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October 13, 2005

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VIA HAND DELIVERY

Jerrily R. Kress, AIA
Director
D.C. Office of Zoning
441 - 4th Street, N.W.
Suite 220 South
Washington, DC 20001

04-17A

Re: MedStar (Second) Request for a Minor Modification to PUD

Dear Ms. Kress:

By memorandum dated October 7, 2005, the D.C. Office of Planning recommended that the above-referenced request for minor modification to an approved PUD be approved subject to the submission of additional information. By and through counsel, MedStar herewith submits the suggested information:

a. A development and zoning table showing the overall square footage and FAR permitted in each of the PUD zone districts and what proportions of the PUD have been built, or will be built, in the next two years. Please see Exhibit A.

b. A statement indicating that the applicant understands that the gross square footage of the proposed structures is included within the overall gross square footage and FAR limits previously approved by the Zoning Commission – The 5,700 gross square footage of the proposed electrical substation will be constructed entirely underground and thus not subject to the 2,845,749 maximum square footage approved by the Zoning Commission. The 5,700 square feet will be included within the 2,500,000 square foot cap on all "new below grade Non-FAR-countable" space, as already approved in Order No. 02-43. The courtyard infill will count 17,200 square feet toward the maximum available gross floor area of 2,845,749.[1]

[1] MedStar is, of course, pleased with the Office of Planning's finding that this request for minor modification presents numbers that are "....well below the square footage in FAR limits established by Order No. 02-43." The actual numbers are even farther below those limits. The gross square footage that is being proposed for the infill enclosure is actually 17,200 square feet (not 50,000) and the resulting available gross floor area is 2,845,749 (not 1,845,749). Logically, this smaller impact should result in a stronger basis upon which this request can and should be approved.

ZONING COMMISSION
District of Columbia
CASE NO. 04-17A
EXHIBIT NO. 4

c. The designation of a specific place for the relocation of the existing relaxation area in the current courtyard and the incorporation of this into a PUD Order of Modification – The relaxation area that will be moved to accommodate the proposed one - story infill structure will be relocated to the an existing courtyard between the "D" Wing and the Cancer Institute as those structures are shown on the "Washington Hospital Center, MedStar Health Master Plan 2000," as revised and dated August 2000 and submitted to the Zoning Commission record on April 6, 2001. (See Order No. 02-43, p. 10, paragraph (i)). See Exhibits A and B.

d. An analysis demonstrating that the addition of the one-story courtyard enclosure will be in conformance with 11 DCMR Section 536.3 - The proposed one-story infill structure will consume the entire courtyard area, thus eliminating the applicability of the minimum courtyard dimensions set forth in 11 DCMR Section 536.3.

A copy of Zoning Order Nos. 02-43 and 04-17 are enclosed. Please see Exhibit B. Also enclosed is a copy of the Development Plan that was approved by the Commission in Order No. 02-43. Please see Exhibit C.

Sincerely,

Jerry A. Moore III

Enclosures

cc: D.C. Office of Planning
Advisory Neighborhood Commission 5C

A

Development and Zoning Table SP-2	
	S.F.
Land Area	836,985
Floor Area Ratio	3.4
Permitted Gross Floor Area	2,845,749
Currently Constructed	902,972
September 2005 Minor Modification Projects	
Substation	
(5,700 sf - Non-FAR Countable Space)	
Courtyard Infill	17,200
Available Gross Floor Area after this projects	**1,925,577**

Development and Zoning Table SP-1	
	S.F.
Land Area	623,866
Floor Area Ratio	1.9
Permitted Gross Floor Area	1,185,345
Currently Constructed	537,657
Available Gross Floor Area	**647,688**



Government of the District of Columbia
ZONING COMMISSION

Zoning Commission Order No. 02-43
Case No. 02-43/00-02
(PUD Map Amendment – MedStar Health)
February 24, 2003

Pursuant to notice, public hearing of the Zoning Commission for the District of Columbia was held on January 9, 2003, to consider the application of MedStar Health, Inc. ("MedStar" or the "Applicant"). The application requested final (second-stage) review and approval of a planned unit development ("PUD") and related map amendment to SP-1 and SP-2 for all of the area of Square 3129 that is zoned R-5-A, pursuant to Chapter 24 and § 102, respectively, of the District of Columbia Municipal Regulations ("DCMR"), Title 11 Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission grants second-stage approval with conditions.

FINDINGS OF FACT

1. On November 4, 1999, MedStar filed an application requesting a map amendment rezoning all of the area within Square 3129 that is zoned R-5-A, a flexible multi-family residential classification, (the "Site" or "PUD Site") to SP-1 and SP-2, medium-density and medium-high-density districts, respectively. The Site is part of Lot 2 in Square 3129 and contains approximately 1,460,851 square feet or 33.53 acres of land area.

2. MedStar filed an application with the Zoning Commission requesting final (second-stage) approval of a PUD and a related map amendment for the PUD site from a Zone District classification of R-5-A to the Zone District classifications of SP-1 and SP-2. The application was assigned Zoning Commission Case No. 02-43 (the "Second-Stage Case") by the Office of Zoning.

3. The Zoning Commission previously granted preliminary (first-stage) approval of the PUD and related map amendment changing the Zoning Map designation of the PUD Site from a Zone District classification of R-5-A to the Zone District classifications of SP-1 and SP-2, subject to certain guidelines, conditions, and standards. Zoning Commission Order No. 969, dated October 17, 2002, reflects the Zoning Commission's decision on that application ("First-Stage Order").

4. Square 3129 contains numerous medical facilities, including the Washington Hospital Center, The National Rehabilitation Hospital, The Children's Hospital National Medical Center, and the Veterans Affairs Medical Center.

5. Lot 2, a portion of which is the subject of this application, is occupied by the Washington Hospital Center and The National Rehabilitation Hospital. The remaining portion of Lot 2 was rezoned by Zoning Commission Order No. 784 (September 11, 1995), in which the Commission approved a PUD and related map amendment to allow the construction and use of the Physicians' Office Building, certain adjunct hospital related facilities, and a parking structure. That PUD also approved a rezoning from R-5-A to SP-1 of approximately 238,928 square feet of land (5.48 acres), which was used predominantly for surface parking. All other areas of Lot 2 remained in the R-5-A district.

6. The Site is located in the northwest quadrant of the District of Columbia and is bounded by Irving Street to the north, Michigan Avenue to the south and west, and First Street to the east. Directly to the north and south of the Site are government facilities that are unzoned, including the United States Armed Forces' and Airmen's Home to the north, the Veterans Administration Hospital to the east, and the Macmillan Reservoir and (old) Sand Filtration site to the south. The reservoir property is operated by the U.S. Army Corps of Engineers. The old Sand Filtration site is owned by the Government of the District of Columbia. The Site slopes approximately fifteen (15) feet from the northwest to the southeast and is forty percent (40%) occupied by buildings and structures, thirty-one percent (31%) paved, and twenty-nine percent (29%) open space.

7. The R-5-A district permits matter-of-right single-family detached and semi-detached dwellings, and, with the approval of the Board of Zoning Adjustment, low-density development of general residential uses including row houses, flats, and apartments to a maximum density of 0.9 floor area ratio ("FAR"), a maximum lot occupancy of forty percent (40%), and a maximum height of three (3) stories/forty (40) feet.

8. The SP-1 district permits matter-of-right, medium/high-density development, including all kinds of residential uses and office development, both to be compatible with surrounding properties, to a maximum height of sixty-five (65) feet, a maximum density of 4.0 FAR for residential use and 2.5 FAR for other permitted uses, and a maximum lot occupancy of eighty percent (80%) for residential uses.

9. The SP-2 district permits matter-of-right, medium/high-density development, including all kinds of residential uses and office development, both to be compatible with surrounding properties, to a maximum height of ninety (90) feet, a maximum density of 6.0 FAR for residential use and 3.5 FAR for other permitted uses, and a maximum lot occupancy of eighty percent (80%) for residential uses.

10. The Applicant assembled and submitted a "Master Plan 2000" for its campus, including the Site, upon which it based its application for the map amendment. That document sets forth the history of the medical uses on the Site; the current zoning scheme; the development objectives of the Applicant for a fifteen- (15) year period; the methodology that was used to assemble the Master Plan 2000; a description of the streets, buildings, topography, political jurisdictions, and comprehensive plan land use designations, adjacent planning considerations, and adjacent zoning considerations; a public and bicycle transportation plan; an assessment of public transportation and bicycle routes; an explanation of existing conditions and a discussion of the programmatic and space needs of the hospital; development guidelines; a discussion of planning alternatives; floor plans; landscape plans; design illustrations, signage plans, circulation, and way-finding designs; and an implementation schedule for the proposed development.

11. The implementation sequences are described as Phase I (the Emergency and Intensive Care Unit addition); Phase II (Laboratory and Administrative addition); Phase III (the Radiology and Mechanical Equipment addition); Phase IV (the Cancer Institute Expansion); Phase V (the addition to the East Building); and Phase VI (the Southeast Complex). Master Plan 2000 suggests three (3) zoning alternatives, labeled "A," "B," and "C". Of these, the Applicant seeks approval, through the PUD process, of Zoning Strategy B which is described at Figure 6.6c of Master Plan 2000. The land area proposed for rezoning to the SP-1 district contains 623,866 square feet. The existing floor area amounts to 537,657 square feet. Rezoning this parcel to SP-1, which has a maximum density of 1.9 FAR, will result in a maximum building floor area of 1,185,345 square feet to a maximum permitted height of sixty-five (65) feet.

12. The land area proposed for the SP-2 district contains 836,985 square feet. The existing floor area on that parcel is 902,972 square feet. Thus, the maximum 3.4 FAR permitted in the SP-2 district under Zoning Strategy B would permit additional floor area of 1,942,792 square feet to a maximum height of ninety (90) feet. Thus, the approval of Zoning Strategy B will result in a maximum total building floor area of 2,845,749 square feet of building space to be used primarily for the medical services and related uses described in Master Plan 2000.

13. On January 25, 2001, MedStar formally adopted Master Plan 2000 as its development guide for the period 2001 to 2020.

14. During the first-stage process, the Applicant submitted a transportation impact analysis, which discusses peak hour traffic counts, roadway capacities under the existing zoning, trip generation rates under the existing zoning and roadway configuration, and trip generation capacities under the proposed rezoning. This study concluded that three (3) of the nine (9) intersections within the immediate vicinity of the Site operated at less than acceptable levels of service, and the existing parking supply is "somewhat inadequate." However, the report goes on to recommend improvements to those three (3) intersections and concludes that

the increased parking supply proposed in the Master Plan 2000 will increase the parking supply to an adequate level.

15. The Applicant testified that it was in discussions with the District Department of Transportation ("D-DOT") to formalize an Agreement to improve nearby roadway capacities and efficiencies. By this proposed agreement, MedStar would provide partial funding for certain roadway improvements that are deemed appropriate and necessary to resolve the intersection and parking supply deficiencies associated with the proposed development plan.

16. Christine Swearingen, MedStar's Senior Vice-President, testified that MedStar is the largest health care system in the Baltimore-Washington region. It consists of seven (7) hospitals, more than 3,000 licensed beds, 22,000 employees, and 4,000 affiliated positions. In Washington, D.C., MedStar operates the Washington Hospital Center, The National Rehabilitation Hospital, Georgetown University Hospital, the Visiting Nurses Association, and MedStar Manor at Lamond Riggs. The Washington Hospital Center was founded in 1958 at its current location as a result of the merger of the old Garfield Memorial Hospital; the Episcopal Eye, Ear, and Throat Hospital; and the Central Dispensary and Emergency Hospital. The Washington Hospital Center is now the District of Columbia's largest health care facility providing the largest number of inpatient/outpatient and emergency services for the residents of the District of Columbia, especially for residents who live east of Rock Creek Park.

17. Ms. Swearingen testified that the developments proposed under Master Plan 2000 were critical to alleviate crowded and cramped facilities, to renovate substandard facilities to modern standards, to replace obsolete facilities, and to improve access to facilities and service areas within the Washington Hospital Center campus. She stated that the density limitations of the existing residential zoning (0.9 FAR) accord the Washington Hospital Center no further latitude to expand facilities. The hospital campus is built to the capacity of the existing R-5-A zoning envelope. She testified further that it is extremely unlikely that the Site would ever be used for the residential purposes for which it is zoned.

18. Clarence Brewton, Jr., MedStar's Vice-President of Regulatory Compliance and Community Development, testified that MedStar held meetings with neighboring residents, its patients, its institutional neighbors, Advisory Neighborhood Commissions, civic and citizens associations, community leaders, elected officials, and oversight agencies to create and comment upon Master Plan 2000. MedStar also surveyed 21,000 households and incorporated those summary views into its Master Plan 2000.

19. Albert G. Dobbins, III, of A.G. Dobbins & Associates, a planning consultant who was recognized as an expert in planning and zoning by the Commission, testified that the proposed rezoning from R-5-A to SP-1 and SP-2 is not inconsistent with the comprehensive plan, supports the theme of the National Capital Planning

Commission's ("NCPC") Extending the Legacy Plan, is in harmony with the surrounding uses and zoning, and is consistent with the past and present uses of the Site and the zoning regulations.

20. Gerald Oudens, of Oudens & Knoop Architects, recognized by the Commission as a expert in planning and zoning, testified to the site development history, the planning methodology of Master Plan 2000, the existing conditions on the Site, functional issues, vehicular access issues, landscaping, the major space needs of the hospital, the gross floor area needs, the development plan objectives, the proposed development plan, and the proposed zoning and phased construction schedule. The specifics of his testimony are included in Master Plan 2000 and in slides submitted into the record by the Applicant on March 15, 2001. (Exhibit Number 20C)

21. Osborne George, of O.R. George & Associates, who was recognized by the Commission as an expert on traffic and parking, testified to MedStar's current site access needs and their impacts on the transportation and parking infrastructure with respect to the proposed development outlined in Master Plan 2000. He also discussed the roadway and parking usage under both the current and the proposed development and the improvements needed at critical intersections to reasonably accommodate MedStar's development plan. The recommended improvements included intersection improvements at Irving and First Streets, N.W., First Street and Michigan Avenue, N.W., and at Michigan Avenue east and west of the Children's Hospital Building. With these improvements, Mr. George concluded that the rezoning and development of the Washington Hospital Center campus site could be undertaken as proposed, without an adverse impact to area roadways.

22. The D.C. Office of Planning ("OP") submitted a report in support of the first-stage application conditioned upon the approval of a letter agreement regarding roadway improvements between MedStar and the D.C. Department of Public Works.

23. Representatives of The Children's Hospital National Medical Center, the Department of Veterans Affairs, Providence Hospital, Catholic University, the D.C. Chamber of Commerce, and the American Heart Association submitted letters to the record in support of the first-stage application.

24. Various citizens, including a Commissioner from Advisory Neighborhood Commission ("ANC") 5C, submitted statements to the record in support of the first-stage application.

25. By letter dated August 16, 2000, ANC 4D recommended that the first-stage application be approved. The letter did not address any particular issue or concern, but noted that the plan did not address the issue of offering some free parking for patients and visitors.

26. By letter dated December 1, 2000, ANC 5C expressed its support for the first-stage application. ANC 5C indicated that approval of the first-stage application "will have negligible adverse impact upon the surrounding residential community." ANC 5C based its conclusion upon traffic control measures already taken by the Applicant as well as the District government and the Applicant's commitment to work with ANC 5C to resolve any traffic or parking issues that might arise. Like ANC 4D, ANC 5C expressed the concern of some of its members, "about the affordability of public parking for visitors and patients of the hospital." ANC 5C therefore recommended that MedStar should either provide a certain amount of free parking or implement a system of discounted parking. These issues were discussed and decided by the Commission in its First-Stage Order No. 969.

27. Ms. Cleopatra Jones, President of the Bloomingdale Civic Association, appeared at the first-stage hearing to express that organization's support for the first-stage application.

28. Several area residents, including a Commissioner from ANC 4D, testified in support of the first-stage application.

29. There were no letters in opposition to the application submitted for the record, and no persons in opposition to the proposal testified at the first-stage public hearing.

30. Pursuant to Chapter 24 of the Zoning Regulations, the Zoning Commission has the authority to consider this application as the second-stage of a two-stage PUD proceeding.

31. On November 4, 2002, the Zoning Commission set this application down for public hearing having found that the conditions specified in the First-Stage Order for consideration of an application for second-stage approval of the PUD had been satisfied.

32. In a pre-hearing submission dated November 8, 2002 (the "Pre-hearing Submission"), MedStar submitted a Statement of Uses, a detailed site plan, landscape and grading plans, floor plans and elevations, vehicular and pedestrian circulation plans, and a statement of compliance with the Zoning Regulations and the First-Stage Order.

33. The Zoning Commission held a public hearing on the second-stage application on January 9, 2003.

34. The record in Zoning Commission Case No. 00-02, from which the First-Stage Order arose, was incorporated by reference into the Second-Stage Case.

35. There were no requests for party status made at the January 9, 2003, hearing or filed with the Zoning Commission.

36. At the hearing on January 9, 2003, MedStar submitted written testimony supplementing the application and the Pre-hearing Submission and provided evidence that it had satisfied each of the guidelines, conditions, and standards set forth in the First-Stage Order and the applicable Zoning Regulations, and required for second-stage approval of the application.

37. By report dated December 30, 2002, and by testimony at the public hearing on January 9, 2003, the Office of Planning determined that the Application was in compliance with the conditions set forth by the Commission in the First-Stage Order and recommended approval of the application provided that D-DOT did not object to the Applicant's plans to implement the transportation improvements and transportation management plan required by Condition 13 of the First-Stage Order.

38. D-DOT determined that it has no objection to the information provided by the Applicant concerning the implementation of the transportation improvements and the transportation management plan required by Condition 13 of the First-Stage Approval Order.

39. ANC 4D submitted a letter in support of the second-stage application.

40. ANC 5C did not appear at the January 9, 2003, public hearing and made no submission into the record of the second-stage application.

41. The Commission finds that the second-stage elements of the PUD project and the related map amendment are in conformance with the comprehensive plan, which designates the site for institutional uses.

42. The Commission finds that the approval of this second-stage application will result in the efficient, economic utilization of the land; will provide improved building design; will create the opportunity for an increase in health care facilities; and will adequately address the protection of the public health, safety, welfare, and convenience.

43. The Commission finds that the Applicant has met the requirements of 11 DCMR, Chapter 24, with respect to second-stage PUDs and has fulfilled the intent and purposes thereof.

44. At the conclusion of the public hearing held on January 9, 2003, the Zoning Commission took proposed action by a vote of 3-0-2 to approve with conditions the Applications and plans presented at the public hearing.

45. The proposed action of the Zoning Commission to approve the application as a second-stage PUD with conditions was referred to NCPC pursuant to the terms of the District of Columbia Home Rule Act. NCPC did not file a report.

46. The Zoning Commission took final action to approve the Applications with conditions at its public meeting on February 24, 2003.

CONCLUSIONS OF LAW

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

2. The development of this PUD carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of all well-planned institutional, commercial, and mixed-use developments that will offer a variety of building types with more attractive and efficient overall planning and design than might otherwise be achieved under matter-of-right development.

3. The development of this PUD is compatible with District-wide and neighborhood goals, plans, and programs and is sensitive to environmental protection and energy conservation.

4. The approval of this application is not inconsistent with the comprehensive plan for the National Capital Area, because it will stabilize the delivery of healthcare services, strengthen the distinguishing characteristics of the area, and increase employment opportunities.

5. The approval of this application is consistent with the purposes of the Zoning Act and the Zoning Regulations of the District of Columbia which include stabilizing land values and improving mixed-use areas.

6. The second-stage application can be approved with conditions, which ensures that the development will not have an adverse effect on the surrounding community or the District.

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

8. The approval of this second-stage application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, as amended.

10. The Zoning Commission has accorded the recommendations and opinions of ANC 4D the "great weight" to which they are entitled. The Commission is required under D.C. Code §1-309.10(d) (2001) to give great weight to the issues and concerns raised in the recommendations of the affected ANCs. ANC 4D did not indicate any issues or concerns, other than to indicate its position in favor of approval.

DECISION

In consideration of the findings of fact and conclusions of law contained in this order ("Order"), the Zoning Commission of the District of Columbia orders APPROVAL of this application as a second-stage PUD for a portion of Lot 2 in Square 3129 and an amendment to the zoning map from R-5-A to SP-1 and SP-2 as set forth in Zoning Strategy B of Master Plan 2000 (Figure 6.6c). The approval is subject to the guidelines, conditions, and standards that were identified and approved in the First Stage Order, which are as follows:

1. The PUD shall be consistent with the Washington Hospital Center, MedStar Health Master Plan 2000, as revised and dated August 2000, and submitted to the Zoning Commission record on April 6, 2001. The following conditions shall also apply to the PUD approval and shall supercede, or be in addition to, any elements of the Master Plan in contradiction to, or silent on these conditions:

    a. The zoning that shall accompany the PUD shall be that shown in Zoning Strategy B, Master Plan 2000.

    b. The total gross floor area shall be limited to approximately 4.5 million square feet (3.1 million square feet of additional gross floor area ("gfa") added to the current 1.4 million square feet).

    c. The density for the 623,866 square foot SP-1 portion of the PUD shall be limited to a cumulative 1.9 FAR, for a total of 1,185,345 FAR-countable square feet.

    d. The density for the 836,985 square foot SP-2 portion of the PUD shall be limited to a cumulative 3.4 FAR, for a total of 2,845,749 FAR-countable square feet.

    e. Although included in the above totals, approval of the square footage for the Southeast Complex-Phase VI building, as indicated in Figure 7.7e of the Master Plan 2000, is withheld pending consideration of FAR for this phase in a later Stage II application for the Phase VI area.

    f. Buildings within the SP-1/PUD shall not exceed sixty-five (65) feet in height.

g. Buildings within the SP-2/PUD shall not exceed ninety (90) feet in height.

h. Sight lines from the United States Armed Forces' Home, as illustrated in the Applicant's submission of March 5, 2001, Tab C, shall be maintained.

i. No more than 2,500,000 square feet of new below-grade, non-FAR-countable space shall be constructed without an approved PUD modification. Permitted uses shall include all uses described in Chapter 4, pages 5-8 and Chapter 7, pages 11-14 of the Master Plan as submitted for the record on April 6, 2001.

j. All uses set forth in Master Plan 2000, including physicians' office space, guest accommodations, and parking garages, shall be permitted as a matter-of-right under the zoning associated with the PUD.

k. The Applicant shall adhere to the following transportation-related conditions. These conditions reflect an agreement reached between the applicant and D-DOT. Although the conditions also include commitments by D-DOT to take certain actions, the Commission has no authority to require D-DOT's compliance. These commitments have been included to assist the public in understanding the process by which these roadway improvements will occur:

(i) MedStar shall implement the transportation management plan outlined in the Master Plan dated August 2000;

(ii) MedStar shall reimburse the District of Columbia Government for 100% of the traffic engineering and construction costs of Roadway Improvements 1 through 4, up to MedStar's Reimbursement Amount, as outlined in the table below:

Roadway Improvements	Reimbursement Amount
1. Irving Street and Hobart Place at-grade access.	$1.2 million
2. Irving Street at-grade right turn in and right turn out access to Parking Pavilion I	$75,000
3. Michigan Avenue at Hospital Center Drive (south) signalization and signage (including interconnection with adjacent signal).	$100,000
4. Michigan Avenue and First Street signalization and geometric improvements.	$100,000

(iii) MedStar shall pay D-DOT the total Reimbursement Amount of $1,475,000 prior to the issuance of a building permit to construct any structure, that individually, or in combination with existing structures or with other structures not yet built but for which building permits have been applied, would cause the development on the PUD Site to be increased by 300,000 square feet of net building space (including underground or parking facilities) beyond what existed on the date of the final approval of this Order. MedStar shall notify D-DOT prior to filing each application for a building permit for a structure authorized by this final PUD approval, until such time as MedStar makes the full payment set forth above.

(iv) All design plans for Roadway Improvements 1 through 4 are to be reviewed and approved by D-DOT prior to construction;

(v) Roadway Improvements 1 through 4 shall be constructed before any new Certificate of Occupancy is issued to any structure that causes the total development on the PUD Site to be increased by 300,000 square feet of net building space (including underground parking or parking facilities), provided that Roadway Improvements 1 and 4 are constructed by D-DOT in a reasonable time after D-DOT has been notified of MedStar's intention to apply for a building permit;

(vi) MedStar shall, at its own expense, prepare and submit to D-DOT the design plans for Roadway Improvements 5 and 6 consistent with the following table:

Roadway Improvements	Estimated Construction Cost	Due Date for Design Plans
5. Irving Street and First Street intersection signalization and geometric improvements	$700,000	To be determined by D-DOT
6. North Capitol Street and Irving Street interchange improvements	$800,000	To be determined by D-DOT

(vii) D-DOT shall be responsible for all construction engineering and construction costs related to Roadway Improvements 5 and 6. D-DOT shall seek eighty percent (80%) federal aid funding for the construction engineering and construction costs of these two

projects which will be provided by the District local transportation trust fund, subject to appropriations;

(viii) All design plans related to Roadway Improvements 5 and 6 shall be submitted to D-DOT for review and approval prior to construction.

(ix) D-DOT shall incorporate the design plans for Roadway Improvements 5 and 6 into a contract for the reconstruction of North Capitol Street near Irving Street, N.W.;

(x) Roadway Improvements 5 and 6 shall be constructed before any new Certificate of Occupancy is issued to any structure that individually, or in combination with existing structures or with other structures not yet built but for which building permits have been applied, would cause the development on the PUD Site to be increased by 300,000 square feet of net building space (including underground or parking facilities) beyond what existed on the date of this Order, provided that Roadway Improvements 5 and 6 are constructed by D-DOT in a reasonable time after D-DOT has been notified of MedStar's intention to apply for a building permit;

(xi) There shall be at least five (5) entrances to the Site: three (3) of those entrances shall be via First Street, N.W.; one (1) shall be via Michigan Avenue, west of the Children's Hospital National Medical Center; and one (1) shall be via Kenyon Street/Hobart Street from the west;

(xii) The entrances from the north shall be designed to accommodate approximately sixty-five percent (65%) of the anticipated vehicular traffic to the PUD Site. Of the two (2) entrances from the north, one (1) entrance shall be for direct access to the existing Parking Pavilion I from the vicinity of Kenyon Street; the other primary entrance shall be from Irving Street at First Street; and

(xiii) The entrance from the west side shall incorporate an entry into the Emergency Services Department.

2. This second-stage PUD approval by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, the Applicant must file an application for a building permit as specified in 11 DCMR § 2408.8 to preserve the effectiveness of this Order unless the Zoning Commission otherwise acts to extend the validity of this Order. Construction shall start within three (3) years of the effective date of this Order to preserve the

effectiveness of this Order unless the Zoning Commission otherwise acts to extend the validity of this Order. In the event that the Applicant files an application for a building permit within the two- (2) year period stated in this paragraph, the PUD approved herein shall be valid for a period of ten (10) years from the effective date of this Order.

3. The Applicant shall execute a Memorandum of Understanding ("MOU") with the D.C. Office of Local Business Development prior to the issuance of the first building permit for the phased construction projects that are contemplated by the PUD. The MOU shall be updated prior to the issuance of each subsequent building permit. The Applicant shall abide by the terms of the executed MOU in order to achieve, at a minimum, the goal of thirty-five percent (35%) participation by local, small, and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance, and security for the project to be created as a result of the PUD project. After the completion of construction of the PUD, the Applicant shall provide a written status report to the Zoning Commission and to the D.C. Local Business Opportunity Commission regarding compliance with the MOU.

4. The Applicant shall be required to execute a First Source Employment Agreement (the "Employment Agreement") with the Department of Employment Services ("DOES") prior to the issuance of the first building permit for the phased construction projects that are contemplated by the PUD. The Employment Agreement shall be updated prior to the issuance of each subsequent building permit. The Applicant shall abide by the terms of the executed Employment Agreement in order to achieve the goal of utilizing District of Columbia residents for at least fifty-one percent (51%) of the jobs created by the PUD project. After the completion of construction of the PUD, the Applicant shall provide a written status report to the Zoning Commission and to the DOES regarding compliance with the Employment Agreement.

5. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (the "Act"), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familiar status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the Act. In addition, harassment based on any of the above-protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. Nothing in this Order shall be understood to require the Zoning Division of DCRA to approve permits if the Applicant fails to comply with any provision of the Act.

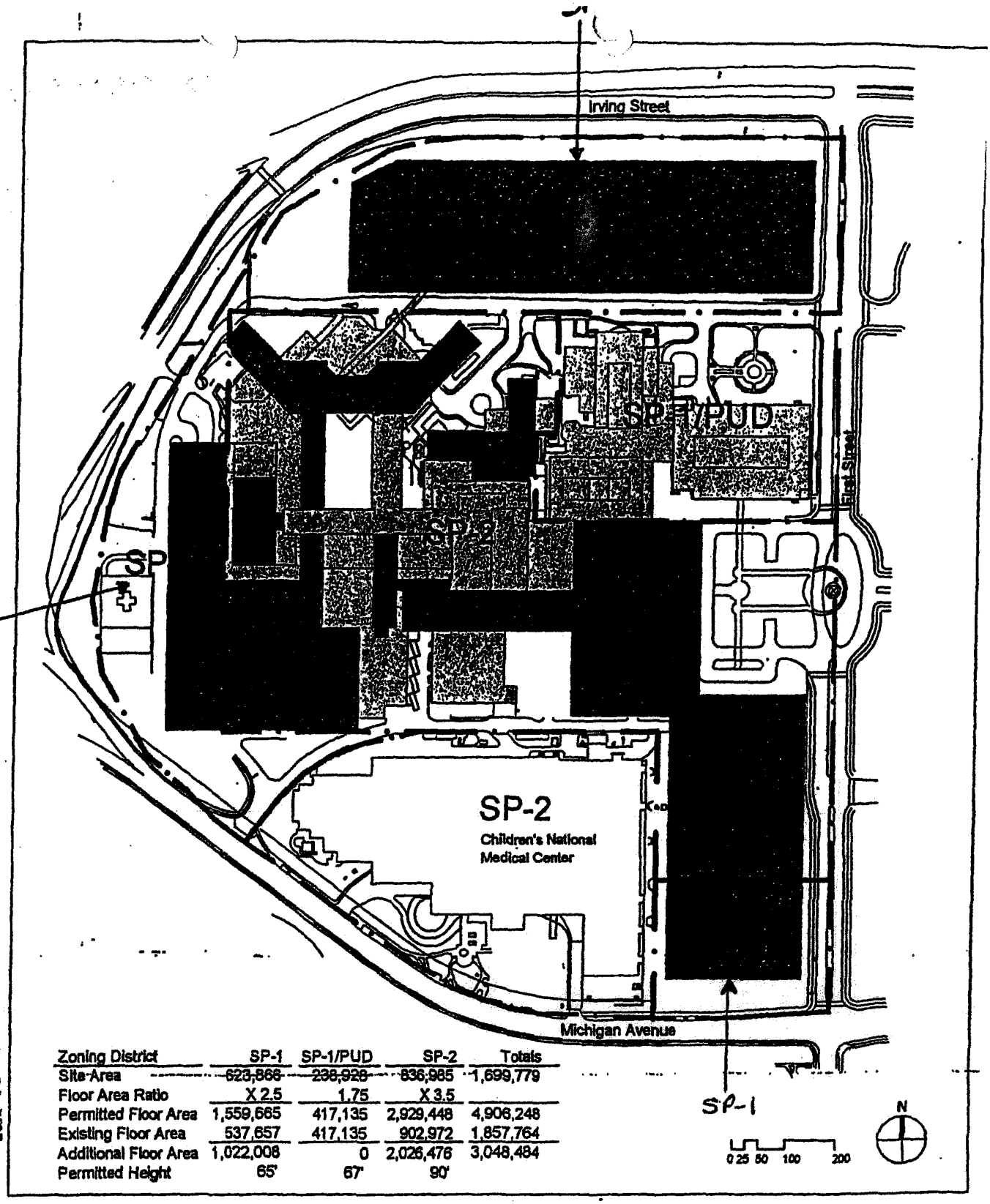
6. The zoning designation approved herein shall not become effective until the covenant required at 11 DCMR § 2409.3 has been recorded.

Vote of the Zoning Commission taken at the conclusion of the public hearing on the second-stage application January 9, 2003: **3-0-2** to **GRANT** second-stage approval (Carol J. Mitten, Anthony J. Hood, and Peter J. May to approve; John G. Parsons and James H. Hannaham, not present, not voting).

This Order was **ADOPTED** by the Zoning Commission at its public meeting held on February 24, 2003, by a vote of **5-0-0** (Carol J. Mitten, Anthony J. Hood, James H. Hannaham, John G. Parsons, and Peter G. May to adopt). In accordance with the provisions of 11 DCMR 3028, this Order shall become final and effective upon publication in the D.C. Register; that is on JUL 18 2003.

CAROL J. MITTEN
Chairman
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning



Zoning District	SP-1	SP-1/PUD	SP-2	Totals
Site Area	623,866	238,928	836,985	1,699,779
Floor Area Ratio	X 2.5	1.75	X 3.5	
Permitted Floor Area	1,559,665	417,135	2,929,448	4,906,248
Existing Floor Area	537,657	417,135	902,972	1,857,764
Additional Floor Area	1,022,008	0	2,026,476	3,048,484
Permitted Height	65'	67'	90'	

RECEIVED
D.C. OFFICE OF ZONING
2002 OCT 16 PM 3:48

Zoning Strategy B

- Zoning Boundaries
- Existing Buildings
- New Construction Opportunities

Washington Hospital Center
Master Plan 2000
WHC Design & Construction Management
Oudens + Knoop Architects, PC

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 04-17
Z.C. Case No. 04-17/02-43/00-02
(PUD Modification – MedStar Health)
June 14, 2004

Pursuant to notice, the Zoning Commission for the District of Columbia held a public meeting on June 14, 2004. At the meeting, the Zoning Commission approved an application from MedStar Health ("MedStar" or "applicant") for a minor modification to an existing planned unit development (PUD) and a related map amendment to SP-1 and SP-2 for all of the area of Square 3129 that was zoned R-5-A, pursuant to Chapter 24 and § 102, respectively, of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning.

The Zoning Commission has determined that the modification request is properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

By Z.C. Order No. 02-43 dated February 24, 2003, the Zoning Commission for the District of Columbia approved MedStar's application for second stage review and approval of a PUD and related map amendment to SP-1 and SP-2 for all of the area of Square 3129 that was zoned R-5-A, pursuant to Chapter 24 and § 102 respectively, of DCMR, Title 11, Zoning.

The PUD approval was for the authority to implement a Master Development Plan, pursuant to the development plans and objectives set forth in "Master Plan 2000", for MedStar's campus of medical and related facilities on Square 3129. The application also sought approval of a map amendment, described in Master Plan 2000 as "Zoning Strategy B", the approval of which would result in a maximum total gross floor area of approximately 4.5 million square feet to be used primarily for the medical services and related uses that are described in Master Plan 2000.

The approved PUD included "Addition A", a hospital and parking expansion building with a gross floor area 50,000 square feet for parking use within the SP-1 zone and 197,600 square feet for hospital use within the SP-2 zone. In describing "Addition A", no specific reference was made to the inclusion of an electrical substation, an accessory use to these occupancies.

Pursuant to 11 DCMR § 3028, Zoning Commission Order No. 02-43 became final and effective upon publication in the D.C. Register on July 18, 2003.

As this proposed minor modification will not change the exterior appearance of "Addition A" as approved, the Zoning Commission determined that it is unnecessary to refer this request to the National Capital Planning Commission for review and comment.

DECISION

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of a minor modification to allow for the construction of an electrical substation facility within "Addition A" of the Development Plan that was approved in PUD Order No. 02-43. The construction shall be consistent with the plans submitted to the Zoning Commission record by MedStar on June 1, 2004. All other provisions and conditions of Zoning Commission Order No. 02-43 remain in effect.

Pursuant to the intent of 11 DCMR § 2409.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs ("DCRA") for the minor PUD modification until the applicant has recorded a "Notice of Modification" of Zoning Commission Order No. 02-43 with the land records of the District of Columbia. That Notice of Modification shall include true copies of Zoning Commission Order No. 02-43 and this Order, which the Director of Zoning has certified. The recordation of the Notice of Certification shall bind MedStar and any successors in title to construct on and use this site in accordance with this Order and any amendments thereof.

After recordation of the Notice of Modification, MedStar shall promptly file a certified copy of that Notice of Modification with the Office of Zoning.

The minor PUD modification approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in §§ 2409.2 and 2409.3 of the Zoning Regulations. Construction shall start within three (3) years of the effective date of this Order.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

Vote of the Zoning Commission taken at the public meeting on June 14, 2004: **4-0-1** (Carol J. Mitten, John G. Parsons, Anthony J. Hood, and Kevin Hildebrand to approve; Gregory N. Jeffries, not present, 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 OCT 0 8 2004.

Carol J. Mitten

CAROL J. MITTEN
Chairman
Zoning Commission

Jerrily Kress

JERRILY R. KRESS, FAIA
Director
Office of Zoning

Government of the District of Columbia
Office of Zoning

Z.C. CASE NO.: 04-17

As Secretary to the Zoning Commission, I herby certify that on OCT 0 4 2004 copies of this Z.C. Order No. 04-17 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*

2. Jerry A. Moore, III
   Venable, Baetjer, Howard & Civiletti, LLP
   1201 New York Ave., NW
   Suite 1000
   Washington, D.C. 20005-3917

3. Keith Jackson, Chair
   ANC 4D
   4th District Police HQ
   143 Kennedy Street, N.W., # 1
   Washington, DC 20011

4. James D. Berry, Jr., Chair
   ANC 5C
   680 Rhode Island Avenue, N.E.
   Washington, D.C. 20002

5. Gottlieb Simon
   ANC
   1350 Pennsylvania Avenue, N.W.
   Washington, D.C. 20004

6. Councilmember Vincent B. Orange, Sr.
   – Ward 5

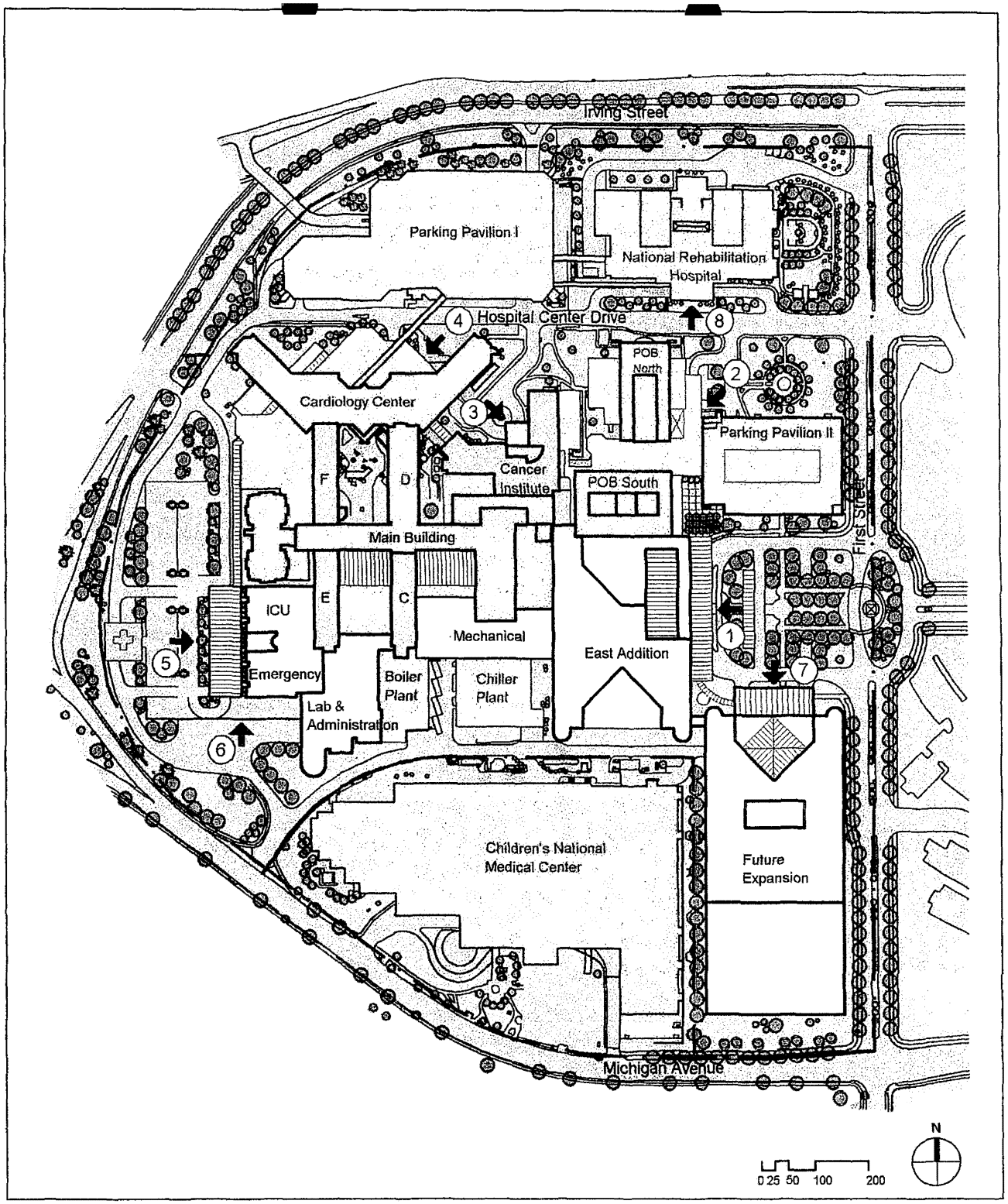
7. Office of Planning (Ellen McCarthy)

8. Zoning Administrator

ATTESTED BY: Alberto P. Bastida

Alberto P. Bastida, AICP
Secretary to the Zoning Commission

C



Zoning Boundaries
Entrance
Existing Buildings
Vertical Expansion
Major New Construction
Future Expansion Area

① Main Entrance
② POB Entrance
③ Cancer Institute Entrance
④ Cardiology Center Entrance
⑤ Emergency Entrance
⑥ Service Entrance
⑦ Entrance
⑧ National Rehabilitation Hospital Entrance

Proposed Development Plan

Washington Hospital Center
Master Plan 2000
WHC Design & Construction Management
Oudens + Knoop Architects, PC

04-17A

By Z.C. Order No. 02-43 dated February 24, 2003, the Zoning Commission for the District of Columbia approved MedStar's application for second stage review and approval of a PUD and related map amendment to SP-1 and SP-2 for all of the area of Square 3129 that was zoned R-5-A, pursuant to Chapter 24 and § 102 respectively, of DCMR Title 11, Zoning.

The PUD approval was for the authority to implement a Master Development Plan, pursuant to the development plans and objectives set forth in "Master Plan 2000", for MedStar's campus of medical and related facilities on Square 3129. The application also sought approval of a map amendment, described in Master Plan 2000 as "Zoning Strategy B", the approval of which would result in a maximum total gross floor area of approximately 4.5 million square feet to be used primarily for the medical services and related uses that are described in Master Plan 2000.

The approved PUD included "Addition A", a hospital and parking expansion building with a gross floor area 50,000 square feet for parking use within the SP-1 zone and 197,600 square feet for hospital use within the SP-2 zone. In describing "Addition A", no specific reference was made to the inclusion of an electrical substation, an accessory use to these occupancies.

Pursuant to 11 DCMR § 3028, Zoning Commission Order No. 02-43 became final and effective upon publication in the D.C. Register on July 18, 2003.

By letter dated June 1, 2004, Counsel for the applicant filed a request to place a minor modification to Zoning Commission Order No. 02-43 on the Commission's Consent Calendar pursuant to § 3030 of the D.C. Zoning Regulations. The letter requested the Zoning Commission to grant approval to a minor modification to allow the construction of an electrical substation facility within "Addition A" of the approved PUD and map amendment order. The electrical facility will initially be constructed as a freestanding structure rising 5 to 13 feet above finished grade. However, that structure will be completely contained within the "Addition A" parking structure when it is built. Consequently, the electrical facility will only be visible to the public until the new parking structure is built. In turn, the parking structure will be slightly reconfigured internally from that shown in the approved plan to recapture parking spaces that will be lost to the electrical facility. There will be no change in either the gross floor area or in the external appearance of "Addition A". The site area for "Addition A" is presently used as a surface parking lot.

The applicant indicated that the new electrical facility is needed to address, on an emergency basis, shortfalls in MedStar's electrical capacity to power recent improvements to existing medical equipment and to equipment that will be incorporated within "Addition A" when it become operational.

RECEIVED
2004 OCT 17 PM 1:04
D.C. OFFICE OF ZONING

ZONING COMMISSION
District of Columbia
CASE NO. 04-17A
EXHIBIT NO. 4

VENABLE LLP

Jerry A. Moore III
Attorney at Law

Telephone 202-344-4763
Facsimile 202-344-8300
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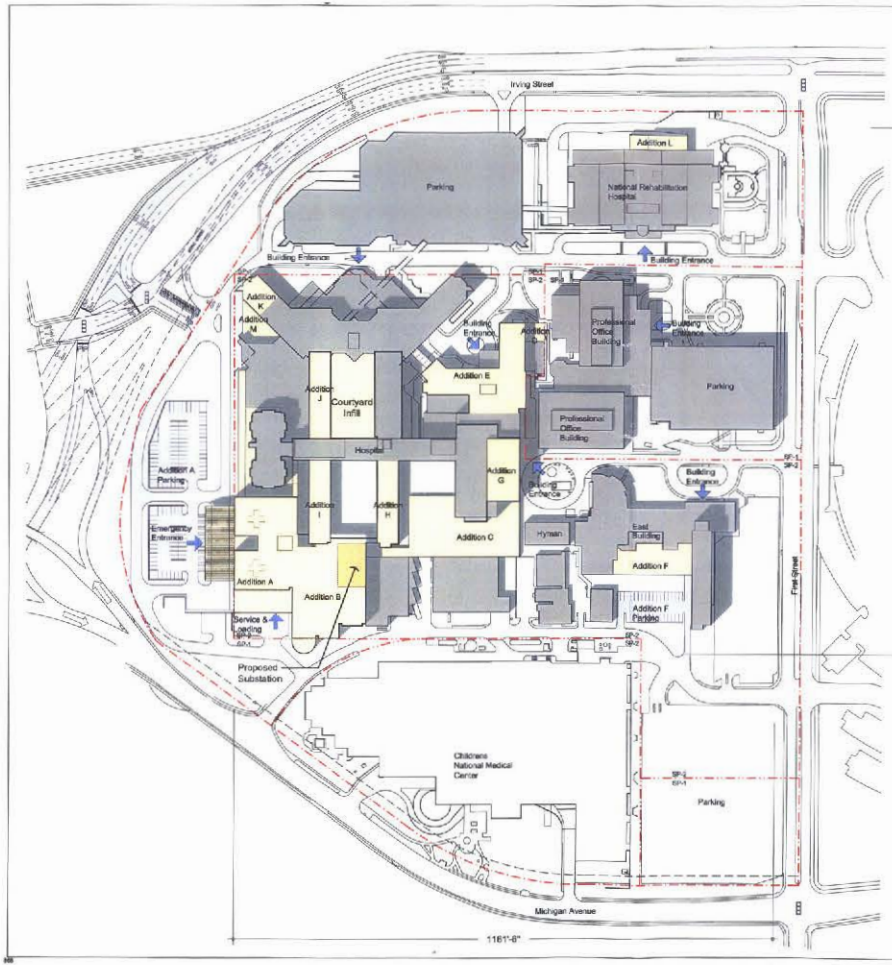
By letter dated September 21, 2005, Counsel for the applicant filed a request to place a minor modification to Zoning Commission Order Nos. 02-43 and 04-17 on the Commission's Consent Calendar pursuant to Section 3030 of the D.C. Zoning Regulations. The letter requested the Zoning Commission to grant approval to a minor modification to further modify Order Nos. 02-43 and 04-17 to relocate the electrical substation facility that was approved in Order No. 04-17 to a location that will be immediately to the south of the existing "E" Wing of the main hospital building as shown on Attachment A. The substation will be constructed as a below grade structure in the existing "E" Wing of the main hospital and will later be enclosed within Additions "A" and "B" of the hospital. This new location for the electrical substation facility will not alter the external appearance of Additions "A" or "B" or of the "E" Wing of the hospital.

The applicant is also requesting approval for the construction and use of a 1 story infill structure within an existing closed courtyard. The 1 story infill structure will be constructed in an existing courtyard located between buildings "F" and "D" as depicted on Attachment "B". The applicant represents that the 1 story infill structure will not be visible from the outside of the hospital building because each of the surrounding buildings are now at least 5 stories in height. The existing courtyard is currently being used as a relaxation area for the staff and patients of the hospital. This activity will be relocated to an existing courtyard between the "D" Wing and the Cancer Suite. The applicant represents that the gross square footage of the proposed structures is included within the overall gross square footage and FAR limits previously approved by the Commission. At 5,700 square feet, the electrical substation facility will be included within the 2,500,000 square foot cap on all "new below grade non-FAR-countable" space, as approved in Order No. 02-43. The courtyard infill will count 17,200 square feet toward the maximum available gross floor area of the 2,845,749 gross square feet.

By memorandum dated October 7, 2005, the D.C. Office of Planning recommended approval of this minor modification subject to the applicant providing additional information regarding the impact, if any, on the overall square footage and FAR that is permitted by the PUD, recognition by the applicant that the gross square footage of the proposed structures is included within the overall gross square footage and FAR limits previously approved by the Commission, a designation of a specific place for the relocation of the existing relocation area and a statement that the addition of the 1 story courtyard will be conformance with 11 DCMR Section 536.3. By letter dated October 13, 2005, the applicant submitted the information requested by the Office of Planning.

MedStar presented evidence that is has duly served a full copy of its request for a minor modification on Advisory Neighborhood Commission 5C, and the D.C. Department of Transportation. No comments were received from either of these organizations. The National Capital Planning Commission did not file a report regarding the Commission's proposed order approving the PUD and map amendment.

On October 17, 2005, at its regular monthly meeting, on the recommendation of the Director of the Office of Zoning, the Zoning Commission placed MedStar's request for a minor modification on the Commission's Consent Agenda.





Washington Hospital Center

Symbol Key

- Existing Hospital
- New Hospital Addition
- New Paving
- Zoning Boundary
- Property Boundary
- Demolition
- Construction Above
- Existing / New Construction
- Building Entrance
- Elevation Identification
- Section Identification

Planned Unit Development
Second Stage Application

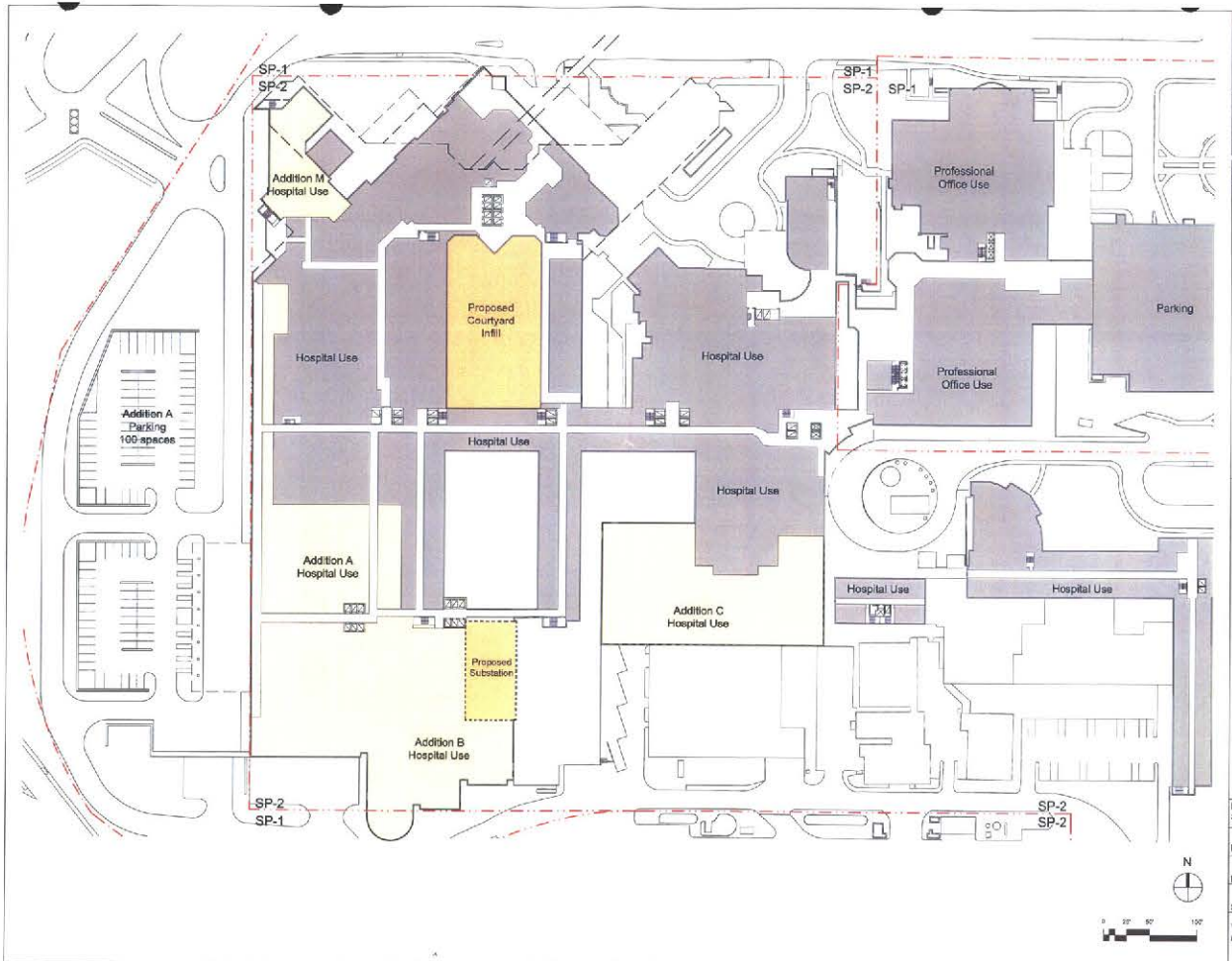
Proposed Site Plan

06.01.04
Revised
Date: September 2005

6R2

Scale: 1" = 200'-0"

WILMOT SANZ
ARCHITECTURE
PLANNING





Washington
Hospital Center
MedStar Health
110 Irving Street N.W.
Washington, D.C. 20010

Symbol Key

- Existing Hospital
- New Hospital Addition
- New Parking
- Zoning Boundary
- Property Boundary
- Demolition Construction
- Construction Above
- Existing / New Construction
- Building Entrance
- Elevation Identification
- Section Identification

Planned Unit Development
Second Stage Application

First Floor Plan

06.01.04
Revised
Date: September 2005

19R2

Scale: 1" = 100'-0"

WILMOT SANZ
ARCHITECTURE
PLANNING