



October 16, 2024

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, D.C. 20010

**Re: BZA Case No. 21177 – 501 New York Avenue NW (Square 0482-S, Lot 800)
Applicant’ Supplemental Information**

Chairperson Hill and Members of the Board:

On behalf of D.C. Department of General Services (the “**Applicant**”), as the implementing agency executing this project on behalf of the D.C. Department of Corrections (“**DOC**”), please find enclosed the supplemental information requested by the Board during the public hearing on October 9, 2024. At the conclusion of the October 9th public hearing, the Board closed the record and continued the public hearing as a limited scope hearing to October 30, 2024.

As outlined at Exhibit 151, during the October 9th hearing, the Board requested the following information from the Applicant:

1. Provide an updated site plan that labels the parking, queuing, and staging areas;
2. Provide an explanation of detainee processing and staging;
3. Respond to concerns about traffic impacts;
4. Clarify the height of the CCB windows and discuss feasibility of glazing or screening for privacy;
5. Provide information on methods of soundproofing and managing CCB noise levels; and
6. Describe what the City’s future plans for the CCB will be after an 8-year term limit.

Please find enclosed the following supplemental information requested by the Board:

Tab A – Updated Parking Site Plan

Tab B – Updated Architectural Plans with Dimensional Information (“**Updated Architectural Plans**”)

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I. Updated Parking Site Plan – Parking and Staging

The Applicant has attached an Updated Parking Site Plan with parking and staging areas labeled at **Tab A**. As shown on the Updated Parking Site Plan, there will be 23 dedicated on-street parking spaces. Additionally, there will be five off-street staging spaces located within the public parking area and behind the proposed fencing, as well as a sixth staging space in the sallyport. The five off-street staging spaces will be designated by signage labeling those spaces as “CCB STAGING AREA ONLY.” The five off-street staging spaces shall be referenced to as the “Staging Area” for purposes of this submittal. Additionally, the Applicant will install “NO LOITERING/NO SOLICITATION” signage at the Property as well.

DOC has committed to work with MPD and other authorized agencies to coordinate arrivals and reduce the likelihood that multiple transport vehicles carrying new arrestees will require use of the secure sallyport at the same time. However, in the case that multiple transport vehicles arrive at the same time, the Staging Area will be used as needed and can support up to five additional vehicles, in addition to the vehicle in the sallyport itself, as they wait to enter the sallyport. Based on information provided by DOC regarding their expected operations, no more than five vans are projected to be servicing the CCB at any one time to transport detainees to court each morning. The ability to stage six vehicles is more than sufficient to serve the CCB and requested additional 27 cells subject to this special exception relief. The off-street capability to stage six vehicles will be managed by close coordination with MPD and arresting agencies.

All employee parking will occur on-street within the areas on L Street NW and New York Avenue that are designated for police and other authorized government use only to ensure these off-street spaces are left open for staging use.

II. Detainee Processing and Staging

To further clarify the process from arrest to detainee transport to D.C. Superior Court, the Applicant has outlined below: (a) the process prior to arrival at the Property, (b) processing and detainment at the Property, (c) detainee transport to D.C. Superior Court, and (d) the pre-arraignment charge determination.

A. Prior to Arrival at 501 New York Avenue

Individuals who are arrested throughout the District will be transported by MPD or arresting agency from the place of incident to a local police station in one of the seven police districts throughout the city, or agency locations that self-process.¹ At the local police station, the detainees will be booked, which is an initial processing that includes obtaining personal

¹ Here, we summarize the processing of detainees at local police stations prior to arrival at 501 New York Avenue. However, other agencies may process detainees independently before transporting them to 501 New York Avenue. These agencies include but are not limited to Capitol Police, Metro Transit Police, Park Police, United States Secret Service, and United States Marshals Service.

information and a background search. All personal property is identified and stored at the local police station.

In limited circumstances, detainees may be held at the police district and not transferred to CCB. In those cases, all processing is completed at the local police station. These circumstances may include if the detainee is handicapped, CCB has reached capacity, the detainee is in the hospital², the detainee has medical or mental health issues, or if the detainee was arrested after CCB has begun morning detainee transfer from the Property to D.C. Superior Court, in which case the detainee is taken directly to D.C. Superior Court from the police district. Some arrests do not require arraignment and those individuals will be released from their processing location with a scheduled date to appear in D.C. Superior Court.

If the detainees are held on charges that require them to attend arraignment before a D.C. Superior Court judge, then the detainees will be transported to the CCB at 501 New York Avenue. To maximize the number of detainees that may be transported to the CCB at 501 New York Avenue, detainees may be briefly held at the local police station and transferred in groups. DOC will not accept personal property at the CCB at 501 New York Avenue.

MPD will then contact DOC staff at the CCB at 501 New York Avenue to coordinate the transfer of the detainees. DOC will coordinate and provide a window for the arrival of incoming detainees. No more information can be provided publicly regarding the coordinated processing of detainees to protect the safety and security of the MPD and DOC employees and process.

B. CCB Processing and Detainment at 501 New York Avenue

As the detainees arrive at the CCB at 501 New York Avenue, the gate to the Property on L Street and the sallyport will open to allow the transport vehicle to pull into the sallyport, after which the garage door will close before detainees are taken into the building to be processed one at a time. Upon arrival, if a different vehicle is already in the sallyport, the vehicle containing the incoming detainees will pull into the Staging Area to await the opening of the sallyport. The sallyport and gate will be closed at all other times when vehicles are not entering or exiting the Property.

Once the sallyport is available, the vehicle containing the detainees will exit left onto New York Avenue and circle back to L Street to enter into the sallyport. After the sallyport garage door closes, the detainees will be taken into the building for additional processing, such as fingerprinting and medical evaluation. Once processing is complete, the detainees will be detained in a holding cell to await transport to the D.C. Superior Court at 501 Indiana Avenue NW between approximately 12-24 hours later. Each morning, the prosecutors with the U.S. Attorney's Office for the District of Columbia will have initiated post-arrest investigation and review of potential charges to evaluate if formal charges will be pursued at arraignment.

² If the detainee needs medical services following an incident, the individual will be taken to the hospital and not transferred to the CCB unless cleared by a medical provider.

C. Detainee Transport to D.C. Superior Court

The CCB will transfer detainees to D.C. Superior Court every morning, except Sundays when the court is closed.

Prior to departure from the CCB at 501 New York Avenue, two 10-passenger vans will be waiting in the on-street parking area. When the detainees are ready for transport to the D.C. Superior Court, a van will pull into the sallyport to pick-up detainees and take them to the D.C. Superior Court. Upon arrival at the D.C. Superior Court, the prosecutor will make the final determination as to which charges to formally bring.

D. Pre-Arraignment Charge Determination

If the prosecutor determines that there is insufficient evidence to move forward with arraignment, the prosecutor will “no paper” the charges, which means that the detainee will be released from custody at the D.C. Superior Court and no charges will be filed. Having a charge “no papered” means that the detainee is free to leave and no charges will be pursued. The determination to “no paper” is made by the U.S. Attorney’s Office for the District of Columbia (“**USAO DC**”), as such the record reflects at Exhibit 52C that the “USAO DC has no objection to returning to pre-covid protocols,” in which detainees are released from D.C. Superior Court instead of the CCB.

However, if the prosecutor finds that there is sufficient evidence to move forward with arraignment, the detainee will be presented before the judge at arraignment. At that time, the judge will determine whether to release the detainee from the courtroom or whether to order pretrial detention in which the detainee would be transported directly from the courtroom to the Central Detention Facility at 1901 D Street SE to await the next court appearance.

Therefore, all detainees will be released at D.C. Superior Court. There will be no detainees released from the CCB at 501 New York Avenue as reiterated in the proposed new proffered conditions listed below in Section VII.

III. Traffic

The Project is not anticipated to adversely impact traffic in the surrounding area. As outlined in the Applicant’s Transportation Statement at Exhibits 52D1 and 52D2, of the 96 daily trips expected at the Property, more than 54 of those trips would be attributable to employees. Employee trips will have a limited impact on traffic as there are more than enough parking spots to accommodate every employee. As the District is a transit-friendly city, the Applicant anticipates many employees commuting to the Property by alternate methods of transportation such as the Metrorail, Metrobus, and by bicycle.

Further, the remaining trips account for 30 new detainee transports (15 inbound, 15 outbound), 10 transports to D.C. Superior Court (5 inbound, 5 outbound), and 2 food delivery trips (1 inbound, 1 outbound). The 30-detainee transport figure, accounts for a few transports carrying

double occupancy, and is based on historic data provided by DOC records. Please note that due to safety and security protocol no further information can be provided regarding this average but DOC is confident in transportation analysis being based on this figure. New detainee transports will be coordinated among the various MPD districts and agencies transporting detainees. Therefore, the Staging Area, with five spaces, will be more than sufficient to accommodate CCB staging needs over a 24-hour period.

Transports to D.C. Superior Court will involve 10-passenger vans that also have designated spaces for pick-ups. As previously stated, transports from CCB to D.C. Superior Court will occur every morning, except Sundays when arraignments are not held at D.C. Superior Court.

Under Subtitle C § 901.1 there is no loading requirement for a large scale government use on a property less than 30,000 sq. ft. in land area. As the Property is 6,448 sq. ft. in land area, there is no loading requirement for the Property. Loading will not have an adverse impact on surrounding areas as the proposed use has limited loading needs. Two food delivery trips will have a negligible impact on traffic. Food and all other supplies will be transported by internal DOC vans, which will be coordinated so as to not interfere or conflict with detainee processing or transport at the Property.

As detailed in the Applicant's Transportation Statement, the daily trip estimate falls well below the Institute of Transportation Engineers' estimate for the previous use's trip generation. As the Project is anticipated to have a substantial decrease in daily trips as compared to the previous use, the Applicant does not anticipate adverse impacts on traffic.

IV. Windows

There are five windows along the façade of the building facing L Street. Each window is 2 feet 2 inches off of the ground and are 11 feet 9 inches in height and 5 feet 5 inches in width.

The Applicant proposes privacy measures for the windows that will act as a barrier to the outside while also preserving its historic nature. Window glazing in the form of frosted window film, as shown on page 4 of the Updated Architectural Plans attached at Tab B, will provide the needed privacy barrier while permitting some soft, diffuse light to enter into the building.

Moreover, frosted windows are particularly beneficial as they significantly reduce visibility from the public sidewalk into the building. This ensures that the privacy and security of the occupants are maintained, especially in a facility such as this. The frosted film scatters light in multiple directions, creating an opaque effect that obstructs clear views from the outside, while still allowing natural light to illuminate the interior. This not only enhances the aesthetic appeal of the building but also provides the detainees and DOC officers with natural light during the day.

In addition to privacy, frosted windows can help in reducing distractions for those inside the building by blocking the view of external activities. This can be particularly helpful to maintain a calm and secure facility. Furthermore, the frosted film can add an extra layer of insulation to the windows, helping to regulate indoor temperatures and improve overall energy efficiency.

Additionally, steel framed woven rod mesh security grilles will be installed to further act as a visual barrier.

V. Noise

As shown on page 3 of the Updated Architectural Plans attached at **Tab B**, holding cells will be located on the basement level and two tiers of cells will be located on the first floor. The Applicant does not anticipate noise impacts at the basement level due to these holding cells being located below grade. Any potential noise impacts from the two tiers of cells on the first floor will be mitigated in a number of ways.

First, the proposed metal fencing, which will serve as a barrier between the public space and CCB operations, will be seven feet in height. The fence will be set back from the street curb approximately 8.5 feet. On the other side of the fence, the building is set back more than 13 feet from the proposed brick masonry and metal fencing. Further, the first floor holding cells will be set back almost six feet from the windows and exterior of the building. The 28-foot setback between the holding cells and the public right-of-way with a seven-foot-high fence in between will limit any noise impacts.

Additional noise-dampening measures will be implemented inside the building. Acoustic ceiling and wall panels will be installed on the first floor level. These high-performance acoustic panels are designed to absorb a minimum of 85% of the sound they encounter and reduce reverberant noise. The Applicant will install the thickest acoustic panels available in order to maximize their noise-reduction capabilities.

Specifically, the Applicant will use Quiespace® Panels, a high-performance acoustic treatment outlined in the attached Data Sheet. These panels are made from 100% polyester fiber and feature a hard, compressed face with a cushioned backing. They are available in 1” and 2” thicknesses, and for this project, the Applicant will install the 2” thicknesses to ensure optimal sound absorption. The Quiespace® Panels will significantly reduce noise levels, contributing to a quieter, more serene environment within and outside the building.

Further, the Applicant will direct employees to utilize New York Avenue for breaks during their shift, which is located away from the residential areas on L Street.

VI. Post-CCB Use of the Property

The Applicant has proffered to use the Property as the temporary location for the CCB for a maximum term of eight years. After the eight-year terms expires, the special exception use for the enlargement of the new 27 cells will expire. As outlined in Subtitle Y § 706.2, following the expiration of a special exception use “any subsequent use shall conform to the regulations of the district in which the use is located.” As the previous large-scale government use with 19 holding cells was permitted by-right in the D-4-R zone, use of the Property for these purposes may be permitted by-right.

Upon expiration of an approved order, the Applicant will return the property to the current condition of 19 holding cells and reserves its right to continue to use the Property for any permitted large-scale government use. Please note however that the Applicant current has no specific plans for the Property post the contemplated temporary use as the CCB. As such, the Applicant would like to incorporate community input and recommendations for future uses of the Property.

To assist in determining how the Property may be used in the long-term, the Applicant proposes to form a community-based committee that would potentially include representatives from the community, selected by the Applicant, such as ANC 2G, ANC 6E, Boston Properties, Douglas Development, residents, City Vista Condominium, K at City Vista Condominium, L at City Vista Condominium, and the Golden Triangle or Downtown BIDs in order to get community input on the subsequent use of the Property.

The goal of this committee would be to submit recommendations to the Applicant, that will be taken into consideration during evaluation of the Property. The committee will be activated in the fourth year of the use term and will hold at least three meetings to provide a list of recommendations for potential future uses to the Applicant and end in the fifth year of the use term.

VII. Applicant's Proposed Conditions

The Applicant submits to the Board for consideration the following proffered conditions:

1. The approval for special exception relief shall expire in eight (8) years from the effective date of the Order.
2. The Applicant will work with all necessary agencies to ensure that the policy and practice shall be that no detainees are released from the Property.
3. The Applicant agrees to erect staging signage that will designate the five staging spaces as "CCB STAGING AREA ONLY." Additionally, the Applicant will install "NO LOITERING/NO SOLICITATION" signage on the Property as well.
4. The Applicant agrees to identify a representative who will act as a liaison for DGS and DOC. The liaison will attend quarterly ANC meetings at ANC 2G and 6E to review construction updates and operational questions.
5. The Applicant agrees to identify a representative who will act as a transportation liaison to the ANC. The transportation liaison will be available to answer questions or respond to questions while the use is in operation.
6. The Applicant will develop and engage with a community advisory committee. The goal of this committee would be to submit recommendations to the Applicant that will be taken into consideration to evaluate future uses of the Property. This committee will provide feedback,

suggestions, and disseminate information about the Property's future use to the committee members peers and constituencies. The committee members will be selected by the Applicant to including ANC, BID, residents, and adjacent developers. The Committee will be activated in fourth year of the use term and will complete at least three meetings in order to provide all recommendations to the Applicant by the fifth year of the use term.

7. The Applicant agrees to file and obtain a demolition permit within six (6) months of the expiration of the Board' Final Order to demolish all new cells authorized by BZA Case No. 21177 and return the building to no more than the existing 19 holding cells for the building to be used for large scale government use.

VIII. Conclusion

The Applicant thanks the Board for its consideration of this filing and looks forward to the limited scope public hearing on October 30, 2024.

Sincerely,

COZEN O'CONNOR



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Certificate of Service

I hereby certify that on this 16th day of October, 2024, a copy of the Applicant's Supplemental Information with attachments was served, via email, as follows:

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