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IN REPLY REFER TO:
NCPC File No. ZC #08-06-5

November 13, 2008

Chairman Anthony Hood
Zoning Commission for the District of Columbia
441 4th Street, NW, Suite 210 South
Washington, DC 20001

Ref: Comments on the Proposed Amendments to Zoning Regulations 11 DCMR – Retail Strategy

Dear Mr. Hood:

NCPC staff appreciates the opportunity to comment on the District of Columbia Office of Planning's proposed retail strategy for the zoning regulation updates.

The following comments are provided by NCPC staff for your consideration. These comments are based on the public notice for the October 23, 2008 hearing on Case No. 08-06-5 (Comprehensive Zoning Regulations Rewrite: Commercial Zones: Mapping and Use Principles), which was received by NCPC on October 21, 2008. NCPC staff's comments reflect both general planning perspectives and specific federal interest issues. These comments have not been approved by official Commission action, and additional comments may be provided in the future, particularly as staff and our Commission have the opportunity to review updates.

If you have any questions, please feel free to call me at 202-482-7211.

Sincerely,

Julia Koster, AICP
Director, Planning Research and Policy Division

cc: District of Columbia Zoning Review Taskforce
Travis Parker, District of Columbia Office of Planning
Mike McGill, General Services Administration
Ralph Newton, Department of Defense

Retail Strategy

NCPC staff notes that DCOP's recommended text and policy changes for a proposed retail strategy for the zoning regulations do not represent a change in zoning and land-use for federally-owned property and that federally-owned property within the District of Columbia is not subject to local zoning regulations. However, policies within the Federal Elements of the Comprehensive Plan encourage federal agencies to develop sites and buildings consistent with local agencies' zoning and land use policies and development, redevelopment, or conservation objectives, to the maximum extent possible.

In addition, the Federal Workplace Element within the Federal Elements of the Comprehensive Plan supports the provision of habitable building space along the street frontage to accommodate public space or activated ground floor uses, such as retail or other commercial enterprises, as appropriate. The Element also states that federal agencies should design projects in a manner that does not impede commerce and economic vitality but balances the need for security with the need to enhance and maintain the viability of urban areas. As such, NCPC staff encourages activated ground floors, when appropriate, in federal buildings within the District and generally supports DCOP's proposed retail strategy for updating the zoning regulations. However, NCPC staff notes that to address federal safety and security concerns, innovative site development and building construction methods to accommodate ground floor retail activities may be required where federal tenants are involved.

NCPC staff comments on DCOP's proposed retail strategies are below:

Establishment of Commercial Zone Districts and the Uses Permitted Within

Recommendation #1 text:

“Replace existing commercial zone districts and overlays with standalone districts in which the uses and area restrictions are tailored to the needs of specific and contiguous geographic areas.”

NCPC staff response to Recommendation #1:

NCPC staff generally supports replacing existing commercial zone districts and overlays with standalone districts in which the uses and area restrictions are tailored to the needs of specific and contiguous geographic areas. This approach would allow new zones to reflect specific building forms and retail use needs within specific areas.

Application of this approach within the Monumental Core is of particular interest to NCPC staff. In July, 2008, NCPC, along with the U.S. Commission of Fine Arts, released a *Draft National Capital Framework Plan* that re-imagines the Monumental Core as a livelier area with an improved physical structure. It does this through the identification of numerous goals and objectives, and strategies to achieve these, within the District's general downtown area. These strategies include: creating new places for shops to increase the mix of uses within the Northwest Rectangle; enlivening daily street life and evening use along Pennsylvania Avenue and the Federal Triangle; and creating new places for shops to increase the mix of uses within the

Southwest Rectangle and especially along 10th Street SW. NCPC staff looks forward to exploring with the District of Columbia opportunities where standalone districts may help further the strategies outlined within the Framework Plan.

NCPC staff requests the opportunity to review any proposals for standalone commercial districts within the Monumental Core, or where major federal facilities are located within or adjacent to proposed districts.

Recommendation #2 text:

“Consolidate the current retail, service and miscellaneous use lists contained in Chapter 7 into approximately 7 categories, with conditions for each use (such as hours of operation, radius requirements, and the amount of gross floor area occupied) established for each district.”

NCPC staff response to Recommendation #2:

NCPC staff generally supports consolidating and updating the current retail, service and miscellaneous use lists contained in Chapter 7 into broad categories to simplify regulation of commercial uses.

Recommendations #3 and #4 text:

“Uses will either be permitted or prohibited within each zone. A property owner wishing to establish a use that exceeds the maximum gross floor area would need to obtain special exception approval. A waiver of any other condition would require an area variance.”

“Where appropriate, limit the percentage FAR within a portion of a district that may be devoted to retail or other preferred uses.”

NCPC staff response to Recommendations #3 and #4:

NCPC staff generally supports floor space caps to be applied to achieve local retail goals, either within portions of total commercial zones or portions of some projects, especially where these caps may be used to support small scale retail and other commercial uses. The Small Business Act, as amended (15 U.S.C. § 631 et seq.) promotes the creation, expansion, or improvement of small business by providing the maximum practicable opportunity for the development of small business concerns owned by members of socially and economically disadvantaged groups. It promotes the advancement of such firms through the procurement of goods and services by the federal government. Such procurements also benefit the federal government by expanding the number of suppliers. The availability of commercial and retail space for small businesses, and their proximity to potential federal government clients, should help foster the creation, expansion, or improvement of small businesses within the District.

Ground Floor Uses—Requirements and Restrictions

Recommendations #5 and #6 text:

“Where appropriate, require buildings within a particular area of a district to devote a percentage of their ground floor to retail or other preferred uses.”

“Where appropriate, limit the types of uses that may occupy a ground floor of buildings within a particular area of a district.”

NCPC staff response to Recommendations #5 and #6 text:

NCPC staff generally supports the requirement of a minimum percentage of the ground floor of any new building in commercial zones to be built for retail use but notes that safety and security concerns may limit the extent to which federal agencies may develop or lease sites and buildings that are consistent with this zoning policy. The Federal Workplace Element under the Federal Elements of the Comprehensive Plan promotes the provision and maintenance of space for activities that encourage public access to and stimulates public pedestrian traffic around, into, and through federal facilities—including shops, restaurants, and other public activities. However, the provision of these activities must be weighed against the sensitive nature of federal workplaces and their security needs.

From a general design and use perspective, NCPC staff encourages DCOP to examine the private development practice of creating large lobbies within office buildings (primarily in the downtown area) and to look into opportunities to require additional retail/commercial activities within these spaces or provide other measures to activate the ground floor and enhance street vitality.

Ground Floor Uses—Design Standards

Recommendation #7 text:

“Establish design standards addressing:

- a. Minimum clear ceiling height;
- b. Active retail/window space;
- c. Minimum distance between building access points; and
- d. The limitation of office or residential lobby entrances relative to overall retail frontages.”

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NCPC staff response to Recommendation #7 text:

NCPC staff generally supports the requirement of minimum ceiling heights to enhance opportunities for first floor retail. NCPC staff notes that the allowance of additional height to a building within the zoning regulations to achieve a higher first floor for retail use should not allow the building to exceed the height allowed under the Height of Buildings Act (D.C. Code § 6-601.01 et seq.).

NCPC staff generally supports design standards that are tailored to the needs of specific and contiguous geographic areas. NCPC staff notes that there are additional elements of the ground-level interface between the building façade and the sidewalk that were not highlighted, but that

may significantly impact the quality of the streetscape and the ability of retail to thrive. NCPC staff recommends that DCOP:

- Discourage covered-over windows and blank walls. These elements usually interrupt sidewalks and are “dead” zones for pedestrian traffic.
- Prescribe an area as a percentage of the whole ground floor façade for windows instead of regulating the length; otherwise, for example, ribbon windows that are only 3 feet tall may still meet any length requirement.
- Encourage retail storefront design that is exciting and unique through flexibility in the regulations; perhaps through performance-based or qualitative-based design standards. The prescriptive standards can be a baseline.
- Add design standards regarding materials used for the retail storefronts, and the types of architectural detailing that contributes to the texture and color at the street level.
- Designate double-loaded retail streets to enhance the pedestrian experience.
- Consider live-work units to accommodate local retail (e.g., artist studios or small professional offices). These types of spaces can be constructed with 14-foot high ceilings and can be converted to residential or retail as the market allows. If allowed in residential zones, they can be designated in the corners of blocks. Their presence in the residential neighborhoods recalls the traditional neighborhoods with the corner store.

Recommendation #8 text:

“Require new large ground floor retail sites to be built so that they can be structurally adaptable to smaller tenants.”

NCPC staff response Recommendation #8 text:

Note NCPC staff response to Recommendations #3 and #4 above.

