ARNOLD & PORTER LLP

Nathan W. Gross
Zoning and Land Use Specialist
Nathan_Gross@aporter.com
Not Engaged in the Practice of Law

202.942.5956
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

December 16, 2004

RECEIVED
D.C. OFFICE OF ZONING
2004 DEC 16 PM 4:58

Carol Mitten, Chair
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Zoning Commission Case No. 04-08/02-45
St. Elizabeths Hospital – 2nd Stage PUD

Dear Ms. Mitten and Members of the Commission:

The Applicant in the above-cited case, the D.C. Department of Mental Health, is pleased to submit two additional proposed conditions for the Zoning Commission's order in this case. The first condition would incorporate the Applicant's Memorandum of Understanding ("MOU") with Advisory Neighborhood Commission 8C in the Decision section of the order. A copy of the MOU is attached. It was submitted to the record on October 14, 2004.

The second proposed condition relates to design and construction flexibility.

Sincerely,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Nathan W. Gross, AICP

Enclosure

ZONING COMMISSION
District of Columbia
CASE NO. 04-08/02-45
EXHIBIT NO. 32

ZONING COMMISSION
District of Columbia
CASE NO.04-08
EXHIBIT NO.32

Zoning Commission Case No. 04-08/02-45
St. Elizabeths Hospital – 2nd Stage PUD
Applicant's Additional Proposed Decision Conditions
December 16, 2004

The Applicant and Advisory Neighborhood Commission 8C shall abide by the terms of the Memorandum of Understanding submitted to the record by the ANC on October 14, 2004. The agreement sets forth terms of cooperation regarding community outreach and information, a First Source Agreement Program with the Department of Employment Services, contracting opportunities and LSDBE agreement, training programs for Ward 8 residents and coordination and reporting on progress in implementation.

The Applicant shall have flexibility with the design of the PUD in the following areas:

(a) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators and bathrooms, provided that the variations do not change the exterior configuration of the building;

(b) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction; and

(c) To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railing and trim, or any other changes to comply with the Construction Codes or that are otherwise necessary to obtain a final building permit.

MEMORANDUM OF UNDERSTANDING
between
ADVISORY NEIGHBORHOOD COMMISSION 8C
And the
DEPARTMENT OF MENTAL HEALTH
GOVERNMENT OF THE DISTRICT OF COLUMBIA
regarding
THE DEVELOPMENT OF SAINT ELIZABETHS NEW HOSPITAL PROJECT
located
ON THE GROUNDS OF SAINT ELIZABETHS EAST CAMPUS

This Memorandum of Understanding made this 13th day of October, 2004, for the benefit of the residents of Ward 8 and specifically the residents within Advisory Neighborhood Commission 8C, is entered into by and between Advisory Neighborhood Commission 8C, hereinafter referred to as ANC-8C, and the District of Columbia Department of Mental Health, hereinafter referred to as "DMH."

WHEREAS, DMH plans to build a state-of-the-art mental health facility to service the District's mental health needs; to be known as the Saint Elizabeths Hospital Building. The proposed site is located on the southeastern part of the Saint Elizabeths East Campus. It has access from Martin Luther King Jr. ("MLK") Avenue, SE and is also accessible from Alabama Avenue, SE.

The new 293-bed hospital will consist of a one- and two-story building that will provide mental health services for Non Secure and Secure mental health patients. The existing John Howard Forensic Pavilion ("JHP") will be demolished after construction and occupancy of the new building. Numerous features of JHP are obsolete and substandard in terms of care and rehabilitation of the mentally ill. The demolition will also create more open space, allow more light to reach the new building and alleviate the increasing maintenance costs for the severely deteriorated John Howard building.

The construction of this new mental health facility that incorporates the newest ideas and innovations in institutional design and mental health care is of crucial importance to the Saint Elizabeths patients, care givers, employees and the District as a whole. The site is located within Ward Eight (8) and ANC-8C.

WHEREAS, DMH has filed an application with the District of Columbia Zoning Commission (04-08) seeking approval of a two-stage Planned Unit Development (PUD) and Zoning Map Amendment under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR (July 1995, as amended). In Order No. 02-45, dated May 1, 2003, effective November 28, 2003, the Zoning Commission approved the first stage of this PUD. On March 8, 2004, the applicant submitted the second-stage application and set down for public hearing, which was held on September 30, 2004.

WHEREAS, ANC-8C, presented written testimony to the District of Columbia Zoning Commission expressing their desire that this project be developed by DMH in

ANC DMH

partnership with the community. The ANC-8C committed to deliberate with DMH and prepare a written Memorandum of Understanding (MOU) which clearly outlines the agreed upon points, process for participation and benefits to the community on the development of the Saint Elizabeths New Hospital Project. The executed MOU provides assurance to the community that the commitments made by the developer are fulfilled.

WHEREAS, DMH presented testimony to the District of Columbia Zoning Commission expressing their intent to ensure that the community experiences tangible benefits as a results of the development of the Saint Elizabeths New Hospital Project.

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, the receipt of which are hereby acknowledged, the parties agree as follows:

DMH will:

1. Develop and implement a comprehensive community outreach strategy to provide effective and timely dissemination of information to the Ward 8 community about the development of the Saint Elizabeths New Hospital Project which will include:

   a. Facilitating open public meetings with the community to inform residents and local businesses about the development;

   b. Prepare up-to-date information to be disseminated in the community which will contain an overview of the project, design concept, timelines, status, etc.;

   c. Participate in targeted group meetings with the ANC, individuals, civic associations, community development corporations, business groups and construction membership associations to provide a status of the development, obtain concerns and document feedback and recommendations;

   d. Prepare and submit to the ANC a plan which outlines parameters for the community's use of space for public meetings and other forums.

2. Establish proactive programs to ensure that employment opportunities are made available to Ward 8 residents:

   a. Facilitate a partnership with the District of Columbia Department of Employment Services (DOES) to implement a First Source Agreement Program;

   b. Broadly advertise job opportunities within the Ward 8 community and establish an on-site employment database of applicants, referrals, hires, etc.;

ANC/DMH

c. Establish a system to prioritize employment for qualified and experienced Ward 8 residents, east of the Anacostia River residents and District residents.

3. Establish a process to ensure that contracting opportunities related to the development and construction of the Saint Elizabeths New Hospital Project are made available to Ward 8 businesses:

a. Identify and recommend qualified minority companies or associations to serve as contractors/subcontractors on the construction project;

b. Establish a set-aside of 35% participation for District of Columbia-certified local, small disadvantaged business enterprises (LSDBE) on the construction project;

c. Establish a relationship with the Office of Local Business Development to coordinate referrals of LSDBE businesses and to assist local businesses to complete the certification process, if they are not currently certified;

d. Offer preference points to Ward 8 businesses, east of the Anacostia River businesses and District businesses seeking to provide services on the development of the Saint Elizabeths New Hospital Project (i.e., security, groundskeeping, food services, transportation, etc.);

e. Establish a partnership with ANC-8C to ensure that Ward 8 minority contracting organizations, community development corporations and business organizations are aware during all phases of the bidding process.

4. Coordinate with the District of Columbia Department of Employment Services (DOES) to develop and effectively implement comprehensive training programs targeted for Ward 8 residents:

a. Earmark at least (6) summer internship positions for students at Anacostia and Ballou Senior High Schools as a designated worksite with the DOES' Summer Youth Employment Program;

b. Establish an internship program for students at Anacostia and Ballou Senior High Schools who are seeking a healthcare career;

c. Establish and implement a Construction Apprenticeship Program as required by DOES and establish a priority for enrollment of adults who live in Ward 8;

d. Establish a partnership with DOES to provide training for Ward 8 residents for career positions at the Saint Elizabeths New Hospital Project.

ANC
DMH

5. Develop and implement a plan of reporting its compliance on the development of the Saint Elizabeths New Hospital Project:

   a. Prepare and submit monthly reporting of LSDBE participation, First Source Agreement Compliance, Apprenticeship Program Compliance, etc.;

   b. Conduct a quarterly review of the development plan, projections, accomplishments and modifications;

   c. Coordinate with ANC-8C on developing and implementing a process of informing the Ward 8 community on the status of compliance with the DMH/ANC MOU.

ANC-8C will:

1. Work with DMH to develop and implement a comprehensive community outreach strategy to provide effective and timely dissemination of project information to the Ward 8 community about the development of Saint Elizabeths New Hospital Project:

   a. Provide consultation regarding the community's interests and desires

   b. Aid DMH in the effective and timely dissemination of project information to the community;

   c. Assist DMH to prepare and provide timely responses to community concerns regarding the project;

   d. Establish and convene regular meetings with DMH regarding the project;

   e. Coordinate and facilitate community meetings and other public forums to ensure that the community remains informed of the status of the project, share up-to-date information on its development, coordinate community input and subsequently to garner the community's support of the project;

   f. Use their best efforts to ensure the successful completion of the project.

2. Provide recommendations for proactive programs to ensure that employment opportunities are made available to Ward 8 residents within the guidelines set forth by District and federal laws:

   a. Assist with advertisement and dissemination of employment information within the Ward 8 community:

ANC
DMH

b. Participate in the establishment of priority criteria for Ward 8, east of the Anacostia River and District residents.

3. Assist DMH to establish a process for ensuring contracting opportunities are made available to Ward 8 residents;

a. Participate in referral of qualified Ward 8 companies to serve as contractors or subcontractors;

b. Assist DMH to solicit and procure District of Columbia-certified local, small and disadvantaged business (LSDBE) participation;

c. Assist to develop preference points for and monitor the participation of Ward 8 businesses, east of the Anacostia River businesses and District businesses providing services on the project;

d. Identify and assist DMH to establish partnerships will minority contracting organizations; facilitate dialogue and coordinate their participation in the bidding process.

4. Assist DMH to develop and effectively implement comprehensive internship and training programs targeted for Ward 8 residents:

a. Serve as an advocate to help students understand the importance of maintaining a high standard of responsibility in registering and completing internship, training and career development programs;

b. Conduct forums and special presentation within the Ward 8 community to enhance the community's awareness of internship, training and career development program; solicit support and recruit additional mentors;

b. Provide referrals of Ward 8 students for participation in the DOES Summer Youth Employment Program and other internship programs; conduct orientation regarding responsibility and accountability and assist DMH with monitoring of student participation to ensure their successful completion of the program;

b. Assist DMH to establish a Construction Apprenticeship Program with DOES; assist with developing priorities for Ward 8 residents and conduct referrals; assist with monitoring participants and responding to participants and/or public concerns;

c. Identify and provide referrals of Ward 8 residents for career positions at the new Saint Elizabeths Hospital.

ANC DMH

5. Participate in monitoring compliance on the development of the Saint Elizabeths New Hospital Project:

   a. Facilitate monthly meetings with DMH to review compliance with the development plan, projections and timeline; review accomplishments and present modifications, as required.

   b. Assist DMH to establish a process to notify the community on the status of their compliance on the development.

Should DMH fail to perform any of the conditions or obligations as agreed upon in this MOU, the ANC reserves the right to take the following corrective action:

a. Submit a request to the District of Columbia Office of Zoning to hold the construction of this project in abeyance until the conditions or obligations contain in the Agreement have been satisfactorily corrected;

b. Submit a request to the District of Columbia Department of Consumer and Regulatory Affairs to withhold approval of DMH's application for a building permit or certificate of occupancy until the conditions or obligations contained in this Agreement have been satisfactorily corrected;

c. Take action with any other District Government agency involved or deemed appropriate.

No modification of any of the terms of this Agreement shall be valid unless in writing, and fully acknowledge and agreed to by the parties to this Agreement.

IN WITHNESS WHEREOF, the parties hereto have signed and delivered these presents as their own free act and deed as the date and year first herein above written.

Signature of the Parties:

Mary J. Cuthbert, Chairperson
Advisory Neighborhood Commission 8[illegible]

Date: 10-13-04

Martha B. Knisley, Director
Department of Mental Health
Government of the District of Columbia

Date: 10-13-04

/ANC
/DMH

Confirmation Report – Memory Send

Page : 001
Date & Time: 16-Dec-2004 05:51pm
Line 1 : 2027276072
Line 2 :
Machine ID : DC OFFICE OF ZONING

Job number : 496

Date : 16-Dec 12:53pm

To : ☎99654070

Number of pages : 002

Start time : 16-Dec 12:53pm

End time : 16-Dec 12:53pm

Pages sent : 002

Status : OK

Job number : 496 *** SEND SUCCESSFUL ***

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

★ ★ ★

AGENDA
Regular Meeting
1172nd Meeting Session (16th of 2004)
Monday, December 13, 2004, @ 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

I. **PRELIMINARY MATTERS**.....Mr. Bastida

NONE

II. **ACTION ON MINUTES**.....Mr. Bastida

A. Public Meeting Minutes (draft) of September 13, 2004 (1168th Session)
B. Special Public Meeting Minutes (draft) of September 30, 2004 (1169th Session)
C. Public Meeting Minutes (draft) of October 25, 2004 (1170th Session)
D. Public Meeting Minutes (draft) of November 8, 2004 (1171st Session)

III. **STATUS REPORT**.....Office of Planning

A. Office of Planning Monthly Status Report

IV. **CONSENT CALENDAR**.....Mr. Bastida

NONE

V. **HEARING ACTION**.....Mr. Bastida

A. Z.C. Case No. 04-25 (Map Amendment – Catholic University)
B. Z.C. Case No. 04-30 (Citadel PUD)

ARNOLD & PORTER LLP

202.942.5000
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

RECEIVED
D.C. OFFICE OF ZONING
2004 DEC 16 PM 4:58

Fax Transmittal

Date: 12/16/04

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)	RECIPIENT ROOM #(S)
Alberto Bastida Office of Zoning	202-727-6072	727-6311	

SENDER	SENDER'S TELEPHONE NUMBER	SENDER'S ROOM NUMBER
Nate Gross	202-942-5956	1230A

CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
18195.002	7256	We are transmitting 9 page(s) (including this cover sheet)

TRANSMISSION DEADLINE (DATE & TIME)	ALTERNATE TELEPHONE NUMBER (OPTIONAL)
This document must be transmitted no later than: ASAP	Alternate telephone number at which the sender can be reached if there are difficulties with this fax:

If you experience difficulty receiving this fax transmission, please contact the operator at 202.942.5837

MESSAGE

St. Elizabeths PUD. 04-08/02-45.
Additional conditions.

PRIVILEGED AND CONFIDENTIAL
Information intended only for the use of the addressee named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.