*Government of the District of Columbia*
Office of Zoning

**Z.C. CASE NO.: 04-08**

As Secretary to the Zoning Commission, I herby certify that on APR 14 2005 copies of this Z.C. Order No. 04-08 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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10. Office of Attorney General

**ATTESTED BY:** Jerrily Kress

**Jerrily R. Kress, FAIA**
**Director, Office of Zoning**

ZONING COMMISSION
District of Columbia
CASE NO. 04-08
EXHIBIT NO. 34



ZONING COMMISSION
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CASE NO.04-08
EXHIBIT NO.34

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**Zoning Commission**



**ZONING COMMISSION ORDER NO. 04-08**
**Case No. 04-08/02-45**
**(Second-Stage PUD – St. Elizabeths Hospital)**
**January 13, 2005**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on September 30, 2004, to consider an application from the D.C. Department of Mental Health (the "Applicant"). The application is for review and approval of the second stage of a two-stage planned unit development ("PUD") and a related zoning map amendment, pursuant to Chapter 24 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. The proposed project involves the demolition of John Howard Forensic Pavilion and the construction of the new St. Elizabeths Hospital. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below the Zoning Commission hereby approves the application subject to the specified conditions.

## FINDINGS OF FACT

### The Application, Parties, Hearing, and Referral to the National Capital Planning Commission

1. In Zoning Commission Order No. 02-45, dated May 1, 2003, effective upon its publication in the District of Columbia Register on November 28, 2003, the Zoning Commission approved the first stage of this PUD for a proposed new St. Elizabeths Hospital and grounds within the historic East Campus of St. Elizabeths. The first-stage order was subject to several conditions, including submission of an interim parking plan for the construction period, inclusion of a pedestrian route from the new hospital to the Congress Heights Metrorail Station in the second-stage plans, and a status report on when the gate between the station area and the St. Elizabeths campus will be opened.

2. On March 8, 2004, the Applicant submitted its second-stage application consistent with the conditions stated above. The Zoning Commission set down the case for public hearing at its meeting of May 10, 2004. On June 14, 2004, the Office of Zoning received a Pre-Hearing Submission and materials for the second-stage PUD.

3. On July 30, 2004 the Applicant submitted an application to modify the PUD by enlarging the land area by 5.19 acres. The PUD modification requested that the added unzoned PUD area be zoned SP-1, the same zone classification as adopted in the first-stage order for the original PUD site. The Applicant also requested that the modification be granted as a minor modification under the Commission's consent calendar procedures. At its September 13, 2004 meeting, the Zoning Commission considered and granted the first-stage modification under its consent calendar procedures. The modification became effective on December 24, 2004, the date upon which the order granting the minor modification was published.

4. As enlarged by the PUD modification, the subject property is a large site of 54.59 acres located at 2700 Martin Luther King Jr. ("MLK") Avenue, S.E., comprising the southeastern portion of the St. Elizabeths East Campus, identified as Parcel 234, Lot 38.

5. A description of the proposed development and the Notice of Public Hearing were published in the *D.C. Register* on August 6, 2004, 51 DCR 7643. The Notice of Public Hearing was mailed to all property owners within 200 feet of the subject property, as well as to Advisory Neighborhood Commissions ("ANCs") 8A and 8C.

6. The application requested final approval of the plans and site plan for the New St. Elizabeths Hospital and grounds.

7. The parties in the case were the Applicant and Advisory Neighborhood Commission 8C.

8. At its public meeting of October 25, 2004, the Zoning Commission took proposed action to approve the application by a vote of 4-0-1 (Anthony J. Hood, Kevin L. Hildebrand, Gregory N. Jeffries, and John G. Parsons to approve; Carol J. Mitten, not present, not voting).

9. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by action dated December 13, 2004, found that granting the application would not adversely affect the identified Federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

10. The Zoning Commission took final action to approve the application on January 13, 2005.

**The Site**

11. The proposed PUD site is located on the southeastern part of the St. Elizabeths East Campus. It has access from MLK Avenue near Pecan Street and is also accessible from Alabama Avenue, S.E. The property is irregular in shape and has substantial vacant and open areas together with the John Howard Forensic Pavilion and adjacent surface parking lot, as well as frontage on Alabama Avenue, S.E. The building site lies generally

northeast of a deep ravine that bisects the East Campus of St. Elizabeths Hospital. That ravine effectively provides clear demarcation between the site and the remainder of the East Campus and will be preserved as open space. The ravine has heavy tree cover, and several additional trees are in scattered locations on the property. Lawn grass covers the open spaces between the existing buildings and the paved areas.

12. Most of the site is vacant. The only substantial existing building on the site is the John Howard Forensic Pavilion, an outdated and deteriorated brick, multi-story mental health facility built in 1959. It currently houses St. Elizabeths' secure patient population. It occupies much of the northwest portion of the site and must remain in uninterrupted operation until completion of the new facility, thereby limiting the site area available for new construction. Residents will be relocated to the new hospital upon its completion and the John Howard building will then be demolished.

13. The hospital anticipates continued use of three (3) existing buildings outside of the PUD site -- RMB, CT-7, and CT-8.

**The Surrounding Area**

14. The surrounding neighborhood includes the St. Elizabeths Hospital campus itself (both East and West Campuses), federal and highway property, and nearby residential and commercial development in the Congress Heights, Douglass, and Shipley Terrace neighborhoods. The predominant surrounding land use context is the St. Elizabeths campus itself. The 336-acre campus is developed with institutional buildings, many of them historically designated, together with open spaces and trees. MLK Avenue, S.E., a major thoroughfare, bisects St. Elizabeths to form the approximately 173-acre East Campus and the approximately 163-acre West Campus.

15. The Federal government deeded the East Campus to the District of Columbia government in 1987. The U.S. General Services Administration ("GSA") is currently managing the disposition of the West Campus that has been vacated by the U.S. Department of Health and Human Services. Metro's Green Line runs through the East Campus (underground) with the Congress Heights Metro Station located at the southeast perimeter of the property and the Anacostia Metro Station located north of the campus. There are approximately 50 (fifty) existing buildings situated on the East Campus.

16. The site is bordered by an existing federal graveyard (located on St. Elizabeths' property) to the northeast and by a group of Jewish cemeteries, including the Adas Israel Hebrew Congregational Cemetery, to the northwest. A wooded triangular area on the proposed site adjacent to the Jewish cemeteries contains several small, deteriorated buildings associated with an abandoned U.S. Navy radio facility. Farther east is Suitland Parkway, a four-lane expressway with federally owned open space on either side. Alabama Avenue runs along the southern border of the property; it is zoned C-2-B and improved with commercial strip development. The adjacent residential neighborhood is developed with a mixed housing pattern, including garden and mid-rise apartments, as well as row, semi-detached and detached dwellings. The proposed new hospital will continue to use

the gated entrances to the campus from Alabama and MLK Avenues, and the existing driveway to approximately the point where the driveway reaches the PUD site.

**Existing and Proposed Zoning**

17. The original PUD site of 49.4 acres was zoned SP-1 in the first-stage order. The area of 5.19 acres added to the PUD site by the modification shall also be zoned SP-1. This zone will readily accommodate the height and bulk of the proposed mental health hospital, in that this zone district allows a building height of up to 75 (seventy-five) feet and a density of up to 4.5 FAR with a PUD.

18. The zoning classifications of areas surrounding the PUD site include R-5-A for the residential areas and C-2-B for areas zoned for commercial use.

**The PUD Project**

19. The Applicant intends to construct a new hospital building on the subject property, to be known as the St. Elizabeths Hospital Building. The new 292-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.

20. The existing, winding roadway from Alabama Avenue, S.E. will continue to provide vehicular access to the new hospital. The site plan provides a setback and visual buffer for the new building from the arrival point where the access road crosses the ravine. Higher security functions and their access points are located farther from the site entry and are visually shielded by other functions and landscape. Parking areas are located to maximize green space in front of the building and to maintain views from the building across the ravine toward the remainder of the campus. The parking area and associated landscape are also used to buffer the existing secure yard (surrounded by a high wall) associated with the secure component.

21. The three (3) wings of the building are oriented to maximize privacy for residential areas and to take advantage of views across open space to the ravine from public spaces, office areas, and treatment areas. Necessary exterior walkways adjacent to the building will be developed with hardscape elements and plantings to structure exterior space for use by staff, visitors, and where appropriate, residents.

22. Organization and massing for this building type are by necessity functionally driven. The requirements for ongoing respectful observation of residents, the size and requirements of treatment and residential groups, and the security needs of the facility significantly impact the building form. The need to balance the seemingly competing needs for observation vs. privacy, for security vs. respect for residents as individuals, and for freedom vs. control present a unique challenge. The desire to provide readily accessible, readily observable, secure green space at each residential unit is central to addressing this challenge. This requires that the vast majority of units have direct, on-grade access to the outside.

23. In general, the building massing reflects the functional organization of the facility. A one-story wing at the rear of the site houses secure functions. A two-story wing at the portion of the site nearest the site entry point contains non-secure patient care and residential functions at the entry level, as well as residential units, staff education, and medical library functions above. These two (2) wings are connected by a two-story building element that includes public functions on the entry level (lobby, auditorium, food service) and shared functions on the upper level. A partial lower level includes engineering and limited building support functions.

24. Separate pedestrian entries, vehicular drop off points, and building lobbies are provided for the secure and non-secure sides of the complex. Shared functions will be accessed through the non-secure arrival point. Pedestrian and vehicular access through the secured perimeter associated with the secure functions is tightly controlled. Service and deliveries to the building will be accommodated at a service yard located between the secure wing and the shared services wing.

25. Parking is provided on-grade. The majority of parking will be located approximately at the location of the existing John Howard Pavilion. This will require phased completion of the new parking after completion of the majority of the project and temporary use of other existing parking on the East Campus. The main parking area is oriented to allow pedestrian circulation along the aisles and ready supervision of the parking areas. A limited amount of dedicated parking may be provided closer to the building entrances. When construction is completed, 339 parking spaces will be available.

26. A gatehouse will be constructed in the roadway within the area added to the PUD site by the PUD modification application. This gatehouse will provide security and public safety following the opening of the gate between the hospital property and the Congress Heights Metrorail Station.

27. The Applicant indicated several changes that were made from the project as proposed in the first-stage PUD, summarized as follows:

    a. In the secure wing of the building, two (2) secure patient units were "stacked" onto the second story. This change shortened the corridor for the secure wing of the building and reduces the building's impact in the area of the U.S. Navy radio buildings. Also, the secure wing was slightly rotated clockwise to move the District of Columbia antenna tower outside the secure perimeter.

    b. The major mechanical and electrical spaces were moved from the basement to a new on-grade building element that provides a visual buffer for the service yard.

    c. The building's height and shape were modified in two significant ways. The building was raised approximately two (2) feet to minimize regrading requirements and eliminate a significant number of retaining walls. In addition, the shape of the building was refined to significantly reduce the area of the penthouse spaces.

d. Regarding storm water management, approximately 27,000 square feet of green roof space was added. Also, a storm water management pond at the ravine (adjacent to the existing Metro pond) was established to eliminate the need for significant subsurface stormwater holding. The ravine already acts as a de facto holding area due to its location.

**Public Benefits of the PUD**

28. The following public benefits and amenities will be created as a result of the PUD project:

a. ***Major District of Columbia Initiative - High-Quality Mental Health Services.*** The new, state-of-the-art hospital building will represent a major advance in the care and treatment of mentally ill persons in the District of Columbia. This is a major District of Columbia and federal government policy initiative that will substantially alleviate and overcome problems in mental health service delivery that led to a period of years in which the city's mental health services were under court supervision. The new hospital is functionally designed to meet the special needs of secure patients as well as non-secure patients and to provide an excellent environment for caregivers and visitors. The physical and social environment will be more conducive to patient recovery than the existing JHP facility, and for many will provide a better transitional environment for a return to a normal lifestyle in the community. The Department of Mental Health is committed to achieving a superior level of service that is consistent with the distinguished history of St. Elizabeths as the nation's first, and for many years foremost, mental health treatment facility. The funding has been secured to make this high-priority project a reality.

b. ***No Adverse Effect on Neighborhood or Public Facilities.*** The proposed redevelopment will prevent the numerous negative effects that could impair mental health service provision and neighborhood and campus development if the existing John Howard Forensic Pavilion were allowed to deteriorate further. The site is currently served by all major utilities, and the increased use of water and sanitary services will have a negligible effect on the city's delivery systems.

c. ***St. Elizabeths Framework Plan.*** For a number of years the District's mental health services were operating under Court supervision and orders. Recently, the Department of Mental Health has been able to make the improvements needed to return to independence from court orders. Although previous court rulings remain in effect the Receivership has been vacated and the Department is now proceeding with orders for "Exit Criteria" that must be met before the original 1974 lawsuit can be fully dismissed. It is essential for the city to spend appropriated federal dollars expeditiously so as to remain in compliance with court-ordered

requirements. Thus, the project must proceed before a framework plan for St. Elizabeths has been completed. However, the Department of Mental Health is committed to and actually financing the framework plan. The Office of Planning ("OP") is the lead agency on the plan and DMH is continuing its close consultation with OP and its consultants as the process moves forward.

**Compliance with the Comprehensive Plan**

29. The proposed new hospital complex exemplifies many of the 10 Major Themes set forth in the Comprehensive Plan in § 101.1[1], including:

- "Stabilizing and improving the District's neighborhoods;"
- "Preserving and promoting [cultural and] natural amenities;"
- "Respecting and improving the physical character of the District;"
- "Promoting enhanced public safety;" and
- "Providing for diversity and overall social responsibilities."

30. The Comprehensive Plan lists improvement of public facilities as one of its major goals, including the provision of "adequate and energy-efficient public facilities in good condition to support the cost-effective delivery of municipal programs and services . . ." § 601. One of the main objectives underlying this goal is "the construction, rehabilitation, and maintenance of facilities essential for public service delivery." § 602.1 The proposed new hospital complex furthers these goals.

31. The Generalized Land Use Map of the Land Use Element designated the East Campus of St. Elizabeths Hospital for "Local Public Facilities." This is defined as, "Land and facilities occupied by the District of Columbia government . . ." The proposed new St. Elizabeths Hospital Building is a District of Columbia government facility directly consistent with this land use policy and an efficient use of existing government-owned property.

32. This project is true to the focus of the Ward 8 plan, which requires that the city "[g]ive priority to upgrading existing public services and facilities." § 1901.1. The Ward plan specifically calls for the District to "[e]nsure that new development in the Saint Elizabeth Hospital Treatment Area is compatible, in terms of its use, design, scale, circulation and landscaping, with the mental health treatment activities housed at the hospital while contributing to the economic revitalization of Ward 8." § 1930.1(e).

[1] Citations are from the codified version of the Comprehensive Plan in 10 DCMR (1999)

**Report of the Office of Planning**

33. By report dated September 20, 2004 and by testimony at the public hearing, the Office of Planning ("OP") recommended approval of the application. The report states, "The application is a refinement of the stage one PUD and is consistent with the requirements outlined in Zoning Commission Order 02-48. The plans indicate a building with architecture that is complementary to the historic buildings on the campus; the landscaping contributes to the open space surrounding the building and is significant to the rehabilitation of patients; and an overall development that is environmentally sensitive." OP recommended that the applicant submit to the record elevations of the guardhouse, site and landscape plans for the added PUD area and a signed Memorandum of Understanding with the Office of Local Business Development.

**Report of Advisory Neighborhood Commission 8C**

34. Advisory Neighborhood Commission 8C ("ANC") did not provide a written report nor testimony at the public hearing. At the hearing, the ANC represented that it was negotiating a Memorandum of Understanding ("MOU") with the Applicant, and requested that the record be held open until October 14, 2004 to receive additional submissions. The Commission ordered that the record remain open until October 14, 2004.

35. On October 14, 2004 the ANC submitted a letter indicating that its Executive Committee had voted to support the application and to adopt the MOU. The Executive Committee further voted to authorize the Chairperson to forward the letter and the MOU for inclusion in this order.

36. At its public meeting of December 13, 2004, the Commission was advised by its Secretary, Mr. Alberto Bastida, that the Applicant indicated that it opposed inclusion of the MOU in the Commission's order. The Commission voted to suspend final action until after the ANC was advised of the Applicant's opposition to inclusion of the MOU's terms in the final order.

37. The MOU, among other things, requires the applicant to hold community meetings, submit plans for community use of the facility, advertise job opportunities within Ward 8, prioritize employment for experienced and qualified Ward 8 residents, give preferences to Ward 8 businesses wishing to offer services, earmark six internships for Anacostia and Ballou Senior High School Students, a establish and compliance program for these commitments.

38. By letter dated December 16, 2004, the Applicant offered to include the MOU's terms as conditions in the final order.

**Testimony in Support and in Opposition**

39. One person from the neighborhood testified in support of the application.

## CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." 11 DCMR § 2400.2.

2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a two-stage PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.

3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well planned developments that will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

4. The proposed PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.

5. The PUD is within the applicable height and bulk standards of the Zoning Regulations. The height and density will not cause an adverse effect on nearby properties. The proposed mixed-use development is appropriate on this site, which is well served by a major arterial street, bus lines and an on-site Metrorail station. The PUD will have a favorable effect on city services and facilities.

6. The Application can be approved with conditions to ensure that the potential adverse effects on the surrounding area from the development will be mitigated.

7. Evaluating the Project according to the standards set forth in 11 DCMR § 2403, the Zoning Commission concludes that the Application qualifies for approval. Judging, balancing, and reconciling the relative values of amenities and benefits in the Application against that fact that the Applicant is not requesting any zoning relief and that the potential adverse effects of the Project are minimal, the Commission is persuaded that the proposed benefit herein, in conjunction with the amenities discussed above, are appropriate in this case.

8. Approval of the Application is appropriate because the Project is consistent with the present character of the area.

9. Second-stage approval of this PUD and the proposed SP-1 zoning of the added PUD site area is not inconsistent with the *Comprehensive Plan for the National Capital* including the designation of the site for Local Public Facilities development in the Generalized Land Use Map of the Land Use Element.

10. Second-stage approval of the PUD Application will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.

11. The second-stage plans are in conformity with the conditions set forth in the first-stage order, Order No. 02-45.

12. The Application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

13. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the issues and concerns raised by the affected ANC in its written report. On October 13, 2005, ANC 8C voted to support the Application after the Applicant and the ANC signed a Memorandum of Understanding establishing community participation requirements, and community benefits. The Commission has carefully considered that ANC's recommendation and incorporated the terms of the Memorandum of Understanding that require the Applicant to provide information, employment, contracting and training opportunities to Ward 8 residents into this Order.

## DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission orders **APPROVAL** of the Applications for second-stage review of a Planned Unit Development and for a Zoning Map amendment from unzoned to SP-1 for the indicated part of the property located at 2700 Martin Luther King Avenue ("MLK") S.E., comprising the southeastern portion of the St. Elizabeths East campus, legally identified as Parcel 234, Lot 38. This approval is subject to the following guidelines, conditions and standards:

1. The PUD shall be developed in accordance with the site plan and architectural and landscape plans submitted as Exhibits 6, 15, and 26 in the record of this case, and as modified by the guidelines, conditions and standards of this order. A violation of any of the foregoing conditions shall constitute grounds for the denial or revocation of any building permit or certificate of occupancy issued pursuant to this Order. The Applicant, however, 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, without reducing the quality of the materials; 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.

(d) To reduce the number and vary the location of parking spaces from the 339 spaces depicted in the plans, however, the total number of parking spaces must not be less than 332 spaces.

2. The project shall include the demolition of the existing, John Howard Pavilion hospital and construction of a new facility, together with public spaces, generally as depicted in the preliminary plans submitted in this first-stage application.

3. The PUD Site shall be zoned SP-1, with the underlying zoning designation remaining unzoned, encompassing a land area of 2,377,601.41 s.f. (54.59 acres) square feet as depicted in the metes and bounds survey identified as "Saint Elizabeths Hospital – PUD Revised Boundary," which is part of Exhibit 15 of the record.

4. The Applicant shall execute the following agreements prior to the issuance of this Order:

(a) A First-Source Employment Agreement with the Department of Employment Services ("DOES"). The Applicant shall abide by the terms of the agreement with DOES in order to achieve the goal of utilizing District of Columbia residents for at least fifty-one percent (51%) of the jobs created by the PUD project. After completion of construction of this project, the Applicant shall provide a written status report to the Zoning Commission and the DOES regarding compliance with this agreement; and

(b) A Memorandum of Understanding with the District of Columbia Office of Local Business Development ("LSDBE") to ensure minority vendor participation. The Applicant shall abide by the terms of the Memorandum of Understanding with the LSDBE in order to achieve, at a minimum, the goal of thirty-five percent (35%) participation by local, small, and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance, and security for the project to be created as a result of the PUD project. After the completion of construction of the project, the Applicant shall provide a written status report to the Zoning Commission and the D.C. Local Business Opportunity Commission regarding compliance with this agreement.

5. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as

amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

6. No building permit shall be issued for the construction of any improvements pursuant to this PUD and the approved map amendment shall not becomes effective until the Applicant has recorded a covenant in the land records of the District of Columbia, between Applicant and the District of Columbia, which is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs

7. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until Applicant has filed a copy of the covenant with the records of the Zoning Commission.

8. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of the Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR §§ 2408.8 and 2409.1. Construction shall begin within three (3) years of the effective date of this order.

9. The Applicant shall for the duration of the PUD:

   (a) Facilitate 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 that will contain an overview of the project, design concept, and timelines;

   (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) Before a certificate of occupancy is issued for the project, prepare and submit to the ANC a plan that outlines parameters for the community's use of space for public meetings and other forums;

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

(f) Broadly advertise job opportunities within the Ward 8 community and establish an on-site employment database of applicants, referrals, and hires;

(g) Establish a system to prioritize employment for qualified and experienced Ward 8 residents, east of the Anacostia River residents and District residents;

(h) Identify and recommend qualified minority companies or associations to serve as contractors/subcontractors on the construction project;

(i) Establish a set-aside of 35% participation for LSDBEs on the construction project;

(j) 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;

(k) 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 St. Elizabeths New Hospital Project (i.e., security, groundskeeping, food services, transportation, etc.);

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

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

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

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

(p) Establish a partnership with DOES to provide training for Ward 8 residents for career positions at the St. Elizabeths New Hospital Project;

(q) Prepare and submit monthly reporting of LSDBE participation, First Source Agreement Compliance, and Apprenticeship Program Compliance to ANC 8C;

(r) Conduct a quarterly review of the development plan, projections, accomplishments, and modifications with ANC 8C; and

(s) Coordinate with ANC 8C on developing and implementing a process of informing the Ward 8 community on the status of compliance with the MOU.

On October 25, 2004, the Zoning Commission approved the application by a vote of 4-0-1 (Anthony J. Hood, Kevin L. Hildebrand, Gregory N. Jeffries, and John G. Parsons to approve; Carol J. Mitten, not present, not voting).

This Order was adopted by the Zoning Commission at its public meeting on January 13, 2005, by a vote of 4-0-1 (John G. Parsons, Kevin L. Hildebrand, Anthony J. Hood, and Gregory N. Jeffries to adopt; Carol J. Mitten, having not participated, not voting).

In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register, that is, on APR 2 2 2005.

**ANTHONY J. HOOD**
**Vice Chairman**
**Zoning Commission**

**JERRILY R. KRESS, FAIA**
**Director**
**Office of Zoning**