Appendix H: Support for the Committee's Recommendations



Advisory Neighborhood Commission 1B

Government of the District of Columbia

PO Box 73710, Washington, DC 20056

Myla Moss, Peter Raia, Sedrick Muhammad, Deborah Thomas, Brianne Nadeau, Meghan Conklin, Juan Lopez, Rosemary Akinmboni, Thomas K. D. Smith, Eduardo Ferrer, E. Gail Anderson-Holness

September 11, 2009

Ms. Harriet Tregoning
Director
DC Office of Planning
Frank D. Reeves Municipal Center
2000 14th Street N.W.
Washington, D.C. 20009

RE: D.C. Zoning Review: Uptown Arts Overlay ("ARTS") District

Dear Ms. Tregoning::

At its regularly scheduled meeting on September 3, 2009 (notice of which was properly given and at which a quorum of seven out of eleven members was present), ANC1B voted (6-0 with one abstention) to support the report and all recommendations of the ANC 2F Arts Overlay Committee. The Commission considers that these recommendations will strongly support and promote the continued development of the 14th Street and U Street Corridor in the best interest of the community. We ask that you give great weight to the Commission's support of these recommendations.

For further comment or questions, please contact Chairperson Brianne K. Nadeau.

Sincerely,

Brianne K. Nadeau Chairperson Meghan M. Conklin Vice Chairperson

CC: Councilmember Jim Graham

Anthony Hood, Chairperson, D.C. Zoning Commission

Charles Reed, Chairperson, ANC 2F Mike Silverstein, Chairperson, ANC 2B

Andrea Doughty, Chairperson, Arts Overlay Committee



GOVERNMENT OF THE DISTRICT OF COLUMBIA Dupont Circle Advisory Neighborhood Commission 2B

September 13, 2009

Ms. Harriet Tregoning Director, DC Office of Planning Frank D. Reeves Municipal Center 2000 14th Street, NW 4th Floor Washington, DC 20009

Re: DC Zoning Review: Uptown Arts Overlay ("ARTS") District

Dear Ms. Tregoning:

At its regular meeting on September 9, 2009, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered the above-referenced matter. With nine of the nine Commissioners present, a quorum at a duly-noticed public meeting, the Commission approved the following motion by a unanimous vote (9-0):

ANC 2B supports and encourages the report of the Logan Circle ANC Committee on the Uptown Arts Overlay and hopes it moves forward, however we have questions and concerns about several specific recommendations.

I will be the Commission's representative on this matter and can be reached at (202) 833-4440 or by e-mail at mike.silverstein@dupontcircleanc.net.

ON BEHALF OF THE COMMISSION.

Sincerely,

Mike Silverstein Chairman

cc: Marc Loud, Chairman, Board of Zoning Adjustment Anthony Hood, Chairman, DC Zoning Commission



RISHESS ASSOCIATION

MBA_ Board of Directors

President Kamal Ali Ben's Chili Bowl

Vice President Jean Homza

9:30 Club

John Snellgrove Bar Pilar Cafe Saint-Ex

Secretary Lisa Williams Senate Realty

Jeff Banks Bank of Georgetown

Kenny Barnes ROOT Foundation

Frank Smith African American Civil War Memorial

Lisa Williams Senate Realty

Regina Miele Raven Arts

Teresa Watts Lettie Gooch

John Soloman Solly's

Ex Officio Members Scott Pomeroy

Ms. Harriet Tregoning Director, DC Office of Planning

Frank D. Reeves Municipal Center 2000 14th Street, NW 4th Floor Washington, DC 20009

September 9th, 2009

Re: DC Zoning Review: Uptown Arts Overlay ("ARTS") District

Dear Director Tregoning,

On September 9th, The Board of Directors of the MidCity Business Association voted unanimously (10-0) to endorse the report and all of its recommendations of the ANC 2F Arts Overlay Committee. We believes the recommendations will strongly support and promote the continued development of the 14th Street and U Street Corridor in fashion that is in the best interest of the community and help to develop vibrant, safe and well managed commercial and arts districts.

The MidCity Business Association and the small businesses and arts organizations we represent are pleased to be collaborating with local residents and civic groups to promote, develop and manage one of the most creative and dynamic districts in the city. ANC 2F's report and recommendations reflect an unusually deep level of community collaboration, bringing together a range of stakeholders to craft the recommendations.

We are also thankful to ANC 2F for making 14_{th} Street the priority it needs to be as the City continues to develop and promote MidCity's commercial corridors as distinctive and historically significant arts and cultural destinations. We are pleased to be part of the unique and growing coalition of community groups who support ANC 2F's Arts Overlay Committees report and recommendations. We appreciate the committee's recognition of the interplay between zoning and the other important factors in working toward this shared goal, including promoting daytime foot traffic, cleaning and greening of the streetscapes and building the kind of community collaborations necessary for a well managed area. Thank you for the opportunity to show our support for this important report and set of recommendations.

Yours truly,

Kamal Ali

President, MidCIty Business Association and Owner, Ben's Chili Bowl

Hon. Jack Evans, Ward 2 Councilmember

Council Member Jim Graham, Ward 1 Councilmember

Mr.Anthony Hood, Chairman, DC Zoning Commission

Ms. Jennifer Steingasser, Deputy Director, DC Office of Planning

Mr. Travis Parker, DC Office of Planning

Mr. Michael Giulioni, DC Office of Planning

Ms. AndreaDoughty, Chair, ANC2F Arts Overlay Review Committee

Dr. Joan D. Ferraris, Recording Secretary, ANC2F Arts Overlay Review Committee

Mr. Charles Reed, ANC2F Chair

Ms. Brianne Nadeau, ANC1B Chair



September 18, 2009

(Via Email Only)
Ms. Harriet Tregoning
Director, DC Office of Planning
Frank D. Reeves Municipal Center
2000 14th Street, NW, 4th Floor
Washington, DC 20009

Re: DC Zoning Review: Uptown Arts Overlay ("ARTS") District

Dear Ms. Tregoning,

On behalf of the MidCity Residents Association ("MCRA"), I am extremely pleased to support the recommendations of the ANC2F ARTS Overlay Committee. MCRA believes that the implementation of these recommendations will assist the kind of development along 14th and U Streets that will result in vibrant corridors that sustain businesses and services that support and enhance out neighborhood.

As you know, the ANC2F ARTS Overlay Committee operated in a transparent and inclusive manner and created a forum for all stakeholders to voice their opinions. We believe these recommendations represent the views of residents, businesses, developers and property owners. Therefore, MCRA urges the Office of Planning and the DC Zoning Commission to implement these recommendations as soon as reasonably possible.

Please contact me if you have any questions and thank you considering these comments.

Sincerely,

Al Collins, Chair

MidCity Residents Association

Mr. Anthony Hood, Chairman, DC Zoning Commission

aral Felix VICE CHAIR, MCRA

Council Member Jack Evans, Ward 2 Mr. Charles Reed, Chairman, ANC2F Mr. Travis Parker, DC Office of Planning

Ms. Andrea Doughty, Chair, ANC2F ARTS Overlay Review Committee



PO Box 12008 Mid City Station NW • Washington, DC 20005 • www.logancircle.org

September 18, 2009

(Via Email Only)
Ms. Harriet Tregoning
Director, DC Office of Planning
Frank D. Reeves Municipal Center
2000 14th Street, NW, 4th Floor
Washington, DC 20009

Re: DC Zoning Review: Uptown Arts Overlay ("ARTS") District

Dear Ms. Tregoning,

On behalf of the Logan Circle Community Association ("LCCA"), I am pleased to confirm our endorsement of the report and zoning recommendations of the ANC2F ARTS Overlay Committee.

LCCA believes that the implementation of these recommendations will provide important underpinning for the continued development of the 14th and U Streets corridors as a vibrant and successful arts district.

We respectfully urge the Office of Planning and the DC Zoning Commission to move forward proactively to implement these recommendations, which were the product of a wide collaborative process throughout our community.

The many residents and businesses that LCCA represents look forward to the benefits that an updated zoning code for our arts district, along the lines outlined in the ARTS Overlay Committee's report and recommendations, will undoubtedly bring.

Thank you for the opportunity to provide our input on this important matter.

Sincerely,

Jennifer Trock President

Logan Circle Community Association



PO Box 12008 Mid City Station NW • Washington, DC 20005 • www.logancircle.org

cc: Mr. Anthony Hood, Chairman, DC Zoning Commission

Council Member Jack Evans, Ward 2 Mr. Charles Reed, Chairman, ANC2F

Ms. Andrea Doughty, Chair, ANC2F ARTS Overlay Review Committee



18 September 2009

Ms. Harriet Tregoning Director, DC Office of Planning Frank D. Reeves Municipal Center 2000 14th Street, NW 4th Floor Washington, DC 20009

RE: DC Zoning Review: Uptown Arts Overlay District

Dear Director Tregoning:

On September 10, 2009, at the regular meeting of the U Street Neighborhood Association, the membership of the association voted to officially support and endorse the ANC 2F Arts Overlay Committee report and all of its recommendations. We believe that the recommendations presented in this report will strongly support and promote the continued development of the Greater U Street Neighborhood and the historic 14th Street and U Street corridors in a manner which is in the best interest of our community and will help to develop vibrant, safe, and well managed commercial and arts districts.

For nearly twenty years, the U Street Neighborhood Association has worked to be an active voice of the residents of the Greater U Street Neighborhood and fulfill a commitment to improve the quality of life for everyone that lives, works, and plays in our neighborhood. We see a similar commitment in ANC 2F's report and recommendations, as this report is the product of genuine community collaboration, and the bringing together of a full range of stakeholders and opinions.

The U Street Neighborhood Association is pleased to be part of the unique and growing coalition of community organizations that support this report and recommendations, especially as the District of Columbia continues to develop and promote our historic commercial corridors and residential areas as distinctive and historically significant arts and cultural destinations.

We appreciate the Committee's recognition of the interplay between zoning and the other important factors in working toward this shared goal, including promoting daytime foot traffic, cleaning and greening of the streetscapes and building the kind of community collaborations necessary for a well managed area.

Thank you for the opportunity to show our support for this report and recommendations.

Sincerely,

Bryan N. Martin Firvida

President

Mr. Anthony Hood, Chairman, DC Zoning Commission

Mr. Jim Graham, Councilmember, Ward 1

Ms. Andrea Doughty, Chairperson, Arts Overlay Committee

THE JBG COMPANIES

September 15, 2009

Ms Harriet Tregoning Director, DC Office of Planning Frank D. Reeves Municipal Center 2000 14th Street, NW 4th Floor Washington, DC 20009

RE: DC Zoning Review: Uptown Arts Overlay ("ARTS") District

Dear Ms Tregoning,

The JBG Companies ("JBG") owns and controls several properties in the Uptown Arts Overlay ("ARTS") District, and has recently met with and provided recommendations to the ANC2F ARTS Overlay Review Committee (the "Committee") regarding the proposed revisions to the ARTS District zoning regulations. JBG commends the Committee for its recent work related to the proposed zoning regulation revisions, and while we still have significant concerns with the current and proposed zoning regulations, we support the Committee's Report and Recommendations, as enclosed and dated September 2, 2009.

As an active developer in the area, JBG has dedicated a significant amount of resources and attention to the 14th/U/Logan neighborhood. We recently received zoning approvals for the redevelopment of the former Whitman Walker site at 14th and S Streets NW, and are working through entitlements of the existing Rite Aid at 13th and U Streets NW. As you are aware, the area is in the midst of a 'rebirth', and we believe both of these projects will positively transform their respective blocks and the larger 14th / U Street corridors. The area has significant untapped potential and thus we remain very committed to being an active stakeholder in the neighborhood for many years to come.

However, the current ARTS District zoning regulations are a significant deterrent to future development. At JBG's Whitman Walker site, we were able to obtain a special exception relief from provisions of the ARTS overlay district restricting eating and drinking establishments, which allowed us to move forward with the project. Without this special exception, the viability and economics of the project would have been seriously compromised. As such, JBG supports revisions to the current ARTS District zoning regulations that address our concerns, while also fostering the vibrant artistic and cultural marketplace in the corridor.

JBG has met with and spoken to the Committee on numerous occasions over the past few months in order to provide feedback on the proposed revisions to the ARTS District zoning regulations. We believe that the Committee has done a tremendous job of reaching out to and obtaining input

from the community and neighborhood stakeholders -- including residents, retailers, community organizations, and developers such as JBG. While we remain concerned with a few of the proposed revisions to the zoning regulations (as outlined below), we support the Committee's recommendations and look forward to continuing to work with the Committee, Office of Planning and Zoning Commission to finalize the new ARTS District regulations.

The concepts and provisions that JBG remains concerned about include:

Use requirements or restrictions in the ARTS District as a means of encouraging Arts JBG opposes any use restrictions and requirements in the ARTS District, particularly the onerous 0.50 FAR to be designated specifically to Arts-related uses as proposed by The Office of Planning and Zoning Commission. We strongly believe that this would be detrimental to the future financial viability of redevelopment projects in the ARTS District and would do very little to accomplish the goal of attracting new Arts uses to the area. By way of example, at our Whitman Walker project this would amount to approximately 12,000 square feet of Arts uses, or two thirds of our entire retail program. Such an extreme measure would most definitely impede future redevelopment and lead to continued blight in the corridor. We strongly believe that Arts uses should be incentivized, rather than mandated, and are confident that this Arts requirement would 1) significantly detract from real estate investment in the Corridor due to the impact to project-level economics, 2) lead to an imbalance in retail store types, under-serving many neighborhood wants and needs, 3) further reduce daytime foot traffic along the Corridor and impact the vibrancy of the neighborhood, and 4) reduce property values and corresponding tax income to the City.

While JBG opposes these restrictions, we support the Committee's recommendation that this Arts requirement be reduced to 5% of Gross Floor Area ("GFA"), subject to a minimum building size threshold, and further reduced to 2.5% of GFA if the Arts uses are located on the ground floor (Recommendation #10 in the Committee's report). This is a much less onerous restriction, and we believe would still go a long way in realizing the ultimate goals of the ARTS District in that it would provide more viable and appropriately-sized spaces designated for specific Arts uses.

In addition, JBG fully supports the provisions allowing for bonus density and height in order to offset the financial burden posed by this requirement (Recommendation numbers 13 and 14 in the Committee's report). Any use restrictions or requirements need to be balanced by an appropriate amount of bonus density, building height, setback or coverage relief, and/or tax incentives in order to offset the financial burden to the land owner / developer. If such relief is not provided, the economics to redevelop the highly-constrained properties along the 14th and U Street corridors will be seriously compromised.

• Limiting streetscape frontage for certain uses on primary corridors. As stated above, JBG opposes any use restrictions in the ARTS District as a means of encouraging other uses. In order to create an authentic, vibrant corridor that best meets the needs and desires of the residents of the area, JBG believes retail uses should be allowed to evolve organically, as market demand grows and changes over time. Thus, we do not support limiting streetscape frontage for eating and drinking uses (Committee recommendation numbers 11 and 16), or any subjective measures to limit uses that "do not contribute to a vibrant streetscape" (Committee recommendation # 17) within the ARTS District.

JBG understands the intent of these limitations – to encourage Arts uses and a more diverse set of retailers by setting aside "designated" space. However, we remain wary as we believe these limitations are 1) difficult to regulate and enforce, 2) too subjective and could be used to target specific, law-abiding businesses, 3) overly burdensome to landowners and developers, particularly in a down economy, and 4) potentially detrimental to creating an authentic mix of financially viable, long-term retailers that best meet the needs of the residents of the area.

We do, however, support the Committee's efforts to <u>increase</u> the maximum allowable streetscape frontage on primary corridors that may be occupied by eating and drinking uses. The current ARTS District zoning regulation limits eating and drinking establishments to 25% of the total linear street frontage in the Corridor, whereas the Committee has recommended increasing the frontage to 40%-50% of the linear streetscape frontage of each block in the corridor. We believe that this additional flexibility is absolutely necessary.

• The need to balance the demands of the ARTS District restrictions along with those of Inclusionary Zoning and other City requirements. The various zoning ordinances and restrictions, coupled with historic district guidelines, need to be balanced in order to create an opportunity for the types of redevelopment that the area's residents and stakeholders desire. Without the proper mechanisms in place to balance and offset the costs of these regulations and restrictions, real estate developers will simply not be able to afford to build in the corridor – thus pushing market demand to other parts of the City or outside of the District altogether.

Again, we look forward to continuing to work with the Committee, Office of Planning and Zoning Commission on this important issue. We truly appreciate the opportunity to provide our input and assist in shaping the future ARTS District zoning regulations in order to ensure the corridor remains vibrant for a long time to come, and all community stakeholders are satisfied.

Please do not hesitate to contact me at (240) 333-3643 if you would like to discuss our comments and concerns any further.

Sincerely,

Kenneth F. Finkelstein Chief Development Officer

Enclosure

cc: Mr. Anthony Hood, Chairman DC Zoning Commission
Ms. Andrea Doughty, Chair, ANC2F ARTS Overlay Review Committee
Councilman Jim Graham, Ward 1
Councilman Jack Evans, Ward 2

Appendix H continued: From David Alpert of www.GreaterGreaterWashington.org website:

"ARTS report balances bars and arts, requirements and bonuses"

ANCs and other community groups have a reputation for taking an anti-change, knee-jerk anti-development point of view. Just look at <u>yesterday's discussion of the Georgetown ANC</u>, including many of the comments. Over in the 14th Street area, however, a committee of residents and business owners appointed by ANC 2F has created a very thoughtful and sensible set of recommendations for the ARTS zoning overlay on 14th and U Streets.

They spent three months carefully analyzing the thinking about and discussing the future of the neighborhood. They met with merchants, developers, neighbors and planners. And, in the end, they produced a report that's neither knee-jerk anti-change nor knee-jerk pro-development, but one that tries to employ sensible incentives to shape a lively yet livable neighborhood.

14th Street is a bustling commercial corridor with an uncertain future. Its numerous theaters and galleries give the area a special arts focus, which spurred the creation of a special zoning district to preserve and encourage arts uses. However, many galleries are closing. Restaurants and bars have multiplied, bringing more foot traffic for other businesses and replacing vacant storefronts, but also threatening to push arts uses out and bringing greater levels of noise. A number of furniture stores have opened in the area, which could create a burgeoning "furniture district" that becomes a regional draw, but could also contribute to displacing the arts. The economic downturn may claim several retail stores or other businesses, and according to committee chair Andrea Doughty, many are looking to 14th Street for a sign about whether urban retail districts can truly thrive and grow.

How can the community shape its future? The report recommends tweaking the limits on restaurants and bars, maintaining some limits but adapting them to something that could work better. It would limit the percentage of bars and restaurants on every block and require some non-restaurant, non-bar ground floor retail, along with requiring some arts uses. But for developers who include extra arts in a building, the report also recommends granting more "bonus density" than is available today, including one extra story of height, as an incentive. Here's the report, or for something shorter, here's a summary of the recommendations.

Today, the ARTS overlay lets developers build extra density in a project if they include space for arts in the building. However, "arts uses" include restaurants and bars. The only differentiation is that the overlay also limits the total "linear frontage" of bars and restaurants to 25% of the total frontage. In theory, that would ensure a mix of restaurants and bars and other uses. However, that hasn't worked in practice. For a long time, the area was under 25%, and nobody considered the balance when opening businesses. Now, the district has either reached or nearly reached the limit, which could mean no new restaurants and bars can open. That's not right either, as the popularity of the area has created demand for restaurants and bars, and other retail or arts uses are not able to fill the remaining space. New development projects are less likely to be profitable without the opportunity to include any food or drink establishments anywhere in a new building.

Instead, the committee suggested removing restaurants and bars from the list of uses eligible for bonus density. For the percentage, their recommendation resembles <u>my suggestion</u>: they would increase the percentage limit to 40-50%, but consider the limit over a smaller area. Right now, the limit applies over 10 blocks of 14th and 6 blocks of U, meaning a restaurant at 9th and U limits the possibility of one at 14th and N. The committee suggests considering the percentage only for each "square," such as the east side of 14th between S and T.

To ensure an active streetscape, the report also recommends requiring 75% of the ground floor of any new development to contain retail. However, a bar or restaurant could only fulfill half of that requirement, forcing some diversity of uses even on a project by project basis in addition to square by square. This wouldn't apply to buildings under 60 feet in width, as smaller buildings obviously don't have room for two different retail uses and it wouldn't be fair to completely preclude a bar or restaurant from such buildings.

In the Arts and Culture section of the Zoning Update, the Zoning Commission already recommended requiring some arts uses in new buildings equalling 0.5 FAR, or essentially half of one floor. The committee strongly endorses this requirement, but suggests changing it to 5% of the total floor area of the project, exempting

buildings under a certain size, and expanding it to include major, large-scale additions and alterations of existing buildings.

Meanwhile, the committee recommends offering even greater bonuses to developers who build arts uses into a project. They created a two-tier list of uses. The "least financially competitive arts uses," such as theaters, jewelry making, arts schools, bookstores and small galleries would give the developer a 3 to 1 bonus: for each square foot they give to these uses, they could build three additional square feet in the building. Meanwhile, uses such as architecture, graphic design, movie theaters, large art galleries and museums would provide a 2 to 1 bonus.

In addition, buildings containing some of these uses could potentially build ten feet (one story) higher than the current zoning allows. Most of 14th Street, for example, is C-3-A, which allows buildings up to 65 feet, with the ARTS overlay extending that to 75. This recommendation would expand that to 85 feet. However, developers could only take advantage of this extra bonus by applying for a "special exception," which the Board of Zoning Adjustment reviews to ensure that the exception does not harm the public interest. The buildings would also have to continue to comply with rules in the overlay like the "45 degree line" rule, where starting 50 feet above the ground, the building has to step back at least at a 45 degree angle from adjacent residential zones.

HPRB would also review all projects, since the entire area is part of several historic districts. Whether rightly or wrongly, they've lowered other buildings' height in the past to better line up with older, historic buildings, and "shaped" them to better fit into the appearance of the district by selectively cutting out pieces. This alleviates many residents' fears of a "glass canyon" like K Street. At the same time, any such limits reduce the ability of a developer to take advantage of the bonus density. If a building can't add more floors or more square feet, it won't benefit from the inclusion of arts uses. As the report points out, HPRB generally uses the allowed zoning envelope as a guide, and would try to strike a balance between creating a building that fits into the area with something that encloses enough space to pay for its construction.

Most of the other recommendations address consistency and administration. They suggest creating an ARTS "district" instead of an "overlay," or if the overlay remains, splitting it into two separate districts, one for 14th Street and one for U. On 14th, they would rezone the residential parcels along 14th, such as the east side between Riggs and S, to the same commercial classification as the rest of the street. Obviously, the buildings there could remain residential, but the law wouldn't force them to remain that way forever. The committee also urges the DC government to adequately fund compliance in the Office of Zoning. In the past, that office has not been able to adequately monitor the various overlays, leading to many violations. These zoning tools cannot help shape the community if nobody enforces them.

Overall, this is an amazingly detailed and thoughtful report. A group of <u>eight residents and business owners</u> carefully considered all of the zoning rules in the area and met with many people. They've created a set of recommendations that apply some new rules but also introduce some incentives as well. On balance, it shouldn't hinder the ability of developers to fill in the dead spaces along the street, but will hopefully also preserve an arts focus for the area.

ANC 2F (whose territory includes 14th Street south of S) and 1B (which covers the north side of U from 16th to 14th and both sides east of 14th, along with the east side of 14th from U to S) both voted to endorse the report. Dupont Circle's ANC, 2B also borders the area, covering the south side of U from 16th to 14th and the west side of 14th from U to S. Commissioner Ramon Estrada represents that corner, and has often taken a more strongly anti-development and anti-bar and restaurant stance than many of his neighboring commissioners in the other ANCs. Estrada told ANC 1B that 2B "would not be supporting the Committee's recommendations in their entirety," which was apparently a surprise to the other 2B commissioners. Estrada opposes splitting 14th and U into separate districts, and unifying the zoning, which probably means removing the residential classifications on some of the blocks.

As a resident of ANC 2B, I plan to testify in favor of the report at their <u>meeting tonight</u>. If you live in the Dupont Circle area or southwest of 14th and U, come to Brookings, 1775 Mass. Ave. at 7 pm to give your opinions. If I were writing the zoning code, I might have made a few small differences and perhaps erred a bit more on the side of flexibility, but this is an excellent report that clearly represents the collective consensus of the committee's members. I hope the commissioners will endorse the plan. This represents the best of resident

