

**STATEMENT IN SUPPORT OF PROPOSED TEXT AMENDMENT TO
AUTHORIZE A TRAPEZE SCHOOL AND AERIAL PERFORMING ARTS
CENTER IN THE SEFC/R-5-E ZONE DISTRICT AT THE YARDS,
SOUTHEAST FEDERAL CENTER**

June 26, 2009

This Statement is in support of an Application to the Zoning Commission of the District of Columbia to amend the text of the Zoning Regulations to authorize a trapeze school and aerial performing arts center (with trapeze rig) in the SEFC/R-5-E zone district at The Yards, Southeast Federal Center. The application is filed and prosecuted by Forest City SEFC, LLC ("Forest City"), the developer of the 42-acre Site, on behalf of the United States of America, the owner of the Property. The Site is under the administration of the General Services Administration ("GSA")(Forest City and GSA are sometimes referred to herein as "Applicant").

I. BACKGROUND AND HISTORY OF SEFC SITE

The SEFC Site is located along the Anacostia River, east of the Baseball Stadium site, west of the Navy Yard and south of Capper/Carrollsborg. Specifically, the Site is bounded on the north by M Street, S.E. and the U.S. Department of Transportation Headquarters building, on the east by Isaac Hull Avenue, S.E. and the Navy Yard, on the south by the river, and on the west by 1st Street, S.E. and the Water and Sewer Authority Pumping Station. (See plat of SEFC Site entitled Final Lot Subdivision attached hereto as Exhibit "A").

Historically, the SEFC Site was a part of the Washington Navy Yard and was known as the Navy Yard "Annex". The original Navy Yard was set aside by George Washington for use by the Federal Government. The original boundaries of the Navy Yard were established in the year 1800 and are still marked by a white brick wall that was built in 1809.

The Federal Government acquired the land which makes up the SEFC Site during the early part of the twentieth century, at which time the size of the Navy Yard tripled due to needs attributable to the Spanish-American War and the two world wars. By the time of the Second World War, the Navy Yard had become a center for weapons production and naval vessel repair and production.

Pursuant to the enactment of the Southeast Federal Center Public-Private Development Act of 2000 (Public Law 106-407), GSA was given the authority to work with the private sector to develop the SEFC Site.

The creation of the SEFC Overlay District was the result of a GSA petition that requested that the Zoning Commission establish zoning for the Site, a formerly un-zoned federally-owned property, for the purposes of encouraging non-governmental uses, including residential and retail. The SEFC Overlay District was adopted by the Zoning Commission on January 12, 2004 and amended on March 8, 2004 and May 16, 2008. The Order for the original case, Zoning Commission Order No. 03-06, was published on July 9, 2004. This action by the Zoning

Commission to establish the SEFC Overlay District was undertaken in order to allow and encourage the development of a mixed-use, waterfront neighborhood to include residential and commercial uses, together with a large waterfront park and open space. (See the SEFC zoning map, including amendments adopted on May 16, 2008, entitled Zoning District Boundaries attached hereto as Exhibit "B").

Forest City was selected by GSA in the Fall, 2004 to negotiate an agreement to become the master developer of the Southeast Federal Center and create the mixed-use neighborhood along the Anacostia River waterfront.

The redevelopment of the SEFC Site is the largest project of its kind in the District of Columbia. Known as "The Yards", the development will include approximately 5.5 million square feet of new development and re-development, including residential units, office space, retail and dining space, a public park, riverfront esplanade and trail. The trail will connect with the Navy Yard's riverfront walk to the east and the Ballpark District development to the west. The project will involve adaptive reuse of several historic buildings located on the Site, as well as new construction.

II. EXPLANATION OF AND RATIONALE FOR PROPOSED TEXT AMENDMENT

Adoption of the text amendment will allow the location of a trapeze school and aerial performing arts center ("Trapeze Facility") in the SEFC/R-5-E portion of the Yards site as a matter of right as an interim use for a period of five (5) years. The Zoning Commission would be authorized to extend such a use beyond the initial five (5) year period by special exception.

A trapeze school recently relocated to the District of Columbia from Baltimore and currently operates on outdoor space at the site of the former D.C. Convention Center at 9th and H Streets, N.W. Such a location is an interim location, however, because the trapeze school must vacate this site by September, 2009. The Applicant proposes to locate the Trapeze Facility on Parcel "O" at The Yards. (See plat of Parcel "O", entitled "Parcel P3", attached as Exhibit "C").

The Trapeze Facility will consist of an indoor flying trapeze rig located within a tent structure and an outdoor flying trapeze rig. The tent structure will be very similar to a similar structure located in New York City. (See photograph of trapeze school at 518 W. 30th Street, New York, New York attached as Exhibit "D"). The tent will have a footprint of approximately fifty (50) feet by eighty (80) feet, with a perimeter of walkways outside of the tent. The outside rig is highly mobile and will be repositioned within Parcel "O" each year to locations that will focus attention on new development and retail operations at The Yards. The outdoor rig will be surrounded by a temporary fence. The entrance to the Trapeze Facility will be located on 4th Street, S.E.

The Trapeze Facility will offer a variety of classes, services and entertainment, including the following:

A. Flying Trapeze Classes. These classes will each be two (2) hours long and will have space for a maximum of ten (10) students per class, with three (3) instructors per class.

Students will be taken through a systematic series of classes that begin with learning the knee-hang and progress to advanced tricks.

B. Silks and Static Trapeze Classes. These classes will be one (1) hour long for private individual lessons and two (2) hours long for group classes of up to four (4) students. Students learn basic maneuvers in their first few classes and later learn how to apply them to provide a dazzling display of artistic skills.

C. Trampoline Classes. These are auxiliary activities that are increasingly popular. Classes run up to two (2) hours long, with up to four (4) students per class. Safety lines are used until a student has mastered basic tricks.

D. Team Building Corporate Workshops. The facility in New York City has become a popular destination for team building corporate workshops and it is anticipated that this activity will be popular in the District of Columbia. These workshops involve a wide variety of activities, including flying trapeze, ropes courses, trampoline, rock walls and juggling.

E. Shows and Entertainment. Performances are put on by participants in the ten (10) week flying intensive workshops and by highly skilled staff members. Each show has a theme and participants are often in full costume. Shows are generally free to the public and are a major attraction in the community.

The Trapeze Facility is open to anyone who wishes to participate or watch. Flyers range from ages four (4) to seventy-five (75). Many programs are aimed at children.

Adequate parking will be provided adjacent to Parcel O in order to accommodate all participants in the Trapeze Facility and all instructors and staff.

III. PUBLIC BENEFITS OF THE PROPOSED MAP AND TEXT AMENDMENTS

If approved, the text amendment will allow Forest City to provide educational activities, workshops and entertainment to the Ballpark District. These new activities will bring energy, vitality and excitement to the Yards and the Ballpark District.

The Trapeze Facility will not create adverse effects. Adequate parking will be provided on adjacent sites. No adverse traffic conditions will be created, largely because most of the trapeze classes and related activities are for very small groups. Because the proposed text amendment does not alter the nature and intent of the current SEFC overlay zoning regulations, the public benefits achieved with the adoption of the current SEFC Overlay regulations will be maintained and, indeed, enhanced. The proposed text amendment will further the health, safety, and general welfare of the District of Columbia and will help facilitate and enliven the uses of The Yards as a mixed-use urban waterfront neighborhood.

A. Consistency with GSA/OP Visions.

The proposed text amendment to the SEFC Overlay District is consistent with the GSA's and OP's original visions for the SEFC Site. Essentially, the objectives of the proposed text amendment are to (a) provide an interim use for a currently undeveloped and unused portion of the Yards site and (b) enliven the site with a use that brings vitality, energy and excitement to the area east of the Ballpark.

B. Consistency with the Comprehensive Plan.

The Home Rule Act provides that zoning shall not be inconsistent with the *Comprehensive Plan for the National Capital* ("Plan"). The requested text amendment is fully consistent with, and advances relevant policies of, the Plan, as set forth in the Zoning Commission Order No. 03-06.

As amended, the zoning of the SEFC Overlay District supports the Land Use Element of the Comprehensive Plan by enhancing neighborhoods (§ 1100.2(a)), increasing the significance of the District's waterfronts and shorelines (§ 1100.6), promoting the vitality of the District's commercial areas (§ 1105.1), and providing an opportunity for joint public and private development of publicly-owned land (§ 1115.1). The SEFC Overlay, as proposed to be revised, also supports the Transportation and Housing Elements of the Comprehensive Plan by promoting high density mixed-use zones of both residential and non-residential uses near a Metro Station which also simplifies and economizes on transportation services (§§ 302.2(d), 502.2(a)). As well, as revised, the zoning of the SEFC Site will be sensitive to developing the relationships between waterfront areas and District residents (§ 700.2) and integrating urban living with recreational uses of the waterfront (§ 706).

Additionally, the requested text amendment meet several objectives of the Ward 6 Plan by bringing energy and vitality to this area of Near Southeast, stimulating private investment and encouraging economic activity which will add new jobs to the area (§§ 1700, 1705, 1706).

The proposed text amendment to the SEFC Overlay District is either consistent with, or will have no adverse effect on, the following Land Use elements of the Comprehensive Plan: encouraging urban mixed use neighborhoods (§304.10), preserving central employment area historic resources (§304.11), and emergence of a new city neighborhood (§309). Furthermore, these requested amendments are consistent with the following policies of the Lower Anacostia Waterfront/Near Southwest Area Elements: creation of new waterfront neighborhoods (§1508.3), development of commercial developments in the waterfront area (§1508.5), restoration of the urban street grid in the near south (§1513.7), improvement of shoreline access and movement through and to the Near Southeast by eliminating real and perceived barriers (§1513.8) and increase of residential land uses in Near Southeast (§1513.9).

Overall, the requested amendment to the SEFC Overlay District zoning regulations will create a low intensity but vibrant land use. As such, the proposed Trapeze Facility will not give rise to an overcrowding of the Site or cause an excessive concentration of people.

C. Consistency with Anacostia Waterfront Initiative and the Near Southeast Urban Design Framework Plan.

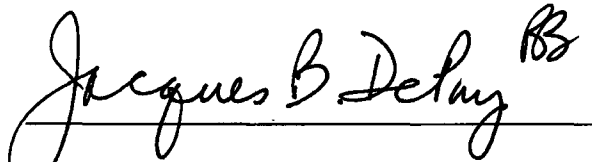
Both the Anacostia Waterfront Initiative ("AWI") and the Near Southeast Urban Design Framework ("Near Southeast") Plans seek to create and promote a new neighborhood in the SEFC with a vibrant and attractive waterfront for residents, workers and visitors. The proposed text amendment will support the AWI Plan theme to build a strong waterfront neighborhood by way of sustainable economic development and to reconnect the city to the river through the new neighborhood.

Furthermore, the SEFC zoning regulations, as revised, will support the Near Southeast Plan's goals to establish a mix of uses along the waterfront, to create a significant public open space along the Anacostia River waterfront and to transform M Street into a vibrant mixed-use corridor.

VI. CONCLUSION

For the reasons set forth in this statement, the Applicant respectfully requests that the Zoning Commission adopt the proposed text amendment.

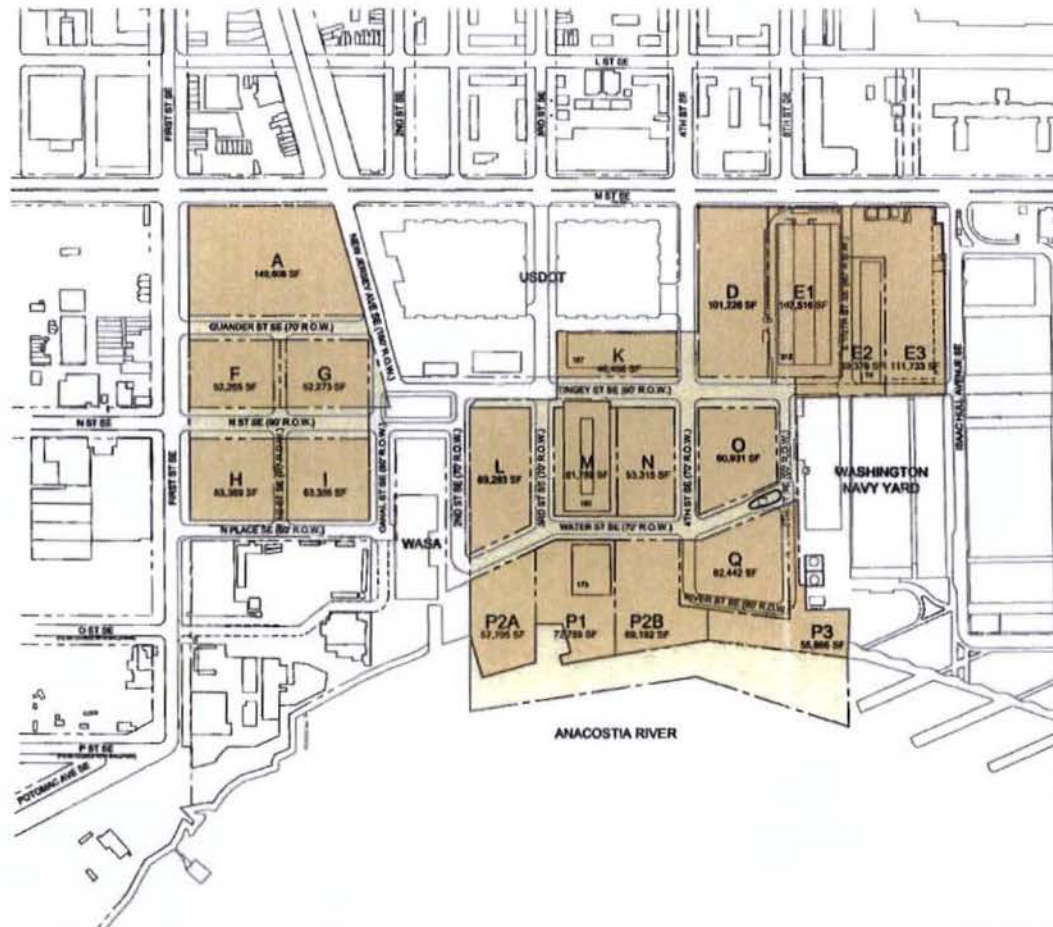
GREENSTEIN DELORME & LUCHS, P.C.



Jacques B. DePuy

FINAL LOT SUBDIVISION

EXHIBIT "A"



PROPOSED AREAS OF LOTS ARE PRELIMINARY AND SUBJECT TO CONFIRMATION BY A DC REGISTERED SURVEYOR.

0 300'

SOUTHEAST FEDERAL CENTER

FOREST CITY | WASHINGTON

shalom baranes associates architects

WASHINGTON, D.C.

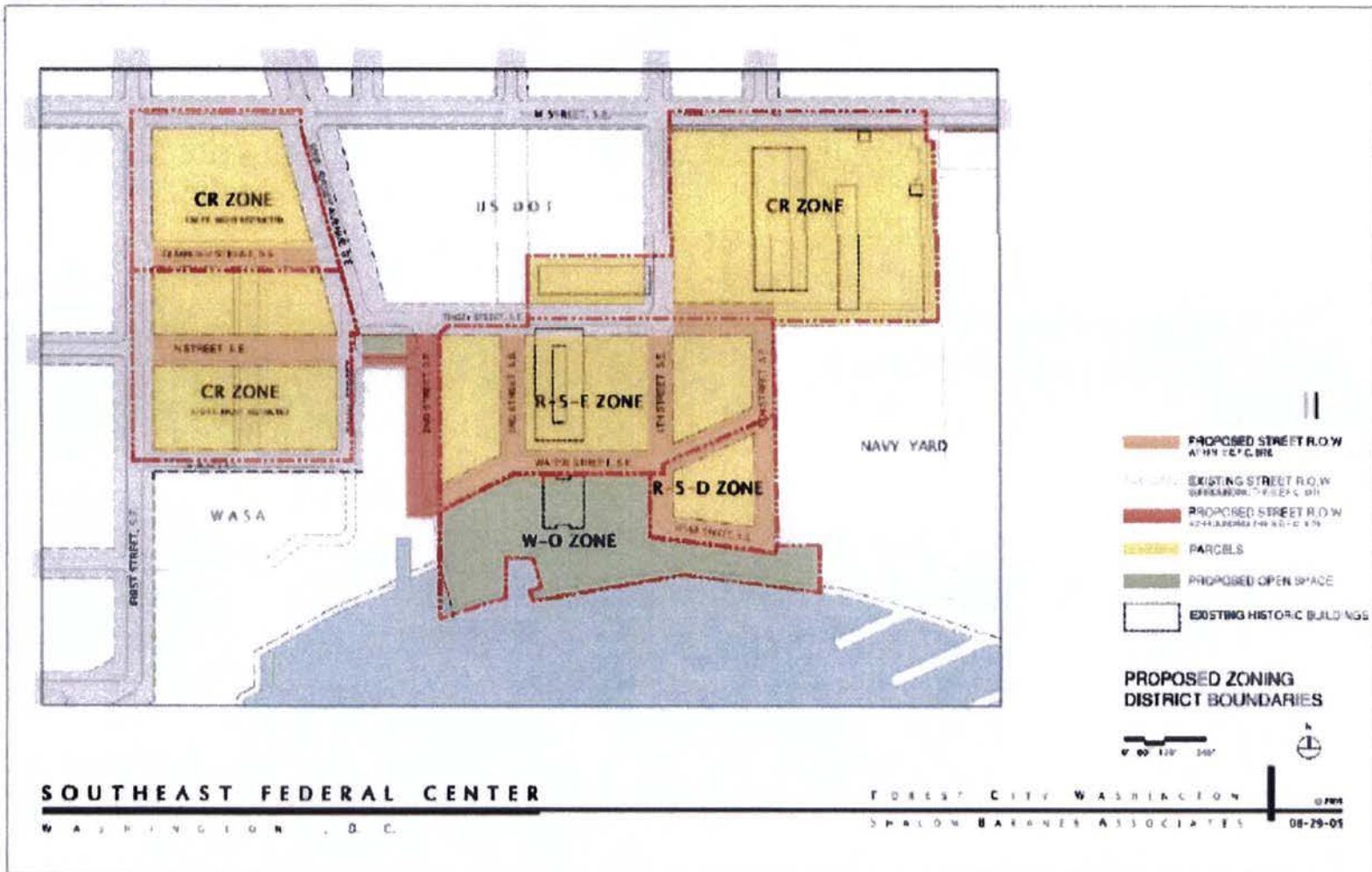
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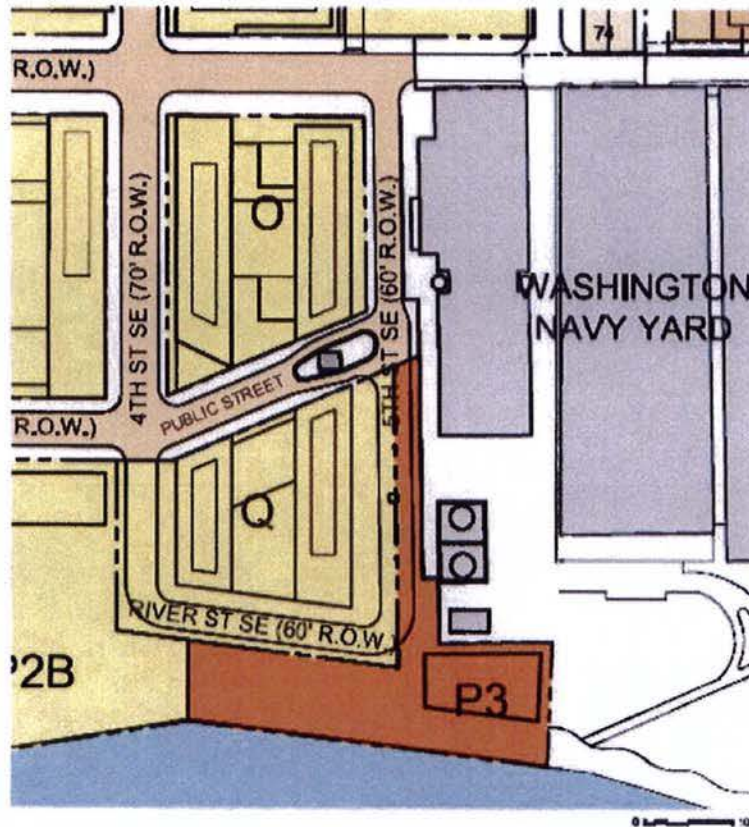
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LOT SUBDIVISION 2

EXHIBIT "B"

ZONING DISTRICT BOUNDARIES

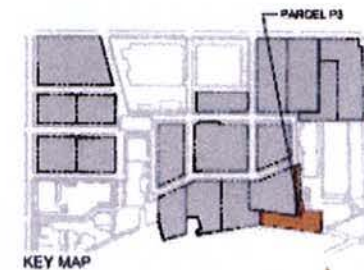




SOUTHEAST FEDERAL CENTER WASHINGTON, D.C.
FOREST CITY WASHINGTON

PARCEL P3

PARCEL P3 TO BE CONFIGURED TO HAVE FRONTAGE ON
PUBLIC STREET



KEY MAP

shalom baranes associates
3.2.06

EXHIBIT "C"

EXHIBIT “D”

SEE ATTACHED



