

**MEMORANDUM**

**TO:** D. C. Zoning Commission  
**FROM:** Jennifer Steingasser, Deputy Director, Development Review & Historical Preservation  
**DATE:** June 16, 2010  
**SUBJECT:** Report on Zoning Commission Case Number 10-16, a Proposed Zoning Text Amendment to Allow Closure of Open Arcades

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At its June 14, 2010 public meeting, the Zoning Commission set down Case 10-16, Text Amendment to Allow Closure of Open Arcades for a public hearing.

The Office of Planning (OP) respectfully requests that its report dated June 04, 2010 serve as the Pre-Hearing Submission in this case. OP notes that the report contains a full rationale for the proposed amendments, based in large part on the Comprehensive Plan.

For the sake of clarity and in light of comments from the Office of the Attorney, OP modified its amendment proposal to specifically apply to open arcades in non-residential districts that are adjacent to sidewalks in public space.

Accordingly, Chapter 25, MISCELLANEOUS ZONING REQUIREMENTS of DCMR Title 11, ZONING, is now proposed to be amended as follows:

1. Section 2515, EXCEPTION TO DENSITY REGULATIONS FOR OPEN ARCADES, is repealed.
2. A new § 2524 is added to read as follows:

**2524 EXCEPTIONS TO DENSITY REGULATIONS FOR ENCLOSING OPEN ARCADES IN BUILDINGS CONSTRUCTED WITH BONUS DENSITY**

- 2524.1 Notwithstanding the repeal of § 2515.3, a building constructed with the additional gross floor area (“bonus density”) authorized by that provision remains a conforming structure.
- 2524.2 Notwithstanding applicable floor-area-ratio limitations, and subject to §§ 2524.3 and 2524.4, an **existing** open arcade ~~existing~~ in a building **in the SP, W, CR and C districts, constructed with bonus density** may be enclosed **and remain a conforming structure.**
- 2524.3 **An eligible open arcade shall have its floor at the same level and continuous with adjacent sidewalk in public space or shall connect to an existing, adjoining open arcade adjacent to sidewalk in public space.**
- 2524.4 An open arcade area enclosed pursuant to § 2524.2 must be solely devoted to retail, arts, or service uses permitted as a matter of right.
- 2524.5** An open arcade may not be enclosed if it is located in a building that:
- (a) Is a historic landmark or has been designated as contributing to a historic district; and
  - (b) The Historic Preservation Review Board has determined that the arcade constitutes a feature contributing to the building’s historic or architectural significance.

JS/afj

