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September 18, 2008

Secretary of the Zoning Commission
Office of Zoning
441 4th Street NW, Suite 210
Washington, DC 20001

Re: Testimony in Reference to case no. 08-06-4 (Comprehensive Zoning Regulations Rewrite: Arts and Culture)

On behalf of the Washington, DC arts community, Cultural Development Corporation (CuDC) respectfully submits this testimony in response to case no. 08-06-4 – Comprehensive Zoning Regulations Rewrite: Arts and Culture. CuDC is privileged to have spent the past ten years creating arts spaces, empowering artists and enriching our community. We applaud the District for enhancing the zoning code to support arts needs and opportunities. In reviewing the proposed changes to the zoning code, we would like to offer our insights into making these new codes most effective and impactful.

Artists are essential to the District's economy. On a national level, the arts create 5.7 million full-time equivalent jobs, provide \$7.9 billion in local government revenue and over \$12.6 billion in federal income tax revenue.¹ The District has the ability to tap into this pool through the continued support and growth of the existing cultural framework. Appropriate supportive zoning ordinances enable the arts to continually thrive and develop in the District. These ordinances must be established with the vision of how the arts can benefit local communities and DC residents, while examining current area conditions. **Arts can be a tool to enrich the city if supported and executed comprehensively through zoning, as well as tax incentives, grant funds, streetscape improvements and transportation enhancements.**

In order to ensure the appropriate use of the arts overlay districts, we must be cautious of the total area, throughout the District, that adopts these guidelines. Designating too much area may too quickly oversaturate the market, or lead to the prevalence of second tier arts uses. Among potential arts district list identified through the working group meetings, we feel a few areas are ripe for the expansion of the arts. These include:

- Benning/Minnesota Area;
- Brookland; and
- Anacostia.

¹ Americans for the Arts. *Arts and Economic Prosperity* 2007.

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-4
EXHIBIT NO. 6 (revised)
ZONING COMMISSION
District of Columbia
CASE NO. 08-06-4
EXHIBIT NO. 6

Additionally, we feel a hybrid mix of some of the following, but not all, would further create a District wide inclusion of the arts, including:

- Deanwood;
- Eckington/Truxton Circle;
- Florida and H Streets, NE;
- Florida Avenue Market;
- Fort Totten/South Dakota Avenue;
- NoMA; and
- Rhode Island Avenue.

Also, please consider the physical limitations of potential and/or typical sites to be developed. Most existing, underutilized neighborhood building stock are relatively small and narrow and subject to historic preservation and other code issues. The encouragement of combined lot development (CLD) and the development of a program that allows for trades and/or buyouts is crucial to the effective development of arts districts. These tools will allow for the creation of larger, more effective arts “blocks” throughout the district, as opposed to many small, segregated, often underproductive spaces. To effectively utilize CLD’s we must also ensure that there are appropriate, and enough, receiving zones. The arts will further be integrated throughout the District by enabling selected arts uses in residential zones as highlighted in the recommendations.

The development of the PAUL list will help streamline development of appropriate arts uses throughout the District. We applaud the consolidation of this list and the additional FAR bonuses provided for creating arts uses highlighted in PAUL. However, we would like to caution against making the list too specific. Art is an evolving, interdisciplinary field whose uses are very difficult to categorize or itemize completely. Some areas that we noticed to be absent from the PAUL list include: a scene shop, a prop shop, a costume shop and a dance studio; other uses or hybrid uses certainly exist or will soon. Looking from the other side, we question the inclusion of a fast food establishment, part of the Entertainment Use Group, as a preferred arts use. By allowing developers to include fast food establishments, restaurants and bars as a preferred use – where is the incentive to include more evocative arts uses, such as galleries, performance venues and working studios?

The importance of having clear definitions of arts terms is key to enabling the zoning ordinance to be effective. The proposed definition of Art Gallery requires that more than 50% of income be derived from sales. While this is an appropriate model for for-profit galleries it does not allow for the establishment of non-profit galleries that prioritize programming, not sales and rely on contributed income streams. Differentiating between non-profit and for-profit galleries will allow for the display of a greater variety of artwork. The language surrounding Arts Incubator highlights the ability, via subcategory d, to include a selection of uses. This language is ambiguous as to whether an arts incubator is limited to these uses, or these are just some suggestions. Additionally, subcategory f restricts the sale

and performance of art to six displays/productions per a year. However, subcategory d allowed for the inclusion of legitimate theater. Restricting an incubator space to only six performances does not allow for legitimate theater to flourish, or for the growth of individuals and/or organizations in the incubator process.

In the calculation of FAR bonus allowances, item c highlights art center, art school... legitimate theater, etc. in access of 40,000 square feet. Many of these uses do not require this much square footage, and we therefore suggest lowering this number to at least 10,000 sq. ft.. Local institutions reflect the ability to affectively create these spaces in smaller footprints. The Patricia M. Sitar Center for the Arts is about 10,000 sq. ft.; Source is about 8,000 sq. ft; and H Street Playhouse is about 5,000 sq. ft.

Supportive zoning will enable the creation of arts districts, but it is important that visitors are aware that they are now in an arts zone. We recommend incorporating streetscape design (lighting, street furniture, signage and greenery), wayfinding and façade improvement programs to enhance the visibility and cohesion of districts. This program, similar to the program done on H Street NE, would further improve existing and new arts districts. Visitors will also recognize they have arrived in an arts district by ensuring arts uses are highly visible at the street level. While it is commendable to require 100% of ground floor street frontage to include arts uses, allowing the option of entrances to residential or office buildings opens the door to relegate required arts uses to basement or other inappropriate locations. This requirement must also address buildings that do not have alley access and require a percentage of square footage to include loading docks and/or parking garage entrances. Additionally, in buildings with small floor plates it may not be feasible to include a PAUL use on the first floor. This further speaks to the need to have a transfer and/or buyout option in place.

The draft recommendations also note that residential or studio space for artist should be recognized as an amenity item in the PUD process. This space, as noted, should be sold or leased at 50% of market rate value. We would advocate a slight change in the wording to read, “should be sold or leased at no more than 50% of market rate value”. Furthermore, we request that arts uses in Industrial Zones not be restricted to the Industrial Arts Use Group from PAUL. The description notes that these zones should be reserved for arts uses that have a higher level of impact on their surrounding then other arts uses. While the description may be accurate, the Industrial Arts Use Group does not include all of these uses – what about percussive dance, band rehearsals or a recording studio?

CuDC would also like to advocate for parking equations to reflect the variety of arts uses. Artist live/work space in a CM zone is one example. Do parking requirements follow commercial or residential calculations? Though we would advocate commercial for this example, we feel it is important for the Zoning Commission to look at parking requirements for the various types of arts uses allowed.

The arts districts must be comprehensive planning efforts, resulting from deliberate decisions with community engagement. The reward should be a package of enhancements – tax abatements, streetscape improvements, transportation enhancements, grant funds – in addition to zoning relief, bonus density and CLD options. Only with such a comprehensive approach will we realize the dynamic benefits arts communities can provide our city and its residents.

CuDC looks forward to the creation of new, more effective arts related zoning regulations and appreciates the Commission's consideration of our comments. For any questions or follow-up please contact Ilana Branda, Manager Housing and Community Development at 202.315.1324 or ilana@culturaldc.org.

Thank you for your attention and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne L. Corbett", with a stylized, flowing script.

Anne L. Corbett
Executive Director

Cc: Adrian M. Fenty, Mayor, District of Columbia; Neil O. Albert, Deputy Mayor, Planning and Economic Development; Harriet Tregoning, Director Office of Planning