

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

DATE March 28, 2004

TO District of Columbia Zoning Commission

THROUGH  Ellen McCarthy, Director OP

FROM David McGettigan, AICP

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

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Summary.

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

In addition to an explanation of the overlay, this report discusses some of the important issues raised by the Zoning Commission, the ANCs, the H Street CDC and other community stakeholders. These issues include the following:

- Height impacts of the rezonings and potential Planned Unit Developments (PUDs)
- Affordable Housing
- Transfer of Development Rights
- PUDs
- New FAR Restrictions and Incentives
- Rezoning of Lot 860 Square 858
- Other considerations

The Office of Planning recommends approval of this text and map amendment to further the goals of the H Street NE Strategic Development Plan (Strategic Plan)

ZONING COMMISSION

CASE No. 04-27

EXHIBIT No. 8 ZONING COMMISSION

District of Columbia
CASE NO.04-27
EXHIBIT NO.8

Text Amendment
H Street, NE Neighborhood Commercial Overlay
October 14, 2004

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 district will create 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.

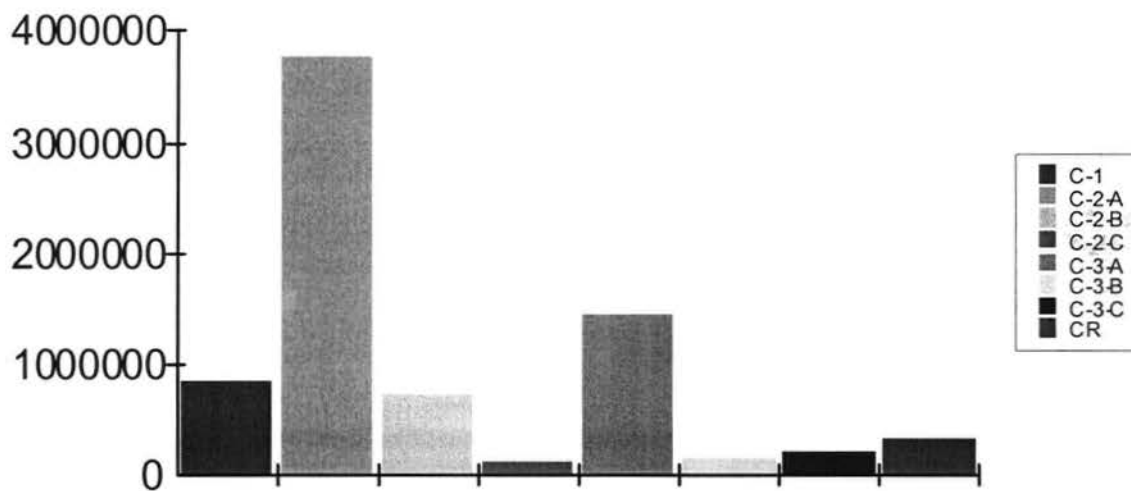
Special Exception and PUD Provisions

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.

Commercial Land Area Outside the CEA



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

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 a 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
- 2 "Urban Living" (Western Gateway) - 2nd to 7th Street NE
- 3 "The Shops" (Central Retail District) - 7th Street to 12th Street NE
4. "Arts & Entertainment District" - 12th Street to Bladensburg Ave NE
- 5 "Arboretum Place" (Hechinger Mall / Old Sears Site) – Bladensburg Avenue to 17th Street NE

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

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.

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;

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.

1731 Ward 6 – Actions to Implement the Plan: Human Services

1731.1(c) Develop joint public/private community human service center, including job information and placement and recreational facilities at an appropriate central H Street, N.E. site, as identified in re-evaluated H Street Corridor Urban Renewal Plan,

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

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, 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. <ul style="list-style-type: none">(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<ul style="list-style-type: none">(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. <ul style="list-style-type: none">(a) Automobile and Truck Sales,(b) Automobile laundry;(c) Boat or marine sales(d) Gasoline Station built 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.
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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.
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Housing Sub-District (HS-H)

The Housing 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 FAR is permitted. In the underlying C-2-A and C-2-B zone this will allow up to 2.0 of non-residential FAR.

1321 1	The purpose of the housing sub-district is to encourage housing.
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1321 2	The floor area ratio in the HS-H Sub-district for new construction may not exceed 1.0 FAR for nonresidential uses except as provide in §1321.3.
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1321.3	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.
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This furthers the purposes of the H Street Plan by encouraging preservation of existing façades, which preserves the character of the corridor.

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

Height Issues

Several aspects of the Overlay increase the height allowed along H Street. First, the 200 block south side, 300 block north and south side, and the 600 block north side will be rezoned from C-2-A to C-2-B. Second, with this zoning change the opportunity for increased height through a PUD will be greater. Third, an additional 5 feet of building height will be allowed for construction that provides 14-foot floor to ceiling clear height on the ground floor.

The proposed rezonings provide additional height and density for residential use in the “Urban Living” portion of the corridor in sections that do not have substantial number of buildings. This is important to further the goals of the plan to increase the number of residents along the corridor.

Block	Land area rezoned from C-2-A to C-2-B	By Right GFA Increase from 2.5 to 3.5	Potential Number of Additional Units
200 south side	34,444 sf	34,444 sf	34
300 north side	55,088 sf	55,088 sf	55
300 south side	29,515 sf	29,515 sf	30
600 north side	68,058 sf	68,058 sf	68

While the non-residential FAR for new construction in these blocks will decrease, the additional residential FAR will increase from 2.5 to 3.5 and the permitted height will increase from 50 feet to 70 feet (with a 14-foot clear height ground floor). Because this height increase crosses the line between wood-frame and steel/concrete construction it is more likely that any matter-of-right construction will stop at four stories (approximately 45'). If a project chose to take advantage of the 70-foot height with 6 stories, then the building mass would need to be substantially set back

from the residential structures across the alley to stay within the FAR limits, meet lot occupancy requirements and meet rear yard requirements. The maximum FAR of 3.5 is likely to produce only a 4-story building.

The more likely possibility for the four new C-2-B locations involves assembly of the properties fronting H Street and the submission of PUDs for redevelopment. Although the PUD height guideline is 90' for C-2-B, it is unlikely that a PUD project in these locations would go to 90' because of the depth of the lots and FAR limits. The maximum FAR of 6.0 is likely to produce only a 7-story building, which is within the 6-8 story guidelines of the H Street Plan. The benefits of PUDs at these locations are the increased design control and the opportunities to provide affordable housing. The potential increase in housing is shown below.

Block	Land area	PUD GFA Increase (3.5 to 6.0)	Potential Number of Additional Units	Potential Number of Affordable Units
200 south side	34,444 sf	86,110 sf	86	28
300 north side	55,088 sf	137,720 sf	138	46
300 south side	29,515 sf	73,788 sf	74	24
600 north side	68,058 sf	170,145 sf	170	56

The design controls in the PUD process can ensure that the additional height is sensitive to the surrounding neighborhood while still providing essential housing and affordable housing to the corridor.

The additional five feet permitted for construction providing the minimum 14-foot clear height is essential for encouraging appropriate development of retail space along the corridor. Successful retail requires a minimum 14-foot clear height, but without a corresponding overall height increase for the building, the requirement may stifle redevelopment.

Affordable Housing

The ANC report recommended affordable housing provisions be put in the overlay. Although this is an important goal, affordable housing is a District-wide issue. A proposal for mandatory affordable housing requirements is coming before the Commission soon. Small infill residential development is anticipated along the corridor in the upper stories in most of the C-2-A zones. However, the typical infill type residential development on the corridor will not produce a sufficient number of units to economically support an affordable component. It is likely that units that are created in this situation will be below market compared to similar units on the quieter neighborhood streets to the north and south. Additionally, the burden of administration of affordable housing requirements in matter-of-right situations has not been established.

Opportunity to provide affordable housing along the corridor is more likely where larger residential projects can be developed. These areas have been identified in the plan and rezoned from C-2-A to C-2-B and are of sufficient size to be developed as PUDs. The PUD process will provide opportunities to create affordable housing and through the increased density permitted

allow greater economic support for the affordable component. By lowering the minimum area threshold for PUDs from 15,000 square feet down to 10,000 square feet opportunities for PUDs and thus affordable housing are expanded. Guidelines for administration of PUD related affordable housing components are already in place.

Transfer of Development Rights

In developing the overlay the Office of Planning considered a Transfer of Development Rights (TDR) provision. However, the level of complexity of TDR provisions would add a large administrative burden to the District and developers to an overlay that is already very complex. In addition, the overlay is not significantly increasing development rights along the corridor, but merely categorizing and reorganizing. Finally, TDR provisions would allow greater matter-of-right flexibility while the proposed overlay without TDRs will allow for PUD development which provides for additional benefits and amenities in addition to some level of design review that will benefit the H Street Corridor rather than a sending district in another part of the City.

PUDs

The number of Planned Unit Developments on the corridor should increase somewhat due to the provisions of the overlay. The PUD is a good mechanism to further the goals of the Strategic Plan. The Office of Planning can ensure compliance with the design guidelines for the corridor and encourage the development of affordable housing and environmentally sensitive buildings. The decrease in minimum PUD area requirements from 15,000 square feet to 10,000 square feet is a key part of encouraging PUD development.

Some developers have voiced concern about using the PUD process because of the time and expense. However, the Office of Planning has regularly seen well-designed PUDs processed in a reasonable time frame. The Strategic Plan provides excellent guidance to help developers design successful projects. In addition, the PUD bonus density and height for the C-2-B zone district is the highest of any zone. The C-2-B PUD allows a density of 6.0, a 71% increase over matter-of-right (3.5). This density increase offers a significant incentive to develop under a PUD.

New FAR Restrictions and Incentives

The H Street CDC has raised concern over the changes in FAR restrictions. In essence, the concern is that the loss of unrestricted non-residential FAR is not compensated by an FAR bonus. However, the total FAR is not diminished and non-residential FAR is increased in those areas that can benefit from clustering uses. The FAR restrictions also serve as an incentive to preserve existing structures on the corridor that contribute to the character of the area. To allow an FAR bonus on sites that do not contribute to this character as requested by the H Street CDC would diminish the effectiveness of the preservation incentive.

FAR is used as tool in the overlay to guide growth and development in a manner consistent with the plan. First, FAR restrictions are used to cluster uses that can benefit from the synergy of concentrating those uses. This addresses concerns of the Strategic Plan to remove several obstacles to revitalization of the corridor including:

- The isolation of retailers along the H Street corridor
- The inability of market demand to support retail along the entire corridor; and,
- Negative perception caused by the proliferation of vacant storefronts.

Similarly, a goal of the Strategic Plan is to encourage arts and entertainment uses around the area anchored by the H Street Playhouse and the Atlas Theater and encourage redevelopment and adaptive reuse that will reinforce the vitality of this section of the corridor. These FAR restrictions and incentives are summarized below:

	Residential Sub-district	Retail Sub-district	Arts Sub-district
Unrestricted Non-residential FAR	0.5	1.0	1.0
Preferred Use Non-residential FAR ²	2.0 ¹	2.0	2.0

¹ In the majority of the underlying zones (C-2-A and C-2-B) the permitted non-residential FAR is 1.5, which is the base figure used in this table

² The preferred use bonus is applicable to construction that preserves the existing pre-1958 façade.

The second use of FAR provisions is creation of an incentive to preserve the character of the corridor by encouraging renovation and adaptive reuse of the existing older buildings on the corridor. In addition to the preferred use bonuses mentioned above an additional 0.5 FAR for residential use is permitted. This bonus would provide for a total FAR in the C-2-A zone of 3.0. Combined with the 70% lot coverage for residential portions of the building the adaptive reuse of buildings in the C-2-A zone would allow 4-story development with 0.9 FAR of non-residential use on the first floor and 0.7 residential FAR on the upper three floors.

Rezoning of Lot 860 Square 858

Based on the recommendations of the ANCs, the Commission requested advertisement of a map amendment for Lot 860 Square 858 from R-4 to C-2-B. This lot is currently a parking lot associated with the Murray's grocery store. By including this lot in the H Street Overlay two goals are accomplished. One, the lot will be developed in accordance with the design guidelines of the overlay. Two, the lot is more likely to be included in a larger redevelopment. The Office of Planning anticipates that future development of this site would be included in a PUD and therefore this map amendment would be unnecessary.

A PUD application would provide an opportunity to rezone the site and include it in the Overlay. Rezoning the lot at this time would decrease the value of the potential benefits and amenities package. In addition, if developed as a matter-of-right the lot would not have the appropriate zoning controls to ensure it was developed in a manner that would be compatible with the residential areas surrounding it.

Other Considerations

The efficacy of the overlay in revitalizing the corridor has been questioned at a number of public

meetings. The Office of Planning believes that the overlay will be effective in creating a pedestrian friendly environment, concentrating preferred uses, preserving existing buildings that contribute to the character of the area and encouraging the development of affordable housing. However, it is important to note that this overlay does not stand alone. Several other government initiatives will encourage redevelopment of the corridor and implement the Strategic Plan. The District Department of Transportation is in the process of developing a transportation study for the corridor along with a detailed streetscape improvement plan. Funding has been found to provide for these infrastructure improvements. The H Street corridor is also being studied for a future light rail line.

The National Capital Revitalization Corporation (NCRC) is active on the corridor and will be spearheading new development on the corridor. Also the Home Again Initiative has purchased a site on the corridor to be developed for mixed-use. The Main Streets program is active along the corridor educating merchants and improving the retail image. The Arts and Humanities Commission supports an expressive signs program along the corridor. The H Street CDC continues to provide its redevelopment services along the corridor.

Recommendation

The Office of Planning recommends approval of the H Street Northeast Neighborhood Commercial Overlay and that the associated map amendments be adopted as advertised.