



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of the Mayor
Office of the Deputy Mayor for Planning and Economic Development



April 26, 2013

By Electronic Delivery

Zoning Commission for the District of Columbia
c/o District of Columbia Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Request for Minor Modification of Planned Unit Development ("PUD") and Related Map Amendment, Zoning Commission Case No. 04-08C/02-45—"St. Elizabeths Hospital"

Dear Members of the Zoning Commission:

In response to questions and comments posed by the Commissioners at the public hearing on April 25, 2013 related to the potential future development of those areas on the St. Elizabeths East Campus that are proposed to be removed from the existing St. Elizabeths Hospital PUD boundary as part of the subject PUD modification, we hereby submit the following materials on behalf of the District of Columbia Department of Mental Health ("Applicant") for inclusion in the case record:

Letter from United States Army Corps of Engineers ("USACE") dated January 22, 2013:

This letter from the USACE states that they agree with the District's characterization and location of wetlands on the St. Elizabeths East Campus, and also concur that they are outside of the jurisdiction of the USACE. This means that any action (i.e., development) that has is exempt from federal processes and permits required of wetlands within USACE jurisdiction.

Letter from District of Columbia Department of Environment ("DDOE") dated March 7, 2013

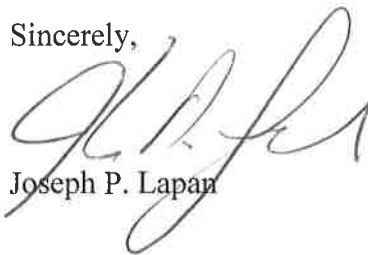
This letter from DDOE states that they concur with the findings of the USACE. Further, it states that DDOE does claim jurisdiction over the identified wetlands, and that all future development will have to submit plans to the DDOE. The DDOE will review plans and permit requests in accordance with applicable laws and regulations, which will require any development to mitigate the effect of any development on the wetlands.

Excerpts from St. Elizabeths East Campus Master Plan and Design Guidelines ("Master Plan")

In response to Commissioners' inquiries as to the nature of future development of those areas proposed to be removed from existing PUD boundaries, the Applicant references the enclosed portions of the approved Master Plan specific to Parcel 6 and Parcel 13. These pages represent conceptual development in accordance with the permitted development envelope, but as noted at the hearing and above, any future development of these areas will be subject to applicable environmental laws and regulations.

Please include these items in the case record for Case No. 04-08C/02-45.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. P. Lapan', written in a cursive style.

Joseph P. Lapan



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

JAN 22 2013

Operations Division

Mr. Ethan Warsh
Office of the Deputy Mayor for Planning
and Economic Development
1350 Pennsylvania Avenue NW, Suite 317
Washington, DC 20004

Dear Mr. Warsh:

This is in response to a letter dated November 29, 2011, requesting a jurisdictional determination (JD) and verification of the delineation of waters of the United States, including jurisdictional wetlands, on the St. Elizabeth's Hospital East Campus in Washington, DC. Your project has been assigned the file name, NAB-2011-03956 (ST. ELIZABETH'S HOSPITAL EAST CAMPUS, WASH, DC/JD).

We have reviewed and concur with the St. Elizabeth East Campus delineation dated August 15, 2011 and prepared by CH2MHILL for the approximately 86-acre site. In addition, a field inspection was conducted on June 12, 2012. This inspection confirmed that there are no areas indicated as waters of the United States, including jurisdictional wetlands that are regulated by this office pursuant to Section 404 of the Clean Water Act within the "Area of Review" on the enclosed drawing dated April 2011. The wetland areas on the plan are not regulated by this office because they have no observed connection to Waters of the United States. You should be aware, however, that these areas may be considered waters of the District of Columbia. The District of Columbia may regulate these waters and any work proposed in these areas may require a permit from the District Department of the Environment (DDOE). Enclosed is a document that outlines the basis of our determination of jurisdiction over these areas.

This letter contains an approved jurisdictional determination for your subject site. This approved jurisdictional determination is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date, or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Mr. Michael G. Vissichelli
Administrative Appeals Review Officer
North Atlantic Division, Corps of Engineers
Fort Hamilton Military Community
General Lee Avenue Building 301
Brooklyn, NY 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by **MAR 23 2013**.

It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

Please be advised that various development activities, within waters of the United States, including jurisdictional wetlands may be regulated by the Corps. Wetlands and other waters under the jurisdiction of the DDOE may also be located on the parcel. You may contact the DDOE at (202) 535-2193 for information regarding jurisdiction and permitting requirements.

You are reminded that any grading or filling of waters of the United States, including jurisdictional wetlands, is subject to Department of the Army authorization. State and local authorizations may also be required to conduct activities in these locations. In addition, the Interstate Land Sales Full Disclosure Act may require that prospective buyers be made aware, by the seller, of the Federal authority over any waters of the United States, including wetlands, being purchased.

A copy of this letter is being furnished to the DDOE for informational purposes. In future correspondence and permit applications regarding this parcel, please include the file number located in the first paragraph of this letter. If you have any questions concerning this matter, please call Ms. Erica Schmidt of this office at (410) 962-6029.

Sincerely,



Kathy B. Anderson
Chief, Maryland Section Southern

Enclosures

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. **REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** JAN 22 2013

B. **DISTRICT OFFICE, FILE NAME, AND NUMBER:** CENAB-OP-RMS (St. Elizabeth's East Campus/JD)

PROJECT LOCATION AND BACKGROUND INFORMATION:

State: DC County/parish/borough: City: Washington

Center coordinates of site (lat/long in degree decimal format): Lat. N 38°18'52", Long. W76°55'00".

Name of nearest waterbody:

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows:

Name of watershed or Hydrologic Unit Code (HUC):

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. **REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): 12 June 2011

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☒ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. **Indicate presence of waters of U.S. in review area (check all that apply):**¹

- ☒ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☒ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☒ Impoundments of jurisdictional waters
- ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

b. **Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. **Limits (boundaries) of jurisdiction based on:** stream

Elevation of established OHWM (if known):

2. **Non-regulated waters/wetlands (check if applicable):**³

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: On site there were two areas that were reviewed as potentially regulated. The first area is located adjacent to the WMATA service road for a vent structure. The area is bordered by a large hill on one side, the service road on the other three sides. Phragmites dominated the wetland area adjacent to the WMATA vent. The wetland was mostly located in the forested area that was relatively undisturbed by the access road and construction on the adjacent property. There was a presence of a small channel and wetlands bordering within the tree line. There was no indication that the water flowed off site through a pipe. At the lower end of the wetland/channeled area, there was

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL (NAO/NAP and JED & REA form)**

Applicant: St. Elizabeths Hospital East Campus		File Number: 2011-03956	Date: JAN 22 2013
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the Baltimore District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the Baltimore District Engineer. Your objections must be received by the Baltimore District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the Baltimore District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the Baltimore District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

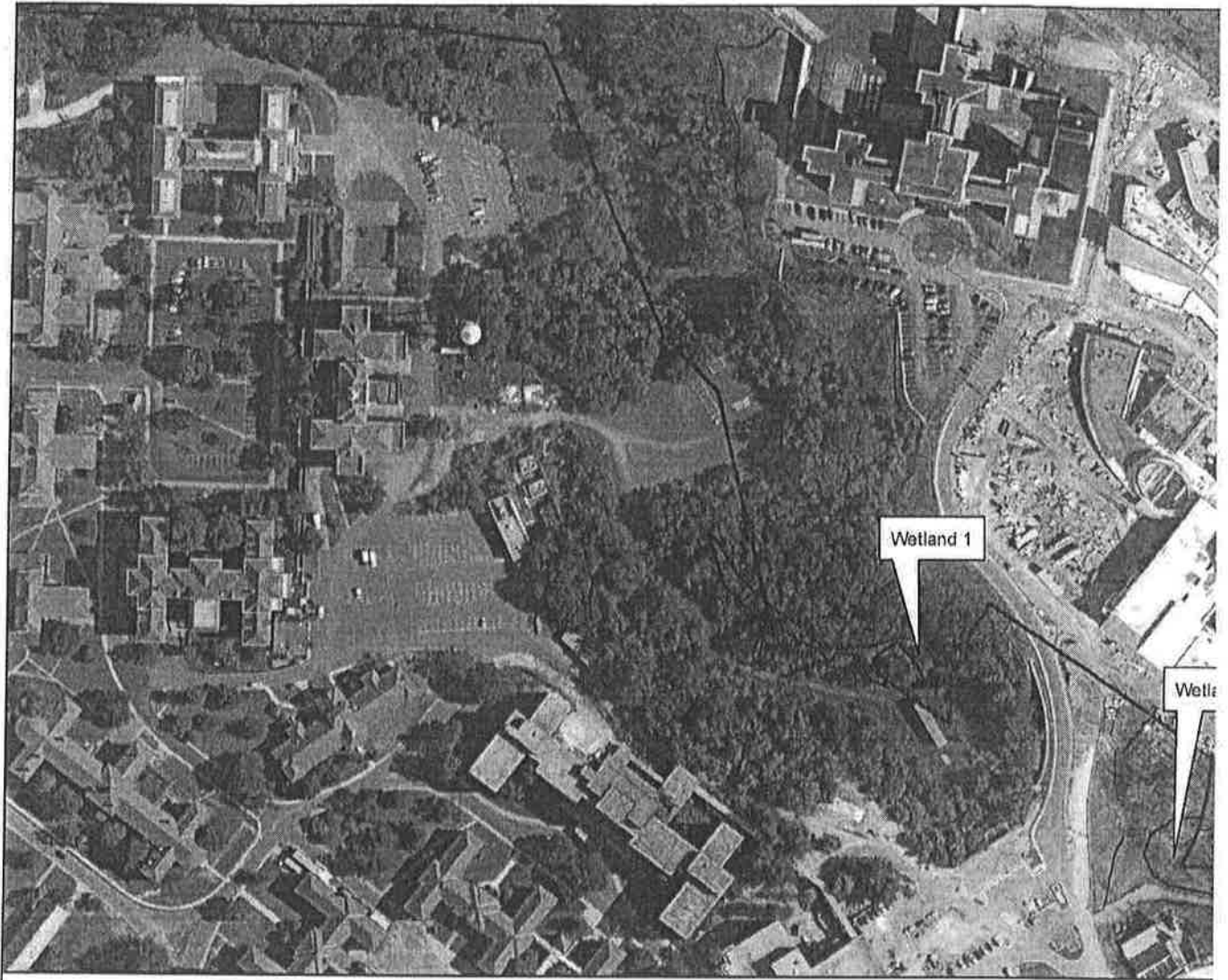
B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the Baltimore District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Baltimore District Engineer.

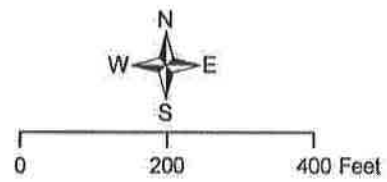
C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Baltimore District Engineer.

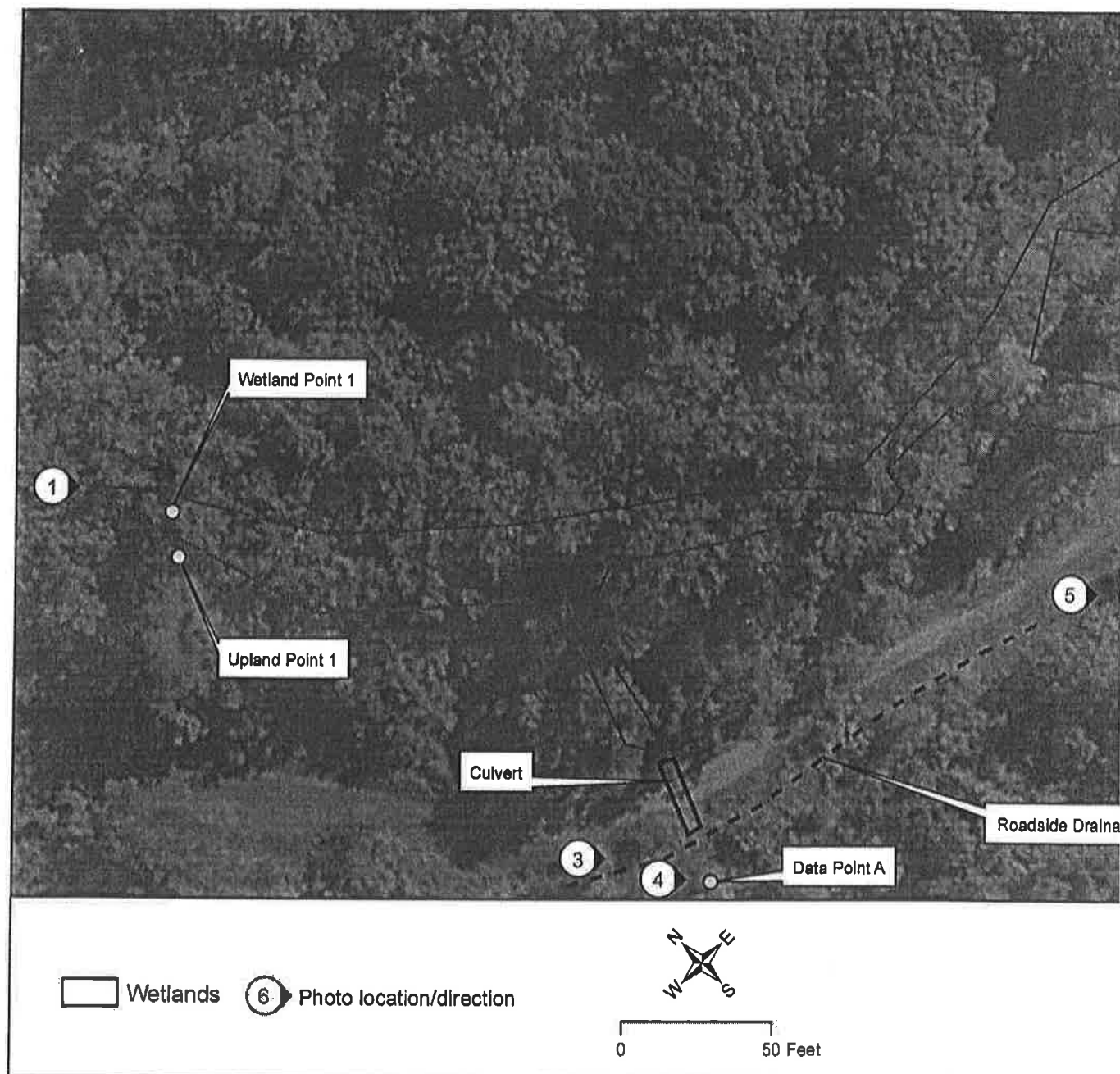
D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

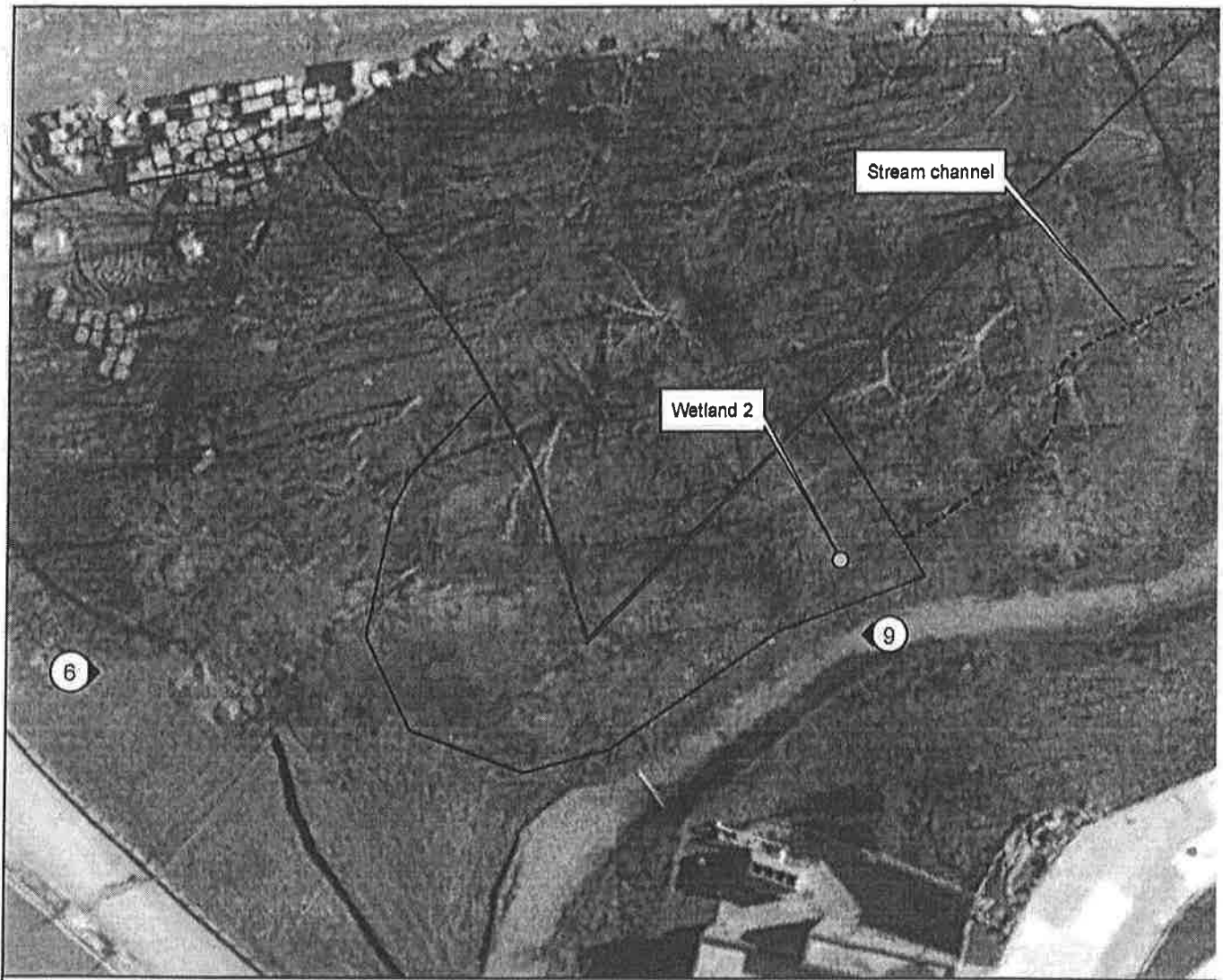
- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Baltimore District Engineer.



 Study Area
 Wetlands







 StudyArea
 Wetlands

 Photo location/direction



0 50 Feet

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of the Environment

Natural Resources Administration
Water Quality Division



VIA EMAIL AND U.S. MAIL

March 7, 2013

Mr. Ethan Warsh
Office of the Deputy Mayor for
Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004

**Ref. Project: Jurisdictional Determination of Waters of the District of Columbia,
Including Jurisdictional Wetlands on St Elizabeth's Hospital East Campus,
Washington, DC**

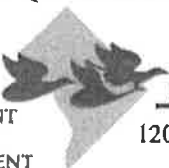
Dear Mr. Warsh:

This is in response to your letter dated February 28, 2013, requesting a jurisdictional determination (JD) and verification of the delineation of waters of the District of Columbia, including jurisdictional wetlands, on the St. Elizabeth's Hospital East Campus in Washington, DC.

The District Department of the Environment (DDOE), Water Quality Division (WQD) has reviewed and concurs with the St. Elizabeth's East Campus delineation dated August 15, 2011 and prepared by CH2M HILL for the approximately 86-acre site and all supporting documentation. This review indicates that the delineation of waters of the District of Columbia, including jurisdictional wetlands within the St. Elizabeth's East Campus, is accurate. These areas are identified as follows: 0.24-acre as Wetland 1; 0.22-acre as Wetland 2; and 300 linear feet as a small stream. These areas are regulated by WQD pursuant to the District of Columbia Water Pollution Control Act of 1984, D.C. Official Code § 8-103.01 *et seq.*, and Sections 404 and 401 of the Clean Water Act.

This JD for your site is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date, or the WQD has identified, after public notice and comment, that specific geographic areas within rapidly changing environmental conditions merit re-verification on a more frequent basis.

Please be advised that various development activities, within waters of the District of Columbia, including jurisdictional wetlands are regulated by the WQD. You are reminded that any grading or filling of waters of the District of Columbia, including jurisdictional wetlands is subject to the WQD authorization and approval.



Please direct your questions or comments on this matter to Christopher McQuale at (202) 535-2990.

Sincerely,



Collin R. Burrell
Associate Director

cc: Kathy B. Anderson, USACE
Jeff Miller, DMPED
Faisal Hameed, DDOT
Dawit Muluneh, DDOT
Keith Foxx, DDOT
Hayat Kelil-Brown, DDOT
Richard Staudinger, CH2M HILL

*Jurisdictional Determination
Waters of the District and Wetlands on
St. Elizabeth's Hospital East Campus*

March 7, 2013

Page 2 of 2

PARCEL 6



Figure 3.71: Illustrated plan focused on Parcel 6.

<i>Parcel Area</i>	4.0 Acres
<i>New Development Pad Area</i>	3.57 Acres
<i>Recommended Building Heights</i>	8 Stories
<i>Allowable Land Uses</i>	Residential, Commercial Office
<i>Ground Floor Retail</i>	Allowed, See Fig. 2.15 for specific locations
<i>Recommended FAR</i>	4.0
<i>Programmed Open Space</i>	Cypress Commons

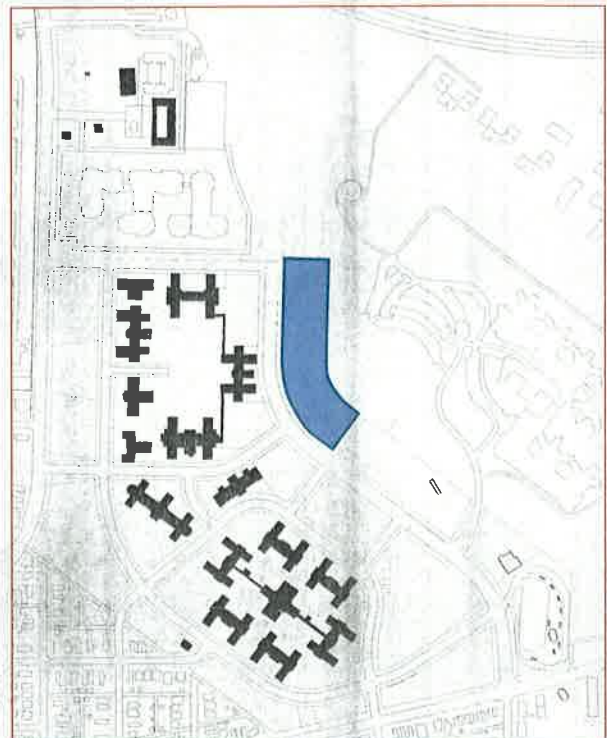


Figure 3.72: Parcel 6 Key Map



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PARCEL 13



Figure 3.75: Illustrated plan focused on Parcel 13.

<i>Parcel Area</i>	2.9 Acres
<i>New Development Pad Area</i>	2.9 Acres
<i>Recommended Building Heights</i>	8 Stories
<i>Allowable Land Uses</i>	Residential, Commercial Office
<i>Ground Floor Retail</i>	Allowed, See Fig. 2.15 for specific locations
<i>Recommended FAR</i>	4.0
<i>Programmed Open Space</i>	None
<i>Additional Information</i>	Coordinate development with WMATA infrastructure

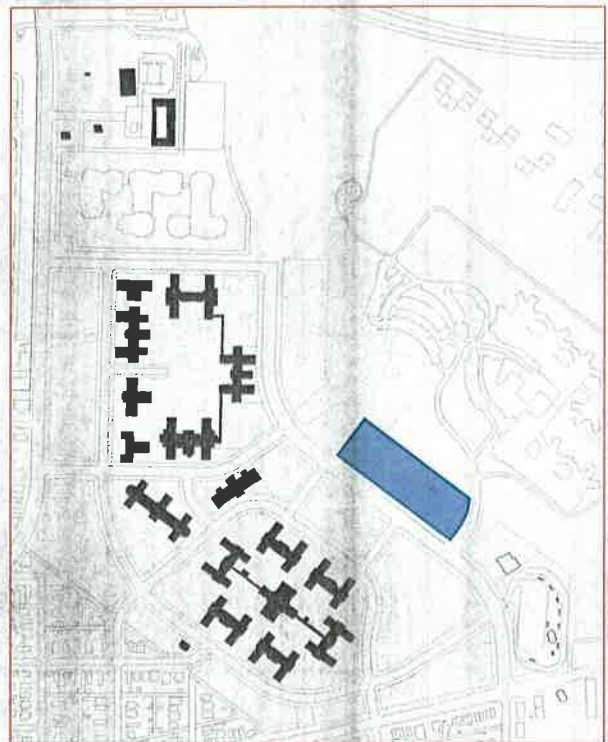


Figure 3.76: Parcel 13 Key Map

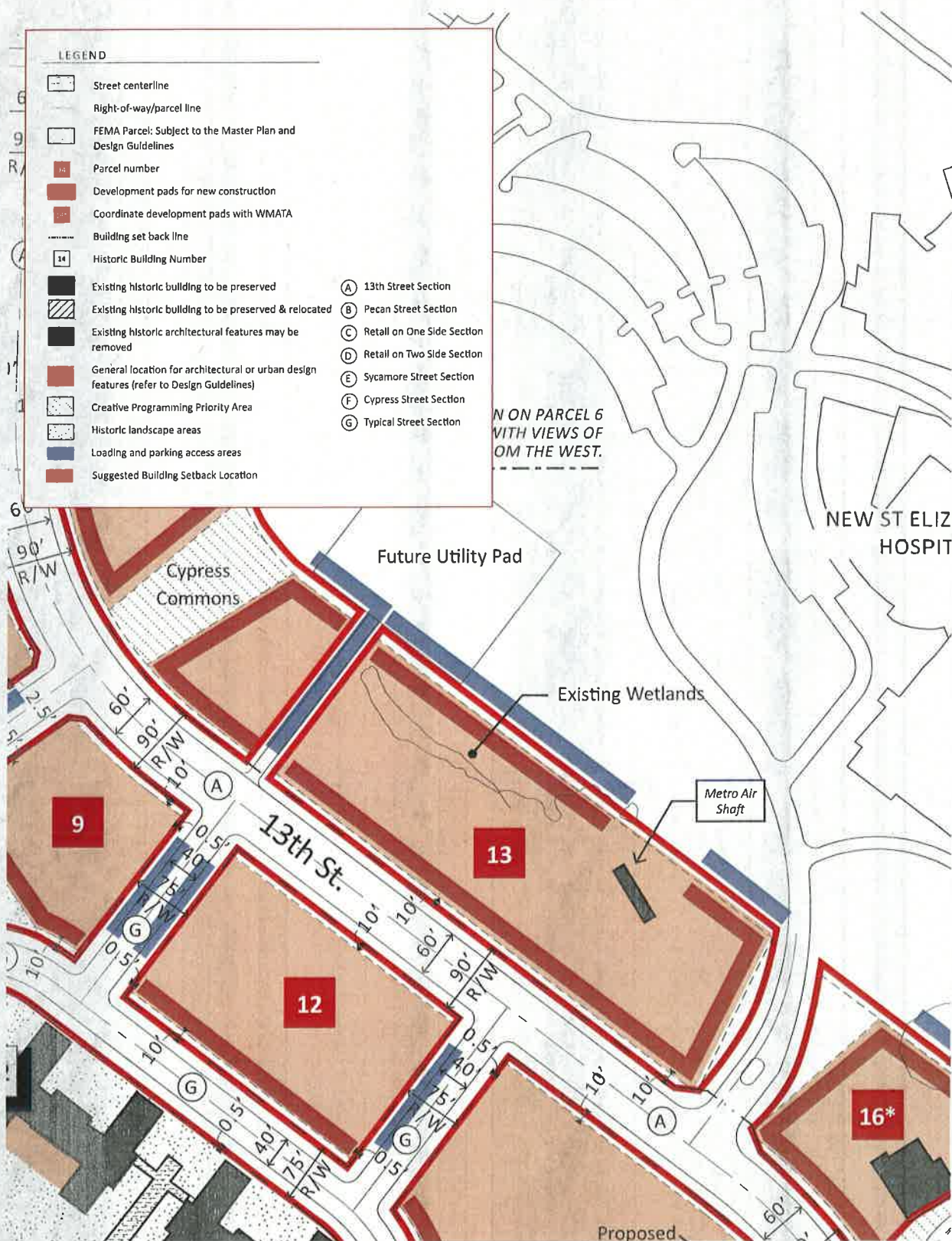


Figure 3.77: Regulating plan focusing on Parcel 13.