

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 09-09

JUL 24 2009

As Secretary to the Commission, I hereby certify that on JUL 24 2009 copies of this Z.C. Notice of Public Hearing 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> (via e-mail) | 6. Councilmember Tommy Wells |
| 2. Jacques D. Depuy, Esq.
Greenstein DeLorme & Luchs, LLP
1620 L Street, N.W., Suite 900
Washington, D.C. 20036 | 7. Councilmember Michael Brown |
| 3. Andy Litsky, Chair
ANC 6D
P.O. Box 71156
Southwest Station
Washington, DC 20024 | 8. Councilmember David Catania |
| 4. Commissioner Robert Siegel
ANC/SMD 6D07
919 5th Street, S.E.
Washington, DC 20003 | 9. Councilmember Phil Mendelson |
| 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 10. Councilmember Kwame Brown |
| | 11. Office of Planning (Harriet Tregoning) |
| | 12. DDOT (Karina Ricks) |
| | 13. General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 14. Office of the Attorney General (Alan Bergstein) |

ATTESTED BY:

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

ZONING COMMISSION
District of Columbia

CASE NO.

09-09

EXHIBIT NO.

10

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO. 09-09
EXHIBIT NO. 10

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Monday, September 21, 2009, @ 6:30 p.m.**
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 09-09 (Forest City SEFC LLC –Text Amendment –Trapeze School Use in Southeast Federal Center Overlay District, Parcel “O”)

THIS CASE IS OF INTEREST TO ANC 6D

On June 26, 2009, the Office of Zoning received a petition from Forest City SEFC, LLC (the “Petitioner”), on behalf of United States of America, General Services Administration, owner of the property, requesting a zoning text amendment. The proposed amendment would allow a trapeze school and performing arts facility within Parcel “O” within the Southeast Federal Center Overlay District established by Chapter 18 of the Zoning Regulations, DCMR Title 11. The text amendment would permit the trapeze school use as a matter of right until December 31, 2014 and would require no parking during this period. Any continuation of the use after that date would require special exception approval by the Zoning Commission, which will also establish such parking requirements for this use as it considers necessary. Lastly, because Parcel O has not yet been subdivided, the Petitioner seeks an exception to the portion of the lot control regulations that requires the existence of a record lot as a prerequisite to the issuance of a building permit.

The Petitioner adopted the Office of Planning’s initial report for this case as its prehearing statement.

The property that is the subject of this application (i.e., Parcel “O”) consists of approximately 55,300 square feet of land (1.27 acres) and is located within the SEFC site east of the Ballpark and southeast of the U.S. Department of Transportation headquarters building. Parcel “O” touches Tingey Street, S.E. at its northeast corner.

The Zoning Regulations of the District of Columbia (Title 11 DCMR) are proposed to be amended as follows (additions to existing language shown in bold and underlined text):

A. Chapter 16, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, Section 1804, SEFC/R-5-D and R-5-E Zoning Districts, is amended as follows:

1. By amending § 1804.2 (e) to read as follows:

1804.2 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title:

(e) School, private, public, or trade; **except as provided in § 1804.7.**

2. By adding new §§ 1804.07 and 1804.8 to read as follows:

1804.7 Notwithstanding § 1804.2 (e), a trapeze school and aerial performing arts center may be established and continued as a matter of right in Parcel O until December 31, 2014, during which time no parking shall be required.

1804.8 The continuation of the trapeze school and aerial performing arts center use after December 31, 2014 shall require special exception approval by the Zoning Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title, and shall include a determination as to whether and what amount of parking should be required.

B. Chapter 32. ADMINISTRATION AND ENFORCEMENT, subsection 3202.5, is amended so that the first sentence reads as follows:

3202.3 Except as provided in the building lot control regulations for Residence Districts in § 2516 and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Code, 2001 Ed. § 9-101.05 (formerly codified at D.C. Code § 7-114 (1995 Repl.))), a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; except buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia **or the trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7.**

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Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.