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April 8, 2003

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VIA HAND DELIVERY

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The Honorable Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
Government of the District of Columbia
One Judiciary Square, Suite 210-South
441 Fourth Street, NW
Washington, D.C. 20001

Re: BZA No. 17005 -- The Studio Theatre, Inc., Application for An Area Variance and Two Special Exceptions

Dear Mr. Chairman and Members of the Board:

This letter transmits our Pre-Hearing submission on behalf of The Studio Theatre, Inc., to guide you in the hearing scheduled before you for Tuesday, April 22, 2003.

The Pre-Hearing submission is in two parts, with twenty (20) copies of each being supplied. The first part is a booklet containing the statement of the applicant and nearly all supporting materials. The latter include outlines of the testimony of Applicant's witnesses, the qualifications of those proposed as experts, and letters of support from the Advisory Neighborhood Commission 2-F and the Logan Circle Community Association. The second part consists of sets of pages of the plans that, since being originally filed (at Exhibit 25 of the Record), have been modified or supplemented. These are referenced as Exhibit L in the Pre-Hearing Statement but, due to their physical size ("reduced" to 11 x 17" but still large), are bound separately.

The Pre-Hearing Statement includes references to meetings the Applicant held with the Office of Planning and the Division of Historic Preservation on March 12, 2003. Applicant anticipates meeting with that Office on April 9, 2003, to go over the contents of the overall case record, including this Pre-Hearing Submission, and demonstrate to them that it has, with the project as it now sits before you, satisfied all relevant criteria

BZA
Case No. 17005
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17005
EXHIBIT NO. 27A1

for that Office to consider in this application as they formulate their report and recommendation to you.

We look forward to the hearing and ask you, after examining the complete record, to grant the relief sought.

Thank you.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Douglas J. Patton
Douglas J. Patton, Esq.

By: Lindsley Williams
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Enclosures:

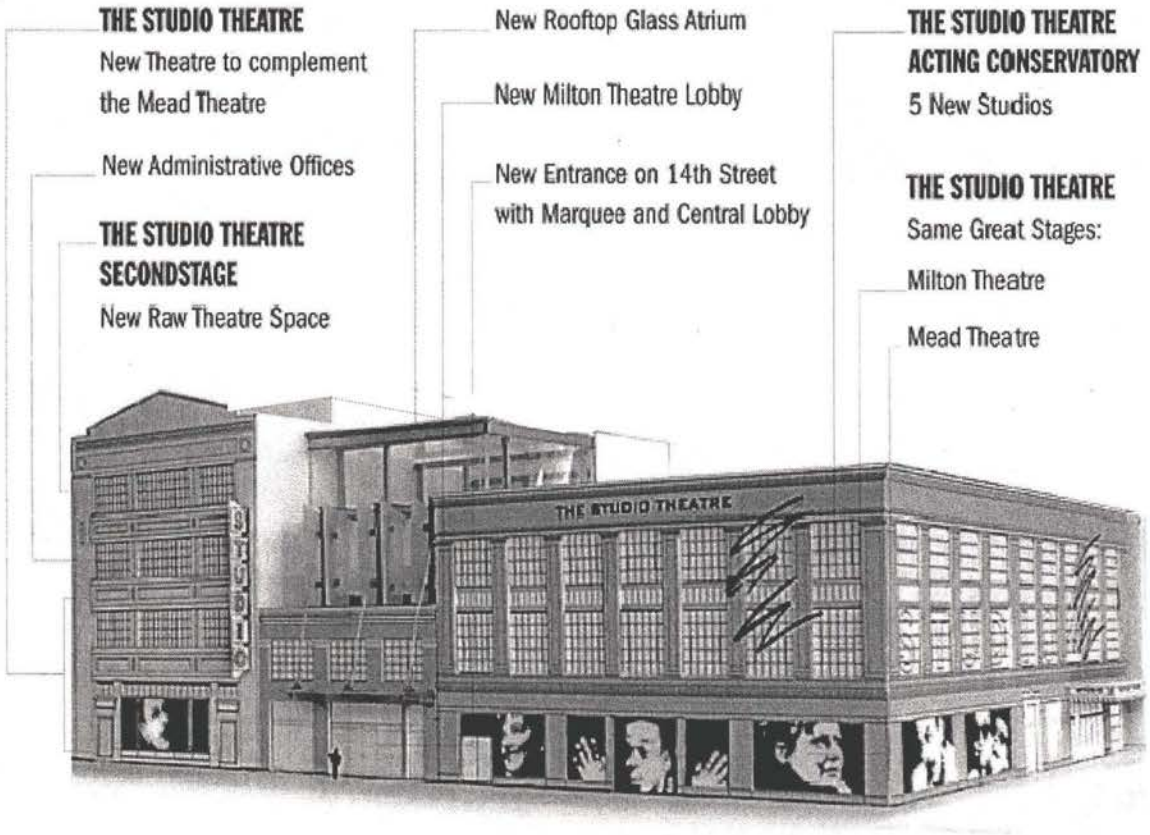
- Pre-Hearing Statement (Part I)
- Exhibit L of the Pre-Hearing Statement (Diagrams, Part II)

cc: Office of Planning
Division of Historic Preservation, OP
Advisory Neighborhood Commission 2-F
Logan Circle Community Association

WAS1 #1173318 v1

Board of Zoning Adjustment Case Number 17005

THE STUDIO THEATRE'S BOLD NEW EXPANSION



Holland & Knight LLP
Washington, D.C. 20006

Hearing Date: April 22, 2003

Before the

BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF THE STUDIO THEATRE, INC. **BZA APPLICATION NUMBER: 17005**
1501, 1507 AND 1509 FOURTEENTH STREET, NW **HEARING DATE: APRIL 22, 2003**
WASHINGTON, D.C. **ADVISORY NEIGHBORHOOD COMMISSION 2F**

STATEMENT OF THE APPLICANT

I.

NATURE OF THE RELIEF SOUGHT

This statement is submitted on behalf of The Studio Theatre, Inc., owner of the properties located at 1501, 1507 and 1509 Fourteenth Street, N.W. (the "Applicant") in support of the application to the Board of Zoning Adjustment (the "Board") for the following variance and special exception relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3103.2 and 3104.1:

(i) A variance from the requirement to provide a rear yard of specified minimum depth (Section 774.1) and a related variance from the prohibition to expand any non-conforming aspect of an existing non-conforming building (Section 2001.3(b)(2));

(ii) A special exception from several roof structure requirements (Sections 771 and 411); and

(iii) A special exception from one retail frontage requirement (Sections 1903.4 and 1906.1);

The relief is requested in order to permit the additions to and conversion of two existing buildings, located at 1507 and 1509 Fourteenth Street, NW, and consolidation of these properties into a single property along with the existing Studio Theatre property that is adjacent to them at 1501 Fourteenth Street, NW).

All three properties are located in the Arts/C-3-A District, all are to be occupied as and used as a "legitimate theatre" and related accessory uses, and all are located within the area of Advisory Neighborhood Commission 2F.

II.

JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the variance and special exception relief requested herein arising from or pursuant to Sections 411, 771, 774, 1904, 1906, 2001, 3103, and 3104 of Title 11 of the ***District of Columbia Municipal Regulations*** ("Zoning Regulations," 11 DCMR).

III.

BACKGROUND

A. Description of the Site

The Site is located at 1501, 1507 and 1509 Fourteenth Street, NW (respectively, Lots 830, 834 and 835 in Square 241). Square 241 is bounded by Q Street to the north, Fourteenth Street to the west, P Street to the south, and Thirteenth Street to the west. The Square is further divided by Kingman Place, which parallels both Thirteenth and Fourteenth Streets and is situated between them. Logan Circle is located at the southeastern tip of Square 241. The site is located in the portion of Square 241 west of Kingman Place and west of a ten-foot wide public alley that runs north-south parallel to and between Kingman Place and Fourteenth Street, NW.

At this time, the properties consist of the following:

- 1501 Fourteenth Street, NW, consists of a three-story building now used entirely as a "legitimate theatre" by the Studio Theatre, Inc., and a related accessory use ("accessory deli and office"). The building occupies 100 percent of the lot on which it sits (Lot 830). Within the present building, there are two theaters, each with stage and fixed seats and additional "movable" ones (the Mead theatre, occupying the ground and mezzanine levels, has 188 fixed and up to 30 movable ones; the Milton theatre, occupying the second floor level, has 178 fixed seats, and up to 9 movable ones). The alley to the east of this building, while legally ten feet wide, includes a public lamp pole that extends well over one foot into the alley's right of way.

- 1507 Fourteenth Street, NW, consists of a two-story building now used entirely for automotive repairs. It also occupies 100 percent of the lot on which it sits (Lot 834).
- 1509 Fourteenth Street, NW, consists of a multi-level building used, until 2002, as a electrical lighting and supply business. Four stories rise from the Fourteenth Street frontage and extend east to within 22 feet of the public alley; a one-story portion extends behind that for the full width of the lot about seven additional feet. The southern portion of the one story portion extends to the property line at the alley; the rectangular balance is a paved "open court" of 491 square feet that is 15 feet deep and nearly 33 feet long. Thus, the present lot occupancy is over 93.5 percent.

B. Description of Surrounding Area

The area in which the Site is located immediately west of Logan Circle. The area is in a stage of redevelopment, as many of the industrial, warehouse and residential buildings are being renovated and/or reconstructed, and long-vacant parcels are being re-developed.

The immediate area is experiencing a significant level of development and redevelopment, including the following from 2001 to present (credit: DC Marketing Center):

Project	Location	Developers	New Const.	Reno-vation	Status	Total SF	Estimated Project Cost	Major Use	Res. Units	Retail S.F.
Saxon Court	1440 Church St NW	PN Hoffman Development	No	Yes	Completed	80,000	$8,050,000	Residential	46	10,000
The Manhatten	1441 R I Ave., NW	Fairfield Residential	Yes	No	Under Const.	210,000	$40,000,000	Residential	157	n/a
The Willison	1425 R I Ave., NW	Abdo Development	No	Yes	Under Const.	43,000	$12,000,000	Residential	23	n/a
The Hudson	1425 P St., NW	PN Hoffman Development	Yes	No	Under Const.	94,000	$14,700,000	Residential	84	10,000
The DeSoto	1445 P St., NW	PN Hoffman Development	Yes	No	Under Const.	68,000	$11,900,000	Residential	68	n/a
Studio Theater	*1333 P St., NW*	*n/a*	*Yes*	*No*	*Planned*	*n/a*	*$9,500,000*	*Hospitality*	*0*	*n/a*
Lofts 14	1401 Church St., NW	Metropolis Development	No	Yes	Planned	103,000	$8,400,000	Residential	84	13,000
1400 Church St. Condos	1400 Church St., NW	Metropolis Development	No	Yes	Planned	50,000	$4,400,000	Residential	44	6,000
Metro Loft Condo-miniums	1444 Church St., NW	PN Hoffman Development	Yes	No	Planned	49,000	n/a	Residential	49	n/a
Metropolis at 14th St	14th and P Sts., NW	Metropolis Development	Yes	No	Proposed	32,000	$35,000,000	Residential	24	8,000

The roster of projects omits the still new Fresh Fields grocery store, whose initiation in the late 1990s and completion in 2000 undoubtedly helped enhance the investment confidence the above projects reflect.

While most new projects are dominantly residential, they often contain significant retail components (see chart above). Fresh Fields is decidedly retail, as are a number of new tenants in smaller, refurbished locations including both a Starbucks and a Caribou Coffee shop, the Logan Hardware, and the Lusebox art gallery.

The area of the site and the immediately surrounding area to its north, south and west is zoned Arts/C-3-A, and is comprised of residential and neighborhood-serving commercial uses. The area east of the site is residentially zoned, with both R-4 and R-5-B zones now mapped. Residential zones are also mapped to the west of the Arts/Commercial zones applied to properties immediately west of the site. See Exhibit B.

The Board also heard BZA Case 16999 March 25, 2003, proposing a mixed use development in the properties directly facing the Applicant's Fourteenth Street frontage. The Board approved all relief sought in that case, the record for which also includes an informative photograph of the model presented during that proceeding. Please refer to Exhibit M of this submission, and compare the scale of development approved in that case to that now existing at the site of The Studio Theatre, Inc., which it faces across Fourteenth Street. Applicant's project would fit within existing height limits and would amount, in total to less total development (FAR 3.1) than residential uses would be allowed in C-3-A zone districts (4.0) or in the Arts Overlay (4.5).

C. Historic Preservation Review Board and "Contributing" Buildings

The Property is located within the Greater 14th Street Historic District, nearby portions of which overlap the Logan Circle Historic District [1] Thus, the Applicant presented the proposed project to the Historic Preservation Review Board ("HPRB"). In preparing the submission, the Applicant worked closely with HPRB staff and the community, and the HPRB staff recommended conceptual approval of the project now proposed. The HPRB voted to adopt that recommendation at its December 19, 2002, meeting. Copies of the adopted HPRB staff reports are attached as Exhibit D.

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1 The portions of Square 241 that are also located within the Logan Circle Historic District, are located east of Kingman Place, NW

The State Historic Preservation Officer has determined that each existing building "contributes" to the character of the Greater 14th Street historic district.

D. Project Description

The Applicant proposes to enlarge its existing legitimate theatre from the limits of its present building, at 1501 Fourteenth Street, NW, to incorporate the two properties to the immediate north, namely those at 1507 and 1509 Fourteenth Street. The existing theatre building and its theatres would not be expanded, but would be modified on its interior to conform to prevailing building and life-safety codes as part of the overall project. In addition, the applicant is exploring means by which to upgrade the steel panels and their "faces" that are set in former first floor window openings, openings bricked up years earlier by prior owners and businesses.

The public lamp pole along the alley would be removed, with a new lamp installed on Studio Theatre's building, well above the alley and effectively "opening" the alley to its full legal width of ten feet from P to Q Streets.

The two-story building now at 1507 Fourteenth Street would have a two-story mostly glass-faced addition placed above its present second story roof line, this addition constituting a raised atrium that connects the first three stories of 1509 Fourteenth Street to the three stories of 1501 Fourteenth Street. This portion of the building would become the main entrance, with patrons flowing to whichever theatre is, or sometimes whichever theatres are, active at any one time. The lobby on the ground floor would lead to ticket offices. A new elevator would rise through this to serve all four floors of 1509 and the three active floors of 1507.

The four story building now at 1509 Fourteenth Street would have a portion of its second floor removed, creating a space of suitable height, area and volume for an additional theatre for approximately 200 patrons. Space on that building's existing third and fourth floors would be used for a "sound stage" and administrative offices of the theatre. Space within the portion of that building's lower parts, which parallel the adjacent alley, would be utilized for trash storage, a kitchen, and exits for a new, required, fire rated stairwell.

Along the portion of the alley adjacent to existing 1507 and 1509 Fourteenth Street, the applicant proposes to construct an addition totaling two stories that would be built to the lot line along the public alley, with this additional space supporting essential theatre functions.

The overall development program on the Property increases gross square footage from somewhat more than 51,000 square feet to somewhat less than 54,000 square feet, with about 5,000 square feet being new construction and 2,000 feet of existing area being removed. Thus, the net increase of development on the subject properties amount to approximately is less than six percent.

Since the existing properties are declared as "contributing" to the character of the area, neither they nor additions to them must provide parking or loading that the Zoning Regulations would otherwise require (See §§2100.5 and 2200.5 and Exhibit D).

While applicant has no zoning requirement to provide parking, about one-fourth to half the patrons for any given theatrical performance now arrive by private automobile. Applicant expects no major change in this as the new space is developed and utilized. Applicant monitors local developments to explore means by which it can cultivate and maintain relationships with those having parking resources not needed by them at the times of theatrical performances. Currently, this includes formal and informal relationships with area retailers. Patrons are advised of access routes, transportation options, and parking options in several ways, including on the Studio Theatre's website:

<http://www.studiotheatre.org/about/directions.php>.

Applicant notes that the web site provides information about routes and means of travel, mentioning the Dupont Circle (Red Line), U Street (Green and Yellow Line) and McPherson Square (Yellow and Blue Line stations), the closest, Dupont Circle, being five blocks away.

Applicant has initiated discussion with the District of Columbia Department of Transportation about means by which current a "entertainment" bus route that runs between the Woodley Park/Zoo/Adams Morgan Station and the U Street Station, through Adams Moran and across much of U Street could be modified, expanded, routed or otherwise adapted to serve Fourteenth and P Streets.

IV.

THE APPLICANT MEETS THE BURDEN OF PROOF FOR THE RELIEF SOUGHT:

A. Standards for Granting Area Variances

Under D.C. Code §6-641.07(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

(1) the property is unique because, *inter alia*, of its size, shape or topography or other extraordinary or exceptional situation or condition;

(2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and

(3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, the Project and the variance requested for same meet all three prongs of this test.

B. Variance Sought: Requirement to Provide Rear Yard of Minimum Depth:

The Applicant requests a variance from the requirement of Section 774.1. That section requires properties to provide a rear yard that meets standards for minimum depth. The applicant is unable to satisfy this requirement and thus seeks a variance.

Built on a corner lot, applicant may select which side of the land area is the front and from that derive the "rear." Here, applicant considers P Street as the front of the project for these zoning purposes. Therefore, the rear lot line is the line to the north of 1509 Fourteenth Street, NW. A rear yard must be supplied for a depth of at least twelve feet (12 ft.) in the C-3-A zone, more if the average height of the building along its rear wall exceeds 60 feet in height. The relevant wall of what is now 1509 Fourteenth Street is close to, but is less than, 60 feet high. The present building is built to the rear property line for over 90 feet of its 105 foot extent. The proposed addition would extend development along that alignment the remaining distance of nearly 15 feet. Since the C-3-A zone allows buildings to occupy all of the lot (i.e., have a lot occupancy of 100.0 %), the addition's only impediment

is that relating to provision of a rear yard of specified minimum depth and the related requirement that precludes expansion of already non-conforming zoning attributes of a non-conforming building.

1. **Extraordinary or Exceptional Condition Exists**

The Site is affected by several extraordinary or exceptional conditions. First, the case does not involve vacant land; rather, the site is affected by existing buildings that cover most, and in two cases, all of the lot on which they presently sit.

Second, each of these buildings date from the 1920's and each "contributes" to the character of the historic district in which they are located.

Third, elements of the design proposed reflect changes made specifically to accommodate the concerns of the HPRB. The HPRB's review and recommendations created the project configuration resulting in the development of the project to the rear of 1509 and the area where there would be new construction within the area where a rear yard would otherwise have to be provided. In effect, functions that were to have been carried out in the portion of 1507's second floor that faced Fourteenth Street had to be relocated, constrained by other functions on the same level to which they related. Essentially, live theatres require both "scene" and "prop" shops, and materials and staff flow from one to the other continuously.

When HPRB directed that the utilitarian functions along Fourteenth Street be replaced with space that would have more animation during day and night, animation befitting the theatre and the overall historic district, this had the effect of requiring that development occur within the area of the required rear yard. Applicant adjusted the plans accordingly, gaining their approval, but resulting in a need to fully occupy as a new second story addition all of the area to the rear of the four story mass of 1509 Fourteenth Street. Had the use been different, requiring no such critical accessory spaces that themselves must be proximate to each other, a variance such as that herein sought might not be required. But, here we have a preferred use that finds it cannot meet its functional requirements short of obtaining a variance from the rear yard requirement and the related requirement that a non-conforming aspect of a building not be extended or expanded.

Fully developing a second floor along the eastern face of 1509 also provided the opportunity, which the Theatre seized, to enclose all of the first floor below this and house trash storage and processing in the area below this.

The design of this building has been extensively reviewed by the community and the HPRB staff and redesigned accordingly by the Applicant to satisfy concerns expressed.

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

Due to the Site's exceptional conditions, it is practically difficult to provide the rear yard of the required depth. It would result in insufficient space within which to carry out the works of the mission-critical scene and prop shops, and building to the allowed limit would result in a small (but complying) open court approximately 14 by 15 feet. Moreover, the resulting roof area would be insufficient to accommodate the mechanical equipment needed to provide adequate service to the theatre and would create setback issues under the Height Act of 1910 that would be insurmountable, there being no authority for the Board to approve relief to its mandates.

On careful review of photographs of the rear of 1509 as it now exists, there is evidence that the wall along its northern property line extended past the point where it now ends (evidenced as rough, broken-off, brick instead of any kind of normal "finish"). Thus, some or all of the relief being sought may be nothing more than seeking approval to re-establish a building line that previously existed. See Exhibit J.

Finally, as all properties are built "on grade" with only minimal cellars, there is no practical way by which to excavate suitable areas and have needed access to and from them, particularly for large, ungainly, props below the existing ground floor and also have the ventilation that rooms where such are prepared, fabricated and painted.

3. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan as embodied in the Zoning Regulations and Map

Variance relief from the rear yard requirement of Section 774.1 and 2001.3(b)(2) can be granted without substantial detriment either to the public good or the Zoning Regulations.

The existing Studio Theatre building at 1501 Fourteenth Street is configured in exactly the same manner as that proposed. It is a building on a corner lot occupying all of the lot on which it is situated. Under prevailing zoning regulations, it would have to provide a rear yard of at least 12 feet. It provides none along either its northern or eastern property lines. Likewise, the proposed project, which consolidates all buildings on a single

lot of record, would provide none – "moving" the non-conformity from the northeastern corner of Lot 830 to the northeastern corner of Lot 835.

Extending only two stories in height along the alley side of the lot, the proposed addition's utilization of the area where a rear yard would otherwise be required results in no loss of light or air to adjacent or facing properties. Rather, since the space resulting allows the applicant to consolidate and contain its trash handling systems, which now include a dumpster located out in the open, the result is beneficial, not problematic.

Applicant notes that this element, and all others, of the case have received the support of the Advisory Neighborhood Commission 2-F and the Logan Circle Community Association. (See Exhibit O).

C. Standards for Granting Special Exceptions:

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (*quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

To be approved, each special exception must satisfy the Board, as provided in Section 3101.4, that: ". . . the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map ..." further subject to the Board's being satisfied that the application also satisfies the specific criteria established in the Zoning Regulations for the each special exception sought and approved.

D. Special Exception Sought from Several Requirements for Roof Structures:

The Applicant requests approval from the Board to depart from several standards that roof structures must ordinarily follow. First, the regulations limit roof structures in number, typically limiting them to one per building, allowing more under certain situations

applicant may not fully satisfy. Second, the regulations require that roof structures have walls that rise vertically that are of "equal height". Applicant proposes walls of unequal height.

The existing properties include two roof structures, both housing large elevator cores for "cabs" in which automobiles were moved from level to level in the buildings first built as automobile showroom and repair facilities (1501 and 1509 Fourteenth Street). These roof structures are non-complying with present standards, being built along the respective property lines (and the buildings' roof limits) not meeting the setback standards of the zoning regulations or the Height Act of 1910 as amended. Moreover, while their sides are vertical, they are not of equal height (the one above 1501 is "off" only by a few courses of brick; the height of the one above 1509 varies by more than one foot). There is no roof structure above 1507 Fourteenth Street as it now exists.

The existing property at 1509 Fourteenth Street includes unscreened mechanical equipment whose size would now require that it be screened, this being located on the roof above the one-story extension adjacent to and above the present "open court". This equipment would be eliminated.

Applicant proposes to retain, unchanged, the roof structure above 1501 Fourteenth Street. While it will remain uneven in height, its other deviation from present standards (set back from adjacent property lines) is cured when the single record lot is created. This becomes one of three roof structures in the overall proposed program.

Applicant proposes to remove the elevator from within the core of the roof structure now at 1509, replacing it by a fire-rated stairway. The roof above 1509 would include an addition to that roof structure (and thus the second roof structure); the *addition to the roof structure above the fourth floor of 1509* would be set back from the exterior walls of the building on which it is placed to the west, north, and east at least 1:1.[2] However, since the equipment to be screened is less than the height of the historic elevator core, applicant seeks approval to establish a horizontal plane that is sufficient to screen equipment from view horizontally rather than "matching" the height of the existing structure precisely, quite possibly resulting in a mass that is several feet shorter than would otherwise be the

[2] The addition to the same roof structure will also be set back from the historic limit of the southern edge of the building now at 1509 Fourteenth Street, centering it on its original overall area, pushed as far east as possible. Note that as a single consolidated building composed of 1501, 1507 and 1509's addresses, the latter setback, while not required by zoning under Section 770.6(b), is part of the design approved by the HPRB.

case. Moreover, as the roof over 1509 slopes to the east, requiring the addition to the roof structure to be "of equal height" and measuring it from the sloping roof would result in a sloping top edge to the screen wall.

The third roof structure screens additional mechanical equipment essential for the theatre's operation and the comfort of patrons, and would be located on top of the two-story portion of the project adjacent to the public alley. It would be screened with a wall that would be set back 1:1 from the limits of the adjacent roof, but with additional "interior" screening walls leading toward the windows of the third floor of 1509, allowing views into and from them while continuing to screen the equipment that would be located adjacent to solid portions of the building's eastern face (floors three and four). However, openings other than louvers may require specific approval as part of the requested Special Exception by the Board (see Section 411.6).

Specific Criteria for Roof Structures Special Exceptions Are Satisfied

Section 411.11 of the Zoning Regulations specifies that, "when impractical because of operating difficulties, size of building lot, or other conditions would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable" the Board is authorized to approve changes provided it determines that the resulting plan satisfies the general criteria above as well as ensuring that the approval would not ". . . the intent and purpose of [these provisions relating to roof structures not be] materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely."

Taking up the three roof structures, in turn, then collectively:

- *Roof Structure above 1501 Fourteenth Street (on roof of its third floor):* This brick-sided roof structure, which contains an operating elevator core, will remain "as is". Its walls rise vertically and vary in height by several courses of brick, barely discernable. However, while now located at the northern edge of the roof of the building on which it sits, that building edge disappears as the overall single building of the three existing properties is created. Thus, its non-complying setback from that edge of the building becomes moot. Its slightly irregular height will remain unchanged.
- *Roof Structure above 1509 Fourteenth Street (on roof of its fourth floor).* The existing roof structure remains "as is." As with that over 1501, it is brick and

currently contains an operating elevator. Its walls rise vertically, but vary in height by more than one foot. Located on the northeast corner of the building on which it sits, its location does not comply with contemporary setback requirements (along its northern and eastern faces). In this location on that portion of the roof, consolidation of the three existing buildings into one does not cure either of its existing setback issues. Unlike the roof structure over 1501, this roof structure will be modified by an addition that will attached to its western and southern faces, the addition satisfying all requirements as to setback and verticality. The addition to this roof structure will shield mechanical equipment from view and be fashioned from panels that can be hinged or removed to afford access to the equipment as needed, allowing the roof structure to be as "tight" to the equipment as feasible while maintaining an overall rectangular form in the center of the roof over what is now 1509 Fourteenth Street.

The mechanical equipment located on this level provides cooling for the new theatre and some of the public spaces in that portion of the building. Theatrical air conditioning requires that the air be processed away from the space being cooled through extensive supply and return ducts. Thus, no single set of equipment can meet the diverse and spatially separated needs of the three theatres, lobbies, and related functions spaces.

- *Roof structure along eastern face of 1507 and 1509 Fourteenth Street (above second floor).* This roof structure would screen three additional mechanical units serving elements of 1507 and 1509 Fourteenth Street and their "additions." Mechanical and space limits prohibit placing all such equipment on the roof of 1509 and most of the new roof over 1507 is clear glass, precluding placing any portion of a roof structure over it. Thus, the remaining area for mechanical equipment is found at the level of the roof over the second floor at the eastern face of 1507 and 1509 Fourteenth Street, which is just over 30 feet above the level of the alley and is above any normal view plane of existing residential properties located to the east across the public alley (one at three stories, one at four but whose open rear balcony is set at its third floor plane). See Exhibits I and J.

- *Roof Structures above 1507.* The Applicant never proposed, nor does it now, a roof structure as such over any portion of the new fourth floor of 1507 Fourteenth Street. Rather, in earlier submissions to this Board and HPRB, applicant had proposed an architectural embellishment as a cap to the elevator shaft. This embellishment is no longer proposed and the elevator override area will not extend as much as four feet (4' 0") above the surface of the roof through which it extends.[3]
- *Roof Structures collectively.* The Zoning Regulations are written to allow one roof structure per building, with additional ones allowed only when there is more than one roof level (here there are three roof levels and each level has a roof structure) *or* when more than one elevator core is required. See Section 411.4. Here, while separate elevator cores had been required for separate buildings, that basis for having more than one roof structure in the combined building program is eliminated when that core is converted to a fire-rated stairwell.

  The total number of roof structures appears to be allowed as a function of multiple roof levels. As noted, unique requirements for providing appropriate heat and cooling to theatre patrons and actors, and the atrium design of this project, demands configurations of equipment and ducting that precludes fewer than three clusters of mechanical equipment and roof structures.

  The materials from which the new roof structure and roof structure addition would be fabricated will be compatible with the overall design. They will not be brick, which would require substantial supporting systems and additional free air space around the equipment located within their perimeters. The walls would be built to an even horizontal limit, more pleasing to the eye than one of equal height from a sloped roof surface. The height would be set as low as possible yet screening all equipment from view from a horizontal plane. Thus, all new elements would be designed and built in a manner that results in no adversity to the intent of the Regulations or Map, nor results in any detriment to adjacent properties.

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3 The surface of the roof east of the atrium of 1507 Fourteenth Street, described as "sloping to match" the slope of 1509's roof in the plans filed with the application in this case, is revised in this submission to be flat, its height to match that of the rear (lowest edge) of the roof at the rear of 1509.

Roof Structure Summary: The Project's three roof structures will not adversely impact the light and air of adjacent properties, and the roof structures will likely not be visible from at-grade vantage points. Furthermore, the Project involves significant new construction of a "preferred use" under the Arts overlay, which constitutes an important benefit for and is strongly supported by the community. Therefore, the requested relief can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

E. Special Exception Sought from A Frontage Requirement in the Arts Overlay District

The applicant seeks the Board's approval to develop its frontage along Fourteenth Street in a manner that departs from one of the four specific requirements established in the Regulations for properties that face "pedestrian streets," of which Fourteenth Street is one (Section 1903.1). The regulations, striving to maintain retail establishments and the feeling these uses impart to the streetscape under the Arts Overlay (and parallel provisions of the DD Overlay) rules, provide that properties facing specified "pedestrian streets" –

- Provide no driveway providing access to required parking spaces or loading areas (Section 1903.2).
- Provide that at least seventy-five percent of the face of buildings fronting on pedestrian streets be built to the property line and rise at least fifteen feet (Section 1903.3).
- Provide not less than fifty percent of the surface area of the ground level of each building facing a pedestrian street be devoted to entrances and display windows (Section 1903.4) and further provided that
  - (a) The ground-level windows on these frontages be made of clear or low-emissivity glass and
  - (b) The entrances be spaced an at no greater average distance from one another than forty feet (40 ft.).

Applicant's proposed development satisfies all but one of these requirements, that relating to the minimum percentage devoted to entrances and display windows.

Applicant's existing property at 1501 Fourteenth Street provides a single emergency exit from the theatre immediately behind that doorway. The balance of that frontage at the ground floor consists of structural elements of the building or painted steel panels that are inserted into the area where display windows were installed in the original automobile sales and service building. These display windows were removed and replaced with masonry long before the Arts Overlay rules were established. The panels depict "faces" that are now a defining part of the neighborhood and are inextricably linked to "The Studio Theatre." These faces are of a scale that is meaningful to motorists and pedestrians across the street and up and down the block. Applicant hopes to replace these steel panels with glass ones, but the glass would neither be totally clear nor will the change restore the windows to the depth or character required for "display windows."

1501 Fourteenth Street sits on what is now Lot 830, with an overall frontage of seventy-five feet (75 ft.). The two properties that the Studio Theatre has acquired and that are part of this application sit on lots that are, respectively 40 and 55 feet wide. This results in an overall frontage of one hundred sixty-five feet (165 ft.), of which seventy five feet (75 ft.) is already developed in a way that provides very little "contribution" to the relevant numerator. In fact, more than 45 percent (nearly half) of the frontage is pre-existing, unchanging, non-conforming, and grandfathered.

1507 and 1509 Fourteenth Street are being developed in a manner consist with all but one of the frontage requirements, but even when 1501's existing conditions are removed, the resulting frontage fails to meet the established frontage requirements. Indeed, the total area of rough openings in those two historic buildings as they now exist constitute 48.5 percent of their combined ground floor frontage (area facing Fourteenth Street (measured from the ground floor to the second floor of each). Thus, short of changing historic facades and imposing significant structural changes in the historic facades, the two properties now being renovated and expanded as part of the project could not, even by themselves, technically satisfy the percentage requirements established by the Overlay's terms. When 1501's existing frontage is added, the percentage drops to under 25 percent even keeping 1509's existing display window in the numerator.

Applicant further proposes that the symbolic "faces" that are a defining part of Studio Theatre's presence be established north (at 1509 Fourteenth Street) and remain where they now exist (at 1501 Fourteenth Street, as well as along P Street where the "frontage" requirements of the Arts Overlay do not apply). However, while the faces to be

made a part of 1509 would be fashioned of tinted glass to which "faces" or other elements would be added, the result would not be a "display window" as such.

Existing and proposed conditions at 1509 Fourteenth Street allow The Studio Theatre to retain some, but not all, of the depth of the present display window. The usable depth would be reduced to about two feet (2.0 ft.), beyond which the new theater space would be established behind a fire-rated wall that would also serve as an acoustical barrier. (Note that the working depth of the openings in which existing panels, and possible replacement panels, at 1501 Fourteenth Street and along that frontage and that along P Street frontage are now, or would be, situated are mere inches deep.)

At 1509 14th Street, Studio Theatre is proposing to rehabilitate the historic storefront and install appropriate glass panels within the historic frame work. Behind the exterior glass, a display-like area will be created and maintained. It would, however, not be used as a show window in a traditional sense. Efforts and discussion are underway to design a permanent display that will have an animated quality. Studio and HPRB staff are seeking to ensure that passing pedestrians experience include visual changes along the streetscape.

As noted, this proposal does not provide, at 1509, fenestration that would satisfy conventional meaning of "display window," a term and concept that has a retail ring and implies changes in items from time to time. Applicant will, however, animate the wall immediately "behind" the window at 1507 Fourteenth Street, using that surface to convey information about the shows in progress and those planned.

Moreover, in discussion with the staff of HPRB, applicant is proposing a means by which to supplement the "macro" scaled "faces" with "micro" or pedestrian-scaled elements.

In addition, applicant is also exploring with HPRB staff means by which the contemplated, but much thinner, glass panels for 1501 Fourteenth Street and its P Street frontage could be tastefully illuminated.

Applicant notes that the Board of Zoning Adjustment could approve the zoning relief at issue but leaving the specific details of the final "window" plans to staff of the HPRB, as that Board has already provided in other cases (see BZA #16999, decided March 25, 2003). In so doing, the BZA would give its assent to a reduction in the computed percentage of the frontage along the Applicant's Fourteenth Street frontage from the required fifty percent (50.0 %) to just over one third of that (16.9%).

Finally, applicant notes that its mechanical design for the glass panel system to be installed within the historic frame work at 1509 will be such as to allow ready restoration of that area to a conventional display window should, at some time, the use become other than that of a "legitimate theatre." Applicant is prepared to accept this as a condition if the Board deems that essential.

Specific Criteria for Special Exceptions to the Arts Overlay Rules

Section 1906.1 of the Zoning Regulations requires that any exception to the Arts Overlay Regulations of Chapter 1900 satisfy certain criteria. As set forth below, each of these criteria is satisfied by development of the Project with the requested relief:

(a) *The use(s), building(s) or feature(s) at the size, intensity and location(s) proposed, will substantially advance the stated purposes of the Arts Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working or visiting the area.*

The stated purposes of the Arts Overlay District include the following: requiring uses that encourage pedestrian activity, especially retail, entertainment, residential and other "preferred uses" (of which legitimate theatre is one); expanding the area's housing supply; and encouraging development of residential and commercial buildings. The Project is an important expansion of the area's legitimate theatre usage, more than doubling the square footage so devoted from over 25,000 square feet to more than 53,000 square feet. Moreover, as discussed in detail in the preceding subsection, the relief requested herein will not adversely impact the surrounding area in any way, and in fact, serves only to benefit the area, while furthering the stated goals for this area.

(b) *Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits, in lieu of the excepted uses or features, that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan.*

As discussed above, the Site is affected by exceptional circumstances which necessitate development according to a plan already approved by the Historic Preservation Review Board. Specifically, the frontage requirements as to percentage of display windows and entrances cannot be met even by the properties being converted to theatre use, let alone when the existing conditions are added to the calculations.

(c) *The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, that if a*

historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report.

The architectural design of the entire Project enhances the design features of the immediate vicinity in which it is located. As discussed above, the design of the The Studio Theatre addition and renovation was extensively reviewed by the community through its Advisory Neighborhood Commission and the Logan Circle Community Association as well as HPRB staff and approved by HPRB. The HPRB found that the building would not have an impact on the character of the Greater 14th Street Historic District and approved the project now before the Board of Zoning Adjustment.

(d) *Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.*

This provision is not applicable to an issue at hand.

V.

COMMUNITY SUPPORT

The Applicant has worked extensively with the community on the design of this Project and received support from the Advisory Neighborhood Commission 2F ("ANC 2F") at its March 3, regularly scheduled meeting.

In addition, the Applicant presented its plans to the Logan Circle Community Association ("LCCA"), allowing them the opportunity to comment. It also met with a number of residents of the Rockingham Condominium, located at 1317 Rhode Island Avenue, NW, on Wednesday, March 12. This residential condominium is located on a "through lot" whose northern side is along P Street, part of it directly facing The Studio Theatre and the alley to the east of it. Residents of that building expressed their support to The Studio Theatre's officers about the plans, once explained.

The ANC and LCCA have provided the Board with letters expressing their support, copies of which are included herewith (see Exhibit O).

VI.

EXHIBITS SUBMITTED HEREWITH IN SUPPORT OF THE APPLICATION

Exhibits A1, A2, A3: Diagrams of Area Showing Location of The Studio Theatre's properties along Fourteenth Street corridor within area between:
(1) 11th, 16th, M and S Streets, NW;
(2) 13th, 15th, O and R Streets, NW; and
(3) 14th Street and Kingman Place, and P and Q Streets, NW

Exhibit B: Zone District Map (courtesy of the Office of Zoning), highlighting the overall site;

Exhibit C: Map of the Greater 14th Street Historic District (and overlapping Logan Circle Historic District), highlighting the overall site (courtesy of the Office of Planning, Division of Historic Preservation);

Note: *Surveyor's Plats of the Subject Properties are filed at Exhibit 3 of the Record*

Exhibit D1, D2: Copies of (1) the Historic Preservation Review Board Staff Recommendations as adopted by the Historic Preservation Review Board (November 2002): and (2) the Certifications by the State Historic Preservation Officer approving waivers of (a) additional off-street parking spaces (§2100.5) and (b) additional off-street loading spaces (§2200.5) for the Properties at Square 241, Lots 800, 834, and 835

Exhibit E: Outline of Testimony of Representative of The Studio Theatre, Inc.

Exhibit F: Outline of Testimony of Bonstra Architects, project architect

Exhibit G: Outline of Testimony of Emily Hoteling Eig, expert in historic preservation and protection

Exhibit H: Outline of Testimony of Lindsley Williams, Land Planner

Exhibit I: Four Photographs of Model Presented to Historic Preservation Review Board (minor modifications noted in images herein).

Exhibit J: Photographs of East Side of Subject Site (1) former rear wall extension of 1509 Fourteenth Street and (2) view from alley south toward P Street.

Exhibit K: Photographs of P Street from Studio Theatre corner of Fourteenth and P Streets showing (1) Fresh Fields and Logan Hardware properties

Exhibit L: Revised Architectural Plans and Drawings (bound separately);

Exhibit M: Photograph of Model Presented to Board in BZA 16999 "Condominiums at Fourteenth Street" (USA Properties, Metropolis);

Exhibit N: Resumes of Witnesses Proposed as Experts
(1) William J. Bonstra, AIA
(2) Emily Hoteling Eig
(3) Lindsley Williams

Exhibit O: Letters of Support from:
(1) Advisory Neighborhood Commission 2-F, and
(2) the Logan Circle Community Association

VII.

WITNESSES

A. Keith Alan Baker – Managing Director and Vice President, The Studio Theatre, Inc.

B. Williams J. Bonstra, AIA -- Bonstra Architects, project architect and expert.

C. Emily Hoteling Eig – Traceries, Inc. Expert in architectural history and historic preservation

D. Lindsley Williams, Expert in Land Use and Zoning.

VIII.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for area variances and special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application and, if not contested by any party in opposition, to direct that staff prepare and issue a Summary Order of approval.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Douglas J. Patton
Douglas J. Patton, Esq.

By: Lindsley Williams
Lindsley Williams, Land Use Consultant
Affiliated with Holland & Knight LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000



EXHIBIT A-1

DIAGRAM OF AREA SHOWING LOCATION OF THE STUDIO THEATRE'S PROPERTIES ALONG THE FOURTEENTH STREET CORRIDOR BETWEEN 11TH, 16TH, M AND S STREETS, NW

The Studio Theatre -- BZA 17005

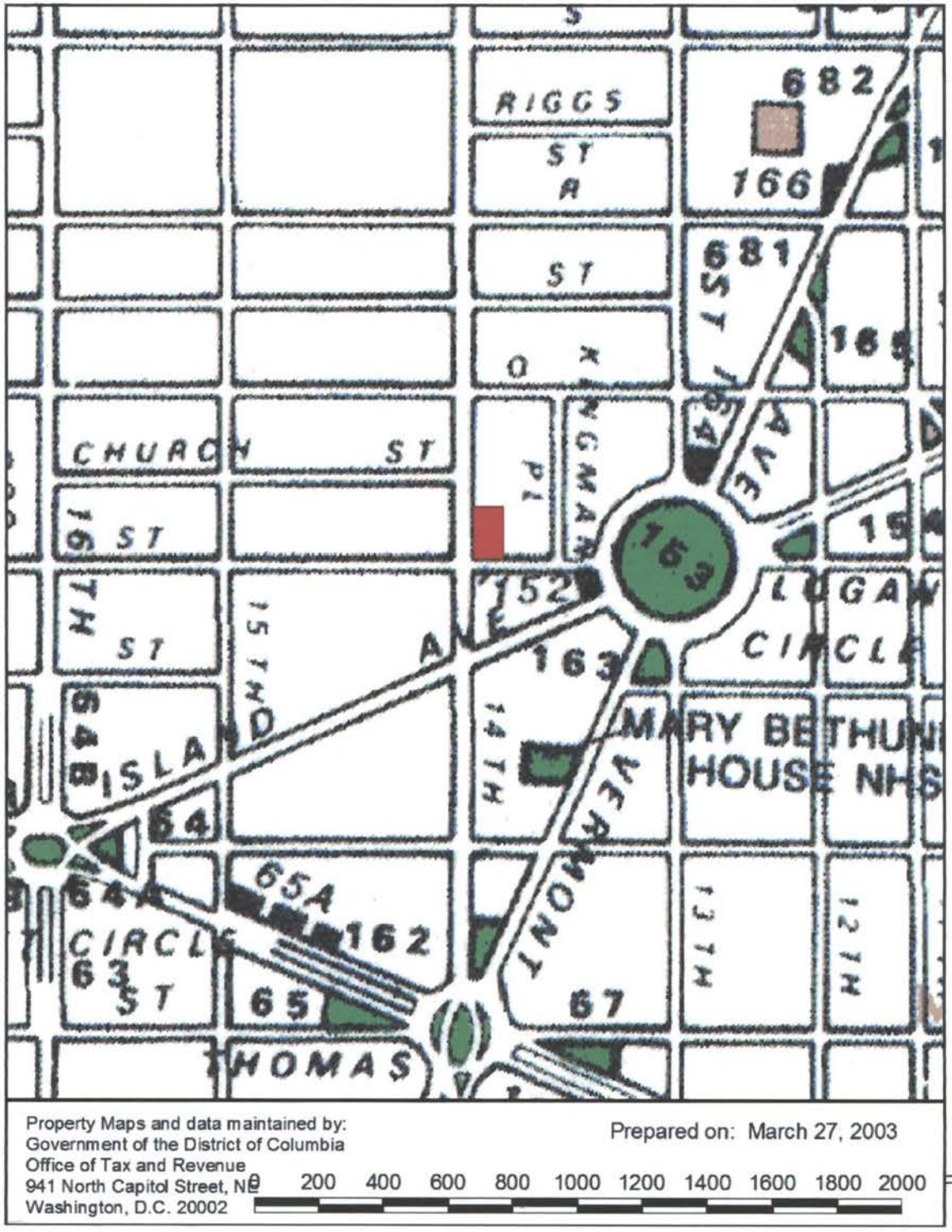


EXHIBIT A-2

DIAGRAM OF AREA SHOWING LOCATION OF THE STUDIO THEATRE'S PROPERTIES ALONG THE FOURTEENTH STREET CORRIDOR BETWEEN 13TH, 15TH, O AND R STREETS, NW

The Studio Theatre -- BZA 17005

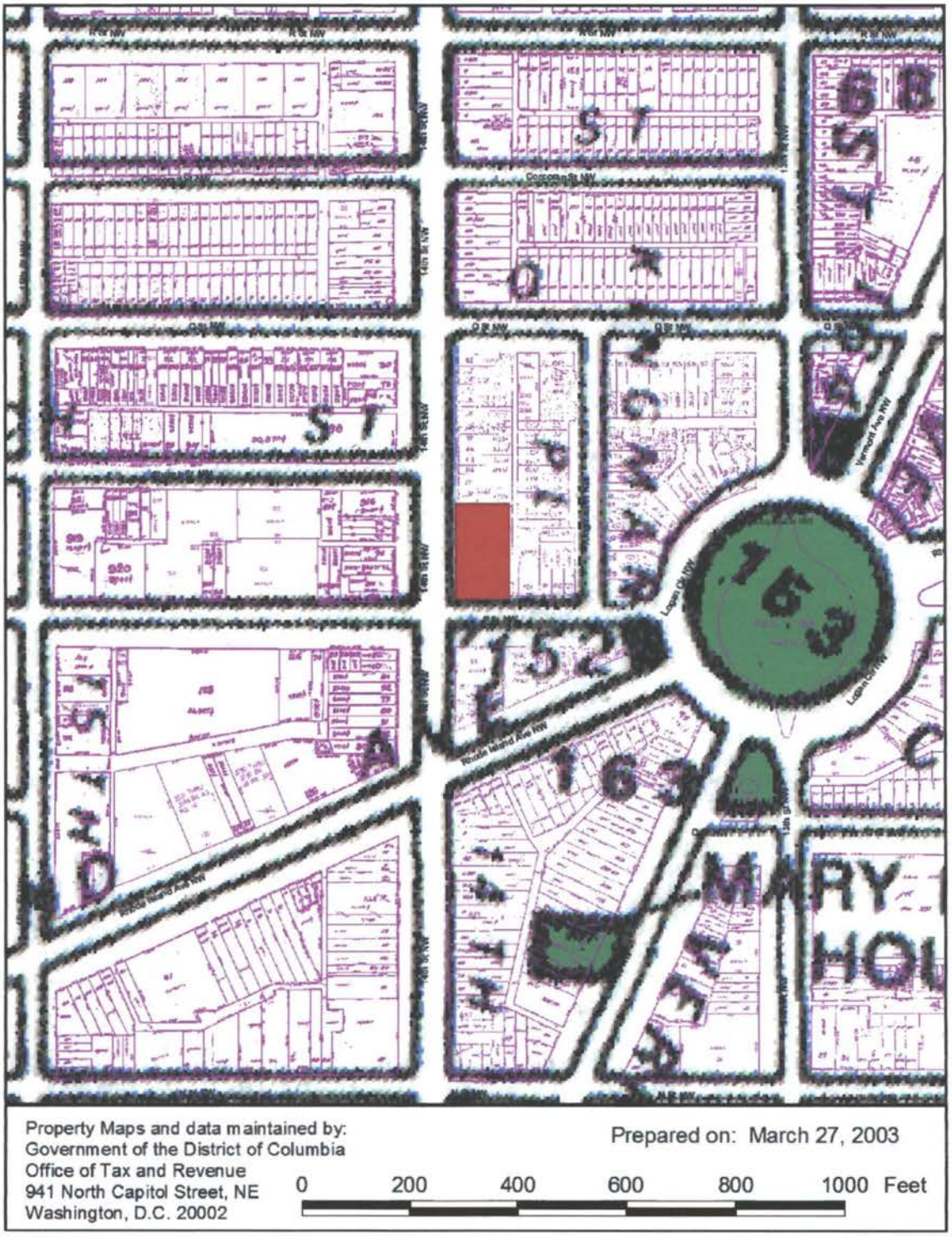


EXHIBIT A-3

DIAGRAM OF AREA SHOWING LOCATION OF THE STUDIO THEATRE'S PROPERTIES ALONG THE 14TH STREET CORRIDOR BETWEEN IT, KINGMAN PLACE, P AND Q STREETS, NW

BZA No. 17005 -- The Studio Theatre, Inc.

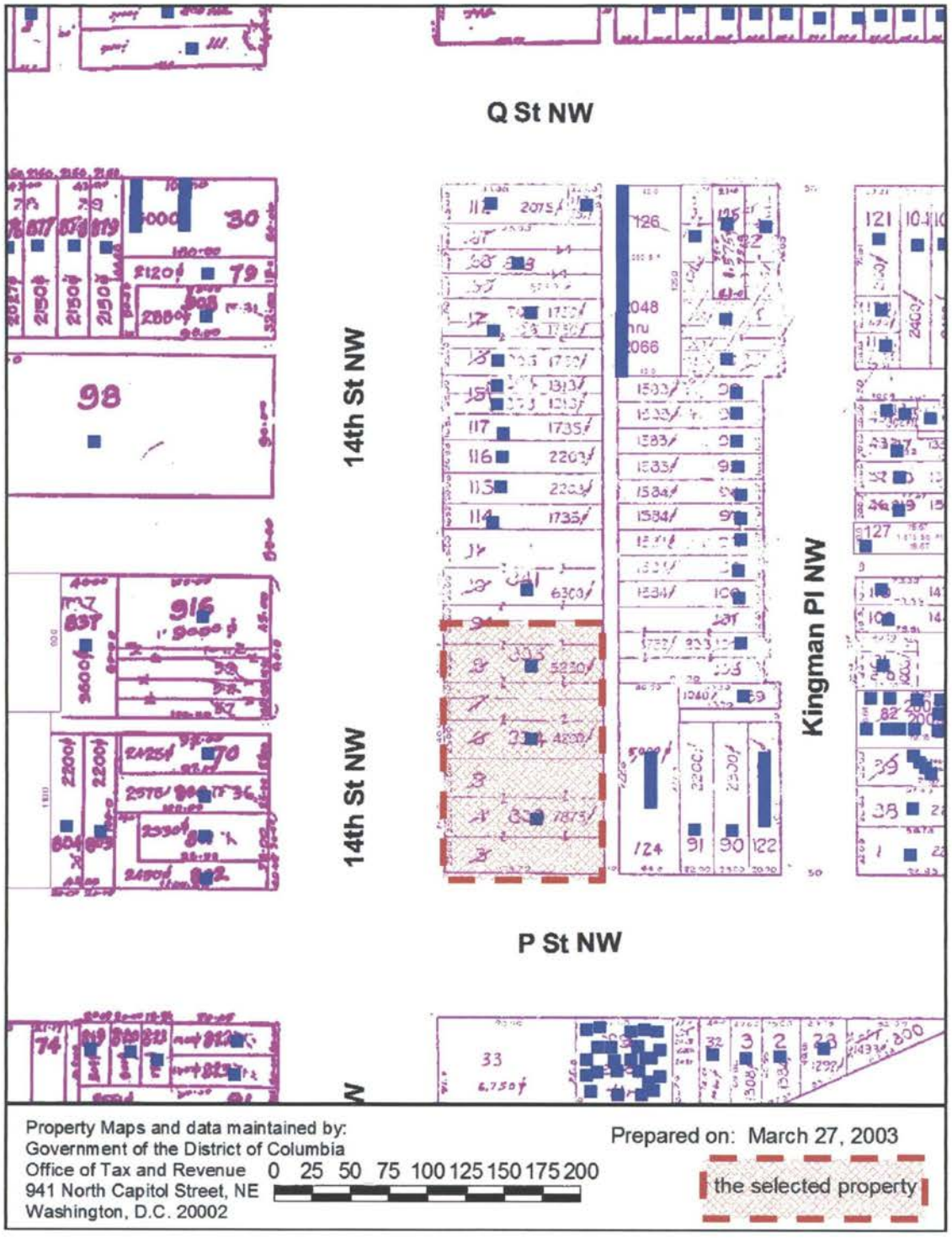
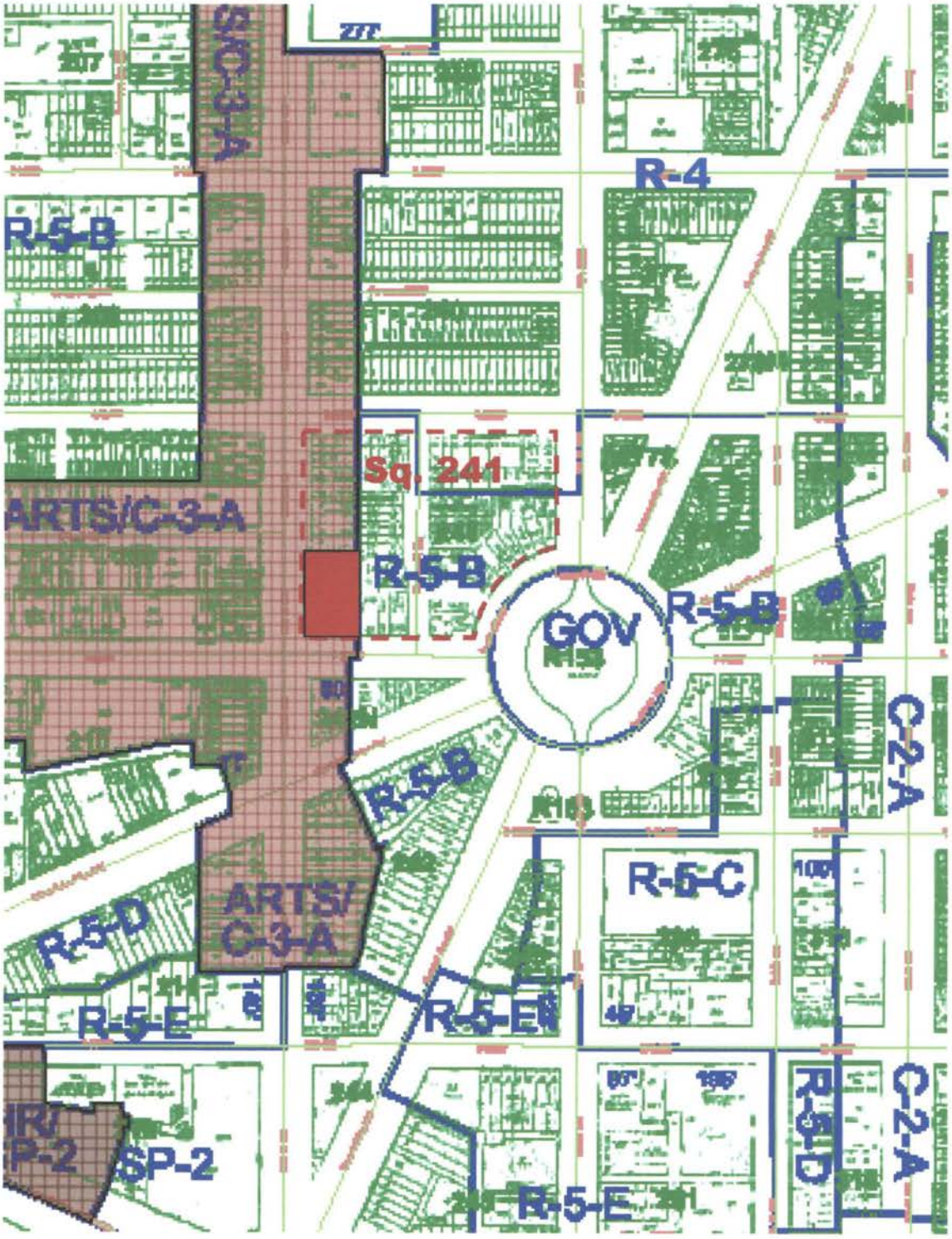




EXHIBIT B

DIAGRAM OF AREA SHOWING THE ZONE DISTRICTS MAPPED FOR THE PROPERTIES OF THE STUDIO THEATRE AND THE SURROUNDING AREA



C

EXHIBIT C

MAP OF THE GREATER FOURTEENTH STREET HISTORIC DISTRICT (AND OVERLAPPING LOGAN CIRCLE HISTORIC DISTRICT) HIGHLIGHTING THE STUDIO THEATRE

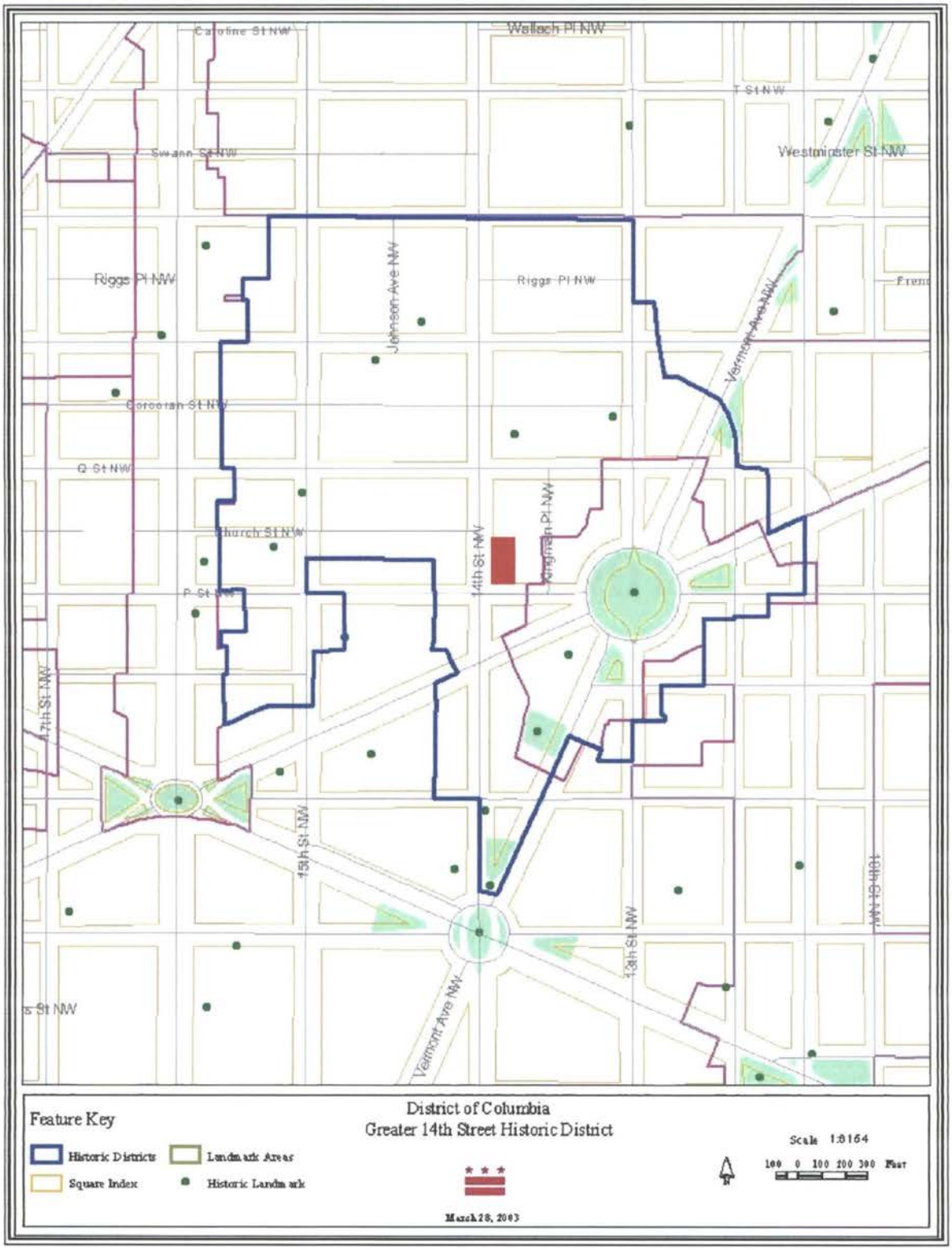




Exhibit D:

Copies of:

(1) the Historic Preservation Review Board Staff Recommendations, as adopted by the Historic Preservation Review Board:
(a) December 19, 2002 and
(b) October 24, 2002 and

(2) the Certifications by the State Historic Preservation Officer approving, for Properties at Square 241, Lots 800, 834, and 835, waivers of:
(a) additional off-street parking spaces (§2100.5) and
(b) additional off-street loading spaces (§2200.5)

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**1501-07-09 14th Street, NW**	**X**	Agenda
Landmark/District:	**14th Street Historic District**		Consent Calendar
		X	Concept Review
Meeting Date:	**December 19, 2002**	**X**	Alteration
H.P.A. Number:	**02-642**		New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
		X	Subdivision

The applicant, architect Bill Bonstra for the Studio Theater, returns for conceptual design review of a roof addition and alterations involving three buildings in the Greater 14th Street Historic District. The project has been substantially revised in response to the Board's comments at the October meeting, and based on further comments that were offered by several Board members in a meeting with the applicants at the HPO on November 18th.

As before, the project involves three automobile related buildings from the 1920s – the existing three-story Studio Theater building at the corner of 14th and P, a vernacular two-story brick auto repair shop at 1507 14th, and a four-story, limestone-clad, classical revival auto showroom at 1509 14th. The plans have been revised to eliminate some of the repetitive signage and to retain and restore all existing industrial steel windows on 1507 and 1509. In response to questions about the proposed illuminated frosted-glass storefront system, the applicants will be bringing a sample to the meeting for the Board's review.

The biggest change has been to the treatment of the two-story glass atrium proposed on top of 1507. The atrium is intended to serve as a congregation space or "campus" for the classroom and administration spaces on the upper floors of the complex. The interior plan has been revised to include an additional performance space on the fourth floor of 1509, for which the atrium would also serve as the lobby. Accordingly, all four floors of 1507 would now serve as a series of open public spaces linking the two flanking showroom buildings that would house the auditoria, classrooms, and administrative support spaces. In terms of design, the addition has been greatly simplified from the previous angled, multi-light design to reflect an extremely simple and spare geometry that simply relates to the horizontal and vertical lines of the adjacent buildings with as light a new structure as possible. The addition would remain set back approximately 10 feet from the front elevations of the historic buildings, and its floors and frame would be marked by exposed steel channels, with the walls of seamless butt-glazed glass panels. The glass skin would wrap around the visible south side of the addition. A steel frame element would project out to the building line to provide support to an entrance canopy and decorative glass panel fins. The same glass and steel frame vocabulary for the addition would be used for the masonry openings on the first floor, which would be returned to their original proportions.

Like the previous proposal, the placement of the atrium -- set back and sandwiched between the taller buildings on either side -- will allow the historic buildings to remain dominant in the overall composition. The more straightforward rectilinear shape less overtly connects the three buildings into a single complex, allowing each of the three to read as separate and individual buildings. The revised approach retains all existing historic fabric of each of the three buildings, and the new construction and alterations are kept extremely simple and spare in form and detail. A model of the proposal will be presented at the Board meeting, which will be particularly helpful in evaluating the form of the canopy framework and glass fins.

The staff continues to believe that closing up the open storefront on 1509 is an easily avoidable mistake, and that the treatment of covering over an open storefront is an alteration that is inconsistent with the historic character of this building, and with the Uptown Arts Zoning Overlay District (which requires that not less than 50% of a building be devoted to display windows and entrances, and that windows have clear glass). Creating a display window with as little as a four foot depth would be sufficient to establish an interesting and enlivening presence on the street that could be used to advertise the Studio's current and upcoming productions. To the staff's knowledge, the Board has never allowed an open storefront of an historic building to be entirely covered over, but instead has consistently worked to encourage that closed-up and long-removed storefronts be opened up or reconstructed.

The staff recommends that the Review Board approve the revised proposal, with the exception of the proposal for the storefront at 1509 which should be modified as outlined above, as consistent with the purposes of the preservation act.

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**1501-07-09 14th Street, NW**	**X**	Agenda
Landmark/District:	**14th Street Historic District**		Consent Calendar
		X	Concept Review
Meeting Date:	**October 24, 2002**	**X**	Alteration
H.P.A. Number:	**02-642**		New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
		X	Subdivision

The applicant, architect Bill Bonstra for the Studio Theater, seeks conceptual design review for lot combination subdivision, and a roof addition and alterations involving three buildings in the Greater 14th Street Historic District. The addition and alterations would be visible from public space.

The Studio Theater currently occupies a prominent three-story corner building at 14th and P, constructed in 1919 as the Peerless Motor Company. The Board reviewed a major renovation in the mid-1990s, which included replacement of the original steel framed windows, and the installation of signage and lighting. The theater has recently purchased the adjoining two buildings to the north in order to expand the facility and create additional performing arts and support spaces. The buildings include 1507 14th, a vernacular two-story brick auto repair shop constructed in 1920, and 1509 14th, a four-story, limestone-clad, classical revival auto showroom, most recently the home of Ace Electric, which was constructed by the Trew Motor Company in 1922.

The proposal calls for the primary entrance to the expanded facility to be relocated from P Street to the two-story repair shop, which would serve as a lobby and linking element between the larger buildings on either side, which would contain the theater spaces. The most dramatic exterior change would be the construction of a two-story glass atrium with a sloping roof on top of 1507, set back about 10 feet from the building's front façade to allow a roof top balcony. The atrium is proposed to create additional space and allow upper-level connection between the taller buildings on either side. The windows and garage doors on 1507 would be removed in order to allow the slanting lines established by the roof pavilion to be carried through in new plate glass windows. These same diagonal lines would be carried through to the new storefront windows on 1501 and 1509, which would have back-lit sandblasted glass, recreating the large-scale images of actors' faces currently on 1501. New signage and lighting elements on 1509 would include a large blade sign, the Studio's signature neon "squiggle" running down the front of the windows, and neon enframing the building's masonry piers and pediment. While some interior demolition is proposed for both 1507 (removal of a portion of the roof) and 1509 (removal of a portion of the second floor to allow creation of a two-story theater space), it does not constitute a substantial portion of either building.

The proposal is generally well-conceived and has the potential for further strengthening this neighborhood as an important arts district. The proposed glass atrium promises to be an exciting addition to 14th Street, and seems uniquely suited for this site and these buildings. While obviously quite contemporary and different from its context, its simple, strong geometry relates to the same qualities in the underlying and surrounding historic buildings. Its placement, set back and sandwiched between the taller buildings on either side, will allow the historic buildings to remain dominant in the overall composition.

As the project continues to be developed, the staff would encourage further study or reevaluation of the following:

- *Removal of steel framed windows in 1507.* While aware that the architect is trying to establish a visual connection by introducing the atrium's diagonal lines into the building's window openings, the existing steel frame windows are important in establishing this modest building's character, and already work to establish a more important commonality and visual connection with the flanking historic buildings. The existing steel windows should be retained.

- *Replacement of steel framed windows in 1509.* The windows in this building are clearly an important character-defining feature, and as such, should be retained and reused according to the Board's Window Standards. While aware that the applicant has special needs with regard to ensuring that outside noises are not heard inside the theater spaces, alternatives such as interior storms, should be more fully evaluated.

- *Signage and lighting.* As seen in their existing building, signage and lighting are an important component to the Studio in establishing their image and use. The only component that should be reevaluated is the proposed use of neon to enframe the building at 1509. While it appears from exterior conduit connections that the building may have once had neon tubing running along the pediment, it does not seem to appear in a 1920s photograph and was presumably added later. The other proposed signage and lighting elements are clearly distinguishable as an added, artistic layer applied to the historic buildings; the oversize squiggle element works because it specifically doesn't relate to the building, but merely uses it as a background on which it is superimposed. Conversely, in the staff's opinion, the neon enframing, in outlining the building's classical revival lines, cheapens it and turns it into a caricature.

- *Storefronts.* Perhaps the weakest element in the design of the existing Studio Theater building is the first floor storefronts. Despite the creative treatment of introducing images of actors' faces which makes the best of the situation, the blank storefronts nevertheless result in a pedestrian-unfriendly corner. While replacing the metal mural panels with backlit glass is probably an improvement for 1501, extending this same treatment into the building at 1509 – which, unlike 1501, currently has an open storefront – is an avoidable mistake. The Studio Theater is in an excellent position to create wonderfully designed and inviting

storefront window displays that could enliven and animate the street. With some modification of the interior plan, a four-foot deep storefront display area could be created that would be much more in character with the pedestrian character of 14th Street.

- *Scope of preservation/restoration work.* As the project progress, the scope of restoration work should be further developed and defined. Staff would encourage that it include recreation of the missing acroteria at the top of 1509 in order to restore it back to its original classical revival appearance.

The staff recommends continuing study of the items outlined above, and that the project return to the Board for further review.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

APPLICATION TO CERTIFY A HISTORIC BUILDING FOR D.C. ZONING REGULATIONS OR CONSTRUCTION CODES

I hereby request certification that the following property is a historic landmark or a building or structure contributing to the character of a historic district in the D.C. Inventory of Historic Sites, for the purpose of D.C. Zoning Regulations or the D.C. Construction Code. A photograph of the front of the building is attached.

Address: 1333 P STREET, NW OR 1501 14TH STREET, NW

Square: 0241 Lot: 830

PURPOSE OF REQUEST:

X Waiver of Additional Off-Street Parking Spaces (Section 2100.5)

X Waiver of Additional Off-Street Loading Spaces (Section 2200.5)

____ Increase in Number of Sleeping Rooms in a Bed-and-Breakfast Facility (Section 203.8)

____ Non-Mandatory Compliance with Code Provisions (BOCA Section 3406.1)

____ Alternative Compliance Provisions for Existing Buildings (Chapter 34, DC Construction Code Supplement of 1999)

WILLIAM J. BONSTRA, AIA — Applicant
202.588.9373 — Telephone

1710 CONN. AVE, NW SUITE 400 WDC 20009
Address

Signature
12/3/02
Date

HISTORIC PRESERVATION DIVISION USE ONLY
I hereby certify that this property is either a historic landmark or a building or structure contributing to the character of a historic district listed in the D.C. Inventory of Historic Sites.

D. Cantis
State Historic Preservation Officer
12/3/02
Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

APPLICATION TO CERTIFY A HISTORIC BUILDING FOR D.C. ZONING REGULATIONS OR CONSTRUCTION CODES

I hereby request certification that the following property is a historic landmark or a building or structure contributing to the character of a historic district in the D.C. Inventory of Historic Sites, for the purpose of D.C. Zoning Regulations or the D.C. Construction Code. A photograph of the front of the building is attached.

Address: 1507 14TH ST. NW

Square: 0241 Lot: 834

PURPOSE OF REQUEST:

X Waiver of Additional Off-Street Parking Spaces (Section 2100.5)

X Waiver of Additional Off-Street Loading Spaces (Section 2200.5)

____ Increase in Number of Sleeping Rooms in a Bed-and-Breakfast Facility (Section 203.8)

____ Non-Mandatory Compliance with Code Provisions (BOCA Section 3406.1)

____ Alternative Compliance Provisions for Existing Buildings (Chapter 34, DC Construction Code Supplement of 1999)

WILLIAM J. BONSTRA, AIA — 202.588.9373
Applicant — Telephone

1710 CONN. AVE. NW SUITE 400 WDC 20009
Address

WJ — 12/3/02
Signature — Date

HISTORIC PRESERVATION DIVISION USE ONLY
I hereby certify that this property is either a historic landmark or a building or structure contributing to the character of a historic district listed in the D.C. Inventory of Historic Sites.

A. Carter — 12-3-02
State Historic Preservation Officer — Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

APPLICATION TO CERTIFY A HISTORIC BUILDING FOR D.C. ZONING REGULATIONS OR CONSTRUCTION CODES

I hereby request certification that the following property is a historic landmark or a building or structure contributing to the character of a historic district in the D.C. Inventory of Historic Sites, for the purpose of D.C. Zoning Regulations or the D.C. Construction Code. A photograph of the front of the building is attached.

Address: 1509 14TH ST, NW

Square: 0241 Lot: 835

PURPOSE OF REQUEST:

X Waiver of Additional Off-Street Parking Spaces (Section 2100.5)

X Waiver of Additional Off-Street Loading Spaces (Section 2200.5)

____ Increase in Number of Sleeping Rooms in a Bed-and-Breakfast Facility (Section 203.8)

____ Non-Mandatory Compliance with Code Provisions (BOCA Section 3406.1)

____ Alternative Compliance Provisions for Existing Buildings (Chapter 34, DC Construction Code Supplement of 1999)

WILLIAM J. BONSTRA, AIA — Applicant
202.588.9373 — Telephone

1710 CONN. AVE, NW WDC. 20009 — Address

WJ — Signature
12/3/02 — Date

HISTORIC PRESERVATION DIVISION USE ONLY
I hereby certify that this property is either a historic landmark or a building or structure contributing to the character of a historic district listed in the D.C. Inventory of Historic Sites.

A Centola — State Historic Preservation Officer
12/3/02 — Date



Exhibit E:
Outline of Testimony of Representative of The Studio Theatre, Inc

Keith Alan Baker

A. Introduction of the Applicant, owner of all three subject properties
B. Introduction of Representative (position)
C. Introduction of Others Present (Board and Staff, Roles, Their Ability to Answer Questions if Needed)
    a. Board Officers and Members
    b. Director, Joy Zinoman
    c. Executive Development of Institutional Development, Morey Epstein
D. History of The Studio Theatre at its Present Site (prior to "Arts Overlay")
    a. Present dual theatres
    b. Proposed additional theatre space
E. History of the Proposed Project Planning and Development
    a. Internally
    b. Externally (Historic Preservation Review Board)
    c. Externally (Zoning Review and Relief)
F. Introduction of Consultants and Their Roles in BZA Proceeding
    a. Project Design, Russell Metheny (formerly with The Studio Theatre)
    b. Project Architect, William J. Bonstra, AIA – Bonstra Architects, P.C.
    c. Historic Preservation, Emily Hoteling Eig, Traceries, Inc.
    d. Douglas J. Patton and the law firm of Holland & Knight LLP (Applicant's representative in BZA filing and other legal issues associated with development of project) in affiliation with Lindsley Williams, land use and zoning consultant to the firm
G. Project Schedule
H. Conclusion: "With your approval, we are ready to begin."

F

Exhibit F:

William J. Bonstra, AIA

A. Introduction of Bonstra Architects, P.C.
B. Introduction of William J. Bonstra, AIA
C. Introduction of Present and Proposed Studio Theatre
   a. Present properties
      i. 1501 Fourteenth Street, NW (two theatres, offices, support, overcrowded)
      ii. 1507 Fourteenth Street, NW (automobile repairs)
      iii. 1509 Fourteenth Street, NW (electrical lighting and supply business, with warehouse/storage space
   b. Proposed major changes
      i. Overall concept: Create new, single building from three present contiguous properties.
      ii. Effect of developing whole site as single building on single record lot
         1. Building code and fire-rated stairwells
         2. Zoning rules (roof structures, frontage requirements)
      iii. 1501 Fourteenth Street, NW
         1. Establish Fire rated corridor interior to third floor
         2. Provide passage from 1501 to adjacent buildings
      iv. 1507 Fourteenth Street
         1. Replace present repair garage with central core to The Studio Theatre
         2. Create atrium bridging from 1501 to 1509 Fourteenth Street
         3. Provide space for functions essential to support and operation of theatres (tickets, props, shops, rehearsal, etc.)
      v. 1509 Fourteenth Street
         1. Create space for third formal theatre and supporting areas
         2. Relocate Administrative offices for The Studio Theatre
         3. Enclose and contain all refuse from theatre operation
   c. Zoning Relief Needed (introduction, continued by Lindsley Williams)
      i. Required Rear Yard (effect of HPRB changes from October 2002)
      ii. Design, and Possibly Number, of Roof Structures
         1. Requirements of Theatres for Air Conditioning and Ducts
         2. Placement (centered above 1509 and above two-story addition east side of 1507 and 1509)
         3. True horizontal in favor of "equal heights"; lower than existing to reduce apparent bulk.
         4. Materials to be utilized
         5. "Opening" corresponding to third floor east window of 1509
      iii. Display window requirements under the "Arts Overlay" rules
      iv. Conclusion: "The Board of Zoning Adjustment can and should grant each element of relief sought based on the merits and the fact that none would affect adjacent or nearby properties adversely in terms of intensity of use, light and air, and none would be in conflict with the Comprehensive Plan."

Exhibit G:
Outline of Testimony of Emily Hoteling Eig
Expert in Historic Preservation and Protection:

Emily Hoteling Eig:

I. Introduction

II. Background on Creation and Impetus for Greater Fourteenth Street Historic District (if the Board so desires)

III. Historic Preservation Considerations Regarding Aspects of the Design

A. Overall Issues

On March 12, 2003, the refinements in the overall project design were presented to Steven Callcott, architectural historian and reviewer with the Historic Preservation Office. These were primarily changes that resulted from conversations with building and zoning code officials and minor modification made in the course of design development. The issues involved:

- the mass, height, and placement of the rooftop mechanical penthouse
- extension of the rear of the new third and fourth floors of the addition to 1507 Fourteenth Street to match the easternmost extent of the chimney along the alley side of 1509 Fourteenth Street.
- the placement of additional HVAC equipment at the rear of the second floor roof and addition of a screen wall (penthouse) within which to place them
- the resolution of problems of sound transmission through the installation of interior storm windows, and
- possible approaches to the treatment of window openings, and former window openings, at the ground floor.

Mr. Callcott had no problem with any of the proposed design refinements or modifications or installation of interior storm windows.

B. Ground Level Windows

In the discussion of possible approaches to the ground level windows, agreement was reached on a general approach for the windows under discussion--at the existing theater building at 1501 Fourteenth Street (1333 P Street) and the most northern building, 1509 Fourteenth Street.

1. Current Conditions

Presently, large sheets of metal, etched with the large images of faces of famous actors are affixed to the building's original, window "openings." These openings were bricked in many years prior to the theater's occupation of the building and the etched metal sheets both cover the unsightly brick infill and serve to enliven this building's appearance.

The ground floor of 1507 Fourteenth Street consists of a plate glass door, and garage door openings leading into the building though which automobiles enter and leave for/from servicing. The ground floor of 1509 Fourteenth Street consists of two doors and a display window, the latter formerly displaying various lighting fixtures while in use as an electric supply business.

2. Issues

As the theater is expanding to the north, there is a need to visually announce the connection between the three buildings that will all be part of The Studio Theatre.

Zoning indicates that a certain percentage of "display" windows is to be used for that purpose. Further, the display windows must be glazed in clear glass.

Both of these requirements are inconsistent with the purposes of a theater, and are in conflict with the dimensional requirements of the new theater, which fills the interior envelope of 1509 at the first and second floors.

3. Resolution

The Studio Theatre met several times with Steven Callcott of DC Historic Preservation Office to discuss possible resolutions to this problem. (The DC Historic Preservation Review Board delegated authority on this issue to Mr. Callcott.)

This will be accomplished by using large pieces of plate glass art. These tinted glass sheets will be crafted to show actors' faces similar to the current metal sheets and the set into each of the ground floor window openings in these two buildings.

At 1501 Fourteenth Street and along its P Street side, the glass will be held in place by the means of the introduction of a simple metal framing system in keeping with the appearance of a true window frame. The brick infill will be clad with a thin covering that will hide the brick and provide an attractive backdrop for the glass art. Each glass panel will be softly lit. This will result in an improved appearance for the historic window "openings," provide a sense of the purpose and use of the building, still allow the interior theater use to be undisturbed, and extend the well-loved visual imagery that is already associated with Studio.

At 1509 Fourteenth Street, the historic storefronts will be rehabilitated and similar glass panels set into the historic frame work. Behind the glass, a two-foot deep area will be established.. It will, however, not be used as a show window in a traditional sense. Instead, efforts are underway to design a permanent display that will, nevertheless, have an animated quality.

The Studio Theatre understands the Board's goal, and that of its staff, is to ensure that the pedestrian's experience when passing The Studio

Theatre includes visual change along the streetscape. To assist Studio, Mr. Callcott spoke with Heather Knouse, a retail consultant to the Office of Planning, regarding possible ways to enliven the show windows when there was no retail use to warrant a typical changing display.

It was her suggestion that the windows might include something that, unlike the large-scale faces that are visible from afar, would only be comprehensible to the pedestrian. It was her opinion that this more intimate encounter with the window would provide a special experience for passers-by, and achieve the type of interaction that is desired in this Arts Overlay District . She suggested that "quotes" by the specific actors whose faces were depicted was one way to add a great deal to the liveliness of the street, as well as to make a relationship to the specific arts use at hand. This suggestion is now under consideration by The Studio Theatre.

The development of the window design is on-going and, as the HPRB has delegated its final approval of window details to Mr. Callcott, the final ***design*** approval will rest within the Office of Planning.

C. **Conclusion: The relief sought, including that for area variances, roof structures, and frontage requirements can and should be granted. The plan is sensitive to and respects the origin of the Greater Fourteenth Street Historic District and the philosophies that underlie the Arts Overlay's provisions regarding street frontages. No relief sought undermines either. Rather, the project as a whole, when developed as proposed, will strengthen the overall area.**

H

Exhibit H:

Outline of Testimony of Lindsley Williams, Land Planner

Lindsley Williams

I. Site location and description

Location

Corner lot in the block bounded by 14th, P, and Q Streets, and Kingman Place, NW.

East side of Fourteenth Street and north side of P Street

Project site consists of lots 830, 834, and 835 in Square 241

Size

Total site area is approximately 17 square feet

Site has frontage of approximately 105 feet on P Street and approximately 165 feet on Fourteenth Street

Site also abuts a ten foot wide alley to the east

Existing site conditions and uses:

1. 1501 Fourteenth Street, existing theatre uses (three stories)
2. 1507 Fourteenth Street, repair garage (two stories)
3. 1509 Fourteenth Street, former electric supply house (four stories)

II. Description of surrounding area

A. 14th Street Corridor/Logan Circle/Lower Shaw area

B. Area contains broad mix of uses and building types

C. Remainder of Square 241

D. To the west (across Fourteenth Street and along P Street to Fifteenth):

1. New Whole Foods/Fresh Fields grocery store
2. Existing one, two and three story commercial buildings, new residential

E. To the west (along Church Street):

1. Existing one, two and three story commercial buildings, many used for automobile repair
2. Planned development

F. General area:

1. Many row houses, flats and apartments, along the east-west cross streets and 15th Street
2. Mixed commercial/industrial/arts uses along 14th Street
3. High-rise residential and hotels along Rhode Island Avenue

III. Existing zoning: Arts/C-3-A

A. C-3-A

1. Uses (§§741 – 744)

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

b. Hotel

c. Residential use permitted as "carry-over" from Special Purpose and Residential Districts

2. Height - maximum of 65 feet (§770.1)

3. Density - maximum of 4.0 FAR, with nonresidential uses limited to 2.5 FAR (§771.2)

4. Lot occupancy – residential uses limited to 75% (§772.1)

5. Rear yard – 2 1/2 inches per foot of height, but not less than 12 feet (§774.1)

6. Side yard - not required (§775.5)

7. Residential recreation space – not relevant to this case

8. Roof structures – must follow standard rules (§777 and §411)

9. Parking and loading (§§ 2101.1 and 2201.1) – waived for this case

B. Uptown Arts (Arts) Overlay District

1. Applies to all new construction (§1900.4)

2. Height: 75 feet permitted, with roof structure limited to overall maximum of 83.5 feet (§1902.1)

3. Bonus density – Nearly 4.0 times bonus density allowed for this preferred use.

4. Establishes requirements for frontages along "pedestrian streets" of which Fourteenth Street is one in relevant segment.

5. Establishes many other requirements, all of which are satisfied.

IV. Proposed development

A. Construction of legitimate theatre complex, expanding from present one with overall total of approximately 55,000 square feet of gross floor area

B. Height limited to 65 feet

C. Multiple roof structures with walls of unequal height and with one "opening"

D. Development of area remaining for "required rear yard"

E. Conversion of current "display window" to window panel not meeting display requirements of the Arts Overlay district

V. Relief required

A. Required Rear Yard and Expansion of Existing Non-Conforming Element of Property

1. Location at northeastern corner of lot
2. Rationale for its utilization
3. Uniqueness
4. Absence of adverse impact on others or area in general

B. Special exception for roof structures not meeting the 1:1 setback and with walls of unequal height

1. Height of roof structure above 1509 Fourteenth Street relative to roof slope and height of existing non-complying penthouse.
2. Number of roof structures.
3. Design of roof structure along eastern face, with "opening" to correspond to existing windows on eastern face of 1509's third and fourth floors

C. Special Exception Relief from percentage of ground floor frontage dedicated to display windows

1. Current conditions at 1501
2. Current conditions at 1507 and 1509
3. Proposed changes and effects on measurements
4. Design proposed

VI. Standards for the roof structure special exception (§411.11)

A. Where impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area

B. that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable

C. the Board of Zoning Adjustment shall be empowered to approve the location, design, number and all other aspects of such [roof] structure ...

D. Provided that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

VII. 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.

VIII. Compliance with the variance standards

A. Rear Yard

1. Exceptional or extraordinary situation or condition

a. Corner lot

b. Historic, existing, contributing buildings

c. Prior use of at least some of the area (wall in photo)

d. HPRB direction or "suggestion"

2. Practical difficulty

a. Other interior space on second level does not fit the profiles of the existing building walls and directives of HPRB as to activities to be visible from Fourteenth Street

b. Compliance would require reducing the effectiveness of the theatre's program and ability to provide adequate props and sets.

3. No detriment to the public good

a. Negligible impact on immediate neighbors, nor more so than existing main building at 1501 Fourteenth Street.

b. Coverage would be limited to two stories.

IX. Conclusions as to Variances

A. Subject property is affected by exceptional conditions, because of the configuration of the site, the subsurface conditions and the requirements of the Regulations as to recreation space and roof structure height

B. Strict application of the Regulations would create significant difficulties for the construction of a predominantly residential building with a retail component

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

D. Roof structures as designed are appropriate for the building, and strict compliance with the Regulations would lead to loss of desired residential units in the building

E. The application should be granted

X. Special Exceptions for Roof Structures and Display Windows

A. Roof Structures ("equal height," "opening" for windowed area along east side of 1509, and, possibly, "number" of roof structures

B. Display Windows (provide at least 50 percent of surface area for same when so required

1. Requirement applies to this non-retail preferred use, not exempted as are some others such as residential uses

2. Historic, existing openings of 1507 and 1509 would not comply even if totally dedicated to display windows and entrances; adding 1501 further diminishes mathematical compliance.

3. Proposed plan provides animation, but not with clear glass; what is proposed at 1509 can be converted to display window if and when the theatre use ceases.

C. Conclusion

XI. Recommendation: – Approve. Assuming no parties in opposition (no requests for party status had been filed as of Friday, April 4, 2003), request approval and issuance of bench decision.

1

Exhibit I:
Four Photographs of Model Presented to Historic Preservation Review Board (minor modifications noted in images herein).

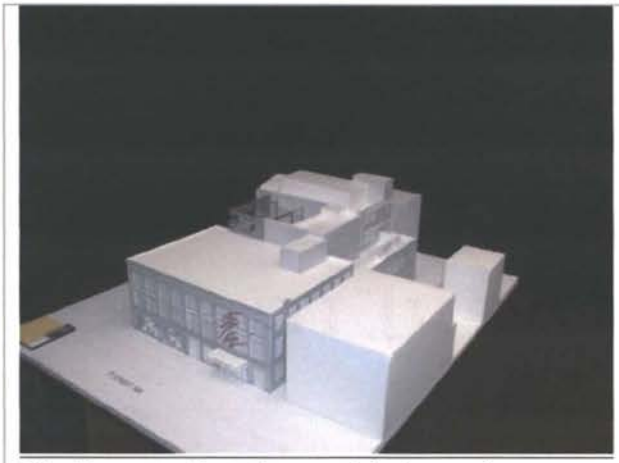
View from Southwest (above 14th at P)



View from Northwest (from 14th near Q)



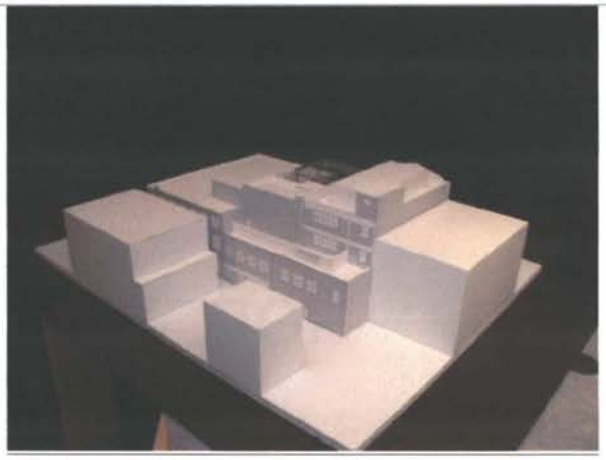
View from Southeast (from P nr. Kingman)



Kindly note that the model shown here:

- differs from that presented to HPRB as follows:
  - No architectural embellishment above elevator "in" 1507
  - Rear wall of two story addition to 1507 extends east about two and a half feet to eastern edge of chimney.
  - Roof structure "over" 1509 covers more area but is lower in total height.

View from Northeast (from P nr. Kingman)



Kindly note that:

- Two-story addition to The Studio Theatre rises to height slightly greater than that of roof of apartment building across alley and above the level of the upper balcony of condominium facing P Street
- Roof structure screens equipment from view horizontally or below
- Placement above plane of "nearby" residential units in non-objectionable location.

آ

Exhibit J:
Photographs of East Side of Subject Site

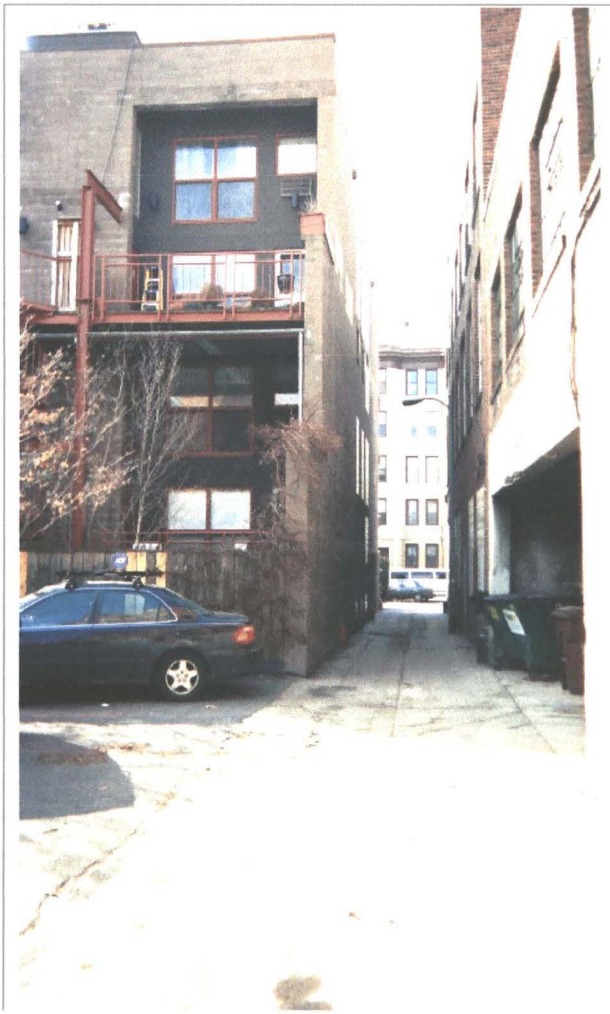
Vestiges of former rear wall extension of 1509 Fourteenth Street	View along ten-foot wide public alley south toward P Street.
	



Exhibit K:
Photographs along P Street looking west
(1) from Studio Theatre at its corner of Fourteenth and P Streets showing Fresh Fields and Logan Hardware properties across and mid-block, and
(2) closer up of those two properties.



