GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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2004 OCT 15 PM 3:38

Office of the Director

MEMORANDUM

DATE October 15, 2004

TO District of Columbia Zoning Commission

THROUGH Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM David J. McGettigan, AICP

SUBJECT. Text Amendment – H Street, NE Neighborhood Commercial Overlay District
REVIVAL The H Street NE Strategic Development Plan

Summary

The Office of Planning recommends that the Zoning Commission setdown text for a new neighborhood commercial overlay district This overlay is part of the implementation of the REVIVAL The H Street NE Strategic Development Plan. The overlay seeks to incorporate the District policies for transit-oriented development and further many goals and policies of the Comprehensive Plan. The plan will also include a map amendment to modify the underlying zoning of certain blocks in the corridor that are planned for a denser residential development.

The proposed overlay is divided into three sections The first section (Housing Sub-district) of the overlay would correspond to the Urban Living (Western Gateway) portion of the Strategic Development Plan to provide a moderate density and a medium density mixed-use area focusing on residential development with ground floor retail or other commercial uses allowed, but not required. The second section (Retail Sub-district) would correspond to Central Retail District (Retail Core) portion of the plan to provide a moderate density retail, office and residential use with focus on retail uses The third section (Arts Sub-district) would correspond to the Arts and Entertainment District to provide moderate density retail and residential use with focus on arts and entertainment uses The proposed overlay will provide common design standards like parking in the rear, zero setback from the street, and other pedestrian-friendly design criteria that will encourage transit-oriented development

ZONING COMMISSION
District of Columbia
CASE NO. 04-27
EXHIBIT NO. 1

ZONING COMMISSION
District of Columbia
CASE NO.04-27
EXHIBIT NO.1

Housing Sub-district

The Housing sub-district will provide for moderate and medium density residential development with supporting ground floor retail and service uses. The district will be subdivided into two different densities, a low scale area consistent with the current fabric (C-2-A) and a 6- to 8-story building envelope with a large residential component (C-2-B). The purpose of the Housing sub-district is to increase the residential density along a portion of the commercial corridor that will help support the retail core of the corridor In areas where little of the physical fabric that made the corridor a special place is left, new, higher density residential development will be encouraged Where the essential fabric remains, rehabilitation of the existing structures to accommodate additional residential units will be encouraged.

Retail Sub-district

The Retail sub-district will provide for low-density retail and business uses with residential uses on upper levels The zone would maintain the low scale 3- to 4-story building envelope of the C-2-A zone The zone will be mapped on an approximately 1500-foot length of the corridor the maximum practical length for a walkable retail shopping area. This is also the maximum amount of retail area that would be a viable in the H Street, NE market area

Arts Sub-district

The Arts sub-district will provide for low-density arts, entertainment and destination retail uses. The zone would maintain the low scale 3- to 4-story building envelope of the C-2-A zone, but provide bonus density for arts and entertainment related uses. In addition to providing cultural services to the community this sub-district will encourage a vibrant nightlife that will enhance the vitality of the corridor

Design Standards and Guidelines

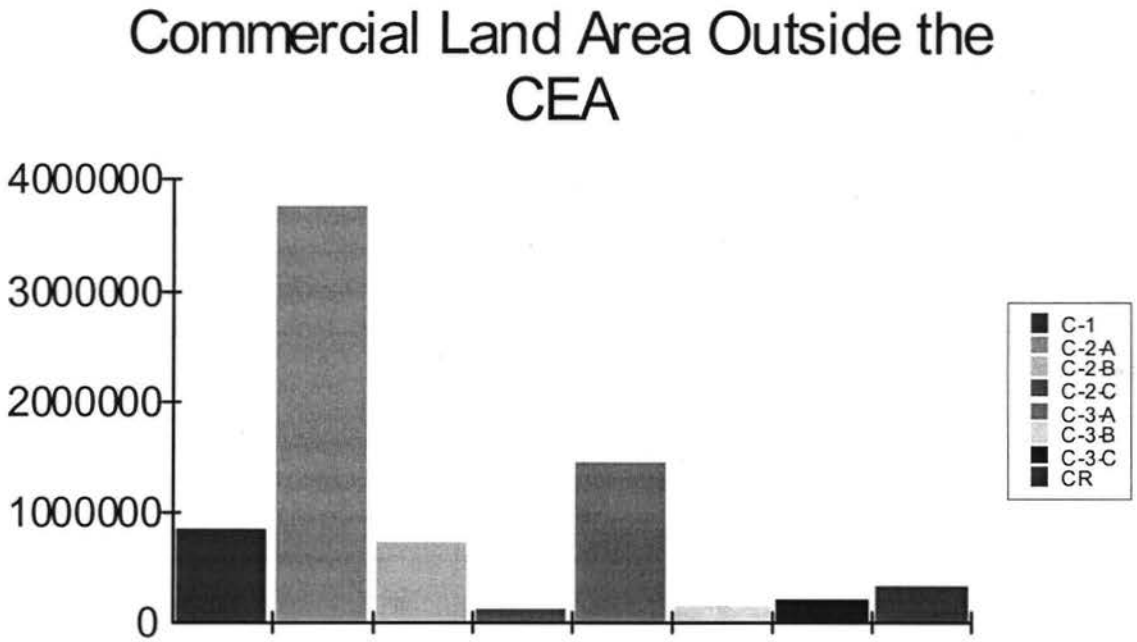
REVIVAL recommends that design controls be put in place to regulate new development that meet the urban design goals of the plan and provide an urban fabric that will perform well in the market place The controls proposed are divided into two main categories, standards, which control the form, massing and other elements of the building envelope and guidelines, which control the materials, appearance and aesthetics of the design These types of controls have proven successful in the revitalization of other commercial corridors. The proposed overlay will be used to implement the design standards and guidelines of the plan.

Special Exception and PUD Provisions

To permit flexibility from the design standards the proposed text establishes special exception relief as long as there are no adverse impacts and the relief is consistent with the intent and purposes H Street Overlay Planned Unit Development (PUD) in the Overlay District should further the goals and purposes of the H Street NE Strategic Development Plan. Additional height and floor area granted by a PUD shall be used for housing or the preferred uses in the applicable sub-district

Background

The majority of the H Street, NE corridor is zoned C-2-A. The C-2-A Community Business Center District is designed to provide facilities for shopping and business needs, housing and mixed uses for large segments of the District of Columbia outside of the central core. Outside the Central Employment Area (CEA), the majority of the commercially zoned land in the District is zoned C-2-A.



The Community Business Center Districts are found in long linear strips along major transportation and transit corridors throughout the city. Much of this zone district is mapped in areas that were once thriving retail destinations such as H Street, NE. The development of shopping malls and big box retail outside the District boundaries and rapid population losses to the suburbs eventually caused the decline of these areas. In an effort to revive one of the most prominent of these Community Business Center Districts, the Office of Planning has undertaken a study, planning effort, and implementation strategy for H Street, NE.

REVIVAL

The Ward 6 element of the Comprehensive Plan calls for the examination and redevelopment of the H Street., NE corridor. Specifically §1700.6 reads:

1700.6 H Street, N.E., has a different character than Pennsylvania Avenue, S.E., but similar problems. At one time it was the second busiest commercial area in the District. That function diminished in the 1960s and nearly disappeared after the riots of 1968. The H Street corridor has experienced some revitalization as a result of an Urban Renewal Plan; however, the development of the Hechinger Mall on the east end of the corridor and the substantial office and retail space in the area of Union Station on the

west end tend to drain off retail investment and customers from the rest of H Street. This polarization of economic activity needs to be considered in reviewing H Street development. Between the two (2) ends of heavy development, H Street may have to assume a special character in order to fully develop its commercial potential.

REVIVAL: H Street NE Strategic Development Plan was developed through an intensive community process from September 2002 to March 2003 REVIVAL is a guide for community, private sector, and public agency actions and investments in reviving this traditional neighborhood corridor over the next ten years. The Plan emerged from community input about market analysis, neighborhood assets, transportation objectives, and current and proposed land uses Residents, merchants, property owners, District agencies and investors participated in developing this Plan. The Plan was adopted by the City Council as a small area plan in February of 2004, which provides further guidance to the Comprehensive Plan.

REVIVAL outlined a vision for the entire 1 5 mile extent of the H Street NE commercial corridor from North Capitol Street to 17th Street NE, just beyond the Hechinger Mall The corridor is 13 blocks lined by a mixture of hair salons, barber shops, fast food carry outs, local clothiers, some national chains, local churches, significant vacant land, abandoned buildings and underutilized upper floors. The vision is for H Street NE to become a unique and competitive shopping destination well-served by enhanced transit (bus rapid transit or trolley) and inviting to pedestrians. As a neighborhood business center, H Street would offer diverse retail goods and services, cultural venues and a range of housing options. Architecture and development of the physical environment would create as sense of place important to the successful revitalization of the corridor. REVIVAL, through its market analysis, discovers that 1.5 miles of linear retail development can't be supported and proposes that the corridor be split into five distinct areas.

The Plan recommends five (5) thematic areas:

1. "The Hub" - North Capitol to 2nd Street *(not covered in overlay)*
2. "Urban Living" (Western Gateway) - 2nd to 7th Street NE *(Housing Sub-district)*
3. "The Shops" (Central Retail District) - 7th Street to 12th Street NE *(Retail Sub-district)*
4. "Arts & Entertainment District" - 12th Street to Bladensburg Ave NE *(Arts Sub-district)*
5 "Arboretum Place" (Hechinger Mall / Old Sears Site) – Bladensburg Avenue to 17th Street NE *(not covered in overlay)*

The Plan recognized that the existing C-2-A zoning, which is mapped in the three central thematic areas, needed to be modified to implement the plan. In the Western Gateway area the plan recommends that the zoning permit larger in-fill residential or mixed-use buildings. In The Shops area the zoning should support retail activities and provide for second floor residential and small office uses. In the Arts and Entertainment District the zoning should support arts and entertainment uses. In addition, the zoning would support special retail uses that would complement arts and entertainment uses.

Overall, the zoning strategy to implement the Plan should accomplish the following objectives.

1 Permit densities and heights as prescribed in "REVIVAL;"

2 Guide preferred uses to strategically cluster within the three thematic areas from 2nd Street to Bladensburg Road,
3 Conserve buildings that contribute to the historic character of the corridor and accommodate and encourage their adaptive reuse;
4 Encourage compatible new construction that adheres to the Plan's design and development guidelines, and;
5. Encourage the preferred retail, office and housing mix along the corridor to serve a range of household types and income levels.

This guidance from the H Street NE Strategic Development Plan was used to develop the overlay text proposed. Using the guidance from the Plan a Joint meeting of ANC 6A and ANC 6C produced a report to guide the development of the H Street Overlay text.

Joint ANC Report
The initial tool to implement this zoning strategy was through the development of an overlay zone and the Office of Planning and Advisory Neighborhood Commissions 6A and 6C worked to develop a detailed policy recommendation for creating a new overlay (see Attachment 1) The Office of Planning has worked with these recommendations to create an overlay that will meet the goals of the plan. The report outlines purposes, incentives, preferred uses and design provisions that should be in the Overlay.

Design Guidelines
Good design is critical to the success of the revitalization plan. Several sources provided input to the design guidelines The Mayoral Taskforce on Transit-Oriented Development Report and the associated publication Trans-Formation: Recreating Transit-Oriented Neighborhood Centers in Washington D.C provide a policy base for development of the Overlay. Thrive. A Guide to Storefront Design in the District of Columbia outlines important guidance for storefront design The H Street NE Development and Design Guidelines also provides guidance for development along the corridor

Comprehensive Plan

The Comprehensive Plan has many goals and objectives that are furthered by the proposed zoning text amendment Applicable elements include Economic Development, Transportation, Urban Design, Preservation and Historic Features, and Land Use. Further implementation of the Plan by mapping the zone in the H Street corridor will meet specific goals of the Ward 6 Element of the Comprehensive Plan regarding H Street, NE.

Economic Development Element
200 11 Economic development outside of the Central Employment Area is of equal importance to the District.

(a) Revitalization of older business areas is a high priority;

206.2 The policies established in support of the economic development outside the Central Employment Area objective are as follows:

(d) Review and recommend appropriate amendments to the Zoning Regulations (Title 11 DCMR) in commercially and industrially zoned areas to be consistent with development objectives, yet allow for the orderly growth of appropriate economic activity in areas adjacent to residential communities;

Transportation Element

502.2 The policies established in support of the general transportation objectives are as follows

(a) Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations;

Urban Design Element

713 COMMERCIAL ACTIVITY CORRIDORS

713.1 The commercial activity corridors objective is to coordinate and strengthen the design function and image of commercial activity corridors that serve neighborhood centers.

713.2 The policies established in support of the commercial activity corridors objective are as follows:

(a) Ensure that the design of future development respects the urban framework created by the L'Enfant Plan and complements its intent;

(c) Encourage the design of functionally active commercial centers within all areas of the District, especially in areas that are not now adequately served;

(e) Orient major new development toward the street in order to emphasize the public space as a setting for active use;

(g) Encourage special design quality around Metrorail stations to create aesthetically pleasing physical concentrations of activity and development;

(h) Strengthen the function and design image of the development and activity corridors that serve as neighborhood centers;

(i) Focus special design attention on corridors and centers in areas of the District that have poor images, low development of activity concentrations, and are

underserved;

(j) Encourage the design of future development to be compatible with the established characters of the surrounding areas;

(k) Encourage the development of physical boundaries between commercial concentrations and adjacent residential areas so as to enhance the character and integrity of both sectors;

(l) Emphasize the activity function and visual character of corridors and centers through special signs, lighting, design, or other means which contribute to their overall identity and sense of place, but also allow for the unique identities of the individual businesses; and

(m) Encourage the design of in-fill developments within commercial corridors to be appropriately sited in order to strengthen functional and image guidelines.

Ward 6 Element

1703 Ward 6 – Actions to Implement the Plan· Economic Development

1703 1(b) Select sites which have potential for increased FAR to attract economic development in commercial districts, including the increase to 3 0 FAR on H Street, N E from 3rd to Benning Road and 8th Street, S.E. from Pennsylvania Avenue to M Street;

1703.1(h) Reassess H Street, N E , Corridor Urban Renewal Plan to account for changed economic development potential in corridor. Consider entirely new Urban Renewal Plan to provide incentives for housing, community services, neighborhood recreation facilities,

The H Street, N.E., Corridor Urban Renewal Plan has expired, but the H Street, N.E. Strategic Development Plan represents a new effort to revitalize the corridor and is consistent with this goal.

1704 Ward 6 - Housing

1704.4 There is little vacant property available for development in Ward 6. The vacant parcels that exist are small in size and most suitable for infill development. Increasing the housing supply and helping the homeowner afford his or her property can be accomplished by renting portions of the structures that have two (2) units, i.e., English basements. Other ways to increase the housing supply include conversion of schools and churches to apartments and condominiums, and by **creating new apartment development along H Street, N.E.**, and Pennsylvania Avenue, S E.

1735 Ward 6 – Actions to Implement the Plan. Land Use

1735.1(w) Amend the Zoning Regulations to establish an overlay zone in the following

commercial corridors in Ward 6, in which the permitted commercial floor area ratio (FAR) shall be increased to a maximum of 3 0 FAR as a matter of right, and in which no change shall be made to the maximum height permitted in the underlying zone:

(1) H Street, N.E., from North Capitol Street to Bladensburg Road

The intent of this action is implemented in the proposed overlay by providing additional commercial FAR for preferred uses, while maintaining the character of the corridor through façade preservation.

Proposal

The proposed map and text amendment has two components A map amendment from C-2-A for specific squares within the corridor where additional residential density is desired to further the objectives of the Strategic Development Plan. Second, the a new neighborhood commercial overlay district

Map Amendments

The lots on the south side of the 200 block, north and south sides of the 300 block and the north side of the 600 block are proposed to be rezoned from C-2-A to C-2-B. These areas have little remaining fabric to preserve and the rezoning will encourage the development of more housing along the corridor

H Street Northeast Neighborhood Commercial Overlay District

The new overlay will be developed as part of Chapter 13 of the zoning regulations. Chapter 13 contains the Neighborhood Commercial Overlay District, which has purposes (§1300) that are consistent with the intent of the Strategic Development Plan and provide an established framework for developing the new overlay. Discrete NC Overlay Districts are defined for neighborhood shopping areas in the NC Overlay District, that reflect the character, scale, and needs of the particular district. The portion of the H Street NE Strategic Development plan that will be implemented by the proposed overlay covers the commercial properties along H Street NE from 2nd Street to 15th Street The following proposed text will establish the boundaries of the district and its three sub-districts

1320 1	The H Street Northeast Neighborhood Commercial Overlay District (HS) applies to all lots fronting onto H Street NE from 2nd Street to 15th Street NE and zoned C-2-A, C-2-B, C-2-C, C-3-A, or C-3-B. The Overlay is divided into three sub-districts affecting the following squares
	(a) H Street Northeast Housing Sub-district (HS-H) encompasses properties fronting on H Street NE in squares 0751, 0752, 0776, 0777, 0808, 0809, 0832, 0833 from 2nd to 7th Streets NE;
	(b) H Street Northeast Retail Sub-district (HS-R) encompasses properties fronting on H Street NE in Squares 0858, 0859, 0889, 0890, 0911, 0912, 0933, 0933, 0958, 0959 from 7th to 12th Streets NE;
	(c) H Street Northeast Arts Sub-district (HS-A) encompasses properties fronting on H

	Street NE in Squares 0981, 0982, 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets NE

The three sub-districts correspond to the Urban Living, The Shops, and the Arts and Entertainment areas of the H Street NE Strategic Development Plan. The sub-districts will further the goals and objectives of each of the three plan elements. The implementation of the plan through the overlay provides additional purposes for the overlay above those outlined in §1300.

1320 2	In addition to the purposes in § 1300, the purposes of the HS Overlay District are to:
	(a) Implement the policies and goals of the Comprehensive Plan and the H Street NE Strategic Development Plan as adopted by the Council of the District of Columbia on February 17, 2004 (R15-460),
	(b) Encourage residential uses along the H Street NE corridor, particularly provision of affordable units and reuse of upper floors,
	(c) Encourage the clustering of uses into unique destination districts along the corridor specifically a housing district from 2nd Street to 7th Street NE, a neighborhood retail shopping district from 7th Street to 12th Street NE, and an arts and entertainment district from 12th Street to 15th Street NE;
	(d) Establish design guidelines for new and rehabilitated buildings; and
	(e) Encourage the reuse of existing buildings along the corridor

The general provisions of the overlay (§1301) provide that the overlay is mapped in combination with the underlying zoning. This incorporates the provisions of the zoning regulations as modified by the provisions of the overlay Where there is a conflict, the most restrictive regulation will apply.

Next, the Chapter identifies designated and restricted uses (§1302) Designated uses are required on 50% of the ground level floor area. The designated uses incorporate a large range of retail and service uses. Restricted uses include banks, loan offices or other financial institutions, and travel agencies, or other ticket offices, which may occupy no more than 20% of the ground level Additional restrictions are placed on restaurants, fast food restaurants, delicatessens, carry-outs and similar eating or drinking establishments (§1302.5). The following text adds additional designated uses to further the purposes of the respective sub-districts.

1320.3	For purposes of § 1302, the designated use area shall include any lot within the HS Overlay District that fronts on H Street NE. In addition to the ground floor uses designated by §1302 2, the following uses are also designated in each Sub-district:
	(a) HS-H Sub-district, (1) Residential Uses
	(b) HS-R Sub-district, (1) Candy store, (2) Computer store,

(3) Delicatessen,
(4) Fabric Store,
(5) Health or Exercise Studio;
(6) Ice cream parlor;
(7) Plant store or nursery
(8) Secondhand or Consignment Store,
(9) Shoe Store,
(10) Video Rental and Sales,
(11) Other similar personal/consumer service establishment or retail use

(c) HS-A Sub-district
(1) Any preferred use listed in §1323 2

Additional restricted uses are detailed in the next two proposed sections, which provide for special exception and prohibited uses respectively·

1320 4 Within the HS Overlay Districts, the following buildings, structures, and uses are permitted only by Special Exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in §§3104 and 1325 of this title.

(a) Any use requiring a Special Exception in the underlying zone except new gas stations;
(b) Accessory parking spaces located off-site from the principal use;
(c) Fast food restaurant or food delivery service provided
(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;
(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, and
(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;
(d) Funeral, mortuary, or undertaking establishment;
(e) Expansion of a gasoline station existing on or before the effective date of this section; and,
(f) Parking Garage

1320 5 The following uses are explicitly prohibited.

(a) Automobile and Truck Sales;
(b) Automobile laundry;
(c) Boat or marine sales
(d) Gasoline Station after the effective date of this section;
(e) Outdoor storage of any materials; and
(f) Commercial parking lots.

The third section of the Neighborhood Commercial Overlay District general provisions prohibits drive-thrus and limits driveways and curb cuts on the designated neighborhood commercial street The text below identifies H Street NE as the designated roadway for the overlay.

1320 7	For purposes of §1303 2, the designated roadway within the HS Overlay Districts shall be H Street NE

To provide for public review of large developments as to their proposed uses, vehicular access, and the scale and massing of proposed buildings the proposed overlay has a provision similar to §1308 2. This provision requires a special exception, as large developments are likely to have an impact on the character, scale and mix of uses on the corridor The Board of Zoning Adjustment review will ensure compatibility with and enhancement of the primary purposes of the overlay and the specific purposes of the sub-districts

1320.8	Within the HS Overlay District, on a lot that has ten thousand square feet (10,000 ft.^{2}) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in §§1325 and 3104

Housing Sub-District (HS-H)

The Housing Sub-district limits non-residential FAR to 0 5 for new construction, but if the new construction preserves the existing façade an additional 0.5 non-residential FAR is permitted up to a maximum non-residential FAR of 1.0

1321.1 The purpose of the housing sub-district is to encourage housing.
1321 2 The floor area ratio in the HS-H Sub-district for new construction may not exceed 0.5 FAR for nonresidential uses except as provide in §1321 3.
1321 3 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 0.5 FAR for up to a maximum non-residential FAR of 1 0 for neighborhood serving retail uses as permitted in §§701.1, 701.4 and Office uses.

This furthers the purposes of the H Street Plan by encouraging preservation of existing façades, which preserves the character of the corridor This also encourages housing, while permitting a limited amount of neighborhood retail and office use.

Retail Sub-District (HS-R)

The Retail Sub-district limits non-residential FAR to 1.0 for new construction, but if the new construction preserves the existing façade an additional 0.5 non-residential preferred use FAR is permitted. In the underlying C-2-A zone this will allow up to 2.0 of non-residential FAR for preferred uses

1322.1 The HS Overlay Retail Sub-district is intended to encourage retail uses.
1322.2 Preferred uses in the HS-R Sub-district are·

(a) Antique Store; (b) Apparel and Accessories Shop; (c) Appliance sales or repair; (d) Auction house; (e) Bakery; (f) Bank or financial institution (excluding check cashing services), (g) Bicycle Shop; (h) Bookstore, (i) Café, delicatessen, or lunch counter (excluding fast food); (j) Camera/photo sales, (k) Catering establishments, (l) Cobbler or shoe repair; (m) Collection center for dry cleaning; (n) Cosmetics or toiletries sale, (o) Department store, (p) Dressmaker or tailor, (q) Drug store; (r) Dry goods store; (s) Electronic sales; (t) Fabric store; (u) Film exchange or development, (v) Florist, (w) Gift or card shop, (x) Grocery store; (y) Gym or exercise studio, (z) Hardware stores; (aa) Hobby shop; (bb) Home furnishing sales; (cc) Ice cream parlor; (dd) Interior decorating shop; (ee) Jewelry shop, (ff) Office supplies or services store; (gg) Music or instrument sales; (hh) Pet shop; (ii) Pharmacy; (jj) Professional services or office not on the ground floor; (kk) Restaurant (excluding fast food); (ll) Secondhand or consignment store; (mm) Shoe store; (nn) Sporting goods; (oo) Video media rental for general public and family.
1322.3 New construction including interior renovation that preserves an existing façade constructed before 1958 is permitted to use an additional 0.5 FAR over the non-residential FAR

permitted in the underlying zone for non-residential preferred uses listed in §1322.2.

This furthers the purposes of the H Street Plan by encouraging preservation of existing façades, which preserves the character of the corridor and encourage the preferred uses for this sub-district.

Arts Sub-District (HS-A)

The Retail Sub-district limits non-residential FAR to 1.0 for new construction, but if the new construction preserves the existing façade an additional 0 5 non-residential preferred use FAR is permitted In the underlying C-2-A zone this will allow up to 2 0 of non-residential FAR for preferred uses

1323 1 The HS Overlay Arts Sub-district is intended to encourage arts and entertainment uses.

1323.2 Preferred arts and entertainment uses in the HS-A Sub-district are limited to:

(a) Art Center;
(b) Art Gallery,
(c) Art or Performing Arts School,
(d) Artist Housing;
(e) Artist Studio;
(f) Artists' Supply Store;
(g) Arts Services, including set design and restoration of artworks;
(h) Bar, nightclub, or cocktail lounge;
(i) Book Store;
(j) Cabaret,
(k) Coffee shop, café, or delicatessen,
(l) Concert hall or other performing arts space;
(m) Library;
(n) Movie Theater,
(o) Museum;
(p) Musical Instruments Store,
(q) Performing Arts Ticket Office or Booking Agency;
(r) Photographic Studio,
(s) Picture Framing Shop;
(t) Printing, lithographing, or photoengraving establishment, in each case not exceeding twenty-five hundred square feet (2,500 ft 2) of gross floor area,
(u) Record Store,
(v) Recording Studio;
(w) Restaurant
(x) Theater

1323.3 The floor area ratio in the HS-A Overlay District for new construction may not exceed 1.0 FAR for nonresidential uses except as provided in §1323 4.

1323.4 New construction including interior renovation that preserves an existing façade constructed before 1958 is permitted to use an additional 0.5 FAR over the non-residential FAR permitted in the underlying zone for non-residential preferred uses listed in §1323 2

1323.5 The provisions of §1302 5 shall not apply to the HS-A Sub-district.

This furthers the purposes of the H Street Plan by encouraging preservation of existing façades, which preserves the character of the corridor and encourage the preferred uses for this sub-district Since restaurants are preferred in this sub-district the provisions of §1302.5 restricting restaurant uses are listed as not applicable to this sub-district

Design Requirements

1324.1 The design requirements of §§ 1324 2 through 1324.13 shall apply to any lot in the HS Overlay District
1324.2 New buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets
1324 3 New construction including interior renovation that preserves an existing façade constructed before 1958 is permitted to use an additional 0 5 FAR above the total FAR permitted in the underlying zone for residential uses
1324.4 In C-2-A Districts within the HS Overlay District a 70% residential lot occupancy shall be permitted
1324.5 For the purposes of this section, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.
1324.6 For the purposes of this 1324.5, "residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities
1324.7 Parking structures with frontage on H Street NE shall provide not less than 65% of the ground level frontage as commercial space.
1324.8 Each new building on a lot that fronts on H Street shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows and to entrances to commercial uses or to the building, provided the windows shall be clear glass, or clear/low-emissivity glass, except for decorative or architectural accent The clear or low-emissivity glass shall have a visible light transmission rating of at least seventy percent (70%) and shall have an outdoor visible light reflectance rating of no greater than seventeen percent (17%).
1324.9 Security grilles shall have no less than 70% transparency.
1324 10 Each commercial use with exterior street frontage on H Street shall have an individual public entry directly accessible from the public sidewalk Multiple-unit buildings shall have at least one primary entrance oriented toward H Street NE directly accessible from the sidewalk.
1324.11 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 entrance to permitted ground floor uses and the main lobby
1324.12 The ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.).
1324 13 For new construction, those portions of buildings with a minimum clear floor-to-

ceiling height of fourteen feet (14 ft) on the ground floor level shall be permitted an additional 5 feet (5 ft.) of building height over that permitted in the underlying zone.

Special Exception Requirements

1325 1 Exceptions from the requirements of the H Street Overlay District shall only be permitted if granted by the Board of Zoning Adjustment after public hearing, based on §3104 and the following criteria:
1) The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report;
2) 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
3) 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 H Street Overlay District
1325.2 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.

Planned Unit Development Provisions

1326 1 A Planned Unit Development (PUD) in the Overlay District shall be subject to the following provisions in addition to those of Chapter 24 of this title
(a) The additional height and floor area above matter-of-right shall be used only for housing or preferred uses.
(b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses.

Recommendation

The Office of Planning recommends that the Zoning Commission setdown this map and This furthers the purposes of the H Street Plan by encouraging preservation of existing façades, which preserves the character of the corridor and encourage the preferred uses for this sub-district text amendment

Attachment

1 REVIVAL· H Street NE Strategic Development Plan
2 Proposed Text
3 ANC Proposal

ANC 6A and ANC 6C Joint Meeting
H Street Zoning and Overlay Recommendations

July 25, 2003

Capital Children's Museum
800 3rd St, NE
6:30-9:00 PM

For the Record

On July 25, 2003, ANC 6A and 6C held a Joint Commission meeting regarding H Street Zoning and Overlay Recommendations. Upon establishing a quorum of both ANCs, on a vote of nine in favor and one abstention, the ANCs passed the attached recommendations and forwarded them to the Office of Planning for consideration and use in the development of a comprehensive text amendment to the current zoning on the H Street corridor.

In addition, the Joint Commission forwarded a list of special areas of concern as well as written testimony offered during the course of the public meeting

Representing ANC 6A Commissioners present Cody Rice, Nicholas Alberti, Joseph Fengler, Jessica Ward, Gladys Mack and Wanda Stevens-Harris

Representing ANC 6C. Commissioners present Bob Morris, Rob Hall, Bill Crews, Mark Dixon, Karen Wirt.

Commissioners Hall and Fengler chaired the meeting

ANC 6A and ANC 6C Joint Meeting
H Street Zoning and Overlay Recommendations

ZONING OBJECTIVES AND PURPOSES

Zoning Objectives and Purposes lay out the guiding principles behind an overlay district, and would appear in the text amendment to the zoning regulations establishing the overlay district

► The Joint Commission recommends that the Office of Planning support the following zoning objectives and purposes for an H Street NE Commercial Corridor Overlay District:

Zoning Objectives

1 Ensure that zoning regulations for the H Street NE Commercial District are in concert with the vision as expressed in the *"REVIVAL: H Street NE Revitalization Plan"*
2. Attract high quality development to the H Street NE corridor (desirable uses and superior design)

Purposes of overlay

1 Provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic so as to improve access to retail services, transit amenities, and other uses in the area and create or maintain a unique and dynamic streetscape within the public realm,
2 Minimize new automotive traffic impacts and promote pedestrian movement and public transit,
3. Encourage residential uses along the corridor, particularly on upper floors so as to help meet the need for affordable housing and to enhance pedestrian activity, safety, and consumer support for businesses in the commercial area;
4. Encourage the clustering of uses into unique destination districts along the corridor including an "urban housing" district from 2nd Street to 7th Street NE, a neighborhood retail shopping district from 7th Street to 12th Street NE, and an arts and entertainment district from 12th Street to 15th Street NE,
5 Establish design standards and guidelines for new and rehabilitated buildings,
6 Encourage the reuse of existing buildings along the corridor; and
7. Preserve existing businesses

UNDERLYING ZONING

► The Joint Commission recommends that the Office of Planning support the following changes to existing zoning along the H Street NE corridor:

Rezone the commercially zoned properties fronting H Street NE on squares 0753 (200 block south side), 0776 (300 block north side), 0777 (300 block south side), and 0858 (600 block north side) from C-2-A to C-2-B.

Both C-2-A and C-2-B permit a maximum of 1 5 Floor Area Ratio (FAR) for non-residential purposes. C-2-A permits 2.5 total FAR with residential at a maximum height of 50 feet (about 4 stories) and 60% lot occupancy C-2-B permits 3.5 total FAR with residential at a maximum height of 65 feet (about 5 stories) and 80% lot occupancy With a Planned Unit Development in a C-2-B District, total FAR could be increased to 4 5 (2 0 non-residential) and a maximum height of 90 feet (about 8 stories).

► The Joint Commission also recommends that the Office of Planning explore the possibility of recommending a rezoning of lot 860 in square 0858 (the parking lot behind Murray's) from R-4 to C-2-B.

USES/INCENTIVES/SPECIAL EXCEPTIONS

The overlay district provides an opportunity to influence the uses in the underlying commercial zones through zoning-related incentives such as density bonuses for desired uses, through "special exception" requirements for

uses with adverse impacts, and by limiting or prohibiting certain uses that are inconsistent with the objectives and purposes of the overlay

► The Joint Commission recommends that the Office of Planning consider the following uses, incentives and special exceptions.

Urban Living section (2nd Street to 7th Street, NE)

GOAL Encourage residential development, limit commercial

TOOLS.

- Limit non-residential FAR to 1.0 where underlying zone is C-2-B only (i e 200,300 and 600 blocks)
- Provide additional 1.0 FAR above and beyond underlying zone for residential uses only by special exception (a variation on this would be to provide the additional FAR as a matter-of-right with the provision that a minimum of 10% of the units representing a cross-section of all types of units offered be made affordable to tenants making 80% or less of the Area Median Income (AMI) and that mechanisms are in place to ensure the units remain affordable at 80% AMI for a minimum of 20 years)

"The Shops" Retail core (7th Street to 12th Street, NE)

GOAL. Strongly encourage retail development and support upper-floor, commercial or residential

TOOLS

- Provide additional 0 5 FAR as a matter of right for reuse of buildings existing prior to 1950 for the uses listed below
- Permit 80% lot coverage for reuse of buildings prior to 1950
- Provide additional 1 0 FAR as a matter-of-right for residential uses only above and beyond underlying zone provided that height limits for underlying zoning are not exceeded.

- Antique Store;
- Apparel and Accessories Shop,
- Appliance sales or repair;
- Auction house,
- Bakery,
- Bicycle Shop,
- Bookstore,
- Café, delicatessen, or lunch counter (excluding fast food),
- Camera/photo sales;
- Catering establishments,
- Cobbler or shoe repair;
- Collection center for dry cleaning,
- Cosmetics or toiletries sale,
- Department store,
- Dressmaker or tailor;
- Drug store,
- Dry goods store,
- Electronic sales,
- Fabric store,
- Film exchange or development;
- Florist,
- Gift or card shop,
- Greenhouse/nursery,
- Grocery store,
- Gym or exercise studio,
- Hardware stores,
- Hobby shop,
- Home furnishing sales,
- Ice cream parlor,
- Interior decorating shop,
- Jewelry shop,
- Office supplies or services store,
- Music or instrument sales,
- Pet shop,
- Pharmacy;
- Restaurant (excluding fast food);
- Secondhand or consignment store,
- Shoe store,
- Sporting goods,
- Travel agency,
- Video tape rental for general public and family
- Office uses (2nd floor and above)
- Residential (2nd floor and above)

ANC 6A and ANC 6C Joint Meeting
H Street Zoning and Overlay Recommendations

Arts and Entertainment District (12th Street to 15th Street, NE)

GOAL. Strongly encourage arts-related uses, support residential uses

TOOLS

- Limit non-residential, non-arts uses to 1 0 FAR
- Provide a bonus 1 0 residential FAR above and beyond that provided by underlying zoning provided that height limits in underlying zoning are not exceeded
- A maximum of 2 0 non-residential FAR shall be permitted as a matter-of-right for arts-related uses (as defined in the list below) in buildings existing prior to 1950 (in essence this is the same as the 0 5 bonus but just stated more clearly – presently the zoning allows 1 5 non-residential FAR),

- Art Center;
- Art Gallery;
- Art or Performing Arts School,
- Art schools (for instance pottery or painting studios),
- Artist Housing,
- Artist Studio,
- Artists' Supply Store,
- Arts Services, including set design and restoration of artworks,
- Bar, nightclub, or cocktail lounge,
- Book Store,
- Cabaret,
- Coffee shop, café, or delicatessen,
- Concert hall or other performing arts space,
- Costume Rentals or Sales
- Craftsman or artisan,
- Handicraft sales,
- Library,
- Movie Theater;
- Museum,
- Musical Instruments Store,
- Performing Arts Ticket Office or Booking Agency;
- Performing Arts venue
- Photographic Studio;
- Picture Framing Shop;
- Printing, lithographing, or photoengraving establishment, in each case not exceeding twenty-five hundred square feet (2,500 ft) of gross floor area,
- Radio or television broadcast studio,
- Record Store,
- Recording Studio,
- Restaurant
- Residential (2nd floor and above)

CORRIDOR-WIDE

Special exception (must provide justification for each)

- Billiard parlor or pool hall,
- Bowling alley
- Parking garage (zoning code already requires this be a special exception)
- Funeral, mortuary, or undertaking establishment
-)
- Fast food restaurant or food delivery service (already a special exception)
- Check cashing establishments
- Mail order sales (categorize this as an "office use" and limit to upper floors

CORRIDOR-WIDE

Prohibit (must provide justification for each)

- Drive-thru accessories to any use
- Automobile laundry
- Outdoor storage
- Gas stations
- Drive-in type restaurants
- Automobile and truck sales
- Boat or other marine sales
- Parking lots fronting on H St (already prohibited in general overlay standards)

ANC 6A and ANC 6C Joint Meeting
H Street Zoning and Overlay Recommendations

DESIGN STANDARDS

Design standards would be enforceable for all matter-of-right projects and would be written into the text for the overlay district

► The Joint Commission recommends that the Office of Planning support the following design standards for the overlay district:

1 All developments with lot or combined lot areas greater than 6,000 square feet must obtain design approval through the Board of Zoning Adjustment or Zoning Commission and meet all of the design standards which follow

2. Buildings shall be built to the property line along the H Street frontage and any side street frontage

3 Where parking is located on the ground level or surface, it shall only be located on the rear one-half of the zone lot

4 For new construction, not less than sixty percent (60%) of the surface area of the street-wall at the ground level shall be clear or low emission

5 Open wire mesh security grilles shall have no less than seventy percent (70%) transparency Solid security grates are prohibited

6 Each commercial use fronting on H Street shall have an individual public entry directly accessible from the public sidewalk. Multiple-unit buildings shall have at least one primary entrance directly accessible from the H Street sidewalk

7 Entrances shall be separated by not more than forty feet (40 ft) on average

8 Minimum ground floor height shall be 15 feet clear

9 A minimum of seventy-five percent (75%) of the frontage of any building or structure facing onto H Street must be occupied by residential or commercial uses Parking structures with frontage on H Street NE shall provide not less than seventy-five (75%) of the ground level frontage as leasable commercial space

10. The minimum permitted height for any building façade in the HS Overlay Districts shall be twenty-five feet (25 ft.). The maximum permitted height shall be consistent with the underlying zoning and PUD allowances

11 Public space adjacent to corner lots (east or west) shall be improved as part of any new development including suitable lighting, seating, public art and/or landscaping Development on corner lots must include window and/or door openings on both street frontages. Outdoor café's, seating, vending, or other activities as approved through the public space permitting process is encouraged. Parking is to be prohibited on all public spaces adjacent to H Street.

12 Any proposed building or use that requires a special exception must prove that the proposed building's architectural design, site plan, landscaping and sidewalk treatment are of a superior quality consistent with the design guidelines of the H Street NE Strategic Development Plan

DESIGN GUIDELINES

Design guidelines are not enforceable for matter-of-right projects, but would be used as review criteria for any PUDs or uses/developments requiring special exceptions Design guidelines would also be written into the text for the overlay district.

ANC 6A and ANC 6C Joint Meeting
H Street Zoning and Overlay Recommendations

► The Joint Commission recommends that the Office of Planning support the following design guidelines for the overlay district:

1 Loading and service areas shall be located internal to the site

2 Trash dumpsters should be enclosed, screened, and sensitively located to minimize their impact on adjacent residential uses

3 Transom windows are encouraged above doors and storefronts.

4 Security grilles shall be mounted on the inside of buildings

5 Exterior doors that are part of a commercial establishment shall be at least fifty percent (50%) glass.

6 Window and door openings shall be square or vertical in proportion

7 Square or vertically-oriented rectangular windows may be grouped in a horizontal opening whose length does not exceed twice its height.

8 Windows and doors shall either meet at building corners (with no support at the corner) or shall be located no less than 24 inches from building corners

9 Walls may be finished in brick or architectural glass panels More than one material may be used Transitions in wall materials must occur along all visible sides of a building, and shall always follow a horizontal and level line

10 Roof shapes (hips, gables, domes) may be used on one portion of a building, not to exceed 500 square feet in plan

11 Roofs extending beyond the building wall and are highly visible from below shall have a finished, decorative soffit.

12 New construction shall be compatible in materials, design, and massing with surrounding late-19th and early-20th century buildings.

DESIGN REVIEW

Mechanisms for design review of individual development projects on H Street NE are limited because H Street NE is not part of an existing Historic District, and thus is not subject to design review by the Historic Preservation Review Board However, certain reviews through the Board of Zoning Adjustment (BZA) and Zoning Commission (ZC) are possible through the zoning code The number of projects that meet the criteria for these reviews can be controlled through the overlay by specifying uses that require a special exception or by establishing design standards that create this requirement for developments that exceed a certain size

► The Joint Commission recommends that the Office of Planning support design review by BZA and/or ZC for developments requesting a PUD, requesting a special exception, and/or exceeding 6,000 square feet in lot area.

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1320 H STREET NORTHEAST NEIGHBHORHOOD COMMERCIAL OVERLAY DISTRICT (HS)

1320.1 The H Street Northeast Neighborhood Commercial Overlay District (HS) applies to all lots fronting onto H Street NE from 2nd Street to 15th Street NE and zoned C-2-A, C-2-B, C-2-C, C-3-A, or C-3-B The Overlay is divided into three sub-districts affecting the following squares:

(a) H Street Northeast Housing Overlay Sub-district (HS-H) encompasses properties fronting on H Street NE in squares 0751, 0752, 0776, 0777, 0808, 0809, 0832, 0833 from 2nd to 7th Streets NE;

(b) H Street Northeast Retail Overlay Sub-district (HS-R) encompasses properties fronting on H Street NE in Squares 0858, 0859, 0889, 0890, 0911, 0912, 0933, 0933, 0958, 0959 from 7th to 12th Streets NE;

(c) H Street Northeast Arts Overlay Sub-district (HS-A) encompasses properties fronting on H Street NE in Squares 0981, 0982, 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets NE

1320 2 In addition to the purposes in § 1300, the purposes of the HS Overlay District are to.

(a) Implement the policies and goals of the Comprehensive Plan and the H Street NE Strategic Development Plan as adopted by the Council of the District of Columbia on February 17, 2004 (R15-460),

(b) Encourage residential uses along the H Street NE corridor, particularly provision of affordable units and reuse of upper floors;

(c) Encourage the clustering of uses into unique destination districts along the corridor specifically a housing district from 2nd Street to 7th Street NE; a neighborhood retail shopping district from 7th Street to 12th Street NE, and an arts and entertainment district from 12th Street to 15th Street NE,

(d) Establish design guidelines for new and rehabilitated buildings; and

(e) Encourage the reuse of existing buildings along the corridor.

1320.3 For purposes of § 1302, the designated use area shall include any lot within the HS Overlay District that fronts on H Street NE In addition to the ground floor uses designated by §1302.2, the following uses are also designated in each Sub-district·

(a) HS-H Sub-district;

(1) Residential Uses

(b) HS-R Sub-district;

(1) Candy store;
(2) Computer store;
(3) Delicatessen;
(4) Fabric Store;
(5) Health or Exercise Studio;
(6) Ice cream parlor;
(7) Plant store or nursery

(8) Secondhand or Consignment Store,
(9) Shoe Store;
(10) Video Rental and Sales;
(11) Other similar personal/consumer service establishment or retail use.

(c) HS-A Sub-district
(1) Any preferred use listed in §1323 2

1320 4 Within the HS Overlay Districts, the following buildings, structures, and uses are permitted only by Special Exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in §§3104 and 1325 of this title.

(a) Any use requiring a Special Exception in the underlying zone, except new gas stations;
(b) Accessory parking spaces located off-site from the principal use;
(c) Fast food restaurant or food delivery service provided.
(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;
(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; and
(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;
(d) Funeral, mortuary, or undertaking establishment,
(e) Expansion of a gasoline station existing on or before the effective date of this section; and,
(f) Parking Garage.

1320.5 The following uses are explicitly **prohibited**:

(a) Automobile and Truck Sales;
(b) Automobile laundry;
(c) Boat or marine sales
(d) Gasoline Station after the effective date of this section,
(e) Outdoor storage of any materials, and
(f) Commercial parking lots.

1320 6 The provisions of §1302.5 shall not apply to the HS Overlay District.

1320.7 For purposes of §1303.2, the designated roadway within the HS Overlay Districts shall be H Street NE.

1320.8 Within the HS Overlay District, on a lot that has ten thousand square feet (10,000 ft.^{2}) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in §§1325 and 3104.

1321 HS OVERLAY HOUSING SUB-DISTRICT (HS-H)

1321.1 The purpose of the housing sub-district is to encourage housing.

1321.2 The floor area ratio in the HS-H Sub-district for new construction may not exceed 0.5 FAR for nonresidential uses except as provide in §1321 3

1321.3 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 0 5 FAR for up to a maximum non-residential FAR of 1.0 for neighborhood serving retail uses as permitted in §§701.1, 701 4 and Office uses.

1322 HS OVERLAY RETAIL SUB-DISTRICT (HS-R)

1322.1 The HS Overlay Retail Sub-district is intended to encourage retail uses

1322.2 Preferred uses in the HS-R Sub-district are.

(a) Antique Store,
(b) Apparel and Accessories Shop;
(c) Appliance sales or repair;
(d) Bakery;
(e) Bicycle Shop;
(f) Bookstore;
(g) Café, delicatessen, or lunch counter (excluding fast food),
(h) Candy Store
(i) Camera/photo sales,
(j) Catering establishments,
(k) Cobbler or shoe repair,
(l) Collection center for dry cleaning;
(m) Computer store;
(n) Cosmetics or toiletries sale,
(o) Department store,
(p) Dressmaker or tailor,
(q) Drug store,
(r) Dry goods store,
(s) Electronic sales,
(t) Fabric store,
(u) Film exchange or development;
(v) Florist,
(w) Gift or card shop;
(x) Grocery store;
(y) Gym or exercise studio,
(z) Hardware stores,
(aa) Hobby shop,
(bb) Home furnishing sales;
(cc) Ice cream parlor;
(dd) Interior decorating shop;
(ee) Jewelry shop,
(ff) Office supplies or services store,
(gg) Music or instrument sales,
(hh) Pet shop,
(ii) Pharmacy,

(jj) Plant store or nursery,
(kk) Professional services or office not on the ground floor,
(ll) Restaurant (excluding fast food),
(mm) Secondhand or consignment store,
(nn) Shoe store,
(oo) Sporting goods,
(pp) Video Rental and Sales

1322.3 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 0.5 FAR over the non-residential FAR permitted in the underlying zone for non-residential preferred uses listed in §1322 2

1323 HS OVERLAY ARTS SUB-DISTRICT (HS-A)

1323.1 The HS Overlay Arts Sub-district is intended to encourage arts and entertainment uses.

1323.2 Preferred arts and entertainment uses in the HS-A Sub-district are limited to:

(a) Art Center,
(b) Art Gallery;
(c) Art or Performing Arts School,
(d) Artist Housing,
(e) Artist Studio,
(f) Artists' Supply Store,
(g) Arts Services, including set design and restoration of artworks,
(h) Bar, nightclub, or cocktail lounge,
(i) Book Store,
(j) Cabaret,
(k) Coffee shop, café, or delicatessen,
(l) Concert hall or other performing arts space,
(m) Library,
(n) Movie Theater,
(o) Museum;
(p) Musical Instruments Store,
(q) Performing Arts Ticket Office or Booking Agency,
(r) Photographic Studio,
(s) Picture Framing Shop,
(t) Printing, lithographing, or photoengraving establishment, in each case not exceeding twenty-five hundred square feet (2,500 ft 2) of gross floor area,
(u) Record Store,
(v) Recording Studio,
(w) Restaurant
(x) Theater

1323 3 The floor area ratio in the HS-A Sub-district for new construction may not exceed 1 0 FAR for nonresidential uses except as provided in §1323.4

1323 4 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 0.5 FAR over the non-residential FAR permitted in the underlying zone for non-residential preferred uses listed in §1323.2

1324 H STREET NORTHEAST COMMERCIAL CORRIDOR DESIGN REQUIREMENTS

1324.1 The design requirements of §§ 1324.2 through 1324.13 shall apply to any lot in the HS Overlay District.

1324.2 New buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet

(25 ft) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets.

1324.3 New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses an additional 0.5 FAR above the total FAR permitted in the underlying.

1324.4 In C-2-A Districts within the HS Overlay District a 70% residential lot occupancy shall be permitted

1324 5 For the purposes of this section, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

1324 6 For the purposes of this 1324 5, "residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities

1324 7 Parking structures with frontage on H Street NE shall provide not less than 65% of the ground level frontage as commercial space

1324.8 Each new building on a lot that fronts on H Street shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows and to entrances to commercial uses or to the building, provided the windows shall be clear glass, or clear/low-emissivity glass, except for decorative or architectural accent. The clear or low-emissivity glass shall have a visible light transmission rating of at least seventy percent (70%) and shall have an outdoor visible light reflectance rating of no greater than seventeen percent (17%)

1324 9 Security grilles shall have no less than 70% transparency

1324.10 Each commercial use with frontage on H Street shall have an individual public entry directly accessible from the public sidewalk. Multiple-unit buildings shall have at least one primary entrance on H Street NE directly accessible from the sidewalk

1324.11 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 entrance to permitted ground floor uses and the main lobby.

1324.12 The ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.)

1324.13 For new construction, those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level shall be permitted an additional 5 feet (5 ft.) of building height over that permitted in the underlying zone.

1325 H STREET NORTHEAST COMMERCIAL CORRIDOR OVERLAY DISTRICT SPECIAL EXCEPTION REQUIREMENTS

1325.1 Exceptions from the requirements of the H Street Overlay District shall only be permitted if granted by the Board of Zoning Adjustment after public hearing, based on §3104 and the following criteria.

1) The architectural design of the project will 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 Board shall refer the application to the State Historic Preservation Officer for review and report;
2) 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,
3) Parking and traffic conditions associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
4) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences, and
5) 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 H Street Overlay District.

1325.2 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.

1326 PLANNED UNIT DEVELOPMENT PROVISIONS

1326.1 A Planned Unit Development (PUD) in the Overlay District shall be subject to the following provisions in addition to those of Chapter 24 of this title:
(a) The additional height and floor area above matter-of-right shall be used only for housing or preferred uses.
(b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses.