

Appendix G: The Committee's Zoning Recommendations: Consolidated List

Recommendation 1:

The ARTS Overlay Committee recommends that the new "ARTS zoning template" provisions be applied as a stand-alone "ARTS" zoning district.

Recommendation 2:

Alternatively, if the overlay model is retained to designate Arts Districts, the Committee recommends that the existing Uptown ARTS Overlay District be split into two ARTS Overlay Districts (the "14th Street Corridor ARTS Overlay District" and the "U Street Corridor ARTS Overlay District").

Recommendation 3:

The Committee recommends that the application of the new ARTS zoning template as part of individual commercial districts not be supported.

Recommendation 4:

The Committee recommends that zoning within ARTS Districts be brought into a measure of basic zoning conformity where necessary.

Recommendation 5:

The Committee recommends that where undeveloped city-owned parcels that currently have inappropriate uses and/or inappropriate zoning are contiguous to ARTS Districts, these sites should be integrated wherever possible into the ARTS District zone.

Recommendation 6:

The Committee recommends that the new ARTS zoning template provide for the possibility that the maximum zoning envelope in ARTS Districts be able to be allocated flexibly between residential and commercial uses.

Recommendation 7:

The Committee recommends that sites within ARTS Districts that face environmental remediation issues (including title caveats that prevent future redevelopment as residential uses) should have the right to develop the full zoning envelope permitted in that ARTS zone for commercial use.

Recommendation 8:

The Committee recommends that the Zoning Commission be asked to issue a revised "Arts & Culture Guidance Note" with some urgency (i.e. during 2009) so that the further Zoning Review work on the Arts & Culture subject area will reflect the Commission's consideration of the recommendations contained in this report.

Recommendation 9:

The Committee recommends that OP's draft "Proposed Arts Use List" (PAUL) be revised to remove restaurants and bars from the list of Arts uses and to provide a tiered structure that makes allowance for the varying financial competitiveness of different types of arts uses, along the lines of the Committee's revised PAUL proposed in Appendix E.

Recommendation 10:

The Committee strongly supports the Zoning Commission's guidance that new construction in Arts Districts be required to provide a minimum level of space for Arts uses, but recommends that this requirement be defined in terms of Gross Floor Area (5%) rather than Floor Area Ratio (0.5), and that

the requirement be subject to a minimum building-size threshold and extend also to addition & alteration projects in arts districts.

Recommendation 11:

The Committee recommends that the zoning tool of limiting the maximum streetscape frontage on primary corridors that may be occupied by eating and drinking uses be retained in Arts Districts, albeit with significant modifications (as discussed in section 4.4 of this report) to modernize this provision, and that priority be accorded to submission of a text amendment to enable the enforcement of an updated eating and drinking uses limitation in the ARTS Overlay District to begin by January 2010.

Recommendation 12:

The Committee recommends that the proposed flexibility regarding transfer of PAUL requirements and earned bonus rights should be supported, provided that (as envisaged in OP's August 2008 recommendations) this transfer flexibility only applies within the same Arts District.

Recommendation 13:

The Committee recommends that the new arts template provide a 2 to 1 bonus density for Tier 2 PAUL uses, and a 3 to 1 bonus density for Tier 1 PAUL uses (based on the proposed revised PAUL contained in Appendix E of this report).

Recommendation 14:

The Committee recommends that the new Arts template provide for the possibility that the bonus density described above for Tier 1 and Tier 2 PAUL uses be available, under certain highly circumscribed conditions (as described in section 4.6 of this report), up to a maximum of one additional storey in height (10 feet) within arts districts. __

Recommendation 15:

The Committee recommends that the zoning tool of requiring a minimum ground floor retail component on primary corridors in the ARTS Overlay District be retained and, subject to necessary minima for entry areas, etc., expanded from 50% to around 75%.

Recommendation 16:

The Committee recommends that restaurants, bars and like uses be excluded from fulfilling more than 50% of the 75% minimum ground floor retail requirement, for sites above a minimum width in Arts districts.

Recommendation 17:

The Committee recommends that a zoning tool be built into the new ARTS zoning template to allow limitations to be placed on ground floor uses (such as banks and pharmacies) that do not contribute to a vibrant streetscape within Arts districts, and that priority be accorded to submission of a text amendment to bring this tool into effect.

Recommendation 18:

The Committee recommends that the new ARTS zoning template explicitly require new construction developments in Arts districts to be consistent with DC Department of Transportation (DDOT) Streetscape Plans in those districts, including a requirement for Planned Unit Developments (PUDs) to specifically recognize DDOT Streetscape Plan provisions as a mandatory amenity in arts districts.

Recommendation 19:

The Committee recommends support for the Zoning Commission's Guidance that a minimum (finished) ground floor ceiling height of 14 feet be required in Arts Districts, and recommends that ground floor ceiling heights in Arts Districts in excess of 14 feet be able to qualify (under highly circumscribed conditions) for a 1 to 1 bonus (building) height incentive up to a maximum of 4 feet.

Recommendation 20:

The Committee recommends that building lobby exhibition areas should not count towards the 0.5 FAR Arts Requirement.

Recommendation 21:

The Committee recommends that the Zoning Commission's Guidance -- that stand-alone arts uses be permitted as a special exception in existing buildings (such as former schools) in residential districts -- be supported.

Recommendation 22:

The Committee recommends that the Zoning Commission's Guidance -- that artist's studios (and related arts uses that can meet home occupation standards) be permitted as home occupations -- be supported.

Recommendation 23:

The Committee recommends that the Zoning Commission's Guidance -- that artist live/work space (i.e. multiple artists apartments sharing communal workspace) be permitted in residential zones at the same density as other residential units (i.e. a zone allowing two units would allow two artist apartments) -- be supported.

Recommendation 24:

The Committee recommends that consideration be given in the new ARTS zoning template to creating a "temporary arts" land use designation (and associated procedures) that could be used to facilitate the use of vacant space in Arts Districts for time-limited temporary arts exhibitions and installations.

Recommendation 25:

The Committee recommends that, as part of the current Zoning Review, the Office of Planning -- with the participation of independent experts -- undertake a (public) assessment of the minimum level of compliance resources needed in the DC Zoning Administrator's office to effectively monitor and enforce DC's Zoning Regulations.

Revised
September 2, 2009