Accordingly, we request that the City carefully assess the Developer's construction plans with a view towards ordering mitigation strategies to prevent and reduce noise pollution the generation of noise. We further request that the City direct the Developer to install acoustic sound barriers around all such fixtures and/or entrances. We note that similar relief was ordered at the Developer's Sargent Road site in response to excessive noise emanating from an emergency generator. See Exhibit D. Before construction permits should issue, a full review of all potential adverse noise impacts must be performed and evaluated.

PUBLIC SAFETY AND WELFARE IMPACTS

REVIEW FOR AND INVESTIGATION OF ADVERSE IMPACTS TO PEDESTRIAN SAFETY, NEED FOR INTERSECTION UPGRADES, IMPROVEMENTS AND TRAFFIC CALMING MEASURES, AND IMPACTS TO AREA CRIME AND EMERGENCY SERVICE PROVIDERS

Pedestrian Safety: The current intersection of Pennsylvania and Potomac Avenues, SE at 14th Street is a busy commuter hub. Pennsylvania Avenue carries thousands of motorists daily through that intersection by car or truck, while thousands of others traverse that roadway to and from Metro Bus and Metro Rail. Yet the physical condition of the roadway and adjoining sidewalks is poor and in need of upgrading, and perhaps complete redesign. With the influx of up to 1500 additional children, their families, and all attendant staff and service workers and vehicles into the neighborhood, it is critical to upgrade the pedestrian infrastructure to protect human life and general public safety. We therefore request that prior to issuing any construction permits that the City order the Developer to study and report on the impact which this development will have on pedestrian safety, both for its incoming residents, families and staff,

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but also upon the existing residents and business patrons who must traverse the area both during construction and for the program's day-to-day operations. This study should investigate how improved and enlarged sidewalk paving, handicapped ramps, street lighting, signals, and additional traffic lights can and should improve the intersection. Plans for these improvements and allocation of costs must be determined and implemented before construction is initiated.

The need for such a review and possible sidewalk redesign is clear. Ward 6 has the dubious distinction of being one of the most dangerous Wards in the City for pedestrians. Between 1994 – 99, thirteen (13) pedestrian deaths – or more than 15% of all pedestrian fatalities in Washington – occurred here. Only Wards 8 and 2 exceeded that number. See Exhibit K, at 10 – 13.

Intersection Upgrades and Improvements: Due to the increased volume of pedestrian traffic, the community's residents and business owners believe that the Pennsylvania and Potomac Avenues intersection needs to be upgraded and improved, especially to safely accommodate pedestrian traffic. While this is predominantly an issue of safety, this is also an issue of community aesthetics, as will be discussed below in the historic preservation section. The current pedestrian infrastructure improvements along nearby 8th Street, S.E., better known as Barracks Row, provide an example of what improvements can and should be made to this intersection, as part of the Developer's proposed construction, in order to enhance pedestrian safety and neighborhood aesthetics. The Barracks Row plans have been widely publicized in and welcomed throughout the community. The Barracks Row plans represent the type of infrastructure improvements which will assist in lowering the pedestrian injury and fatality statistics noted above.

Accordingly, we request that once the Developer reports on the impacts of its development on pedestrian safety, the City should direct the contractor to design and construct necessary upgrades and improvements at no cost to the District taxpayers.

Traffic Calming Measures: A related concern for the community involves traffic calming as a means to protect pedestrians in this dangerous intersection at Pennsylvania & Potomac Avenues & 14th Street, SE. These measures which can "reduce crashes in residential streets by an average of one-third", should become an integral part of the planning and construction process. See Exhibit K, at 22. Accordingly, we request that all the appropriate City agencies that review the Developer's proposal and assess the need for traffic calming as part of a comprehensive pedestrian safety strategy for this location.

Impacts to Area Crime and Emergency Services: With the expected annual influx of up to 1500 additional children, their families, attendant staff and other delivery and maintenance personnel, neighborhood residents are concerned about the adverse impacts of the proposed development on neighborhood crime and emergency services. At the Developer's Sargent Road, NE facility, frequent calls to emergency service agencies such as police, fire and EMS services is well-documented. Police records confirm more than 200 calls during the year 2000 alone for City emergency services. See Exhibit L.

At the Developer's northeast facility, the MPD has responded to calls for everything from escaped fugitives, to sexual assaults, suicide attempts, disorderly conduct, and missing persons, among others. Neighborhood residents have a right to know whether City agencies have fully reviewed the ramifications of this development, which is more than twice the size of the Sargent Road facility's program, on currently available police and other emergency service resources. This concern of the neighborhood's residents is in addition to the related issue as to whether the

local police and fire districts will be provided with sufficient officers and equipment to ensure that the necessary emergency response services will be readily available to all residents, notwithstanding concurrent calls by the proposed facility, and the burdens which the proposed development will place on existing resources. This added burden, of course, is in addition to the burden already placed on local emergency services by the other twenty (20) similar social service organizations already located in this neighborhood. See Exhibit M.

Neighborhood residents also are concerned as to whether the Developer has fully analyzed the public safety issues which will directly impact the children in its care, in this specific neighborhood. For example, in addition to the proposed site's proximity to several well- known open air drug markets, there are at least seven (7) registered sex offenders living in this neighborhood. See Exhibit N. For five (5) of the seven (7) convicted sex offenders, their crimes involved various types of sexual misconduct against minors. This fact behooves both the Developer and all the responsible City agencies to review more closely the proposed project at this location, and the security measures proposed to ensure that Boys Town will provide a safe and secure environment for the children in its care, before construction begins. These plans both are necessary for protection of the vulnerable children Boys Town will care for, as well as for the welfare and safety of the neighboring community residents. Accordingly, we request that a further analysis be performed at this site and that a security plan be developed to deal with the anticipated impact this development will have on the overall public safety and welfare of this community, prior to the issuance of any construction permits.

HISTORIC PRESERVATION IMPACTS:

NEED FOR REVIEW AND CONSIDERATION OF ADVERSE IMPACTS TO CAPITOL HILL PRESERVATION POLICIES, NEED FOR STREETSCAPE IMPROVEMENTS, AND ARCHEOLOGICAL CONCERNS

Streetscape Improvements: A key issue of community concern is focused on preserving the residential and historic features of this historic neighborhood including adjacent Pennsylvania Avenue, SE. The Ward 6 Comprehensive Plan specifically addresses the need to preserve and improve this area. "From 9th Street on Pennsylvania Avenue to Barney Circle, there is an opportunity through careful planning and special streetscape to convert this portion of historic Pennsylvania Avenue into an attractive area which will attract substantial investment." See Exhibit B, at 10 DCMR 1732.6 (April 1995). The Comprehensive Plan particularly notes the need to "[p]revent or mitigate adverse impacts from immediately adjacent areas of Congressional Cemetery." See Exhibit B, at 10 DCMR 1727.1(o). The Developer's proposed site is only three (3) blocks from this historic landmark. It is appropriate, therefore, and in keeping with current policy statements, and the Ward 6 Comprehensive Plan, to designate that all sidewalks adjoining this intersection, including the Developer's site, include streetscapes in keeping with the historic aesthetics of the Capitol Hill neighborhood. See 10 DCMR 1720.2 (Noting Barney Circle and Pennsylvania Avenue streetscape needs to be treated as a "major entry to U.S. Capitol"). Nearby Barracks Row, on Eighth Street, SE, provides a good example of the types of upgrades suitable for this site.

Recent Demolition Work: A number of residents are also concerned about the appropriateness of the demolition which the Developer has already completed on the site. Two of the demolished structures contained brownstone rowhouses which may have been of historic

or architectural significance for this area. The Ward 6 Comprehensive Plan addresses the City's declared policy on this very issue in this specific neighborhood, i.e., to "[p]rohibit unpermitted demolitions and exterior aleterations in the Capitol Hill and Anacostia Historic Districts." Furthermore, the Plan sets forth the specific policy to "[p]rotect and preserve historic features, scale and textures of Pennsylvania Avenue and adjacent commercial areas [including prohibiting] unpermitted alterations, demolitions and incompatible new construction." See Exhibit B, at 10 DCMR 1727.1(f) & (o). At present it is unclear whether any of these policies were considered by City permitting authorities when the demolition permits were approved.

Accordingly, we request that the permit approval for the demolition of the two brownstone townhomes on the Pennsylvania Avenue side of the Developer's site be reviewed for conformity with historic preservation guidelines. We request that the City provide us with information to support its approval of the noted structures for demolition, and why the City believes that the noted demolitions did not violate the above-referenced policies on historic preservation.

New Construction: In addition, and consistent with the Ward 6 Comprehensive Plan, we request that the City review the proposed construction plans for conformance with historic aesthetics of the neighborhood, Pennsylvania Avenue and the Anacostia Historic District. We request that the City obtain from the Developer information to verify its compliance with historic preservation policies and to ensure that the Developer's proposed construction is not incompatible with existing historic features along Pennsylvania Avenue, and in the surrounding neighborhood.

Archaeological Concerns: Some community members at a recent PSA 112 East meeting (i.e. June 21, 2001) voiced concerns about whether the Developer or the City permit reviewing

agencies have considered the potential for archaeological investigation of the site. The entire Capitol Hill area is full of historical treasures. Most recently, during construction work for new Barracks near the Marine Corps Headquarters on Eighth Street, SE, the foundation to the original Eastern Market was discovered. See Exhibit O. We therefore request, prior to the issuance of any construction permits, that further review and assessment be performed in order to determine whether archaeological artifacts may be present at this site. Presumably, this exploration can be accomplished in conjunction with the review of "PRIOR USES" on the site, as discussed above.

RESERVATION OF RIGHTS

The SCSD reserves all rights to supplement or amend this filing at a later date as the administrative review process continues. The SCSD further reserves the right to pursue all available remedies to ensure that all adverse environmental impacts are fully reviewed and vetted through the public hearing and administrative review process.

CONCLUSION

For all the reasons stated herein, and the fact that Father Flanagan's Boys Town's proposed development represents a Major Action with enormous potential impacts on the surrounding neighborhood, the SCSD requests a complete and thorough review of the issues raised herein, and the acheduling of and completion of a public hearing in order to thoroughly review the serious issues SCSD has raised. Further, the SCSD asks that any further action to issue construction permits for this site be stayed and held in abeyance pending

consideration of and resolution of all the issues raised above. In addition, the SCSD wishes to have the opportunity to carefully review all the documents received pursuant to this request for information whenever a full and complete response is provided to all the inquiries contained herein pursuant to the DC FOIA statute, prior to the scheduling of the public hearing.

Respectfully Submitted,

Southeast Citizens For Smart Development, Inc.

June 29, 2001

A

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS

TITLE 11

ZONING

D.C. OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

JULY 1995

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Bertrand S. Thomas
Acting Administrator

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Office of Documents and Administrative Issuances
Room 520 - 441 4th Street, N.W.
Washington, D.C. 20001

356 COMMERCIAL ADJUNCTS TO HOTELS (R-5)

356.1 Commercial adjuncts to a hotel containing less than one hundred (100) rooms or suites shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

356.2 The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased.

356.3 There shall be no direct entrance to the adjunct from the outside of the building.

356.4 No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.

356.5 No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.

356.6 The hotel shall be of sufficient size and character so that the financial support of the requested adjunct may be expected to be furnished entirely or substantially by the hotel guests.

SOURCE: §3105.44 of Regulations effective May 12, 1958; as amended by *Final Rulemaking published at* 27 DCR 2066, 2068 (May 16. 1980)

357 REHABILITATION AND SUBSTANCE ABUSERS' HOMES (R-5)

357.1 Youth rehabilitation homes, adult rehabilitation homes, or substance abusers homes for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the standards and requirements of §§358.2 through 358.7 and 358.9.

SOURCE: §3105.410 of Regulations effective May 12, 1958; as amended by Final Rulemaking published at 28 DCR 3482, 3498 (August 7, 1981); and by Final Rulemaking published at 40 DCR 726 (January 22, 1993).

358 YOUTH CARE HOMES AND COMMUNITY RESIDENCE FACILITIES (R-5)

358.1 Youth residential care home or community residence facility for sixteen (16) to twenty-five (25) persons, not including resident supervisors or staff and their families, shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

358.2 There shall be no other property containing a community based residential facility for seven (7) or more persons in the same square.

358.3 There shall be no other property containing a community based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.

358.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

358.5 The proposed facility shall meet all applicable code and licensing requirements.

358.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

358.7 The Board may approve more than one (1) community based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

358.8 The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

358.9 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

SOURCE: §3105.47 of Regulations effective May 12, 1958; as amended by Final Rulemaking published at 28 DCR 3482, 3496 (August 7, 1981); and by Final Rulemaking published at 40 DCR 726 (January 22, 1993).

359 HEALTH CARE FACILITIES (R-5)

359.1 Health care facilities for sixteen (16) to three hundred (300) persons not including resident supervisors or staff and their families, shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment, in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

359.2 The applicant shall meet the standards and requirements set forth in §§358.2 through 358.7.

359.3 The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

359.4 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the

B

ROLLED ORIGINAL

CHAPTER 17 WARD 6 PLAN

Secs.

1700 WARD 6 Economic Development
1701 WARD 6 Objectives for Economic Development
1702 WARD 6 Policies in Support of Economic Development Objectives
1703 WARD 6 Actions to Implement the Plan: Economic Development
1704 WARD 6 Housing
1705 WARD 6 Objectives for Housing
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1723 WARD 6 Actions to Implement the Plan: Urban Design
1724 WARD 6 Preservation and Historic Features
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1735 WARD 6 Actions to Implement the Plan: Land Use
1736 WARD 6 Actions to Implement the Plan: Other Changes

1700 WARD 6 ECONOMIC DEVELOPMENT

1700.1 Ward 6 offers an abundance of economic opportunity within its commercial area. These opportunities can be enhanced by a variety of actions, including land use studies, tailored to the different areas of the ward, small-area studies, parking and loading studies, streetscape plans, tax abatement incentives and facade improvement grants and loans. Economic development themes in the ward are almost exclusively in two (2) areas: office development and small retail business which will serve both the office and residential communities. In this regard special efforts should be made to ensure that development in Ward 6 is compatible with development in other wards on the fringe of the ward, including the Hechinger development in N.E. in Ward 5 and the opening of the Anacostia Metrorail Station on the Green Line in Ward 8. The issue in Ward 6 will be how to manage development in the best interests of the Ward 6 community and the city, as a whole. There are virtually no industrial areas in the ward except for small parcels, which are, for the most part, incompatible with current neighborhood uses.

(m) Provide systematic continuing funds for improvement and maintenance of recreation facilities in Anacostia Park, including NPS roller rink and D.C. swimming and recreation center;

(n) Provide for adaptive reuse of vacant school buildings except for the 16th Street temporary buildings, which shall be demolished;

(o) Future public facilities to be developed in conformity with integration plans of National Park Service for Anacostia Park and development concept plan for Anacostia;

(p) Improve access and increase utilization of Anacostia and Fort Dupont Parks. Provide additional parking at Fort Dupont Park;.

(q) Develop a park maintenance plan for all the open space in the ward; and

(r) Subject all District government agencies, including the school system, to requirements of the Plan.

1720 WARD 6 URBAN DESIGN

1720.1 Ward 6 has a number of unique features which fits its character for any urban design planning. Of special note are the large historic districts in the Ward: the Capitol Hill Historic District on the west side and the Historic District in Anacostia. Since these constitute forty percent (40%) of the ward's land, and the surrounding areas resemble them in physical appearance, it is their character which is a determinate of urban design for the ward. Most of the urban design issues consist of developing detailed streetscape designs for public spaces: sidewalk materials, lighting, signage, benches, plantings, fencing, trash containers, controls over placement of vending machines and trash containers in the public spaces by private persons, as well as controls on curb cuts and enhancements of the street tree program.

1720.2 On the west side of the ward special attention needs to be given to the following area. In conjunction with the National Park Service, a streetscape plan needs to be performed and implemented for Pennsylvania Avenue, S.E., to Barney Circle. The Park Service is responsible for the Esplanade. The District is responsible for the sidewalks, lighting and street trees. At Pennsylvania Avenue and the Eastern Market Metro Stop there needs to be an extension of the Avenue streetscape into 7th Street to North Carolina Avenue down to 8th Street, S.E., to the Navy Yard in order to establish the visual character of that area as the central business district of Capitol Hill. The center piece of this consists of the re-design of the Eastern Market Metro Park to provide for more shade, better lighting, different landscaping, etc.: all appropriate for a Victorian neighborhood. A similar design issue exists at the Potomac Avenue Metro stop, which should be made part of the small area study for that neighborhood. Finally, there should be a major design study for

the Barney Circle entry way at the point where the Avenue starts east over the Anacostia River. There may also be merit in extending Pennsylvania Avenue streetscape design all the way out to the Maryland line but on a less grand scale in order to delineate Barney Circle as the major entry to the U.S. Capitol.

1720.3 Also on the western end of the ward, there needs to be an implementation of the "transition zone" mentioned in the Architect for the Capitol's master plan for the U.S. Capitol. An appropriate streetscape would denote the point at which the private and district lines meet the edges of the Capitol Grounds. That should be accomplished in conjunction with the Architect of the Capitol.

1720.4 Whenever the District and the Park Service have joint responsibility for parks - large and small - in the ward, there should be a coordinated plan for fencing, lighting, walkways, and, most important, a security and maintenance plan for each park. These areas add considerably to the character of the areas and are vital to any meaningful plan for urban design of Ward 6.

1720.5 Finally, on the west end of the ward, a distinctive streetscape plan is necessary to establish the character and undergird the viability of the H Street/Benning Road commercial corridor.

1720.6 A similarly detailed streetscape plan for Anacostia is needed to assist in implementation of the Anacostia Coordinating Council's plan for that area. As with the Capitol Hill Historic District, the Anacostia Historic District should be the core around which a streetscape is designed.

1720.7 The Twining area requires a streetscape appropriate to its character in order to help retain its character as a single family residence area. This area also requires buffering from the rail tracks and rail yard on its western side. Finally, Interstate 295 (Kenilworth Avenue) needs to have an urban design scheme to buffer it from the adjacent neighborhoods and also to give those who use the road a better impression of the urban areas through which they are passing.

1721 WARD 6 OBJECTIVES FOR URBAN DESIGN

1721.1 The objectives for urban design are as follows:

(a) To acknowledge and protect the unique architectural character of Ward 6 and preserve the continuity of the well established, essential and historic areas;

(b) To ensure that new development that occurs in Ward 6 complements and translates land uses into compatible, physical settings and preserves and enhances the outstanding qualities of the natural park areas; and

expansion of existing historic districts, and increasing the number of landmarked buildings on the city's current inventory. The HPD should concentrate its efforts in the areas north and east of the Capitol Hill Historic District, and seek to protect structures along the H Street corridor, and in portions of the Navy Yard area and Old Anacostia that are not currently protected under the District's preservation law;

(b) Encourage new development throughout Ward 6 to respect the character of adjacent landmarks through appropriate use of public art, landscaping, materials, building scale, and architectural design; and

(c) Provide assistance in the Ward 6 area to property owners in the historic districts to encourage rehabilitation.

1727 WARD 6 ACTIONS TO IMPLEMENT THE PLAN: PRESERVATION AND HISTORIC FEATURES

1727.1 The actions to implement preservation and historic features are as follows:

(a) Monitor and enforce stringently rehabilitation, new construction and public space uses to assure compliance with historic district guidelines;

(b) The District government in maintaining, refurbishing and constructing in the Historic Districts will follow the same standards and guidelines as private persons;

(c) Develop assistance techniques to help lower income persons to remain in the Districts and to assist them in maintaining their property in accordance with historic district guidelines and standards;

(d) The Preservation Office will develop educational programs and materials to help educate the residents of historic districts as the meaning and reasons for the existence of such districts and what their obligations are as residents of such districts;

(e) Prohibit unpermitted demolitions and exterior alterations in the Capitol Hill and Anacostia Historic Districts;

(f) Protect and preserve historic features, scale, and texture of Pennsylvania Avenue and adjacent commercial areas - prohibit unpermitted alterations, demolitions and incompatible new construction;

(g) Preserve historic character of Eastern Market and adjacent areas;

(h) Extend Capitol Hill Historic District eastward to L'Enfant Plaza boundaries;

(i) Preserve and enhance historic character of East Capitol Street;

(j) Preserve historic row dwellings (Nos. 1-5 Barney Circle);

(k) Enhance historic scale and character of 8th Street, S.E., and its linkage to Pennsylvania Avenue corridor through special streetscape controls and standards;

(l) Improve small park areas along Pennsylvania Avenue and adjacent commercial corridors through special landscaping, lighting, street furniture. Improvements encompass park/plaza area in 800 block of D Street, S.E. (south of Pennsylvania Avenue);

(m) Protect and preserve historic features and scale of Massachusetts Avenue, N.E., commercial corridor - prohibit unpermitted alterations and demolitions;

(n) Develop and implement guidelines and standards for Capitol Hill Historic District to include standards for materials and paint colors;

(o) Prevent or mitigate adverse impacts from immediately adjacent areas of Congressional Cemetery; and

(p) The Office of Historic Preservation shall conduct a study of the feasibility of expanding the boundaries of hte Capitol Hill Historic District. Such study shall be funded by the Office of Historic Preservation and shlal include as participants the Capitol Hill Restoration Society, the Stanton Park Neighborhood Association, and other affected business groups, community associations, and ANCs.

1728 WARD 6 HUMAN SERVICES

1728.1 The change in the ward's demographic patterns has shifted demands for human services. As Capitol Hill and Stanton Park were renovated, social workers noted a significant decrease in the number of people on welfare and reliance upon assistance in these areas. Still, segments of the ward's population remain in need of the District's social, economic and health support systems.

1728.2 Ward 6 east of the Anacostia River has a high unemployment rate, low overall educational attainment level, high percentage of low- and moderate-income single parent households, and a growing number of Community Based Residential Facilities ("CBRFs"). They provide vital services for those persons with disabilities, the homeless, and those in need of substance-abuse treatment. Placement of CBRFs has been a controversial and sensitive issue for Ward 6. Each of these factors underlies the need to improve the effectiveness of the ward's human services delivery system.

(c) Find ways to support health and social services to those in need throughout Ward 6, with particular attention focused on the homeless, households headed by women, and the elderly;

(d) Distribute public information and fact sheets on public safety services available in the Ward 6 community to local businesses, residents, and tourists; and

(e) Support the District of Columbia General Hospital located in Ward 6.

1731 WARD 6 ACTIONS TO IMPLEMENT THE PLAN: HUMAN SERVICES

1731.1 The actions to implement the human services objectives are as follows:

(a) Ensure that Congressionally-sponsored service institutions are compatible with the character of the immediately surrounding neighborhood;

(b) Retain and preserve Friendship House and Southeast House as neighborhood social services component;

(c) Develop joint public/private community human service center, including job information and placement and recreational facilities at an appropriate central H Street, N.E. site, as identified in re-evaulated H Street Corridor Urban Renewal Plan;

(d) Prevent further concentration of community-based residential facilities ("CBRF's") in Ward 6 neighborhoods and require future development of the CBRF's to be in accordance with the District-wide CBRF plan, except that efforts to prevent further concentration of community-based residential facilities shall not violate the Fair Housing Amendments Act, approved March 12, 1989 (102 Stat. 1619; 42 U.S.C. 3601 et seq.) ("Fair Housing Act"). For the purposes of this paragraph, the term 'handicap' has the same meaning as in §802(h) of the Fair Housing Act ;

(e) Develop senior citizen community center in northeast section of the ward; and

(f) Support Boys/Girls Club at 17th Street/Massachusetts Avenue, S.E., and make more accessible to neighborhood.

1732 WARD 6 LAND USE

1732.1 Ward 6 is characterized predominantly by moderate-density residential and low-to-moderate density commercial land use. Almost all commercial activity consists of small businesses supplying services to the surrounding community. Recently there has been reuse of many commercial buildings and the construction of new buildings to

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Friday, April 21, 2000

MEMO TO FILE

Application No. 16531 of Father Flanagan's Boys Town of Washington, pursuant to 11 DCMR 3104.1 for a special exception for the construction of four residential care buildings under Section 303, each housing no more than six persons and an addition to an administrative building, or in the alternative, the construction of four residential care building units, each housing not more than six persons and the conversion of the existing residential unit into administrative use in the R-2 District at premises 4801 Sargent Road, N.E. (Square 3977, Lot 811).

Hearing Dates: January 19, 2000 and February 23, 2000
Decision Dates: April 5, 2000 and (pending) October 3, 2000

The Board indicated that the Applicant needed to address specific concerns prior to its decision. The Board delayed making its decision for six months to afford the Applicant and residents time to resolve the community's concerns. At the end of six months, the Applicant and Advisory Neighborhood Commission (ANC) 5A are to inform the Board how the outstanding issues have been resolved. The issues to be worked on are:

- **Water Run Off:** All storm water run-off controls not directly associated with the proposed new construction must be installed and operating.

- **Noise Abatement:** The Applicant shall take measures to reduce noise from the emergency generator and the cooling tower.

- **Community Liaison Program:** The Applicant shall establish and convene an Advisory Liaison Committee to meet at least twice prior to September 20, 2000, report deadline. The meetings shall be scheduled to afford the community liaison committee a meaningful opportunity to report to the ANC, which will then provide the ANC's report to the Board.

BZA
Case No. 16531
Exhibit No. 63

- **Security Plan:** The Applicant is to develop a Security Plan. This initiative is to be coordinated with ANC 5A and the Commander of the area's Police Precinct.

The Applicant and ANC 5A are to each submit a report to the Board by **SEPTEMBER 20, 2000** verifying that the above-conditions have been met. The Board will make a decision on the application at its **OCTOBER 3, 2000** public meeting.

The motion to defer making a decision was made by Sheila Cross Reid, seconded by Anne M. Renshaw (Sheila Cross Reid, Anne M. Renshaw and Robert Sockwell to approve).

SHERI M. PRUITT
Secretary to the BZA

CC: Phil Feola, Wilkes, Artis, Hedrick and Lane (By FAX)
Norma M. Broadnax, ANC 5A (By FAX)
Cynthia Reid, Concerned Neighbors of North Michigan Park

BAB/4.20.00

D

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

'00 APR 14 A9:10

MEMORANDUM

April 10, 2000

To: Sherri Puritt William, Secretary To the Board
Board of Zoning Adjustments (BZA)
DC Office of Zoning

From: Michael D. Johnson
Zoning Administrator

Subject: Request for Zoning Administrator's Review
BZA Application No. 16531 4801 Sargent Road, N.E.
(Father Flanagan's Boys Home)

The Board has requested, through the Secretary of the Board, my advice as to whether the subject application of Father Flanagan's Boys' Home requests the proper relief from the Board. The application requests a special exception under Section 303 to permit four residential care buildings, each housing no more than six persons.

I have reviewed the applicable Zoning Regulations, the order of the Zoning Commission originally adopting what is now section 303, and the decision of the Court of Appeals in *Speyer v Barry* (588A.2d 1147 DC App. (1991)). I have discussed the matter with members of my staff and with representatives of the applicant, who certified the relief to the Board. I have determined that the applicant has requested the proper relief from the Board, and that no other relief is required for the proposed use and development to proceed.

The application proposes the construction of four separate youth residential care homes, in a campus like setting on a 12+ acre property. The applicant will own the entire property and will set program requirements on an overall basis (as it does for all of its similar properties around the United States). Each home will be run by a married couple who will live on the premises and will supervise the daily living and care of the six individuals who is proposed to reside in each building. Additionally, each house will contain all of the facilities to accommodate the six youths and two adults (e.g.kitchen, living room, bedrooms and bathrooms) and the homes will not share facilities, in common.

Under Section 201.1(n)(1), in an R-1 District (and by extension in an R-2 District), a youth residential care home for not more than six persons, not including resident supervisors or staff and their families, is a permitted, matter of right use. If the subject property had been subdivided so that each of the houses was on a separate lot of record, no relief from the Board would have been required.

As a campus like facility, with the four proposed buildings, in addition to the existing emergency shelter which was approved by the Board in Application No. 15805, order dated August 31, 1993, the relief required from the Board is as advertised. I note that under Section 303.7, the Board must determine that "the cumulative effect of the {community based residential} facility will not have an adverse impact on the neighborhood because of traffic, noise or operations."

This case can be distinguished from the Hurt Home case, the one which was subject of the Court of Appeals decision in *Speyer v. Barry*. In that application, a single home was proposed to accommodate

BZA
Case No.
Exhibit No.

more than twenty residents. The Court found that a variance was required because, by special exception, the Board could approve no more than fifteen residents. In adopting the CBRF regulations, in Order No. 347, dated July 9, 1981, the Zoning Commission set out four principles it relied upon in amending the Regulations. One of those principles was:

> Smaller facilities, approximating the size and characteristics of families, should be encouraged to lessen impact, increase compatibility and provide for true alternatives to institutional settings.

I believe that the use and development of the proposed application meets the legislative intent of the Zoning Regulations. If I may be of further assistance, please let me know.

cc: Lloyd J. Jordan,. DCRA Director
Armando M. Lourenco, BLRA Administrator
Edgar T. Nunley, Chief, Zoning Review Branch
Jerrilyn Kress, Director, OZ
Marie Sansome, Assistant Corporation Counsel
Steve Shur, Wilkes and Artis

MDJ/er/mdj
father flanigan/my/bza

APPLICANT'S
PROPOSED ZONING ORDER
BZA APPLICATION NO. 16531

DRAFT

Application No. 16531 of Father Flanagan's Boys Town of Washington, pursuant to 11 DCMR 3104.1, for a special exception under Section 303 to construct four youth residential-care homes, each housing six children, in an R-2 District at premises 4801 Sargent Road, N.E., Parcel 169/114.

HEARING DATE: February 23, 2000
DECISION DATE: April 5, 2000

SUMMARY OF EVIDENCE OF RECORD

1. Father Flanagan's Boys Town of Washington, Inc. ("Boys Town") is a subsidiary of Boys Town USA, a nonprofit, nonsectarian program operating in nine states nationwide. Boys Town USA is the family and community-based extension of Father Flanagan's Boys Town, founded in 1917 in Omaha, Nebraska, to help troubled boys. The program was expanded in 1979 to admit girls. The long-term residential component of Boys Town USA is designed to help abused and neglected children put their lives back together through a program of responsibility, nurturing and love.

2. Boys Town is the owner of property located at 4801 Sargent Road, N.E. (Lot 811, Square 3977) (the "Subject Property"). The Subject Property was, from the 1920's until 1992, the site of St. Gertrude's School and Development Center, a 24-hour care and educational facility for up to 50 mentally and emotionally handicapped children.

3. On June 2, 1993, the District of Columbia Board of Zoning Adjustment ("BZA" or "Board") issued Order No. 15805 granting special exception relief for Boys Town to establish Father Flanagan's Boys' Home of Washington, a long-term youth residential care home for up to 15 persons and an emergency youth shelter for 20 persons.

4. The Subject Property is in the R-2 Zone District and consists of approximately 526,310 square feet (12.1 acres) of land. The Subject Property is currently improved with two existing main buildings and two ancillary

structures (a carport and an enclosed pool).

5. The Applicant's program incorporates a long-term youth residential care home for up to 15 abused and neglected children, aged 12 to 17 years, with the average length of stay at this facility approximately 16 to 18 months. Additionally, Boys Town also operates a short-term residential care home on the property, which is defined in the Zoning Regulations as an emergency shelter, for up to 20 abused and neglected children, aged 12 to 17 years.

6. On October 29, 1999, the Applicant filed Application No. 16531 (the "Application") requesting special exception approval from the BZA for the construction of four youth care homes, each housing up to six neglected and abused children and for the addition of an administration building, pursuant to Section 303 of the Zoning Regulations. The Application requests, therefore, to increase the authorized number of "long-term" children housed at Boys Town from 15 to 24 children, along with new construction to accommodate the additional long-term residents.

7. Ms. Constance Washington, Site Director of Boys Town, testified regarding the programs operated on the Boys Town site. This testimony indicated that the four youth care homes will house no more than six youths each, as well as a resident married couple and a resident child-care assistant. Boys Town commits substantial financial and staff resources toward the creation of a structured, secure home-life atmosphere to facilitate a change in thinking, lifestyle and behavior. Individual treatment designed to change behavior by teaching appropriate skills is provided in a family-style setting. (Tr. at 10.)

8. The physical environment of the long-term residential facility or family home will continue to mirror a stable, middle-class home in design, decor and atmosphere. Food, clothing and other essentials will be purchased in the community in the same manner that such goods and services are purchased by other families. The primary staff in the family home is a trained married couple, called family teachers, who will reside in the home and function as parents. (Tr. at 13.)

9. Ms. Washington testified that, over the past two years, Boys Town hosted and/or participated in approximately 14 meetings with the community to discuss its expansion plans. Some initial concerns, such as noise due to basketball playing and tree overgrowth, have been addressed. Other concerns, such as water run-off and equipment noise were also brought up by the community.

10. Amy Weinstein of Weinstein Associates testified as an expert in architecture and site planning. Ms. Weinstein testified that there are five separate components to the Applicant's project. The first is to convert the existing

group home to administrative use. The second is to build four new youth care homes in the approximate center of the Subject Property. The third component is to increase parking spaces from 23 to 45. The fourth component of the project is an administrative addition north of the existing administration building, including a one-story training room. The fifth component involves the stormwater mitigation project designed to resolve the existing problem of stormwater run-off from the Subject Property. Additionally, a group of sheds, a carport and an enclosed swimming pool structure would be removed as part of the project.

11. Ms. Weinstein testified that the Applicant was designing structures for mitigation of noise disturbance emanating from an existing cooling tower and an emergency generator on the Subject Property.(Tr. at 53.) Ms. Constance Washington testified that Boys Town expected to have the noise mitigation project completed by June 30. (Tr. at 21.)

12. Ms. Weinstein testified that the Comprehensive Plan designates the site for institutional use, and that the site was used by nonprofits to serve needy children since the 1920s. She added that the site is surrounded by a significant number of other institutional uses. Ms. Weinstein testified that, in her opinion, this project is very consistent with the Comprehensive Plan.

13. Timothy Riordan of A. Morton Thomas Associates, Inc. testified as a civil engineering expert. Mr. Riordan testified that the stormwater run-off problems originating on the Boys Town property would be substantially reduced by the stormwater mitigation plan developed by A. Morton Thomas & Associates.

14. Mr. Riordan testified that surface water coming from Boys Town's property would be contained and directed to a closed stormwater system before it had an opportunity to get to the houses which front Delafield Place, N.E. Mr. Riordan testified that the stormwater mitigation system would bring about the abatement of the water problem to the extent that it emanates from Boys Town's property.

15. Mr. Riordan testified that, in the construction of the four new homes, a stormwater system installed for those homes would be required to retain all new site water and some of the existing site water, thereby actually decreasing the run-off from the site due to the construction of the new homes. The stormwater system for the four additional homes would be completely separate, and in addition to, the stormwater mitigation system planned to address the existing water problem.

16. Ms. Washington testified that, as a child-care agency, Boys Town is required to report every nonarrival of a child to the Metropolitan Police Department. However, the majority of police calls to Boys Town are caused by the children in the short-term facility. The long-term facility, which would be increased as a result of this Application, experiences less behavioral disturbances resulting in police calls.

17. In response to the Applicant's request, the Department of Public Works ("DPW") indicated in a memorandum dated January 13, 2000, that the parking on the Subject Property is more than adequate to accommodate employees and visitors to the site with little or no measurable impact on the transportation system in the area.

18. According to a letter dated February 2, 2000, from ANC 5A to the Board, and by testimony of Norma Broadnax, Chairperson of ANC 5A, ANC 5A approved a motion that the Application be denied until the issue of the existing water drainage is addressed and resolved.

19. In a letter dated February 15, 2000, Raymond L. Dickey, Commissioner of the affected ANC Single Member District 5A-04, supported the Application on condition that Boys Town agree to resolve the noise and water problems. Mr. Dickey also testified in support of the Application.

20. Commissioner Dickey submitted a letter to the Board from the North Michigan Park Civic Association, signed by Grace Lewis, the group's president. In this letter, Ms. Lewis stated that the North Michigan Park Civic Association held a meeting on February 2, 2000 to discuss the Application. At this meeting, the group voted to support the Application, stating that it believed that the water and noise issues would be addressed in a timely fashion.

21. A number of residents testified in opposition to the Application. Their concerns related to existing conditions, including (a) noise, (b) water problems in the basements of homes fronting on Delafield Place, and (c) security.

22. Ms. Cynthia Reid, Chairperson of Concerned Neighbors of North Michigan Park, testified that the water problems existed when St. Gertrude's owned the property and that Boys Town did not attempt to address the water situation until they were approached by the Concerned Neighbors of North Michigan Park approximately two years ago. Ms. Reid stated that the problem began sixteen (16) years ago.

23. Reverend David Turner, a resident of 4889 Queen Chapel Terrace, N.E., testified in support of the Application. Reverend Turner testified that water problems were prevalent throughout the entire surrounding area and that

the city was to blame, rather than Boys Town. He stated that, in 1994, the District had declared the entire area a hazardous situation, which required the District to address the water problems throughout the area. He stated that if the District had addressed the problem as required we would not need to be here today.

24. The Applicant responded as follows to the concerns expressed by neighbors:

A. Stormwater Run-Off: Boys Town has agreed, and is in the process of installing a stormwater mitigation system as explained in detail at the February 23 hearing and pursuant to the plans submitted as a posthearing submission.

B. Noise Disturbance: The Applicant has applied for and received a building permit to construct sound-baffling walls around the cooling tower and emergency generator. Construction of the sound-baffling walls is expected to take approximately eight weeks.

C. Security Concerns: Boys Town will not admit children who have committed felonies or major criminal offenses. There have been no material incidents between Boys Town residents and the community since its inception in 1993.

FINDINGS OF FACT

Based on the evidence of record, the Board finds as follows:

1. The 45 parking spaces provided on-site will be adequate to meet the needs of the proposed operation.

2. The Subject Site is large enough and the proposed structures are situated far enough from the street and surrounding properties to adequately buffer the neighborhood from the noise and operations.

3. Visits to the site will be few and will occur seldom. Also, some of the staff members will reside on-site. Therefore, the facilities will not adversely impact traffic in the area.

4. Boys Town successfully maintains security on the site in a way which does not adversely affect the surrounding neighborhood.

5. The Applicant's proposed stormwater mitigation system and noise abatement plans will be effective in substantially reducing noise and stormwater run-off emanating from the Applicant's property.

6. ANC 5A's concerns do not relate to the pending Application, but to existing conditions. Nonetheless, the Board can assume that these conditions are addressed and corrected by properly conditioning this Order.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record the Board concludes that the Applicant is seeking a special exception to allow the construction of four youth care homes each housing no more than six children and to construct an administration building in an R-2 District. The granting of that special exception requires that the proposed use meet the requirements of 11 DCMR 303 regulating youth care homes and community residence facilities. The Board also must determine that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the issues raised herein and in the post-hearing submissions have been adequately dealt with as a matter of fact and law.

The Board concludes that the Applicant has met this burden of proof. The Board is of the opinion that the addition of the four youth care homes, each housing no more than six persons, and the construction of the administration building are not likely to become objectionable to adjoining and nearby property owners because of traffic, noise, operations or the number of similar facilities in the area.

The Board concludes that it has accorded "great weight" to the issues and concerns of ANC 5A and is satisfied that the issues related to existing conditions of water run-off and noise can be solved with the conditions contained herein.

Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The Applicant shall install a stormwater drainage system as soon as is practicable on the north side of the property pursuant to plans designed by the civil engineering firm of A. Morton Thomas and Associates, Inc., as shown on Exhibit ___ of the record as such plans are ultimately approved by the appropriate District of Columbia review agencies. (Exhibit ____).

2. The Applicant will establish and continue a community liaison committee to provide a continuity vehicle for dialogue between Boys Town and the community, in accordance with the guidelines submitted by the Applicant (Exhibit ____).

3. The Applicant will erect sound-baffling walls around the existing emergency generator and HVAC mechanical unit as soon as is practicable on the north side of the property in order to reduce noise disturbance, in accordance with the materials submitted by the Applicant (Exhibit ___).

4. The Applicant will continue to monitor the growth of trees on the northern edge of its property and will take appropriate steps to protect against property damage caused by their overgrowth.

5. The Subject Property shall house no more than 20 youth in its short-term youth residential care facility and 24 youth in the four houses to be constructed for its long-term residential care facility, as shown on the plans prepared by Weinstein and Associates and marked as Exhibit _ of the record.

VOTE:

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

ATTESTED BY:_____
Jerrily R. Kress, FAIA
Director
Office of Zoning

FINAL DATE OF ORDER: _____

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO §3125.6"

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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The Washington Times
May 26, 2000

Ward 5 ANC chief calls Boys Town bad neighbor

By John Drake
THE WASHINGTON TIMES

Neighbors of Boys Town of Washington's headquarters in Northeast say the group's officials have ignored their long-standing complaints about water runoff and unruly children.

"Citizens feel Boys Town has not been a good neighbor," said Norma Broadnax, chairman of an Advisory Neighborhood Commission for Ward 5.

A mound of dirt at least two stories tall on Boys Town's property sits atop an underground spring just south of a row of homes, forcing water to flow into nearby basements and foundations, residents said.

Moreover, neighbors have complained often about trespassing and excessive noise by Boys Town youths.

"I think someone should sue Boys Town. I'm going to get Johnnie Cochran," said a laughing Ethan P. Norman, who lives in the 1200 block of Delafield Place NE near the group's Sargent Road headquarters.

Sharon Robinson, a public relations consultant hired by Boys Town this month, said officials have tried to involve neighbors in its plans and taken steps to fix problems. "We want to be a good neighbor," she said. "We are looking to resolve the issues."

Those issues are likely to be of great interest to residents of east Capitol Hill who are opposing the establishment of a $5 million Boys Town complex for neglected children in their neighborhood.

Boys Town paid $8.2 million in March for a large tract at Pennsylvania and Potomac avenues SE to build four Victorian town homes that will house up to 40 abused and neglected children.

Residents there already are upset that they weren't told of the plans and say the development usurps one of the last spots for a commercial or retail business, hurting revitalization efforts.

Boys Town has treated residents in east Capitol Hill like the neighbors in Northeast, said Deborah Bandzerewicz, a Capitol Hill resident.

"They did not respond to the community until push came to shove," Ms. Bandzerewicz said.

Imogene Gilmore, who has lived in the 1200 block of Delafield Place NE since 1959, said her basement and first floor have been flooded during storms because of the Boys Town mound.

Sam Wooten, who moved to Delafield Place in 1977, installed a

see SITE, page C3

SITE

From page C1

small brick wall around his back yard, but it still floods. "It's like someone turned on a faucet or a little creek," he said.

Mr. Norman said the water in the alley and back yards creates a breeding ground for mosquitoes. His basement steps are covered in a moist, green growth.

Neighbors acknowledged that the dirt mound and water problems preceded Boys Town's acquisition of the property in the early 1980s, but added there have been other problems.

Mr. Norman said he saw a Boys Town youth jump a fence and trespass onto a neighbor's yard. When the homeowner told the boy to leave, the boy talked back.

Ms. Robinson, the Boys Town spokeswoman, conceded one of its youths had entered the man's yard and "give him some lip," but said the man refused to accept the boy's apology later.

The homeowner could not be reached for comment.

Boys Town's plan to build four new homes on its Northeast property is on hold by order of the D.C. Board of Zoning Appeals until the water problem is fixed.

Boys Town paid an engineering firm to study the problem, and the group is waiting for a city permit to begin building a retention wall, underground pipe and ditch to direct water away from residents' yards, Ms. Robinson said.

The Department of Public Works will install more drains and level the alley behind homes on Delafield Place so it will no longer slope toward their yards, said Theodore Gordon, senior deputy director for public health assurance at the D.C. Department of Health.

Several residents have heard of the plans, but are still skeptical.

"I don't believe nothing Boys Town says," Mr. Norman said. "It's a bunch of liars over there."

Mrs. Broadnax, the ANC chairman, said, "I wish those people over in Southeast well."



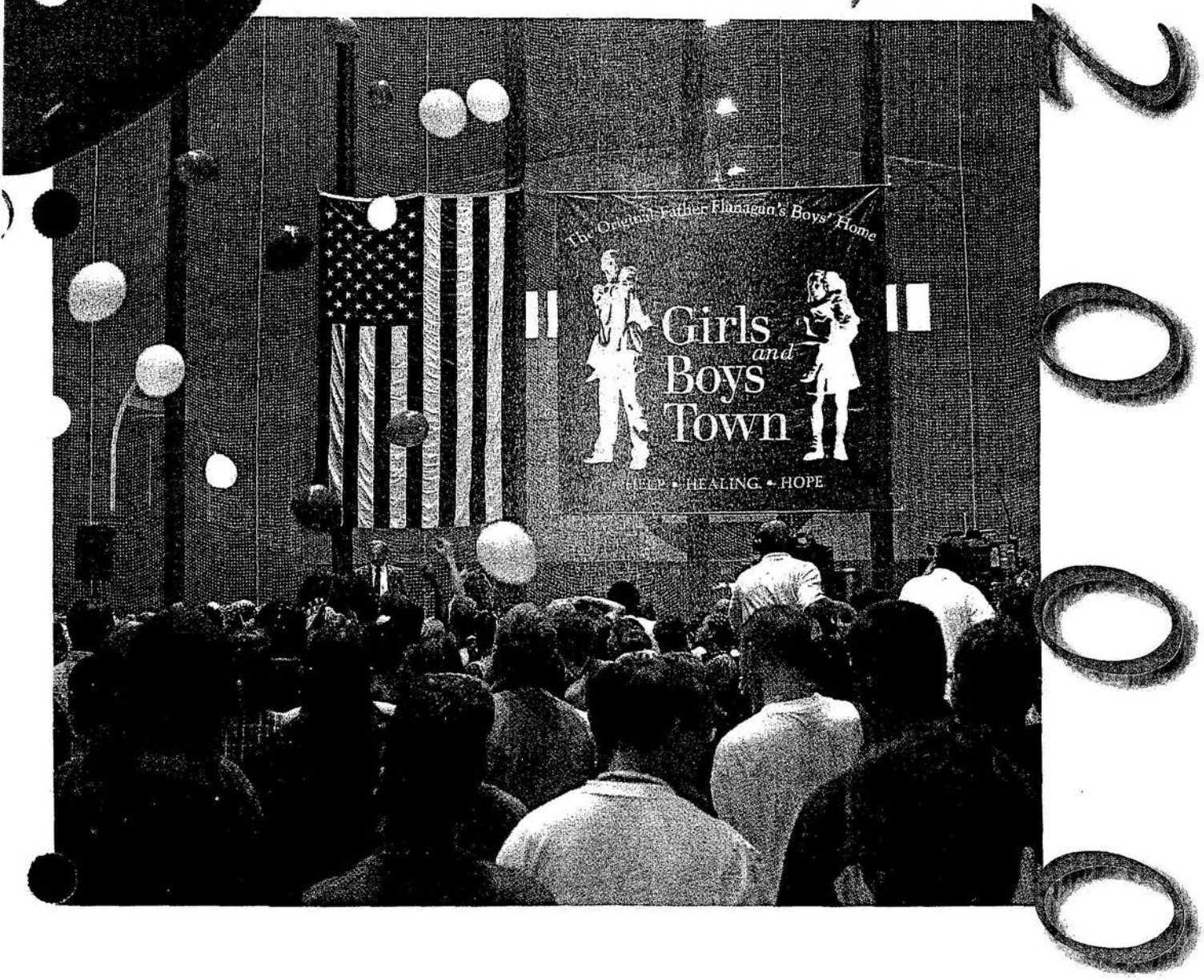
Photo by J.M. Eddins Jr./The Washington Times

Sam Wooten worries that water runoff from Boys Town will damage his home as it did the empty church behind his east Capitol Hill home.

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Girls and Boys Town

Annual Report



2000

)WN, NEBRASKA

eadquarters, Girls and Boys Town
dren through
)n Sense Parenting®
e Residential Treatment Center (IRTC)
al H[redacted]
al Re[redacted]ce and Training Center
ship Program
g Center
ıtial Services
eutic Group Home

NEW ENGLAND

(Rhode Island and Massachusetts)
107 children through
- Family Preservation Services
- Treatment Foster Family Services

CHICAGO

2,120 children through
- *Training Site*

NEW YORK

378 children through
- Residential Services
- Emergency Services
- Treatment Foster Family Services



PHILADELPHIA

298 children through
- Emergency Services for Girls
- Treatment Foster Family Services

WASHINGTON, D.C.

765 children through
- Common Sense Parenting®
- Emergency Services
- Residential Services
- Treatment Foster Family Services

GEORGIA

274 children through
- Emergency Services for Girls
- Treatment Foster Family Services

NORTH FLORIDA

81 children through
- Residential Services
- Treatment Foster Family Services

CENTRAL FLORIDA

1,312 children through
- CINS/FINS
  (Children In Need of Services/
  Families In Need of Services)
- Common Sense Parenting®
- Emergency Services
- Residential Services
- Treatment Foster Family Services

SOUTH FLORIDA

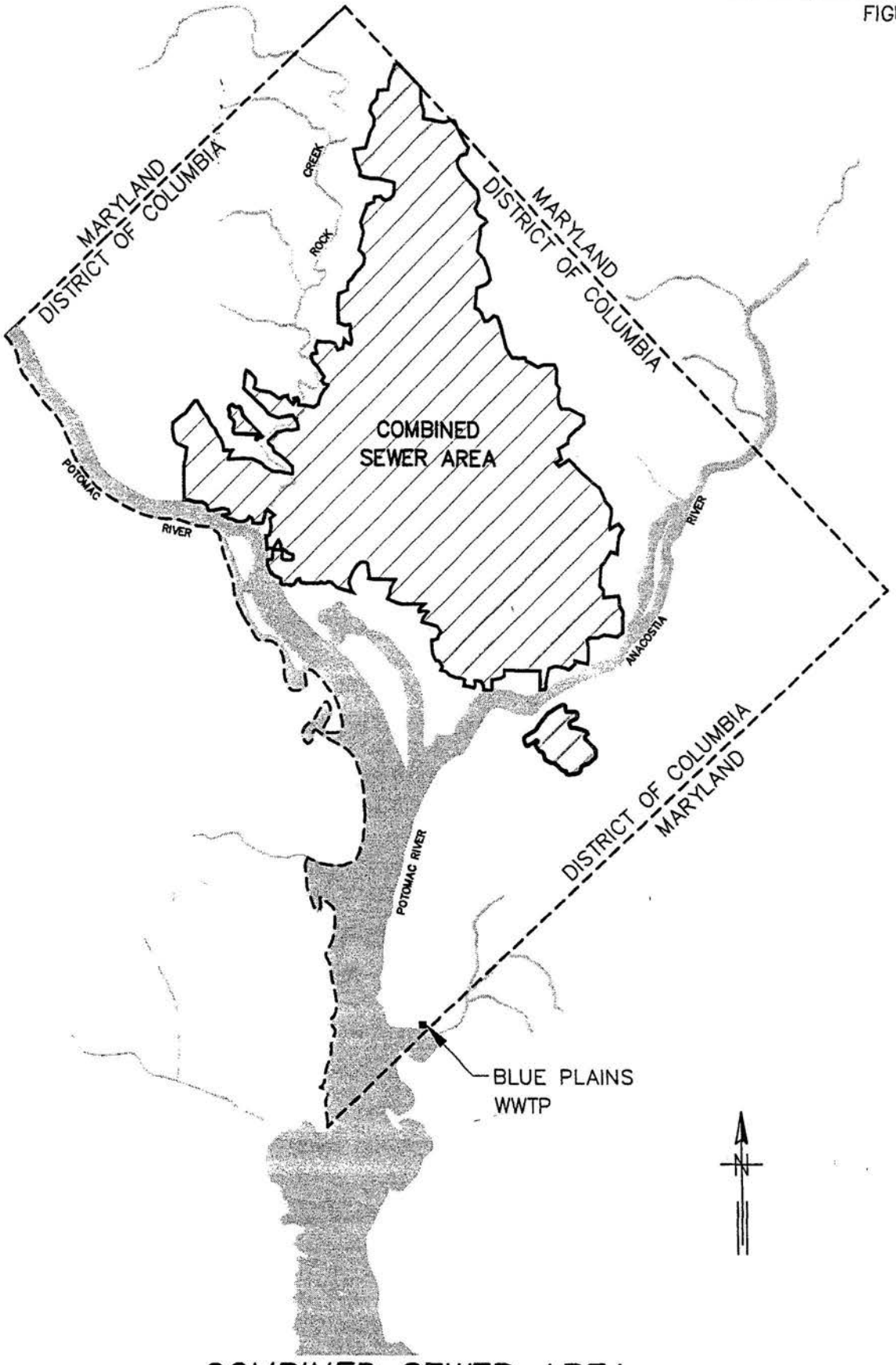
972 children through
- Care Coordination Services
- Child and Family Centered Services
- Treatment Foster Family Services

' ORLEANS

ıild[redacted]hrough
ıergen[redacted] Services
ıidential Services
eatment Foster Family Services

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FIGURE 1

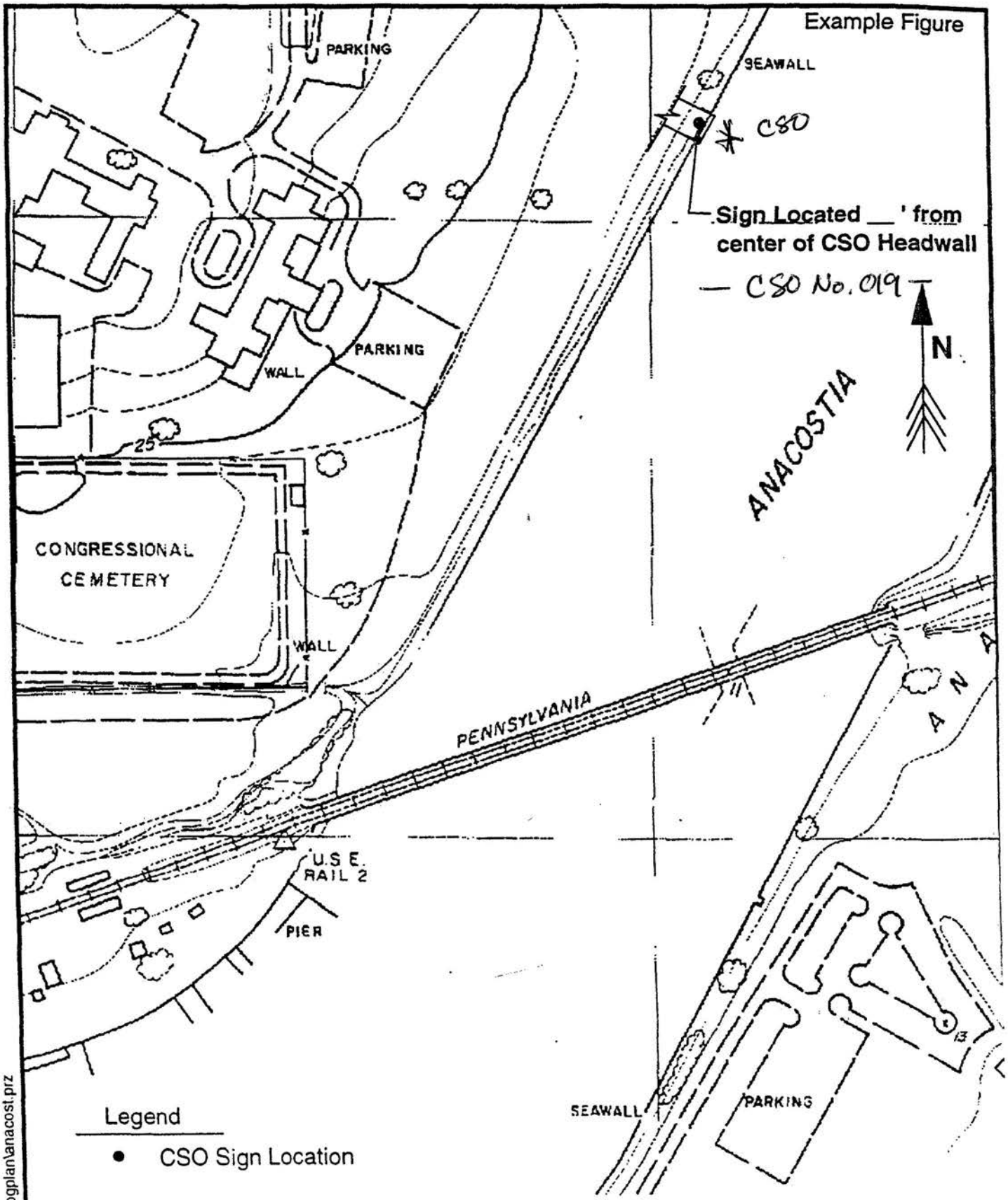


COMBINED SEWER AREA

EPMC–III
STUDY MEMORANDUM LTCP–5–5A

D.C. WATER AND SEWER AUTHORITY
CSS LONG TERM CONTROL PLAN

FILE:J\ENGR\1160\DWGS\LTCP\MONITOR\5-5A\5-5A_F1.dwg 1:1 03/25/09 09:13



CSO Outfall No. 019

Sign Posting Location

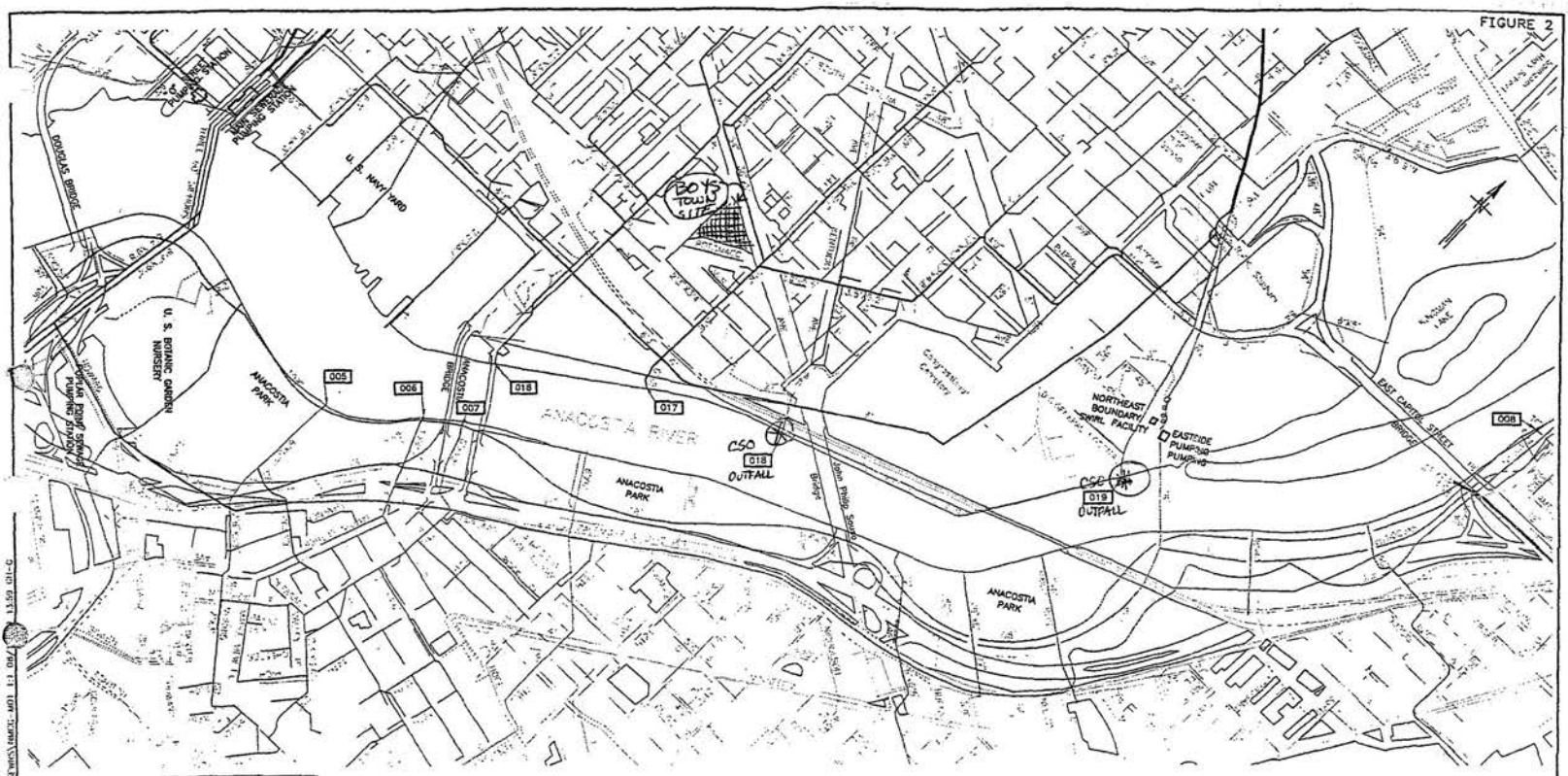
Scale: 1"=200'

D.C. Water and Sewer Authority
Nine Minimum Controls
August 1999

\engr\1160\nmc\progplan\anacost.prz

Reference : District of Columbia Department of Sanitary Engineering March 1964 Sheet No. 6169

FIGURE 2





KEY MAP

UPPER ANACOSTIA RIVER
CSO SIGN POSTING LOCATIONS

SCALE: 1"=1000'

LEGEND

004 CSO OUTFALL LOCATIONS

D.C. WATER AND SEWER AUTHORITY
NINE MINIMUM CONTROLS
AUGUST, 1999

EPMC-III

H

NPDES PERMIT

Permit No. DC0021199

Effective Date: January 22nd, 1997
Expiration Date: July 1st, 1999

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, 33 U.S.C. # 1251 et seq. (the "Act"),

D.C. Water and Sewer Authority

is authorized to discharge from the wastewater system and the facility located at

5000 Overlook Avenue, SW
Washington, D.C. 20372

to receiving waters named Potomac and Anacostia Rivers, Rock Creek, and Little Falls Branch in accordance with effluent limitations, monitoring requirements and other conditions set forth in parts I, II and III, herein.

Signed this 22nd day of Jan. 1997

Alvin R. Morris, Director
Water Protection Division
U.S. Environmental Protection Agency
Region III

D. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS OUTFALL 019

Outfall 019 is the discharge from the Northeast Boundary Swirl Concentrator Facility. Treatment includes: Primary, chlorination and dechlorination. These effluent limitations and monitoring requirements become effective from issuance date through the expiration date of this permit.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	Kg/day (lb/day)		Other units (specify)			
	Ave Monthly	Ave Weekly	Ave Monthly	Ave Weekly	Measurement Frequency	Sample Type
Flow/day (mgd)	N/A	N/A	N/L	N/L	Continuous	Measured
Fecal Coliform (cfu/100 ml) - geometric mean	N/A	N/A	N/L	N/L	Every 8 hrs.	Grab
Enterococci (cfu/100 ml) - geometric mean	N/A	N/A	N/L	N/L	"	"
Total Chlorine Residual (mg/l)	N/A	N/A	N/L	N/L	Not less than one sample per discharge	Grab

The permittee is authorized to discharge from the CSO outfalls listed below. The permittee shall ensure that all CSOs from the Combined Sewer System (CSS) comply with the requirements of this section and other pertinent portions of this permit.

Outfall	Overflow Structure Location	Discharge Receiving Water	Frequency of Discharge
01	D.C. Wastewater Treatment Plant Outfall Primary Treatment	Potomac River	Wet Weather
03	Bolling Air Force Base	Potomac River	Wet Weather
04	Poplar Point Sewage Pumping Station, SE	Anacostia River East Side	Wet Weather
05	Chicago Street and Railroad Station SE	Anacostia River East Side	Wet Weather
06	Good Hope Road, West of Nichols Ave., SE	Anacostia River East Side	Wet Weather
07	13th Street and Ridge Place SE	Anacostia River East Side	Wet Weather
08	Anacostia Avenue, West of Blaine Street, NE	Anacostia River East Side	Emergency bypass
09	2nd Street, 300 feet north of N Place, SE	Anacostia River West Side	Wet Weather
10	O Street Sewage Pumping Station, SE	Anacostia River West Side	Wet Weather
11	Main Sewage Pumping Station Station, SE	Anacostia River West Side	Wet Weather
1(a)	Main Sewage Pumping Station B Street/New Jersey Avenue Sewer	Anacostia River West Side	Emergency bypass
12	North of Main Sewage Pumping Station SE	Anacostia River West Side	Wet Weather
13	4th and N Streets, SE both extended	Anacostia River West Side	Wet Weather
14	6th and M Streets, SE	Anacostia River West Side	Wet Weather

015	9th and M Streets, SE	Anacostia River	Wet Weather
016	12th and M Streets, SE	Anacostia River West Side	Wet Weather
017	14th and M Streets. SE	Anacostia River West Side	Wet Weather
018	Barney Circle and Pennsylvania Avenue, SE	Anacostia River	Wet Weather
019	NE Boundary Truck Vic. of 25th and E Sts., SE	Anacostia River West Side	Wet Weather
0[illegible]	23rd Street, north of Constitution Avenue, NW	Potomac River East Side	Wet Weather
021	Northeast of Roosevelt Bridge, NW	Potomac River East Side	Wet Weather
022	27th and K Streets, NW	Potomac River East Side	Wet Weather
023	29th and K Streets, NW	Potomac River East Side	Wet Weather
024	30th and K Streets, NW	Potomac River East Side	Wet Weather
025	31st and K Streets, NW	Potomac River East Side	Wet Weather
026	Wisconsin Avenue and K Street, NW	Potomac River East Side	Wet Weather
027	Water Street West of Street, NW	Potomac River East Side	Wet Weather
028	36th and M Streets, NW	Potomac River East Side	Wet Weather
029	Canal Road 1000 feet east of Rock Creek, NW	Potomac River East Side	Wet Weather Rare
030	(Abandoned)		
0[illegible]	Pennsylvania Avenue, east Rock Creek, NW	Rock Creek East Side	Wet Weather Rare

(b) Combined Sewer System Characterization - The permittee shall evaluate the nature and extent of its combined sewer system through existing studies and where necessary additional evaluation of available sewer system records, field inspections and other activities necessary to understand the number, location and frequency of overflows and their location relative to sensitive areas, other watershed pollution sources and significant industrial dischargers.

(c) CSO Monitoring - Where necessary to augment existing data the permittee should develop a comprehensive, representative monitoring program that measures the frequency, duration, volume and pollutant concentration of CSO discharges and assesses the impact of the CSOs on the receiving waters. The monitoring program shall include necessary CSO effluent and ambient in-stream monitoring and, where appropriate, other monitoring protocols such as biological assessment, toxicity testing and sediment sampling. Monitoring parameters shall include but not be limited to, oxygen demanding pollutants, nutrients, toxic pollutants, sediment contaminants, bacteriological indicators, and toxicity. Any monitoring plan developed as a part of the conditions of this paragraph shall be submitted to EPA and DCRA for approval. A representative sample of overflow points can be selected that is sufficient to allow characterization of CSO discharges and their water quality impacts and to facilitate evaluation of control plan alternatives.

(d) Modeling - Where necessary to evaluate the impacts of the CSOs on receiving waters, additional modeling of the combined sewer system and the receiving water shall be conducted. Monitoring and modeling efforts shall be coordinated.

(3) Consideration of Sensitive Areas

EPA expects a permittee's long-term CSO control plan to give the highest priority to controlling overflows to sensitive areas. Sensitive areas, as determined by EPA in coordination with DCRA and Federal agencies, as appropriate include designated Outstanding National Resource Waters, National Marine Sanctuaries, waters with threatened or endangered species and their habitat, water with primary contact recreation, public drinking water intakes or their designated protection areas and shellfish beds. For such areas, the long-term CSO control plan should:

(a) prohibit new or significantly increased overflows;

(b) i. eliminate or relocate overflows that discharge to sensitive areas wherever physically possible and economically achievable, except where elimination or relocation would provide less environmental protection than additional treatment; or

ii. where elimination or relocation is not physically possible and economically achievable, or would provide less environmental protection than additional treatment, provide the level of treatment for remaining overflows deemed necessary to meet WQS for full protection of existing and designated uses. In any event, the level of control should not be less than those described in the Evaluation of Alternatives below;

(4) Evaluation of Alternatives

The long-term CSO control plan shall consider a reasonable range of alternatives. The plan shall, evaluate controls that would be necessary to achieve an average of zero overflows per year, one to three, four to seven, and eight to twelve overflows per year.

In addition to considering sensitive areas as defined above, the long-term CSO control plan shall ultimately adopt one of the following approaches:

(a) "Presumption" Approach

A program that meets any of the criteria listed below would be presumed to provide an adequate level of control to meet the water quality-based CWA requirements, provided the permitting authority determines that such presumption is reasonable in light of the data and analysis conducted in the characterization, monitoring, and modeling of the system and the consideration of sensitive areas as described above. However, this presumption will not apply if the permitting authority determines that the long-term CSO control plan will not result in attainment of CWA requirements.

i. No more than an average of four overflow events per year, provided that the permitting authority may allow up to two additional overflow events per year. For the purpose of this criterion, an overflow is the discharge of combined sewage that does not receive the minimum treatment specified below and an overflow event is one or more overflows from a combined sewer system as the result of a single precipitation event; or

ii. The elimination or the capture for treatment of no less than 85% by volume of the combined sewage collected in the combined sewer system during precipitation events on a system-wide annual average

(8) Restoration of the Anacostia River

The Long Term CSO Control Plan should give priority to CSO control projects on the Anacostia River and any implementation schedule should sequence projects to mitigate impacts on the Anacostia River.

(9) Long Term CSO Plan Compliance Schedule

The permittee shall begin work on the Long Term Combined Sewer Overflow Plan by October 1, 1997 with an expected completion date by the year 2000. Progress reports on the Long Term CSO Plan shall be submitted to EPA Region III and DCRA by June 1, 1997, October 1, 1997, January 1, 1998, and July 1, 1998. A Draft Plan with a summary of data and draft recommendations to date should be submitted to EPA Region III and DCRA by November 1, 1998. Upon reissuance of the permit, a schedule for completion of the plan will be incorporated into the next permit.

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DeLay presses for EPA equity

Cites dumping in Potomac River

By Ralph Z. Hallow
THE WASHINGTON TIMES

The Bush administration faces mounting political pressure to apply environmental protection laws to the elites who live inside the Beltway.

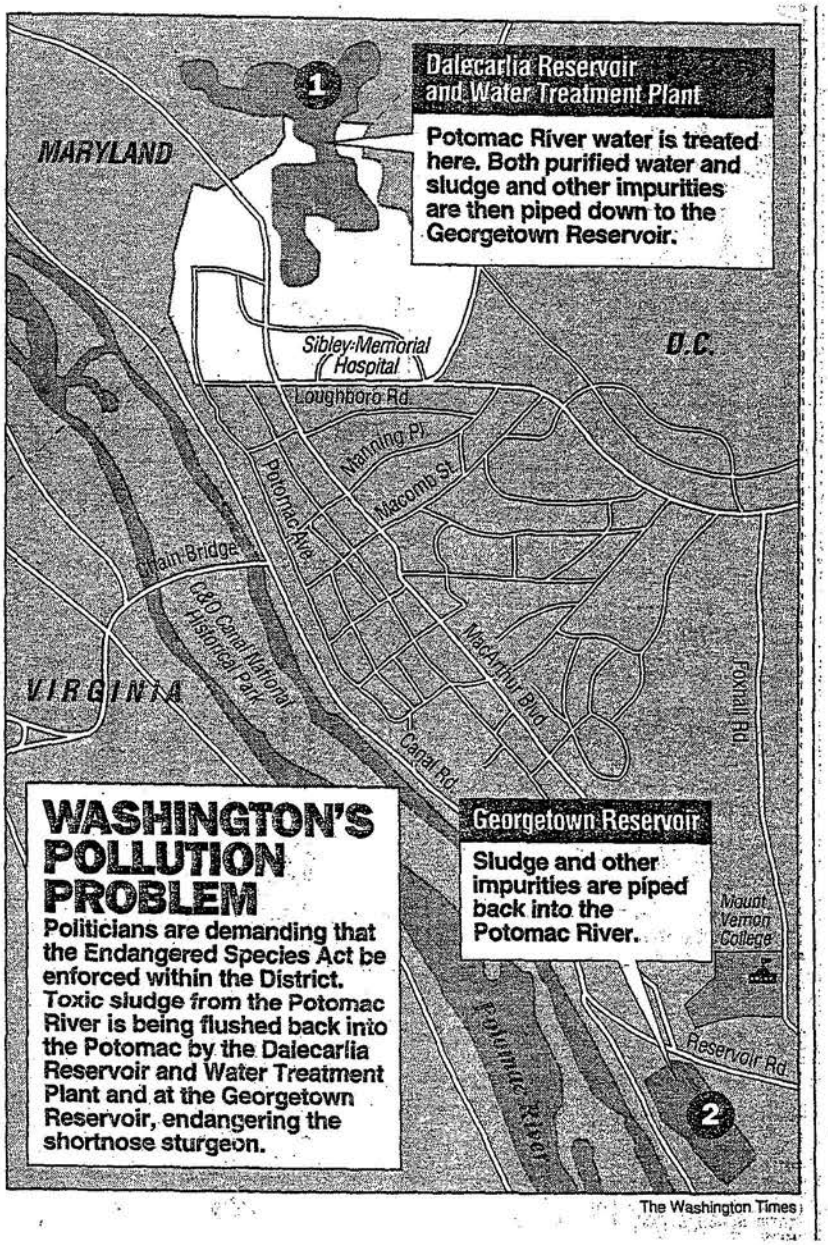
The pressure is coming from House Majority Whip Tom DeLay, Texas Republican, along with other congressional Republicans and rural constituents who are criticizing what they consider the unfair enforcement of the Endangered Species Act by the Environmental Protection Agency (EPA), and the Interior and Commerce departments.

"The EPA speaks out of both sides of the mouth," Mr. Delay told The Washington Times. "While zealously enforcing extremist environmental regulations against average Americans in the West, the EPA turns a blind eye to dumping pollution through a Washington, D.C., national park."

"Seemingly, the EPA only regulates on the whims of the day, not the law," Mr. DeLay said.

The lack of environmental enforcement within the nation's capital has upset many groups concerned about what they perceive as

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EPA

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the EPA's double standard on regulating pollution and clean water — especially the massive amounts of chemicals and impurities that are being dumped into the Potomac River.

"The EPA doesn't stop the practice because of political pressure brought by affluent Northwest Washington residents who don't want to be inconvenienced by a few dump trucks rumbling though their neighborhoods," said Rob Gordon, director of the National Wilderness Institute, a conservation watchdog group. "The sediment is laced with chemicals toxic to sturgeon and their eggs."

An EPA Water Protection Division official called the discharge "the most toxic discharge I have ever seen."

At issue is the action of the Army Corps of Engineers. The corps diverts water from the Potomac, treats it with chemicals to purify it for drinking, then sends the treated water to sedementation basins at the Dalecarlia Water Treatment Plant and the Georgetown Resevoir. The treated water is piped for use in Washington and parts of Virginia, while the sediment and chemicals that are toxic to fish remain in the basins, until periodically flushed back into the river.

Mr. Gordon's conservation group, which represented Bracewell & Patterson, a prominent national-resource law firm based in Texas, has sued the EPA, Army Corps of Engineers and the National Marine Fisheries Service to get the government "to protect the sturgeon by enforcing the Endangered Species Act in Washington as it does everywhere else."

"The suit is blowing the whistle by saying if you apply the law in one region of the country, you must apply it the same way in others," said Sen. Larry E. Craig, Idaho Republican. "The Endangered Species Act can have devastating effects on local economies and in the past has not been applied consistently — something Westerners have long known."

"We want to see the Endangered Species Act enforced right here in Washington, where the law was passed," said Rep. George P. Radanovich, a California Republican who heads the Western States Caucus in the House.

He and others say the Army Corps of Engineers is piping millions of pounds of sediment through the C&O Canal National Historic Park and flushing it into the Potomac River.

Rep. Wally Herger, California Republican, says the problem began during the Clinton administration. However, he says that the Bush administration has yet to address the issue because it has not put in place its own managers in numerous departments and agencies.

He charges that the Clinton administration failed to enforce environmental protections inside the District in order to appease the city's powerful, entrenched interests.

"While the Clinton administration and local politicians courted the special favor of an affluent area in Washington, D.C., the Endangered Species Act and the interests of an endangered species were sub-

verted," Mr. Herger said.

"In the Klamath Basin [in California], over 1,200 family farmers could go bankrupt this year because of a decision to take all of their water for endangered fish," he said. "These same requirements were ignored when the EPA allowed toxic dumping to avoid a minor inconvenience for the wealthy residents of Washington."

Mr. Herger called it a "striking example of the hypocrisy and power politics of the extreme environmental movement and its influence on eastern politicians."

But it is not just legislators from Western states in Congress who are angry about the inconsistency.

Rep. John E. Peterson, a Republican from rural Pennsylvania, maintains that the law "is stringently enforced in rural America, where most wildlife species do pretty well, but not in urban areas, where the affluent support the act, so long as it's applied elsewhere and doesn't inconvenience them."

"They have the political clout that rural America doesn't have, which is why it is getting rolled regularly," Mr. Peterson says.

That sentiment is echoed by many rural constituents — especially in the West.

On the open range in Bonanza, Ore., rancher Glenn Barrett struggles to make his voice heard over the wind that whistles past his cell phone. "We are at our wits' end out here in the West, where the federal government has been enforcing the act," says Mr. Barrett. "It's hard for us to raise the money to fight the feds in court — the government, we've found, has deep pockets."

He says what disturbs him the most "is a huge double standard in applying the Endangered Species Act. The government shuts down our businesses out here if it decides any possible harm — not proven harm — that can come to an endangered species, but turns a blind eye in urban areas that have political influence."

Mr. Barrett claims he lost almost a half million dollars in revenue when in 1991 and 1992, the government shut off his ranch's irrigation to protect the shortnosed sucker fish. He ultimately won a court fight, but he says the government has shut off his irrigation again.

Mr. Gordon says one example of how the "Georgetown set" has used its privilege and clout to influence government at various levels is a 1998 letter from residents of Georgetown and other fashionable Northwest Washington neighborhoods who have banded together, calling themselves the "Coalition for Responsible Urban Disposal at Dalecarlia."

The letter urged Mayor-elect Anthony Williams not to adopt an environmental policy that could, "if strictly interpreted, force the Washington Aqueduct Authority, which processes our drinking water, to stop discharge of sediments back into the Potomac River."

"The results would be higher water rates for customers," the letter said. Also, trucks "would have to pass through residential neighborhoods" and cause diesel pollution and noise, "generally reducing the quality of living in our neighborhoods, and thus the value of homes."

A year later, however, a panel of biologists said their top goal was to eliminate sediment discharged into the Potomac River. "That hasn't happened," Mr. Gordon said.

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DISTRICT

Phillips gets an OK to expand

6/14/01 Metro Section p.C1

WASH TIMES

By Matt Cella
THE WASHINGTON TIMES

The Phillips Collection yesterday signed an agreement with its Dupont Circle neighbors that will allow the museum to expand into an adjacent apartment building and construct a massive educational center, complete with a cafe and an auditorium.

"I have to say, I think the compromise is very fair and workable to both sides," said Phillips Director Jay Gates. "On the day that mediation began, I don't think any of us could have anticipated that it would turn out as well as it did as quickly as it did."

D.C. Council member Jack Evans, Ward 2 Democrat, called the agreement "a successful outcome to what was a very, very thorny issue."

The settlement, between the Phillips Collection, Advisory Neighborhood Commission 2B and representatives of the community, will make way for the museum's planned Center for the Study and Appreciation of Modern Art by increasing the museum's area from 68,000 square feet to 87,000 square feet.

Advisory Neighborhood Commissioner Vince Micone said the thorniest issue in the negotiations was "the scope of the expansion."

In exchange for the ANC's and the neighbors' withdrawal of their opposition, the museum has agreed to cut back its original plans by about 8,000 square feet, eliminating a proposed fourth level and rear extension to the new site, at 1618 21st St. NW. The site currently is occupied by a 15-unit apartment complex. Neighbors say some tenants already have vacated their apartments, and the rest will be required to move.

The Phillips also offered guarantees that idling buses, delivery trucks and other traffic will be redirected from the front of the building on 21st Street NW.

The Washington Times first reported in January that community members had hired lawyers and a public relations firm to protest expansion plans, fearing they would lead to further congestion in the neighborhood's already narrow streets and alleys and add to the nighttime din.

MUSEUM

From page C1

"The biggest argument from our standpoint was whether the Phillips was going to use this new space for big gatherings in the evenings," said Morton J. Schussheim, who has lived across the street from the museum for 25 years and signed the agreement.

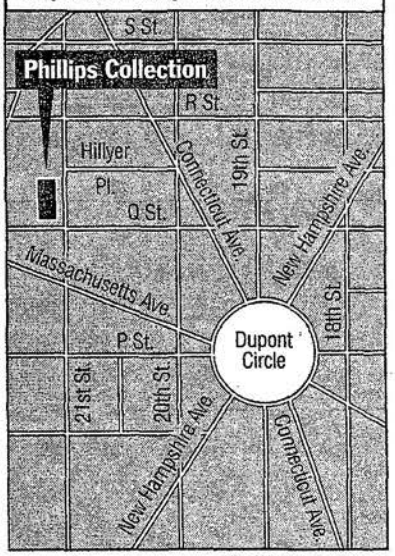
> The collection expanded in 1960, 1984 and 1989.

Mr. Schussheim said for some nighttime events limousines can clog 21st Street for blocks.

The agreement limits the number of nighttime events to the current level of 65 per year, allowing only six events with more than 300 guests and none over 500 guests. A planned 255-seat auditorium will be scaled back to 180 seats, and plans for a 55-seat cafe will be retained. A proposed underground parking garage was scrapped. The space now will house educational and program facilities.

Terms of the agreement specify that the Phillips will not be allowed to consider further expansion of the museum, educational or administrative centers for 15 years, and will set up a community liaison committee to handle disagreements.

ART DEAL
The Phillips Collection has reached an agreement with its Dupont Circle neighbors about its plans to expand its facilities.



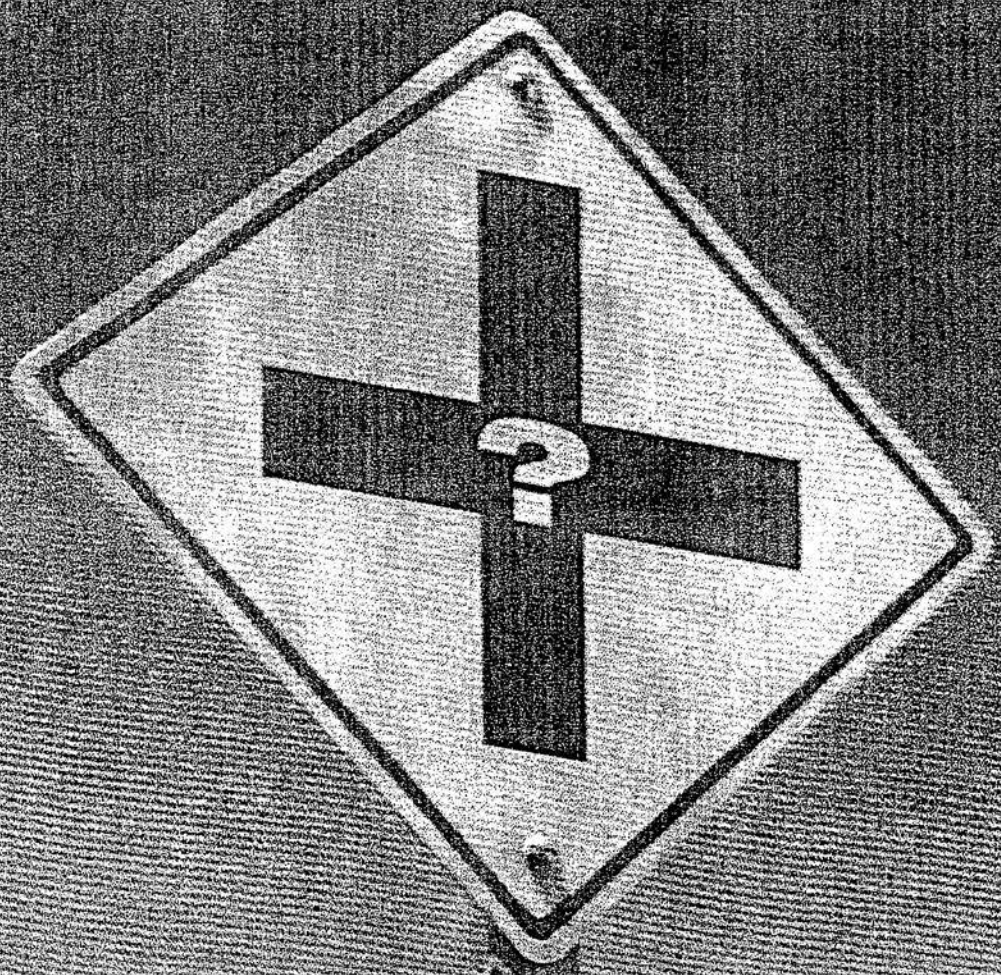
The Washington Times

The museum site was formerly the home of philanthropist Duncan Phillips; in 1921, it became the Phillips Memorial Art Gallery. Since 1961, it has been known simply as the Phillips Collection.

The collection, which Mr. Phillips called "a small, intimate museum," previously expanded in 1960, 1984 and 1989. With the latest expansion, the museum and educational center will occupy half a city block.

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D.C. at the Crossroads



Transportation Choices Today Could Bring Pleasant Living, Less Traffic Tomorrow

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