



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
 Joel Lawson, Associate Director, Development Review  
**DATE:** June 16, 2013  
**SUBJECT:** BZA 18591 – 1255 H Street, NE (Spot on H)

### I. SUMMARY RECOMMENDATION

Adolfo Briceno (Applicant) request, pursuant to § 3103.2 the following variances:

§ 771.2, FAR           1.5 allowed, 1.83 requested;  
 § 2101.1, Parking    11 spaces required, 0 spaces provided;  
 § 2201.1, Loading    1, 30-foot berth and 1, 100-foot platform required; 0 provided;

The Office of Planning (OP) **recommends approval** of the requested variance which would accommodate a new restaurant, Spot on H, with its associated Careers through Culinary Arts Program (C-CAP).

After consulting with the Zoning Administrator, OP does not believe that the FAR variance is necessary (1.5 allowed, 1.83 requested) as within the HS-A Overlay, § 1323.4 allows the increase up to 2.0 FAR for a non-residential use.

*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.*

Under § 1323.2 a restaurant use is listed as a preferred use.

### II. AREA AND SITE DESCRIPTION

Address:	1255 H Street, NE
Legal Description:	Square 1004, Lot 343
Ward/ANC:	6/6A
Lot Characteristics:	The reversed “L” shaped corner lot has a lot area of 2,338 that is bounded to the north by H Street, to the east by 13 <sup>th</sup> Street, to the south by a 10-foot wide public alley and on the west by a 2-story commercial building.
Existing Development:	The property is developed with a two-story plus basement semi-detached commercial building.



<p>Zoning:</p>	<p>HS-A/C-2-A:                  HS-A: H Street Overly District – Arts Sub district which encourage arts and entertainment uses.                  C-2-A: Provide facilities for shopping and business needs, housing, and mixed uses and are along major portion of existing commercial strip.</p>
<p>Historic District:</p>	<p>Not in a historic district.</p>
<p>Adjacent Properties:</p>	<p>To west are commercial buildings fronting on H Street; to the south across the alley are 3-story row houses in the R-4 zone; to the east is the St. John Church of God in the HS-A/C-2-A zones; and the north, across H Street are 2-story commercial buildings in the HS-A/C-2-A zones;</p>
<p>Surrounding Neighborhood Character:</p>	<p>The properties along H Street commercial district are predominantly 2 and 3 story structures in the HS-A/C-2-A zones. Properties one block off H Street to the north and south are predominantly 2 and 3 story rowhouse and flats in the R-4 zone.</p>

**III. MAPS**



**Site Location**



**Street Frontage**



**13<sup>th</sup> Street frontage**



**View down the alley**

#### IV. PROPOSAL

The proposed development would accommodate a farm-to-table restaurant and the Careers through Culinary Arts Program (C-CAP), a non-profit training program for high school students studying culinary arts. The program would have 75 students although only 11-15 would be on-site at any one time, four days per week. The students would be provided some “classroom” instructions but will mainly be provided with practical, real life situations in the restaurant. The hours of operation of the restaurant would be limited to Tuesdays and Thursdays, 3:00 pm to 10:00pm; Friday and Saturdays, 3:00pm to 12 midnight; and closed on Sundays and Mondays

Currently, the property is developed with a vacant 2-story building. The applicant proposes to retain the existing building, create a basement and useable space on the roof, and add a three-story portion to the rear to accommodate the restaurant and the training program.

#### V. ZONING REQUIREMENTS and REQUESTED RELIEF

The applicant requests variances pursuant to 11 DCMR § 3103.1 and § 771.2, FAR (1.5 allowed, 1.83 requested); § 2101.1, Parking (11 spaces required, 0 spaces provided); and § 2201.1, Loading (1, 30-foot berth and 1, 100-foot platform required, 0 provided).

The following table summarizes zoning requirements for the project and the relief requested.

Requirement	HS-A/C-2-A	Existing	Proposal	Relief
Height	50 ft.	21 ft.	32.66 ft.	None Required
Lot Width	18 ft.	18 ft.	18 ft.	None Required
Lot Area	n/a	2,338 sq. ft.	2,338 sq. ft.	None Required
FAR	1.5 (commercial); 2.0 for proposed use	1.12	1.83	Requested but appears to be not required.
Lot Occupancy	100% maximum (commercial)	56%	79%	None Required
Rear Yard	15 feet	47 ft.	29 ft.	None Required
Parking	11 spaces	0	0	Required
Loading	1/30 ft. berth; 1/100 ft. platform	0	0	Required

#### VI. OFFICE OF PLANNING ANALYSIS

Compliance with variance relief:

##### i. Uniqueness Resulting in a Practical Difficulty

The shape of the property is a backward “L” with both legs being fairly narrow (18 feet and 16.70 feet wide). Although the building is not historic, it is being preserved as reuse of existing buildings are encouraged along the H Street Corridor (§ 1320.2(e)). With the preservation of the building, the parking and loading would have to access the property via the rear alley as all of the H Street and most of the 13<sup>th</sup> Street frontages are occupied by the existing development. Although, there is a 29-foot rear yard, its location and the narrowness of the property does not allow for legal parking spaces along with the required isle. Therefore, the narrowness and shape

of the lot presents a practical difficulty with regards to providing the 11 parking spaces as well as a 30-foot berth and 100 foot platform.

**ii. No Substantial Detriment to the Public Good**

Like many other retailers and service users along H Street, it is envisioned that patrons will access the site mainly by bus, walking, and bicycle. A number of regular Washington Metropolitan Transit Authority (WMATA) Metrobus routes travel pass the site along H Street and the future rail line along H Street would have a stop in front of the property. Short term parking spaces are also in the area. Although there would be up to 75 students in the C-CAP program, only 11-15 will be at the site at any one time and they would use public transportation to access the site. Additionally, the hours of operation of the restaurant will be limited to 5 of 7 days.

Regarding service and deliveries to the site, the applicant anticipates that deliveries by large trucks would be infrequent and that most deliveries would be by small to medium trucks. Delivery trucks would access the site via the alley and would be substantially parked on the property without impeding use of the alley by either pedestrians or vehicles.

It does not appear that the proposed parking reduction and the lack of onsite loading facilities would negatively impact the surrounding neighborhood.

**iii. No Substantial Harm to the Zoning Regulations**

The granting of the relief would not impair the intent, purpose and integrity of the zone plan and zoning regulations, as the restaurant is a preferred use along this portion of H Street and the required parking and loading are being provided in other ways that would not negatively impact the area.

**VII. COMMUNITY COMMENTS**

The property is within ANC 6A. On July 11, 2013 the ANC voted to approve the requested variances with conditions.

**VIII. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments from the Department of Transportation (DDOT) will be submitted under separate cover.