

Appendix C: DC Comprehensive Plan, Historic Districts, Inclusionary Zoning, and the “DUKE” Plan

While the Zoning Regulations governing the Uptown Arts District are the primary focus of this report, several other frameworks also have a very important impact on future development, land use, and density in the Arts District: for example, DC’s Comprehensive Plan, the Greater 14th Street and Greater U Street Historic Districts, DC’s new Inclusionary Zoning Law, and the “DUKE” Cultural Plan for the Greater Shaw/U Street area (western boundary is the 1300 block of U Street).⁵¹

The ARTS Committee has closely examined each of these frameworks to crosscheck that the recommendations in this report do not conflict in any way with the important guidance and support these frameworks provide for the future development of the Uptown Arts District. Among these, DC’s Comprehensive Plan is the overarching policy document that guides all future planning and development in DC and, as such, it provides the fundamental basis for the future zoning of the Uptown ARTS District. Since the Comprehensive Plan forms the basis for the zoning recommendations contained in this report, we provide here a brief review of the most important provisions pertaining to the Uptown ARTS Overlay District.

The Comprehensive Plan’s “Generalized Policy Map”⁵² designates the main corridors in the Uptown ARTS Overlay District as “Main Street Mixed Use Corridors” which are “traditional commercial corridors with a concentration of older storefronts along the street ... Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.”

Regarding those portions of 14th and U Streets that lie within the Uptown ARTS Overlay, the Comprehensive Plan’s “Future Land Use Map”⁴⁵ designates:

- 14th Street between N and Church Streets, and between Riggs and U Streets, as “Medium Density Residential (4-7 stories)” and “Moderate Density Commercial (usually 5 stories maximum)”
- 14th Street between Church and Riggs Streets as “Moderate Density Residential” and “Moderate Density Commercial (usually 5 stories maximum)”
- 14th Street above U Street as “Medium Density Residential (4-7 stories)” and “Medium Density Commercial (usually 8 stories maximum)”
- U Street as a patchwork of land use densities varying from Moderate to Medium Density Residential, and from Moderate to Medium Density Commercial.

In addition to the Comprehensive Plan maps, several chapters of the Plan contain provisions affecting the Uptown ARTS Overlay District:

⁵¹ The Comprehensive Plan is available online at: <http://www.planning.dc.gov/>
 Information regarding the Greater 14th and Greater U Streets’ Historic Districts is available at: <http://www.planning.dc.gov/planning/cwp/view,A,1284,Q,570832.asp>
 Information regarding DC’s new Inclusionary Zoning law is available at: <http://dhcd.dc.gov/dhcd/cwp/view,a.1243,q.647468.asp>
 Information regarding the DUKE Cultural Destination plan for Greater Shaw/U Street area is available at: <http://www.planning.dc.gov/planning/cwp/view,a,1285,Q,619216.asp>

⁵² See: <http://www.planning.dc.gov/planning/cwp/view,a.1354,q.639789,PM,1.asp>

Appendix C continued

Comprehensive Plan: “Arts & Culture” Element (Chapter 14)

The Arts & Culture Element of the Comprehensive Plan states that:

- “Retaining existing clusters of arts establishments” is a “key issue” facing DC (page 14-1)
- Existing arts and cultural facilities “may be threatened by rising rents and redevelopment pressures” (page 14-2)
- “The City faces a persistent need for the retention and further development of affordable neighborhood arts facilities” (page 14-2)
- When siting arts facilities “give preference to locations near public transit” (page 14-3)
- “Regulatory changes” should be considered to “encourage the provision of space for arts in new and refurbished public buildings” (page 14-3)
- “Arts Districts are identified, mixed-use areas of the city in which a high concentration of arts and cultural facilities serves as an anchor of attraction” (page 14-4)
- DC should “identify, recognize and support existing clusters of arts establishments” (page 14-5)
- DC should “ensure that ... incentives for arts-related uses are not precluded by other provisions of zoning” (page 14-5)
- DC should “establish an inspection and enforcement program for Arts Districts zoning requirements, ensuring that such requirements ... are enforced after projects are constructed” (page 14-5)
- DC should “support the temporary reuse of vacant and/or underutilized storefronts and other non-residential buildings for arts exhibition” (page 14-7)
- “The city’s ability to sustain its artists is threatened by a lack of affordable real estate and suitable locations for studios, live-work space, and production facilities” (page 14-9)
- DC should “ensure that the District’s zoning and land use regulations support the development of live-work space for artists in a variety of settings around the city” (page 14-10)
- DC should “conduct a review of planning, building and zoning regulations as they relate to arts uses to: (a) ... create incentives for joint living and work quarters for artists in new and existing structures; and (b) make it easier to use garages and accessory buildings on residential lots as studio spaces ...” (page 14-10)
- “The non-profit arts are not entirely self-supporting” (page 14-11)
- DC should “explore off-setting costs for business licenses and permits, property taxes, insurance, and rents for use of city facilities, among others” (page 14-12)

Comprehensive Plan: “Land Use” Element (Chapter 3)

The Land Use Element of the Comprehensive Plan states that:

- “Six “Great Streets” were named in 2005 as part of an integrated economic development, transportation, and urban design strategy ... While not officially designated, four other corridors ... *(including)* ... 14th Street, NW ... *(have)* potential for enhancement” (page 3-17)
- “... More effective and responsive enforcement remains one of the most frequently raised planning issues in the District today” (page 3-28)
- DC should “fully enforce conditions of approval for new development ... and apply appropriate penalties in the event of non-compliance” (page 3-28)
- DC should “provide zoning and alcoholic beverage control laws that discourage the excessive concentration and potential negative effects of liquor licensed establishments (e.g. night clubs and bars) in neighborhood commercial districts” (page 3-34)
- DC should “ensure that the District’s zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24-

Appendix C continued

hour mini-marts and convenience stores, and similar high impact commercial establishments ...” (page 3-35)

- DC should “maintain a range of monitoring, inspection and enforcement programs for commercial areas to ensure that activities are occurring in accordance with local planning, building, zoning, transportation, health, alcoholic beverage control, and other District rules and regulations. Prompt and effective action should be taken in the event of non-compliance ... (page 3-35)
- DC should “as part of each Small Area Plan, conduct an evaluation of commercially zoned areas to assess the appropriateness of existing zoning designations. This assessment should consider:
 - a. The heights, densities and uses that could occur under existing zoning; and
 - b. The suitability of existing zoning given the location and size of each area, the character of adjacent land uses, the relationship to other commercial districts in the vicinity, transportation and parking attributes, proximity to adjacent uses, and the designation on the Future Land Use Map” (page 3-36)
- DC should “as part of the comprehensive rewrite of the zoning regulations, consider text amendments that:
 - a. More effectively control uses which are permitted as a matter-of-right in commercial zones;
 - b. Avoid the excessive concentration of particular uses with the potential for adverse effects, such as convenience stores, fast food establishments, and liquor-licensed establishments; and
 - c. Consider performance standards to reduce potential conflicts between certain incompatible uses” (page 3-36)

Comprehensive Plan: “Near Northwest Area Element” (Chapter 21)

The Near Northwest Area Element (which covers the 7th Street portion and most of the 14th Street portion of the ARTS Overlay District) states that:

- “More contemporary high-density construction defines ... the 14th Street corridor ...” (page 21-1)
- “The more prominent retail areas are on the major streets like ... 14th Street ...” (page 21-2)
- “14th Street is home to the Studio Theater as well as other performing arts venues and galleries” (page 21-2)
- “The most significant retail areas are along linear corridors such as ... 14th Street” (page 21-5)
- “Existing zoning (*on 14th Street*) permits a level of development that exceeds what currently exists” (page 21-9)
- “The process of creating, administering and enforcing zoning regulations, including the granting of variances and zoning changes, needs to be refined and consistently applied. Several meeting participants singled out the granting of “Special Exceptions” as an objectionable practice” (page 21-10)
- “Certain kinds of commercial activities, such as fast food restaurants and liquor licensed establishments are a source of concern for neighbors” (page 21-11)
- “The funky quality of some of the area’s streets is disappearing, as lower-cost stores and services are replaced by national chain stores ... Small businesses across the entire area face the stress of rising rents” (page 21-12)
- DC should “sustain these (*community shopping*) areas as diverse, unique, pedestrian-oriented shopping streets that meet the needs of area residents, workers and visitors” (page 21-14)
- DC should “discourage the excessive concentrations of liquor-licensed establishments on local shopping streets ...” (page 21-12)
- DC should “encourage existing and new arts activities along 7th Street and 14th Street, in an effort to link these corridors to the arts district along the U Street corridor ... Theaters, galleries, studios, and

Appendix C continued

other arts and cultural facilities and activities should be encouraged on these streets ...” (page 21-17)

- “Other catalytic projects, like the new Studio and Woolly Mammoth Theaters, have helped to transform 14th Street from its former life as the city’s “auto row” into a lively arts, restaurant, and loft district. An Arts Overlay zone district along 14th Street includes incentives for arts-oriented businesses along the corridor” (page 21-26)
- “Current trends ... are expected to continue into the future, with 14th Street emerging as an even stronger center for arts and entertainment over the next decade. Additional restaurants, theatres, lofts and apartments are encouraged on the blocks between Thomas Circle and U Street, creating a dynamic street environment that epitomizes the best qualities of urban living” (page 21-26)
- DC should “promote and encourage the presence of the arts along 14th Street ... and protect the area’s entertainment, arts, and architectural history” (page 21-26)
- DC “should promote the development of art galleries, lofts, and business incubators for the arts along 14th Street, along with the establishment of cultural facilities and street level retail and neighborhood service uses, such as restaurants and local-serving offices” (page 21-27)
- DC should “encourage lot consolidation to address the many narrow commercial sites that exist along 14th Street to encourage suitable scale and massing and improve conditions for new development along the corridor” (page 21-27)

Comprehensive Plan: “Mid-City Area Element” (Chapter 20)

The Mid-City Area Element (which covers most of the U street portion of the ARTS Overlay District) states that:

- “A different set of urban tensions is present along the area’s rapidly developing corridors such as 14th and U Streets ... Revitalization has ... burdened small businesses trying to keep up with rising costs” (page 20-2)
- “The loss of neighborhood diversity was the greatest concern expressed at almost every Comp Plan meeting in this area, and was raised in many different contexts – from the need for affordable housing to concerns about the influx of chain stores and decline of neighborhood businesses” (page 20-9)
- “The arts should be recognized as an essential part of community life” (page 20-10)
- “Commercial gentrification is also an issue. Small corner stores and other businesses that are unique to the neighborhood are having a harder time getting by. The area’s restaurants, ethnic establishments, and iconic neighborhood businesses are an important part of what defines this community. They should be strongly supported in the future” (page 20-11)
- DC should “protect the small businesses and essential local services that serve (this area) ...” (page 20-12)
- DC should “identify the potential for regulatory controls to address ... excessive concentrations of liquor-licensed establishments within the neighborhood commercial districts ...” (page 20-14)
- “By the 1920s ... black-owned theatres, restaurants, night clubs, billiard parlors, and dance halls extended along U Street ... During its heyday, legendary jazz greats like Duke Ellington, Louis Armstrong, Dizzy Gillespie, and Pearl Bailey performed at U Street venues” (page 20-22)
- “The downside of U Street’s success is that many of the long-time businesses, including basic services like barber shops and bookstores, are having difficulty paying the higher rents and taxes that have come with gentrification. Efforts to retain the street’s character must do more than just preserve its buildings; measures to retain and assist existing businesses are needed” (page 20-23)
- DC should “incorporate small business retention and assistance programs in the Uptown District’s revitalization, possibly including zoning regulations ... and other measures which assist small businesses” (page 20-24).