

## CASE NO. 08-06-5

## Comprehensive Zoning Regulations Rewrite: Commercial Zones: Mapping and Use Principles

## Testimony of Marilyn J. Simon, Friendship Neighborhood Association

Thursday, October 23, 2008

My name is Marilyn Simon, and I am speaking on behalf of Friendship Neighborhood Association. The recommendations in the Public Hearing Notice and Hearing Report go far beyond the scope of the associated working group, and these recommendations could limit the options available to the working groups that deal with commercial and residential zones.

We find several of the recommendations to be most troublesome and in some instances inconsistent with the clear language of the Comprehensive Plan, including the recommendation to replace the existing commercial zone districts and overlays with standalone districts, the consolidation of the use lists into approximately five categories, and the design standards, particularly the minimum clear ceiling height and the requirement that large ground floor retail sites be built to be structurally adaptable to smaller tenants.

1. OP recommends replacing existing commercial zone districts and overlays with standalone districts.

The existing commercial zone districts are important in helping to define heights, densities and uses associated the designations in the Comprehensive Plan Future Land Use Map. Currently, the Future Land Use Map shows geographic areas associated with land uses such as moderate density commercial, and one or more existing zone districts that correspond to each of these categories. These distinctions need to be maintained.

If these distinctions are maintained, the proposed standalone districts will require OP to define hundreds of different districts to maintain the granularity that is necessary within each standalone district. Some areas, such as the Friendship Heights include several zoning districts so that the heights, density and intensity of allowed uses step down as you move through the zones between the Metro and the low-density residential neighborhood.

We are also concerned that the templates proposed for the standalone zones might lack the necessary granularity and have eliminated important zoning tools to provide our neighborhoods with the kind of predictability that they expect from the zoning regulations.

2. OP proposes consolidation of use lists, with uses either permitted or prohibited in each zone.

The consolidation of use lists proposed would make it difficult to distinguish different types of uses that would be appropriate for different areas on the Comprehensive Plan Generalized Policy Map. For example, the Generalized Policy Map has neighborhood commercial centers, multi-neighborhood commercial centers and regional centers, each characterized by different types of businesses. The OP proposal would consolidate the commercial categories, so that the zoning regulations would not be consistent with the designation in the Generalized Policy Map. OP proposes the categories: Retail, Service, Office, Accommodation & Food Service, Entertainment, Arts Production & Display and Automobile Related. The Neighborhood, Multi-neighborhood and Regional Centers are separately mapped on the Generalized Policy Map, and the description of each of these types of these areas includes businesses that fall into each of these categories, but the Comprehensive Plan distinguishes between different uses within these broad categories.

Lists of uses are essential for providing clarity and for distinguishing between the types of uses that are appropriate for different zones. On the surface, OP's recommendation might seem to be simpler but it is not consistent with the Comprehensive Plan and does not provide the type of predictability that is necessary. Further, in its implementation, it is unlikely to be simpler, and is likely to become an enforcement nightmare, as it is difficult after a project is completed to control the conditions that OP proposes.

3. OP proposed design standards, including minimum clear ceiling height.

We are concerned about establishing design standards, such as requiring 14 foot clear ceiling heights on the first floor, since that can create an undesirable and unnatural uniformity in the facades. Similarly, there is a concern about mandating other design standards, such as distance between access points. We also oppose granting of any bonus height based on a requirement that there be 14 foot clear ceiling heights. Heights and densities should be set to appropriate levels, and for regional centers they are limited by the Comprehensive Plan to that which is "appropriate to the scale and function of development in adjoining communities." Inclusion in the zoning regulations of a variety of bonus heights and densities makes it difficult to maintain the necessary predictability of development and to maintain consistency with the Comprehensive Plan.

Finally, we do not think that the zoning regulations should include OP's recommended requirement that large ground floor retail sites be built to be structurally adaptable to smaller tenants. For private development, developers can include large ground floor retail, customized for a particular tenant or type of tenant, and might at their own risk or sharing that risk with their tenant, choose a design that would be costly to adapt to smaller uses. The developer will need to assess the risk and the additional cost of engineering for adaptability, but the zoning regulations should not bar the developer from assuming that risk. On the other hand, if there is a project where a public investment is involved, we might find it advantageous to make certain that the space is adaptable for other uses, but that requirement would be included in the RFP, and would not need to be part of the zoning regulations.