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PLEASE REPLY TO:
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October 10, 2008

The Hon. Anthony Hood, Chairman
Zoning Commission
441 Fourth Street, N.W.
Washington, DC 20001

Dear Mr. Chairman:

Re: Zoning Case 08-06-3 – Loading
Zoning Case 08-06-4 – Arts

Enclosed please find follow-up comments of The Committee of 100 on the Federal City regarding proposed changes in regulations relating to Loading and to the Arts.

The Committee recommends that the Zoning Commission hold a roundtable at which the related governmental agencies – OP, DDOT, DPW, and the Zoning Administrator – can offer integrated proposals based on their programmatic responsibilities for Loading, as well as for Parking. The public, too, deserves the opportunity to inquire further into what will change in their communities.

We also restate our strong opposition to eliminating the Arts overlays in order to create a “stand-alone Arts zone.” We believe such a change would be impractical, an inconsistency with the Comprehensive Plan, and a highly destabilizing force.

We welcome your consideration of these views.

Sincerely,


Barbara Zartman
Zoning Chair

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-4
EXHIBIT NO. 13

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ZONING COMMISSION
District of Columbia
CASE NO.08-06-4
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Proposed Amendments to Zoning Regulations Governing the Arts

ZC 08-06-4 – October 10, 2008

The Committee of 100 on the Federal City

At the last hearing there may have been some confusion about the degree of concern the Committee was expressing about elements of the Office of Planning proposal for Arts zoning. This submission is intended to clarify any misunderstanding. Among the provisions that troubled us most are:

- **Create stand-alone arts districts instead of overlays.**

We asked that the Commission clarify whether it would accept overall zoning schemes that eliminate or seriously reduce the use of overlays.

We recognize the preference that the Office of Planning has expressed for eliminating overlays. However, the overlays serve real purposes and provide real benefits in a range of neighborhoods, which we believe will strongly defend their continued existence. Proposals are coming to you for overlays in Retail zones, among other areas.

Moreover, as ANC Chair Nancy MacWood has indicated in her recent testimony, there are clear Comprehensive Plan policies for the Arts with which elimination of overlays would be inconsistent.

We believe that retention of basic zoning schemes under an arts overlay is precisely what is needed for the Arts. It is not even clear to us how a stand-alone arts zone could function without recreating underlying zoning. The goals offered for the recommendation – eliminating inconsistencies, unified promotion of arts through zoning, etc. – are all goals that can well be accomplished through a revised overlay.

- **Accept a widely expanded list of Arts uses, including bars and fast-food shops, as legitimate Arts disciplines worthy of bonus density.**

Some uses have demonstrated that they do not need subsidies to expand; others may be more worthy of support, but they require the vigor of a Use Variance when a property zoned Residential is proposed to be changed to an Arts zone that could be highly intrusive.

- **What are primary streets, and what are the implications for the designation?**

OP has offered no further clarification of how a “primary street” will be chosen or what the designation will bring with it.

The Committee added a number of other comments which we believe are significant; we welcome your consideration of them all.