

Commission Members

Presidential Appointees

L. Preston Bryant, Jr., Chairman
Herbert F. Ames
John M. Hart

Mayoral Appointees

Arrington Dixon
Stacie S. Turner

Ex Officio Members

Secretary of Defense
The Honorable Robert M. Gates

Secretary of the Interior
The Honorable Ken Salazar

Administrator
General Services Administration
The Honorable Martha Johnson

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Joseph I. Lieberman

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Edolphus Towns

Mayor
District of Columbia
The Honorable Adrian M. Fenty

Chairman
Council of the District of Columbia
The Honorable Vincent C. Gray

Executive Director
Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 10-07

JUL 08 2010

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 Zoning Regulations of the
District of Columbia for the Uptown Arts-Mixed Use Overlay District would not
be inconsistent with the Comprehensive Plan for the National Capital, nor would
it adversely affect any other 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, District of Columbia Office of Planning
Anthony Hood, Chairman, Zoning Commission

ZONING COMMISSION
District of Columbia

CASE NO. 10-07
EXHIBIT NO. 18
ZONING COMMISSION
District of Columbia
CASE NO. 10-07
EXHIBIT NO. 18

RECEIVED
D.C. OFFICE OF ZONING

2010 JUL 12 PM 11:46



NCPC File No. ZC 10-07

**TEXT AMENDMENT TO THE UPTOWN ARTS-MIXED USE (ARTS)
OVERLAY DISTRICT**

Washington, DC

Referred by the Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

JUN 29 2010

Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and 40 U.S.C. §8724(a), and DC Code §2-1006(a), I find that the proposed text amendment to the Uptown Arts-Mixed Use (ARTS) Overlay District (11 DCMR 1900) would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other federal interests.

* * *

The Zoning Commission of the District of Columbia has taken a proposed action to amend the Uptown Arts-Mixed Use (ARTS) Overlay District so as to increase the amount of linear street frontage allowable for eating and drinking establishments along 14th Street, NW and U Street, NW. Currently, Section 1901.6 of the Overlay limits these specific types of establishments to "no more than 25% of the linear foot frontage ...as measured along the lots fronting on 14th Street and U Street, NW." It has been established that the 25% limitation has been reached and therefore any new eating and drinking establishments will require special exception approval of the Board of Zoning Adjustment (BZA). On April 26, 2010 the Zoning Commission adopted an emergency rulemaking to temporarily increase the eating and drinking establishment limitation to 30% in advance of taking up the proposed text amendment. The emergency rulemaking is set to expire on August 24, 2010, or upon the proposed text amendment taking effect.

The proposed text amendment will increase the eating and drinking establishment limitation to 50% and change the method by which it is measured. It will also clarify that the limitation applies only to ground-floor frontage. Under the proposed regulation, the 50% limitation would be measured on a square-by-square basis, excluding any area of right-of-way. Therefore, for each

square located within the Overlay, eating and drinking establishments will be permitted to occupy up to half of the ground-floor frontage along 14th Street or U Street.

In addition to the amendments described above, the proposal also amends the BZA authority over eating and drinking establishments in the Overlay. Currently, the BZA is empowered to grant relief from the existing 25% limitation by way of a special exception. The proposed text amendment will disallow such special exception relief from the 50% limitation, thereby leaving variances as the only available relief.



Marcel C. Acosta
Executive Director