

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

Minutes
May 28, 1979

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- II. Verification of the posting of notice was ascertained.
- III. Treasurer's Report: The request to transfer money into the savings account has been approved and done. The Commission has not yet received its third quarter funding from the City. The Quarterly Report is completed. Kopff moved approval of the Treasurer's Report; approval was unanimous.
- IV. Sidwell Friends BZA Application #12945: Mr. Paul Dominovich was present representing the School. The Commission was aware of concerns that had been raised by the McLean Gardens Residents Association, among others. Discussion ensued.

The Application will increase on-campus parking to 152; this would be for faculty and staff but would be restricted from students (about 40-50 upper-class students drive and use public streets). Present enrollment is 699 students, which is less than in 1960-61 (before two campuses were created). Dominovich stated that it is "definitely not the case" that enrollment will increase, and he said "its perfectly alright" if the BZA were to say there may be no more than 700 students at the Wisconsin Avenue campus. The club, camp, and other summer programs are publicly advertised. Anybody may apply for the tennis club. There is a 2-3 year waiting list. There is some restriction as to use so that school programs may utilize the courts. There are 200-300 active members in the club. Dominovich stated that as far as he knew there is no priority for membership in the club, given to people who are connected to the school. The new auditorium will be available to the public--size and scheduling permitting.

Coram moved that the Commission not oppose the application. Williams moved that this be changed to the Commission supporting the application, subject to the following conditions: 1) No increase in the student population above 700; 2) No more than a total of 10 tennis courts; 3) No outdoor lighting of the tennis courts at night; 4) Equal access for all to tennis club membership; 5) No student parking on campus; 6) No bleachers in the extant gymnasium; 7) Bus parking limited to those school buses substantially serving this campus; and 8) No conjoint operation of the gymnasium and proposed auditorium.

By consensus, Williams's motion replaced Coram's, and conditions

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
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05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-Kay McGrath
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number 2 and 5 were withdrawn. Coram requested that the motion be further amended, and the Commission acceded, to state that:

- 1) The Commission supports the McLean Gardens Residents Association's protest over not receiving notice of the Application; and
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The motion was approved unanimously as amended.

V. Other Items:

A. Tourbus parking at the Shoreham Hotel: George and Leila Morrison addressed the Commission. Photographs were shown of buses double-parked on Calvert Street. The Commission is on record as having said in the past that hotels should be equipped with adequate tourbus parking. A draft resolution that will be considered by the board of directors of the condominium association at the Shoreham North was circulated. It was moved and approved that the Commission's Chairperson be authorized to review this resolution, after the Shoreham North's board of directors has approved it, and to endorse it, on behalf of the Commission, to the extent that it is compatible with the Commission's position on Zoning Commission Case No. 79-1 (hotels).

B. Minutes: Mendelson said the Commission's minutes for the last meeting were not yet ready. Rothschild said he had missed the last meeting because he came to the Police Station on the last Monday, rather than on the fourth Monday.

C. Newark Street Community Gardens: Rothschild said he understood that the issues had been resolved. No Commissioner knew of any action being requested of the Commission at this time. The Chair asked that the minutes reflect that the Commission is of the opinion that the matter is resolved.

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E. Addressograph machine: Grinnell reported that he had been told by Councilmember Spaulding's office that there would be no problem with passage of a Council resolution authorizing the Commission to recieve the machine as a gift. Grinnell reported further that the machine has been received, and that it cost \$125 to move it. Grinnell was authorized by the Commission to contact an Addressograph salesman to check over the machine and also to look into vendors who can set up the machine, supply names, and make up address plates.

F. Board of Elections Cross Index: The D.C. Board of Elections is in the process of revising the ANC/SMD address and street cross index. Copies of the streets, by address, in each SMD were distributed and those Commissioners present were asked to verify accuracy. Mendelson was requested to verify SMD's 01, 03, 06, & 08.

G. Commission on Arts and Humanities: Williams requested the Commission's endorsement of the nomination of Joe Jeff, an area resident, to fill one of the vacancies on the Commission on Arts and Humanities. The consensus was that this endorsement should be left up to individual commissioners, who may use 3-C stationery. It was also felt that if the Commission meets the candidate, or is well acquainted with him/her, then perhaps it would, as a Commission, endorse the candidate.

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J. BZA application of John Czelen: Kopff reported that he has looked into this and sees no controversy. He moved that a letter be sent supporting this application. There was no objection.

K. Sheraton Park Hotel: Williams explained the application, scheduled for a hearing before the BZA on June 13th; it involves technical issues. Williams asked that the ANC communicate to the BZA that it is familiar with the case, that it wants to wait until the Community Task Force has met and considered the application, and that it keep the hearing record open for the Commission to comment after it meets in June. This was approved by consensus.

L. Zoning Case 78-12: A proposed letter was distributed and explained by Lindsley Williams. A motion to approve the letter was passed by voice vote with no objections.

M. Zoning Case 79-1 (hotels): The Chair explained that the Commission has submitted its comments. The hearing is forthcoming.

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O. Transportation: Discussion ensued about 39th Street, which is a paper street, near Whitehaven Park. The District is concerned that as long as the street remains on the maps it could be a threat to the park.

P. Uptown Theater: Kopff reported that illegal parking has proliferated in this area because of the latest popular movie to be shown at the theater. There is a parking lot behind the theater, but it is reserved for the exclusive use of the Post Office, most of which has been transferred to the Friendship Station on Wisconsin Avenue. Neighborhood residents have been complaining nightly to get the police to ticket cars illegally parked in the alleys and streets. Kopff said there is also a litter problem.

Q. Ireland's Four Provinces: Kopff presented a proposed letter, addressed to the Fire Chief and the Office of Licenses and Permits. This letter was approved by consensus.

R. Woodley House: By unanimous voice vote, the Commission decided to approve the proposal, a copy of which is attached to the file copy of these minutes.

S. Transportation for the elderly: Haugen reported that she had testified at a hearing on this matter.

T. ANC Elections: Petitions must be picked up after August 24th and filed by September 7th for the November 6, 1979 election. Twenty-five signatures are required. It was also reported that 5 responses had been received to the Commission's Newsletter request for volunteers.

U. Office Of The People's Counsel: Haugen gave a brief report on Bill 3-70.

VI. The meeting adjourned at 10:04pm. The next meeting will be June 25th.

Attached to the file copy of these minutes are:

- Copy of the meeting notice published in the Northwest Current and as posted.
- Attendance at the meeting.
- Treasurer's report for May, 1979.
- May 12, 1979 letter to the BZA re. #12945 (Sidwell Friends)
- Re. tourbus problem on Calvert Street; May 16, 1979 memo from Polly Shackleton; copy of photographs; proposed Shoreham North Condominium Association resolution.
- Proposed letter endorsing Joe Jeff for the Commission on Arts and Humanities.
- Proposed letter re. Case No. 78-12 (Community Facilities).
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- Notice of Woodley House proposal.
- April 18, 1979 testimony by Haugen re. confirmation on Mayoral nominations to the D.C. Commission on Aging.
- Information Circular re. voter registration for 1979.

Respectfully Submitted
for the Commission:


Phil Mendelson

Attested as Approved & Corrected:

Katherine V. Coram
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Lindsley:

About the attached:

1) I don't know the cc's; how come you guys can't put these things in the drafts?

2) I did some editing. The way the second paragraph used to read, after you, Gary, and Grinnell got through with the thing, it sounded like this:

Fine in final

"Moreover, we do not agree with the level of funding for the initial two quarters, reduced from our annual allocation of \$15,687.50, as determined under the total FY 1979 appropriation of approximately \$625,000, as apportioned to each ANC by the proportion of numbers of residents therein relative to total numbers of residents of the District of Columbia, due to the City's continued and seemingly unnecessary reliance on Mayor's Memoranda 78-22 and 78-113, which were promulgated by Walter E. Washington."

3) If you got any problems, I'll re-type tomorrow.

4) I'll take care of copying, filing, and distribution.

--Phil *Thanks*

who, me?

ADVISORY NEIGHBORHOOD COMMISSION 3-C
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MEMORANDUM:

TO: Lindsley Williams ✓
David Grinnell
Susan Aramaki

FR: Phil Mendelson *DM*

28
May 7, 1979

The following was drafted by Gary Kopff in accordance with the Commission's action on April 23, 1979. Please review and comment.

Gladys W. Mack
Ass't City Administrator
Budget And Resource Development
Room 423, The District Building
Washington, D.C. 20004

Dear Ms. Mack:

Our Commission is concerned that as of ~~April 23~~ ^{May 23} funding had not yet been disbursed to our ANC by the City for the third quarter of FY 1979.

Moreover, we do not agree with the level^s of funding for the initial two quarters, reduced from our annual allocation of \$15,600.50, due to the City's enforcement of the Mayor's Memoranda 78-22 and 78-113.

continued, and seemingly unnecessary, Sincerely,

which was promulgated
by Walter E. Washington.

David
1. Still no 3rd
2. quarter
funds?

Call David after 5 Thurs.
check minutes

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Lindsley:

I have re-typed the Berkshire letter, but I have left out two items which you had desired. Hence, this note.

✓ Under item "1" you had noted that the Zoning Regulations require a parking ratio of about 1:4. I deleted this because it strikes me as undermining the point of the paragraph. The point is that the parking is or will be limited. The reference to the Zoning Regs gives the impression that the parking shortage won't matter because it will be legal.

✓ You told me that you were concerned about making the point that we have not talked to Smithy about the proposal. I think your comment in line 1--that the Commission was informed--coupled with the tone of the letter makes it implicit that we did not talk to Smithy. I could not see how to make a specific reference without being too obvious. It would be out of place--as if to justify our not talking with Smithy when we really aren't under any obligation to do so. We are not disputing any evidence and are not making any claim of having spoken to Smithy, so I don't think there is the need to go into specific details as to our sources.

✓ - All of your other proposed changes have been incorporated.

--Phil

PS: please advise as to disposition. If you sign, I'll duplicate, distribute and file.

PPS: Concerning the Gladys Mack draft: what is the "as determined under _____"? I have no idea what the blank is, or how to find out.

FY1979 625,000 ← (?)
the total appropriation of \$ _____ as
apportioned to each ANC by the
proportion of numbers of residents therein
relative to total number of residents of
the District of Columbia.

cc: Smithy + as shown
bcc: B. Block
C. Coram
minutes (3C)

note to Carol to
say she or 3E
should copy
further as useful.

→ check with AB Harrison Eschke

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Moreover, we do not agree with the level of funding for the initial two quarters, which has been reduced from our annual allocation of \$15,687.50. This is due to the City's continued and seemingly unnecessary reliance on Mayor's Memoranda 78-22 and 78-113, which were promulgated under the former Mayor.

FOR THE COMMISSION:


Lindsley Williams
Chairperson

LW:pm

cc: The Honorable Polly Shackleton
The Honorable Dave Clarke

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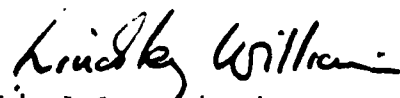
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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



May 11, 1979

Lindsley Williams, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Pl., N. W.
Washington, D. C. 20008

Dear Mr. Williams: :

This is to advise you that a public hearing has been scheduled by the Board of Zoning Adjustment to consider the following application located within the boundaries of your ANC:

12952 Application of John Czelen, pursuant to Paragraph 8207.11
ANC 3C of the Zoning Regulations, for a variance from the side
 yard requirements (Paragraph 7107.22 and Sub-section
 3305.1) to allow an open rear deck addition to an existing
 building with one side yard in an R-1-B District at the
 premises 3411 - 30th Street, N.W., (Square 2070, Lot 35).

This hearing will be held on Wed. June 13, 1979, in Room 11A of the District Building, 14th and "E" Streets, N.W. Cases in this area are scheduled to be heard between 2:00 p.m. and 6:00 p.m. The formal notice of public hearing will appear in the D.C. Register.

The Office of Planning and Development reviews many of the application before the Board, to assist the Board in reaching a decision. To find out if the OPD is reviewing this application, or to communicate your views to the OPD regarding this application at this time, contact Mr. Kenneth T. Hammond, Director, Zoning Division, OPD, Suite 600, Munsey Building, 1329 "E" Street, N.W. If you wish further information on the technical aspects of the application or on the procedures which will govern consideration of this case, contact Mr. Hammond (727-6661) or the Zoning Secretariat, Room 9A, District Building, Washington, D.C. 20004, telephone number 727-6311.

If you wish to forward comments in writing directly to the Board, such comments should be addressed to the Board at Room 9A, District Building, Washington, D.C. 20004.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Steven E. Sher".

STEVEN E. SHER
Executive Director

1b

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 12, 1979

Mr. Paul O'Neil, General Manager
Washington Sheraton Corporation
2660 Woodley Road, N.W.
Washington, D.C. 20008

RE: BZA 12949

Dear Mr. O'Neil:

The May 11 issue of the D.C. Register carries in it a notice, appearing on page 9987 (copy attached), of the application of the Washington Sheraton Corporation to seek, under various provisions of the D.C. Zoning Regulations, certain variances. The matter is to be presented to the Board of Zoning Adjustment on June 13.

While the subjects of the requested variances, roof structures and width of closed courts, have not been the subject of great debate in recent months within the community task force, the ANC would like to be in a position to provide the Board of Zoning Adjustment its reactions to your proposals.

This would be greatly facilitated if you would be so kind as to send us copies of the materials filed with the Board at this time, i.e. your application and the reasons for it (typically the latter involves a letter from the Zoning Administrator saying consideration by the Board of Zoning Adjustment is required).

Thank you for your prompt attention to this matter.

Sincerely,



Lindsley Williams, Chairperson

Attachment

cc: William H. Carroll
Wayne S. Quin (Wilkes and Artis)
Steven E. Sher (Board of Zoning Adjustment)

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-
07-Gary Kopp
08-
09-Louis Rothschild
10-David Grinnell

LAW OFFICES

WILKES & ARTIS

SUITE 600

1666 K STREET, N. W.

WASHINGTON, D. C. 20006

(202) 457-7800

CABLE ADDRESS: "WILART"

SUITE 1407

UNIBANK BUILDING
51 MONROE STREET

ROCKVILLE, MARYLAND 20850
(301) 279-7900

SUITE 202

FIRST FEDERAL PLAZA
4020 UNIVERSITY DRIVE
FAIRFAX, VIRGINIA 22030
(703) 385-8000

DIRECT DIAL: 457-7824

May 17, 1979

Hand Delivery

Mr. Lindsley Williams
Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Re: Board of Zoning Adjustment Application No. 12949

Dear Mr. Williams:


Mr. Paul O'Neil, General Manager of the Washington-Sheraton Hotel, has requested that I send directly to you a copy of the application, which we filed with the Board of Zoning Adjustment including the zoning analysis by the Zoning Administrator's Office and copies of the plans filed with the Board.

You will note from the enclosed information that we seek relief for erection of more than one roof structure and roof structures of different height. This relief is necessitated by reason of the length of the building which requires roof structures for stairways extending to the roof, as well as the mechanical penthouse which includes the elevator and some mechanical equipment. These roof structures are required to meet Building Codes and fire safety requirements.

Their request for a waiver of the court requirement is due to the shape of the court which is "U" shaped with the bottom of the "U" generally conforming to a "Y". We are required under the Code to fill in the portion of the bottom of the "Y" as the regulations measured to the narrowest point. We would proposed to remove balconies which have been inserted to comply with the regulations so as to provide more light and air within the court area and to afford greater privacy for those units located within the court area.

Representatives from the hotel, architect's office or, our office will be glad to meet with you should you have any questions. We will send you a copy of the Statement of Applicant that we propose to file with the Board.

Very truly yours,


Norman M. Glasgow

Enclosures

cc: Mr. Paul O'Neil, General Manager



Sheraton-Park Hotel & Wardman Tower

2860 WOODLEY ROAD, N.W. WASHINGTON, D.C. 20008

May 18, 1979

Mr. William H. Carroll
Task Force Chairman
Advisory Neighborhood Commission
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Dear Mr. Carroll:

Enclosed please find several copies of the Revised Joint Statement that we have redrafted for our mutual signatures. It should be pointed out that the numbers of the paragraphs have been changed. Some paragraphs have been deleted and others have been added or changed. I trust that your receipt of this statement will enable you sufficient time for review prior to our next meeting.

I sincerely hope that the letter as written will be agreeable to you and to your committee so that we may sign this document and proceed toward the completion of our hotel in a mutually beneficial manner.

Sincerely,

Paul O'Neil, CHA
Vice President and
Managing Director

Enclosures - 12

cc: Wiley Rogers
Richard W. Barger
Peter VanKleeck

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

3C Minutes
(Record only)

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

29 May 1979

Honorable Ruby McZier, Chairperson
Zoning Commission of the
District of Columbia
District Building, Room 9-A
Washington, D.C. 20004

Dear Mrs. McZier:

Re: 78-12 (Community Facilities)

This is by way of a comment supplementing the materials provided you from Advisory Neighborhood Commission 3C dated May 28. These comments lead, in turn, to suggestions. However, both the comments and suggestions are my own (as a Commissioner) and neither was presented to or considered by the ANC 3C as such. For what they are worth --

Comment: The proposed text amendments would eliminate from the Zoning Regulations several terms, including "convalescent or nursing home," "halfway house or social service center," "institution, philanthropic or eleemosynary," and "personal care homes." Of these, most are clearly within the scope of the proposed definition of "community-based residential facility." While many have argued, as has ANC 3C, that you not build new regulations on the basis of a single defined term, few have questioned the terms to be eliminated. This observation is to suggest that the term "institution, philanthropic or eleemosynary," while a bit archaic may related to more than just what is intended in the new term "community-based residential facilities" any may well be an appropriate special exception (use) in certain zone districts and a matter of right in others. See, in particular, section 3101.49 of the Zoning Regulations (as revised through January 1, 1979).

Suggestion: That the Zoning Commission not proceed to eliminate, without careful study, the defined term "institution, philanthropic or eleemosynary" from the terms defined in the Zoning Regulations. This is not to say that it should not be amended, in the final analysis, to distinguish it from the term "community-based residential facility" or the term or, hopefully, terms you may develop in lieu thereof.

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

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2737 Devonshire Place, N. W.
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232-2232

06-
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

May 29, 1979

Comment: Testimony at the public hearings indicated much concern about integrating, consolidating, coordinating, or melding of various codes and regulations relating to the domain of what is generically "community-based residential facilities." This will clearly involve a great deal of work if, as ANC 3C and many others have recommended, you elect to pursue this course within the limits of your authority. I learned today that the city of Portland, Oregon went through a similar experience about three years ago and, at the end of a number of spirited public meetings, was able to produce a consolidated code for Zoning, Buildings, Fire, and Licensing (or so I am told). I am making an effort to obtain a copy for you.

Suggestion: That the Zoning Commission hold the record in this case open to permit the introduction of the code from the City of Portland, Oregon for consideration.

That the Zoning Commission direct staff to ascertain, through the National League of Cities, U. S. Conference of Mayors, and other appropriate bodies, if similar efforts have born fruit in other urban settings and, if so, to consider the codes of other municipalities.

Thank you for considering these comments and suggestions.

Sincerely,



Lindsley Williams, Commissioner
Single Member District 3C-04

cc: Honorable Polly Shackleton
Mr. Elijah Rogers
Mr. Carroll B. Harvey
Mr. James O. Gibson
Ms. Anne Hughes Hargrove
Honorable David Clarke

3C Minutes

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 28, 1979

Honorable Ruby McZier, Chairperson
Zoning Commission of the
District of Columbia
District Building, Room 9-A
Washington, D.C. 20004

Dear Mrs. McZier:

Re: 78-12 (Community Facilities)

As you know, the Zoning Commission has been studying the matter of community-based residential facilities (CBRFs) for the past several months as part of text case 78-12.

Initially, the case was to be heard November 27, 1978. This was postponed, however, to February 15, 1979. On both dates the text amendments to be specifically considered were identical, providing for (among other things) changes in the definition of "family;" defining "group homes," "health or social service centers," and "health care facility;" and deleting "personal care home," "halfway house or social service center," and "convalescent or nursing home." It went on to propose a series of amendments to allow various of these facilities in residential and other districts. Our letter of January 27, 1979 was in response to this proposed set of changes (copy attached).

Subsequently, the Administration decided -- wisely, we believe -- to ask for a further postponement of the case in order to allow time for the various District agencies and citizens to study the issues involved in greater depth. This culminated in the report of Ms. Carlyn Carter to James O. Gibson and Carroll B. Harvey. And, to a large degree, those efforts resulted in substantial revision to the text amendments suggested in the Fall of 1978. The hearings on these amendments took place May 21 and 24. The undersigned appeared on behalf of this ANC on May 24, but without providing any written material for the record. This letter, which reflects the vote of the ANC at its meeting of May 28, is intended to highlight factors that we continue to feel are critical and offer specific suggestions vis-a-vis the text amendments now being considered.

As a general principle, this ANC (1) supports the rehabilitative principle of community-based sheltered living arrangements for persons who desire or require supervision or assistance within a protective or supportive environment and (2) recognizes that the burdens of de-institutionalization should be shouldered by the entire community on a more or less equal basis.

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Testimony introduced during the recent hearings suggested the need to seriously consider mechanisms by which to bring the various Laws and Regulations relating to CBRFs together so as to make them function smoothly but without compromising any of the issues they are intended to address. ANC 3C concurs with this sentiment and hereby adopts, in principle, the report of the Citizens' Planning Coalition prepared by Anne Hughes Hargrove as our own -- and one we ask you to give "great weight" to. (Her report was submitted to you during the afternoon of May 24; it is not attached due to bulk.)

With respect to the text amendments suggested at this time by the Notice from the Zoning Commission, we remain concerned about and suggest the following:

1. Scope: The proposed definition of "Community-Based Residential Facility" "... includes, but is not limited to, facilities covered by D.C. Law 2-35" This definition is too broad for a number of reasons set forth in the report of the Citizens' Planning Coalition, and ANC 3C recommends that more specific terms be used. Should you decide to retain the term, then it must be revised so as to limit the scope to licensed facilities. The presently proposed definition would allow facilities of a correctional nature (which are not now subject to licensure requirements) in much the same manner as a halfway house for mentally retarded individuals.
2. Density: The objective of placing persons in community-based facilities is to make sure they live in as natural an environment as possible, but with such additional support as their own circumstances may require. Thus, with respect to density, care must be taken to ensure that no area is overly impacted by CBRFs. The proposed rule would allow, in effect, unlimited numbers of facilities providing residence for 1-4 persons (3101.314), one "matter of right" facility per square for 5-8 persons in R-1 through R-4 districts (3101.315) with additional ones if approved by the Board of Zoning Adjustment (BZA) (3101.494) as well as ones for 9 or more persons (3101.49). The proposed change would allow more density in R-5 districts by allowing one "matter of right" facility for 5-15 persons per square, and additional ones or ones for 16 or more persons with BZA approval (3105.36 and 3105.47). And, it would allow virtually unlimited numbers of CBRFs in commercial districts (5101.312).

We do not believe this will work as intended as it would permit small (for 1-4 persons) CBRFs in all zone districts on an unlimited basis. This could result in something more akin to "horizontal institutionalization" than de-institutionalization. It is also entirely unclear how the proposed density test would work for those squares containing a mixture of commercial and residential uses.

We believe that the test of one per square should be applied in conjunction with a linear test (as in a 1200 foot rule) with the more stringent of the tests governing a determination of a specific situation.

We do sense, however, that there may be good cause for considering a change to the definition of "family" so as to allow a bonafide family to take in as many as four foster children no more than two of whom may be mentally handicapped. A revised family definition might then read (underscore shows newly added text):

Family: one or more persons related by blood, marriage, or adoption, including up to four foster children no more than two of whom may be mentally retarded, or not more than six persons who are not so related living together


3. Housing Shortage: The Zoning Commission need not be advised of the problems in the existing housing market in the District of Columbia. Testimony introduced at the hearings reinforced the idea that many types of CBRFs are "commercial" operations with potential for significant profits. Care should be taken, therefore, to ensure that displacement of existing housing stock, particularly moderate income rental properties, does not ensue. For example, conversions of dwelling units to CBRFs or demolition of existing housing to construct CBRFs could carry with it a requirement for development or securing of replacement housing for persons that would be displaced.
4. Safety: Recent tragedies in the District, particularly the fire which took nine lives at a "CBRF" on Lamont Street, NW, highlight the importance of safety considerations. This prompts this ANC, in conjunction with the need to ensure that care provided is otherwise proper and humane, to urge in the strongest possible terms that any proposed Zoning Regulations be tied in to appropriate licensing Laws. In a recent survey published in the Mental Disability Law Reporter, thirteen of the sixteen surveyed states require "licensing or other recognition of community homes" by competent State authorities. (See letter from the undersigned to James O. Gibson dated May 12, copied to Steven Sher for inclusion in the record to Case 78-12, specifically its attachment at page numbered 799).

These issues lead this ANC to suggest that the Zoning Commission limit the size of all "CBRF"-type facilities to no more than 15 persons with the possibility of creating an "institutional" category at some future time. This size limit is consistent with established cutting points in the Housing Code relating to fire safety.

May 28, 1979

We hope the foregoing will be of assistance to you in preparing regulations governing the placement of community-based facilities for persons needing shelter and support in the District of Columbia. (This letter was approved by ANC 3C at its May 28 meeting.)

FOR THE ADVISORY NEIGHBORHOOD
COMMISSION 3C



Lindsley Williams, Chairperson

Attachment

cc: Honorable Polly Shackleton
Mr. Elijah Rogers
Mr. Carroll B. Harvey
Mr. James O. Gibson
Ms. Anne Hughes Hargrove
Honorable David Clarke

ADVISORY NEIGHBORHOOD COMMISSION 3-C
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May 28, 1979

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Honorable Ruby McZier

-4-

May 28, 1979

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FOR THE ADVISORY NEIGHBORHOOD
COMMISSION 3C

/s/

Lindsley Williams, Chairperson

Attachment *(our letter of Jan 27 - earlier in minutes of 3C)*

cc: Honorable Polly Shackleton
Mr. Elijah Rogers
Mr. Carroll B. Harvey
Mr. James O. Gibson
Ms. Anne Hughes Hargrove

Phil --

Attached ~~materialxxxxxxcopiesofthe~~ is a complete set of the material prepared by the Citizen's Planning Coalition which ANC 3C adopted as its own May 28. We informed the Zoning Commission of this in our letter to them of May 28 which you have for our "minutes."

Please keep this set withthat letter in our minutes file or return them to me.

Lindsley

Policy Statement to the Zoning Commission
by Ann Hughes Hargrove, 1C04

Zoning Commissioners:

The proposal before the Zoning Commission in 78-12 is very complex. But the fundamental premise is one that few could disagree with. Under court order and consistent with current thinking concerning sound rehabilitation, those of our fellow citizens who are mentally disabled, mentally handicapped, and those who are disabled by reason of age are entitled to be housed in the least restrictive community setting commensurate with their individual situations and needs. Up to this point housing for such persons has been limited, by and large, to those areas of the city zoned R-4 or lesser restricted designations. Thus, there has been a saturation of CBRFs in certain parts of the District--Adams Morgan, DuPont Circle, Capitol Hill, Near North East, and Anacostia. Few, if any, such facilities have been located in Upper Northeast and Northwest. One of the purposes of this hearing is to open up the entire city to CBRFs, but under controlled conditions.

Saturation of facilities in certain areas of the District has meant the creation of institutional districts willy-nilly and has removed the opportunity for those for whom such facilities were to offer a true community setting with all the advantages of a normal existence that implies.

Accordingly, the other side of this issue is to so rework the Zoning Regulations that those in CBRFs and those in the neighborhoods have the fullest security that the facilities will fulfill their intended purposes; and, at the same time, insure the preservation of a high quality of community life for citizens of all kinds. Unfortunately, this is a complex task which entails more than a mere cursory look. It should entail a full review of the problem in order to make balanced and wise decisions looking toward the future of our city. The Zoning Commission and the citizens need to understand the types of population to be housed and the community based and other alternatives available, the kinds of support systems they will require and the related costs; and the short and long-range prognosis for the city's land use. Finally, the Commission will have to make decisions regarding a limitation on the numbers of persons to be housed in such facilities and the spacing required in order to retain community integrity in all zones.

As the attachments illustrate, the Zoning Regulations will need a rather major overhaul to delete, add, and refine definitions for all manner of institutional related uses. They will need to be meshed with local statutes governing licensure of CBRFs and local building and fire codes. The administration will need to assist with these efforts and to review and redistribute facilities to bring a better balance in the city. The City Council will need to pass additional licensing legislation, and in the interim, the Zoning Commission will need to provide the necessary protection for the City's neighborhoods.

An ad-hoc group of citizens from the District of Columbia Citizens Planning Coalition has prepared these documents for your use. The first document is a basic summation of our zoning proposals, offered from the perspective that they may be modified considerably in the future when

additional hearings on these matters are held. Basic positions are laid out and accompanied by papers on possible definitions, zoning districts, and matter-of-right requirements and Board of Zoning Adjustment criteria.

The second rather thick and telephone-directory-like document is a working paper regarding life-safety issues as they relate to the City's zoning and building codes and the St. Elizabeth's guidelines for facilities into which persons are placed. You will note that there is a very serious issue here regarding adequate protection for a sheltered population. We feel that DC Law 2-35 provides inadequate protection as the paper explains.

The third document continues the discussion of the working paper #1 regarding the importance of labeling use definitions correctly in the codes. Included in the discussion is a delineation of the various use definitions as to health-related facilities. We believe these two companion papers, while not easy reading, do provide much of the basis for the positions we recommend regarding zoning and other areas of city policy.

Sincerely yours,

Ann Hughes Hargrove

Ann Hughes Hargrove, ANC 1C04
(on behalf of committee,*including Lindsley Williams, Everett Scott, Anne Hume Loikow, Ange Rooney, Dick Wolf, Bryan Moir, Harold Valentine, Anne Sellin, Bill Middleton, Carol Gidley, Tom Lodge)

Index of attachments follows
attachments enclosed

*The positions outlined herein do not represent the position of each and every individual in the group or the organizations they may represent.

Attachments

EMERGING COMMUNITY POSITION ON CBRFS

--Attachment 1: (Citizen) PROPOSED DEFINITIONS

--Attachment 2: POSSIBLE MATTER-OF-RIGHT REQUIREMENTS AND SPECIAL CONDITIONS FOR PROPOSED DEFINITIONS

--Attachment 3: USES AND USE DISTRICTS

Working Paper #1 by committee on CBRFs: COMMUNITY BASED RESIDENTIAL FACILITIES AND THE LIFE SAFETY PROVISIONS OF VARIOUS D.C. CODES, ST. ELIZABETH REGULATIONS, AND THE MODEL CODE OF THE NATIONAL FIRE PROTECTION ASSOCIATION

--Attachment 1A: Amendments to the D.C. Building Code through D.C. Law 2-35 and 3-81

--Attachment 1B: Comparison of amended L-2 of Building Code with L-1 of Building Code

--Attachment 2: NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (excerpts)

--Attachment 3: POLICY AND PROCEDURES MANUAL, Saint Elizabeth's Hospital

Working Paper #2 by committee on CBRFs: COMMUNITY BASED RESIDENTIAL FACILITIES: SELECTED DEFINITIONAL PROBLEMS RAISED BY THE LABELING OF USES

--Attachment 1A: Where "use" definitions appear in Zoning definitions section (1202) and the Building Code definitions section (201.0) and "Use Group Classification" section (202.0)

--Attachment 1B: Definitions needed (non-CBRFs and CBRFs respectively)

--Attachment 2A: RELATED HEALTH FACILITIES DEFINITIONS

--Attachment 2B: Health Facility Definitions adopted in 74-15, 2-35, and 3-81 (with slight modification as indicated in "comments") and Health Facility Definitions excluded by definition in 74-15, 2-35, 3-81 and in Zoning and Building Codes

EMERGING COMMUNITY POSITION ON CBRFs

● Basic position on all CBRFs (Zoning Regulations):

--No CBRF by definition to be for more than fifteen (15) persons, including resident supervisors.¹

● Basic Positions on proposed CBRFs (Zoning Regulations):

1. All proposed CBR Health Care Facilities (as defined by citizens and licensure acts 2-35 and 3-81 and licensed thereunder) to be allowed:

-- Matter-of-right--all zones except C-M and M, provided that:²

- a. Size of proposed facility to be for 1 to 6 residents, including resident supervisors.
- b. There will be a Resident Director whose primary domicile is the facility.
- c. The proposed facility is licensed under 2-35 and 3-81.
- d. There is no other CBRF within a radius of 1200 feet of the proposed facility.
- e. At least (80) percent of the residents are to be from the District of Columbia.

-- With Board of Zoning Adjustment Approval--all zones except C-M and M, provided that:

- a. Size of proposed facility to be for 7 to 15 residents, including resident supervisors.
- b. Additional criteria (as per attachments by type of facility) are met.

2. All types of proposed unlicensed facilities (lacking licensing similar to 2-35 and 3-81) for from 1 to 15 residents, including resident supervisors, to be allowed only with Board of Adjustment Approval, subject to conditions (as per attachments by type of facility) in all zones except C-M and M.

● Basic Positions on existing CBRFs (Zoning Regulations):

-- Existing CBRFs will become non-conforming uses or remain conforming uses, dependent on their circumstances (as is always the case with Zoning).

● Basic Positions on action to be initiated by Mayor and his representatives as a two year program:

1. All existing CBRFs to be reviewed, including programs, leases, and contracts, in order to:

--Phase out and/or relocate selected facilities from heavily impacted neighborhoods in order to prevent saturation and encourage a more equitable distribution of facilities.

--License all facilities covered by 2-35 and 3-81 or remove them if unable to comply.

¹Many community people feel that six residents should be maximum rather than 15.

²Many community residents feel that all proposed facilities should go before the B.Z.A.

2

--Diminish scale of operation in existing facilities in order to bring them more nearly into compliance with fifteen person limit.

2. Task force of relevant agency and City Council personnel to be formed to bring varying codes into fully complementary relationship, including provisions for compliance with the National Fire Protection Association "Life Safety" standards (see attachments).

3. Additional planning studies and analyses to be undertaken, drafts of which will be made available to the community for full discussion, to include:

- Mental Health Plan, which will afford full discussion of costs, future of institutions such as St. Elizabeth's, estimates of numbers of people to be placed in the community in sheltered living arrangements.
- Housing alternatives for sheltered population to be located in the community which will include means to increase number of units rather than assimilating these additional people in the current, limited inventory, thus decreasing number of units available.
- Analyses of means to prevent housing speculation syndrome by owners of facilities leased for CBRF usage and the related "big business" profits of at least some operators.
- Analyses of cost alternatives available to the District of Columbia government.
- Land-use impact studies of these proposals.
- Special studies on treatment alternatives for various kinds of juveniles, criminals, drug addicts, and alcoholics.
- Legislative recommendations for modifying Federal legislation (such as the social security payments, and recommendations for changing Federal funding guidelines as appropriate.
- A thorough review of the relevant court orders to determine what additionally may be done to obtain compliance or to request revisions.

4. Task force by Mayoral representatives and relevant City Council committee representatives regarding adoption of appropriate licensing legislation, in order to:

- Cover types of facilities not currently covered by 2-35 and 3-81.
- Amend 2-35 and 3-81 to provide for such things as:
 - a. Adequate fire protection for facilities (see attachments).
 - b. Minimum staff-resident ratios on a 24 hour basis.
 - c. Less people per bedroom (such as 2 maximum).

- d. Certification of CBRF facilities to be medically supervised versus those which are not and clearing up confusion regarding medications and who is empowered to give them.
- e. Development of clear criteria for eligible mental patients (as has already been done for the mentally retarded) to determine their suitability for placement.
- f. Establishment of a non-partial, formal complaint and grievance procedure as part of a two year licensing cycle (as per Wisconsin legislation submitted with Mayor Barry's letter of November, 1978) for residents of community in which the facility is located.
- g. Possible inclusion of juveniles who are mentally disturbed, assuming that they will continue to be located within the community.
- h. Amendment of definitions regarding facilities for sake of clarity.
- i. Provision for community representation as part of overall advisory committee on health care facilities.

Possible definitions

Comments

Family: one or more persons related by blood, marriage, or adoption, including up to four foster children, two of whom may be mentally handicapped, or not more than six persons who are not so related, living together as a single housekeeping unit, using certain rooms and housekeeping facilities in common.

This definition combines foster family home definition and family into one. States usually define foster care for more than four children as a facility, such as a child welfare facility (see Wisconsin licensing code filed with 78-12 as attachment to Mayor Barry's letter). Adult foster care--a sheltered living arrangement excluded from this definition. Note: important to leave this definition as small number for fire protection. Note removal of religious community from definition: for fire protection purposes and desirability to have a c.o. if larger than 6 persons.

Rooming house: a building or part thereof, other than a motel, hotel, or private club, which provides sleeping accommodations for three to fifteen persons who are not members of the immediate family of the operator or the manager, and such accommodations are not under the exclusive control of the occupants thereof.

Limit of number of persons set at 15 to be in compliance with National Fire Protection Association Life Safety Code. (Anything bigger becomes a dormitory or apartment house.)

Boarding house: a building or part thereof other than a motel, hotel, or private club where, for compensation, meals, or lodging and meals are provided for three to fifteen guests on a weekly or monthly basis.

same.

Note: does it matter how many people are served meals as distinguished from how many should sleep in the facility?

Dormitory: a building or part thereof, other than a motel, hotel or private club, or Community Based Residential Facility, which provides sleeping accommodations for sixteen or more persons who are not members of the immediate family of the operator or manager, and such accommodations are not under the exclusive control of the occupants thereof.

Definition requires more work. Note number starts at 16.

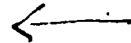
Note: Should the facility provide meals? Should it be optional? Does it matter?

Religious community ?

to be defined later.

socially cohesive community?

(something to provide for non-sheltered living arrangements--particularly above the number of a family (six)--who desire to live communally because of special problems (wife abuse, etc.) Should the religious community definition be broadened to include them? Perhaps they should have the same options as regular folk when it comes to locating housing and therefore require no special definition.



(Citizen) PROPOSED DEFINITIONS

Possible definitions

Comments

Community Based Residential Facilities: a residential sheltered living arrangement for one (1) or more persons who have a common need for treatment, rehabilitation, assistance and supervision in their daily living and shall include: health care facilities, child welfare facilities, adult offender rehabilitation facilities, as defined herein by type of facility. The facility shall be limited to fifteen persons, including resident staff.

This is a generic class for communal sheltered living arrangements. Note that there is an upper limit of 15 residents. National Fire Protection Association makes a break between unsupervised people and those who are in need of supervision in the way buildings should be protected. If we accept less than institutional protection for these people, it is important to keep the numbers small.

Community Based Residential Care Health Facility: a residential facility providing medical or non-medical services consistent with accepted professional, therapeutic, medical care concepts and practices as well as current health programs and legislation. The term shall include and refer to the following types of facilities:

Community-Based Residential Skilled Care Health Facility: A facility or distinct part thereof primarily engaged in providing to in-patients continuous professional nursing coverage and health related services under the direct supervision of physicians. Skilled care facilities are solely limited to those facilities classified as nursing homes, convalescent homes, and extended care facilities which provide 24-hour professional nursing services and a complete program of health related and rehabilitative services under the direct supervision of a full-time Medical Director or principal physicians.

Note: line drawn through this definition because by scale it is highly probable it will be a big facility.
(74-15)

Community-Based Residential Intermediate Nursing Care Health Facility: A facility or distinct part thereof primarily engaged in providing professional nursing services under the direction of a physician to individuals who do not have such an illness, disease, injury or other conditions as to require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide. Services include both regular and continuing health related services.

Note: its possible that this facility will be too large. It is conceivable that it could sometimes be less than 15 so it is left in CBRF classification.
(74-15)

Community-Based Residential Supervised Care Health Facility: A facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals who are aged and/or mentally handicapped through illness or retardation, not related by blood or marriage to the Residence Director, who are ambulatory and able to perform the activities of daily living with minimal assistance. These facilities shall include both transitional living arrangements for residents preparing to move to unsheltered, independent living arrangements and more or less permanent living arrangements. This definition excludes restrained care penal pre-release institutions or facilities providing a sheltered living arrangement to persons who are in the custody of the District of Columbia Department of Corrections or other correctional agency.

Note: sheltered living arrangement. Slightly broader definition than 2-35 and 3-81 to allow potential for inclusion of juvenile mental patients.

Community Based Residential Child Welfare Facility: a foster care facility operating under the authority of the District of Columbia or Federal government, or under contract with same, for up to fifteen residents, including supervisors, for juveniles below the age of eighteen who are not related by blood or marriage to the Residence Director, who are in need of supervision or assistance because of familial or social circumstances beyond their control. The term shall not include Community Based Residential Health Facilities serving juveniles, or Community Based Residential Child Welfare PINS Facilities.

Note: these definitions could use more work. Effort made to distinguish between juveniles with behavior problems and those without major behavior problems.

Community Based Residential Child Welfare PINS Facility: a foster care facility operating under the authority of the District of Columbia or Federal government, or under contract with same, for up to fifteen residents, including supervisors, for juveniles below the age of eighteen who are not related by blood or marriage to the Residence Director, who are in need of supervision or assistance because of severe behavioral problems manifested in drug abuse, truancy and running away, and criminal offenses. The term shall not include Community Based Residential Health Facilities serving juveniles, or Community Based Residential Child Welfare Facilities. Residents of the facility are to be adjudged as being free of any known pattern of violence or sex abuse.

Possible definitions

Comments

Community-Based Residential Adult Offender Rehabilitation Facility: A rehabilitative facility of up to fifteen residents, including supervisors, for persons who are in a condition of court-related status as a result of a conviction for a crime or being found guilty of child abuse or neglect. Those persons served by the facility are to be adjudged free of any known pattern of violence or sex abuse, not to be in a pre-release status or substance abusers, and to be adjudged likely candidates for rehabilitation to a crime-free, self-supporting existence. All residents served by the facility will be enrolled in a job training/educational program or employed.

LEAA has standard which asserts such facilities should not have more than 20 residents as outside limit and standards having to do with being "free of any known pattern of violence or sexual abuse". Most cities do not allow jails (pre-release institutions, detention centers) in residentially zoned neighborhoods. Thus, halfway houses for offenders (where they are allowed) are limited to probationers and parolees. It is very important that licensing standards be passed by the City Council for halfway houses of this kind. It is recommended as well that the Zoning Commission adopt a definition of a detention center. (Note that a temporary detention center, while not defined in the regulations, is allowed in the C-M zone by right.) Note also that for Building Code purposes, jails are classified in the institutional category as being "restrained care" which by interpretation means there has to be a system to get locked inmates out in case of fire and provision for sprinklers and the like.

Social service center: a community rehabilitation, assistance or treatment center for persons in need of such assistance. The facilities may include dining quarters, meeting and classrooms, and recreation, counseling and office space related to the program.

Should be a non-residential definition.

Resident-School Treatment Facility--a health and educational facility providing a sheltered living arrangement and training and education to persons with health-related handicaps. These facilities shall include both transitional and more or less permanent living arrangements.

Nat. Children's Center
etc.

Possible Definitions

Comment

Residential Care Health Facility: a residential facility providing medical or non-medical services consistent with accepted professional, therapeutic, medical care concepts and practices as well as current health programs and legislation. The term shall include and refer to the following types of facilities:

large health facilities
(74-65)

1. Residential Skilled Care Health Facility: A facility or distinct part thereof primarily engaged in providing to in-patients continuous professional nursing coverage and health related services under the direct supervision of physicians. Skilled care facilities are solely limited to those facilities classified as nursing homes, convalescent homes, and extended care facilities which provide 24-hour professional nursing services and a complete program of health related and rehabilitative services under the direct supervision of a full-time Medical Director or principal physicians.
2. Residential Intermediate Nursing Care Health Facility: A facility or distinct part thereof primarily engaged in providing professional nursing services under the direction of a physician to individuals who do not have such an illness, disease, injury or other conditions as to require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide. Services include both regular and continuing health related services.

as per 74-15. By implication for more than 15 persons. Note that for Building Code purposes, this usage is labeled an institutional use because of necessity for additional life-safety protection of residents.

as per 74-15. Likely to have more than 15 persons. Labeled an institutional use under building code classification.

Possible definitions

Comments

Preschool. Any organizational entity (excepting schools or entities by any name maintained for the mentally retarded or for the physically handicapped) devoted primarily to approved academic study and instruction of children having a minimum chronological age of three and a maximum age of five, which operates primarily for educational purposes on a regular daily schedule of a minimum of five days per week for a given period of time, and which employs a staff of qualified instructors comparable in ratio to pupils to that maintained in the preschools operated by the Public Schools of the District of Columbia; Provided, however, that the minimum chronological age of three years shall, for the purposes only of a school term commencing in September of any calendar year, include children who shall attain such minimum chronological age by November 15th of such year.

This definition taken directly from the Building Code. It is clearly a use definition. Zoning should incorporate it or modify it after study, including a review of the licensing codes.

Day Nursery, Day Care Center, or Day Care Facility for the physically or mentally handicapped. Any organizational entity, except preschools, which has as its primary function and as a supplement to the home, the provision of day care for children.

This may not be a good zoning definition but it is defined exactly as stated in the Building code. Since this is a "use" definition, zoning should adopt it or modify it as appropriate. A review of the licensing legislation will be necessary.

Residential Drug-Alcohol Treatment Health Facility.

Non-Residential Drug-Alcohol Treatment Health Facility

Home For The Aged

hospital

sanitarium

pre-release/detention facilities

To be
defined (?)

STANDARD ZONING OF RIGHT REQUIREMENTS AND SPECIAL CONDITIONS FOR PROPOSED
DEFINITIONS (as per attachment)

CBR

ALL ZONES--except industrial

Use	Matter of right--requirements	BZA--conditions
1 <u>Community Based Residential Intermediate Care Health Facility</u>	Up to four residents, not including resident supervisors: a. The facility conforms to all the requirements of the District of Columbia Health Care and Community Facilities Regulation (74-15, 2-35, 3-81). b. The resident staff director uses this facility as his or her primary domicile. c. There is no other Community Based Residential Facility within a radius of _____ feet. d. The applicant shall specify the percentage of D.C. residents to be served, which shall be at least (80) percent.	--up to fifteen residents, including resident supervisors: a. The facility conforms to all the requirements of the District of Columbia Health Care and Community Facilities Regulation (74-15, 2-35, 3-81). b. There is no other Community Based Residential Facility within a radius of _____ feet and the Board is satisfied that there are not already so many such facilities within the immediate vicinity of the proposed Community Based Residential Facility as to be detrimental to the neighborhood. c. Such use will not adversely affect use of neighboring properties because of noise or other conditions. d. The amount and arrangement of parking places are adequate and so located as to minimize traffic impact on the adjacent neighborhood. e. The proposed building plans and program shall meet all applicable code and licensing requirements. f. Any authorization of the Board shall be limited to a period not to exceed three (3) years, but may be renewed at the discretion of the Board. g. The applicant shall specify the percentage of D.C. residents to be served, which shall be at least (80) percent.
<u>Community Based Residential Supervised Care Health Facility</u>	--up to four residents, not including resident supervisors: a., b., c., d. above.	--five to fifteen residents, including resident supervisors: a., b., c., d., e., f., g. above.
<u>Community Based Residential Child Welfare Facility</u>		--from five to fifteen residents, including resident supervisors: a. The applicant shall provide a full description of the program, staffing, procedures for relating to neighborhood residents, and copies of contracts with relevant authorities regarding services to be provided. b., c., d., e., f., g. of CBR Health Facilities h. There shall be at least _____ amount of yard space per juvenile.
<u>Community Based Residential Child Welfare PINS Facility</u>		--from five to fifteen residents, including resident supervisors: a., b., c., d., e., f., g., h. above.
<u>Community Based Residential Adult Offender Facility</u>	--	--up to fifteen residents, including resident supervisors: a., b., c., d., e., f., g., under Community Based Child Welfare Facilities. h. There shall be no more than _____ such facilities per Ward of the City. i. There shall be no such facility within six-hundred (600) feet of a private or public school serving persons below the age of eighteen (18) years.

1 It is possible that this facility should be classified a health facility (rather than as a CBR Intermediate Care Health Facility), regardless of size.

POSSIBLE MATTER-OF-RIGHT REQUIREMENTS AND SPECIAL CONDITIONS FOR PROPOSED DEFINITIONS (as per attachment)

Health
Facilities

R ZONES

Use	Matter of right--requirements	BZA--conditions
<u>Skilled Care Health Facility</u>		<p>a. The facility conforms to all the requirements of the District of Columbia Health Care and Community Facilities Regulation (74-15, 2-35, 3-81).</p> <p>b. There is no other Health Care Facility within a radius of _____ feet and the Board is satisfied that there are not already so many such facilities within the immediate vicinity of the proposed Health Care Facility as to be detrimental to the neighborhood.</p> <p>c. Such use will not adversely affect use of neighboring properties because of noise or other conditions.</p> <p>d. The amount and arrangement of parking places are adequate and so located as to minimize traffic impact on the adjacent neighborhood.</p> <p>e. The proposed building plans and program shall meet all applicable code and licensing requirements.</p> <p>f. There shall be provided _____ amount of yard space for visitors, staff, and residents to use.</p>
<u>Intermediate Care Health Facility</u>		<p>a. b., c., d., e., f. of Skilled Care Facilities.</p>

Health
Facilities

C-1, C-2, SP, C-R, W ZONES

Use	Matter of right--requirements	BZA--conditions
<u>Skilled Care Health Facility</u>		<p>a. The facility conforms to all the requirements of the District of Columbia Health Care and Community Facilities Regulation (74-15, 2-35, 3-81).</p> <p>b. There is no other Health Care Facility within a radius of _____ feet except that this requirement shall not be necessary if the Board determines that (1) the proposed facility is operated directly by or through arrangements with a hospital in the immediate area for long-term and specialized care and (2) for which a certificate of need has been issued by the Department of Human Resources.</p> <p>c. The amount and arrangement of parking places are adequate and so located as to minimize traffic impact on the adjacent neighborhood.</p> <p>d. The proposed building plans and program shall meet all applicable code and licensing requirements.</p> <p>e. There shall be provided _____ amount of yard space for visitors, staff, and residents to use.</p>
<u>Intermediate Care Health Facility</u>		<p>a., b., c., d., e. of Skilled Care Facilities.</p>

→
cont.

DEFINITIONS (as per attachment)

Health
Facilities

C-3, C-4, C-5 ZONES

Use	Matter of right--requirements	BZA--conditions
<u>Skilled Care Health Facility</u>	<ul style="list-style-type: none"> a. The facility conforms to all the requirements of the District of Columbia Health Care and Community Facilities Regulation (74-15, 2-35, 3-81). b. The proposed building plans and program shall meet all applicable code and licensing requirements. 	
<u>Intermediate Care Health Facility</u>	a., b. above.	

more →

POSSIBLE MATTER-OF-RIGHT REQUIREMENTS AND SPECIAL CONDITIONS FOR PROPOSED DEFINITIONS (as per attachment)

SOCIAL SERVICE
CENTER

R1-R5 ZONES

Use	Matter of right--requirements	BZA--conditions
<u>Social Service Center</u>		<p>--as an adjunct to a church, provided that:</p> <ol style="list-style-type: none"> The proposed building plans and program shall meet all applicable code and licensing requirements. The Board is satisfied that the proposed service will benefit persons residing in the vicinity of the church. Such use will not adversely affect use of neighboring properties within the immediate vicinity because of noise or other conditions. The amount and arrangement of parking places are adequate and so located as to minimize traffic impact on the adjacent neighborhood. No sign or display indicating the existence of such adjunct is visible from the outside of the building. <p>--as an adjunct to an apartment house, provided that (amend Section 3105.43):</p> <ol style="list-style-type: none"> Such uses are limited to the main floor of the building or below; There is no direct entrance thereto from the outside of the building; No part of such adjunct or the entrance thereto is visible from a sidewalk; No sign or display indicating the existence of such adjunct is visible from the outside of the building; The Board is satisfied that the proposed service will directly benefit the residents of the apartment house. Such use will not adversely affect use of neighboring properties within the immediate vicinity because of noise or other conditions. The amount and arrangement of parking places are adequate and so located as to minimize traffic impact on the adjacent neighborhood. The proposed building plans and program shall meet all applicable code and licensing requirements.

SOCIAL SERVICE
CENTER

SP, C-R, C, W, C-M, M ZONES

Use	Matter of right--requirements	BZA--conditions
<u>Social Service Center</u>	(as part of commercial usage FAR where relevant or as straight usage in the C-M and M zones)	

Use	District															Unzoned urban renewal
	R-1	R-2	R-3	R-4	R-5	SP	C-1	C-2	C-3	C-4	C-5	W	C-R	C-M	M	
<u>Family</u> ¹																
present	x	x	x	x	x	x	x	x	x	x	x	x	x	--	--	
proposed	x	x	x	x	x	x	x	x	x	x	x	x	x	?c	?c	y
<u>Rooming house</u> ³																
present	--	--	--	x	x	x	x	x	x	x	x	x	x	--	--	
proposed	--?	--?	--?	x	x	x	x	x	x	x	x	x	x	?c	?c	y
<u>Boarding house</u> ³																
present	--	--	--	x	x	x	x	x	x	x	x	x	x	--	--	
proposed	--?	--?	--?	x	x	x	x	x	x	x	x	x	x	?c	?c	y
<u>Dormitory</u> ³																
present	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
proposed	?	?	?	?c	?c	?c	?c	?c	?c	?c	?c	?c	?c	?c	?c	y
<u>Religious Community</u> ⁴																
present	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	--	--	
proposed	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	?c	?c	y
<u>Social Service Center</u>																
present	--	--	--	x	x	x	x	x	x	x	x	x	x			
proposed ⁵	(ca)	(ca)	(ca)	(ca)	(ca)	x	x	x	x	x	x	x	x	x	x	y
<u>Residential Skilled Care Health Facility</u> ⁶																
present	--	--	--	x	x	x	x	x	x	x	x	x	x	--	--	
proposed	c	c	c	c	c	c	c	c	x	x	x	c	c	--	--	y
<u>Intermediate Nursing Care Health Facility</u> ⁶																
present	c ⁷	c ⁷	c ⁷	x	x	x	x	x	x	x	x	x	x	--	--	
proposed	c	c	c	c	c	c	c	c	x	x	x	c	c	--	--	y

Key: -- Use not permitted

- x Use permitted as matter-of-right
- c Use permitted with BZA approval
- a Use permitted as accessory use to apt. building or to church
- y Use to be treated in urban renewal zone like in other zones of city (recommend that Z.C. recommend that urban renewal projects obtain zoning under D.C. Regulations, such as S.W.)
- ? Uncertain

⁵ Proposed as adjunct to apartment buildings (if primarily for use of its residents), or as part of a church; conditional basis in conjunction with churches or large apartment buildings in R zones; as commercial FAR in "C and in W, SP, C-R, C-M, M as of right.

⁶ Assumption is that these are larger than 15.
⁷ If equivalent to old Personal Care Home, allowed conditionally.

Notes:

¹ Definition as it applies to use.

² Possible future case: conditions under which residential uses might be allowed in industrial zones.

³ Revised definition has cutoff at 15 persons (as per NFPA Life Safety Code). Dormitory = 16 or more.

⁴ Religious community now matter-of-right to 15; over 15 BZA (sec. 3101.42). A communal usage (not an apartment house or rooming house). Propose matter-of-right to 6; conditional above that number (and related classifications in the building code).

Use as proposed for consideration, as per attachment (excludes some definitions)

Use	District															Unzoned urban renewal	
	R-1	R-2	R-3	R-4	R-5	SP	C-1	C-2	C-3	C-4	C-5	W	C-R	C-M	M		
<u>Community Based Residential</u>																	
<u>Supervised Care Health Facility¹</u>																	
present	c ²	c ²	c ²	x	x	x	x	x	x	x	x	x	x	--	--		
proposed	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	xc	c?	c?		y
<u>Community Based Residential</u>																	
<u>Child Welfare Facility</u>																	
present	x ³	x ³	x ³	x	x	x	x	x	x	x	x	x	x	--	--		
proposed	c	c	c	c	c	c	c	c	c	c	c	c	c	c?	c?		y
<u>Community Based Residential</u>																	
<u>Child Welfare PINS Facility</u>																	
present	x ³	x ³	x ³	x	x	x	x	x	x	x	x	x	x	--	--		
proposed	c	c	c	c	c	c	c	c	c	c	c	c	c	c?	c?		y
<u>Community Based Residential</u>																	
<u>Adult Offender Facility</u>																	
present ⁴	x ³	x ³	x ³	x	x	x	x	x	x	x	x	x	x	--	--		
proposed	c?	c?	c?	c?	c?	c?	c?	c?	c?	c?	c?	c?	c?	c?	c?		y
<u>Resident-School Treatment Facility</u>																	
present	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--		
proposed	c	c	c	c	c	c	c	c	x	x	x	x	x	c?	c?		y

Key: -- Use not permitted
 x Use permitted as matter-of-right
 c Use permitted with BZA approval
 a Use permitted as accessory use to apt. building or to church
 y Use to be treated in urban renewal zone like in other zones of city (recommend that Z.C. recommend that urban renewal projects obtain zoning under D.C. Regulations, such as S.W.)
 ? Uncertain

Notes:

- This definition includes old personal care home as well as halfway houses as well as sheltered living arrangements of persons coming in under family definition as well as, conceivably, phil. or eleemosynary institutions.
- Note use was conditional if a personal care home, matter of right if under family definition or phil. or elee. institution.
- Matter of right if under family definition or elee. insti.
- Note that while there is no definition of detention center or pre-release center in the Zoning Regulations, a temporary detention center may be located in the industrial zones.

Use	District														Unzoned urban renewal	
	R-1	R-2	R-3	R-4	R-5	SP	C-1	C-2	C-3	C-4	C-5	W	C-R	C-M	M	
<u>Home For the Aged</u>																
present	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	--	--	
proposed	x	x	x	x	x	x	x	x	x	x	x	x	x	--	--	

Key: -- Use not permitted
 x Use permitted as matter-of-right
 c Use permitted with BZA approval
 a Use permitted as accessory use to apt. building or to church
 y Use to be treated in urban renewal zone like in other zones
 of city (recommend that Z.C. recommend that urban renewal projects
 obtain zoning under D.C. Regulations, such as S.W.)
 ? Uncertain

Notes:
 1 Presently confused with usual use categories. Could possibly come under phil. or eleemos. institution. Important to define and state on c.o. in order for relevant Building Code (institutional) category to apply.

Working Paper #1 by committee on CBRFs

COMMUNITY BASED RESIDENTIAL FACILITIES and the Life Safety provisions of various D.C. codes, St. Elizabeth regulations, and the model code of the National Fire Protection Association

Unlike some sprawling U.S. cities, D.C.'s housing stock is a multi-story stock, built in the main years ago. Although predominantly rowhouse in nature, virtually all the houses in D.C., except apartment buildings, were originally built for single-family occupancy. These houses, of all kinds, in general lack fire-protection of the sort provided in the building code for multi-family buildings. Even those rowhouses which have been converted to rooming houses--and they comprise only a small portion of the total housing inventory--have many among their number which have inadequate fire protection for multiple occupancy, particularly for physically and mentally handicapped persons.

D.C. lacks a range of definitions in the pertinent codes applying to its physical structures for institutional and related uses. In fact, new categories under zoning have been created in the past (i.e. halfway houses and social service centers) with no amendments to the building codes or licensing. New categories have been created through City Council legislation (D.C. Laws 74-15, 2-35, and 3-81) which have amended housing and building codes but not zoning regulations. A review of the CBRF issue requires addressing the City's protective codes having to do with (1) physical protection of residential structures, (2) safety protection for occupants therein, and (3) the labeling of "uses" designated (and their related treatment) in these various codes. The latter will be addressed in Working Paper #2.

Handicapped people in CBRFs, including those persons covered by D.C. Laws 74-15, 2-35, and 3-81 are not required to be housed in buildings protected at an institutional code level for life-safety purposes, as the ensuing discussion illustrates. Presently, they have less protection (at least at the 6-15 person level) than do occupants of the City's rooming houses.* A related problem is that non-health community based facility halfway houses, social service centers, facilities for juveniles other than the mentally retarded, homes for the elderly, offenders, drug/alcoholic treatment facilities are not covered by licensing codes or by building and housing codes. Since they are not clearly delineated in the codes, they appear to come out from under the usual protective provisions applicable to institutional uses or to rooming houses.

D.C. Building Code and CBRFs

Under the City's Building Code (see attachment 1), as amended by DC Law 2-35, health-care CBRFs of up to 15 mentally handicapped persons are placed in the L2 building category (single family category), with certain adjustments made to bring some protective features back into that category. The Building Code includes a rooming house of more than 4 occupants in the L1 category which would require a second means of egress and other protective measures. DC Law 2-35, instead of affording even the minimal protection under the rooming house provisions, places health-care CBRFs in the single family (L2) category. Two interior stairways, one of which would be en-

*Presumably, if handicapped people are placed in an apartment building (as distinguished from a house), they are protected by at least the apartment house provisions of the building and housing codes. These requirements are less stringent, however, than those applying to institutions.

**Religious orders of 15 persons are treated in the Zoning Regulations as a family and in fact are not a separate use category. They therefore lack the protective provisions applied to rooming houses or apartment houses, something of an anachronism.

closed, are required for health facility CBRFs for up to 15 occupants only if (1) the building is over 3 stories in height, or (2) there are persons sleeping in rooms above the second floor, or (3) there are more than six (6) occupants in sleeping rooms above the street level. Thus there could be six mental patients on the 2nd floor of a house with no second means of egress required. Note also (as per attachment) that the DC Code has an institutional category but CBRFs are not included within it. If they were, sprinklers would be required. Since "halfway houses" are not referred to in the Building Code (although a Zoning Code use category), there is confusion about their status under the Building Code.

The National Fire Protection Association Life Safety Code (attachment 2)

Under this model code, a simple rooming house requires two means of egress, one of which must be an enclosed stairway or an exterior stair or fire escape, if there are sleeping rooms above ground level. While this protection is afforded to roomers in houses of 5 or more occupants in the D.C. Building Code, it is (1) not extended to occupants of those of the city's halfway houses which are not yet covered by any City Council licensing legislation or through amendments to the Building Code, and (2) not extended to those persons covered by DC Law 2-35 for health-care CBRFs of up to six (6) occupants in sleeping rooms at the 2nd floor level.

This code asserts that there is no such thing as a rooming house for 16 or more persons: such an establishment would be labeled a dormitory. The D.C. Zoning Regulations and Building Code regulations do not set an upper limit on the number of persons in an establishment which is labeled rooming or boarding house.

same

Health care CBRFs, including those/facilities covered by 2-35 (CBRFs for the mentally handicapped adults, and mentally retarded children and adults)* are classified an institutional use. Note that homes for the aged and penal institutions are covered in this institutional category also (see attachment 2).

St. Elizabeth's Policy and Procedures Manual

(attachment 3)

The St. Elizabeth's Policy and Procedures Manual does not afford stringent life-safety requirements for its community placements (attachment 3):

"At least two exits should be provided for each floor. One exit should be a stair or door leading to the exterior. Each patient's door should be no more than 100 feet from the nearest exit."

While the manual asserts that the facility must comply with D.C. law, it offers no additional standards where there are evident gaps in D.C. laws.

Enforcement of existing codes as to CBRFs

The Lamont Street fire illustrates enforcement problems with the current codes, which are not likely to be attributable to only one official in a chain of command, such as the building inspector but rather to the city's policies and gaps in laws regarding these uses. It appears that this house, by becoming a halfway house**

*2-35 definitions require some additional work to make them susceptible to treatment in the D.C.-related codes. Homes for the aged should be defined as a health-care CBRF although by innuendo are included.

**The current zoning regulations clump all CBRFs together into a "halfway house" or "social service center" definition. The new DC Law 2-35 creates health care facilities for some of those groupings included in the Zoning Regulations as "halfway houses".

(although not so labeled on the face of the c.o. or c.o. application) came out from under the usual building code and housing code provisions as they apply to CBRFs (although not out from under DC Law 2-35). This illustrates the peculiarity of many of these CBRFs. Under Zoning they should be labeled "halfway houses" but many continue to be labeled "rooming" houses or "boarding" houses, which, presumably, they are not. A recent opinion by the Corporation Counsel asserts that c.o.s should be labeled according to their designated zoning use.*

The Certificate of Occupancy and the Occupancy Permit (attachment 5) is defective on its face: "51" occupants on "all" floors. A review of the master file shows that the limitation for the last two c.o.s (1971 and 1972) was for "6 units above the first floor" (after the house was first made into a house for St. Elizabeth occupancy), which would be an illegal occupancy if it were a rooming house for 5 or more persons since this would require a fire escape or enclosed stairway or exterior stairway in addition to the one stairway the house now possesses. It is important to note that although the house had a somewhat long history of rooming house usage, the last certificate of occupancy application (and its attached blue form) prior to the 1972 occupancies (a 1963 application and c.o.) said: "less than 5 roomers all floors". The point here is that the building had no fire escape and without one could qualify for an occupancy of only 4 or fewer roomers under the building code. (See attachment 4.)

The duplex could not qualify for such a large occupancy on the basis of the housing regulations and DC Law 2-35. These regulations not only specify square footage requirements but state that no more than six persons can share a bath on a single floor. (The house which burned had 1 bathroom on each of the 2nd and 3rd floors.) Furthermore, the housing regulations would preclude occupancy of the unfinished, unlit basement (as would 2-35). The new 2-35 would have allowed (with no fire escape or second stairway) 6 residents on the second floor and none on the third.

There are issues also related to the inspections of the Lamont St. property. First, the Building Code requires that a house be brought up to code before a c.o. can be granted. If the required inspections were conducted, the sign-offs are not transposed onto the master copy (although Mr. Spencer has copies of individually signed off c. o. application forms). If the inspections were conducted, were they conducted according to the life protective features applicable to rooming houses? Were there standard two-page deficiency reports filled out? Were the reports sent to the owner for correction? If they were sent out, how could they exclude the stairway requirement which is clearly shown as a category on the deficiency form? If they were shown as a deficiency, why were they not corrected prior to the issuance of the c.o.? If they were not written up, why not?

Since the c.o. appears to be illegal on its face and the violations were obvious to inspectors, one wonders if there is not a deliberate city policy to exclude CBRFs from the usual protective processes applied to other commercial housing operations. A review of the Auditor's report on CBRFs under contract with or operated by the Dept. of Human Resources indicate that many don't even have occupancy permits. In any event, the City has never moved to clear up the confusion about how the zoning animal "half-way house" is to be treated in the Building Code.

*Opinion of January 16, 1979, #UCB90692 to James Fahey on subject of "Determination of extent of activity which may continue under a nonconforming use", p. 3: "I would strongly recommend that uses hereafter be set forth in certificates of occupancy in terms of the use category which is recognized by the Zoning Regulations, rather than in terms of the narrower description which may be submitted by the applicant. This recommendation is similar to one which the Corporation Counsel expressed in the May 25, 1965 opinion."

D.C. BUILDING CODE

	Before	After
Use Group Classification	<p>Sections</p> <p>202.1 General Requirement</p> <p>202.2 Group A, High Hazard</p> <p>202.3 Group B, Storage</p> <p>202.4 Group C, Mercantile</p> <p>202.5 Group D, Industrial</p> <p>202.6 Group E, Business</p> <p>202.7 Group F, Assembly</p> <p>202.8 Group H, Institutional</p> <p>202.9 Group L, Residential</p> <p>202.10 Group M, Miscellaneous</p> <p>202.11 New Uses</p>	--same
Definitions	<p>Personal care home. Any building or part thereof except hospitals or asylums licensed under the Act of Congress approved April 20, 1908, used as, maintained as, advertised as or held out for the care, treatment or lodging of four or less convalescents not related by blood or marriage within the third degree of consanguinity to the licensee of such business.</p>	<p>--delete</p> <p>Community Residence Facility. A facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals aged eighteen (18) years or older (except that, in the case of group homes for mentally retarded persons, no minimum age limitations shall apply), not related by blood or marriage to the Residence Director, who are ambulatory and able to perform the activities of daily living with minimal assistance. The definition includes facilities and group homes for mentally retarded persons which provide a sheltered living arrangement to persons who desire or require supervision or assistance within a protective environment because of physical, mental, familial, or social circumstances or mental retardation. The definition does not include facilities providing sheltered living arrangements to persons who are in the custody of the District of Columbia Department of Correction.</p>

Amendments to the D.C. Building Code through D.C. Law 2-35 and 3-81

D.C. Building Code

	Before	After
Use Group Definitions	<p>Sec. 202.8 Group H, Institutional.</p> <p>Places for the domicile or care of five or more persons suffering from physical limitations, or requiring care, treatment or assistance by reason of health, age, or physical or mental illness or affliction, or under detention for penal or correctional purposes, or otherwise detained under supervision. For the purpose of determining the number of inmates, only such persons as are not related by blood or marriage within the third degree of consanguinity to the owner, operator, or manager of the establishment shall be counted. Institutional uses shall be further classified as:</p> <div><div>(1) Group H-1. Places whose inmates are detained under restraint, such as jails, prisons, reformatories, psychiatric hospitals and institutions for narcotic or alcoholic treatment.</div><div>(2) Group H-2. Places such as hospitals, orphanages, convalescent and nursing homes, day nurseries, and homes for the aged and infirm.</div></div> <p>Sec. 202.9 Group L, Residential.</p> <p>Places occupied by persons for living or sleeping, but not including those classified under Group H. Residential buildings shall be further classified as follows:</p> <p>(1) Group L-1. Those containing three or more dwelling units, five or more rooming units, or a combination of three or more dwelling units and any rooming units.</p> <p>Those containing one or two dwelling units with five or more roomers residing in either dwelling unit.</p> <p>Those containing rooming units for five or more persons not members of the same family, except as provided under L-2 for religious communities.</p> <p>(2) Group L-2. Buildings containing one or two dwelling units only. Religious communities housing not more than fifteen (15) persons. Residential buildings having less accommodations than those under L-1.</p> <p>(3) Personal Care Homes. See Note I to Table 6 of this Article.</p>	<p>--same</p> <p><i>no zoning def.</i></p> <p><i>no zoning def.</i></p> <p>Sec. 202.9 Group L, Residential.</p> <p>Places occupied by persons for living or sleeping, but not including those classified under Group H. Residential buildings shall be further classified as follows:</p> <p>(1) Group L-1. Those containing three or more dwelling units, five or more rooming units, or a combination of three or more dwelling units and any rooming units.</p> <div>Community residence facilities housing more than fifteen (15) residents.</div> <p>Those containing one or two dwelling units with five or more roomers residing in either dwelling unit.</p> <p>Those containing rooming units for five or more persons not members of the same family, except as provided under L-2 for religious communities.</p> <p>(2) Group L-2. Buildings containing one or two dwelling units only. Religious communities and community residence facilities housing not more than fifteen (15) persons. Residential buildings having less accommodations than those under L-1.</p>

D.C. Building Code

	Before	After
Res. L-2: exits, escapes, protective appliances	<p>Sec. 616.1 Applicability.</p> <p>The provisions of this Section shall apply to one and two-family dwellings, Personal Care Homes, religious community houses for not over fifteen persons and a group of fifteen persons or less meeting in a single family dwelling for religious worship. Except for the provisions included herein, the general provisions of Sections 601.0 thru 614.0 of this Article do not apply.</p> <p>Sec. 616.2 Exit Requirements.</p> <p>(1) Interior Stairways.</p> <p>1. At least one Class C stairway shall be provided from the upper floors to the main floor.</p> <p>2. Not less than two such interior stairways are required from the upper floors to the main floor, for buildings over three stories in height, and for three-story buildings with more than two sleeping rooms above the second floor or more than six sleeping rooms above the first floor where the area per floor between fire walls exceeds 2,500 square feet.</p> <p>(2) Stairway Enclosure. If two stairways are required, one shall be enclosed.</p> <p>(3) Distance to Stairways. The distance from a required stairway to the door of any habitable room shall not be more than 30 feet in buildings of Type 2B, 3B, or 4B construction, 45 feet in buildings of Type 2A, 3A, 3C, or 4A construction, and 60 feet in buildings of Type 1 Fire-resistant construction.</p> <p>Sec. 616.3 Escape Openings.</p> <p>Every sleeping room, unless it has two doors, providing separate ways of escape, or has a door leading outside of the building directly, shall have at least one outside window which can be opened from the inside without the use of tools to provide a clear opening of not less than 16 inches in least dimension and 432 square inches in area, with the bottom of the opening not more than 4-1/2 feet above the floor.</p> <p>Sec. 616.4 Protective Appliances.</p> <p>Personal Care Homes shall be equipped with one fire extinguisher per floor including the basement.</p>	<p>Sec. 616.1 Applicability.</p> <p>The provisions of this Section shall apply to buildings in Group L-2, as defined in section 202.9(2) of Article 2 of this code and a group of fifteen persons or less meeting in a single family dwelling for religious worship. Except for the provisions included herein, the general provisions of Sections 601.0 thru 614.0 of this Article do not apply.</p> <p>Sec. 616.2 Exit Requirements.</p> <p>(1) Interior Stairways.</p> <p>1. At least one Class C stairway shall be provided from the upper floors to the main floor.</p> <p>2. Not less than two such interior stairways are required from the upper floors to the main floor, for buildings over three stories in height, and for three-story buildings with more than two sleeping rooms above the second floor or more than six sleeping rooms above the first floor where the area per floor between fire walls exceeds 2,500 square feet <u>except that all sleeping rooms above the street level in a community residence facility which has sleeping rooms above the second floor or which has more than six (6) occupants in sleeping rooms above the street level floor shall have access to two (2) separate means of exit, at least one (1) of which shall consist of an enclosed interior stair, or a fire escape, or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening.</u></p> <p>(2) Stairway Enclosure. If two stairways are required, one shall be enclosed.*</p> <p>(3) (same)</p> <p>Sec. 616.3 Escape Openings. (same)</p> <p>Sec. 616.4 Protective Appliances.</p> <p>Community Residence Facilities shall be equipped with one fire extinguisher per floor including the basement.</p> <p>* The Act may have intended to add the language incorporated in 616.2(1) to 616.2(2) (see Act).</p>

Comparison of amended L-2 of Building Code with L-1 of Building Code

1B

D.C. Building Code

616--L-2

Sec. 616.1 Applicability.

The provisions of this Section shall apply to buildings in Group L-2, as defined in section 202.9(2) of Article 2 of this code and a group of fifteen persons or less meeting in a single family dwelling for religious worship. Except for the provisions included herein, the general provisions of Sections 601.0 thru 614.0 of this Article do not apply.

Sec. 616.2 Exit Requirements.

(1) Interior Stairways.

1. At least one Class C stairway shall be provided from the upper floors to the main floor.

2. Not less than two such interior stairways are required from the upper floors to the main floor, for buildings over three stories in height, and for three-story buildings with more than two sleeping rooms above the second floor or more than six sleeping rooms above the first floor where the area per floor between fire walls exceeds 2,500 square feet except that all sleeping rooms above the street level in a community residence facility which has sleeping rooms above the second floor or which has more than six (6) occupants in sleeping rooms above the street level floor shall have access to two (2) separate means of exit, at least one (1) of which shall consist of an enclosed interior stair, or a fire escape, or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening.

(2) Stairway Enclosure. If two stairways are required, one shall be enclosed.*

(3) Distance to Stairways. The distance from a required stairway to the door of any habitable room shall not be more than 30 feet in buildings of Type 2B, 3C, or 4B construction, 45 feet in buildings of Type 2A, 3A, 3B, or 4A construction, and 60 feet in buildings of Type 1 Fire-Resistive construction.

Sec. 616.3 Escape Openings.

Every sleeping room, unless it has two doors, providing separate ways of escape, or has a door leading outside of the building directly, shall have at least one outside window which can be opened from the inside without the use of tools to provide a clear opening of not less than 16 inches in least dimension and 432 square inches in area, with the bottom of the opening not more than 4-1/2 feet above the floor.

Sec. 616.4 Protective Appliances.

Community Residence Facilities shall be equipped with one fire extinguisher per floor including the basement.

* The Act may have intended to add the language incorporated in 616.2(1) to 616.2(2) (see Act 2-35).

617--L-1

Sec. 617.1 Applicability.

The special provisions of this Section shall apply to buildings of L-1 occupancies, as defined in Section 202.9(1) of Article 2.

Sec. 617.2 Population.

The population upon which egress requirements are determined shall be in accordance with the following:

(1) In dormitories, one person for each 50 square feet of floor area of sleeping room, or the actual number of sleeping accommodations, whichever is greater.

(2) In all other L-1 buildings, one person for each room, except bathrooms, kitchens, lobbies, and similar spaces, or the number of sleeping accommodations provided, whichever is greater.

Sec. 617.3 Width of Exits.

The minimum aggregate width of all required means of egress, shall be computed on the basis of thirty persons per unit of width of such required means of egress.

Sec. 617.4 Number and Location of Exits.

(1) There shall be not less than two exits for each floor unless otherwise provided in this Section.

(2) The maximum distance from the entrance door of any dwelling or rooming unit, to the nearest exit on the same floor, measured along the line of travel, shall be not more than 170 feet in a building, any part of which is of Type 2B or 3 construction, and 150 feet in buildings of Type 2A or Type 1 construction, but no corridor shall dead-end more than 50 feet beyond the point where an exit is accessible.

(3) Exits shall be so located that every dwelling unit, rooming unit, or dormitory shall have direct access to the means of egress without passing through any other dwelling unit, rooming unit, or dormitory. However, a dwelling or rooming unit having more than one room shall be deemed to comply with this requirement if any one room of such dwelling or rooming unit complies. Provided, That the floor of the corridor upon which a dwelling unit exits shall be not more than five feet above or below the level of the floor in the dwelling unit. Where the difference exceeds five feet, the corridor shall be constructed as an exit passage or corridor. In addition, when the dwelling units are limited to a maximum of two levels, one of the following shall be provided:

1. The interior open stairway within the dwelling unit must discharge not more than 17 feet from the floor opening into the corridor or

Comparison of amended L-2 of Building Code with L-1 of Building Code

D.C. Building Code

General requirements: Residential

616--L-2

617--L-1

2. An additional enclosed Class C stairway or stairways, discharging from the other level or levels directly into the corridor, must be provided. (In this single case a circular stairway will be acceptable), or

3. The entire dwelling unit shall be sprinklered.

Where a dwelling unit occupies more than two stories, doors giving direct access to the exits shall be provided at each story. The stairway within the unit shall be fully enclosed.

Sec. 617.5 Egress from Stairs.

Not less than 50 percent of the required exit stairways shall discharge directly to the outside or to an exit passageway leading thereto. In Type 1 and 2A buildings, the remaining stairways may discharge through a lobby or foyer provided that all other spaces or rooms shall be separated from such lobby or foyer by one-hour construction with all openings protected. The following occupancies will be permitted without the above-mentioned protection:

(1) Any number of Mercantile C and Business E Occupancies with each individual occupancy limited to a maximum of 1,500 square feet.

(2) Mercantile T and Business F Occupancies exceeding 1,500 square feet provided that the fire area in which the occupancy is located is equipped with an approved fully automatic sprinkler system and such fire area is separated from the remainder of the floor by one-hour construction with all openings protected.

(3) Group F-2, F-3, and F-4 Assembly Occupancies provided that not more than 50 percent of their required exit facilities discharge through the lobby or foyer. Where the occupant capacity of the Assembly F use is less than 75 the required exit may open into the lobby or foyer. All kitchens shall be separated from the Assembly F occupancy by one-hour construction with protected openings. No open kitchens will be permitted. Where the assembly occupancy exceeds 1,500 square feet, the fire area in which it is located shall be equipped with an approved automatic sprinkler system, and such fire area shall be separated from the remainder of the floor by one-hour construction with all openings protected.

Sec. 617.6 Stairs to Mezzanine.

Open stairs may lead from a lobby to a mezzanine floor or to a second floor which is used as an and conforms to the general requirements of a mezzanine floor, on which there are no rooms for sleeping, provided, that such stairs lead no higher than the said floor; that there is no continuous wall above that level, and that said floor has adequate alternative exits which conform to these regulations. In cases where the layout of corridors or rooms on said floor is such that omission of partitions at the stairway might constitute a hazardous condition, the Director may, at his discretion, require suitable fire doors at one or more points in the corridors of said floor, to check the travel of smoke or fire. In case of such a second floor, the open stairways shall be in addition to the required egress stairways.

Comparison of amended L-2 of Building Code with L-1 of Building Code

D.C. Building Code

General requirements: Residential

616--L-2

617--L-1

Sec. 617.7 Exceptions to Number and Class of Stairways.

Not less than two Class A enclosed stairs or smokeproof towers shall be provided with the following exceptions:

(1) Limited Occupancy. Residential L-1 buildings designed for not more than fifteen occupants per floor may be provided with two Class B stairs only.

(2) Two-Story Buildings. Two-story buildings not exceeding 30 feet in height, may be provided with one interior stair only if:

1. Each dwelling or rooming unit has direct access to a porch with stairs extending to the ground.

2. Not more than four dwelling units or rooming units or combinations thereof open on an enclosed stairway which does not extend to the basement, and does not serve a total area in excess of 2,500 sq. ft. per floor.

(3) One dwelling unit per floor. A building having not more than three stories and having but one dwelling unit per floor, and no rooming units, may be provided with one Class B enclosed stairway only, which is lighted on each floor by a window or skylight, containing not less than 12 sq. ft. for each story through which such stairway passes.

(4) Fire-Resistive Stairway and Enclosures. A building, arranged that not more than five dwelling units per floor open directly without an intervening public corridor, on a Class B enclosed stairway built throughout of Type 1 Fire-Resistive construction, lighted at every story by a door or window having not less than 12 square foot glass area, may provide but one means of egress for each dwelling unit in the case noted below:

1. Such a building of Type 2A, 3A, or 3B construction, not exceeding three stories nor 40 feet in height, divided by fire separations into areas not exceeding 2,500 sq. ft.

2. Such a building of Type 2A, 3A, or 3B construction, two stories in height, having an area not exceeding 5,000 sq. ft. on each floor served by such stairway, divided by fire separations into areas not exceeding 3,600 sq. ft.

3. Such a building of Type 1 Fire-Resistive construction not exceeding three stories nor 40 feet in height.

(5) L-1 Residential Buildings More Than Three Stories. A building so arranged that not more than four dwelling units per floor, open directly to the outside of the building, or open directly, without an intervening public corridor, on a Class B enclosed stairway, built throughout of Type 1 Fire-Resistive construction, lighted at every story above the main entrance by a window not less than 12 square feet in area, may provide but one means of egress for each dwelling unit under the following conditions:

Comparison of amended L-2 of Building Code with L-1 of Building Code

D.C. Building Code

General requirements: Residential

616--L-2

617--L-1

1. Such building shall have a fire area not exceeding 2,500 sq. ft. on each floor, between masonry walls, and shall be of Type 1 Fire-Resistive construction in at least that portion below the top three stories.

2. Such a building shall not exceed 38 feet to ceiling of top floor from the lowest point of finished grade adjacent to building: a cross section of said grade perpendicular to the exterior walls may slope away from the building not more than 5 inches in the first 19 feet.

(6) Stairway Within Two Stories. A stairway located entirely within a dwelling unit need not comply with the requirements of this Section.

(7) Porches and Balconies Used for Required Egress. L-1 Residential Buildings which provide the required egress from each rooming unit or dwelling unit directly to the outside at ground level or to a balcony, or porch, need not be provided with enclosed stairways when the following conditions are complied with:

1. Where an exterior porch or balcony is used as the required egress, no room or suite of rooms shall have its floor more than 12 feet above the grade upon which its exit stairways discharge.

2. Such porch or balcony shall be constructed in accordance with Section 304.1 and shall be not less than 5 feet in unobstructed width, except that when it serves not more than 3 units it may be 3 feet in unobstructed width.

3. Balconies or porches more than 50 feet in length or serving more than five rooming or dwelling units or combinations of both shall have not less than two stairways.

4. Stairs shall be Class A except that where the balcony or porch does not serve more than 15 units, the stairs may be Class B.

5. The door of any unit exiting on a balcony or porch shall not be more than 75 feet from a stairway, nor shall any door on a dead end be more than 50 feet from a stairway.

Sec. 617.8 Corridors.

The minimum clear width of an exit corridor or public corridor shall be 5 feet except that a public corridor serving not more than three dwelling or rooming units may be 3 feet wide.

Comparison of amended L-2 of Building Code with L-1 of Building Code

D.C. Building Code

General requirements: Residential

616--L-2

617--L-1

Sec. 617.9 Exceptions to Door Requirements.

(1) Mixed Occupancies. Where F-2, F-3 and F-4 Assembly occupancies are permitted in L-1 Residential Buildings as mixed occupancies in accordance with Section 303.9(2), the entrance doors on the F-2, F-3 and F-4 Assembly Occupancies will not be required to have any fire protection rating, unless these doors open on to an exit corridor or on to a public or exit corridor serving sleeping rooms.

(2) Revolving Doors.

1. Class 1 revolving doors may be used subject to the following conditions:

a. They may not be considered as required exits for upper stories except where the stairway opens into a fire-resistive lobby, in which case, they may be so considered, if located between the lobby and the outside.

b. They may constitute not more than 50 percent of the number of units of required door width for main floor exits, if they lead from a fire-resistive lobby to the outside, provided that immediately adjacent, or within 20 feet, there are an equal number of units of swinging door exits.

2. Revolving doors, other than Class 1 may not be used.

3. See Section 611.3 for general requirements governing revolving doors.

Sec. 617.10 Emergency Lighting and Protective Appliances.

Residential L-1 buildings, three or more stories in height, shall be equipped with emergency lighting, fire extinguishing, and alarm appliances, except that 3 story L-1 buildings having not more than one dwelling unit per floor will be exempted from this requirement.

Comparison of amended L-2 of Building Code with Institutional H-2

D.C. Building Code

616--L-2

Sec. 616.1 Applicability.

The provisions of this Section shall apply to buildings in Group L-2, as defined in section 202.9(2) of Article 2 of this code and a group of fifteen persons or less meeting in a single family dwelling for religious worship. Except for the provisions included herein, the general provisions of Sections 601.0 thru 614.0 of this Article do not apply.

Sec. 616.2 Exit Requirements.

(1) Interior Stairways.

1. At least one Class C stairway shall be provided from the upper floors to the main floor.

2. Not less than two such interior stairways are required from the upper floors to the main floor, for buildings over three stories in height, and for three-story buildings with more than two sleeping rooms above the second floor or more than six sleeping rooms above the first floor where the area per floor between fire walls exceeds 2,500 square feet except that all sleeping rooms above the street level in a community residence facility which has sleeping rooms above the second floor or which has more than six (6) occupants in sleeping rooms above the street level shall have access to two (2) separate means of exit, at least one (1) of which shall consist of an enclosed interior stair, or a fire escape, or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening.

(2) Stairway Enclosure. If two stairways are required, one shall be enclosed.

(3) Distance to Stairways. The distance from a required stairway to the door of any habitable room shall not be more than 30 feet in buildings of Type 2B, 3C, or 4B construction, 45 feet in buildings of Type 2A, 3A, 3B, or 4A construction, and 60 feet in buildings of Type 1 Fire-Resistive construction.

Sec. 616.3 Escape Openings.

Every sleeping room, unless it has two doors, providing separate ways of escape, or has a door leading outside of the building directly, shall have at least one outside window which can be opened from the inside without the use of tools to provide a clear opening of not less than 16 inches in least dimension and 432 square inches in area, with the bottom of the opening not more than 4-1/2 feet above the floor.

Sec. 616.4 Protective Appliances.

Community Residence Facilities shall be equipped with one fire extinguisher per floor including the basement.

* The Act may have intended to add the language incorporated in 616.2(1) to 616.2(2) (see Act 2-35).

618--Institutional H-2

Sec. 618.1 Applicability.

The special provisions of this Section shall apply to buildings of H-2 Institutional occupancies as defined in section 202.8(2) of Article 2.

Sec. 618.2 Population.

The population upon which egress requirements are determined shall be in accordance with the following:

(1) In dormitories and/or wards, one person for each 50 square feet of floor area of each such room, or the actual number of sleeping accommodations, including all other persons as well as inmates, whichever is greater.

(2) One person for each room, except bathrooms, kitchens, lobbies, and similar spaces.

Sec. 618.3 Width of Exits.

(1) The capacity of exits providing travel by means of stairs shall be 22 persons per 100 square feet of exit width, and exits providing travel without stairs, such as doors or horizontal exits, shall be 30 persons per unit width.

(2) Stairs shall be Class A stairs except where used as a secondary means of egress for not more than twenty persons, Class B stairs may be used.

Sec. 618.4 Number and Location of Exits.

(1) There shall be not less than two exits from each floor or section of every building, as remote from each other as practicable.

(2) Exits shall be so placed that the entrance door of every private room, ward, day room, dormitory, dining room, or other space used by inmates, shall not be more than 100 feet to the nearest exit, in buildings of Types 2B or 3 construction, and not more than 150 feet in buildings of Types 1 or 2A construction. No corridor shall dead-end at a point more than 30 feet from an exit.

Sec. 618.5 Exit Types.

Exits shall be of the following types:

- (1) Horizontal exits.
- (2) Doors leading directly to the outside of the building.
- (3) Ramps.
- (4) Stairways.

Comparison of amended L-2 of Building Code with Institutional H-2

D.C. Building Code

616--L-2

618--Institutional H-2.

General requirements

Sec. 618.6 Egress from Stairways.

(1) Not less than 50 percent of the required exits must discharge directly to the outside, or through an exit passage leading thereto.

(2) The remainder may discharge through a first floor lobby or foyer, having direct exits to the outside. All kitchens, storage rooms, repair or maintenance areas, and similar spaces, shall be cut off from such lobby or foyer by fire-resistive walls or partitions having all openings protected.

Sec. 618.7 Revolving Doors.

Revolving doors are prohibited in Institutional H-2 occupancies.

Sec. 618.8 Corridors.

(1) Corridors shall not be less than six (6) feet wide, except in hospitals and nursing homes where corridors in adjacent wings intended for the housing, treatment, or use of inpatients shall be not less than eight (8) feet wide.

(2) Corridors serving as a means of egress from both sides of the doorway shall have the opening protected by a pair of swinging doors, each door to be a minimum of 32 inches wide for 6 feet wide corridor and 44 inches wide for 8 feet wide corridor; each door to have approved vision panel and each door to swing in the opposite direction from the other. Center mullions are prohibited.

Sec. 618.9 Emergency Lighting and Protective Appliances.

All Institutional H-2 buildings, two or more stories in height, shall be equipped with emergency lighting, fire extinguishing, and alarm appliances, except two-story buildings containing sleeping accommodations for not more than fifteen persons above the main floor, and in which the stairs are enclosed.

Comparison of amended L-2 of Building Code with Institutional H-1

D.C. Building Code

	616--L-2	619--Institutional H-1
General requirements	<p>Sec. 616.1 Applicability.</p> <p>The provisions of this Section shall apply to buildings in Group L-2, as defined in section 202.9(2) of Article 2 of this code and a group of fifteen persons or less meeting in a single family dwelling for religious worship. Except for the provisions included herein, the general provisions of Sections 601.0 thru 614.0 of this Article do not apply.</p> <p>Sec. 616.2 Exit Requirements.</p> <p>(1) Interior Stairways.</p> <p>1. At least one Class C stairway shall be provided from the upper floors to the main floor.</p> <p>2. Not less than two such interior stairways are required from the upper floors to the main floor, for buildings over three stories in height, and for three-story buildings with more than two sleeping rooms above the second floor or more than six sleeping rooms above the first floor where the area per floor between fire walls exceeds 2,500 square feet except that all sleeping rooms above the street level in a community residence facility which has sleeping rooms above the second floor or which has more than six (6) occupants in sleeping rooms above the street level floor shall have access to two (2) separate means of exit, at least one (1) of which shall consist of an enclosed interior stair, or a fire escape, or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening.</p> <p>(2) Stairway Enclosure. If two stairways are required, one shall be enclosed.*</p> <p>(3) Distance to Stairways. The distance from a required stairway to the door of any habitable room shall not be more than 30 feet in buildings of Type 2B, 3C, or 4B construction, 45 feet in buildings of Type 2A, 3A, 3B, or 4A construction, and 60 feet in buildings of Type 1 Fire-Resistive construction.</p> <p>Sec. 616.3 Escape Openings.</p> <p>Every sleeping room, unless it has two doors, providing separate ways of escape, or has a door leading outside of the building directly, shall have at least one outside window which can be opened from the inside without the use of tools to provide a clear opening of not less than 16 inches in least dimension and 432 square inches in area, with the bottom of the opening not more than 4-1/2 feet above the floor.</p> <p>Sec. 616.4 Protective Appliances.</p> <p>Community Residence Facilities shall be equipped with one fire extinguisher per floor including the basement.</p> <p>* The Act may have intended to add the language incorporated in 616.2(1) to 616.2(2) (see Act 2-35).</p>	<p>Sec. 619.1 Applicability.</p> <p>The special provisions of this section shall apply to buildings of H-1 Institutional occupancy as defined in § 202.8(1) of Article 2.</p> <p>Sec. 619.2 Population.</p> <p>The number of persons for which exits are to be provided, shall be the maximum number for which a building or section thereof is designed to be used.</p> <p>Sec. 619.3 Width of Exits.</p> <p>The minimum aggregate width of all required means of egress shall be computed on the basis of thirty persons per floor per unit of width of such required means of egress.</p> <p>Sec. 619.4 Type of Exits.</p> <p>Exits shall be of the following types:</p> <ol style="list-style-type: none"> (1) Horizontal Exits. (2) Doors leading to the outside of the building. (3) Stairs. (4) Class A or Class B stairways. <p>Sec. 619.5 Area of Refuge.</p> <p>Whenever practicable, an outside area of refuge, suitably enclosed, shall be provided, sufficient to accommodate all occupants of the building.</p> <p>Sec. 619.6 Release from Locked Enclosures.</p> <p>Reliable means shall be provided to permit prompt release of occupants in case of fire or other emergency.</p> <p>Sec. 619.7 Emergency Lighting.</p> <p>Emergency lighting shall be provided for exits on a supply and circuits separate from those for the regular lighting supply. The requirements for location of lights and other details under Section 613.1 of this Article, do not necessarily apply for this occupancy.</p> <p>Sec. 619.8 Certification of Adequacy of Egress Facilities.</p> <p>Specific provisions relating to a number of egress features can not be included as requirements, on account of the special occupancy conditions involved, the Director shall require a plan and description of the exits provided, and a certificate, signed by the designer, stating that the egress facilities provided are sufficient for the safety of the occupants of the building or buildings, and citing, where possible, egress facilities provided and accepted elsewhere for similar occupancy conditions. Before occupancy of the building, a similar certificate, signed by the official to be in responsible charge of the institution, shall be filed with the Director.</p>

Special Requirements imposed for Personal Care Homes and Institutional Occupancies

D.C. Building Code

404.0--Personal Care Homes

SECTION 404.0 - PERSONAL CARE HOMES

Sections

404.1 Special Requirements.

Sec. 404.1 Special Requirements.

Personal Care Homes may be located in one of the following types of buildings:

- (1) L-2 buildings containing one dwelling unit.
- (2) L-1 buildings of Type I construction with at least two interior enclosed stairways and at least one passenger elevator serving the personal care home.
- (3) No more than one personal care home shall be operated in any building.

SECTION 405.0 - GROUP II INSTITUTIONAL

Sections

405.1 Special Requirements.

Sec. 405.1 Special Requirements.

All Group II occupancy buildings of other than Type I or 2A construction shall be fully sprinklered, except the following:

- (1) Those used for day nurseries with less than 15 children on the first floor or first and second floors all of which children shall be fully ambulatory.
- (2) Those buildings wherein the day nurseries occupancy is fully contained in compartments of Type I construction and where all exits therefrom discharge directly to grade or into a fire resistive corridor or stairway leading to grade; and
- (3) Those other Group II occupancies where the use is restricted to the first floor only.

Compartments, as used in (2) above, shall include all rooms, halls, passageways and the like, and such rooms, halls, passageways and the like, shall be enclosed by walls, and floors, above and below, of Type I construction. Where buildings are required to be fully sprinklered, the sprinkler system shall be indirectly connected to D. C. Fire Alarm Headquarters through a private central office, or the fire alarm system shall be directly connected to D. C. Fire Alarm Headquarters or there shall be provided at least one non-coin operated public telephone in such location as to be readily accessible at all times. The Director and the Fire Chief shall approve the location of such telephone, rules limiting the use thereof, and such signs or placards as are found to be necessary to properly explain the sending of emergency messages thereby.

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(8)

CHAPTER 10. INSTITUTIONAL OCCUPANCIES

10-0001. Institutional buildings are those used for purposes such as the treatment or care of persons suffering from physical or mental illness, disease or infirmity, for the care of infants, convalescents or aged persons, and for penal or corrective purposes. Institutional buildings provide sleeping facilities for the occupants and are occupied by persons who are mostly incapable of self-preservation because of age, physical or mental disability, or because of security measures not under the occupants' control.

Buildings or sections of buildings which house, or in which care is rendered to mental patients who are capable of average judgment in taking action for self-preservation under emergency conditions, on the opinion of competent medical authority approved by the state agency having jurisdiction, may come under other sections of this Code instead of Section 10-1.

Sections of institutional buildings may come under other occupancy classifications regarding exit requirements if these areas are not used to house institutional occupants, or are not areas in which these persons are treated or to which they have normal access, or which serve as a means of egress for them.

Institutional buildings comprise three groups: groups (a) and (b) are treated together in Chapter 10, and group (c) is considered separately.

- (a) Health Care Facilities (Hospitals and nursing homes)
- (b) Residential-Custodial Care (Nurseries, homes for the aged, mentally retarded care institutions, etc.)
- (c) Residential-Restrained Care (Penal institutions, reformatories, jails, etc.) See Section 10-3.

10-0002. Institutional occupancies shall include all buildings or parts thereof with occupancy as described in 10-0001.

10-0003. All institutional buildings shall be so designed, constructed, maintained, and operated as to minimize the possibility of a fire emergency requiring the evacuation of occupants. Because the nature of occupants of institutional buildings cannot be assumed, the design shall be based on the assumption that the occupants are unable to take any action in the event of a fire. The design shall be based on the assumption that the occupants are unable to take any action in the event of a fire. The design shall be based on the assumption that the occupants are unable to take any action in the event of a fire.

- 1. Adequate exits, and exit routes, and exit signage.
- 2. Adequate fire detection, alarm, and suppression systems.

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(c) Fire prevention and the planning, training, and drilling in programs for the isolation of fire and transfer of occupants to areas of refuge or evacuation of the building.

10-0004. It is recognized that in buildings housing various types of psychiatric patients, or used as penal institutions, it may be necessary to lock doors and bar windows that are equipped to confine and protect building inhabitants. Other sections of this Code requiring the keeping of exits unlocked may be waived by the authority having jurisdiction. It is also recognized that some psychiatric patients are not capable of seeking safety without guidance. In buildings in which doors are locked or windows are barred, provisions shall be made for the rapid removal of occupants by such reliable means as the remote control of locks or by keying all locks to keys carried by attendants.

10-0005. Definitions

- (a) **Hospital** — a building or part thereof used for the medical, psychiatric, obstetrical or surgical care, on a 24-hour basis, of 4 or more inpatients. Hospital, wherever used in this Code, shall include general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such facilities providing inpatient care.
- (b) **Nursing Home** — a building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of 4 or more persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person. Nursing home, wherever used in this Code, shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries of homes for the aged.
- (c) **Residential-Custodial Care Facility** — a building, or part thereof, used for the lodging or boarding of 4 or more persons who are incapable of self-preservation because of age, or physical or mental limitation. This includes facilities such as homes for the aged, nurseries (custodial care for children under 6 years of age), and mentally retarded care institutions. Day care facilities that do not provide lodging or boarding for institutional occupants are not covered in this section of the Code.

SECTION 10.1. NEW HOSPITALS, NURSING HOMES AND RESIDENTIAL-CUSTODIAL CARE OCCUPANCIES

10.101. Application

10.101.1. This Section establishes life safety requirements for hospitals, nursing homes, and residential-custodial care institutions. Where requirements vary, the specific occupancy, such as hospital,

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nursing home, nursery, residential-custodial care institution, home for the aged, or mentally retarded care institution, is named in the paragraph pertaining thereto. See Chapter 17 for operating features.

10-112. New Construction, Additions, Conversions

10-112.1. Any addition shall be separated from any existing non-conforming structure by a noncombustible fire partition having at least a 2-hour fire resistance rating. Communicating openings in such dividing fire partition shall occur only in corridors and shall be protected by an approved self-closing fire door. Except where provisions meeting the requirements of 5-2134 and 10-1245 are made for such doors, they are intended normally to be kept closed. Unless these doors are required exits, they are not required to swing with exit travel as specified in 5-2121.

10-112.2. Any building converted to these occupancies shall comply with all requirements for new facilities.

10-112.3. See Section 2-2 for life safety provisions during construction.

10-113. Occupancy and Occupant Load

10-113.1. Institutional occupancies in buildings housing other occupancies shall be completely separated from them by noncombustible construction having at least a 2-hour fire-resistance rating. All means of egress from institutional occupancies that traverse noninstitutional spaces shall conform to requirements of this standard for institutional occupancies. Any occupancy with a hazard of contents classified higher than that of the institution and located in the same building as institutional occupancies shall be protected as required in Section 10-1371. Industrial, office, mercantile and storage occupancies classified as high-hazard shall not be permitted in buildings housing institutional occupancies.

10-113.2. Sections of institutional buildings may be classified as other occupancies if they meet all of the following conditions:

- (a) They are not intended to serve institutional occupants for purposes of housing, treatment, customary access, or means of egress.
- (b) They are adequately separated from areas of institutional occupancy by construction having a 2-hour fire resistance rating.

10-113.3. Auditoriums, chapels, staff residential areas, garages or similar occupancies provided in connection with institutions shall have exits provided in accordance with other applicable sections of this Code.

10-113.4. The occupant load for which means of egress shall be

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provided for any floor shall be the maximum number of persons intended to occupy that floor but not less than 1 person for each 120 square feet gross floor area in institutional sleeping departments and not less than 1 person for each 240 square feet of gross floor area of inpatient institutional treatment departments. Gross floor areas shall be measured within the exterior building walls with no deductions. (See Chapter 3.)

10 12. Exit Details

10-121. Number and Types

10-1211.* Exits shall be restricted to the following permissible types:

- (a) Doors leading directly outside the building (see 10-124)
- (b) Interior stairs and smokeproof towers (see 10-125)
- (c) Ramps (see 10-127)
- (d) Horizontal exits (see 10-126)
- (e) Outside stairs (see Section 5-4)
- (f) Exit Passageways (see Section 5-7)

10-1212. At least 2 exits of the above types, remote from each other, shall be provided for each floor or fire section of the building. At least 1 exit in each floor or fire section shall be as indicated in 10-1211 (a), (b), (c), or (f).

10-1213. Revolving doors shall not be counted as required exits, and shall not be installed except as specifically stated in Section 5-2.

10-1214. Elevators constitute a supplementary facility, but shall not be counted as required exits.

10-122. Capacity of Exits

10-1221.* The capacity of any required exit shall be based on its width in units of 22 inches as defined in 5-115. The capacity of exits providing travel by means of stairs shall be 22 persons per exit unit; and exits providing travel without stairs, such as doors or horizontal exits, shall be 30 persons per exit unit.

Exception: The capacity of exits in Institutional Occupancies equipped throughout with an approved automatic fire extinguishing system may be increased to 35 persons per exit unit for travel by means of stairs, and to 45 persons per exit unit for travel without stairs.

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10-124. Doors

10-1241. Doors shall be in accordance with Section 5-2, except as modified below. For door requirements in horizontal exits and smoke partitions see 5-314, 6-6, 10-126, 10-131 and 10-231.

10-1242. Locks installed on institutional sleeping room doors shall be so arranged that they can be locked only from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key.

Exception No. 1: Doors leading directly to the outside of the building may be subject to locking from the room side.

Exception No. 2: Doors in homes for the aged may be lockable by the occupant if they can be unlocked from the opposite side, and keys are carried by attendants at all times.

Exception No. 3: Locks permitted by 10-0004.

10-1243. Exit access doors from hospital and nursing home sleeping rooms, diagnostic and treatment rooms or areas such as X-ray, surgery and physical therapy, all doors between these spaces and the required exits, and all exit doors serving these spaces shall be at least 44 inches wide. Doors to residential-custodial sleeping rooms and doors to nursery sleeping rooms and all exit doors serving these spaces shall be at least 36 inches wide.

Exception No. 1: Exit doors which are so located as not to be subject to use by any institutional occupant may be not less than 28 inches wide.

Exception No. 2: Doors in exit stair enclosures shall be not less than 30 inches wide.

10-1244.* Any door in a fire separation, horizontal exit or a smoke partition may be held open only by an electrical device which complies with 5-2134.

Each of the following systems shall be so arranged as to initiate the self-closing action, by zone or throughout the entire institutional occupancy:

- (a) The required manual alarm system (10-1361), and
- (b) The required and approved automatic fire detection system (10-1362), and
- (c) An approved automatic fire extinguishing system, if provided

10-1245. Doors in stair enclosures and in walls surrounding hazardous areas shall not be equipped with hold-open devices.

10 125. Stairs, Smokeproof Towers

10-1251. Every stair and smokeproof tower shall be in accordance

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10-123. Access to Exit

10-1231. Every aisle, passageway, corridor, exit discharge, exit location and access shall be in accordance with Section 5-1, except as modified in the following paragraphs.

10-1232. Travel distance (a) between any room door intended as exit access and an exit shall not exceed 100 feet; (b) between any point in a room and an exit shall not exceed 150 feet; (c) between any point in an institutional sleeping room or suite and an exit access door of that room or suite shall not exceed 50 feet. Travel distance shall be measured in accordance with 5-119.

Exception: The travel distances in (a) or (b) above may be increased by 50 feet in buildings completely equipped with an automatic fire extinguishing system.

10-1233. Every institutional sleeping room, unless it has a door opening at ground level, shall have an exit access door leading directly to a corridor which leads to an exit. One adjacent room such as a sitting or anteroom may intervene if all doors along the path of exit travel are equipped with noncombustible hardware, except as provided in 10-1242, and this intervening room is not intended to serve more than 8 institutional sleeping beds.

Exception: Special nursing suites permitted in 10-1247 shall not be limited to 8 beds or basins.

10-1234. Aisles, corridors and ramps required for exit access or exit in a hospital or nursing home shall be at least 8 feet in clear and unobstructed width. Aisles, corridors and ramps required for exit access or exit in a residential-custodial care institution shall be at least 6 feet in clear and unobstructed width.

Exception: Corridors and ramps in adjunct areas not intended for the housing, treatment, or use of inpatients, may be a minimum of 6 feet in clear and unobstructed width.

10-1235. Any room and any suite of rooms, as permitted in 10-1233, of more than 1,000 square feet shall have at least 2 exit access doors remote from each other.

10-1236. Every exit or exit access shall be so arranged that no corridor or aisle has a pocket or dead end exceeding 30 feet.

10-1237. Any institutional sleeping room which complies with the requirements previously set forth in this section may be subdivided with non-fire-rated, noncombustible partitions, provided, that the arrangement allows for direct and constant visual supervision by nursing personnel. Rooms which are so subdivided shall not exceed 3,000 square feet.

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with Section 5-3, shall be Class A, and shall be constructed as described in 10-1323.

Exception: Stairs that do not connect to a corridor, do not connect more than two levels and do not serve as a means of egress, need not comply with these regulations.

10-126. Horizontal Exits

10-1261.* A horizontal exit shall be in conformance with Section 5-5 modified as below.

(a) At least 30 net square feet per occupant in a hospital or nursing home or 15 net square feet per occupant in a residential-custodial care institution shall be provided on each side of the horizontal exit for the total number of occupants in adjoining compartments.

(b) A single door may be used as a horizontal exit if it serves one direction only and is at least 44 inches wide for a hospital or nursing home or at least 36 inches wide for residential-custodial care institutions. The swing shall be in the direction of exit travel.

(c) A horizontal exit in a hospital or nursing home in a corridor 8 feet or more in width serving as a means of egress from both sides of the doorway shall have the opening protected by a pair of swinging doors, each door to be a minimum of 44 inches wide and swinging in the opposite direction from the other.

(d) A horizontal exit in a residential-custodial care institution in a corridor 6 feet or more in width serving as a means of egress from both sides of the doorway shall have the opening protected by a pair of swinging doors, each door to be a minimum of 32 inches wide and swinging in the opposite direction from the other.

(e) An approved vision panel is required in each horizontal exit door. Center mullions are prohibited.

10 127. Ramps

10-1271. Ramps shall be in accordance with Section 5-6, and shall be Class A and shall not exceed 6 feet in vertical dimension between top and bottom floor elevations; a Class B ramp may be used where the height of the ramp is 1 foot or less. Ramp width shall be as specified in 10-1234.

10 128. Emergency Lighting, Exit Markings, Alarms and Communication Systems

10-1281.* Each hospital shall be provided with emergency lighting as required in Section 5-10 and exit markings as described in Section 5-11. Such emergency lighting and the illumination of

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required exits and directional signs shall be supplied by the Life Safety Branch of the hospital electrical system as described in Chapter 3, NFPA 76A, (1973), *Standard for Essential Electrical Systems for Hospitals*. The Life Safety Branch shall also serve alarms, emergency communication systems and the illumination of generator set locations as described in paragraphs (c), (d) and (e), Section 312 of the same reference.

10-1282. Each nursing home and residential-custodial care facility shall have emergency lighting in accordance with Section 5-10.

Exception. Emergency lighting with at least one hour duration shall be provided.

10-1283. Exit signs shall be provided in each hospital, nursing home, and residential-custodial facility in accordance with Section 5-11.

10-1284. Any alarm system(s) and any detection system(s) required in any institutional occupancy shall be provided with an alternative power supply in accordance with Section 220, NFPA 72A, *Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems* (1972).

10-13. Protection

10-131.* Subdivision of Building Spaces

10-1311. Smoke Partitions Required. Smoke partitions shall be provided, regardless of building construction type, as follows:

(a) To divide into at least two compartments every story used by inpatients for sleeping or treatment and any story having an occupant load of 50 or more persons (see 10-113J), and

(b) To limit on any story the maximum area of each smoke compartment to no more than 22,500 square feet, of which both length or width shall be no more than 150 ft.

Exception. Protection may be accomplished in conjunction with the provisions of horizontal exits.

10-1312. Smoke partitions shall be provided on stories which are usable but unoccupied.

10-1313. Any smoke partition shall be constructed in accordance with Section 6-6 and shall have a fire resistance rating of at least 1 hour.

10-1314. At least 30 net square feet per occupant for the total of both inpatient patients shall be provided on each side of the smoke partition. A 40 square feet net area shall be provided for inpatient patients at least on one side of the partition and shall be provided on each side

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system may be reduced to one hour in buildings up to, and including, three stories.

10-1324. All interior walls and partitions in buildings of fire-resistant and noncombustible construction shall be composed of noncombustible materials.

10-1325.* Every institutional sleeping room shall have an outside window or outside door arranged and located so that it can be opened from the inside without the use of tools or keys to permit the venting of products of combustion and to permit any occupant to have direct access to fresh air in case of emergency. (See 10-1004 for detection alarm requirements.) The maximum allowable sill height shall not exceed 36 inches above the floor.

Exception No. 1. The window sill in special nursing care areas may be 60 inches above the floor.

Exception No. 2. Rooms intended for occupancy of less than 24 hours, such as those housing obstetrical labor beds, recovery beds, observation beds in the emergency department and newborn nurseries, need not comply with this section.

10-133. Construction of Corridor Walls

10-1331.* Corridors shall be separated from use areas by partitions having a fire-resistive rating of at least one hour. These walls shall be continuous from the floor slab to the underside of the floor or roof slab above, through any concealed spaces such as those above the suspended ceilings and through structural and mechanical spaces. Doors with a 20-minute fire protection rating shall be used on openings other than those serving exits or hazardous areas. Doors shall be provided with latches of a type suitable for keeping the door tightly closed and acceptable to the authority having jurisdiction. Transfer gulls, whether protected by fusible link-operated dampers or not, shall not be used in these walls or doors. Fixed wired glass vision panels may be placed in corridor walls, provided they do not exceed 1,296 square inches in size and are installed in approved steel frames. Fixed wired glass vision panels may be installed in wood doors, provided they do not exceed 720 square inches in size and are installed in approved steel frames.

Exception No. 1. In institutional occupancies equipped throughout with an approved automatic extinguishing system, corridors may be separated from use areas by partitions. Doors in such partitions may be solid framed and not fire-rated, or the equivalent. Doors shall be equipped with latches for keeping the doors tightly closed and may be provided with glass vision panels with restrictions.

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of the smoke partition for the total number of occupants in adjoining compartments.

10-1315. Corridor openings in smoke partitions shall be protected by a pair of swinging doors, each door to swing in a direction opposite from the other. The minimum width of each door shall be as follows:

(a) Hospitals and nursing homes: 44 inches

(b) Residential-custodial care institutions: 32 inches

10-1316. Doors in smoke partitions shall comply with 6-613 and shall be self-closing and held open only if they meet the requirements of 10-1244.

10-1317. Vision panels of approved transparent wired glass not exceeding 720 square inches in steel frames shall be provided in all doors in smoke partitions.

10-1318. Rabbits, levels, or astragals are required at the meeting edges, and stops are required on the head and sides of door frames in smoke partitions. Positive latching hardware is not required. Center mullions are prohibited.

10-132.* Minimum Construction Standards

10-1321. Institutional buildings of 1 story in height only may be constructed of protected noncombustible construction, fire-resistive construction, protected ordinary construction, protected wood frame construction, heavy timber construction, or unprotected noncombustible construction. (See 10-136 for automatic sprinkler requirements.) For the purpose of 10-1321 and 10-1322, stories shall be counted starting at the lowest floor of exit discharge. All levels below the floor of exit discharge shall be separated from the floor of exit discharge by at least protected noncombustible construction.

10-1322. Institutional buildings 2 stories or more in height shall be of at least fire-resistive construction.

Exception. Institutional buildings up to and including three stories in height may be constructed of protected noncombustible construction if equipped throughout with an approved automatic extinguishing system.

10-1323. Institutional occupancies two or more stories in height shall have enclosure walls of noncombustible materials having a fire resistance rating of at least two hours around stairways, elevators, chutes, and other vertical openings between floors. For other exceptions, see 10-1324.

Exception. The fire resistance rating of enclosures in institutional occupancies equipped throughout with an approved automatic extinguishing

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Exception No. 2. Waiting areas of 250 square feet or less on an institutional sleeping floor may be open to the corridor, provided that they are located to permit direct supervision by the institutional staff. Such areas shall be equipped with an electrically supervised automatic smoke detection system installed in accordance with 10-1362. Not more than one such waiting area is permitted in each smoke compartment.

Exception No. 3. Waiting areas of 600 square feet or less on floors other than institutional sleeping floors may be open to the corridor, provided that they are located to permit direct supervision by the institutional staff and so arranged as not to obstruct any access to required exits. Such areas shall be protected by an electrically supervised automatic smoke detection system installed in accordance with 10-1362.

Exception No. 4. Space for doctors' and nurses' charting, communications, and clerical areas may be open to the corridor.

10-134. Protection of Vertical Openings and Firestopping

10-1341. Any stairway, ramp, elevator shaft, light and ventilation shaft, chute and other openings between stories shall be enclosed with noncombustible materials and in accordance with 6-1111, 6-1113, 6-1114, and 10-1323. A door in a stairway enclosure shall be self-closing, shall normally be kept in closed position and shall be marked in accordance with 5-2133.

10-1342. Firestopping shall be provided in accordance with 6-1311.

10-135. Interior Finish

10-1351. Interior finish of walls and ceilings in means of egress and of any room shall be Class A in accordance with Section 6-2.

Exception No. 1. Walls and ceilings may be of Class B materials in individual rooms of not over four persons in capacity.

Exception No. 2. The provisions of Section 6-2, permitting a class of interior finish with a higher flame spread in buildings with automatic sprinklers, shall not apply for institutional occupancies.

10-1352. Floor finish material shall be Class A or B throughout all hospitals, nursing homes and residential-custodial care facilities.

Exception No. 1. The provisions of Section 6-2, permitting a class of interior finish with a higher flame spread in buildings with automatic sprinklers, shall not apply to floor finish material in institutional occupancies.

Exception No. 2. Engine and grade wood flooring, one-half inch thick or greater, shall be permitted in institutional buildings equipped throughout with an approved automatic extinguishing system.

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NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE
(excerpts)

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10-136. Alarm, Detection, and Extinguishment Systems

10-1361*. Every building shall have an electrically supervised, manually operated fire alarm system, in accordance with Section 6-3. The fire alarm system shall be installed to transmit an alarm automatically to the fire department that is legally committed to serve the area in which the institution is located, by the most direct and reliable method approved by local regulations. Internal audible alarm devices shall be provided in accordance with Section 6-3.

Exception: Pre-signal systems shall not be permitted in institutional occupancies.

10-1362. An approved automatic smoke detection system shall be installed in all corridors of hospitals, nursing homes, and residential-custodial care facilities. Such systems shall be installed in accordance with the applicable standards listed in Appendix B, but in no case shall smoke detectors be spaced further apart than 30 feet on centers or more than 15 feet from any wall. All automatic smoke detection systems required by this section shall be electrically interconnected to the fire alarm system.

Exception: Where each patient sleeping room is protected by such an approved detection system and a local detector is provided at the smoke partition, such corridor systems will not be required on the patient sleeping room floors.

10-1363. Required fire detection devices or systems shall be in accordance with Section 6-3 and shall be electrically interconnected to the manually operated fire alarm system.

10-1364*. Automatic fire extinguishing protection shall be provided throughout all hospitals, nursing homes, and residential-custodial care facilities. (See 10-132 for construction types permitted.)

Exception: Buildings of fire-resistant or one-story protected noncombustible construction.

10-1365. Where exceptions are stated in the provisions of this Code for institutional occupancies equipped throughout with an approved automatic extinguishing system, such systems shall be in complete accordance with the requirements of 10-1366.

10-1366. Required automatic sprinkler systems shall be in accordance with Section 6-4 for systems in light hazard occupancies and shall be electrically interconnected with the fire alarm system. The main sprinkler control valve shall be electrically supervised so that at least a local alarm will sound when the valve is closed.

10-1367. The sprinkler piping, serving no more than 6 sprinklers for any isolated hazardous area, may be connected directly to a

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domestic water supply system having a capacity sufficient to provide 0.15 gallons per minute per square foot of floor area throughout the entire enclosed area. An outside-screw-and-yoke shutoff valve shall be installed in an accessible location between the sprinklers and the connection to the domestic water supply.

10-1368. Sprinkler requirements for hazardous areas are stated in 10-1371 and sprinkler requirements for chutes are given in 7-1131.

10-1369. Portable fire extinguishers shall be provided in all institutional occupancies in accordance with Section 6-4.

10-137. Hazardous Areas

10-1371*. Any hazardous area shall be safeguarded in accordance with Section 6-5. Hazardous areas include, but are not restricted to the following. Those areas accompanied by a dagger (†) in the list shall have both separation and a complete extinguishment system.

Boiler and heater rooms	† Rooms or spaces, including repair shops, used for the storage of combustible supplies and equipment in quantities deemed hazardous by the authority having jurisdiction.
Laundries	† Trash collection rooms
Kitchens	Gift shops
Repair shops	
Handicraft shops	
Employee locker rooms	
† Soiled linen rooms	
† Paint shops	

10-1372. Laboratories shall be protected in accordance with the applicable standard listed in Appendix B.

10-14. Building Service Equipment

10-141. Air-Conditioning, Ventilating, Heating, Cooking, and Other Service Equipment

10-1411. Air-conditioning, ventilating, heating, cooking, and other service equipment shall be in accordance with Chapter 7, and shall be installed in accordance with the manufacturer's specifications.

Exception: As modified in 10-1412 and 10-1413 below.

10-1412*. Portable comfort heating devices are prohibited. Any heating device other than a central heating plant shall be so designed and installed that combustible material will not be ignited by it or its appurtenances. If fuel fired, such heating devices shall be chambered or vented, shall take air for combustion directly from outside, and shall be so designed and installed to provide for complete separation of the combustion system from the atmosphere.

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of the occupied area. The heating system shall have safety devices to immediately stop the flow of fuel and shut down the equipment in case of either excessive temperatures or ignition failure.

Exception No. 1: Approved suspended unit heaters may be used, except in means of egress and patient sleeping areas, provided such heaters are located high enough to be out of the reach of persons using the area and provided they are equipped with the safety devices called for above.

Exception No. 2: Fireplaces may be installed and used only in areas other than patient sleeping areas, provided that these areas are separated from patient sleeping spaces by construction having a 1-hour fire resistance rating and they comply with the appropriate standard listed in Appendix B. In addition thereto, the fireplace shall be equipped with a hearth that shall be raised at least 4 inches, and a heat tempered glass fireplace enclosure guaranteed against breakage up to a temperature of 650° Fahrenheit. If, in the opinion of the authority having jurisdiction, special hazards are present, a lock on the enclosure and other safety precautions may be required.

10-1413. Combustion and ventilation air for boiler, incinerator or heater rooms shall be taken directly from and discharged directly to the outside air.

10-1414. Any rubbish chute and linen chute including pneumatic systems shall be safeguarded in accordance with 7-113. An incinerator shall not be directly fuel-fed nor shall any floor charging chute directly connect with the combustion chamber. Any trash chute shall discharge into a trash collecting room used for no other purpose and protected in accordance with Section 6-5.

10-15. Windowless Buildings

10-1511. See Section 16-4 for requirements for windowless buildings.

10-2. EXISTING HOSPITALS, NURSING HOMES, AND RESIDENTIAL-CUSTODIAL CARE OCCUPANCIES

10-211. Application

10-2111. This section establishes life safety requirements for all existing hospitals, nursing homes, and residential-custodial care institutions. Where requirements vary, the specific occupancy, such as hospital, nursing home, nursery, residential-custodial care institution, home for the aged, or mentally retarded care institution is named in the paragraph pertaining thereto. See Chapter 17 for operating features.

10-212. Modification of Retroactive Provisions

10-2121. The requirements of this section may be modified if there

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application would be clearly impractical in the judgment of the authority having jurisdiction and if the resulting arrangement could be considered as presenting minimum hazard to the life safety of the occupants. The requirements may be modified by the authority having jurisdiction to allow alternative arrangements that will secure as nearly equivalent safety to life from fire as practical; but in no case shall the modification afford less safety than compliance with the corresponding provisions contained in the following part of this Code.

10-2122*. A limited but reasonable time shall be allowed for compliance with any part of this section, commensurate with the magnitude of expenditure and the disruption of services.

10-2123. When alternate protection is installed and accepted, the institution shall be considered as conforming for purposes of this Code.

10-213. Conversions, Additions, and Modernization

10-2131. No existing building shall be converted to a hospital, nursing home, or residential-custodial care institution unless it complies with all requirements for new institutional buildings.

10-2132. A new addition to an existing institution shall be in conformance with Section 10-1 of this Code. The new addition shall be separated from the existing institution by noncombustible construction having a fire resistance rating of at least 2 hours, unless the existing institution conforms to the requirements of Section 10-1 of this Code.

10-2133. No construction in either modernization or renovation projects shall diminish the fire safety features of the institution currently in effect. Alterations or installations of new building service equipment shall be accomplished as nearly as possible in conformance with the requirements for new construction.

10-214. Occupancy and Occupant Load

10-2141. Institutional occupancies in buildings housing other occupancies shall be completely separated from them by noncombustible construction having a fire resistance rating of at least two hours.

10-2142*. Sections of institutional buildings may come under other occupancy classifications if they meet all of the following conditions:

- They are not intended to serve institutional occupants for purposes of housing, treatment, customary care, or means of egress.
- They are adequately separated from areas of institutional use.

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NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (excerpts)

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10-2316. Doors in smoke partitions shall be self-closing or kept in the open position provided they meet the requirement of 10-2244. Such doors shall not be required to swing with exit travel.

10-232.* Minimum Construction Standards for Existing Institutions.

10-2321. For the purpose of this section, stories shall be counted starting at the lowest floor of exit discharge.

10-2322. Institutional buildings of one story in height only may be of any type of construction (see 10-2352 for extinguishment requirements).

10-2323. Institutional buildings up to and including two stories in height may be constructed of fire resistive construction protected noncombustible construction, protected ordinary construction, protected wood frame construction, heavy timber construction, or unprotected noncombustible construction. (See 10-2352 for automatic extinguishment requirements.)

10-2324. Institutional buildings three stories, or more, in height shall be of fire resistive construction.

Exception: Institutional buildings up to and including three stories in height may be of protected noncombustible construction if equipped throughout with an automatic extinguishing system.

10-2325. Every interior wall and partition in buildings of fire-resistive and noncombustible construction shall be of non-combustible materials.

10-2326. Every institutional sleeping room shall have an outside window or outside door arranged and located to permit the venting of products of combustion and to permit any occupant to have access to fresh air in case of emergency. (See 10-0004 for detention room requirements.)

Exception: Rooms housing obstetrical labor beds, recovery, emergency observation beds, and newborn bassinets.

10-2327. Corridors in existing institutional occupancies shall be separated from use areas by walls constructed to resist the passage of smoke. Doors in such corridor partitions, other than those serving exits or hazardous areas, shall be at least 1 1/2 inch solid bonded wood core or equivalent. Doors shall be provided with latches of a type suitable for keeping the door tightly closed and acceptable to the authority having jurisdiction.

10-2328. Transoms, hoppers, or transfer grills, whether protected by fusible link-operated dampers or not, shall be closed and made smoke tight by positive non-combustible construction.

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alarm system, in accordance with Section 6-3. Audible alarm devices shall be used.

Exception No. 1: Pyral signals shall not be permitted in institutional occupancies.

Exception No. 2: Where visual alarm devices have been installed in patient sleeping areas, they may be accepted by the authority having jurisdiction.

10-2352.* An automatic fire extinguishing system shall be provided throughout all hospitals, nursing homes, and residential-custodial care facilities.

Exception: Buildings of fire-resistive construction of any height or protected noncombustible construction not over 1 story in height.

10-2353. Any required automatic sprinkler system shall be in accordance with Section 6-4, for systems in light hazard occupancies, and shall be electrically interconnected with the fire alarm system. The main sprinkler control valve shall be electrically supervised so that at least a local alarm will sound when the valve is closed.

10-2354. The sprinkler piping, serving no more than six sprinklers for any isolated hazardous area, may be connected directly to a domestic water supply system having a capacity sufficient to provide 0.15 gallons per minute per square foot of floor area throughout the entire enclosed area. An outside screw-and-yoke shutoff valve shall be installed in an accessible location between the sprinklers and the connection to the domestic water supply.

10-2355. Portable fire extinguishers shall be provided in all institutional occupancies in accordance with 6-422.

10-236 Hazardous Areas

10-2361. Any hazardous area shall be safeguarded in accordance with Section 6-5. Hazardous areas include, but are not restricted to the following:

Boiler and heater rooms	Rooms or spaces used for storage of combustible supplies and equipment
Laundries	in quantities deemed hazardous by the authority having jurisdiction
Kitchens	
Repair shops	
Handicraft shops	Trash collection rooms
Employee locker rooms	Gift shops
Souled linen rooms	

10-2362. Laboratories shall be in accordance with the applicable standard listed in Appendix B.

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10-2329. Glass vision panels in such corridor walls or doors shall be fixed wired glass in approved steel frames, limited to 1276 sq. in. per panel.

Exception: Institutional occupancies equipped throughout with an approved automatic extinguishing system, may be provided with glass vision panels without restriction.

10-233 Protection of Vertical Openings and Firestopping.

10-2331. Each stairway between stories shall be enclosed in accordance with 6-1113 and 6-1114 with partitions having a 1-hour fire resistance rating.

Exception No. 1: Where a full enclosure is impracticable and the stair is not a required exit, the required enclosure may be limited to that necessary to prevent a fire originating in any story from spreading to any other story.

Exception No. 2: Stairs that do not connect to a corridor, do not connect more than two levels, and do not serve as a means of egress need not comply with these regulations.

10-2332. Any elevator shaft, light and ventilation shaft, chute, and other vertical opening between stories shall be protected as required above for stairways.

10-2333. Each exterior wall of frame construction and interior mud partitions shall be firestopped so as to cut off all concealed draft openings, both horizontal and vertical, between any cellar or basement and the first floor. Such firestopping shall consist of suitable noncombustible material or of wood at least 2 inches (nominal) thick.

10-2334. Any existing linen and trash chute which opens directly on to any corridor shall be sealed by fire-resistive construction to prevent further use or shall be provided with a fire door assembly suitable for a Class B location and having a fire protection rating of 1 1/2 hours. All new chutes shall comply with 7-113.

10-234 Interior Finish

10-2341.* Interior finish shall be Class A or Class B in accordance with Section 6-2. In buildings equipped with a complete automatic fire extinguishing system, Class C interior finish may be continued in use, except in means of egress.

10-235 Alarm and Extinguishing Systems

10-2351. Every building shall have a manually operated fire

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10-24. Building Service Equipment

10-241. Air-Conditioning, Ventilating, Heating, Cooking, and Other Service Equipment

10-2411. Air-conditioning, ventilating, heating, cooking, and other service equipment shall be in accordance with Chapter 7. They shall be installed in accordance with the manufacturer's specifications.

10-2412.* Portable comfort heating devices are prohibited. Any heating device, other than a central heating plant, shall be so designed and installed that combustible material will not be ignited by it or its appurtenances. If fuel fired, such heating devices shall be chimney or vent connected, shall take air for combustion directly from the outside, and shall be so designed and installed to provide for complete separation of the combustion system from the atmosphere of the occupied area. The heating system shall have safety devices to immediately stop the flow of fuel and shut down the equipment in case of either excessive temperatures or ignition failure.

Exception No. 1: Approved suspended unit heaters may be used, except in means of egress and patient sleeping areas, provided such heaters are located high enough to be out of the reach of persons using the area and provided they are equipped with the safety devices called for above.

Exception No. 2: Fireplaces may be installed and used only in areas other than patient areas, provided that these areas are separated from patient sleeping spaces by construction having a 1-hour fire resistance rating and they comply with the appropriate standard listed in Appendix B. In addition thereto, the fireplace shall be equipped with a heat-tempered glass fireplace enclosure guaranteed against breakage up to a temperature of 600° Fahrenheit. If, in the opinion of the authority having jurisdiction, special hazards are present, a lock on the enclosure and other safety precautions may be required.

10-2413. Combustion and ventilation air for boiler, incinerator, or heater rooms shall be taken directly from and discharged directly to the outside air.

10-2414. Any rubbish chute and linen chute including pneumatic systems shall be safeguarded in accordance with 7-113. Existing floor-level openings shall be sealed by fire-resistive construction to prevent further use. Any trash chute shall discharge into a trash collecting room used for no other purpose and protected in accordance with Section 6-5.

10-25. Windowless Buildings

10-251. See Section 10-4 for requirements for windowless buildings.

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occupancies by construction having a fire resistance rating of at least two hours.

10-2143. Auditoriums, chapels, residential areas, garages, or other occupancies in connection with hospitals or nursing homes shall have exits provided in accordance with the other applicable sections of this Code.

10-2144. The occupant load for which means of egress shall be provided for any floor shall be the maximum number of persons intended to occupy that floor, but not less than 1 person for each 120 square feet gross floor area in institutional sleeping departments and not less than 1 person for each 240 square feet of gross floor area of inpatient institutional treatment departments. Gross floor areas shall be measured within the exterior building walls with no deductions.

10-22. Exit Details

10-221. Number and Types

10-221.1. Exits shall be restricted to the following permissible types:

- (a) Doors leading directly outside the building (see Section 5-2)
- (b) Interior stairs and smokeproof towers (see 10-225)
- (c) Horizontal exits (see 10-226)
- (d) Ramps (see 10-2252)
- (e) Outside stairs (see Section 5-4)
- (f) Exit passageways (see Section 5-7)

10-2212. At least 2 exits of the above types, remote from each other, shall be provided for each floor or fire section of the building. At least 1 exit in each floor or fire section shall be as indicated in 10-2211 (a), (b), (c), or (f).

10-2213. Revolving doors shall not be counted as required exits, and shall not be installed except as specifically stated in Section 5-2.

10-2214. Elevators constitute a supplementary facility, but are not counted as required exits.

10-222. Capacity of Exits

10-222.1. The capacity of any required exit shall be based on its width in units of 22 inches as defined in 5-115. The capacity of (a) exits providing travel by means of stairs shall be 22 persons per exit unit, and the exits providing travel without stairs, such as doors or horizontal exits, shall be 30 persons per exit unit.

Exception: The capacity of exits in buildings equipped with an approved automatic fire extinguishing system may be

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10-2242. Locks installed on institutional sleeping room doors shall be in arranged that they can be locked only from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key.

Exception No. 1: Doors leading directly to the outside of the building may be subject to locking from the room side.

Exception No. 2: Doors in homes for the aged may be lockable by the occupant, if they can be unlocked from the opposite side and keys are carried by attendants at all times.

Exception No. 3: Locks permitted by 10-0004

10-2243. Exit access doors to hospital and nursing home sleeping rooms, diagnostic and treatment areas such as, X-ray, surgery, and physical therapy, all doors between these spaces and the required exits, and all exit doors serving these spaces shall be at least 42 inches wide. Doors to residential-custodial sleeping rooms and all exit doors serving these spaces shall be at least 32 inches wide.

Exception No. 1: Doors which are so located as not to be subject to use by an institutional occupant shall be not less than 28 inches in width as defined in 5-2131.

Exception No. 2: Doors in exit stairway enclosures shall be not less than 30 inches wide.

10-2244. Any door in a fire separation, horizontal exit or a smoke partition may be held open only by an electrical device which complies with 5-2134. The device shall be so arranged that the operation of the following will initiate the self-closing action:

- (a) The manual alarm system required in 10-235 and either b or c below.
- (b) A local smoke detector designed to detect smoke passing through the opening.
- (c) A complete and approved automatic fire extinguishing system or automatic fire detection system.

10-2245. Doors in stair enclosures or in walls separating hazardous areas shall not be equipped with hold-open devices.

10-225. Stairs, Smokeproof Towers, Ramps

10-2251. Every stair and smokeproof tower shall be in accordance with Section 5-3 and shall be Class A or B.

Exception: Any existing interior stair not complying with Section 5-3 may be continued in use subject to the approval of the authority having jurisdiction.

10-2252. Every ramp shall be in accordance with Section 5-6, and shall be Class A or Class B. Ramp width shall be as specified in 10-2253.

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increased to 35 persons per exit unit for travel by means of stairs, and to 45 persons per exit unit for travel without stairs.

10-225. Access to Exits

10-2251. Every aisle, passageway, corridor, exit discharge, exit location and access shall be in accordance with Section 5-1, except as modified below.

10-2252. Travel distance (a) between any room door intended as exit access and an exit shall not exceed 100 feet; (b) between any point in a room and an exit shall not exceed 150 feet; (c) between any point in an institutional sleeping room or suite and an exit access door of that room or suite shall not exceed 50 feet. Travel distance shall be measured in accordance with 5-119.

Exception: The travel distance in (a) or (b) above may be increased by 50 feet in buildings completely equipped with an automatic fire extinguishing system.

10-2253. Every institutional sleeping room, unless it has a door opening at ground level, shall have an exit door access leading directly to a corridor which leads to an exit. One adjacent room such as a sitting or anteroom may intervene if all doors along the path of exit travel are equipped with nonlockable hardware, except as provided in 10-2242, and this intervening room is not intended to serve more than 8 institutional sleeping beds.

10-2254. Any required aisle, corridor, or ramp shall be not less than 48 inches in clear width when serving as means of egress from institutional sleeping rooms. It shall be of such width and so arranged as to avoid any obstructions to the convenient removal of nonambulatory persons carried on stretchers or on mattresses serving as stretchers.

10-2255. Any room, and any suite of rooms, as permitted in 10-2253, of more than 1,000 square feet shall have at least 2 exit access doors remote from each other.

10-2256. Every corridor shall provide access to at least two approved means of egress from the building in accordance with 5-120, without passing through any intervening rooms or spaces other than corridors or lobbies. Existing dead-end corridors are undesirable and shall be altered wherever possible so that exit will be accessible in at least 2 different directions from all points in aisles, passageways, and corridors.

10-226. Doors

10-2261. Every door shall be in accordance with Section 5-2, except as modified below. For doors in horizontal exits and smokeproof towers see 10-2263 and 10-231.

10-226. Horizontal Exits

10-2261. A door in a horizontal exit shall be at least 42 inches wide and shall be in accordance with Section 5-5, except as modified herein. At least 30 net square feet per institutional occupant shall be provided for the total number of institutional occupants in adjoining compartments. A door in a horizontal exit is not required to swing with exit travel as specified in 5-5143.

10-227. Exit Lighting and Signs

10-2271. Each hospital, nursing home and residential-custodial care facility shall be provided with emergency lighting in accordance with 5-10.

Exception: Emergency lighting of at least one hour duration shall be provided.

10-2272. Exit signs shall be provided in each nursing home and residential-custodial care facility in accordance with Section 5-11.

Exception: Signs may be omitted in one-story buildings with an occupancy of less than 30 persons.

10-23. Protection

10-231. Subdivision of Building Spaces

10-2311. Smoke partitions shall be provided, regardless of building construction, as follows:

- (a) To divide every story used for sleeping rooms for more than 30 institutional occupants into at least two compartments, and
- (b) To limit on any story the maximum area of each smoke compartment to no more than 22,500 square feet of which both length and width are limited to 150 ft.

Exception: Protection may be accomplished in conjunction with the provision of horizontal exits.

10-2312. Smoke partitions shall be constructed in accordance with Section 6-6 and shall have a fire resistance rating of at least one-half hour.

10-2313. Smoke partitions shall be provided on stories which are outside fast stair enclosures.

10-2314. Space shall be provided on both sides of the smoke partition in each area of refuge for the total number of institutional occupants served.

10-2315. Smoke partitions shall be protected by wired glass panels in steel frames or by 1 1/2 inch solid laminated wood core doors as a minimum.

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CHAPTER 11. RESIDENTIAL OCCUPANCIES

11-0001. Residential occupancies shall include all occupancies so classified in 4-715. They shall be classified in the following groups, subject to determination by the authority having jurisdiction.

(a) *Hotels*. Includes buildings or groups of buildings under the same management in which there are more than 15 sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

(b) *Apart. Buildings*. Includes buildings containing 3 or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, or by any other name.

(c) *Dormitories*. Includes buildings where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks, ski lodges, with or without meals.

(d) *Single Rooming Houses*. Includes buildings in which separate sleeping rooms are rented providing sleeping accommodations for a total of 15 or less persons, whether a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants, except as provided in 11-2214.

(e) *1- and 2-Family Dwellings*. Includes dwellings in which each living unit is occupied by members of a single family, with rooms rented to outsiders, if any, not accommodating more than 3 persons.

SECTION 11-1. GENERAL REQUIREMENTS

(Applies to all the following Sections: 11-2, 11-3, 11-4 and 11-5)

11-11. Occupant Load and Exit Capacity

11-111. Occupant Load

11-111.1. The occupant load of residential occupancies in numbers of persons for whom exits are to be provided except in 1- and 2-family dwellings shall be determined on the basis of 1 person per 200 square feet gross floor area, or the maximum number of persons permitted in the space.

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11-2213. Any floor below the floor of exit discharge not open to the public and used only for mechanical equipment, storage, and service operations (other than kitchens which are considered part of the hotel occupancy) shall have exits appropriate to its actual occupancy in accordance with other applicable sections of this Code.

11-2214. The same stairway or other exit required to serve any one upper floor may also serve other upper floors.

Exception: No inside open stairway, escalator, or ramp may serve as a required egress from more than one floor.

11-222. Types of Exits

11-222.1. Exits, arranged in accordance with Chapter 5, shall be of one or more of the following types:

- Doors to outside at ground level
- Revolving doors, as per Section 5-2 (not at foot of stairs)
- Doors to subways, only if the subway meets the requirements of exit passageways or tunnels as specified in Section 5-7.
- Interior stairs, Class A or Class B, in accordance with Section 5-3
- Outside stairs, in accordance with Section 5-4
- Smokeproof towers in accordance with Section 5-3
- Ramps, Class A or Class B, in accordance with Section 5-6
- Escalators, in accordance with Section 5-8
- Horizontal exits, in accordance with Section 5-5.

11-222.2. Any existing interior stair or fire escape not complying with Section 5-3 or Section 5-4 may be continued in use subject to the approval of the authority having jurisdiction.

11-223. Capacity of Exits

11-223.1. Street floor exits shall provide units of exit width, as follows, occupant load being determined in accordance with 11-1111:

- One unit for each 100 persons street floor capacity for doors and other level exits, including those 24 inches or 3 risers above or below ground level
- One unit for each 75 persons street floor capacity for stair or other exit requiring descent to ground level
- One and one-half door units for each 2-unit required stair from upper floors descending through the street floor
- One and one-half door units for each 2-unit required stair from above the street floor descending through the street floor

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population of any room or section under consideration, whichever is greater. The occupant load of any open mezzanine or balcony shall be added to the occupant load of the floor below for the purpose of determining exit capacity.

11-112. Capacity of Exits

11-112.1. Exits, arranged as specified elsewhere in this Section of the Code, shall be sufficient to provide for the occupant load in numbers of persons as determined in accordance with 11-1111, on the following basis:

- Doors, including those 3 risers or 24 inches above or below ground level, Class A ramps and horizontal exits — 100 persons per unit of exit width.
- Stairs and other types of exits not included in (a) above — 75 persons per unit of exit width.

11-113. Maintenance of Exits

11-113.1. No door in any means of egress shall be locked against egress when the building is occupied.

SECTION 11-2. HOTELS

11-21. General

11-21.1. This part of this Section shall apply to hotels with accommodations for more than 15 persons, as defined in 11-0001.

11-212. Public Assembly Occupancies

11-212.1. Any ballroom, assembly or exhibition hall, and other space used for purposes of public assembly shall be in accordance with Chapter 8. Restaurants having a capacity of 50 or more persons shall be treated as places of assembly.

11-22. Exit Details

11-221. General

11-221.1. Any room having a capacity of less than 50 persons with an outside door at street or ground level may have such outside door as a single exit provided that no part of the room or area is more than 50 feet from the door measured along the natural path of travel.

11-221.2. Any floor below the floor of exit discharge occupied for public purposes shall have exits arranged in accordance with 11-224.1 and 11-224.2, with other details in accordance with Section 5-5.

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11-2232. Every floor below the floor of exit discharge shall have exits sufficient to provide for the occupant load of that floor as determined in accordance with 11-1111, as the basis of 100 persons per exit unit for travel on the same level, 75 persons for upward travel, as up stairs.

11-2233. Upper floor exits shall provide numbers of units of exit width sufficient to meet the requirements of 11-1121.

11-224. Number of Exits

11-224.1. Not less than 2 exits shall be accessible from every floor, including floors below the floor of exit discharge and occupied for public purposes.

Exception: A single exit may be provided under the conditions described in 11-2211.

11-225. Travel Distance to Exits

11-225.1. Any exit as indicated in 11-224.1 shall be such that it will not be necessary to travel more than 100 feet from the door of any room to reach the nearest exit. Travel distance to exits shall be measured in accordance with 5-1191.

Exception 1: Travel distance to exits may be increased to 200 feet for exterior ways of exit access in accordance with 5-121.

Exception 2: Travel distance to exits may be increased to 150 feet if the exit access and any portion of the building which is tributary to the exit access are equipped with automatic sprinkler protection. In addition, the portion of the building in which the 150-foot travel distance is permitted shall be separated from the remainder of the building by construction having a fire-resistance rating of not less than 1 hour for buildings up to 4 stories in height and 2 hours for buildings 4 or more stories in height.

11-226. Access to and Arrangement of Exits

11-226.1. Access to all required exits shall be in accordance with Section 5-1, shall be unobstructed and shall not be veiled from open view by ornamentation, curtain, or other appurtenance.

11-226.2. Means of egress shall be so arranged that, from every point in any open area or from any room door, exits will be accessible in at least 2 different directions.

Exception: Up to the first 35 feet of exit travel from a room door may be along a corridor with exit access only in one direction (dead end), and in open areas a single path of travel may be permitted for the first 35 feet.

11-226.3. Doors between guest rooms and corridors shall be self-closing.

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11-227. Discharge from Exits.

11-2271. At least half of the required number of units of exit width from upper floors, exclusive of horizontal exits, shall lead directly to the street or through a yard, court, or passageway with protected openings and separated from all parts of the interior of the building.

11-2272. A maximum of 50 percent of the exits may discharge through areas on the floor of exit discharge provided:

(a) Such exits discharge to a free and unobstructed way to the exterior of the building, which way is readily visible and identifiable from the point of discharge from the exit.

(b) The floor of discharge into which the exit discharge is provided with automatic sprinkler protection and any other portion of the level of discharge with access to the discharge area is provided with automatic sprinkler protection or separated from it in accordance with the requirements for the enclosure of exits (see 5-114).

Exception: The requirements of 11-2272(b) may be waived if the discharge area is a vestibule or foyer meeting all of the following:

(1) *The depth from the exterior of the building is not greater than 10 feet and the length is not greater than 20 feet.*

(2) *The foyer is separated from the remainder of the level of discharge by construction providing protection at least the equivalent of wired glass in steel frames.*

(3) *The foyer serves only for means of egress including exits directly to the outside.*

(c) The entire area on the floor of discharge is separated from areas below by construction having a minimum of 2-hour fire-resistance rating.

11-228. Lighting and Signs

11-2281. Each public space, hallway, stairway, or other means of egress shall have illumination in accordance with Section 5-10. Access to exits shall be continuously illuminated at all times. Any hotel with over 25 rooms shall have emergency lighting.

Exception: Where each guest room has a direct exit to the outside of the building at ground level (as in motels) no emergency lighting shall be required.

11-2282. Every exit access door from public hallways or from corridors on floors with sleeping accommodations shall have an illuminated sign in accordance with Section 5-11. Where exits are not visible in a hallway or corridor, illuminated directional signs shall be provided to indicate the direction to exits.

11-23. Protection

11-231. Protection of Vertical Openings

11-2311. Every stairway, elevator shaft and other vertical opening shall be enclosed or protected in accordance with Section 6-1.

Exception 1: Unprotected vertical openings connecting not more than 3 floors used for hotel occupancy only may be permitted in accordance with the conditions of 6-1112.

Exception 2: In any existing building provided with a complete automatic sprinkler system in accordance with Section 6-4, and where exits and required ways of travel thereto are adequately safeguarded against fire and smoke within the building or where every individual room has direct access to an exterior exit without passing through any public corridor, the protection of vertical openings not part of required exits may be waived by the authority having jurisdiction to such extent as such openings do not endanger required means of egress.

11-2312. Any required exit stair which is so located that it is necessary to pass through the lobby or other open space to reach the outside of the building shall be continuously enclosed down to the lobby level.

11-2313. No floor below the floor of exit discharge, used for only storage, heating equipment, or other purposes other than hotel occupancy open to guests or the public, shall have unprotected openings to floors used for hotel purposes.

11-232. Protection of Guest Rooms

11-2321. In any new building every corridor shall be separated from guest rooms by partitions having at least a 1-hour fire-resistance rating.

Exception: Buildings equipped with a complete automatic sprinkler system.

11-2322. Each guest room shall be provided with a door having a fire protection rating of at least 20 minutes.

Exception: In existing buildings, previously approved 1 1/2 inch solid bonded wood core doors may remain in use.

11-2323. Openings in corridor partitions other than door openings shall be prohibited. (See 11-2412.)

11-233. Interior Finish

11-2331. Interior finish, in accordance with Section 6-2 and subject to the limitations and modifications therein specified, shall be as follows:

1. For new construction or new interior finish
2. For existing buildings (see 5-9) — Class A or B
3. For existing buildings — Class A or B

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(3) Places of assembly — See 8-1723

(4) Individual guest rooms — Class A, B or C

(5) Other rooms — Class A, B or C

(b) Existing Interior Finish:

(1) Exits (see 5-2 through 5-9) — Class A or B

(2) Lobbies and Corridors

(i) Used as exit access — Class A or B

(ii) Not used as required exit access — Class A, B or C

(3) Places of Assembly — See 8-513

(4) Individual guest rooms — Class A, B or C

(5) Other rooms — Class A, B or C

11-234. Alarms

11-2341. An alarm system, in accordance with Section 6-3, shall be provided for any hotel having accommodations for 15 or more guests.

Exception: Where each guest room has direct exit to the outside of the building and the building is not over 3 stories in height, as in motels.

11-2342. Every sounding device shall be of such character and so located as to arouse all occupants of the building or section thereof endangered by fire.

11-2343. An alarm-sending station shall be provided at the hotel desk or other convenient central control point under continuous supervision of responsible employees. Additional alarm sending stations (as specified in Section 6-3) may be waived where there are other effective means (such as complete automatic sprinkler or automatic fire detection system) for notification of fire.

11-2344. Suitable facilities shall be provided for immediate notification of the public fire department or private fire brigade, where there is no public fire department, in case of fire.

11-235. Hazardous Areas

11-2351. Any room containing high pressure boilers, refrigerating machines, transformers, or other service equipment subject to possible explosion shall not be located directly under or directly adjacent to exits. All such rooms shall be effectively cut off from other parts of the building as specified in Section 6-5.

11-2352. Every hazardous area shall be separated from other parts of the building by construction having a fire-resistance rating of at least 1 hour and communicating openings shall be protected by approved automatic or self-closing fire doors, or such area shall be equipped with automatic fire protection. Where a hazard is severe,

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both fire-resistive construction and automatic fire protection shall be used. Hazardous areas include, but are not limited to:

- | | |
|-------------------------|-------------------------------------|
| Boiler and heater rooms | Rooms or spaces used for storage of |
| Laundries | combustible supplies and equip- |
| Repair shops | ment in quantities deemed haz- |
| | ardous by the authority having |
| | jurisdiction. |

11-24. Building Service Equipment

11-241. Air Conditioning and Ventilation

11-2411. Every air conditioning installation shall comply with Chapter 7.

11-2412. No transom shall be installed in partitions of sleeping rooms in new buildings. In existing buildings transoms shall be fixed in the closed position and shall be covered or otherwise protected to provide a fire-resistance rating at least equivalent to that of the wall in which they are installed.

SECTION 11-3. APARTMENT BUILDINGS

11-31. General

11-3111. Any apartment building which complies with all of the preceding requirements of this Section for hotels may be considered as a hotel and, as such, the following requirements for apartment buildings will not be applicable.

11-3112. Every individual living unit covered by this Section shall at least comply with the minimum provisions of Section 11-6, 1- and 2-family dwellings.

11-32. Exit Details

11-321. General Types and Capacities of Exits

11-3211. Exits, of the same arrangement, types, and capacities as required by 11-22, shall be provided.

11-3212. Number of exits, exit access, exit discharge, exit lighting, and exit to exits in apartment buildings shall comply with the following.

11-3213. Number of Exits

11-32131. Every living unit shall have access to at least 2 separate exits.

Attachment

NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE
(excerpts)

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Exception 1: Any living unit, which has an exit directly to the street or yard at ground level or by way of an outside stairway or an enclosed stairway with fire-resistance rating of 1 hour or more serving that apartment only and not communicating with any floor below the floor of exit discharge or other area not a part of the apartment served, may have a single exit.

Exception 2: Any building of any height with not more than 4 living units per floor, with a smokeproof tower or an outside stairway as the exit, immediately accessible to all apartments served thereby, may have a single exit.

Exception 3: Any building not more than 3 stories in height with no floor below the floor of exit discharge or, in case there is such a floor, with the street floor construction of at least 1-hour fire resistance, may have a single exit, under the following conditions:

(a) The stairway is completely enclosed with a partition having a fire-resistance rating of at least 1 hour with self-closing fire doors protecting all openings between the stairway enclosure and the building.

(b) The stairway does not serve any floor below the floor of exit discharge.

(c) All corridors serving as access to exits have at least a 1-hour fire-resistance rating.

(d) There is not more than 20 feet of travel distance to reach an exit from the entrance door of any living unit.

11-323. Access to Exits

11-3231. Exits shall be remote from each other, as required by 5-1171.

11-3232. Exits shall be so arranged that there are no dead-end pockets, hallways, corridors, passageways or courts.

Exception: A common path of travel may be permitted for the first 35 feet (i.e., a dead-end corridor up to 35 feet long may be permitted).

11-3233. Exits and exit access shall be so located that:

(a) It will not be necessary to travel more than 50 feet within any individual living unit to reach the nearest exit, or to reach an entrance door of the apartment which provides access through a public corridor to an exit on the same floor level.

(b) Within any individual living unit it will not be necessary to traverse stairs more than 1 story above or below the floor level of the apartment to the nearest exit or entrance door.

(c) The entrance door to any apartment is within 100 feet of an exit or within 150 feet in a building protected by automatic sprinklers in accordance with Section 6-4.

11-3234. Doors between apartments and corridors shall be self-closing.

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11-3341. Every hazardous area shall be separated from other parts of the building by construction having a fire-resistance rating of at least 1 hour. Communicating openings shall be protected by approved automatic or self-closing fire doors. Hazardous areas include, but shall not be limited to:

Bulder and heater rooms	Rooms or spaces used for storage of combustible supplies and equipment in quantities deemed hazardous by the authority having jurisdiction.
Laundries	
Repair Shops	

Exception: Enclosure protection may be omitted if automatic fire extinguishing systems are provided.

11-3342. Where the hazard is high, both fire-resistant construction and automatic fire protection shall be provided.

11-31. Building Service Equipment

11-341. Air Conditioning and Ventilation

11-3411. Air conditioning and ventilation, when provided, shall be in accordance with Chapter 7.

SECTION 11.4. DORMITORIES

11-41. General

11-411. Any dormitory complying with all the requirements for hotels may be accepted as such in which case the following provisions of Section 11-4 will not be applicable.

11-4112. Any dormitory divided into suites of rooms, with 1 or more bedrooms opening into a living room or study which has a door opening into a common corridor serving a number of suites, shall be classed as an apartment building. As such, the dormitory shall be subject to all requirements of Section 11-3, and the following provisions of Section 11-4 will not be applicable.

Exception: The requirements of 11-411 shall apply.

11-42. Exit Details

11-421. Types and Capacity of Exits

11-4211. Exits of the same types and capacities as required for hotels (see 11-22) shall be provided.

Exception: Each street floor door shall be sufficient to provide 1 unit of exit width for each 50 persons capacity of the street floor, plus 1 unit for each unit of required stairway width discharging through the street floor.

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11-324. Discharge from Exits

11-3241. Discharge from exits shall be the same as required for hotels, 11-2271.

11-325. Lighting and Signs

11-3251. Every public space, hallway, stairway, and other means of egress shall have illumination in accordance with Section 5-10. Any apartment building with more than 25 living units shall have emergency lighting.

11-3252. Signs in accordance with Section 5-11 shall be provided in all apartment buildings requiring more than one exit.

11-33. Protection

11-331. Protection of Vertical Openings

11-3311. Protection of vertical openings shall be the same as required for hotels, 11-2311 through 11-2313.

Exception: There shall be no unprotected vertical opening in any building or fire section with only one exit.

11-332. Interior Finish

11-3321. Interior finish, in accordance with Section 6-2 and subject to the limitations and modifications therein specified, shall be as follows:

(a) For new construction and new interior finish:

- (1) Exits (See 5-2 through 5-9) — Class A or B
- (2) Lobbies, corridors and public spaces — Class A or B
- (3) Individual living units — Class A, B or C

(b) Existing interior finish:

- (1) Exits — Class A or B
- (2) Other spaces — Class A, B or C

11-333. Alarm Systems

11-3331. Every apartment building of more than 3 stories in height or more than 12 apartment units shall have a manual fire alarm system in accordance with Section 6-3.

Exception No. 1: Buildings provided with automatic sprinkler protection in accordance with Section 6-4.

Exception No. 2: Buildings provided with a complete automatic fire alarm system in accordance with Section 6-3.

11-334. Staircase Access

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11-4212. Travel distance, access to exits, lighting and signs in dormitories shall comply with the following.

11-422. Travel Distance to Exits

11-4221. Exits shall be so arranged that it will not be necessary to travel more than 100 feet from any point or 150 feet in a building protected by automatic sprinklers in accordance with Section 6-4, to reach the nearest outside door or stair, nor to traverse more than a 1-story flight of inside, unenclosed stairs.

11-423. Access to Exits

11-4231. Any dormitory not otherwise covered under 11-4111 and 11-4112 shall have exits so arranged that from any sleeping room or open dormitory sleeping area there will be access to 2 separate and distinct exits in different directions with no common path of travel.

Exception: One means of exit may be accepted where the room or space is subject to occupancy by not more than 10 persons and has a door opening directly to the outside of the building at street or ground level or to an outside stairway.

11-424. Lighting and Signs

11-4241. Every dormitory shall have lighting in accordance with Section 5-10.

11-4242. Any dormitory, subject to occupancy by more than 100 persons, shall have emergency lighting in accordance with Section 5-10 and exit signs in accordance with Section 5-11.

11-43. Protection

11-431. Protection of Vertical Openings

11-4311. Every exit stair and other vertical opening shall be enclosed or protected in accordance with Section 6-1.

Exception No. 1: In existing buildings not more than two stories in height, any type of construction, unprotected openings may be permitted by the authority having jurisdiction if the building is protected by automatic sprinkler protection in accordance with Section 6-4.

Exception No. 2: If any sleeping room is open has direct access to an outside exit at the street or is of party through an outside exit, the building may be protected by automatic sprinkler protection and the building may be protected by the authority having jurisdiction if the building is protected by automatic sprinkler protection in accordance with Section 6-4.

Attachment 2

NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (excerpts)

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LIFE SAFETY CODE

11-432. Interior Finish

11-432.1. All interior finish of dormitories shall be Class A or B in exits, in lobbies and in corridors, and Class A, B, or C elsewhere, in accordance with Section 6-2.

11-433. Alarm Systems

11-433.1. Every dormitory shall have a manual fire alarm system in accordance with Section 6-3.

Exception 1: Buildings equipped with an automatic sprinkler system in accordance with Section 6-4.

Exception 2: Buildings equipped with an automatic fire detection system in accordance with Section 6-3.

11-44. Building Service Equipment

11-441. Air Conditioning and Ventilation

11-441.1. Every air conditioning installation shall comply with Chapter 7.

11-441.2. Transoms shall not be installed in partitions of sleeping rooms in new buildings. In existing buildings transoms shall be fixed in the closed position and shall be covered or otherwise protected to provide a fire-resistance rating at least equivalent to that of the wall in which they are installed.

SECTION 11-5. LODGING OR ROOMING HOUSES

11-51. General

11-511. This part of this Section applies only to lodging or rooming houses providing sleeping accommodations for less than 15 persons, as specified in 11-0001.

11-512. In addition to the following provisions, every lodging or rooming house shall comply with the minimum requirements for 1- and 2-family dwellings.

11-52. Exit Details

11-521. Number, Type, and Access to Exits

11-521.1. Every sleeping room above the street floor shall have access to 2 separate means of exit, at least one of which shall consist of an enclosed interior stairway, an exterior stairway, a fire escape or a horizontal exit.

1- AND 2-FAMILY DWELLINGS

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11-521.2. All exits shall be arranged to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening.

Exception: Traversing unprotected vertical openings may be permitted in existing sprinklered buildings.

11-521.3. Any sleeping room below the street floor shall have direct access to the outside of the building.

11-53. Protection

11-531. Alarm System

11-531.1. A manual fire alarm system shall be provided in accordance with Section 6-3.

Exception 1: Buildings equipped with an automatic sprinkler system in accordance with Section 6-4.

Exception 2: Buildings equipped with an automatic fire detection system in accordance with Section 6-3.

SECTION 11-6. 1- AND 2-FAMILY DWELLINGS

11-61. General

11-611. This part of this Section covers 1- and 2-family private dwellings, as specified in 11-0001. Where the occupancy is so limited, the only requirements applicable are those in 11-6211 through 11-6411.

11-62. Exit Details

11-621. Number, Type, and Access to Exits

11-621.1. In any dwelling of more than 2 rooms, every room used for sleeping, living, or dining purposes shall have at least 2 means of egress, at least one of which shall be a door or stairway providing a means of unobstructed travel to the outside of the building at street or ground level. No room or space shall be occupied for living or sleeping purposes which is accessible only by a ladder, folding stairs or through a trap door.

11-621.2. Every sleeping room shall have at least 1 outside window. Such window shall be operable from the inside, without the use of tools, to provide a clear opening of not less than 22 inches in least dimension and 5 square feet in area. The bottom of the opening shall be not more than 4 feet above the floor.

Exception: If the room has 2 doors providing separate means of escape, it has a door opening directly outside of the building.

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11-621.3. No required path of travel to the outside from any room shall be through another room or apartment not under the immediate control of the occupant of the first room or his family, nor through a bathroom or other space subject to locking.

11-621.4. No exit access from sleeping rooms to outside shall be less than 3 feet wide.

11-622. Doors

11-622.1. No interior door providing means of exit shall be less than 24 inches wide.

11-622.2. Every closet door latch shall be such that children can open the door from inside the closet.

11-622.3. Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

11-623. Stairs

11-623.1. The width, risers, and treads of every stair shall comply at least with the minimum requirements for Class B stairs, as described in Section 5-3.

11-63. Protection

11-631. Interior finish of occupied spaces of new buildings shall be Class A, B, or C, as defined in Section 6-2; in existing buildings, Class A, B, C or D.

11-64. Building Service Equipment

11-641. Heating Equipment

11-641.1. No stove or combustion heater shall be so located as to block escape in case of fire arising from malfunctioning of the stove or heater.

Attachment 2

Subject: Placement of Patients in Independent Placement Facilities and Domiciliary Care Facilities

Cancellation: This Instruction supersedes SEH Instruction 5111.1, Placement of Non-Convalescent Patients in Room and Board Facilities, dated January 7, 1974.

1. Purpose. This Instruction prescribes the policies and procedures incident to the placement of patients in independent placement facilities and domiciliary care facilities outside of the Hospital, which provide services to five or more residents. Foster care homes are excluded.

2. Definitions.

a. Independent Placement Patient - As defined in the manual, Housing Regulations of the District of Columbia, Chapter 1, Article 110, Section 1102, dated August 11, 1955, this term indicates a person "who is under the care of a physician and with respect to whom such physician has certified that the person's mental and physical condition is such that it is not necessary that he be confined to bed or chair, or individually fed, fed in his sleeping room, assisted in feeding, dressing, walking, or toileting, or assisted in any other of the ordinary activities of life." For Hospital purposes, the foregoing is interpreted to mean a patient who is competent to manage his own funds, competent to administer his own medications, competent to use public transportation without assistance, and competent to perform without assistance the ordinary activities of daily living.

need not
be in
licensed home
supervised

b. Domiciliary Care Patient - As used in this Instruction, this term indicates a person 18 years of age or older who is able to perform the activities of daily living without assistance, or with minimal assistance but who requires a protective home-like environment because of physical, mental, familial, or social circumstances. A domiciliary care patient does not need to be fully competent in the areas outlined under the definition of independent placement patient, but should have a general ability to perform those functions with only minimal assistance.

c. Independent Placement Facility - As used in this Instruction, this term means a facility that has complied with local government ordinances, regulations, and standards concerning the provision of housing, food

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services, and environmental health and safety and is eligible for, or has been licensed appropriately, to provide room and/or board services for five or more residents. For Hospital purposes, this term means living accommodations appropriate for persons who are independent placement patients as defined in subsection 2a above.

d. Domiciliary Placement Facility - A facility providing special services in addition to room and board to individuals age 18 and above who are able to perform the activities of daily living without assistance, or with minimal assistance but who require a protective home-like environment because of physical, mental, familial or social circumstances. This Instruction relates to those domiciliary placement facilities which provide services for five or more residents and has complied with all government ordinances, regulations, and standards concerning the provision of housing, food services, and environmental health and safety and is eligible for or has been licensed appropriately to provide these services. For Hospital purposes, this term means living accommodations appropriate for persons who are domiciliary care patients as defined in subsection 2b above.

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3. Committee on Standards and Evaluation for Outplacement. (Hereafter referred to as the "Committee"). This Committee is responsible for evaluating and approving the room and board and domiciliary facilities to be used for the independent or domiciliary outplacement of the Hospital's patients, providing guidelines for patient evaluation, and offering advisory and consultative services to Hospital staff and others as necessary.

The Committee's staffing, duties, and responsibilities are as follows:

a. Staffing. The Committee is composed of personnel who provide for a broad representation of the Hospital's various disciplines and program areas.

b. Duties and Responsibilities. The committee is responsible for evaluating each independent and domiciliary facility recommended by Hospital staff who have placement and follow-up responsibilities for appropriate patients. The Committee shall evaluate each facility for its compliance with housing, health, environmental safety and other applicable regulations of the District of Columbia, SEN policies, standards and guidelines, and regulations and ordinances of other jurisdictions as applicable, especially with regard to construction, environmental health and safety, food services, and dietary requirements. The Committee shall:

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(1) Meet on the call of the Chairman, as necessary, to evaluate a newly recommended facility or to inspect and/or monitor the facilities already in use for the placement of appropriate patients.

(2) Maintain appropriate records and report to all interested parties the decisions made with respect to the evaluation, selection, and inspection and monitoring of room and board facilities and domiciliary facilities.

(3) In conducting its business, be guided by this Instruction and any other applicable SEH policy, procedure, or guideline and by applicable laws, rules, and regulations of the District of Columbia or other appropriate jurisdictions.

(4) Recommend for use only those independent or domiciliary facilities that conform to applicable laws, rules and regulations and stated Hospital policies.

(5) Provide for an educational and communication role whose purpose is twofold in nature:

(a) To facilitate communication between the clinical divisions and the Committee, to be accomplished through the division representative assigned to the Committee.

(b) To act as an educational channel and referral agent through which the technical, legal and professional resources of the Committee shall be made available to the staff of the clinical divisions, to be accomplished by providing opportunities for individual and group discussions, workshops, and other types of educational programming offered to the division upon request of its representative. If for any reason contact cannot be made through the division representative, requests may be forwarded directly to the Chairman of the Committee.

(6) Make decisions regarding dissemination of information from the Hospital's computerized outplacement tracking system, which has been established to keep track of facilities available outside the Hospital grounds into which Saint Elizabeths patients are or could be placed and to provide accurate, detailed, up-to-date information about placement locations available and the

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facilities' status of compliance with certain standards.

(7) Use the computerized outplacement tracking system to more effectively carry out its monitoring role.

(8) Assign its members to periodic review teams in accordance with subsection 5a(4) below, for periodic review of facilities.

(9) Develop and recommend policies, guidelines, and procedures with regard to independent and domiciliary placements for approval by the Superintendent.

c. Duties and Responsibilities of Division Representatives. Each Division shall be represented on the Committee by specific individual(s) appointed by the Superintendent. The division representative shall have the following duties:

(1) To convey to their respective divisions, information regarding problem areas known to the Committee in independent and domiciliary facilities with five or more residents. This responsibility does not necessarily entail follow-up or enforcement of policies and procedures related to the matter. (See Section 4 below).

(2) To convey to respective division personnel, general information, concerns and questions that may arise from the Committee relating to:

(a) Criteria for approval of independent and domiciliary facilities; and,

(b) Policy and procedures standards for placement and maintenance of patients in independent and domiciliary facilities with five or more residents.

(3) To convey to the Committee, general information, concerns and questions and suggestions appropriate to areas of Committee duties and responsibilities from respective division personnel.

4. Responsibilities of Hospital Employees Concerning Problem Cases. In addition to specific responsibilities assigned to division representatives (see subsection 3c above) each Hospital employee has the general responsibility to ensure that problems involving independent or domiciliary patients residing in facilities covered by this Instruction, are brought to the attention of the appropriate division director

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or in special circumstances to the Superintendent. The procedures referred to in this Section are not intended to supersede those responsibilities delegated to the Committee or division representatives on the Committee, but rather to complement those found in subsection 3c. Instances involving the physical condition of the independent or domiciliary facility and those involving the patient's suitability for the placement come within the scope of the Section.

a. Routine or individual problems involving specific patients should be referred directly to the patient's division director. In all cases, an employee who becomes aware of such a problem shall report the problem's existence, in writing, signed or unsigned, containing the following:

- (1) The name of the patient and/or facility involved;
- (2) The patient's location or that of the facility;
- (3) The nature of the problem; and,
- (4) The source and/or content of the information in the employee's possession.

b. In those instances where the identified problem is one of a continuing, unresolved nature or where the problem involves patients from more than one division, reports should be made in writing, directly to the Superintendent. In these instances the following special procedure must be followed:

(1) The employee who become aware of such a problem shall report its existence in writing, signed or unsigned, to the Superintendent. The memorandum must include the following:

- I. The name of the patient and/or facility involved;
- II. The patient's location or that of the facility;
- III. The nature of the problem; and,
- IV. The source and/or content of the information in the employee's possession.

(2) The Superintendent or his designee will review the report and refer it for resolution, to the director of the division where the patient is assigned. In cases where patients of more than one division are involved, the Superintendent shall designate the director of that division which he thinks most appropriate, to handle the problem indicated.

(3) The division director is responsible for responding to the reported problem, and for taking the appropriate steps for its resolution. In cases where

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conditions at a particular facility are the root of the identified problem, the division director shall seek the support of the Committee Chairman.

(4) In all cases, the Superintendent shall designate a specific time within which the division director must effect a resolution. Prior to the expiration of that time, the division director must report, in writing, to the Superintendent the results of the division investigation and the method of resolution.

(5) In all cases, the Superintendent shall submit copies of both the initial report and the report by the division director to the Committee Chairman, for the purposes of keeping the Committee abreast of current conditions in independent and domiciliary facilities and to permit monitoring of the standards being employed by the division for outplacement of patients in independent and domiciliary facilities.

5. Selection and use of Room and Board and Domiciliary Facilities. The following Hospital policies concerning the selection and use of room and board and domiciliary facilities and the placement of patients, must be adhered to:

a. Room and Board Facilities.

(1) Independent and domiciliary patients will be recommended for placement only in independent or domiciliary facilities which have been appropriately licensed by the District of Columbia, and evaluated and approved by the Committee.

(2) The Hospital reserves the right to inspect and report deficiencies which exist in an independent or domiciliary facility and the right to recommend alternative placement for patients if deficiencies in those facilities are not eliminated within a reasonable time.

(3) The Hospital will cooperate with, and provide information and assistance to, the landlord of an independent or domiciliary facility as follows:

(a) Assurance, at the time of placement, that the patient is capable of appropriate functioning at the "independent" or "domiciliary" level.

(b) Pertinent identifying and medical information as authorized and as necessary for the management of the patient, using SEH Form 869, Outplacement Data Sheet. (see Exhibit 1).

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(c) Consultation, as appropriate, regarding patients' special needs.

(d) Assistance in handling special problems and emergencies.

(e) Assistance in providing emergency medical services.

(f) Written guidelines including dietary requirements (see Exhibit 2, Food Services in Residential Facilities; and Exhibit 3, Environmental Health and Safety Standards, SEH Independent and Domiciliary Care Facilities) and other pertinent Hospital policies.

(g) Consultation with the operator concerning discharge planning as early as possible when discharge is to be considered. (Document date(s) of consultation on SEH-888, Patient Evaluation, under the section on Follow-up Plans, SEH outpatient).

(h) Notification of the discharge event to the operator immediately, by the clinician responsible. (Document date of notice on SEH-888 under the section on Follow-up Plans, Discharge).

(4) The Hospital, through the aegis of the Committee, shall perform a periodic review function. Such periodic reviews shall be conducted according to the following minimum guidelines:

(a) Each independent or domiciliary facility shall be contacted in person or by telephone on a monthly basis. Such contacts shall be directed towards inquiring as to any specific problems encountered by the facility.

(b) On-site evaluations of each independent or domiciliary facility shall be conducted on a quarterly basis. On-site reviews shall be conducted by periodic review teams appointed by the Committee. Results of the review shall be documented by the team responsible for the facility. Documentation will be maintained in files pertaining to the facility.

(c) Discovery of deficiencies by the periodic review team shall be referred to the Committee's general evaluation team for consultation and

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assistance as necessary.

b. Placement of Independent or Domiciliary Patients. The Hospital division concerned, will assure that:

(1) Each patient has been evaluated carefully and prepared for placement in the community. For each patient to be out-placed, there shall be a screening conference for outplacement conducted by the clinical team. At the screening conference the following placement criteria shall be considered:

(a) An assessment of the patient's competency to
I. handle his own funds
II. administer his own medication
III. use public transportation without assistance, and
IV. perform without assistance, the ordinary activities of daily living. This assessment (based on patient's level of functioning) shall be documented on SEH Form 834-A, Certification - Independent Placement, or SEH Form 834-B, Certification-Domiciliary Placement, and entered into the Patient's Medical Record. (See Exhibits 4 and 5).

Note: If a completely independent placement is anticipated, all four of the above competency criteria must be met prior to actuating the placement.

If a completely domiciliary placement is anticipated, the patient may be required to meet only a portion of the above criteria, but should be able to perform these activities with only minimal assistance.

(b) Other assessments should include financial status, potential family support in the community, social functioning, interest and hobbies, treatment plans, desires of the patient regarding treatment, and other special considerations relating to the individual patient.

(c) The findings of the screening conference must be documented on SEH 883, (Patient Evaluation) and entered into the Patient's Medical Record. (See Exhibit 6).

(2) Diagnostic, Therapeutic, and/or rehabilitative follow-up services will be provided to outpatients as specified in SEH Instruction 3400.1, Outpatient Services.

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(3) Each patient has the right to make his own choice of living arrangements, regardless of Hospital recommendations, provided he is considered competent by the professional staff concerned.

(4) Placement will be recommended only in room and board and domiciliary facilities which have been approved by the Committee.

(5) If the patient chooses a facility other than one recommended by the Hospital, the matter shall be carefully documented in his Medical Record.

(6) Patient Follow-up activities must be conducted in such a way as to encourage the patient's independence and avoid diminution of his rights to self-determination.

6. Landlord's Responsibilities.

a. The landlord is responsible for assuring that his residential facility complies with all applicable portions of the Housing Regulations of the District of Columbia, (particularly Chapters 1, 2, 3 and 4) and with all laws, rules and regulations enforced by the Bureau of Building, Housing, and Zoning, Department of Economic Development, District of Columbia, and the dietary and environmental health and safety requirements stated, respectively in Exhibits 2 and 3 of this Instruction. In addition, the landlord must agree to permit Hospital Officials to conduct periodic inspections of his facility and to abide by the Hospital's policies and procedures set forth in this Instruction.

b. When a patient's living arrangement includes meals and lodging, the landlord must assure the Hospital that his facility complies with applicable ordinances. All food and beverages shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption and served in accordance with Title 8, Health Regulations, Chapter 6, Part I, General Food Regulations of the District of Columbia.

c. Three (3) or more nutritious and wholesome meals must be served to residents daily. Nutritious snacks must be offered in addition to and not in place of regular meals. Food must be adequately attractive and sufficiently varied to provide inducement of eating. Meals must meet the nutritional needs of the residents in accordance with the current Recommended Dietary Allowance of the Food and Nutrition Board, National Research Council, adjusted for age, sex, and activity.

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d. The landlord must comply with the Regulations of the Minimum Wage and Industrial Safety Board of the District of Columbia. Any resident patient engaged in the maintenance of an area other than his own sleeping area, shall be paid the minimum wage unless he has a Handicapped Worker's Certificate.

e. The landlord must make timely notification to Saint Elizabeths Hospital when a resident patient becomes:

- (1) Physically ill or injured;
- (2) Emotionally disturbed or dangerous to himself or others;
- (3) Missing or unaccounted for; or
- (4) Dies suddenly (NOTE: the deceased should not be moved. Metropolitan Police and Hospital officials designated in the outplacement data sheet must be notified immediately.)

7. Patient Responsibilities. A patient who is considered and certified by the professional staff to be "independent", is responsible for self-direction and independent functioning. In addition, as specified by subsection 5b above, the independent patient has a right to and is responsible for:

a. Maintaining participation with Hospital staff in the preparation and negotiation of a plan for clinical follow-up and for cooperating and following through in its implementation.

b. Choosing and participating in activities which will enhance his recovery and re-integration into the community.

8. Referral of Facilities for Evaluation. Hospital staff who have placement and follow-up responsibilities:

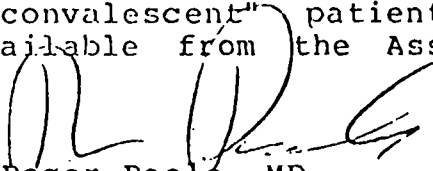
a. May recommend to the Committee, for evaluation and approval, any new room and board facility which is considered suitable for use by Hospital patients.

b. Shall report to the Committee any instance of failure by the landlord of a facility to meet and/or maintain acceptable standards.

c. Shall report to the Committee any instance in which it is determined that a patient is not receiving appropriate care and/or if the facility is not providing appropriate housing, food services, and environmental health and safety protection. The Committee, after investigation will advise the cognizant staff as to the actions which may be taken.

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9. Housing, Safety and Health, and Food Service Regulations and Standards. Housing, environmental safety and health and food service regulations and standards for room and board facilities may be found in the Housing Regulations for the District of Columbia. Both sets of regulations are available in the SEH Health Sciences Library. Pertinent excerpts from the regulations concerning "non-convalescent" patients and room and board facilities are available from the Associate Director for Social Service.


Roger Peele, MD
Acting, Superintendent

FOOD SERVICES IN RESIDENTIAL FACILITIES

1. The residential facility providing room-and-board accommodations must comply with the Housing Regulations of the District of Columbia, Chapters 1, 2, 3, and 4, and all other applicable rules and ordinances. All food and drink shall be clean, wholesome, free of spoilage, and so prepared as to be safe for human consumption and served in accordance with Title 8 - Health Regulations, Chapter 6, Part I, General Food Regulations of the District of Columbia, a portion of which, is herewith incorporated by reference.

A. General Dietary Requirements

(1) Three or more nutritious and wholesome meals shall be served daily. Nutritious snacks shall be offered in addition to and not in place of regular meals.

(2) Meals should be scheduled so that the maximum interval between meals is five hours. No more than a 14 hour interval should exist between a substantial evening meal and breakfast the following day.

(3) The following minimum daily food requirement for each patient shall be:

a. Two or more 8 ounce cups of milk

b. Two or more servings (4 to 6 ounces cooked weight) of protein (meat, fish, eggs or poultry).

c. Two or more servings of fruit, one of which shall include citrus fruit or other good source of Vitamin C.

d. Two or more servings of vegetables, one of which shall include a dark green or deep yellow vegetable as a source of Vitamin A.

e. Four or more servings of whole grain or enriched bread or cereal.

f. Other foods needed to complete meals and provide additional food energy to fulfill caloric needs.

B. Menus - Menus should be planned at least one week in

advance and the current week's menu should be posted in the food preparation area. All changes in menu shall be recorded. Substitutions of equal nutritive value shall be offered, in the event that food is refused or supply is insufficient on emergency basis.

2. Meals must meet the nutritional needs of the residents according to the current Recommended Dietary Allowance of the Food and Nutrition Board, National Research Council, adjusted for age, sex, and activity. The following dietary allowances are recommended for age groups as shown:

	<u>MEN</u>		<u>WOMEN</u>	
	<u>23-50</u>	<u>51 and over</u>	<u>23-50</u>	<u>51 and over</u>
Calories:	2,700	2,400	2,000	1,800
Protein (grams):	56	56	46	46

3. The attached copy of "Food for Fitness, A Daily Food Guide" is herewith provided to assist in meal planning.

ENVIRONMENTAL HEALTH AND SAFETY STANDARDS

SEH INDEPENDENT AND DOMICILIARY CARE FACILITIES

Relies on D.C. Code.
1.0 Physical Environment: The physical plant shall conform to all applicable District of Columbia Housing Regulations and all laws, rules, and regulations it enforces, and the following:

2.0 General Requirements: The facility shall be equipped and maintained to provide a functional, safe, sanitary, healthful and comfortable environment. Its electrical and mechanical systems, including water and sewage disposal, shall be designed, constructed, and maintained in accordance with recommended and recognized safety standards and shall comply with District of Columbia laws, regulations, and standards.

2.1 Corridors: Corridors should have exits or open into corridors that have exits. All patient rooms should open directly to the exterior or into a corridor. No dead-end corridors will be permitted over 30 feet in length.

2.2 Ramps: Ramps should be equipped with approved handrails. Ramp surfaces should be of non-slip material.

2.3 Stairways: Stairways should have evenly spaced risers and treads. Treads should be of non-slip or safety material. Landings should be at least equal to the width of the stairway. All stairways and landings should be equipped with handrails on both sides. Stairway width between handrails should be 36 inches minimum.

Where do other exits go?
2.4 Exits: At least two exits should be provided for each floor. One exit should be a stair or door leading to the exterior. Each patient's door should be no more than 100 feet from the nearest exit.

2.5 Doorways: All patient doorways should be no less than 32 inches.

3.0 Utilities

3.1 Water Supply and System: Safe Supply - The water supply shall be approved as safe by the District of Columbia Health authority between the safe water supply and water supplies that are questionable or unsafe, or any source of pollution through which a safe supply might become contaminated. Plumbing defects shall not be permitted.

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3.1.1 Hot and Cold Water: Each sink, lavatory, bathtub, and shower shall have a continuous supply of hot and cold running water, the hot water having a minimum temperature of 110° F. An adequate supply of hot water for patient use shall be made available at all times.

3.1.2 Drinking Water: Drinking fountains if available shall be installed in a recess available for patients.

3.2 Electrical System: The electrical system should be designed, constructed and maintained in accordance with recognized safety standards such as the National Fire Protection Association, National Electrical Code and shall comply with all District of Columbia Regulations. The electrical system should be inspected regularly and repairs shall be made as needed. Electrical cords and appliances should be maintained in a safe condition and frayed wires, cracked or damaged switches and plugs shall be replaced. The use of extension cords and exposed wiring is not permitted.

3.2.1 Emergency Electrical System: The facility should have available, and in working order, an approved emergency electrical system. The emergency electrical system should provide lighting and power for lights at telephone switchboards, night lights, exits, corridors, boiler rooms and fire alarm systems. The system may be battery-operated if it is effective for four or more hours. Emergency power should be provided for a minimum of one (1) elevator where elevators are used for vertical transportation of patients.

3.3 Lighting: Natural Lighting-Every habitable room should meet the following requirements: One or more windows or other clear glazed openings which should face directly on a street, public alley, or in a yard or court, conforming to the requirements of D.C. Zoning Regulations. Natural illumination from one or more windows, glazed doors or other glass areas as follows: The total glass area should be equal to 10% of the floor area served. Skylights, obscure glass, glass blocks, or other types of glass construction may be used to provide additional natural light.

3.3.1 Artificial Lighting: Lighting levels in all areas of the facility should be adequate according to the table below; lighting should be void of high brightness, glare, and reflecting surfaces that produce discomfort. The facility should be provided with night lights in corridors, toilets, and similar areas providing a level of no less than one footcandle. The use of candles and open flame methods will not be permitted.

RECOMMENDED LIGHTING LEVELS FOR ROOM AND BOARD FACILITIES

Value Shown - Footcandles

along

Corridors and interior ramps	10
Stairways other than exits	20
Exit stairways & Landings (on floor)	5
Doorways	10
Administrative & lobby areas	30
Chapel and/or quiet areas	30
Physical therapy	20
Dining Area	30
Patient Room-General	10
Patient Room-Reading	30
Utility Rooms	20
Kitchen	30
Laundry Rooms	30
Janitor's Closet	15
Boiler Room	20
Toilet and Bathing Facilities	20

3.4 Heating and Ventilation

3.4.1 Heating: The heating system should be of a size and capacity to maintain all parts of occupied rooms at a minimum temperature for creature comfort, in accordance with local ordinances, during the coldest periods. There should be a heating system controlled in one or more zones. Portable room heaters will not be permitted. All heating equipment, such as gas or oil, should be vented to the outside air and be installed according to District of Columbia regulations.

3.4.2 Ventilation: Each facility should be well ventilated through the use of windows, forced air, or a combination of both. In patient bedrooms, the total ventilating space for natural ventilation should be less than 4% of the floor area. Each window so used should be screened with 16 mesh screen as needed to minimize the entrance of insect pests. Patient rooms not fully complying or other rooms e.g. utility rooms, baths, without outside ventilation should provide mechanical ventilation to achieve 10 air changes per hour.

3.5 Sewage Disposal System: Each facility should be provided with an adequate and satisfactory sewage system as required by the District of Columbia.

4.0 Space and facilities

4.1 Patients' Bedrooms: Shall be designed and equipped for comfort and privacy of patients.

4.1.1 Each bedroom shall have direct access to a corridor and outside exposure with the floor at or above grade level.

4.1.2 No room with any portion of any exterior wall area from floor to ceiling below ground level shall be used as a sleeping area for patients. The patient's bedroom shall be at or above grade level.

4.1.3 A lavatory with hot and cold running water shall be located in each patient's bedroom, or in a bathroom adjacent to the patient's room.

4.1.4 Each patient shall have an adequate bed, a bedside cabinet, or table, a comfortable chair, individual reading light and storage space for clothing and other possessions.

4.1.5 Single rooms shall be no less than 100 square feet in floor area. Where there is built-in clothes and storage space of at least 50 cubic feet, the single room may be reduced in floor area to 80 square feet.

4.1.6 Multiple rooms shall be no less than 80 square feet of floor area per patient. Where there is built-in clothes and storage space of at least 50 cubic feet per patient, the floor area per patient may be reduced accordingly.

4.2 Patient Toilet, Handwashing, and Bathing Facilities: General - Water closets, urinals, lavatories, bathtubs, and showers are expected to be on the same floor level and within 50 feet of the bedrooms which they are to serve, and shall be provided in proportion to the number of persons served as

required below:

<u>No. of Patients of Each Sex</u>	<u>Water Closets</u>	<u>No. of Lavatories</u>	<u>Bathtubs or Showers</u>
1 to 6	1	1	1
7 to 12	2	2	1
13 to 18	3	3	3
19 to 26	4	4	4

For each 8 or less
additional patients
of each sex add:

1

1

1

In multiple instillations, urinals may be substituted for water closets in male facilities.

4.3 Employee Toilet Facilities: Separate lavatory and toilet facilities should be provided for employees along with locker facilities. Same standards as for patient facilities apply.

4.4 Day room or Visiting Areas: There should be provided one or more habitable rooms for use by patients as day room or visiting areas. At least one such room should be not less than 140 square feet in area, with total area based on the number of patients using it, as follows:

<u>No. of Patients</u>	<u>Size of Common Living Area</u>
2 to 5	140 square feet
6 to 10	140 sq. ft. plus 25 sq. ft. each person over 5
11 to 25	265 sq. ft. plus 20 sq. ft. each person over 10
26 to 50	565 sq. ft. plus 15 sq. ft. each person over 25
over 50	940 sq. ft. plus 10 sq. ft. each person over 50

5.0 Maintenance and Operation

5.1 Food Service Facilities: The following regulations, where applicable, shall apply to the facility's food service:

5.1.1 D.C. Regulations, Title 6A, Health Regulations, Chapter 5; Part 6, entitled: Establishment, Maintenance, and Operation of Restaurants, Delicatessens, or Catering Businesses, and Chapter 6, Part 1, entitled:

5.1.2 General Food Regulations.

Kitchen and Dietary Areas - The facility shall have a kitchen or dietary area adequate to meet food service needs, arranged and equipped for the refrigeration, storage, preparation, and serving of food as well as for dishwashing, utensil washing, refuse storage and removal.

(1) Food preparation area shall be arranged for the separation of functions, and so located to permit efficient service to patients. Its use for non-dietary functions is prohibited.

(2) Handwashing facilities with single-service towels shall be provided for kitchen workers in all areas where food is handled and in the separate areas of each food operation.

5.1.3 Dining Areas: A well lighted, well ventilated area shall be provided for the patients. A minimum of 30 candle-power of light shall be available, measured at a table level. If a multi-purpose room is used for dining and diversional or social activities, there shall be sufficient space to accommodate all activities and prevent their interference with each other. At least ten (10) square feet of floor area shall be provided for each diner present in a dining room.

5.1.4 The United States Public Health Service recommended Food Service Sanitation Ordinance and Codes, current edition, shall be applicable if they exceed the above requirements.

5.2 Housekeeping Services: The facility should provide sufficient housekeeping and maintenance personnel to maintain the interior and exterior of the physical plant in a safe, clean, orderly, and attractive manner.

5.2.1 Housekeeping personnel, using accepted practices and procedures, should keep the facility free of offensive odors, accumulations of dirt, dust, rubbish and safety hazards. Floors should be cleaned regularly, and polish should be of the non-slip type. Deodorizers will not be used to cover up odors caused by insanitary conditions or poor housekeeping practices.

5.2.2 Storage areas, attics, and basements should be kept safe and free from accumulations of extraneous materials

such as refuse, discarded furniture, and other waste materials. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

5.2.3 Patient Sleeping Areas: Patients are responsible for cleaning their own sleeping areas, however, it should be the duty of the housekeeping staff to thoroughly clean any area which has been allocated to the use of any one person before allocating the use of such area to another person. Patient toilet rooms should be cleaned by housekeeping staff at least weekly, arranged in an orderly fashion and be well ventilated. Odor control should be achieved by cleanliness and proper ventilation.

5.2.4 Housekeeping Supplies: Adequate provision should be made for the storage of housekeeping supplies and equipment which should be separate from toilet or utility rooms. This area should be adequately ventilated and lighted, and a janitorial sink provided.

5.3 Laundry: Laundry facilities should be located in areas that are not used by patients and so placed as to prohibit their use as corridors or passageways. Separate areas should be provided for the storage of clean and soiled linen.

5.3.1 Laundry should be handled, stored and processed so that spread of infection will be controlled and clean laundry provided. Soiled laundry should not be permitted to accumulate and proper laundry formulas should be used.

5.3.2 Laundry Process: The laundry process should be such that the finished articles are free of soil, irritating chemical residues, and pathogenic organisms.

5.3.3 Linen Supply: The linen supply should be at least three times the normal occupancy. Clean linen should be stored in clean, dust-free areas that are easily accessible. Clean bed linens should be provided at least once weekly.

5.3.4 Finished Laundry: Finished laundry should be transported and handled in such a manner as to prevent soiling and contamination.

5.3.5 Patient Laundry: There should be a separate area provided for the reception and processing of all patient laundry, and it should not be in the patient area. Patients should have laundry facilities easily accessible,

either on premises or close proximity to their residence to permit doing their own laundry if they so choose.

5.4 Maintenance and Pest Control

5.4.1 Maintenance Service: Maintenance service should include the responsibility for the provision of light, heat, power, and water to the building and transmission to points where they are to be used. Building, equipment, and grounds should be regularly maintained and attended. The facility should provide a storeroom for mechanical parts and tools. The building should be maintained in good repair, free of hazards such as cracks, warped or loose boards, loose tiles, and loose or broken windowpanes. The health and safety of the patients and personnel should not be endangered by a lack of proper building maintenance.

5.4.2 Pest Control: A pest control program should be in operation in the facility. Pest control services should be provided either by qualified maintenance personnel of the facility or by approved contract with pest control companies. Care shall be taken to use the least toxic and least flammable effective insecticides and rodenticides. Organophosphates should not be used in patient areas for pest control. Pesticides should be stored in secured areas. The facility should be so constructed and maintained that the premises are free from insects and rodents, and should be kept clean and free from debris which might provide harborage for insects and rodents. Doors or windows or other openings should be so designed that the ingress of flies and other insects is minimized.

5.5 Solid Waste Disposal: Solid waste disposal should be carried out promptly, regularly on at least a weekly basis, and according to the District of Columbia regulations.

5.5.1 Provision should be made for storage in clean, leak-proof, covered containers, and properly stored until pick-up, away from food preparation and storage areas, and from patient activity areas. Storage of solid waste should be such that it does not create a nuisance, odors, or attract pests.

6.0 Safety: The facility should comply with all safety requirements of the District of Columbia. There should be available a working disaster plan to be followed in event of fire, explosion or other emergency.

- 6.1 The building should be maintained in good repair and kept free of hazards such as those created by any damage or defective parts of the facility.
- 6.2 Clear Access: Clear access should be given for all exits, doorways, stairways, and corridors kept free of obstructions.
- 6.3 Boiler rooms and mechanical equipment rooms should be posted for authorized persons only and kept locked.
- 6.4 First Aid: First aid supplies should be maintained in a place known to and readily accessible to all personnel responsible for health and well-being of patients and employees.
- 6.5 Safety Measures: Every reasonable means of preventing accidents should be utilized. Particular attention to non-skid surfaces in bathrooms, tubs, and showers should be given. Patients should be protected from all hazards, physical and chemical, and from toxic materials stored in the facility, by restricting accessibility and limiting their use.
- 7.0 Grounds: The grounds should be kept in a sanitary, safe, and presentable condition. They should be free from refuse and litter. Areas around buildings, sidewalks, gardens, and patios should be kept clear of dense undergrowth.

Working Paper #2 by committee on CBRFs

COMMUNITY BASED RESIDENTIAL FACILITIES: selected definitional problems raised by the labeling of uses

• Zoning Regulations and the Building Codes : "use" authority

The Zoning Act states that the Zoning Commission is empowered to:

"regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density of population and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, or other purposes: and for the purpose of such regulation said commission may divide the District of Columbia into districts or zones of such number, shape, and area as said Zoning Commission may determine, and within such districts may regulate the erection, construction, reconstruction, alteration, conversions, maintenance, and uses of buildings and structures and the uses of land."

From this preamble it can be determined that a fundamental responsibility of Zoning is to adequately define uses. Zoning precedes or establishes the base for the application of the city's related codes (building, housing, fire). In fact, section 8103.1 of the Zoning Regulations asserts that "a building permit shall not be issued for the proposed erection, construction, conversion, or alteration of any structure unless such structure complies with the provisions of these regulations". Section 8104 asserts that "no persons shall use any structure, land, or part thereof for any purpose other than a one-family dwelling until a certificate of occupancy has been issued to such person stating that such use complies with these regulations and the building code." The Building Code (Sec. 101.1) asserts: "No permit for the erection, alteration, repair of buildings or structures, and no certificates of occupancy, shall be issued unless all requirements of the Zoning Regulations are fulfilled," and further in Sec. 109.6: "The building or structure shall comply with all zoning regulations of the District of Columbia". Section 110.1 stipulates that:

"No person shall use any building, land, or premises, or part thereof, for any purpose, except as hereafter exempted under the Zoning Regulations, until the Director of the Department of Economic Development, upon written application, shall have issued a Certificate of Occupancy to such person for such use, provided the use complies with the Zoning Regulations and the building, land, or premises or part thereof so used complies with all applicable requirements of this Code, the related Mechanical and Electrical Codes, the Housing Regulations, and all orders promulgated by the Mayor pertaining to any such Codes."

Finally, the Building Code makes provision for the revocation of Certificates of Occupancy (Sec. 110.6):

"Certificates of occupancy shall be revoked if the actual occupancy does not conform with that permitted or because of any misrepresentation in the application having a substantial bearing on the safety of the occupancy, or if due to any material circumstance, it is found to have been issued in error."

• Zoning Regulations and Building Code: definitions

Both the Zoning Regulations and the Building Code have definition sections. The definitions section under zoning is a collection of terms largely relating to zoning

uses. The rest of the regulations have largely to do with the defining of districts for the uses and determining size, density, and the like. The Building code has a definitions section as well which defines technical terms having to do with structural specifications of the code as well as the zoning use categories. The Building code has a related classification system for buildings as to their use and their status by age, or whether they are to be newly constructed or altered or converted. A reading of the building code definitions section illustrates that "uses" adopted under zoning are missing from the building code (i.e. halfway houses, public schools), and uses are defined under the building code which are not defined under zoning (i.e. day nursery, day care center, or day care facility; preschool). In some instances "space" related terms are defined differently, if at all, i.e. zoning lacks a definition for attic (although it has a definition of basement and cellar and "top story"), whereas building does have a definition of attic (but no definition of top story). Finally, there are instances of "use" definitions missing from both documents which are nonetheless referred to in the Building code classification system for uses (i.e. jails, prisons, reformatories, psychiatric hospitals and institutions for narcotic or alcoholic treatment, orphanages, homes for the aged and infirm). Related to this problem is the licensing codes, which are amended or drafted from time to time, and there seems to be no procedure to assure modification of zoning or building when this occurs (personal care home, for example, which has been deleted by DC Law 2-35 from the Building code but still exists in the Zoning Regulations). Attachment A illustrates whether some of the use definitions related to community based residential facilities are defined in the Zoning Regulations and the Building Codes and how (or whether) they are included in the Building Codes classification section.

● The importance of clear "use" labels

It is important to improve the building use controls system. Without clear labeling on the c.o. as to use, related licensing specifications may not be enforced and erroneous building code classifications can result. The Roosevelt hotel, for example, should be labeled "home for the aging" on the certificate of occupancy rather than hotel, apartment-hotel, or apartment house. Thus, the appropriate provisions of the Building Code for institutional occupancy would be triggered from the c.o. in order to provide a higher degree of fire protection. A related problem is the importance of understanding what exists in the inventory. If we come up with only one "use" label for all CBRFs (instead of a number of CBRF sub-types) imagine what would happen if, with the advent of a computerized system for example, one wanted to do a survey of buildings as to use. Only the term "CBRF" would be coughed up, with no qualitative terms to explain that it was a health-related facility or a facility for offenders. Attachment B illustrates the need to develop definitions which can be complementarily adopted in the Building code, both for definitional purposes and for classification of the buildings. (Note that the use categories for the definitions are those that our citwide group have developed.)

● Health care definitions

The city council has enacted legislation for health care facilities, including community based facilities for mentally handicapped persons. These definitions have not as yet been incorporated into the Zoning Regulations. Note that there have been modifications from one act to the other (attachment 2A, p. 1), all of which is confusing and "messy". Also on that same page is a copy of definitions from St. Elizabeth's. CBRFs for mentally handicapped persons are clearly a health facility. Attachment 2B lays out modified definitions from these acts, with comments explaining any changes. Note that there is also a discussion of all those kinds of facilities left out by the act. In any event, these definitions, or modifications thereof, should be incorporated in the Zoning Regulations.

While the government is recommending the deletion of "personal care home" in the Zoning Regulations, it is not recommending that the new health facility creatures be incorporated

Where "use" definitions appear in Zoning definitions section (1202) and the Building Code definitions section (201.0) and "Use Group Classification" section (202.0)

Use Category	Zoning (1202)		Building (201.0)		Building (202.0)		Comments
	yes	no	yes	no	yes	no	
religious community*	x: up to 15 persons	--	x	--	x:L2 up to 15 persons	--	defined in Zoning and Building as <u>family</u> . Should require separate definition, i.e.: "religious order", even if treated similarly to family for zoning purposes although for building purposes, it should be L1 for from 7 to 15 persons and dormitory thereafter.
convalescent or nursing home	x	--	x	--	x:H-2	--	defined in Zoning and Building but under new D.C. Law 74-15 are subsumed under new label: <u>Skilled Care Facility</u> . Thus amendments to the Zoning and Building Codes are needed.
halfway house or social service center**	x	--	--	x	--	x	Note that these are two separate "use" animals combined into one definition. Should be clearly separated. Will require new definitions in order to accommodate Laws 2-35 and 3-81. Should be treated differently both for zoning and building code purposes.
institution, philanthropic or eleemosynary	x	--	--	x	x:H category	--	Note that Zoning regulations lack definitions for institutions of all kinds, some of which are referred to in the Building Code as sub-categories of Sec. 202.8 (Group H, Institutional): (1) Group H-1: jails, prisons, reformatories, psychiatric hospitals and institutions for narcotic or alcoholic treatment, and (2) Group H-2: hospitals, orphanages, convalescent and nursing homes, day nurseries, and homes for the aged and infirm. Will require definitions in Zoning Regulations. Note that Zoning definition is inadequate on its face--the institution should be defined in terms of <u>type</u> of institution by function rather than by its economic or charitable nature.

*This is not a use category in the sense that it is separated out for separate definition in the codes. It is sub-summed as part of given definition of family.

**While halfway house definition may be superseded by new definition, the Social Service Center should have an independent definition which would recognise its non-residential character.

Where "use" definitions appear in Zoning Definitions section (1202) and the Building Code definitions section (201.0) and "Use Group Classification" section (202.0)

Use Category	Zoning (1202)		Building (201.0)		Comments
	yes	no	yes	no	
Personal care home	x	--	x:L-1 and L-2	--	This use was abolished by DC Law 2-35. Law 2-35 amended the earlier Law 74-15 which had a category, "Supervised Personal Care Facility" which was supposed to be under the service of a physician. While 2-35 amended the building code by abolishing the "personal care home" and defining a "community residence (health) facility", it apparently did not address the issue of amending the Zoning Regulations, although that power implicitly exists in the Charter. Nor, so far as we can ascertain, was there any effort made to request the Zoning Regulations to be changed by the Zoning Commission under their authority. One effect of 2-35 is the clouding of those facilities which are medically supervised and those which are not, for there appears to be no requirement of certification for distinguishing between the two under the licensing provisions.

Under the old regulations, the personal care home limited the number of persons to 4 aged and/or infirm convalescents, not related by blood or marriage within the third degree of consanguinity to the operator of the home (both zoning and building definitions). Under building, it was classified as an L-2 usage, but it could also exist in L-1 buildings, subject to certain conditions. In any event, no more than 1 personal care home could be located in any one building, whether L-1 or L-2. Since there was a limit on the number of occupants (4), it was clear that it was a family sized entity; thus similar but larger facilities would come under other provisions of both the zoning and building codes. (Nursing homes, for example, are classified in the Building codes as institutional uses, which means there is substantive fire protection. Thus if there were as many as five aged and/or infirm convalescents, they would be afforded code protection.)

Definitions needed (non-CBRFs)

Use Category	Zoning definitions (1202)		Building definitions		Building classifi.	
	amend	new	amend	new	amend	new
religious community	X:delete from family definition	X: define as separ- ate use category	X--delete from family definition (same as zoning)	X:define as separ- ate use category	X: place in L1 cate. if more than 6, up to 15 X: leave current classification for 5 and above as L1 but set outer limit at 15	X: place in new dor. category (L1 sub- category)
rooming house*	X:up to 15 persons					
family	X: remove rel. orders include No. "4" as limit on foster chil- dren in home,"two of whom to be men- tally or physically handicapped."		X--same as Zoning		--	--
dormitory		x:more than 15 persons (unsupervised)		x:define as per zoning		x: place in amended L1 category to be like NFPA code
residential school treatment facility	X			as per zoning definition		x: place in H-2 cate- gory.
child daycare center (?)**		x		x	x: leave in H-2 category	

* same for boarding house

*Licensing codes have been passed. Do not know what labels are appropriate but should be put on the study list.

Definitions needed (non-CBRFs)

Use Category	Zoning definitions (1202)	Building definitions	Building classifications
	amend new	amend new	amend (or leave) new
social service center	x: separate from halfway house as non- residential usage → revise slightly	x	x:E (business)
estrained care enal pre-release nstitutions	x	x	leave in H-1 category
rug-alcoholic reatment facil- ty	x	x	place in H-1 category or H-2 category (see Building code)
ospital/sanitarium	x	x	leave in H-1 category

Definitions needed (CBRFs)

Use Category	Zoning definitions (1202)		Building definitions		Building classifications	
	amend	new	amend	new	amend	new
Community Based Resi- dential Facility	x: delete halfway house and social service defi.	x	--	x		as per sub-defi. of CBRF
Community Based Residential Care Health facility	x: delete per. care home, nursing home, convalescent home	x	x: amend as per zoning	x		as per sub-def.
Community Based Residential Skilled Care Health Facility	↑	x		x:as per zoning	retain (with new def.) in H-2 category	
Community Based Residential Inter- mediate Nursing Care Health Facility	↑	x		x: as per zoning	retain (with new def.) in H-2 cate. (unless less than 4 clients)	
Community Based Residential Supervised Care Health Facility	↑	x		x: as per zoning	Place in L-2 with revision for up to 4 clients Place in H-2 for above that number	

Definitions needed (CBRFs)

Use Category	Zoning definitions (1202) amend	new	Building definitions amend	new	Building classifications amend	new
Community Based Residential Child Welfare Facility		x: 5-15		x: define as per zoning		x: place in appropriate category after study
Community Based Child Welfare PINS Facility		x: 5-15 ajudicated juveniles		x: as per zoning		x: place in appropriate category after study

Definitions needed (CBRFs)

Use Category	Zoning definitions (1202)		Building definitions		Building classification:	
	amend	new	amend	new	amend	new
Community Based Residential Adult Offender Rehabil- itation Facility	x: delete halfway house.	x: for up to 15 residents (juveniles		x		x: determine after study

RELATED HEALTH FACILITIES DEFINITIONS

St. E.'s--Policy and Procedures Manual

Definitions.

a. Independent Placement Patient - As defined in the manual, Housing Regulations of the District of Columbia, Chapter 1, Article 110, Section 1102, dated August 11, 1955, this term indicates a person "who is under the care of a physician and with respect to whom such physician has certified that the person's mental and physical condition is such that it is not necessary that he be confined to bed or chair, or individually fed, fed in his sleeping room, assisted in feeding, dressing, walking, or toileting, or assisted in any other of the ordinary activities of life." For Hospital purposes, the foregoing is interpreted to mean a patient who is competent to manage his own funds, competent to administer his own medications, competent to use public transportation without assistance, and competent to perform without assistance the ordinary activities of daily living.

b. Domiciliary Care Patient - As used in this instruction, this term indicates a person 18 years of age or older who is able to perform the activities of daily living without assistance, or with minimal assistance but who requires a protective home-like environment because of physical, mental, familial, or social circumstances. A domiciliary care patient does not need to be fully competent in the areas outlined under the definition of independent placement patient, but should have a general ability to perform these functions with only minimal assistance.

c. Independent Placement Facility - As used in this instruction, this term means a facility that has complied with local government ordinances, regulations, and standards concerning the provision of housing, food services, and environmental health and safety and is eligible for, or has been licensed appropriately, to provide room and/or board services for five or more residents. For Hospital purposes, this term means living accommodations appropriate for persons who are independent placement patients as defined in subsection 2a above.

d. Domiciliary Placement Facility - A facility providing special services in addition to room and board to individuals age 18 and above who are able to perform the activities of daily living without assistance, or with minimal assistance but who require a protective home-like environment because of physical, mental, familial or social circumstances. This instruction relates to those domiciliary placement facilities which provide services for five or more residents and has complied with local government ordinances, regulations, and standards concerning the provision of housing, food services, and environmental health and safety and is eligible for or has been licensed appropriately to provide these services. For Hospital purposes, this term means living accommodations appropriate for persons who are domiciliary care patients as defined in subsection 2b above.

D.C. Health Care and Community Residence Facility Reg. (74-15)*

(10) Facility: The overall organization and program and services including staff personnel, the building or buildings, equipment and supplies necessary for implementation of health, nursing and sheltered care services.

(14) Health Care Facility: A residential facility providing medical or non-medical services consistent with accepted professional, therapeutic, medical care concepts and practices as well as current health programs and legislation. The term shall include and refer to the following levels of care:

1. Skilled Care Facilities
2. Intermediate Nursing Care Facilities
3. Supervised Personal Care Facilities *Community Residence*

(15) Health Related Services: Services other than medical pertaining to protective, preventive, and personal services performed by qualified personnel. These services shall include but not be limited to dietary, dental, podiatry, social services, restorative, pharmaceutical and patient activity.

(16) Intermediate Care: Professional nursing services provided under the direction of a physician to individuals who do not have such an illness, disease, injury or other condition as to require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide. Services include both regular and continuing health related services.

(17) Intermediate Nursing Care Facility: A facility or distinct part thereof primarily engaged in providing intermediate care.

(11) Skilled Care Facility: A facility or distinct part thereof primarily engaged in providing to in-patients continuous professional nursing coverage and health related services under the direct supervision of physicians. Skilled care facilities are solely limited to those facilities classified as nursing homes, convalescent homes, and extended care facilities which provide 24-hour professional nursing services and a complete program of health related and rehabilitative services under the direct supervision of a full-time Medical Director or principal physicians.

** Note

(28) Personal Care: General supervision of and direct assistance to an individual who, because of advanced age, infirmity, physical or mental limitations, is unable to perform his activities of daily living.

(17) Supervised Personal Care Facility: A facility or distinct part thereof providing, in a supervised environment, personal care assistance and other health related services which shall be provided under the direction of a physician

Removed

*Title of Act amended by

Law 2-35

**Deleted by Law 2-35.

D.C. Community Res. Licensure Act of 1977 (2-35) as amended by (3-81)

Community Residence Facility. A facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals aged eighteen (18) years or older (except that, in the case of group homes for mentally retarded persons, no minimum age limitations shall apply), not related by blood or marriage to the Residence Director, who are ambulatory and able to perform the activities of daily living with minimal assistance. The definition includes facilities and group homes for mentally retarded persons which provide a sheltered living arrangement to persons who desire or require supervision or assistance within a protective environment because of physical, mental, familial, or social circumstances or mental retardation. The definition does not include facilities providing sheltered living arrangements to persons who are in the custody of the District of Columbia Department of Correction.

"Group homes for mentally retarded persons:

A community residence facility which admits at least four but no more than eight related and/or nonrelated mentally retarded persons, maintains the necessary facilities for their care or habilitation and provides a home like environment to persons who, because of mental retardation, require specialized living arrangements."

(B) "Halfway Houses:

"A community residence facility which offers a sheltered living arrangement to residents who desire or require a protective environment while they prepare to move to an unsheltered, independent living arrangement."

(C) "Sheltered Living Arrangements:

"A living arrangement in which a responsible adult oversees the activities of daily living of each resident so as to assist each resident in maintaining adequate personal hygiene, establishing social, community and family contacts, and obtaining adequate medical, nursing, health and social services. Such living arrangement may include the supervision of the taking of medications prescribed for self-administration."

D.C. Community Res. Licensure Act
of 1977 (2-35) as amended by (3-81)

(D) "Protective Environment:

"An environment in which residents are provided with safe and sanitary sleeping arrangements; nutritious meals; laundry service and healthful and comfortable surroundings;" and

(E) "Ambulatory :

"The ability with or without mechanical assistance to get in and out of bed; walk or move by oneself from place to place without assistance from another person.";

Definition

Comment

Community Based

Residential Care Health Facility: a residential facility providing medical or non-medical services consistent with accepted professional, therapeutic, medical care concepts and practices as well as current health programs and legislation. The term shall include and refer to the following types of facilities:

Note insertion of "Community Based" and "health" in title. For zoning purposes it will be important to clearly label use designations on c.o.s. Also, note substitution of "type" and "facilities" in last sentence.

Community Based Residential

1. Skilled Care Health Facility: A facility or distinct part thereof primarily engaged in providing to in-patients continuous professional nursing coverage and health related services under the direct supervision of physicians. Skilled care facilities are solely limited to those facilities classified as nursing homes, convalescent homes, and extended care facilities which provide 24-hour professional nursing services and a complete program of health related and rehabilitative services under the direct supervision of a full-time Medical Director or principal physicians.

Note insertion of words "Community Based Residential" and "health" in title to be clear for zoning purposes.

Community Based Residential

2. Intermediate Nursing Care Health Facility: A facility or distinct part thereof primarily engaged in providing professional nursing services under the direction of a physician to individuals who do not have such an illness, disease, injury or other condition as to require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide. Services include both regular and continuing health related services.

Note necessity to combine intermediate nursing care facility definition with intermediate care definition. Note insertion of words "health" and "Community Based Residential" in title to be clear for zoning purposes.

Based Supervised Care

3. Community/Residential Health Facility: A facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals aged eighteen (18) years or older (except that, in the case of group homes for mentally retarded persons, no minimum age limitations shall apply), not related by blood or marriage to the Residence Director, who are ambulatory and able to perform the activities of daily living with minimal assistance. The definition includes facilities and group homes for mentally retarded persons which provide a sheltered living arrangement to persons who desire or require supervision or assistance within a protective environment because of physical, mental, familial, or social circumstances or mental retardation. The definition does not include facilities providing sheltered living arrangements to persons who are in the custody of the District of Columbia Department of Correction. The term shall include and refer to the following types of facilities:

Note messiness of definition. What happens if additional categories are to be included later? It would seem that it would have been better to structure a definition for . . . "sheltered living arrangements for one or more individuals included in the categories of persons in need of such care as defined herein, not related by blood or marriage to the Residence Director, who are ambulatory and able to perform the activities of daily living with minimal assistance. These facilities shall include both transitional living arrangements* for residents preparing to move to unsheltered, independent living arrangements and more or less permanent living arrangements."

*Removes necessity of Halfway house definition.

Health facility definitions adopted in 74-15, 2-35, and 3-81 (with slight modification as indicated in "comments")

Definition	Comment
3. <u>Community Based Residential Health Facility</u> , cont.	<p>Because of problems with this definition, a revised definition for zoning purposes is advisable. It could be something like the following:</p> <p style="text-align: center;"><u>Supervised Care Health</u></p> <p>"<u>Community Based Residential/Facility</u>: A facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals who are aged and/or mentally handicapped through illness or retardation, not related by blood or marriage to the Residence Director, who are ambulatory and able to perform the activities of daily living with minimal assistance. These facilities shall include both transitional living arrangements for residents preparing to move to unsheltered, independent living arrangements and more or less permanent living arrangements. This definition excludes restrained care penal pre-release institutions or facilities providing sheltered living arrangements to persons who are in the custody of the District of Columbia Department of Correction or other correctional agencies."</p> <p>(Note that this definition removes necessity to include the messy sub-categories defined in the licensing legislation.)</p>

Health facility definitions ~~excluded~~ by definition in 74-15, 2-35, 3-81 and in Zoning and Building Codes

Health care category	comment
*hospitals (mental and other)	not defined in building codes but included in H category.
*sanatoriums	not defined in building codes but included in H category.
*drug/alcoholic treatment facilities (all levels of non-residential and residential care)	not defined in building codes but included in H category.
health community residence/facilities for juvenile mentally disturbed	mentally retarded juveniles included in 3-81 (if as many as four)
*facilities for the mentally retarded which have two or three placements	group homes are defined in 3-81 as being from 4-8 persons. (Outer limit in keeping with court de- cision.) Adult foster care for mentally retarded seems to be excluded (1 to 2 to 3 persons).
* adult foster care for 1 to 4 mentally handicapped individuals.*	included in 2-35 for licensing but excluded in St. Elizabeth's definition of "domiciliary Placement Facility". This facility is not defined by 2-35.
homes for the aged	these are homes which are not skilled or intermediate care (although elderly may be placed in those two kinds of facilities). This health care facility should be afforded an institutional level of building code pro- tection and should be licensed. (The Roosevelt, there- fore, would be labeled a home for the elderly rather than a hotel or apartment hotel or an apartment house.)

*Note crude distinction definitional criteria for "domiciliary Care Patient" and "independent Placement Patient" and comparable facility definitions in St. Elizabeth's Policy and Procedures Manual.

**Could define new version of old personal care home for placements of 1-4 persons who are mentally or physically handicapped, elderly or infirm to distinguish these kinds of homes from the slightly larger group home.

***These facilities would be given a non-community based facility designation: in other words, excluded from

3C Minutes

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 29, 1979

Mr. Leonard L. McCants, Esq.
Chairperson, Board of Zoning Adjustment
Government of the District of Columbia
District Building, Room 9-A
Washington, D.C. 20004

Dear Mr. McCants:

Re: BZA #12945

This is in further reference to the letter of April 20, 1979 to us from Steven E. Sher advising us of the application (#12945) before you from the Sidwell Friends School for a special exception under paragraph 3101.42 of the Zoning Regulations to allow the construction of, among other things, a gymnasium, art center, and a maintenance building at the campus located at 3825 Wisconsin Avenue, N.W -- an area totally within this ANC. This letter is also in further reference to our request of May 12 (in a letter to Steven E. Sher) that the hearing record be kept open past the date of your hearing -- May 23 -- so as to permit the input of this ANC which met on May 28 and, among other matters, acted on the subject application.

Specifically, ANC 3C considered the application and voted to support it with the following recommendations for you to consider as possible elements of your order:

- Limit student population at this location, under this application and order, to no more than 700 students. Reason: Unchecked growth seen as potential problem, but if seen as desirable by the School, they can apply to amend the Special Exception.
- Provide that there be no lighting of the existing or proposed outdoor tennis courts. Reason: Could promote extended hours of usage in what is otherwise a residential district.
- Require, if it does not already exist, a policy of "equal access" to such tennis facilities as may exist when not needed for school program. Reason: tennis courts are very much in demand by residents of the area and any "waiting list" for membership should be on a sequential basis in the order applied for. Note: School representatives indicated they believed this was already the case and agreed with it; they could not, however, confirm this May 28.

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-Kay McGrath
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

- Order that no bleachers or other seats be installed in the newly proposed (second) gymnasium. Reason: Concern about crowds at spectator events; the existing gymnasium has seats (as will the proposed auditorium). Note: School representatives indicated no objection to this May 28.
- Order that there be no conjoint operation of group (spectator) events in the existing gymnasium, which has provision for seating, and the newly proposed auditorium. (Reason and note: same as above.)
- Limit bus parking to those buses substantially serving this campus. Reason: Those buses that exclusively serve the Bethesda, Md. "lower" school should not be operated out of this campus. Note: School representatives indicated no objection to this May 28.

In taking this position, the ANC was made aware of a meeting which took place earlier in the month under the auspices of the North Cleveland Park Citizen's Association at which the School presented its proposal to that community and residents of the Washington Home (an adjacent property along Upton Street). The Commission was advised, on an oral basis by the President of the North Cleveland Park Citizen's association that their position would be either "supportive" or "no objection."

This ANC was also made aware of concerns surfaced at the hearing by a representative of the McLean Gardens Resident's Association relating to (1) inadequate notice and (2) the question of whether the tennis facilities are a "private club" (requiring a separate application under the Zoning Regulations) or are in the nature of an accessory use to the principle use of the premises, i.e. "school."

With respect to the first of these, relating to notice, the ANC consistently supports the principle of full and adequate notice and urges the Board to take such steps as may be warranted to ensure timely compliance with applicable Zoning Regulations.

With respect to the second, the ANC notes that the existing tennis facilities have been operating for many years without question and are enjoyed by many (but not as many as would like it) residents of the area. We will not comment further at this time, however, because the matter requires, in our view, aggrieved parties to file application for questioning a decision of the Zoning Administrator. We do not sense this concern is central to the pending application and urge you to dismiss it without prejudice as to future consideration should it arise.

Thank you for considering our views.

BY RESOLUTION OF THE COMMISSION,



Lindsley Williams, Chairperson

cc: President, North Cleveland Park Citizen's Association
President, McLean Gardens Resident's Association
Headmaster, Sidwell Friends

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 12, 1979

Mr. Steven E. Sher, Executive Director
Board of Zoning Adjustment
District Building -- Room 9-A
Washington, D.C. 20004

Dear Mr. Sher:

Re: BZA #12945

On April 20, 1979 you advised us, by letter, of the application of Sidwell Friends School to construct a gymnasium, art center, and a maintenance building as additions to its present facilities at 3825 Wisconsin Avenue, N.W. Additions such as these require a Special Exception as the school is located in an R-1-B district. You informed us that the Board is to consider the case May 23.

The timing of your letter and our meeting schedule results in our not being able to inform the Board of our position on the case when matter is discussed May 23. However, we will be meeting the following Monday, May 28.

Accordingly, we would like to request that the Board provide for holding the hearing record open for two weeks after May 23 (which I understand is customary in any event). This would allow us the opportunity to file a statement for the Board to consider.

Thank you for your kind attention.

Sincerely,



Lindsley Williams, Chairperson

cc: President, North Cleveland
Park Citizens Association
Headmaster, Sidwell Friends

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 28, 1979

Honorable Marion S. Barry, Jr.
 Mayor, District of Columbia
 District Building
 Washington, D.C. 20004

Attn: Special Assistants for
 Boards and Commissions

Re: Vacancies on the Commission
 on Arts and Humanities

Dear Mr. Mayor:

Through the Notice appearing earlier this year in the D.C. Register, Advisory Neighborhood Commission 3C became aware of vacancies in the Commission on Arts and Humanities. That Notice invited both nominations for vacancies on that Commission and endorsements of persons already nominated.

This letter is to endorse the nomination of Joe Jeff for one of the eleven seats now vacant on that Commission (from a total of eighteen seats). Joe Jeff is a resident of Woodley Park who makes regular contributions to the community in which he lives as well as the metropolitan area. His personal specialty area is mime, but his background is diverse. We feel he would make a contribution to the work of the Commission on Arts and Humanities. Thus, we urge that --

- You appoint Joe Jeff to one of the vacancies on the Commission on Arts and Humanities, and
- The Council of the District of Columbia consent to your appointment.

Thank you for your kind consideration.

Very truly yours,

Lindsley Williams

Lindsley Williams, ANC 3C-04
 (Woodley Park)

151

Katherine Coram, ANC 3C-07
 (McLean Gardens)

cc: Honorable Arrington Dixon
 Honorable David Clarke
 Honorable Polly Shackleton

Single Member District Commissioners, 1978-1979

01-Fred Pitts
 02-Ruth Haugen
 03-Bernie Arons
 04-Lindsley Williams
 05-Katherine Coram

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06-
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ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 28, 1979

Honorable Marion S. Barry, Jr.
Mayor, District of Columbia
District Building
Washington, D.C. 20004

Attn: Special Assistants for
Boards and Commissions

Re: Vacancies on the Commission
on Arts and Humanities

Dear Mr. Mayor:

Through the Notice appearing earlier this year in the D.C. Register, Advisory Neighborhood Commission 3C became aware of vacancies in the Commission on Arts and Humanities. That Notice invited both nominations for vacancies on that Commission and endorsements of persons already nominated.

This letter is to endorse the nomination of Joe Jeff for one of the eleven seats now vacant on that Commission (from a total of eighteen seats). Joe Jeff is a resident of Woodley Park who makes regular contributions to the community in which he lives as well as the metropolitan area. His personal specialty area is mime, but his background is diverse. We feel he would make a contribution to the work of the Commission on Arts and Humanities. Thus, we urge that --

- You appoint Joe Jeff to one of the vacancies on the Commission on Arts and Humanities, and
- The Council of the District of Columbia consent to your appointment.

Thank you for your kind consideration.

FOR ADVISORY NEIGHBORHOOD COMMISSION 3C,

Lindsley Williams, Chairperson

cc: Honorable Arrington Dixon
Honorable David Clarke
Honorable Polly Shackleton

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 12, 1979

Honorable Ruby Mc Zier, Chairperson
 Zoning Commission of the
 District of Columbia
 Government of the District of Columbia
 District Building, Room 9-A
 Washington, D.C. 20004

Dear Mrs. McZier:

Re: Zoning Commission Case 79-2 (PUDs)

Advisory Neighborhood Commission 3C represents some 20,000 residents of the District of Columbia living in closely linked communities in Northwest Washington. The area reflects nearly all of the residential zoning districts (R-1, R-2, R-3, R-4, and R-5-A, R-5-B, and R-5-C (but not R-5-D)) as well as many of the commercial districts (including C-1, C-2-A, C-2-B (but not C-2-C), and C-3-A).

We have been following the Zoning Commission's actions on the text of the Zoning Regulations as well as on certain actions relating to the Zoning Map.

At this point, the Zoning Commission is considering whether to make further changes in the Zoning Regulations relating to Planned Unit Developments (PUDs). The proposal outlined in the hearing notice calls for modifications to:

- Section 7501.2 Area Requirements
- Section 7501.4 Development Guidelines

These proposals, and the advice of this ANC in relationship to them, are discussed below.

Area Requirements

The present minimum area requirements for a PUD are set forth in section 7510.2 of the Zoning Regulations. In addition, the same section provides for a waiver of the minimum area requirement for PUDs "of exceptional merit" when "in the best interests of the city" (as determined by the Zoning Commission with the concurrence of the Office of Planning and Development through public hearing).

The Notice of case 79-2 indicates that the Zoning Commission is interested in whether the minimum area requirements now in effect should be increased, decreased, eliminated, or remain the same and whether the waiver provision should be extended to all districts or eliminated altogether.

Single Member District Commissioners, 1978-1979

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As you know, prior to the adoption of Order 251 in January of this year the Zoning Regulations provided for a minimum area of three acres except as follows:

- a. One acre for project areas 75 percent or more of which are located in R-5-D, SP, CR, C-2-B, C-3-B, C-4 or C-M-3 districts,
- b. 20,000 square feet for project areas entirely within Waterfront districts, and
- c. No minimum for project areas entirely within an adopted Sectional Development Plan.

With the adoption of Order 251, much of this was changed. Specifically, the Zoning Regulations were revised to require:

- a. 15,000 square feet for projects located in "C," "CR," and "SP" districts,
- b. Three acres for projects located in "R," "C-M," or "M" district with provisions to reduce this to one acre in the case of projects 75 percent or more of which are located in R-5-D and C-M-3 districts, and
- b. 20,000 square feet for projects located entirely within Waterfront districts.

In the "Statement of Reasons" accompanying Order 251 the Zoning Commission noted as a "problem" the then existing minimum area requirements:

"There are few large properties in the District which are vacant or so undeveloped as to be likely candidates for PUDs. Furthermore, the District is a fully developed city, and much of the new development is likely to be on small vacant sites, redevelopment of existing properties or a combination Many potential applicants were deterred by the necessity to have a three acre site (Statement of Reasons at 14).

In adopting the 15,000 square foot requirement, the Commission indicated the reason it set this:

"... to be able to include more potential property in the PUD process, to allow the process to be applied to smaller in-fill sites in already developed areas, and to allow the Commission to use the process to apply the reversionary zoning concept to zoning cases which might otherwise be considered as rezoning matters without the control added by the PUD process." (Statement of Reasons at 26).

The Zoning Commission did not indicate why they chose 15,000 square feet as distinct from any other figure tied to the size of projects from applicants who were "deterred."

Moreover, the Zoning Commission did not indicate why it removed the minimum area requirement for projects located entirely within the area of an approved Sectional Development plan.

Finally, the language adopted through Order 251 seems ambivalent with respect to projects that straddle zone districts (except in the Waterfront district where the PUD must be "entirely" within that district classification).

Recommendation of Advisory Neighborhood Commission 3C:

It is the recommendation of Advisory Neighborhood Commission 3C that the Zoning Commission amend the minimum area requirements so as to:

- a. Require a minimum of three acres in --
 - i. all residential districts, except R-5-D,
 - ii. C-1 and C-2-A districts, and
 - iii. C-M-1 and C-M-2 districts, as well as M districts
- b. Require a minimum of one acre in R-5-D, C-2-B, C-2-C, C-3-A, C-3-B, C-4, C-5 (PAD), SP, and CR districts,
- c. Require a minimum of about one half acre (e.g. 20,000 square feet) for Waterfront districts, and
- d. Require no minimum in the case of projects within an approved Sectional Development Plan or any small area "neighborhood" plan that has been approved by resolution of the Council of the District of Columbia.

It is additionally recommended that the language provide clear guidance as to the requirements for PUDs that straddle district boundaries.

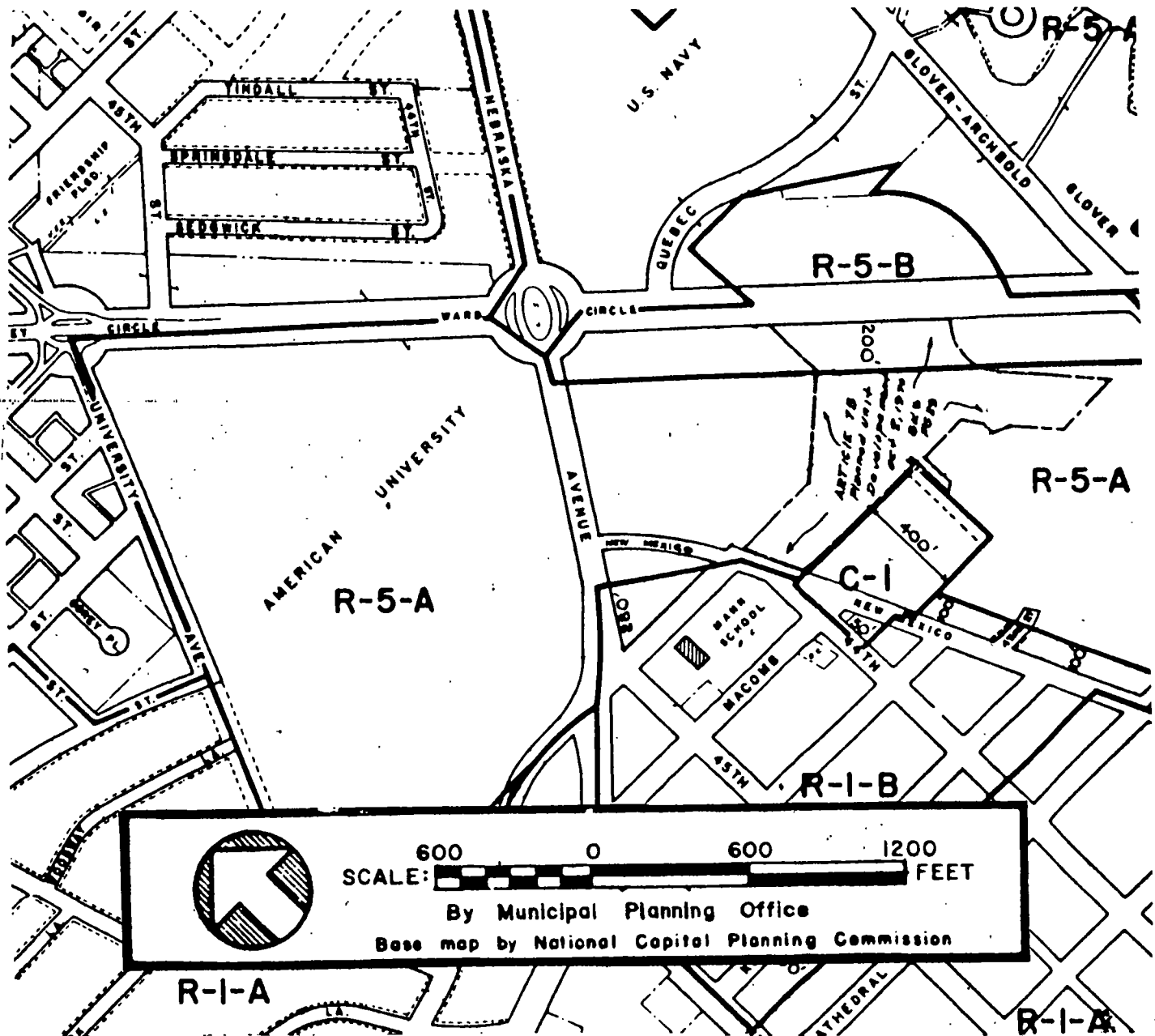
Finally, it is recommended that the "waiver" of minimum area requirements currently possible for certain projects "of exceptional merit" be eliminated.

The ANC feels the above suggestions are in keeping with the intent of the PUD process, specifically its purposes as set forth in section 7501.1 of the Zoning Regulations. However, the above suggestions also result in uniformity of regulations in each zone district, a paramount requirement of the District's Zoning Act (52 Stat. 797, 56 Stat. 122). (Indeed, that Act's requirement for uniformity may preclude elimination of minimum area requirements in the case of Sectional Development Plan or other "neighborhood" plans suggested above.)




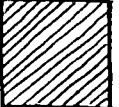
In addition, to retain the present minimum of 15,000 square feet would seem to invite criticism of the PUD process as a backdoor way to accomplish what is "spot" rezoning, a legally dubious practice. Finally, it would be hard to map. See, in this regard, Exhibit I attached hereto.

Exhibit I -- Comparison of Existing and Proposed Minimum Area Requirements for Planned Unit Developments under the Zoning Regulations of the District of Columbia

Portion of Section 7 of the Zoning Atlas (Note Article 75 Planned Unit Development mapped along Massachusetts Avenue southeast of Ward Circle).



Minimum Area Requirements:

<u>Square Feet</u>	<u>Length of side (ft.) if square</u>	<u>Minimum Area at Scale of Zoning Map</u>
15,000	122.5	
20,000	141.4	
43,560 (1 acre)	208.7	
130,680 (3 acres)	361.5	

Development Guidelines

The present development guidelines pertaining to such matters as height limits, floor area ratio, percentage of lot occupancy, requirements for courts and yards, and parking and loading berth requirements are set forth in the several parts of section 7501.4 of the Zoning Regulations as amended by Order 251.

With respect to height and floor area ratio, the present regulations make material distinctions between "C," "SP," and "CR" districts (which establish "guidelines" the Zoning Commission may, in a given case raise or lower) and "R," "W," "C-M," and "M" districts (which, for all practical purposes, retain standards as in effect prior to Order 251 which the Zoning Commission may, in a given case make more (but not less!) stringent).

These particulars are summarized in Exhibit II attached hereto.

The requirements of courts and yards, parking and loading berths, and percentage of lot occupancy are set forth elsewhere in section 7501.4 and are uniform in requiring that they:

"... normally be as otherwise prescribed in the Zoning Regulations. However the Zoning Commission has the option to modify lot occupancy requirements, requirements for yards or courts, and requirements for off-street parking spaces and loading berths/ depending on the exact circumstances or uses and location of the particular project." (Zoning Regulations at 7501.45 though 7501.47)..

These guidelines are substantially different from the text of the prior PUD regulations with respect to percentage of lot occupancy and requirements for courts and yards. They are similar with respect to off-street parking requirements and requirements for loading berths. There appears to be no explanation of this change in the "Statement of Reasons." Indeed, the changes run counter to some of the "problems" that are cited:

"The lack of definitive standards. One complaint often heard from both developers and other persons appearing in opposition to applications is the lack of clear, definitive standards upon which to judge applications. This left people without a clear guide as to what the Zoning Commission would measure a PUD against." (Statement of Reasons at 14).

In promulgating these guidelines, the Zoning Commission indicated that they were thought to be "normal" but without further elaboration as to the meaning of "normal" notwithstanding the contrast between height and FAR in the several zone districts and that in the corresponding PUD guideline. The Commission did acknowledge:

"In some cases the guidelines enable property owners to achieve the height and/or floor area ratio which applied to the property prior to the changes adopted by the Commission in Orders 234 and 242 relating to "C," "CR," and "SP" districts/. (Statement of Reasons at 28)."

This appears to be the case in certain instances, particularly those property owners who had holdings in C-2-A districts and those C-2-B districts for which there had been an FAR of 6.0 established under the former regulations. The analysis attached at Exhibit II, however, suggests that only in one instance, relating to SP-1 districts, do the guidelines establish lower levels than that of the underlying district. Most other instances show a positive change of greater (++) or modest (+) significance, or no substantial change (=). The largest departures of the requirements of the underlying district and the PUD regulations are found in the R-5-B district, the "CR" district, and the various "C" districts above C-1. Whether intended or not, there appears to be a significant incentive to use a PUD rather than relying on the underlying district's standards in these areas.

This goes well beyond both the Notice to case 78-1 and 78-2 and appears, again, to be in conflict with the requirement for uniformity across all zone districts in the Zoning Act.

It is noteworthy that the Commission indicates that it will require applicants for a PUD to have the burden of demonstrating "... the public benefits and other meritorious aspects of the project ..." if the Zoning Commission were to grant a PUD whose limits exceeded the guidelines rather than, say, the requirements of the underlying zone district (Statement of Reasons at 28).

The Notice to case 79-2 further indicates, by the manner in which the table of guidelines for floor area ratio is set forth, that the Zoning Commission may be contemplating allowing PUDs in all zone districts to contain both residential and non-residential uses. Specifically, each zone district would have a floor area ratio (guideline) for (1) "residential" uses, (2) "commercial" uses "including hotels and motels" and (3) a "total" of all uses.

This is entirely understandable with respect to those zone districts outside of the "R" series which permit, subject to certain restrictions set forth in the Zoning Regulations and summarized in Exhibit II, both "residential" and "commercial" activities. The Notice, however, contains no statement of the problem that the Commission perceives to exist (if any) that would justify the mixing of residential and non-residential uses in certain areas. This takes on particular significance within the "R" districts but is also pertinent to (from the opposite perspective) the "C-M" and "M" districts.

(While this ANC will be generally critical of the "Development Guidelines," it does support the classification of hotels and motels as a commercial use rather than one which is residential.)

The above-described change would, if both intended and if effected, appear to open up all residential districts to "commercial" use not only where the "commercial" use is accessory to the principal use (as in the convenience food store in an apartment house) but also to a far broader set of possibilities. These possibilities

are of a fundamental nature, are generally threatening to the stability of neighborhoods, and are proposed (apparently) without any demonstration of need.

To the extent some project, e.g. a PUD, makes "more sense" with some commercial uses on some part of the land area, there is another process available to applicants that could be pursued either concurrent with or separate from a PUD application: a request for a change in the Zoning Map.

Recommendations of Advisory Neighborhood Commission 3C:

It is the recommendation of Advisory Neighborhood Commission 3C that the Zoning Commission amend the sections of the Zoning Regulations relating to "Development Guidelines" so as to:

- a. Eliminate references to "commercial, including hotels and motels" in the section of Regulations relating to FAR with respect to "R" districts,
- b. Reinstate "standards" (which may be made more stringent in specific situations, but not less so) for "guidelines" wherever "guidelines" have been established, and
- c. Provide for "standards" for PUDs that bear some similarity to the requirements for the zone district in which the PUD is proposed rather than allowing substantial increments without any showing of "public benefits or other meritorious aspects" of a particular project.

As with our recommendations regarding minimum area requirements, ANC 3C feels these suggestions are in keeping with the purposes of PUDs, maintain a semblance of uniformity across all zone districts, and prevent legally dubious efforts to "spot" zone through a PUD process.

Conclusion

Advisory Neighborhood Commission 3C thanks you for taking the time to fully address our concerns and recommendations.

FOR THE COMMISSION,



Lindsley Williams, Chairperson

Attachments:

- Exhibit I -- Comparison of Existing and Proposed Minimum Areas
- Exhibit II -- Comparison of Height Limits and FAR in Regulations

cc: Honorable Polly Shackleton
Mr. James O. Gibson

EXHIBIT 11

Comparison of Height Limits and Limits to Floor Area Ratios Under Zoning Regulations as in Effect Before Orders 234 and 242 (Cases 78-1 and 78-2), As Amended by those Orders, Under Section 7501.4 Relating to Planned Unit Developments, and as Proposed by the Hearing Notice to Case 79-2.

District	Regulations Prior to Orders 234/242			Regulations After Orders 234/242			PUD Guidelines ^a and Standards ^b (Ord. 251)			Change Prior Regs. to PUD
	Hght	FAR	Note	Hght	FAR	Note	Hght	FAR	Note	
R-1-A	40	-		40	-		40	0.4		=
R-1-B	40	-		40	-		40	0.4		=
R-2	40	-		40	-		40	0.4		=
R-3	40	-		40	-		40	0.6		=
R-4	40	-		40	-		60	1.0		+
R-5-A	40	0.9		40	0.9		60	1.0		+
R-5-B	60	1.8		60	1.8		90	3.0		++
R-5-C	90	3.5		90	3.5		90	4.0		+
R-5-D	90	6.0 ^c		90	6.0 ^c		90	6.0		=
SP-1	} 90 ^d	5.5 ^d	{	65	4.0	NR≤2.5	75	4.5	NR≤3.5	-
SP-2				90	6.0	NR≤3.5	90	6.5	NR≤4.5	+
CR	90	6.0	R≤3.0	90	6.0	R≤3.0	110	8.0	NR≤4.0	++
C-1	40	1.0	R≤0.9	40	1.0		40	1.0		=
C-2-A	60	2.0	R≤1.8	50	2.5	NR≤1.5	65	3.0	NR≤2.0	++
C-2-B	90	3.5 ^e		65	3.5	NR≤1.5	90	6.0	NR≤2.5	++
C-2-C	--	-		90	6.0	NR≤2.0	90	6.0	NR≤2.5	++
C-3-A	60	3.0	R≤1.8	65	4.0	NR≤2.5	90	4.5	NR≤3.5	++
C-3-B	90	6.5	R≤4.5	90	6.5		130	7.0 ^f		++
C-4	110	8.5	R≤5.5	110	8.5		130	10.5 ^f		++
C-5 (PAD)	--	-		130	10.0		130 ^g	12.0		++
C-M-1	40	3.0		40	3.0		60	3.0		+
C-M-2	60	4.0		60	4.0		90	4.0		+
C-M-3	90	6.0		90	6.0		90	6.0		=
M	90	6.0		90	6.0		90	6.0		=
W-1	40	2.5	NR≤1.0	40	2.5	NR≤1.0	60	3.0	NR≤1.0	++
W-2	60	4.0	NR≤2.0	60	4.0	NR≤2.0	60	4.0	NR≤2.0	=
W-3	90	6.0	NR≤5.0	90	6.0	NR≤5.0	90	6.0	NR≤5.0	=

^a Guidelines are applicable to "SP," "CR," and "C" districts and may be increased or decreased.

^b Standards are applicable to "R," "C-M," "M," and "W" districts and may only be made more stringent; moreover, all standards would convert to guideline status under Hearing Notice to Case 79-2.

^c FAR of 5.0 for structures other than apartment houses and hotels.

^d Single district class prior to Order 251.

^e FAR of 6.0 possible in some cases.

^f FAR of 11.0 possible in some cases.

^g Height of 160 feet possible in some cases.

NOTE: In above notes, R is for "residential" and NR is for "non-residential."

3C Minutes

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 12, 1979

Mr. Steven E. Sher
Executive Director
Board of Zoning Adjustment
District Building, Room 9-A
Washington, D.C. 20008

Dear Mr. Sher:

Re: BZA #12928

On April 13, 1979 you advised us of the application of Mary L. Buckley for a variance relating to construction of a side yard addition to her residence located at 3611 Idaho Avenue, N.W., an address within the area of this ANC.

This is to advise you that Advisory Neighborhood Commission 3C takes no position on the merits of the application. We did, in the course of our activities, inform the President of the North Cleveland Park Citizen's Association, Mr. Hugh Allen, of the application. He informed us, orally, that his organization would likewise be taking no position on this matter. Moreover, we are not aware of any opposition to it.

Thank you for your kind attention.

FOR THE COMMISSION,

Lindsley Williams

Lindsley Williams, Chairperson

cc: Ms. Buckley
Mr. Allen

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

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ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 12, 1979

Mrs. Ruby McZier, Chair
Zoning Commission of the
District of Columbia
District Building -- Room 9-A
Washington, D.C. 20004

Dear Mrs. McZier

Re: ZC Case 78-12

This is to inform you of my intention to testify on behalf of
Advisory Neighborhood Commission 3C in regard to the case
designated 78-12 concerning community based residential
facilities.

Please add my name to the list of persons seeking to tes-
tify but note, if you would be so kind, that I will not
be able to reach the site of the hearing (Martin Luther
King Library) until well into the afternoon, e.g. 4:30 pm.

Should the Commission have decided to hold a hearing during
evening hours, that would be far preferable. I would appre-
ciate your asking staff of the Zoning Commission to inform
me if this is possible through my office 443-3175.

Sincerely,



Lindsley Williams, Chairperson

Single Member District Commissioners, 1978-1979

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ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 12, 1979

Mr. Steven E. Sher, Executive Director
Board of Zoning Adjustment
District Building -- Room 9-A
Washington, D.C. 20004

Dear Mr. Sher:

Re: BZA #12945

On April 20, 1979 you advised us, by letter, of the application of Sidwell Friends School to construct a gymnasium, art center, and a maintenance building as additions to its present facilities at 3825 Wisconsin Avenue, N.W. Additions such as these require a Special Exception as the school is located in an R-1-B district. You informed us that the Board is to consider the case May 23.

The timing of your letter and our meeting schedule results in our not being able to inform the Board of our position on the case when matter is discussed May 23. However, we will be meeting the following Monday, May 28.

Accordingly, we would like to request that the Board provide for holding the hearing record open for two weeks after May 23 (which I understand is customary in any event). This would allow us the opportunity to file a statement for the Board to consider.

Thank you for your kind attention.

Sincerely,



Lindsley Williams, Chairperson

cc: President, North Cleveland
Park Citizens Association
Headmaster, Sidwell Friends

Single Member District Commissioners, 1978-1979

01-Fred Pitts
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ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 10, 1979

Ms. Carol Gidley
Chairperson
Advisory Neighborhood Commission 3-E
4025 Chesapeake Street, N.W.
Washington, D.C. 20016

Dear Carol:

Recently, this Advisory Neighborhood Commission was informed that the H.G. Smithy Company has proposed that the outdoor on-site parking at the Berkshire apartments (4201 Massachusetts Avenue) be on an assigned basis at \$25 per month. Presently, the parking is "free," i.e., without separate charge.

Advisory Neighborhood Commission 3-C considered this matter at its regular meeting on April 23, 1979. At that time the Commission took unanimous action to register its opposition to the Smithy proposal by this letter. The Commission is concerned (1) that the proposal may, by displacing privately owned automobiles onto local streets, serve to promote rather than lessen the parking shortage in the area, and (2) that the motivation behind the plan may be more to increase revenue than to alleviate parking difficulties. If true, the Commission does not feel that the plan is in the public interest.

As we understand it--

1. The Smithy proposal will encourage on-street parking by tenants either not wishing to pay the fee or unable to acquire one of the approximately 200 assigned spaces for the 790 unit building.
2. The Smithy proposal, if effected, would probably exacerbate the parking problem in the neighborhood--where a parking shortage already exists and will increase because of on-going residential construction across the street.
3. Because of the inadequacy of on-street parking and due to rush hour restrictions on Massachusetts Avenue, nearby sidestreets will inevitably be used by the Berkshire residents. These streets, without exception, are

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01-Fred Pitts
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Ms. Carol Gidley
May 10, 1979
Page Two

in this Commission's area.

Finally, ANC-3C is concerned about the manner in which this fee would be applied in interpreting the provisions of the D.C. rent control law, particularly those aspects of it used to determine prevailing rent levels so crucial in the matter of determining the rules under which an apartment building may seek to convert from rental to condominium or cooperative status.

FOR THE COMMISSION:


Lindsley Williams
Chairperson

cc: Mark Pollack
Berkshire Tenants
4201 Mass. Ave., N.W.
Washington, D.C. 20016

H.G. Smithy Company
c/o 4201 Mass. Ave., N.W.
Washington, D.C. 20016

bcc: Bobbie Block, ANC-3E
Katherine Coram

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

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May 10, 1979

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Chairperson
Advisory Neighborhood Commission 3-E
4025 Chesapeake Street, N.W.
Washington, D.C. 20016

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Page Two

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FOR THE COMMISSION:


Lindsley Williams
Chairperson

cc: Mark Pollack
Berkshire Tenants
4201 Mass. Ave., N.W.
Washington, D.C. 20016

H.G. Smithy Company
c/o 4201 Mass. Ave., N.W.
Washington, D.C. 20016

LW: please review for comment. The ANC's position was: 1) against any action that creates on-street parking; 2) against any inappropriate rent increase.

DRAFT

Ms. Carol Gidley
Chairperson
Advisory Neighborhood Commission 3E
4025 Chesapeake Street, N.W.
Washington, D.C. 20016

Dear Carol:

Recently, this Advisory Neighborhood Commission ^{was informed} ~~learned~~ that the H.G. Smithy Company has proposed that the outdoor on-site parking at the Berkshire apartments (4201 Massachusetts Ave.) be on an assigned basis at \$25 per month. Presently, the parking is ^{is concerned (1)} ~~free~~ without separate charge

Advisory Neighborhood Commission 3C considered this matter at its regular meeting on April 23, 1979. At that time the Commission took unanimous action to register its opposition to the Smithy proposal by this letter. The Commission ^{motivation behind this plan may be more to} ~~fears~~ that the proposal ^{serve to} ~~will~~ may, promote rather than lessen the parking shortage in the area, and (2) ^{If true, the} ~~suspects~~ that the ~~plan is really designed to~~ increase revenue rather than alleviate parking difficulties. ^{the plan} ~~The~~ Commission does not feel this ~~is~~ in the public interest.

~~This ANC is further concerned about the proposal for the following reasons:~~ As we understand it, --

1. The Smithy proposal will encourage on-street parking by tenants either not wishing to pay the fee or unable to acquire one of the approximately 200 assigned spaces for the 790 unit building, a ratio of about 1:4 required under the Zoning Regulations. ^{The Smithy proposal, if effected, would probably}
2. ~~This will only~~ exacerbate the parking problem in the neighborhood--where a parking shortage already exists and will increase because of on-going residential construction across the street.

3. Because of the inadequacy of on-street parking and due to rush hour restrictions on Massachusetts Avenue, nearby side-streets will inevitably be used by the Berkshire residents. These streets, without exception, are in this Commission's area.

Finally, ANC-3C is ^{concerned about the manner in which this fee} ~~apprehensive~~ that this proposal is nothing more than a subterfuge to circumvent the D.C. rent control law ^{3) we} ~~are~~ opposed to any increases that are not in accordance with the law

particularly those aspects of it used to determine ^{prevailing} ~~average~~ rent levels so crucial ~~important~~ in the matter of determining the rules under which ^{apartment} ~~an~~ building may seek to convert from rental to condominium or cooperative status.

cc: Robert Pollack, Berkshire tenants
bcc: Bobbie Block

FOR THE COMMISSION:

Lindsley Williams
Chairperson

WITNESS
Proposer
Name
Address
City
State
Zip

SUGGESTED RESOLUTION

WHEREAS the H.G. Smith Property Company has proposed that outdoor parking for tenants at 4201 Massachusetts Avenue, N.W., be on an assigned basis at a price of \$25 per month, and

WHEREAS the present method of outdoor parking at the above address permits, by the use of a meter, of approximately 200 parking spaces by the tenants of 4201 rental units and their guests, and

WHEREAS the proposed plan will severely curtail the availability of parking to tenants of 4201 Massachusetts Avenue, a neighborhood where a parking shortage already exists and is being aggravated by the construction of numerous additional housing units directly across the street, and

WHEREAS the proposed plan constitutes the least efficient method of achieving maximum use of a limited number of parking spaces, and

WHEREAS the proposed plan will foster congestion due to strictly limited parking on Massachusetts Avenue during morning and evening rush hours as well as during such emergencies, and

WHEREAS the problem of street parking at 4201 Massachusetts Avenue which the company creates as the reason for the proposed plan, can be greatly alleviated by the issuance of parking stickers to tenants, and

WHEREAS the proposed plan, based solely on length of tenancy, makes no provision for parking by guests or the handicapped, and

WHEREAS the proposed plan will promote rather than lessen the parking shortage in the area and, therefore, the plan is designed to increase revenue rather than alleviate parking difficulties, and

WHEREAS the management has sought and obtained all permissible revenue increases under Section 206 of the Rental Housing Act of 1977,

Com.
THEREFORE BE IT RESOLVED THAT the Advisory Neighborhood Council oppose the parking plan proposed by the H.G. Smith Property Company for 4201 Massachusetts Avenue, N.W.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 10, 1979

Ms. Carol Gidley
Chairperson
Advisory Neighborhood Commission 3-E
4025 Chesapeake Street, N.W.
Washington, D.C. 20016

Dear Carol:

Recently, this Advisory Neighborhood Commission was informed that the H.G. Smithy Company has proposed that the outdoor on-site parking at the Berkshire apartments (4201 Massachusetts Avenue) be on an assigned basis at \$25 per month. Presently, the parking is "free," i.e., without separate charge.

Advisory Neighborhood Commission 3-C considered this matter at its regular meeting on April 23, 1979. At that time the Commission took unanimous action to register its opposition to the Smithy proposal by this letter. The Commission is concerned (1) that the proposal may, by displacing privately owned automobiles onto local streets, serve to promote rather than lessen the parking shortage in the area, and (2) that the motivation behind the plan may be more to increase revenue than to alleviate parking difficulties. If true, the Commission does not feel that the plan is in the public interest.

As we understand it--

1. The Smithy proposal will encourage on-street parking by tenants either not wishing to pay the fee or unable to acquire one of the approximately 200 assigned spaces for the 790 unit building.
2. The Smithy proposal, if effected, would probably exacerbate the parking problem in the neighborhood--where a parking shortage already exists and will increase because of on-going residential construction across the street.
3. Because of the inadequacy of on-street parking and due to rush hour restrictions on Massachusetts Avenue, nearby sidestreets will inevitably be used by the Berkshire residents. These streets, without exception, are

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

Ms. Carol Gidley
May 10, 1979
Page Two

in this Commission's area.

Finally, ANC-3C is concerned about the manner in which this fee would be applied in interpreting the provisions of the D.C. rent control law, particularly those aspects of it used to determine prevailing rent levels so crucial in the matter of determining the rules under which an apartment building may seek to convert from rental to condominium or cooperative status.

FOR THE COMMISSION:


Lindsley Williams
Chairperson

cc: Mark Pollack
Berkshire Tenants
4201 Mass. Ave., N.W.
Washington, D.C. 20016

H.G. Smithy Company
c/o 4201 Mass. Ave., N.W.
Washington, D.C. 20016

bcc: Bobbie Block, ANC-3E
Katherine Coram

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

MEMORANDUM:

TO: Lindsley Williams
David Grinnell
Susan Aramaki

FR: Phil Mendelson *AM*

May 7, 1979

The following was drafted by Gary Kopff in accordance with the Commission's action on April 23, 1979. Please review and comment.

Gladys W. Mack
Ass't City Administrator
Budget And Resource Development
Room 423, The District Building
Washington, D.C. 20004

Dear Ms. Mack:

Our Commission is concerned that as of April 23 funding had not yet been disbursed to our ANC by the City for the third quarter of FY 1979.

Moreover, we do not agree with the level of funding for the initial two quarters, reduced from our annual allocation of \$15,___, due to the City's enforcement of Mayor's Memoranda 78-22 and 78-113.

Sincerely,

Single Member District Commissioners, 1978-1979

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06-Kay McGrath
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08-
09-Louis Rothschild
10-David Grinnell

c. 4/6/79

PHIL --

Call Susan Aramaki and find out from her just what minutes Marshall needs. Your summary excellent; we do need, however, to give him official copies of official minutes as well.

Lindsley

by Monday

April 9..

in his hands —

not mailed.

Pls talk to Ruth about
how to order more (at least 4)
black film ribbons for typewriter.
Mr. Green

c 3/28/79

Lindsley:

Welcome back. This note concerns the attached and one or two other things (I haven't counted).

The letter you prepared and asked Gary to present to the Commission for approval (re. trucks & buses) was approved 5-0. Please be sure a copy ends up in the 1979 correspondence file after you sign it.

herewith

Attached is a note and a suggested resolution re. parking at the Berkshire--ANC 3E-05. This was referred to the transportation committee for actions. It was argued that if the parking is restricted, residents will end up having to park on streets in 3C (Macomb).

I took

As directed, I prepared a thanks letter to Hugh, which all Commissioners except you have signed. I will not give it to Kay unless instructed because she is no longer a commissioner. Please sign and either 1) xerox for file and mail or 2) leave for me to xerox and mail.

✓

As directed, I prepared a thanks letter to Kay which all Commissioners except you have signed. Please do same as above.

✓

As directed, I prepared a letter re. the Police Station. This matter was not assigned to me at the December meeting--just for the record. I hope the letter is ok. If not, let me know and I will re-do. I based some of it on a response the MGRA got (which was not very direct, in my opinion).

OK

I will have some other material for you when I have gotten further with the minutes of the meeting. I was very busy with some other things after the last ANC meeting, which is why I didn't do much work for 3C this month. But now I have much more time and plan to catch up on some things I've been meaning to do. So I will be available, and will be back in the office later this week.

--Phil

PS: congrats on being reelected to WACC.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 4, 1979

Councilmember William R. Spaulding
Government Operations Committee
Council of the District of Columbia
Washington, D. C. 20004.

Re: Addressograph 5000

Dear Mr. Spaulding:

A.N.C. 3-C has been offered without charge an Addressograph 5000, which we would like to accept since it would aid greatly in our ability to communicate with our constituents.

We have checked with Mr. Matthew Watson, Office of the D.C. Auditor, as to how to comply with D.C. Law 1-58 since this machine is valued at over \$100.00. His recommendation is that a Council Resolution is required before our Commission may accept this equipment.

We have been informed that it is your committee on Government Operations that should be notified of our intention. We respectfully request that you consider this letter our formal letter of intent. A sample resolution is submitted herewith for whatever guidance it might give, and we look forward to your assistance in resolving this matter.

Sincerely,



Lindsley Williams, Chairperson

CC: Polly Shackleton
David Clarke
Matthew Watson
Edgar M. Bisgyer

Enclosures

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

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Washington, D. C. 20008
232-2232

06-
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To specifically authorize Advisory Neighborhood Commission 3C to accept a gift of office equipment valued at more than \$100 from a private source.

WHEREAS, Advisory Neighborhood Commission 3C has been offered, as a gift, an addressograph machine valued in excess of \$100 from a private source; and

WHEREAS, Advisory Neighborhood Commission 3C has indicated, by resolution, its desire to accept this gift as a means to enhance its communications with residents of the area served by said Commission; and

WHEREAS, Advisory Neighborhood Commission 3C sought advice from the Auditor of the District of Columbia as to whether said Commission may accept the gift in light of the requirements of Section 13(1) of D.C. Law 1-58 and was informed, by letter of said Auditor dated March 21, 1979 of the need for approval of the gift by means of a resolution of the Council of the District of Columbia; and

WHEREAS, the Council of the District of Columbia finds that the gift would enhance the activities of Advisory Neighborhood Commission 3C;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Resolu-

tion Approving Advisory Neighborhood Commission 3C's Accepting
A Gift of Office Machinery Valued in Excess of \$100 from a
Private Source."

Sec. 2. The Council of the District of Columbia hereby
approves the acceptance of a gift of office machinery valued
in excess of \$100 to Advisory Neighborhood Commission 3C from
a private source.

Sec. 3. This resolution shall take effect immediately
upon its adoption by the Council of the District of Columbia.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

Minutes

May 28, 1979

- I. The meeting was called to order, with Lindsley Williams presiding, at approximately 8:00pm at the Second District Police Station. Pitts and Arons were absent.
- II. Verification of the posting of notice was ascertained.
- III. Treasurer's Report: The request to transfer money into the savings account has been approved and done. The Commission has not yet received its third quarter funding from the City. The Quarterly Report is completed. Kopff moved approval of the Treasurer's Report; approval was unanimous.
- IV. Sidwell Friends BZA Application:#12945: Mr. Paul Dominovich was present representing the School. The Commission was aware of concerns that had been raised by the McLean Gardens Residents Association, among others. Discussion ensued.

The Application will increase on-campus parking to 152; this would be for faculty and staff but would be restricted from students (about 40-50 upper-class students drive and use public streets). Present enrollment is 699 students, which is less than in 1960-61 (before two campuses were created). Dominovich stated that it is "definitely not the case" that enrollment will increase, and he said "its perfectly alright" if the BZA were to say there may be no more than 700 students at the Wisconsin Avenue campus. The club, camp, and other summer programs are publicly advertised. Anybody may apply for the tennis club. There is a 2-3 year waiting list. There is some restriction as to use so that school programs may utilize the courts. There are 200-300 active members in the club. Dominovich stated that as far as he knew there is no priority, for membership in the club, given to people who are connected to the school. The new auditorium will be available to the public--size and scheduling permitting.

Coram moved that the Commission not oppose the application. Williams moved that this be changed to the Commission supporting the application, subject to the following conditions: 1) No increase in the student population above 700; 2) No more than a total of 10 tennis courts; 3) No outdoor lighting of the tennis courts at night; 4) Equal access for all to tennis club membership; 5) No student parking on campus; 6) No bleachers in the extant gymnasium; 7) Bus parking limited to those school buses substantially serving this campus; and 8) No conjoint operation of the gymnasium and proposed auditorium.

By consensus, Williams's motion replaced Coram's, and conditions

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08-
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10-David Grinnell

number 2 and 5 were withdrawn. Coram requested that the motion be further amended, and the Commission acceded, to state that:

- 1) The Commission supports the McLean Gardens Residents Association's protest over not receiving notice of the Application; and
- 2) The Commission request that the BZA consider instituting the requirement of a master plan for campuses like Sidwell Friends.

The motion was approved unanimously as amended.

V. Other Items:

A. Tourbus parking at the Shoreham Hotel: George and Leila Morrison addressed the Commission. Photographs were shown of buses double-parked on Calvert Street. The Commission is on record as having said in the past that hotels should be equipped with adequate tourbus parking. A draft resolution that will be considered by the board of directors of the condominium association at the Shoreham North was circulated. It was moved and approved that the Commission's Chairperson be authorized to review this resolution, after the Shoreham's North's board of directors has approved it, and to endorse it, on behalf of the Commission, to the extent that it is compatible with the Commission's position on Zoning Commission Case No. 79-1 (hotels).

B. Minutes: Mendelson said the Commission's minutes for the last meeting were not yet ready. Rothschild said he had missed the last meeting because he came to the Police Station on the last Monday, rather than on the fourth Monday.

C. Newark Street Community Gardens: Rothschild said he understood that the issues had been resolved. No Commissioner knew of any action being requested of the Commission at this time. The Chair asked that the minutes reflect that the Commission is of the opinion that the matter is resolved.

D. SMD-06 vacancy: The Board of Elections has considered the Commission's request that the deadline for filing to fill the vacancy be extended. The Board has said it would take an act of the City Council. Arons will check into this further.

E. Addressograph machine: Grinnell reported that he had been told by Councilmember Spaulding's office that there would be no problem with passage of a Council resolution authorizing the Commission to receive the machine as a gift. Grinnell reported further that the machine has been received, and that it cost \$125 to move it.

Grinnell was authorized by the Commission to contact an Addressograph salesman to check over the machine and also to look into vendors who can set up the machine, supply names, and make up address plates.

F. Board of Elections Cross Index: The D.C. Board of Elections is in the process of revising the ANC/SMD address and street cross index. Copies of the streets, by address, in each SMD were distributed and those Commissioners present were asked to verify accuracy. Mendelson was requested to verify SMD's 01, 03, 06, & 08.

G. Commission on Arts and Humanities: Williams requested the Commission's endorsement of the nomination of Joe Jeff, an area resident, to fill one of the vacancies on the Commission on Arts and Humanities. The consensus was that this endorsement should be left up to individual commissioners, who may use 3-C stationery. It was also felt that if the Commission meets the candidate, or is well acquainted with him/her, then perhaps it would, as a Commission, endorse the candidate.

H. Bus shelters: The D.C. Council has scheduled a Committee hearing for June 26th; the Commission commented on similar legislation last year.

I. Third quarter funding: A letter will be sent by the Commission to Gladys Mack; this was discussed at the April meeting. Not only has the Commission's funds been reduced, but now payments are one quarter late.

J. BZA application of John Czelen: Kopff reported that he has looked into this and sees no controversy. He moved that a letter be sent supporting this application. There was no objection.

K. Sheraton Park Hotel: Williams explained the application^{is} scheduled for a hearing before the BZA on June 13th; it involves technical issues. Williams asked that the ANC communicate to the BZA that it is familiar with the case, that it wants to wait until the Community Task Force has met and considered the application, and that it keep the hearing record open for the Commission to comment after it meets in June. This was approved by consensus.

L. Zoning Case 78-12: A proposed letter was distributed and explained by Lindsley Williams. A motion to approve the letter was passed by voice vote with no objections.

M. Zoning Case 79-1 (hotels): The Chair explained that the Commission has submitted its comments. The hearing is forthcoming.

N. Zoning Case 79-2 (PUD's): The hearing is upcoming; the Commission has already submitted its comments.

O. Transportation: Discussion ensued about 39th Street, which is a paper street, near Whitehaven Park. The District is concerned that as long as the street remains on the maps it could be a threat to the park.

P. Uptown Theater: Kopff reported that illegal parking has proliferated in this area because of the latest popular movie to be shown at the theater. There is a parking lot behind the theater, but it is reserved for the exclusive use of the Post Office, most of which has been transferred to the Friendship Station on Wisconsin Avenue. Neighborhood residents have been complaining nightly to get the police to ticket cars illegally parked in the alleys and streets. Kopff said there is also a litter problem.

Q. Ireland's Four Provinces: Kopff presented a proposed letter, addressed to the Fire Chief and the Office of Licenses and Permits. This letter was approved by consensus.

R. Woodley House: By unanimous voice vote, the Commission decided to approve the proposal, a copy of which is attached to the file copy of these minutes.

S. Transportation for the elderly: Haugen reported that she had testified at a hearing on this matter.

T. ANC Elections: Petitions must be picked up after August 24th and filed by September 7th for the November 6, 1979 election. Twenty-five signatures are required. It was also reported that 5 responses had been received to the Commission's Newsletter request for volunteers.

U. Office Of The People's Counsel: Haugen gave a brief report on Bill 3-70.

VI. The meeting adjourned at 10:04pm. The next meeting will be June 25th.


Attached to the file copy of these minutes are:

- Copy of the meeting notice published in the Northwest Current and as posted.
- Attendance at the meeting.
- Treasurer's report for May, 1979.
- May 12, 1979 letter to the BZA re. #12945 (Sidwell Friends)
- Re. tourbus problem on Calvert Street: May 16, 1979 memo from Polly Shackleton; copy of photographs; proposed Shoreham North Condominium Association resolution.
- Proposed letter endorsing Joe Jeff for the Commission on Arts and Humanities.
- Proposed letter re. Case No. 78-12 (Community Facilities).
- April 28, 1979 letter re. Case No. 79-1 (Hotels).
- Proposed letter re. Ireland's Four Provinces.
- Notice of Woodley House proposal.
- April 18, 1979 testimony by Haugen re. confirmation on Mayoral nominations to the D.C. Commission on Aging.
- Information Circular re. voter registration for 1979.

Respectfully Submitted
for the Commission:


Phil Mendelson

Attested as Approved & Corrected:


Katherine V. Coram
Recording Secretary

the Northwest Current

Upper Northwest's Award Winning Community Newspaper



Wrap Your Fish This Side Up?

Volume XII, No. 9 • Advertising: 244-7224 • Editorial: 244-7223 • May 24-June 6, 1979

the Northwest Current

ANC 3-C News

Advisory Neighborhood Commission 3-C (Cathedral Heights, Cleveland Park, McLean Gardens and Woodley Park) will hold its regular monthly meeting on Monday, May 28, 1979 at 8 p.m. at the Second District Police Station, Newark and Idaho Streets, NW.

Possible agenda topics include:

Planning and Development Update:

(a) Zoning Commission Policy cases: 78-12, Community Based Residential Facilities; 79-1 Hotels and Motels; 79-2, Planned Unit Developments.

(b) Zoning Commission Map cases: 78-29 Embassy/Chancery of Iran

(c) Board of Zoning Adjustment: Applications 12945—Sidwell Friends School for new buildings; 12949—Washington Sheraton Corporation for roof structures and width of a court yard; 12952—Rear deck at 3411 30th St. NW.

(d) Other: Swimming pool at Maret School.

ANC Funding Question.

Acceptance of Addressograph Machine

Transportation:

Vehicle Problems: Buses at Sheraton Park and Shoreham Americana Hotels.

Human Resources and Aging:

Public Hearing on Transportation for the Elderly

Housing:

Update on condominium conversion; McLean Garden status; and housing for elderly.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

The Commission will next meet on the evening of Monday, May 28 (Memorial Day). The meeting will take place at the Second District Police Station and will begin at 8:00 pm.

Topics include:

Planning and Zoning (Update on Cases) and
Consideration of --

Sidwell Friends application

Czelen application (rear deck)

Maret swimming pool

Transportation Matters

Legislative Issues before City Council

Residents are invited and may participate in shaping the agenda and discussion.

Lindsley Williams

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

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2737 Devonshire Place, N. W.
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232-2232

06-Kay McGrath
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

REGISTRATION CARD

Date: 5-28-79

Name : PAUL H DOMINCUIEN
 Address : 3429 Quebec St NW Apt:
 Represent: SIOWELL FRIENDS SCHOOL Zip: 20016
 Telephone: Home: 362-4116 Days: 537-8120
 Topic(s) of Concern: CENTENNIAL DEVELOPMENT + Circle Choice*
BZA HEARING CASE #129453 Speak Observe
 Speak Observe
 Speak Observe

*Persons wishing to change from "observe" to "speak" should submit an amended card.

REGISTRATION CARD

Date: 5/28/79

Name : George E. Morrison
 Address : 2501 Calvert St. Apt: 602
 Represent: Zip: 20004
 Telephone: Home: 265-9344 Days: Tuesdays
 Topic(s) of Concern: Circle Choice*
 Speak Observe
 Speak Observe
 Speak Observe
 Speak Observe

*Persons wishing to change from "observe" to "speak" should submit an amended card.

REGISTRATION CARD

Date: 5/28/79

Name : KEILA MORRISON
 Address : 2501 CALVERT ST NW Apt: 602
 Represent: Owner Graham, Ne. Zip: 20008
 Telephone: Home: 265-9344 Days: 412-5500
 Topic(s) of Concern: Circle Choice*
Dusser Calvert St NW Speak Observe
 Speak Observe
 Speak Observe
 Speak Observe

*Persons wishing to change from "observe" to "speak" should submit an amended card.

MAY 28 1979

TREASURER'S REPORT, ANC-3C

For Month of May, 1979

A. Opening Balances

1. Checking maintained at NS&T \$ 3280.77
 2. Savings maintained at NS&T \$ 5466.01
 3. Other maintained at _____ \$ 0 -

\$746.78

B. Revenues During Month

1. D.C. Government \$ _____
 2. Interest on savings \$ _____
 3. Other \$ _____

\$ 0 -

C. Disbursements Made

Total Disbursed

\$ 425.60

<u>Payee</u>	<u>Purpose</u>	<u>Amount</u>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

} Check 303 - 311

(Additional details posted in Treasury Accounts Book and in Treasury Vouchers, both available for inspection by consulting with the Treasurer)

D. Closing Balances (A + B - C) = (D.1 + D.2)

1. Checking \$ 2855.17
 2. Savings \$ 5466.01
 3. Other \$ _____

\$321.18

Respectfully submitted by

David Grinnell
 David Grinnell, Treasurer

 Gary J. Kopff, Vice-Treasurer

 Date

MAY 28 1979

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 12, 1979

Mr. Steven E. Sher, Executive Director
Board of Zoning Adjustment
District Building -- Room 9-A
Washington, D.C. 20004

Dear Mr. Sher:

Re: BZA #12945

On April 20, 1979 you advised us, by letter, of the application of Sidwell Friends School to construct a gymnasium, art center, and a maintenance building as additions to its present facilities at 3825 Wisconsin Avenue, N.W. Additions such as these require a Special Exception as the school is located in an R-1-B district. You informed us that the Board is to consider the case May 23.

The timing of your letter and our meeting schedule results in our not being able to inform the Board of our position on the case when matter is discussed May 23. However, we will be meeting the following Monday, May 28.

Accordingly, we would like to request that the Board provide for holding the hearing record open for two weeks after May 23 (which I understand is customary in any event). This would allow us the opportunity to file a statement for the Board to consider.

Thank you for your kind attention.

Sincerely, .

Lindsley Williams

Lindsley Williams, Chairperson

cc: President, North Cleveland
Park Citizens Association
Headmaster, Sidwell Friends

Single Member District Commissioners, 1978-1979

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232 2232

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10-David Ginnell

Council of the District of Columbia Memorandum

Rec'd by R MAY 28 1979
5/18/1979

District Building 14th and E Streets, N.W. 20004 Fifth Floor 724-8000

To Chairman Jerry Moore, Committee on Transportation and Environmental Affairs
From POLLY SHACKLETON, Councilmember, Ward 3 PS
Date May 16, 1979
Subject Long Standing Problem of Tour Busses on Calvert Street

I would appreciate your comments on the attached correspondence relating to the long standing problem of tour busses on Calvert Street.

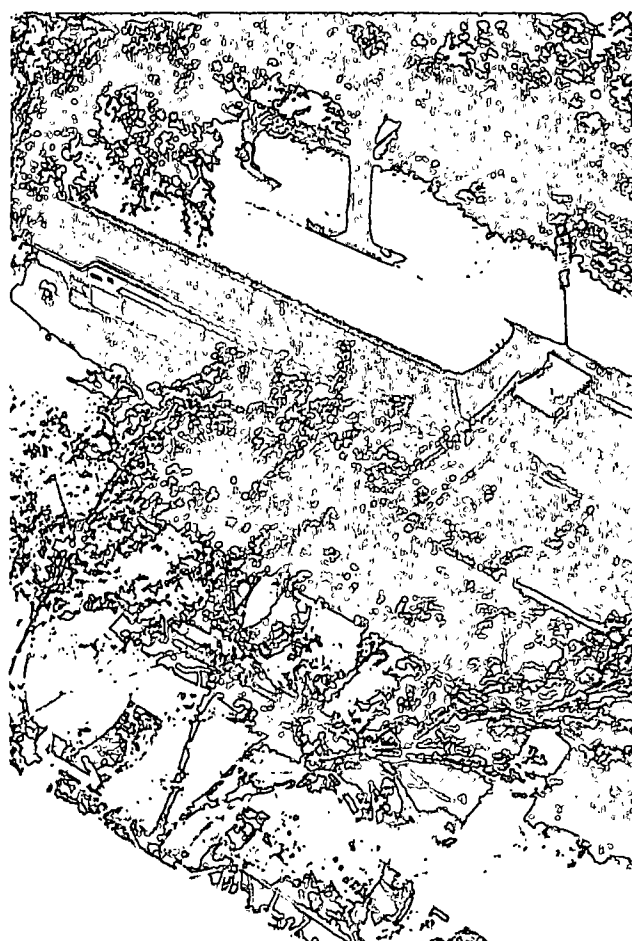
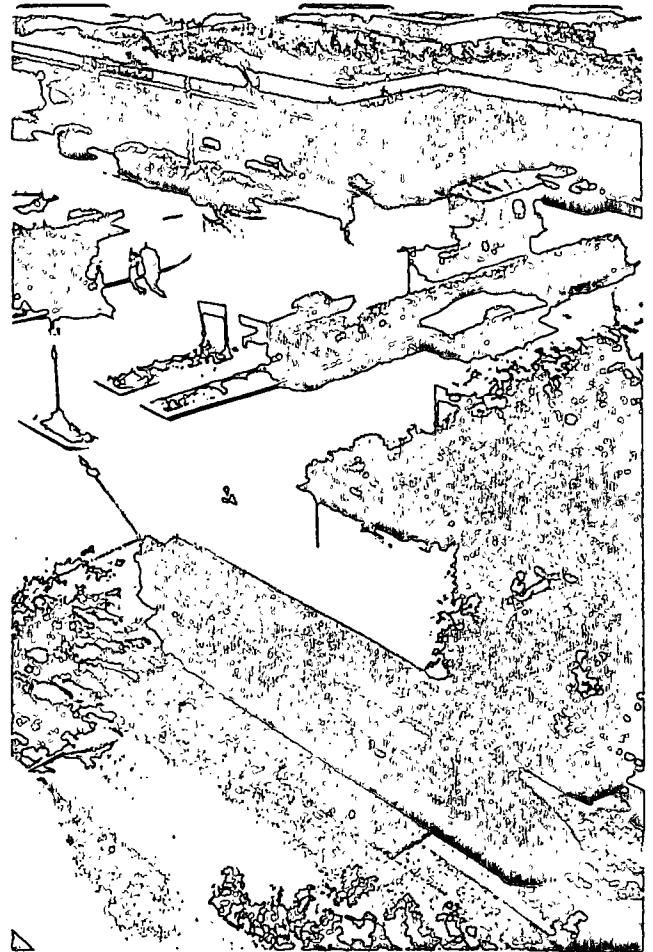
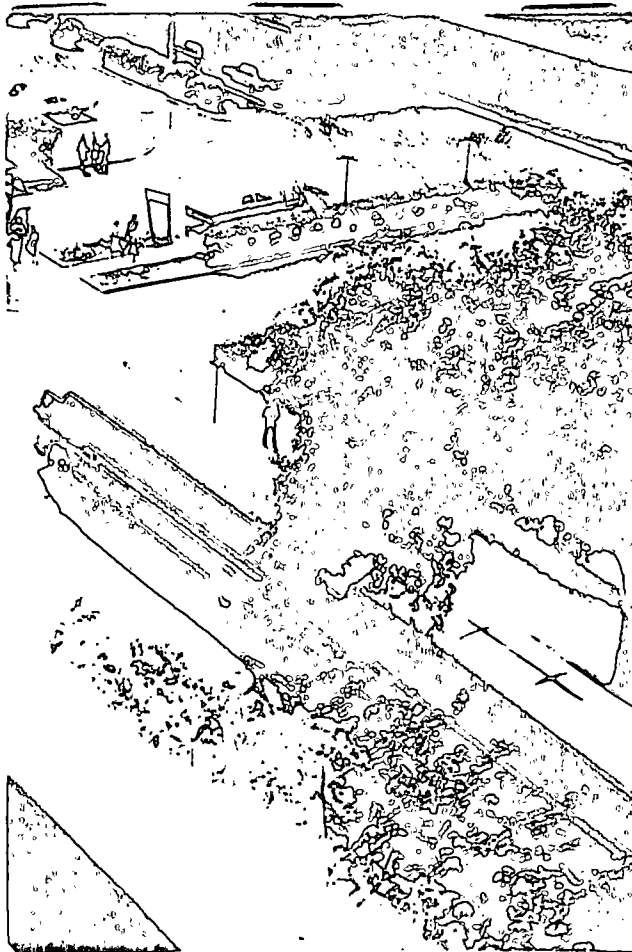
Perhaps we could get together with all the parties involved, i.e., committee staff, representatives of D.O.T., D.E.S., the ANC and the hotel people, and discuss possible solutions to this problem.

I understand Councilmember David Clarke has had complaints from his constituents about the large trucks carrying hotel displays for the Shoreham as well as other hotels in the area parking on the Duke Ellington bridge. Perhaps we could include Mr. Clarke or a member of his staff in this meeting.

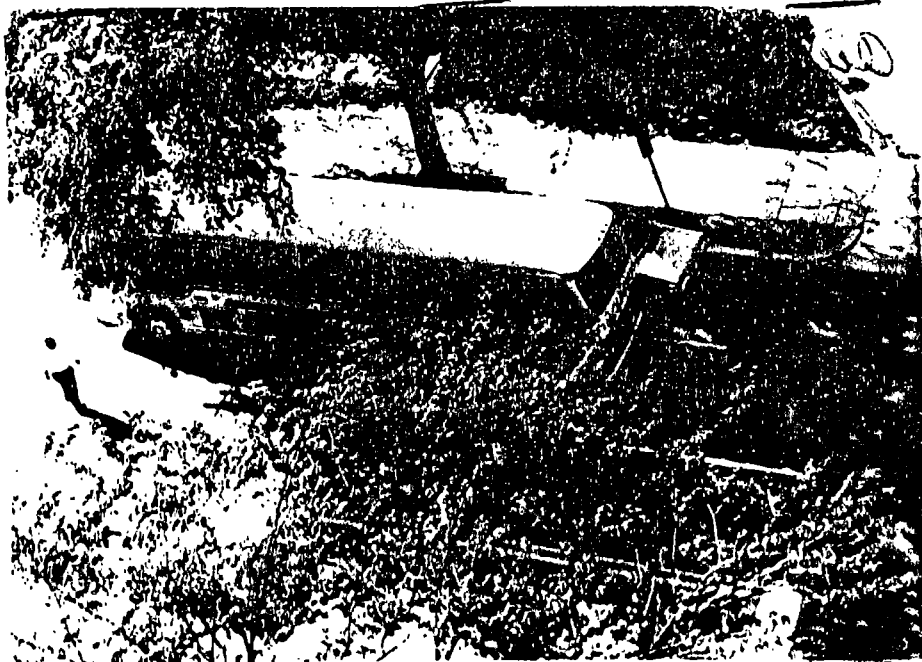
I look forward to hearing from you.

Attachments

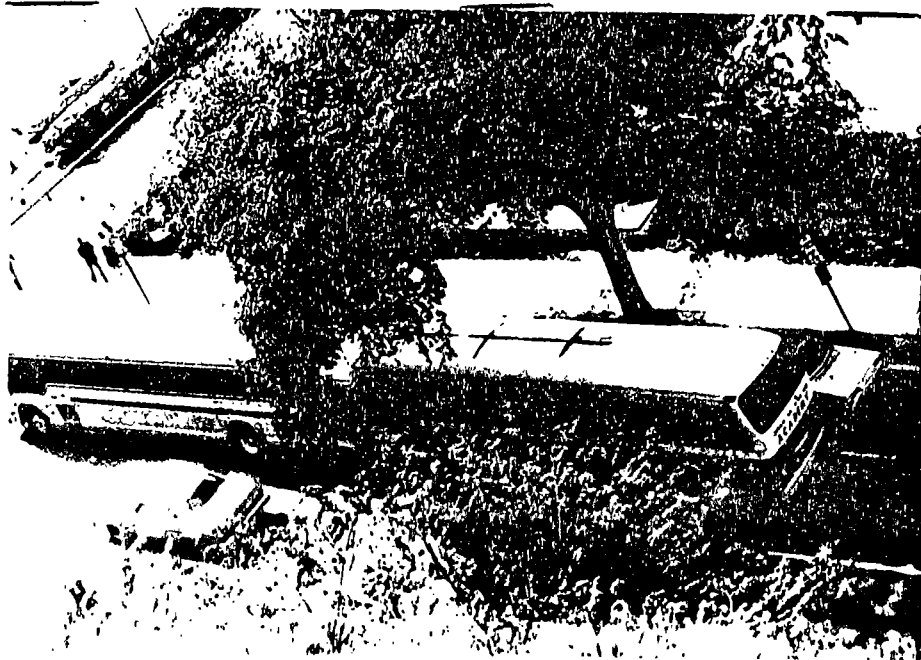
cc: Councilmember David Clarke
✓ ANC Commissioner Ruth Haugen
Ms. Leila Morrison



MAY 28 1979



MAY 28 1979



D R A F TR E S O L U T I O N

WHEREAS, tourism and visitors to Washington constitute the second major industry in Washington, D. C.; and

WHEREAS, a healthy and expanding hotel industry is essential for the District of Columbia to capture maximum economic and tax benefits from this activity; and

WHEREAS, existing hotels such as the Shoreham Americana should operate in a manner to minimize unfavorable impact on adjacent residential neighborhoods; and

WHEREAS, tour buses serving the Shoreham Americana are in continuing violation of the law because of illegal parking or standing in curb and second and third lanes, thus obstructing traffic and creating dangerous situations; because of illegal idling of engines, causing noise and air pollution and waste of energy; because of illegal parking or standing in the Metrobus stop, resulting in danger to boarding and alighting passengers (or the Metrobus operator refusing to stop); and the utilization by buses of metered space provided for automobiles; and

WHEREAS, these conditions have existed for some five years and have grown increasingly worse in spite of extensive contacts and meetings involving the hotel, the police, the Senate, the House of Representatives, various Federal agencies, bus

operators, and the National Association of Motor Bus Owners;
and

WHEREAS, effective law enforcement could certainly minimize and perhaps eliminate this nuisance and hazard;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of Shoreham North Condominium is urgently requested to bring appropriate legal action within the next thirty days to insure elimination of this hazard and nuisance and to seek legal remedy to insure that the hazard and nuisance do not recur.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 28, 1979

Honorable Marion S. Barry, Jr.
Mayor, District of Columbia
District Building
Washington, D.C. 20004

Not Approved

Attn: Special Assistants for
Boards and Commissions

Re: Vacancies on the Commission
on Arts and Humanities

Dear Mr. Mayor:

Through the Notice appearing earlier this year in the D.C. Register, Advisory Neighborhood Commission 3C became aware of vacancies in the Commission on Arts and Humanities. That Notice invited both nominations for vacancies on that Commission and endorsements of persons already nominated.

This letter is to endorse the nomination of Joe Jeff for one of the eleven seats now vacant on that Commission (from a total of eighteen seats). Joe Jeff is a resident of Woodley Park who makes regular contributions to the community in which he lives as well as the metropolitan area. His personal specialty area is mime, but his background is diverse. We feel he would make a contribution to the work of the Commission on Arts and Humanities. Thus, we urge that --

- You appoint Joe Jeff to one of the vacancies on the Commission on Arts and Humanities, and
- The Council of the District of Columbia consent to your appointment.

Thank you for your kind consideration.

FOR ADVISORY NEIGHBORHOOD COMMISSION 3C,

Lindsley Williams, Chairperson

cc: Honorable Arrington Dixon
Honorable David Clarke
Honorable Polly Shackleton

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell



FEB 2 1979

THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20001

MARION S. BARRY, JR.
Mayor

Boards & Commissions Public Notice 79-1
24 January 1979

NOTICE OF VACANCIES ON BOARDS AND COMMISSIONS
AND INVITATION TO SUBMIT NOMINATIONS

Mayor Marion Barry has appointed Ms. Betty King and Ms. Valerie Barry as Special Assistants to the Mayor for Boards and Commissions. Their duties include: (1) organizing information on the existing memberships of boards, commissions, and committees appointed by the Mayor; (2) informing the Mayor of pending vacancies; (3) processing nominations; and (4) advising the Mayor generally on technical and structural matters relating to boards, commissions, and committees.

All appointments of members of these bodies are made by the Mayor. In some cases, appointments require the approval (advice and consent) of the Council of the District of Columbia.

The Mayor is committed to correcting the geographical and sexual imbalance which has existed on many boards and commissions. Special attention will be given to those groups and areas which are currently underrepresented.

The Mayor has extended an invitation to all interested persons to nominate themselves or other qualified persons for membership on boards and commissions. All nominations from the public will receive full attention and consideration.

In order to nominate yourself or another person for appointment to a board, commission, or committee, write to:

Mayor Marion S. Barry, Jr.
c/o Special Assistants for Boards
and Commissions
District Building, 4th Floor
Washington, D.C. 20004

Each nomination should include a resume or biographical sketch. It is important to list the experience and background which makes the nominee a suitable candidate for appointment to the particular board or commission. Letters of endorsement from members of the community, as well as organizations and individuals with expertise or interest in the subject matter covered by the board or commission, are welcome. Endorsements should be sent to the same address as nominations.

7187

The following eight boards and commissions have current vacancies.
The Mayor will be considering appointments to these bodies immediately.

* * * * *

COMMISSION ON ARTS AND HUMANITIES

Vacancies: 11 now

Purpose: To evaluate and initiate action on matters relating to the arts and humanities, to encourage programs and the development of programs which promote progress in the arts and humanities.

Duties and Functions: Annual plan; to serve as state agency for National Foundation on Arts and Humanities Act; make grants; accept gifts; appoint advisory panels; adopt regulations on granting procedures.

7188

COMMISSION ON ARTS AND HUMANITIES (continued)

Meeting Schedule: Third Thursday of each month at 1:30 p.m.

Composition: Eighteen members appointed by the Mayor with the advice and consent of the City Council. Members shall be persons who have displayed an interest or an ability in one of the various fields of the arts or humanities in D.C. Appointments will ensure representation of all the geographic areas and neighborhoods in D.C.

Compensation: None, although expenses are reimbursed.

Term: 3 years

* * * * *

ADVISORY NEIGHBORHOOD COMMISSION 3-C

Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 28, 1979

Honorable Ruby McZier, Chairperson
Zoning Commission of the
District of Columbia
District Building, Room 9-A
Washington, D.C. 20004

Dear Mrs. McZier:

Re: 78-12 (Community Facilities)

As you know, the Zoning Commission has been studying the matter of community-based residential facilities (CBRFs) for the past several months as part of text case 78-12.

Initially, the case was to be heard November 27, 1978. This was postponed, however, to February 15, 1979. On both dates the text amendments to be specifically considered were identical, providing for (among other things) changes in the definition of "family;" defining "group homes," "health or social service centers," and "health care facility;" and deleting "personal care home," "halfway house or social service center," and "convalescent or nursing home." It went on to propose a series of amendments to allow various of these facilities in residential and other districts. Our letter of January 27, 1979 was in response to this proposed set of changes (copy attached).

Subsequently, the Administration decided -- wisely, we believe -- to ask for a further postponement of the case in order to allow time for the various District agencies and citizens to study the issues involved in greater depth. This culminated in the report of Ms. Carolyn Carter to James O. Gibson and Carroll B. Harvey. And, to a large degree, those efforts resulted in substantial revision to the text amendments suggested in the Fall of 1978. The hearings on these amendments took place May 21 and 24. The undersigned appeared on behalf of this ANC on May 24, but without providing any written material for the record. This letter, which reflects the vote of the ANC at its meeting of May 28, is intended to highlight factors that we continue to feel are critical and offer specific suggestions vis-a-vis the text amendments now being considered.

As a general principle, this ANC (1) supports the rehabilitative principle of community-based sheltered living arrangements for persons who desire or require supervision or assistance within a protective or supportive environment and (2) recognizes that the burdens of de-institutionalization should be shouldered by the entire community on a more or less equal basis.

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

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Washington, D. C. 20008
232-2232

06-
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

Testimony introduced during the recent hearings suggested the need to seriously consider mechanisms by which to bring the various Laws and Regulations relating to CBRFs together so as to make them function smoothly but without compromising any of the issues they are intended to address. ANC 3C concurs with this sentiment and hereby adopts, in principle, the report of the Citizens' Planning Coalition prepared by Anne Hughes Hargrove as our own -- and one we ask you to give "great weight" to. (Her report was submitted to you during the afternoon of May 24; it is not attached due to bulk.)

With respect to the text amendments suggested at this time by the Notice from the Zoning Commission, we remain concerned about and suggest the following:

1. Scope: The proposed definition of "Community-Based Residential Facility" "... includes, but is not limited to, facilities covered by D.C. Law 2-35" This definition is too broad for a number of reasons set forth in the report of the Citizens' Planning Coalition, and ANC 3C recommends that more specific terms be used. Should you decide to retain the term, then it must be revised so as to limit the scope to licensed facilities. The presently proposed definition would allow facilities of a correctional nature (which are not now subject to licensure requirements) in much the same manner as a halfway house for mentally retarded individuals.
2. Density: The objective of placing persons in community-based facilities is to make sure they live in as natural an environment as possible, but with such additional support as their own circumstances may require. Thus, with respect to density, care must be taken to ensure that no area is overly impacted by CBRFs. The proposed rule would allow, in effect, unlimited numbers of facilities providing residence for 1-4 persons (3101.314), one "matter of right" facility per square for 5-8 persons in R-1 through R-4 districts (3101.315) with additional ones if approved by the Board of Zoning Adjustment (BZA) (3101.494) as well as ones for 9 or more persons (3101.49). The proposed change would allow more density in R-5 districts by allowing one "matter of right" facility for 5-15 persons per square, and additional ones or ones for 16 or more persons with BZA approval (3105.46 and 3105.47). And, it would allow virtually unlimited numbers of CBRFs in commercial districts (5101.312).

We do not believe this will work as intended as it would permit small (for 1-4 persons) CBRFs in all zone districts on an unlimited basis. This could result in something more akin to "horizontal institutionalization" than de-institutionalization. It is also entirely unclear how the proposed density test would work for those squares containing a mixture of commercial and residential uses.

We believe that the test of one per square should be applied in conjunction with a linear test (as in a 1200 foot rule) with the more stringent of the tests governing a determination of a specific situation.

We do sense, however, that there may be good cause for considering a change to the definition of "family" so as to allow a bonafide family to take in as many as four foster children no more than two of whom may be mentally handicapped. A revised family definition might then read (underscore shows newly added text):

Family: one or more persons related by blood, marriage, or adoption, including up to four foster children no more than two of whom may be mentally retarded, or not more than six persons who are not so related living together

3. Housing Shortage: The Zoning Commission need not be advised of the problems in the existing housing market in the District of Columbia. Testimony introduced at the hearings reinforced the idea that many types of CBRFs are "commercial" operations with potential for significant profits. Care should be taken, therefore, to ensure that displacement of existing housing stock, particularly moderate income rental properties, does not ensue. For example, conversions of dwelling units to CBRFs or demolition of existing housing to construct CBRFs could carry with it a requirement for development or securing of replacement housing for persons that would be displaced.
4. Safety: Recent tragedies in the District, particularly the fire which took nine lives at a "CBRF" on Lamont Street, NW, highlight the importance of safety considerations. This prompts this ANC, in conjunction with the need to ensure that care provided is otherwise proper and humane, to urge in the strongest possible terms that any proposed Zoning Regulations be tied in to appropriate licensing Laws. In a recent survey published in the Mental Disability Law Reporter, thirteen of the sixteen surveyed states require "licensing or other recognition of community homes" by competent State authorities. (See letter from the undersigned to James O. Gibson dated May 12, copied to Steven Sher for inclusion in the record to Case 78-12, specifically its attachment at page numbered 799).

These issues lead this ANC to suggest that the Zoning Commission limit the size of all "CBRF"-type facilities to no more than 15 persons with the possibility of creating an "institutional" category at some future time. This size limit is consistent with established cutting points in the Housing Code relating to fire safety.

Honorable Ruby McZier

-4-

May 28, 1979

We hope the foregoing will be of assistance to you in preparing regulations governing the placement of community-based facilities for persons needing shelter and support in the District of Columbia.

FOR THE ADVISORY NEIGHBORHOOD
COMMISSION 3C

Lindsley Williams, Chairperson

Attachment

cc: Honorable Polly Shackleton
Mr. Elijah Rogers
Mr. Carroll B. Harvey
Mr. James O. Gibson
Ms. Anne Hughes Hargrove

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

May 28, 1979

Jefferson W. Lewis
Fire Chief
Room 401
614 H Street, N.W.

Charles D. Fowler, Jr.
Administrator, Office of
Licenses and Permits
Department of Economic Development

Gentlemen:

For nearly three years, the operation of a bar/restaurant at 3412 Connecticut Avenue (known as "Ireland's Four Provinces") has been strongly and consistently opposed by Advisory Neighborhood Commissions 3-C and 3-F, by the Cleveland Park Citizens Association, and by the majority of the residents in the surrounding neighborhood. Among numerous reasons for the widespread opposition is grave concern for the safety of patrons (up to 199 at a time) in the event of fire.

Each of you, or your predecessor, was subpoenaed August 4-7, 1978 to testify before the Alcoholic Beverage Control Board ("ABC Board", hereafter) as to how in the face of a clear violation of the D.C. Building Code (5A-1 D.C.R.R. Section 628.3(2)), which mandates the number and location of fire exits, you allowed the establishment to receive a Certificate of Occupancy over 3 years ago and continue to allow it to operate. The premises are classified as a Group F-2 Assembly Building under Article 2, Section 202.7(2). Section 628, which applies specifically to F-2 occupancies, sets forth explicit fire exit requirements:

"When the population capacity exceeds 125 in buildings of Type 1 construction, or 100 in buildings of Types 2 or 3 construction, or when the travel would exceed 75 feet to an exit, there shall be not less than two exits, and no point in the room shall be more than 75 feet by the shortest line of actual travel from an exit in buildings of Type 2 or 3 construction, nor more than 100 feet in buildings of Type 1 construction." D.C. Building Code, Art. 2, Section 628.3(2) (Emphasis added).

Evidence admitted by the ABC Board into the hearing record at the rehearing confirms that:

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsay Williams
05-Katherine Coram

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Washington, D. C. 20008
232-2232

06-Kay McGrath
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

1. The northern wall of the premises is 173.02 feet long
2. Toward the western side is a dart room and kitchen
3. Two exits are located on the eastern wall and the southeastern corner
4. The distance from the exits to the western wall is 150 feet or more
5. Seating capacity is 150 persons and total capacity is 199 persons.

Moreover, evidence was proffered that has the effect of prohibiting construction of an exit on the western wall. There is an official agreement binding on the Mayor and City Council (as successors to the Board of Commissioners of the District of Columbia, who are one of the three parties to the agreement) that was filed with the Recorder of Deeds in 1939 which creates a covenant running with the land prohibiting owners of the property from constructing a rear exit.

The testimony on August 8, 1978 by your representatives, in response to the subpoenas, was not allowed to be given due to an evidentiary ruling by two ex-Commissioners of the ABC Board.* The apparent failure of the ABC Board to fulfill its legal responsibilities has led to the second lawsuit in connection with the granting of a liquor license to Ireland's Four Provinces. (The prior case, Gary Kopff, et al v District of Columbia Alcoholic Beverage Control Board (381 A.2d 1372) was decided in December 1977 when the D. C. Court of Appeals remanded the case for rehearing due to a number of reversible errors).

Regardless of how the D.C. Court of Appeals and the ABC Board ultimately rule, neither of you is absolved of your responsibilities under the laws of the District of Columbia to ensure the safety of patrons in the event of a fire at the bar/

*Ex-Commissioner Jackson indicated that the ABC Board would examine a fire inspection if requested in writing (Cf. Transcript, page 95) and such a request was made, thereafter, through our letters to you and our subpoenas. However, ex-Commissioner Hill apparently overruled Mr. Jackson by refusing to look behind an "apparently valid" Certificate of Occupancy and by refusing to allow your representatives to testify. The evidentiary rulings are being contested before the D.C. Court of Appeals in Gary Kopff, et al v District of Columbia Alcoholic Beverage Control Board (Docket No. 14091).

restaurant at 3412 Connecticut Avenue. We are highly displeased by the fact that neither of you has seen fit to respond to our letters to you last July/August raising issues in connection with this case. We see no valid reason for delaying your responses while the D.C. Court of Appeals rules on related issues. Therefore, we are again urgently requesting a prompt, written response to the questions initially raised last summer:

1. Who is/was responsible for approving the Certificate of Occupancy for 3412 Connecticut Avenue in 1976 with respect to the number and location of exits, as called for in Section 628?
2. Who is now authorized to cite a violation pertaining to Section 628.3 which is discovered after an initial Certificate of Occupancy is issued? and what actions have either of you taken to cite such a violation?
3. What enforcement procedures and sanctions are provided for under existing laws to correct a violation to Section 628.3? and what actions have either of you taken to date?

We are particularly anxious to obtain your replies since we learned subsequent to our letter last summer that under 5A-1 D.C.R.R. Section 110.1, a Certificate of Occupancy may not be issued an Application has been signed by fire, building, plumbing, and Department of Environmental Services inspectors certifying compliance with the respective codes. The application for the premises at issue was not signed by the fire inspector.

* * * * *

In the aftermath of several recent tragedies in the City due to fires, we are unwilling to allow either of you to shirk your legal and moral responsibilities in connection with this hazardous condition in the event of a fire. Most of the patrons of the bar/restaurant are from Maryland, Virginia, or distant parts of the District of Columbia; however, we will not tolerate an obvious fire hazard within our official jurisdiction that could threaten the lives of any persons. We expect that your investigation will be rigorous both out of concern for the safety of patrons and the fact that an owner of the bar/restaurant is/was a D.C. fireman.

ON BEHALF OF THE COMMISSION

Lindsley Williams
Chairperson

Gary Kopff
Vice-Chairperson

To be sent by Certified Mail

Copies to persons listed on next page

COPIES OF CORRESPONDANCE SENT TO

J.E. Binderman, Attorney of Record for Ireland's Four Provinces

Edward E. Schwab, Office of the Corporation Counsel

Arthur Meigs, President of the Cleveland Park Citizens Association

William Bartlett, Chairperson of Advisory Neighborhood Commission 3-F

Polly Shackleton, Member of the City Council for Ward III

Robert Stumberg, Anne Blaine Harrison Institute for Public Law,
Georgetown University Law School

Elijah Rogers, City Administrator for the District of Columbia



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN RESOURCES
WASHINGTON, D.C. 20001

Received by RITANC 3C
5/18/79

MAY 28 1979

IN REPLY REFER TO:

1079

DISTRIBUTION LIST

Sub. Amendment
Phase
IT 10005

ISSUANCE DATE: APRIL 19, 1979

CLOSING DATE: MAY 17, 1979

May 17, 1979

TO WHOM IT MAY CONCERN:

SUBJECT: Request for Proposal No. DA/79216 for Community Support Services for a Crisis Stabilization Housing Program (Supportive Parent and Respite Services) - Amendment #2

Subject request for proposal is hereby amended to add the following:

ARTICLE XX - SPECIAL HEALTH AND SAFETY REQUIREMENTS

- A. Prospective Contractor must maintain the facility so as to meet all applicable D. C. Codes, including those special requirements for food handlers and group living.
- B. Prospective Contractor's response to operate a facility shall contain all applicable licenses to operate, occupancy permit, or applications for these licenses and permits.

ARTICLE XXI - SPECIAL PROVISIONS

"The Prospective Contractor is responsible for securing approval of the Advisory Neighborhood Commission before locating such a facility in the neighborhood."

If you have any questions regarding this addendum, please contact Phyllis Lane, at (202) 777-3302.

Yours truly,

ANC 3C

"not opposed"

by vote of 3C 5/20/79

Albert Bush
Albert Bush, Chief
Contract Branch

TESTIMONY
TRANSPORTATION SERVICES FOR THE ELDERLY

COUNCIL CHAMBERS

May 24, 1979

My name is Ruth Haugen. I live at 2800 Woodley Rd. N.W. I am an ANC Commissioner, ANC #c-02, reelected November, 1977, for the second term. My ANC responsibility is Human Resources and Aging. The scheduling of this kind of hearing for this subject to me represents progress, is very timely and may be long overdue. I welcome this opportunity to comment.

Twenty-five percent of the population of Ward 3 is over age 60 with the highest percent of that number residing in the ANC 3-C area. ANC 3-C is the largest of the seven commissions in Ward 3. Its area includes parts of the Connecticut and Wisconsin avenue corridors.

The records of the Department of Transportation, ^{of} Councilmembers Shackleton and Moore carry documentation of the concerns of ANC 3-C regarding transportation and traffic matters of import to the elderly as well as the general population. These communications were submitted over the signature of Mr. Lindsley Williams, chairperson of ANC 3-C and its committee on Transportation since the beginning, as well. Analogies can be drawn between the needs of the mother with small children and the older person, among others. An improved and better transportation system for everyone will benefit the older person, and/or "the elderly".

The Commission is on record as favoring small jitney like buses for use when changes will be effected in routing with the opening of the Metro stations on Connecticut Avenue

as well as the Tenly station on Wisconsin Avenue. We are looking forward to the results of the small bus study being undertaken by the Department of Transportation. Increasingly, we need to see planning efforts of the District, as well as the region, directed to the neighborhood identification specified in its over-all goals and objectives statement passed by the District Council late in 1978. The position of ANC 3-C on the "right-turn on red" regulation is also on record. Other issues could be identified.

D.C.

The records of the Office on Aging are replete with documentation of the high place of transportation in the grading of the needs, as expressed, which follows the evaluation of the Ward forums held throughout the city as well as the more formal needs assessment. As a response to these needs, we applaud the direction underway through the initiative of the D.C. Office on Aging toward inter-departmental coordination within the District governmental structure and the development of a comprehensive coordinated consolidated transportation system. Also, we applaud the fact that some D.C. monies were included in the D.C. Office on Aging budget for Fy '80 through the support of Councilmember Shackleton.

These developments through the D.C. Office on Aging serve as the backdrop of my comment to follow.

In September 1978 ANC 3C 3-C gave the Jewish Council on Aging a grant of \$3200, as a one-time grant award from some accumulated funds, to the Jewish Council on Aging to support a pilot project response to transportation needs

~~was~~ expressed through the service providers at the Service Centers of the St. Thomas Apostle Catholic Church on Woodley Road, near Connecticut, the All Souls Memorial Episcopal Church and the ~~X~~dais Israel Temple, both either on or near Connecticut Avenue. (We knew from contacts in the St. Albans Parish on Wisconsin Ave. that ^a/similar need existed in the Wisconsin, Massachusetts and Cathedral Ave. areas.) Our support as a one time award was to secure the continuance of the Shopping Bus started in July, 1978, on Connecticut Avenue from Calvert Avenue to ^{the}/Van Ness Center one day a week and to encourage the start of a similar program on Wisconsin Avenue. The effectiveness of this project will be presented in other testimony.

My purpose here is to underscore the need for operating funds to the voluntary endeavors being developed, and ^{to express the need} that a way ~~can~~ be found to tie these voluntary endeavors into the systems being developed. We know that the plans now on the drawing board cannot meet all of the needs. At one point in our area the director of a residential institution suggested that there were days during the week that the institution buses could be shared on a contract basis. The problems were ~~operating~~ and maintenance costs as well as the development of a dispatching system. Unfortunately, this director left the area for another position during the period of exploration. We plan to encourage further exploration for these special needs. From the experience of other groups thus far, we know that the problems arise from lack of funds to meet operating and maintenance costs includ-

ing the payment of drivers.

My other concerns regarding the public transit system hopefully will be developed in other testimony. If the record is kept open, I will pass on a comment as a consumer if the subject is not covered by others.

Thank you.


Ruth Haugen

Added
orally

Tel: 232-1468

As as consumer - two points.

1. Difference in attitude between long run busses on Connecticut Ave. Pushing on and neighborly, more relaxed feeling of Nos. 96-98 drivers on run from Calvert up the hill and on to McLean Gardens - end of route -- in support of small busses going around the area.

. Re: the new to be retrofitted for wheel chair buses (Trans busses) with long seats on the side- safety problem for the short person who has difficulty reaching, who is caught in center with nothing to ~~grab~~ which to hang on to when driver gives a lurch, or if the top has been reached may be whirled around - to raise question about practicality of these busses.

ADVISORY NEIGHBORHOOD COMMISSION 3-C

Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

Minutes

May 28, 1979

- I. The meeting was called to order, with Lindsley Williams presiding, at approximately 8:00pm at the Second District Police Station. Pitts and Arons were absent.
- II. Verification of the posting of notice was ascertained.
- III. Treasurer's Report: The request to transfer money into the savings account has been approved and done. The Commission has not yet received its third quarter funding from the City. The Quarterly Report is completed. Kopff moved approval of the Treasurer's Report; approval was unanimous.
- IV. Sidwell Friends BZA Application #12945: Mr. Paul Dominovich was present representing the School. The Commission was aware of concerns that had been raised by the McLean Gardens Residents Association, among others. Discussion ensued.

The Application will increase on-campus parking to 152; this would be for faculty and staff but would be restricted from students (about 40-50 upper-class students drive and use public streets). Present enrollment is 699 students, which is less than in 1960-61 (before two campuses were created). Dominovich stated that it is "definitely not the case" that enrollment will increase, and he said "its perfectly alright" if the BZA were to say there may be no more than 700 students at the Wisconsin Avenue campus. The club, camp, and other summer programs are publicly advertised. Anybody may apply for the tennis club. There is a 2-3 year waiting list. There is some restriction as to use so that school programs may utilize the courts. There are 200-300 active members in the club. Dominovich stated that as far as he knew there is no priority, for membership in the club, given to people who are connected to the school. The new auditorium will be available to the public--size and scheduling permitting.

Coram moved that the Commission not oppose the application. Williams moved that this be changed to the Commission supporting the application, subject to the following conditions: 1) No increase in the student population above 700; 2) No more than a total of 10 tennis courts; 3) No outdoor lighting of the tennis courts at night; 4) Equal access for all to tennis club membership; 5) No student parking on campus; 6) No bleachers in the extant gymnasium; 7) Bus parking limited to those school buses substantially serving this campus; and 8) No conjoint operation of the gymnasium and proposed auditorium.

By consensus, Williams's motion replaced Coram's, and conditions

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08-
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10-David Grinnell

May 28, 1979

number 2 and 5 were withdrawn. Coram requested that the motion be further amended, and the Commission acceded, to state that:

- 1) The Commission supports the McLean Gardens Residents Association's protest over not receiving notice of the Application; and
- 2) The Commission request that the BZA consider instituting the requirement of a master plan for campuses like Sidwell Friends.

The motion was approved unanimously as amended.

V. Other Items:

was this formally included? delete or say "discussed"

"#2 no action was taken on this; for this was deleted from final Resolution as adopted"

A. Tourbus parking at the Shoreham Hotel: George and Leila Morrison addressed the Commission. Photographs were shown of buses double-parked on Calvert Street. The Commission is on record as having said in the past that hotels should be equipped with adequate tourbus parking. A draft resolution that will be considered by the board of directors of the condominium association at the Shoreham North was circulated. It was moved and approved that the Commission's Chairperson be authorized to review this resolution, after the Shoreham North's board of directors has approved it, and to endorse it, on behalf of the Commission, to the extent that it is compatible with the Commission's position on Zoning Commission Case No. 79-1 (hotels).

B. Minutes: Mendelson said the Commission's minutes for the last meeting were not yet ready. Rothschild said he had missed the last meeting because he came to the Police Station on the last Monday, rather than on the fourth Monday.

C. Newark Street Community Gardens: Rothschild said he understood that the issues had been resolved. No Commissioner knew of any action being requested of the Commission at this time. The Chair asked that the minutes reflect that the Commission is of the opinion that the matter is resolved.

D. SMD-06 vacancy: The Board of Elections has considered the Commission's request that the deadline for filing to fill the vacancy be extended. The Board has said it would take an act of the City Council. Arons will check into this further.

E. Addressograph machine: Grinnell reported that he had been told by Councilmember Spaulding's office that there would be no problem with passage of a Council resolution authorizing the Commission to receive the machine as a gift. Grinnell reported further that the machine has been received, and that it cost \$125 to move it.

Grinnell was authorized by the Commission to contact an Addressograph salesman to check over the machine and also to look into vendors who can set up the machine, supply names, and make up address plates.

F. Board of Elections Cross Index: The D.C. Board of Elections is in the process of revising the ANC/SMD address and street cross index. Copies of the streets, by address, in each SMD were distributed and those Commissioners present were asked to verify accuracy. Mendelson was requested to verify SMD's 01, 03, 06, & 08.

G. Commission on Arts and Humanities: Williams requested the Commission's endorsement of the nomination of Joe Jeff, an area resident, to fill one of the vacancies on the Commission on Arts and Humanities. The consensus was that this endorsement should be left up to individual commissioners, who may use 3-C stationery. It was also felt that if the Commission meets the candidate, or is well acquainted with him/her, then perhaps it would, as a Commission, endorse the candidate.

H. Bus shelters: The D.C. Council has scheduled a Committee hearing for June 26th; the Commission commented on similar legislation last year.

I. Third quarter funding: A letter will be sent by the Commission to Gladys Mack; this was discussed at the April meeting. Not only has the Commission's funds been reduced, but now payments are one quarter late.

J. BZA application of John Czelen: Kopff reported that he has looked into this and sees no controversy. He moved that a letter be sent supporting this application. There was no objection.

K. Sheraton Park Hotel: Williams explained the application, scheduled for a hearing before the BZA on June 13th; it involves technical issues. Williams asked that the ANC communicate to the BZA that it is familiar with the case, that it wants to wait until the Community Task Force has met and considered the application, and that it keep the hearing record open for the Commission to comment after it meets in June. This was approved by consensus.

L. Zoning Case 78-12: A proposed letter was distributed and explained by Lindsley Williams. A motion to approve the letter was passed by voice vote with no objections.

M. Zoning Case 79-1 (hotels): The Chair explained that the Commission has submitted its comments. The hearing is forthcoming.

N. Zoning Case 79-2 (PUD's): The hearing is upcoming; the Commission has already submitted its comments.

O. Transportation: Discussion ensued about 39th Street, which is a paper street, near Whitehaven Park. The District is concerned that as long as the street remains on the maps it could be a threat to the park.

P. Uptown Theater: Kopff reported that illegal parking has proliferated in this area because of the latest popular movie to be shown at the theater. There is a parking lot behind the theater, but it is reserved for the exclusive use of the Post Office, most of which has been transferred to the Friendship Station on Wisconsin Avenue. Neighborhood residents have been complaining nightly to get the police to ticket cars illegally parked in the alleys and streets. Kopff said there is also a litter problem.

Q. Ireland's Four Provinces: Kopff presented a proposed letter, addressed to the Fire Chief and the Office of Licenses and Permits. This letter was approved by consensus.

R. Woodley House: By unanimous voice vote, the Commission decided to approve the proposal, a copy of which is attached to the file copy of these minutes.

S. Transportation for the elderly: Haugen reported that she had testified at a hearing on this matter.

T. ANC Elections: Petitions must be picked up after August 24th and filed by September 7th for the November 6, 1979 election. Twenty-five signatures are required. It was also reported that 5 responses had been received to the Commission's Newsletter request for volunteers.

U. Office Of The People's Counsel: Haugen gave a brief report on Bill 3-70.

VI. The meeting adjourned at 10:04pm. The next meeting will be June 25th.

Attached to the file copy of these minutes are:

- Copy of the meeting notice published in the Northwest Current and as posted.
- Attendance at the meeting.
- Treasurer's report for May, 1979.
- May 12, 1979 letter to the BZA re. #12945 (Sidwell Friends)
- Re. tourbus problem on Calvert Street: May 16, 1979 memo from Polly Shackleton; copy of photographs; proposed Shoreham North Condominium Association resolution.
- Proposed letter endorsing Joe Jeff for the Commission on Arts and Humanities.
- Proposed letter re. Case No. 78-12 (Community Facilities).
- April 28, 1979 letter re. Case No. 79-1 (Hotels).
- Proposed letter re. Ireland's Four Provinces.
- Notice of Woodley House proposal.
- April 18, 1979 testimony by Haugen re. confirmation on Mayoral nominations to the D.C. Commission on Aging.
- Information Circular re. voter registration for 1979.

Respectfully Submitted
for the Commission:


Phil Mendelson

Attested as Approved & Corrected:

Katherine V. Coram
Recording Secretary