

**BEFORE THE ZONING COMMISSION  
OF THE DISTRICT OF COLUMBIA**

Application of United States of America  
GSA Public Buildings Service by  
Forest City SEFC, LLC  
Square 826, Lot 27 (Parcel O)

Z C Application No \_\_\_\_\_  
ANC 6D SMD 07

**STATEMENT OF THE APPLICANT**

This statement is submitted on behalf of Forest City SEFC, LLC (“**Applicant**”), by its attorneys, Lyle M Blanchard, Esquire and Kate M Olson, Esquire, of Greenstein DeLorme & Luchs, P C , in support of the application for Zoning Commission (“**Commission**”) approval to extend the time period allowing the temporary trapeze school and aerial performing arts center (“**Trapeze School**”) to remain on Lot 27<sup>1</sup> in Square 826 (the “**Property**”) in the Southeast Federal Center Overlay District (“**SEFC**”) (the “**Application**”)

**I. NATURE OF RELIEF SOUGHT**

The Application seeks Zoning Commission approval pursuant to the Commission’s review standards and special exception requirements pursuant to 11 DCMR §§1804 8, 1808, 1809 and 3104 to extend the approval of the Trapeze School, allowed as a matter of right under §1804 7, on the Property from December 31, 2014 to December 31, 2015

**II. JURISDICTION OF THE COMMISSION**

This Commission has jurisdiction to grant the continuation of the Trapeze School at the Property by special exception approval pursuant to 11 DCMR §§1804 8 (which gives the Commission specific authority to extend this use), 1808 (Commission Review Standards), 1809 (Commission Review Procedures) and 3104 (Special Exception Review) of the Zoning Regulations

**III. PROPERTY DESCRIPTION AND CURRENT USE**

The Property (also known as “**Parcel O**”) is zoned SEFC/CR (See attached Zoning Map, **Exhibit A**) and is located within The Yards development (described in more detail below) It is generally bound by Tingey Street to the north, 4<sup>th</sup> Street to the west, 5<sup>th</sup> Street to the east and Water Street to the south The Property is located on land that is owned by the federal government, but was authorized for private development by an Act of Congress in 2000 (See, Southeast Federal Center Public-Private Development Act of 2000, Pub Law 106-407 (2000) ) The Property contains 60,930 sq. ft of land (See Subdivision Plat, **Exhibit B**) and is currently improved with the Trapeze School, which offers a variety of classes (See 2009 Site Plan, Certificate of Occupancy No 1001276, dated March 4, 2010 and Tent Permit No. TN1000034, dated January 13, 2010, **Exhibit C**) The Property consists of an indoor flying trapeze rig located within a tent structure and an outdoor flying trapeze rig surrounded

<sup>1</sup> Although the Property was subdivided in November 2013, the D C Office of Tax and Revenue’s database still lists the Property as Lot 803, instead of Lot 27

by a temporary fence See photos, **Exhibit D** The tent has a footprint of approximately fifty (50) feet by eighty (80) feet, with a perimeter of walkways outside of the tent The entrance to the Trapeze School is on 4th Street, S E As shown in the photos, the area around the Trapeze School is landscaped and includes a large green space, trees boxes, benches and a bicycle rack along 4<sup>th</sup> Street The Trapeze School does not provide any parking on Parcel O but does meet its parking demands, as discussed in more detail below

#### **IV. PREVIOUS ZONING APPROVALS**

##### **A. Temporary Trapeze School on Parcel O: Z.C. Case 09-09 (November 2009)**

The Commission approved a zoning text amendment (Z C Case No 09-09) that added § 1804 7 to the Zoning Regulations which allows the location of the Trapeze School in a SEFC/R-5-E zoned property as a matter of right for an interim use for a period of five (5) years (ending December 31, 2014), during which time no parking shall be required. The text amendment also added § 1804 8 which authorizes the Commission to extend this use beyond the initial five (5) year period by special exception in accordance with the standards specific in § 1808 and procedures specified in § 1809 In considering a request for an extension of time beyond the five (5) years, the Commission is required to include a determination as to whether and what amount of parking should be required See Z C. Order 09-09, attached as **Exhibit E**

##### **B. Temporary Trapeze School on Parcel G: Z.C. Case 13-16 (April 2014)**

Most recently, the Commission approved the Applicant's request (Z C. Case No. 13-16) for the relocation of the Trapeze School (currently located on Parcel O) to Parcel G in Square 743 ("**Parcel G**") and the use of such parcel for temporary Trapeze School use for five (5) years. See Z C Order 13-16, attached as **Exhibit F** The Trapeze School will be a temporary use on Parcel G since this parcel will ultimately be part of a larger development with office and ground floor retail uses

#### **V. THE NEED FOR AN EXTENSION TO ALLOW THE TRAPEZE SCHOOL TO CONTINUE USE ON PARCEL O**

The Trapeze School currently operates on Parcel O and needs to relocate from Parcel O to allow for Phase One of The Yards development (described below) The Applicant is scheduled to begin construction on Parcel O in late 2015 and construction on Parcel O is expected to be completed by late 2017 The attached annotated Plan of Computation depicts where Parcel O is in relation to Parcel G **Exhibit G**

However, the Trapeze School is unable to relocate to Parcel G by the end of this year Until recently Parcel G was improved with a building formerly used by the National Geospatial Intelligence Agency building Parcel G still needs to undergo site preparation before the Trapeze School can relocate to Parcel G

Since Parcel G will not be ready to accommodate the Trapeze School's relocation, , the Trapeze School needs to stay at its current location at Parcel O longer than the five (5) year time period prescribed in § 1804 7 Therefore, since the Applicant needs to extend the Trapeze School use at the

Property beyond the December 31, 2014 expiration date, the Applicant is applying for this special exception under § 1804 8 in order to extend the use for one year until December 31, 2015

## **VI. BACKGROUND - THE YARDS DEVELOPMENT**

In 2004, the 42-acre riverfront property site, including several historically protected former-industrial buildings was awarded for redevelopment by the GSA to the Applicant. In 2007, construction and redevelopment began on several parcels. The development is known as “The Yards” and, upon completion of development, will contain approximately 5.5 million square feet of new development including over 2,800 units of residential housing, 1.5 million square feet of office space and up to 400,000 square feet of retail and cultural amenities. The Yards will also contain approximately 20 to 25 buildings upon full build-out and will generate substantial benefits for the District, including over \$50 million in annual new tax revenues, over 3,700 new residents, sustainable design including the adaptive reuse of historic buildings and thousands of jobs for District residents.

The Applicant created a multi-phased development plan with specific milestones that will result in a total transformation and revitalization of this riverfront site.

### **A. Phases One**

Phase One includes the adaptive reuse of several of the site’s historic former industrial buildings, revitalized residential and retail projects, as well as the first phase completion of The Yards Park. Parcel O is expected to be developed during this phase.

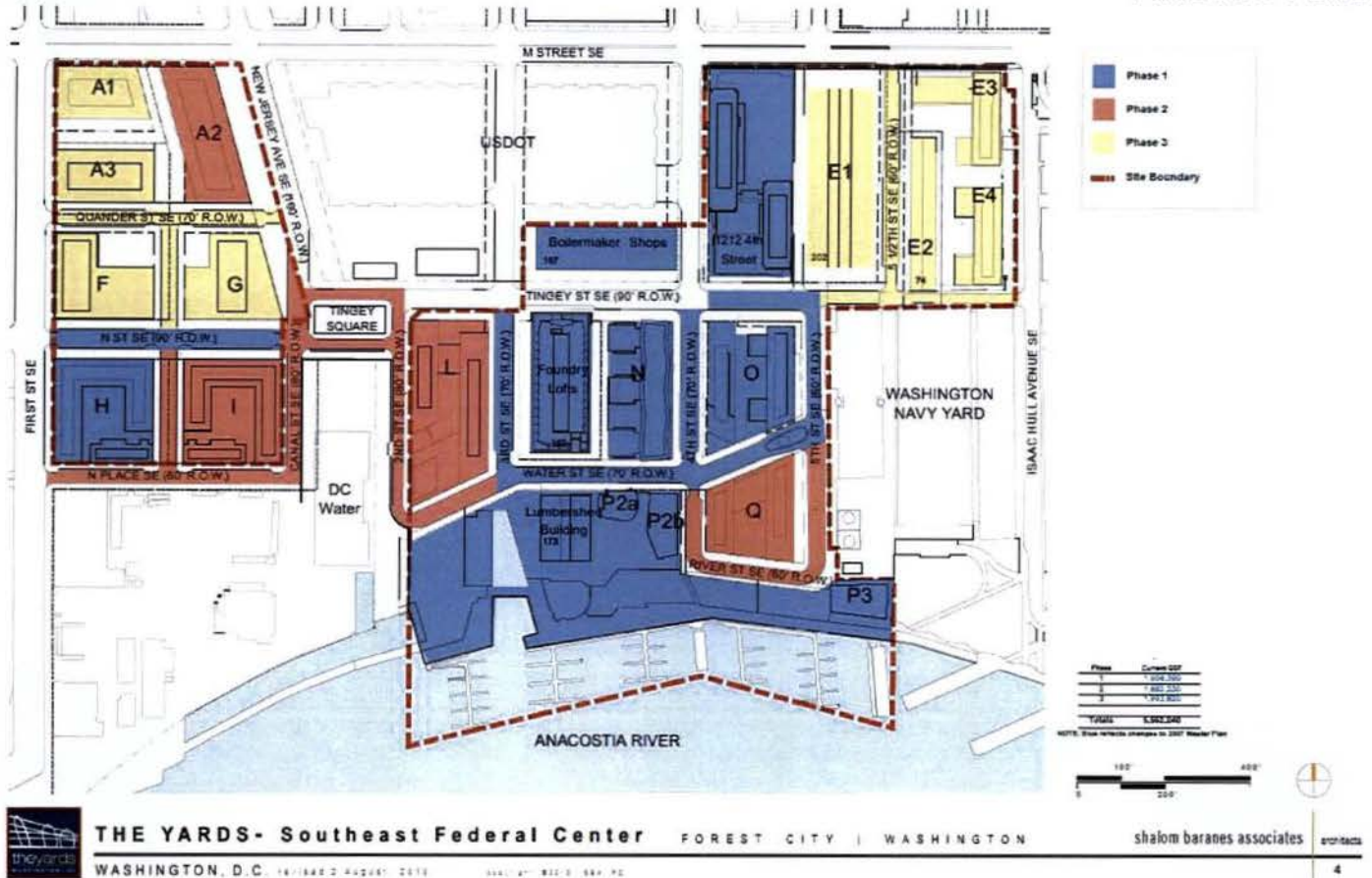
### **B. Phase Two**

Phase Two includes development of several additional residential buildings, some containing additional retail space, located mainly on the western portion of The Yards site, both north and south of Tingey Street. This phase also includes the development of additional residential buildings located south of Tingey Street between 2nd and 4th Streets SE with construction and development to run between 2017 and 2022. The initial office component is also planned for this phase.

### **C. Phase Three**

Phase Three development includes several additional office and residential buildings, some containing additional retail space located mainly on the western portion of the site, near First Street, SE. Parcels G is expected to be developed during this phase.

## PHASING PLAN



The Applicant has completed a significant portion of the development of The Yards including the following:

| Name/Type of Project             | Location            | Status              |
|----------------------------------|---------------------|---------------------|
| "Foundry Lofts" -Residential     | Parcel M            | Completed; Occupied |
| "The Boilermaker Shops" -Retail  | Parcel K            | Completed; Occupied |
| "Lumber Shed"- Retail/Office     | Portion of Parcel P | Completed; Occupied |
| "Twelve 12" – Residential/Retail | Parcel D            | Completed; Occupied |
| "Parcel N" – Residential/Retail  | Parcel N            | Opens Late 2015     |
| "Parcel O" – Condo/Rental/Retail | Parcel O            | In Design Phase     |
|                                  | Parcel H            | Architect Selected  |

## VII. STATEMENT OF SATISFACTION OF BURDEN OF PROOF FOR ZONING RELIEF SOUGHT

As discussed in more detail below, this Application satisfies the requirements of § 1804.8 of the Zoning Regulations, which require review and approval by the Commission for the continuation of

the Trapeze School on Parcel O in accordance with the standards specified in § 1808 and procedures specified in § 1809

Section 1808 of the Zoning Regulations sets forth the conditions to be met for the continuing use of the Trapeze School on Parcel O. Additionally, § 1808 requires that the requested relief also meet the standards set forth in § 3104.1 of the Zoning Regulations for a special exception.

**A. Compliance with the SEFC Overlay Standards**

**(1) Section 1808.1 of the Zoning Regulations**

**(a) The use, building, or structure will help achieve the objectives of the SEFC Overlay District as set forth in § 1802;**

Section 1802 of the Zoning Regulations sets forth the objectives of the SEFC Overlay District. The extended use of Parcel O as a temporary Trapeze School will continue to encourage and support residential and commercial development, including visitor-related uses, such as entertainment and cultural uses within the SEFC in accordance with §§ 1802.2, 1802.3 and 1802.4.

**(b) The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue, S.E. corridor;**

This requirement is not applicable to the requested approval which pertains only to the continuation of the Trapeze School at Parcel O for an additional year. The maximum height of the tent and outdoor rig for the Trapeze School is 48 feet.

**(c) On or above-grade parking adjacent to, or visible from, the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this is not possible, green landscaping or architectural treatment of facades shall adequately screen parking from the street and adjacent development;**

The use of the Trapeze School on Parcel O continues to be temporary in nature. When the development of the Property occurs in conjunction with Phase Three of the Yards, the temporary use of the Property as a Trapeze School, will be replaced with retail, residential and hospitality uses and below grade parking will be made available when those uses are developed.

**(2) Section 1808.2 of the Zoning Regulations**

In evaluating the application, the Commission may also consider

**(a) Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;**

This requirement is not applicable to the requested approval which pertains only to the continuation of the Trapeze School at Parcel O for an additional year. However, as shown in the photos in Exhibit D, the area around the Trapeze School has been landscaped to include an open green space area and tree boxes along 4<sup>th</sup> Street.

**(b) Use of high standards of environmental design that promote the achievement of sustainable development goals;**

This requirement is not applicable to the requested approval which pertains only to the continuation of the Trapeze School at Parcel O for an additional year.

**B. Special Exception Test**

**(1) Section 3104.1 of the Zoning Regulations**

**(a) Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Maps?**

The Trapeze School continues to be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

**(b) Will the special exception tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?**

The continued use of the temporary Trapeze School will not cause objectionable conditions nor will this use adversely affect neighboring or nearby property. The Trapeze School has operated on Parcel O since 2010 and has had a positive impact on the area and the Ballpark by adding to the variety of recreational uses available to District residents and helping attract people to the waterfront.

**VIII. PARKING**

Pursuant to § 1804.7, the Commission specifically did not require parking when they approved the temporary use of the Trapeze School on Parcel O. However, § 1804.8 mandates that the Commission shall determine whether and what amount of parking should be required when approving the continuation of the Trapeze School. The Trapeze School has been in operation on Parcel O since 2010. There are only 54 people on staff at the Trapeze School and the average class has ten (10) or less students.

|                 | <b>Spring/Summer<br/>Both outdoor and indoor rig<br/>available</b> | <b>Fall/Winter<br/>Only indoor rig is available</b> |
|-----------------|--------------------------------------------------------------------|-----------------------------------------------------|
| <b>Students</b> | 57-64 daily                                                        | 43-50 daily                                         |

50-60% of the school's instructors and students take public transportation or bike to the Trapeze School. The Navy Yard Metro (servicing the green line) is located three (3) blocks away from

the School In addition to the Property being in close proximity to the Metro, there are three (3) Capital Bikeshare stations within three (3) blocks of the Property and there are four (4) zipcar parking spaces housed at the nearby Colonial Garage at 33 M Street, less than a block from the Property

For those who drive, the staff is provided with a total of nine (9) parking passes to an adjacent monthly parking lot located on Parcel Q Any additional parking needs for instructors and students are met by parking on the street or using one of the other many other parking lots in the area that offer reasonable hourly rates Although there are two rigs (outside and indoors), between November and April the School only holds classes indoors in their temperature-controlled tent As a result, the number of classes is reduced (as is the need for parking) during these winter months

The Trapeze School has not received any complaints from instructors, students or the community with regard to parking Since the current parking demands are met this temporary use, the continuation of this use will not create an objectionable condition or adversely impact the surrounding neighborhood

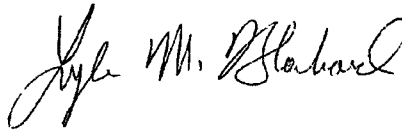
## **IX. EXHIBITS**

- Exhibit A:** Zone Map (annotated)
- Exhibit B:** Subdivision Plat
- Exhibit C:** Site Plan, Certificate of Occupancy and Tent Permit
- Exhibit D:** Photos
- Exhibit E:** Zoning Commission Order 09-09
- Exhibit F:** Zoning Commission Order 13-16
- Exhibit G:** Plat of Computation (Annotated)

## **X. CONCLUSION**

For the reasons set forth above, the Applicant, by and through counsel, submits that the Application has satisfied all applicable zoning requirements and the requisite burden of proof for the Zoning Commission's approval pursuant to the Zoning Regulations and, therefore, should be granted

Respectfully submitted,  
GREENSTEIN DELORME & LUCHS, P C



By

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Lyle M Blanchard



By

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Kate M Olson