

**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, AICP *JS*
Deputy Director for Development Review & Historic Preservation

DATE: October 26, 2009

SUBJECT: Zoning Commission Case Number 09-13
A Proposed Zoning Text Amendment to explicitly allow for a BZA Expedited Review Calendar

WAIVER OF RULES FOR LATE SUBMITTAL

This report is being submitted less than ten days prior to the Zoning Commission's consideration of the item and scheduled public meeting. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record pursuant to §3000.8.

PETITION

The Office of Planning (OP) recommends that the Zoning Commission approve the proposed text to Section 3118 to explicitly allow for an Expedited Review Calendar for the Board of Zoning Adjustment. OP has had some conversations with the Board of Zoning Adjustment, Office of Zoning and the Office of Attorney General and recommends the following changes to the advertized text. The changes to the advertized text are hatched through and underlined. OP proposes the following language:

3118 CONSENT EXPEDITED REVIEW CALENDAR - WAIVER OF HEARING

3118.1 The purpose of this section is to create an expedited review process to be followed after an applicant waives their right to a hearing for ~~an addition to one-family dwelling or flat or new or enlarged accessory structures pursuant to § 223; or for a park, playground, swimming pool, or athletic field pursuant to § 209.1.~~ the following:

- (a) An addition to one-family dwelling or flat or new or enlarged accessory structures pursuant to § 223; or
- (b) A park, playground, swimming pool, or athletic field pursuant to § 209.1.

3118.2 When an application indicates a waiver of hearing, it shall be placed on the ~~consent~~ expedited review calendar for the same date as the scheduled hearing and shall remain there unless, at least than ten (10) days prior to the hearing date:

- (a) Written opposition to the ~~consent~~ expedited review calendar placement is submitted by an affected ANC, the Councilmember representing the area in which the subject property is located, a person or entity requesting party status, ~~or~~ the owner or occupant of any property located within two hundred feet (200 ft.) of the subject property, any property or business owner who can see the proposed construction from either their residence or business address respectively or the Office of Planning; or



- (b) A Board member, including the member designated by the Zoning Commission, requests the Director to remove the item from the ~~consent~~ expedited review calendar.

- 3118.3 At least fourteen (14) days prior to each hearing date, the Office of Zoning shall provide each Board Member with the ~~consent~~ expedited review calendar for that date.
- 3118.3 Notices of public hearing shall indicate whenever an application has been placed on the ~~consent~~ expedited review calendar and describe the means by which it may be removed.
- 3118.4 At least seven (7) days prior to a hearing date, a list of all ~~consent~~ expedited review calendar items shall be posted on the Office of Zoning website.
- 3118.5 The ~~consent~~ expedited review calendar shall be called prior to any hearing.
- 3118.6 Applications on a ~~consent~~ an expedited review calendar may be called and voted on together, and no discussion to approve the applications is required.
- 3118.7 Orders granting an application approved as a ~~consent~~ an expedited review calendar item need not contain findings of facts or conclusions of law, but shall reflect the nature of the relief granted and any conditions imposed.

I. BACKGROUND

Please see OP report submitted October 21, 2009 for background.