GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: November 8, 2004

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, JLS
Interim Deputy Director

CASE NO.: **ZC 03-09**

SUBJECT: **Supplemental II** - Revision to original case: Proposal to amend §217 is replaced by a proposal to create a new §222, allowing district government agencies to use public school buildings in the R-1 zone district for limited agency uses as a special exception.

At the public hearing of May 29, 2003, the Zoning Commission asked for additional language to address concerns that eligible properties not be occupied by uses that may be incompatible with surrounding neighborhoods. During consideration of proposed action, the Commission also discussed issues related to the "non-profit" uses permitted within §217. The Commission expressed concern about the lack of guidance within §217 for reviewing non-profit uses and the potential locations of such uses.

To continue the intent of original the text amendment to allow local government uses to use public school buildings, OP recommends creating a new §222 to allows government use of public school buildings as a narrow and focused amendment.

OP reviewed the comments made at the public hearing. Three city departments were mentioned as possibly having uses that could be adverse to the character of a residential neighborhood- Department of Public Works, Department of Motor Vehicles, and the Department of Corrections. OP believes that the concerns about onerous uses from these or other District departments are addressed by the proposed new §222.2.

- Temporary correctional facilities are first permitted in the CM zone and therefore would not be eligible per the new §222.8 b;
- Jails and prisons are prohibited by §222.8 b and c;
- Other related facilities would be permitted only as a CBRF and subject to existing special exception review; §222.12 ensures that this text modification would not weaken those existing standards; and

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- §222.2 a and b are intended to prohibit onerous uses that are vehicle-oriented or intensive, and solid waste or industrial uses.

Consideration of loading spaces was raised at the hearing and the suggestion has been included in the new **222.9**.

PROPOSED TEXT AMENDMENT TO SECTION 222, 11DCMR:

222 DISTRICT GOVERNMENT AGENCY (R-1)

222.1 The use of an existing or former public school building, any additions, accessory buildings and the land on which it is located by a District government agency shall be permitted as a special exception in an R-1 District in the following instances if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section:

(a) The school property is listed in the District of Columbia's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to § 101 of the National Historic Preservation Act, approved October 15, 1966 (80 Stat. 915, as amended; 16 U.S.C. § 470a, or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites; and

222.2 The use of the property shall not tend to adversely affect the character or use of the neighboring properties as a result of noise, traffic, or other objectionable conditions.

222.3 The use of the property shall not intrude upon the privacy of the residents of the neighborhood.

222.4 The Board may limit the hours of operation of the use so as to assure compliance with §§ 222.2 and 222.3.

222.5 The property may house more than one District agency and more than one principal use, provided each principal use shall be found consistent with the provisions of this section.

222.6 The principal use of the property shall not be interior or exterior storage or vehicle parking;

222.7 The use shall not extend outside the building unless accessory and incidental to the principal interior uses.

222.8 **Any storage shall be fully enclosed.**

222.9 **The following uses shall not be permitted:**

(a) **Vehicle storage, vehicle maintenance, storage of impounded vehicles, or storage of seasonal vehicles or equipment;**
(b) **Any use first permitted in the CM zone district; and**

222.10 **The amount and arrangement of parking spaces and loading spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.**

222.11 **Any special exception application made pursuant to this section may be heard and decided together with any other special exception or variance relief required. The Applicant shall have the burden of proving compliance with all applicable special exception requirements, whether stated in this section or elsewhere in this title. In the event of any inconsistency between the requirements, the most restrictive criteria shall apply.**