

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 10-06
Z.C. Case No. 10-06

**(D.C. Water and Sewer Authority and District Department of Real Estate Services –
Construction of a New Water Tower)**
May 10, 2010

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public meeting on May 10, 2010, where the Commission approved an application from the D.C. Water and Sewer Authority (“DC WASA”) and the D.C. Department of Real Estate Services (“DRES”) (collectively, the “Applicant”), pursuant to 11 DCMR § 2523.2, for review and approval of the design of a new water tower in excess of 90 feet of height on the East Campus of the St. Elizabeths Hospital.

SUMMARY ORDER

The property that is the subject of this application is a 3.3-acre portion of the East Campus of St. Elizabeths Hospital (the “Subject Property”), and is located to the northwest of the planned unit development (“PUD”) approved by the Commission in Zoning Commission (“Z.C.”) Order Nos. 02-45 and 04-08. Concurrent with this request, the Commission approved a minor modification to the PUD in order to remove the site of the proposed water tower from the PUD site. The Subject Property is, therefore, unzoned.

By text amendment approved by the Commission in Z.C. Order No. 09-10, the Commission authorized the construction of a water tower owned and operated by DC WASA on unzoned property owned by the District of Columbia and located on the East Campus of Saint Elizabeths Hospital. (11 DCMR § 2523.1.) The text amendment requires that any water tower that exceeds 90 feet in height be reviewed and approved by the Commission prior to the issuance of a building permit. (11 DCMR § 2523.2.) The Department of Consumer and Regulatory Affairs has approved a waiver from the Height of Buildings Act of 1910 to accommodate the new water tower.

The Commission provided proper and timely notice of the public meeting on this application, as required by 11 DCMR § 2523.4, by mail to Advisory Neighborhood Commission (“ANC”) 8C. The Subject Property is located within the jurisdiction of ANC 8C. ANC 8C did not submit a report regarding the application. As permitted under 11 DCMR § 2523.7, the D.C. Office of Planning (“OP”) submitted a report dated April 30, 2010 in support of the application.

The Commission required the Applicant to satisfy the burden of proving the elements that are necessary to approve the project under 11 DCMR §§ 2523.2 and 3104.1. The Applicant provided plans and illustrations of the proposed water tower and identified how the proposed design met the standards of 11 DCMR § 2523.2 in its application package, as required under 11 DCMR § 2523.3.

No persons or parties appeared in opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party. Based upon the record before the Commission, and having considered and given great weight to the report of OP, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR § 2523.2 and 3104.1, including the specific standards that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

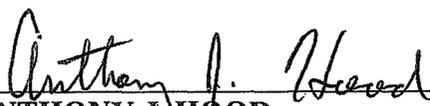
Pursuant to 11 DCMR § 3000.8, the Commission has determined to waive the requirement of 11 DCMR § 3028.8 that findings of fact and conclusions of law accompany the order of the Commission. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is, therefore, **ORDERED** that the application be **GRANTED** subject to the following condition:

1. The water tower shall be consistent with the plans for either Option A or Option B as included in the Applicant's initial filing; provided, that the Applicant shall have the flexibility to modify the design to provide any illumination, lighting, or markings required by the Federal Aviation Administration or for other safety or security purposes.

On May 10, 2010, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to adopt; third Mayoral appointee position vacant, not voting).

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 June 25, 2010.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 10-06

As Secretary to the Commission, I hereby certify that on JUN 28 2010 copies of this Z.C. Order No. 10-06 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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|----|---|----|---|
| 1. | <i>D.C. Register</i> | 5. | Gottlieb Simon
ANC
1350 Pennsylvania Avenue NW
Washington, DC 20004 |
| 2. | Allison Prince, Esq
David Avitabile, Esq.
Goulston and Storrs
2001 K Street, Suite 1100
Washington, DC 20006-1042 | 6. | Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street SW
Washington, DC 20024 |
| 3. | ANC 8C
3125 MLK Jr., Avenue, SE
Washington, DC 20032 | 7. | Office of the Attorney General (Alan
Bergstein) |
| 4. | Commissioner Mary Cuthbert
ANC/SMD 8C03
3325 MLK Jr. Avenue SE
Washington, DC 20032 | 8. | Councilmember Marion Barry |

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "S. S. Schellin", is written over a horizontal line.

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning