



ADVISORY NEIGHBORHOOD COMMISSION 2F
Government of the District of Columbia
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June 8, 2010

Mr. Konrad Schlater
Chairman-Designate, DC Zoning Commission
Office of Zoning
Government of the District of Columbia
One Judiciary Square
441 4th Street NW, Suite 210S
Washington, DC 20001

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D.C. OFFICE OF ZONING
2010 JUN -9 AM 9:06

Re: DC Zoning Commission Case 10-07

Dear Mr. Schlater:

At a duly called public meeting on June 2, 2010, and with a quorum present and acting throughout, Advisory Neighborhood Commission 2F ("ANC 2F") voted unanimously (6-0) to advise the Zoning Commission to adopt the DC Office of Planning's May 28, 2010 recommendations for text amendments to Chapter 19 – Uptown ARTS Overlay of the DC Zoning Regulations concerning eating and drinking establishments.

The Office of Planning's recommendations concerning eating and drinking establishments in the Uptown ARTS Overlay District closely reflect the recommendations of ANC 2F's ARTS Overlay Review Committee (the "Review Committee").

As you know, in 2009 ANC 2F established the Review Committee, which comprised local residents, a local artist and developer, a local restaurateur, and the owner of local service and retail businesses. The Review Committee held eight duly called public meetings in the summer of 2009 in which interested organizations and members of the public were encouraged to participate to discuss the zoning issues affecting our Arts District. Review Committee members then participated in nine additional public meetings during August and September 2009 at which the Review Committee's zoning recommendations were presented and discussed. Participants in this outreach process came from all backgrounds: community leaders; artists; theater and gallery owners; individual residents; retailers and other business owners; restaurateurs; bar and club owners; developers; DC government officials; independent planning and zoning experts; and many property owners located throughout the 14th and U Streets' corridors.

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CASE NO. 10-07
EXHIBIT NO. 10

The Review Committee's report and recommendations (available online at <http://www.anc2f.org/arts/>) were the consensus product of a process of collaboration unprecedented in this community. That collaboration encompassed 130 participants, three nearby ANC's, three major neighborhood associations, the MidCity Business Association, and the MidCity Artists Group, all of which organizations voted to endorse the Review Committee's recommendations and urge their adoption.

In reviewing the then-existing limitation of 25 percent on restaurants and bars under the zoning regime, the Review Committee found that use limitations on restaurants and bars play an essential role in ensuring development of a vibrant and balanced (arts/retail/restaurants) arts district. While arts businesses, retailers and restaurateurs agree that there is a symbiotic relationship between these three uses generally (for example, restaurants and bars play an important role in promoting nighttime foot traffic in arts districts and often partner with arts uses), restaurants and bars can impair daytime foot traffic (which many arts and retail uses require to survive) and drive up rents.

Thus, although the then-current limitation provision on eating and drinking establishments needed updating, its original purpose of preserving the vibrancy of the daytime streetscape (by limiting the proportion of uses that may be closed during the day) remains valid. Without a limitation of this kind, there is a significant risk that restaurant and bar uses crowd out retail and other uses at the streetscape level and harm the daytime street activity, which is critical for a balanced mixed-use (arts/retail/restaurant) environment to survive and thrive. This theoretical risk has already become a reality in a few spots within the ARTS Overlay District.

While a use limitation of this kind is warranted in order to retain a balanced mix of uses in the Arts District, retail models have evolved considerably over the 20 years since the ARTS Overlay was introduced. How people shop has changed. Many retail uses now rely increasingly on Internet sales rather than simply on-site business in retail stores. The Review Committee concluded that it is now counterproductive to reserve 75% of the frontage on 14th and U streets for non-restaurant and bar uses. A substantial level of community consensus emerged during the review that a level of 40-50% is the appropriate maximum frontage that should be occupied by restaurants, bars and similar uses on the 14th and U Street corridors within the ARTS District.

With this expansion in allowable restaurant/bar frontage to 40-50% along 14th and U streets, the Review Committee concluded that it would be inappropriate for a special exception procedure to be able to (routinely) take this level above 50%. *It is the community's strong view that the level of 50% should be viewed as an absolute maximum, above which any proposed increase in restaurant/bar frontage should require meeting the higher standards of a variance test.*

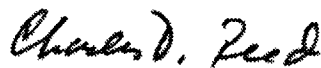
Regarding measurement, the Review Committee examined in detail the four measurement options for this provision that were identified by OP in its work on the Zoning Review, and discussed these options with the community. Overwhelmingly, the option supported was OP's "Option 1" which retains linear frontage as the unit of measurement. Linear frontage is the measurement option that most closely corresponds with the purpose of this provision.

ANC 2F supports OP's May 28 2010 report and recommendations to the Zoning Commission clarifying how the linear frontage measurements should be calculated, including the switch to applying the limit square by square rather than measuring it over the entire measure applicable frontage along 14th and U Streets. In the Review Committee's view, this approach has the significant advantages of: (i) being easily able to be tracked and monitored by the Zoning Administrator (since the zoning square is a basic part of each lot's identifying address); (ii) spreading the benefits (and burdens) of restaurants, bars and like uses much more evenly and fairly throughout the ARTS District; and, (iii) almost certainly avoiding any situation of a de-facto moratorium on these uses arising within the ARTS District since, while one zoning square may have reached its limit, other zoning squares elsewhere in the district would almost certainly continue to have room under the limit to be able to accommodate eating and drinking establishments.

Finally, while it is outside the limited scope of the text amendments under consideration by the Zoning Commission in Case No. 10-07, it is important to note for the record the Review Committee's conclusion that the expansion in the frontage limitation on eating and drinking establishments (from 25 percent to 50 percent) was only acceptable to the community in the context of the removal of restaurants, bars and similar uses from the list of preferred uses in Chapter 19. We understand from OP that this question of preferred uses will be addressed later in the context of the Zoning Regulations Review.

We respectfully note that the action of our ANC referred to at the outset is formal and, as such, is entitled to be accorded "great weight" under the Advisory Neighborhood Commission Act, DC Code §1-309.10.

Sincerely yours,



Charles D. Reed
Chairman, ANC 2F

Attachment

cc: Ms. Harriet Tregoning, Director, DC Office of Planning
Ms. Jennifer Steingasser, Deputy Director, DC Office of Planning
Mr. Joel Lawson, Associate Director, DC Office of Planning
Ms. Andrea Doughty, Chair, ANC 2F Arts Overlay Review Committee