

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 15, 2016

SUBJECT: BZA Case 18471A - request for a use variance from §§ 201, 216 and 350.4 to allow a theater use to co-locate with an existing church use on property located at 1810 16th Street NW.

I. BACKGROUND

The Subject Property (1810 16th Street NW) is located within the R-5-B Zone District and Dupont Circle Overlay District, which does not allow for a theater use. In 2012, the Applicant, the Universalist National Memorial Church (the “Church”), was granted use variance relief for a theater use per BZA Order 18471 (the “Order”) from § 350.4 (R-5 Districts: General Provisions). The Order granted approval, subject to ten (10) conditions. Once the BZA granted the use, the Applicant obtained a Certificate of Occupancy for partial occupancy of the Church as a theater in the basement with 75 seats pursuant to the Order.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the use variance, with the following modifications to the conditions included in BZA Order 18471:

Condition No. 1: This approval shall be for a period of **SIX (6)** ~~THREE (3)~~ YEARS beginning on the date upon which the order became final.

Condition No. 2: The total number of “performances” by the residential theater shall be limited to **60** ~~48~~ per year. Performances shall include only formal theater-sponsored and benefitted scheduled events in which tickets are advertised and offered in advance to the general public. Performances shall not include Church-sponsored and benefitted events, theater auditions, rehearsals, and dress rehearsals which are not open to the public and tickets are not sold or offered, and other small scale and customary theater developmental activities, including free workshops, readings, open houses and other fundraising activities and other development activities for theater professionals and the public.

III. LOCATION AND SITE DESCRIPTION

Address	1810 16th Street NW (the “Subject Property”)
Applicant:	The Universalist National Memorial Church (the “Applicant”)
Legal Description	Square 0177, Lot 0802
Ward / ANC	Ward 2; ANC 2B
Zone	DC/R-5-B – theater uses are not allowed as a matter of right or by special exception in the base zone district.
Historic District or Resource	Sixteenth Street
Lot Characteristics	A rectangular corner lot with an area of 11,750 square feet (0.27 acre) that abuts an alley 10 feet wide
Existing Development	According to DC land records, the existing three-story building with a basement was constructed in 1930. The frontages of S Street NW and 16th Street extend along the southern and eastern property borders, respectively. Based on the annotated plat from the DC Office of the Surveyor that was submitted with this application, the existing building is set back from S Street and the adjacent alley along the western boundary. The building occupies approximately $\frac{3}{4}$ of the site. An open courtyard surrounded by a masonry wall attached to the building occupies the northwest corner of the site. There are several parallel parking spaces between the building and the alley in the southwest corner the property. The Applicant continues to work with the Historic Preservation Office staff to make the building Americans with Disabilities Act compliant.
Adjacent Properties	Three-story row dwelling on properties to the north along 16 th Street in the same zone; an 8-story apartment building to the south across S Street, a 7-story apartment building to the east across 16 th Street, and the Scottish Rite of Free Masonry Supreme Council #33 Museum and Library (Temple) to the southeast across the S Street intersection with 16 th Street in a DC/R-5-D district; and 2-3 story row dwelling to the west along S Street NW in a R-5-B district.
Surrounding Neighborhood Character	The surrounding neighborhood is characterized by row dwellings and institutional uses.
Proposed Development	The theater use (Spooky Action Theater) currently operates without a fixed stage or fixed seating in Perkins Hall, the Church’s 7,400 square-foot multipurpose room. Current and future church-related activities previously held in this space would continue under this proposal. The theater company is not affiliated with Church functions. According to the Applicant, the Church relies on revenue from the theater use to continue Church operations.

The Church currently has a parking agreement with the nearby Temple for theater performances.



IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Section 350.4 of the regulations lists the allowable uses in the R-5 district. A theater use is not on that list. A theater is also not permitted by special exception in this district.

Private and public theater uses are first allowed in the Mixed Use Commercial Residential (CR) District and theater uses including movie theaters are first permitted in the C-2 district.

In accordance with § 2120.3, parking is not required for the theater use because the subject church building has been determined to contribute to the 16th Street Historic District.

V. OFFICE OF PLANNING ANALYSIS

The BZA determined in Case 18471 that the Church possessed an exceptional situation resulting in an undue hardship; therefore, OP's analysis focuses on the updated conditions proposed by the Applicant. These include the proposed increase in the approval period (six years instead of three), and the increase in the proposed number of performances each year (60 instead of 48).

Modifying the terms of the Order would not result in a substantial detriment to the public good. A small performing arts company should continue to enhance the neighborhood quality of life. The Office of Planning is not aware of issues with noise or traffic resulting from the theater use. The increase in theater performances per year should not have a detrimental impact on the neighborhood. The Church is accessible to public transit that serves theater employees and patrons. Further, limited off-street parking has been secured during performances at the Masonic Temple across the intersection. In addition, a portion of the revenue generated by the theater would be applied to the restoration of the Church structure, as well as to services provided by the Applicant. Lastly, increasing the approval period of the Order would be less burdensome and costly for the Applicant.

VI. COMMUNITY COMMENTS

ANC 2B voted 7-0 to support the proposed relief at its meeting held on March 9, 2016.

The Office of Planning is not aware of neighbor opposition to the proposed relief, including the potential expansion in the number of theater performances or the proposed increase in the period of the Order from three to six years.