

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 04-08B
Z.C. Case No. 04-08B/02-45
(PUD Modification – St. Elizabeths Hospital)
May 10, 2010

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public meeting on May 10, 2010, the Commission approved an application from the D.C. Water and Sewer Authority (“DC WASA”) and the D.C. Department of Real Estate Services (“DRES”) (collectively, the “Applicant”) for a minor modification to a planned unit development (“PUD”) and related map amendment concerning St. Elizabeths Hospital to exclude certain areas from the approved PUD.

FINDINGS OF FACT

By Zoning Commission (“Z.C.”) Order No. 02-45, dated May 1, 2003, the Commission approved the application of the D.C. Department of Mental Health for first-stage review and approval of a PUD and related map amendment filed in order to permit St. Elizabeths Hospital to develop a new mental health hospital, parking, landscaping, stormwater controls, and related facilities. The PUD site that is the subject of Z.C. Order No. 02-45 consists of approximately 49.4 acres of land area located on an irregularly shaped parcel in the southeast part of the East Campus of St. Elizabeths Hospital. Z.C. Order No. 02-45 became final and effective upon publication in the *D.C. Register* on November 28, 2003, pursuant to 11 DCMR § 3028.

By Z.C. Order No. 04-08A, dated September 13, 2004, the Commission approved a minor modification to the first-stage PUD in order to add an additional 5.19 acres to the PUD site. Z.C. Order No. 04-08A became final and effective upon publication in the *D.C. Register* on December 24, 2004.

By Z.C. Order No. 04-08, dated January 13, 2005, the Commission granted second-stage approval for the PUD and related Zoning Map amendment. Z.C. Order No. 04-08 became final and effective upon publication in the *D.C. Register* on April 22, 2005.

By letter dated March 24, 2010, counsel for the Applicant requested a minor modification to the Commission’s prior approvals pursuant to § 3030 of the D.C. Zoning Regulations. The letter requested the Commission remove a five-acre portion of land from the PUD site. By letter dated April 12, 2010, counsel for the Applicant amended the modification to request removal of only a 3.3 acre portion of land from the PUD site, and provided a metes and bounds description of the

land area to be removed from the PUD site. The land to be removed is located in the northwest corner of the PUD site, and is proposed as a new location for a water tower to be constructed by DC WASA. The removal of the land for the new water tower will reduce the overall size of the PUD site to 51.29 acres.

Pursuant to 11 DCMR § 3030.11, the Director of the Office of Zoning placed the request for a minor modification on the Commission's Consent Calendar Agenda for its public meeting of May 10, 2010. The D.C. Office of Planning submitted a report in support of the minor modification request dated April 30, 2010. At that meeting, the Commission voted to approve the modification as a minor modification.

CONCLUSIONS OF LAW

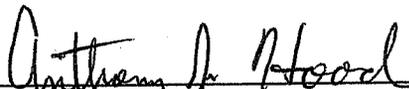
Upon consideration of the record of this application, the Commission concludes that the Applicant's proposed modification is minor and consistent with the intent of the Commission's prior approvals. The Commission concludes that the proposed modification is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

The approval of the modification is not inconsistent with the Comprehensive Plan. The modification is of such a minor nature that its consideration as a consent calendar item without public hearing is appropriate.

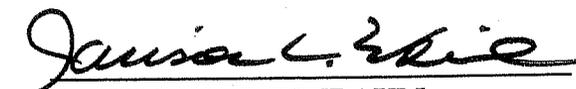
In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of a minor modification to remove 3.3 acres of land from the PUD site that was approved in Z.C. Order Nos. 02-45 and 04-08, as amended by Z.C. Order No. 04-08A. The minor modification shall also remove the zoning designation from the land to be removed from the PUD site, such that the land shall revert to an unzoned designation. All other provisions and conditions of Z. C. Order Nos. 02-45, 04-08, and 04-08A remain in effect.

On May 10, 2010, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to adopt; third Mayoral appointee position vacant, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on June 25, 2010.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 04-08B/02-45

JUN 28 2010

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 04-08B/02-45 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
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7. Office of the Attorney General (Alan Bergstein)
8. Councilmember Marion Barry

ATTESTED BY:

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

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning