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October 15, 2002

**DENNIS R. HUGHES**
202-419-2448

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**Hand Delivery**

Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: BZA Application No. 16933

Dear Members of the Board:

Enclosed please find an original and 20 copies of the Applicant's Statement in Support of the above-referenced application, scheduled for public hearing on October 29, 2002.

Please do not hesitate to contact us should you have any questions or require further information.

Very truly yours,

HOLLAND & KNIGHT LLP

Dennis R. Hughes

Enclosures
CC: David McGettigan, Office of Planning
Richard B. Westbrook, ANC 2D

BZA
Case No. 16933
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16933
EXHIBIT NO.24

**BEFORE THE BOARD OF ZONING ADJUSTMENT**
**OF THE DISTRICT OF COLUMBIA**

Application of
Washington Drama Society, Inc.
d/b/a Arena Stage

BZA Application No. 16933
Public Hearing: October 29, 2002
ANC 2D

## STATEMENT OF THE APPLICANT

### I.
### NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR §3103.2, for variance from the building height restriction under §930, variance from the floor area ratio (FAR) requirement under §931, variance from the percentage of lot occupancy restriction under §932, and variance from the rear yard restriction under §933, to allow construction of an addition to the existing theater building in the W-1 District at premises 1101 6th Street, SW.(Square 472, Lots 123 and 126)(the "Subject Property").

### II.
### JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the requested variance relief pursuant to §3103.2 of the Zoning Regulations.

## III.
## BACKGROUND OF THE CASE:

### A. Description of Property

1. The Existing Site and Vicinity

Situated along the Southwest Waterfront, Arena Stage is located on the triangular parcel bounded by Maine Avenue to the south and west, 6th Street to the east, and the Waterside Tower Apartments to the north. The area is comprised of a mixture of uses, including restaurant, waterfront commercial and arts activities, and residential uses. Farther north of this site are numerous Federal office buildings. The Subject Property also is located within the boundaries of the Anacostia Waterfront Initiative, a project area designated by the District of Columbia Office of Planning ("OP") for coordinated revitalization efforts among the District, the National Capital Revitalization Corporation and other Federal and private interests.

2. Arena Stage

The present Arena Stage consists of three main sections: the Fichandler Theater, the Kreeger Theater, and administrative and service wings. Constructed in 1960, the Fichandler Theater comprises the original portion of the Arena Stage. The octagon-shaped "theater in the round" is located at the southeastern portion of the site. In 1969, the Kreeger Theater was added to the complex at the northwest portion of the site, along with additional administrative space, shops, and the Old Vat Room, a cabaret theater located in the lower level of the 1969 addition. The

administrative wing connects the two theater areas. The main lobby entrance to Arena Stage is located off 6th Street, SW. A parking lot is located to the north of the building.(Exhibit D).

In 1980, Arena Stage was designated a historic landmark in the D.C. Inventory of Historic Sites as one of the City's unique cultural institutions and for its pioneering role in the American Regional Theater movement. The glass and masonry structure, designed by Harry Weese Architects, is recognized for its architectural composition, structural expressionism, and exposed raw materials.

Currently, Arena Stage suffers from cramped quarters, inefficient circulation and lobby space, and inadequate soundproofing from outside noise such as auto and airplane traffic. The Fichandler Theater is particularly vulnerable to acoustical interference because it lacks a surrounding lobby or foyer area to buffer performances from such outside noise. And although recognized for the unique and groundbreaking qualities of the theater spaces, administrative and back-of-house facilities have become inadequate and chaotic. According to the Historic Preservation Review Board staff, only the original theater spaces offer a memorable public image from an architectural standpoint. (Exhibit J).

### B. Project Description

Arena Stage is proposing to construct a new addition to its building in efforts to remedy several inefficiencies of the existing facility created by the current configuration of the theaters, unprecedented growth in the theater's popularity and patronage, new programmatic requirements, as well as specific planning goals of

the City for the Anacostia Waterfront. The innovative design proposed by Bing Thom Architects of Vancouver, British Columbia, will, in essence, encapsulate the historic Kreeger and Fichandler theaters in a transparent structural glass building and, in the process, distinguish new construction from old, creating an exciting new landmark for the District. (Exhibit I). The two theaters will be "show-cased" through massive windows and continue to present a public image along the streetscape. A bold new cylindrical structure cradling a third theater at the center will join the two theaters. The upper level of this cylindrical structure will also provide residential accommodations for visiting performers and theater personnel. The proposed redevelopment, while solving the acoustical issues, will also provide vastly improved circulation and lobby space as well as backstage and administrative spaces.

In recognition of its close proximity to the waterfront, the new design introduces a water feature surrounding the complex. The transparency of the building accentuates the fluid interplay between interior and exterior spaces. A large terrace, located at the northwest corner, continues this theme outdoors.

The project shall provide below-grade parking for between seventy and ninety automobiles. No parking is required pursuant to §2100.5 of the Zoning Regulations.

The concept for the new addition has been embraced by experts and professionals in the design field. At its July 18, 2002, meeting, the U.S. Commission of Fine Arts unanimously recommended approval of the conceptual design to the Mayor. At the conclusion of the presentation, Chairman Harry Robinson praised the design as a "wonderful jewelbox" and

said members of the Commission "are all in love with the project." CFA Transcript, July 18, 2002. (Exhibit K).

The HPRB likewise found the design to be an exemplary addition to the city's architecture, with HPRB Chairman Tersh Boasberg commenting at the public hearing for the conceptual review of the proposed project that the architecture is "unique and different, and imaginative, and forceful ..." HPRB Staff noted that, "[f]ar more than just addressing operational inadequacies of the theatre facility, the new plan creates an entirely new place, thereby holding significant promise for reinvigorating the theater as an institution, as well as serving as a catalyst for development along the entire Southwest waterfront." (Exhibit J).

In approving applications for partial demolition and subdivision of the existing structure in order to facilitate the proposed project, the Mayor's Agent for Historic Preservation determined that "the proposed new addition embodies exemplary architecture, in both the quality of its architectural expression and its programmatic vision for a pioneering American theater." (Exhibit L). The Mayor's Agent further noted, the "project will also bring to the city the innovative work of a leading theater architect, thereby promoting and enhancing the city's role as a leading international arts and cultural center. Finally, the project is entirely compatible with the design and planning policies under the Comprehensive Plan."

## IV.
## EXHIBITS IN SUPPORT OF THE APPLICATION

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

| | |
|---|---|
| Exhibit A: | A portion of the Sanborn Atlas showing the Subject Property outlined in red ink. |
| Exhibit B: | A building plat showing the footprint of the Subject Property. |
| Exhibit C: | A portion of the Zoning Map showing the Subject Property with zoning designation of W-1. |
| Exhibit D: | Photographs of the Subject Property and surrounding properties. |
| Exhibit E: | Outline of testimony of Stephen Richard, Representative of Applicant Washington Drama Society, Inc. d/b/a Arena Stage. |
| Exhibit F: | Outline of testimony of Emily H. Eig, Architectural Historian, EHT Traceries, Inc. |
| Exhibit G: | Outline of testimony of Bing Thom, Bing Thom Architects. |
| Exhibit H: | Outline of testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP. |
| Exhibit I: | Architectural drawings. |
| Exhibit J: | Historic Preservation Review Board Staff Report and Recommendation – HPA Nos. 02-471 and 02-472, July 25, 2002 |
| Exhibit K: | Recommendation Letter from U.S. Commission of Fine Arts, dated July 22, 2002 (Letter incorrectly dated June 25, 2002) and Excerpt of Transcript from July 18, 2002 public meeting. |
| Exhibit L: | Mayor's Agent Order approving demolition to construct project of special merit, dated September 2002. |

## V.
## THE APPLICATION MEETS THE REQUIREMENTS FOR VARIANCE RELIEF FROM THE ZONING REGULATIONS

### A. Applicant's Burden of Proof

The burden of proof for variance relief is well established. The Applicant must demonstrate that the Subject Property is affected by an exceptional or extraordinary situation or condition, that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan. *Palmer v. District of Columbia Board of Zoning Adjustment*, 287 A.2d 535, 541 (1972). As set forth herein and through the testimony to be provided at the public hearing, the Application meets this three-part test for area variance relief from §§ 930, 931, 932, and 933 of the Zoning Regulations.

1. <u>The Property is Affected by an Exceptional Situation or Condition</u>

The Subject Property is confronted with a variety of factors which qualify it for variance relief. It is impacted by an exceptional site configuration and street frontage, large size, topography, and improvement with a historic landmark theater building, among others.

The Subject Property is exceptional due to its large size, measuring approximately 84,619 square feet in total lot area, and its unique triangular shape with prominent frontages along both 6th Street, SW, and Maine Avenue, SW. The size

and shape of a property are classic attributes for establishing the uniqueness of a property.

The Subject Property also has been designated a historic landmark on the District of Columbia Inventory of Historic Sites, presenting numerous design considerations, including maximization of preservation of historic resources and sympathetic new construction. This Board has determined, in Orders No. 13924 and 14513 dealing with the landmark Evening Star Building, that the presence of a landmark-status building on a site, combined with certain other factors, such as rehabilitation of the landmark, does qualify as a unique situation for purposes of area variance relief.

Also, because of encapsulation of landmark structures, significant FAR is being devoted to providing an acoustical barrier that would not be present if not for the historic nature of the theater buildings to be retained.

2. The Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

Given the physical and zoning restraints impacting the Subject Property, the Applicant is experiencing practical difficulty in complying with the strict application of certain provisions of the Zoning Regulations as it proceeds with the necessary redevelopment of the Property. As a result, the Applicant requests variance relief from §§ 930, 931, 932, and 933 of the Regulations.

The Applicant has arrived at an inventive resolution of its needs to: (1) provide stewardship for the landmark structure; (2) improve the operations and circulation of the theater spaces; and (3) reinvigorate the facility as well as the

neighborhood, all consistent with Arena Stage's pioneering spirit. Essentially, the entire Property will be covered by an overhanging roof, with a glass curtain wall around the perimeter of a significant portion of the Property, including the Fichandler and Kreeger theaters. The preserved portions of the Kreeger and Fichandler theaters will become essentially sculpture pieces encapsulated within this new shell. At the same time, the Applicant infuses this glass shell enclosure with a powerful new cylindrical structure, housing much-needed backstage space, a third theater, instructional space and a temporary lodging space for visiting theater personnel.

However, this creative combined solution to the historic preservation, noise, and space issues cannot be achieved without relief from the strict application of certain provisions of the Zoning Regulations. The Applicant must seek variance from the height, building density, rear yard and lot occupancy regulations for the W-1 District in order to accomplish this extraordinary effort of encapsulating the existing historic portions of the building and providing the needed improved and additional spaces on this exceptionally configured and located site.

a. §930 – Building Height Restriction:

Height in the W-1 District is limited to 40 feet. Nonetheless, the existing structure measures approximately 45 feet in height. With the premise of the Applicant's redevelopment proposal being the enclosure of the existing landmark structure within the new construction, it is not possible for the Applicant to comply with the 40 foot height restriction in the W-1 District. Further, in order to obtain the

desired impact of having the new construction "float" over the existing structure, the Applicant is proposing a height of 75 feet.

The tallest portion of the proposal is the roughly cylindrical new construction in the northeastern portion of the Property, designed to house a great variety of functions, from a new theater space to back-of-house and administrative spaces, to temporary lodging for visiting personnel.

Without variance relief from §930, the Applicant will suffer practical difficulty in its efforts to maximize efficiency of the theater as well as to allow for maximize preservation of the historic theater structures.

b. §931 – Building Density (FAR):

Building density in the W-1 District in Square 472 is limited to a total of 2.5 FAR, pursuant to §931.1 of the Regulations. Of that 2.5 FAR, a maximum of 2.0 FAR may be devoted to commercial or nonresidential uses, pursuant to §2521.1(a) of the Regulations. The existing theater has a building density of 0.9 FAR. The Applicant proposes a total of approximately 2.5 FAR for the Subject Property.

It is essential to note for the Board that the Applicant's proposed roof line, extending over a significant portion of the Property, generates a density approaching 1.0 FAR on its own, even though much of the space it covers only serves to further the Applicant's innovative design solution for preservation of the Kreeger and Fichandler theaters. Other than providing for much-needed interior circulation space, the density added from the roof covering alone does not significantly increase the amount of usable space that one would normally expect from such an increase in FAR. With

regard to the new construction of the project taking place in the northeastern corner of the Property, namely the new and redesigned backstage functions, parking, administrative spaces, and the new theater and temporary lodging space, the Applicant notes that much of this is a replacement for poorly configured and insufficient spaces now existing on the Property.

If the roof level cover were removed, the project would essentially comply with the FAR requirements but would lose the critical acoustical seal and the ability to provide needed covered circulation space. In addition, the Applicant does propose to include in the project temporary residential space for use by actors and other theater personnel. The Applicant cannot accomplish the historic preservation goals desired and its programmatic needs without this area variance.

c. §932 – Percentage of Lot Occupancy Restriction:

Because the proposed project includes provision for temporary lodging for visiting theater personnel, the Regulations treat the project as being devoted, at least partially, to a residential use. Therefore, buildings devoted to residential uses in the W-1 District are limited to 80 percent lot coverage, calculated on a horizontal plane at the lowest level where residential uses begin, pursuant to §932.2 of the Regulations. If the residential use were not being provided, no relief would be required from this provision.

The Applicant submits that this is a minor and technical area of relief given the scope and objectives of the Project. The Applicant proposes to occupy 99 percent of its lot in order to provide the massive roof shelter envisioned for the project, and a

somewhat lesser lot coverage at the lowest level where residential uses are proposed to be located in the Project. (Exhibit I, Drawing A208). Even at a height of approximately 65 feet, where the residential uses are proposed to be located, the Project appears to occupy greater than 80 percent of the coverage of the Subject Property. As a result, the Applicant cannot comply with the restriction of §932 in providing the innovative and necessary design that has been approved with enthusiasm by the Historic Preservation Review Board, the Commission of Fine Arts, and the Mayor's Agent, (Exhibits J, K, and L, respectively), without exacerbating another area where relief has been requested, building height. Absent an increase in building height over what is proposed, the Applicant cannot ensure that the residential space proposed can be accomplished in compliance with the permitted 80 percent lot occupancy, thus creating the Applicant's practical difficulty in complying with §932.

d. §933 – Rear Yard Requirement:

As with the lot occupancy restriction, above, the Applicant is forced to provide a rear yard solely as a result of the residential use created by its temporary lodging. While §933.4 could be read as not even applying to this development, the Applicant is taking the position that the relief is necessary to avoid any future issue. The W-1 District requires a rear yard be provided with minimum depth of 12 feet. Pursuant to §933.3 of the Regulations, when the residential use begins above grade, the rear yard is calculated from a horizontal plane upon which the residential use begins, but not measure less than 12 feet. The Applicant proposes a rear yard that measures less

than 12 feet owing to the contour and design of the roof wing along with the size and design of two rehearsal halls proposed for the Project.

The odd, pie-shaped configuration of the Subject Property increases the Applicant's difficulty in complying with §933. The rear yard is provided at the very northernmost portion of the Property, where the rear lot line measures over 325 feet in length. While the Applicant provides a compliant rear yard along the vast majority of its northern boundary, the project includes two five-foot projections, occurring at the third above-grade level (please see Sheet A205, Exhibit I), required to provide sufficient dimensions for use as rehearsal halls for the numerous productions occurring at the Property. At a higher level, where the residential use is currently proposed, the design of the roof wing at the northwest corner of the Project intrudes into the rear yard provided.

As with the lot occupancy variance requested, the Applicant is encountering a practical difficulty in complying with the rear yard requirement necessitated by the temporary residential use it is providing, without exacerbating another area where relief has been requested, namely, building height.

3. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan.

The project can be undertaken without detriment to the public good and without threat to the integrity of the zone plan.

a. §930 – Building Height Restriction:

As mentioned above, the existing building exceeds the permitted height in the W-1 District. When the building was constructed in the 1960s, the Subject Property was designated U-R and built in conformance with the Urban Renewal Plan, which permitted a maximum height of 60 feet.

The height proposed by the Applicant is not out of character with heights permitted for properties in the immediate vicinity of the Subject Property. To the north and east of the Property are properties zoned R-5-D, which are developed with heights up to 90 feet. Further east is C-3-B, permitting 70 feet in height. To the northwest is land zoned R-5-B, which permits heights of 50 feet. The Property is bounded to the south by a wide avenue, further mitigating the potential impacts of any increase in height.

The design is driven by the height of the existing buildings on the Subject Property and the innovative approach to preserving these landmark structures via encapsulation. Furthermore, the design, including the proposed height, has been reviewed and enthusiastically endorsed by the Commission of Fine Arts, the Historic Preservation Review Board and the Mayor's Agent for Historic Preservation.

b. §931 – Building Density (FAR):

Consistent with the discussion immediately above, much of the property immediately surrounding the Subject Property is permitted to build to a density greater than that permitted in the W-1 District, and more consistent with that proposed by the Applicant. In the R-5-D District, density is permitted to 3.5 FAR; the

R-5-B permits 1.8 while the C-3-B provides for up to 5.0 FAR. The density of the Applicant's Project will total approximately 2.5 FAR, including the residential use proposed.

Again, a significant portion of the building density created by the Project is the result of its innovative historic preservation efforts. The increase in usable space created by the Project is minimal. Furthermore, the Project was reviewed and approved by the Commission of Fine Arts, the Historic Preservation Review Board, and the Mayor's Agent for Historic Preservation.

c. §932 – Percentage of Lot Occupancy Restriction:

Again, the proposed lot occupancy for the Subject Property is not out of character with the immediately surrounding properties, which are zoned to permit anywhere from 60 to 100 percent lot occupancy. More importantly, it must be remembered that the 99 percent lot occupancy proposed by the Applicant is largely the product of desiring to provide an innovative preservation and design solution necessary to achieve competing development objectives for the site. The lot occupancy provided at the lowest level where residential use will be provided is an even lower amount, closer to the 80 percent of occupancy allowed. Nonetheless, the Applicant requests variance relief to ensure compliance with the technical requirements of the Zoning Regulations.

d. §933 – Rear Yard Requirement:

The provision of a minor variance from the rear yard requirements does not adversely affect any surrounding or nearby properties and would not be necessary but for the desire to incorporate a residential use on the site. Again, the overwhelming portion of the rear yard being provided in the Project complies with the requirements of §933. Nonetheless, the Applicant requests relief in order to ensure compliance with the technical requirements of the Zoning Regulations.

Finally, the Application furthers the public interest in that it will greatly enhance an already integral arts use. Arena Stage is a vital component of the Southwest Waterfront rejuvenation. Its enhancement and expansion, as proposed, will serve to further its role as a destination location for citizens throughout the District. The Project has met with consistent and enthusiastic approval from numerous design review authorities, namely, the Commission of Fine Arts and the Historic Preservation Review Board.

The proposal likewise will further various elements of the District's Comprehensive Plan, including the historic preservation element. Further, just as the Application for variance relief ensures that no harm will occur to the public good, it likewise protects the intent and integrity of the Zone Plan.

For all the above reasons, the Application qualifies for variance relief from §§ 930, 931, 932, and 933 of the Zoning Regulations.

## VI.
## WITNESSES

A. Stephen Richard, Representative of the Washington Drama Society, Applicant.

B. Emily H. Eig, Architectural Historian, EHT Traceries, Inc.

C. Bing Thom, Representative of Bing Thom Architects.

D. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight, LLP.

## VII.
## CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant therefore requests that the Board grant the Application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

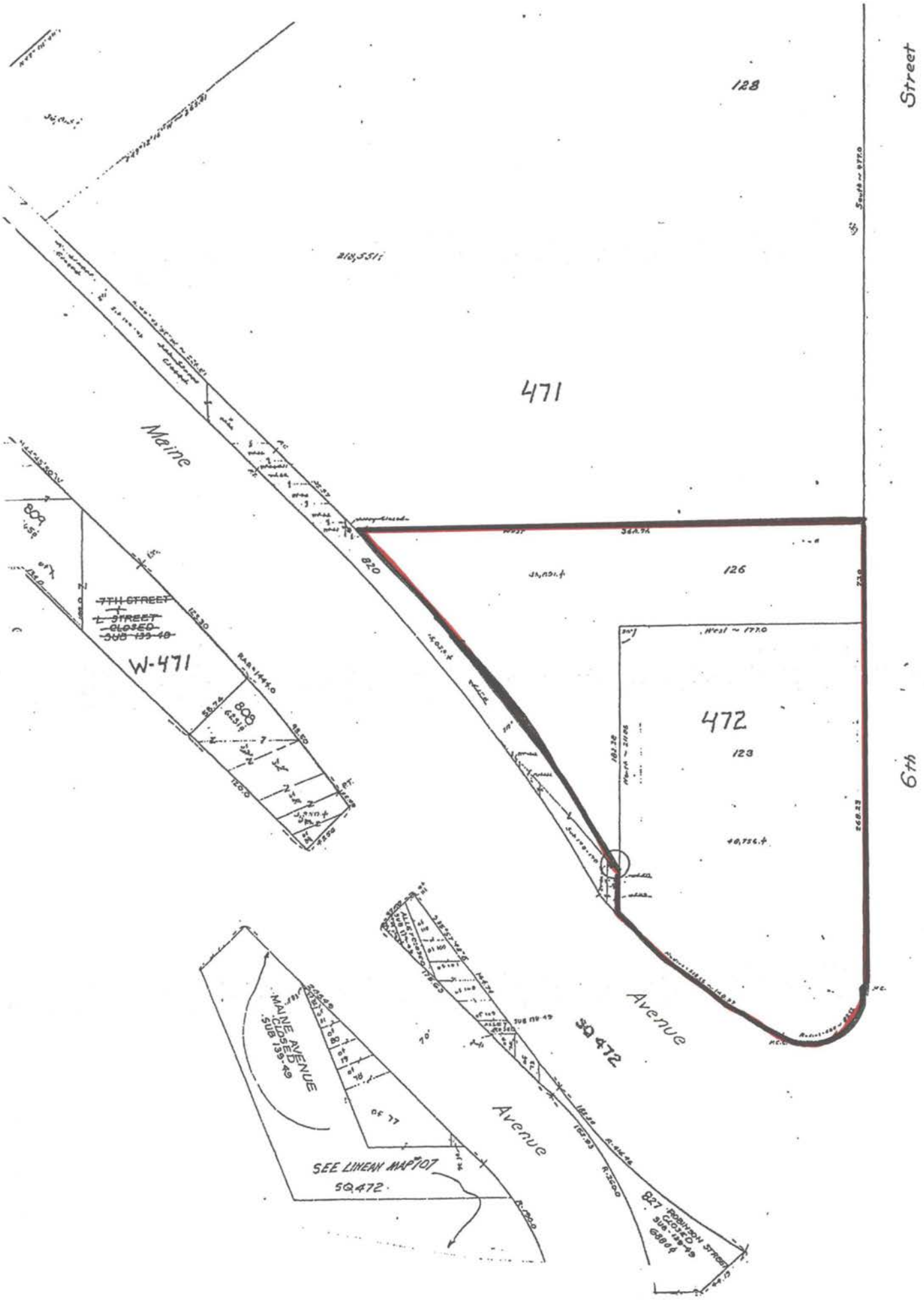
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Norman M. Glasgow, Jr.

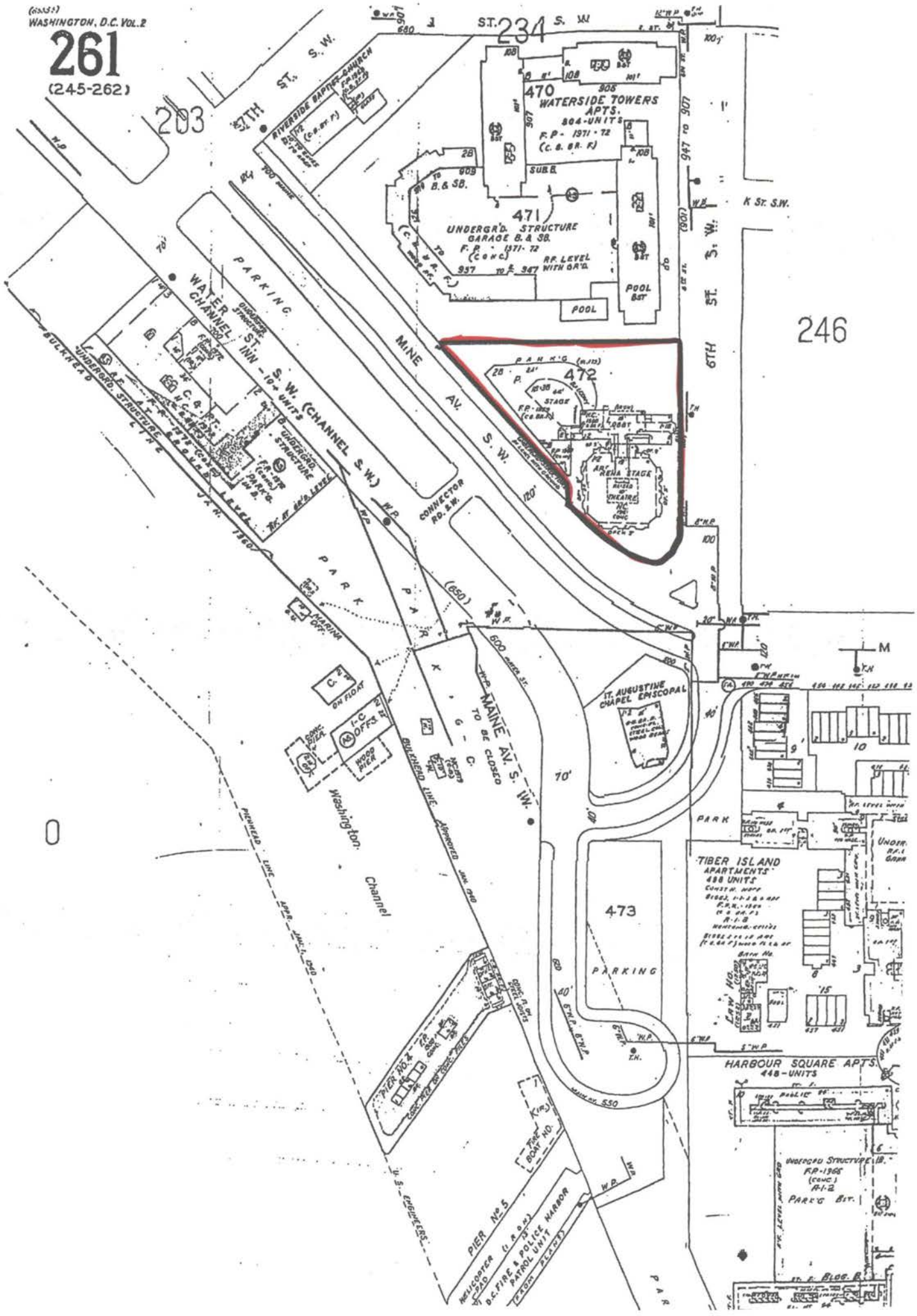
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Dennis R. Hughes

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(202) 955-3000

October, 2002

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Street
471
Maine
820
126
472
123
6th
7TH STREET
STREET
CLOSED
SUB 139-49
W-471
808
809
MAINE AVENUE
CLOSED
SUB 139-49
SEE LINEAR MAP 107
SQ 472
Avenue
827
ROBINSON STREET
CLOSED
SUB 139-49


ST. 234 S. W.
7TH ST. S. W.
203
RIVERSIDE BAPTIST CHURCH
470
WATERSIDE TOWERS APTS.
804-UNITS
F. P. - 1971 - 72
(C. & BR. F.)
471
UNDERGR'D. STRUCTURE
GARAGE B. & SB.
F. P. - 1971 - 72
(CONC.)
POOL
POOL BST.
K St. S.W.
6TH ST. S. W.
246
472
STAGE
ARENA STAGE
THEATRE
PARKING
WATER CHANNEL ST. INN - 10+ UNITS
S. W. (CHANNEL S. W.)
MAINE AV. S. W.
CONNECTOR RD. S.W.
PARK
MARINA OFF.
ON FLOAT
I-C OFFS.
WOOD PIER
Washington Channel
600 INNER ST.
MAINE AV. S. W. TO BE CLOSED
BULKHEAD LINE
PIERHEAD LINE
ST. AUGUSTINE CHAPEL EPISCOPAL
TIBER ISLAND APARTMENTS
488 UNITS
473
PARKING
HARBOUR SQUARE APTS.
448-UNITS
PIER No. 4
PIER No. 5
FIRE BOAT NO.
HELICOPTER (L.R.R.M.) PAD
D.C. FIRE & POLICE HARBOR PATROL UNIT
U.S. ENGINEERS
UNDERGRD STRUCTURE LIB.
F.P.-1968
(CONC.)
A-1-2
PARK'G ST.
ST. E. BLDG. B
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# DISTRICT OF COLUMBIA GOVERNMENT
## OFFICE OF THE SURVEYOR

Washington, D.C., JUNE 28, 2001

Plat for Building Permit of SQUARE 472 LOTS 123 & 126

Scale: 1 inch = 40 feet  Recorded in Book 140 Page 190 and Book 147 Page 47

Receipt No. 009351

Furnished to: HOLLAND & KNIGHT

Surveyor, D.C.

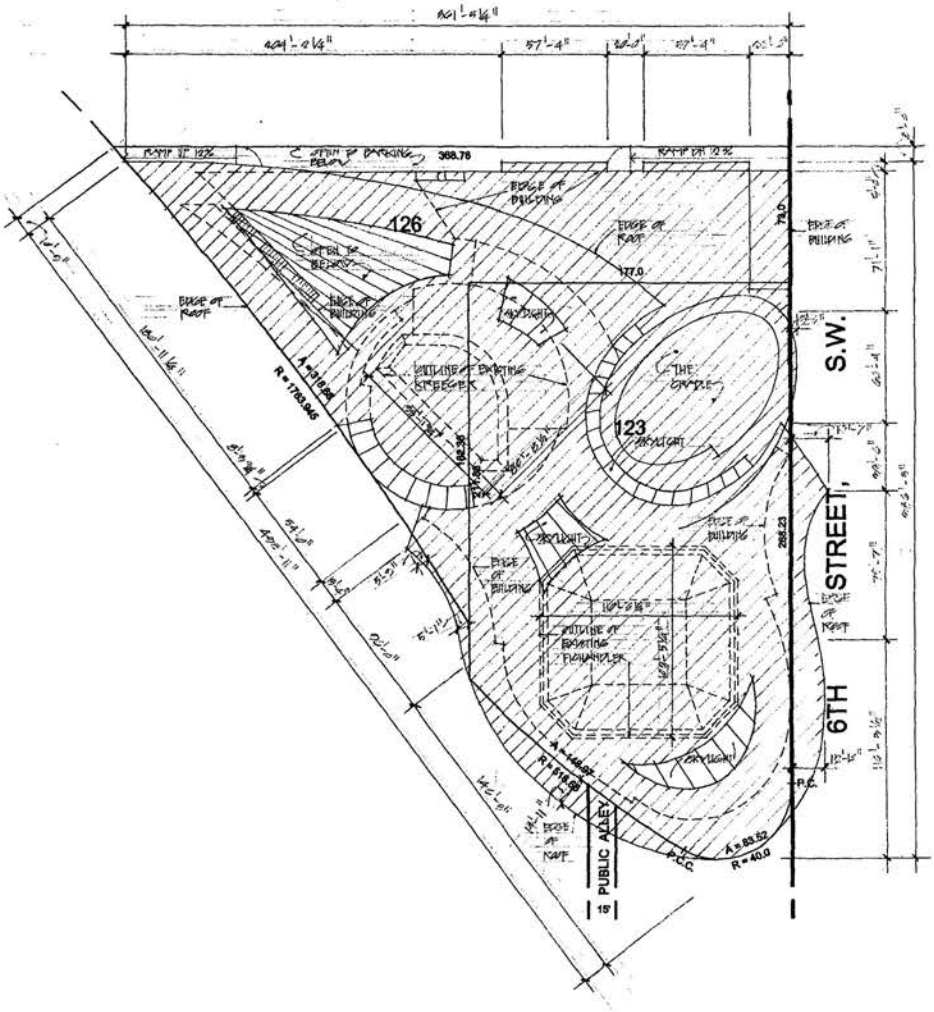
By: L.E.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking areas where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

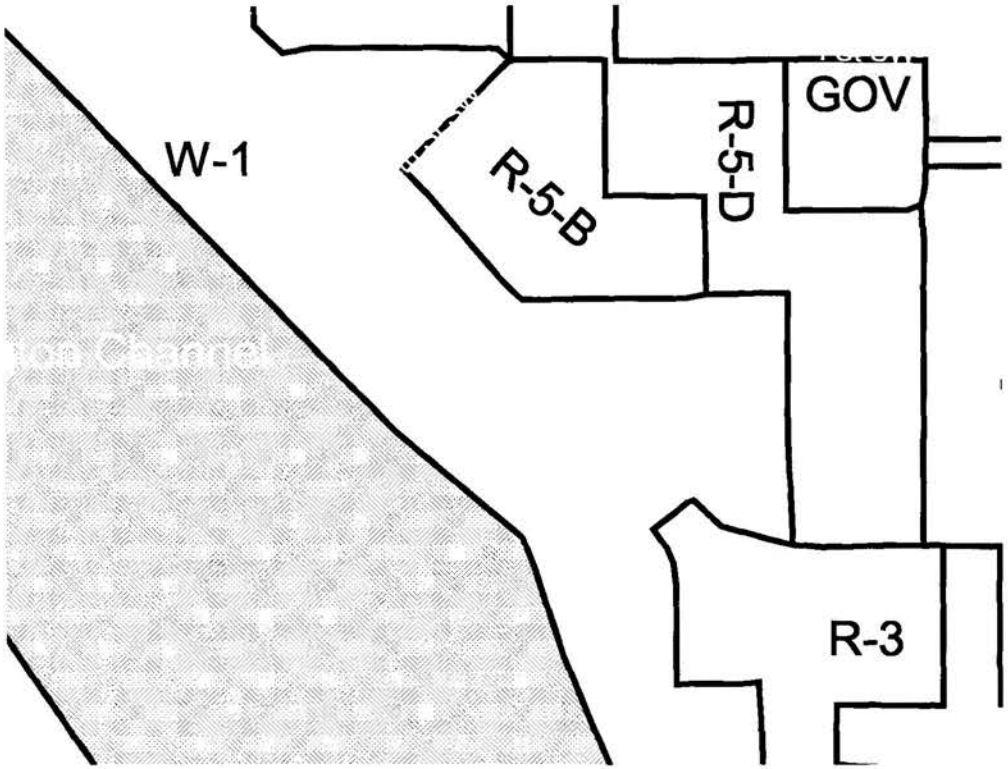
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(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

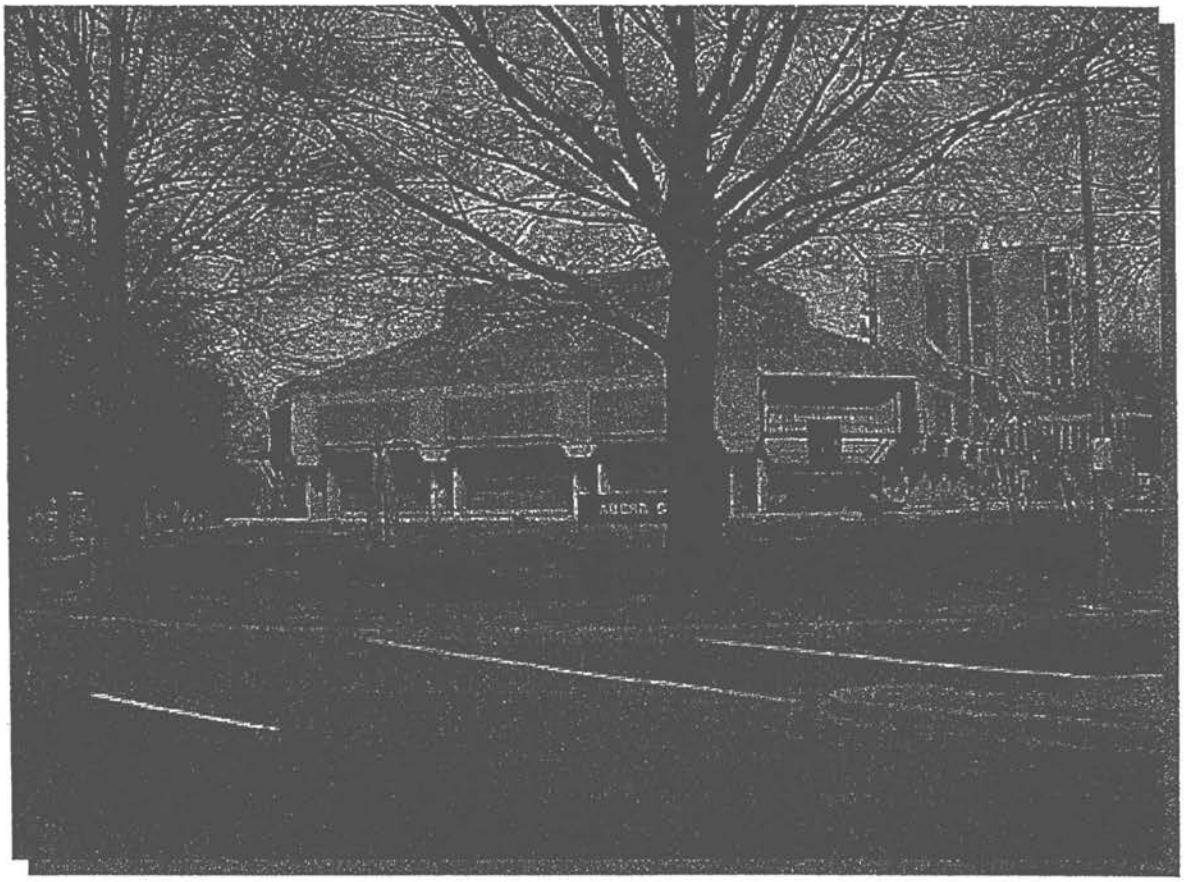



SO-9351(2002)




W-1
R-5-B
R-5-D
GOV
R-3



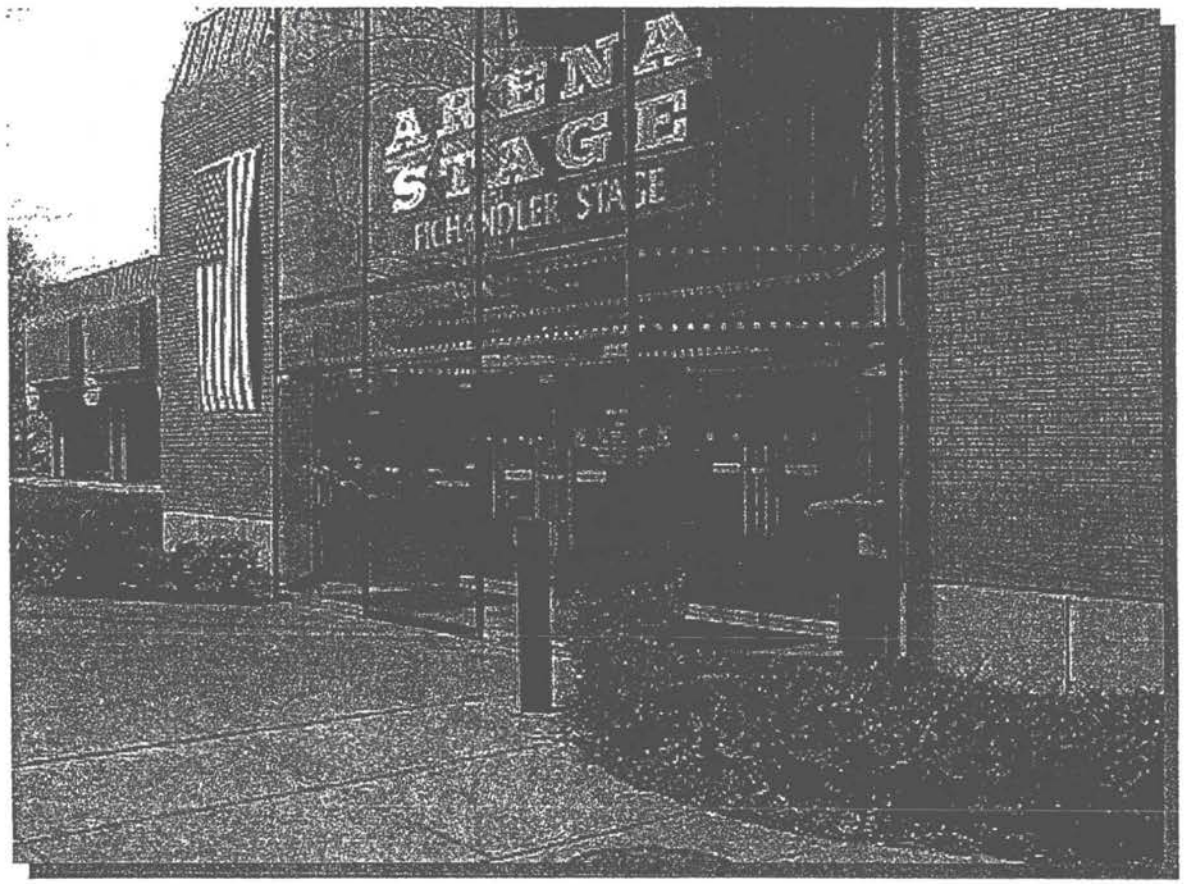


View of Fichandler Stage From Corner
of M and 6th Streets

arena stage

**Arena Stage Project**

**June 26, 2002**




Lobby Entrance to Fichandler Stage
and Box Office

arena stage

**Arena Stage Project**

**June 26, 2002**

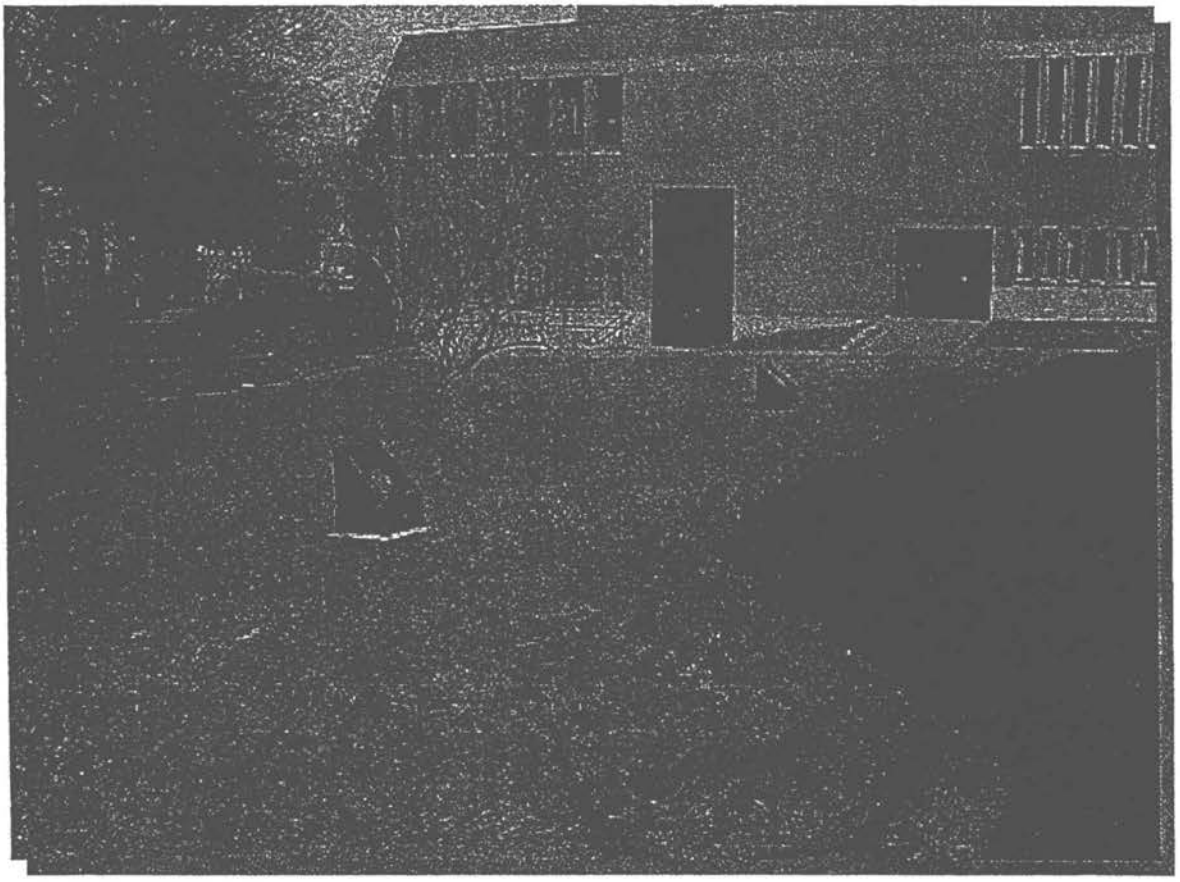


Lobby Entrance for Kreeger Stage

arena stage

**Arena Stage Project**

**June 26, 2002**

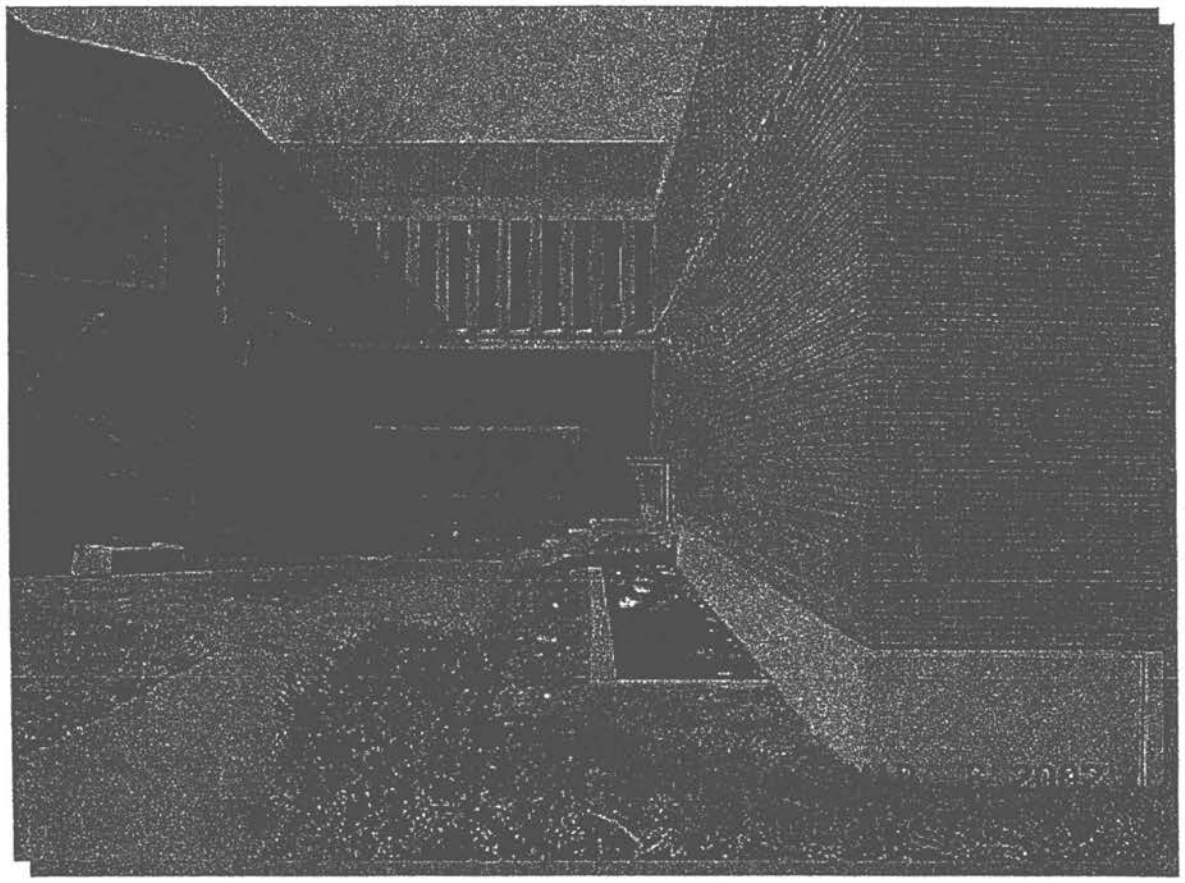


View of Administration Space From Maine Ave

arena stage

**Arena Stage Project**

**June 26, 2002**



View of Administration Space From 6th Street

arena stage

**Arena Stage Project**

**June 26, 2002**

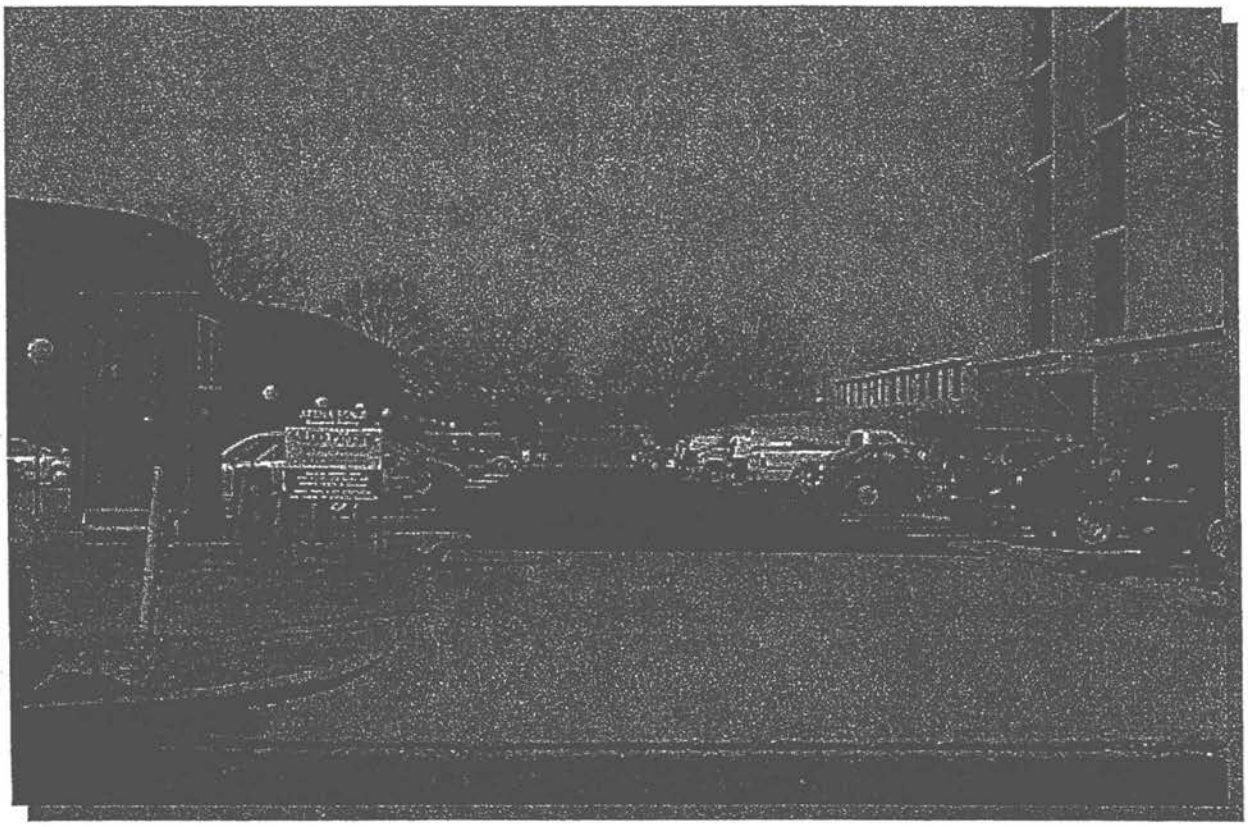


View of Administration Space From M Street

arena stage

**Arena Stage Project**

**June 26, 2002**



View of Arena Stage Parking
From 6th Street

arena stage

**Arena Stage Project**

**June 26, 2002**



**OUTLINE OF TESTIMONY**
**STEPHEN RICHARD**
**REPRESENTATIVE OF APPLICANT**
**WASHINGTON DRAMA SOCIETY, INC.**

**I. INTRODUCTION**

**II. BACKGROUND OF ARENA STAGE**

**III. DESCRIPTION OF SITE**

**IV. DESCRIPTION OF PROPOSED RENOVATION**

**V. VARIANCE RELIEF IS NEEDED**

**VI. CONCLUSION**

F

**OUTLINE OF TESTIMONY**
**EMILY H. EIG, EHT TRACERIES, INC.**
**ARCHITECTURAL HISTORIAN**

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. BRIEF HISTORY OF SITE AND ARENA STAGE

III. OVERVIEW OF LANDMARK DESIGNATION

IV. PROPOSED THEATER RENOVATION PRESERVES SIGNIFICANT HISTORIC FABRIC

V. REVIEW OF HISTORIC PRESERVATION REVIEW BOARD APPROVAL

VI. MAYOR'S AGENT APPROVAL OF RENOVATION AS SPECIAL MERIT PROJECT

VII. CONCLUSION



**OUTLINE OF TESTIMONY**
**BING THOM,**
**REPRESENTATIVE,**
**BING THOM ARCHITECTS**

**I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS**

**II. SITE AND LOCATION DESCRIPTION**

**A. Overview of Site, Vicinity, Historic Preservation and Land Use/Zoning**

**B. Site Planning – historic preservation, site location, configuration and grade, and other exceptional situations and conditions**

**III. PROJECT DESIGN**

**A. Design Considerations**
**- Theater and Related Uses unique to Arena Stage Program**
**- Treatment and Incorporation of Historic Theater Structures**
**- Other Practical Difficulties Affecting Site**

**B. Review of Massing of New Construction**

**C. Review of Floor Plans**

**IV. VARIANCE RELIEF IS NEEDED**

**V. SUPPORT**

**A. U.S. Commission of Fine Arts**
**B. D.C. Historic Preservation Review Board**
**C. D.C. Mayor's Agent for Historic Preservation**

**V. CONCLUSION**

H

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HOLLAND & KNIGHT LLP

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**Outline of Testimony**
**before the Board of Zoning Adjustment**

**BZA Application No. 16933**
**1101 6th Street, S.W.**

**Steven E. Sher**
**Director of Zoning and Land Use Services**
**Holland & Knight LLP**

**October 29, 2002**

I. Site location and description

A. Location

1. Southern portion of the square bounded by 6th, 7th and I Streets and Maine Avenue, S.W.

2. Project site consists of lots 123 and 126 in Square 472

3. Site located in the Southwest waterfront area

B. Size

1. Total site area is approximately 84,619 square feet

2. Approximate triangular shaped site with frontage of approximately 341 feet on 6th Street and approximately 497 feet on Maine Avenue

C. Existing site condition: improved with building constructed in 1960 housing Arena Stage

II. Description of surrounding area

A. Southwest Urban Renewal Area

B. Area contains mix of uses and building types

C. Remainder of Square 472

1. Waterside Towers apartments (three high rise buildings plus townhouses) to the north along 6th Street and Maine Avenue

2. Riverside Baptist Church at the corner of 7th Street and Maine Avenue

D. Uses to the south:

1. St. Augustine Church at the southwest corner of Maine Avenue and 6th Street

2. Tiber Island and Harbour Square apartment complexes (high rise and townhouses)

3. Boat line piers

4. Police and fire harbor patrol pier

E. Uses to the east:

1. Town Center West apartments (two high rise buildings)

2. Waterside Mall office/retail complex

3. DC Library

4. Westminster Presbyterian Church

F. Uses to the west:

1. Channel Inn

2. Waterfront area (marinas, restaurants and fish wharf)

G. Uses to the north:

1. Disabled American Veteran's office building at 701 Maine Avenue

2. Thomas Jefferson Junior High School at 7th and G Streets

3. Town Square Towers apartments

4. Southeastern University at the northeast corner of 6th and I Streets

III. Existing zoning: W-1

A. Uses (§§901 – 915)

1. Commercial use permitted as a matter-of-right, including retail, service and office use

2. Private or public theater

3. Dwelling, flat or multiple dwelling

B. Height - maximum of 40 feet (§930.1)

C. Density

1. Maximum of 2.5 FAR, with nonresidential uses limited to 1.0 FAR (§931.1)

2. Special provisions for the former Southwest Urban Renewal Area allows a maximum nonresidential FAR of 2.0 (§2521.1(a))

D. Lot occupancy for residential uses – 80% permitted at the lowest residential plane (§932.1)

E. Rear yard for residential buildings – 3" per foot of height from the residential plane to the highest point of the roof, but not less than 12 feet (§933.3)

F. Side yard - not required (§934.1)

G. Parking for theater:

1. Minimum of 1 space for each 10 seats of occupancy capacity (§2101.1)

2. None required for addition to historic landmark

IV. Proposed development

A. Use: continued use for Arena Stage

1. Fichandler Theater

2. Kreeger Theater

3. Both wrapped in overall transparent structure to also include:

a. New small third theater

b. Residential accommodations for visiting performers and theater personnel

c. Rebuilt administrative and service areas

B. Maximum gross floor area of approximately 211,000 square feet (2.5 FAR), with a maximum of approximately 2.2 FAR for nonresidential uses

C. Height:

1. Approximately 65 feet to the top of the main horizontal roof

2. Maximum of 75 feet to the bottom of the architectural embellishment

D. A total of 70 to 90 parking spaces on one cellar level with access from 6th Street and Maine Avenue

V. Variance relief required

A. Height

1. Maximum permitted: 40 feet

2. Proposed: 75 feet

3. Variance: 35 feet (87.5%)

B. Nonresidential floor area ratio

1. Maximum permitted: 2.0

2. Proposed: 2.2

3. Variance: 0.2 (10%)

C. Lot occupancy

1. Maximum permitted: 80%

2. Proposed: 99%

3. Variance: 19% (at one upper level only)

D. Rear Yard

1. Minimum required: 12 feet

2. Proposed: 8

3. Variance: 4 feet (at one upper level only)

VI. Standards for a variance (§3103.2)

A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,

B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;

C. Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

VII. Compliance with the variance standards

A. Exceptional or extraordinary situation or condition

1. Triangular shaped site

2. Historic landmark which already exceeds the permitted height

3. Program requirements for theater use

B. Practical difficulty

1. Need to provide acoustically satisfactory environment for theater uses

2. Need to address insufficiencies in administrative space and layout

3. Overall "wrap" of existing buildings while preserving view of functionally and architecturally recognized building

C. No detriment to the public good

1. Technical nature of rear yard and lot occupancy variances because of location of proposed residential use

2. Context of existing high rise construction to the north and east and wide street to the west and south

3. Maintenance of theater use strongly desired by the community and the city

4. Approval of Commission of Fine Arts

5. Approval of the demolition and subdivision by the Mayor's Agent

VIII. Conclusions

A. Subject property is affected by exceptional conditions, because of the shape of the site, the landmark status of the existing building and the nature of the use

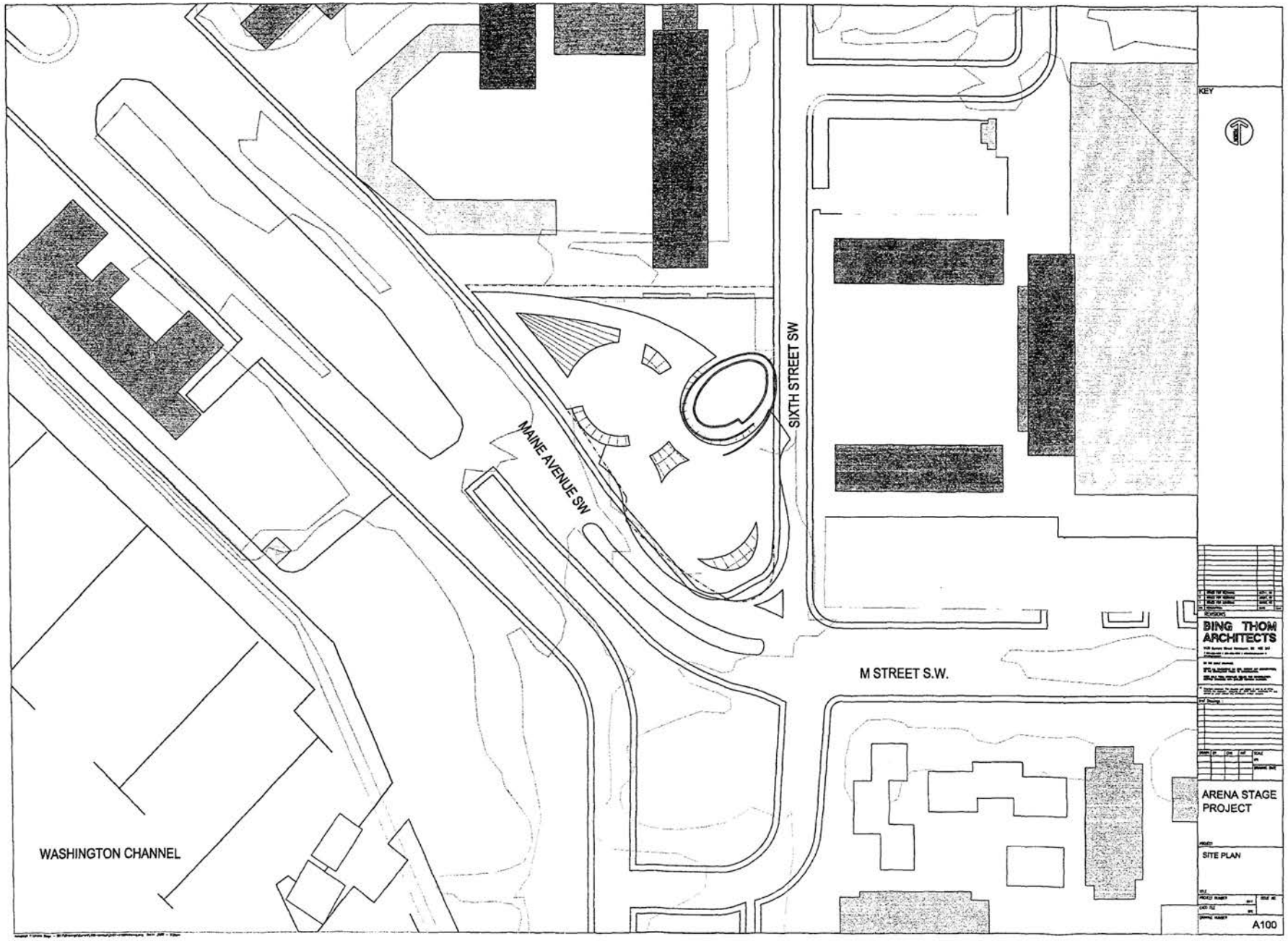
B. Strict application of the Regulations would prevent the applicant from responding to program needs of the use

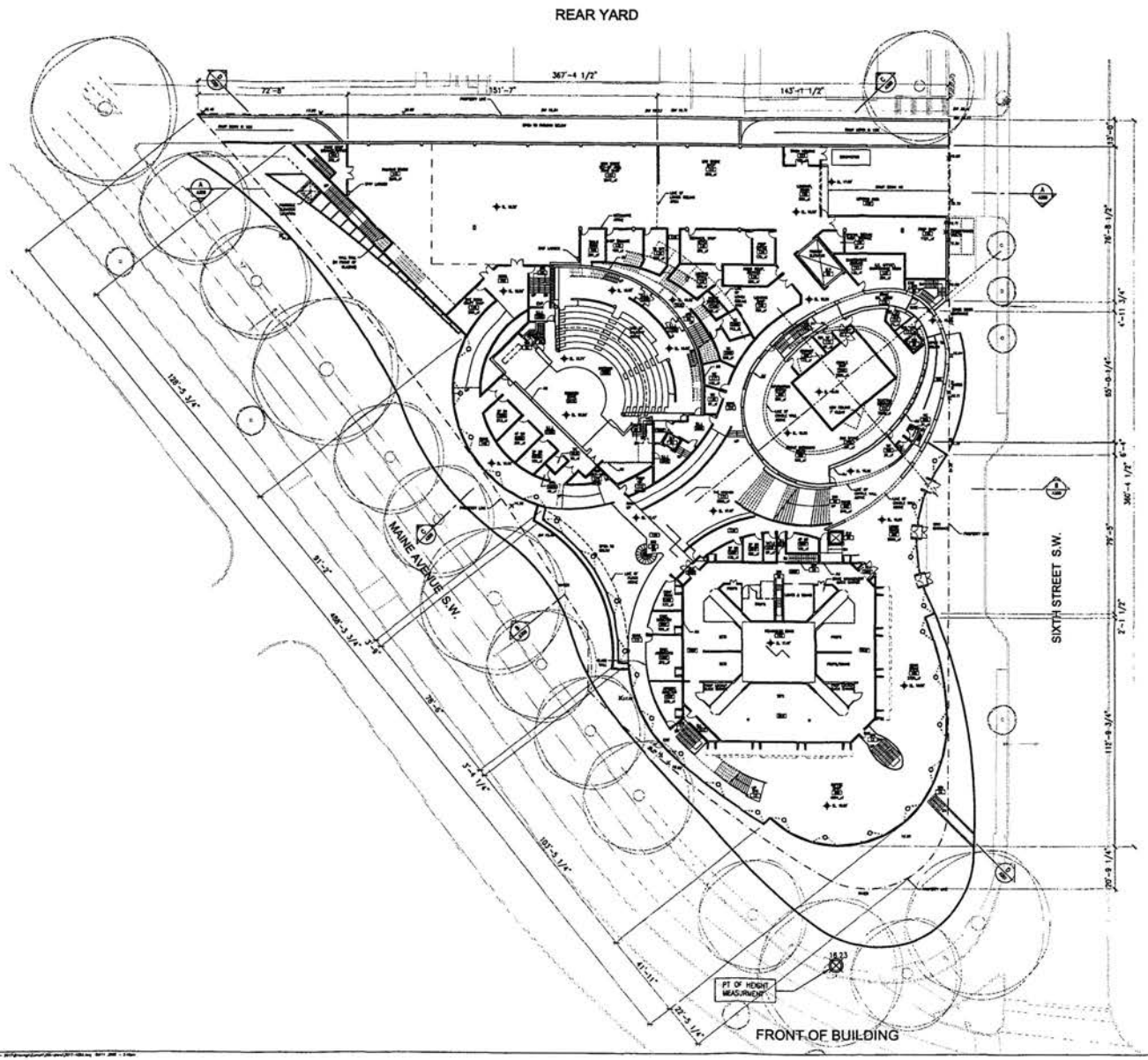
C. The variances can be granted without substantial detriment to any surrounding properties

D. Building design is a highly innovative and architecturally superior contribution to the waterfront area

E. The application should be granted

# 1


KEY
SIXTH STREET SW
MAINE AVENUE SW
M STREET S.W.
WASHINGTON CHANNEL
BING THOM ARCHITECTS
ARENA STAGE PROJECT
SITE PLAN
A100



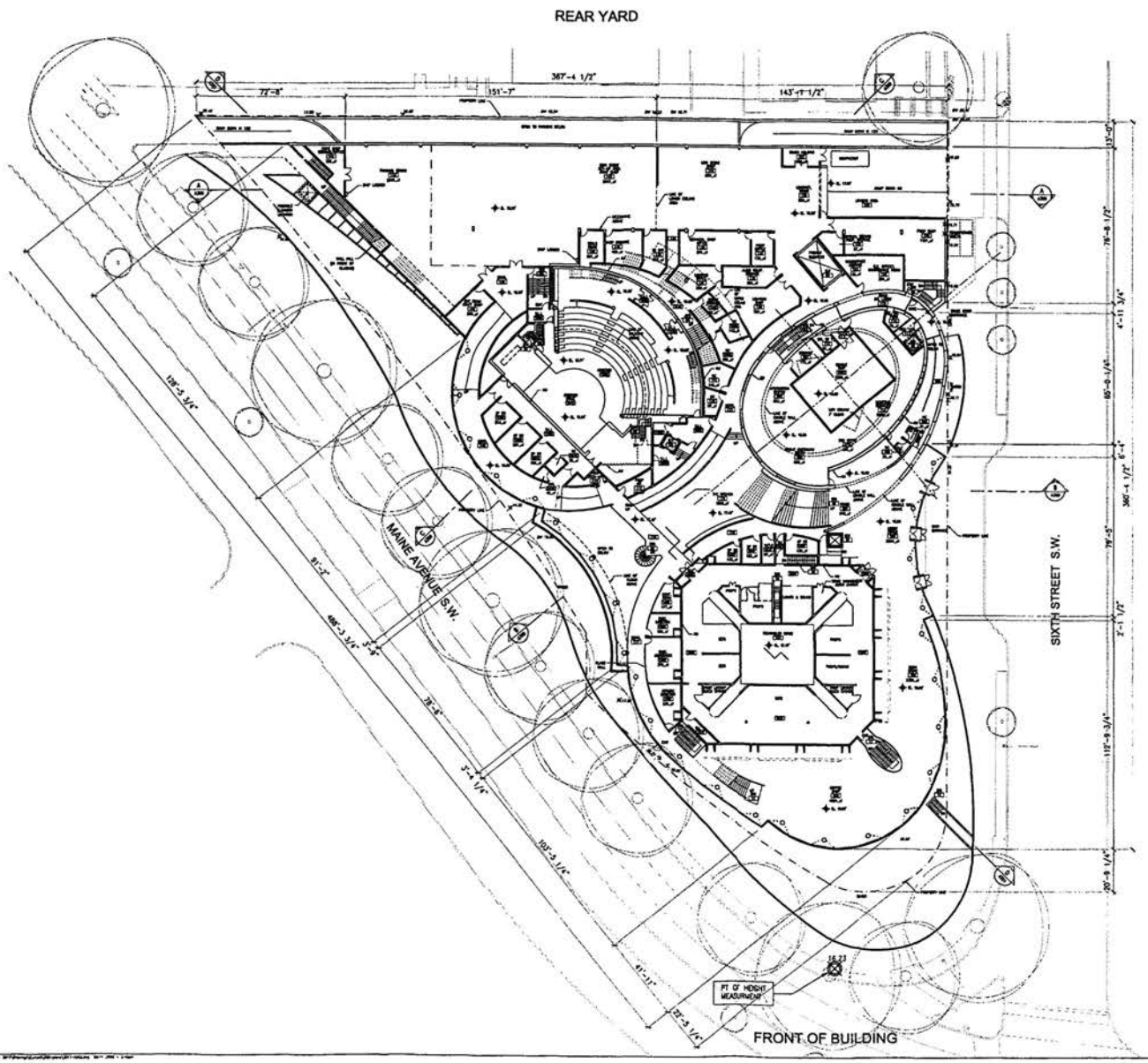

KEY

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 18.00'

A203




KEY

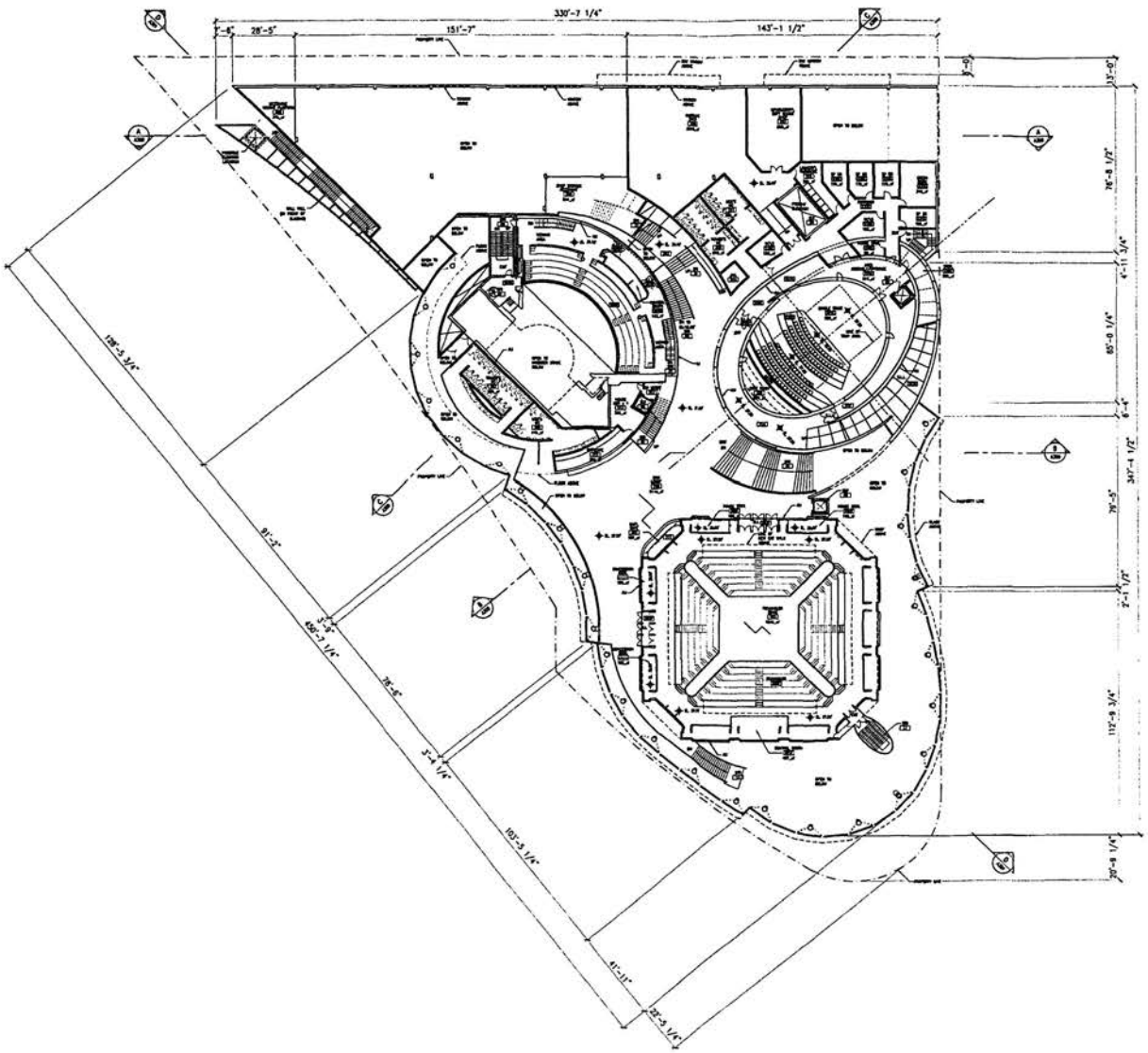
REVISIONS

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 18.00'

A203




KEY

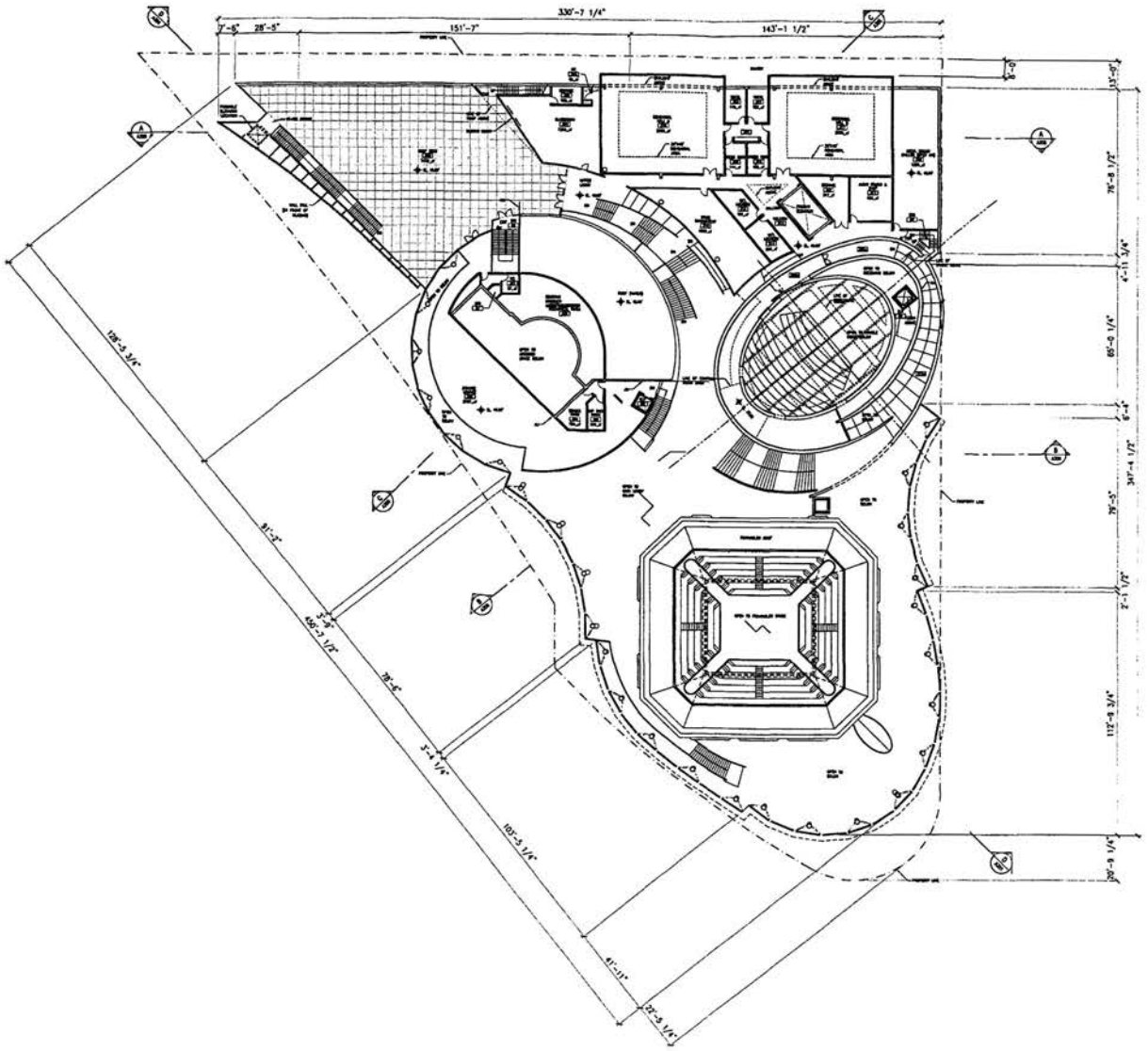
REVISIONS

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 27.50'

A204




KEY

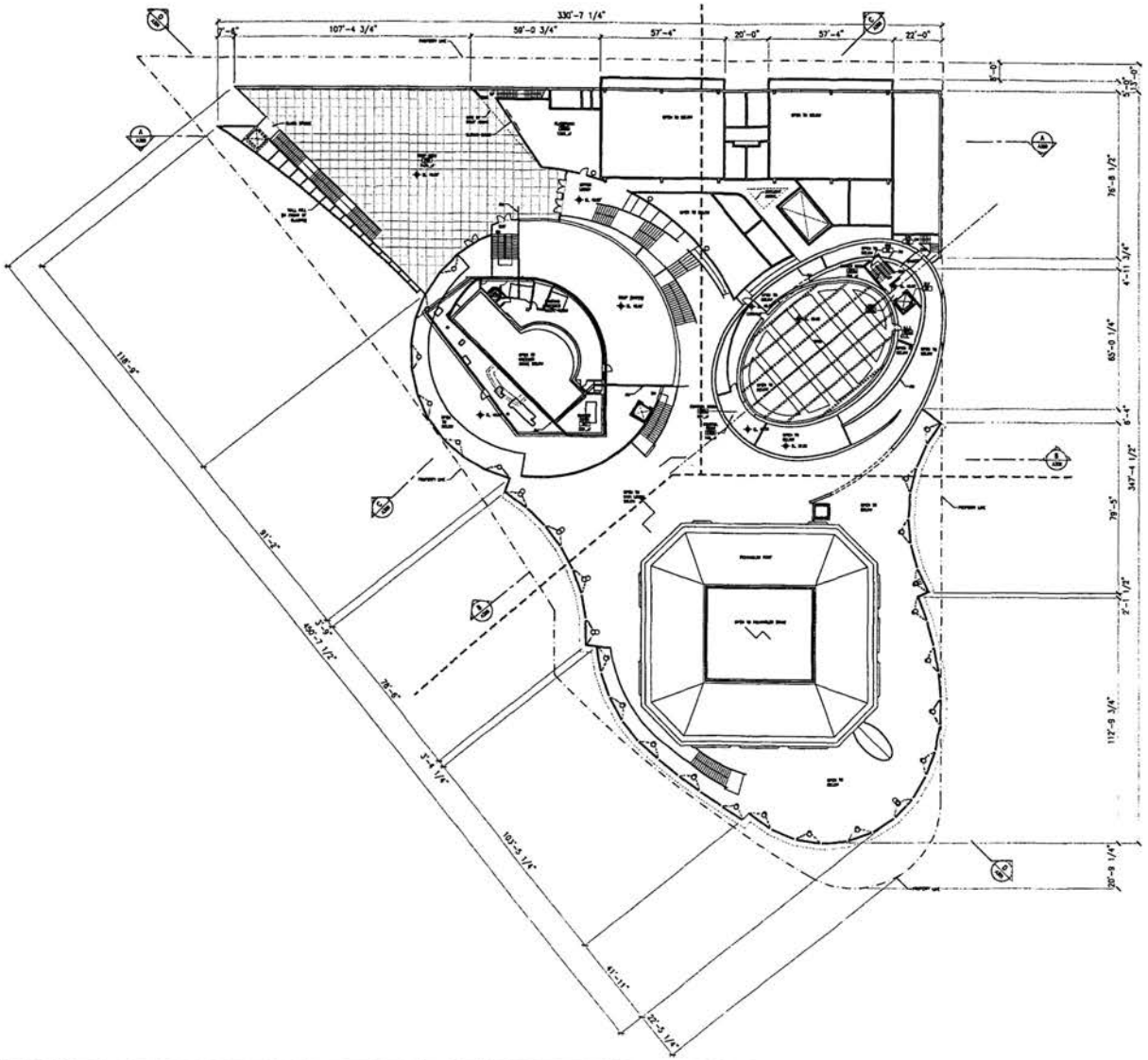
REVISIONS

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 40.00'

A205




KEY

| | | |
|---|---|---|
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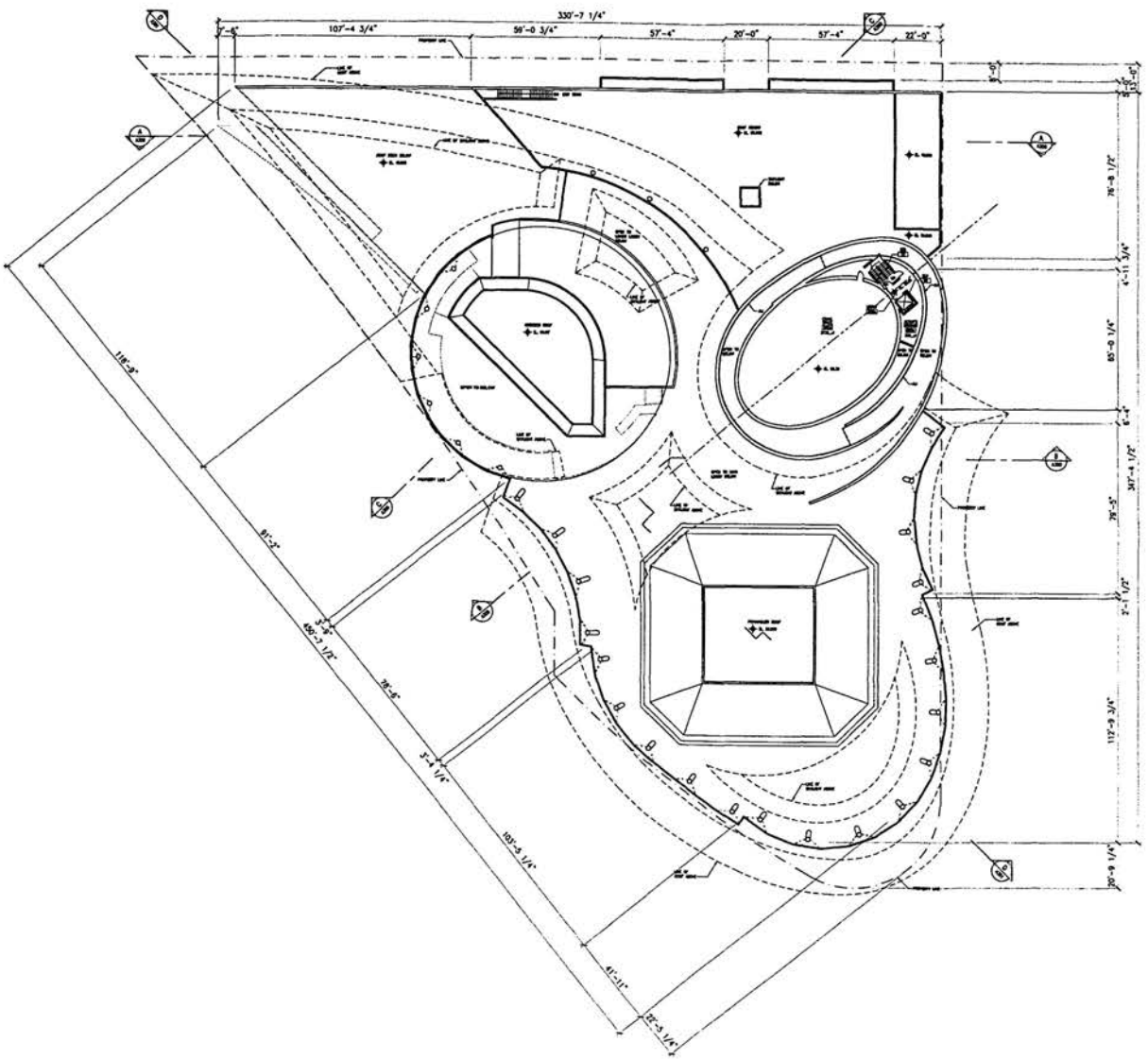
REVISIONS

**BING THOM ARCHITECTS**

ARENA STAGE PROJECT

PLAN @ LEVEL 45.00'

A206




KEY

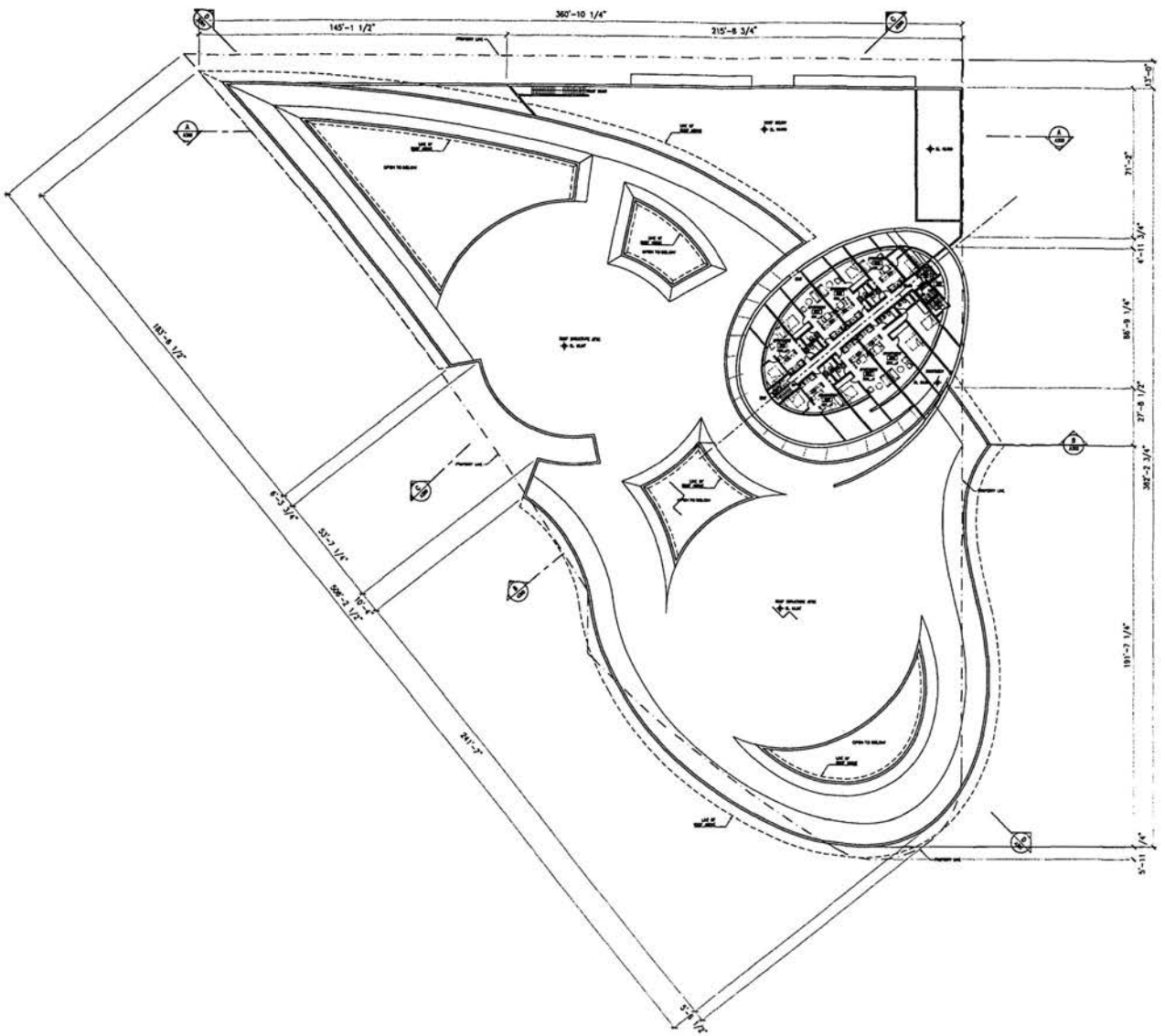
REVISIONS

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 54.00'

A207



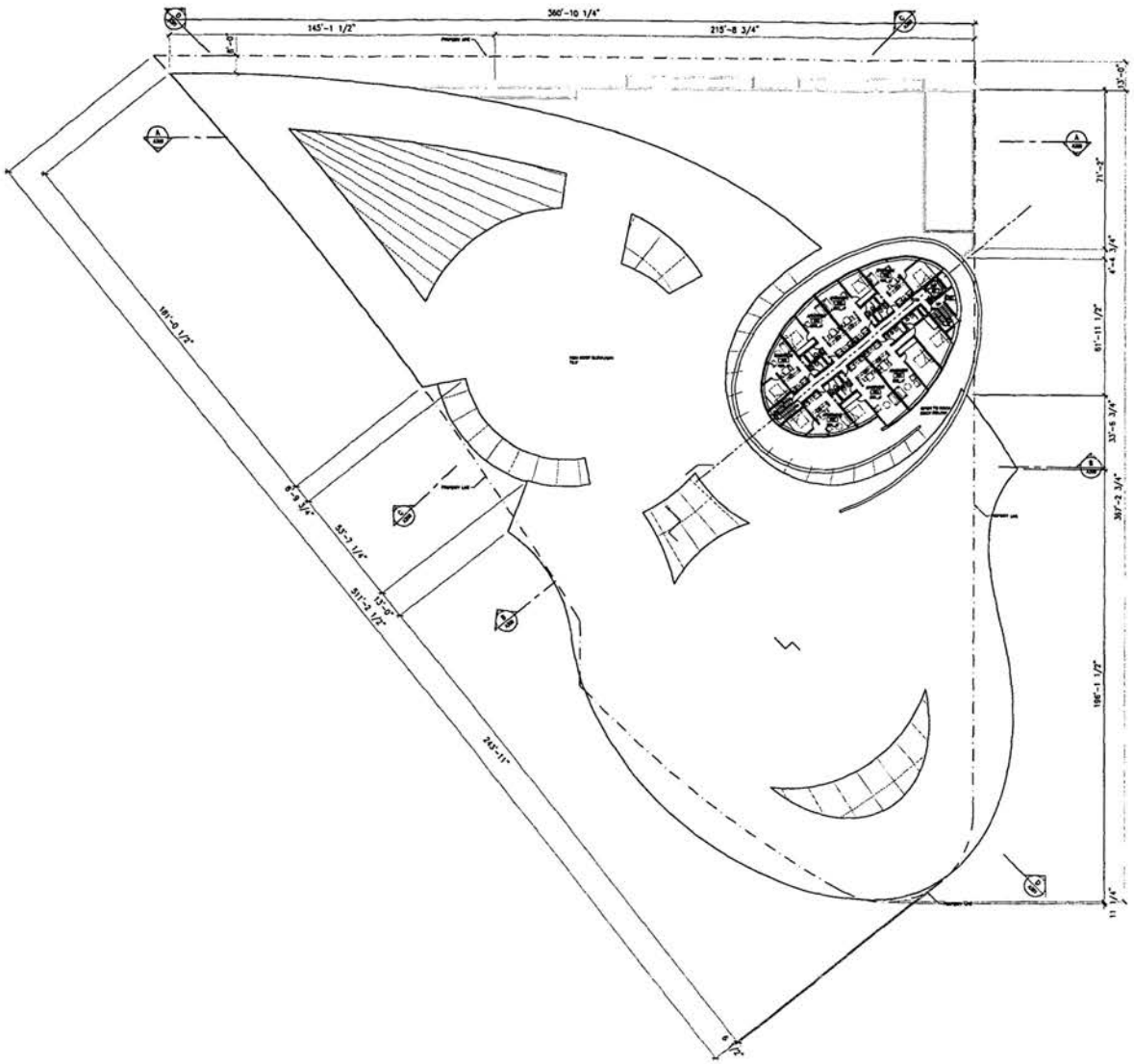

KEY

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 63.50'

A208




CRADLE PLAN @ LEVEL 81.50'

KEY

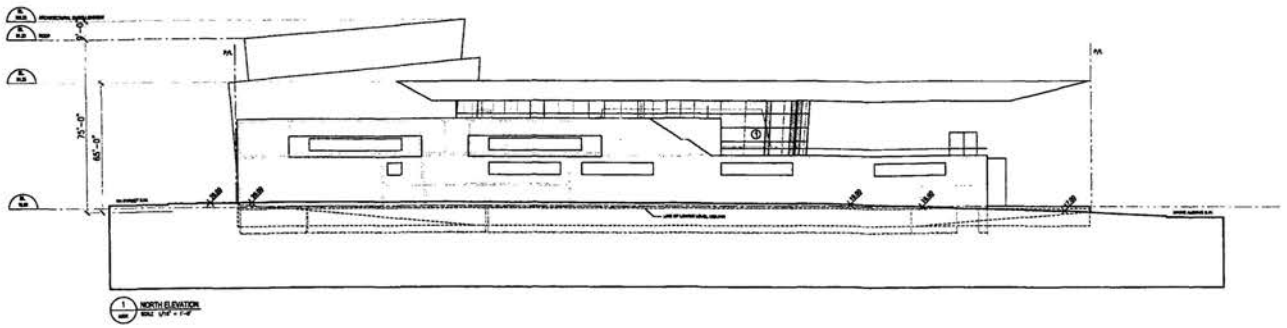
REVISIONS

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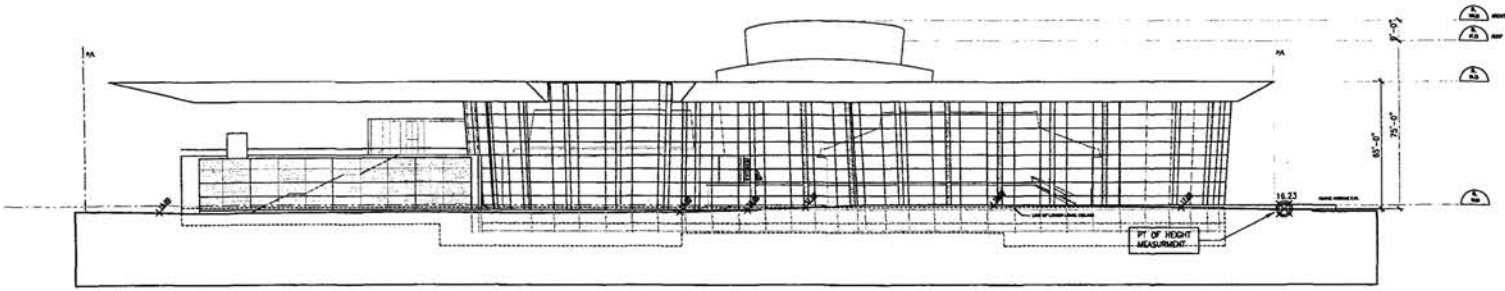
ARENA STAGE PROJECT

PLAN @ ROOF LEVEL
LEVEL 72.50'
LEVEL 81.50'

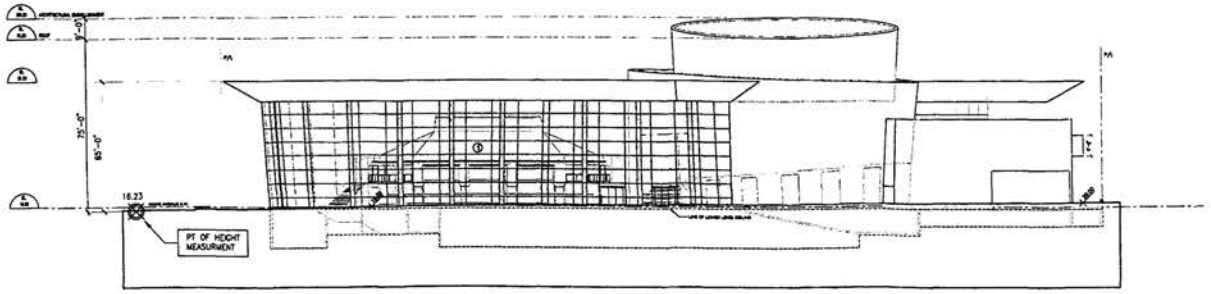
A209




1 NORTH ELEVATION
SCALE: 1/16" = 1'-0"




3 WEST ELEVATION - MAINE AVENUE S.W.
SCALE: 1/16" = 1'-0"




3 EAST ELEVATION - 8TH STREET S.W.
SCALE: 1/16" = 1'-0"

00' 10' 20' 30' 40' 50'

KEY

REVISIONS

BING THOM ARCHITECTS

ARENA STAGE PROJECT

ELEVATIONS

401

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HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

| | | |
|---|---|---|
| Landmark/District: | Arena Stage | (x) Agenda |
| Address: | 1101 6th Street, SW | ( ) Consent Calendar |
| Meeting Date: | July 25, 2002 | (x) Demolition |
| H.P.A. Number: | 02-471; 02-472 | (x) New Construction |
| Date Received: | 6/27/02 | (x) Subdivision |
| Staff Reviewer: | David Maloney | (x) Conceptual Design |

Arena Stage has applied for review of a comprehensive expansion and modernization of its building at the intersection of Maine Avenue, 6th and M Streets, SW. The project is designed by Bing Thom Architects of Vancouver.

## Arena Stage

Arena Stage, built in 1960 with an addition in 1969, was designated a historic landmark in 1980. The designation cites the significance of Arena Stage as a pioneer in the American Regional Theater movement, as well as one of the city's unique cultural institutions. It also cites the innovative design of its building, containing three theaters of varying scope, as well as its pivotal placement in the Southwest Urban Renewal area. Arena Stage was the first permanent, professional American stage designed as a theater in-the-round. With the 1969 addition, the original theater (now the Fichandler) was joined by a proscenium stage (the Kreeger), and a cabaret stage (the Old Vat Room).

The building is not listed in the National Register of Historic Places. At the time of the local designation, the Register determined that the property did not meet the test for exceptional significance pertaining to properties less than 50 years old. This decision was largely based on the difficulty in assessing its significance only 20 years after construction.

While much of the documentation presented in support of the designation deals with the cultural significance of Arena as an institution, the application also documents Arena as a building worthy of designation. The building received a number of architectural awards after its completion, as well as critical acclaim—its comfortable, well-designed functionalism was sometimes cited. As an architectural composition, it exhibits many of the design ideas typical of its day—a clear division into components expressive of different uses, structural expressionism, exposure of raw materials, dramatic contrast of masonry and glass, and creation of a progressive spatial experience through a sequence of public rooms.

## Proposed Expansion

Arena has now outgrown its building and seeks to expand. Both administrative and backstage facilities are inadequate and chaotically dispersed between the original building and the addition. There is inadequate acoustical separation of the theaters from outside noise, the lobbies are cramped and separate for each of the theaters, and there are a multitude of other operational constraints. From an architectural standpoint, only the original auditorium offers a memorable public image.

The proposed plan would dramatically transform Arena Stage. In the proposal, only the two principal theaters are retained, joined by a new administrative wing and a third theater in the shape of a cradle. The entire site is covered by an overhanging roof, with a glass perimeter curtain creating a free-form lobby around the theaters. In effect, the theaters become large pieces of sculpture set within a sheltering armature. The external face of the theaters is also be transformed. The entry façade on 6th Street becomes an interplay of solid shapes set before and behind the glass curtain. Along Maine Avenue, an extended water pool defines the river edge, and an extraordinary cantilevered roof prow shades a raised outdoor terrace.

**Subdivision**

The existing building is situated on two lots of record. The proposed subdivision would combine the property into a single lot of record, and would have no effect on historic features.

**Evaluation and Recommendations**

From the standpoint of historic preservation, the proposal has an obvious and substantial effect on the architectural features and integrity of the existing landmark. By demolishing the administrative and entrance wing of the building in entirety, the proposal eliminates whole pieces of the architectural composition, both internal and external. Much of what is lost is utilitarian, but the notion of the theater as a special form pulled away from a more ordinary service wing is also lost, as is the sequence of spaces from entry doors to the lobby and through the connecting link to the theater auditorium. Both represent clear losses of understanding--the massing idea was certainly intended as a visual expression of the progressive theater-in-the-round concept, and in any building the sequence of public spaces is fundamental to the architectural experience.

Much could be said about whether the motivations behind the original designation were to recognize the theater as an institution or as an architectural exemplar of the theater-in-the-round concept. After an additional 20 years' hindsight, the building may not compare well to the finesse and spatial grandeur of some of its notable contemporaries (Martin Luther King Memorial Library, just to pick an example). And by present-day standards, some of its modestly designed public spaces seem simply to lack distinction. Nonetheless, it is the building that physically represents and conveys the qualities for which Arena Stage was judged significant. The building is largely intact, and the proposed demolition would irretrievably diminish its historic integrity and the ability to appreciate the architecture as it was originally conceived. For these reasons, the proposal cannot be judged consistent with the purposes of the Historic Protection Act.

From the standpoint of architecture and urban design, however, there is much to recommend the new project. The architectural concept is entirely fresh, inventive, and—appropriately—dramatic. Far more than just addressing operational inadequacies of the theater facility, the new plan creates an entirely new place, thereby holding significant promise for reinvigorating the theater as an institution, as well as serving as a catalyst for development along the entire Southwest waterfront. If the superior quality of the design concept can be faithfully maintained, it appears that Arena may be able to support a claim of "exemplary architecture" before the Mayor's Agent.

In considering whether the project rises to this level, the comments of the Board are certainly germane, as are those of the Commission of Fine Arts, which has endorsed the project. One

factor to be considered is the degree to which significant features of the historic landmark are preserved in the new design. In this instance, by incorporating the major features of both the original building and its addition—the Fichandler and Kreeger theaters—the plan incorporates a significant amount of preservation along with an exciting new design.

The staff recommends that the Board refer the project to the Mayor's Agent with the following comments:

- the proposed significant demolition of the historic landmark is not consistent with the purposes of the Historic Protection Act;
- the subdivision is consistent with the purposes of the Act; and
- the Mayor's Agent should consider the preservation of the Fichandler and Kreeger theaters as well as the overall quality of the new design as significant factors in determining whether the plan may qualify as a "project of special merit."

is stayed in its original location. It's very important, and I applaud this. I think it's an ingenious solution and will allow Arena to function and move forward into the new century. That's my endorsement.

CHAIRMAN BOASBERG: Others? Mr. Sonderman?

MR. SONDERMAN: I have one brief one, and I'm usually the earth, kind of practical kind of guy here. One of the things that needs to be addressed is the water. How are you going to aerate the water and keep it from becoming a stagnant pool? Are there fountains planned or something like that?

MR. THOM: Yes, I think that's well taken care of.

MR. SONDERMAN: And where would the fountains be located?

MR. THOM: Well, it's everywhere. So I think we're using a lot of aeration.

MR. SONDERMAN: Okay.

CHAIRMAN BOASBERG: Well, let me just

the waterfront which I know has been a prime concern of the mayor's and Mr. Altman, and I'm glad you're proceeding in that. I think that's very, very necessary. So we think that this does very strongly qualify for special merit, and we urge you to make those points before the mayor's agent.

So is there a--yes?

MR. ROBERTSON: Does this come back before us, after the mayor's agent, or is this the only view of--

CHAIRMAN BOASBERG: Well, we'll ask Mr. Maloney here.

MR. MALONEY: I think that's certainly the Board's pleasure. I think we would prudently expect that it would. It also has to go through review at the Fine Arts Commission. They have approved the project and concept, and, obviously, there's a lot of work needs to be done.

CHAIRMAN BOASBERG: Okay, what we are approving are the concepts here, and that we would expect to see back for final materials, and I just have one request, and that is that Mr. Thom, if you

would lend Mr. Maloney your power point of presentation so that he could use that in other cases. That would be very, very helpful, the District budget being what it is.

Yes?

MR. ROBERTSON: Could you put the roof on, and could I see it with the roof on?

MR. RICHARD: Oh, sure.

[Members conversing around model.]

CHAIRMAN BOASBERG: We've got to record your--

MR. RICHARD: Oh, sorry. Yes, there is a waterfall here for the secondary entrance on Maine Avenue, and here's the primary entrance here, which is where it is now. It's the same--essentially in the same place.

MR. THOM: We thought it would be nice to come up under a waterfall.

MS. : Have you thought of the eaves, would be what material?

MR. THOM: We're not positive yet, but probably plastic, or drywall. I mean we're not

K

# THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

25 June 2002

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted:

| | | |
|---|---|---|
| S.L. 02-102 | 1101 6th Street, SW<br>Arena Stage | Additions and alterations<br>- Concept |

LOTS - 123 & 126 SQUARE - 472

RECOMMENDATION: The concept design for proposed additions and alterations to the Arena Stage, as shown in drawings dated 8 July 2002, was well received and the concept approved during the Commission 18 July 2002 meeting. The proposed scheme will provide an attractive amenity in the Southwest portion of the city. File new concept submission of design development drawings, including details and material samples for review by the Commission when ready.

Frederick J. Lindstrom
Assistant Secretary

## EXTRACTION FROM THE TRANSCRIPT OF THE CFA MEETING OF 18 JULY 2002 RE: ARENA STAGE

MR. LINDSTROM: The next submission is a Shipstead-Luce Act submission. It's case number S.L. 02-102 and this is for the Arena Stage. This morning we did a site visit to look at their facilities and walk through both stages and through the administration wings on that. This is a project that is going to incur--how shall I say it?--major alterations and additions to the property.

At this point I'd like to introduce Steven Richard, who is the executive director of Arena Stage, and Christopher Doray, who is the lead design architect with Bing Thom Architects, and Bing Thom is the designer. So gentlemen?

MR. RICHARD: Thank you very much and

Southwest redevelopment, so they're very excited.

CHAIRMAN ROBINSON: A wonderful jewelbox.

MS. NELSON: I'll say.

MR. ATHERTON: That's a perfect spot for--

MS. NELSON: Seeing those entertainers out in the middle of the water, are they going to get electrocuted? There's that tension there.

MR. DORAY: When the power comes on, they will.

CHAIRMAN ROBINSON: I think we're all in love with this project.

MR. DORAY: Thank you.

MR. ATHERTON: No doubt about that.

MR. DORAY: Further design is on-going, so the final cut is not done yet but it's getting better and better.

MS. NELSON: Pretty exciting. Thank you.

CHAIRMAN ROBINSON: Good. Thank you for coming. The meeting's adjourned.

[Whereupon, at 4:30 p.m., the meeting was adjourned.]

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**
**Office of Adjudication**
**941 North Capitol Street, N.E. – Room 9100**
**Washington, D.C. 20002**

**IN RE:**

| | |
|---|---|
| **Application of the Washington Drama Society, Inc.**<br>**(d/b/a Arena Stage)**<br>**1101 6th Street, S.W.** | **SQUARE 472**<br>**Lots 123 and 126** |
| • **Demolition in part** | **H.P.A. No. 02-471** |
| • **Subdivision (consolidation of lots)** | **H.P.A. No. 02-472** |
| • **New Construction (concept)** | **H.P.A. No. 02-515**<br>**S.L. No. 02-262** |

## DECISION AND ORDER

### Background

This case came before Rohulamin Quander, Administrative Law Judge, and the designated Mayor's Agent for Historic Preservation (the "Mayor's Agent"), on September 10, 2002, upon the request for an administrative hearing filed by the Washington Drama Society d/b/a the Arena Stage (the "Applicant" or "Arena Stage") for a demolition permit to remove the administrative and service wings of the Arena Stage at 1101 6th Street, S.W., in order to construct a project of special merit and one that is consistent with the purposes of the District of Columbia's Historic Landmark and Historic District Protection Act of 1978, as amended (the "Act"), D.C. Code Ann. §§ 6-1101 *et seq.*[1] (2001 ed.). *See also* Title 10, DCMR, Chapters 24 and 25 (1991). The Applicant proposes a project involving an addition to the Arena Stage, which is listed as an individual landmark in the District of Columbia Inventory of Historic Sites. The hearing was conducted pursuant to the provisions of Title 10 of the District of Columbia Municipal Regulations (DCMR).

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[1] Much discussion has occurred over the use of the word "partial" in reference to cases where an applicant wishes to demolish a portion of an historic landmark or contributing building. The Mayor's Agent takes the position that regardless of the extent of the demolition, the removal of historic fabric is a demolition nonetheless. Therefore, the use of the word "partial" belies the fact that historic fabric will be destroyed in the process of the requested demolition. As such, the word "partial" should be used sparingly, if at all.

The demolition application and proposed project had been previously considered by the U.S. Commission of Fine Arts ("CFA") under the provisions of the Shipstead-Luce Act, 40 U.S.C.A. § 121 *et seq.* (2001). The CFA recommended that the Mayor approve the new construction by letter dated June 25, 2002. Pursuant to sections 6-1104 and 6-1107 of the Act, the demolition permit application, the subdivision request, and proposal for new construction were referred to the Historic Preservation Review Board ("HPRB" or "Board"). By action taken July 25, 2002, the HPRB adopted its staff's report and recommended that the Mayor's Agent approve the proposed subdivision as "consistent with the purposes of the Act," but deny the application for a permit for partial demolition as "inconsistent with the purposes of Act."

The HPRB also adopted its staff report on the conceptual design of the new addition, which noted the "architectural concept is entirely fresh, innovative, and – appropriately – dramatic" and could support a claim of "exemplary architecture" before the Mayor's Agent.

At the Mayor's Agent hearing, Norman M. Glasgow, Jr., Esquire, and Carolyn Brown, Esquire, of Holland & Knight LLP appeared as legal counsel on behalf of the Applicant. Witnesses testifying on behalf of the Applicant in support of the project were: Stephen Richard of the Washington Drama Society; Emily Eig of EHT Traceries, who was qualified as an expert in architectural history; Bing Thom of Bing Thom Architects, who was qualified as an expert in architecture and theater design; and Steven E. Sher, Director of Zoning and Land Use Services at Holland & Knight LLP, who was qualified as an expert in land use and planning. Besides the Applicant, there were no persons or parties of record, either in support of, or in opposition to the Applicant's project.

Based on the substantial evidence in the entire record of this proceeding, including all written and oral testimony submitted at or as part of the hearing by experts and others, the HPRB report and recommendation, and the recommendations of the Commission of Fine Arts, the Mayor's Agent concludes that the applications for demolition and subdivision should be **GRANTED**.

## ISSUE

The sole issues to be decided are whether the Applicant has sustained its burden of proof under the Act that: (i) the issuance of the demolition permit for the project is "necessary in the public interest" in order to construct a project of "special merit;" and (ii) that the subdivision of two lots into one lot of record is "necessary in the public interest" because it is "consistent with the purposes of the Act."

## FINDINGS OF FACT

The Mayor's Agent, having received all of the evidence presented in this matter, and having reviewed same and given the proper weight to the expert testimony presented, now makes the following Findings of Fact:

**Jurisdictional and Procedural History**

1. In accordance with sections 6-1104 and 6-1107 of the Act, Arena Stage submitted to the District of Columbia applications for demolition of portions of the Arena Stage, conceptual design plans for the new addition, and subdivision of two lots into one lot of record. The applications were forwarded to the Historic Preservation Review Board ("HPRB" or the "Board") as H.P.A. Nos. 02-471 (partial demolition), 02-472 (subdivision) and 02-515 (new construction), and to the Commission of Fine Arts ("CFA") pursuant to the Shipstead-Luce Act as S.L. Case Nos. 02-262 (new construction). CFA unanimously recommended that the Mayor approve the proposed addition in concept. The HPRB also recommended approval of the new addition in concept and subdivision, and referred the demolition application, which it found to be inconsistent with the purposes of the Preservation Law, to the Mayor's Agent for consideration at a formal hearing.

2. The CFA unanimously recommended that the Mayor approve the proposed addition in concept and the demolition application. At its July 18, 2002, meeting, the U.S. Commission of Fine Arts unanimously recommended approval of the conceptual design to the Mayor. At the conclusion of the presentation, CFA praised the design as a "wonderful jewelbox" and stated that "we are all in love with the project."

3. Pursuant to the Act, the Mayor or the Mayor's designated agent has the authority to hear the merits of demolition applications for individually designated landmarks. *See* D.C. Code §§ 6-1104 (c) and (e), and 6-1107. In accordance with the Act, the application was referred to the Mayor's Agent for administrative hearing, and the Applicant notified the Mayor's Agent that it would argue that the proposed partial demolition is necessary in the public interest to construct a project of special merit, and that the proposed subdivision is consistent with the purposes of the Act. *See* 10 DCMR 2507.8(a). A timely notice of the hearing was published in the *D.C. Register* on August 9, 2002.

4. By action taken on July 25, 2002, at its regularly scheduled meeting, the HPRB adopted its staff's report and recommended to the Mayor's Agent that the demolition application is "inconsistent with the purposes of Act." It also recommended, however, that the Mayor's Agent approve the subdivision request as "consistent with the purposes of the Act." Finally, the HPRB adopted the staff report's favorable recommendation on the conceptual design of the new addition. The HPRB staff report stated that "[f]rom the standpoint of architecture and urban design, ... there is much to recommend this new project."

**The Applicant**

5. Constructed in 1960, Arena Stage is considered a pioneer in the American Regional Theater Movement and was designated an historic landmark for its role as one of Washington's unique cultural institutions. The glass and masonry building is recognized for its architectural composition, structural expressionism, and exposed raw

materials. Arena Stage is also important as a focal point in the Southwest Urban Renewal Area, a segment of a master plan for the city to eradicate urban blight and revitalize economically depressed neighborhoods and communities during the late 1950s and early 1960s.

6. Situated along the Southwest Waterfront, Arena Stage is located on the triangular parcel bounded by Maine Avenue to the south and west, 6th Street to the east, and the Waterside Tower Apartments to the north. The area includes a mixture of residential uses, restaurants, and waterfront activities. Farther north of this site are numerous federal office buildings. Arena Stage also falls within the boundaries of the Anacostia Waterfront Initiative, a project area designated by the District of Columbia Office of Planning ("OP") for coordinated revitalization efforts among the District, federal agencies and private interests.

7. The present Arena Stage consists of three main sections: the Fichandler Theater, the Kreeger Theater, and administrative and service wings. Constructed in 1960, the Fichandler Theater comprises the original portion of the Arena Stage. The octagonal -shaped "theater in the round" is located at the southeastern portion of the site. In 1969, the Kreeger Theater was added to the complex at the northwest portion of the site, along with additional administrative space, classrooms, and the Old Vat Room, a cabaret theater located in the lower level of the 1969 addition. The administrative wing connects the two theater areas. The main lobby entrance to Arena Stage is located off 6th Street to the east. A parking lot is located to the north of the building.

8. According to the Applicant, the partial demolition is necessary to retain, enhance and adapt for current use the existing theater building. Currently, Arena Stage suffers from cramped quarters, inefficient circulation and lobby space, and inadequate soundproofing from outside noise and traffic. The Fichandler is particularly vulnerable to acoustical interference because, for the most part, it lacks any lobby or foyer area to buffer performances from outside noise. Moreover, Arena Stage is not fully compliant with the American with Disabilities Act ("ADA"), although the structure is exempted from its provisions by virtue of its historic status. Additionally, the rehearsal space is particularly inadequate for many of the theater's artists, who must rehearse off-site in underground space off a parking lot several blocks away. The building is also of insufficient size to support the growing artistry and audiences of the organization. And although recognized for its theatrical spatial arrangement, from an architectural standpoint, only the original theater spaces offer a memorable public image, according to the HPRB staff.

**The New Addition: Design and Functions**

9. In response to inefficiencies in the current configuration of the theaters unprecedented growth, new programmatic requirements, as well as specific planning goals of the city, Arena Stage is proposing to construct a new addition to its building. The innovative design by Bing Thom Architects will, in essence, encapsulate the historic Kreeger and Fichandler theaters in a transparent structural glass building and, in the

process, distinguish new construction from old, creating a dramatic new landmark for the District. The two theaters will be "show-cased" through massive windows and continue to present a public image along the streetscape. A bold new structure cradling a third theater at the center will join the two theaters. The design of this new structure is under continuing study by the Applicant. It is shown in an egg-like structure in a preliminary set of conceptual drawings, and in a subsequent concept plan, it is expressed in a more cylindrical geometry. In both designs, the upper level of this structure will also provide residential accommodations for visiting performers and theater personnel. Classrooms have also been added to the project and would be available to the community at-large as part of the Arena Stage educational outreach program. The design plan for the new addition also includes projections into public space.

10. The exterior of the building is visually composed of four elements: the structural glass, the above-referenced new structure, architectural concrete block, and a massive cantilevered roof that unifies the composition. In recognition of its close proximity to the waterfront, the new design introduces water as a feature in the complex. The transparency of the building accentuates the fluid interplay between interior and exterior spaces. A large terrace, located at the northwest corner, continues this theme outdoors. Two entries to the building create a promenade through the complex so that people can stroll through the Arena Stage, even during non-performing hours, creating a sense that the community is welcomed into the project and marking the building as a focal point of the Southwest Waterfront.

11. The programmatic and artistic space created by the new design will greatly improve Arena Stage's ability to develop new plays, work with young and emerging artists, and undertake the diversity of work for which the theater is increasingly known. The addition will also provide greatly enhanced shop space for scenery, props and costumes that meets contemporary standards.

12. The Applicant will retain approximately 96 of the 100 parking spaces existing on the site. It is currently studying other schemes that will allow it to "stack park" automobiles to maintain the current inventory of spaces. Nonetheless, because Arena Stage is an historic landmark, no parking is required for the addition under the District's Zoning Regulations pursuant to 11 DCMR 2100.5.

**Demolition**

13. The Applicant seeks demolition of the administrative wing, service areas, and lobby space of the Arena Stage. All significant theater space honored through the landmark designation will remain intact. Both the Kreeger and Fichandler theaters will continue to have a strong and dramatic visual presence along the streetscape.

**Proposed Subdivision**

14. A significant part of the new addition will be located on the site of the parking lot to the north of Arena Stage, which is on a separate lot from the main building.

The site is presently composed of two record lots, Lots 123 and 126. The subdivision into one lot of record is necessary in order to comply with the Zoning Regulations for new construction and, thus, is also necessary in order for the project to proceed.

**Other Evidence**

15. From the architectural history point of view, the plan to improve the theater is consistent with the purposes of the Act to retain, enhance and adapt for reuse the most significant elements of the original buildings. The project is an extraordinary one where the design for the theater blends both programmatic design needs and fine architecture, including an innovative water feature, into an exceptional and remarkable link to the Southwest Waterfront. On this basis, the project is one of exemplary architecture and land planning, and that the demolition is necessary in the public interest to construct this project of special merit.

16. From the land use and planning point of view, the project fulfills several major themes and elements of the city's Comprehensive Plan. Among several of the goals of the Historic Preservation Element of the plan are: (i) preserving the "important historic features of the District while promoting new development that is compatible;" (ii) encouraging to the maximum extent possible organization and individuals undertaking preservation by private means; (iii) providing for continued appropriate use of historic properties; and (iv) protecting the "distinguishing original quality or character of historic properties." *See* 10 DCMR 801.1, 804.1(n), 805 and 805.15. The proposal fulfills these goals by preserving two major historic interior theater spaces, providing a third theater and adding the support space necessary for the continued viability of the theater company in an architecturally significant addition to the existing building. The project also fulfills a major theme of the plan to "continue to support a healthy arts and cultural community through ... land use, economic development and programmatic policies and actions." 10 DCMR 105.1.

**Discussion**

Pursuant to D.C. Code § 6-1104(e), before the Mayor or his designated agent may issue a permit to demolish a historic landmark or a building in a historic district, the Mayor shall find that issuance of the permit is necessary in the public interest, or that failure to issue a permit shall result in unreasonable economic hardship to the owner. The term "necessary in the public interest" means consistent with the purposes of the Act as set forth in D.C. Code § 6-1101(b) or to allow a project of "special merit." *See* D.C. Code § 6-1102(10). The term "special merit" means a plan or building having significant benefits to the District of Columbia or to the community by virtue of exemplary architecture, special features of land planning, or social or other benefits having a high priority for community services. *See* D.C. Code § 6-1102(11).

When the Council of the District of Columbia adopted the Act, the Council envisioned the Mayor's Agent balancing the special merit of a proposed project against the historic value of existing historic buildings, because only projects that offer

significant benefits to the District of Columbia or the community, can readily offset the Council's recited public policy in favor of protecting, enhancing, and perpetuating the use of properties with historical, cultural and aesthetic merit. *See Committee of 100 on the Federal City v. D.C. Department of Consumer and Regulatory Affairs*, 571 A.2d 195, 200 (D.C. 1990). *See, also, Don't Tear It Down, Inc. v. D.C. Department of Housing and Community Development*, 428 A.2d 369, 373 (D.C. 1981). The Mayor's Agent's decision on special merit must reflect a trade-off between the value of the existing structure and the value of what would be constructed in its place if demolition is allowed to proceed. *Id.* Furthermore, factors which are common to all projects are not considered as special merits. *See* Legislative History to Bill 2-367, "The Historic Landmark and Historic District Protection Act of 1978", at 6. *See, also, Committee of 100 on the Federal City*, 571 A.2d at 200.

The determination by HPRB on a matter within its expertise has been accorded considerable deference. *See Committee for Washington's Riverfront Parks v. Thompson*, 451 A.2d 1177, 1194 (D.C. 1982). Moreover, while the views on a project by the CFA are advisory only, they can certainly serve as factors in the Mayor's Agent decision. *See, generally, Don't Tear It Down, Inc., supra.*

The evidence presented by the Applicant and its expert witnesses demonstrates that the selected design provides the appropriate balance of a number of interests: a) exceptional, innovative architecture that is well integrated into the current landmark; b) the preservation of as much of the landmark building as reasonable; c) the programmatic needs of the Applicant, which includes an enhancement and expansion of its outreach programs, which have significant social, cultural, and educational benefits to the community; and d) fulfillment of the planning policies and incorporation of the interests of the immediately surrounding Southwest Waterfront area.

The Mayor's Agent concurs with the expert findings of the HPRB and CFA that the proposal constitutes "exemplary architecture" as that term is defined under the Act. In relevant part, the staff report adopted by the HPRB, states the following:

> From the standpoint of architecture and urban design, ... there is much to recommend the new project. The architectural concept is entirely fresh, inventive, and – appropriately – dramatic. Far more than just addressing operational inadequacies of the theater facility, the new plan creates an entirely new place, thereby holding significant promise for reinvigorating the Southwest Waterfront. If the superior quality of the design concept can be faithfully maintained, it appears that Arena may be able to support a claim of "exemplary architecture" before the Mayor's Agent.

Based upon the substantial evidence in the record, the Mayor's Agent determines that the proposed new addition embodies exemplary architecture, in both the quality and aesthetics of its architectural expression and its programmatic vision for a pioneering American theater. The project will also bring to the city the innovative work of a leading theater architect, thereby promoting and enhancing the city's role as a leading

international arts and cultural center. Finally, the project is entirely compatible with the design and planning policies under the Comprehensive Plan.

## CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Mayor's Agent now makes the following Conclusions of Law:

1. Pursuant to D.C. Code § 6-1104(e), the issuance of the permit to demolish a portion of the Arena Stage, an individually designated historic landmark, is necessary in the public interest. The removal of secondary support spaces will in no way compromise the significant theater spaces honored by landmark status, but will allow for the retention and enhancement of the landmark and accommodate its readaption for both current and future uses.

2. The term "necessary in the public interest" means consistent with the purposes of the Act as set forth in D.C. Code § 6-1101(b) or to allow a project of "special merit." *See also* D.C. Code § 6-1102(10). The term "special merit" means a plan or building having significant benefits to the District of Columbia or to the community by virtue of exemplary architecture, special features of land planning, or social or other benefits having a high priority for community services. *See* D.C. Code § 6-1102(11). These demolition and concept applications should be granted on the basis of their special merit as defined by the Act.

4. The proposed addition will have significant benefits to the community by virtue of its special features of land planning and other social benefits having a high priority for community services. The project will bring to the Southwest Waterfront area an innovative and dramatic work of architecture, thereby enhancing Washington's role as a leading arts and cultural center of the world. The effect will be increased and sustained significant and substantial benefits to the community, having a high priority for the city as set forth in the Comprehensive Plan.

5. There is substantial evidence in the record of this proceeding that the Applicant's proposal to construct a new addition to the Arena Stage, requiring the demolition of the secondary spaces of the landmark building, is "necessary in the public interest" as a project of "special merit" on the basis of its exemplary architecture, as well as a project which provides significant benefits to the District of Columbia. *See* D.C. Code § 6-1102(11). The two concepts presented by the Applicant for the theater space – the "cradle" and the cylindrical geometry – both are exceptional and qualify as exemplary architecture. Thus, the Applicant may proceed with either design scheme in development final design plans for the project.

6. Additionally, there is substantial evidence of record that the proposed subdivision required under the Zoning Regulations is necessary to construct the project and is consistent with the purposes of the Act.

## ORDER

Accordingly, it is this **27th day of September, 2002,**

**ORDERED**, that H.P.A. Application #02-471, for the demolition of part of the Arena Stage at 1101 6th Street, S.W., be, and the same is hereby, **GRANTED;** and, it is

**FURTHER ORDERED** that H.P.A. Application #02-472 for the subdivision of Lots 123 and 126 into one lot of record be, and the same is hereby **GRANTED;** and it is

**FURTHER ORDERED** that, H.P.A. #02-515 (also known as S.L. Application #02-262), for new construction, be, and the same is hereby **GRANTED;** and, it is

**FURTHER ORDERED** that, pursuant to D.C. Code § 6-1104(h), the demolition permit shall not be issued unless a permit for new construction is issued simultaneously under D.C. Code § 6-1107, and the Applicant demonstrates the ability to complete the project; and it is

**FURTHER ORDERED** that, pursuant to D.C. Code § 6-1112(a), this Order shall take effect fifteen (15) days after issuance.

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**ROHULAMIN QUANDER**
**ADMINISTRATIVE LAW JUDGE, D.C., AND**
**MAYOR'S AGENT FOR HISTORIC PRESERVATION**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the _____ day of _____, 2002, I mailed by either e-mail or regular first-class mail, the foregoing Decision and Order to the following persons:

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_____
Certifying Officer, DCRA, OAD

## Brown, M Carolyn (WAS - X75990)

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**Sent:** Friday, September 27, 2002 12:46 PM
**To:** Glasgow, Jr., Norman M (WAS - X72460)
**Cc:** Brown, M Carolyn (WAS - X75990); Maloney, David (OP); Altman, Andrew (OP); anderjan@law.georgetown.edu; Tershboasberg@aol.com; Brennan, Bruce (OCC)
**Subject:** Mayor's Agent FDO - Arena Stage



FDO - Mayor's Agent - Arena St...