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Executive Director

Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 08-29

JUN 8 2009

Zoning Commission of the
District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I found that the proposed text amendment to the District of Columbia Zoning Regulations to allow an additional exception to the residential requirement of the Uptown Arts Overlay/Commercial Residential Zone would not be inconsistent with the Comprehensive Plan for the National Capital nor would it adversely affect any other identified federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosure

cc: Harriet Tregoning, Director, D.C. Office of Planning
Anthony Hood, Chairman, Zoning Commission

ZONING COMMISSION
District of Columbia

CASE NO. 08-29
EXHIBIT NO. 10

District of Columbia
ZONING COMMISSION

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District of Columbia
CASE NO.08-29
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**TEXT AMENDMENT
EXCEPTION TO THE RESIDENTIAL REQUIREMENT OF THE UPTOWN ARTS
OVERLAY/COMMERCIAL RESIDENTIAL (ARTS/CR) ZONE**

Washington, DC

Referred by Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

MAY 29 2009

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. §8724(a), and DC Code §2-1006(a), I find that the proposed text amendment to the District of Columbia Zoning Regulations to allow an additional exception to the residential requirement of the Uptown Arts Overlay/Commercial Residential (Arts/CR) Zone would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.

* * *

The Zoning Commission of the District of Columbia has taken a proposed action to approve a text amendment to § 1902.3 of the District of Columbia Zoning Regulations to allow an additional exception to the residential requirement of the Uptown Arts Overlay/Commercial Residential (Arts/CR) Zone.

In November 1989, the Zoning Commission created the Uptown Arts Overlay. The overlay supplements the regulations of four underlying zoning districts – C-2-A, C-2-B, C-3-A, and CR, in the vicinity of 14th, U, and 7th Streets, NW and Florida and Georgia Avenues, NW. The purpose of the overlay, as outlined in the Zoning Regulations, is to encourage: a mix of uses, a high level of pedestrian activity, a safe environment for pedestrian and vehicular movement, and an increased presence of arts, cultural, and related support uses.

In the Arts/CR zone, the emphasis on residential use is reinforced by a 2.5 FAR minimum requirement for all properties, with some exceptions. The proposed text amendment proposes an additional exception that eliminates the 2.5 FAR minimum residential requirement within the Arts/CR district for buildings that contribute to a historic district or are designated a landmark,

have at least 0.5 FAR occupied by or reserved for one of the uses set forth in 1908.1 (except (m) and (u)), and at least 0.25 FAR occupied or reserved as a minimum floor-to-ceiling clear height of at least 20 feet.

The proposed text amendment to the Zoning Regulations Chapter 19, Uptown Arts-Mixed Use Overlay (ARTS) District, Section 1902, Height and Bulk, § 1902.3, is proposed to be amended as follows with **new text shown in bold and underlined**:

1902.3 In the underlying CR District, development of a lot or lots in a combined lot development pursuant to § 1905 shall provide not less than 2.5 floor area ratio (FAR) of residential or hotel development subject to the spacing requirement of 1901.2 concurrent with any commercial development on the lot or combined lots; provided:

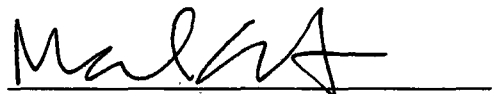
(a) This requirement shall not apply to:

(1) A lot or a combined lot have less than seven thousand five hundred square feet (7,500 ft.²) of land area or to conversion of a building constructed before 1958 to nonresidential uses; or

(2) **A building that contributes to a historic district or is designated a landmark, and that has at least 0.5 FAR occupied by or reserved for one or more of the uses set forth in § 1908.1, other than 1908.1(m) and 1908.1(u), and at least 0.25 FAR of the space so occupied or reserved has a minimum floor-to-ceiling clear height of twenty (20) feet;**

(b) In development in which residential development is required by this subsection, a certificate of occupancy for commercial or non residential uses shall not be issued prior to the issuance of a certificate of occupancy for a residential or hotel component.

The proposed text amendment would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.



Marcel C. Acosta
Executive Director