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. 17033
Public Hearing: July 8, 2003
ANC 6D

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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, to allow construction of an addition to the existing Arena Stage theater building in the W-1 District at premises 1101 6th Street, SW.(Square 472, Lots 123 and 126)(the "Subject Property" or the "Site").(Exhibits A and B). The instant application requests a modification to the height variance that was previously approved by the Board in Order No. 16933-A.(Exhibit C).

In Board of Zoning Adjustment Application No. 16933, the Applicant sought and obtained variance relief from the height, building density, rear yard and lot occupancy regulations in order to accomplish the extraordinary effort of encapsulating the existing historic portions of the theater building and also providing the additional and improved spaces needed for the theater (the "Project"). By Order No. 16933, dated October 30, 2002, the Board granted the requested area variance relief. On November 7, 2002, the Board issued Order No. 16933-A, correcting an omission from the earlier order and indicating that the Applicant was granted flexibility to modify the design of the building as may be approved by the

BZA
Case No. 17033
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17033
EXHIBIT NO. 25

District of Columbia Historic Preservation Review Board ("HPRB") and the United States Commission of Fine Arts ("CFA"), provided that said changes do not increase any of the areas of relief granted by the BZA.(Exhibit C). Because the Applicant's proposed modifications to the Project (Exhibit D) (the "Revised Project") slightly increase the height of the building, and thus the extent of relief from the building height restriction of §930 of the Zoning Regulations, the Applicant returns to the Board to request approval for these modifications.

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.
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 portion of the Zoning Map showing the Subject Property with zoning designation of W-1.
Exhibit C:	BZA Orders No. 16933, dated October 30, 2002, and 16933-A, dated November 7, 2002.
Exhibit D:	Revised architectural drawings.

Exhibit E: Recommendation Letter from U.S. Commission of Fine Arts, dated May 5, 2003.

Exhibit F: Letter from Councilmember Sharon Ambrose, received June 13, 2003, in support of revised application.

Exhibit G: Outline of testimony of Stephen Richard, Representative of Applicant Washington Drama Society, Inc. d/b/a Arena Stage.

Exhibit H: Outline of testimony of Representative, Bing Thom Architects.

Exhibit I: Outline of testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.

IV.
BACKGROUND OF THE CASE

A. Description of Subject Property

1. The Existing Site and Vicinity

Situated in the Southwest Waterfront directly north across Maine Avenue from the Washington Channel, Arena Stage is located on a roughly triangular parcel bounded by Maine Avenue to the south and west, 6th Street to the east, and the Waterside Tower Apartments to the north.(Exhibit A). The Southwest Waterfront area is comprised of a mixture of uses, including restaurant, waterfront commercial and arts activities, and residential uses. Farther north of the 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. This 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.

In 1980, Arena Stage was designated a historic landmark and listed in the District of Columbia 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 HPRB staff, only the original theater spaces offer a memorable public image from an architectural standpoint.

B. Project Description as Previously Approved by Board

In Application No. 16933, the Board approved the Applicant's plans to construct a new addition to its building. The Project was determined necessary to: (1) remedy several inefficiencies of the existing facility created by the current configuration of the theaters; and (2) accommodate (a) unprecedented growth in the theater's popularity and patronage, (b) new programmatic requirements, as well as (c) specific planning goals of the District as part of the Anacostia Waterfront Initiative. The innovative design proposed by Bing Thom Architects of Vancouver, British Columbia, in essence, encapsulates the historic Kreeger and Fichandler theaters in a transparent structural glass building and, in the process, distinguishes new construction from old, creating an exciting new landmark for the District.(Exhibit D). The two theaters are "show-cased" through massive windows and continue to present a public image along the streetscape. The Project will also provide vastly improved circulation and lobby space as well as backstage and administrative spaces, all while solving acoustical deficiencies in the existing design.

A bold new cylindrical structure cradling a third theater at the center joins the two theaters. The upper level of this cylindrical structure also provides residential accommodations for visiting performers and theater personnel. As discussed below, it is this portion of the Project, and refinements to its design, which necessitate this modified application.

In addition to the structural glass encapsulation of the historic structures and the cradle portion of the Project, the innovative design includes a prominent wing-like plane which projects across the northwest portion of the Subject Property. As discussed below, this aspect of the design of the Project has also been refined.

Finally, in recognition of the Subject Property's 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.

C. Project Description as Modified

As evidenced by the revised architectural drawings submitted as Exhibit D, the Project has been modified only slightly from that reviewed and approved by the Board in Orders No. 16933 and 16933-A. The Applicant returns to the Board to request a modification to the height variance approval, in order to address needed revisions to: (1) the cradle portion of the design, which contains a new theater and temporary accommodations for the visiting performers, among other programmatic element; and the cantilevered roof and its structural support.

The Cradle:

Upon further study and refinement of the design, the area provided for the temporary lodging space has been determined to be too small to reasonably accommodate the needs of visiting performers, especially those traveling with families. The additional height herein requested will provide on average 15% more area per residential unit, and will allow the number of residential units measuring more than 750 square feet to increase from three to five units, including one residential unit which will increase to more than 1,200 square feet in size. In the approved Project, the smallest one bedroom units measure approximately 425 square feet. These units are replaced in the Revised Project with larger residential units measuring a minimum of 500 square feet. The additional height herein requested is also needed to satisfy the acoustic and technical requirements of the new theater, including sufficient stage and catwalk height, and extra depth for acoustic treatment. The requirement for acoustic isolation of the apartments necessitated the development of an independent structure that bridges over the theater. This required additional structural depth not previously anticipated. The Revised Project represents a total increase in ceiling height of 14.77 feet from the roof of the original design, from 75 feet to a new height of 89.77 feet. It should be noted that this extra height is for an extremely limited portion of the building. In volumetric terms, the Revised Project increases that portion of the building above the existing 40' height limit by only approximately 1% more than the Board originally approved.

Both the original and modified designs for this cradle feature possess a slightly sloping roofline. The original design established this slope by means of a parapet masking a flat roof, while the modified design increases the amount of enclosed space by capping this previous parapet. In addition, the Revised Project includes atop its new sloped roof a small, ten-foot tall architectural embellishment, which, in part, encloses the elevator override.

The Cantilevered Roof:

Similarly, the Applicant has undertaken further structural refinements to the massive wing which cantilevers over the northwest portion of the Site. In order to adequately support the wing, the Applicant has chosen to utilize a cable suspension system. As evident in the revised drawings, this approach will slightly increase the profile of the roof as well as its footprint. In addition, to emphasize the architectural metaphor of a diverse facility under one roof, the roof edge has been resculpted in to a continuous ribbon, with a slightly increased footprint but a much greater street presence as the result. Nonetheless, the addition to height created by the revised design is minimal, approximately an additional six feet. At the same time, the thickness of the wing will actually be diminished at the building periphery, and the height of the outermost edge has dropped by approximately eight feet (81.23'-72.67').

Other Revisions:

Aside from these two most visible revisions to the previously-approved design, there have been few refinements to the design which was previously reviewed and approved by the Board. With the Board's approval, the overall height of the Revised Project will be set at 89.77 feet. As the plans are further refined for construction, certain lower elevations may need to be revised by approximately one foot in order to accommodate site conditions. The Applicant requests flexibility in order to address these site-related issues as they may arise.

One additional aspect of the Revised Project worth noting is that an additional level of parking is being provided, thus bringing the total number of spaces provided to 125-145 spaces, from the 70-90 spaces originally approved by the Board.

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 (Exhibits G, H, and I), the Application meets this three-part test for area variance relief from §930 of the Zoning Regulations.

1. The Property is Affected by an Exceptional Situation or Condition

As the Board has previously held, 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.

With respect to building height, the Site's designation as a landmark is particularly relevant as the existing building, without modification, exceeds the maximum building height currently allowed in the W-1 District. When the theater 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.

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 Subject Property. As a result, the Applicant requests variance relief from §930 of the Regulations.

As the Board learned when it first considered the Project, 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 Site will be covered by an overhanging roof, with a glass curtain wall around the perimeter of a significant portion of the Subject 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 a third theater, temporary lodging space for visiting theater personnel, and a portion of essential support and administration space. Although these support and administration spaces are supplemented by others at the periphery of the Site, without these uses being housed in this central location of the facility, the theatre company could not function. Further, this creative combined solution to the historic preservation, noise, and space issues could not be achieved without relief from the strict application of certain provisions of the Zoning Regulations.

In October, 2002, the Applicant obtained variance relief from the height, building density, rear yard and lot occupancy regulations for the W-1 District in order to accomplish this extraordinary effort. In ordering approval of the original application, the Board determined that the strict interpretation of the Zoning Regulations would result in a practical difficulty upon the Applicant.

The Applicant now returns to the Board to request a modification to the height variance approval, to address needed revisions to the cradle portion of the design, which contains the accommodations for the visiting artists, and for slight modification to the wing-like span cantilevering over much of the Site. Upon further study and refinement of the design, the Applicant has determined that the area provided for the performers' temporary lodging space needs to be expanded in order to reasonably accommodate the needs of visiting performer, including those traveling with families. The Applicant has revised the cradle design slightly to provide for a more spacious residential arrangement, including an additional portion of a fourth floor of residential use atop the cradle stage. In addition, the

height of the cradle has been increased to accommodate a number of acoustic and technical requirements in the new theater, also housed in this component of the Project. In particular, the necessity of acoustically isolating the apartments requires a separate structure that bridges over the theater below. The cantilevered roof requires slight adjustment to accommodate structural and design revisions.

§930 – Building Height Restriction:

Building height in the W-1 District is limited to 40 feet. Nonetheless, as noted above, the existing historic structure exceeds this limit, measuring approximately 45 feet in height. With the Applicant's redevelopment proposal being premised on the enclosure of the existing landmark structure within the new construction, the Board has previously recognized that 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 effect of having the new construction "float" over the existing structure, the Applicant originally proposed a height of 75 feet. This modified proposal contemplates a measured height of 89.77 feet. The original height of the wing-like span cantilevering over the Site was 65 feet. The revised proposal contemplates an approximately 56.5-foot height at the edge of the cantilevered roof, and with a high point of approximately 71.77 feet, in order to accommodate the proposed suspension cable system.

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

also includes a rudder-like architectural embellishment, incorporating an elevator penthouse, which measures ten feet in height.

Without variance relief from §930 of the Zoning Regulations, the Board previously recognized that 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. In returning to the Board with its Revised Project, the Applicant submits that without the further relief requested from the building height limitations, it will suffer practical difficulty in structurally supporting a primary design aspect of the proposal, namely the cantilevered roof. Likewise, the additional building height at the cradle portion is needed in order for the Applicant to increase the amount of space available as temporary residences for visiting performers and their families, to provide an increased level of technical and acoustic performance for the new theatre space below, and to provide an acoustic barrier between the theater and residential components.

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 Applicant submits, and the Board has previously held, that the Project can be undertaken without harm to the public good and without threat to the integrity of the zone plan. The application furthers the public interest in that will greatly enhance an already integral arts use. Arena Stage is a vital component to the rejuvenating Southwest Waterfront area. Its enhancement and expansion, as

proposed, will serve to further its role as a destination location for citizens throughout the District. The proposal likewise will further various elements of the District's Comprehensive Plan, including the historic preservation element.

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. And, as the Board is aware, 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.

The Project has been embraced by experts and professionals in the design field. At its April 22, 2003 public meeting, the CFA voted to support the Revised Project and its request for additional height as fitting for the Site. With respect to the modified plans, the CFA noted its appreciation of the carefully considered design concept and approach.(Exhibit E).

Finally, the Revised Project has also been review and approved by the community. At its regularly scheduled public meeting held June 9, 2003, Advisory Neighborhood Commission 6D voted to support the Revised Project. The Revised Project is also strongly endorsed by Ward 6 Councilmember Sharon Ambrose.(Exhibit F).

VI.
WITNESSES

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

B. Representative of Bing Thom Architects.

C. 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,

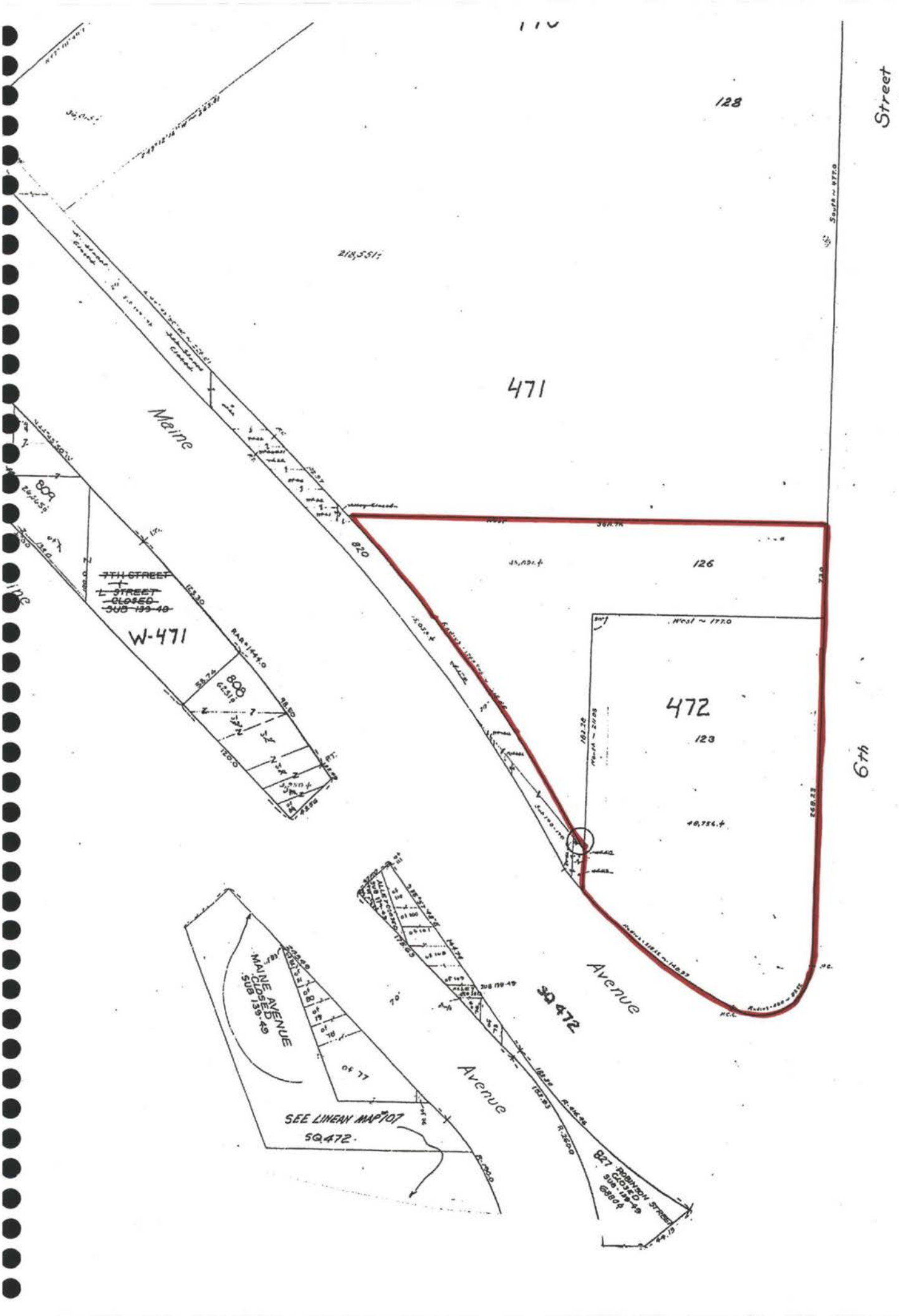
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By _____
Norman M. Glasgow, Jr.

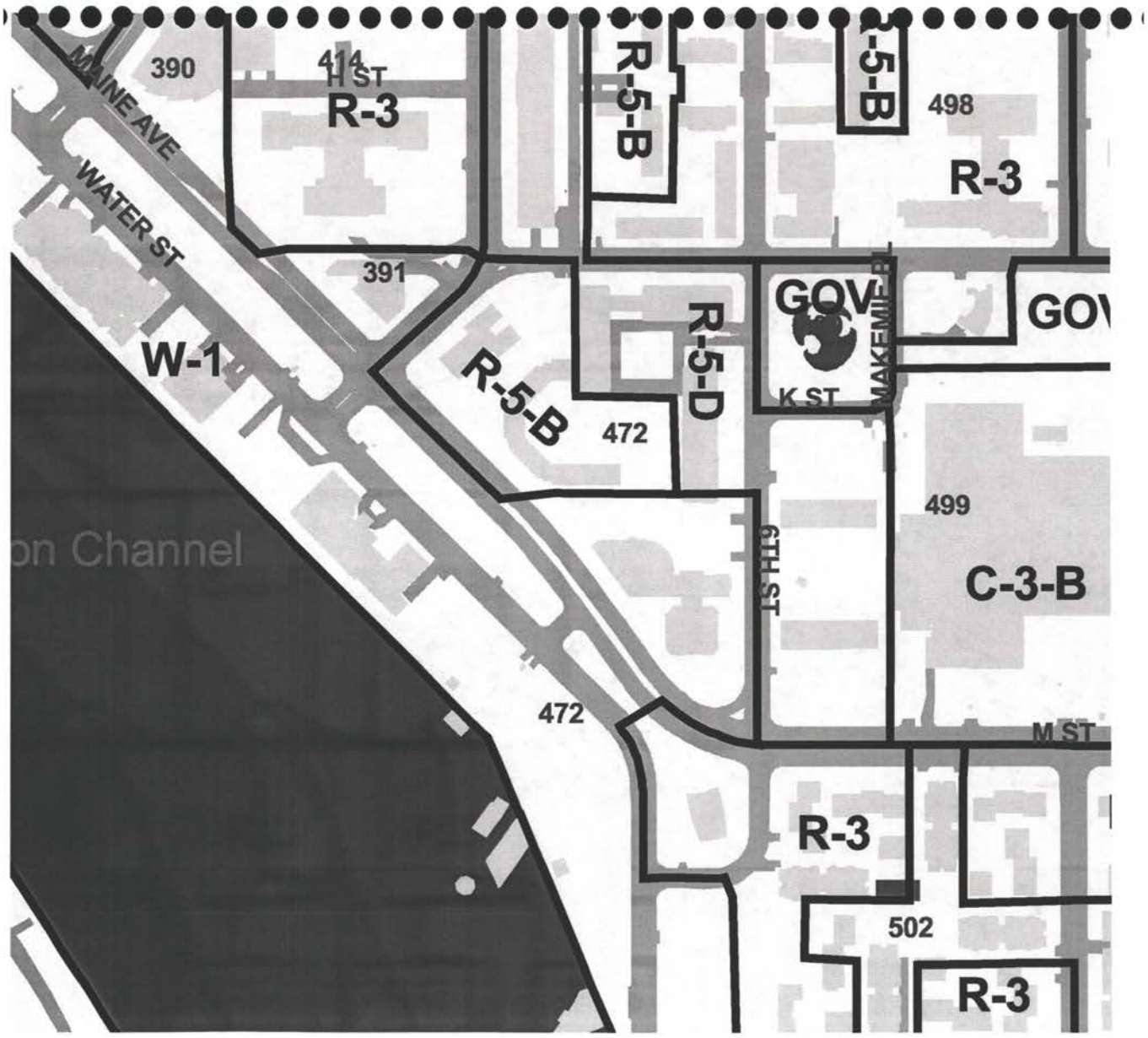
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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16933 of Washington Drama Society, Inc. dba The Arena Stage, pursuant to 11 DCMR § 3103.2, for a variance from height limitations under section 930, a variance from the floor area ratio requirements under section 931, a variance from the lot occupancy requirements under section 932, and a variance from the rear yard requirements under section 933, to allow the construction of an addition to an existing theater in the W-1 District at premises 1101 6th Street, S.W. (Square 472, Lots 123 and 126).

HEARING DATE: October 29, 2002
DECISION DATE: October 29, 2002 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2D, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2D. ANC 2D submitted a letter in support of the application. The OP submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 930, 931, 932, and 933, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and 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. It is therefore **ORDERED** that this application be **GRANTED.**

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: **5-0-0** (Geoffrey H. Griffis, John G. Parsons, David A. Zaidain, Anne M. Renshaw, and Curtis L. Etherly to Approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order.

ATTESTED BY: **JERRILY R. KRESS, FAIA**
Director, Office of Zoning

FINAL DATE OF ORDER: OCT 30 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL

STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16933

As Director of the Office of Zoning, I hereby certify and attest that on OCT 3 0 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr., Esq
Holland & Knight LLP
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Andy Litsky, Chairperson
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Washington, D.C. 20024

Richard B. Westbrook, Commissioner 2D01
Advisory Neighborhood Commission 2D
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Washington, D.C. 20024

Jack Evans, City Councilmember
Ward Two
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Washington, D.C. 20004

Robert Kelly, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
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Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
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Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
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Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16933-A of Washington Drama Society, Inc. dba The Arena Stage, pursuant to 11 DCMR § 3103.2, for a variance from height limitations under section 930, a variance from the floor area ratio requirements under section 931, a variance from the lot occupancy requirements under section 932, and a variance from the rear yard requirements under section 933, to allow the construction of an addition to an existing theater in the W-1 District at premises 1101 6th Street, S.W. (Square 472, Lots 123 and 126).

HEARING DATE: October 29, 2002
DECISION DATE: October 29, 2002 (Bench Decision)

CORRECTED SUMMARY ORDER

This order corrects Order No. 16933, which was issued without indicating the Board's decision to grant flexibility in the design of the building as may be approved by the Historic Preservation Review Board and/or the Commission of Fine Arts.

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2D, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2D. ANC 2D submitted a letter in support of the application. The OP submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 930, 931, 932, and 933, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and 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. It is therefore **ORDERED** that this application be **GRANTED** with the following provision:

1. The Applicant may modify the design of the building as may be approved by the Historic Preservation Review Board and/or the Commission of Fine Arts, provided that those changes do not increase any of the areas of relief granted by the Board of Zoning Adjustment.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: **5-0-0** (Geoffrey H. Griffis, John G. Parsons, David A. Zaidain, Anne M. Renshaw, and Curtis L. Etherly to Approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order.

ATTESTED BY: Jerrily Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: NOV - 7 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

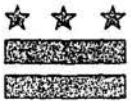
PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES

PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16933-A

As Director of the Office of Zoning, I hereby certify and attest that on NOV - 7 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr., Esq
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

Andy Litsky, Chairperson
Advisory Neighborhood Commission 2D
400 I Street, S.W.
Washington, D.C. 20024

Richard B. Westbrook, Commissioner 2D01
Advisory Neighborhood Commission 2D
505 H Street, S.W.
Washington, D.C. 20024

Jack Evans, City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

Robert Kelly, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

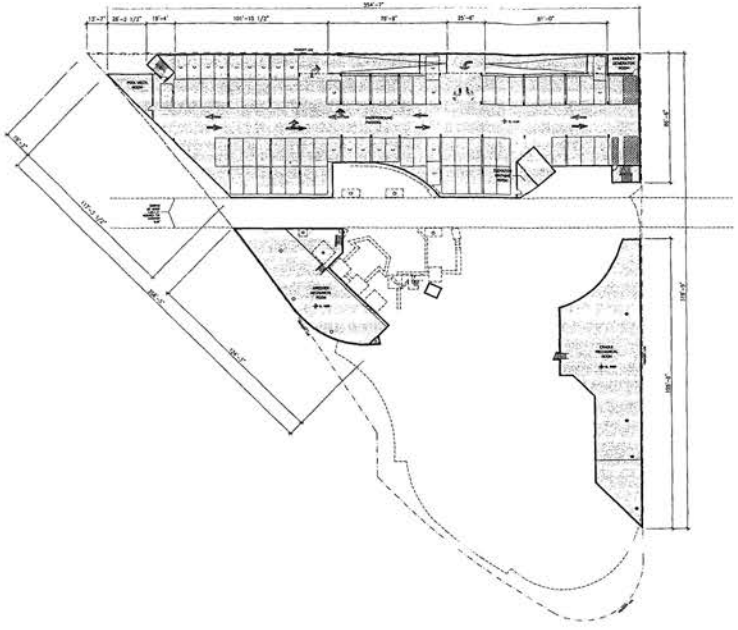
rsn

ATTESTED BY: Jerrily R. Kress

JERRILY R. KRESS, FAIA
Director, Office of Zoning



WASHINGTON CHANNEL
M STREET S.W.
KEY
BING THOM
ARENA STAGE
PROJECT
SITE PLAN
A100



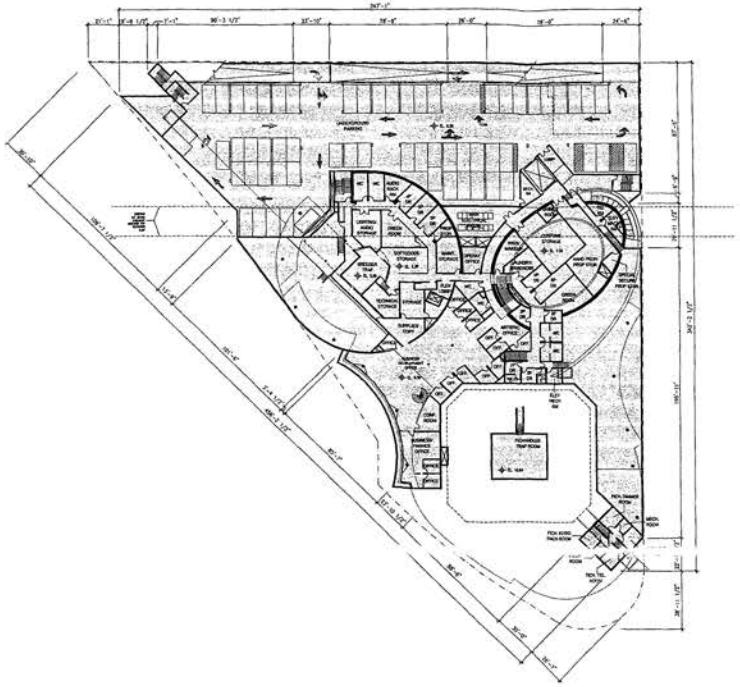
KEY

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 0.0'

A201



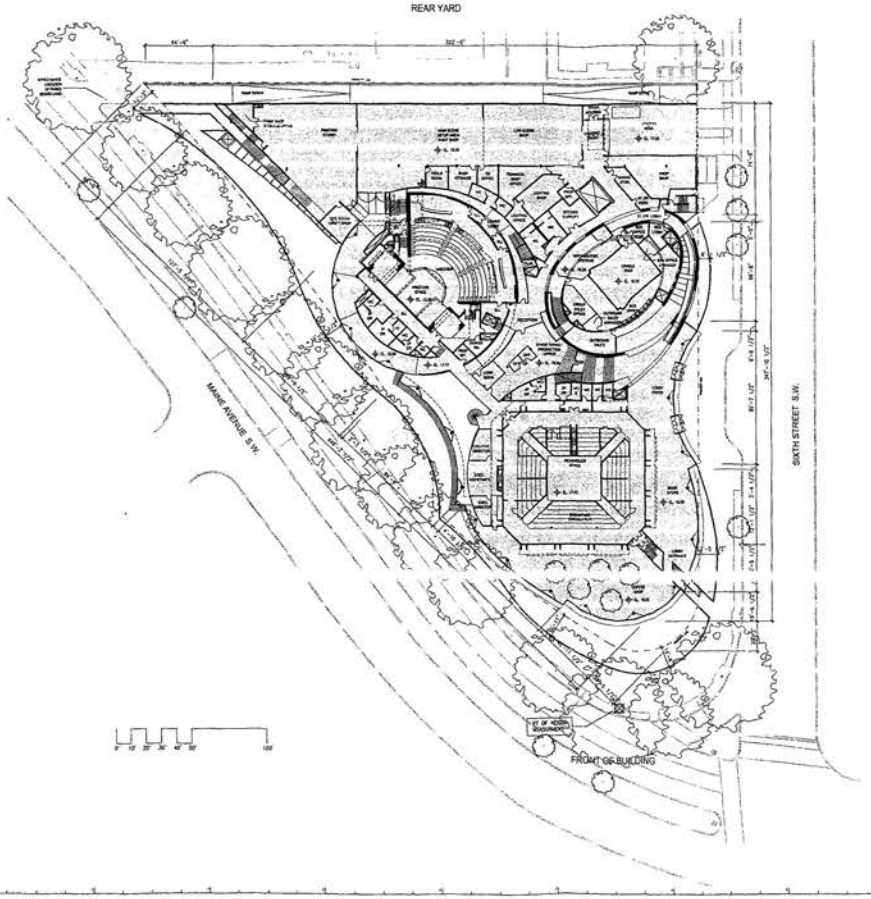
KEY

BING THOM
ARCHITECTS

ARENA STAGE
PROJECT

PLAN @ LEVEL 6.5'

A202



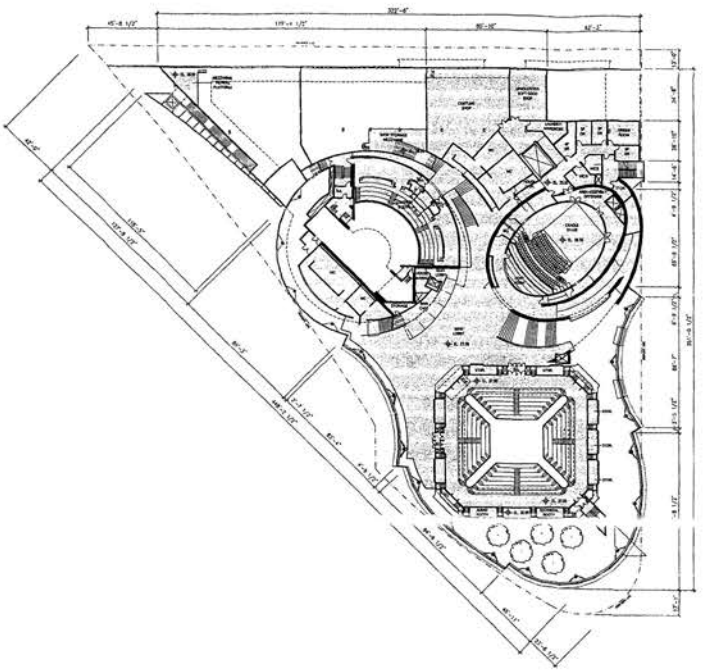
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BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 18.5'

A203



KEY

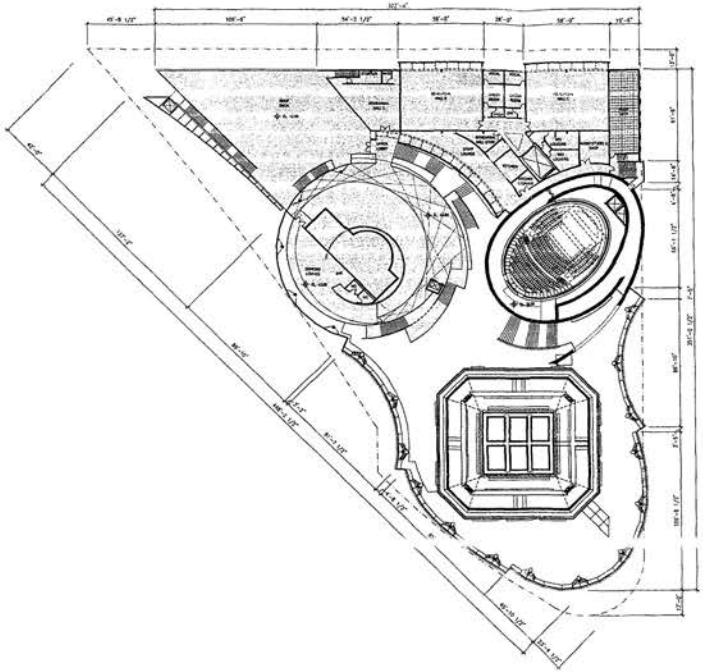
REVISIONS

BING THOM

ARENA STAGE
PROJECT

PLAN @ LEVEL 27.5'

A204



KEY

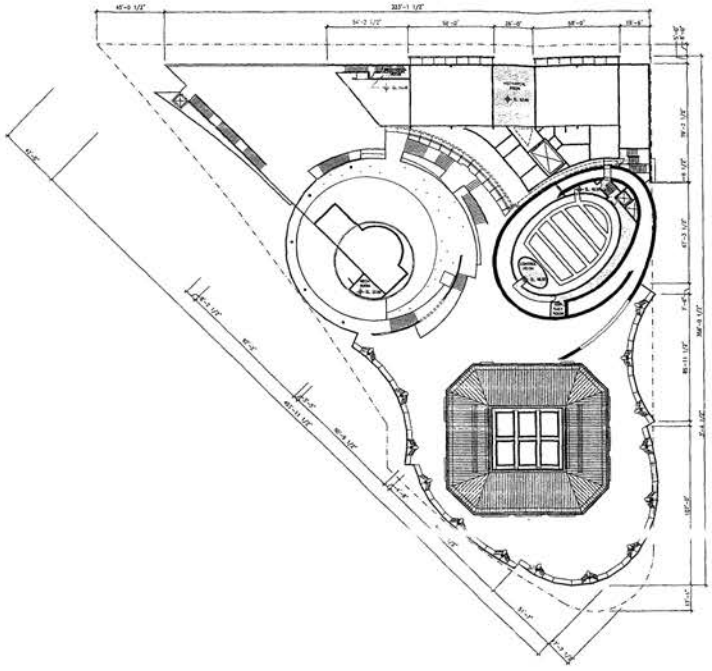
REVISIONS

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 42.7

A205



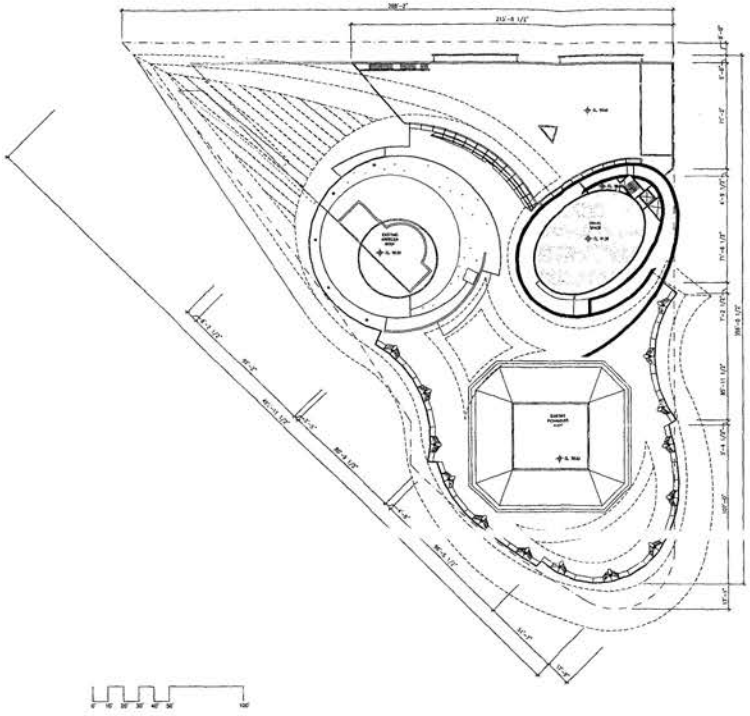
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BING THOM
ARCHITECTS

ARENA STAGE
PROJECT

PLAN @ LEVEL 54.0'

A206



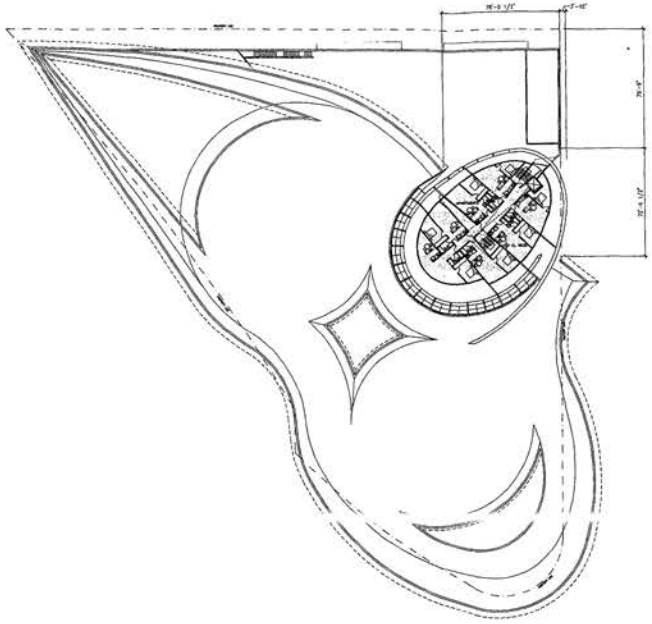
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BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 56.0'

A207



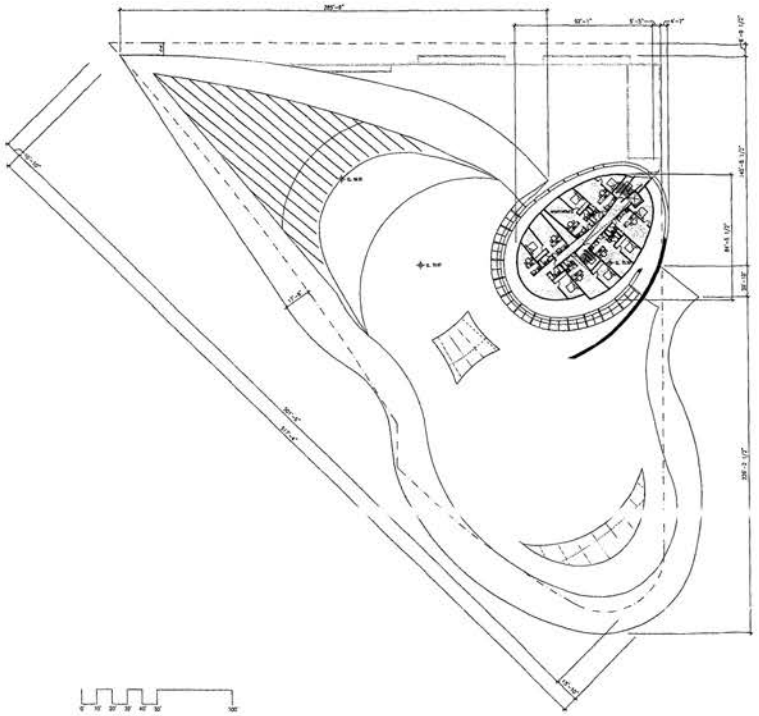
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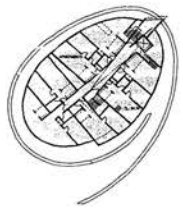
BING THOM

ARENA STAGE
PROJECT

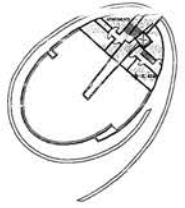
PLAN @ LEVEL 66.5'

A208





CRADLE PLAN @ LEVEL 84.50'
SCALE 1/64"=1'-0"



CRADLE PLAN @ LEVEL 93.50'
SCALE 1/64"=1'-0"

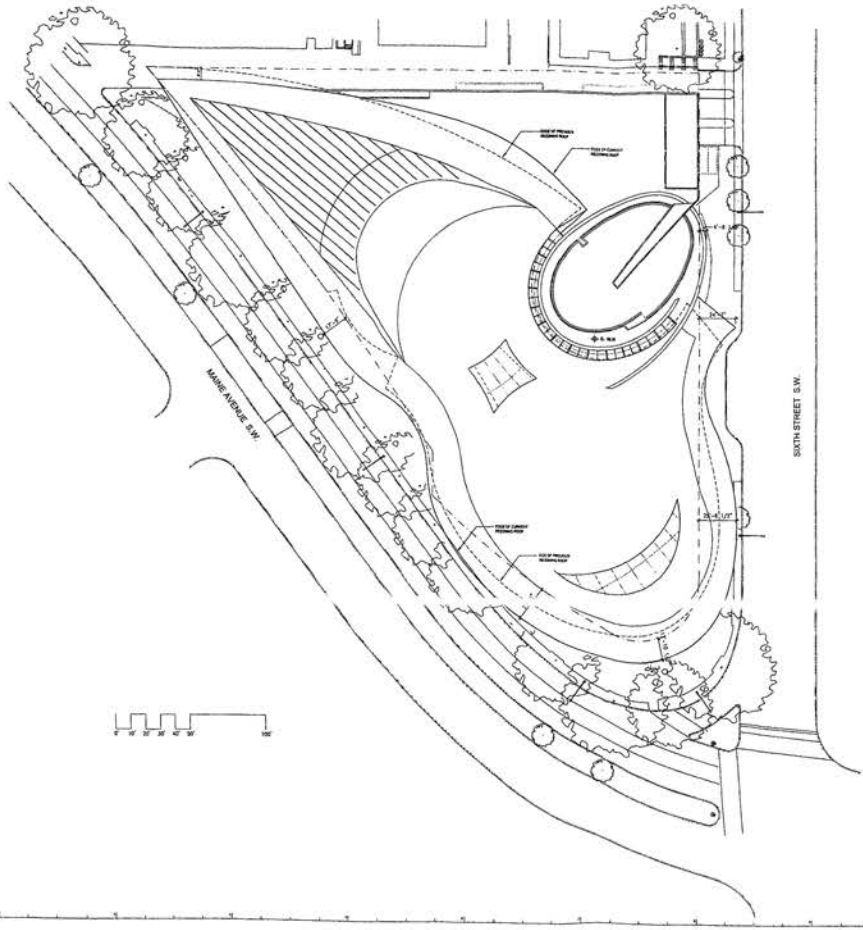
KEY

BING THOM ARCHITECTS

ARENA STAGE PROJECT

PLAN @ LEVEL 75.5'
PLAN @ LEVEL 84.5'
PLAN @ LEVEL 93.5'

A209



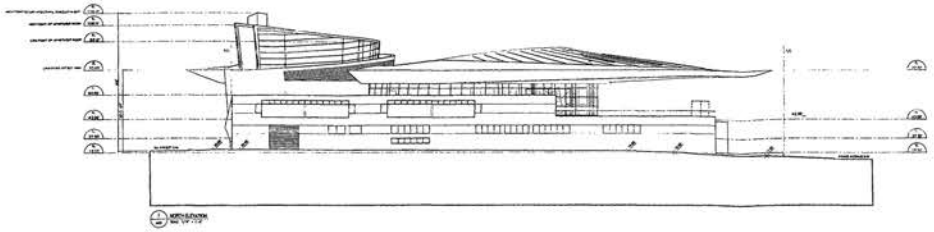
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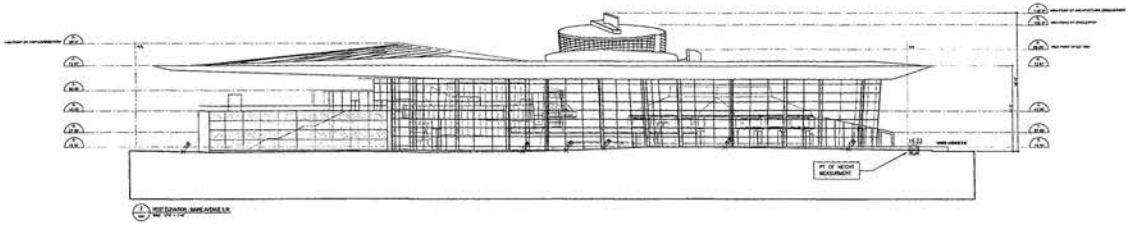
BING THOM

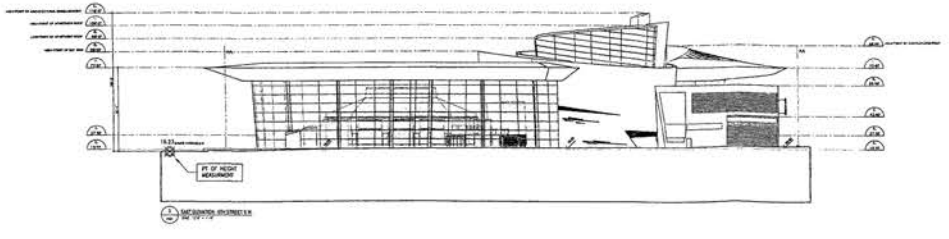
ARENA STAGE
PROJECT

ROOF OVERLAY

A210







KEY

BING THOM

ARENA STAGE PROJECT

ELEVATIONS

A400



THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

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

202-504-2200
202-504-2195 FAX

5 May 2003

Dear Mr. Richard:

During its meeting of 22 April, the Commission reviewed and approved the revised concept for the additions, alterations and reconfiguration of Arena Stage (S.L. 03-074) located at 1101 Sixth Street, SW. The Commission appreciated the carefully considered design concept and approach, while supporting the additional height of the structure as fitting for the site.

We commend the design team and look forward to continued review of the project. As always, the staff is available should you or the design team require guidance.

Sincerely,

Harry G. Robinson III, FAIA
Chairman

Steven Richard, Executive Director
Arena Stage
1101 6th Street, SW
Washington, DC 20024

cc: Bing Thom, Bing Thom Architects
Michael Heeney, Bing Thom Architects
Desiree Urquhart, Arena Stage
Norman M. Glasgow, Holland & Knight LLP
Wade Eller, Concord Partners

F

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

RECEIVED
D.C. OFFICE OF ZONING
2003 JUN 13 PM 3 41

Carol Mitten, Chairperson
D.C. Zoning Commission
441 4th Street, NW, 2nd Floor
Washington, DC 20001

Re: Arena Stage
BZA Application No. 17033

Dear Chairperson Mitten and Members of the Zoning Commission:

As Councilmember for Ward 6, I am writing this letter in order to express my strong support for the Arena Stage project (BZA Application NO. 17033) and urge you to grant the application which modifies the Board's previous approval to allow an increase in the height of a portion of the project to better accommodate residential units which will house actors and others involved with productions at the Arena Stage.

This project is extremely important to the overall city efforts of improvement and redevelopment of the Southwest Waterfront and the rationale that led the Board to approve the project previously remains present in this application.

I look forward to your favorable action on this significant undertaking, which will have benefits to the surrounding community and the District as a whole.

Thank you for your attention to my comments.

Respectfully Submitted,

Sharon Ambrose

Sharon Ambrose
Councilmember, Ward 6

G

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

I. INTRODUCTION

II. BACKGROUND OF ARENA STAGE AND PRIOR BZA APPROVAL

III. OVERVIEW OF PROPOSED MODIFICATION TO APPROVED PLANS

IV. ADDITIONAL VARIANCE RELIEF FOR BUILDING HEIGHT IS NEEDED

V. COMMUNITY SUPPORT FOR REVISION
- **A) Councilmember Ambrose**
- **B) ANC 6D**

VI. CONCLUSION

H

OUTLINE OF TESTIMONY
REPRESENTATIVE,
BING THOM ARCHITECTS

I. INTRODUCTION AND OVERVIEW OF APPROVED DESIGN

II. DISCUSSION OF PROPOSED REVISIONS TO APPROVED DESIGN

- **A) Revisions to Cradle Design**
- **B) Revisions to Cantilevered Roof**
- **C) Other Minor Revisions**

III. COMPARISON OF MASSING AND HEIGHT BETWEEN APPROVED AND REVISED DRAWINGS

IV. ADDITIONAL BUILDING HEIGHT VARIANCE RELIEF IS NEEDED

V. PROFESSIONAL SUPPORT FOR REVISED DESIGN– COMMISSION OF FINE ARTS

VI. CONCLUSION

1

Law Offices
HOLLAND & KNIGHT LLP

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FAX 202-955-5564
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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 17033
1101 6th Street, S.W.

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

July 8, 2003

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

H. Variances granted from height, nonresidential floor area ratio, lot occupancy and rear yard in by Order No. 16933A, dated November 7, 2002

1. Height

a. Maximum permitted: 40 feet

b. Approved: 75 feet

2. Nonresidential floor area ratio

a. Maximum permitted: 2.0

b. Approved: 2.2

3. Lot occupancy

a. Maximum permitted: 80%

b. Approved: 99%

4. Rear Yard

a. Minimum required: 12 feet

b. Approved: 8

IV. Proposed development

A. Use: continued use for Arena Stage (same as previously approved)

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. Exterior edge of cantilevered roof: 56.44 feet

   2. High point of cantilevered roof: 71.77 feet

   3. Maximum of 89.77 feet to the top of the roof over the apartments

D. A total of approximately 135 parking spaces on two levels with access from 6th Street and Maine Avenue

V. Height variance relief now required

A. Maximum permitted: 40 feet

B. Proposed: 89.77 feet

C. Variance: 49.77 feet

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, including acoustical separations and accommodation of needs of visiting performers

B. Practical difficulty

1. Acoustically satisfactory environment for theater uses requires greater height to separate theaters from other 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

4. Need to provide larger residential spaces for visiting performers and their families

C. No detriment to the public good

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

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

3. Approval of Commission of Fine Arts

4. 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 increased height 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