



SUPPLEMENTAL REPORT

TO: D.C. Zoning Commission
FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation
DATE: April 5, 2013
SUBJECT: Zoning Commission Case No. 12-20, 13th & U Street NW PUD - Supplemental Report

The Office of Planning respectfully requests that the Zoning Commission reopen the record to receive this supplemental report from the Office of Planning, regarding Zoning Commission case 12-20, 13th and U PUD.

At the close of the March 4, 2013, public hearing on this case, the Zoning Commission requested the Office of Planning (OP) work with the Applicant on the following:

- Rooftop recreation space

OP consulted with the Zoning Administrator, who determined that the proposed interior accessory rooftop recreation space may be able to be considered accessory recreation space in accordance with Section 411.1; however, a detailed floor plan was required to make a final determination. The Applicant has somewhat reduced the size of the rooftop recreation space; OP supports this direction. The Historic Preservation Office staff noted that they do not consider this reduction to impact the HPRB review and conceptual approval of the proposal.

- Rite Aid storefront guidelines

The Applicant proposes transparent clear glass for the entry doors and the side-lights and for three of the store's seven primary storefront windows along U Street; and public art displays for the remaining four primary storefront windows. The Commission questioned whether this was desirable, or consistent with the intent of the ARTS Overlay, such as:

1900.2 The purposes of the ARTS Overlay District are to:

- (a) Encourage a scale of development, a mixture of building uses, and other attributes such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan (1900.2 (a))*
- (f) Strengthen the design character and identity of the area by means of physical design standards;*

This proposal also appears to OP to be contrary to the wording and the intent of the following provision:

1903.4 Not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building on a lot that fronts on a pedestrian street shall be devoted to display windows and to entrances to commercial uses or to the building; provided:

- (a) The windows shall use clear or low-emissivity glass, except for decorative or architectural accent; (1903.4)*

However, the ARTS Overlay is intended to "Provide for an increased presence and integration of the arts and related cultural and arts-related support uses" (1900.2(c)), and the



Applicant is proposing to infill some of the storefront windows with a rotating arts display.

While OP continues to support transparent windows allowing complete visual access to activated interior retail space through all of the storefront windows, and would normally not support a proposal to block off some of those windows, in these cases, with the proper conditions and certainty, the proposal may be relevant to the particular streetscape and not contrary to the intent of the zoning regulations.

If the Zoning Commission is willing to consider the Applicant's proposal, OP has suggested to the Applicant a series of conditions, which would be included in the Order, to ensure that the window art exhibit space is a benefit, rather than a detriment, to the streetscape character. The Applicant has not indicated opposition to any of these conditions; however, OP expressed concerns to the Applicant about the depth of the window displays, which should have sufficient depth to allow for a variety of artwork. The Applicant indicated to OP that the displays can have no more than 12 inches of clear interior depth. The issue of depth is unresolved and will be resolved prior to final action and Order issuance.

- Non-transparent windows would only be permitted for the four windows shown on the attached plan.
- Any windows NOT dedicated to art exhibit on the storefront elevation must be kept entirely free of any visual obstruction that would impede views into the store, including the glass entry doors and side-windows to the drugstore. All windows shall be transparent glass.
- Art Exhibit windows:
 - Shall offer a high level of engagement with the street and passers-by.
 - Shall not be used to display any advertising for the retail tenant, products carried by the retail tenant, or any other business.
 - Shall not be used exclusively to advertise any other art show curated by the developer or a non-profit manager of the window exhibit space, although exhibits coordinated with other off-site exhibits are permitted.
 - Shall be maintained by the developer with all on-going operating expenses borne by the developer;
 - Shall be managed by an independent arts-related non-profit.
 - Shall be equipped with electricity, adequate security, and shall be lit all hours from dusk to dawn.
 - Shall provide a clear interior depth of ___ minimum, to allow display of two-dimensional, three-dimensional or new media artwork.
 - Shall display art completed by professional artists, with a preference for local artists.
 - Shall include art which is appropriate for the public realm, although the manager of the exhibit space is encouraged to provide varied art displays including original work and site-specific projects.
 - Shall, without limiting the type of installations, include exhibits which engage passers-by both in daylight and in darkness.
 - Shall have the art rotated with new art every 4 months.
- The current art display will be featured on all websites of the non-profit manager, the developer, and the building, updated within 3 business days each time the art exhibit changes.
- The ANC will be sent written and electronic notice of each new art display within 3 business days of art exhibit changes.
- There will be minimal down-time as needed for the transfer of one exhibit with another. Non-programmed space for more than 2 days, or an art exhibit lasting longer than four months will be considered contrary to the Order.

13th & U Overall Storefront Design Criteria

Rite Aid Storefront Guidelines

The Rite Aid storefront includes nine windows in total, as outlined in the image below. The Landlord has agreed to work with Rite Aid to ensure that five of these nine windows remain transparent. In order to assist Rite Aid with their need for wall shelving, the remaining four windows will be opaque, and include public art installations that will be designed with community input at the appropriate phase of project's development. The use of public art in these windows is especially appropriate given the location of the project in the Arts Overlay District.

