



2009 JUL 17 PM 3:40

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, ^{DL}Deputy Director for Development Review & Historic Preservation
DATE: July 17, 2009
SUBJECT: Zoning Commission Case Number 09-10, a Proposed Zoning Text Amendment to allow the establishment of a water tower on the Saint Elizabeths campus

I. PETITION

The Office of Planning (OP) recommends that the Zoning Commission **set down** the proposed text amendments. The amendments would add new text to Section 106, amend Section 3202, and create a new Section 3206 as follows:

(Old text marked through and new text is shown in **bold and underline**):

A. CHAPTER 1 THE ZONING REGULATIONS

106

ZONING MAP

106.7

No building permit or certificate of occupancy shall be issued nor proceeding instituted before the Board of Zoning Adjustment, nor shall any property in private ownership be used for any purpose until after the Zoning Commission has designated zoning for the property, **except for the establishment of a water tower and related water utility facilities owned and operated by the D.C. Water And Sewer Authority (WASA) on the East Campus of the Saint Elizabeths site, subject to the requirements found in Section 3206.**

B. Chapter 32. ADMINISTRATION AND ENFORCEMENT, subsection 3202.3, is amended so that the first sentence reads as follows:

3202.3

Except as provided in the building lot control regulations for Residence Districts in § 2516 and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Code, 2001 Ed. § 9-101.05 (formerly codified at D.C. Code § 7-114 (1995 Repl.))), a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; except

(a) ~~buildings~~ **Buildings** and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia or

**ZONING COMMISSION
District of Columbia**

CASE NO.

09-10



EXHIBIT NO.

District of Columbia

CASE NO. 09-10

EXHIBIT NO. 1

- (b) ~~the~~ **The** trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7¹ **or**
- (c) **A water tower and related water utility facility on the Saint Elizabeths East Campus.**

C. CHAPTER 32 ADMINISTRATION AND ENFORCEMENT is amended by the addition of the following:

3206 **OFFICE OF PLANNING REPORT**

3206.1 **The Zoning Administrator shall not take final action on the following applications until a report is received from the Office of Planning, or thirty (30) days have passed since the application was submitted to the director of the Office of Planning, whichever occurs first:**

- (a) **a building permit for a water tower and related water utility facility on the East Campus of Saint Elizabeths Hospital.**

3206.2 **The Director of the Office of Planning and the Zoning Administrator may agree to lengthen the time period indicated in § 3206.1, but in no event shall the review period exceed sixty (60) days.**

3206.3 **The report of the Office of Planning shall provide specific criteria and information sufficient to enable the Zoning Administrator to determine whether the water tower or related facility complies with the Comprehensive Plan, small area plan, or other adopted planning studies for the site.**

II. BACKGROUND

Site

The proposed text amendment would allow the construction of a water tower on the east side of Saint Elizabeths Hospital campus, a property that is currently unzoned. Saint Elizabeths campus is a 336-acre site located in Ward 8 and divided by Martin Luther King Blvd, SE, into an east and west campus (see Exhibit 1). The East Campus has been under District control since 1987. The entire campus is a designated historic district and the site contains dozens of historically significant structures. New construction has been limited; the Unified Communications Center (UCC) for the District was constructed at the northern tip of the site in 2003². A new psychiatric hospital is under construction at the southeast corner of the property, which will consolidate existing resources on the site within a single modern facility.³ A map showing the recent public investment in this property is attached as Exhibit 2.

OP is working on a final zoning proposal for the East Campus, but due to the size of the site, the mix of uses, and the involvement of both the District and federal government in the decision process, the selection of appropriate zones for the site will be complex. In addition, the exact location of record lots and dedicated streets will not be determined until a master developer is selected or a development scenario is adopted. Under the conditions of the current zoning regulations, this time lag in rezoning the

¹ The trapeze school is case number ZC 09-09 pending before the Zoning Commission with a hearing expected this fall.

² ZC01-36C

³ ZC02-24

property and creating record lots will significantly delay the efforts to establish the water tower which is needed prior to the full redevelopment of the site.

Planning Efforts

There have been several planning efforts for the East Campus culminating with a completed 2006 framework plan. An update to this work, The Saint Elizabeths East Redevelopment Framework Plan, was adopted by Council on December 16, 2008. The 2008 Framework Plan is designed to help guide future redevelopment of the site.

Historic Preservation and Design Review

The entire campus of Saint Elizabeths is a historic district, designated locally and nationally. As a result, all designs for construction are subject to review by the District of Columbia Historic Preservation Review Board. As a project on District land, the United States Commission of Fine Arts would also have authority for design review of the tower and its site.

When the East Campus was transferred to the District of Columbia in 1987, it triggered a process to put in place permanent protections of the property in accordance with Section 106 of the National Historic Preservation Act. A 1989 Memorandum of Agreement was developed at the culmination of this process which required the District to submit construction plans for review by the Historic Preservation Office and the federal Advisory Council on Historic Preservation. Any anticipated adverse effects on historic resources are to be resolved through this consultative process, which may include a public review and comment period. The water tower is already the subject of such a public consultation to review location alternatives and design options. Many parties, including the relevant Advisory Neighborhood Commissions, the Advisory Council on Historic Preservation, the National Park Service, the National Capital Planning Commission, the Commission of Fine Arts, and other community, civic and preservation groups are involved.

Water Tower Need and Location

An upgrade of the existing water service, including a new storage facility, is needed to serve planned growth and development, provide emergency back-up service, and address current water pressure issues for residents of Ward 8. The proposed water tower would provide up to 2 million gallons of storage for the campus and surrounding neighborhoods. The facility would replace an existing 100,000 gallon facility that currently only services the hospital grounds. The new tower would provide additional water storage, increase water pressure, support fire protection, and maintain water quality for existing and future development.

While the need for a water tower was identified as part of the framework plan process, an exact location was not chosen. The DC Water and Sewer Authority (WASA) indicated that the tower should be placed on a high point of the site in order to obtain maximum efficiency. The final water tower location will be determined through engineering calculations and the public review process established through the 1989 Memorandum of Agreement described above.

OP is comfortable that through the above processes there will be appropriate public design review of the proposed water tower by relevant stakeholders.

III. PROPOSAL

Currently § 106.7 prohibits the issuance of a building permit for any property that does not have a zone district and § 3202 requires the permits be issued only for lots of record. Because Saint Elizabeths

Campus is not subdivided into record lots and the zoning is not in place, WASA currently cannot file for a building permit. The proposed amendments to §§ 106.7 and 3202 are surgical changes that would be limited to the establishment of a WASA water tower on the East Campus of Saint Elizabeths, with an advisory review by the Office of Planning.

The advisory review (proposed as a new § 3206) is a process that is currently used for antennas (§ 2711) and for projects in the DD Overlay (§ 1700.6). An advisory review memorandum would be provided to the Zoning Administrator from the Office of Planning indicating that the proposed tower location is consistent with the adopted Comprehensive Plan and Saint Elizabeths East Redevelopment Framework Plan prior to issuance of a building permit.

IV. COMPREHENSIVE PLAN

The proposal is considered not inconsistent with the 2006 Comprehensive Plan, and would further policy statements in the Land Use, Urban Design, and Infrastructure elements by facilitating the development of large sites (305.5), providing additional opportunities for design review (916.7), modernizing and rehabilitating water infrastructure (1304.1, 1304.3, and 1304.4), and ensuring that infrastructure improvements are coordinated with development and redevelopment plans (1317.2). The development would also further a relevant policy of the Far Southeast/Southwest Area Element by providing the infrastructure necessary to allow for the redevelopment of Saint Elizabeths East Campus.

V. SAINT ELIZABETHS EAST REDEVELOPMENT FRAMEWORK PLAN

The recently adopted framework plan for the subject property, the Saint Elizabeths East Redevelopment Framework Plan, builds on a draft plan completed in 2006, following a three-year planning process. The plan identifies site constraints, highlights development opportunities, and establishes development principles for the eventual build-out of the 156-acre property. The plan also calls for the creation of five new neighborhoods within the property. Each would have a defined character, to some extent influenced by the presence of existing historic structures, topography, and its proximity to transportation networks and other features. Other proposed improvements include the creation of new internal roads as well as enhancing site connections to Martin Luther King Ave., Alabama Ave., and Suitland Parkway, SE.

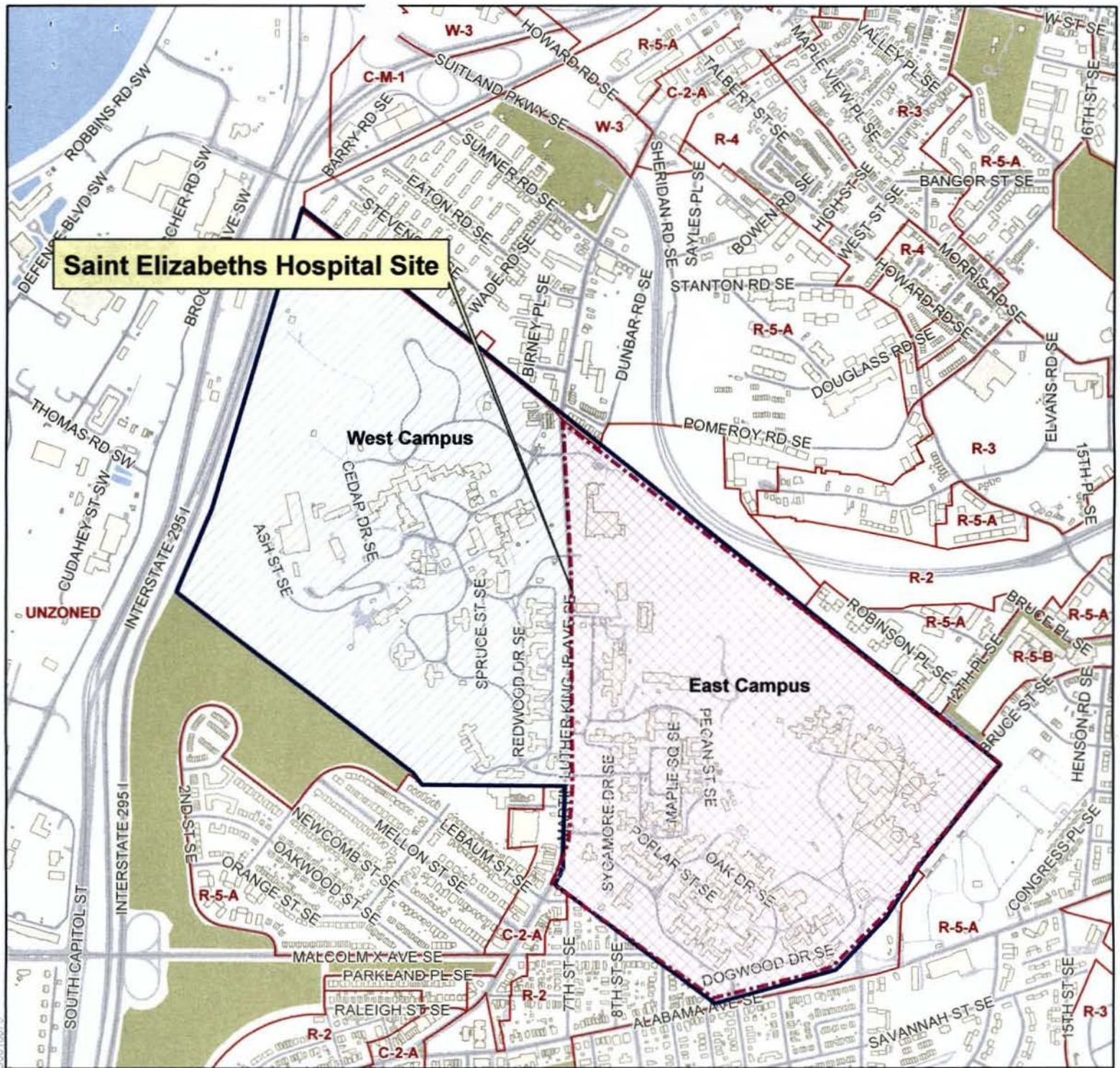
Finally, the Framework Plan anticipates the construction of a new water tower on site, which is needed to support the future development envisioned in the plan as well as the current needs of existing residents. Overall, the plan outlines the future development potential of the East Campus to include a mix of uses, to be achieved via the adaptive reuse of existing buildings as well as new construction. The requested text amendment is not inconsistent with this Plan, as it will allow for the immediate development of a water tower, needed to serve the current and future residents of Ward 8.

VI. CONCLUSION

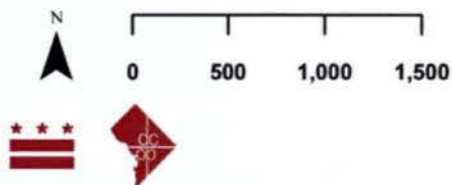
The Office of Planning **recommends that the Zoning Commission set down** the proposed text amendments for public hearing. OP finds the text amendments are not inconsistent with the 2006 Comprehensive Plan as well as other planning initiatives for the Saint Elizabeths East Campus.

JS/ayj
Arlova Jackson, Case Manager

Attachments: Exhibit 1 – Site Map
Exhibit 2 – Public Investment Map from the Redevelopment Framework Plan



ZC 09-10 Saint Elizabeths Water Tower Text Amendment Exhibit 1 - Site Map

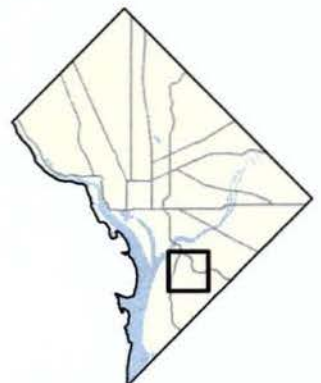


Government of the District of Columbia
Adrian M. Fenty, Mayor

Office of Planning ~ July 9, 2009

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Zoning Districts
- Buildings
- Roads
- Street Centerlines
- Water
- Parks



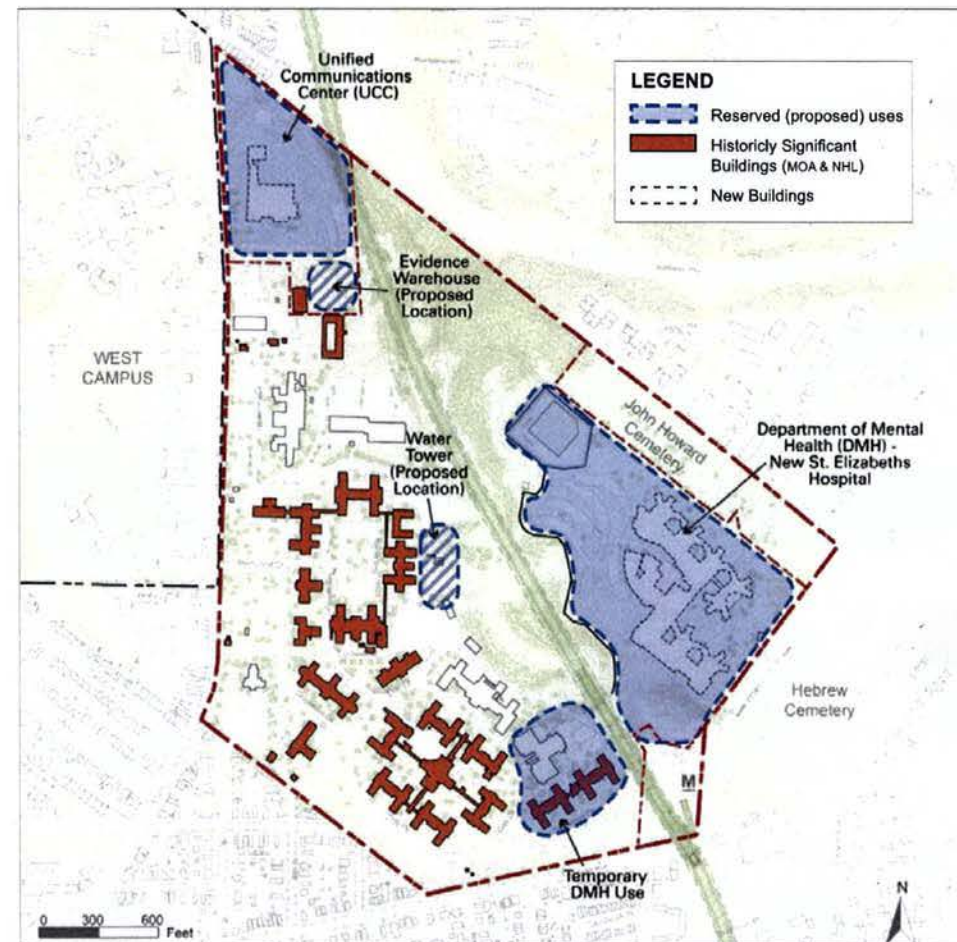
Recent Public Investment

In addition to the historic preservation legal protection, several additional factors affect the amount of land available for new development and the character of that development: existing government facilities and uses, site topography, environmental issues, utilities and infrastructure, transportation access, and development capacity. The following section discusses these conditions and presents the resulting methodology that will guide future development on the campus. The new development on the campus will not affect the following existing facilities, rather incorporate them into the holistic vision for the campus:

- The Department of Mental Health (DMH) is constructing a new hospital in the southeastern corner of the East Campus. In the interim, three existing buildings on the East Campus will remain in hospital use: CT-8 (#115), CT-7 (#116) and RMB (#124). DMH expects to continue to use RMB (#124) to handle overflow patients; in the long term there is the opportunity to construct an overflow facility on the former John Howard Pavilion site or other land adjacent to the new hospital. Construction began in 2006 on a new 450,000 square foot, 292 bed state-of-the-art facility to replace the 150-year old Hospital. The new hospital incorporates the best practices in modern, in patient mental health care with an environmentally sensitive design and sustainable strategies. Completion of the hospital is scheduled for 2010.
- The Unified Communications Center (UCC), the new Emergency 911 and 311 Call Center, is a 12 acres secured facility at the northern end of the East Campus.

- The future Metropolitan Police Department Evidence Warehouse is proposed to relocate to the East Campus on an approximately 2.15 acre site just south of the UCC and north of the stable. This 26,800 sf fully automated facility will provide a secured and controlled environment for MPD evidence.
- The DC Water and Sewer Authority proposes to replace the existing water tower on the East Campus. Its new position will be determined in part by this document.

Final locations for all proposed projects will be determined through the Section 106 process.



SAINT ELIZABETHS EAST - FINAL NOVEMBER 2008