

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 20083 of Studio Acting Conservatory on behalf of 3423 Holmead Place LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the use provisions of Subtitle U § 320.1(a) and Subtitle U § 203.1(l), and from the private school regulations under Subtitle X § 104.1, to permit a private school use in an existing building in the RF-1 Zone at premises 3423 Holmead Place N.W. (Square 2834, Lot 63).

HEARING DATE: July 31, 2019
DECISION DATE: July 31, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 37 (Revised); Exhibit 9 (Original).)¹

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 1A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 10, 2019, at which a quorum was present, the ANC voted 10-0-0 to support the application with three conditions. (Exhibit 38.) The Board adopted the proposed conditions in this Order.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 42.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application, subject to conditions. (Exhibit 43.) The Board adopted the proposed conditions in this Order.

¹ The Applicant was amended to add special exception relief from the private school regulations under Subtitle X § 104.1.

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Persons in Support. The Board received letters in support from Councilmember David Grosso the GALA Hispanic Theatre, the Dance Institute of Washington, Horning Brothers, and District Bridges. (Exhibits 34 and 36B.)

Persons in Opposition. One neighbor testified in opposition to the application.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the use provisions of Subtitle U § 320.1(a) and Subtitle U § 203.1(l), and from the private school regulations under Subtitle X § 104.1, to permit a private school use in an existing building in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

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 is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBIT 36A AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement. There shall be a Transportation Coordinator for the entire site. The Transportation Coordinators shall act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
2. The Applicant shall provide Transportation Coordinators' contact information to goDCgo, and report TDM activities to goDCgo once per year.

² In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.


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3. Transportation Coordinators shall develop, distribute, and market various transportation alternatives and options to employees and students, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) in any internal building newsletters or communications.
4. Transportation Coordinators shall receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
5. The Applicant shall meet or exceed ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking shall be Provided free of charge to all employees. The development shall provide two long-term spaces in the rear of the Building and three short-term spaces on the Holmead Place frontage.
6. The Applicant shall provide comprehensive transportation information and directions on the school website in a “getting here” section in a visible and prominent location with a focus on non-automotive travel modes. Links shall be provided to goDCgo.com, CommuterConnections.com, Capital Bikeshare, DC Circulator, and the Washington Metropolitan Area Transit Authority (WMATA). Instructions shall be provided for students discouraging parking on-street in Residential Permit Parking (“RPP”) zones.
7. The Applicant shall provide brochures with information on non-automotive options for traveling to the school available at all times in a visible location in the building.
8. The Applicant shall not increase the numbers of faculty, staff and students unless the applicant meets the minimum parking zoning requirement under Subtitle C.
9. The Applicant’s website and printed materials to students and their guests shall include information about transit options and paid, nearby parking garages including those at Giant on Park Road and DCUSA on 14th Street.
10. The Applicant shall work with the ANC in the future if the need arises to integrate its operations into the neighborhood and to mitigate any parking-related issues that may arise.

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Peter G. May to APPROVE)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. ZARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: August 6, 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT

DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.