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January 22, 2003

Greetings Members of the Board of Zoning Adjustments,

Advisory Neighborhood Commission 5B hereby appeals the decision of the permit issued by the District of Columbia Department of Consumer and Regulatory Affairs, Building and Land Regulation Administration. Permit Number: B425438.

Advisory Neighborhood Commission 5B is aggrieved by the decision to issue Bannum Center a Building permit/Alter & Repair to renovate the old warehouse located at 2210 Adams Place, Northeast for the purposes of opening a Community Corrections Center. Allegations of the error in the administrative decision are as follows:

1)2210 Adams Place, NE is zoned as Industrial District with a classification of C-M-2, not as a Residence District. A Community Corrections Center is prohibited in a C-M-2 zone. The District of Columbia Municipal Regulations Title 11 Zoning, page 8-2, 801.2(b) states, 'For the purpose of this subsection, a community-based residential facility shall not be considered a commercial use'.

According to the Zoning regulations of the District of Columbia, community-based residential facility is defined as, 'a residential facility for the persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but not limited to, facilities covered by D. C. Law 2-35, The Community Residence Facilities Licensure Act of 1977, and facilities formerly known as convalescent or nursing home, residential halfway house or social service center, philanthropic or eleemosynary institution, and personal care home.

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It goes on to state, 'If an establishment is a community-based residential facility as defined in this section, it shall not be deemed to constitute any other use permitted under the authority of these regulations. A community-based residential facility may include separate living quarters for resident supervisors and their families. All community-based residential facilities shall be included in one (1) or more of the following subcategories: (a) Adult rehabilitation home - facility providing residential care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any individual twenty-one (21) years of age or older, under pre-trial detention or sentenced court orders;' Please reference page 1-14 of the same title.

2) Holland and Knight LLP letters, dated December 11, 2000 and November 26, 2001, respectively, document the fact that the center is for residential rehabilitation services as referred by appropriate committing authorities. See enclosures.

3)Holland & Knight LLP letters, dated December 11, 2000 and November 26, 2001, respectively, cite Section801.7(k) of the zoning regulations, Temporary detention or correctional institution on leased property for a period not to exceed three (3) years. See 8-3 of the same title. However, the letters from Holland & Knight are contradictory. One letter states to finish out their entire sentence at the site and the other letter reference conditional release from the parole commission or through a transfer from a federal institution in order to make a transition back into society. Which one is it, a correctional institution or a Halfway house?

4) In a public meeting on January 21, 2003, Bannum said, they are spending $500,000 to renovate the old warehouse and when I

asked when the three years are up, where do they plan to relocate? The representative from Bannum is under the impression that they can simply reapply as a matter of right use. Although they can reapply, in order to extend beyond the three years, a use variance would be required. No one has informed Bannum of this. In fact, if the Zoning Administrator had examined the lease or the contract with the Bureau of Prisons (both in excess of three years) or the extent of the renovation being undertaken, he could have determined that there is no intent to comply with the "temporary" provision of the Section 801.7(k).

The representatives from Bannum admitted in a public meeting, held January 21, 2003 that the Community Correctional Center is a halfway house with the ability of the residents to leave the facility to look for employment. Detention or correctional institutions clearly require permanent detention or incarceration, not work release.

Finally, this location is not conducive to productive and supportive environment. It is actual a place of desolation with little or no lighting in the area. No bus line travels to this area. With a population of 150 residents, in one location, we feel that the community will be adversely impacted.

Respectfully,

Regina James, Chairperson, Advisory Neighborhood Commission 5B