

AGENDA

ANC 6A Economic Development & Zoning Committee
Wednesday August 19, 2009, 7-9:00 PM
Sherwood Recreation Center (640 10th St, NE)
2nd Floor Community Room

7:00 pm **Call to order**

7:01 **Community Comments**

7:05 **Ongoing Status Reports:**

1. 1400 Maryland Ave. BZA Case #17825 (Drew Ronneberg) (2 min)
2. H Street Survey (Drew Ronneberg) (2 min)
3. Zoning Code Rewrite (Cody Rice) (2 min)
4. Vacant Properties (Dan Golden) (2 min)

7:15 **Old Business** - None

7:15 **New Business**

1. 1242 H St. NE – BZA #17968. (Area Variance) pursuant to 11 DCMR § 3103.2, for a variance from the non-residential floor area ratio requirements under subsection 1321.2, and a variance from ground floor level ceiling height requirements under subsection 1324.12, to allow the construction of a new commercial (retail/office) building in the HS (H Street Housing Sub-District Overlay)/C-2-A District, at premises 1242 H Street, N.E. (Square 1003, Lot 22). (1 hour)

8:15 **Additional Community Comment (time permitting)**

Everyone is welcome! Call Drew Ronneberg with questions at 202 431-4305.

Visit our website at <http://www.anc6a.org/>

Sign up for automated meeting reminders and community listserv at

<http://groups.yahoo.com/group/anc-6a/>

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



JUL 08 2009

APPLICATION NUMBER 17968
TO WHOM IT MAY CONCERN:


Notice is hereby given that the Board of Zoning Adjustment will hold a public hearing in Suite 220 South, 441 4th Street, N.W., Washington, D.C., 20001 on Tuesday, October 6, 2009, on the following application:

Application of I.S. Enterprises, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the non-residential floor area ratio requirements under subsection 1321.2, and a variance from ground floor level ceiling height requirements under subsection 1324.12, to allow the construction of a new commercial (retail/office) building in the HS (H Street Housing Sub-District Overlay)/C-2-A District, at premises 1242 H Street, N.E. (Square 1003, Lot 22).

At the public hearing, all interested persons will be given an opportunity to express their views. However, in lieu of appearing at the hearing you may also submit written views about this case. All written views should be sent to the address below, and must be received by the Board before the hearing on the case is concluded. Individuals and organizations wishing party status in any case before the Board must request that status in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application. The request for party status must contain all the information required by 11 DCMR § 3106.2. This application is located within the boundaries of Advisory Neighborhood Commission 6A. This application will be heard between 10:00 a.m. and 12:00 p.m.

If you have any questions about this application, you may call the Office of Zoning on (202) 727-6311, or visit the office at 441 4th Street, N.W., Suite 210 South, Washington, D.C. 20001. Please refer to the application number when you write or call about this case.

SINCERELY,



RICHARD S. NERO, JR.
Acting Director
Office of Zoning

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17968

EXHIBIT NO. 19

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



JUL 08 2009

Chairperson
Advisory Neighborhood Commission 6A
P.O. Box 75115
Washington, D.C. 20013

Re: BZA Application No. 17968

Dear Chairperson:

This is to advise you that a public hearing has been scheduled by the Board of Zoning Adjustment to consider the following application that is located within the boundaries of your ANC area:

Application of I.S. Enterprises, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the non-residential floor area ratio requirements under subsection 1321.2, and a variance from ground floor level ceiling height requirements under subsection 1324.12, to allow the construction of a new commercial (retail/office) building in the HS (H Street Housing Sub-District Overlay)/C-2-A District, at premises 1242 H Street, N.E. (Square 1003, Lot 22).

The hearing will be held on Tuesday, October 6, 2009, in Suite 220, 441 4th Street, N.W., Washington, D.C. 20001. This application will be heard between 10:00 a.m. and 12:00 p.m.

You are advised that 11 DCMR Section 3115.1 sets out certain requirements related to reports of ANCs, and specifically that Section 3115 requires that the written report of the ANC be filed with the Board at least seven days in advance of the hearing. A copy of Section 3115 is enclosed for your convenience. Information on the procedures which will govern consideration of these cases are also available from the Office of Zoning, in Suite 200-S, 441 4th Street, N.W. Washington, D.C. 20001. The telephone number for the Office of Zoning is (202) 727-6311.

If you wish to forward comments in writing directly to the Board, such comments should be addressed to the Board of Zoning Adjustment at 441 4th Street, N.W., Suite 210 South, Washington, D.C. 20001.

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17968

18

Wilfredo Pesante, Esq. ^{1,2}
Nicole E. Mackin, Esq. ¹
YoungJae Chung, ⁶
Jose Guerrero, Jr., Esq. ^{1,3}
Rachel Hammer, Esq. ⁸
Melanie Murray Mfume, Esq. ⁵
Florence Y. Pettiquoi, Esq. ⁵
Bobbie U. Vardan, Esq. ⁷
Larisa Woodward, ⁴

Of Counsel
Roy J. Bucholtz, Esq. ^{1,8}

Bar Admissions:
1-DC; 2-NY; 3-TX; 4-Lithuania; 5-MD;
6-VA Pending; 7-WV; 8-VA



Wilfredo Pesante, Esq.
Direct Dial: 1-703-626-1753
Email: wpesante@pesmaclaw.com

5 May 2009

Via Hand Delivery

Board of Zoning Adjustment
Suite 200-S
District of Columbia Office of Zoning
441 4th Street, N.W.
Washington, DC 20001

Re: Request for Area Variance re: 1242 H Street, N.E. Washington, DC 20002
Our Client: 1242 H Partnership LLC


Dear Sirs:

I.S. Enterprises, Inc., a 100% minority-owned, DC Corporation located on H Street N.E., is seeking an area variance for the above referenced property:

Please find attached Forms 135, 120, and accompanying schedules and plats as required by D.C. Code § 5-424. As noted in our application, the exceptional narrowness and shallowness of the property create an exceptional and undue hardship upon the owner if the owner is required to comply with the regulations adopted under D.C. Code § 6-641.01, et. seq. This undue hardship can be substantially relieved by granting the attached request for variance.

Moreover, this would permit the owner to construct an environmentally friendly building compatible with and complementary of the neighborhood and the environment. We look forward to hearing back from you at your earliest convenience.

Best regards,
PESANTE & MACKIN LLP


Wilfredo Pesante, Esq.
General Counsel
I.S. Enterprises, Inc.

cc: I. Rodríguez; G. Murray

1328 H Street, N.E.
Washington, D.C. 20002

Phone: 202-396-1490
Fax: 419-710-6814
www.PesMacLaw.com

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17968

EXHIBIT NO. 1

*** BEFORE THE BOARD OF ZONING ADJUSTMENT ***
OF THE DISTRICT OF COLUMBIA

APPLICATION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR-Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s)	Zoning Districts	Relief Being Sought Area Variance - Use Variance Special Exception	Section No(s)
1242 H. ST. N.E.	1003	22	CJ-A/HS-A	Area Variance	1321.2, 1324.12

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17968
EXHIBIT NO. 2

Present use(s) of Property: VACANT LOT
Proposed use(s) of Property: Commercial Space
Owner of Property: George Murray Telephone No: 202 388.5780
Address of Owner: 1200 H. ST. N.E. Washington, D.C. 20002

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public

Hearing Notice: We are seeking a variance for Section 1321.2 from residential to commercial because the lot area is too narrow. Also, section 1324.12 in order to increase the height of the building for commercial use and reduce the ceiling height for the 1st floor.

Estimated construction cost: \$80,000 Advisory Neighborhood Commission Single-Member District(s)

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)

Date: 5-12-09 Signature: [Signature] Applicant #

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision (Owner or Authorized Agent*):

Name: IS Enterprises, ITALO RODRIGUEZ, PRUS
Address: 1324 H. ST. N.E. D.C. 20002
Phone No.: 2023886799 Fax No.: 2025549716 E-Mail: ITALOSR@ISEnterprises.net



ZONING SELF-CERTIFICATION FORM



Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member
1242 H STREET, NE.	1003	22	C-2-A / HS-A	6A01

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input type="radio"/> §3103.2 - Use Variance	<input checked="" type="radio"/> §3103.2 - Area Variance	<input type="radio"/> §3104.1-Special Exception
Pursuant to Subsections	1321.2, 1324.12		

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)

	Owner's Name (Please Print) George Murray
	Agent's Name (Please Print) Wilfredo Pesante Esq.
Date: 05-06-09	D.C. Bar No. 457-572 or Architect Registration No.

OFFICE OF ZONING DETERMINATION

(11 DCMR §3113.2)

Based upon review of the application and self-certification, this application is

- Accepted for filing.
- Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs for determination of proper zoning relief required.
- Rejected for failure to comply with the provisions of
 - 11 DCMR §3113.2; or
 - 11 DCMR - Zoning Regulations.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17968
EXHIBIT NO. 6

Signature	Date
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INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.

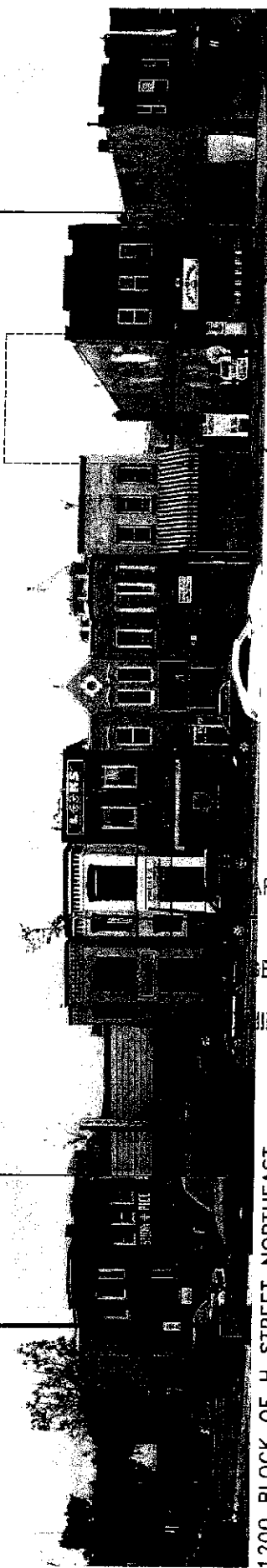
ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	1260	N/A	N/A	1260	N/A
Lot Width (ft. to the tenth)	17.5'	N/A	N/A	17.5'	N/A
Lot Occupancy (building area/lot area)	(VACANT LOT)	N/A	100%	79%	N/A
Floor Area Ratio (FAR) (floor area/lot area)	0	N/A	1.0	3.0	2.0
Parking Spaces (number)	0	1	N/A	1	N/A
Loading Berths (number and size in ft.)	0	0	0	0	N/A
Front Yard (ft. to the tenth)	0	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	0	15.0'	N/A	15.0'	N/A
Side Yard (ft. to the tenth)	0	0	0	0	N/A
Court, Open (width by depth in ft.)	0	0	0	0	N/A
Court, Closed (width by depth in ft.)	0	0	0	0	N/A
Height (ft. to the tenth)	0	N/A	50.0'	41.8'	N/A

FORM 135 CONTINUED

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE DEVIATION / PERCENT
FIRST FLOOR CEILING (FT. TO TENTH)	N/A	14'-0"	N/A	10'-6"	3'-6"

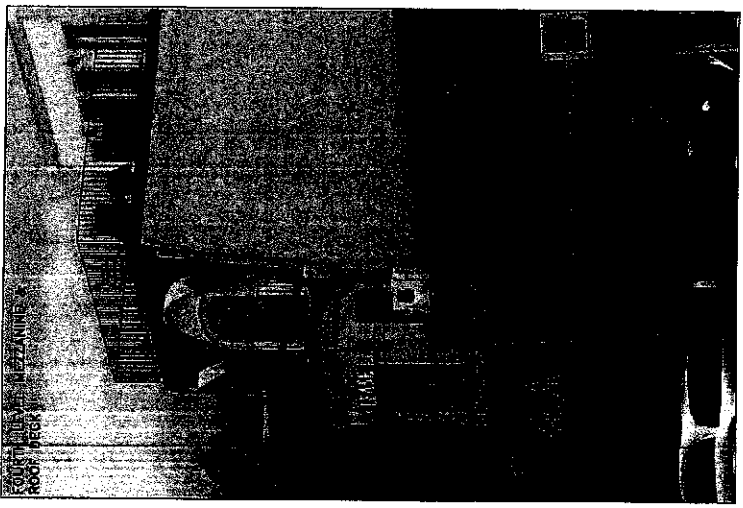
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1200 BLOCK OF H STREET NORTHEAST

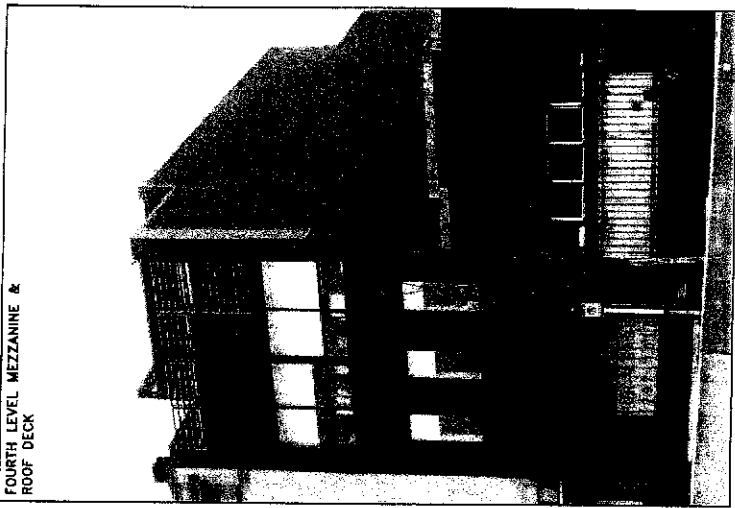


1242 H STREET
SQUARE: 1003
LOT: 22

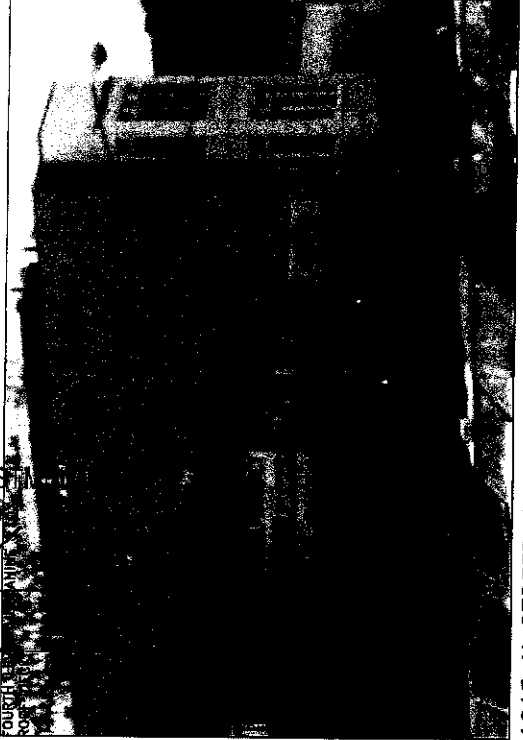
BOARD OF ZONING ADJUSTMENTS
District of Columbia
CASE NO. 17968
EXHIBIT NO. 7



804 H STREET NE



510 H STREET NE



1013 H STREET NE

EXAMPLE STRUCTURES OF SIMILAR TYPE AND SCALE W/ FOURTH LEVEL MEZZANINE & ROOF DECK

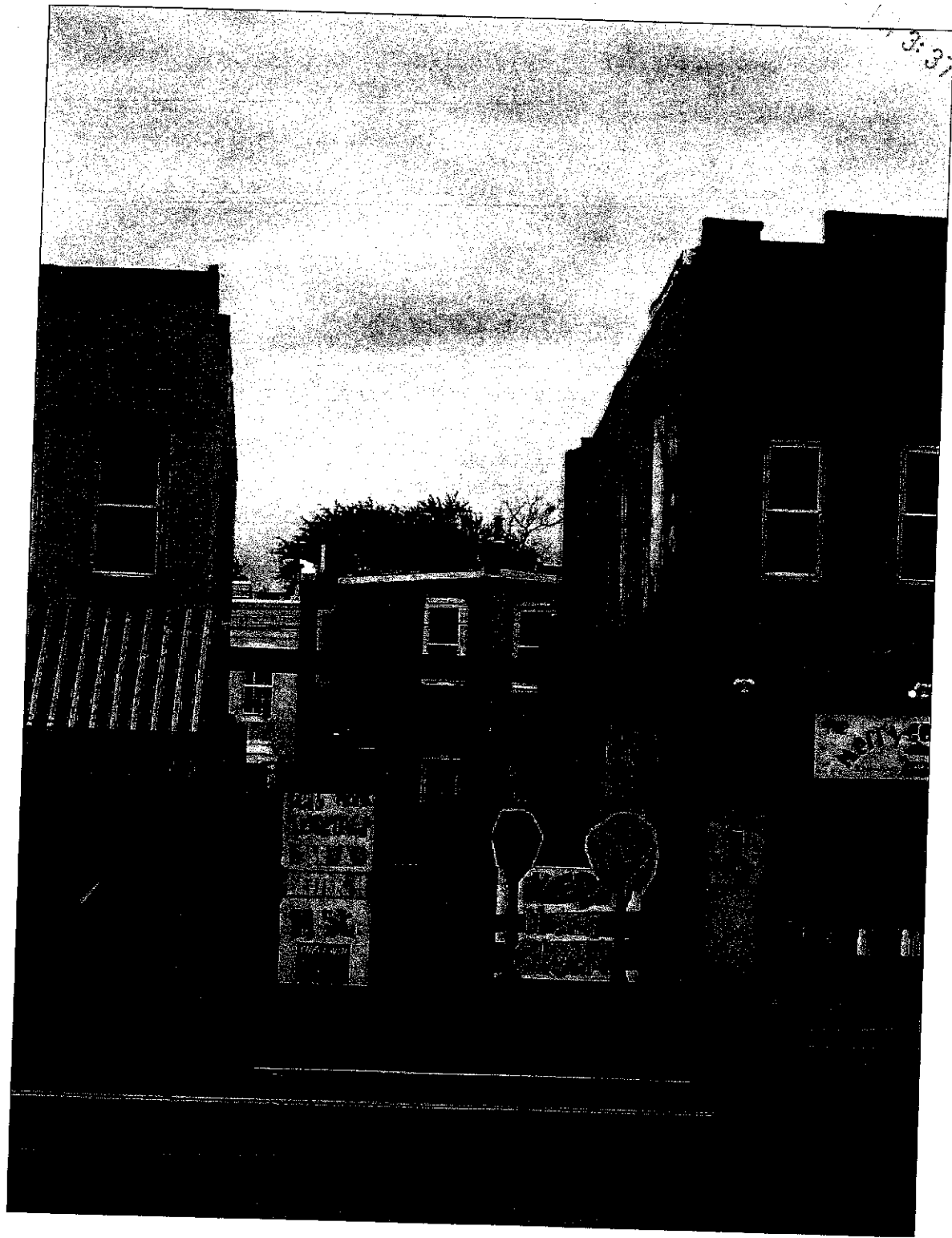
IMAGES

1242 H STREET NE
WASHINGTON D.C.

PHYSICAL CHARACTERISTICS OF NEIGHBORING STRUCTURE

DESIGNER/PROPOSER: IDPO
1242 H STREET NE
WASHINGTON D.C.

2/28/12 11:33:37



1242 H STREET NE - SQUARE: 1003 / LOT: 22

PHOTO

1242 H STREET NE
WASHINGTON D.C.

PHYSICAL CHARACTERISTICS
OF PROPOSED LOT

I.S.

ENGINEERING & SURVEYING CO., INC.
1324 H STREET N.E.
WASHINGTON D.C.

1324 H Street N.E.
Washington D.C.

www.isenterprises.net
tel. 202.497.9497

Applicant: 1242 H Partnership LLC.
 Representative(s): Italo Rodriguez (I.S. Enterprises Inc.), Wilfredo Pesante Esq. (PESANTE & MACKIN LLP)
 Date: April 1, 2009
 Project Address: 1242 H Street, NE
 Square 1003, Lot 22
 Zoning Amendment: H Street Neighborhood Commercial Overlay District
 Arts Sub District (HS-A)
 Variance Sought: Area Variance to increase FAR by 2.0
 Height Variance to lower first floor ceiling height by three foot six inches (3ft-6in.)

FORM 120 – Applicants Burden of Proof for Variance Applications

Existing Use:

The existing property is currently vacant and has not been occupied for many years. Previous uses and or occupancy have not been substantiated through public record.

Intended Use:

The Applicant proposes the following uses:

- Ground Level: Professional Retail Services – i.e. Insurance Agency, Financial Services (by Tenant #2)
- Second Level: Professional Offices (by Tenant #1 / Owner)
- Third Level: Professional Offices (by Tenant #1 / Owner)
- Fourth Level: Professional Offices (by Tenant #1 / Owner)

The Applicant is proposing to have two separate occupancies for the new structure. The First Level will be occupied by one Commercial Tenant, while the remaining floors will be occupied by the Owner as Professional Office space. The nature of the Commercial Tenant will more than likely be professional retail services such as investment, and or insurance brokerage firms, but the option of incorporating an "art" themed retail use has NOT been taken off the table. The nature of the Professional Office use is a ten-person real estate investment firm that is owned by the Applicant. Both uses will be small-scale business that will have limited street and noise impact on the neighborhood. Though the structure allows for more tenants, the two-tenant occupancy will increase street life through the creation of a permanent establishment of Commercial and Professional use, while maintaining relative quietness during normal and extended business hours.

2009 APR 1 12:13 PM

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17968

EXHIBIT NO. 4

Applicant: 1242 H Partnership LLC.
 Representative: Italo Rodriguez (I.S. Enterprises Inc.), Wilfredo Pesante Esq. (PESANTE & MACKIN LLP)
 Date: April 1, 2009
 Project Address: 1242 H Street, NE
 Square 1003, Lot 22
 Zoning Amendment: H Street Neighborhood Commercial Overlay District
 Arts Sub District (HS-A)
 Variance Sought: Area Variance to increase FAR by 2.0
 Height Variance to lower first floor ceiling height by three foot six inches (3ft-6in.).

RECEIVED
 APR 1 11 09 AM '09
 ZONING DEPARTMENT

FORM 121 – Applicants Burden of Proof for Variance Applications

Section 1321: HS Overlay Housing Sub-District (HS-A)

1321.2 The floor to area ratio for new construction in the HS-H Sub-District may not exceed 1.0 FAR for non-residential uses, except as provided in 1321.3

Section 1324: Design Requirements

1324.12 The ground floor level of each building or addition shall have a uniform minimum clear floor to ceiling height of fourteen feet (14ft.).

Subsection 3102.2 Proofs:

1. **The physical characteristic of the property:**
 - A. **Make it difficult for the owner to use the property in compliance with the Zoning Regulations (Area Variance) – i.e. shape and size of the property, unusual topographic or slope, soil conditions, etc.**

The existing property dimensions are 15'-2" wide (clear interior dimension) by 72'-0" long with a total gross floor area of 1,260 SF. It is long but narrow space, with limited direct sunlight access from the front and back windows.

The zoning amendment for the '1320 H Street NE Neighborhood Commercial Overlay District Housing Sub-District' allows for a total FAR of 2.5 on the property if the use is RESIDENTIAL above the ground floor. This allows for a three-story structure, with multi-tenant residential units on 2nd and 3rd floors. However, there are inherent practical difficulties involved in a multi-tenant structure in a structure of such narrow width and length.

In order to locate multi-tenant residential units on the 2nd and 3rd floors, 2 entries are required from the street: one for the Commercial tenant on the ground level, and the other for the Residential tenants on 2nd and 3rd floors. Difficulties arise in achieving a practical usable dimension because multi-tenant buildings require a 2-hour rated corridor at the stair, thus taking up valuable floor plate area as circulation (please see attached Exhibit 3102.2-A: Plan Sketches).

The mandated floor-to-ceiling height of 14' exacerbates the limited useable floor area available for tenant use. Current building codes as adopted by District of Columbia require that any stairway to a level above 12' must have a landing platform no less than 6' in length. This, coupled with the length needed to provide the appropriate vertical circulation creates an elongated corridor that takes up additional valuable floor area for circulation (please see attached Exhibit 3102.2-A: Plan Sketches).

This circulation alone will take up approximately 315 SF (39% of total GSF). What remains for usable space is a very narrow and long section of the floor area. This area, which constitutes approximately a third of the floor plate, has limited usability, and therefore, poses a practical hardship on the owner by limiting build-out configuration sizes.

Based on these facts, the applicant is seeking an Area Variance of 2.0 FAR to allow a single tenant commercial use on 2nd, 3rd, and 4th floor(s) thereby removing the need for a rated corridor at the stair. In addition the applicant is also seeking a height variance of 3'-6" to allow a lower ceiling height thereby eliminating the need for an elongated stair well with platform. The combined floor areas of floors 2, 3, and 4, which total 2742 SF, are more suitable for a single commercial use rather than a multi-family residential use. The preferred "ARTS" themed use has not proposed due to the unique narrowness of the space. The inherent narrowness poses a practical hardship in providing ample circulation space for small to medium scaled convention. Currently, the zoning amendment limits the 2.5 FAR to only residential use; therefore, the applicant is seeking an area variance of 2.0 to allow for a commercial use on the property.

BOARD OF ZONING ADJUSTMENT
District of Columbia

1

CASE NO. 17968

5

FORM 121 - Applicants 1

Section 1321. HS Overlay
The floor to area ratio residential uses, except

Section 1324: Design Requirement
The ground floor level of a height of fourteen feet (14 ft)

Subsection 3102.2 Proofs:

1. **The physical characteristic of the variance) - i.e. shape and size**

The existing property dimensions are 15'-2" wide (clearance) and 4R of 2.5 on the property if the use is RESIDENTIAL and the structure of such narrow width and length. However, they are to locate multi-tenant residential units on the 2nd and 3rd floor-to-ceiling height of 14' exacerbates the limited usable floor area for circulation (please see attached Exhibit 3102.2-A: Plan) for area. This area, which constitutes approximately a 10% of the total area, will take up approximately 315 SF (39% of total GSF) and thereby eliminating the need for a single commercial use has not proposed due to the unique narrowness of the area. Therefore, the applicant is seeking an Area Variance of 2.0 FAR to allow for a single commercial use. In addition, the applicant is requesting a 10% increase in the allowable FAR for the area.

The zoning amendment for the '1320 H Street NE Neighborhood Development Plan' allows for a single tenant professional real estate development firm, with a total of no more than 10 employees. The amount of business traffic will not be detrimental to the surrounding residential neighbors. In fact the close proximity of such professional services will be a compliment to the neighborhood character. The office will be occupied during business hours, and will not create undue noise or traffic during evening hours due to the quiet nature of the businesses.

The total number of employees for the Office will be 10. Most office employees will be using mass transit, walking, or biking as means of commuting. One parking space will be provided in the rear Alley to comply with parking requirements under section 2101.1 of the DC Zoning Regulations. In addition a bike rack will be provided to promote non-automobile traffic. Commercial vehicles, such as FedEx, UPS, will make limited stops at the property. Therefore, the overall traffic pattern along H Street and the surrounding streets will not be adversely affected.

The Ground Floor retail front will comprise mostly of glass storefront to promote the commercial retail presence on H Street. The new facade will be designed to conform to the standards mandated in the H Street NE Neighborhood Commercial Overlay District Arts Sub-District. All floor levels will have clear glass, with operable windows to maintain the rhythm and context of adjacent buildings. The 4th level mezzanine and roof deck will be visible from the street and is designed so that its permanency will help to define the future of H Street as a sophisticated urban corridor. The 4th level mezzanine will be set back 13'-8" feet from the street facade. Overall, because of this projects small-scale and unique narrowness the appearance of the 3rd and 4th level will not be any different had the use been residential instead of office.

The goal of the plan to create Urban Living condition along H Street will not be compromised by the proposed project. Ground Floor Professional Retail will promote a strong, sophisticated street presence, and will continue the line of retail commercial businesses already existing on both sides of H Street. Accessory parking is kept in the rear Alley. The office use on the 2nd, 3rd, and 4th floors

3. **Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.**

The goal of the plan to create Urban Living condition along H Street will not be compromised by the proposed project. Ground Floor Professional Retail will promote a strong, sophisticated street presence, and will continue the line of retail commercial businesses already existing on both sides of H Street. Accessory parking is kept in the rear Alley. The office use on the 2nd, 3rd, and 4th floors

3. **Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.**

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Subsection 3102.2 Proofs - continued:

2. **Granting the application will not be of substantial detriment to the public good - ie. Traffic, noise, lighting etc.**

Massing

The neighboring buildings on the same street block to H Street are currently one to two-stories. The height limit for the C-2-A zone is 50'-0", and the proposed addition will be 8'-4" below the limit. The proposed structure will contribute to the permanency on the 1200 block of H Street. This structure will establish a new dynamic on the 1200 block of H Street by softly introducing a roof terrace and recessed mezzanine level to the roof lines of the surrounding structures. The total FAR requested for the project is 3.0 (1.0 by-right, 2.0 sought through Area Variance). The maximum FAR for a C-2-A district is 2.5 for residential use. The project is exceeding that FAR limit by .5 FAR with its 4th level mezzanine and roof deck. The proposed mezzanine is set back from the street facade by 13'-8" and does not propose a substantial visual impact from the streetscape.

Uses

The Ground Floor Professional Retail use is consistent with the existing retail use along H Street. Its unique service to the neighborhood constituency will promote commercial street use and pedestrian activity, which is in line with the goals of the NC H Street Strategic Development Plan. The Second, Third and Fourth Floors will be business office use occupied by a single tenant who is also the owner. Under current zoning regulations, business and retail use is allowed in the C-2-A district. The business is a professional real estate development firm, with a total of no more than 10 employees. The amount of business traffic will not be detrimental to the surrounding residential neighbors. In fact the close proximity of such professional services will be a compliment to the neighborhood character. The office will be occupied during business hours, and will not create undue noise or traffic during evening hours due to the quiet nature of the businesses.

Traffic

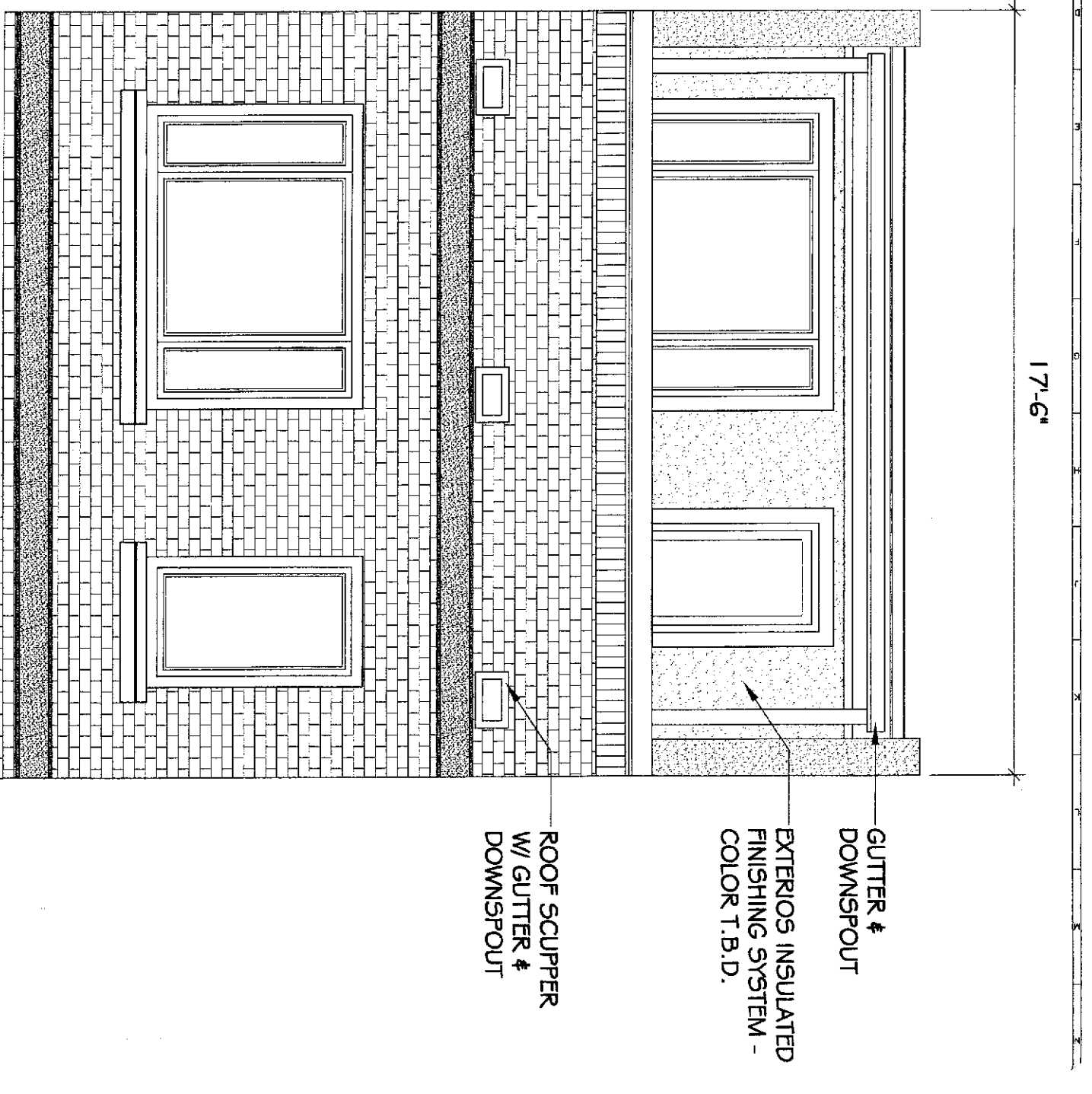
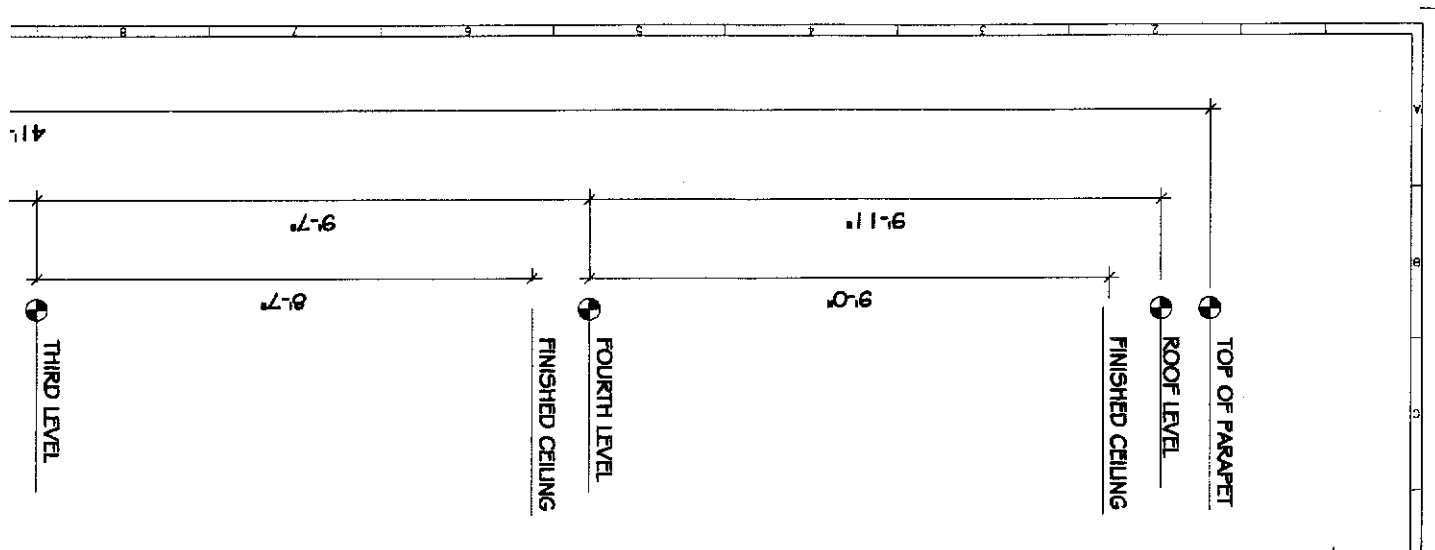
The total number of employees for the Office will be 10. Most office employees will be using mass transit, walking, or biking as means of commuting. One parking space will be provided in the rear Alley to comply with parking requirements under section 2101.1 of the DC Zoning Regulations. In addition a bike rack will be provided to promote non-automobile traffic. Commercial vehicles, such as FedEx, UPS, will make limited stops at the property. Therefore, the overall traffic pattern along H Street and the surrounding streets will not be adversely affected.

Appearance

The Ground Floor retail front will comprise mostly of glass storefront to promote the commercial retail presence on H Street. The new facade will be designed to conform to the standards mandated in the H Street NE Neighborhood Commercial Overlay District Arts Sub-District. All floor levels will have clear glass, with operable windows to maintain the rhythm and context of adjacent buildings. The 4th level mezzanine and roof deck will be visible from the street and is designed so that its permanency will help to define the future of H Street as a sophisticated urban corridor. The 4th level mezzanine will be set back 13'-8" feet from the street facade. Overall, because of this projects small-scale and unique narrowness the appearance of the 3rd and 4th level will not be any different had the use been residential instead of office.

3. **Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.**

The goal of the plan to create Urban Living condition along H Street will not be compromised by the proposed project. Ground Floor Professional Retail will promote a strong, sophisticated street presence, and will continue the line of retail commercial businesses already existing on both sides of H Street. Accessory parking is kept in the rear Alley. The office use on the 2nd, 3rd, and 4th floors

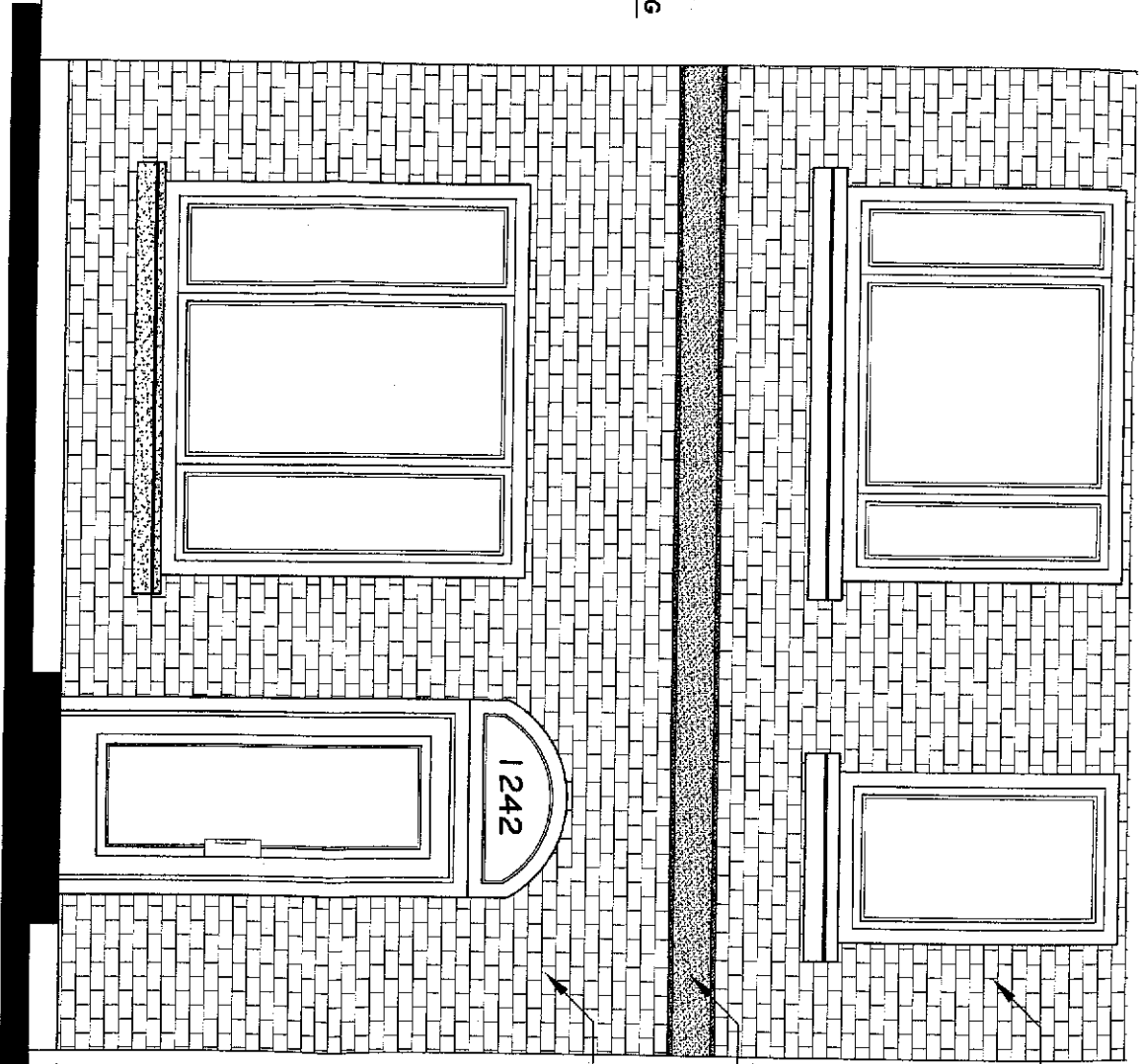


1 FRONT ELEVATION
SD7 NOT TO SCALE

9-7
8-7
11-6
10-6

GROUND LEVEL

SECOND LEVEL
FINISHED CEILING



OPERABLE WINDOWS
TYP.

PRECAST CONCRETE
ACCENTS TYP.

DECORATIVE BRICK
VENEER W/ WALL TIES
& WEEP HOLES.

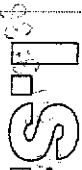
0'

ELEVATIONS

SD7

1242 H STREET NE
WASHINGTON D.C.

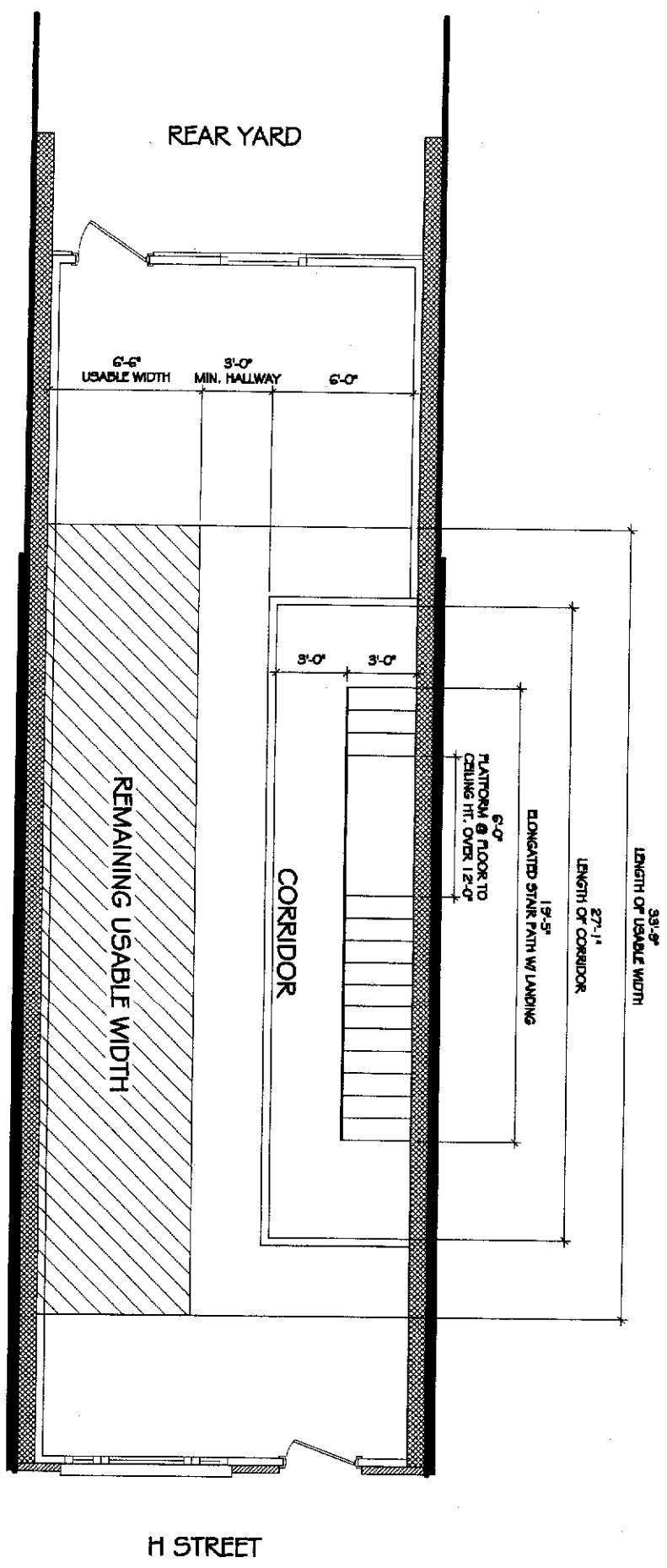
PHYSICAL CHARACTERISTICS
OF PROPOSED STRUCTURE



ENTERPRISES INC.

1324 H STREET N.E.
WASHINGTON D.C.

DATE: 12/11/97



FLOOR PLANS

1242 H STREET NE
WASHINGTON D.C.

FORM 121 - EXHIBIT 3102.2
PLAN DEMONSTRATION OF USABLE AREA FOR MULTI-TENANT USE

IS ENTERPRISES INC.
1324 H STREET NE
WASHINGTON D.C.