

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Elisa Vitale, Development Review Specialist
JLS
Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: March 6, 2020

SUBJECT: ZC Case 20-01 – Public Hearing Report for a Proposed Text Amendment to Subtitle C, Chapter 11, Waterfront Regulations

I. BACKGROUND

At its January 27, 2020 public meeting, the Zoning Commission set down for a public hearing text amendment case 20-01, which would amend Subtitle C, Chapter 11 Waterfront, Section 1102, General Waterfront Regulations. These text amendments are intended to allow certain uses as special exceptions within a 100-year floodplain.

II. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission **approve** the proposed text amendments, as provided in draft form in Section IV of this report. The proposal would not be inconsistent with the Comprehensive Plan.

III. CHANGES TO THE APPLICATION SINCE SET-DOWN

The proposed text amendment has not substantially changed since the January 23, 2020, OP Supplemental Setdown Report (Exhibit 3). The Office of Attorney General (OAG) revised the referral language to reflect the forty-day agency review period established in Subtitle A, Section 211.

IV. PROPOSED TEXT AMENDMENTS

The proposed text amendments are as follows. Text in **bold underline** is new proposed text; the text in **~~bold strikethrough~~** is a proposed deletion.

Section 1102, GENERAL WATERFRONT REGULATIONS, of Chapter 11, WATERFRONT, of Subtitle C, GENERAL RULES, is amended by revising § 1102.4, adding a new § 1102.5, and renumbering current §§ 1102.5 and 1102.6 as new §§ 1102.6 and 1102.7, to read as follows:

1102.1 A waterfront setback to any building ...

...

1102.4 The following uses ~~are prohibited~~ **shall be permitted as a special exception** within a one hundred (100)-year floodplain (“floodplain”), **if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and subject to the conditions in Subtitle C § 1102.5:**

(a) Residential uses with only one (1) or two (2) dwelling units;

- (b) Animal sales, care, and boarding;
- (c) Community-based institutional facilities;
- (d) Daytime care;
- (e) Education;
- (f) Emergency shelter;
- (g) Hospital; and
- (h) Lodging.

1102.5 **The following conditions shall apply to any application for a special exception use under Subtitle C § 1102.4:**

- (a) The application shall include an analysis that provides the following:**
 - (1) A site plan showing floodplain boundaries and base flood elevations for the property that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;**
 - (2) A description of how the project has been designed to meet applicable flood resistant design and construction standards that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;**
 - (3) An evacuation plan that describes the manner in which the property would be safely evacuated before or during the course of a one hundred (100)-year flood event; and**
 - (4) A description of how of the proposed use would not result in any adverse impacts to the health or safety for the project’s occupants or users due to the proposed use’s location in the floodplain; and**
- (b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211:**
 - (1) District Department of Energy and Environment (DOEE);**
 - (2) District of Columbia Fire and Emergency Medical Service Department (FEMS);**
 - (3) Metropolitan Police Department (MPD); and**
 - (4) The District of Columbia Homeland Security and Emergency Management Agency (HSEMA).**

~~1102.5~~**1102.6** Parking space requirements for the waterfront areas are ...

~~1102.6~~**1102.7** The following structures and projections may encroach ...

V. PLANNING CONTEXT

a. COMPREHENSIVE PLAN

As fully discussed in the OP Setdown and Supplemental reports of January 3 and 23, 2020 (Exhibits 2 and 3), the proposed text amendment would further Comprehensive Plan policy objectives, particularly with respect to policies within the Environmental Protection Citywide Element Citywide Elements. The proposed text amendment also would be not inconsistent with the Comprehensive Plan Future Land Use Map and Generalized Policy Map.

VI. AGENCY COMMENTS

OP continues to work closely with the District Department of Energy and Environment (DOEE) and OAG on the proposed text amendment. DOEE will participate in the public hearing and will be available to answer Commission questions.

VII. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

Comments from the ANC had not been filed in the case record at the time this report was filed.

VIII. COMMUNITY COMMENTS

Comments from the public had not been filed in the case record at the time this report was filed.