



ideas that work

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**Statement of the Applicant
Request for Special Exception Approval
4009 Georgia Avenue, NW**

Servant's Office, LLC ("Applicant"), an affiliate of Four Brothers, is the owner of the property located at 4009 Georgia Avenue NW (Square 3026, Lot 0045) (the "Property"). The Applicant is submitting this request for special exception approval, pursuant to 11 DCMR § 1330.2, to allow for a floor-to-ceiling height less than fourteen feet on the ground level of a structure in the Georgia Avenue Commercial Overlay District.

I. Board's Jurisdiction

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations (11 DCMR § 3104.1).

II. Site Location and Characteristics

The Property is located in the C-2-A zoning district and is within the Georgia Avenue Commercial Overlay District (the "GA Overlay"). The Property has a net lot area of approximately 1,775 square feet and is improved with a row dwelling that was most recently operated as a church. The Applicant purchased the Property in 2013 and is in the process of converting and renovating the existing structure to accommodate a mixed use development in accordance with the GA Overlay to include office, retail and residential uses. Along with interior renovations, the Applicant is in the process of adding a fourth story to the existing building footprint and constructing a four-story addition to the front of the building. After completion of the renovations, the structure will have a total gross floor area of approximately 3,888 square feet (or 2.19 FAR).¹

There are two building entrances off of Georgia Avenue – one on the ground floor and one elevated entrance at the first floor. Currently, as designed, the entry lobby on the ground floor is open to the first floor above. The elevated entrance at the first floor level leads to a catwalk that overlooks the ground floor building lobby and provides access to the office use at the rear of the structure. Accordingly, as currently designed, there is no occupiable space at the front of the structure on the first floor.

¹ Approximately 486 square feet of the ground floor has a ceiling height less than four feet above the adjacent finished grade and accordingly, is classified as cellar space.

III. Proposed Modification

The GA Overlay, absent special exception relief, requires "the ground floor level of each building [to]... have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.)." (11 DCMR §1328.9). Accordingly, the building is currently designed to provide a floor-to-ceiling height of over 18 feet on the ground level, for a depth of approximately 13 feet. However, to maximize the usable floor area within the structure, the Applicant desires to extend the first floor (which is currently planned to start approximately 13 feet back from the front façade) to the front of the building. This extension will effectively divide the front lobby space into two separate floors, by separating the ground floor from the first floor level, and allow for approximately 140 square feet of additional usable floor area on the first floor. The proposed modification will result in a floor-to-ceiling height of approximately 8'- 6" at the ground level, which will provide for a continuous ceiling height on the ground floor level.

This division will facilitate the use of the ground floor as a retail cabinet showroom by creating a separate space that is closed off from the office above. The additional floor area resulting on the first floor will be used for conference room space. As a result, the proposed modification will create more usable floor area along the prominent, Georgia Avenue frontage to further activate the street.

Importantly, the design of the front façade will remain unchanged by the proposed design exception. The ground level façade has been designed to provide over 50% windows, which will promote retail use at the ground floor and further activate the pedestrian environment. Additionally, as recommended by the GA Overlay and the Georgia Avenue – Petworth Metro Station Area & Corridor Plan (the "Plan"), the front addition has been designed to facilitate the creation of a uniform and continuous building façade at the ground level and will align with the adjacent building to the north. As such, the design exception will continue to contribute to the establishment of a continuous street presence and uniform façade.

IV. Special Exception Criteria

Section 3104.1 permits the Board to grant a special exception where a proposed use will (1) *be in harmony with the general purpose and intent of the Zoning Regulations and Zone Maps*, and (2) *not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps*, subject to the specific conditions specified in the Zoning Regulations for each use. Sections 1304.1 and 1330.2 of the Zoning Regulations set forth additional criteria for special exception relief from the design requirements of the GA Overlay.

V. Justification

A. The Special Exception Request Meets the General Special Exception Requirements of Section 3104.1

The proposed renovation is consistent with the general purpose and intent of the Zoning Regulations and Zoning Map. The Property is located in the C-2-A District. The C-2-A District is "designed to provide facilities for shopping and business needs, housing and a mix of uses." As previously mentioned, the Applicants are currently in the process of converting and renovating the structure to accommodate a mix of uses, including office, retail and residential. The special exception will facilitate the creation of a space that is more suitable to the retail component. The division of the ground floor and first floor space along Georgia Avenue into two separate floors will provide a physical separation between the retail and office uses. This separation will provide additional privacy and an acoustical barrier between the two uses. Maximizing the usable area within the first three floors of the structure is critical to the long-term success of the office, retail and residential uses on the Property and will further promote the desired mix of uses in the zone.

The requested relief will not affect the use of the neighboring properties. The existing row dwelling has a tired and worn appearance. The renovation of this structure will contribute to the revitalization of the Georgia Avenue Corridor (the "Corridor") and will result in a use that is more compatible with the busy character of Georgia Avenue. The proposed use is consistent with the intent of the Property's zoning and will not change as a result of the requested special exception relief. The special exception will merely facilitate the creation of a more efficient and optimized interior layout, which is necessary for the successful long-term operation of the proposed use at this location.

B. The Applicant Meets the Specific Requirements of Zoning Regulation 1304.1 for Zoning Relief from Requirements in a Neighborhood Commercial Overlay District

Exceptions to the requirements of a Neighborhood Commercial Overlay District are permitted, pursuant to Section 1304.1, if the requirements of Section 3104 are met and subject to the following additional provisions:

- i. *The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC Overlay District and the particular NC Overlay District, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;*

The Neighborhood Commercial Overlay District is intended to "preserve and enhance shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services." Specifically, the purposes of the Neighborhood

Commercial Overlay District are to encourage a compatible scale of development between older and newer buildings; a mixture of building uses; and the establishment of a variety of retail and personal service establishments (predominately in a continuous pattern at ground level). The exception from the 14 foot floor-to-ceiling height will promote the desired mix of uses on-site by allowing for the creation of a separate space, which is more suitable to retail use on the ground floor. The scale of the structure will be compatible with the surrounding neighborhood and will remain unchanged by the requested special exception relief.

The Property falls within the GA Overlay District. The GA Overlay is intended to encourage improved commercial uses and additional residential uses along Georgia Avenue. The proposed modification will promote this goal by facilitating the conversion of a row dwelling into a mixed use building. The proposed design exception will maximize the interior space to improve the use of both the ground floor and first floor levels. The proposed division will make the ground floor space more attractive to future retailers, as it provides both a visual and noise barrier to the office use above. It also creates a uniform floor-to-ceiling height on the ground level. Nonetheless, the floor, which is not a structural component, could be removed in the future should a subsequent retailer desire to increase the floor-to-ceiling height at the front of the structure back to 18 feet.

Additionally, the GA Overlay is intended to implement the goals of the Great Streets Framework Plan for 7th Street- Georgia Avenue. Funding is available to small businesses through the Great Streets initiative to stimulate small business creation, expansion and retention, while also facilitating the transformation of emerging commercial corridors into thriving and inviting neighborhoods. The Applicant submitted an application for Great Streets funding that depicted the proposed renovations, including the lower ceiling height and separate ground floor level requested. Tellingly, the Applicant was awarded a Great Streets Retail Small Business Reimbursement Grant for the proposed renovations and additions to the Property. The award of this Grant recognizes that the proposed renovation and requested design exception will further the goals of the Great Streets Framework Plan for the Georgia Avenue Corridor.

The GA Overlay is also intended to implement the objectives of the Plan. The requested design exception advances many of the goals and recommendations of the Plan. As the Plan recognizes, office development is an important component for the overall revitalization of the Corridor – office employees and visitors will provide a customer base to support the desired retail uses along the Corridor. However, because the Property is a small, narrow lot, maximizing space and usable floor area is critical to the successful, long term operation of an office use at this location. As mentioned above, the proposed design exception will allow for the creation of an additional 140 square feet of usable floor area on the first floor. This additional space will allow for the creation of more office space on-site, which will allow the Applicant to successfully operate their business at this location. By providing more usable floor area for employees and facilitating the ability to hold necessary meetings with clients on-site, the design exception will increase the retail customer base in the area. As such, the proposed design

exception will help to support the retail cabinet showroom on the ground floor and also support other retail uses within the corridor. The proposed use will contribute to the revitalization of this Property and support the redevelopment of the Corridor.

- ii. Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;*

There are exceptional circumstances pertaining to the Property, as well as economic and physical conditions in the immediate area that justify the requested exception.

Recognizing that there are many vacant and deteriorating commercial and residential properties within the Plan boundaries, an important goal of the Plan is to encourage reinvestment and redevelopment along the Georgia Avenue Corridor. However, the existing conditions on the Property present several challenges to renovating and converting the existing structure into a commercial use. The existing row dwelling on the Property contains only approximately 1,674 square feet of gross floor area. Small building footprints, such as this, present difficulties for the operation of modern businesses and retailers. Accordingly, as mentioned above, the Applicant is in the process of renovating the existing structure to provide additional floor area and a more efficient interior layout to accommodate the proposed office, retail and residential uses.

In addition, adaptive re-use of the existing row-dwelling presents several challenges of its own. The GA Overlay requires a minimum floor-to-ceiling height of 14 feet at the ground level (§1328.9). Because the building additions must tie into the existing structure, the design of the front addition is effectively constrained by the existing floor-to-ceiling height of the ground floor level, which is approximately 8'-6". Accordingly, to achieve the desired 14 foot floor-to-ceiling height the Applicant would need to dig down below grade, which is prohibitively expensive. The only alternative way to achieve the required floor-to-ceiling clearance is to open up the ceiling to the first floor above. However, the downside of this is that it results in a loss of valuable floor area and compromises the utility of both the ground floor and first floor by creating one open space that lacks visual and acoustical privacy. Given the already constrained building footprint and lot area, maximizing the usable gross floor area is critical to the successful operation of a commercial use at this location. Accordingly, the Applicant is seeking an exception to allow for a maximum floor-to-ceiling height of 8'-6" at the ground level.

- iii. Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and*

Vehicular access to the Property will remain unchanged by the proposed design exception. Currently, there is an existing drive aisle off of Georgia Avenue that provides access to the parking area located behind the structure. This mid-block drive aisle minimizes vehicular/pedestrian conflicts as it provides a consolidated vehicular access point for all of the

properties fronting onto Georgia Avenue, located between Taylor Street and Shepherd Street. Accordingly, vehicular and pedestrian access to the Property will continue to be safe, adequate and efficient.

- iv. The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC Overlay District and the particular overlay district.*

As discussed above, the proposed renovations will substantially improve the existing conditions on the Property and will implement many of the goals of the Neighborhood Commercial Overlay District and GA Overlay. The exterior appearance of the building will remain unchanged by the requested design exception. The exterior design incorporates a substantial amount of windows on the ground floor façade (approximately 52%), which will further activate the pedestrian environment. Additionally, the front addition has been designed to align with the adjacent property to the north, which will help define the street and create a more uniform street presence. The design exception will facilitate the revitalization of this Property, as desired by the GA Overlay, and will result in greater street activation by allowing for use of both the ground and first floor levels along the prominent, Georgia Avenue frontage.

C. The Applicant meets the requirements for Special Exception relief from the design requirements of the GA Overlay

In addition, pursuant to Section 1330.2, exceptions from the design requirements of the GA Overlay are permitted if the requirements of Sections 1304 and 3104 are met (as discussed in detail above) and subject to the following additional provisions:

- i. The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located;*

The Applicant's reinvestment in the Property will result in significant improvements to the building appearance and pedestrian environment. The front addition will pull the building closer to the street and has been designed to align with the front façade of the adjacent property to the north. This will facilitate the creation of a continuous building wall along Georgia Avenue and more uniform street presence. Additionally, to further activate the pedestrian environment, the building design incorporates a significant amount of windows on the ground level (approximately 52%). The architectural design and building materials will complement the existing buildings and surrounding neighborhood. The scale of the building and exterior materials were selected to complement and embrace the changing face of the existing building and surrounding neighborhood. The third floor addition is set back to break up the massing of the façade. Ground face cmu block and metal panels introduce a larger scale texture to the addition, yet are arranged in a running bond pattern to match the pattern of the adjacent brick buildings. The color palette – white window frames and silver metal panels – also set the office

and retail floors apart from the upper addition which is clad in gray. Metal paneling and the use of larger scale building materials are used in a number of the newer buildings on the surrounding blocks.

Importantly, as previously discussed, the design of the exterior front façade will not change as a result of the requested design exception. As such, separating the first and second floor will not alter how the front façade reads from the street and will merely result in the creation of a space that is better suited to the proposed retail and office use.

- ii. Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;*

As discussed in Section V.B.iii above, vehicular access will remain unchanged by the proposed modification. The existing vehicular access off of Georgia Avenue is designed to minimize pedestrian/vehicular conflicts and vehicular access will continue to be safe, adequate and efficient.

The proposed modification will enhance the pedestrian environment. The Applicant is proposing to construct a new entrance patio in the public space directly in front of the building, which will enhance the streetscape. The proposed design exception will facilitate the establishment of additional street activating uses and the building renovation will significantly improve the building's presence on the street.

- iii. Parking and traffic conditions associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences; and*

Parking for the proposed use will remain unchanged by the requested special exception and parking will continue to be adequate. The proposed use is less parking intensive than the previous religious use of the Property. The parking is located at the rear of the Property and is accessed by a rear access drive.

- iv. Noise associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences.*

The requested design exception will not change the uses on-site. The property is located along Georgia Avenue, a major transportation corridor. The proposed use is compatible with the character of the surrounding area and consistent with the intent of the Property's zone. The office and retail uses will operate during normal business hours and will not significantly affect adjacent or nearby residences.

VI. Conclusion

For the reasons set forth above, we respectfully request the Board of Zoning Adjustment's approval of the requested special exception.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Patricia Harris', written in a cursive style.

Patricia Harris

A handwritten signature in blue ink, appearing to read 'Elizabeth C. Rogers', written in a cursive style.

Elizabeth Rogers