

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Zoning Commission
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9 CASE NO.: 14-23 (Forest City SEFC, LLC - Southeast
10 Federal Center Overlay District Review and Special
11 Exception at Square 826, Lot 27 (Parcel 0)("The
12 Property") to Permit the Continuation of a Trapeze
13 School Use)
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17 6:32 p.m. to 6:44 p.m.
18 Thursday, March 12, 2015
19

20 Jerrily R. Kress Memorial Hearing Room
21 441 4th Street, N.W., Suite 220 South
22 Washington, D.C. 20001
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1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, Vice-Chairperson

4 ROBERT MILLER, Commissioner

5 PETER MAY, Commissioner

6 MR. TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10 Office of Planning:

11 BRANDICE ELLIOTT

12 JOEL LAWSON

13

14 Other:

15 LYLE BLANCHARD

16 BRIAN McVICHER

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P R O C E E D I N G S

CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia. Today's date is March the 12th, 2015. We're located in Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me this evening are Vice Chair Marcie Cohen, Commissioner Robert Miller, Peter May, and Michael Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, Office of Planning staff, Mr. Lawson and Ms. Elliott.

Did I do it right this time? Okay. I had a little help. I had to be honest.

This proceeding is being recorded by a court reporter. It is also webcast live. Accordingly we must ask you to refrain from any disruptive noises or actions in the hearing room including display of any signs or objects.

Notice of today's hearing was published in the D.C. Register and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with provisions of 11-DCMR-3022 as

1 follows: Preliminary matters, applicant's case,
2 report of the Office of Planning, report of other
3 government agencies, report of the ANC,
4 organizations and persons in support,
5 organizations and persons in opposition, rebuttal
6 and closing by the applicant.

7 The following time constraints will be
8 maintained in this meeting; the applicant, we have
9 10 minutes but I don't think this case would need
10 exactly 10 minutes. Organization, five minutes,
11 individuals three minutes.

12 All persons appearing before the
13 Commission are to fill out two witness cards.
14 These cards are located to my left on the table
15 near the door.

16 Any materials received directly by our
17 Commission will be discarded. We don't have that
18 problem in this case.

19 Please turn off all beepers and cell
20 phones at this time so not to disrupt these
21 proceedings.

22 Would all individuals wishing to testify
23 please rise to take the oath? Ms. Schellin, would
24 you please administer the oath?

25 MS. SCHELLIN: Yes. Please raise your

1 right hand.

2 (Oath administered to the participants.)

3 MS. SCHELLIN: Thank you.

4 CHAIRPERSON HOOD: Okay. Ms. Schellin,
5 do we have any preliminary matters?

6 MS. SCHELLIN: Just to advise that we
7 have received the affidavit of maintenance and
8 reposting and it is in order.

9 CHAIRPERSON HOOD: Okay. Mr. Blanchard,
10 I see that we have 10 minutes on the clock. This
11 record -- we have a lot of records and this one, I
12 don't think, requires 10 minutes. But I don't
13 want to steal your thunder. We'll at least give
14 you five. But if you need 10, you go right ahead
15 and take it. So you may begin.

16 MR. BLANCHARD: Thank you very much.

17 CHAIRPERSON HOOD: I don't need that
18 tonight. It was off up here. I'm sorry.

19 MR. BLANCHARD: Oh, okay. Thank you.
20 Good evening Chairman Hood and members of the
21 Commission, staff and members of the Office of
22 Planning staff.

23 My name is Lyle Blanchard. I'm with
24 Greenstein, Delorme, and Luchs. I'm representing
25 the client, the applicant, Forest City SEFC, LLC.

1 And with me this evening is Mr. Brian McVicher,
2 who is with the Trapeze School of New York, but
3 the one based here in D.C.

4 And we have filed a request to extend the
5 deadline from the text amendment passed several
6 years ago. Just a little more than five years ago
7 now. It expired the end of December, that the
8 deadline was told when we filed the case. The
9 reason for being here tonight is to request that
10 the Commission extend that deadline from December
11 31st of 2014 to December 31st of 2015.

12 The filings, we believe, meet all the
13 requirements in Chapter 18 and 31 of the Zoning
14 Regulations. I'm not going to go into great
15 detail there. There are, in the record, a letter
16 of support from ANC -- from the ANC. And also
17 favorable reports from both the Office of Planning
18 and Office of Transportation.

19 And so I'd like to just turn to Mr.
20 McVicher and have him tell you a little bit about
21 the Trapeze School.

22 MR. McVICHER: Good evening. We were
23 invited to Washington, D.C. in 2009 and we left
24 Baltimore to come down here to see if we could
25 make a business work. And to our delight and much

1 to the delight of a lot of the people who live and
2 work here, we've been a tremendous success.

3 In 2010 Forest City offered to lease us
4 this particular space so that we could have an
5 indoor facility and operate year round. And
6 that's allowed us to do so. And we're in the
7 process of getting ready to move but we need a
8 little bit of an extension so that we can continue
9 operation until the new building is finished.

10 And we're very happy that we're here. We
11 have grown multiple times over the last five years
12 and are very happy to still be here. We'd like to
13 be part of the Arts Park and the neighborhood. So
14 we would appreciate that you could extend that for
15 us.

16 MR. BLANCHARD: Mr. Hood, I think that
17 the record is fairly complete and so I'd just like
18 to end there and answer any questions the
19 Commissioners may have.

20 CHAIRPERSON HOOD: Okay. I want to thank
21 you both. We appreciate it and you're right, I
22 think the record speaks for itself, but we may
23 have a few follow-up up here. Any questions?

24 Commission May.

25 MR. MAY: So, I just want to make sure

1 that you know, given that there is work that still
2 has to occur that may not be in your complete
3 control, is December of 2015 going to be enough
4 because I'd hate to see you showing up on December
5 31st looking for another two months or something?

6 MR. BLANCHARD: Yes, Mr. May, we believe
7 that it is. Forest City has filed for permits.
8 Those permits haven't been issued. There are a
9 couple of hurdles.

10 MR. MAY: It's really out of your
11 control.

12 MR. BLANCHARD: That we have to go
13 through --

14 MR. MAY: Because you've got to get
15 through DCRA, right?

16 MR. BLANCHARD: DCRA and DDOE for storm
17 water.

18 MR. MAY: Right.

19 MR. BLANCHARD: Those covenants have been
20 approved and we're waiting for legal.

21 MR. MAY: Okay.

22 MR. BLANCHARD: We're waiting for the
23 technical sign off. And we expect that grading
24 and extension of utilities to the site will be
25 done in the next quarter of this year.

1 MR. MAY: Okay.

2 MR. BLANCHARD: You know, so if it runs
3 over it will be --

4 MR. MAY: Still within the year.

5 MR. BLANCHARD: Still within the year.

6 MR. MAY: Okay.

7 MR. BLANCHARD: And that will leave --
8 I'll let Mr. McVicher talk about how much time he
9 needs to actually get the school set up.

10 MR. MAY: Right. And for our perspective
11 the only question is, you know, operating on the
12 current square versus operating in the new one.
13 And as long as you stop operating by December --

14 MR. BLANCHARD: Right.

15 MR. MAY: -- then you're in compliance.
16 Right? So I mean, maybe you want to speak to it
17 further but it sounds like you've got plenty of
18 time.

19 MR. McVICHER: I think according to this
20 it should take eight to 12 weeks for us to put up
21 that new structure once --

22 MR. MAY: Okay.

23 MR. McVICHER: -- once they get the
24 permits cleared. So we've got all of our design
25 and engineering and all of that stuff in the

1 permit process and ready to go.

2 MR. MAY: Okay. All right.

3 CHAIRPERSON HOOD: Okay. We have any
4 other questions up here?

5 Okay. Do we have anyone here
6 representing ANC 6D for any cross?

7 Not seeing anyone let's go to the report
8 of the Office of Planning. Ms. Elliott.

9 MS. ELLIOTT: Thank you, Mr. Chairman.
10 Good evening, Commissioners.

11 The Office of Planning supports the
12 request for a special exception and we'll stand on
13 the record but I'll be happy to answer any
14 questions you have.

15 CHAIRPERSON HOOD: Okay. Any questions
16 of Ms. Elliott, Vice Chair Cohen?

17 MS. COHEN: Thank you, Mr. Chairman. Ms.
18 Elliott, have you tried going on to a trapeze?

19 MS. ELLIOTT: I have not yet. I'm just
20 not quite that adventurous. I'm still trying to
21 master bicycle lanes.

22 MR. MAY: I have a follow-up.

23 CHAIRPERSON HOOD: Sure.

24 MR. MAY: Vice Chair Cohen, have you
25 tried, yourself? Because I know you are that

1 adventurous.

2 MS. COHEN: Not yet.

3 CHAIRPERSON HOOD: Okay. Any other --

4 MR. MILLER: It's a good sign. Yet is a
5 good sign.

6 CHAIRPERSON HOOD: Any other questions?
7 Okay.

8 Also the District Department of
9 Transportation had no objections. Any other
10 reports that I may be missing?

11 Okay. Let's go to the report of the ANC.
12 I called for that. Anyone here? Not seeing
13 anyone I will read their letter of support and it
14 basically said -- this is our Exhibit 17.

15 "The Commission is taking this action
16 because it does not believe that the action will
17 have a negative impact on the constituents or
18 businesses in the area."

19 And again it begins by saying, "In this
20 regular scheduled meeting and properly published
21 monthly meeting on February 9th, with a quorum
22 present, ANC 6D voted 7 to 0 to support this
23 application as presented."

24 So that's full support of the ANC.

25 Any organizations or persons in support?

1 Any organizations or persons in
2 opposition?

3 Okay, Mr. Blanchard, you have any
4 closing?

5 MR. BLANCHARD: Just that I believe we
6 have met all the requirements under the Zoning
7 Regulations to meet and support our request for
8 extension. And I appreciate the Commission
9 holding a hearing and look forward to its actions.

10 CHAIRPERSON HOOD: Okay. All right.
11 Thank you, Mr. Blanchard. And thank you, both.

12 Colleagues, what is your pleasure?

13 MR. MILLER: Mr. Chairman.

14 CHAIRPERSON HOOD: Commission Miller.

15 MR. MILLER: I just wanted to commend the
16 applicant for being such an amenity for the
17 neighborhood and for the city all these years and
18 hope that you will be able to continue having
19 success there and bringing that joy to all your
20 students and employees.

21 And for the record I, many years ago when
22 I was a younger person, I did try trapeze,
23 although not at your school. I think I was at
24 Club Med with my kids.

25 MR. BLANCHARD: Thank you very much.

1 CHAIRPERSON HOOD: Okay. Commission May?

2 MR. MAY: Anybody else going to volunteer
3 their trapeze experience? I don't have any
4 myself.

5 MS. COHEN: Mr. Chairman, I would move
6 then to approve Zoning Case No. 14-23, special
7 exemption for the continuation of the Trapeze
8 School, pursuant to the Southeast Federal Center
9 Overlay District and Section 3104.1 Special
10 Exceptions, and ask for a second.

11 CHAIRPERSON HOOD: Okay. It's been moved
12 and properly seconded. Any further discussion?

13 MR. TURNBULL: My brother swang through a
14 tree and broke his arm. Maybe he should have gone
15 to school.

16 CHAIRPERSON HOOD: Since we're having all
17 this swinging and we have a motion on the table, I
18 will tell you that I probably should add to the
19 motion that the Zoning Commission not go down and
20 try this, from what I'm hearing. Okay.

21 MR. MAY: I still have one good knee.
22 Why not?

23 CHAIRPERSON HOOD: Moved and properly
24 seconded. Any further discussion? Any relevant
25 discussion?

1 (Laughter.)

2 CHAIRPERSON HOOD: All right. Not
3 hearing any, all those in favor. Aye.

4 ALL: Aye.

5 CHAIRPERSON HOOD: Any opposition? Not
6 hearing any, Ms. Schellin, would you please record
7 the vote?

8 MS. SCHELLIN: Yes. Staff records the
9 vote five to zero to zero to approve final action
10 in Zoning Commission Case No. 14-23, Commissioner
11 Cohen moving, Commissioner Miller seconding,
12 Commissioners Hood, May, and Turnbull in support.

13 CHAIRPERSON HOOD: Okay.

14 MS. SCHELLIN: If we can have the
15 applicant provide us with a draft order, that
16 would be great. I'm assuming a summary order is
17 appropriate?

18 CHAIRPERSON HOOD: Yeah. Summary order
19 is fine.

20 MR. BLANCHARD: Thank you.

21 CHAIRPERSON HOOD: Anything else, Ms.
22 Schellin?

23 MS. SCHELLIN: No, sir.

24 CHAIRPERSON HOOD: Okay. I want to thank
25 you for everyone's participation this night,

1 tonight, and this hearing is adjourned.

2 MR. BLANCHARD: Thank you.

3 (Hearing adjourned at 6:44 p.m.)

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