

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: August 25, 2017

SUBJECT: BZA Case 19553 for a special exception to allow a floor-to-ceiling height of less than 14 feet on the ground level in the Georgia Avenue Neighborhood Mixed Use Zone at 4009 Georgia Ave. N.W.

I. OFFICE OF PLANNING RECOMMENDATION

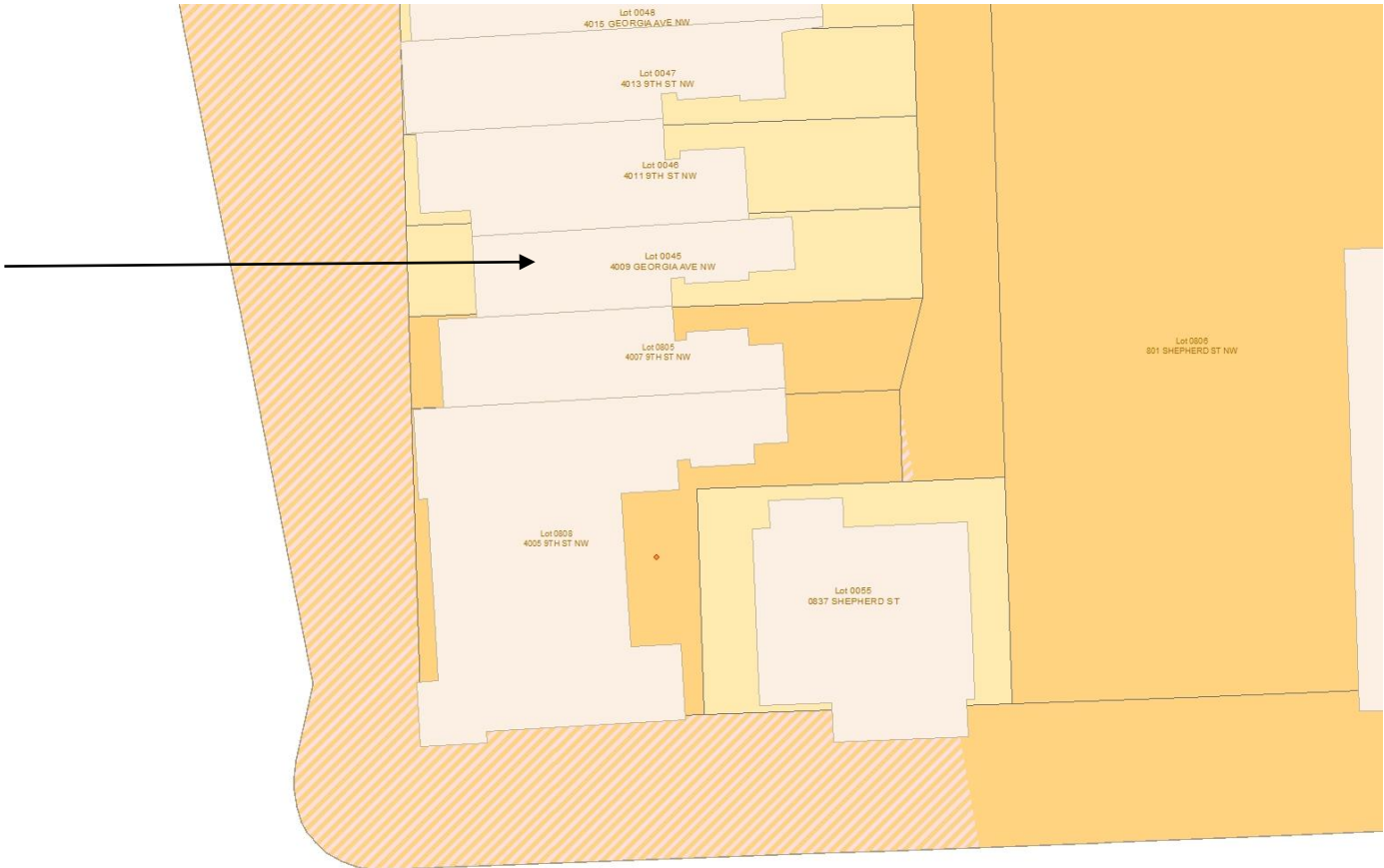
The Office of Planning (OP) recommends **approval** of the following Special Exception:

- Subtitle H § 809.1(f) - 14' ceiling height required, 8'6" proposed

II. LOCATION AND SITE DESCRIPTION

Address	4009 Georgia Ave. N.W.
Applicant:	Servant's Office LLC
Legal Description	Square 3026, Lot 0045
Ward / ANC	Ward 4; ANC 4C
Zone	NC-7 Georgia Avenue Neighborhood Mixed-Use Zone - the NC-7 zone is intended to permit mixed-use development at a moderate density, including additional residential uses above improved commercial uses
Historic District or Resource	N/A
Lot Characteristics	1,775 SF rectangular lot located mid-block with an alley at the rear (east)
Existing Development	The existing attached 1907 row dwelling appears to originally have had a similar design to the adjacent property to the north. The building is currently under construction for additions to the front and top floor. The subject property was most recently operated as a church. The building is set back from the front property line 13 feet.
Adjacent Properties	The adjacent properties fronting this block of Georgia Avenue are mixed use buildings and some have undergone substantial renovations including changes to the front of the building. The north end of this block has a large amount of public space and sidewalk in front of the buildings as a result of earlier street reconfiguration of Ninth Street and Georgia Avenue. The grade slopes down as the block goes north. The adjacent properties to the south are owned by a church.

Surrounding Neighborhood Character	The surrounding neighborhood is a mix of commercial and residential properties with some mixed use along Georgia Avenue. There are a number of new developments in the immediate vicinity and a gas station is located directly across the street.
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III. ZONING REQUIREMENTS

NC-7 zone	Regulation	Existing	Proposed	Relief
Height	50 feet	44.1 feet	No change	None required
Lot area	N/A	1,775 SF	1,775 SF	None required
Lot occupancy	70%	69%	No change	None required
Rear yard	15 feet minimum	27.8 feet	No change	None required
Ground floor ceiling height	14 feet minimum	8'6"	8'6"	Special exception requested

IV. PROJECT DESCRIPTION IN BRIEF

The Applicant is in the midst of permitted construction at the subject property, and this application for a special exception reflects proposed changes to the approved building permit plans. The Applicant is constructing a four-story front addition that extends the building 13 feet forward from the existing front plane to the front property line (there is no Building Restriction Line). The plans include a 4th floor addition to the building and the renovated building will have a total gross floor area of 3,888 SF. The front of the building will have a retail entrance at grade to the future cabinet showroom tenant as well as stairs to the entrance of the office space. There will be one residential unit on the top floor.

The proposed front façade at the ground level will be more than 50% windows with an entrance to the commercial use accessible directly from the sidewalk and stairs from grade to the upper level office entrance, which also has more than 50% windows across the front. The Applicant has received a permit for improvements within the public space including excavation for a grade change in front of the building and new front stairs and a plaza.

V. ZONING REQUIREMENTS and RELIEF REQUESTED

The Applicant is requesting special exception relief from one of the design requirements of the Georgia Avenue Neighborhood Mixed-Use Zone. The Applicant proposes an 8'6" floor-to-ceiling height at the ground floor level, and the zoning design requirement is for a 14 foot ceiling height. The Applicant is requesting this change to tie into the existing building floor plate and provide 140 SF of additional floor area within the commercial office space above. The Applicant originally submitted plans for building permits that complied with this requirement but only at the front of the building and is now proposing a change to the floor plans that requires relief. The front façade of the building would not be affected by this change, and the appearance of and access to the commercial space from the street would remain the same.

VI. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to Subtitle X Chapter 9

Section 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposal is in keeping with the general purpose of the Zoning Regulations for the NC-7 Georgia Avenue Neighborhood Mixed-Use zone. The NC-7 zone is intended to permit mixed-use development at a moderate density, including additional residential uses above improved commercial uses. The zone was intended to encourage redevelopment of this corridor and improve the pedestrian experience. The mixed-use building would be compatible with the zone, the front façade would be majority windows, the primary use would be commercial with residential above, and the commercial space would be accessed from the public sidewalk, which is consistent with the Georgia Avenue Neighborhood Mixed-Use Zone design requirements. The request for a special exception to the regulations is due to the front addition's need to connect to the floors of the existing building, the specific constraints of the relatively small building, and the space needs of future tenants, and overall it would provide renovated commercial space along the Georgia Avenue streetfront, which is in keeping with the intent of this zoning district.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

The proposed use will activate a building that was previously used by a church and will bring additional commercial use to the Georgia Avenue corridor, which would complement the neighboring properties uses.

Special Exception pursuant to Subtitle H Section 1200.1 and Section 1201.1

Section 1200.1 The Board of Zoning Adjustment may grant relief from the standards of this subtitle as a special exception subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC zones, 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 proposal is consistent with the intent of the Georgia Avenue NC-7 zone and the objectives of the Georgia Avenue - Petworth Metro Station Area and Corridor Plan which encourage additional residential uses and improved commercial uses along the Georgia Avenue corridor and the project is compliant with the other applicable building design standards. The commercial use would have direct access from the sidewalk and more than 50% windows on the front façade, which is in keeping with the NC-7 zone design requirements. The lower ceiling height should not have an adverse impact on neighboring properties.

(b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project's review by the Historic Preservation Review Board;

The proposed architectural design of the front addition will bring the front of the building closer to the sidewalk and will provide ground level and upper level commercial spaces that are accessible from the sidewalk. The subject property is not located in a historic district.

(c) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;

The Applicant is constructing a front addition that ties into the floors of the existing building, and the connection of the existing and new floors and ceilings has caused the need for the lower ceiling height on the ground level at the front of the building. The building is small for commercial use and the Applicant is trying to create a more efficient floor plan for ground level and upper floor tenants. In order to tie into the existing structure and to achieve the required ground floor ceiling height, the Applicant would have to dig down, which would be cost prohibitive, or open up the ceiling on the ground level, which would negatively impact the first floor office space. The Applicant was permitted for a two-story front lobby for the front 13 feet of the building, which technically complied with the NC-7 zone ceiling height regulations but does not allow for the retail space on the ground level intended by the zoning design guidelines.

(d) 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;

The Applicant proposes no change to vehicular access and egress. The sidewalk in front of the building is wide and pedestrians would continue to move efficiently.

(e) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;

Parking will remain at the rear of the building, and the proposed use is expected to be less parking intensive than previous use.

(f) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and

The noise associated with this mixed use building would not significantly affect neighboring properties. The commercial uses will operate during normal business hours.

(g) The Board of Zoning Adjustment 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 zone.

OP does not recommend that the Board impose additional requirements.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

At the time of the staff report, no other District agency had submitted comments.

VIII. COMMUNITY COMMENTS

The Applicant submitted their proposed plans and request for special exception to the ANC in 2016 and at that time ANC 4C voted 7-1 to support the application.