



2009 DEC -4 PM 4:07

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, AICP *JS*
Deputy Director for Development Review & Historic Preservation
DATE: December 4, 2009
SUBJECT: Zoning Commission Case Number 09-13
SUPPLEMENTAL 2

At the conclusion of the public hearing on this case, the Zoning Commission asked that the Office of Planning, Office of Zoning, Office of Attorney General, and the Chairman of the Board of Zoning Adjustment (BZA) to work together to recommend a final version of the text that recognizes the ANC full review time frame and provides as much assurance to the applicant as possible.

As to ANC notice, the Office of Zoning staff has advised us that the affected ANCs receive notices of BZA applications immediately after filing. This allows more than sufficient time for the filing of a written report before any hearing date. Although a decision whether to object to expedited calendar placement is not among the considerations for which great weight need be given, notice of expedited calendar placement will be provided when the notice of application is provided. The subsequent notice of hearing does not restart the statutory 30 day review period for an ANC to comment on a proposed zoning action.

The proposed text includes a provision that allows any member of the BZA to remove an item from the expedited hearing calendar and clarifies that any interested persons may object to an item on an expedited calendar but if they do appear on the hearing date, the item will remain on the expedited calendar. This addresses the concern that such persons will simply object to be obstructionist.

These changes, and the text that follows, are satisfactory to all of the participants in the revision process.

3118 EXPEDITED HEARING 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 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 expedited hearing calendar for the same date as its hearing is scheduled.

ZONING COMMISSION
District of Columbia

hearing shall be held unless the item is removed from the expedited hearing calendar pursuant to §§ 3118.6 through 3118.10.

- 3118.3 The expedited hearing calendar shall be called prior to the first case on the Board's morning hearing calendar.
- 3118.4 Applications on an expedited review calendar may be called and voted on together, and no discussion to approve the applications is required.
- 3118.5 Orders granting an application approved as 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.
- 3118.6 Any Board member may remove a case from the expedited hearing calendar at any time.
- 3118.7 An expedited review calendar item shall be removed upon the receipt of a timely filed request for party status for that application.
- 3118.8 Written objections to expedited hearing calendar placement for an application may be made by an affected ANC, an affected Single Member District, the Councilmember representing the area in which the subject property is located, the Office of Planning, or the owner or occupant of any property located within two hundred feet (200 ft.).
- 3118.9 Such requests must be filed with the Office of Zoning and served upon the applicant no later than fourteen days prior to date of the application has been scheduled for hearing.
- 3118.10 The request will be granted unless the person making the request is not present at the time expedited hearing calendar that includes that application is called.
- 3118.11 An item removed from the expedited hearing calendar will be heard in the order indicated on the Board's hearing agenda.
- 3118.12 The affected ANC'S notice of the filing of an application and the notices of public hearing shall prominently indicate whenever an application has been placed on the expedited hearing calendar and describe how objections can be made by the persons identified in § 3118.4.