

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin^{S3}
Secretary to the Zoning Commission
Date: July 23, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 1, 2008:

1. Z.C. Notice of Public Hearing (Case No. 08-06-4).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-4

EXHIBIT NO. 1

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ZONING COMMISSION
District of Columbia
CASE NO.08-06-4
EXHIBIT NO.1

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, September 18, 2008, @ 6:30 PM**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220
 Washington, D.C. 2001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06-4 (Comprehensive Zoning Regulations Rewrite: Arts & Culture)

THIS CASE IS OF INTEREST TO ALL ANCs

This Notice of Public Hearing announces the fourth of several proposed subject areas the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All recommendations offered by the Office of Planning ("OP") under this docket have been reviewed by a working group and a subject matter task force as part of a process designed to ensure full public participation. Nevertheless, this process cannot replace or limit the public hearing process required in the Zoning Act or the Commission's responsibility to consider the merits of each proposal submitted.

This hearing will consider general recommendations for changes to the zoning regulations in relation to arts and arts-related uses. The proposal reflects changes to the required type and amount of arts space in arts districts. It proposes the creation of new arts districts. The proposal also proposes specific changes to promote arts uses in various locations and zones in the city.

This hearing, like all others to follow under this case number, is being scheduled without adherence to the set-down requirements stated at 11 DCMR § 3011 because the Commission waived the requirement at its public meeting held April 14, 2008. The Commission also waived the requirement that a pre-hearing statement be submitted before hearing notices can be published.

It is not expected that the Commission will take proposed action with respect to these recommendation, but that it will make determinations at a public meeting that will serve as guidance for drafting revisions to the zoning regulations pertaining to arts uses and other relevant subject matters.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Recommendations

A. NEW ARTS DISTRICTS

Establishment of:

1. **Create stand-alone arts districts instead of arts overlays.**
2. **Map the existing Downtown, Uptown and H Street arts areas into such a District.**
3. **Create a single template set of provisions that would apply to all existing and future Arts Districts with each district having only such additional provisions as are necessary to address such specific incentives and controls as are needed.**
4. **Create new arts districts in areas generally suitable for commercial uses (i.e. areas that are currently zoned commercial or shown on the Comprehensive Plan land use maps as suitable for commercial). The number of new districts should be enough to fulfill the District's goal of making arts available throughout the city, but not so many that the market is oversaturated with arts space.**

Required and permitted uses.

5. **Require that all new and substantially renovated properties devote a minimum of 0.5 of their FAR to arts uses.**
6. **Permit, but not require Retail and Service Uses**

Reason: Eliminating non-arts use requirements would simplify the regulations and make the provision of arts easier.

7. **Continue to permit the use of combined lot developments to allow one property in an arts district to allocated its arts use requirement to one or more lots in the same district, but disallow the use of combined lots to allocate actual density.**

Reason: Combined lots have been used in the ARTS Overlay to transfer density from one lot to another. This allows one lot to exceed matter of right FAR to the extent that another lot is willing to permanently forgo development.

Incentives for certain Arts Use Groups.

8. **Provide a 1 to 1 FAR bonus for certain preferred arts use groups up to a maximum amount dependant upon the zone District and require a covenant binding the property owner to provide a preferred use in perpetuity.**

Reason: Although bonus density is provided for in the ARTS Overlay, a covenant is only required when that density is transferred through a combined lot, leaving no enforcement mechanism should the use be changed.

9. **Permit the transfer of bonus density as TDRs to another property in the same arts district up to a maximum FAR dependant on the particular zone district.**

Reason: Currently, combined lot developments are used to transfer bonus density in the Arts Overlay. The device has proved cumbersome. TDRs are used in DD for the same purpose and are simpler to administer and calculate than a combined lot development.

Ground Floor design and use requirements on “Primary Streets”.

10. **Designate streets that serve as the principal pedestrian and retail streets as “primary streets” for the purpose of identifying areas that will subject to special design criteria and street frontage requirements.**

Reason: By designating Primary Streets, special design criteria can be put in place that impact only those street frontages. These criteria are intended to foster a pedestrian environment and an active streetscape.

11. **Require new or substantially renovated buildings on a primary street to comply with**

- a. **Street frontage design requirements** such as those found in §1903 of the Uptown overlay calling for pedestrian safety, building mass on the property line, display windows and business entrances, except that the minimum ground floor ceiling height in an arts district for new or substantially renovated buildings should be reduce from 15 to 14 feet clear.

Reason: These standards help create an active pedestrian environment and vital neighborhoods. Pedestrian mobility and active neighborhoods are goals of the Comprehensive Plan. A height of 14 feet is used in various parts of the District as an appropriate height for ground floor uses. A similar requirement in arts areas will help provide enough volume for arts uses to operate.

- b. **Ground floor use requirement** that 100% of the ground floor street frontage on Primary Streets must be an arts, retail or service use, or an entrance to a residential or office building. This provision would apply even if the arts uses are transferred to another development via a transfer mechanism.

Reason: In addition to the design requirements described above, the uses at street level also contribute to sidewalk activity and neighborhood vitality.

B. ARTS USES IN RESIDENTIAL AREAS

12. **Allow art uses in appropriate residentially zoned locations with special exception review required based upon FAR limits and lot size thresholds.**
13. **Allow certain arts uses as home occupations.**
14. **Allow an artist studio as a principal use if two or more artists who will use the studio space reside in the same structure.**
15. **Artist studios should continue to be permitted in private garages and on alley lots.**

PROCEDURES

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

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Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR., PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.