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Total Records: 20

ID	Status	Register Category	Subject	Register Issue	Action Date
5071011	Submitted to ODAI	Notices, Opinions	Z.C. Order No. 10-06A: D.C. Water and Sewer Authority	7/31/2015 Vol 62/32	7/20/2015 12:24:06
5070901	Submitted to ODAI	Notices, Opinions	Z.C. Order No. 935A: BP 1330 Connecticut Avenue, LLC	7/31/2015 Vol 62/32	7/20/2015 13:08:00
5070824	Submitted to ODAI	Notices, Opinions	Z.C. Order No. 05-46B: Half Street Residential PM, LLC	7/31/2015 Vol 62/32	7/20/2015 12:55:37
5070727	Submitted to ODAI	Notices, Opinions	Z.C. Order No. 14-14: Jemal's CDC, LLC	7/31/2015 Vol 62/32	7/20/2015 12:48:29
5070610	Submitted to ODAI	Notices, Opinions	Z.C. Order No. 11-15D: Howard University	7/31/2015 Vol 62/32	7/20/2015 12:45:33
5070533	Submitted to ODAI	Notices, Opinions	Z.C. Order No. 14-21: Berry Place Partners, LLC	7/31/2015 Vol 62/32	7/20/2015 12:40:03
5070436	Submitted to ODAI	Notices, Opinions	Zoning Commission Notice of Filing: Case No. 15-16	7/31/2015 Vol 62/32	7/20/2015 12:06:54
5062094	Confirmed	Public Hearing	Board of Zoning Adjustment - September 29, 2015 Hearings	7/24/2015 Vol 62/31	7/20/2015 10:49:48
5059145	Submitted to ODAI	Notices, Opinions	Board of Zoning Adjustment - Order No. 19010 - Nicole Mitchell - ANC 6E	7/31/2015 Vol 62/32	7/17/2015 16:31:11
5059157	Submitted to ODAI	Notices, Opinions	Board of Zoning Adjustment - Order No. 19011 - Gabriel, LLC - ANC 4C	7/31/2015 Vol 62/32	7/16/2015 15:25:18
5057429	Submitted to ODAI	Notices, Opinions	Board of Zoning Adjustment - Order No. 19047 - Phillips Collection - ANC 2B	7/24/2015 Vol 62/31	7/16/2015 11:02:26
5055683	Submitted to ODAI	Notices, Opinions	Board of Zoning Adjustment - Order No. 19025 - 1300 H Street NE LLC - ANC 6A	7/24/2015 Vol 62/31	7/15/2015 14:53:02

ZONING COMMISSION
District of Columbia

CASE NO. 10-06A

EXHIBIT NO. 8

ZONING COMMISSION
District of Columbia
CASE NO. 10-06A
EXHIBIT NO. 8

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 10-06A
Z.C. Case No. 10-06A
D.C. Water and Sewer Authority
(Modification of Approved Plans for Water Tower)
December 8, 2014

SUMMARY ORDER

The District of Columbia Water and Sewer Authority ("Applicant") submitted an application to the Zoning Commission for the District of Columbia ("Commission") for the review and approval of a modification to the design of the water tower to be constructed by it pursuant to Zoning Commission ("Z.C.") Order No 10-06, dated May 10, 2010

That approval was made pursuant to 11 DCMR § 2523.1, which authorizes the construction of a water tower owned and operated by the Applicant on unzoned property owned by the District of Columbia and located on the East Campus of Saint Elizabeths Hospital (11 DCMR § 2523 1) Because the proposed tower exceeds 90 feet in height, review and approval by the Commission was required. (11 DCMR § 2523 2.) Subsections 2523.4 and 2523.5 permit the Commission to approve the tower without a hearing Finally, § 2523.8 provides that a request to modify an approved design shall be subject to the same review criteria and approval process as set forth in § 2523.

Z.C Order No. 10-06 approved the design of a 2,000,000-gallon and approximately 175-foot high water tower with certain aesthetic design elements, including an external screen for the water tower structure and landscaping Subsequent to that approval, the Commission of Fine Arts reviewed the project and expressed concerns over the architectural screening. The design presented to the Historic Preservation Review Board ("HPRB") did not include the architectural screening. Therefore, HPRB's recommendation that the building permit be cleared was predicated upon the absence of screening. The National Capital Planning Commission ("NCPC") also approved the design without the screening and recommended that the tower be painted light in color with no lettering.

The Applicant, therefore, requested that the Commission approve the removal of the exterior aesthetic design elements of the water tower and allow it flexibility to paint the water tower with a light color and modify the design to provide any illumination or lighting required for mitigation, safety, or security purposes

The Commission provided proper and timely notice of the public meeting on this application by mail to Advisory Neighborhood Commission ("ANC") 8C, which serves the jurisdiction in which the East Campus of Saint Elizabeths Hospital is located. ANC 8C, in a report dated June 18, 2014, which was submitted into the record, indicated support for the application.

The D C. Office of Planning ("OP"), in a report dated November 26, 2014, found that the request was consistent with § 2523 of the Zoning Regulations. OP recommended that the Commission

approve the application and modify Condition No 1 of Z C Order No 10-06 to remove references to the screening and to permit the flexibility requested

Based upon the record, and having considered and given great weight to the reports of OP and ANC 8C, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR § 2523

Because this order will not be adverse to any party, and pursuant to 11 DCMR § 3100 5, the Commission has determined to waive the requirement of 11 DCMR § 3125 3 that findings of fact and conclusions of law accompany this Order.

It is, therefore, **ORDERED** that the request for modification of the approved plans be **GRANTED**, provided that the conditions of approval set forth in Z C Order No 10-06 shall continue to apply, except that Condition No 1 is modified to read as follows

- 1 The water tower shall be consistent with the basic water tower design included in the Applicant's Exhibit 3 filing, provided, that the Applicant shall have the flexibility to paint the water tower with a light color and modify the design to provide any illumination or lighting required for mitigation, safety or security purposes

On December 8, 2014, upon the motion of Commissioner Miller, as seconded by Vice Chairperson Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G Turnbull to adopt)

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become final and effective upon publication in the *D C Register*, that is on July 31, 2015