

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM:  Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: March 17, 2015

SUBJECT: BZA Case 18957 – 411 H Street NE – Fast Food Establishment (Nando)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** pursuant to §§ 1304.1 and 3104, for **special exception relief from §1320.4 (c), §1325 and §733** to establish a fast food establishment in the HS-H/C-2-A District, as follows:

- §1320.4 (c) (fast food use), including modification of the conditions under:
 - § 733.1 and §1320 .4 (c)(1) - 25-feet separation from a residence district required, 6 feet existing;
 - §733.2 and § 1320. 4 (c)(2) - Continuous brick wall along lot line required, none proposed; and
 - § 733.3 and § 1320.4 (c)(3) - 3-sided brick enclosure wall for trash required, none proposed.

The ANC/neighborhood proposed the following conditions of approval. OP is not opposed to these conditions, subject to DDOT's concurrence:

1. All food and drinks consumed on the premises of Nandos shall be served on/in non-disposable tableware and served by wait staff. Carryout services should be subordinate to the principal use of on-site consumption;
2. Nandos shall only utilize the alley for trash pick-ups. All deliveries would be made using loading zones off 4th Street. Hand trucks will be used for delivery through the alley;
3. Trash service at the site will be four times a week, no earlier than 8 am;
4. Any future, new eating establishment proposed for this space shall be required to seek special exception relief in conformance with the applicable provisions of the H Street Overlay and Zoning Regulations.
5. An existing five-foot (5ft.) wide walkway from the alley to the adjacent property to the west would be maintained for access purposes.
6. Any exhaust fan(s) shall be directed away from nearby residential properties, and such fan(s) shall not produce in excess of 60 dB as measured from any point in the adjacent residential zone.
7. The applicant shall be required to prohibit and prevent employees and others from congregating outside at the rear of the property.

II. LOCATION AND SITE DESCRIPTION

Address	411 H St NE
Legal Description	Square 809, Lots 69.
Ward	6/ANC 6C
Lot Characteristics	Flat, rectangular lots.
Zoning	<i>HS-H/C-2-A</i> : The underlying C-2-A district is a mixed-use district, typically along commercial corridors. The Housing sub-district of the H Street overlay is intended to encourage housing and new construction, with some preservation of existing facades constructed prior to 1958. The proposed development does not propose new construction and would renovate two existing commercial buildings, consistent with this zoning category.
Existing Development	The existing development consists of two, two-story brick commercial buildings, one of which was most recently a laundry (411 H) on the first floor and residential on the second, the other of which (413 H) was an office use on the first floor and a currently unknown use on the second floor. The Applicant intends to restore the two long-vacant buildings and use them to lease to a restaurant.
Adjacent Properties	Surrounding businesses include a coffee shop, office, fitness studio a grocery store, restaurant and bars. Across H Street are other commercial properties in the <i>HS-H/C-2-C</i> district.
Surrounding Neighborhood Character	The neighborhood is a mix of residential row dwellings and small apartments to the north and south of the commercial H Street corridor.

III. APPLICATION IN BRIEF

Proposal	The application requests relief to allow a fast food establishment that would occupy both floors of two commercial properties which previously accommodated a laundry and office use. The resulting renovated structure would represent approximately 4,500 square feet of commercial space on two levels. Nando's is a "fast casual" restaurant concept where customers pay first for meals. Customers would use ceramic, non-disposable dishware, metal utensils, glassware and other non-disposable cups, and there is no deep frying of food. While restaurants are permitted by right in <i>HS-H/C-2-A</i> District, Nando's policy of customers buying their meals prior to consuming their food causes the Applicant to be considered a fast is permitted only by special exception. There are no parking spaces on the property which abuts an L-shaped alley system at the rear approximately 13 feet and 10 feet wide in parts. Loading for the building would occur from 4th Street. No drive-through use is proposed.
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Relief Sought	Pursuant to § 1320.4, special exception relief to establish a fast food, with modification from the residential district separation, continuous brick wall and trash enclosure conditions, subject to the satisfaction of the standards under § 1304.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-2-A Zone	Regulation	Existing	Proposed	Relief
§ 733.1	No part of lot within 25 feet of a Residence District	6 feet	6 feet (appr.)	Modification requested
§ 733.3	Continuous brick wall along lot line	None	None	Modification requested
§ 733.4	3-sided brick enclosure for trash	None	None	Modification requested
§ 1320.4 (c) (4)	Linear street frontage $\geq$ 25%	Less than 5 %	5% +	None required
§§ 1304.1, 1320.4 (c) and § 733	NC and HS Overlay provisions	Vacant	Fast Food	Relief required
Lot Width	None prescribed	33.16 ft.	33.16 ft.	None required
Lot Area	None prescribed	-	-	None required
Height § 770 & § 1324.	65 ft. max.	33 ft.	33 ft.	None required
Floor Area Ratio § 771 & § 1321	1.5 (retail) 3.5 (residential)	Info. not provided	Info not provided	None requested
Lot Occupancy § 772 & § 2604.2	100 % max. (retail)	Info. not provided	Info not provided	None requested
Rear Yard § 774	15 ft. min.	15 ft.	15 ft.	None required
Side Yard § 775	None required	None	None Provided	None required
Parking (Retail) § 2101	< 3,000 sf, 1 per 750 = 8	None	None	None required (per ZA)
Loading (Retail) § 2201	1@30 ft. deep, Platform: 1@ 100sf	None	None	None required (per ZA)

V. OFFICE OF PLANNING ANALYSIS

Special Exception pursuant to §§ 1304, 1320.4(c) and §733 - Fast Food Establishments

The applicant has requested modifications from some conditions (*italicized and bold*), as permitted under § 733.12.

a. H Street Overlay- Section 1320.4 (c)

- (1) ***No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley;***

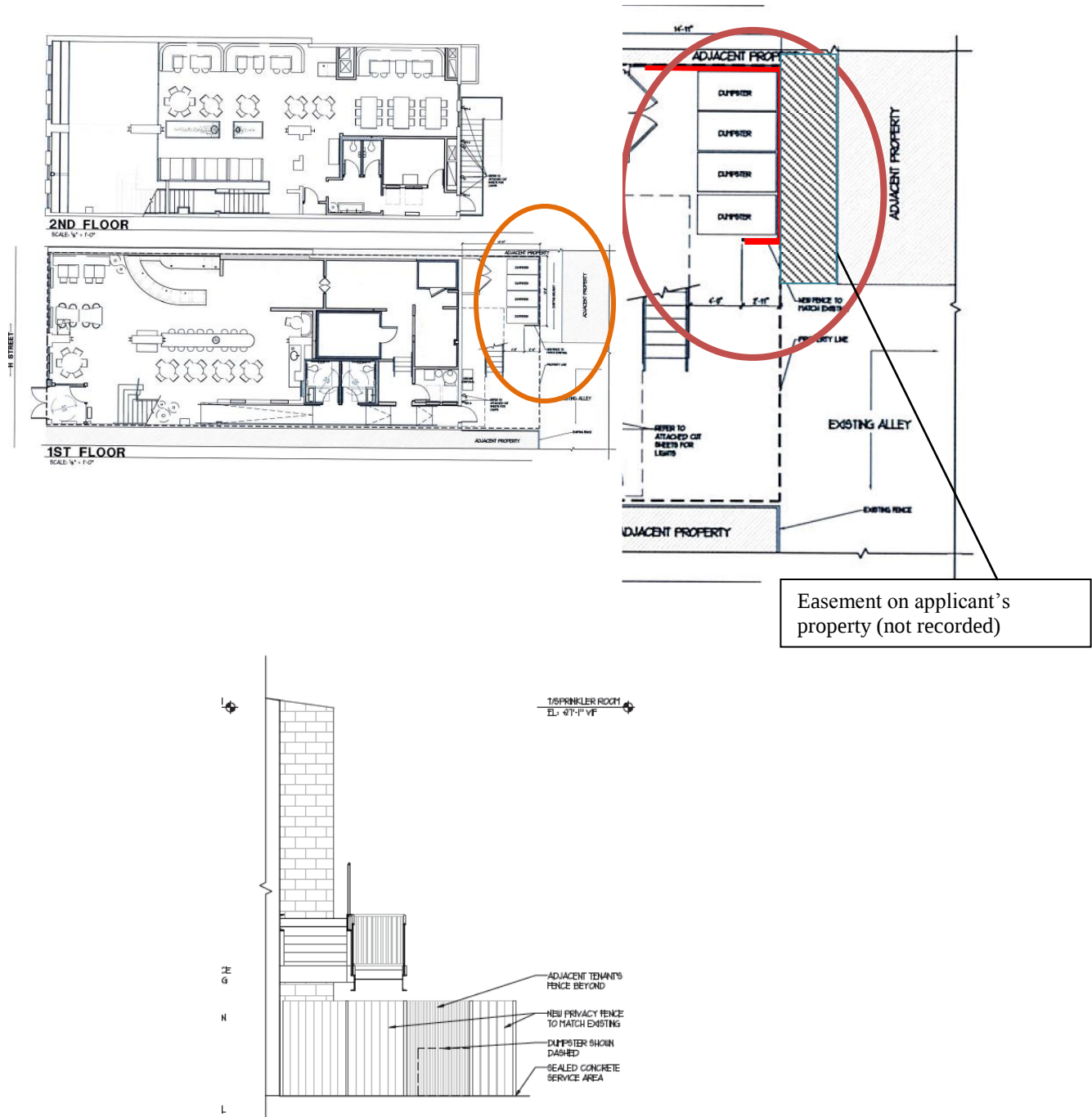
The applicant has requested a modification of this requirement as the rear lot line abuts a 13.33 feet-wide alley that is shared with the R-4 Residence District. A six (6)-foot screen/opaque fencing would partially screen the use from adjacent residential properties. OP supports this request, as this is an existing condition of the property and the applicant has attempted to address the spirit and intent of the Regulations.

- (2) ***If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;***

The provision requires that a 6-feet high and 12 inches thick wall be constructed along the irregular rear lot line. The applicant has requested a modification of this requirement as the required wall would impede access to the rear yard, which would serve as the location for the trash dumpsters and loading access from 4th Street NE.

An existing (prescriptive, non-recorded) easement approximately 5 feet wide would be maintained on the applicant's property to provide rear access to the adjacent commercial property. The subject property's rear yard effectively widens the alley and thus provides additional maneuvering room for vehicles. A rear wall would effectively limit efficient access to the rear and would likely constrain maneuverability for both residential and commercial tenants accessing adjacent rear garages and parking pads. Therefore, to comply with the requirement, Nando's would unnecessarily impede alley access for other alley users. OP supports this request, as the lot's location along the alley imposes a practical difficulty in complying with the required condition.

A new opaque fence would be installed from the west property line for 13.5 feet, as shown below in the replicated portion of the applicant's plan:



- (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate and shall not face a Residence District; and

The provision requires that trash dumpsters be housed in a three-sided brick enclosure equal in height to the dumpster or 6', whichever is greater (among other requirements). Trash is proposed to be collected in four, 6 ft. x 3 ft. containers, 3 feet tall, which will be on wheels. The containers, to be located at the rear of the property and away from the building face, would be shielded from the

adjoining property and the alley by an opaque fence. Trash pick-up will be based upon amount of trash generated and pick up would be coordinated so as to not interfere with residential pickups in the adjacent neighborhood. Enclosure of the trash dumpster would either: (1) impede fire egress out of the service space; or (2) block access to the trash receptacles. As a result such an enclosure would be impractical at this location given the existing width of the alley and ingress and egress into the available space that would not be occupied by the proposed dumpsters. The Applicant is sensitive to potential encroachment on alley access due to the variety of alley users, including service deliveries and trash pick-up for the building, adjacent commercial users and residents.

OP supports a modification of this provision as requested by the applicant.

- (4) *This use shall occupy no more than twenty-five percent (25%) of the linear street frontage within the HS Overlay District as measured along the lots that face the designated roadway;*

The applicant consulted with the Zoning Administrator, who determined that fast food and delivery establishments occupy approximately 5% of the linear street frontage within the designated Overlay. The addition of the 33-foot wide premises to this percentage would not meet or exceed the 25% limit. Therefore, based on this determination, the requirement would be satisfied.

b. C-2-A District – Section 733

733.1 Fast food establishments shall be permitted in a C-2-A District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

733.2 No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.

OP supports a modification of this provision, as this is an existing condition of the property, as discussed prior under § 1320.4 (c) (1).

733.3 If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.

OP supports a modification of this provision, as discussed prior under § 1320.4 (c) (2).

733.4 Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District.

OP supports a modification of this provision, as discussed prior under § 1320.4 (c) (3).

733.5 The use shall not include a drive-through. - The use does not include a drive through.

733.6 There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.

No customer entrances from the rear, which faces the alley, are proposed.

733.7 The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.

Noise: Access to the premises would be solely from H Street, NE. Rear access would be for employees only and emergencies. Nando has agreed that no smoking by employees would be permitted at the rear of the building so as to mitigate noise and pollution concerns of the neighbors. There would be no exterior deck at the rear of the premises or exterior seating, so that noise should not emanate from patrons of the restaurant. No ventilation or HVAC equipment would be mounted at grade in the rear yard area of the property. All equipment would be brand new and state of the art to mitigate noise emanation.

Odors: All ventilation and HVAC Services would be roof mounted and not through the rear of the building so as to control ventilation away from residences at the rear.

Lighting: Exterior lighting would be installed at the rear of the premises to provide downward directed lighting, illuminating both code-required exits from the premises and the associated stair case from the upper exit. The downward directed lighting will keep illumination focused within the rear yard area of the property. The lights will be photo celled controlled to turn on at dusk. Emergency lighting would be provided and activated as warranted. Plans were amended to include an illustration of the lighting type

Hours of operation: Nando typical operating hours are from 11 a.m. to 11 p.m., Sunday through Thursday, 11:00 a.m. to 12:00am, Saturday and Sunday. Nando does operate a bar or lounge area. Beverage service would be provided with food service.

Trash Storage/Removal: Trash would be collected in four, 6' x 3' containers, 3 feet tall, which will be on wheels. The containers would be located at the rear of the property and would be shielded from the adjoining property and the alley by an extension of the current fence line. Trash pick-up would be coordinated so as to not coincide with residential pickups in the adjacent neighborhood. Trash would be collected from the alley up to four times weekly, Monday, Wednesday, Thursday and Friday no earlier than 8 am.

Grease/Cooking Oils Storage: Used grease/cooking oils would be placed in a shielded container area located at the rear wall of the building under the staircase that would lead from the second floor exit door from the premises. Pick up of stored materials would be at least weekly and disposed of in an environmentally conscious manner.

Vermin Control: Nando's would institute its active vermin control program, currently in place at each of its restaurant sites in the District and would implement the same at the proposed H Street location.

733.8 The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.

The Zoning Administrator provided his determination via email on December 9, 2013, to the applicant in connection with the landlord's obtaining a building permit for reconstruction of the two properties, that a proposed restaurant use at this location will not result in a parking requirement, due to pre-existing conditions and uses of the properties, provided that the existing buildings are not razed. The determination is included in the applicant's prehearing submission of March 11, 2015.

733.9 The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.

The proposed use is anticipated in this zone and along the H Street corridor. No dangerous and objectionable traffic condition is anticipated due to traffic generated by the proposed establishment at this location. Nando is anticipated to be a neighborhood serving operation, at this location, which currently has a Walkscore rating of 94%. While on-site parking would not be provided, the H Street corridor is readily accessible via several multi-modal transportation options and e-taxi services.

733.10 There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.

The proposal would provide adequate dumpsters for trash collection and removal. Loading for large deliveries will occur from the designated on-street loading areas on 4th Street, N.E., and be transported to the rear on hand-trucks. Trash pick-up would take place four times weekly and be timed so as not to coincide with residential trash removal which typically occurs twice per week up to 8 am.

733.11 The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

The applicant addressed these issues and OP is not opposed to any related-conditions proposed by the ANC/neighborhood in concurrence with any DDOT recommendations. (Section I of this report.)

733.12 An applicant for special exception under this section may request the Board to modify the conditions enumerated in §§ 733.2 through 733.4; provided that the general purposes and intent of this section are complied with.

The applicant included a request in the prehearing statement to modify the conditions enumerated under §§ 733.2 through 733.4, as explained prior.

c. Section 1304 (Neighborhood Commercial Overlay Districts)

Section 1304.1 provides that exceptions to the requirements of the H Street Overlay are permitted by special exception subject to the following requirements:

- (a) 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 the neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;*

In general, the NC Overlay was “established to preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services.”¹ Further, it aims to “encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, so as to meet the needs of the surrounding area’s residents, workers, and visitors.”² The proposed fast food establishment would occupy a commercial property, which previously housed a laundry and office use, which vacated the space. The proposed establishment is anticipated to cater to nearby residents, workers, and visitors.

The H Street Overlay District, which is one of the NC Overlay areas, seeks to “provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic so as to improve access to retail services, the Metrorail station, and other uses in the area.” The proposed use would be located along a commercial corridor with convenient access to Metrorail, Metrobus, Capital Bikeshare, among other transportation options.

The proposed use should 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 “fast casual” use would be located along a commercial stretch of H Street with primarily ground floor retail uses which cater to the neighborhood. The Applicant would present further details of the arrangement for potential trash removal at the public hearing.

- (b) 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 has demonstrated that the structures have been long vacant and that the Property’s landlord was challenged in locating a financially viable tenant for its vacant retail space and indicates that Nando’s is “a potential tenant with the financial ability to guarantee a multiple year lease to ensure the long-term occupancy of the space.” Nando’s has offered a ten-year lease term which would provide the owner collateral for funding the property’s renovation.

¹ See § 1300.1.

² See § 1300.3(b).

(c) 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

The proposed establishment should not create a dangerous or otherwise objectionable traffic condition. It would occupy a long-standing vacant space in a commercial building. No parking was ever associated with the past laundry and office uses and none should be anticipated in this walkable neighborhood. Loading would be located off the rear alley on 4th Street, according to any conditions stipulated by DDOT in order to minimize conflicts with the pedestrian and vehicle flow on H Street. Due to the limited vehicular access to the property, principal pedestrian ways should not be adversely impacted by Nando's operations and should not present otherwise dangerous or objectionable traffic conditions on residential streets in the immediate area.

d) 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.

OP is not opposed to the conditions recommended by the ANC/neighborhood, subject to DOT's concurrence. The conditions are highlighted in Section I of the report as OP's recommendation.

d. Special Exception Requirements (HS) - § 1325.1

Both §§ 1325.1 (a) and 1325.4 require demonstration that a project is consistent with the intent of the design guidelines under Section 1324 and of the H Street N.E. Strategic Development Plan. The design requirements of §§ 1324.2 through 1324.16 are satisfied in the proposed redevelopment, as highlighted in the attached table.

1325.1 *The buildings, structures, and uses listed in § 1320.4 and exceptions from the requirements of the H Street Overlay District shall be permitted as a special exception..., provided the following criteria and the requirements of § 1324 are met:*

- (a) The project is consistent with the design intent of the design requirements of § 1324 and the design guidelines of the H Street N.E. Strategic Development Plan;*

The project complies with all the design requirements of Section 1324 as highlighted in the attached Table 1. The proposed development would be classified as a **Type II under the H Street NE Strategic Development Plan (HSSDP)**, as it would be a redevelopment of assembled lots. Compliance with the **HSSDP** guidelines is reviewed accordingly in the attached Table 2.

- (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 shall include review by the State Historic Preservation Officer and a status of the project's review by the Historic Preservation Review Board;*

A building permit was issued prior to this application to renovate the building, including renovation of the façade. The applicant has made efforts to revive and renovate a significant portion of the combined buildings' existing façade, in acknowledgement of H Street's existing frontage and consistent with the regulations, which provides incentives to do so (§ 1324.3, Table 2). The site is not located in a historic district.

- (c) *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;*

No parking and minimal loading will take place from the rear via the alley, so as to minimize the impact on safe and efficient movement through the alley primarily by residents. For larger deliveries, Nando's will make use of designated street loading areas, including on 4th Street, NE and as may be permitted by DDOT from H Street, NE. Smaller deliveries will be made to the rear of the premises from the alley. So traffic to and from the site would be minimal and should not adversely impede pedestrian movement at the intersection of the sidewalk and alley at 4th Street NE. Trash pick-up is proposed to be conducted in recognition of the residential pick-up through the alley, so as to not conflict with those times. Additional details would be provided at the hearing.

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

The Zoning Administrator determined that based on the previous uses, no parking would be required for the proposed use. However, the site is served by several Metrobus routes within walking distance of the site. Two Metrorail stations are within a mile and could be readily accessed via bike, walking or a short bus ride. DDOT's review supports the applicant's submission that vehicle trip generation due this site would be low due to the site's location on a commercial corridor that caters to neighborhood-serving uses.

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

Noise associated with the use is not anticipated, as a roof deck or outdoor seating is not proposed in the site plan. In addition, the applicant has offered that employees would not be permitted smoke breaks at the rear of the property.

- (f) *The size, type, scale, and location of signs shall be compatible with the surrounding corridor and consistent the design guidelines of the H Street N.E. Strategic Development Plan (HSSDP).*

The signs appear to be consistent with the design guidelines of the HSSDP.

- 1325.2 *An applicant may demonstrate compliance with § 1325.1(f) by demonstrating that the signage will be exclusively located on upper facades, awnings, and transom windows, constructed of durable materials, and sensitively designed; and will not affect more than twenty percent (20%) of display windows, consist of backlit box signs or neon product advertisements, block visibility into a store, or be overly obtrusive.*

Signage is not shown on the display windows (Rendering Sheet 9)

- 1325.3 *The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the H Street Overlay District.*

OP does not recommend any other design features to protect neighboring property or achieve the purposes of the Overlay District.

- 1325.4 *Applicants shall demonstrate that projects requiring a special exception shall be consistent with the design intent of the design requirements, of § 1324 and the design guidelines of the H Street N.E. Strategic Development Plan.*

Section 3104

a. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed use, a fast food restaurant, is consistent and compatible with the C-2-A low to moderate density commercial district. The proposal also should not substantially impair the intent, purpose and integrity of the Zoning Regulations and Map, as the modification requested would be addressed to satisfy the spirit of provision, including the provision of screening for trash receptacles, and trash removal only from the rear to mitigate adverse impacts due to noise and other nuisances that could affect residential neighboring properties. The redevelopment of the lot for commercial use otherwise adheres to all bulk other requirements of the zoning regulations as the development is designed within the prescribed design requirements for the sub-district.

b. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal would establish a fast food restaurant in a commercial district that includes other uses similar to the existing neighborhood serving uses. The location is within the C-2-A zone district where these uses are permitted, and potential impacts are mitigated through the application of conditions on the establishment's operation, so as to not adversely affect the use of neighboring property. The applicant's proposals outlined under § 733.7 would help to mitigate some of the impacts that may accrue due to noise, lights, hours of operation, trash removal and potential vermin.

OP is not opposed to the conditions requested by the community and the ANC, which would be intended to address concerns due to the operation of the proposed fast-food.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The Applicant met with DDOT to discuss loading options, since the community expressed that it did not wish to have loading trucks entering the alley, as it may impede residential access at the rear of their homes. The applicant discussed with DDOT the options of loading from H Street or 4th Street NE. DDOT's report to the Board on the loading and parking issues would be submitted under separate cover. At the writing of this report, no other District agency provided comments to the record.

VII. COMMUNITY COMMENTS

The ANC 6C voted unanimously to support the application at its regularly scheduled meeting on March 11, 2015 with conditions. The ANC's report is submitted to the Board under separate cover (Exhibit #29).

Attachments:

1. Location and Zoning Map
2. Table 1. - Section 1324 – H Street Design Guidelines
3. Table 2. - H Street Strategic Development Plan (HSSDP) Guidelines.

LOCATION and ZONING MAP

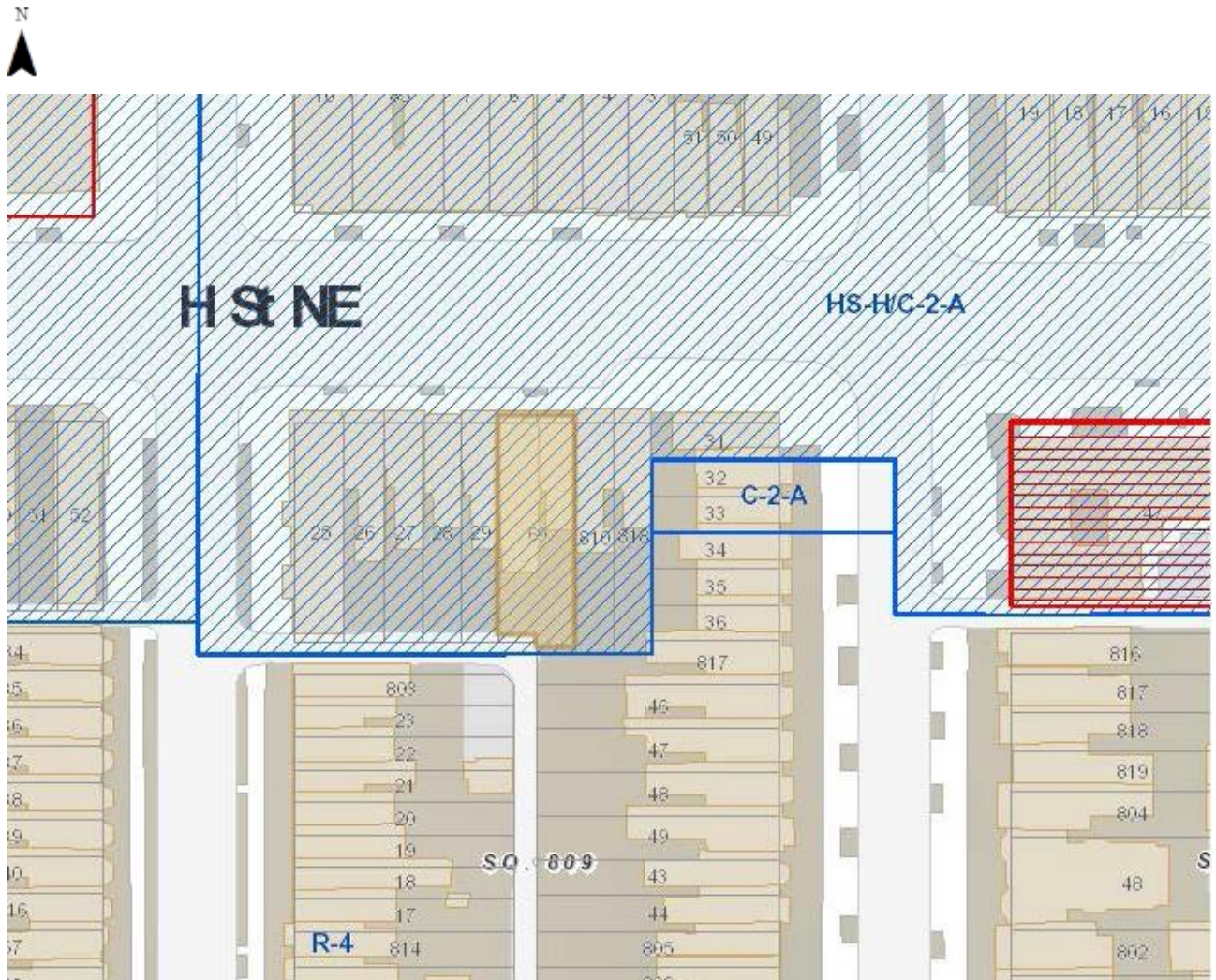


Table 1

Section 1324

Section	H Street Design Requirements	Complies	
		Yes	No
1324.2	<i>Not less than 75% of the streetwall(s) to a height of not less than 25 ft. shall be constructed to both property lines abutting public streets. This is an existing structure, which would be renovated.</i>	N/A	
1324.3	<i>Preserving an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone district for residential uses.</i>	N/A	
1324.4	<i>In C-2 Districts within the HS Overlay District, 70% residential lot occupancy shall be permitted.</i>	N/A	
1324.5	<i>% of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin. Residential uses are not proposed.</i>	N/A	
1324.6	<i>For the purposes of § 1324.5, "residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities. No residential use is proposed.</i>	Not proposed	
1324.7	<i>Parking structures with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street N.E., or 15th Street, N.E. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.</i>	Not proposed	
1324.8	<i>Each commercial use with frontage on H Street, N.E ..., shall devote not less than 50% of the surface area of the streetwall(s) at the ground level ...to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.</i>	✓	
1324.9	<i>Security grilles shall have no less than seventy percent (70%) transparency.</i>	Not proposed	
1324.10	<i>Each commercial use with frontage on H Street, N.E. ..., shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk.</i> <i>The commercial use would have an individual public entrance directly accessible from the H Street sidewalk.</i>	✓	
1324.11	<i>Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.</i>	N/A	
1324.12	<i>The ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building fronts H Street, N.E - A new building is not proposed.</i>	N/A	
1324.13	<i>Buildings subject to § 1324.12 shall be permitted an additional 5 ft. of height over that permitted in the underlying zone.</i>	N/A	
1324.14	<i>Projection signs shall have a minimum clearance of 8 ft. above a sidewalk and 14 ft. above a driveway; project no more than 3 ft., 6 in. from the face</i>		

Section	H Street Design Requirements	Complies	
		Yes	No
	<i>of the building, and end a minimum of 1 ft. behind the curb line or extension of the curb line.</i>	✓	
1324.15	<i>Façade panel signs shall not ... interrupt windows or doors and shall project no more than 12 in. from the face of the building.</i> Façade signs would not project more than 12 inches from the building face	✓	
1324.16	Roof signs are prohibited. – None are proposed.	✓	

Table 2 H Street NE Strategic Development Plan (HSSDP)

Item	Guidelines	Proposed Project
Building Envelope: Buildings are to be set on the front and side property lines. Buildings may max. lot coverage and should be 2-4 stories tall.	- 0' setback from property line at front and side streets; - 10-25' setback from property line at rear yard; - Building Height: 2-4 stories	Conforms to 0' setbacks from property lines at H St. frontage. 15 ft. setback from the property line at the rear yard. 2 stories: permitted.
Encroachments	Projections over ROW starting at eight feet above the sidewalk for a horizontal distance of six feet	No projections over the ROW
Parking	Shall occur behind the building or located below-grade; shared parking encouraged.	On-site parking would not be provided.
Storefronts: Area that is between 18" above ground to w/in 12" of finished ceiling of ground floor. Clear glass and brick, wood, metal should be used.	Windows/doors should occupy >60% of store front	Conforms
Windows and Doors	Shall be vertically-oriented and rectangular	Conforms
Awnings and Canopies	Can encroach over a sidewalk beginning of 8' in height. Can be triangular in section; have lettering; made of canvas, wood, metal or glass.	Awnings or canopies are not proposed.
Walls	Should be masonry, stucco, concrete panel, glass, metal; all elevations should be designed as "fronts"; blank walls are not permitted; bldgs. should express a base, middle, & top;	Conforms.
Roof, Parapet, Cornice	Roofs should be flat; include a parapet (18") & screening of mechanical equipment; and cornices should be made of certain materials located near the top the building in keeping with local historical vernacular	Conforms with regard to a flat roof and material use in keeping with the H Street vernacular.