

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



October 5, 2009

Via E-Mail & U.S. Mail:

Marcel Acosta
Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20004

Re: Notice of Proposed Rulemaking: Z.C. Case No. 09-09 (Forest City SEFC, LLC – Text Amendment re: Trapeze School)

Dear Mr. Acosta:

Please find attached copies of the proposed rulemaking for the above-referenced case.

The proposed rulemaking will be published in the *D.C. Register* on October 9, 2009, for a 30-day comment period. This case will be considered for final action at the Zoning Commission's public meeting scheduled for November 9, 2009.

The proposed decision of the Commission to approve the above-mentioned case is referred to the National Capital Planning Commission (NCPC) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq.

If you have any questions, contact me at the Office of Zoning on (202) 727-0340.

Sincerely,

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

Sharon S. Schellin
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)
Carlton Hart (via e-mail)

ZONING COMMISSION
District of Columbia

CASE NO. 09-09
EXHIBIT NO. 18

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.