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DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

March 24, 2003

TESTIMONY TO THE ZONING COMMISSION IN SUPPORT OF CASE NO. 02-44 (TEXT AMENDMENT – RETAIL ARCADES)

BY

LEN HARRIS (TRANSWESTERN),
DCBIA RETAIL BUSINESS DEVELOPMENT COMMITTEE,
AND
CHRIS COLLINS (HOLLAND & KNIGHT LLP),
DCBIA EXECUTIVE COMMITTEE

The District of Columbia Building Industry Association is comprised of over 350 member organizations, including over 1,000 individual members, engaged in all aspects of the real estate industry in the District of Columbia. We are here to register our support for the proposed Text Amendment, as published in the Notice of Public Hearing, to allow open arcades in commercial buildings in the Central Employment Area to be enclosed and devoted to retail, entertainment, arts and service uses permitted as a matter of right.

The DCBIA Retail Business Development Committee initiated this proposal in 1996, working with then-Councilmember Charlene Drew Jarvis, who was Chairperson of the Council's Committee on Economic Development at the time. This proposal was an outgrowth of our discussions with her about promoting retail in the downtown area.

The current Zoning Regulation which encourages open arcades at the ground level was adopted over 40 years ago. Since that time urban retail practices and strategies have changed. Retailers want store fronts that are readily visible and inviting to pedestrians. Store fronts that are recessed in arcades are no longer a favored retailing concept. The typical downtown commercial building that is constructed today does not include an arcade. Where arcades currently exist, they do not typically extend for an entire city block, so the original intention of promoting arcades has not been realized.

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Advisory Committee
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Washington Gas
Kenneth E. Clark
Verizon Washington DC
William M. Gausman
Pepco

ZONING COMMISSION
District of Columbia
Case 02-44
Exhibit 20

5100 Wisconsin Avenue, NW • Suite 301 • Washington, DC 20016-4162 • (202) 966-8665 • FAX (202) 966-3222
www.dcbia.org

ZONING COMMISSION
District of Columbia
CASE NO.02-44
EXHIBIT NO.20

We do not think that the text as revised by the Office of Planning, to include consideration of historic buildings, is necessary. HPRB already has jurisdiction to approve or disapprove alterations to historic buildings.

Attached are several exhibits which provide background information on the existing Regulation, and DCBIA's efforts to revise that Regulation, leading up to tonight's hearing. We are available to answer any questions you may have. Thank you for your time and attention.

Exhibits

Exhibit A	Zoning Advisory Council Report on Arcade Retail Regulations (12/10/62)
Exhibit B	Arcade Retail Regulations as Adopted by the Zoning Commission (12/27/62)
Exhibit C	Amended Arcade Retail Regulations, as adopted by the Zoning Commission in Order 234 (09/14/78)
Exhibit D	Current Arcade Regulations (Section 2515, 11 DCMR)
Exhibit E	Letter to Office of Planning from Councilmember Jarvis (12/08/96)
Exhibit F	OP Recommended Comprehensive Plan Amendments – New Section 1108.1(s) (01/31/97)
Exhibit G	OP Rationale for Adoption of New Section 1108.1(s) (01/31/97)
Exhibit H	New Section 1108.1(s), Published in D.C. Register, (02/19/99)

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Zoning Commission

December 27, 1962

ORDERED:

That after public notice and hearing as prescribed by law, the following changes in the Zoning Regulations are hereby adopted:

A new Section 7515 is added to read:

"Section 7515 - EXCEPTIONS TO DENSITY REGULATIONS FOR OPEN ARCADES."

"7515.1 Solely for the purpose of encouraging open arcades at sidewalk level thereby permitting building design which will provide more pedestrian convenience and result in greater open area adjacent to public streets without loss of rental floor space, such open arcade area shall be allowed a floor area ratio credit not to exceed 0.25 nor more than 25% of the gross floor area of the floor which is adjacent to such arcades at sidewalk level, subject to conditions specified below:

"7515.11 Open arcades shall be permitted in all R-5, SP and C Districts provided that:

(a) Except as provided in sub-paragraph (b) the open arcade for its entire length shall adjoin a street. Such arcade shall be open to the street except for piers, columns or arches.

(b) The open arcade shall not extend to a depth greater than 25 feet measured from the building line abutting the street upon which the arcade faces; nor shall such arcade have a depth of less than four feet measured from the facade of the building facing such street.

(c) The floor area ratio credit shall apply only to those areas embraced within the perimeter of the open arcade. Vehicular access across an arcade area to a garage shall not be prohibited; provided, all area required for such access shall not be counted as gross floor area credit.

(d) An open arcade shall occupy the entire side of the building on which it is located.

(e) An open arcade for a building on a corner lot shall open onto each street frontage for the full depth of the arcade; but such arcade shall not be required to occupy more than one side of the building.

(f) The open arcade area should be appropriately lighted.

(g) Except as provided in sub-paragraph (c) and in paragraph 7515.13, the use of arcade areas shall be restricted for pedestrians only.

EXHIBIT A

"7515.12 The Board of Zoning Adjustment, subject to compliance with Section 7515.1 and the introductory language of Section 7515.11 may waive or modify the requirements set forth under Section 7515.11 if in accordance with the intent and purpose of Section 7515.1. It is further intended under this section to prohibit those types of arcades which do not provide adequate open area to the street but are designed primarily for interior arcade arrangement.

"7515.13 The Board of Zoning Adjustment may authorize in SP and C Districts the installation of a specific use if it is permitted in the District in which such arcade is located provided that:

(a) The size and character of such use will not substantially impair the intent and purpose of this Section.

"7515.14 The additional gross floor area permitted under Section 7515.1 shall not be counted in determining the amount of off-street parking spaces or loading berths." 12/27/62/ (62-33)

(Underscored words are defined)

F. J. CLARKE, WALTER N. TOBRINER, JOHN B. DUNCAN, J. GEORGE STEWART, CONRAD L. WIRTH, Zoning Commission of the District of Columbia.

December 9, 1962

REPORT OF THE ZONING ADVISORY COUNCIL

December 10, 1962 HEARING

Add a new Section 7515 to read:

"Section 7515 - EXCEPTIONS TO DENSITY REGULATIONS FOR OPEN ARCADES."

"7515.1 Solely for the purpose of encouraging open arcades at sidewalk level thereby permitting building design which will provide more pedestrian convenience and result in greater open area adjacent to public streets without loss of rental floor space, such open arcade area shall be allowed a floor area ratio credit not to exceed 0.25 nor more than 25% of the area of the floor which abuts such arcades at sidewalk level, subject to conditions specified below:

"7515.11 Open arcades shall be permitted in all R-5, SP and C Districts provided that:

(a) The open arcade for its entire length shall adjoin a street. The arcade shall be open to the street except for piers, columns or arches.

(b) The street and open arcade shall form a common line and such line shall have the same elevation at each point along its full length.

(c) The open arcade shall not extend to a depth greater than 25 feet nor to lesser depth than 4 feet measured from the face of the building fronting a street.

(d) The height of the open arcade shall not exceed 20 feet, measured from the middle of the front of the arcade at sidewalk grade. In the case of a corner lot where uninterrupted arcades are provided on two or more streets the point of measurement may be taken from the middle of the front of the arcade at the abutting sidewalk grade from any one of such streets.

(e) The floor area ratio credit shall apply only to those areas embraced within the perimeter of the open arcade.

(f) The architectural treatment of the columns, piers or arches shall be finished in material identical in appearance with the exterior facade of the building.

(g) An open arcade for a building on an interior lot shall occupy the full width of the building.

(h) An open arcade for a building on a corner lot shall open onto each street frontage.

(i) The open arcade area should be appropriately lighted.

(j) Except as provided in paragraph 7515.13, the use of arcade areas shall be restricted for pedestrians only.

EXHIBIT B

7515.12 The Board of Zoning Adjustment, subject to compliance with Section 7515.1 and the introductory language of Section 7515.11 may waive or modify the requirements set forth under Section 7515.11 if in accordance with the intent and purpose of Section 7515.1. It is further intended under this section to prohibit those types of arcades which do not provide adequate open area to the street but are designed primarily for interior arcade arrangement.

7515.13 The Board of Zoning Adjustment may authorize in SP and C Districts, the installation of a specific use if it is permitted in the District in which such arcade is located provided that:

(a) The size and character of such use will not substantially impair the intent and purpose of this Section.

7515.14 The additional gross floor area permitted under Section 7515.1 shall not be counted in determining the amount of off-street parking spaces or loading berths."

This is the second trial run for the arcade exception to general bulk regulations. The proposal is sponsored by the National Capital Planning Commission and is supported in principle by a number of builders and architects. The new draft has been prepared by the Zoning Advisory Council in conjunction with a well known local law firm which represents several interested builders and others.

Further study by the Council indicates that:

1. Condition lettered (b) can be eliminated since the reasons for its inclusion (possible D. C. liability for personal injury at the line of public space) was a conclusion not supportable by fact or precedent.

2. Condition lettered (g) should be amended to read:

"(g) An open arcade shall occupy the entire side of the building on which it is located." The purpose of this condition is ultimately over a long period of years to "open up" an entire block between streets, with valid exceptions to be handled by BZA under 7515.12. If this is a desirable objective, and it would seem to be according to the preamble, the condition should apply to corner as well as interior lots.

3. For clarification amend the preamble as follows:

In the fifth line - after 25% insert the words "of the gross floor area", and in the sixth line strike the words "which abuts" and substitute the words "adjacent to".

4. Also for clarification of intent:- Amend condition lettered (h) by adding at the end:- "for the full depth of the arcade."

5. The suggested elimination condition (b) makes a bit more freedom of design a practicable possibility. Therefore condition (c) should be amended to read:- "The open arcade shall not extend to a depth greater than 25 feet measured from the building line abutting the street upon which the arcade faces; nor shall such arcade have a depth of less than 4 feet measured from the facade of the building facing such street.

This permits variable building set-backs up to 21 feet.

6. There will be instances, particularly on interior lots lacking alley access, where garage openings will have to cross part of an arcade area. Therefore an amendment to condition (e) is in order. The following is suggested:- Add a new sentence to condition (e) to read:- Vehicular access across an arcade area to a garage shall not be prohibited; provided, the area required for such access shall not be counted as floor area ratio credit."

7. Amend condition lettered (j) to read:- "Except as provided in sub-paragraph (e) and in Paragraph 7515.13, the use of arcade areas shall be restricted for pedestrians only."

The Council recognizes that this draft does not provide complete freedom of design and that any material deviation of the arcade area frontage from the line of public street will require BZA approval. The problem of legislative drafting with due and proper regard to desired objectives is exceedingly difficult without the use of a discretionary agency to consider

all possible deviations from a specified norm. Therefore constructive criticism is welcomed and should be solicited.

The Council recommends denial of that portion of the proposal allowing adjuncts within arcade areas as it believes that the use of such space violates the intent of the preamble and also obviates the necessity for FAR credit.

With the amendments suggested above we believe that the proposal is practicable and workable but subject to possible further improvements which may be developed at the public hearing. Approval is recommended.

(S) R. O. CLOUSER

(S) WILLIAM F. McINTOSH

(S) JOHN A. ISRAELSON

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 234
CASE NO. 78-1
SEPTEMBER 14, 1978

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on March 30, April 3, April 10, April 24 and May 1, 1978 to consider proposed amendments to the text of the Zoning Regulations. Such amendments proposed to modify requirements for all of the Commercial Districts, as well as the planned unit development process.

Following the lengthy hearings and receipt of large amounts of public testimony, the Commission determined to divide the case into several parts, for the purpose of discussing the matter and arriving at a decision. The Commission held several work sessions and finally determined that several changes should be made to the C-3, C-4 and C-5 Districts and for the regulations governing credits for arcades in all districts.

This Order is therefore the first of several orders relating to the commercial revision case. Future Orders will deal with the remaining commercial districts, the planned unit development process and other elements of the case. After all of the issues in the entire case have been decided, the Commission will issue a full statement of reasons setting forth the basis for its decision

The Commission believes that the proposed amendments are in the best interests of the District of Columbia and are consistant with the intent and purposes of the Zoning Regulations and Zoning Act. The Commission therefore hereby order adoption of the following amendments to the Zoning Regulations:

1. Substitute for existing Sections 5103,5104, 5105 and 7614 and Articles 52 and 53, all the text language contained in the attached document entitle "Revised C-3, C-4, and C-5 Districts and Arcade Provisions," dated September 14, 1978, a copy of which is attached hereto and made a part hereof.

EXHIBIT C

2. Amend the Regulations to conform to the changes made above, as specified in the sheet labeled "Additional Conforming Amendments," dated September 14, 1978, a copy of which attached hereto and made a part hereof.

Vote of the Commission taken at the public meeting held on August 14, 1978: 3-0 (George M. White, John G. Parsons, and Walter B. Lewis to adopt, Theodore F. Mariani, not voting, Ruby B. McZier not present, not voting).

WALTER B. LEWIS
Chairman

STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on September 14, 1978 by a vote of 3-0 (Walter B. Lewis and John G. Parsons to adopt, Ruby B. McZier to adopt by proxy, Theodore F. Mariani not voting, George M. White not present, not voting).

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, these amendments to the Zoning Regulations are effective on 22 SEP 1978.

Section 7614 -- Exceptions to Density Regulations for Open Arcades

7614.1 -- This section establishes the standards and requirements for arcades to receive a floor area ratio credit. This section is designed to encourage open arcades at sidewalk level, to increase pedestrian convenience and result in greater open area adjacent to public streets without loss of rental floor space. An open arcade shall be allowed a floor area ratio credit not to exceed 0.25 or 25% of the gross floor area of the floor which is adjacent to the arcade, whichever is less.

7614.2 -- An open arcade shall be permitted in all R-5, SP, W, CR, and all C Districts except C-5 (PAD), provided that:

7614.21 -- An open arcade shall provide pedestrian access to and along a building and shall extend for the entire side of the building or other structure and adjoin a street or pedestrian way at sidewalk level. Such open arcade shall be designed to meet and carry through the arcades of adjoining buildings.

7614.22 -- The floor area granted by this section shall apply only to those areas embraced within the perimeter of the open arcade. Where vehicular access is permitted across an arcade area, the portion of the arcade encompassed by the access space shall not be counted for the purposes of this section.

7614.23 -- An open arcade shall be not less than 10 feet in width at any point, including piers, columns or arches. The minimum open unobstructed passageway shall be 7 feet in width.

7614.24 -- An open arcade shall be not less than 9 feet in height at any point within the arcade,

7614.25 -- An open arcade shall have its floor at the same level and continuous with the sidewalks, and shall connect to existing adjoining open arcades or shall be so constructed as to permit such connection in the future, provided however, where the existing arcade is at a different elevation, the new arcade connection shall be made in a barrier-free manner.

7614.26 -- The use of the area within an open arcade shall be essentially restricted to pedestrian uses, and vehicular access to or through an open arcade shall be minimized.

7614.27 -- In commercial buildings, an open arcade shall include retail and service uses fronting on at least 60% of the arcade, with such uses directly accessible from the open arcade.

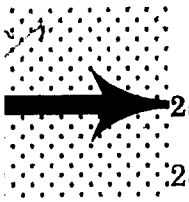
7614.3 -- The additional gross floor area permitted under Subsection 7614.1 shall not be counted in determining the number of off-street parking spaces or loading berths.

(c) C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD) districts;

(d) W-1, W-2, W-3, and CR districts; and

(e) C-M-1, C-M-2, C-M-3, and M districts.

SOURCE: §§7613.1 and 7613.2 of Regulations effective May 12, 1958; as amended by Final Rulemaking published at 2226, 2228 (May 23, 1980); and by Final Rulemaking published at 39 DCR 8305, 8310 (November 13, 1992).



2515 EXCEPTIONS TO DENSITY REGULATIONS FOR OPEN ARCADES

2515.1 This section establishes the standards and requirements for arcades to receive a floor area ratio credit.

2515.2 This section is designed to encourage open arcades at sidewalk level, to increase pedestrian convenience, and to result in greater open area adjacent to public streets without loss of rental floor space.

2515.3 An open arcade shall be allowed a floor area ratio credit not to exceed twenty-five percent (25%) of the gross floor area of the floor that is adjacent to the arcade, whichever is less.

2515.4 An open arcade shall be permitted in all R-5, SP, W, CR, and all C districts except C-5 (PAD); Provided, that the requirements of this section shall be met.

2515.5 An open arcade shall provide pedestrian access to and along a building and shall extend for the entire side of the building or other structure and adjoin a street or pedestrian way at sidewalk level. This open arcade shall be designed to meet and carry through the arcades of adjoining buildings.

2515.6 The floor area granted by this section shall apply only to those areas embraced within the perimeter of the open arcade. Where vehicular access is permitted across an arcade area, the portion of the arcade encompassed by the access space shall not be counted for the purposes of this section.

2515.7 An open arcade shall be not less than ten feet (10 ft.) in width at any point, including piers, columns, or arches. The minimum open, unobstructed passageway shall be seven feet (7 ft.) in width.

2515.8 An open arcade shall be not less than nine feet (9 ft.) in height at any point within the arcade.

2515.9 An open arcade shall have its floor at the same level and continuous with the sidewalks, and shall connect to existing, adjoining open arcades or shall be constructed to permit this connection in the future; Provided, that where the existing arcade is at a different elevation, the new arcade connection shall be made in a barrier-free manner.

2515.10 The use of the area within an open arcade shall be restricted essentially to pedestrian uses, and vehicular access to or through an open arcade shall be minimized.

EXHIBIT D

2515.11 In commercial buildings, an open arcade shall include retail and service uses fronting on at least sixty percent (60%) of the arcade, with these uses directly accessible from the open arcade.

2515.12 The additional gross floor permitted under §2515.3 shall not be counted in determining the number of off-street parking spaces or loading berths.

SOURCE: §§7614.1, 7614.2 and 7614.3 of Regulations effective May 12, 1958.

2516 EXCEPTIONS TO BUILDING LOT CONTROL (Residence Districts)

2516.1 If approved by the Board of Zoning Adjustment in accordance with the conditions set forth in §3108 of this title, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.

2516.2 The provisions of this section shall apply to construction on a lot that is located in, or within twenty-five feet (25 ft.) of, a residence district as designated in §105 of this title.

2516.3 In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans, for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; Provided, that the following requirements are met:

(a) The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans, and two (2) sets of typical floor plans and elevations; and

(b) If the applicant elects to submit the plans referenced in §2516.3(a) at a later date, the Board's original approval shall be conditioned, subject to a later public hearing and final decision on the project as a whole.

2516.4 The number of principal buildings permitted by this section shall not be limited; Provided, that the applicant for a permit to build submits satisfactory evidence that all requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to §2507), and §§3202.2 and 3202.3 are met.

2516.5 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

(a) The front of the building shall be the side upon which the principal entrance is located;

(b) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D. C. 20004
(202) 724-8052

CHARLENE DREW JARVIS
Councilmember-Ward 4
Chairperson
Committee on
Economic Development

Committee Member
Human Services
Housing and Urban Affairs
Labor and Human Rights

December 8, 1996

Jill Dennis
Director, Office of Planning
415 12th Street NW Suite 500
Washington, DC 20004

Dear Ms. Dennis:

As you know I have been working for the last 2 years to improve the District's retail climate. As part of this effort, I have been working with the DC Building Industry Association to identify specific initiatives to make our retail spaces more customer-friendly. We believe that one way to make streets more retail-friendly is to allow for the conversion of arcade space into retail space. This will pull retail space out to the building line (or perhaps to the minimum sidewalk line) and eliminate what are often dark and foreboding entrances to retail spaces.

We talked to your staff about this idea in October, and agreed that I would recommend this change to be included in the comprehensive plan modifications that you are working on. I believe that by allowing for the conversion of existing arcade space, even if this causes the reconfigured building to exceed allowable FAR, will make retail spaces more inviting to the consumer and more attractive to the retailer. The only additional issue that I believe may need to be addressed concerns buildings in historic districts. I will leave it to you whether this issue needs to be addressed in the amendment.

My proposed amendment to the District's Comprehensive Plan is:

Amend Chapter 11 of 10 DCMR, District Comprehensive Plan, add a new Section 1108(s) - "Support modification of the Zoning Regulation to encourage the success of ground floor retail and entertainment uses in the Central Employment Area by allowing arcade space in existing buildings that were built prior to January 1, 1997, to be converted as a matter of right to retail, entertainment, arts or service uses."

The DCBIA Retail Sub-Committee has assembled an excellent set of pictures of arcade spaces in existing properties that would be eligible to use this benefit. I have included this book for your review.

Again, thank you and your staff for your continued interest and cooperation in the revitalization of the District's retail environment.

Sincerely yours,

Charlene Drew Jarvis
Chair, Committee on Economic Development

EXHIBIT E

RECOMMENDED
COMPREHENSIVE PLAN
AMENDMENTS

1/31/97

EXHIBIT F

PROPOSED FOR ADOPTION

CHAPTER 1 GENERAL

1. Revise paragraph 107.2(a) and 107.2(c) as follows:

Community input into the implementation of the District elements will be assured by the requirement of a periodic review:

(a) Not less frequently than once every five (5) years, beginning March 31, 1999, the Mayor shall submit to the Council a report, accompanied by a proposed resolution, on the progress made by the government of the District of Columbia in implementing the Land Use Element of the Comprehensive Plan;

(b) The Council shall schedule a public hearing on the progress report and, following each review period, submit to the mayor the findings to the Council and a copy of the public testimony on the progress report: and

(c) Each progress report shall indicate the progress made in implementing the Land Use Element of the Comprehensive Plan by land use objective during the reporting period and the key projected implementation activities by land use objective for the next five years.

2. Revise paragraph 107.3(a) as follows:

"107.3(a) The amendments shall be submitted not less frequently than once every five (5) years, beginning March 31, 2002:

3. Revise the definition of the "Central Employment Area" (CEA) in subsection 199.1 as follows:

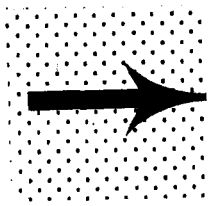
Central Employment Area (CEA) - the core area of the District of Columbia, where the greatest concentration of employment in the city and region is encouraged, which is bounded as follows: beginning at Dupont Circle. . . . east on the E Street Expressway and E Street, N.W., to 19th Street, N.W., north along 19th Street, N.W., to F Street, N.W., west on F Street, N.W., to 20th Street, N.W., north along 20th Street, N.W. to Pennsylvania Avenue, N.W., west along Pennsylvania Avenue, N.W., to 21st Street, N.W., north along 21st Street, N.W., to M Street, N.W., east along M Street, N.W., to 20th Street, N.W., to New Hampshire Avenue, N.W., to Dupont Circle on the west.

4. Revise the boundaries of "Central Employment Area" in subsection 199.1 as follows:

. . . . south on the 11th Street freeway to the northbound 11th Street, S.E., bridge, south along this bridge to 13th Street, S.E., south along 13th Street, S.E., to Good Hope Road, S.E., west along Good Hope Road, S.E., to Martin Luther King, Jr. Avenue, S.E., south along Martin Luther King, Jr. Avenue, S.E., to Pleasant Street, S.E., west along the rear property lines of the houses fronting on Chicago Street, S.E., to the Anacostia Freeway, south along the Anacostia Freeway and Firth Stirling Avenue, S.E., to South Capitol Street. . . .

CHAPTER 11 LAND USE

11. Add a new subsection 1108.1(s) to read:



Support modification of the Zoning Regulations to encourage the success of ground floor retail and entertainment uses in the Central Employment Area by allowing arcade space in existing buildings that were built prior to January 1,1997, to be converted as a matter of right to retail, entertainment, arts or service uses.

12. Revise paragraph 1115.1(f) as follows:

Relate small area plans, as appropriate, to the availability of facilities for transportation and environmental protection, including street and alley capacities, provision of parking, Metrorail and Metrobus service, water supply, sewage treatment, and solid waste management facilities to ensure integration of residential and commercial plans with facility capacities and needs;

13. Revise subsection 1118.10 as follows:

Small area action plan areas are areas designated for the preparation of small area action plans, which may include specific zoning recommendations, capital improvements requirements, financing strategies, special tax, design or other regulatory recommendations, and all the implementation techniques necessary for the realization of development projects.

14. Revise existing paragraph 1120.2(b) as follows:

Require public review of infill development to ensure that the proposed building will be compatible with the special character and scale of 16th Street and the immediate urban design context. The review should include consideration of the policies for designated Special Streets in the Urban Design Element and any urban design and architectural features criteria that may be developed for the area;

15. Revise subsection 1139.1 as follows:

Except as provided in subsection 1139.2 through 1139.57 of this title, the land use policies of this element are generally depicted on the District of Columbia Generalized Land Use Map, dated May 1995, which is attached to this element.

16. Revise subsection 1139.2 as follows:

Map 1 is amended in accordance with subsection 1139.3 through 1139.57.

17. Add a new subsection 1139.3 to read:

WMATA-owned land (lot 44) in Square 454, bounded by 7th Street, N.W., on the west, H Street, N.W., on the north, the western and southern property lines of the private and District of Columbia properties on the east and the MCI Arena on the south is included in the high density commercial land use category.

ALL

COMPREHENSIVE PLAN AMENDMENT PROPOSALS

DISPOSITION RECOMMENDED

1/31/97

EXHIBIT G

CHAPTER 11 LAND USE

Proposed Amendment Submission ID Number: 96-044

Proposer: Councilperson Charlene Drew Jarvis, Chair
Committee on Economic Development

Section: 1108 Policies In Support of the Commercial Areas Objectives

Proposed Change: Add a new subsection 1108.1(s) to read:

Support modification of the Zoning Regulations to encourage the success of ground floor retail and entertainment uses in the Central Employment Area by allowing arcade space in existing buildings that were built prior to January 1,1997, to be converted as a matter of right to retail, entertainment, arts or service uses.

Rationale: In concert with the D.C. Building Industry Association, there has been a joint effort to identify specific initiatives to make the District's retail spaces more customer-friendly. An initial product of that collaboration is the above proposed amendment which would allow the conversion of arcade space into retail space by pulling that space out to the building line and eliminating what are often dark and foreboding entrances to retail spaces. It is our belief that allowing for the conversion of existing arcade space, even if this causes the reconfigured building to exceed allowable FAR, will make retail spaces more inviting to the consumer and more attractive to the retailer.

NOTE: All proposed text additions are in boldface: proposed text deletions are in ~~strikeout~~.

Analysis:

Arcades have long been considered to be urban amenities. They provide shelter from hot sun, rain and snow, extend the width of the sidewalk, establish a consistent frame for retail shops set back from the street and help to define the base of the building. However, while arcades do often accomplish some or all of the above objectives, the reality is that this occurs at the expense of other objectives, including the critical objective of enhancing the vitality of the retail function itself.

Arcades are typically somewhat dark during the day and thus can be uninviting. They may invite the pedestrian on hot, sunny, summer days but repel the pedestrian on cold, sunny, winter days. They remove by the depth of the arcade the excitement of merchandise displays and discovery of the interior of the retail space from the automobile, the pedestrian on the sidewalk across the street and the pedestrian on the same side of the street who remains on the sidewalk beyond the arcade.

The arcade was invented by an architect, not by a retailer. The architect's goal is to preserve the integrity of the architectural design and effectively control the potentially chaotic appearance of the retail function at the street floor by diminishing its visual presence. A retailer would never design a building to distance his or her front door and single chance of catching the eye of a potential customer by placing the store away from the sidewalk, under an arcade.

Successful retail is the key to the success of Downtown as a vibrant, active, people place. It is the key to encouraging pedestrian movement throughout Downtown. This is particularly important in Washington, where the height limit and resulting lower density of development result in the need to connect the spread out retail, entertainment, residential and office components of Downtown with pedestrian friendly sidewalks. It is not clear that the infill of existing arcades will occur except as a byproduct of the major renovation of a building, and it is also not clear that it will result in any significant addition of retail space as a result of that infill. However, the proposed amendment will likely end up being an important ingredient of a comprehensive strategy anticipated to be forthcoming from the work of the Interactive Downtown Task Force and an upcoming consultant study of a major section of Downtown.

Recommendation: Recommended for adoption.

NOTE: All proposed text additions are in boldface; proposed text deletions are in ~~strikeout~~.

(o) Support modification of the Zoning Regulations (11 DCMR §100 *et seq.*) to provide that hotels and other transient uses do not meet the residential or housing objectives for mixed use commercial and residential ("CR") development;

(p) Explore utilization of the National Trust for Historic Preservation's "Main Street" program as a means of revitalizing local neighborhood and multi-neighborhood commercial centers;

(q) Preserve development rights for projects in approved urban renewal plan areas when these areas become subject to zoning, in those instances where property owners purchased additional development rights from the Redevelopment Land Agency, such as the development rights for Square 536 in the Southwest "C" Urban Renewal Area;

(r) Encourage the Zoning Commission to expedite the rezoning of Square 213 to the C-4 zone district to encourage the retention and expansion of the National Association of Home Builders at this site, except for the Native American burial ground at this site which is to be perpetual park land. Any development on that square is to respect the historical significance of this special site;

(s) Support modification of the Zoning Regulations to encourage the success of ground floor retail and entertainment uses in the Central Employment Area by allowing arcade space in existing buildings to be converted as a matter of right to retail, entertainment, arts or service uses; and

(t) Encourage the expansion of existing hotels, including the addition of one floor, approximately sixteen feet in height, to the Hay Adams Hotel.

1109 OBJECTIVES FOR PRODUCTION AND TECHNICAL EMPLOYMENT AREAS

1109.1 The objectives for production and technical employment areas are to encourage the growth of centers of high technology, researchs and development, and to provide for essential support services and nonpolluting production activities.

1110 PRODUCTION AND TECHNICAL EMPLOYMENT LAND USE CATEGORY

1110.1 The production and technical employment land use category includes the following:

(a) Restructured industrial land intended to encourage growth industries and industries with a high ratio of employees to land area occupied, such as office support services, communications, printing and publishing, wholesaling, transportation services, food services, and tourism support services;