

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 24-18

Living Classrooms

(Text Amendment to Subtitle A § 301.3(h) and Subtitle K § 200.6-200.9; 230.5, 230.6, & 239.1)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend Subtitle A § 301.3(h) and Subtitle K § 200.6-200.9, 230.5, 230.6, and 239.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the proposed text at the end of this notice.

SETDOWN

On November 22, 2024, Living Classrooms (Petitioner) filed a Petition to the Commission proposing text amendments to the Zoning Regulations regarding uses allowed in the Southeast Federal Center (SEFC)-4 zone to permit Living Classrooms, a non-profit organization devoted to educational and workforce development opportunities, to locate its headquarters on the P3 Parcel in the Yards. Living Classrooms currently operates the marina at the Yards and docks its Mildred Belle vessel, which offers shipboard environmental science, technology, engineering, and mathematics (STEM) educational programming at the marina. The proposed text amendments would do the following:

- Clarify that educational, institutional, and eating and drinking establishment uses are permitted in the SEFC-4 Zone “development area”;
- Amend the “development area” description to add the location of the P3 Parcel;
- Amend requirements that each development site within the SEFC-4 zone be on a subdivided lot, without expanding the development sites beyond the current development sites and the proposed P3 Parcel site; and
- Simplify and clarify the floor area ratio (FAR) aggregation principles applicable in the SEFC-4 Zone.

(Exhibit [Ex.] 1-2D.)

The SEFC-4 zoning that is the subject of this Petition was established to implement the master plan for the P3 Parcel within the Southeast Federal Center (the SEFC Master Plan). The P3 Parcel (the site) is located at the southeastern corner of the SEFC Master Plan, within Yards Park and adjacent to the Anacostia River; the P3 Parcel is part of the portion of Square 771, Lot 816 that remains under federal ownership. The SEFC Master Plan identifies the P3 Parcel as a “cultural/community” use. (Ex. 2C.)

While the Living Classrooms use was part of the SEFC Master Plan, the current Zoning Regulations do not allow the uses provided by Living Classrooms. The objectives of the amendments are to advance the purposes and objectives of the SEFC zones, consistent with the SEFC Master Plan and other applicable planning guidance, including the Comprehensive Plan as viewed through a racial equity lens¹. The SEFC zones “provide for the development of a vibrant, urban, mixed-use, waterfront

¹ Pursuant to 10-A DCMR §§ 2501.4-2501.6, 2501.8, the Commission is tasked with evaluating the Petition’s consistency with the Comprehensive Plan through a racial equity lens. Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from petitioners and the Office of Planning analyzing the zoning action’s consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable; a submission from petitioners.

neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District of Columbia and beyond.” (Subtitle K § 200.1). Other specific, stated purposes and objectives of the SEFC zones include:

- Fostering “development of the area with a mixture of residential and commercial uses” “suitable in height, bulk, and design of buildings as identified in the Comprehensive Plan and in recognition of the Anacostia Waterfront Initiative”;
- Encouraging a pedestrian-oriented streetscape and continuous publicly-accessible open space along the waterfront;
- Encouraging a variety of visitor-related uses, including retail, entertainment, and cultural uses, including within Yards Park; and
- Providing for a reduced height and bulk along the Anacostia riverfront (*Id.* § 200.2).

(Ex. 2D.)

Living Classrooms intends to develop the P3 Parcel with a new facility that will include maritime education classrooms that work in tandem with its in-water programming, other educational facilities, and space devoted to workforce training and job readiness, including a ground floor culinary training program. The purpose of the proposed amendments is to align the Zoning Regulations with SEFC Master Plan and authorize Living Classrooms’ mix of uses, subject to Zoning Commission approval. Accordingly, a subsequent request from Living Classrooms for approval of the specific uses with the design of the proposed building will come in a forthcoming design review application² (Ex. 2C).

Racial Equity – The Petitioner’s racial equity analyses states that the proposed amendments would not be inconsistent with and would further policy goals and guidance of the Comprehensive Plan maps, Citywide Elements, the Lower Anacostia Waterfront and Near Southwest Area Element, the SEFC Master Plan, and the Anacostia Waterfront Framework Plan (AWI Plan) (Ex. 2D).

Community Outreach and Engagement – The Petitioner states that its community outreach and engagement efforts regarding the Petition initially began in 2018 and have consisted of a series of community meetings and events hosted in the Petitioner’s current space as well as presenting the Petition to Advisory Neighborhood Commission (ANC) 6D and 8F³, the Capitol Riverfront BID, District and federal agencies, and other community stakeholders (Ex. 2D, 11).

OP SETDOWN REPORT

On March 31, 2025, the Office of Planning (OP) submitted a report (OP Setdown Report), stating that the proposed amendments would not be inconsistent the Comprehensive Plan map⁴ designations; would further policy goals of Citywide Elements, including the Land Use, Economic Development, Parks, Recreation and Open Space, Urban Design, Historic Preservation, and Educational Facilities Elements; would further policy goals of the Lower Anacostia Waterfront and Near Southwest Area Element; would further Comprehensive Plan racial equity goals; and would further the objectives of the Anacostia Waterfront Initiative Framework Plan (AWI Plan) and the Southeast Federal Center Master Plan (Ex. 9). OP concluded that the SEFC-4 zone is intended to encourage open space,

about their community outreach and engagement efforts regarding the zoning action; and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action.

² Any future development on the P3 Parcel site will be subject to a mandatory design review before the Commission based on the review standards under Subtitle K § 241 and 242; and the general design review standards of Subtitle X § 604.

³ ANC 8F is ANC 6/8F.

⁴ The northern portion of the site is designated as Federal and the southern portion of the site is designated as Parks, Recreation, and Open Space on the Future Land Use Map of the Comprehensive Plan; the site is designated as a Regional Center as well as within a Resilience Focus Area on the Generalized Policy Map of the Comprehensive Plan.

promote a lively, interactive waterfront environment, discourage parking, provide a development area for retail and cultural uses, and allow for a publicly accessible pedestrian and bicycle trail along the waterfront. Further, Parcel P3 has frontage along the Anacostia Riverwalk Trail and does not have direct street frontage, therefore, there should be no additional parking associated with future development of the site. The proposed use of the P3 Parcel for Living Classrooms could contribute to promoting the waterfront as an engaging and equity-driven Districtwide destination by offering hands-on job training and educational opportunities for current and future residents of all ages. Also, the proposed educational, institutional and eating and drinking uses for the SEFC-4 zone should not be inconsistent with the zone and the surrounding area and uses. The OP Setdown Report recommended the Commission set down the Petition for public hearing.

Racial Equity – OP’s racial equity analyses concluded that the proposed amendments should have no significant racial equity impacts. The proposal would not result in any new housing and because of the relatively isolated nature of the site and its current use, the proposal would not result in any direct displacement and has minimal potential for indirect displacement. The proposal would facilitate development of a site that is currently not developed, which has been the case since the SEFC Master Plan was approved. Permitting the proposed uses in the SEFC-4 zone could create opportunities for jobs, training, and health and wellness programming, all of which the Living Classrooms organization offers (Ex. 9).

At its April 10, 2025 public meeting, OP presented its Setdown Report on the Petition, and the Commission voted to set down the Petition for public hearing.

NOTICE

Pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the June 16, 2025 public hearing, on April 22, 2025 (Ex. 13, 13A) and published notice of the public hearing in the April 25, 2025 *District of Columbia Register* as well as on the calendar on OZ’s website (Ex. 12).

PUBLIC COMMENTS

No public comments were filed to the record in response to the public hearing notice.

OTHER AGENCY COMMENTS

On May 27, 2025, the District Homeland Security and Emergency Management Agency filed a report stating it reviewed the Petition and has no objection to the proposed text amendments, provided that the newly proposed development adheres to the Zoning Regulations particularly Subtitle C, Chapter 11 for Waterfront sites (Ex. 16).

OP HEARING REPORT

On June 6, 2025, OP submitted a report (OP Hearing Report) that reiterated the analyses and conclusions in the OP Setdown Report but included more current disaggregated race and ethnicity data for the Lower Anacostia Waterfront and Near Southwest Planning Area than the data included in the OP Setdown Report⁵ (Ex. 18). The data is summarized below:

Racial Equity (Disaggregated Race and Ethnicity Data) - OP’s analyses stated that data for the Lower Anacostia Waterfront and Near Southwest Planning Area (LAW/NSW) shows a total population

⁵ The data in the OP Hearing Report updates the data in the OP Setdown Report as it consists of American Community Survey data for two (2) five (5)- year periods both in the Lower Anacostia Waterfront and Near Southwest Planning Area and Districtwide, including the 2012-2016 and the 2019-2023 periods. The OP Setdown Report included older data for the 2012-2016 and the 2018-2022 periods.

increase from 17,254 in the 2012-2016 period to “27,641 in the 2019-2023 period, demonstrating that the area is growing in population.” For the 2019-2023 period, the planning area population was 55% White, 31% Black, 8% Hispanic, and 4% Asian. For the 2012 -2016 period, the median household income for LAW/NSW was \$80,779. For the 2019-2023 period, the median household income for the LAW/NSW area was \$122,548 compared to the District average of \$106,287; the median income for all races and groups increased in the planning area between the two time periods but Blacks have the lowest median income although higher than the District median. For the 2019-2023 period, the percentage of renter households in the planning area (76.7%) is higher than that of owner households in the planning area (23.3%), and the percentage of renter households increased while the percentage of owner households decreased between the two time periods. Cost burdened households sit lower than the District at 32.6% for the LAW/NSW area compared to 34% for the District for the 2019-2023period. Also, the planning area had a lower unemployment rate at 12.4% compared to the District rate of 14.5% for the same period (Ex. 18).

PUBLIC HEARING

At the June 16, 2025 public hearing, the Petitioner presented the Petition and answered clarification questions from the Commission. OP testified in support of Petition.

No other persons or organizations testified at the public hearing.

Great Weight to the Recommendations of OP

The Commission must give great weight to the recommendations of the Office of Planning (OP) pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. ((D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 504.6; *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds persuasive, and concurs with, OP’s analyses in its reports and its recommendation that the Commission take proposed action to adopt the proposed amendments.

Great Weight to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 505.1. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

On May 29, 2025, ANC 6/8F filed a report in response to the Petition stating that at its regularly scheduled and properly noticed public meeting on May 20, 2025, with a quorum present, the ANC voted 5-0-0 in support of the Petition (Ex. 17).

PROPOSED ACTION

At the conclusion of the June 16, 2025 public hearing, the Commission voted to take **PROPOSED ACTION** to:

- Adopt the Petition; and
- Authorize the publication of a Notice of Proposed Rulemaking (NOPR).

VOTE (June 16, 2025): 5-0-0 (Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, Tammy Stidham and Gwen Wright to **APPROVE**)

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

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 *District of Columbia Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows) text to be deleted is marked in ~~**bold and strikethrough**~~ text; new text is shown in **bold and underline** text).

I. Amendments to Subtitle A

Subsection 301.3 of § 301 BUILDING PERMITS, of Chapter 3, ADMINISTRATION AND ENFORCEMENT, of Subtitle A, AUTHORITY AND APPLICABILITY, is amended to add a new § 301.3(h) to read as follows:

301.3 Except as provided in the building lot control regulations for Residence Districts in Subtitle C 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. Official Code § 9-101.05, 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 a building permit may be issued for:

- (a) ...
- (f) Buildings and structures approved as part of a campus or private school plan or medical campus plan; ~~and~~

- (g) Playing fields and associated accessory structures to support such fields and, if permitted by the Zoning Commission, an unenclosed pavilion, on the unzoned property comprising and abutting the Robert F. Kennedy Memorial Stadium, subject to Subtitle A § 209.2(c); **and**
- (h) Buildings **and structures within the SEFC-4 Zone District pursuant to Subtitle K, Chapter 2.**

II. **AMENDMENTS TO SUBTITLE K**

Subsections 200.6-200.9 of § 200, GENERAL PROVISIONS (SEFC), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES – SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, are amended as follows:

- 200.6 The SEFC-4 zone provides for a five (5) acre minimum public park along the Anacostia River, with ~~a defined retail area~~ **defined areas for retail, cultural, education, and institutional uses** to serve residents of the neighborhood and the District of Columbia.
- 200.7 Additional objectives for the SEFC-4 zones are to:
- (a) ...;
 - (d) Provide a development area for retail, ~~and~~ cultural, **educational, and institutional** uses;
 - (e) ...
- 200.8 The SEFC-4 zone is divided into two geographic areas:
- (a) SEFC-4 development area, consisting of **(1) the northeastern portion of the SEFC- 4 zone, specifically the existing Building 173 and that portion of the SEFC-4 zone located directly to the east of Building 173, north of a line extending east from the south elevation of Building 173, and (2) the far eastern portion of the SEFC-4 zone that is immediately south of the Washington Navy Yard and is identified in the Southeast Federal Center Master Plan as Parcel P3;** and
 - (b) SEFC-4 open space area, consisting of all property within the SEFC-4 zone that is located outside of the development area.
- 200.9 Notwithstanding the subdivision requirements of Subtitle C § 302, two (2) or more principal buildings or structures may be erected as a matter-of-right on a single ~~subdivided~~ lot within the SEFC-4 zone provided that such principal buildings or structures comply with all other theoretical lot subdivision requirements of Subtitle C § 305, **except that the maximum permitted density for the SEFC-4 zone District shall be aggregated across the entire SEFC-4 zone and allocated to each**

theoretical lot in any manner so long as the maximum permitted density set forth in Subtitle K § 230 is not exceeded.

Subsections 230.5 and 230.6 of § 230, DENSITY – FLOOR AREA RATIO (FAR) (SEFC-4), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES – SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, is deleted as follows:

- 230.5 ~~Two (2) or more lots, whether contiguous or non-contiguous, within the SEFC-4 zone may be combined for the purposes of allocating density as provided for and limited by Subtitle K § 230.7, in accordance with the procedures outlined in Subtitle K § 240.~~
- 230.6 ~~A lot or lots in the SEFC-4 development area may receive and use density allocated from a lot or lots in the SEFC-4 open space area, subject to all other applicable area restrictions. If a single lot is included within both geographic areas, the portion of the lot in the SEFC-4 development area may use the unused density from the portion of the lot in the SEFC-4 open space area.~~

Subsection 239.1 of § 239, USE PERMISSIONS (SEFC-4), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES – SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, is amended to read as follows:

- 239.1 Within the SEFC-4 development area, use permissions, including uses permitted as a matter of right, as a special exception, and as an accessory use, and uses not permitted shall be in accordance with the provisions of MU-Use Group B, as prescribed in Subtitle U §§ 505 and 506. **In addition, the following uses shall be permitted if reviewed and approved by the Zoning Commission in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242:**
- (a) **Education;**
 - (b) **Institutional; and**
 - (c) **Eating and drinking establishments.**