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MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, ^{JS} Deputy Director for Development Review & Historic Preservation

DATE: December 04, 2009

SUBJECT: **Supplemental Report** for Zoning Commission Case Number 09-10, a Proposed Zoning Text Amendment to allow the establishment of a water tower on the Saint Elizabeths East campus

The Office of Planning (OP), through the submission of this report, responds to the Zoning Commission's request to furnish draft text to provide for a Zoning Commission design review of the proposed WASA water tower on the Saint Elizabeths East Campus, which is unzoned. The Commission deferred taking proposed action in order for OP to formulate such text.

The advertised text included a proposed new section to be added to Chapter 32 of the Zoning Regulations. That chapter governs the administration and enforcement of the Zoning Regulations. The proposed new section would require the Zoning Administrator to wait a maximum of 30 days before clearing building permits for certain types of developments. The proposed WASA water tower was to be the first type of development to be governed by the section.

Since the Commission wants essentially a design review veto, the Office of Planning is withdrawing its request for proposed section 3206. Instead, it has drafted a new section to be added to Chapter 25, MISCELLANEOUS ZONING REQUIREMENTS. The proposed section is modeled after other provisions that call for Zoning Commission review. As a result, other conforming amendments will be required, which will be provided to you by the Office of the Attorney General (OAG) as part of your package for the December 14th meeting. The only difference for this review process is that the application may be approved without a hearing, subject to the completion of the ANC review period.

The text to accomplish this follows. OP makes no recommendation as to whether it should be approved. Except for the elimination of proposed section 3206 and a provision to waive the associated filing fees, no other substantive changes are needed to the advertised text.

2523 WATER TOWER ON THE EAST CAMPUS OF SAINT ELIZABETHS:

2523.1 Notwithstanding any other provision of this Title, a water tower or elevated water tank ("Water Tower") owned and operated by the District of Columbia Water and Sewer Authority may be established on unzoned property located on the East Campus of Saint Elizabeths Hospital.

2523.2 No building permit to construct a Water Tower in excess of ninety (90) feet in height may be issued unless the Zoning Commission finds that said tower, as designed, meets the standards of § 3104 and is not inconsistent with the Comprehensive Plan, small area plan(s), and other adopted planning studies that pertain to the site.



- 2523.3 An application shall include such plans and illustrations necessary to adequately represent the final appearance of the tower, its materials, final elevation, and location on the East Campus. The application shall also identify how the proposed design meet the standard for approval set forth in § 2523.2.**
- 2523.4 An application shall be included as a “Final Action” item for a Zoning Commission meeting scheduled after the completion of the thirty (30) day review period allowed the affected ANC(s).**
- 2523.5 The only motion that can be made at that time is for approval of the application.**
- 2523.6 If no motion is made, or if the motion fails, the matter shall be moved to the “Hearing Actions” portion of the agenda, at which point the Commission may take any of the actions authorized by §§ 3011.3 through 3011.6.**

The one conforming change needed in the advertised text is to the proposed amendment to § 106.7.

- 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 authorized by § 2523.**

Finally, OP is suggesting the waiver of associated fees here due to the public nature of the request and its benefit to the residents of this service area.

3043 EXEMPTION FROM FEES

- 3043.1 The following persons or groups shall not be required to pay either a filing fee or hearing fee:
- (a) A department, office, or agency of the government of the District of Columbia, where the property is owned by **the District or** that agency **or is under their jurisdiction** and the property is to be used for a government building or use; and

The Office of Planning will be available during the December 14th public meeting to answer any questions the Commission might have concerning these and any other provision of the proposed amendments.

JS/ayj
Arlova Jackson, Case Manager