

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schellin
Secretary to the Zoning Commission
Date: October 5, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on October 9, 2009 – do not allow for online comments:

1. Z.C. Notice of Proposed Rulemaking (Case No. 09-09).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 09-09
EXHIBIT NO. 17

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

DATE AND TIME RECEIVED

Office of Documents use only

ADDRESS: 441 4th Street, N.W., Suite 210 South

TELEPHONE: (202) 727-0340

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

TITLE AND DESCRIPTION OF RULES: Z.C. Case No. 09-09 (Text Amendment – 11 DCMR)
(Forest City SEFC LLC –Text Amendment –Trapeze School Use in Southeast Federal Center Overlay District, Parcel "O")

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections §§ 1804 and 3202.

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR _____ DATE: _____

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

LEGAL CERTIFICATION: NA

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia

Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules.

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE: 9-21-09

APPROVAL OF ATTEST:

Secretary to the Zoning

TITLE: Commission

PHONE: (202) 727-0340

Office of Documents use only:

THIS NOTICE PUBLISHED AT:

VOL:

DCR:

DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 09-09
(Text Amendment – 11 DCMR)
(Forest City SEFC LLC –Text Amendment –Trapeze School Use in Southeast Federal
Center Overlay District, Parcel “O”)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend §§ 1804 and 3202 of the Zoning Regulations (Title 11 DCMR).

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 text amendment would add 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.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed

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 as follows:

1. The first sentence is amended by striking the phrase “; except buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia”.

2. The second sentence is amended to read as follows:

Notwithstanding the foregoing, a building permit may be issued for:

(a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia:

(b) A boathouse, yacht club, or marina to be constructed on a lot that is not a lot of record, provided that such lot fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0; or

(c) The trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.