

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

Application of HDR Holdings, LLC

1630 14th Street NW (Sq. 208, Lot 136)

STATEMENT OF THE APPLICANT IN SUPPORT OF THE APPLICATION

HDR Holdings II, LLC (hereinafter referred to as the “Applicant”) now applies for an area variance to establish a new “The Electric Jane/Detroit Brick Pizza Co.” location at 1630 14th Street NW (Sq. 208, Lot 136) (the “Property”). The Applicant seeks an area variance from the ground floor linear frontage limitations on eating and drinking establishments in the ARTS-3 zone (11 DCMR, Subtitle K, Section 811.9 of the 2016 D.C. Zoning Regulations (the “Zoning Regulations”)).

I. BACKGROUND

a. Current Zoning and Improvements on the Property

The Property is zoned to the ARTS-3 zoning district and located within the Greater Fourteenth Street Historic District. The Property is currently improved with a two-story commercial building that has been vacant for several years.

b. Overview of the Project

The Applicant proposes to develop and occupy a portion of the first floor of the existing building on the Property with a new concept that includes two distinct but interconnected uses including a Detroit Brick Pizza Co. location with frontage on 14th Street and a live music and entertainment venue called “The Electric Jane,” to be accessed through a speakeasy-style entrance in the Detroit Brick Pizza Co. space in the interior of the existing building on the Property (the “Project”). No exterior changes to the existing building are proposed beyond signage and painting and repair of the façade.

II. NATURE OF RELIEF REQUESTED

To allow the project to move forward, the Applicant seeks an area variance from the ground floor linear frontage limitations on eating and drinking establishments in the ARTS-3 zone (11 DCMR, Subtitle K, Section 811.9). Although the majority of the square footage of this project will be oriented to The Electric Jane, a live music and entertainment venue, the ground floor linear frontage along 14th Street will be occupied by the Detroit Brick Pizza Co., which is an eating and drinking establishment.

A. Ground Floor Linear Frontage Limitations in the ARTS Zones

Pursuant to Subtitle K, Section 811.9 of the Zoning Regulations, eating and drinking establishments in the ARTS zones are subject to linear frontage restrictions. Here, no more than 50% of the 400 feet of linear frontage along 14th Street in Square 208 may be devoted to eating and drinking establishments. Currently, approximately 187 feet of linear frontage in Square 208 is devoted to eating and drinking establishments, leaving a balance of approximately 13 feet. The proposed Detroit Brick Pizza Co. frontage will occupy fifty (50) linear feet of additional frontage along 14th Street. For these reasons, the Applicant seeks an area variance, pursuant to Subtitle X, Section 1001.3(a), from the linear frontage restrictions to allow the Project to proceed with up to 50 feet of additional linear frontage devoted to The Electric Jane/Detroit Brick Pizza Co. As such, an area variance is requested pursuant to Subtitle X, Section 1001.3(c).

B. Variance Relief Standards Pursuant to Subtitle X, Chapter 10

Pursuant to Subtitle X, Section 1000.1 the Board has the authority to grant a variance as follows:

With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

In addition, the standard for granting an area variance pursuant to Section 1002.1(a) follows:

- (a) An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property.**

According to the D.C. Court of Appeals, "[t]o support a variance it is fundamental 'that the difficulties or hardships [be] due to unique circumstances peculiar to the applicant's property and not to the general conditions in the neighborhood.'" *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (1990) (citing *Palmer v. Bd. of Zoning Adjustment*, 287 A.2d 535, 539 (D.C. 1972)). In applying this test, however, there "is no requirement that the uniqueness 'inheres in the land at issue'" *Id.* (citations omitted). Furthermore, the requirements "do[] not preclude the approval of a variance where the uniqueness arises from a confluence of factors." *Id.*; see BZA Order 19309 (citing *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979) (for purposes of approval of variance relief,

“extraordinary circumstances” need not be limited to physical aspects of the land and finding uniqueness based on confluence of restrictive covenants, position of adjacent building and common ownership of contiguous properties); *Downtown Cluster of Congregations v. District of Columbia Bd. of Zoning Adjustment*, 675 A.2d 484, 491 (D.C. 1996) (affirming a Board of Zoning Adjustment decision based on a confluence of small footprint of building, limited vertical access, and proximity to public transportation created uniqueness).

C. Extraordinary or Exceptional Situation or Condition of the Property

In this case, a “confluence of factors,” leads to an extraordinary or exceptional situation or condition on the Property. These factors include the historic nature, layout, and size of the existing building on the Property. The existing building on the Property was built in 1943 and is a contributing structure in the Greater Fourteenth Street Historic District. The Property and building thereon occupies a significant stretch of the 14th Street frontage, acting as a visual anchor in a corridor with a storied history and high pedestrian activity. The building includes two levels of commercial space and a basement, with +/- 9,100 s.f. at ground level., +/- 8,000 s.f. on the second level, and a +/- 4,300 s.f. basement. The first floor space is demised into a +/- 4,000 s.f. commercial space (the Applicant’s proposed tenant space) and a +/- 5,100 s.f. tenant space. The building on the Property originally served as an auto repair shop and auto parts store until 2008, when a well-known vintage furniture store occupied the +/- 4,000 s.f. commercial space that is the subject of this Application. This space has been vacant since 2024.

The building on the existing parcel occupies the entirety of the Property and includes an extremely deep floorplate. The Property also has considerably more frontage on 14th Street than neighboring properties on this same block. The Property has a total of approximately 75 feet of linear frontage out of a total of 200 feet on 14th Street on this block and 400 feet in total on Square

208. Given the building occupies the entirety of the lot, there is no ability to add parking or loading spaces at the rear of the Property along the public alley.

D. Peculiar and Exceptional Practical Difficulties

In reviewing whether an Applicant has demonstrated a practical difficulty, the Applicant must demonstrate that “compliance with the area restriction would be unnecessarily burdensome” and that the practical difficulty is “unique to the particular property.” *Gilmartin*, 579 A.2d at 1170 (citations omitted). As part of its assessment of the practical difficulty test, the Board may consider the added expense and inconvenience to the applicant inherent in alternatives that would not require the requested variance relief. *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976). In cases such as these, the D.C. Court of Appeals has stated that it has “eliminated any doubt that ‘economic use of property’ may properly be ‘considered as a factor in deciding the question of what constitutes an unnecessary burden or practical difficulty in [area] variance cases’” *Tyler v. District of Columbia Bd. of Zoning Adjustment*, 606 A.2d 1362, 1367 (1992) (citation omitted).

Here, the owner of the Property has had significant difficulty leasing the commercial ground floor of the building on the Property. The applicant’s proposed tenant space has been vacant since March of 2024 and the remaining commercial spaces on the property have been vacant since 2022. Since that time, the owner has continuously engaged leasing brokers including CBRE, Transwestern, and Dochter & Alexander Retail Advisors in an attempt to lease the Property. The Property has had numerous prospective tenants in recent years that have failed to result in an active and occupied commercial space that would contribute to a vibrant 14th Street corridor. This follows years of reduced rent and rent forgiveness that the owners of the Property provided for the prior tenants on the Property due to the COVID-19 pandemic.

Further complicating the issues with leasing the Property are the numerous vacant retail spaces within just two blocks of the Property. This includes up to eleven (11) retail locations currently vacant within several blocks of the Property along 14th Street. Existing retail vacancy rates in the D.C. metro was +/- 4.3% in Q1 of 2025, increasing to +/-4.5% in Q2 of 2025. Further, it is projected that retail vacancies will continue to increase in D.C., particularly in areas such as Downtown, due to a variety of factors including an increase in already elevated office vacancies, currently exceeding 20%. These challenges reflect broader conditions in D.C.'s retail market, where vacancy rates remain high in many corridors due to online shopping trends and lingering impacts from the COVID-19 pandemic. *See Dochter & Alexander, Winter 2023 DC Retail Market Report; Marcus & Millichap, 2025 Washington, D.C. Retail Market Report.*

One of the primary impediments to leasing the ground floor of the existing building is its large and deep floor plate. Traditional retail tenants that would have occupied this type of space previously, such as furniture stores or other warehouse-style stores, are now downsizing and/or are no longer interested in large tenant spaces in this area of the City. *See Marketer, Value Furniture Retailers Look to Buck Industry's Downturn (2024); Urban Land Institute, More Retailers Are Rolling Out Small-Format Stores (2024).* Further, the Property has no ability to provide parking or loading spaces due to the building footprint occupying the entirety of the lot. As such, the linear frontage provisions have had the effect of so severely limiting the type of retail tenants that can occupy this space that the Property has remained vacant despite its prominent location.

E. No Substantial Detriment to the Public Good or Substantial Impairment of the Intent, Purpose, and Integrity of the Zone Plan

The requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The purpose of the ARTS zones includes promotion of the creation of arts, arts-related, and art-supporting uses, adaptive reuse of older buildings, eighteen (18) hour

activity, an increased presence and integration of the arts and related cultural and arts-related support uses, and requirement of uses that encourage pedestrian activity, especially retail and entertainment. *See* Subtitle K, Section 800.1 of the Zoning Regulations. The ARTS-3 zone is intended to permit medium-density, mixed-use development, with a focus on employment. *Id.* at Section 800.4.

The proposed The Electric Jane/Detroit Brick Pizza Co. would further the purpose and intent of the ARTS-3 zone. The Electric Jane, which is the primary use proposed, will provide a new live music and performance venue at this location. Detroit Brick Pizza Co., while an operational food establishment with street frontage on 14th Street, will also serve to provide a speakeasy-style entrance into The Electric Jane. The Applicant's intended use and design serves to promote the ARTS-3 zone by providing a new, vibrant space for entertainment and the arts while adaptively reusing an existing, underutilized space that is a contributing structure to the Greater Fourteenth Street Historic District. This will serve to ensure that the building remains a contributing commercial space not only to the historic district but to the commercial corridor as a whole by creating an active destination for both local residents and for those outside of the neighborhood.

Conceptual exhibits are included with this Application that depict the proposed look and feel of both the Electric Jane and Detroit Brick pizza space(s). The Detroit Brick Pizza Co. front of house will occupy approximately 750 square feet and The Electric Jane will occupy approximately 2,400 square feet. The two uses will share a kitchen that will occupy approximately 675 square feet.

The Electric Jane will host both ticketed and non-ticketed events for live music and entertainment. The types of music and entertainment to be provided will include live jazz, three-

piece bands, DJ's, and additional types of performances. It is expected that The Electric Jane will provide live entertainment six nights a week, excluding Monday. No delivery will be available from The Electric Jane or Detroit Brick Pizza Co. Only pick-up and dine-in eating will be provided.

Hours of operation for the Detroit Brick Pizza Co. will be 10:30am to 2:00am Thursday through Saturday and 10:30am to 12:00am Sunday through Wednesday. Hours of operation for The Electric Jane will be 10:30am to 2:00am Thursday through Saturday and 5:00pm through 12:00am Sunday through Wednesday. The Detroit Brick Pizza Co. is expected to have 5-6 employees at peak hours and The Electric Jane is expected to have 8-12 employees at peak hours. The Detroit Brick Pizza Co. will include approximately 20 counter seats and may pursue approvals to include outdoor/sidewalk seating for +/- 10 patrons. The Electric Jane will include 90-110 seats for live music/live entertainment, drinking, and eating.

The requested relief is not expected to affect adversely the use of neighboring properties. Both Detroit Brick Pizzo Co. and The Electric Jane will be accessed from 14th Street and not from residential properties to the rear of the Property. Further, all live music and entertainment will occur inside the building and no amplified music will be played outside of the building on the Property. Both proposed uses are expected to complement surrounding eating and drinking establishments, arts, and cultural attractions along this popular area of the 14th Street corridor.

III. WITNESSES

The following witness will appear on behalf of the Applicant at the Board hearing on this Application:


1. Jason Bottcher, HDR Holdings II LLC: Mr. Bottcher is the Associate Director of Governance at HDR Holdings II LLC and is overseeing this application.

IV. COMMUNITY OUTREACH

The Applicant will engage with ANC 2F, neighbors, and the community as this project moves forward.

V. CONCLUSION

For all of the reasons discussed above, the Applicant respectfully requests that the BZA approve this application for area variance relief.

A handwritten signature in black ink, appearing to read "Zach Williams", written over a horizontal line.

Zachary G. Williams, Esq.
Venable LLP
Authorized Agent for the Applicant