

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schellin³
Secretary to the Zoning Commission
Date: July 30, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 7, 2009:

1. Z.C. Notice of Public Hearing (Case No. 09-10).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 09-10
EXHIBIT NO. 2

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, September 24, 2009, @ 6:30 p.m.**
 Office of Zoning Hearing Room
 441 4th Street, N.W. Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 09-10 (Office of Planning - Text Amendment to Allow the Establishment of a Water Tower on the Saint Elizabeths Campus)

THIS CASE IS OF INTEREST TO ANCs 8C and 8E

The Office of Planning ("OP"), in a report dated July 17, 2009, petitioned the Zoning Commission for a text amendment to 11 DCMR. The proposed text amendment would allow the construction of a water tower on the east side of Saint Elizabeths Hospital campus, on property that is currently unzoned. Construction would be permitted as a matter of right unless the Office of Planning submits a report to the Zoning Administrator indicating that the design or location of the use would be inconsistent with the Comprehensive Plan or other relevant planning documents. Should that happen, the Zoning Administrator ("ZA") would treat the application as being subject to special exception review. An amendment to the portion of the lot control regulations that requires the existence of a record lot as a prerequisite to the issuance of a building permit is also being requested, as the majority of the East Campus has not yet been subdivided.

The Zoning Regulations of the District of Columbia (Title 11 DCMR) are proposed to be amended as follows (additions to existing language shown in **bold** and underlined text, deleted language is shown in ~~striktthrough~~ text):

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, § 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 § 1804.7¹; **or**

~~(c) A water tower and related water utility facility on the Saint Elizabeths~~
East Campus.

Notwithstanding the foregoing, a building permit may be issued for a boathouse, yacht club, or marina to be constructed on a lot that is not a lot of record, provided that such lot fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

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 a building permit application to construct any of the following uses 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:

¹ This text is proposed in case number ZC 09-09, another text amendment pending before the Zoning Commission with a hearing scheduled on September 21, 2009.

(a) A water tower and related water utility facility on the East Campus of Saint Elizabeths Hospital; and;

(b) RESERVED.

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 If the report of the Office of Planning concludes that the design or location of the use is not consistent with the Comprehensive Plan or with the small area plan or other adopted planning studies that pertain to the site, the Zoning Administrator shall deem the use to be one requiring approval by the Board of Zoning Adjustment as a special exception pursuant to § 3104.1 of this title.

The OP report served as the pre-hearing submittal for the case.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, MICHAEL G. TURNBULL, AND PETER G. MAY, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.