



Commissioner Phillip C. Spalding
1929 13th Street NW, 20009, 986-5053, ANC1B02@PhilSpalding.us

**Case 08-06-5 Comprehensive Zoning Regulations Rewrite: Commercial Zones:
Mapping and Use Principles**

Chairman Hood and members of the Zoning Commission, I am here tonight to comment on the Draft Retail Working Group's recommendations, and I am doing so as simply an individual single member district Commissioner. This testimony was to be presented at ANC1B's October meeting; however, we did not achieve a quorum. I have represented the U Street area for the past six years, and a number of the recommendations will result in changes to my neighborhood. My area contains a combination of C2A, C2B, C3A and CR zones inside a predominately R4 & R5 zoned community. We have been experiencing exceptional growth in both commercial, residential and very specifically mixed-use development, and we do hope that this activity will continue despite the current financial turmoil we are experiencing.

In no particular order, I offer the following support, caution and opposition in short statements that I am willing to expand on in any follow up questioning.

In 11.1 the "idea" is stated that there should be some form of penalty associated with maintaining a vacant storefront. This is an ongoing problem in my community, and the current regulatory and enforcement tools have been insufficient to pressure owners into bringing their properties to productive use.

Again in 11.1 an "idea" is stated requesting a tool for measuring, maintaining and regulating an adequate mix of retail use types based on defined geographic goals. In my neighborhood there is an imbalance of hospitality use, which curiously encourages even further similar use, and this is leading to further imbalance in the commercial mix of uses. There should be further exploration to see if this tool can be developed.

Again in 11.1 an "idea" is stated suggesting allowing retail into new areas such as side-streets off existing main streets to address existing high rental rates on main streets. In this case I advise the Commission and the working group to be extremely careful in progressing with this idea. My commercial areas generally only extend to the initial alley cut in predominately residential blocks. When properties in these areas are populated by commercial uses incompatible with normal residential use expectancies, then the mismatched needs will result in truly unhappy constituents.

In 10.1 there are two excerpts to which I urge extreme caution. "Consider ridding the rear yard requirement in C2A" and "Review effectiveness of lot occupancy requirements of C2A" both have merit when adequate infrastructure is present combined with sufficient

ZONING COMMISSION
CASE No. 08-06-5
EXHIBIT No. 12

distance from residential occupancy. I do have uses allowed by the Zoning Administrator in C2A zones that are totally landlocked; abut residentially zoned and occupied properties, and currently operating as restaurants, bars and nightclubs. Until some regulatory language is added to the process at the level of the Zoning Administrator's decision-making on acceptable use, these allowances to C2A zones will continue to present unacceptable conflicts in use.

In 3.1 there is discussion of the 25% linear street frontage limitations in Neighborhood Commercial Overlay districts. Most of my commercial frontage is in the Uptown Arts Overlay District, and I can directly testify that this language is little understood outside of this room. Zone Map additions to these zones are not fully incorporated into the language of the regulations, and District boards and agencies influencing use find the restrictions impossible to define or effectively use. Use overconcentration needs to be addressed in clear and logical language that can serve both constituents and decision makers.

Finally in 4.1 & 4.2 there is discussion of uses having "no negative impact in terms of noise or odors on neighboring properties", and "Exclusions or prohibitions should draw from relevant regulatory interest where such examples exist i.e. ABRA". I return to the difficulties arising from the initial use decision at the Zoning Administrator's Office, which has no provisions of regulatory guidance to prevent inappropriate location determined uses. Once the decision to allow a use is made at the ZA other regulatory bodies i.e. ABRA are often unwilling to question that decision. My neighborhood does have a number of examples of this wayward decision making on use, and I do urge extreme caution on assuming that dealing with negative impact will happen without fully addressing the initial use decision making context.