitten, having not participated, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the *D.C. Register*; that is, on \_\_\_\_\_.

**ZONING COMMISSION ORDER NO. 04-08**  
**Case No. 04-08/02-45**  
**(Second-Stage PUD – St. Elizabeths Hospital)**  
**January 13, 2005**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on September 30, 2004, to consider an application from the D.C. Department of Mental Health (the "Applicant"). The application is for review and approval of the second stage of a two-stage planned unit development ("PUD") and a related zoning map amendment, pursuant to Chapter 24 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. The proposed project involves the demolition of John Howard Forensic Pavilion and the construction of the new St. Elizabeths Hospital. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below the Zoning Commission hereby approves the application subject to the specified conditions.

**FINDINGS OF FACT**

**The Application, Parties, Hearing, and Referral to the National Capital Planning Commission**

1. In Zoning Commission Order No. 02-45, dated May 1, 2003, effective upon its publication in the District of Columbia Register on November 28, 2003, the Zoning Commission approved the first stage of this PUD for a proposed new St. Elizabeths Hospital and grounds within the historic East Campus of St. Elizabeths. The first-stage order was subject to several conditions, including submission of an interim parking plan for the construction period, inclusion of a pedestrian route from the new hospital to the Congress Heights Metrorail Station in the second-stage plans, and a status report on when the gate between the station area and the St. Elizabeths campus will be opened.
2. On March 8, 2004, the Applicant submitted its second-stage application consistent with the conditions stated above. The Zoning Commission set down the case for public hearing at its meeting of May 10, 2004. On June 14, 2004, the Office of Zoning received a Pre-Hearing Submission and materials for the second-stage PUD.

3. On July 30, 2004 the Applicant submitted an application to modify the PUD by enlarging the land area by 5.19 acres. The PUD modification requested that the added unzoned PUD area be zoned SP-1, the same zone classification as adopted in the first-stage order for the original PUD site. The Applicant also requested that the modification be granted as a minor modification under the Commission's consent calendar procedures. At its September 13, 2004 meeting, the Zoning Commission considered and granted the first-stage modification under its consent calendar procedures. The modification became effective on December 24, 2004, the date upon which the order granting the minor modification was published.
4. As enlarged by the PUD modification, the subject property is a large site of 54.59 acres located at 2700 Martin Luther King Jr. ("MLK") Avenue, S.E., comprising the southeastern portion of the St. Elizabeths East Campus, identified as Parcel 234, Lot 38.
5. A description of the proposed development and the Notice of Public Hearing were published in the *D.C. Register* on August 6, 2004, 51 DCR 7643. The Notice of Public Hearing was mailed to all property owners within 200 feet of the subject property, as well as to Advisory Neighborhood Commissions ("ANCs") 8A and 8C.
6. The application requested final approval of the plans and site plan for the New St. Elizabeths Hospital and grounds.
7. The parties in the case were the Applicant and Advisory Neighborhood Commission 8C.
8. At its public meeting of October 25, 2004, the Zoning Commission took proposed action to approve the application by a vote of 4-0-1 (Anthony J. Hood, Kevin L. Hildebrand, Gregory N. Jeffries, and John G. Parsons to approve; Carol J. Mitten, not present, not voting).
9. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by action dated December 13, 2004, found that granting the application would not adversely affect the identified Federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.
10. The Zoning Commission took final action to approve the application on January 13, 2005.

**The Site**

11. The proposed PUD site is located on the southeastern part of the St. Elizabeths East Campus. It has access from MLK Avenue near Pecan Street and is also accessible from Alabama Avenue, S.E. The property is irregular in shape and has substantial vacant and open areas together with the John Howard Forensic Pavilion and adjacent surface parking lot, as well as frontage on Alabama Avenue, S.E. The building site lies generally

northeast of a deep ravine that bisects the East Campus of St. Elizabeths Hospital. That ravine effectively provides clear demarcation between the site and the remainder of the East Campus and will be preserved as open space. The ravine has heavy tree cover, and several additional trees are in scattered locations on the property. Lawn grass covers the open spaces between the existing buildings and the paved areas.

12. Most of the site is vacant. The only substantial existing building on the site is the John Howard Forensic Pavilion, an outdated and deteriorated brick, multi-story mental health facility built in 1959. It currently houses St. Elizabeths' secure patient population. It occupies much of the northwest portion of the site and must remain in uninterrupted operation until completion of the new facility, thereby limiting the site area available for new construction. Residents will be relocated to the new hospital upon its completion and the John Howard building will then be demolished.
13. The hospital anticipates continued use of three (3) existing buildings outside of the PUD site -- RMB, CT-7, and CT-8.

#### The Surrounding Area

14. The surrounding neighborhood includes the St. Elizabeths Hospital campus itself (both East and West Campuses), federal and highway property, and nearby residential and commercial development in the Congress Heights, Douglass, and Shipley Terrace neighborhoods. The predominant surrounding land use context is the St. Elizabeths campus itself. The 336-acre campus is developed with institutional buildings, many of them historically designated, together with open spaces and trees. MLK Avenue, S.E., a major thoroughfare, bisects St. Elizabeths to form the approximately 173-acre East Campus and the approximately 163-acre West Campus.
15. The Federal government deeded the East Campus to the District of Columbia government in 1987. The U.S. General Services Administration ("GSA") is currently managing the disposition of the West Campus that has been vacated by the U.S. Department of Health and Human Services. Metro's Green Line runs through the East Campus (underground) with the Congress Heights Metro Station located at the southeast perimeter of the property and the Anacostia Metro Station located north of the campus. There are approximately 50 (fifty) existing buildings situated on the East Campus.
16. The site is bordered by an existing federal graveyard (located on St. Elizabeths' property) to the northeast and by a group of Jewish cemeteries, including the Adas Israel Hebrew Congregational Cemetery, to the northwest. A wooded triangular area on the proposed site adjacent to the Jewish cemeteries contains several small, deteriorated buildings associated with an abandoned U.S. Navy radio facility. Farther east is Suitland Parkway, a four-lane expressway with federally owned open space on either side. Alabama Avenue runs along the southern border of the property; it is zoned C-2-B and improved with commercial strip development. The adjacent residential neighborhood is developed with a mixed housing pattern, including garden and mid-rise apartments, as well as row, semi-detached and detached dwellings. The proposed new hospital will continue to use

the gated entrances to the campus from Alabama and MLK Avenues, and the existing driveway to approximately the point where the driveway reaches the PUD site.

**Existing and Proposed Zoning**

17. The original PUD site of 49.4 acres was zoned SP-1 in the first-stage order. The area of 5.19 acres added to the PUD site by the modification shall also be zoned SP-1. This zone will readily accommodate the height and bulk of the proposed mental health hospital, in that this zone district allows a building height of up to 75 (seventy-five) feet and a density of up to 4.5 FAR with a PUD.
18. The zoning classifications of areas surrounding the PUD site include R-5-A for the residential areas and C-2-B for areas zoned for commercial use.

**The PUD Project**

19. The Applicant intends to construct a new hospital building on the subject property, to be known as the St. Elizabeths Hospital Building. The new 292-bed hospital will consist of a one- and two-story building that will provide mental health services for Non-Secure and Secure mental health patients.
20. The existing, winding roadway from Alabama Avenue, S.E. will continue to provide vehicular access to the new hospital. The site plan provides a setback and visual buffer for the new building from the arrival point where the access road crosses the ravine. Higher security functions and their access points are located farther from the site entry and are visually shielded by other functions and landscape. Parking areas are located to maximize green space in front of the building and to maintain views from the building across the ravine toward the remainder of the campus. The parking area and associated landscape are also used to buffer the existing secure yard (surrounded by a high wall) associated with the secure component.
21. The three (3) wings of the building are oriented to maximize privacy for residential areas and to take advantage of views across open space to the ravine from public spaces, office areas, and treatment areas. Necessary exterior walkways adjacent to the building will be developed with hardscape elements and plantings to structure exterior space for use by staff, visitors, and where appropriate, residents.
22. Organization and massing for this building type are by necessity functionally driven. The requirements for ongoing respectful observation of residents, the size and requirements of treatment and residential groups, and the security needs of the facility significantly impact the building form. The need to balance the seemingly competing needs for observation vs. privacy, for security vs. respect for residents as individuals, and for freedom vs. control present a unique challenge. The desire to provide readily accessible, readily observable, secure green space at each residential unit is central to addressing this challenge. This requires that the vast majority of units have direct, on-grade access to the outside.

23. In general, the building massing reflects the functional organization of the facility. A one-story wing at the rear of the site houses secure functions. A two-story wing at the portion of the site nearest the site entry point contains non-secure patient care and residential functions at the entry level, as well as residential units, staff education, and medical library functions above. These two (2) wings are connected by a two-story building element that includes public functions on the entry level (lobby, auditorium, food service) and shared functions on the upper level. A partial lower level includes engineering and limited building support functions.
24. Separate pedestrian entries, vehicular drop off points, and building lobbies are provided for the secure and non-secure sides of the complex. Shared functions will be accessed through the non-secure arrival point. Pedestrian and vehicular access through the secured perimeter associated with the secure functions is tightly controlled. Service and deliveries to the building will be accommodated at a service yard located between the secure wing and the shared services wing.
25. Parking is provided on-grade. The majority of parking will be located approximately at the location of the existing John Howard Pavilion. This will require phased completion of the new parking after completion of the majority of the project and temporary use of other existing parking on the East Campus. The main parking area is oriented to allow pedestrian circulation along the aisles and ready supervision of the parking areas. A limited amount of dedicated parking may be provided closer to the building entrances. When construction is completed, 339 parking spaces will be available.
26. A gatehouse will be constructed in the roadway within the area added to the PUD site by the PUD modification application. This gatehouse will provide security and public safety following the opening of the gate between the hospital property and the Congress Heights Metrorail Station.
27. The Applicant indicated several changes that were made from the project as proposed in the first-stage PUD, summarized as follows:
  - a. In the secure wing of the building, two (2) secure patient units were "stacked" onto the second story. This change shortened the corridor for the secure wing of the building and reduces the building's impact in the area of the U.S. Navy radio buildings. Also, the secure wing was slightly rotated clockwise to move the District of Columbia antenna tower outside the secure perimeter.
  - b. The major mechanical and electrical spaces were moved from the basement to a new on-grade building element that provides a visual buffer for the service yard.
  - c. The building's height and shape were modified in two significant ways. The building was raised approximately two (2) feet to minimize regrading requirements and eliminate a significant number of retaining walls. In addition, the shape of the building was refined to significantly reduce the area of the penthouse spaces.

- d. Regarding storm water management, approximately 27,000 square feet of green roof space was added. Also, a storm water management pond at the ravine (adjacent to the existing Metro pond) was established to eliminate the need for significant subsurface stormwater holding. The ravine already acts as a de facto holding area due to its location.

**Public Benefits of the PUD**

28. The following public benefits and amenities will be created as a result of the PUD project:

- a. ***Major District of Columbia Initiative - High-Quality Mental Health Services.*** The new, state-of-the-art hospital building will represent a major advance in the care and treatment of mentally ill persons in the District of Columbia. This is a major District of Columbia and federal government policy initiative that will substantially alleviate and overcome problems in mental health service delivery that led to a period of years in which the city's mental health services were under court supervision. The new hospital is functionally designed to meet the special needs of secure patients as well as non-secure patients and to provide an excellent environment for caregivers and visitors. The physical and social environment will be more conducive to patient recovery than the existing JHP facility, and for many will provide a better transitional environment for a return to a normal lifestyle in the community. The Department of Mental Health is committed to achieving a superior level of service that is consistent with the distinguished history of St. Elizabeths as the nation's first, and for many years foremost, mental health treatment facility. The funding has been secured to make this high-priority project a reality.
- b. ***No Adverse Effect on Neighborhood or Public Facilities.*** The proposed redevelopment will prevent the numerous negative effects that could impair mental health service provision and neighborhood and campus development if the existing John Howard Forensic Pavilion were allowed to deteriorate further. The site is currently served by all major utilities, and the increased use of water and sanitary services will have a negligible effect on the city's delivery systems.
- c. ***St. Elizabeths Framework Plan.*** For a number of years the District's mental health services were operating under Court supervision and orders. Recently, the Department of Mental Health has been able to make the improvements needed to return to independence from court orders. Although previous court rulings remain in effect the Receivership has been vacated and the Department is now proceeding with orders for "Exit Criteria" that must be met before the original 1974 lawsuit can be fully dismissed. It is essential for the city to spend appropriated federal dollars expeditiously so as to remain in compliance with court-ordered

requirements. Thus, the project must proceed before a framework plan for St. Elizabeths has been completed. However, the Department of Mental Health is committed to and actually financing the framework plan. The Office of Planning ("OP") is the lead agency on the plan and DMH is continuing its close consultation with OP and its consultants as the process moves forward.

**Compliance with the Comprehensive Plan**

29. The proposed new hospital complex exemplifies many of the 10 Major Themes set forth in the Comprehensive Plan in § 101.1<sup>1</sup>, including:
- "Stabilizing and improving the District's neighborhoods;"
  - "Preserving and promoting [cultural and] natural amenities;"
  - "Respecting and improving the physical character of the District;"
  - "Promoting enhanced public safety;" and
  - "Providing for diversity and overall social responsibilities."
30. The Comprehensive Plan lists improvement of public facilities as one of its major goals, including the provision of "adequate and energy-efficient public facilities in good condition to support the cost-effective delivery of municipal programs and services . . ." § 601. One of the main objectives underlying this goal is "the construction, rehabilitation, and maintenance of facilities essential for public service delivery." § 602.1 The proposed new hospital complex furthers these goals.
31. The Generalized Land Use Map of the Land Use Element designated the East Campus of St. Elizabeths Hospital for "Local Public Facilities." This is defined as, "Land and facilities occupied by the District of Columbia government . . ." The proposed new St. Elizabeths Hospital Building is a District of Columbia government facility directly consistent with this land use policy and an efficient use of existing government-owned property.
32. This project is true to the focus of the Ward 8 plan, which requires that the city "[g]ive priority to upgrading existing public services and facilities." § 1901.1. The Ward plan specifically calls for the District to "[e]nsure that new development in the Saint Elizabeth Hospital Treatment Area is compatible, in terms of its use, design, scale, circulation and landscaping, with the mental health treatment activities housed at the hospital while contributing to the economic revitalization of Ward 8." § 1930.1(e).

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<sup>1</sup> Citations are from the codified version of the Comprehensive Plan in 10 DCMR (1999).

**Report of the Office of Planning**

33. By report dated September 20, 2004 and by testimony at the public hearing, the Office of Planning ("OP") recommended approval of the application. The report states, "The application is a refinement of the stage one PUD and is consistent with the requirements outlined in Zoning Commission Order 02-48. The plans indicate a building with architecture that is complementary to the historic buildings on the campus; the landscaping contributes to the open space surrounding the building and is significant to the rehabilitation of patients; and an overall development that is environmentally sensitive." OP recommended that the applicant submit to the record elevations of the guardhouse, site and landscape plans for the added PUD area and a signed Memorandum of Understanding with the Office of Local Business Development.

**Report of Advisory Neighborhood Commission 8C**

34. Advisory Neighborhood Commission 8C ("ANC") did not provide a written report nor testimony at the public hearing. At the hearing, the ANC represented that it was negotiating a Memorandum of Understanding ("MOU") with the Applicant, and requested that the record be held open until October 14, 2004 to receive additional submissions. The Commission ordered that the record remain open until October 14, 2004.
35. On October 14, 2004 the ANC submitted a letter indicating that its Executive Committee had voted to support the application and to adopt the MOU. The Executive Committee further voted to authorize the Chairperson to forward the letter and the MOU for inclusion in this order.
36. At its public meeting of December 13, 2004, the Commission was advised by its Secretary, Mr. Alberto Bastida, that the Applicant indicated that it opposed inclusion of the MOU in the Commission's order. The Commission voted to suspend final action until after the ANC was advised of the Applicant's opposition to inclusion of the MOU's terms in the final order.
37. The MOU, among other things, requires the applicant to hold community meetings, submit plans for community use of the facility, advertise job opportunities within Ward 8, prioritize employment for experienced and qualified Ward 8 residents, give preferences to Ward 8 businesses wishing to offer services, earmark six internships for Anacostia and Ballou Senior High School Students, a establish and compliance program for these commitments.
38. By letter dated December 16, 2004, the Applicant offered to include the MOU's terms as conditions in the final order.

**Testimony in Support and in Opposition**

39. One person from the neighborhood testified in support of the application.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." 11 DCMR § 2400.2.
2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a two-stage PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well planned developments that will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The proposed PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD is within the applicable height and bulk standards of the Zoning Regulations. The height and density will not cause an adverse effect on nearby properties. The proposed mixed-use development is appropriate on this site, which is well served by a major arterial street, bus lines and an on-site Metrorail station. The PUD will have a favorable effect on city services and facilities.
6. The Application can be approved with conditions to ensure that the potential adverse effects on the surrounding area from the development will be mitigated.
7. Evaluating the Project according to the standards set forth in 11 DCMR § 2403, the Zoning Commission concludes that the Application qualifies for approval. Judging, balancing, and reconciling the relative values of amenities and benefits in the Application against that fact that the Applicant is not requesting any zoning relief and that the potential adverse effects of the Project are minimal, the Commission is persuaded that the proposed benefit herein, in conjunction with the amenities discussed above, are appropriate in this case.
8. Approval of the Application is appropriate because the Project is consistent with the present character of the area.

9. Second-stage approval of this PUD and the proposed SP-1 zoning of the added PUD site area is not inconsistent with the *Comprehensive Plan for the National Capital* including the designation of the site for Local Public Facilities development in the Generalized Land Use Map of the Land Use Element.
10. Second-stage approval of the PUD Application will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
11. The second-stage plans are in conformity with the conditions set forth in the first-stage order, Order No. 02-45.
12. The Application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.
13. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the issues and concerns raised by the affected ANC in its written report. On October 13, 2005, ANC 8C voted to support the Application after the Applicant and the ANC signed a Memorandum of Understanding establishing community participation requirements, and community benefits. The Commission has carefully considered that ANC's recommendation and incorporated the terms of the Memorandum of Understanding that require the Applicant to provide information, employment, contracting and training opportunities to Ward 8 residents into this Order.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission orders **APPROVAL** of the Applications for second-stage review of a Planned Unit Development and for a Zoning Map amendment from unzoned to SP-1 for the indicated part of the property located at 2700 Martin Luther King Avenue ("MLK") S.E., comprising the southeastern portion of the St. Elizabeths East campus, legally identified as Parcel 234, Lot 38. This approval is subject to the following guidelines, conditions and standards:

1. The PUD shall be developed in accordance with the site plan and architectural and landscape plans submitted as Exhibits 6, 15, and 26 in the record of this case, and as modified by the guidelines, conditions and standards of this order. A violation of any of the foregoing conditions shall constitute grounds for the denial or revocation of any building permit or certificate of occupancy issued pursuant to this Order. The Applicant, however, shall have flexibility with the design of the PUD in the following areas:
  - (a) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators and bathrooms, provided that the variations do not change the exterior configuration of the building;

- (b) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and
  - (c) To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railing and trim, or any other changes to comply with the Construction Codes or that are otherwise necessary to obtain a final building permit.
  - (d) To reduce the number and vary the location of parking spaces from the 339 spaces depicted in the plans, however, the total number of parking spaces must not be less than 332 spaces.
- 2. The project shall include the demolition of the existing, John Howard Pavilion hospital and construction of a new facility, together with public spaces, generally as depicted in the preliminary plans submitted in this first-stage application.
- 3. The PUD Site shall be zoned SP-1, with the underlying zoning designation remaining unzoned, encompassing a land area of 2,377,601.41 s.f. (54.59 acres) square feet as depicted in the metes and bounds survey identified as "Saint Elizabeths Hospital – PUD Revised Boundary," which is part of Exhibit 15 of the record.
- 4. The Applicant shall execute the following agreements prior to the issuance of this Order:
  - (a) A First-Source Employment Agreement with the Department of Employment Services ("DOES"). The Applicant shall abide by the terms of the agreement with DOES in order to achieve the goal of utilizing District of Columbia residents for at least fifty-one percent (51%) of the jobs created by the PUD project. After completion of construction of this project, the Applicant shall provide a written status report to the Zoning Commission and the DOES regarding compliance with this agreement; and
  - (b) A Memorandum of Understanding with the District of Columbia Office of Local Business Development ("LSDBE") to ensure minority vendor participation. The Applicant shall abide by the terms of the Memorandum of Understanding with the LSDBE in order to achieve, at a minimum, the goal of thirty-five percent (35%) participation by local, small, and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance, and security for the project to be created as a result of the PUD project. After the completion of construction of the project, the Applicant shall provide a written status report to the Zoning Commission and the D.C. Local Business Opportunity Commission regarding compliance with this agreement.
- 5. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as

amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

6. No building permit shall be issued for the construction of any improvements pursuant to this PUD and the approved map amendment shall not become effective until the Applicant has recorded a covenant in the land records of the District of Columbia, between Applicant and the District of Columbia, which is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs
7. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until Applicant has filed a copy of the covenant with the records of the Zoning Commission.
8. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of the Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR §§ 2408.8 and 2409.1. Construction shall begin within three (3) years of the effective date of this order.
9. The Applicant shall for the duration of the PUD:
  - (a) Facilitate open public meetings with the community to inform residents and local businesses about the development;
  - (b) Prepare up-to-date information to be disseminated in the community that will contain an overview of the project, design concept, and timelines;
  - (c) Participate in targeted group meetings with the ANC, individuals, civic associations, community development corporations, business groups and construction membership associations to provide a status of the development, obtain concerns and document feedback and recommendations;
  - (d) Before a certificate of occupancy is issued for the project, prepare and submit to the ANC a plan that outlines parameters for the community's use of space for public meetings and other forums;
  - (e) Facilitate a partnership with the District of Columbia Department of Employment Services to implement the First Source Employment Agreement Program;

- (f) Broadly advertise job opportunities within the Ward 8 community and establish an on-site employment database of applicants, referrals, and hires;
- (g) Establish a system to prioritize employment for qualified and experienced Ward 8 residents, east of the Anacostia River residents and District residents;
- (h) Identify and recommend qualified minority companies or associations to serve as contractors/subcontractors on the construction project;
- (i) Establish a set-aside of 35% participation for LSDBEs on the construction project;
- (j) Establish a relationship with the Office of Local Business Development to coordinate referrals of LSDBE businesses and to assist local businesses to complete the certification process, if they are not currently certified;
- (k) Offer preference points to Ward 8 businesses, east of the Anacostia River businesses and District businesses seeking to provide services on the development of the St. Elizabeths New Hospital Project (i.e., security, groundskeeping, food services, transportation, etc.);
- (l) Establish a partnership with ANC-8C to ensure that Ward 8 minority contracting organizations, community development corporations, and business organizations are aware of contracting opportunities during all phases of the bidding process;
- (m) Earmark at least six (6) summer internship positions for students at Anacostia and Ballou Senior High Schools as a designated worksite with the DOES' Summer Youth Employment Program;
- (n) Establish an internship program for students at Anacostia and Ballou Senior High Schools who are seeking a healthcare career;
- (o) Establish and implement a Construction Apprenticeship Program as required by DOES and establish a priority for enrollment of adults who live in Ward 8;
- (p) Establish a partnership with DOES to provide training for Ward 8 residents for career positions at the St. Elizabeths New Hospital Project;
- (q) Prepare and submit monthly reporting of LSDBE participation, First Source Agreement Compliance, and Apprenticeship Program Compliance to ANC 8C;
- (r) Conduct a quarterly review of the development plan, projections, accomplishments, and modifications with ANC 8C; and

- (s) Coordinate with ANC 8C on developing and implementing a process of informing the Ward 8 community on the status of compliance with the MOU.

On October 25, 2004, the Zoning Commission approved the application by a vote of 4-0-1 (Anthony J. Hood, Kevin L. Hildebrand, Gregory N. Jeffries, and John G. Parsons to approve; Carol J. Mitten, not present, not voting).

This Order was adopted by the Zoning Commission at its public meeting on January 13, 2005, by a vote of 4-0-1 (John G. Parsons, Kevin L. Hildebrand, Anthony J. Hood, and Gregory N. Jeffries to adopt; Carol J. Mitten, having not participated, not voting).

In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register, that is, on \_\_\_\_\_.

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