

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

Application of Studio Acting Conservatory
3423 Holmead Place, N.W. (Square 2834, Lot 163)

Preliminary Statement of Compliance with Burden of Proof

I. Introduction

Studio Acting Conservatory ("Applicant") seeks special exception relief to operate a private school in the existing church building at 3423 Holmead Place, N.W. (Square 2834, Lot 163) ("Property") in the RF-1 District. The property is currently improved with a semi-detached, three-story church structure that is currently vacant. The Applicant proposes to use the building as a private school for the Studio Acting Conservatory. The Applicant seeks special exception relief pursuant to 11-U DCMR §§ 320.1(a) and 203.1(l) for the private school use. The school proposes a class schedule which will ensure no more than 52 students and faculty/staff will be on the premises at one time.

II. Background

A. Description of the Applicant

Studio Acting Conservatory has a forty-four-year history of training performance artists and providing small classes taught by devoted, committed teachers in the field of theater acting. Geared to adults and young actors alike, classes include core acting, techniques (voice, movement, speech dialect), directing, classic and modern master works of the theater, and other acting-related training. Conservatory programs are offered as individual classes or workshops, or as part of a three-year curriculum.

B. Description of the Site and Surrounding Area

The Property is presently improved with a three-story church structure that was used continuously as a church until it was purchased by the previous owner circa 2018. The Property is an interior lot with approximately 6,350 square feet of land area, and a width of 50 feet. The building fronts on Holmead Place, N.W. An alley to the rear that parallels the street. The buildings directly adjacent to the north and south of the Property are rowhouses. Several residential apartment buildings are located across the rear alley. Square 2834 is bounded by Otis Street, N.W. on the north; Holmead Place, N.W. to the west; Monroe Street N.W. to the south, and 13th Street, N.W. to the east. The church structure on the Property was constructed circa 1980 and is nonconforming with respect to a court on the northwest of the structure. The existing structure has two stories, plus a lower level that is more than four feet above the adjacent finished grade, for a total of three stories.

The site is located in the Columbia Heights neighborhood, within two blocks from the GALA Hispanic Theatre and the Dance Institute of Washington. Metrobus lines 52, 54, and 59 are accessible from 14th Street, N.W., approximately 0.2 miles from the site. The Columbia Heights Metrorail Station is located 0.3 miles from the site, and access to additional bus lines 63, 64, D32, H1, H2, H3, H4, H8, and WP-AM are within 0.5 miles from the site.

C. Description of the Proposal

1. The Building

The Applicant proposes to convert the existing church building for use as a private school for theater arts classes, which requires special exception relief for the use in the RF-1 zone. Renovations to the existing building will be limited to the interior of the structure. No changes are being proposed to the exterior. The existing structure is non-conforming with respect to front

setbacks and an open court on the northwest side of the structure. However, the Applicant does not propose any enlargements or additions to the nonconforming aspects of the structure.

Accordingly, the nonconforming aspects do not require relief.

The existing building has a gross floor area of 6,108 sf, which will remain the same. The proposal includes creating classroom teaching spaces that will allow the Applicant to conduct classes and workshops for acting students. Five studios will be provided with additional space for student and teacher lounges.

2. The School Program

The school will have a maximum attendance of approximately 52 students and teachers on site at any given time. Most classes are held in the evenings or on the weekends during the school year. In the summer, the school provides six-weeks of full-day sessions, but those sessions end at 3pm each day, well before the rush hour begins. The types of classes and number of students are summarized in the following table:

<u>Type of class</u>	<u>Days offered</u>	<u>Approximate start time</u>	<u>Length of class</u>	<u>Number of students</u>
Adult class (afternoon)	Monday-Thursday	3pm-4pm	1.5 - 3 hours	8-12
Adult class (evening 1)	Monday-Thursday	5pm-6:30pm	1.5 - 3 hours	8-12
Adult class (evening 2)	Monday-Thursday	8pm	1.5 - 3 hours	8-12
Youth class (fall/spring)	Saturday	10am	3 hours	8-12
Youth class (summer)	Monday-Friday	9am	6 hours	8-12
Two-day workshops	Saturday- Sunday	1pm	4 hours	8-12

There are no more than four classes scheduled at one time, with a total maximum of up to 48 students and four instructors (for four classes) per session. Each semester culminates in

“Final Scenes,” a public showing of the student work for each class. Final Scenes take place in the evening for a period of one week (Monday through Sunday). Regularly scheduled classes do not take place during this time period. Between 20 and 50 people attend each night of Final Scenes.

3. Automobile and Bike Parking

As a private school, the proposal will provide five vehicular parking spaces, which meets the requirement for the site. *See* 11-C DCMR § 701.5 (Education, private);¹ *see also* discussion *infra* Part V.C.2. The proposal also meets the requirement for bicycle parking by providing three short-term bicycle parking spaces (no long-term bicycle spaces are required). *See* 11-C DCMR § 802.1 (Education, private school). Loading berths and service spaces are not required or provided because the space will have a gross floor area of less than 30,000 square feet. *See* 11-C DCMR §§ 901.1, 901.3.

III. Jurisdiction of the Board

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special exception relief requested pursuant to 11-E DCMR §§ 101.3 and 5201.1(f); 11-X DCMR § 901.2; and 11-Y DCMR § 100.3.

IV. Standard of Review

Special exception relief for use as a private school is available in the RF-1 Zone pursuant to 11-U DCMR §§ 320.1(a), 203.1(l). In order to grant special exception relief, the Board must find that the proposal:

- (1) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

¹ The private theatre school does not fit neatly into either of the two categories for private schools, “elementary and middle school” or “high school and accessory uses.” The Applicant has applied the “high school and accessory uses” standard, which is the category requiring the greatest number of parking spaces.

- (2) will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) [will be] subject in specific cases to special conditions specified in the Zoning Regulations.

11-X DCMR § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning district, provided the specific regulatory requirements for the relief requested are satisfied. *See National Cathedral Neighborhood Ass'n v. District of Columbia Bd. of Zoning Adj.*, 753 A.2d 984, 986 (D.C. 2000); *see also Stewart v. District of Columbia Bd. of Zoning Adj.*, 305 A.2d 516, 518 (D.C. 1973) (noting that “[s]pecial exceptions, unlike variances, are expressly provided for in the Zoning Regulations”). If the specific requirements of the regulations are met, the Board is generally precluded from denying an application.

V. The Applicant Satisfies the Burden of Proof for Special Exception Relief.

A. The relief is harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The RF Zones are generally intended to “provide for areas developed primarily with row dwellings” and “designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses.” 11-E DCMR §§ 100.1-.2. The purposes of the RF zones include the following:

- (a) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;
- (b) Allow for limited compatible non-residential uses;
- (c) Allow for the matter-of-right development of existing lots of record;

- (d) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones;
- (e) Allow for the limited conversion of rowhouse and other structures for flats; and
- (f) Prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone.

11-E DCMR § 100.3.

Specifically, “[t]he purpose of the RF-1 zone is to provide for areas predominantly developed with attached row houses on small lots within which no more than two (2) dwelling units are permitted.” 11-E DCMR § 300.1

The Project will be in harmony with the with the general purpose and intent of the Zoning Regulations and Zoning Maps. The acting conservatory is a compatible non-residential use that provides cultural enrichment and educational training for residents. Relief for use as a private school for theater arts will have no visible impact on the character of the surrounding neighborhood. The exterior of the structure will remain unchanged. The private school use will have a smaller impact on the surrounding community than the prior church use, which previously supported a congregation of approximately 160 persons.

B. The proposed relief will not adversely affect the use of neighboring property.

The proposed use will not adversely affect the use of the neighboring properties. No changes are proposed to the exterior of the building and all instruction will take place inside the building, thereby protecting the use of neighboring properties. As discussed in greater detail below, the conservatory will not create any objectionable conditions with regard to noise, traffic, and parking. In fact, the conservatory will be a cultural asset to the community.

C. The proposed use satisfies the special conditions required in Section U-203.1(1).

Under Section U-203.1(1), private schools require further findings for special exception relief to be granted. The Applicants comply with these provisions, as follows:

1. *Shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions;*

The proposed private theater school is not likely to become objectionable to the adjacent and nearby properties. The site is located approximately one block from the 14th Street, N.W., commercial corridor, which includes a variety of arts and retail uses, a grocery store, coffee shops and restaurants. The school will have a maximum attendance of approximately 52 students and teachers on site at any given time. Operations are far less intensive, activities are extremely limited, and enrollment is significantly lower when compared to traditional private schools designed to meet state educational requirements. Most classes are held at off-peak hours in the evenings or on the weekends during the school year. In the summer, the school provides six-weeks of full-day sessions, but those sessions end at 3:00 p.m. each day, well before the typical work-day ends and rush-hour traffic begins

The proposed use will not create a significant amount of noise, as the number of users on the site is limited. The site's former use as a place of worship for the New Home Baptist Church, followed by the Church of Jesus Christ of Latter-Day Saints, created a more intense use on the site than is proposed.

2. *Ample parking space, but not less than that required by this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile;*

The proposal will provide ample parking space to accommodate the proposed use. A private school is required to provide "2 [parking spaces] for each 3 teachers and other

employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater.” 11-C DCMR § 701.5. Altogether, the private theatre school requires five parking spaces, and five parking spaces are provided. The school will have a maximum of four teachers and staff on site at one time, requiring three parking spaces.² The maximum number of classroom seats for students is 48, which would require two spaces. The proposal will not include a large performance space, auditorium, gymnasium or area usable for public assembly.

Based on historical practices, students will continue to use public transportation to and from classes. The site is well-served by the Columbia Heights Metrorail Station just 0.3 miles away, as well as several bus routes, including the 52, 54, 59, 64 H8, D32, H2, H3, H4, H8, W47, WP-AM, S1, S2, S4, and S9 metrobus lines. Additionally, public parking garages are located less than 0.2 miles from the site in the Tivoli Square (at the Giant Grocery Store on Park Road) and Target (off of Park Road on the West side of 14th street) complexes.

3. *After hearing all evidence, the Board of Zoning Adjustment may require additional parking to that required by this title*

The Applicant will comply with all applicable BZA requirements. As outlined above, the Applicant meets the special exception requirements for use as a private school.

VI. Community Outreach

The Applicants have reached out to members of the community and have received positive feedback on the proposed school use. The Applicant has also had discussions with members of Advisory Neighborhood Commission ("ANC") 1A and will make a formal

² See 11-C DCMR § 709.4 (“The number of teachers or employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night, including persons having both full-time and part-time employment.”)

presentation to the ANC's Zoning, Planning, and Parks Committee, and to the full ANC well in advance of the BZA hearing on this matter.

VII. Conclusion

For the reasons stated above, Applicant Studio Acting Conservatory satisfies the special exception requirements to operate a private school on the site. The Applicant will supplement the record no later than 21 days in advance of the hearing.