

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser,
Deputy Director, Development Review & Historic Preservation

DATE: October 7, 2016

SUBJECT: ZC Case 16-19 – Setdown and Pre-Hearing Report for a Proposed Zoning Text Amendment to Subtitle H, Chapter 9 (H Street, NE), 11 DCMR.

I. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission **set down** for public hearing proposed amendments to the zoning regulations to Subtitle H, Chapter 9 submitted by the Advisory Neighborhood Commission 6C, the Petitioner, highlighted on **Page 2** of this report.

II. BACKGROUND

The petitioner, Advisory Neighborhood Commission 6C (ANC 6C), requests the Zoning Commission amend the H Street Northeast Neighborhood Mixed-Use Zone regulations to clarify the applicable façade preservation requirements and design guidelines that would allow new construction to utilize the bonus density of Subtitle H § 902.4 and 909.1 (b), which states:

902.4 *New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR to the maximum permitted density; and*

909.1 *The following design requirements apply to all new construction for which a building permit is required in the H Street Northeast Neighborhood Mixed-Use zones:*

...

(b) *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 in the underlying zone district for residential uses;*

Specifically, new language is proposed to:

- Specify a minimum percentage of pre-1958 façade area required to be preserved;
- Allow for the retention of character-defining features, including necessary repairs, unless extensively damaged or missing;
- Prohibit demolition and reconstruction even with original materials; and
- Clarify what consists of the building's façade for a corner lot and apply the design requirements to corner lots as well.

The petitioner has documented the underlying reasons for these concerns in [Exhibit 3](#) of the record.

III. PROPOSED TEXT AMENDMENT

The Office of Planning (“OP”) recommends the Zoning Commission set down for public hearing proposed text amendments to the following sections of the Zoning Regulations (new text is shown in **bold and underlined**) (OP has included a clarifying phrase for the word “above” in 902.7 (c) shown in *blue*):

- a. Add new text : Subtitle H **§ 902.7, (a), (b), (c) and (d)** as follows:

902.7 For purposes of the façade preservation provisions of § 902.4 and § 909.1 (b), the following shall apply:

- (a) **preservation shall require retaining a minimum of 90% of the façade area, including but not limited to mansard roofs, dormers, turrets, parapets, cornices, and similar architectural features;**
- (b) **preservation shall require retention of all character-defining features (including damaged or deteriorated features that could reasonably be repaired and thus preserved), except that an extensively deteriorated, damaged, or entirely missing character-defining feature may be replaced using either traditional or substitute materials;**
- (c) **except as provided above in 902.7 (a) and (b), preservation shall not include demolition followed by reconstruction with original materials; and**
- (d) **façade preservation shall apply equally to elevations fronting on H Street and any side street intersecting with (or alley perpendicular to) H Street, but not to any party wall or face-on-line wall abutting an interior lot.**

- b. Add new text: Subtitle H **§ 909.2** as follows:

909.2 Sections 909.1(e), (j), and (k) shall apply equally to elevations of corner lots, fronting on H Street and to any side street intersecting with H Street.

IV. COMPREHENSIVE PLAN

Comprehensive Plan Guiding Principle:

The Framework Element provides that *H Street is one of the District’s Main Street Mixed-Use Corridor which is defined as traditional commercial business corridors with a concentration of older storefronts along the street. A common feature is that they have a pedestrian-oriented environment with traditional storefronts... (223.14)*

The proposed text would support this principle as it seeks to preserve the facades and storefront character elements of existing pre-1958 structures along the corridor, while incorporating new construction that would be more appropriate to contemporary needs.

Area Elements of the Comprehensive Plan:

Capitol Hill

H Street is a policy focus area identified within the Capitol Hill Planning Area. The following policy is applicable in support of the proposed amendments:

Policy CH-2.1.6: Historic Preservation Encourage the preservation of historic buildings along H Street... to raise awareness of the corridor’s history and unique historic character.

Citywide Element(s) of the Comprehensive Plan:

Urban Design Element - This element addresses the physical design and visual qualities of the District (900.1). The overarching goal for urban design in the District is to ...“*Enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings...*” 901.1

UD-2.2 Designing for Successful Neighborhoods: *The “sense of place” in the District’s neighborhoods is a function of their cultural history, physical features, and visual qualities. Those neighborhoods with the strongest identities tend to share certain characteristics, such as walkable “centers”, well-defined edges, attractive streets, and character-defining architecture..... This does not mean new buildings must duplicate adjacent buildings; rather it means that new construction should respect basic block characteristics like building alignment, access, proportion of openings (windows and doors), exterior architectural details (cornices, parapets, etc.), and heights.* 910

Policy UD-2.2.2: Areas of Strong Architectural Character *Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character.*

Action UD-2.2.B: Using Zoning to Achieve Design Goals *Explore zoning and other regulatory techniques to promote excellence in the design of new buildings and public spaces. Zoning should include incentives or requirements for facade features, window placement, courtyards, buffering, and other exterior architectural elements that improve the compatibility of structures...*

Policy UD-4.1.2: Design Review *Support expanded design review programs in the District, with a priority on areas not currently protected by historic district designation.* 916.7

Historic Preservation Element: The main focus of the historic preservation goal, in part, is the preservation and enhancement of “*the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city...*”

While H Street does not have historic designation, the proposed amendments would ensure that the requirements would be explicit for future applicants and tenants to ensure preservation of the significant elements of a storefront or building’s design.

The corridor has re-emerged as a vibrant, livable corridor with a mix of new construction and re-use of the existing structures for commercial businesses and housing. The intent of the proposed amendments would be to support the Comprehensive Plan’s policies, actions, and the H Street Design Guidelines through retention of the corridor’s architectural features to the greatest extent possible.

V. COMMUNITY COMMENTS

The ANC 6C voted in support of this request and comments in support from the abutting ANC 6A, were included in the record as [Exhibit 3H](#).

VI. OP COMMENTS

The Office of Planning will work with the Office of Attorney General and the applicant to refine the text, as necessary, subsequent to setdown action by the Commission.

JLS/kt

