



## Delegated Action of the Executive Director

---

**PROJECT**

**Text Amendment Regarding Eating and Drinking Establishments in Arts Zones**  
Washington, DC

**NCPC FILE NUMBER**

ZC 20-05

**NCPC MAP FILE NUMBER**

00:00(06.00)45124

**REFERRED BY**

Zoning Commission of the District of Columbia

**DETERMINATION**

Approval of a report to the Zoning Commission of the District of Columbia

**REVIEW AUTHORITY**

Advisory

per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a)

---

The Zoning Commission of the District of Columbia has submitted a proposed Text Amendment Regarding Eating and Drinking Establishments in Arts Zones. The Arts Overlay zoning was created to encourage a mix of uses, a high level of pedestrian activity, a safe environment for pedestrian and vehicular movement, and an increased presence of arts, cultural and related support uses such as retail and entertainment, particularly in the ground floor of buildings fronting onto the main streets of 14th Street NW and U Street NW. The Overlay was later amended to established a by-right limit for eating and drinking establishments along 14th Street and U Street NW to a maximum of 25% of the total frontage along those streets. The intent was to ensure that no one use type could dominate these streets, and that opportunities would exist for a variety of different retail uses to serve the neighborhood. The Zoning Administrator is responsible for monitoring to ensure that certificates of occupancy issued for eating / drinking establishments do not exceed the 25% limit. Once the limit is reached, future eating and drinking establishments would require BZA approval. To assist with this a table was adopted into the regulations, which included the linear frontages of each relevant block face along U and 14th Streets NW.

The Zoning Administrator (ZA) requested DC OP propose a specific text amendment to clarify the table and narrative of K § 811.9 (a), which was determined to not adequately reflect the intent of the provision to establish the by-right limit on the number of eating and drinking establishments within the identified squares of the zone. The proposed amendments would clarify the language without altering its intent and correct frontage measurements contained in the table. The current text could be read to state that no portion of an individual ground floor eating and drinking establishment is permitted to occupy more than 50% of the linear frontage of the corresponding square. The actual intent, however, is to limit the total number of establishments within the square and within the ARTS zones to no more than 50% of the square's linear frontage. The proposed text would clarify this provision, to more clearly establish how the frontage is measured and applied.

The proposed text amendment intends to clarify the existing zoning regulations. The amendment would not apply to federal properties and would not otherwise adversely effect any identified

federal interests. Therefore, staff finds the proposal would not be inconsistent with the federal elements of the *Comprehensive Plan for the National Capital*.

\* \* \*

Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find that the proposed Text Amendment Regarding Eating and Drinking Establishments in Arts Zones is not inconsistent with the federal elements of the Comprehensive Plan for the National Capital nor would it adversely effect any identified federal interests.



Marcel Acosta  
Executive Director



Date