

1. Executive Summary

The Uptown ARTS Overlay Zoning District encompasses a diverse mix of theatrical, visual and musical arts uses, as well as a nascent retail area, and a thriving restaurant and bar scene. All 3 of these use groups (arts, retail, restaurants) are essential ingredients to a vibrant Arts District. However, two of these groups are struggling (arts and retail) because of lack of daytime foot traffic and rising rents, while the third (restaurants) is experiencing such rapid growth that it is endangering the viability of its companion arts and retail uses. 14th Street is widely recognized as being the center of contemporary visual arts in DC, yet by the end of 2009 this district is at serious risk of losing almost one half of its existing contemporary visual arts uses.

The existing ARTS Overlay regulations have been ineffective in incenting arts uses, largely because the current regulations take too much of a “scatter gun” approach to be effective. In the context of the current citywide DC Zoning Review, significant changes are needed to the zoning framework if this ARTS District is to survive and thrive over the coming years. Without a significant course correction, the Arts District may lose many of its arts and retail uses and risk becoming mainly a nightlife destination.

Urgent action is required in 3 areas:

- The issuance of a revised “Arts & Culture” Guidance Note by the Zoning Commission to reflect that body’s consideration of the recommendations contained in this report
- A text amendment to enable enforcement of the new limit (40-50%) on the frontage (per square) of eating and drinking uses to begin in early 2010 in the Uptown Arts District
- A text amendment to restrict ground floor uses such as banks and pharmacies that do not contribute to a vibrant streetscape in the Uptown Arts District

Ultimately, the new ARTS zoning template for this district also needs to:

- Address streetscape dead zones in a variety of ways
- Promote daytime foot traffic, including by allowing greater flexibility for office development
- Provide a tiered list of preferred arts uses that recognizes the varying financial competitiveness of different types of arts uses
- Recognize the distinct nature of restaurants, bars and similar uses in a separate use category
- Introduce an Arts Requirement (5% of GFA) to apply to developments (above a certain size)
- Provide bonus density of 3 to 1 for financially challenged arts uses, 2 to 1 for financially competitive arts uses, and zero for restaurant/bar uses (which do not require incentives).
- Provide a highly constrained possibility for a bonus height incentive of up to 1 storey (10 feet)
- Include an increased (75%) ground floor retail requirement
- Limit restaurant/bar uses from fulfilling more than 50% of that (75%) ground floor requirement
- Require new developments, including PUDs, to be consistent with DDOT Streetscape Plans
- Require a finished ground floor ceiling height of 14 feet, with possible incentives up to 18 feet
- Preclude lobby exhibition areas from meeting the Arts Requirement, and
- Consider ways to facilitate temporary arts uses in vacant space.

In addition, DC’s Zoning Review should include a comprehensive assessment of the compliance resources needed in the Zoning Administrator’s office to effectively monitor and enforce the regulations.

We now face a choice: provide effective zoning incentives to ensure that our vibrant neighborhood remains a truly mixed-use (arts/retail/restaurants) district, or risk losing many of the arts and retail uses that provide this district with its special appeal. A rebalancing of zoning incentives and restrictions along the above lines would provide the kind of zoning framework most likely to underpin the survival and sustainable development over time of the Uptown Arts District.