



H Street Community Development Corporation

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April 7, 2005

Testimony to the Zoning Commission

For the

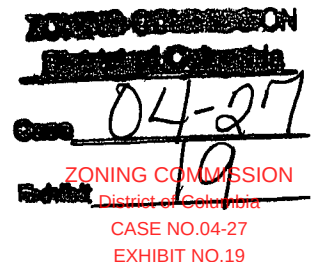
District of Columbia

On

Case No. 04-27

**(Text and Map Amendments to Establish and Map
the H Street, NE Neighborhood Commercial Overlay District)**

**William J. Barrow, III
Executive Director**



**Statement on behalf of the H Street Community Development Corporation
Zoning Commission Case No. 04-27**

This statement is submitted by the H Street Community Development Corporation (HSCDC), which has a longstanding history of ownership and development of properties along the H Street corridor. The HSCDC was a participant in the study of the H Street corridor undertaken by the Office of Planning, which led to the Strategic Development Plan. The HSCDC is and has been a critical stakeholder in the revitalization of the corridor.

The HSCDC currently owns the following properties in the area affected by the above-referenced case:

- 501 H Street, located at the southeast corner of 5th and H Streets (Square 833, lot 47). This property consists of 9,813 square feet of land area zoned C-2-A. The property is currently improved with a one-story building constructed in 1985 and used as the offices of the HSCDC.**
- 601-645 H Street, located on the south side of H Street between 6th and 7th Streets (Square 859, lot 177): This property consists of 109,351 square feet of land area, split between C-2-C on the H Street frontage and C-2-A on the area to the rear. The property is improved with two five-story office buildings, constructed in 1987 and occupied by the D C Department of Employment Services and the Department of Human Services, located at the east and west ends of the site and a one story center building originally intended for retail use but now also used as offices. There is surface parking in the center of the site separating the two buildings and at the rear as well.**
- 721-727 H Street, located on the southwest corner of 8th and H Streets (Square 890, lot 69). This property consists of 8,584 square feet of land area zoned C-2-A. The property is improved with a one-story building with a false second floor constructed in 2003 and used as retail space.**
- 1207 H Street, located on the south side of H Street east of 12th Street (Square 1004, lot 342). This property consists of 33,435 square feet of land area zoned C-2-A. The property is improved with a one story building and adjoining surface parking constructed in 1996 used as an auto-parts store.**

All of these projects were developed by the HSCDC in accordance with the H Street Urban Renewal Plan and were urban renewal activities endorsed by the District Government.

The case pending before the Commission does not propose to change the underlying zoning for any of the referenced properties. All of these properties are proposed to be included in the H Street Northeast Neighborhood Commercial Overlay District. The property in Square

833 is in the housing sub-district, the properties in Squares 859 and 890 are in the retail sub-district and the property in Square 1004 is in the arts sub-district

Across the board, the Overlay District controls:

- Allow certain uses on the ground floor;
- Require approval from the Board of Zoning Adjustment for uses otherwise permitted as a matter-of-right including accessory parking spaces located offsite from the principal use, fast food restaurant; food delivery service, funeral home, expansion of gasoline service station, and parking garage,
- Prohibit additional uses including automobile and truck sales, car wash, boat or marine sales; outdoor storage and commercial parking lots,
- Prohibit a driveway leading to required parking spaces or loading berths on H Street; and
- Require approval from the Board of Zoning Adjustment for construction of any new building on a lot of 6,000 square feet or more

As a broad policy statement, in considering this case, the HSCDC urges the Zoning Commission to revise the proposed overlay to take into account the following concerns.

- Any new zoning should be incentive based, allowing additional development over and above the levels now provided to achieve specified goals, rather than restrictive, imposing additional regulations as requirements or demands and taking away existing development rights Reducing the commercial density in the C-2-A by 1.0 or 0.5 FAR does not establish a climate that encourages development to achieve the goals of the overlay
- In changing the zoning, the Commission should take care to avoid creating nonconforming structures and uses and to deal with the negative impacts that nonconformity creates While some believe that there is no huge penalty in being made nonconforming, the potential loss to a retail building, which could occur, from fire or other calamity could be extremely detrimental to the ability to insure, maintain and refinance such buildings Lenders will want to know that the existing buildings can be reconstructed in the event of a fifty or seventy-five percent loss, and changes in the zoning maps or regulations which preclude rebuilding will be very harmful to HSCDC and to other owners of retail buildings

With respect to the specific impacts on the HSCDC properties

- In Square 833, 501 H Street, in the housing sub-district, there is no change in the overall floor area ratio (FAR) permitted (remaining at 2.5) but the amount of non-residential FAR is limited to 0.5, a sixty-seven percent reduction from the current permitted level of 1.5 The HSCDC understands and is supportive of the goal of encouraging new residential development along the corridor However, the Overlay as proposed does

nothing to encourage residential, it merely penalizes a property owner by reducing the commercial development potential. This reduction in nonresidential density is at odds with the policy expressed in the H Street Strategic Development Plan at Page 39, which calls for the removal of the existing building and the development of a new three-four story building. The density proposed gives no incentive for the removal of the existing building, which is economically sound at present.

The HSCDC strongly urges the Commission to off-set the reduction in commercial density by allowing a corresponding increase in overall density, thereby allowing up to 3.5 FAR of residential development. In the absence of any incentive to replace the existing building, the reduction in commercial density acts to essentially lock in the existing building. On a site this small, there is no economic reason to redevelop the viable one-story office building.

Furthermore, this property exceeds the threshold for which BZA approval would be required. The HSCDC is in accord with the necessity to have some overall review of development for significant sites within the corridor.

- The properties in Squares 859 and 890, 601-645 H Street and 721-727 H Street, respectively, are in the retail sub-district. The HSCDC supports the concept of encouraging retail uses, and suggests that the Commission consider allowing an additional 0.5 FAR for the preferred uses listed in §1322.2, not limiting that increase only to a project which preserves a pre-1958 facade. These properties both also exceed the threshold for which BZA approval would be required.
- The property in Square 1004, 1207 H Street, is in the arts sub-district. This property would lose thirty-three percent of its currently permitted nonresidential density, a reduction from 1.5 FAR to 1.0 FAR. This reduction in nonresidential density is again at odds with the policy expressed in the H Street Strategic Development Plan at Page 42, which calls for the redevelopment of the site with a three-four story building with ground floor retail. The density proposed gives no incentive for the removal of the existing building, which is economically sound at present.

Redevelopment for arts and retail purposes, replacing the low intensity auto-parts retail building, would be severely constrained because of the limit in density. The existing store and parking lot are economically viable and without sufficient economic incentive, this low intensity use, which is not consistent with the design vision for H Street, will remain on the site. Accordingly, the HSCDC requests that the Commission increase the total development allowed up to 3.5 FAR, to leverage the replacement of the existing use and building with something better for the site and the area. This property also exceeds the threshold for which BZA approval would be required.

The HSCDC further notes that there would appear to be duplication between the BZA review required by the proposed Overlay and the Large Tract Review coordinated by the Office of Planning (OP). The HSCDC requests that OP amend the Large Tract Review rules to exempt projects subject to BZA review by the Overlay from further review under the Large Tract process.