

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-23
Z.C. Case No. 14-23
Forest City SEFC, LLC
(Continuation of Trapeze School Use - Lot 27 in Square 826, "Parcel O")
March 12, 2015

Application of Forest City SEFC, LLC, pursuant to the Southeast Federal Center Overlay review standards and special exception requirements of 11 DCMR §§ 1804.8, 1808, 1809, and 3104, to permit the continuation of the Trapeze School on the property located at Square 826, Lot 27 (also known as "Parcel O") in the SEFC/CR Zone District.

HEARING DATE: March 12, 2015

DECISION DATE: March 12, 2015 (Bench Decision)

SUMMARY ORDER

The Zoning Commission for the District of Columbia ("Commission") provided proper and timely notice of the public hearing on this application by publication to the *D.C. Register*, and by mail to Advisory Neighborhood Commission ("ANC") 6D, and to owners of property within 200 feet of the site. The application was also referred to the Office of Planning ("OP") for review and report.

The subject property is located within the jurisdiction of ANC 6D. ANC 6D, which is automatically a party to the application, submitted a written statement (Exhibit 17) stating that at its regularly scheduled, duly noticed meeting on February 9, 2015, with a quorum present, ANC 6D voted unanimously (7-0) to support the Applicant's special exception request.

OP submitted a written report (Exhibit 20) and testified in support of the application. The District Department of Transportation also submitted a written report (Exhibit 19) finding no objection to the application.

Since no person requested to participate as a party in this proceeding and the ANC supported the application, a decision by the Commission to grant this application would not be adverse to any party. Therefore, pursuant to 11 DCMR § 3000.8, the Commission waived the requirement of 11 DCMR § 3028.8 that a final order must include findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is not contrary to law.

As directed by 11 DCMR § 1804.8, the Commission required the Applicant to satisfy the burden of proving that the application satisfied the general special exception standard of 11 DCMR

§ 3104.1 and the specific Southeast Federal Center Overlay review standards and requirements of 11 DCMR §§ 1804.8, 1808, and 1809 pertaining to the continuation of the Trapeze School after December 31, 2014.

Subsection § 1804.8 indicates that the Commission's review "shall include a determination as to whether and what amount of parking should be required." The Commission concludes that no parking is required.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 1804.8, 1808, 1809, and 3104.1, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property. The record reflects no objections to the application, and the Commission gives great weight to the recommendations of approval from OP and the affected ANC.

It is, therefore, **ORDERED** that the application be **GRANTED** for a period expiring on December 31, 2015.

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (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 which 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.

On March 12, 2015, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Commission **ADOPTED** this Order at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register* on April 3, 2015.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING