

TESTIMONY – TAALIB-DIN UQDAH – BZA CASE #19581

Committee of Neighbors Directly Impacted by LAMB Application

I am now tasked with providing you a brief overview of the 1994 and 2009 zoning overlays, established by the Zoning Commission, for the 16th Street Heights community, which is what has brought us all here.

I will then move directly into the matters before you today, which will be reflected in our key points related to:

1. Noise;
2. Traffic;
3. Parking;
4. Lighting; and
5. Environment

We will then proceed to substantiate evidence of those key points, through testimony from witnesses in the affected area, charts or maps, which identify our claims or 2 cell phone videos demonstrating just one of our concerns; all exhibits which have been uploaded to IZIS.

ZONING OVERLAY OVERVIEW

Zoning overlays – 1994 and 2009 – in this instance, were established by the Office of Zoning to protect the residential integrity of the 16th St. Heights neighborhood, from Military Rd., to the North, Decatur St., on the South, 16th St. West, and 14th St., East. The subject property falls within those boundaries.

According to the Office of Zoning, some of the purposes of this overlay, now referred to under the new Zoning Rules as R-16, were to: (emphasis added)

- Promote the conservation, enhancement, and stability of the low-density, single dwelling unit neighborhood for housing and neighborhood-related uses;
- Control the expansion of nonresidential uses;
- Allow neighborhoods to continue to provide a range of facilities as well as private institutions that provide cultural and religious enrichment and economic vitality, **but within the framework of improved public review and control over the external effects of nonresidential uses.**

The R-16 zone is intended to:

- Respond to concerns that over a period of years approximately one in every ten houses in the R-16 zone north of Colorado Avenue, N.W. has been converted to a nonresidential use, a much higher ratio than has been identified for any other similarly zoned neighborhood in the District of Columbia; and south of Colorado Avenue N.W., address concerns that more than 20% of the residentially zoned land is used for nonresidential purposes;¹
- Recognize that the neighborhood accommodates a significant number and range of human service facilities and private institutions to an extent that new and **significantly expanded nonresidential use facilities should be governed by improved public review to ameliorate adverse impacts on immediate and nearby neighbors;** and
- Respond to the DC Comprehensive Plan's **identification of the number of nonresidential uses in the neighborhood as a problem;**

With this backdrop, we submit this Commission is charged with upholding those parts of the law and its accompanying regulations that:

1. Protect the integrity of this residential community;
2. Recognize and control the external effects of nonresidential uses;
3. Ameliorate adverse impacts on immediate and nearby neighbors; and
4. Identify the number of nonresidential uses in the neighborhood – Exhibit 95 – as a problem.

¹ Z.C. NOTICE OF FINAL RULEMAKING & ORDER NO. 08-09 (PAGE 8) *OP submitted a supplemental report on March 2, 2009, which essentially repeated the occupancy findings it orally shared with the Commission, except that the report noted that the 19.1% occupancy percentage excluded the Kingsbury Center, and that if the land areas of its square was included in the lot land area calculations, the percentage of land occupied by non nonresidential uses in the New Area rises to 35.5%.*