Government of the District of Columbia
Office of Zoning

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Jerrily R. Kress, FAIA
Director

DATE: December 21, 2004

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on December 31, 2004:

1. Z.C. Order No. 974 (Z.C. Case No. 00-01);
2. Z.C. Order No. 02-31 (Z.C. Case No. 02-31); and
3. Z.C. Order No. 03-03 (Z.C. Case No. 03-03).

12/21/04 BBS

Received By

12/21/04
Date

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 02-31
EXHIBIT NO. 117

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ZONING COMMISSION
District of Columbia
CASE NO.02-31
EXHIBIT NO.117

ZONING COMMISSION ORDER NO. 02-31
Case No. 02-31
(Georgetown University Boathouse Text Amendment)
December 11, 2003

On August 6, 2002, the President and Directors of Georgetown College ("Georgetown University" or "University") and the National Park Service ("NPS"), (collectively, the "Applicants") filed a petition for a map amendment from unzoned to W-1 for property along the bank of the Potomac River identified as Tract 102-114 (the "Property"). The map amendment was necessary in order to allow construction of the University's proposed boathouse on the Property. (Zoning Commission Case No. 02-30). Also on August 6, 2002, the Applicants submitted a petition requesting text amendments to the W-1 Waterfront Zone District regulations that would be necessary to permit development of the boathouse if the Property were mapped W-1. (Zoning Commission Case No. 02-31.) On October 28, 2002, the Zoning Commission set down both petitions for public hearing.

The Office of Planning ("OP"), in its Setdown Report to the Zoning Commission, dated October 18, 2002, recommended that the Commission consider mapping the Property with an entirely new zoning category, the Waterfront Open Space, or W-0, zone. The W-0 Zone District was newly proposed by OP in Zoning Commission Case No. 02-42, which proceeded before the Commission during the same time period as the instant case.

At its October 28, 2002 meeting, the Zoning Commission considered the recommendation from OP that the proposed W-0 zone be considered as an alternative to the W-1 request. The Applicants acquiesced in the consideration of the W-0 zone as a potentially applicable zone classification and their petition for a map amendment was therefore advertised in the alternative.

A public hearing on the petition for the text amendments to the W-1 regulations was held on May 19, 2003. The hearing was conducted as a rulemaking. A public hearing on the application for a map amendment to W-0, or in the alternative W-1, was held on May 19, June 5, and June 19, 2003, as a contested case, pursuant to 11 DCMR § 3022.

At its public meeting on July 31, 2003, the Zoning Commission took proposed action to approve the application for a map amendment from unzoned to W-0 by a vote of 4-1-0. Final action was taken to approve the map amendment to W-0 on December 11, 2003, by a vote of 3-0-2. At the same time the Commission voted to deny this petition as moot.

Because the Property was mapped with the W-0 Zone District, the Applicants' petition for text amendments to the W-1 District was no longer applicable. The text amendments would only have been necessary if the Property had been mapped W-1, in order to facilitate the construction of the University's boathouse. Since the W-0 text now applies, it serves no purpose to amend the W-1 provisions.

In consideration of the above, the Zoning Commission for the District of Columbia hereby **ORDERS DENIAL** of Case No. 02-31, the petition of the Applicants for text amendments to the W-1 Zone District regulations.

At the public meeting held on December 11, 2003, the Zoning Commission voted to **DENY** the petition, by a vote of 3-0-2. (Commissioners Carol J. Mitten, Anthony J. Hood and Peter G. May to deny, two Commissioners not present, not voting.)

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 _____.