BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Washington Drama Society, Inc.
dba The Arena Stage
1101 6th Street, SW

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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I. Background:

The Subject Property, Lots 123 and 126 in Square 472, with premises address of 1101 6th Street, SW, is improved with the Arena Stage Theater. The Subject Property is zoned W-1 and is individually listed on the D.C. Inventory of Historic Sites.

Arena Stage is comprised of two stage areas, the Fichandler and the Kreeger theaters. The Applicant proposes to preserve these structures as part of its redevelopment project, essentially encapsulating these historic structures within a larger structure, and in the process, distinguishing new construction from old. The proposed new construction will improve performing, lobby, circulation and preparation spaces as well as expand and improve administrative and classroom spaces and mechanical systems, stage production areas and patron parking. The new construction will also provide the Applicant opportunity to include residential accommodation for visiting actors and personnel, located above the "cradle stage" in the roughly cylindrical portion of the new construction.

In addition to 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. This wing has been revised somewhat from the originally-approved drawings by the Board, enhancing its structural and aesthetic design. No additional zoning relief is required to accommodate these proposed revisions.

In order to accomplish the project, the Applicant seeks variance relief from §930.1 of the Zoning Regulations. The instant application requests a modification to the height variance that was previously approved by the Board in Order No. 16933-A. In BZA 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 this extraordinary effort of encapsulating the existing historic portions of the building and providing the needed improved and additional spaces on this exceptional configured and located site.

BZA
Case No. 17033
Exhibit No. 8

Board of Zoning Adjustment
District of Columbia
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Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested modification of variance relief. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

A. Variance Relief

The test for variance relief is three-part: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

(1) Exceptional Condition or Situation:

The Applicant will demonstrate, and the Board has previously held, that the Subject Property 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 an exceptionally large pie-shaped property with prominent frontages along both 6th Street, SW, and Maine Avenue, SW. 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.

(2) Resulting Practical Difficulty:

The Applicant will demonstrate, and the Board has previously held, that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant. The Applicant has significant need to improve and expand the existing landmark theater building in a number of ways, as approved by the Board with Order No. 16933-A. The Applicant returns to the Board to request a modification to the height variance approval only, to address needed revisions to the cradle portion of the design, which contains the accommodations for the visiting artists. Upon further study and refinement of the design, the area provided for the

artists' temporary lodging space has been determined to be too small to reasonably accommodate the needs of visiting artists, especially those traveling with families.

(3) No Harm to Public Good or Zone Plan:

The Applicant will demonstrate, and the Board has previously held, that the proposed 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.

With respect to the modification requested for the approved height variance, the Applicant is requesting a small increase in the permitted height of the roughly cylindrical "cradle" feature of the design, which will contain the cradle stage and temporary lodging for artists above. Both the original and modified designs for this 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 what was previously a parapet. In addition, the revised proposal includes atop this new sloped roof a small, ten-foot tall architectural embellishment, which, in part, encloses the elevator override. The revised proposal represents a total increase in ceiling height from the roof of the original design of 14.77 feet, to a new height of 89.77 feet from 75 feet. In effect, however, the difference is much less than even the 14.77 feet in that the sloped roof of the original design, were it not to serve as a parapet but as a true ceiling as in the revised design, would measure 85 feet, only approximately five feet less than the revised proposal.

The revised project was reviewed and approved by the U.S. Commission of Fine Arts at its April 22, 2003 public meeting.