



19
4-18-26

March 30, 2026

To: City Council, Planning Commission, Planning and Zoning Staff

Re: Zoning Text Amendment #2026-00001 – Commercial Uses Zoning Regulations Update

At our March 11, 2026 membership meeting, the Del Ray Citizens Association (DRCA) voted on the following position regarding ZTA #2026-00001, which would amend the Zoning Ordinance to, among other changes, permit indoor live entertainment as a by-right accessory use in commercial zones, subject to use limitations.

Position:

Although we generally support the city's goal of streamlining the approval process for indoor live entertainment and creating more consistent standards for businesses citywide, we request that the City apply the stricter use limitations proposed for mixed-use buildings — including an 11:00 p.m. daily cutoff, amplified sound through house sound system only, and sound attenuating construction — to all indoor live entertainment in Del Ray's commercial zones, given the close and direct proximity of commercial and residential uses in our neighborhood.

Background and Rationale

The DRCA strongly supports our Avenue businesses. We also understand and support the intent of this amendment: to reduce unnecessary regulatory burden, create equity across businesses regardless of when or how their original SUP was written, and make it easier for restaurants and other commercial establishments to host the kinds of programming that make our neighborhood vibrant.

Our concern is narrow and specific: the hours between 11:00 p.m. and 2:00 a.m. on Friday and Saturday nights. Under the proposed amendment, businesses operating until 2:00 a.m. would be permitted to host indoor live entertainment — including amplified music, DJs, and other entertainment uses — by right during those hours, as long as windows and doors remain closed and sound is "contained" within the building. This may be workable in some parts of the city, but in Del Ray, we believe it requires more careful consideration.

As you know, Del Ray's commercial corridor along Mount Vernon Avenue is only one lot deep. Unlike King Street, where the commercial district extends meaningfully into cross streets before reaching residential homes, Del Ray's residential properties begin immediately on the other side of commercial parcels. A neighbor one house off the Avenue is, in many cases, directly adjacent to a commercial building. Prior to Zoning for Housing, zone transition setback requirements provided a 25 foot buffer between commercial and residential uses. But with the removal of this requirement in November of 2023, there is no longer a minimum side yard setback for nonresidential structures in our commercial zone. This means that under current code, a new commercial building could legally be built within a few feet of a residential property line. We have not yet seen new construction under these conditions, but the regulatory landscape has changed, and the cumulative effect of these changes matters.





This proximity concern is compounded by a real gap in noise enforcement. Registering a commercial noise complaint today requires either a notarized affidavit – a meaningful burden for a neighbor trying to resolve a late-night disturbance – or documentation by a city noise inspector. The City currently has just one noise inspector, who is off duty at 11:00 p.m. The proposed amendment would extend by-right entertainment hours until 2:00 a.m. on weekends, during exactly the hours when no inspector is available. If violations do occur, this change would shift recourse away from the City Council – which has historically been able to deny SUP expansions or impose conditions based on complaint history – to the City attorney’s office. This is a meaningful reduction in the practical accountability available to residential neighbors. And it is unclear how the City attorney’s office would resolve a dispute between a resident and a business owner when there has been no independent documentation of the noise level.

The City’s own proposed framework already recognizes that residential adjacency warrants additional protections: the stricter use limitations for mixed-use buildings – 11:00 p.m. cutoff, house sound system only, sound attenuation – reflect exactly this logic. Del Ray’s built environment functions similarly to a mixed-use context in terms of how directly residential and commercial uses abut each other. We are asking the City to apply that same standard here.

This approach would still significantly benefit Del Ray businesses. Indoor live entertainment would be by-right until 11:00 p.m. daily – a meaningful expansion from the current SUP requirement at all hours. Any business that wants to continue entertainment past 11:00 p.m. could still do so by pursuing an SUP, which preserves the community’s ability to weigh in on late-night uses while keeping the barrier to standard programming low.

It is worth noting that a meaningful number of members who participated in our March 11 discussion expressed a preference for maintaining the SUP requirement for indoor live entertainment at all hours, citing concern about the adequacy of enforcement mechanisms and the precedent set by removing community input from this use. The DRCA’s position as stated at the start of this letter represents our organizational consensus, passed with 92% support in our meeting. But the depth of resident concern about this issue warrants acknowledgment as well. We ask the Planning Commission and City Council to give weight to the fact that Del Ray neighbors who live in direct proximity to commercial properties have real, grounded concerns about this change.

The DRCA looks forward to continuing to work with city staff and the Planning Commission as this amendment moves forward. We are happy to provide additional context or discuss our position further.

Sincerely,

Tim Laderach, DRCA President

Monica Parry, DRCA Land Use Committee Chair

