

**MEMORANDUM**

TO: D. C. Zoning Commission

FROM: Jennifer Steingasser, ^{JS} Deputy Director, Development Review & Historical Preservation

DATE: July 16, 2010

SUBJECT: Zoning Commission Case Number 10-19, Proposed Zoning Map Amendments to Square 1050 and Portions of Squares 1027, 1028 and 4509 and Related Text Amendments to the Zoning Regulations

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I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set down for a public hearing proposed map and text amendments to:

- rezone the portions Squares 1027, 1049 and 1050 currently zoned C-3-A to HS-A/C-2-A (Community Business District within the H Street Northeast Overlay Arts Sub-district);
- rezone a portion of lot 157 on Square 4509 from C-2-B to R-5-C (Residence) district; and
- amend §§ 1320 and 1324 of the Zoning Regulations.

II. APPLICATION-IN-BRIEF

Location:	Portions of Squares 1027 and 1049, Square 1050 and a portion of lot 157 on Square 4509.
Applicant:	DC Office of Planning at the request of Advisory Neighborhood Commission (ANC) 6A.
Current Zoning:	C-3-A and C-2-B (refer to Exhibit 1)
Future Land Use Map:	Moderate density residential

III. BACKGROUND

Advisory Neighborhood Commission (ANC) 6A approached OP regarding amending the zoning map and regulations to effectively rezone a number of properties located generally south of the intersection of Maryland Avenue NE and H Street NE. The current zoning over portions of the area exceeds that normally associated with the existing Moderate Density Residential designation of the 2006 Comprehensive Plan Generalized Future Land Use Map. The ANC expressed concern that the zoning would permit, by right or by PUD, density and forms of development inconsistent with the existing and envisioned character for this area. The ANC originally requested more extensive zoning changes over a broader area, including lands along H Street within the H Street Overlay area. While OP could not support the extent of the changes originally proposed by the ANC, it was agreed that that this amendment would be advanced, targeting specific areas where the change in zoning would more clearly reflect existing land use patterns and density, and the Land Use Plan designation.

In June of 2010, OP separately submitted to the Council, as part of a broad package of proposed amendments to the Comprehensive Plan, a proposed amendment to the Generalized Future Land Use Map to change the designation for this area to be more consistent with the existing zoning. As of this date, no action has been taken by the Council.

ZONING COMMISSION
 District of Columbia

CASE NO.

10-19

EXHIBIT NO.

1



IV. PROPOSAL

The OP proposal consists of three components:

- Rezone a portion of Square 4509 lot 157, currently zoned C-2-B and developed with 4 story apartment buildings, to R-5-C;
- Rezone those properties on in Square 1027 and 1049, and Square 1050 that are currently zoned C-3-A to HS-A/C-2-A; and
- Amend various provisions of Chapter 13, NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT § 1320 H STREET NORTHEAST NEIGHBORHOOD COMMERCIAL OVERLAY to apply them to the referenced portions of Square 1027, 1049 and 1050, as follows (proposed additions are shown in **bold text**¹):

Amend § 1320.1 as follows:

1320.1 The H Street Northeast Neighborhood Commercial Overlay District (HS) applies to all lots fronting onto H Street, N.E. from 2nd Street to 15th Street, N.E. and zoned C-2-A, C-2-B, C-2-C, C-3-A, or C-3-B, **as well as lots within Squares 1027 and 1049 fronting onto Maryland Avenue NE or 14th Street NE; and all of Square 1050.** The Overlay is divided into three sub-districts affecting the following squares:

- (a) H Street Northeast Overlay Housing Sub-district (HS-H) encompasses properties fronting on H Street, N.E. in Squares 751, 752, 776, 777, 808, 809, 832, 833, 858, and 859 from 2nd to 7th Streets, N.E.;
- (b) H Street Northeast Overlay Retail Sub-district (HS-R) encompasses properties fronting on H Street, N.E. in Squares 889, 890, 911, 912, 933, 958, 959, 981, and 982 from 7th to 12th Streets, N.E.;
- (c) H Street Northeast Overlay Arts Sub-district (HS-A) encompasses properties fronting on H Street, N.E. in Squares 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets, N.E., **as well as lots within Squares 1027 and 1049 fronting onto Maryland Avenue NE or 14th Street NE; and all of Square 1050.**

Amend § 1320.2 by adding a new purpose statement as follows:

- (f) **Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1027, 1049 and 1050 within the Overlay but not fronting H Street.**

Amend specific subsections of § 1324 DESIGN REQUIREMENTS (HS) as follows:

- 1324.7 Parking structures with frontage on H Street, N.E., **Maryland Avenue NE, 14th Street NE, or 15th Street NE** shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.
- 1324.8 Each new building on a lot that fronts on H Street, N.E., **Maryland Avenue NE, 14th Street NE, or 15th Street NE** 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 having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.

¹ for ease of reference, a complete version of the H Street overlay text is attached as Exhibit 3, with all changes highlighted

- 1324.10 Each commercial use with frontage on H Street, N.E., Maryland Avenue NE, 14th Street NE, or 15th Street NE shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one primary entrance on H Street directly accessible from the sidewalk.

V. ANALYSIS

Square 4059

The proposed amendment in this square s would downzone a portion of one lot from C-2-B to R-5-C. The Comprehensive Plan Generalized Future Land Use Map indicates this area for moderate density residential development. The existing residential buildings have no retail, and have a maximum defined height of 60 feet. The C-2-B district is normally considered a medium density mixed use zone, and allows (though a PUD) a height of 90 feet. Although normally considered a medium density district, R-5-C is the minimum residence district that allows the 60-foot height of the existing buildings.

	Square 4059		Squares 1027, 1049, & 1050		
Standard	C-2-B	R-5-C	C-3-A	C-2-A	HS-A/C-2-A ²
FAR	3.5	3.0	4.0	2.5	3.0
Non-res FAR	1.5	0.0	2.5	1.5	1.0
PUD FAR	6.0	4.0	4.5	3.0	3.5
PUD non-res FAR	2.0	0.0	3.0	2.0	1.5
Height	65 ft.	60 ft.	65 ft.	50 ft.	55 ft.
PUD Height	90 ft.	75 ft.	90	65 ft.	70 ft.

Squares 1027, 1049, and 1050

The proposed amendments would rezone about 45 properties from C-3-A to HS-A/C-2-A. A comparison table showing what is permitted in each base zone as well as under the HS Overlay is shown above.³ Generally, each property would have a somewhat reduced permitted height and density. The HS Overlay District is also proposed to be applied to this area, with the area included within the adjacent H Street Arts and Entertainment District. Extending the standards and design requirements established along the H Street corridor would help guide future development in this area. The placement of the H Street Overlay over portions of Squares 1027, 1049 and all of 1050 would also:

- Require that any new fast food restaurant, funeral home, parking garage, or the construction of a new building or enlargement of an existing building by 50% or more on a lot that has at least 6,000 sq. ft. of land area would be subject to BZA approval of a special exception, judged against the purposes and design guidelines of the HS Overlay.
- Prohibit a number of uses, including gas station, automobile sales, and parking lot.
- Apply a series of design related requirements, mainly relate to the provision and design of ground floor arts and retail space.
- Apply a series of additional review criteria and guidelines to special exception review.
- For a Planned Unit Development (PUD) application, limit the use of additional height and density to residential or preferred uses.

² Bonuses are allowed for providing specified uses, preserving existing building facades, etc., so not all provisions that impact height or density may apply to each property

³ This table does not incorporate Inclusionary Zoning (IZ) requirements and allowances. Most of the properties are very small so would not provide 10 or more units, and are currently developed with non-residential development.

VI. AREA DESCRIPTION

The subject properties are located generally close to the intersection of Maryland Avenue and H Street NW. Although there are some vacant lots in the area, existing development generally consists of a mixture of one- to two-story residential and commercial buildings, institutional uses and vacant properties (including a service station) on Squares 1027, 1049 and 1050; and four-story residential apartment buildings on the subject portion of Square 4509.

Properties to the north on Square 1027 and 1049 are developed with buildings of similar scale occupied by commercial and residential uses with frontage along H Street in an HS/C-3-A district. Properties south of Square 1050 and across G Street are mostly developed with two-story row dwellings in an R-4 district. Properties to the south and east of the commercially zoned portion of lot 157 on Square 4509, in the same Pentacle Limited Partnership development, are occupied by one-family row dwellings and identical four-story apartment buildings, respectively, in an R-5-B district.

The subject area is proximate to H Street, which has good bus service and is anticipated to have streetcar service connections to Union Station. H Street is undergoing a revitalization and is becoming increasingly popular as an arts and entertainment area.

VII. COMPREHENSIVE PLAN

The 2006 Comprehensive Plan designates the subject properties for moderate-density residential uses. The Plan also provides the following policy guidance:

- The Land Use Element of the Plan lists the following among the critical land use issues facing the District of Columbia: ...
 - Promoting neighborhood conservation
 - Creating and maintaining successful neighborhoods ...
 - Directing growth and new development to achieve economic vitality while minimizing adverse impacts on residential areas and open space ...
- General policy guidance in the Chapter 15, the Capitol Hill Area Element of the Plan, includes:
 - Clustering of Retail (Policy CH-2.1.2):
"Recognize that the existing supply of retail space on the H Street NE corridor may exceed demand, and that retail development should therefore be clustered on the 700-1100 blocks (1511.7)."

Rezoning properties on Squares 1027, 1049 and 1050 from C-3-A to HS/C-2-A would support the referenced plan guidance by conserving the existing neighborhood character, restricting the development of higher density mixed-use projects, and establishing standards to guide the potential redevelopment of properties within the area.

Rezoning the portion of Square 4509 from C-2-B to R-5-C would result in zoning consistent with the form and character of existing development, and remove the potential for higher density mixed-use development that would be inconsistent with the current Plan designation, without moving the existing apartment buildings into a nonconforming status.

Accordingly, this proposal is not inconsistent with the intent of the Comprehensive Plan or the neighborhood character.

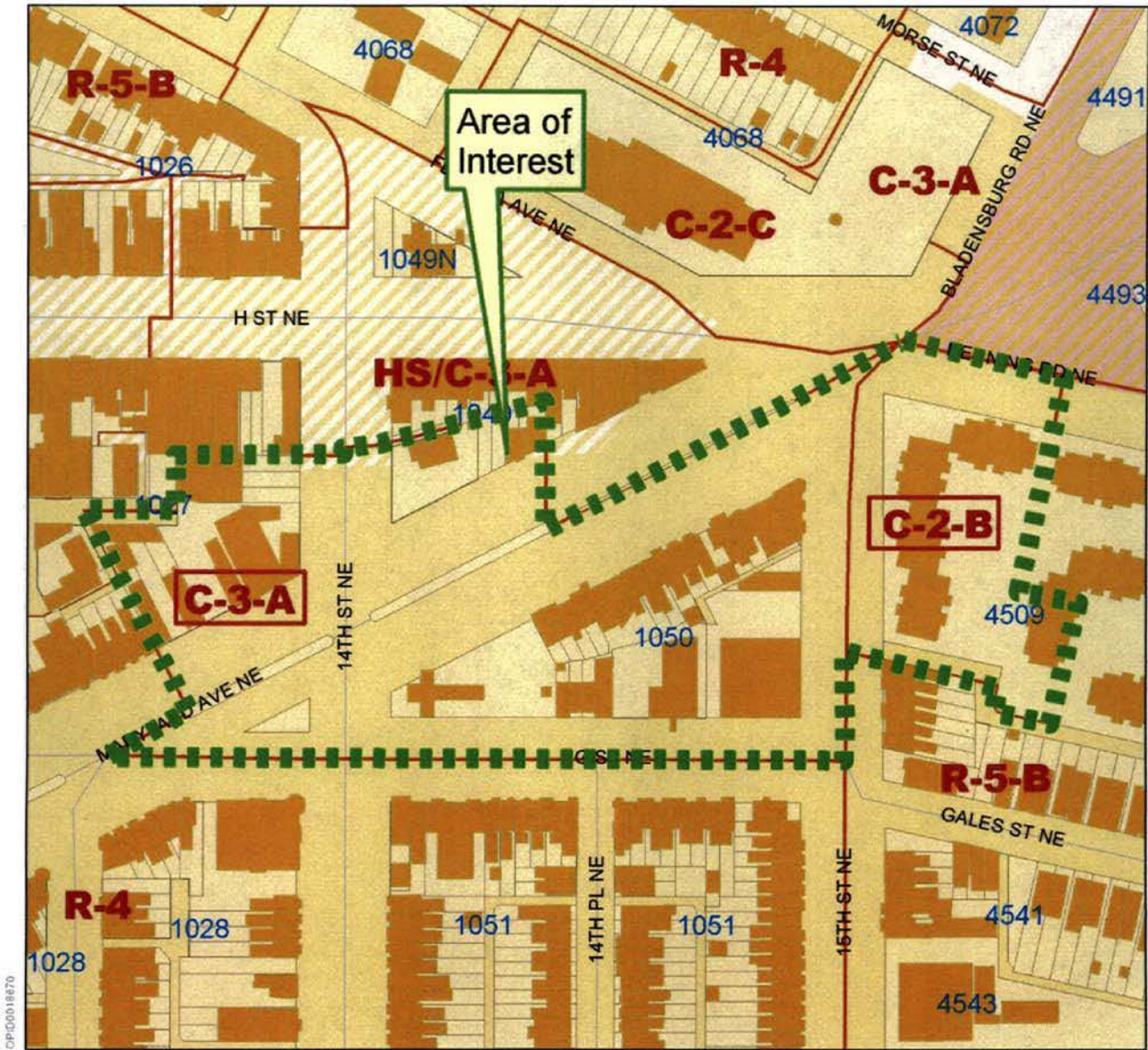
VIII. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission set down this application for public hearing.

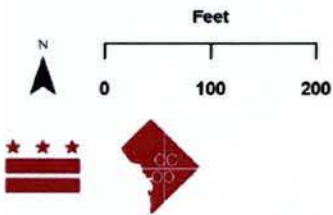
Attachments: Exhibit 1 - Vicinity of 1400 Maryland Avenue NE
Exhibit 2 - Proposed Zoning Changes
Exhibit 3 - Complete H Street Neighborhood Overlay Text Highlighting the Proposed Amendments

Arthur Jackson, Case Manager

JS/afj

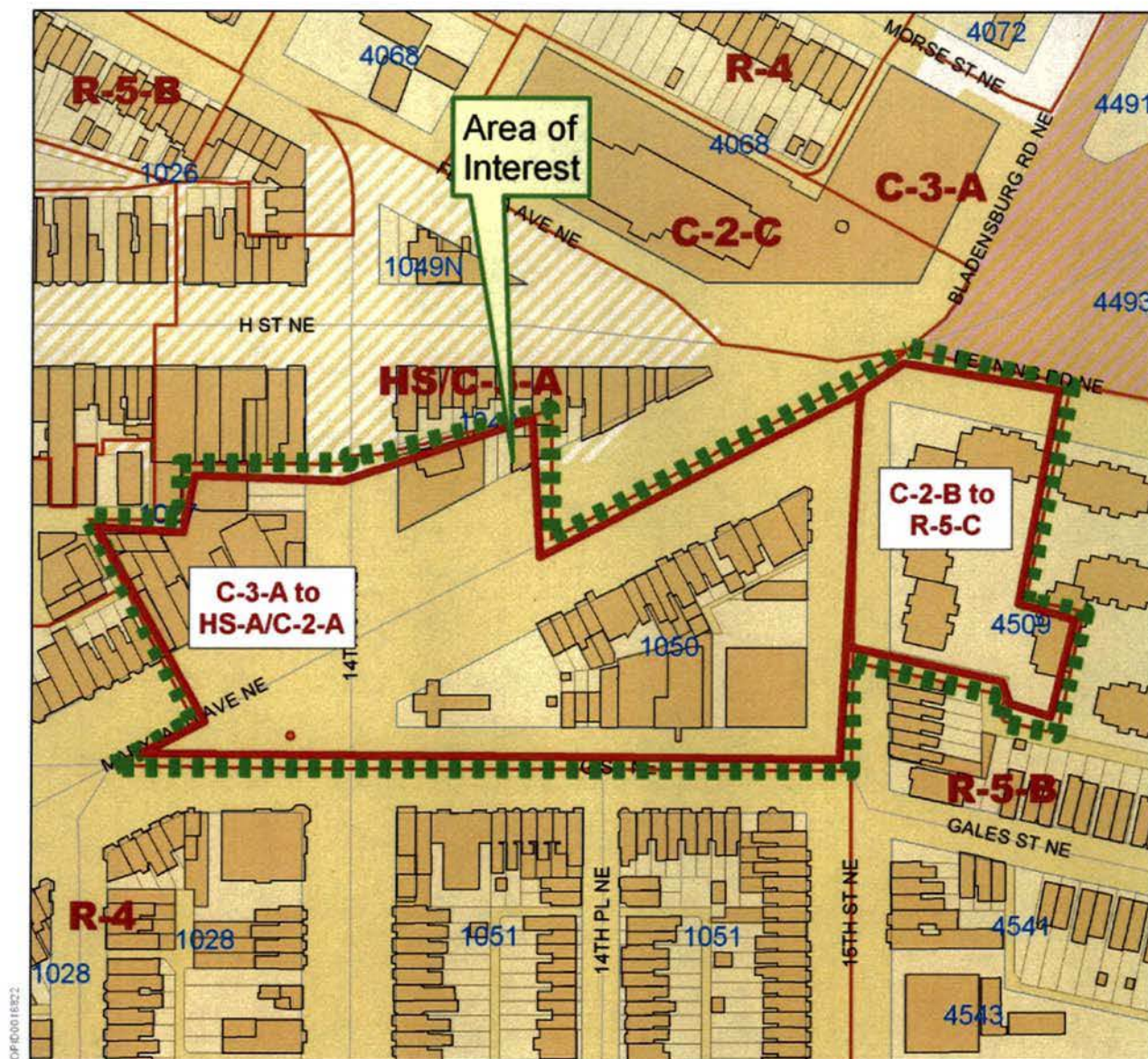


Zoning Consistency Case in the Vicinity of 1400 Maryland Avenue NE

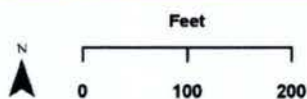


Government of the District of Columbia
Office of Planning ~ June 25, 2010
This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- LEGEND**
- Buildings
 - Lots
 - Zoning Districts
 - Zoning Label
 - Street Centerlines
 - Property Squares
 - Buildings



OF-00016822



Government of the District of Columbia

Office of Planning ~ July 16, 2010

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ZC 10- Zoning Consistency Case Proposed Zoning Changes

LEGEND

- Zoning Districts
- Zoning Label
- Street Centerlines
- Property Squares
- Buildings

**Complete H Street Neighborhood Overlay Text
Highlighting the Proposed Amendments**

1320 H STREET NORTHEAST NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT (HS)

- 1320.1** The H Street Northeast Neighborhood Commercial Overlay District (HS) applies to all lots fronting onto H Street, N.E. from 2nd Street to 15th Street, N.E. and zoned C-2-A, C-2-B, C-2-C, C-3-A, or C-3-B, **as well as lots within Squares 1027 and 1049 fronting onto Maryland Avenue NE or 14th Street NE; and all of Square 1050.** The Overlay is divided into three sub-districts affecting the following squares:
- (a) H Street Northeast Overlay Housing Sub-district (HS-H) encompasses properties fronting on H Street, N.E. in Squares 751, 752, 776, 777, 808, 809, 832, 833, 858, and 859 from 2nd to 7th Streets, N.E.;
 - (b) H Street Northeast Overlay Retail Sub-district (HS-R) encompasses properties fronting on H Street, N.E. in Squares 889, 890, 911, 912, 933, 958, 959, 981, and 982 from 7th to 12th Streets, N.E.;
 - (c) H Street Northeast Overlay Arts Sub-district (HS-A) encompasses properties fronting on H Street, N.E. in Squares 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets, N.E., **as well as lots within Squares 1027 and 1049 fronting onto Maryland Avenue NE or 14th Street NE; and all of Square 1050.**
- 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 approved by the Council of the District of Columbia on February 17, 2004 (R15-460);
 - (b) Encourage residential uses along the H Street, N.E. 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, N.E.; a neighborhood-serving retail shopping district from 7th Street to 12th Street, N.E.; and an arts and entertainment district from 12th Street to 15th Street, N.E.;
 - (d) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the Overlay District; and
 - (e) Encourage the reuse of existing buildings along the corridor; and
 - (f) **Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1027, 1049, and 1050 within the Overlay but not fronting H Street.**
- 1320.3** For purposes of § 1302, the designated use area shall include any lot within the HS Overlay District that fronts on H Street, N.E. 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: 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; and
 - (11) Other similar personal/consumer service establishment or retail use.
 - (c) HS-A Sub-district: Any use listed in §1323.2.
- 1320.4** 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 a new gasoline service station;
- (b) Accessory parking spaces located off-site from the principal use;
- (c) Fast food restaurant establishment 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;
 - (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate and shall not face a Residence District; and
 - (4) This use shall occupy no more than twenty-five percent (25%) of the linear street frontage within the HS Overlay District as measured along the lots that face the designated roadway;
- (d) Funeral, mortuary, or undertaking establishment;
- (e) Parking garage; and
- (f) Construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, if located on a lot that has six thousand square feet (6,000 sq. ft.) or more of land area.

1320.5 The following uses are prohibited:

- (a) Automobile and truck sales;
- (b) Automobile laundry;
- (c) Boat or marine sales;
- (d) Gasoline service station;
- (e) Outdoor storage of any materials; and
- (f) Parking lot.

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, N.E.

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 for new construction in the HS-H Sub-district may not exceed 0.5 FAR for non-residential uses, except as provided in §1321.3.

1321.3 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 1.0 FAR, for up to a maximum non-residential density of 1.5 FAR, for office uses or neighborhood-serving retail uses as permitted in §§701.1 and 701.4.

1321.4 In the event that a grocery store is constructed on Square 776, a maximum nonresidential density of 1.5 FAR shall be permitted on that Square.

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

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

1322.2 For the purposes of §§ 1322.3 and 1326.1(a), 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) Banking or financial institution (excluding check cashing services);
- (f) Bicycle shop;
- (g) Bookstore;

- (h) Café, delicatessen, or lunch counter (excluding fast food);
- (i) Candy store
- (j) Camera/photo sales;
- (k) Catering establishments;
- (l) Cobbler or shoe repair;
- (m) Collection center for dry cleaning;
- (n) Computer store;
- (o) Cosmetics or toiletries sale;
- (p) Department store;
- (q) Dressmaker or tailor;
- (r) Drug store;
- (s) Dry goods store;
- (t) Electronic sales;
- (u) Fabric store;
- (v) Film exchange or development;
- (w) Florist;
- (x) Gift or card shop;
- (y) Grocery store;
- (z) Gym or exercise studio;
- (aa) Hardware store;
- (bb) Hobby shop;
- (cc) Home furnishing sales;
- (dd) Ice cream parlor;
- (ee) Interior decorating shop;
- (ff) Jewelry shop;
- (gg) Office supplies or services store;
- (hh) Music or instrument sales;
- (ii) Pet shop;
- (ij) Pharmacy;
- (kk) Plant store or nursery;
- (ll) Professional services or office not on the ground floor;
- (mm) Restaurant (excluding fast food);
- (nn) Secondhand or consignment store;
- (oo) Shoe store;
- (pp) Sporting goods; and
- (qq) Video rental and sales.

1322.3 New construction that preserves an existing façade constructed before 1958 is permitted 0.5 FAR in addition to the non-residential density 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 For the purposes of §§ 1320.3(c), 1323.4 and 1326.1(a), preferred uses are:

- (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; and
- (x) Theater.

1323.3 The floor area ratio in the HS-A Sub-district for new construction may not exceed 1.0 FAR for non-residential uses except as provided in §1323.4.

1323.4 New construction that preserves an existing façade constructed before 1958 is permitted 0.5 FAR in addition to the non-residential FAR permitted in the underlying zone for non-residential preferred uses listed in §1323.2.

1324 DESIGN REQUIREMENTS (HS)

1324.1 The design requirements of §§ 1324.2 through 1324.16 shall apply to any lot in the HS Overlay District for which a building permit was applied after October 25, 2004.

1324.2 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 density permitted in the underlying zone district for residential uses.

1324.4 In C-2 Districts within the HS Overlay District, a seventy percent (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 § 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, N.E., Maryland Avenue NE, 14th Street NE, or 15th Street NE shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.

1324.8 Each new building on a lot that fronts on H Street, N.E., Maryland Avenue NE, 14th Street NE, or 15th Street NE 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 having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.

- 1324.9 Security grilles shall have no less than seventy percent (70%) transparency.
- 1324.10 Each commercial use with frontage on H Street, N.E., Maryland Avenue NE, 14th Street NE, or 15th Street NE have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one primary entrance on H Street 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 entrances to ground floor uses and the main lobby.
- 1324.12 The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.).
- 1324.13 Buildings subject to § 1324.12 shall be permitted an additional 5 feet (5 ft.) of building height over that permitted in the underlying zone.
- 1324.14 Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline.
- 1324.15 Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building. 1342.16 Roof signs are prohibited. [ORDER No. 04-27; 03/10/06]

1325 SPECIAL EXCEPTION REQUIREMENTS (HS)

- 1325.1 The buildings, structures, and uses listed in § 1320.4 and exceptions from the requirements of the H Street Overlay District shall be permitted as a special exception if approved by the Board of Zoning Adjustment after public hearing, based on § 3104, provided the following criteria and the requirements of § 1304 are met:
 - (a) The project is consistent with the design intent of the design requirements of § 1324 and the design guidelines of the H Street N.E. Strategic Development Plan;
 - (b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board shall include review by the State Historic Preservation Officer and a status of the project's review by the Historic Preservation Review Board;
 - (c) Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;
 - (d) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;
 - (e) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and
 - (f) The size, type, scale, and location of signs shall be compatible with the surrounding corridor and consistent the design guidelines of the H Street N.E. Strategic Development Plan.
- 1325.2 An applicant may demonstrate compliance with § 1325.1(f) by demonstrating that the signage will be exclusively located on upper facades, awnings, and transom windows, constructed of durable materials, and sensitively designed; and will not affect more than twenty percent (20%) of display windows, consist of backlit box signs or neon product advertisements, block visibility into a store, or be overly obtrusive.
- 1325.3 The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the H Street Overlay District.
- 1325.4 Applicants shall demonstrate that projects requiring a special exception shall be consistent with the design intent of the design requirements, of § 1324 and the design guidelines of the H Street N.E. Strategic Development Plan.

1326 PLANNED UNIT DEVELOPMENT PROVISIONS (HS)

- 1326.1 A planned unit development (PUD) in the HS 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 that permitted as a matter-of-right shall be used only for housing or the preferred uses listed in §§ 1322.2 and 1323.2 and
 - (b) The PUD process shall not be used to reduce requirements in this Chapter for designated uses, typically retail, service, entertainment, and arts uses.