

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

**Application for 1300 H Street, N.E.
(Square 1026, Lots 97-103)**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted by 1300 H Street NE LLC, the contract purchaser of the property located at 1300 H Street N.E., Square 1026, Lots 97-103 (the "Site"), in support of its application pursuant to 11 DCMR §§ 3104.1 and 3103.2 for (1) special exception relief under § 1320.4(f) for new construction on a lot having more than 6,000 square feet; (2) special exception relief under § 1324.10 to provide no primary residential entrances on H Street, N.E.; (3) special exception relief under §§ 770.6 and 411.5 to provide a roof structure with enclosing walls of unequal height; and (4) an area variance from § 2101.1 to provide eight on-site parking spaces where 30 parking spaces are required, to permit the construction of a new residential building with ground floor retail in the HS-A/C-2-A District at the Site.

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment ("BZA" or the "Board") no fewer than fourteen days prior to the public hearing for the present application. In this statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested special exception and variance relief. Following herein, as required by the Board's application process, is a preliminary statement indicating how the Applicant meets the burden of proof.

I. BACKGROUND

The Site consists of Lots 97-103 in Square 1026 and has a total land area of approximately 10,800 square feet. Square 1026 is bounded by I Street to the north, Florida Avenue to the northeast, 14th Street to the east, H Street to the south, and 13th Street to the west, all located in the northeast quadrant of the District of Columbia. The Site is located on the northeast corner of 13th and H Streets, N.E., with 58 linear feet of frontage on H Street and 144 linear feet of frontage on 13th Street. Abutting the Site to the north is a 25-foot wide public alley running east-west that connects to 13th Street. The Site has 94 linear feet of frontage on the public alley. To the east of the Site is a dry cleaning facility. The Site is presently improved with a vacant building that was most recently used as the R.L. Christian Public Library. The Applicant proposes to raze the existing building in connection with this application.

The Site is zoned C-2-A and is located in the Arts sub-district of the H Street Overlay ("HS-A"). See 11 DCMR § 1320.1. The C-2-A zoning permits residential and commercial uses as a matter of right, with a maximum building height of 50 feet with no limit on the number of stories, and a maximum density of 2.5 floor area ratio ("FAR"), with no more than 1.5 FAR permitted for non-residential uses. 11 DCMR § 770.1 and 771.2. Based on the Site's location within the HS-A Overlay, the Site may be developed with a maximum building height of 55 feet

(§ 1324.13) and a maximum site density of 3.0 FAR (§ 1326.3), with the density not to exceed 1.0 FAR for non-residential uses (§ 1323.3). Due to the Site's location within the H Street Overlay, it is required to comply with the design requirements set forth in section 1324 of the Zoning Regulations.

The Applicant proposes to develop the Site with a new four-story, mixed-use building with ground floor retail and approximately 36 residential dwelling units above. The ground floor will contain approximately 6,614 square feet of gross floor area devoted to retail use, plus a residential lobby, bicycle storage room, trash facilities, and utility rooms (approximately 2,400 square feet). Floors 2-4 will contain approximately 23,385 square feet devoted to residential use. The proposed building will have a height of 55 feet and a density of 3.0 FAR, as permitted by the Zoning Regulations. Consistent with Chapter 26 of the Zoning Regulations, the Applicant will dedicate 4,050 square feet of gross floor area to affordable dwelling units, which is the greater of 10% of the gross floor area being devoted to residential use or 75% of the bonus density being utilized for inclusionary units. *See* 11 DCMR § 2603.1. Half of the floor area devoted to affordable dwelling units will be set aside for households earning up to 50% of the area medium income ("AMI") and half will be set aside for households earning up to 80% of the AMI. *See* 11 DCMR § 2603.3.

The Site is located along the thriving H Street, N.E. commercial corridor and is surrounded by a mix of uses, including restaurants and bars, shops and boutiques, beauty salons, music venues, and visual and performing arts facilities. H Street is an exciting, mixed-use, walkable neighborhood, with excellent public transportation options. Anchored by Union Station to the west, H Street provides local, regional, and interstate access via Metrorail, Metrobus, the D.C. Circulator, Amtrak, Capital Bikeshare, and the future DC Streetcar. *See Washington DC Economic Partnership, DC Neighborhood Profiles 2014*, p. 27. Development of the Site with the proposed mixed-use building will add to the vibrancy of the neighborhood and greatly enhance the block on which the Site is located.

II. SPECIAL EXCEPTION RELIEF

A. H Street Overlay (§§ 1320.4(f) and 1324.10) – Relief Requested and Compliance with Standards

The Applicant seeks special exception relief from sections 1320.4(f) and 1324.10 of the H Street Overlay requirements. Section 1320.4(f) provides that new construction on a lot that has more than 6,000 square feet is permitted only by special exception. Section 1324.10 requires that multiple dwellings with frontage on H Street, N.E. must have at least one primary entrance on H Street directly from the sidewalk. In this case, the Site has 10,800 square feet of land area, thus requiring a special exception from section 1320.4(f), and the proposed building will not have a primary residential entrance on H Street, thus requiring a special exception from section 1324.10.

Under D.C. Code §6-641.07(g)(2) and 11 DCMR § 3104.1, the Board is authorized to grant a special exception where it finds that the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted

through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested 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.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *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.*

Exceptions from the requirements of the H Street Overlay District are permitted as special exceptions if approved by the Board after a public hearing, in accordance with section 3104, provided the criteria of sections 1304.1 and 1325.1 are met. The Applicant meets the applicable special exception standards as described below.

1. The NC Overlay – Section 1304.1

a. Purposes of the Overlay and No Adverse Impacts – Section 1304.1(a)

Under section 1304.1(a) of the Zoning Regulations, an applicant must demonstrate that the excepted use, intensity, and location proposed will substantially advance the stated purposes of the NC Overlay District and the specific overlay in which the site is located, which in this case is the HS-A Overlay District. The Applicant must also demonstrate that the proposed use 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.

i. *Consistency with the Purposes of the NC Overlay*

The NC Overlay is designed to encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement, consistent with the District of Columbia Comprehensive Plan (the “Comprehensive Plan”). The NC Overlay is also designed to encourage the 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. Finally, the NC Overlay is expected to limit the maximum permitted height of new buildings so as to encourage a general compatibility in scale between new and older buildings. *See* 11 DCMR §§ 1300.3(a)-(c).

The proposed project will substantially advance the purposes of the NC Overlay District. The segment of H Street, N.E. on which the Site is located is already a pedestrian-friendly destination for neighborhood-serving retail, entertainment, and restaurant establishments. The proposed building is designed to integrate with the surrounding uses at an appropriate scale, and will extend the existing pattern of ground floor retail development to serve the needs of surrounding residents, workers, and visitors. Moreover, the project was designed with pedestrians in mind such that it will not adversely affect the existing safe and efficient conditions for pedestrian and vehicular movement along H Street, 13th Street, or along the alley at the rear of the Site. The proposed building height at 55 feet is consistent with surrounding development

in the area and is permitted as a matter-of-right in the HS-A Overlay District to ensure that development can provide 14-foot floor to ceiling heights at the ground level.

ii. Consistency with the Purposes of the H Street Overlay

Included in the stated purposes of the H Street Overlay are the goals to implement the policies and goals of the Comprehensive Plan and the H Street N.E. Strategic Development Plan; encourage residential uses along the H Street corridor; and encourage the clustering of uses into unique destination districts along the corridor. 11 DCMR § 1320.2(a-c, f). The proposed project will substantially advance these goals, as described below.

The Comprehensive Plan incorporates the policies and goals of the H Street N.E. Small Area Plan under the policy focus area for Capitol Hill known as the H Street/Benning Road Focus Area. 10A DCMR § 1511.2. The Small Area Plan lays out a vision for H Street as a great neighborhood shopping street that serves resident needs, provides connections to the larger city, and improves the livability of the surrounding community. *Id.* The Small Area Plan also recommends the development of four thematic areas along the H Street corridor, designed to guide community, private sector, and public agency action and investments. *Id.* The Site is located within the Arts and Entertainment District, which extends on H Street, N.E. from 12th Street to 15th Street. As noted in the Comprehensive Plan, new arts and cultural uses are encouraged in this area, as are complementary specialty retail uses, sitdown restaurants, arts-related retail, and other community services. Moderate-density residential is also encouraged. *See* 10A DCMR § 1511.6(c).

The proposed mixed-use development supports these policies and goals by fulfilling the demand for new retail and moderate-density residential development, while at the same time improving the area such that new arts and cultural uses can develop. The project will provide new retail/shopping opportunities to serve resident needs, and will revitalize the underutilized Site, making the area more attractive to new specialty retail, restaurants, and community services. Moreover, consistent with § 1320.2(b) and (f), the project will incorporate much-needed new residential use along H Street, N.E., including new affordable units, thus improving livability in the surrounding community.

iii. No Adverse Impacts to Neighboring Property and No Detrimental Effects

The project 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 of the Site. The project will provide new housing on the H Street corridor, including affordable housing, and will offer new neighborhood-serving retail at a convenient location that will increase the competitiveness of existing businesses and attract new investment to the area.

b. Exceptional Circumstances Justifying the Exception – Section 1304.1(b)

In support of the request for special exception relief, an applicant must demonstrate that exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver. 11 DCMR § 1304.1(b).

With respect to section 1320.4(f), the Site has 10,800 square feet of land area, and therefore exceeds the 6,000 maximum land area requirement. The Site has operated as a single, 10,800 square foot site for several decades, and the District intended the Site to be redeveloped as a single Site upon disposition to the Applicant.

With respect to section 1324.10, the Applicant cannot provide a primary residential entrance on H Street due to the development program anticipated by the disposition of the land to the Applicant. Specifically, the Applicant intends to incorporate neighborhood-serving ground floor retail to serve as a neighborhood anchor and community gathering place. As a result, the Applicant's design team maximized the amount of ground floor retail and oriented retail frontage on the H Street corridor to maximize visibility to help achieve these goals. As such, it is necessary for the Applicant to locate the primary residential entrance on 13th Street.

Based on the foregoing, exceptional circumstances exist that justify the waiver from sections 1320.4(f) and 1324.10.

c. Safe Pedestrian and Vehicular Access – Section 1304.1(c)

Section 1304.1(c) of the Zoning Regulations requires an applicant to demonstrate that 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. In this case, there is no vehicular access from H Street or 13th Street onto the Site, thus maintaining a pedestrian-friendly environment along these corridors that will not be interrupted by crossing vehicular traffic. Vehicular access is only available at the rear of the Site from the public alley, and this access is limited to eight vehicles. Due to the appropriate location and few number of parking spaces at the Site, there is little opportunity for the principal pedestrian ways to be adversely affected, and no dangerous or otherwise objectionable traffic conditions are likely to arise.

d. Special Conditions Related to Design – Section 1304.1(d)

Section 1304.1(d) provides that 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 in which the Site is located. As shown on the architectural drawings included in the application, the project architect designed the building to be compatible with the existing streetscape and surrounding structures and consistent with the purposes of the H Street Overlay. Consequently, the Applicant does not anticipate the need for any additional conditions or design requirements.

Based on the foregoing, the Applicant has demonstrated that it meets the test for special exception relief under section 1304 of the Zoning Regulations.

2. The H Street Overlay – Section 1325.1

Under section 1325.1, the buildings, structures, and uses listed in section 1320.4, and exceptions from the requirements of the H Street Overlay District, are permitted as a special exception if approved by the Board after a public hearing, provided the following criteria are met:

a. Design Requirements

Section 1325.1(a) requires projects to be consistent with (i) the intent of the design requirements of section 1324 and (ii) the design guidelines of the H Street N.E. Strategic Development Plan (the “Strategic Development Plan”). The project complies with the requirements and effectuates the intent of section 1324 and the Strategic Development Plan. Section 1324 requires sufficient and adequately high streetwalls (§ 1324.2); large display windows and entrances (§ 1324.8); regular ingress and egress to enhance the pedestrian experience (§§ 1324.10 and 1324.11); 14-foot floor to ceiling heights at the ground level (§ 1324.12); and other design requirements to promote the goals of the HS-A Overlay.

The Strategic Development Plan designates the Site as part of the “Arts and Entertainment District,” which is envisioned as a destination for restaurants, cafes, galleries, small shops, and studio spaces serving the needs of theatergoers, the District arts community, and neighborhood residents. *See* Strategic Development Plan, p. 4-3. The Strategic Development Plan also designates the Site as a “Type II Development,” which type of development is intended to promote active uses at the ground floor and in the living or office space above. Buildings are to be set on the front and side property lines with a rear setback to allow limited parking behind the building, and are intended to be two and four stories tall. *See* Strategic Development Plan Design Guidelines, p. 5. Owners are encouraged to treat all street-facing elevations with equal attention, eliminate blank walls, and utilize durable materials and finishes. *Id.* at 7-8.

As shown on the architectural drawings included in the application, the project will effectuate the design intentions of section 1324 by providing large display windows and entrances, regular ingress and egress from H and 13th Streets, and a 14-foot ground floor ceiling height, thus enhancing the pedestrian experience and aesthetic quality of the block. The project is also consistent with the Strategic Development Plan’s Design Guidelines by providing active ground floor retail space to attract the District’s arts community and neighborhood residents and encouraging visitors to support new and existing retail businesses on the H Street corridor. The building will be constructed up to the front and side property lines with limited parking behind the building and will have active facades made of durable and attractive materials.

b. Urban Design Features

Section 1325.1(b) requires the architectural design of the project to enhance the urban design features of the immediate vicinity in which it is located. If a historic district or historic landmark is involved, the Office of Planning report to the Board is required to include review by the State Historic Preservation Officer and a status of the project’s review by the Historic Preservation Review Board.

As shown on the architectural drawings, and as will be described in more detail at the public hearing, the project is designed to enhance the urban design features of its surrounding vicinity. The Site is not in an historic district and is not a historic landmark.

c. Vehicular Access

Section 1325.1(c) requires vehicular access and egress to 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.

Vehicular access and egress to the Site has been designed to encourage safe and efficient pedestrian movement. There is no vehicular access to the Site from H or 13th Streets, thus maintaining a pedestrian-friendly environment that will not be interrupted by crossing vehicular traffic. Vehicle access to the Site is available only from the public alley at the rear of the Site, and this access is limited to eight vehicles. Due to the appropriate location and few number of parking spaces at the Site, there is little opportunity for principal pedestrian ways to be adversely affected or obstructed, and dangerous or objectionable traffic conditions are not likely to arise. Moreover, the ground floor use will have individual entrances on H and 13th Streets, accessible directly from the adjacent sidewalk, and the primary residential entrance will be located on 13th Street to make more efficient use of the irregularly-shaped Site. Together, the vehicular and pedestrian access points will be sufficiently separated to minimize conflict and eliminate any dangerous or otherwise objectionable traffic conditions.

d. Parking and Traffic Conditions

Section 1325.1(d) provides that parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences. In this case, the Site is located in an extremely walkable and transit-rich location with convenient access to numerous Metrobus routes, the Metrorail at Union Station, car-share locations, Capitol Bikeshare docks, and the future DC Streetcar line, which will operate on H Street directly adjacent to the Site. The Applicant anticipates that the majority of residential tenants, visitors, retail employees, and patrons will access the Site by foot or public transportation. Thus, the project is not expected to exacerbate traffic in the area or increase demand for on-street parking.

e. Noise Impacts

Section 1325.1(e) provides that noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences. In this case, any noise associated with the residential and retail uses at the Site will be minimal and will not adversely affect adjacent or nearby residences. The Applicant intends to incorporate a neighborhood-serving retail establishment in the ground floor space. Neither the retail use nor the residential use will produce any objectionable loud or late night noise. Furthermore, the closest residential use to the Site is across the 25-foot public alley at the rear of the Site.

f. Building Signage

Section 1325.1(f) requires the size, type, scale, and location of signs to be compatible with the surrounding corridor and consistent with the design guidelines of the H Street N.E. Strategic Development Plan. In this case, any signage incorporated into the development will be compatible with the surrounding corridor and consistent with the design guidelines of the Strategic Development Plan.

Based on the foregoing, the Applicant has demonstrated that it meets the test for special exception relief under section 1325.1.

B. Roof Structure Relief (§§ 770.6 and 411.5) – Relief Requested and Compliance with Standards

Pursuant to section 411.5, roof structures must have enclosing walls of an equal height. Special exception approval is required because, as shown on the elevations and roof plan sheets included in the architectural drawings, the majority of the roof structure has a height of 12 feet, 2 inches, while the portion of the roof structure over the elevator overrun has a height of 15 feet.

Pursuant to section 411.11 of the Zoning Regulations, the Board may grant special exception relief from the strict requirements for a roof structure where full compliance is “impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area” and would be “unduly restrictive, prohibitively costly, or unreasonable.” 11 DCMR § 411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not “materially impaired by the structure, and the light and air of adjacent buildings shall not be adversely affected.” *Id.*

The Applicant is providing a roof structure with unequal heights to accommodate additional height needed for the elevator overrun while ensuring that the penthouse is scaled appropriately for the surrounding neighborhood. The Applicant could theoretically construct a single 15-foot roof structure to enclose the elevator override and the lower portion of the structure. However, the additional height would add unnecessary mass to the roof and would undermine the purpose of the Regulations, which is to exercise a degree of architectural control over roof structures. *See* 11 DCMR § 411. Instead, the unequal heights will minimize the appearance of the roof structure and will protect the visual quality of the building from the street. The roof structure as proposed will not adversely affect the light and air of adjacent buildings since each element has been designed to minimize visibility. The structure is set back 1:1 from all exterior walls, and the surrounding walls will be of quality material to integrate the structure into the overall design of the building. Accordingly, the proposed roof structure is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under Section 411.11.

III. NATURE OF VARIANCE SOUGHT AND STANDARD OF REVIEW

An area variance is requested from the off-street parking requirements of section 2101.1 because the Applicant proposes to provide eight on-site parking spaces where 30 spaces are

required. Under D.C. Code § 6-641.07(g)(3) and 11 DCMR § 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

1. the property is affected by exceptional size, shape, or topography or other extraordinary or exceptional condition or situation;
2. the owner would encounter practical difficulties if the zoning regulations were strictly applied; and
3. the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Bd. of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). *See also, Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained at the public hearing, the Applicant meets the three-prong test.

A. Exceptional Condition or Situation

The phrase “exceptional situation or condition” in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

In this case, the Site contains hazardous materials that have been released from the adjacent dry cleaning facility, located directly to the east of the Site, and the former Cooper Suppliers coal yard and filling station, formerly located in the northern portion of the Site. The environmental contamination present at the Site significantly limit the Applicant’s ability to excavate the Site for below-grade parking. In addition, the Site is irregularly-shaped, with 58 linear feet of frontage on H Street, N.E., 144 linear feet of frontage on 13th Street, N.E., and 94 linear feet of frontage along the public alley to the rear. This irregular shape impacts the ability to provide below-grade parking, since there is insufficient space to provide zoning-compliant driveway and drive aisle widths, particularly given DDOT’s policy of requiring new curb cuts from public alleys if they are available. Together, these characteristics place substantial restrictions on potential parking configurations and the Applicant’s ability to provide 30 parking spaces on the Site.

B. Resulting Practical Difficulty

The Applicant will demonstrate that the strict interpretation of section 2101.1 of the Zoning Regulations will result in a practical difficulty. Pursuant to section 2101.1, the building is required to provide one parking space for each two dwelling units, plus one parking space for

each additional 300 square feet of retail space in excess of 3,000 square feet. In this case, the Applicant is required to provide 18 parking spaces for the 36 proposed residential units, plus 12 parking spaces for the 6,614 square feet of retail use, for a total of 30 parking spaces. However, the Applicant proposes to provide only eight off-street parking spaces located at the rear of the Site and accessed from the public alley.

The Applicant has maximized the number of surface parking spaces that can reasonably fit on the Site. However, due to the existing environmental contamination, it is practically difficult to locate 30 parking spaces in a below-grade parking garage, since the Applicant cannot undertake any development activities that involve disturbance of contaminated groundwater. Even if the Applicant was able to excavate, it still cannot provide below-grade parking because the Site is not large enough to provide the minimum driveway width of 14 feet and the minimum drive aisle width of 20 feet, and still provide sufficient space for 30 9'x19' parking spaces. *See* 11 DCMR § 2117.8(c)(2), 2117.5, and 2115.1, respectively. Given DDOT's policy of requiring new curb cuts to be located on public alleys if they are available, the ramp entrance would have to be located from the public alley at the rear of the Site, and situated at the northwest corner of the Site, since there is inadequate depth at the eastern portion of the Site to provide a ramp that meets the maximum slope of 12 percent. *See* 11 DCMR § 2117.8(a). Providing a ramp in this location would eliminate significant portions of the proposed retail space, residential lobby, and primary residential stair tower, which would adversely affect the layout of the residential units above. Furthermore, due to the Site's irregular shape and the building's column spacing and core elements, the Applicant could fit very few parking spaces on each theoretical parking garage level, thus requiring a large number of below-grade levels and significantly increasing project costs.

C. No Harm to Public Good or Zone Plan

The requested relief can be granted without harm to the public good and without threat to the integrity of the zone plan. Although the Applicant proposes to only provide eight on-site parking spaces, building residents and retail employees and patrons will not need or want a car to access the Site, given the Site's convenient access to multiple alternative forms of transportation and its location in a vibrant, mixed-use neighborhood. The Site is located directly on the H Street/Benning Road DC streetcar line, which is anticipated to begin operations in 2015. The Site is also in close proximity to nine Metrobus lines that are within 0.1 miles of the Site (B2, D3, D4, D8, X1, X2, X3, X8, and X9), four Capital Bikeshare stations that are within 0.3 miles of the Site; five car-share spaces that are within 0.5 miles of the Site (served by ZipCar and Enterprise CarShare); and has ample access to Car2Go vehicles and other one-way, point-to-point car-share services. Moreover, the Site has a walkscore of 88/100 (*see* www.walkscore.com), which will enable residents and retail employees and patrons to easily access the Site by foot.

The Applicant has engaged a traffic consultant who will evaluate and confirm that the parking at the project is sufficient to meet the anticipated demand for the project. The Applicant will include this information in its prehearing submission and provide it to DDOT as required under the Zoning Regulations. Moreover, the Applicant will show that the public good will be served by a high-quality infill development project along the H Street, N.E. corridor.