

PART D
STATEMENT OF EXISTING AND INTENDED USES

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1. Existing Conditions and Use.

This application, submitted by 1527 9th, LLC, a District of Columbia limited liability company (the "Applicant"), concerns the property known as Lot 812 in Square 397, with premises address of 1527 9th Street N.W. (the "Property"). The Property is a rectangular-shaped lot measuring approximately 1,887 square feet and situated on the east side of 9th Street, N.W., mid-block between P Street to the south and Q Street and Rhode Island Avenue to the north. The Property is accessible from the rear by a 10-foot public alley connecting to P and Q Streets. The existing improvements occupy approximately fifty-four percent (54%) of the lot.

The Property is improved with a two-story brick and stucco semi-detached row building (the "Building") constructed circa 1900. The Building has an L-shaped footprint, consistent with row building construction of that period, with a front section occupying the full 20-foot width of the Property and a rear section just under 12 feet in width. The Building is constructed on a ground slab with no basement level. The Property is included within the boundaries of the Shaw Historic District, but the Building has not been designated as having any particular historical significance.

Although the Property is situated in the R-4 zone, the ground floor of the Building has been occupied and utilized for nonresidential use, specifically beauty parlor use, from at least as early as 1956 through August 2012, when the last beauty salon in that location went out of business. The face of the Building, in its ground floor frontage along 9th Street, is designed and constructed for an obviously commercial or retail purpose, having a projecting brick and glass storefront with large three-sided display windows on either side of a recessed (actually flush with the building face) glass entry door. Adjacent to the projecting storefront entryway feature is a separate entrance door that opens to an enclosed stairway to the second floor. The enclosed staircase is also connected via a side door to the retail storefront portion of the first floor.

The second floor of the Building has historically been used for two dwelling units. However, when the Applicant purchased the Property, in September 2012, both dwelling units

had long stood vacant, and were in a severely dilapidated condition, with roof leaks, cracks in the walls, unstable floors, and evidence of insect infestation. The Applicant does not know the last date on which either of the dwelling units was occupied, or even fit for human habitation. The most recent registration of any rental housing unit at the Property appearing in the records of the Rental Accommodations Division of the Department of Housing and Community Development was filed in 1985, and indicated that the top floor of the Building was a “single family house”.

The most recent certificate of occupancy for the Building, issued in October, 1999 (a copy of which is attached in Part I of this application), is for the first floor only, for use as a beauty salon. The records office staff of the Department of Consumer and Regulatory Affairs has informed the Applicant that there appears to be no certificate of occupancy on record for the second floor of the Building.

The Property is assessed and taxed by the Office of Tax and Revenue as a Class 2 – Commercial property, under Use Code 46, Store - Barber/Beauty Shop, defined as a “structure used primarily for retail sales/individual grooming services; on ground level; row, attached, or detached; other uses may occupy parts”.

The property immediately south of the Property, known as Lot 811 in Square 397, having the premises address of 1525 9th Street, N.W. (herein, “Lot 811”), is improved with a two-story brick building which shares a common wall with the Building. Like the Building, this adjacent building prominently features a projecting commercial storefront design with large display windows on its ground floor frontage on 9th Street. Also like the Building, the Lot 811 building has also been used primarily for commercial and retail purposes, for six or more decades, formerly as the Watha T. Daniel Plumbing and Heating Company, and currently as the Barry Lumsden Insurance Agency (first floor) and the TSC Enterprise accounting firm (second floor).

To the immediate north of the Property is an open, paved lot with a curb cut opening on 9th Street to allow vehicular access for parking. This paved lot is part of the private property known as Lot 31 in Square 397 (herein, “Lot 31”), which also encompasses the residential row building adjoining the paved lot on the north, having the premises address of 1533 9th Street, N.W. The open lot and curb cut have existed at this location for more than five decades; the owner of Lot 31, Shiloh Baptist Church, held a “groundbreaking ceremony” in late 2010 to

redevelop this lot into a community services building, but to date, the open, paved lot does not show any indication of being the site of any construction activity.

In terms of the streetscape of this block of 9th Street, the paved lot and curb cut in Lot 31 create a “street corner”-like element that separates the Property visually from the string of residential row houses that runs from 1533 9th Street northward, and ties the Property strongly to Lot 811 on the south, because of the prominently commercial appearance of the buildings on these two adjacent properties. In view of the fact that the southern one-fourth of Square 397 lies in the C-2-A zone, and that the boundary of that zone is separated from the southern edge of Lot 811 by a mere 75 feet or so – specifically, by the frontage of three narrow two-story row dwellings and a paved parking lot with curb cut serving the Shiloh Baptist Church Outreach Center at 1507 9th Street – the impression created when viewing 9th Street from the Property southward, is that the Property and Lot 811 are part of a neighborhood having a mixed commercial and residential, rather than a purely residential, character.

The properties on the west side of 9th Street, opposite from the Property, further reinforce the impression that this portion of the street is part of a mixed-use neighborhood. Directly across the street from the property is the massive edifice of the Henry C. Gregory III Family Life Center annex to Shiloh Baptist Church, which houses, among other things, as evidenced by a large ground level window sign, The Tuning Fork Restaurant and Carryout. A few steps north of the Gregory Center, the row building at 1530 9th Street, N.W. bears the commercial sign for the Marks Electrical Service company, which has occupied all three floors of that building for commercial and office use for decades.

Upon acquiring the Property in September, 2012, the Applicant undertook interior demolition of the Building to remove rotted and damaged materials, to prepare the Building for interior buildout and reoccupancy by a new tenant, as discussed below.

2. Intended Use.

The Applicant has tentatively (subject to the grant of the relief sought in this application) agreed to lease the Property as a whole, including without limitation the entire Building, to SwatchRoom, LLC, a District of Columbia limited liability company (“SwatchRoom”), for the purpose of operating a commercial art gallery and art studio on the first floor, with the second floor being used for accessory office functions to support and manage SwatchRoom’s art gallery and studio operations.

The existing layout of the first floor of the Building is naturally separated into two zones. The front zone, against the retail storefront, is intended to be an art gallery that will function as a place to show, learn about, and experience fine art, with an emphasis on local talent within the Shaw neighborhood and adjacent neighborhoods, in addition to the artwork produced onsite by the principals of SwatchRoom themselves. The gallery will also function as a place to conduct lectures and discussions about art, and a place where members of the community can meet, socialize, and spend time casually. As a general rule, artwork exhibited in the gallery (including artwork created in the studio area of the Building as discussed below) will be available for purchase by visitors, although individual exceptions may be possible.

At the rear of the first floor, accessible through the rear door of the art gallery, is the second zone, which is intended to be an art studio for the principals of SwatchRoom, who will use this space to paint, sculpt, create, and experiment with new art ideas, and to produce artwork to be exhibited and sold in the gallery. Although SwatchRoom does not intend initially to make the studio space accessible to visitors, it is foreseeable that, in time, as the art gallery becomes more established in the neighborhood, SwatchRoom may open the studio for limited purposes such as conducting art classes or providing temporary studio space for one or more “guest artists”, who may be drawn from the local community. As part of the planned renovation of the Building to accommodate SwatchRoom’s proposed use, the Applicant and SwatchRoom intend to install an eight-foot garage-type loading door opening accessible from the rear of the Property.

SwatchRoom’s intended use of the second floor is an accessory office use for the employees needed to support and manage the first floor art gallery and studio. The proposed renovated floor plan for the second floor would create front and rear office areas, a call room,

meeting room, lounge, staff kitchenette, and staff bathroom. The second floor offices are intended to be a staff-only area, not open to visitors to the art gallery and studio.

SwatchRoom and the Applicant share a vision for the proposed art gallery and studio of providing a place and content that will inspire the local community and encourage creative expression and appreciation for the arts. In addition, the intended use of the Property will create employment opportunities within the community.

The intended normal hours of operation of the art gallery and studio will be 8 a.m. to 8 p.m. The Applicant and SwatchRoom do not anticipate that the proposed use will produce any external noises, odors, or visual effects which would be disruptive to the surrounding area. All operations of the art gallery and studio are expected to be conducted within the Building, which does not have a roof deck or patio.

The intended use of the Property will not involve any expansion of the Building beyond its existing perimeter, and no new work outside of the Building shell, except for the installation of a new wooden side yard fence separating the Property from Lot 31 (replacing a chain link fence that previously existed in this location), and the creation of two code-compliant 9' x 19' parking spaces at the rear of the Property, accessible from the public alley. All renovations of the Building will be constructed in accordance with applicable health and building codes.