Government of the District of Columbia
Office of Zoning

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

As Secretary to the Zoning Commission, I herby certify that on DEC 2 1 2004 copies of this Z.C. Order No. 04-08A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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ATTESTED BY: _____
ALBERTO P. BASTIDA, AICP
Secretary to the Zoning Commission

ZONING COMMISSION
District of Columbia
CASE NO. 04-08A
EXHIBIT NO. 5

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 04-08A
Case No. 04-08A/02-45
(First Stage PUD Modification – St. Elizabeths Hospital)
September 13, 2004

Pursuant to notice, the Zoning Commission for the District of Columbia held a public meeting on September 13, 2004. At the meeting, the Zoning Commission approved an application from the D.C. Department of Mental Health for a minor modification to a planned unit development ("PUD") first stage approval and related map amendment concerning St. Elizabeths Hospital to include certain areas not described in the approved first stage application.

Findings of Fact

By Z.C. Order No. 02-45, dated May 1, 2003, the Zoning Commission for the District of Columbia 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 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. Zoning Commission Order No. 02-45 became final and effective upon publication in the D.C. Register on November 28, 2003, pursuant to 11 DCMR § 3028.

On May 21, 2004, the Zoning Commission voted to set down for hearing an application to grant final approval for the PUD for the same site.

By letter dated June 31, 2004, counsel for the applicant requested a minor modification to Zoning Commission Order No. 02-45 pursuant to § 3030 of the D.C. Zoning Regulations. The letter requested the Zoning Commission to expand the PUD site by 5.19 acres and have the additional land rezoned from unzoned to SP-1, effective upon final PUD approval and the recordation of the covenant required pursuant to Chapter 24. The additional land is contiguous with the southwest edge of the PUD site, fronting Alabama Avenue, S.E. The request indicated that the additional land would be dedicated to a roadway point of access to the hospital from Alabama Avenue, S.E., a gatehouse, and open space. The added property will expand the overall size of the site to 54.59 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 Agenda for its public meeting of

September 13, 2004. At that meeting, the Commission voted 4-0-1 to approve the modification as a minor modification.

Conclusions of Law

Upon consideration of the record of this application, the Zoning Commission concludes that the D.C. Department of Health's proposed modification is minor and consistent with the intent of the previous first stage PUD approval made in Zoning Commission Order No. 02-45. The Zoning 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 add the additional 5.19 acres to the site that was approved in PUD Order No. 02-45 including the zone map designation of SP-1. All other provisions and conditions of Zoning Commission Order 02-45 remain in effect.

Decision

In consideration of the Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for modification to the first stage PUD approval granted in Z.C. Order No. 02-45.

Vote of the Zoning Commission taken at the public meeting on September 13, 2004: **4-0-1** (Anthony J. Hood, Gregory N. Jeffries John G. Parsons, and Kevin Hildebrand to approve; Carol J. Mitten, having recused herself, 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 DEC 24 2004.

ANTHONY J. HOOD
Vice Chairman
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning