

**Advisory Neighborhood Commission 2G**  
**501 New York Avenue, N.W.**  
**BZA Case No. 21177– D.C. Department of General Services**

Advisory Neighborhood Commission 2G’s Response to Department of General Services Supplemental  
Information

Advisory Neighborhood Commission 2G (ANC 2G) submits this Response to the Applicant’s Supplemental Statement submitted into the record on October 16, 2024.

**Introduction**

Pursuant to D.C. Board of Zoning Adjustment’s October 10, 2024 Memorandum, the Applicant was directed to provide additional information on six (6) points pertaining to the relocation of the Central Cell Block (CCB) to 501 New York Avenue, N.W. (the site). ANC 2G’s response to each is set forth below.

**I. Parking, Queuing & Staging**

ANC 2G maintains that the current parking, staging and queuing plan for the CCB is insufficient and will result in the need for government vehicles to use additional on street parking spaces within the bordering residential neighborhoods. Furthermore, Chair Nigro visited the site and measured the areas proposed for use for the spaces.

The plan submitted by the Applicant fails to accommodate the required distances from crosswalks and driveways<sup>1</sup>. The District prohibits parking within 40 (or 25) feet of any crosswalk at an intersection with a traffic signal<sup>2</sup>. Therefore, 40 feet is needed between the parking spaces and the crosswalk at 6<sup>th</sup> and L and 25 feet is needed at 5<sup>th</sup> and L Street. There are approximately 180 feet between 5<sup>th</sup> and 6<sup>th</sup> Streets along L Street for the on-street parking for government vehicles. That number less the required 65 feet for crosswalks, 24 feet for the curb cut and ten feet for the side of driveways leaves only 81 feet. Since each space needs to be a minimum of nine feet in width, that leaves space for 9 spaces – not 16. The New York Avenue frontage is approximately 195 feet. Considering the 40-foot/ 25-foot crosswalk spacing, 12’-foot curb cut, five-foot distance from driveways and minimum depth of 20 feet, this would only allow for 5.4 spaces and not seven as shown. So, there is room for 14 spaces – not 23.

Why were these parking requirements not incorporated into this plan? The spacing from crosswalks is a safety measure needed at what are already hazardous intersections. Why the circumvention of these mandates? There is not room on the site for the vehicles required and vehicles without dedicated spaces will not be able to park off-site due to the two-hour parking limits and future “Resident Only” parking in ANC 2G. This issue remains unresolved. We confirmed with DDOT that this

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<sup>1</sup> See D.C. Parking Basic Flyer – attached – confirmation obtained from DDOT.

<sup>2</sup> See 18 DCMR Section 2405.2(c).

new plan would need to undergo PDRM review and that these required errors would be noted and revisions required.

## **II. Detainee Processing & Staging**

In an assessment of the potential adverse impacts to the surrounding community, the most critical stage of the detainees processing is their release. The Applicant has testified that no detainees will be released from 501 New York Avenue, N.W. and has postured that the U.S. Attorney's Office approves detainee release from D.C Superior Court. Release from the Superior Court all hinges on the timing of the "no paper" determination. The Applicant alleges that this determination is made by the prosecutor upon or after the detainees transfer to Superior Court. This has yet to be verified.

Mr. Todd Baldwin's October 7, 2024 letter (Exhibit No. 123) provided detailed written testimony regarding the "no paper" process. Specifically, Mr. Baldwin explained the extension of detainees' custody at the CCB while final determinations on the detainees' prosecutions were made so that no detainees were transported unnecessarily. This would indicate that two things are true. First, that the "no paper" determination is made prior to the detainees' departure from the CCB. Second, that they are technically free and no longer legally in the government's custody while located at the CCB. This means, in contrast to the Applicant's testimony, that any person no longer detained pursuant to a "no paper" determination would be free to leave directly from the CCB. Mr. Baldwin's follow-up letter, dated October 22, 2024 and attached hereto, reaffirms his concerns – concerns based on "numerous decades of experience" with this exact process. Further, he confirms that the U.S. Marshals will NOT transfer the detainees to Superior Court prior to a final call being made by the prosecutor on whether to move forward, meaning they are free while still present at CCB and, as such, free to leave from there. Given that this was the procedure during Covid, it stands to reason that the determination of "no paper" is, in fact, made prior to the transportation of detainees to Superior Court. The Applicant's statement that the U.S. Attorney's Office has approved release from Superior Court is not sufficient. Where is the exact timeline of steps?

The Applicant has proffered "No Loitering" signs as a proposed condition, however, with no loitering law in the District, these signs are unenforceable. Furthermore, the area directly outside the CCB is public space where nothing prohibits (1) former detainees or their family/friends in expectation of their release from remaining at will or demonstrators from congregating as long as they do not block the sidewalk.

## **III. Traffic Impacts**

Section V below documents the demonstrations and protests that have occurred at the current CCB. These events will inevitably create traffic problems and threaten to block New York Avenue and the surrounding streets. Additionally, the Applicant continues to grossly underestimate the number of trips to and from the site.

## **IV. Height of Windows & Glazing/ Screening**

501 New York Avenue, N.W. is located within the Mount Vernon Square Historic District, however, the project was not reviewed properly by the D.C. Historic Preservation Office. The original

permit was perfunctorily reviewed by staff. The Applicant is now proposing a film that has not been reviewed or approved by the HPO. HPO stated in an email to Chair Nigro on October 18, 2024 that the plans approved for the original permit did not include such a film and that this would need to undergo review by HPO given it represented an “aspect[] of the proposal that may affect the character of the historic building and the surrounding historic district.” Office of Planning staff also confirmed via email dated October 22, 2024 that ANC 2G has requested a presentation on this proposed change that includes such a film by DGS or DOC. This review and approval must be completed prior to the issuance of any new permit.

Additionally, people in the public space on the sidewalk immediately outside the facility can communicate with detainees through the windows using a megaphone or even, potentially, flashlights to signal to detainees.

## **V. Noise Mitigation**

At the October 9, 2024 Board hearing, Director Faust stated at 10:03:39 that he was not aware of any protests or demonstrations at the CCB’s current location. Attached for submission into the record are dated pictures of protests, demonstrations and conflicts that occurred at the current CCB/ Daly Building.

While the Applicants Supplemental Statement addresses noise mitigation methods that can be utilized in the interior of the CCB, the noise and security issues that necessarily accompany a use like that proposed here are unavoidable, documented and definitely adverse. The Metropolitan Police Department (MPD) confirmed that noise violations are enforced from 10:00 p.m. until 7:00 a.m., but that noise from protests like those shown here involving megaphones would likely not be actionable unless shown to be in violation of the Residential Tranquility Act. Anyone using a megaphone or flashlight to communicate with detainees will not be stopped from doing so.

## **VI. Future Use of 501 New York Avenue, N.W.**

The special exception approval for the enlargement of the existing large-scale government use would, pursuant to proffered condition no. 1, expire in eight (8) years. At that time, the Applicant could file for an extension of the approval or another special exception. It seems unlikely and even less fiscally responsible for the Department of General Services (DGS) to invest ten million dollars (\$10,000,000) in a facility and then allow for its renovation into a more civically minded use such as a community center, coffee shop or hardware store. These are the uses anticipated to be championed by the community through any proposed community liaison or committee.

In an email dated October 9, 2024, the City Administrator noted the need for an additional detention center in emergency circumstances when the Daly Building cannot be used. This seems to bolster the likelihood of 501 New York Avenue, N.W.’s maintenance as a detention center, complete with all associated adverse impacts and well beyond the initial eight-year period.

### **Conclusion**

There is more to review here. DDOT and HPO's reviews are incomplete and the issue of detainee release is far from definitive. The impacts are clear and the special exception should be denied until all matters are resolved. We appreciate the Board's consideration.

### **CERTIFICATE OF SERVICE**

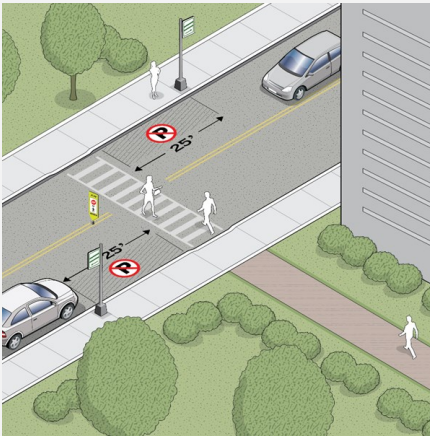
I HEREBY CERTIFY that on **October 23, 2024**, a copy of the foregoing Response for BZA Case No. 21177 was served via email, on the Applicant's counsel, Meredith Moldenhauer – [mmoldenhauer@cozen.com](mailto:mmoldenhauer@cozen.com) and Advisory Neighborhood Commission 6E – [6E01@anc.dc.gov](mailto:6E01@anc.dc.gov).

By:     /s/ Tracy L. Themak

## SIGHTLINES

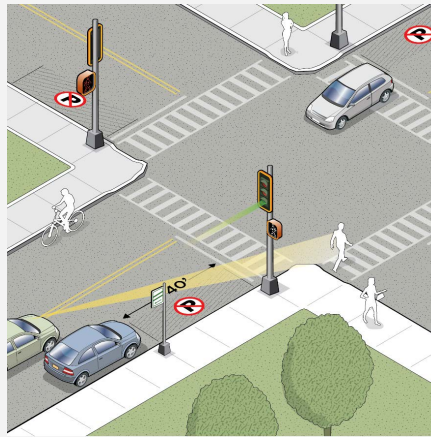
### CROSSWALK INTERSECTION

No parking within 25 feet



### TRAFFIC LIGHT INTERSECTION

No parking within 40 feet



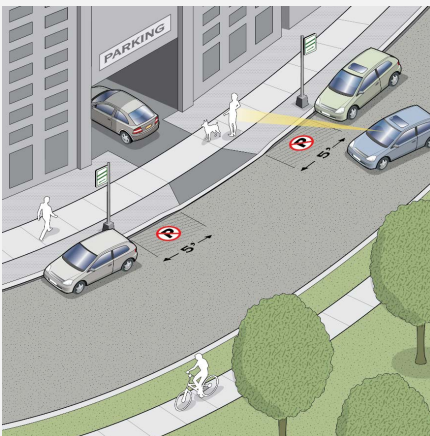
### UNMARKED INTERSECTION

No parking within 40 feet



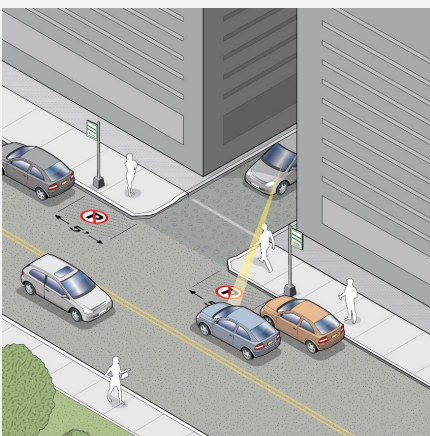
### DRIVEWAYS

No standing or parking within 5 feet



### ALLEYS

No standing or parking within 5 feet



## ACCESS

### ACCESSIBLE PARKING

Parking only for those with disability placard or plates



### FIRE HYDRANTS

No standing or parking within 10 feet of hydrant



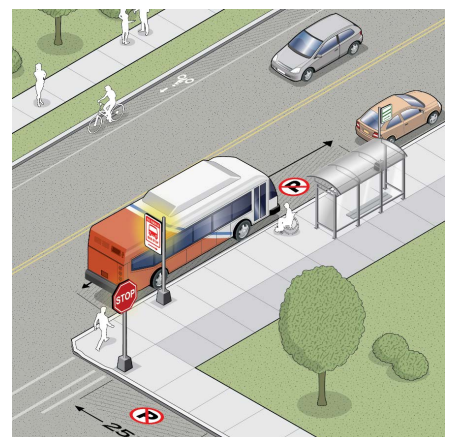
### BIKE LANES

No stopping, standing, or parking anytime



### BUS STOPS

No standing or parking within 80 feet of sign



## ACCESS



**TODD S. BALDWIN, ESQ.**  
LAW OFFICES OF TODD S. BALDWIN  
503 D ST., SUITE #120, NW  
WASHINGTON, D.C. 20001  
(703) 599-4449 CELL

October 22, 2024

Rachelle Nigro  
Chair 2G  
Commissioner, 2G06  
[2G06@anc.dc.gov](mailto:2G06@anc.dc.gov)

Dear Commissioner Nigro,

This is a follow-up letter to my previous letter I submitted for your consideration on October 7<sup>th</sup>. In that letter I expressed several concerns about relocating the Central Cell block for lockups to 501 New York Ave., NW, Washington, DC. In that letter I highlighted concerns in two particular areas. The first was that clients whose cases are "no papered" would be not be brought over at the beginning of the day but rather would have to wait until their cases had been fully reviewed, sometimes as late as 5 or even five o'clock in the evening. At that time, that late in the day, clients would not be brought over to D.C. Superior Court but rather dismissed directly from 501 New York Ave., into the surrounding neighborhood. My second concern was that client's whose cases were "no papered" would be forced against their will onto a shuttle bus transporting them to Superior Court to be dismissed from Superior Court rather than from the relocated Central Cell Block at 501 New York Ave., NW, Washington, D.C.. Both of those are still primary concerns and still very prominent and real objections to the relocation plan.

However, since submitting that letter for your consideration on October 7, 2024, I have read the response from COZEN O'CONNOR by Meridith Moldenhauer and Madeline Shay Williams submitted on October 16<sup>th</sup>, 2024 that details the plans for relocating Central Cell Block and the plans for arrestees and cases in connection with Superior Court. In pertinent part, it reads,

*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 DC Superior Court and no charges will be filed. Having a charge "no papered" means 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 insufficient 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 St. SE. to await the next court appearance.

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

What concerns me still is the difference between proposed ideas and actual reality. In my numerous decades of experience in criminal defense in D.C. Superior Court, I have seen the determination time for the papering of cases getting later and later in the day. I have seen the time for determining whether cases are going to be papered move from 10:30 in the morning devolve until as late as 6:00 in the evening. If this is the case, aspiring to "pre-Covid protocols" for bringing detainees over from Central Cell Block to Superior Court is simply not realistic. The United States Marshalls Office simply will not bring them over before a determination is made on papering. Therefore, the time for the release of the detainees will be later and later during the day. Even when the proximity of CCB is mere yards away, the detainees are brought over in batches starting approximately noon and the latest batch being in the evening hours. On Monday, October 21, I stood in the Defender Services Offices at approximately 3:00 and watched in real time as seven cases were decided to be "no papered" over the course of 30 minutes. The detainees for these no papered cases had not yet been brought over from the current CCB, merely across the courtyard. How much more problematic would it be to transport the from seven or eight city blocks away, approaching rush hour.

My concerns still remain the same and the city should be aware of these concerns before it decides to enact this proposed plan. I foresee major logistical problems and I see that the reality will differ greatly from the ideals that are unrealistic in the proposal.

Sincerely Yours,

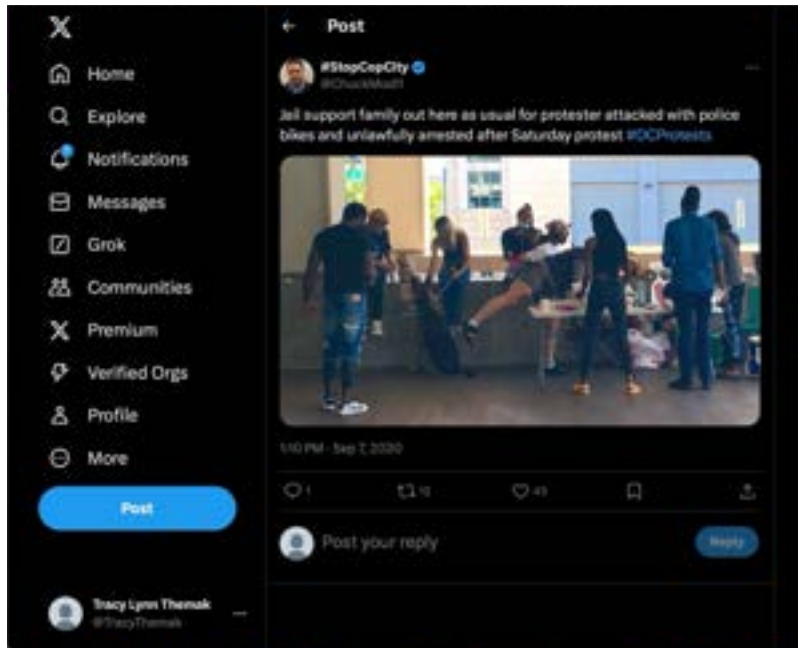
A handwritten signature in black ink, appearing to read "Todd S. Baldwin", written over a horizontal line.

Todd S. Baldwin,  
President

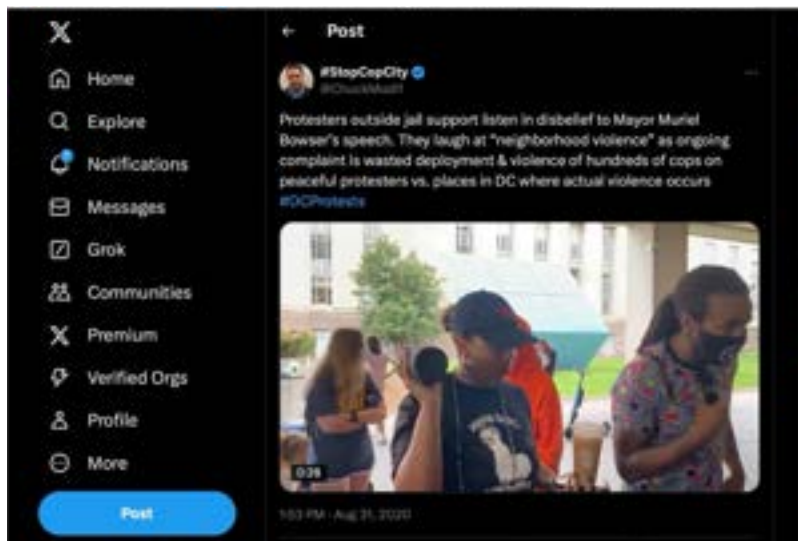
Superior Court Trial Lawyers Association

## Protests & Demonstrations at Daly Building

1. 9/7/2020



2. 8/31/2020

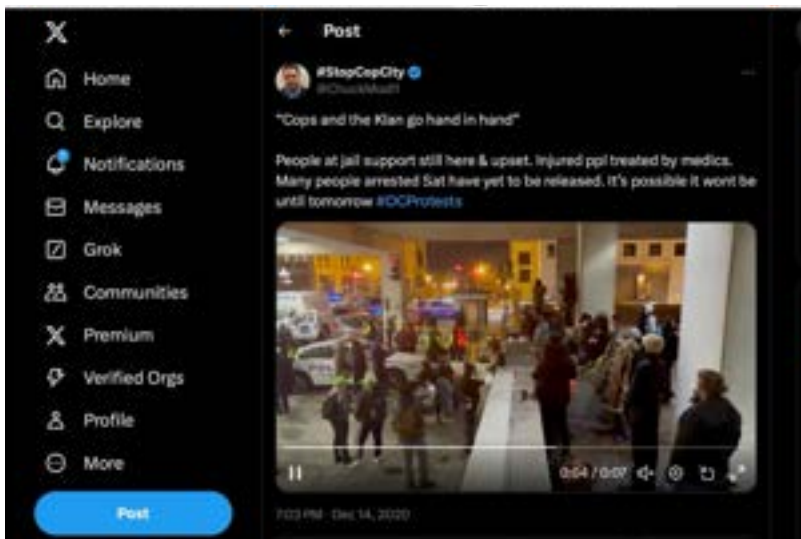


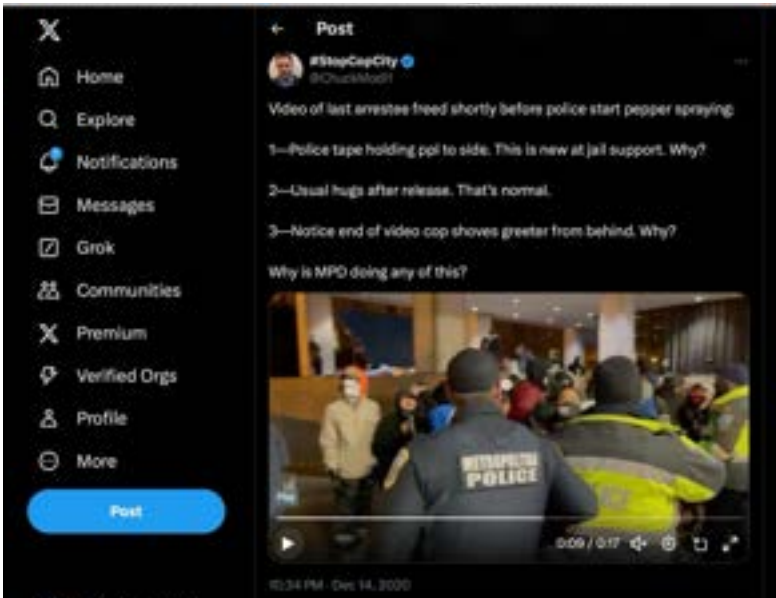


3. 10/16/2020



4. 12/14/2020

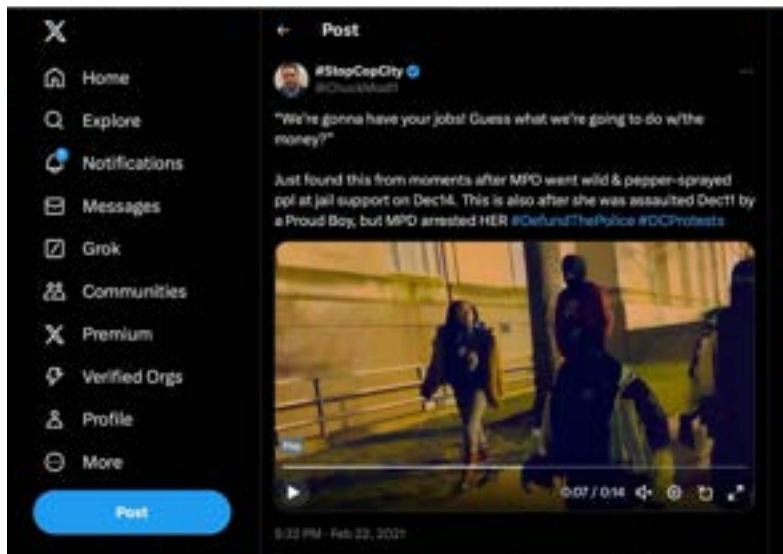




5. 11/16/2020



6. 2/22/2021



7. 3/7/2021

