

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-17**

Z.C. Case No. 07-17

(Forest City SEFC, LLC– Southeast Federal Center: Square 744, Lot 806; Square 771, Lot 800; Square 827; and portions of Potomac Avenue, S.E. to be closed)

July 26, 2007

CASE NO. 07-17 (Southeast Federal Center Overlay District Review within Square 744, Lot 806; Square 771, Lot 800; Square 827; and portions of Potomac Avenue, S.E. to be closed) arising from the application from Forest City SEFC, LLC, (the “Applicant”), on behalf of United States of America, General Services Administration, owner of the property.

The Applicant sought the Zoning Commission for the District of Columbia’s (the “Commission”) review and approval pursuant the Southeast Federal Center Overlay District provisions set forth in 11 DCMR § 1808 for four (4) temporary parking lots within the Southeast Federal Center site under §§1803.2(o) and 1804.2(g). At the hearing, the Applicant withdrew one (1) of the four (4) requested temporary parking lots which is located on Lot 800 in Square 771 (also sometimes referred to as “Parcel L”) and amended the application to include only three (3) temporary parking lots.

HEARING DATE: July 26, 2007

DECISION DATE: July 26, 2007 (Bench Decision)

SUMMARY ORDER

Self-Certified:

The zoning review requested in this case was self-certified.

The property which is the subject of this application, as amended by the removal of one (1) parking lot on “Parcel L”, consists of approximately 234,702 square feet of land and is located within the Southeast Federal Center (Square 744, Lot 806, Lot 800, Square 827 and portions of Potomac Avenue, S.E. to be closed). The property is generally bounded to the west by 1st Street, S.E., to the north by adjacent property and Tingey Street, S.E., to the east by the U.S. Navy Yard, and to the south by adjacent property and Reservation 248. The property is currently vacant and is zoned SEFC/CR, SEFC/R-5-E, and SEFC/R-5-D, all districts in which temporary parking lots are permitted for a maximum period of five (5) years after review and approval by the Commission.

The Applicant proposes to construct three (3) temporary parking lots, each for a maximum period of five (5) years, to be used by the tenants and visitors of office, retail, and residential buildings to be constructed within the Southeast Federal Center by the Applicant, employees, and visitors

of the Navy Yard and U.S. Department of Transportation, as well as patrons and employees of the new Baseball Stadium upon completion of its construction. The parking lots will be landscaped and illuminated by pole lighting. Vehicular access to the parking lots will be provided from 1st Street, New Jersey Avenue, Tingey Street and 4th Street, S.E.

The Commission provided proper and timely notice of the public hearing on this application, by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 6D, the Office of Planning (“OP”), and to owners of property within 200 feet of the site. The site that is the subject of the application is located within the jurisdiction of ANC 6D. ANC 6D did not comment on the application. OP submitted a report and testified at the hearing in support of the application.

As required by 11 DCMR § 1809, the Commission required the Applicant to satisfy the burden of demonstrating conformance to the standards that are necessary to approve the temporary parking lots under § 1808.

No persons or parties appeared at the public hearing 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, having considered the report and testimony OP provided in this case, the Commission concludes that the applicant has met the burden of satisfying the applicable standards under 11 DCMR § 1808, which includes the standards set forth in § 3104 for a special exception, and the specific standards relating to achieving the objectives of the SEFC Overlay District as set forth in § 1802.

Pursuant to 11 DCMR § 3000.8, the Commission has determined to waive the requirement of 11 DCMR § 3028.8 that the Order be accompanied by findings of fact and conclusions of law. The waiver will not affect the rights of any party and is not prohibited by law.

It is, therefore **ORDERED** that this application, as amended, be **GRANTED**.

VOTE: **4-0-1** (Gregory N. Jeffries, John G. Parsons, Anthony J. Hood, and Michael G. Turnbull to approve; Carol J. Mitten, not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this Order.

MAY 16 2008

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMS § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS THE D.C. HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., ("ACT"). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE ACT, THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.