

Lois-Wisconsin Avenue, LLC
c/o The Akman Group, Ltd.
5530 Wisconsin Avenue
Suite #1115
Chevy Chase, Maryland 20815

October 22, 2008

VIA COURIER

DC Zoning Commission
Suite 210
441 4th Street, NW
Washington DC 20001

Re: **CASE NO. 08-06-5**

Dear Sir/Madam:

We are the owners of 4555 Wisconsin Avenue, NW, in the Tenleytown neighborhood of Northwest Washington. The property has been a successful retail site for over 50 years (previously as a Giant Food and a Hechinger) and is currently leased to CVS/Pharmacy. We've been following the proposed land use changes in our neighborhood, including the Upper Wisconsin Avenue Corridor Plan and, more recently, the potential revisions to the commercial zones across the District of Columbia.

We are concerned about the Zoning Commission's direction with regards to these zones. Specifically, the creation of corridor-specific commercial zones, the consolidation of use classifications and the regulation of ground floor uses through uniform design standards. We applaud the effort and the intent of the Zoning Commission – to revitalize retail in many sections of the city and to encourage a depth and breathe of uses that do not currently exist; however, regulating land owners and developers too closely will potentially have just the opposite effect. We fear it may will stifle necessary retail development.

An example of successful, new retail in the District is the recent retail influx in the Columbia Heights area. The retail development has been a great catalyst to redevelopment across many categories in Columbia Heights (notably, residential). A large part of what's making the Columbia Heights retail successful are the varied retail sizes (very large, like Target; large, like Giant Food; and medium large like Marshall's) and types of retail (grocery, soft goods, services, pharmacy, etc.). Large retailers are necessary and important anchors and serve as the customer catalyst for the smaller retailers (of which Columbia Heights has many types). The proposed changes to the commercial zones – as they are currently described – might have prevented that retail development before it began. Prescribing to retailers and the associated developers only what they can do within tight parameters (corridor specific zones; five (5) categories with conditions for each use; prescribing maximum floor areas, etc.) will make their decision

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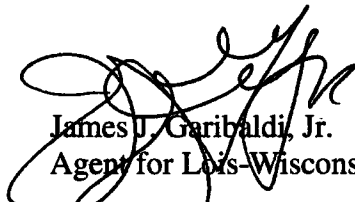
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EXHIBIT NO. 10

to invest the required capital (which is significant) a difficult one and potentially will drive them elsewhere – outside of the areas in the District that need retail redevelopment.

Additionally, limiting duplication of retail types based on a radius and limiting the amount of retail FAR in a district might be counterproductive. Georgetown has emerged as a great and important shopping district for both fashion and home furnishings – would the Zoning Commission want to limit the depth of retailers in each category? One trademark of successful retail is grouping similar uses to provide customers a more varied shopping experience (and a reason to come, which then translates into successful retail).

In closing, we would suggest zoning incentives rather than prescribed zoning. We would also suggest that the Office of Planning meet with retailers they believe embody successful retail (retail they would like to see developed in certain areas) to understand what drives the location decisions by the various types of retailers and what economic incentives they need. What is likely best, and necessary, to drive good development and redevelopment in the infill areas of the District are higher densities accompanied by wide development parameters that allow creativity by the developer to accommodate the many and varied needs of the retailers – and allow those willing to invest the significant capital required the ability to achieve the necessary return.

Sincerely,



James J. Garibaldi, Jr.
Agent for Lois Wisconsin Avenue, LLC

Cc: Wayne Quin, Esq./Holland + Knight
Steven E. Sher/Holland + Knight