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The Honorable Vincent C. Gray

Executive Director
Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 09-10

MAR 08 2010

Zoning Commission of the
District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

Pursuant to delegations of authority adopted by the Commission on August 6,

1999, I found that the proposed text amendment to the District of Columbia

Zoning Regulations to allow a water tower on Saint Elizabeths East Campus

would not be inconsistent with the Comprehensive Plan for the National Capital,

nor would it adversely affect any other identified federal interests. A copy of the

Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosure

cc: Harriet Tregoning, Director, D.C. Office of Planning
Anthony Hood, Chairman, Zoning Commission

ZONING COMMISSION
District of Columbia

CASE NO. 09-10

EXHIBIT NO. 14

ZONING COMMISSION
District of Columbia
CASE NO.09-10
EXHIBIT NO.14

**TEXT AMENDMENT
TO ALLOW A WATER TOWER
ON SAINT ELIZABETHS EAST CAMPUS**

Southeast Washington, DC

Referred by the Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

FEB 25 2010

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. §8724(a), and DC Code §2-1006(a), I find that the proposed text amendment to the District of Columbia Zoning Regulations to allow a water tower on Saint Elizabeths East Campus would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests. A proposed tower location and two concept designs were presented to the Commission on February 4, 2010, and the DC Water and Sewer Authority (WASA), DC Office of Planning (DCOP) and NCPC will continue to work together to refine the design to minimize visual impacts to the surrounding community.

* * *

The Zoning Commission of the District of Columbia has taken a proposed action to approve a text amendment to § 1902.3 of the District of Columbia Zoning Regulations to allow a water tower on the Saint Elizabeths East Campus. The campus is District-owned and is currently unzoned. A water tower is needed to help redevelop the site and to provide increased water pressure to the southeastern part of the District.

Saint Elizabeths campus is a 336-acre site located in Ward 8 and divided by Martin Luther King Jr. Avenue, SE, into east and west campuses. The entire St. Elizabeths complex is a designated historic district, with historically significant structures distributed between its east and west campuses. New construction has been limited; the Unified Communications Center (UCC) for the District of Columbia was constructed on the northern section of the site in 2003. The District of Columbia Office of Planning is working on the final zoning proposal for the East Campus. 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 current zoning regulations, DCMR § 106.7 prohibits the issuance of building permits for properties that do not have a zone district and § 3202 allows permits to be issued for lots of record only. As such, the DC Water and Sewer Authority is unable to file for a building permit for the water tower since Saint Elizabeths is not currently subdivided into record lots and is presently not zoned.

The proposed amendments to §§ 106.7 and 3202 would be limited to the establishment of a DC WASA water tower on the East Campus of Saint Elizabeths, with an advisory review by DCOP. 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.

The Office of Planning (OP) recommends that the Zoning Commission make 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 underlined**):

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~~
- (b) ~~the~~ **The** trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7' ~~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.**

A proposed location for the new water tower and two concept designs were presented to the Commission on February 4, 2010. The Commission expressed concern about view impacts to the adjacent surrounding community and parts of the city located to the west of the Anacostia River, including Hains Point. However, the benefits of a water tower, by allowing redevelopment of the East Campus and increased water pressure for the local surrounding community, are thought to outweigh the project's potential view impacts. Furthermore, the DCOP, NCPC, and DC WASA will continue to work together to refine the design to minimize the view impacts, and to ensure its compatibility with the St. Elizabeths Campus. As such, the proposed text amendment would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.



Marcel C. Acosta
Executive Director