

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18471-B of Universalist National Memorial Church, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to conditions No. 1 and No. 2, in BZA Order No. 18471-A in order to permit an increase in the total number of performances allowed per year and to modify the time limit of the Order from six years to 10 years, in an existing building in the RA-8 Zone at premises 1810 16th Street N.W. (Square 177, Lot 802).

HEARING DATE (18471-A):	March 22, 2016
DECISION DATE (18471-A):	March 22, 2016
ORDER ISSUANCE DATE (18471-A):	March 29, 2016
MODIFICATION DECISION DATE:	October 2, 2019

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE

Original Application. On March 22, 2016, in Application No. 18471-A, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Universalist National Memorial Church (the “Applicant”) for a use variance to allow the continued use of theater performances on the basement level of a church.¹ The Board granted the relief subject to 10 conditions.

Proposed Modification. On July 2, 2019, the Applicant submitted a request for modification of consequence to the conditions imposed by the Board in Order No. 18471-A. (Exhibit 4B.) Specifically the Applicant requests to modify Conditions No. 1 and 2 as follows:

Condition No. 1: This approval shall be for a period of **TEN (10)** ~~SIX (6)~~ 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 **96** ~~60~~ 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

¹ The Applicant was originally granted use variance relief for a theater use for a three-year period in BZA Order No. 18471 in 2013.

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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.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9, the Applicant provided proper and timely notice of the request for modification of consequence.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 11, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the request. (Exhibit 10.)

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 7.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of consequence. (Exhibit 8.)

Request for Modification of Consequence

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to Conditions No. 1 and No. 2 in BZA Order No. 18471-A in order to permit an increase in the total number of performances allowed per year and to modify the time limit of the Order.

The Applicant's request complies with 11 DCMR Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under as directed by 11 DCMR Subtitle Y § 703.4.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of consequence of the Board's approval in Application No. 18471-A is hereby **GRANTED AND, SUBJECT TO THE FOLLOWING CONDITIONS, AS MODIFIED:**

1. This approval shall be for a period of **TEN (10) YEARS** beginning on the date upon which this order became final.

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2. The total number of “performances” by the residential theater shall be limited to 96 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.
3. For outside residential theater performances, seating shall be limited to 75.
4. The current residential theater, Spooky Action Theater, or any subsequent residential theater, shall not sublet this space to other theaters or organizations. Such restriction shall be included in the lease between the Applicant and the residential theater.
5. Public access to the theater for the general public, staff and performers shall be limited to the main entrance to the Church on 16th Street. Access from the alley shall be limited for ADA purposes and service activities.
6. For Friday and Saturday night performances, the residential theater shall seek to make arrangements for off-street parking for staff, performers, and patrons.
7. During the times of residential theater performances, the Applicant shall ensure that the gathering of people outside the premises of the Church during pre-performance waiting, intermissions, smoke-breaks, or post-performance socializing shall not disturb the peace, order, or quiet of the residential neighborhood.
8. The Applicant shall remove any trash associated with the residential theater performances no later than the day after the performance.
9. The Church shall meet with the ANC annually to discuss any concerns and the need to implement any new mitigation measures.
10. The Church shall create a mission for charitable and educational activity in which the rental theater shall be a participant.

In all other respects, Order No. 18471-A remains unchanged.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter A. Shapiro to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

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ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: October 4, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.