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April 5, 2005

Secretary
Zoning Commission
Office of Zoning
Suite 210
441 4th Street, N.W
Washington, D.C. 20001

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re: written testimony for case number 04-27 (Text and Map Amendments to Establish and Map the H Street, NE Neighborhood Commercial Overlay District)

To Whom It May Concern

Please accept this letter, with attachments, as my written testimony for the above-referenced matter. I support of the amendments to the above-referenced zoning overlay (hereinafter the "H Street NE Overlay") that Advisory Neighborhood Commission 6A ("ANC 6A") is proposing

In short, the Zoning Commission should adopt the amendments that ANC 6A is proposing, and which I discuss below, because these amendments have had a demonstrably positive impact on the development of other neighborhood, further the objectives of the overlay itself and are satisfactory to residents. In most instances, the amendments incorporate language from other successful D.C. overlay districts, such as the 8th Street S E Overlay District at 11-1309 *et seq.*. For this reason, the Zoning Commission should rely on the precedent and successful experience based on other overlay districts and adopt all of the amendments proposed. For the Zoning Commission to accept anything less than what ANC 6A has proposed would only jeopardize the qualities that make H Street N E corridor marketable as a commercial district, such as the focus on pedestrian traffic, the historic character of the building stock and the synergy between all businesses in, or soon to be in, the H Street N E. corridor.

Specifically

- amending § 1320 02(c) to read "Encourage . . . a neighborhood-serving retail shopping district" emphasizes that the focus of the overlay is to enrich the neighborhood. Cf. CDCR § 11-1309 2(a) (8th Street Overlay)
- amending § 1320 02(d) to read "Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the overlay district" emphasizes the importance of the historic character of H Street N.E. by specifying the reference by which to evaluate building reuse. Without the language, the H

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Street NE Overlay lacks a standard by which to evaluate design guidelines. This amendment would also promote consistency with the guidelines published by the D C Office of Planning See HOK Planning Group, *H Street Corridor Guidelines* (2005) (“The H Street Corridor can be a successful, vibrant, community enhancing Main Street *if new and rehabilitation development is sufficiently guided*” The Guidelines encourage small development, at a distinctively similar scale as existing H Street fabric – *helping to retain and enhance the characteristics of the historic corridor*” (emphasis added))

- amending § 1320.04(c) to read “(4) This use shall occupy no more than twenty-five percent (25%) of the linear street frontage within the HS overlay district, as measured along the lots that face designated roadways” addresses limitations on certain types of establishments that have already been a point of contention within the community This amendment, like the language for the 8th Street SE Overlay District language at DCMR § 11-1309.4, will avoid changes in the general zoning regulations from inadvertently affecting the H Street NE Overlay District
- amending § 1320.5 to read “Prohibit new automobile accessories retail sales” furthers the stated purpose of the overlay district because automobile accessories retail sales are wholly inconsistent with the arts and entertainment purposes of the H Street NE Overlay District It is highly unlikely that theater patrons will shop for quarts of oil and antifreeze after watching a show at the H Street Playhouse and drinking coffee at one of the corridor’s retail establishments

Furthermore, the kind of unsightly activity that this type of establishment promotes—such as car repair that is common in and around the premises of such establishments—would cause a significant drain any synergy among businesses, detract from the attractiveness of the H Street NE corridor and defeat the purposes of the H Street Zoning Overlay as stated in D C Register at 915-916 (Feb 4, 2005) The enclosed materials support this contention. *Photos of Illegal Mechanics Operating In And Around Premises of D C -Area AutoZones*, Mike DeBonis, District Line, *Oil And Vinegar Neighbors Sour On H Street AutoZone’s Freelance Mechanics*, WASHINGTON CITYPAPER (August 6, 2004), Andrea Elliott, *A Bronx Curbside Whisper: ‘Hey, Need a Tune-Up?’*, N Y TIMES (December 19, 2004) (noting that, in parts of New York City, automotive accessories retail stores attract illegal mechanics, benefit from them, and therefore have no incentive to discourage them from detracting from the neighborhood) Controlling the development of additional automotive accessories retail stores in the H Street NE Overlay District, particularly the Arts overlay, would limit the negative impact of a land use that entirely detracts from the Arts and other sub-districts and the preferred uses as listed in the proposed section 1323.2

- amending § 1325.1 to read “Provide for safe and efficient pedestrian movement by locating and designing vehicular access and egress so as to minimize” again emphasizes the goal of pedestrian safety in a corridor that will be pedestrian-driven. This language is identical to language in the 8th St SE overlay district See DCMR § 11-

1309 2(c) The clear success of the effects of this language in the 8th St SE overlay is successful evidence and precedence for adopting the same language for the H St NE Overlay District.

For the above-stated reasons, I strongly support the above amendments, as well as the other amendments proposed by ANC 6A I urge the Zoning Commission to adopt them

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Luna", written in a cursive style.

Richard Luna

enclosures

cc. Councilmember Sharon Ambrose

Photos of Illegal Mechanics Operating In And Around Premises of D.C.-Area Auto Accessories Retail Stores



Mechanics wait for retail customers next to the AutoZone lot at 1207 H St., NE.
June 2004.



Mechanics set up shop along the sidewalk next to the AutoZone lot.
June 2004.



Known street mechanic just purchased parts at the AutoZone.
July 2004.



Known street mechanic solicits additional business on the AutoZone parking lot.
July 2004.

Illegal mechanics will work anywhere near the source of automotive accessories.



Illegal mechanics will work in the AutoZone lot.



Auto retail store employees will perform auto repair.

May 24, 2004.



Mechanics will work on H Street.



Mechanics will work on 12th Street. May 2004.



Auto accessory retail stores attract illegal mechanics who have a visible and negative impact on property, land values, civic activity and public health. Cf. DCMR §18-101.

