

Lance P. Salonia
1603 S Street NW
Washington, DC 20009
Email: SaloniaL@Aol.com

September 15, 2014

Dear Members of the DC Zoning Commission:

I am writing you with regards to:

Case No. 08-06A
Zoning Regulation Review
Subtitles D, E - Theater Space

Having recently had a theater set up in institutional space adjacent to my house, I wish to convey the effects a performing arts venue can have on the immediate neighbors' peace, order, and quiet, and to suggest actions that can be taken to mitigate such effects.

A theater setting up in an institutional space in a residential neighborhood involves much more than just the number of performances it will make available to the public. It is an intensive use which involves daily rehearsals, theater workshops, meetings, and other activities ancillary to a non-profit such as fundraising via yard sales, fashion shows, etc. And, at least in the case of the theater operating in the basement of the church across a 10 foot alley from my home, it also can include subletting of the space to performance festivals such as the Capital Fringe Festival - where we had 4 performances a day, 6 days a week, for a 4 week period - and even subletting to commercial activities such as photo shoots and the filming of commercial advertisements and the pre-requisite auditions. I.e., Unless strictly controlled in terms of specific uses, access means, hours of operation/performances, and a complete prohibition on subletting, the permitting of an intensive use such as a performing arts venue in a residential neighborhood can easily overwhelm the neighborhood's peace, order and quite.

The proposed text in this section doesn't appear to address any of the issues I am raising.

Lacking any zoning restrictions/controls, the situation next door to me was successfully addressed via a Zoning Variance action which resulted in the theater being allowed to continue operating BUT with restrictions, AND with a requirement that the Church (i.e., the space owner and the applicant) return in 3 years to apply for another variance after reporting on the effects on the immediate neighbors during the 3 year period the variance runs.

It's been 2 years now, and I can say that the restrictions incorporated into the zoning variance order AS WELL AS the requirement that this will come up for review a year from now, have resulted in an acceptable balance between the immediate neighbors'

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rights to peace, order, and quiet, and the desirability of having performing arts venues available to the general neighborhood and to others visiting the neighborhood.

To that end, I am enclosing my testimony presented orally at the variance hearing detailing the problems I was dealing with prior to intervention by the Board of Zoning Adjustment, as well as the zoning order that resulted from this action and has been working. I ask that you review both in light of 'lessons' learned and how the text you are proposing can and should be augmented to account for all these other uses associated with a theater in addition to the actual performances. Additionally, I'll include a photograph of one of the many crowds I experienced right outside my kitchen and bedroom windows prior to the zoning order which restricted the theater's access means to the front, main door of the church ... something the theater and the church had not been willing to do prior to my reporting this illegal use of the space to the District.

So, in order for you to better understand what the situation was and what worked to mitigate the problems and bring a better balance between the immediate neighbors' rights to peace, order, and quiet, and the general neighborhood's desire to have easy access to performing arts venues, please find enclosed:

1. The zoning order: Application No. 18471 of Universalist National Memorial Church, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions for theater performances on the basement level of a church under §§ 350.4, in the DC/R-5-B District at premises 1810 16th Street, N.W. (Square 177, Lot 802). HEARING DATE: December 11, 2012
DECISION DATE: December 11, 2012
2. A text copy of the testimony which I provided at the hearing detailing the many (and often unexpected) effects a performing arts venue can have on the immediate neighbors' peace, order, and quiet
3. A photograph of the crowds waiting for the theater to open just outside my kitchen and bedroom windows in our shared 10 foot alley when the theater was operating out of the alley with its banner hanging above the alley.

Thank you for your consideration of my comments.

Sincerely,

Lance P. Salonia