

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
CULTURE BUILDING LLC**

ANC 5D02

STATEMENT OF THE APPLICANTS

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Culture Building LLC (the “**Applicant**”), as the owner of the properties located at 2002 Fenwick St. NE (Square N/A, Lot PAR 01420029) and 2006 Fenwick St. NE (Square N/A, Lot PAR 01420015) (collectively the “**Properties**”), in support of this application for special exception relief, pursuant to Subtitle X § 901.1 for entertainment, assembly, and performing arts use in the PDR-2 zone under Subtitle U § 802.1(e) as well as the requirements for vehicular parking under Subtitle C § 701.5.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “**Board**”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

III. BACKGROUND

A. The Properties and the Surrounding Neighborhood

The Properties are located on the west side of Fenwick Street which intersects with New York Avenue, NE to the north. 2002 Fenwick is zoned PDR-2 and has approximately 4,500 square feet of land area, while 2006 Fenwick is also zoned PDR-2 and has approximately 5,000 square feet of land area. As shown on the architectural plans attached at **Tab A** and the plats attached at **Tab B**, 2002 Fenwick St. NE is improved with a two story commercial structure approximately 8,000 square feet in size while 2006 Fenwick St. NE is improved with a one story commercial structure approximately 5,000 sq. feet in size. The existing structure at 2002 Fenwick St. Ne.

takes up the majority of the lot, except for a small dogleg at the southwest portion of the property which has some frontage on Okie Street, NE. The Property currently has a Certificate of Occupancy for a bar/restaurant use.

The Properties are located in the PDR-2 zone in the Ivy City neighborhood of Ward 5. A copy of the Zoning Map is attached at **Tab C**. The surrounding area is primarily made up of commercial and industrial uses.

B. The Proposed Use

The Applicant seeks special exception relief to formally establish an entertainment event space and music venue at the Properties (the “Proposed Use”). The two buildings at 2002 and 2006 Fenwick Street NE are physically connected and are currently operating as a single music venue. The Applicant has been operating without issue and has not been subject to any enforcement actions. This application is being submitted proactively, as the Applicant is voluntarily seeking to bring the Properties fully into compliance with zoning regulations. The Proposed Use would continue to activate the space with live music and cultural programming and would remain entirely within the footprint of the existing structures. Through this application, the Applicant aims to ensure that the use remains a vibrant and legally compliant part of the Ivy City community.

C. Traffic Conditions and Mass Transit

The Properties are located in the Ivy City neighborhood of Washington, DC and are well-positioned with respect to multiple transportation options. The closest Metrorail station is Rhode Island Ave–Brentwood on the Red Line, located approximately 0.75 miles away, providing direct access to downtown DC and the broader region. Several Metrobus routes, including the D4 and E2, operate nearby, with stops within a short walking distance of the Properties. A Capital

Bikeshare station is located in close proximity, supporting bicycle access to and from the site. According to Walkscore.com, the area is “very walkable” has “good transit” and is considered “bikeable” reflecting the site’s strong connectivity and accessibility for various modes of travel.

IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant is seeking two areas of special exception relief. First, special exception relief is required pursuant to Subtitle X § 901.1 for entertainment, assembly, and performing arts use in the PDR-2 zone under Subtitle U § 802.1(e). Second, the Applicant requests relief for vehicular parking pursuant to Subtitle C § 701.5. Under D.C. Code § 6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *President & Dirs. of Georgetown College v. D.C. Bd. of Zoning Adjustment*, 837 A.2d 58, 68 (D.C. 2003); *see also Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

i. Entertainment Use in PDR-2 Zone

The requested relief would be in harmony with the purpose and intent of the Zoning Regulations and related maps. The Zoning Regulations permit the Proposed Use by special exception and is thus an anticipated use in the PDR-2 zone. Generally the purpose of the PDR-2 zone is, among other things, to “permit medium density commercial...” *See* Subtitle J § 101.5 Further, the District has placed a policy emphasis on the development of underutilized properties in the New York Avenue/Brentwood Corridor. The Proposed Use would add to the community, create positive activation of previously industrial buildings and providing access to diverse community events.

ii. Parking Relief

The requested parking relief is consistent with the general intent of the Zoning Regulations and the development standards set forth in Subtitle C § 700.1. The Properties are built lot-line to lot-line, and there is no space to provide on-site surface or structured parking without significant demolition or redevelopment that would undermine the functional use of the existing buildings. As a result, no new vehicular parking areas are proposed, which avoids any negative impacts on adjacent properties, urban design, the pedestrian environment, or public space. Moreover, the Properties are located in a dense, mixed-use area with strong access to public transportation, bikeshare infrastructure, and rideshare services. As an entertainment and live music venue, the Proposed Use is not one that typically generates significant demand for on-site parking, as patrons overwhelmingly arrive by walking, rideshare, or transit—particularly during evening hours when service is active and parking availability is constrained citywide. Requiring additional parking

would neither serve a meaningful transportation function nor be compatible with the existing site conditions, which do not accommodate surface or structured parking without substantial demolition or redevelopment. Granting relief therefore aligns with the goals of minimizing negative impacts on adjacent properties, maintaining compatibility with the existing streetscape, and supporting safe, accessible, and environmentally sensitive development.

B. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

i. Entertainment Use in PDR-2 Zone

The Project will not tend to adversely affect the use of neighboring properties for a number of reasons: (1) the Properties are located in an industrial and mixed use area, (2) the Proposed Use is anticipated to have little impact on nearby residential uses as the nearest residential zone two blocks away on Gallaudet St. NE., (3) and the Proposed Use would advance the goals and objectives of the District as outlined in the Zoning Regulations.

Ivy City is a vibrant neighborhood with many different uses, including dining and entertainment uses in which many community members assemble and patronize Ivy City businesses. Those high-density, mixed-use buildings feature a multitude of dwelling units and commercial uses that are comingled with warehouse and industrial sites. As Ivy City has evolved by reducing the amount of industrial uses and increasing the number of housing options in the area, there also comes a need for entertainment and activities for new residents and the community that will better utilize properties in the neighborhood. The Proposed Use would benefit the neighborhood. Therefore, the requested relief will not tend to adversely affect the use of neighboring property.

ii. Parking Relief

The Properties location in a transit-rich, mixed-use neighborhood is expected to attract residents and customers that live and walk to the Project, and, as such, will not require many parking spaces. As noted above, the Properties are easily accessible through a variety of transit options. There are numerous bus stops within one to two blocks of the Properties that provide access to priority bus lines. Additionally, a public parking garage is located just one block away, offering convenient off-site parking without requiring any additional parking infrastructure on the Properties themselves. A Capital Bikeshare station located nearby on Hecht Avenue further supports access by bicycle and alternative, car-free transportation options for patrons.

C. The Proposed Use Complies with the Specified Conditions

(1) The use shall be located and designed so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, loading, number of attendees, waste collection, or other objectionable conditions;

The Proposed Use is not anticipated to be objectionable to neighboring property as it is consistent with the vibrant Ivy City neighborhood and compatible with the varied mix of uses in the area. The use will not create any undue negative impact with respect to noise and traffic as the Proposed Use will take place inside. The use will occur indoors and it is anticipated that most guests will be walking or coming to the location from other restaurants, bars or venues in Ivy City or the nearby Union Market Historic District and will not be likely to become objectionable.

Additionally, the Properties are located at the intersection of Fenwick Street and Okie Street NE, an area characterized by a mix of retail and dining uses. It is fully surrounded by PDR-zoned lots, which provide a natural buffer from residential areas. The nearest residential zoning (RF-1) is located several blocks away near Gallaudet Street NE. While the Hecht Warehouse apartments are in relative proximity, Fenwick Street and the surrounding industrial context create

a meaningful separation that minimizes any potential impact. Moreover, all proposed events will take place indoors, further ensuring that the use will not be objectionable to nearby residences.

(2) The property shall not abut a residential use or residential zone;

The Properties do not abut a residential use or residential zone.

(3) There is no property containing a live performance, night club or dance venue either in the same square or within a radius of one thousand (1,000 ft.) from any portion of the subject property;

The Applicant is not aware of any properties within the square or within 1,000 feet of the Properties containing a live performance space or event venue.¹

(4) External performances or external amplification shall not be permitted;

The Applicants propose no external performances or external amplification.

(5) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to: (A) Soundproofing; (B) Limitations on the hours of operation; and (C) Expiration on the duration of the special exception approval;

The Applicant will comply with any additional requirements proposed by the Board.

D. The Project Satisfies the Special Conditions of Subtitle C § 703 for Vehicular Parking Relief

In addition to the general special exception standard, the Project satisfies the special conditions for parking relief pursuant to Subtitle C § 703.2, as follows:

(a) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities

¹ The Applicant is currently not aware of any compliant entertainment venues operating within the 1,000-foot radius. In discussions with the Zoning Administrator, the Applicant has been made aware of an illegally operating entertainment venue at 1360 Okie Street NE, but is not aware of any immediate action to bring the use into compliance. If these facts change, then the Applicant will add variance relief but based on the current circumstances the Properties comply.

The Properties are well-served by public transportation options, including the Metrorail, Metrobus, shared vehicles and bicycle facilities. The Properties are in close proximity to two Metrorail Stations, multiple bus lines, and a Capital Bikeshare station.

(b) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces

The need for dedicated on-site parking is minimized by the land use characteristics of Ivy City, which is a compact and increasingly walkable neighborhood. The area includes a mix of breweries, retail, and dining establishments that are situated within close proximity to one another, allowing both residents and visitors to easily move between destinations on foot. Additionally, a public parking garage located nearby provides off-street parking that supports the broader area, further reducing the need for individual properties to provide dedicated parking. In this context, the Proposed Use is well-suited to the surrounding neighborhood, where the built environment naturally supports shared access and walkability.

- i. The reduction in parking is for the amount Applicant is physically unable to provide and is proportionate to the reduction in parking demand.

Due to the physical constraints of the Properties and the existing building footprints, it is not feasible to provide additional parking on-site. The requested reduction is therefore limited to the number of spaces the Applicant is physically unable to accommodate and is proportionate to the expected demand, particularly given the Properties' access to public transportation, nearby public parking options, and the walkable nature of the surrounding neighborhood.

- ii. The Applicant Will Contact DDOT to Discuss a Transportation Demand Management Plan

As required by Subtitle C § 703.4, the Applicant will contact the District Department of Transportation to discuss the parameters of a transportation demand management plan for the Properties.

VIII. COMMUNITY OUTREACH

The Applicant will formally present the application to ANC 5D at its next available public meeting.

IX. CONCLUSION

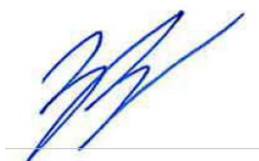
For the reasons stated above, the Proposed Use meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully request the Board grant the application.

Respectfully Submitted,

COZEN O'CONNOR



Meridith H. Moldenhauer



Zachary R. Bradley