

BZA Application No. 21160

**1314 21st Street, NW
Three Tables, The LLC
September 18, 2024**

Board of Zoning Adjustment
District of Columbia
CASE NO.21160
EXHIBIT NO.467

Sullivan & Barros, LLP



Overview and Requested Relief

Ms. Wong opened her original location in Georgetown in 1998 which was a neighborhood treasure. Many were sad to see it go as it had been operating successfully for the last 25 years. Due to raised rent, the Applicant relocated to Unit 1 on the first floor 1314 21st Street, NW in April 2023. The Unit had a C of O for art gallery use. The upper floors are residential uses.

Ching Ching Cha, named after Ching Ching (“Hollie”) Wong, is primarily a teapot gallery which showcases rare and unique teapots made by individual artisans. An integral part in selling and educating the public about the teapots is demonstrating them through the Art of Tea Pouring.

Her shop was featured in DLCP’s newsletter highlighting women-owned small businesses in the area. As demonstrated by the hundreds of letters in support– and none in opposition– this business continues to be a treasured part of the community.

It was the same DLCP that cited her after for selling and pouring tea. Ms. Wong tried to explain to DOB and DLCP that there is a truly an “Art of Tea” that may not be as familiar in western culture, but is part of Chinese and other Asian cultures.

Overview and Requested Relief

- An art gallery is defined as: an establishment that derives more than fifty percent (50%) of its income from the display and sale of objects of art. Ching Ching Cha derives more than 50% of its income from the display and sale of tea pots—approximately 70%. The tea sales are approximately 30%. The pouring of the tea is part of the art experience in showcasing the teapots. Without the sale and pouring of tea, the art cannot be displayed. Ms. Wong's art gallery is currently suffering as she cannot sell tea nor demonstrate the teapots.
- Prior to the Applicant's purchase, the space was used by "Civilian Art Projects" which showcased various artists in the space through different events. Pouring tea is a performative art, similar to the performances that occurred under this same C of O by the previous owner. No enforcement actions were found against the previous owner. Perhaps this is because they stopped using the studio at some point as, according to the neighbors, it was an empty storage space for years.
- So despite efforts to resolve this administratively, the Department of Buildings has decided that the incidental sale of tea and serving the tea as an art requires the C of O to also include "prepared food shop" and "retail use."

Accordingly, the Applicant seeks a use variance to add prepared food shop and retail to the existing approved art gallery use.

Use Variance

- Despite being zoned RA-2/DC, the Property has continually been operated as mixed-use with the first floor being a commercial space for decades according to available C of O's;
- The commercial space consists of large show windows and was built at street grade to allow easy access for shoppers, unlike the neighboring residential properties.
- This creates a unique hardship in using the property for the limited matter-of-right/special exception uses.



Use Variance

- It would no doubt be costly and complicated to convert this space to private residential space. Also, there are individually owned condo units so there would be additional complications to modifying the building and changing the nature of the long-standing mixed-use building. So the primary matter of right use is not possible without extreme cost and disruption to the building and general fabric of the community.
- Further, Ms. Wong purchased the unit with an approved art gallery C of O, but an art gallery use such as this is not possible to sustain without additional revenue, as evidenced by the former gallery, which was used for storage and sat empty for many years until they found a buyer. According to Redfin, the former owners listed it and removed it at least 9 times in a 3-year period before it finally was relisted and purchased by Ms. Wong.
- The request is not a typical use variance as the art gallery use is entirely permitted via special exception and has operated via virtue of a special exception—the request is to allow for complementary uses to the existing approved use so that it may continue. Again, the former art gallery use demonstrates that an art gallery cannot sustain without additional revenue. Further, while the primary business is from the display and sale of the artisan teapots, the tea service is part of the art gallery use.
- The inability to sell tea and pour tea will directly impact the teapot sales and demonstration of the Art of Tea. It appears that the Applicant is in this position due to a subjective interpretation as to what constitutes ‘art’ for purposes of fitting within the definition of an art gallery.
- Accordingly, Ms. Wong will be forced to close this 25-year old business without the relief, as she cannot operate the art gallery use without being able to demonstrate the teapots and traditions associated with the tea ceremonies. Further, approximately 30% of the sales come from tea—while this is incidental, it still makes an impact on the business as she has felt since ceasing tea sales due to the citation.



1312 21st St., NW

Subj. Property
1314 21st St., NW



Subj. Property
1314 21st St., NW



Subject Property



Public Good and Integrity of the Zone Plan

- The Office of Planning recommends approval.
- ANC 2B voted unanimously in support of the application.
- Hundreds of letters of support, none in opposition. (Many wanted to testify today)
- Granting the relief will not result in a substantial detriment to the public good nor to the zone plan. The Property has been used as a commercial space since at least 1972, so the proposed change of that commercial use will not create a new condition.
- Further, the tea pouring and sales are clearly incidental to the art gallery use—which is a permitted use in this zone. And the proposed use is a quiet use blocks from the metro and has been operating for a year. Unique property and circumstances warranting a variance from the strict application of the zoning regulations.
- In terms of day-to-day operations, Ching Ching Cha is fully operated and run by the Applicant and has extremely limited operating hours: Monday: 10am to no later than 6pm, Tuesday: Closed, Wednesday: Closed, Thursday 12pm to no later than 6pm, Friday: 10am to no later than 6pm, Saturday: 9am to no later than 5pm, Sunday: 9am to no later than 5pm.

Questions?