

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of Zoning**



**MEMORANDUM**

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**To:** Office of Documents and Administrative Issuance (via-email)  
**From:** Sharon S. Schellin <sup>83</sup>  
Secretary to the Zoning Commission  
**Date:** March 2, 2009  
**Re:** Publication for the Office of Zoning

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Please publish the following in the *D.C. Register* on March 6, 2009:

1. Z.C. Notice of Public Hearing (Case No. 08-29).

Attachment

ZONING COMMISSION  
District of Columbia  
CASE NO. 08-29  
EXHIBIT NO. 2

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

**TIME AND PLACE:**            **Thursday, April 30, 2009, @ 6:30 p.m.**  
                                 **Office of Zoning Hearing Room**  
                                 **441 4<sup>th</sup> Street, N.W. Suite 220-S**  
                                 **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Case No. 08-29 (Text Amendment to Create an Additional Exception to the Residential Requirement of the Uptown Arts Overlay/Commercial Residential (Arts / CR) Zone).**

**THIS CASE IS OF INTEREST TO ANCs 1B AND 2B**

The Office of Planning (“OP”), in a report dated October 31, 2008, petitioned the Zoning Commission for a text amendment to add flexibility to the use mix in the Uptown Arts Overlay/CR district by creating an additional exception to the residential requirement of that zone. The Zoning Commission set the case down for a public hearing at its regularly scheduled public meeting held on November 10, 2008. The OP report served as the pre-hearing submittal for the case.

The Uptown Arts Overlay is a zoning tool used to foster the creation of an area of 18 hour activity. The overall goal is economic development through the arts, with a strong residential component to support the arts uses and street activity. In the Arts / CR zone, the emphasis on residential uses is reinforced by a 2.5 FAR minimum requirement for all properties, with some exceptions. The proposed text amendment would add another exception.

The proposed text amendment would eliminate the 2.5 FAR minimum residential requirement within the Arts / CR district for buildings that: (1) contribute to the historic district or are designated a landmark; (2) have at least 0.5 FAR occupied by or reserved for one of the uses set forth in 1908.1 (except 1908.1(m) and (u)); and (3) at least 0.25 FAR occupied or reserved has a minimum floor-to-ceiling clear height of at least 20 feet.

The following amendments to Title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed:

Chapter 19, Uptown Arts-Mixed Use Overlay (ARTS) District, Section 1902, Height and Bulk, § 1902.3, is amended as follows (new text is shown in bold and underline form):

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 having less than seven thousand five hundred square feet (7,500 ft.<sup>2</sup>) 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 developments in which residential development is required by this subsection, a certificate of occupancy for commercial or nonresidential uses shall not be issued prior to the issuance of a certificate of occupancy for a residential or hotel component.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, 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.

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001. Please include the number of this 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, WILLIAM W. KEATING, III, PETER T. MAY, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**